
Navalnyy v. Russia: A Failed Attempt at Silencing the Opposition

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I. OVERVIEW

Due to concerns over the Russian authority’s refusal to conduct criminal proceedings, applicant, Alexei Navalnyy, brought claims against the Russian Federation for his alleged poisoning after a chemical nerve agent from the Novichok group, which is prohibited by the Chemical Weapons Convention (CWC), was identified.¹ In August of 2020, the applicant and several staff members were returning to Moscow, Russia, from a work trip for the applicant’s NGO.² The applicant suddenly felt ill and lost consciousness, leading the flight to make an emergency landing in Omsk, Russia.³ He was taken to a local hospital, fell into a coma, and was placed on life support.⁴ The applicant and his associates reported the incident to various investigative committees in Russia, requesting a criminal investigation to be conducted into the attempted murder of the applicant by the poisoning of an unknown substance.⁵ The complaint stated that the assassination attempt was related to the applicant’s political activity and therefore fell under Article 105 §1 of murder and 277 of “attempt on the life of a State official or public figure” of the Criminal Code.⁶ The hospital and the forensics committees in Russia reported that there was no “potent or poisonous substances, narcotic substances,

1. Navalnyy v. Russia (No. 3), App. No. 36418/20, ¶ 1-2 (June 6, 2023), [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22002-14102%22\]](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22002-14102%22]).

2. *Id.* at ¶ 5.

3. *Id.*

4. *Id.*

5. *Id.* at ¶ 6.

6. *Id.*

psychotropic substances or their precursors” found on any medical tests after he was taken to the hospital.⁷ The applicant was transferred to Charite Hospital in Berlin, Germany, where their tests revealed the presence of a chemical nerve agent from the Novichok group.⁸ This chemical nerve agent is prohibited under the CWC.⁹ The alleged violation of the CWC led to the request for the Organization for the Prohibition of Chemical Weapons (OPCW) to help analyze the applicant’s case in accordance with Article 8 38(e), which enables all state parties to have access to “technical assistance from the OPCW.”¹⁰ Further testing was conducted by OPCW-approved labs in Sweden and France,¹¹ and the labs confirmed Charite Hospital’s findings of the Novichok group chemical nerve agent found in the applicant.¹²

Various complaints by the applicant and on behalf of the applicant by his representatives have been filed in multiple Russian courts, with the evidence not being held properly and the applicant not given the usual rights afforded during criminal proceedings.¹³ Based on the evidence obtained from the rapporteur that was prepared to provide information on the circumstances of the applicant’s poisoning, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution that noted the ample evidence provided was substantial proof of the poisoning.¹⁴ The resolution called on the Russian Federation to fulfill its obligations under the European Convention of Human Rights.¹⁵ A letter was sent to Russia outlining the four-month investigation from the rapporteur that stated the violations by the Russian authorities for the applicant’s right to life.¹⁶ Article 2 of the Convention is relevant in circumstances where a victim of an “activity or conduct, whether public or private,” put the person’s life at risk and caused injuries that can “appear to be life threatening,” even if they survived.¹⁷ Three aspects of this convention are put forth: (1) whether the inquiry into the alleged act had been public; (2) whether the person that had suffered was afforded victim status; and (3) whether a formal framework for obtaining evidence

7. *Id.* at ¶ 8.

8. *Id.* at ¶¶ 9, 11.

9. *Id.* at ¶ 20.

10. *Id.*

11. *Id.* at ¶ 29.

12. *Id.*

13. *Id.* at ¶ 144.

14. *Id.* at ¶¶ 81-82.

15. *Id.* at ¶ 83.

16. *Id.* at ¶ 85.

17. *Id.* ¶ 101.

for criminal proceedings had been conducted.¹⁸ Article 13 of the Convention states that everyone has rights and freedoms that are protected in the Convention, and if violated, they will have a remedy by a national authority even if it was committed by people in their official capacity.¹⁹ The European Court of Human Rights (ECHR) held that (1) it has jurisdiction over the complaints of the applicant; (2) the complaints under Article 2 of the Convention are admissible; (3) a violation under Article 2 of the procedural limb of the Convention has been violated; (4) Article 13 of the Convention is not examinable in conjunction with Article 2; (5) in accordance with Article 44 §2 of the Convention, the respondent state, the Russian Federation, is to pay the applicant €40,000 plus any tax within three months of the final judgement; (6) all other claims are dismissed; and (8) the Russian Federation must take the necessary steps to comply with the procedural requirements of Article 2 of the Convention. *Navalnyy v. Russia* (No. 3), App. No. 36418/20 (June 6, 2023), <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-14102%22%7D>.

II. BACKGROUND

A. *Statutory Law*

The European Convention of Human Rights was established with the purpose of ensuring governments would not repeat the mistakes of the past in allowing dehumanization and abuse of people's rights.²⁰ It was enacted as a remedy after World War II due to the millions of inhumane actions by various states.²¹ Specifically, the European Convention of Human Rights, Section I, Article 2 outlines the rights and freedoms afforded to everyone.²² Article 2(1) details the right to life, in which everyone has a right to life, except those that are penalized by law to face execution for a conviction of a crime.²³ Article 2 further enforces a procedural obligation that states must conduct an effective investigation into any alleged breaches of the substantive limb.²⁴ The application of Article 2 is argued in circumstances where the person whose right to life

18. *Id.* at ¶ 111.

19. *Id.* at ¶ 162.

20. *What Is the European Convention on Human Rights (ECHR)?*, AMNESTY INT'L (Aug. 17, 2023), <https://www.amnesty.org.uk/what-is-the-european-convention-on-human-rights#:~:text=The%20idea%20for%20the%20creation,promise%20of%20'never%20again'>.

21. *Id.*

22. *European Convention on Human Rights art. 1, 6, Nov. 4 1950, C.E.T.S. No. 005*, https://www.echr.coe.int/documents/d/echr/convention_ENG.

23. *Id.*

24. *Id.*

was allegedly breached did not die, as Article 2(1) is commonly applied to cases of wrongful death.²⁵ The European Court of Human Rights has stated, though, that in exceptional circumstances depending on the degree and nature of the injuries and the force used by the state and its agents, Article 2 may still be applicable even if the action did not result in death.²⁶ The ECHR applies this standard to relevant cases such as alleged violations of the CWC.²⁷

The CWC outlines the prohibition of the development, product, stockpiling, and use of chemical weapons and measures for their destruction by the states party to the CWC.²⁸ States party to this convention must take reasonable and necessary steps to enforce the articles within their jurisdictions.²⁹ Specifically, by becoming a party to the CWC, a state promises to disarm its jurisdiction of any chemical weapons by destroying all of them, including any stockpiles that could possibly be held in areas where they can be produced.³⁰ Further, a verification system is in place for certain toxic chemicals and their precursors to assess and ensure state parties only use them in a matter that goes against the articles, pursuant to Article 2 of the CWC.³¹ One important element the CWC imposes on the state parties is the “challenge inspection,” in which all state parties avail themselves to surprise inspections and have no right to refuse them.³² States party to the CWC are subject to the articles and provisions of this convention and the European Convention of Human Rights.³³

The OPCW upholds and implements the articles of the CWC³⁴ in order to achieve the organization’s goal of creating a chemical weapon-free world.³⁵ Pursuant to the articles of the CWC, the OPCW has various tools to uphold the convention and investigate various situations.³⁶ The OPCW’s Rapid Response and Assistance Mission is a team ready in case

25. *Guide on Article 2 of the European Convention on Human Rights*, European Court of Human Rights, 1, 6-7 (2022), https://www.echr.coe.int/documents/d/echr/Guide_Art_2_ENG.

26. *Id.*

27. To exclude completely the possibility of the use of chemical weapons, ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS, <https://www.opcw.org/our-work/preventing-re-emergence-chemical-weapons> (last visited Oct. 30, 2023).

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

of an attack that can be requested by a state party to deliver emergency assistance for a chemical attack.³⁷ The team includes a group of experts from the OPCW Technical Secretariat.³⁸ When a state party requests technical assistance from this team under Article 8 of the CWC, an investigation is conducted on the alleged conduct in another state party.³⁹ A team of experts from the OPCW is deployed to investigate the alleged chemical weapon-use and to collect samples and evidence.⁴⁰ A summary report with a conclusion is then provided to identify the guilty party and acquire justice.⁴¹

Legal accountability under Article 7 of the CWC, enforced by the OPCW, requires state parties to adopt laws that criminalize all conduct that the state parties are prohibited from engaging in.⁴² This includes individuals and corporations being prosecuted in national courts if they use chemical weapons.⁴³ Further, all state parties are to provide the necessary legal assistance to ensure legal accountability to the culpable party.⁴⁴

B. Case Law

In *Makaratzis v. Greece*, the court analyzed Article 2 of the European Convention of Human Rights in situations where a victim of an activity or conduct that put the person's life at risk, leading to life-threatening injuries that the victim ultimately survived.⁴⁵ The applicant in this case claimed that Article 2 §1 of the ECHR imposed a positive duty on states part of the convention to protect all human life.⁴⁶ National law must adhere and strictly control the power and circumstances in which a person's life can be deprived by agents of the state.⁴⁷ The applicant argued that among many shortcomings, the state failed to comply with Article 2

37. *Case of Mr. Alexei Navalny*, ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS, <https://www.opcw.org/media-centre/featured-topics/case-mr-alexei-navalny> (last visited Oct. 30, 2023).

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. Organisation for the Prohibition of Chemical Weapons, *supra* note 27.

43. *Id.*

44. *Id.*

45. *Makaratzis v. Greece*, App. No. 50385/99, ¶34 (Dec. 20, 2004), <https://hudoc.echr.coe.int/app/conversion/docx/?library=ECHR&id=001-67820&filename=CASE%20OF%20MAKARATZIS%20v.%20GREECE.docx&logEvent=False>.

46. *Id.*

47. *Id.*

§1 while carrying out an investigation into the potentially lethal use of force.⁴⁸ The state argued that Article 2 has no relevance in the case because the victim was still alive.⁴⁹ The ECHR held that the state did commit an Article 2 violation with the respondent state's obligation to protect the applicant's right to life by law.⁵⁰

Article 2 of the ECHR Convention requires member states to conduct an effective and diligent investigation into the alleged complaint(s). In the case of *Nicolae Virgiliu Tanase v. Romania*, the court stated that Article 2 is applicable in situations in which dangerous activities occurred that put the applicant's life at "real and imminent risk" or if the injuries were life-threatening.⁵¹ The procedural obligation for member states to carry out an official investigation is aided by domestic law, in which the rights afforded to a victim should be provided.⁵² The Convention requires that states put in place criminal law provisions into their domestic law to deter the suppression and punishment of alleged claims.⁵³

In *Lyapin v. Russia*, the court analyzed the procedural aspect of the pre-investigation inquiry required in a criminal complaint in Russia.⁵⁴ In this case, there was a criminal investigation into a complaint alleged by the applicant.⁵⁵ Police officers who could have provided information on the events were never questioned as witnesses or used to provide any such relevant information that would normally be required by a criminal investigation.⁵⁶ The pre-investigation inquiry was not able to establish the facts.⁵⁷ The appropriate procedures for a criminal investigation were not conducted in this case as an investigation was not properly followed and the domestic court upheld the investigative committee's decision to not

48. *Id.* at ¶ 36.

49. *Id.* at ¶ 38.

50. *Id.* at ¶ 95.

51. *Nicolae Virgiliu Tanase v. Romania*, App. No. 41720/13, ¶144 (June 25, 2019), file:///Users/vanessamorales/Downloads/CASE%20OF%20NICOLAE%20VIRGILIU%20T%20C%20NASE%20v.%20ROMANIA%20(1).pdf.

52. *Id.* at ¶ 74.

53. *Mustafa Tunç and Fecire Tunç v. Turkey*, App No. 24014/05, ¶ 171 (Apr. 14, 2015), https://www.echr.coe.int/web/echr/w/mustafa-tun%C3%A7-and-fecire-tun%C3%A7-v.-turkey-no.-24014/05-?p_1_back_url=https%3A%2F%2Fwww.echr.coe.int%2Fsearch.

54. *Lyapin v. Russia*, App. No. 46956/09, 1 (July 2014), file:///Users/vanessamorales/Downloads/002-9588.pdf.

55. *Id.*

56. *Id.*

57. *Id.*

open a criminal case, even though the relevant evidence and information was provided.⁵⁸

Similarly, in *Güzelyurtlu and Others v. Cyprus and Turkey*, regarding the investigation component required by Article 2, there was a dispute over certain evidence being handed over and provided to be able to conduct an appropriate investigation into the alleged crime.⁵⁹ With the governments of Cyprus and Turkey having not worked together to conduct this investigation, the applicants complained that the national authorities of both countries failed to cooperate and conduct an effective investigation as required by Article 2.⁶⁰ In this case, the court held that there was an Article 2 violation since the investigation failed to follow the proper procedural components.⁶¹ When there are multiple states involved in the situation, whether it be to provide evidence or conduct an investigation, both are required to cooperate and take reasonable steps to facilitate an effective investigation into the case.⁶²

III. COURTS DECISION

In the noted case, the ECHR relied on treaties and case precedent to support Article 2 of the European Convention of Human Rights to reach its holding.⁶³ The court held specifically that the complaints alleged by the applicant under Article 2 were admissible.⁶⁴ It further held that there had been a violation of Article 2 under the procedural limb of the Convention.⁶⁵ Because of the violation, the respondent state, Russia, is to pay the applicant €40,000 within three months of the final judgement (and interest will be added to that amount if there is no payment after the three-month period).⁶⁶ The other claims that the applicant alleged were dismissed.⁶⁷ Lastly, the court held that the Russia must take all the necessary measures to ensure that the present case is investigated and that

58. *Id.* at 2.

59. *Lack of Cooperation Between Cyprus and Turkey Resulted in an Ineffective Investigation in a Murder Case*, EUROPEAN COURT OF HUMAN RIGHTS, 1, (2017), file:///Users/vanessamorales/Downloads/Judgment%20Guzelyurtlu%20and%20Others%20v.%20Cyprus%20and%20Turkey%20-%20lack%20of%20cooperation%20in%20murder%20investigation.pdf.

60. *Id.*

61. *Id.*

62. *Id.*

63. *Navalnyy v. Russia*, App. No. 36418/20 at ¶ 173.

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

the procedural requirements of Article 2 of the Convention are complied with.⁶⁸

The ECHR found that it had jurisdiction over the applicant's case based on the violation of the ECHR Convention because the facts of the violation occurred before September 16, 2022.⁶⁹ Russia was no longer a party to the Convention after that.⁷⁰ Because the Convention applies, the question of the violation comes into play.⁷¹ The applicant alleged that the Russian government violated Article 2, which claims that every person has a right to life that is protected by law.⁷² Article 2 is applicable most commonly to cases of wrongful death by a state and its agents.⁷³ Although not as common, a violation of this Article is also applicable to cases in which the applicant survived after facing excessive, life-threatening injuries of an exceptional degree and nature.⁷⁴ Based on the facts presented, in which the chemical nerve agent that was discovered in the tests conducted on the applicant by the hospital in Germany and confirmed by labs and technicians certified by the OPCW, the ECHR required similar composition to belong to the Novichok group.⁷⁵

Further aggregating to the Convention's Article 2 violation is the procedural obligation for an investigation into the alleged claim by the member states.⁷⁶ In the noted case, the evidence presented led the court to conclude that Russia did not conduct a reasonable investigation.⁷⁷ Specifically, the domestic authorities of Russia failed to conduct a proper investigation into the state agents that were possibly involved in the applicant's poisoning.⁷⁸ As a public political figure, the applicant was under intense surveillance by security services.⁷⁹ Thus, the need to determine the possible involvement of state agents was important for a proper investigation.⁸⁰ The OPCW's confirmation of the Novichok chemical nerve agent that poisoned the applicant should have only further motivated the investigation into the state agents present during the time of

68. *Id.*

69. *Id.* at ¶ 91.

70. *Id.*

71. *Id.*

72. *Id.* at ¶ 92.

73. *Id.* at ¶ 162.

74. *Id.*

75. *Id.* at ¶¶ 15, 29.

76. European Convention on Human Rights, *supra* note 22.

77. *Navalnyy v. Russia*, App. No. 36418/20 at ¶ 150.

78. *Id.* at ¶ 156.

79. *Id.*

80. *Id.*

the incident.⁸¹ Further allegations were made by investigative journalists who published articles on the applicant and the incident, which, under Article 2, should have also been explored by the domestic authorities, even if they were found to be untrue.⁸² Because the state failed to conduct a proper criminal investigation required by the Convention Russia was party to, and also from domestic law, the court held that there was not only jurisdiction over the case, but that Article 2 of the European Human Rights Convention was violated.⁸³

The court similarly held in support for the applicant's argument based on previous relevant cases. First, *Makaratzis v. Greece* held that one does not need to die from a state's actions for the state to have committed an Article 2 violation of the Convention.⁸⁴ States have an obligation to protect an individual's right to life by law.⁸⁵ Thus, if the state violates that right, then there is an Article 2 violation.⁸⁶ Similarly, in the noted case, the Russian government had a right to protect the applicant's life and failed to do so when state agents used a chemical weapon banned by the CWC.⁸⁷

Second, *Nicolae Virgiliu Tanase v. Romania* affirms the *Makaratzis* decision because the court held that dangerous activities that put an applicant's life in imminent risk and life-threatening circumstances is a violation of Article 2 of the Convention.⁸⁸ This case also reinforces the procedural obligation that a state has to carry out a proper investigation in the alleged crime.⁸⁹ Specifically, in Russia, for criminal proceedings, the granting of "victim status" is crucial for criminal proceedings to be carried out.⁹⁰ As in the noted case, the applicants argued for the granting of victim status so an investigation could be carried out.⁹¹ The Convention requires member states to put criminal law provisions in place in their domestic law systems.⁹² This is crucial for the protection of individuals so that states do not suppress and punish alleged claims such as that of the applicant's in the noted case, where the Russian government attempted to suppress

81. *Id.*

82. *Id.* at 157.

83. *Id.* at 173.

84. *Makaratzis*, App. No. 50385/99 at ¶ 49.

85. *Id.* at ¶ 34.

86. *Id.* at ¶ 56.

87. *Navalnyy v. Russia*, App. No. 36418/20 at ¶ 1-2.

88. *Tanase*, App. No. 41720/13 at ¶ 144.

89. *Id.*; *Mustafa Tunç and Fecire Tunç v. Turkey*, App No. 24014/05 at ¶ 171.

90. *Navalnyy*, App. No. 36418/20 at ¶ 37.

91. *Id.* at ¶ 59.

92. *Tanase v. Romania*, App. No. 41720/13 at ¶ 74.

the many cases brought forth by the applicant and his representatives that were shut down by various Russian courts.⁹³

The procedural aspect is crucial for Article 2, as the ECHR in the noted case held that the State in violation against the applicant continues to have an obligation to carry out the adequate investigatory procedures imposed by its duty to the Convention.⁹⁴ This is affirmed in *Lyapin v. Russia* because the crimes were committed before Russia ceased to be a party to the Convention.⁹⁵

As Article 2 of the Convention requires states to conduct appropriate investigations, it also requires states to work together for an efficient investigation to be conducted.⁹⁶ In *Güzelyurtlu and Others v. Cyprus and Turkey*, there was a dispute over evidence being shared between Cyprus and Turkey; one country alleged the other did not provide them with the required evidence.⁹⁷ Similarly, Russia claimed that the OPCW failed to provide the technical assistance team and that a copy of the test results conducted by the OPCW and Germany was not provided.⁹⁸ Russia argued that this is what led to a failed investigation and that the Russian government did everything it could.⁹⁹ Article 2 requires that when there are multiple member states involved in the situation, all are required to cooperate and take reasonable steps to facilitate an effective investigation.¹⁰⁰ Thus, in *Güzelyurtlu*, there was an Article 2 violation, similar to the noted case.¹⁰¹

IV. ANALYSIS

This judgement aligns with precedent in upholding the “[r]ight to life” as is necessary under Article 2 of the European Court of Human Rights Convention and the CWC.¹⁰² Article 2 of the Convention emphasizes the importance of the state conducting an effective investigation into an alleged violation of the Article by the state, citing *Makaratzis* and *Tanase*, in which the court held the enforcement of the procedural obligations states party to the Convention have under Article

93. *Mustafa Tunç et al.*, App No. 24014/05 at ¶ 171.

94. *Lyapin v. Russia*, App. No. 46956/09 at 1.

95. *Navalnyy*, App. No. 36418/20 at ¶ 91.

96. European Court of Human Rights, *supra* note 59 at 1.

97. *Id.*

98. *Navalnyy*, App. No. 36418/20 at ¶ 154.

99. *Id.* at ¶ 124.

100. European Court of Human Rights, *supra* note 59, at 1.

101. *Id.*

102. *Navalnyy*, App. No. 36418/20 at ¶ 101.

2 to conduct said investigation and make reasonable efforts.¹⁰³ Also, following these two cases and the noted case's decision, is the case of *Lyapin*, in which a proper investigation was also not followed into a criminal investigation.¹⁰⁴ While Russia argues in the noted case that the applicant needed to have succumbed to his injuries and died for an Article 2 violation to be upheld by the court, case precedent shows that Article 2 also qualifies for victims who suffered life-threatening injuries and survived.¹⁰⁵ This sets a positive implication in the ECHR, as it prevents states like Russia from getting away with violations of the Convention just because the victim did not die from the injuries.¹⁰⁶

The noted case holds Russia responsible for violating the CWC while bringing justice to the applicant who suffered a right-to-life violation of the ECHR under Article 2.¹⁰⁷ By holding Russia accountable and awarding relief to the applicant, the ECHR's decision holds Russia to a standard that signals to other member countries party to the Convention that chemical weapons are banned, and state agents using them violate international law and will be held responsible.¹⁰⁸ Holding a state accountable for such actions holds a positive standard for victims such as the applicant, who diligently fought for justice in Russian courts yet was not provided with a rightful investigation and criminal proceeding into his poisoning.¹⁰⁹ The court's decision provides the justice desired by victims who suffered a life-threatening attack by a state agent.¹¹⁰

Further, the CWC is a treaty that outlines the prohibition of acts in use of chemical weapons.¹¹¹ Russia, as a member of the CWC, has a duty to enforce such articles under its jurisdiction.¹¹² Per the noted case's holding, Russia violated the CWC.¹¹³ By holding the state accountable, the court suggests that other member states will face consequences for violating the treaty.

103. Makaratzis v. Greece, App. No. 50385/99 at ¶ 36; *Tanase*, App. No. 41720/13 at ¶ 144.

104. Mustafa Tunç and Fecire Tunç v. Turkey, App No. 24014/05 at ¶ 171.

105. *Navalnyy*, App. No. 36418/20 at ¶ 162.

106. *Id.*

107. *Navalnyy*, App. No. 36418/20 at ¶ 1-2.

108. Dasha Litvinova and Emma Burrows, *Nerve Agents, Poison and Window Falls. Kremlin Foes Have Been Attacked or Killed Over the Years*, AP NEWS (Feb. 16, 2024 3:52 PM), <https://apnews.com/article/russia-kremlin-enemy-navalny-prigozhin-litvinenko-skripal-958c2ed6b8d60ecc4f64092fc1f9ceb5>.

109. *Id.* at ¶ 36.

110. *Id.*

111. Organisation for the Prohibition of Chemical Weapons, *supra* note 27.

112. *Id.*

113. *Navalnyy v. Russia*, App. No. 36418/20 at ¶ 1-2.

The court's holding in obligating Russia to pay the applicant monetary damages sets a positive example as Russia did deposit the amount owed to the applicant.¹¹⁴ While the applicant received his justice, Russia has a long history of poisonings, as it has long been a weapon of Russian security services.¹¹⁵ This modus operandi extends back to the Cold War. A Bulgarian dissident died after a KGB agent pricked him with an umbrella.¹¹⁶ A KGB defector almost died after drinking a cup of coffee laced with an unknown poison.¹¹⁷ Even since the start of Putin's reign, many poisonings have occurred.¹¹⁸ Viktor Yushchenko, a candidate who ran again a Kremlin-favored incumbent for the presidency of Ukraine, was poisoned and left disfigured.¹¹⁹ Another victim, an investigative journalist, fell suddenly ill in a similar manner to Navalnyy, survived, and was later shot dead.¹²⁰ Many similar circumstances of Russian state agents allegedly poisoning specific people follow.¹²¹ As Navalnyy wins his case in the ECHR, Russia's accountability is not to the extent in which, based on its history, it should be to set effective change and prevent future poisonings.¹²² Thus, the judgement by the ECHR may be a victory, but it does not set an example for other states to avoid violating the various conventions due to penalties imposed.¹²³

As Russia continues to face proven and unproven claims of poisoning individuals for various reasons, it ceased to be party of the European Convention of Human Rights on September 16, 2022.¹²⁴ This came shortly after its exclusion from the Council of Europe due to its actions in Ukraine.¹²⁵ While there was arguably a lack of accountability for Russia through these conventions, individuals now have an even smaller chance of acquiring justice from Russia as it will surely continue

114. Sarah Rainsford, *Russian Opposition Leader Alexei Navalny Wins European Human Rights Payout*, BBC (Feb. 2, 2017), <https://www.bbc.com/news/world-europe-38841716>.

115. Patrick Reevell, *Before Navalny, a Long History of Russia Poisonings*, ABC NEWS (Aug. 26, 2020), <https://abcnews.go.com/International/navalny-long-history-russian-poisonings/story?id=72579648>.

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.*

120. *Id.*

121. Organisation for the Prohibition of Chemical Weapons, *supra* note 27.

122. *Navalnyy v. Russia*, App. No. 36418/20 at ¶ 173.

123. *Navalnyy*, App. No. 36418/20.

124. *Russia Ceases to Be Party to the European Convention on Human Rights*, COUNCIL OF EUROPE (Sept. 16, 2022), <https://www.coe.int/en/web/portal/-/russia-ceases-to-be-party-to-the-european-convention-on-human-rights>.

125. *Id.*

to commit atrocities such as poisoning people that oppose or threaten the present government.¹²⁶ Further, Russia continues to commit other atrocities around the world—specifically in Ukraine.¹²⁷ Ceasing to be a part of these conventions and councils of Europe slims the room for accountability for the victims of the war Russia inflicts on innocent people. This sends out rippling implications as it signals to similar countries that they can commit such crimes and not be held to a standard of accountability.

V. CONCLUSION

With Russia's extensive history of poisoning individuals, the applicant's success at the ECHR and receiving a payment by the state is a success for justice. Conventions intended to hold states accountable have minimal result if states like Russia simply secede from them, as Russia did in September of 2022. Cases such as the noted case exemplify the strengths and weaknesses of international law and the importance of upholding them to the best of their ability in order to hold those accountable that would otherwise escape consequences for their crimes and human rights violations. As Russia continues to poison opponents, wage war in Ukraine, and create other disturbances, it is important to continue upholding these conventions while also revolutionizing and implementing new ways to bring justice.

Vanessa Morales*

126. Organisation for the Prohibition of Chemical Weapons, *supra* note 27

127. *Ukraine: Apparent War Crimes in Russia-Controlled Areas*, Human Rights Watch (Apr. 3, 2022, 1:00 AM), <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>.

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