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Alexei Navalny's death and the need to counter Vladimir Putin's totalitarian regime and its war on democracy

Report¹

Committee on Legal Affairs and Human Rights

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Summary

Alexei Navalny, a prominent leader of the Russian democratic opposition, political prisoner, and an anti-corruption campaigner died in a remote penal colony in Siberia on 16 February 2024. He was detained in the Russian Federation in January 2021, upon his return from Germany, where he had been undergoing treatment following an attempted assassination with a prohibited nerve agent, carried out by an FSB (the Federal Security Service of the Russian Federation) death squad.

Despite the European Court of Human Rights ordering the Russian Federation to release Mr Navalny, he remained incarcerated in inhuman and degrading conditions, subjected to sleep deprivation, lack of access to proper medical care and prolonged solitary confinement that is systemically applied in the Russian Federation.

The Committee on Legal Affairs and Human Rights considers that Vladimir Putin's expansionist and totalitarian regime must be stopped. Mr Navalny's death comes at a time when the Russian invaders are advancing in Ukraine and the Ukrainian forces are struggling with a catastrophic ammunition shortage and dwindling support from the West. Sanctions imposed in the aftermath of the Russian invasion have not proven effective enough. The committee therefore makes a number of proposals to punish those responsible for Mr Navalny's untimely death and stop the spread of Vladimir Putin's totalitarianism.

1. Reference to committee: [Doc 15936](#), Reference 4797 of 7 March 2024.



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A. Draft resolution²

1. The Parliamentary Assembly pays tribute to the courage and sacrifice of Alexei Navalny, a leading Russian opposition politician, civil society activist, anti-corruption campaigner and political prisoner persecuted, and ultimately killed, by the Russian State for his opposition to Vladimir Putin's regime. The Assembly expresses its heartfelt condolences to the family, associates and supporters of Mr Navalny.
2. On 16 February 2024, Mr Navalny died in a remote Siberian maximum security prison camp, FKU IK-3, where he was serving a manifestly arbitrary prison sentence. The official cause of his death was "sudden death syndrome". Mr Navalny's family was prevented from gaining rapid and timely access to his body or having an independent autopsy carried out. Allegations emerged that Mr Navalny had been ill-treated by prison staff the day before his death. Three days after Mr Navalny's death, the deputy director of the Russian prison service, Valery Boyarinev, was promoted to the rank of colonel general. Several days later, Roman Vidyukov, the chief investigator in cases against Mr Navalny and his Anti-Corruption Foundation, was promoted to deputy head of the State Investigative Committee of the Russian Federation. On 18 March 2022, Vladimir Putin claimed that he had agreed to swap the opposition leader in a prisoner exchange days before he died – a claim that Mr Navalny's family strongly rejects.
3. During the three years of his unlawful imprisonment, imposed in blatant disregard of the Russian Federation's obligations under Articles 3, 5, 6, 7, 18, 34 and 46 of the European Convention on Human Rights (ETS No. 5), under the International Covenant on Civil and Political Rights and under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr Navalny was subjected to systemic torture and other forms of ill-treatment, such as the denial of sleep, repeated placement in isolation cell in inhuman and degrading conditions, and lack of access to proper medical care.
4. The Assembly considers that the Russian State bears full responsibility for the killing of Alexei Navalny, who was subjected to torture, inhuman and degrading treatment in violation of the judgments and interim measures of the European Court of Human Rights, and who had moreover survived an assassination attempt with a chemical weapon, perpetrated in 2020 by a squad of FSB (the Russian Federation's Federal Security Service) assassins.
5. Mr Navalny has become the latest critic of Vladimir Putin to die at the hands of, or with at the least the tacit approval of, the Russian apparatus of oppression. For the past two decades, individuals who have opposed Vladimir Putin's iron grip on the Russian Federation have been killed, usually with the involvement of the Russian secret services or persons acting at their behest. The list of the regime's victims includes, among others, journalists Anna Politkovskaya, Natalia Estemirova, Stanislav Markelov and Anastasia Baburova; Sergei Magnitsky – a lawyer murdered for exposing large scale corruption among the highest echelons of the Russian Government; Alexander Litvinenko – a former FSB officer who defected to the United Kingdom; and Boris Nemtsov – a deputy Prime Minister who challenged Vladimir Putin's rule and whose circumstances of death remain unclear, as noted by the Assembly in its [Resolution 2297 \(2019\)](#). Hundreds more innocent human rights defenders and opposition figures remain imprisoned on trumped-up charges and can be considered political prisoners as defined by [Resolution 1900 \(2012\)](#), including Vladimir Kara-Murza, Ilya Yashin and Oleg Orlov. An independent journalist who covered the trial of Mr Navalny and recorded his final court appearance on 15 February 2024, Antonina Favorskaya, was arbitrarily detained on charges of "extremism" and faces a lengthy prison sentence. The human rights organisation OVD-Info reports that there are now over 1 000 political prisoners in the Russian Federation.
6. The Assembly deplores that acts of torture such as those to which Mr Navalny was exposed are systemically applied against political prisoners in the Russian Federation and Ukrainian prisoners of war, as stated in its [Resolution 2528 \(2024\)](#). According to the United Nations Human Rights Monitoring Mission in Ukraine, the majority of Ukrainians in Russian captivity have been subjected to torture, rape, threats of sexual violence, deprivation of food and sleep and other forms of ill-treatment.
7. The Assembly recalls that the obligation to take effective legislative, administrative, judicial or other measures to prevent acts of torture, as enshrined in Article 2(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is unconditional and that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

2. Draft resolution adopted unanimously by the committee on 15 April 2024.

8. Some of the persons directly responsible for and participating in the persecution and torture of Alexei Navalny are well known. A detailed list can be found via this link: "[Navalny list](#)". It includes prison staff, police officers, prosecutors and judges involved in their respective roles in the gross abuse of the Russian justice system for the purpose of punishing Mr Navalny for his political activism and creating a chilling effect within Russian society.

9. The persons on this list should be included in the sanctions lists naming individuals, which are or may be established under existing and future Magnitsky-type sanctions laws.

10. Under Vladimir Putin's rule, the Russian Federation has become a *de facto* dictatorship. Not only has it stifled democratic opposition inside the Russian Federation: it has also failed to respect the democratic choices of neighbouring States and their political independence. By invading Georgia in 2008, unlawfully annexing the Autonomous Republic of Crimea, the City of Sevastopol, and violently occupying parts of the Donetsk and Luhansk Oblasts in 2014, interfering in foreign electoral processes and, finally, by launching its full-scale war of aggression against Ukraine in February 2022 and threatening those assisting Ukraine's self-defence with nuclear war, the regime of Vladimir Putin has fully committed to war on democracy. By doing so, it seeks to re-establish the former Soviet sphere of influence and take revenge on States which rejected its totalitarianism in favour of democracy and human rights.

11. On 17 March 2024, Vladimir Putin was declared the winner of the so-called presidential election, which from the outset was not free and fair, with no genuine opponent to Mr Putin even being permitted to run. Moreover, polling stations for this election were opened in sovereign Ukrainian territory temporarily occupied by the Russian Federation and in the Moldovan Administrative-Territorial Units of the Left Bank of the Dniester, in gross violation of the United Nations Charter and the principle of sovereignty, political independence and territorial integrity of all States.

12. In line with its Resolution 2519 (2023), the Assembly does not recognise the legitimacy of Vladimir Putin as the President of the Russian Federation and reiterates its call on Council of Europe member and observer States and the European Union to cease all contact with him, except for humanitarian purposes and in the pursuit of peace. The Assembly recalls that the abolition of presidential term limits for the benefit of Vladimir Putin violates not only the Russian Constitution but also well-established international legal principles.

13. The Assembly considers that the Russian Federation has gradually transformed into a State which today bars the existence of any political opposition. By means of fascist-style propaganda, it has introduced a cult of personality around the figure of Vladimir Putin. Through the abuse of the criminal justice system, the regime has suppressed any political and media pluralism; civil society can no longer exist except underground; and the regime is enforcing mass conformity, including through the indoctrination of children. It presents to its people a dangerous vision of a Russia which rallies around imperialistic conquest, going as far as to threaten its perceived enemies with nuclear annihilation. All these phenomena, combined with an omnipresent security apparatus, mass surveillance of society and brutal repression against peaceful protests, have turned the Russian Federation into what the Assembly considers a totalitarian State, whose *modus operandi* resembles that of a criminal organisation.

14. Urgent and co-ordinated measures are the only means to counter Vladimir Putin's totalitarian regime and its war on democracy. Ukraine must immediately receive the weapons and ammunition that it needs to effectively defend itself and to succeed in repelling the Russian invaders.

15. The Assembly further considers that sanctions against the Russian Federation must be reinforced to hinder its economy from continuing to finance its illegal war of aggression. The Assembly welcomes the proposal by Ms Yuliya Navalnaya to apply the tools developed for fighting organised crime against the enablers of Vladimir Putin's criminal regime, namely to conduct investigations into their financial machinations, search for their associates, lawyers and financiers in Council of Europe member States and beyond, in order to prevent the regime from hiding behind corporate veils and a network of shell companies.

16. The Assembly deplores the fact that despite the imposition of an unprecedented sanctions regime, some of the Russian Federation's trading partners continue to enable it to gain access to western technologies and capital, allowing it to manufacture cruise missiles and drones that are used indiscriminately to attack Ukrainian cities, residential areas, hospitals and critical infrastructures. By way of example, the Assembly is concerned about the sharp increase in the import of microchips by Kazakhstan accompanied by a similar rise of exports of microchips from Kazakhstan to the Russian Federation. It is equally alarmed by the large quantities of crude oil being exported from the Russian Federation to India and then sold onwards to the West.

17. The Assembly further condemns States that continue to support the Russian disinformation campaign, in particular by justifying its manifestly unlawful war of aggression on Ukraine, spread at various international fora, including the United Nations General Assembly and Human Rights Council, thus undermining democracy worldwide.

18. At the same time, the Assembly welcomes reports that banks in Armenia, Kazakhstan and Hong Kong have begun refusing payments from Russian companies for electronics delivered to the Russian Federation. It encourages all States and financial institutions to closely monitor all transactions with Russian entities to ensure the effectiveness of the sanctioning mechanism.

19. The Assembly welcomes the approval on 12 March 2024 of a new European Union Directive to strengthen the enforcement of European Union sanctions across member States by criminalising the violation and circumvention of sanctions. It also welcomes the recent inclusion of dozens of individuals involved in the persecution of Alexei Navalny in the list of human rights violators sanctioned under the European Union human rights sanctions regime, proposed now to be renamed after Alexei Navalny.

20. The Assembly considers that further restrictions are necessary to prevent the Russian economy from sustaining the war against Ukraine. In particular, the Assembly notes that the Russian crude oil price cap sanctions have had limited effect. Lack of sufficient control and deterrence mechanisms has permitted the Russian Federation to mitigate the effects of the sanctions, in particular by using a fleet of “shadow” tankers and because the price cap on Russian crude oil is still set at a too high a level.

21. The Assembly therefore:

21.1. urges the Russian Federation to:

21.1.1. allow an independent and transparent international investigation into Alexei Navalny's death, including through an international commission of inquiry, which could be established by United Nations bodies or other international organisations;

21.1.2. cease persecuting family members, associates and supporters of Alexei Navalny in the Russian Federation and abroad;

21.2. calls on the European Union and all States having Magnitsky-type targeted sanctions laws to include in their sanctions lists the persons directly responsible for, and participating in, the persecution, ill-treatment and death of Alexei Navalny and invites all States that have not yet adopted such laws to do so without further delay;

21.3. calls on all States to ensure that the Russian Federation is held accountable for its systemic use of torture and other forms of ill-treatment to which Mr Navalny and thousands of other prisoners in the Russian Federation, including Ukrainian prisoners of war, have been subjected, by having recourse to the dispute settlement mechanism stipulated in Article 30 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

21.4. encourages member and observer States of the Council of Europe to pursue prisoner exchanges in order to obtain the release of political prisoners in the Russian Federation and Belarus, prioritising Vladimir Kara-Murza and others who have serious health conditions (noting in particular the potential role of Germany, the United Kingdom, and the United States of America);

21.5. reiterates its call to set up an international mechanism to compensate the victims of the Russian aggression against Ukraine, to which frozen Russian assets should be promptly transferred, and to set up a special international tribunal to investigate and prosecute the political and military leadership of the Russian Federation for the crime of aggression against Ukraine.

21.6. calls on the European Union and the G7 group to further strengthen the sanctions regime against the Russian Federation, a State sponsor of terrorism, in particular by:

21.6.1. significantly strengthening the sanctions regime by lowering the oil price cap, considering that the revenue from oil exports is still a significant source of income for the Russian State budget;

21.6.2. imposing secondary sanctions on States, natural and legal persons that knowingly enable the Russian Federation to evade the full effects of sanctions imposed on its economy, including by exporting technology, munitions, dual-use goods for military use, and other resources used by the Russian Federation to sustain its illegal war of aggression against Ukraine;

21.6.3. setting up a Register of States, natural and legal persons aiding and abetting the Russian Federation in evading sanctions, including by enabling it to obtain dual-use goods for military use;

21.6.4. enforcing the existing mandatory “oil spill insurance” requirements for all tankers passing through their waters to promote compliance with the price cap sanctions and protect the environment from oil spills by ageing and insufficiently insured tankers;

21.6.5. cutting off any services provided to the Russian oil and gas industry in order to restrict its future liquefied natural gas production and increase the costs of oil extraction in the Russian Federation;

21.6.6. imposing sanctions on the Moscow Exchange as well as Rosatom – a State-owned nuclear energy monopoly that has taken control of Europe’s largest nuclear plant in Ukraine’s Zaporizhzhia region, using this as a tool of blackmail against Europe by raising the threat of nuclear disaster;

21.6.7. emphasising that under international humanitarian law, the Russian oil refineries are to be considered legitimate targets of military attacks;

21.7. calls on the United States of America – a Council of Europe observer State – to ensure that the Senate’s foreign aid bill, which includes military aid for Ukraine, is put to a vote without further delay or otherwise to authorise the delivery of the necessary military and other aid for Ukraine as soon as possible;

21.8. encourages the Council of Europe member and observer States to share amongst themselves all intelligence pertaining to the Russian Federation’s interference in electoral processes, including its disinformation campaigns, in order to identify and prevent further such practices;

21.9. calls on the Council of Europe member and observer States and the European Union to strengthen the effects of [Resolution 2519 \(2023\)](#) by formally recognising Vladimir Putin’s illegitimacy as President of the Russian Federation;

21.10. calls on the Council of Europe member States who are not members of the European Union to align themselves with sanctions imposed on the Russian Federation and its allies under the European Union human rights sanctions regime;

21.11. calls on all States to apply to Vladimir Putin’s regime the existing anti-money laundering legislation aimed at combating organised crime and the financing of terrorism, to identify any private or legal persons that can be classified as enablers and impose harsh penalties thereon, including the confiscation of assets; and in particular to adopt, where lacking, and apply legislation permitting non-conviction based confiscation of illegal assets, with a reversal of the burden of proof, as recommended by the Assembly in [Resolution 2218 \(2018\)](#);

21.12. calls on the Council of Europe member and observer States and the European Union to strengthen the sanctioning mechanism against Aleksandr Lukashenko’s regime in Belarus, which has allowed the Russian Federation to use its territory for the offensive against Kyiv in 2022 and which continues to support the war of aggression against Ukraine.

22. The Assembly expresses its solidarity and commitment to pursue dialogue with Russian and Belarusian democratic forces which share the values of the Council of Europe and recognise the rules-based international order, including the respect for the sovereignty and territorial integrity of Ukraine. In this regard, the Assembly recalls its decision – set out in its [Resolution 2530 \(2023\)](#) “A democratic future for Belarus” – to set up a General Rapporteur for a Democratic Belarus and to allow a representative delegation of Belarusian democratic forces to take an active role in some of its work.

23. Likewise, the Assembly welcomes the initiative, taken by the President of the Assembly and endorsed by the Bureau of the Assembly in October 2023 to set up a Contact platform for dialogue with Russian democratic forces and calls for setting up a General Rapporteur on the Russian democratic forces.

B. Explanatory memorandum by Mr Emanuelis Zingeris, rapporteur

1. Introduction

1. The present report derives from a motion for a resolution tabled by the Committee on Legal Affairs and Human Rights on 4 March 2024 with the proviso that it should be debated during the Parliamentary Assembly April 2024 part-session as an urgent debate. The same day, the committee appointed me as rapporteur subject to the Bureau referring the motion to the committee for report. The Bureau referred it to the committee for report on 7 March 2024 and this reference was ratified by the Assembly.

2. The motion recalls that Mr Navalny died on 16 February 2024, on the third anniversary of the European Court of Human Rights' decision to indicate an interim measure and order the Russian authorities to release him, due to a risk to his life. It notes that his arbitrary detention on fabricated charges and the 2020 assassination attempt with a nerve agent, orchestrated by an FSB (Federal Security Service of the Russian Federation) death squad, leave little doubt that Vladimir Putin's regime bears full responsibility for his death. The motion further states that "Mr Navalny's death comes at a time when the Russian invaders are still waging their war of aggression against Ukraine; Russian civil society is essentially forced to work underground and the number of political prisoners in the Russian Federation is constantly rising. Political prisoners include not only Vladimir Kara-Murza³ – a well-known Russian opposition politician and associate of the assassinated politician Boris Nemtsov, and Ilya Yashin, another high-profile opposition figure, but also ordinary people brave enough to object to the war." Since the date on which the motion was tabled, the Russian Federation has detained Oleg Orlov – a renowned human rights defender and chair of the Memorial Human Rights Centre, a Nobel Peace Prize co-laureate. Mr Orlov's conviction for "repeatedly discrediting the Russian armed forces" can only be described as a parody of justice, which was accurately noted by Mr Orlov himself, who pointedly read Franz Kafka's *Trial* throughout the proceedings. Clearly, the sanctions imposed on the Russian Federation by the international community are still insufficient to counter its totalitarian leadership. The motion concludes that the Assembly "should consider new ways to stop the Russian Federation's war machine and ensure that the Russian State, its leaders and enablers of Vladimir Putin's apparatus of oppression are fully held to account for their brazen contempt of human rights and the international legal order. The Assembly should find ways to establish dialogue with the legitimate representatives of the Russian people opposing the Putin regime. The Assembly owes it to the memory of Alexei Navalny to follow the unfolding information surrounding his death and draw the necessary conclusions, including the possible need for additional and more stringent sanctions to deter and weaken the regime's criminal repressive apparatus and to hinder the pursuit of the war of aggression against Ukraine."

3. The present report will thus not only focus on the death of Mr Navalny and the need to impose targeted sanctions ("Magnitsky sanctions") against the persons responsible for his persecution, ill-treatment and demise, but also consider this crime in its wider context and present a series of measures necessary to counter Vladimir Putin's totalitarian regime and its war on democracy.

2. Alexei Navalny's unlawful imprisonment, ill-treatment and death

4. Alexei Navalny, a prominent Russian opposition politician, civil society activist, lawyer, anti-corruption campaigner and political prisoner, survived an attempt on his life perpetrated in 2020 by an FSB death squad with the use of a banned chemical nerve agent.⁴ Following his recovery, on 17 January 2021 he took the courageous decision to return to the Russian Federation, where he was detained upon arrival on the basis of a suspended sentence which the European Court of Human Rights had already found to be in breach of Article 7 (no punishment without law) of the European Convention on Human Rights (ETS No. 5).

5. The details of Mr Navalny's arrest and subsequent detention were set out in a report by our former colleague – Mr Jacques Maire.⁵ Without repeating what was stated therein, I will focus on the subsequent events.

3. See Doc. ... "The arbitrary detention of Vladimir Kara-Murza and the systematic persecution of anti-war protesters in the Russian Federation and Belarus" (rapporteur: Ms Thórhildur Sunna Ævarsdóttir, Iceland/SOC).

4. See "Poisoning of Alexei Navalny" and "The arrest and detention of Alexei Navalny in January 2021" (rapporteur: Mr Jacques Maire, France, ALDE), [Doc. 15434](#) and [Resolution 2423 \(2022\)](#); [Doc. 15270](#) and [Resolution 2375 \(2021\)](#).

5. Ibid.

6. On 9 June 2021, Mr Navalny's regional network offices and his Anti-Corruption Foundation (the "FBK") were designated as extremist organisations and liquidated by the Moscow City Court.⁶ The assets of these entities were liquidated and confiscated. In January 2022, Mr Navalny and 11 of his associates were formally designated as "extremists and terrorists" (on a par with militants of Al-Qaeda and Daesh).⁷ This move succeeded the prior designation of Leonid Volkov and Ivan Zhdanov, key associates of Mr Navalny, as such.

7. On 22 March 2022, Mr Navalny was found guilty of contempt of court and embezzlement and given a 9-year sentence in a maximum-security prison. His trial, held in a makeshift courtroom inside the penal colony where he was being held, was correctly described by Amnesty International as a "sham".⁸ In June 2022, Mr Navalny was transferred to the maximum-security penal colony IK-6 in Melekhovo, Vladimir Oblast (235 km east of Moscow).⁹

8. On 4 August 2023, after another sham trial held *in camera*, Mr Navalny was convicted of publicly inciting and financing extremist activity and "rehabilitating Nazi ideology" and sentenced to an additional term of 19 years in a "special regime" colony.

9. In December 2023, Mr Navalny was removed from the IK-6 penal colony in Melekhovo, and went missing for several weeks, sparking fears that he had been subjected to an enforced disappearance. After spending 19 days incommunicado during transit, Mr Navalny arrived at the remote Siberian FKU IK-3 penal colony in the evening of 23 December 2023. The facility (also known as "Polar Wolf") was built in 1961 on the site of the 501st Gulag, one of the Stalin-era labour camps that housed millions of prisoners during Soviet times. It is located in the settlement of Kharp, above the Arctic Circle in north-central Siberia. According to human rights activists, the prison holds serial killers, rapists, paedophiles, repeat offenders, and other dangerous criminals with lengthy sentences. However, Mr Navalny was not the first political prisoner to be sent there. Platon Lebedev, a former business partner of the ex-Yukos owner and former political prisoner Mikhail Khodorkovsky, spent two years in "Polar Wolf" in 2005-2006. The colony is notorious for its harsh conditions of detention.

10. Based *inter alia* on the testimony of a former prisoner of the IK-3 colony, prisoners' rights activists have shed light on the practices akin to torture routinely applied by its staff. For instance, in winter, prisoners would be summarily assembled in the courtyard in light clothing, ordered to stand still in formation and not allowed to clap or rub their hands together. They would be forced to stand immobile for 30 or 40 minutes in temperatures of minus 45 degrees Celsius or colder. If one person moved, the whole group was doused with water.¹⁰

11. During his unlawful imprisonment, Mr Navalny – as well as being deprived of sleep or proper medical care – was often punished for alleged minor infractions with placement in a punishment cell (*shtrafnoy izolyator* or "SHIZO"). Just a few days before his death, Mr Navalny was again punished with placement in SHIZO for 15 days. According to Ms Kira Yarmysh (Mr Navalny's friend and ally), this was the 27th time since his incarceration 3 years earlier. Including this term, Mr Navalny would have spent 308 days in SHIZO. This measure, which is a form of "imprisonment within the prison", is officially meant to be resorted to only exceptionally and after every precaution has been taken. Yet Mr Navalny was placed in SHIZO regularly and arbitrarily.

12. The conditions in SHIZO can be compared to those experienced by political prisoners in the Soviet era in the vast network of gulags. In a post published on X (formerly Twitter) in August 2022, Mr Navalny described the punishment cell in which he was placed in the IK-6 penal colony as follows: "The SHU is a 2.5x3 meter concrete kennel. Most of the time it's unbearable in there because it's cold and damp. There's water on the floor. I got the beach version – it's very hot and there's almost no air. The window is tiny, but the walls are too thick for any air flow – even the cobwebs don't move. There's no ventilation. At night you lie there and feel like a fish on the shore. The iron bunk is fastened to the wall, like in a train, but the lever that lowers it is outside. At 5 am they take away your mattress and pillow (they call it "soft equipment") and raise your bunk. At 9 pm the bunk is lowered again and the mattress is returned. There's an iron table, an iron bench, a sink, a hole in the floor and two cameras under the ceiling. No visits, no letters, no parcels. This is the only place in the prison where even smoking is prohibited. They only give me paper and pen for 1 hour and 15 minutes a day. The "walk" is just one hour in a similar cell, but with a piece of sky above. There are constant searches, I always need to keep my hands behind my back."¹¹

6. www.bbc.com/news/world-europe-57422346#.

7. www.rferl.org/a/russia-navalny-terrorists-extremists/31670205.html.

8. www.bbc.com/news/world-europe-60832310.

9. www.reuters.com/world/europe/jailed-kremlin-critic-navalny-transferred-unknown-location-2022-06-14/.

10. www.rferl.org/a/russia-navalny-arctic-polar-wolf-prison/32749723.html.

11. <https://twitter.com/navalny/status/1559170813189832706>

13. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) considers that the maximum period of placement in solitary confinement should be no greater than 14 days for a given offence, and preferably lower. Further, there should be a prohibition of sequential disciplinary sentences resulting in an uninterrupted period of solitary confinement in excess of the maximum period.¹² Similarly, in a judgment concerning the disciplinary punishments in Russian prisons, the European Court of Human Rights held that the repeated solitary placement in isolation cells amounted to inhuman and degrading treatment contrary to Article 3 of the Convention.¹³

14. On 16 February 2024 at 2:19 pm Moscow time (12:19 pm CET), the Federal Penitentiary Service of the Yamalo-Nenets Autonomous District issued a press release, stating that Mr Navalny had “felt unwell after a walk, almost immediately losing consciousness” and died. According to the official message dispatched to Mr Navalny’s mother, the time of his death was 2:17 pm local time (10:17 pm CET) earlier that day. The official cause of death communicated to Mr Navalny’s mother and her lawyer was “sudden death syndrome”. An anonymous source told the State-controlled Russia Today that Mr Navalny had died due to a blood clot.

15. Novaya Gazeta Europe – an independent Russian outlet – reported that they had contacted one inmate who said that a “mysterious commotion” had broken out in the “Polar Wolf” the evening before Mr Navalny’s death. Subsequently, security measures were tightened and cells thoroughly searched. According to the news outlet’s source, the ambulance arrived only after Mr Navalny’s death was publicly announced.¹⁴ Gulagu.net (a human rights group) reported that several cameras in the IK-6 penal colony were not operating on the day of Mr Navalny’s death. According to its source, on 14 February 2024, FSB officers visited the colony where they disconnected and dismantled listening devices and hidden cameras “that could have recorded what happened to Alexei Navalny on 15-16 February”. Gulagu.net also claims that on the evening of 16 February, the expert conducting the autopsy was verbally instructed to describe the bruises on Alexei Navalny’s body as having occurred *post mortem*.¹⁵

16. There is no information available as to any genuine investigation being launched into the circumstances surrounding Mr Navalny’s death.

3. The aftermath of Alexei Navalny’s death

17. Despite the harsh laws introduced in the aftermath of the Russian Federation’s invasion of Ukraine, aimed at dissuading the Russian society from holding protests, and in the face of well-known police brutality, thousands of people laid flowers at monuments dedicated to victims of the Soviet repression, in a spontaneous reaction to Mr Navalny’s death. According to data gathered by OVD-Info (a Russian human rights watchdog), 649 people were detained by the police during the various vigils held all over the Russian Federation to commemorate Mr Navalny.¹⁶ Polish media reported that in Saint Petersburg, Consuls General of Germany, Norway and Poland were threatened with arrest for participating in an “unauthorised event”, when they decided to lay flowers in front of the Solovetsky Stone, a monument dedicated to the inmates of the Gulag, the victims of Communist Terror and those who fought for freedom.¹⁷ Multiple videos emerged showing people carrying flowers in the vicinity of monuments dedicated to victims of the Soviet regime being violently apprehended by riot police and taken away.

3.1. Withholding Mr Navalny’s body and obstructing the organisation of his funeral

18. One day after Mr Navalny’s death, his mother (Ms Lyudmila Navalnaya), accompanied by a lawyer, visited the “Polar Wolf” and was told that her son’s body had already been taken to a morgue in Salekhard. Upon her arrival there, she found the morgue to be closed and was told over the phone that Mr Navalny’s body had not been brought there. The forensic medical examination bureau in Salekhard also denied having received any bodies from penal colonies in the region.¹⁸ According to Ms Yarmysh, Mr Navalny’s lawyers

12. 21st General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (CPT/Inf (2011) 28), paragraph 56.

13. See *Razvyazkin v. Russia*, no. 13579/09, 3 July 2012, paragraph 108.

14. <https://novayagazeta.eu/articles/2024/02/18/a-mysterious-commotion-en>.

15. <https://meduza.io/en/news/2024/02/17/several-prison-cameras-not-working-on-day-of-navalny-s-death-says-human-rights-group-gulagu-net>.

16. <https://en.ovdinfo.org/navalny-vigil-counter>.

17. <https://polskieradio24.pl/artykul/3343256,rosja-ambasador-rp-na-pogrzebie-nawalnego-pojawily-sie-grozby-ze-strony-policji>.

18. <https://meduza.io/en/news/2024/02/17/navalny-s-press-secretary-says-his-body-not-in-morgue-where-prison-claimed-to-send-it>.

were told by the State Investigative Committee that the investigation into his death was closed and that “no criminal activity had been detected”. One hour later, the same Investigative Committee stated that the cause of Mr Navalny’s death had “not been determined” and that his body would not be given to his family until the investigation was completed.¹⁹ Then, on 19 February 2024, the State Investigative Committee announced that the body had been sent for a “chemical examination” which could take 14 days. Ms Yuliya Navalnaya (Mr Navalny’s wife) argued that the delay in releasing Mr Navalny’s body was caused by the need to ensure that any traces of banned chemical substances used to poison him would disappear.²⁰

19. On 22 February 2024, Ms Lyudmila Navalnaya released a recording in which she stated that the authorities had allowed her to see the body of her son (in a morgue in Salekhard), where she had also signed a death certificate that indicated “natural causes” as the cause of death. Ms Navalnaya also stated that she had been threatened by the officials, that unless she would agree to hold a secret funeral, they would allow Mr Navalny’s body to decompose or bury him in the penal colony, even though the law obliged the authorities to release the body to the family.²¹

20. Eventually, Mr Navalny’s body was handed over to his family on 24 February 2024. In the following days, attempts were made to organise a funeral, however many funeral homes based in Moscow refused to hold it on their premises, apparently after an intimidation campaign orchestrated by the Kremlin.²² On 27 February 2024, a lawyer who assisted Ms Navalnaya in her attempts to have her son’s body released, Mr Vasily Dubkov, was briefly detained in Moscow and released.

21. Alexei Navalny was finally laid to rest on 1 March 2024 at the Borisovskoye cemetery in Moscow after a ceremony at the Church of the Icon of the Mother of God in the Maryino district. It was attended by Mr Navalny’s parents, a number of Western diplomats, opposition presidential candidates Boris Nadezhdin and Yekaterina Duntsova (who were disqualified for standing in the elections) and – despite a heavy police presence and threats of reprisals – thousands of Russians, many of whom chanted anti-Putin and anti-war slogans.

3.2. Promotions of officials responsible for the persecution and ill-treatment of Mr Navalny

22. On 19 February 2024, just three days after Alexei Navalny’s death, the deputy director of the Russian Federation’s Federal Penitentiary Service (FSIN), Valery Boyarinev, was promoted to the rank of colonel general.²³ According to Mr Zhdanov, Mr Boyarinev personally supervised the systemic ill-treatment of Mr Navalny in detention and his promotion was a reward for his zealous fulfilment of this task. Several days later, an investigator responsible for persecuting Mr Navalny and the FBK, Mr Roman Vidyukov, was promoted to the position of deputy head of the State Investigative Committee of the Russian Federation.²⁴ On 22 March 2024, Mr Vidyukov and Mr Boyarinev were among the individuals sanctioned by the European Union for their involvement in Mr Navalny’s persecution.²⁵

3.3. Negotiations to have Mr Navalny swapped in a prisoner exchange

23. Shortly after Alexei Navalny’s death, Maria Pevchikh (his associate) revealed that Mr Navalny was about to be exchanged (along with two unnamed American citizens) for Vadim Krasikov, a Russian assassin serving a life sentence for murder in Germany. In an interview with the Financial Times, Dmitry Peskov (the Kremlin’s spokesperson) refuted this information. On 17 March 2024, Vladimir Putin himself confirmed that he had agreed to swap Mr Navalny, on a condition that he would never return to the Russian Federation.²⁶

19. <https://meduza.io/en/news/2024/02/17/over-24-hours-after-navalny-s-death-nobody-can-find-his-body-here-s-what-we-know>.

20. www.bbc.com/news/world-europe-68344582.

21. <https://novayagazeta.eu/articles/2024/02/22/navalnys-mother-says-russian-authorities-want-to-bury-him-in-secret-en-news>.

22. www.politico.eu/article/navalnys-funeral-agencies-banned-hosting-opposition-leaders-body/.

23. <https://www.rferl.org/a/putin-promotes-deputy-chief-russia-prisons-navalny-death/32827360.html>.

24. <https://novayagazeta.eu/articles/2024/02/27/chief-investigator-in-multiple-cases-against-navalny-receives-promotion-en-news>.

25. Council Implementing Regulation (EU) 2024/952 of 22 March 2024 implementing Regulation (EU) 2020/1998 concerning restrictive measures against serious human rights violations and abuses. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202400952.

26. www.bbc.com/news/world-europe-68595334.

4. Transition of Vladimir Putin's Russia to a totalitarian State

24. Benito Mussolini, the fascist dictator of Italy, once summarised the basis for totalitarianism as “everything within the State, nothing outside the State, nothing against the State”, emphasising the total control of the State over all aspects of society. After more than 20 years of Vladimir Putin's iron grip over the Russian Federation, its transition to a totalitarian State appears complete.

25. Vladimir Putin enjoys unrestricted power and influence in the Russian Federation, with the State propaganda machine promoting the cult of his personality, portraying him as a strong, hyper-masculine leader that Russian men should aspire to emulate. The role of the Russian State Duma and Federation Council (both firmly controlled by the United Russia party, chaired by Vladimir Putin's loyal servant and former President and Prime Minister – Dmitry Medvedev) is limited to providing a bare appearance of democratic legitimacy by approving all the decisions taken by Vladimir Putin. Any form of dissent is considered a hostile act and the existence of a meaningful political opposition is not tolerated. The judiciary is anything but independent, with its top priority being the fulfilment of the will of its political masters. Media freedom in the Russian Federation is non-existent²⁷ and expressing dissident views can result in a term of imprisonment of 25 years (as was the case of Vladimir Kara-Murza who was jailed for criticising the Russian Federation's war of aggression against Ukraine). The omnipresent security apparatus ensures mass compliance with the State's policies and the police are allowed to operate outside the constraints of laws. The use of torture and other forms of ill-treatment is widespread, as will be described below.

26. Vladimir Putin's Russia pursues a goal of imperialistic conquest and imposes the false vision of a “Western threat” on its society, through the systematic use of propaganda, going so far as the indoctrination of children. Each week, schools in the Russian Federation begin their classes with a flag-raising ceremony followed by a lesson entitled “Important Conversations”. Its curriculum stipulates that the State is the most authoritative source of information about everything and teachers or headmasters who refuse to obey or punish independent thinking (non-compliant with the State policy) are summarily dismissed or labelled as “foreign agents”.²⁸

27. Just as was the practice of Nazi Germany, the Russian Federation has recruited thousands of dangerous criminals to fight in its unlawful invasion of Ukraine. Similarly to the Dirlewanger Brigade of the Waffen SS (composed of criminals and commanded by a convicted paedophile, responsible, among others, for the massacre of 100,000 civilians during the Warsaw Uprising of 1944), the Russian Wagner Group has been implicated in a vast number of atrocities and likely acts of terror in Ukraine, which are the subject of an upcoming report.²⁹

28. The so-called “Russian presidential election” of 15-17 March 2024 included polling stations opened in the illegally occupied Ukrainian territories, as well as in the Moldovan Administrative-Territorial Units of the Left Bank of the Dniester – a gross violation of the Charter of the United Nations and the principle of sovereign equality of States. The official “result” was hardly a surprise – Vladimir Putin was formally allocated 87,28% of the votes cast.³⁰ In Chechnya (a region ruled by another radical ally of Mr Putin – Ramzan Kadyrov), Vladimir Putin obtained 98,99% of the votes with 97% turnout.³¹ Any serious opponents – including Mr Nadezhdin – were excluded from standing for the election.

29. Despite the crackdown on political opposition, thousands of Russians followed Alexei Navalny's call and peacefully, yet symbolically, protested against Vladimir Putin's rule by coming to the polling stations precisely at noon. Numerous images showing long lines of people queuing in front of polling stations testify to this adherence to Mr Navalny's memory and to an overt repudiation of the regime on the part of at least some of the population.

27. In 2023, the Russian Federation ranked 164 out of 180 countries in the Press Freedom Index compiled by Reporters Without Borders. Available at: <https://rsf.org/en/index>.

28. www.wilsoncenter.org/blog-post/russian-schools-time-war-lesson-indoctrination.

29. Doc. 15720 “The need to designate the Russian “Wagner Group” as a terrorist organisation”. This motion for a resolution is being examined in the context of the upcoming report entitled “Legal and human rights aspects of the Russian Federation's aggression against Ukraine” (rapporteur: Mr Davor Ivo Stier, Croatia, EPP/CD).

30. www.themoscowtimes.com/2024/03/21/russian-election-officials-declare-putin-winner-of-presidential-race-a84554.

31. www.lemonde.fr/en/international/article/2024/03/18/vladimir-putin-strengthened-with-new-term-as-war-leader-of-russia_6630292_4.html.

5. Further measures to counter Vladimir Putin's totalitarian regime and its war on democracy

30. Alexei Navalny's death came at a time when Russian troops were making significant advances in eastern Ukraine, having captured the ruins of Avdiivka and several other Ukrainian towns. Ukrainian troops continue put up a heroic resistance to the Russian invaders but remain heavily outgunned by their enemy and are suffering from severe and growing shortages of ammunition. The timing of Mr Navalny's death can hardly be considered accidental. The message of Vladimir Putin seems to be that he can do whatever he wishes, and nobody will be able to oppose him. The death of Alexei Navalny was followed on 12 March 2024 by an attack by hammer and tear gas of his associate Mr Volkov outside his house in Vilnius.³² Lithuania's intelligence agency has determined that this was likely an operation organised and implemented by the Russian Federation. In such a context, the proposals contained in my report aim therefore to hold to account those responsible for the killing of Alexei Navalny, but also to address the wider context of his passing.

5.1. The Magnitsky sanctions

31. In its [Resolution 2252 \(2019\)](#), the Assembly called upon all member States to consider enacting legal instruments enabling their governments to impose targeted sanctions on individuals believed to be personally responsible for serious human rights violations for which they enjoy impunity on political or corrupt grounds. Given that many of those involved in the persecution and ill-treatment of Alexei Navalny are well-known and enjoy impunity as enablers of Vladimir Putin's regime, there is no doubt that they should be targeted with such measures. The European Union has recently sanctioned 32 individuals directly involved,³³ some of whom are also included in the list attached to this report.

5.2. Holding the Russian Federation accountable for its grave and systemic breaches of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

32. The Russian Federation's systemic use of torture and inhuman conditions of detention are well-known. Political prisoners and enemies of the regime are, however, particularly harshly punished. In 2015, a Ukrainian filmmaker Oleg Sentsov was sentenced by a Russian court to 20 years' imprisonment after a sham trial on charges of "terrorism" (voicing his opposition to the Russian Federation's occupation of Crimea). During his detention, the Russian prison authorities physically abused him, including by near suffocation, and threatened him with torture, rape, and murder in an attempt to extract a confession.³⁴ In October 2021, Gulagu.net published over 40 gigabytes of covert videos documenting beatings, rape, and torture of inmates in prisons and pretrial detention centres in the Russian Federation.³⁵ A harrowing account of the systemic torture and inhuman or degrading treatment or punishment in places of detention in the Russian Federation has been set out in a report prepared by our colleague – Mr Constantinos Efstathiou (Cyprus, SOC).³⁶ Only last month, the UN Human Rights Monitoring Mission in Ukraine (HRMMU) published a report, revealing a surge in credible allegations of torture and executions of captured Ukrainian prisoners of war at the hands of their Russian captors. According to the head of the HRMMU, almost every single one of the Ukrainian prisoners of war interviewed described how Russian service persons or officials tortured them during their captivity, using repeated beatings, electric shocks, threats of execution, prolonged stress positions and mock execution. Over half of them were subjected to sexual violence.³⁷

33. The above examples clearly show that the Russian Federation is systemically using torture and other forms of ill-treatment across its prison system, in gross violation of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Convention against Torture"). At the same time, it is not allowing international experts access to investigate the allegations of victims.³⁸ The Convention against Torture provides for a series of obligations, whenever there is a reasonable ground to believe that an act of torture has been committed. These include obligations to investigate, prosecute (or extradite) and prevent such future acts. It is beyond any doubt that the Russian Federation is deliberately and consistently failing to fulfil these obligations.

32. In this regard, see my [statement of 13 March 2024](#), condemning this attack and calling for the protection of Russian dissidents.

33. Council Implementing Regulation (EU) [2024/952](#) op. cit.

34. www.atlanticcouncil.org/blogs/ukrainealert/why-we-must-speak-out-about-oleg-sentsov-now/.

35. www.rferl.org/a/russia-prison-torture-videos-testimony/31515035.html.

36. See Doc. 15880 and Resolution 2528 (2024) "[Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe](#)".

37. Office of the High Commissioner for Human Rights (OHCHR), "[Report on the Human Rights Situation in Ukraine: 1 December 2023 to 29 February 2024](#)".

38. Ibid.

34. The Russian Federation is a member of the United Nations and is bound by the Statute of the International Court of Justice (ICJ), including Article 36(1), which provides that the jurisdiction of the ICJ “comprises ... all matters specially provided for ... in treaties and conventions in force.” It is also a Party (since 1987) to the Convention against Torture, whose Article 30(1) includes a relevant compromissory clause.³⁹ Accordingly, the draft resolution proposes to ensure that the Russian State is held accountable for its gross violations of the Convention against Torture, including by lodging an application with the ICJ, should it be necessary. It is a well-established principle in the jurisprudence of the ICJ, that any State party to the Convention against Torture may invoke the responsibility of another State party with a view to having the Court determine whether the State failed to comply with its obligations *erga omnes partes*, and bringing that failure to an end.⁴⁰

5.3. Further sanctions against Vladimir Putin’s cronies and the Russian Federation’s war economy

35. In line with Yulia Navalnaya's proposal to treat Vladimir Putin's enablers as mafia, with which I fully concur, innovative strategies focusing on investigating financial networks and associates are crucial. This involves conducting thorough investigations into the financial dealings and money laundering activities of Vladimir Putin's inner circle, including his friends, associates, and those involved in hiding illicit funds of the Russian oligarchs. In particular, the draft resolution proposes to adopt where necessary and to apply legislation permitting non-conviction based confiscation of illegal assets of regime's enablers, with a reversal of the burden of proof, as recommended by the Assembly in its [Resolution 2218 \(2018\)](#).⁴¹ Nevertheless, additional measures are necessary to impact the Russian Federation's macro-economy and industries that continue to generate profit, used by the Russian State to finance its war against Ukraine.

36. Following the introduction of the oil price cap, the Russian Federation has devised various means to sell its crude oil at prices exceeding this cap. In particular, it has used a “shadow fleet” composed of hundreds of small, often aging tankers operated by little-known companies, with no experience in the oil trade and lacking standard industry insurance. Many of these shadow vessels turn off their automatic identification systems to disguise their activities and engage in risky ship-to-ship transfers of sanctioned Russian oil. As a result of the shadow fleet's operation, it has become increasingly difficult to police the trade of Russian oil, with the price cap becoming largely ineffective. Official Russian statistics show the average price received was above the \$60 per barrel price cap in 2023.⁴² In order to counter these practices to evade the cap, the draft resolution proposes to expand the number of sanctioned tankers and enforce the existing oil spill insurance requirements for all tankers passing through member States waters. Additionally, it is proposed to further sanction services to the Russian oil and gas industry, thus restricting their future production and depriving the Russian budget of another source of revenue.

37. One of the largest Russian companies not yet sanctioned is Rosatom, which is the central holding company for the Russian Federation's nuclear energy sector and the world's top uranium enrichment entity, controlling 36% of the market and supplying fuel to 78 power reactors in 15 countries (17% of the global nuclear fuel market).⁴³ Rosatom has been in charge of operating the Ukrainian Zaporizhzhia nuclear power plant, after its capture by the Russian army. Council of Europe member States that operate nuclear power plants should, as a matter of priority, search for alternative sources of nuclear fuel and adopt restrictive measures against Rosatom. In 2023 alone, Rosatom generated US\$2 billion in revenues from US and European sources.⁴⁴

39. “Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.”

40. Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*Canada and the Netherlands v. Syrian Arab Republic*), Provisional Measures, Order of 16 November 2023, paragraph 50.

41. See [Doc. 14516](#) and [Resolution 2218 \(2018\)](#) “Fighting organised crime by facilitating the confiscation of illegal assets” (rapporteur: Mr Mart van de Ven, Netherlands, ALDE).

42. www.euronews.com/business/2023/11/16/how-a-dark-fleet-of-ships-is-helping-russia-evade-oil-sanctions.

43. www.opendemocracy.net/en/odr/russia-ukraine-eu-nuclear-energy-zaporizhzhia-rosatom-sanctions/.

44. www.fdd.org/analysis/2024/02/18/ending-dependence-on-russias-nuclear-sector/.

6. Conclusions

38. By way of conclusion, I should like to stress the link between the death of Alexei Navalny, a fearless fighter against the criminal regime of Vladimir Putin on the “home front”, and the urgent need to counter the spread of this regime beyond the Russian Federation’s borders. The latter requires first and foremost unwavering political and concrete support to Ukraine’s heroic defence against the invaders. Most urgently, we must ensure that Ukraine rapidly receives all the weapons and ammunition needed for this fight. We must also continue to strengthen the sanctions regime against the Russian war machine, by plugging any loopholes, going after all those enabling the violation and circumvention of sanctions and developing new, creative ways to restrict the flow of revenue and technology to the Russian Federation.

39. The outcome of this fight is critical to the future of Europe. Will Europe remain free and prosperous, safe in its democratic values and respect of international law? Or will tomorrow Europe – like the people of the Russian Federation today – fall under the heel of Vladimir Putin’s regime, to be oppressed and exploited for the benefit of the “crooks and thieves” against whom Alexei Navalny lost his life?