



SECRETARIAT

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10 December 2020

## To the members of the Committee on Legal Affairs and Human Rights

### Synopsis of the meeting held by videoconference on 8 December 2020

The Committee on Legal Affairs and Human Rights, meeting by videoconference on 8 December 2020, with Mr Boriss Cilevičs (Latvia, SOC) in the Chair, as regards:

- **Judges in Poland and in the Republic of Moldova must remain independent** (*Rapporteur: Mr Andrea Orlando, Italy, SOC*): considered a draft report and adopted a draft resolution; noted the intention of Mr Arkadiusz Mularczyk (Poland, EC/DA) to table a dissenting opinion;
- **Restrictions on NGO activities in Council of Europe member States** (*Rapporteur: Ms Alexandra Louis, France, ALDE*): considered a draft report and adopted a draft resolution and a draft recommendation; agreed to the Rapporteur's proposal to seize the European Commission for Democracy through Law (Venice Commission) for an opinion on the compatibility with international human rights standards of a series of bills introduced to the Russian State Duma between 10 and 23 November 2020 to amend laws affecting so-called "foreign agents";
- **Emergence of lethal autonomous weapons systems (LAWS) and their necessary apprehension through European human rights law** (*Rapporteur: Mr Fabien Gouttefarde, France, ALDE*): postponed until the next meeting;
- **Poisoning of Alexei Navalny** (*Rapporteur: Mr Jacques Maire, France, ALDE*): considered an introductory memorandum; agreed to the Rapporteur's proposals to conduct a fact-finding visit to Germany, to organize a hearing with experts at a future meeting (both subject to the availability of funds), and to receive information from sources on condition of anonymity;
- **Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges** (*Rapporteur: Mr Pieter Omtzigt, the Netherlands, EPP/CD*): considered and declassified a [report on follow-up](#) to [Resolution 2293 \(2019\)](#) and adopted a [statement](#) on behalf of the committee;
- **Human rights violations in Belarus require an international investigation** (*Rapporteur: Ms Alexandra Louis, France ALDE*): agreed to the Rapporteur's proposal to seize the Venice Commission for opinion on the compatibility with European standards of the use of certain legal provisions to criminalise the opposition;
- **Appointment of rapporteurs**: appointed Mr Vladimir Vardanyan (Armenia, EPP/CD) by acclamation as General Rapporteur on the abolition of the death penalty, owing to the expiry of Mr Titus Corlățean's (Romania, SOC) final mandate on 13 December 2020, and heard from Mr Vardanyan a statement of no conflict of interest;
- **Celebrating the 70<sup>th</sup> anniversary of the Geneva conventions: the contribution of the Council of Europe to the increasing synergy between International Humanitarian Law and International Human Rights Law** (*Rapporteur: Lord Balfe, United Kingdom, NR*): considered an introductory memorandum and agreed to the Rapporteur's request to hold a hearing with experts at a future meeting (subject to the availability of funds);

- **Political prisoners in the Russian Federation** (*Rapporteur: Ms Thorhildur Sunna Ævarsdóttir, Iceland, SOC*) held a hearing with the participation of:
  - Ms Karinna Moskalenko, Director, International Protection Centre, Moscow, Russian Federation
  - Mr Sergey Davidis, head of the programme "Support of Political Prisoners", Memorial Human Rights Centre, Moscow, Russian Federation
  - Mr Tony Brace, Chair, Religious Freedom Subcommittee, The European Association of Jehovah's Witnesses, Chelmsford, UK;
  
- **Human rights violations in Belarus require an international investigation** (*Rapporteur: Ms Alexandra Louis, France, ALDE*): held a hearing with the participation of:
  - Professor Wolfgang Benedek (Austria), special rapporteur, OSCE Moscow Mechanism
  - Mr Valentin Stefanovich, Board Member, Human Rights Centre *Viasna*
  - Ms Sviatlana Tsikhanouskaya, Leader of Democratic Belarus
  - Mr Aleh Hulak, Chairman of the Belarusian Helsinki Committee, Minsk, Belarus;
  
- **Reported cases of Political Prisoners in Azerbaijan** (*Rapporteur: Ms Thorhildur Sunna Ævarsdóttir, Iceland*): noted the lack of reply to the Rapporteur's letter of 7 October 2020 addressed to the Chairperson of the delegation of Azerbaijan, Mr Seyidov, requesting information on the Azerbaijani authorities' implementation of [Resolution 2322 \(2020\)](#); asked its Chairperson to write to the head of the Azerbaijani delegation to the Assembly requesting that he reply to the Rapporteur's letter;
  
- **Addressing issues of criminal and civil liability in the context of climate change** (*Rapporteur: Mr Ziya Altunyaliz, Turkey, NR*): considered an introductory memorandum; agreed to the Rapporteur's requests to hold a hearing with up to three experts at a future meeting (subject to the availability of funds) and to send a questionnaire to national parliaments via the European Centre for Parliamentary Research and Documentation (ECPRD);
  
- **Hearings during the next meeting**: agreed to open the following hearings foreseen for the next meeting to the public, provided that the invited experts do not object:
  - Poisoning of Alexei Navalny (Rapporteur: Mr Jacques Maire, France, ALDE);*
  - Addressing issues of criminal and civil liability in the context of climate change (Rapporteur: Mr Ziya Altunyaliz, Turkey, NR);*
  - Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe (Rapporteur: Mr Pieter Omtzigt, the Netherlands, EPP/CD);*
  
- **Other business**
  - Letter from the Chairperson of the Committee on Rules and Procedure, Immunities and Institutional Affairs to the President of the Assembly (regarding the procedure followed by the Committee to adopt a declaration on the human rights situation in Belarus at its meeting on 9 September 2020): took note of the letter;
  - "Magnitsky case": took note of Mr Zingeris' invitation to members to sign a written declaration on this issue;
  - *Follow-up to Assembly Resolution 2297 (2019), "Shedding light on the murder of Boris Nemtsov" (Rapporteur: Emanuelis Zingeris, Lithuania, EPP/CD)*: took note of the rapporteur's intention to provide information on the existence of new evidence concerning the murder of Boris Nemtsov in writing to the Committee;
  
- **Next meetings**: noted a possible meeting foreseen during the week of 18 January 2021; noted that the secretariat would inform Committee members of the precise date and format of this meeting, and of the format of the meeting during the January part-session, as soon as possible;

*Plenary Committee:*

- week of 18 January 2021 (t.b.c.)
- during the Assembly's 1<sup>st</sup> part-session of 2021 (25-28 January 2021)
- 11 March 2021, t.b.c.
- during the Assembly's 2<sup>nd</sup> part-session of 2021 (19-23 April 2021)
- 10 May 2021, t.b.c.
- during the Assembly's 3<sup>rd</sup> part-session of 2021 (21-25 June 2021)
- 14 September 2021, t.b.c.
- during the Assembly's 4<sup>th</sup> part-session of 2021 (27 September - 1 October 2021)
- 5 November 2021, t.b.c.
- 7 December 2021, t.b.c.

Günter Schirmer, David Milner, Agnieszka Szklanna

cc: Secretary General of the Assembly  
Director and all staff of the Secretariat of the Assembly  
Secretaries of National Delegations and of Political Groups of the Assembly  
Secretaries of observer and partner for democracy delegations  
Secretary General of the Congress  
Secretary to the Committee of Ministers  
Directors General  
Director of the Private Office of the Secretary General of the Council of Europe  
Director of the Office of the Commissioner for Human Rights  
Director of Communication  
Permanent Representations to the Council of Europe