



The Court gives notice of a case involving Aleksey Navalnyy's imprisonment

The European Court of Human Rights has decided to give notice¹ to the Government of Russia of the application **Navalnyy v. Russia** (application no. 4743/21).

The case concerns Mr Navalnyy's conditions of detention in a correctional colony.

The applicant, Aleksey Navalnyy, is a Russian national who was born in 1976 and lives in Moscow. He is a well-known political opposition leader.

Mr Navalnyy is in detention in the IK-2 correctional colony. He is due to serve two years and six months, which is a result of the conversion of his parole to imprisonment following breaches of the terms of parole. Parole had previously been applied following his conviction in 2017 for three administrative offences related to public protests. The applicant alleges ill-treatment in prison. Since 31 March 2021 he has been on hunger strike, demanding access to medical assistance by an independent specialist.

Mr Navalnyy alleges that on 20 August 2020 he was the victim of intentional poisoning. He received treatment in Germany and was arrested on 17 January 2021 on his return to Russia. On 2 February 2021 the Simonovskiy District Court of Moscow decided to replace his parole sentence with imprisonment owing to his allegedly not having informed the authorities of his whereabouts.

On 16 February 2021 the Court decided to indicate to the Government of Russia, under Rule 39 of the Rules of Court, to release the applicant owing to nature and extent of the risk to the applicant's life. This measure applied with immediate effect. On 3 March 2021 the applicant informed the Court that he had not been released.

The Committee of Ministers, at its 1398th meeting, 9-11 March 2021, took a decision urging the Russian authorities to take all possible measures to quash the convictions in respect of Mr Navalnyy and to erase all negative consequences against Mr Navalnyy (and his brother); awaiting that to release him without delay.

Relying on Articles 2 and 3 of the European Convention of Human Rights the applicant complains that his imprisonment carries a risk to his life, and that he is being subjected to ill-treatment by way of, in particular, sleep deprivation, inadequate nutrition resulting from the refusal of food parcels by the correctional colony, severe psychological pressure, including verbal abuse by wardens, head shaving and denial of requisite medical assistance.

Procedure

The application was lodged with the European Court of Human Rights on 20 January 2021.

On 16 April 2021 the President of the Third Section decided to give notice of the application to the Government of Russia, with questions from the Court. Letters informing the parties were sent on 19 April 2021.

¹ Under Rule 54 § 2 (b) of the Rules of Court: "the Chamber or the President of the Section may decide to give notice of the application or part of the application to the respondent Contracting Party and invite that Party to submit written observations thereon and, upon receipt thereof, invite the applicant to submit observations in reply."

A statement of facts of the case submitted to the Government will be available only in English on the Court's website from 26 April 2021. The questions to the Government are as follows:

- 1. Having regard to the applicant's allegations, is his detention compatible with his right to life, ensured by Article 2 of the Convention?*
- 2. Given the background of the applicant's near-lethal deterioration of health induced by toxins in 2020 and its impact on his health, are the applicant's current state of health, the medical facilities and treatment compatible with the requirements of Articles 2 and 3 of the Convention?*
- 3. Having regard to the conditions of detention and the aspects of prison routine as described by the applicant, has the applicant been subjected to ill treatment, in breach of Article 3 of the Convention?*
- 4. Given the Government's response to the Court's decision to indicate, on 16 February 2021, an interim measure under Rule 39 of the Rules of Court, has there been a hindrance by the State with the effective exercise of the applicant's right of application, ensured by Article 34 of the Convention? Was there an objective impediment which prevented compliance with the Court's Rule 39 measure? Did the Government take all reasonable steps to remove the impediment and to keep the Court informed of the situation (see *Paladi v. Moldova* [GC], no. 39806/05, §§ 88-102, 10 March 2009)?*

The Government have been invited to submit their observations by 12 July 2021. These will then be transmitted to the applicant, who will be invited to submit any observations and his claim for just satisfaction (Article 41 of the Convention).

The Court ruled that any documents pertaining to the applicant's medical condition deposited with the Registry should not be made accessible to the public (Rule 33 § 1) and should be treated as confidential.

The Court had earlier decided to grant the case priority under Rule 41 of the Rules of the Court, at the same time as applying Rule 39 on 16 February 2021.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.