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Information on the Russian Federation for the 134-136th sessions of the UN Human Rights Committee

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In 2022, the coalition of Russian society organizations prepared three alternative reports on the state of human rights in Russia for the sessions of the UN Human Rights Committee. The first report was submitted in January 2022, second report was submitted in May and third — in August. Overall, 12 organizations participated in drafting of these reports. The reports cover human rights violations existed before the start of the armed conflict in Ukraine on February 24, as well as internal repressions in the context of anti-war movement.

Due to the failure of the Russian delegation to attend firstly the 134th session and then 135th session, the Committee postponed the review of Russia twice. In this regard, the Committee called for the updates of the reports provided by civil society in January 2022. Thus, Russian human rights defenders prepared three alternative reports instead of one, as is usually the case. Each subsequent report complements the previous one and provides the updated data and additional information.

INFORMATION ON THE RUSSIAN FEDERATION FOR THE 134TH SESSION OF THE UN HUMAN RIGHTS COMMITTEE

Introduction

This report is submitted to the UN Human Rights Committee («Committee») by a coalition of civil society organizations in the Russian Federation in response to the Committee's call for information regarding its 134th session. This report is presented in the form of responses to the paragraphs of the Committee's List of issues (hereinafter «LOI») in relation to the eighth periodic report of the Russian Federation.

The following organizations contributed to this report:

OVD-Info, a leading Russian human rights project on freedom of assembly and political persecution.

Human Rights Center «Memorial», a Russian NGO that focuses on protecting human rights, especially in conflict zones in and around modern Russia since 1992.

SOVA Center for Information and Analysis was founded in 2002 and is focused on xenophobia, nationalism, freedom of religion and anti-extremism law and policies in Russia.

HR NGO Citizens' Watch, a human rights NGO initiated in 1992 by a group of Russian human rights activists, lawyers, journalists, and deputies to the Russian Parliament and the St. Petersburg City Council. The goals were to assist in establishing parliamentary and civic control over police, security service, and armed forces and help prevent violations of constitutional rights by these governmental agencies.

Russia Behind Bars Foundation (Charitable Foundation for Assistance to Convicted Persons and Their Families), a non-governmental organization established in 2011. It offers legal, humanitarian and psychological assistance to victims of human rights violations in the Russian criminal justice and penitentiary system.

Public Verdict Foundation was founded in 2004 with the mission to nurture zero-tolerance to any forms of illegal violence and introduce civil oversight as the key instrument to achieve that goal. To manifest this role, PVF provides legal assistance to victims of power abuse and civil activists, offers them psychological rehabilitation to reintegrate into society, considers information support to cases as part of the defense strategy, has a professional research and analytical division, which puts the foundation into a unique position qualified to draw proposals for systemic changes.

Charitable Foundation «Sphere», a human rights organization which conducts advocacy programs and supports smaller initiatives to bring about systemic changes for the Russian LGBTQ community.

Mass Media Defence Centre, a Voronezh-based media freedom NGO, promoting freedom of expression since 1996. MMDC is providing legal assistance and court defense on domestic and international levels to Russian media, journalists, bloggers. MMDC was designated as a foreign agent NGO in 2015, challenging this decision of Russian authorities in the European Court of Human rights.

Hate speech and racial profiling — Paragraph 5 of the LOI

Hate speech

- The Russian Federation announced the existence in the Criminal Code (hereinafter «CC») of an article on incitement to hatred and the reform of this article carried out in 2018.
- Indeed, Article 282 of the CC, as well as Article 20.3.1 of the Code of Administrative Offenses (hereinafter «CAO»), which has been in force since 2019, have been used to counter incitement to hatred and, more broadly, hate speech. At the same time, the use of Article 282 of the CC went down significantly (11 guilty verdicts in the first half of 2021, **according** to the Supreme Court), but the use of Article 20.3.1 of the CAO has been rapidly expanding (461 decisions over the first half of 2021, according to the same data).
- **According** to the data collected by SOVA Center, the number of people convicted of violent hate crimes also increased dramatically in 2021 — we know of 33 convicted offenders compared to less than ten in 2019 and 2020. We welcome this trend.
- However, it should be noted that some of those punished under Article 20.3.1 of the CAO faced responsibility not for inciting racial, ethnic, religious and similar hatred, but for their hostile statements against officials, the police, etc. who were legally treated as protected social groups. The government officials and other similar groups should not be regarded as legitimately in need of protection against public manifestations of hostility unless these manifestations **are associated** with calls for violence. We know of at least fifteen such decisions in January–September 2021 alone.

Racial profiling

- The Committee once again expressed concern (CCPR/C/RUS/CO/7, para. 9) «about reports of racial profiling by law enforcement officers targeting Roma, persons originating from the Caucasus, Central Asia and Africa, who appear to be disproportionately affected by frequent identity checks, confiscation of identity documents, extortion of bribes, harassment, arrests, detentions, physical violence and verbal abuse.»
- Russian police **practice** racial profiling. Officially, it is disguised as «preventive measures» against violations of migration legislation. In practice, police officers stop and check identity papers of persons relying solely on their «Asian appearance». Statements of human rights activists and court practice **evidence** this. Alexander Kim is a human rights activist who records how the Moscow police check people based on their «Asian appearance» and **publishes** video recordings of such checks.

- Monitoring of court practice shows that racial profiling is not limited to Moscow police. We identified at least 53 published court decisions (see Annex 1) taken in 20 regions during 2016–2021 proving the existence of racial profiling in Russia. All of these decisions are taken under part 1, Article 19.3 of the CAO on non-compliance with the lawful order of a police officer. In these decisions, police officers were patrolling streets or implementing operations like «illegal migrant», spotted a person of «Asian» or «Caucasian» appearance, approached them, asked for identity papers and verification of the legality of their stay in Russia. The only reason for these checks is «Asian appearance». The information on the nationality of the defendants is usually deleted, at least some of the defendants come from Kyrgyzstan, Tajikistan, Uzbekistan and Dagestan. Women are less likely to be stopped on the street: 48 defendants are men and only 5 are women. The most popular punishment for this offense is administrative arrest (applied in 29 decisions), 20 persons were fined, and in 4 cases, the proceedings were canceled owing to a lack of evidence. The average arrest length is six days; the average fine amount is 1 000 RUB (13 USD).

Racial profiling and artificial intelligence

- Since 2011, facial recognition technology **has been used** in Moscow. It **was used** to fine people for violation of lockdown during the COVID-19 pandemic, **to arrest** wanted people and **to persecute** participants in public assemblies. There **are** plans to expand its application to other regions. Human rights defenders **attempted** to challenge the legality of using this system in courts. The use of this technology shows that prior to introducing it, Russia did not assess its impact and potential to lead to misidentification as a result of unrepresentative data sets, did not introduce any independent oversight over its use. The lack of safeguards is likely to result in using facial recognition technology in racial profiling.
- Moreover, Russia plans to introduce algorithmic profiling systems. The Strategy of the development of the penitentiary system until 2030 plans to use such systems to control released persons and people who **are** under measures of constraint not related to the deprivation of liberty. There is little hope that the system's design will be transparent, its use will be monitored and assessed independently, therefore, the algorithmic profiling systems are likely to reproduce racial bias.

Questions to the Russian Federation:

- In reply to the issues raised in paragraph 5 of the LOI, Russia referred to Article 282 of the CC intended to combat racial profiling. We ask Russia to provide judicial practice, where police officials were held responsible for racial profiling under Article 282.
- We ask Russia to provide information on what safeguards, guidelines, training exist to avoid racial profiling during the implementation of such police operations as «illegal migrant».
- We ask Russia to provide information on what safeguards are adopted to ensure that the use of facial recognition technology in law enforcement will not lead to misidentification. Which steps are taken to ensure that the design, deployment and implementation of artificial intelligence tools in the law enforcement comply with Articles 2, 9, 12, 17 and 26 of the ICCPR?
- When will Russia regularly report hate crimes and related court sentences?
- When will Russia ensure that the authorities do not feature in cases on incitement to hatred (Article 20.3.1 of the CAO and Article 282 of the CC) as social groups in need of protection from hate?

LGBTQ rights — Paragraph 6 of the LOI

LGBTQ persecution in the North Caucasus

- The first wave of mass abduction, detention and torture of LGBTQ in Chechnya by law enforcement based on sexual identity broke out in 2017. Since then, Russian human rights defenders have assisted more than 170 people to find sanctuary away from the North Caucasus.
- Most of the Chechen survivors did not have a chance to report the ordeals: the Russian investigative system identifies Chechen investigators responsible for examining crimes that happen in Chechnya. Police intimidate survivors and report zero complaints from LGBTQ to the Federal authorities.
- In 2020, Salman Mukaev filed a report to the Investigative Committee, where he stated that police officers tortured and beat him up, forcing Salman to collaborate. The task was to trap and blackmail homosexuals in the region. Once Salman escaped Chechnya, he was declared wanted upon the fabricated case.
- Law enforcement officers typically use fake convictions to prevent leaks, which shed light on facts of LGBTQ persecution, and to speculate on survivors' rights and freedoms. Two other LGBTQ survivors — Saleh and Ismail Magomadov (both kidnapped and tortured by Chechen police) — face fake charges for affiliation with an armed group as a result of brothers' attempt to escape from illegal persecution.
- The Investigative Committee received reports on abduction and torture, filed by the victims, and the reports on facts of extrajudicial killing filed on behalf of the witness of the crime but failed to investigate the matter. Perpetrators continue haunting down LGBTQ from the North Caucasus and NGOs, which provide help to them.

- Chechen police kidnapped Ibragim Selimkhanov from a Moscow shelter, drove him to Chechnya, and interrogated the group that assisted him. Selimkhanov reported the abduction and filed a complaint against the police, which refused to open the case. This evoked nothing but Chechen police to break into his parents' apartment in Grozny, threaten them and demand to disclose Ibragim's location.
- We continue receiving reports from Caucasian lesbian and bisexual women (25 hits in 2021), who ask to help them hide from oppression that comes out from their families. Women complain about honor killing threats and violence that they face when someone learns about their sexual identity. Chechen society dictates that suspicion-based allegations are enough to judge the woman and stigmatize her family as disgraceful. Obeying to social demands, their relatives lock down, abuse and subject queer women to conversion therapies.

Violence and access to justice

- Russian authorities do not record statistics on violence against LGBTQ, nor do they prioritize training police or other public institutions and servants focusing on LGBTQ specificity. The lack of a systemic approach to combat sexual orientation-based discrimination decreases the efficiency potential of any legislation. By contrast, the LGBTQ agenda has conventionally been taken as opposing national values and promoted as one. Russian media portray LGBTQ characters in a degrading manner and mock trends on tolerance. Public authorities **express** solidarity with such mockery.
- Hate gives rise to violence. According to the Russian LGBT Network **statistics**, the hate crime rate against LGBTQ has remained the same since 2014 (16%–20%). Only 40% of the victims approach the police, half of the reports are rejected instantly or during the preliminary check.
- In 2021, a homosexual person was attacked in the city center. The assault was premeditated. The survivor documented traumas and reported the case to the police. Two weeks later, he learned that the case was not initiated and that the investigation was not carried out. He appealed to a prosecutor, who neither established violations.
- A bisexual woman recounted how a passerby aimed a gun at her after asking about her identity. She filed a complaint with a court regarding police failure to act on her part.
- There are no attempts to influence the situation with violence against LGBTQ on the national level as authorities do not monitor and identify it as a tangible problem.

Discrimination of LGBTQ

- Commenting on the issue of LGBTQ discrimination, the Russian Government emphasized the law banning homosexual propaganda as a means to ensure children's intellectual, moral and psychological safety. LGBTQ initiatives perform to create a safe space for community members and advocate for equal access to rights and freedoms for all regardless of sexual identity. These activities do not pursue harm, though NGOs, activists speaking out in support of diversity and zero discrimination face persecution under this law, as well as other community members often become discriminated against in labor, education, housing, etc.
- Maxim Drozhzhin was not allowed to take classes in the University folk choir because of his homosexuality. He applied to the University's ethics committee, but the administration rejected his complaint and forwarded it to the police. University leadership neither took any measures nor stated a clear position on zero tolerance to discrimination.
- Heterosexual cis-gender and queer groups eventually enjoy different access to fundamental rights due to this law, as it draws a line between these groups, giving preference to one of them. This policy brings its aftermath — it encourages social division, incites perpetrators to blackmail LGBTQ, speculating on their secondary role, and affects the proliferation of hatred and violence. Youth is among those who suffer from bullying based on distorted perceptions of LGBTQ. The vulnerability of LGBTQ youth rises as the law limits service providers to support them in crises.

- The law banning so-called homosexual propaganda should be repealed, as it fights against the very concept of equality and significantly affects the lives of LGBTQ, including youth. Its content is misleading, as it states that a core threat comes from LGBTQ people rather than helps protect children.
- Yulia Tsvetkova's case has been under consideration for three years. On January 18, 2022, the court designated the Center for Sociocultural Research to conduct another examination on her drawings for pornography — the same experts who conducted a survey, which built the grounds for Center Memorial shutdown.
- Following the quote given by Russia to the Committee, which reads that by defining marriage as the union between a man and a woman, Russia preserves and develops the human race, we identify an ambition of state interest prevailing over human rights and testify to a serious gap in understanding of human rights in the family. Within the Parliament's hearing and discussion of means to impact the demographic situation in the country, Russian authorities suggested introducing a draft law that would enhance liability for homosexual propaganda.

LGBTQ right to peaceful assembly

- During the COVID-era, authorities continue inflicting disproportionate bans on LGBTQ events, police carry out raids at LGBTQ parties, shut film festivals, one-person marches and performances referring to the sanitary law even when related regulations are followed properly.
- In Rostov, police broke into the club, forced visitors to face the wall with their hands up, abused and interrogated 200 people, asking if they knew that the party was LGBTQ-focused. Law enforcement named lockdown restrictions as an official reason for the raid.
- Law enforcement officers put pressure and threaten those involved in LGBTQ event organizing. Unofficial bans make it impossible to appeal against later. Despite the efforts to comply with all relevant rules and regulations, authorities find reasons to prevent LGBTQ gatherings.
- In August 2021, a sports event organized by the LGBTQ group in Nizhny Novgorod was canceled after police identified the venue rented to provide space for festival workshops, sports game competitions and workouts.

Counter-extremism — Paragraphs 14 and 18 of the LOI

Counter-extremism

- Russia did not revise the Federal Law on Combating Extremist Activity in 2020–21 to clarify its wording. The regulations regarding the Federal List of Extremist Materials also have not changed.
- However, on December 30, 2021, a law was signed that expands the list of reasons for extrajudicial blocking of access to websites on the Internet. This list has previously drawn criticism since it included, among other items, information about public events held without permits from local authorities and even hyperlinks to such information. Now extrajudicial blocking of a website is also possible for «substantiating or justifying extremism» (not defined anywhere in the legislation), for the presence of materials from organizations banned as extremist, or even for hyperlinks to such materials.
- Positive changes (not mentioned in the answers provided by Russia) include:
 - change in Article 282.1 of the CC that covers calls for separatism, by analogy with the changes made earlier with Article 282 of the CC (as stated in Russia's responses);
 - decreasing number of annually banned «extremist materials» in the last few years.

- However, significant negative changes were made to Article 354.1 of the CC («Justification of Nazism»). The amendment, signed in April 2021, strengthened criminal liability for publishing on the Internet the information covered under Article 354.1 of the CC and introduced criminal penalties for «insulting the memory» of veterans and slander against them. The amendments increase the likelihood of the already poorly formulated Article 354.1 of the CC being used to impose unjustified restrictions on freedom of speech since it now includes a notion of «abasement of honor and dignity» — the concept used by Article 5.61 of the CAO that allows for a broad interpretation — as well as the vague term «insult against the memory.»
- The negative law enforcement trends noted in our 2020 submission have persisted. Of particular concern is the increase in the number of offenders convicted under the CC and the CAO articles that cover public statements qualified as extremist or terrorist, or similar to these.
- A number of people convicted under the CC articles (based on the Supreme Court data, principal charge only):

Article	Brief description of the offense	2019	2020	The first half of 2021
205.2	Incitement to terrorism or justification of terrorism	103	147	77
280	Incitement to extremism	117	147	110
280.1	Incitement to separatism	2	3	0
282	Incitement of hatred	19	12	11
148 (part.1 and 2)	Insulting the feelings of believers	2	1	8
354.1	Justifying Nazism, slandering the USSR, insulting veterans, etc	1	8	6
TOTAL		244	318	212

- A number of people convicted under the articles of the CAO (based on the Supreme Court data):

Article	Brief description of the offense	2019	2020	The first half of 2021
20.3	Demonstration of Nazi and extremist symbols	2388	2279	1704
20.3.1	Incitement of hatred (if first time)	383	757	461
20.29	Mass distribution of prohibited materials	1591	1826	764
TOTAL		4362	4862	2929

- This trend of increasingly severe sanctions for speech, especially in 2021, cannot be sufficiently explained by the radicalization of any political and ideological movements.
- We cannot confidently judge what percentage of these court decisions should be considered a clearly inappropriate restriction of freedom of speech since our information is incomplete, but, based on the available data and the SOVA Center estimates, their share at least doubled in 2020–2021 compared to 2018–2019.
- Answering questions on Articles 148 and 354.1 of the CC, the Government (answers, paragraphs 82–86 and 87–89) provides statistical data for prior years and several examples. However, as shown in the table above, the use of these articles has sharply increased, specifically in 2020–2021.
- Even some of the examples the Russian Federation indicates in its answers demonstrate the obvious triviality of the misconduct that triggered the criminal prosecution (for example, paragraph 84). The number of clearly minor misdemeanors inappropriately qualified as criminal offenses under these two articles **increased** dramatically in 2020–2021.
- The answers provided by the Government regarding the ban against Jehovah’s Witnesses (paragraphs 107–112) are unsatisfactory. Objections against Jehovah’s Witnesses, such as their ban on blood transfusions, door-to-door preaching, soliciting money and so on, have nothing to do with anti-extremism legislation, while the total ban on all Jehovah’s Witnesses organizations in 2017 was based on this legislation exclusively. The decision was essentially based on the fact that many Jehovah’s Witnesses publications had been banned for asserting their religious superiority (which is part of the legal definition of extremist activity) running contrary to Article 18 of the ICCPR.

- Verdicts against Jehovah's Witnesses for continuing the activities of their banned organizations (Article 282.2) and for «financial support for the activities of an extremist organization» (Article 282.3) are rapidly growing in number. SOVA Center has information on 18 convicted Jehovah's Witnesses in 2019, 46 in 2020, and 110 in 2021. Their terms of imprisonment could be as long as eight years. By the end of 2021, 14 people were serving prison sentences in penal colonies, 14 others were under arrest pending appeal or transfer to a colony, and additional 51 persons were under arrest awaiting trial. In total, about 600 believers were or remain under investigation.
- In October 2021, the Supreme Court ruled that actions of former members of banned religious associations «not related to continuing or resuming the activities of an extremist organization but solely in exercise of their right to freedom of conscience and freedom of religion, including through individual or joint religious worship, conducting services or other religious rites and ceremonies» do not, in and of themselves, constitute a crime. In November–December 2021, one Jehovah's Witness was acquitted (for the first time), but 20 people were found guilty in the same time period.
- Muslims also continue to face sanctions for participating in the inappropriately banned religious associations Nurcular (i.e., people who read books by Said Nursi) and Tablighi Jamaat.

Questions to the Russian Federation:

- Does Russia plan to narrow and clarify the definition of extremism so that this concept refers only to actions in some way related to the use of violence? Is Russia going to clarify the vague language of Article 354.1 of the CC?
- What steps are contemplated to prevent criminal prosecution for public speech that does not constitute any substantial threat to society even if it can be interpreted under Articles 148, 205.2, 280, 282, 354.1 of the CC?
- Will Russia stop banning books and other information materials as extremist?
- Does Russia plan to initiate the revision of the courts' decisions to ban the Jehovah's Witnesses' organizations due to the lack of evidence of their adherents practicing incitement to hatred or calls to extremism since the ban came into force?

Regulation of speech — Paragraph 15 of the LOI

- We note that the practice of applying so-called «fake news» legislation allows authorities to arbitrarily restrict the rights of citizens to freedom of expression and access to information.
- The procedure for extrajudicial blocking at the request of the General Prosecutor's Office is non-transparent and does not involve verification of data for reliability with the participation of the disseminator of information. The website owner and authors of the content cannot provide evidence of the accuracy of the information at the stage of resolving the issue of blocking. The ECtHR critically assessed the extrajudicial blocking procedure as violating Russia's international obligations, but so far, the legislation in this area has not been changed.
- Fake news laws were used not only to address misinformation, which could harm public order, but also to silence investigative journalism. When it comes to investigative journalism, media outlets do not have the right to disclose the confidentiality of their sources. As a result, the Prosecutor General's Office has repeatedly recognized socially significant journalistic investigations as fakes (for example, Novaya Gazeta was forced to repeatedly remove its publications in 2020–2021 under the threat of blocking the entire website).

- After the introduction of punishment for the dissemination of fake news, such legislation has been actively implemented. In March–June 2020, 10 times more administrative cases were initiated than in the previous year (157 cases). 1.4 million RUB (18 039 USD) in fines were collected. During the first two months of the operation of Article 207.1 of the CC (April–May 2020), criminal cases were opened under it «more often than every two days, including weekends and holidays». Activists, politicians and journalists became defendants in criminal cases. In 2020, according to the data provided by the Supreme Court, five people were convicted for disseminating misinformation about the pandemic, including journalist Alexander Pichugin from Nizhny Novgorod, whose case was included in the One Free Press Coalition’s list of the most significant cases against freedom of speech in November 2020 of the year. This provision on criminal liability for fakes has become a convenient tool for reprisals against public critics of the authorities during the pandemic.
- It should also be noted that not only media editorial offices and journalists are punished under this legislation, but also ordinary citizens who publish public interest content on social media, including medical professionals (especially about problems related to the COVID-19 pandemic).
- All of the above makes it possible to argue that the «fake news legislation» became a tool of censorship, as did the legislation on «disrespect for the authorities». This regulation, adopted in March 2019, introduced amendments to the CAO and 149-FZ, including a new Article 15.1.1. In the current case law, harsh statements regarding the actions of the police or the decisions of judges are considered «disrespect to authorities». The violation of this rule involves content blocking and administrative punishment.

- Every state provides legal protection for individual reputations against targeted and unjustified attacks. Russia already has a legal rule for this, in Article 5.61 of the CAO, a breach of which leads to a small fine. However, the restrictions enshrined in the disrespect for authority law are the harshest and broadest of all Russian restrictions relating to criticism. They are based on vague notions, such as «blatant disrespect for human dignity and public morals», protect a range of institutions related to state power and attributes in general, and provide the authorities with an easy, extrajudicial means to block access to content. Moreover, although the president is not explicitly listed in this law, criticism expressed online towards President Putin was a subject of 78% of administrative cases under this provision.
- Despite the statement of Russia that «the guarantee of the rights of site owners is the procedure for unblocking the Internet page provided for by law... after the removal of prohibited information (paragraph 95 in the replies of Russia to LOI), we observe a non-compliance with this guarantee. Thus, the Prosecutor General's Office and Russian Media Regulator (hereinafter „Roskomnadzor“, „RKN“) do not always accurately indicate the content recognized as illegal (the blocking of the OVD-Info website in 2021). In some cases, it is possible to find out the exact reason for the blocking only after going to court. All this time, the site remains blocked, which violates the rights of its owner. In many cases, even in court, the authorities do not disclose the specific publication that caused the blocking, making it impossible for the site owner to remove it.
- The ECtHR issued several rulings, establishing a violation of international standards by Russian legislation on blocking. As of January 2022, Kasparov.ru, Grani.ru and EJ.ru, as many other online resources, **remain** inaccessible, despite the ECtHR decision.

- As of August 2021, the list of prohibited websites counted 487,883 websites **blocked** by state authorities on various grounds. In 2018, 426,000 disruptions of web resources **were registered**, which were caused by attempts of the Russian authorities to restrict Telegram Messenger by blocking the IP addresses of the major cloud service providers. In 2021, many independent media, including investigative journalism projects, were blocked with no prior court decision. On July 15, 2021, the Russian Prosecutor General's Office had declared the publisher of the Proekt investigative media, the American-registered company Project Media, Inc. „undesirable“. On July 28, 2021, the Roskomnadzor **blocked** 49 websites of nearly every project linked to jailed opposition leader Alexey Navalny and his associates. On July 30, 2021, Dossier Center, an independent investigative outlet funded by exiled Kremlin opponent Mikhail Khodorkovsky, **was also blocked**. On August 4, 2021, the websites of MBKh Media, Open Media, and Open Rights were blocked. All three outlets announced they would shutter after the RKN said the orders came from the prosecutor's office. RKN **stated** that the outlets also belong to Khodorkovsky's media network.

- So-called „sovereign Runet“ legislation made it possible in recent years for the state to block at its discretion a number of foreign services and resources (for example, VPN services, the social network LinkedIn) or **slow down** their work (Twitter). In February 2021, Roskomnadzor slowed down Twitter, accusing the US social media company of failing to remove 3,000 posts relating to suicide, drugs and pornography. That was the first massive application of the sovereign internet law. On May 17, 2021, Roskomnadzor stated that Twitter complied with RKN demands by deleting 91 percent of „prohibited content“. Therefore, RKN partly lifted restrictions **keeping** throttling the social network’s traffic only on mobile devices, not on PCs.
- Requirements to transfer servers to the territory of Russia, to install Russian software and open legal entities in Russia raise concerns about maintaining the confidentiality of user information and freedom of expression. Many services **have already been fined** millions of rubles for non-compliance with the requirements of the law. The Government’s harsh policy of controlling content on the Internet, putting pressure on IT companies (social networks), blocking resources and holding citizens accountable for speaking online causes self-censorship and entails massive violations of citizens’ rights to freedom of expression and freedom to disseminate information.

Peaceful assembly — Paragraph 19 of the LOI

- The right to peaceful assembly is proclaimed but not respected, protected or fulfilled. Due to coronavirus restrictions, assemblies are banned in many regions. Even solitary demonstrations are banned in Moscow and Saint Petersburg, while all other types of mass events and state-organized assemblies are allowed. Additionally, since the state has wide discretion and a final say in changing the time and venue, or canceling a notified assembly altogether without consulting the organizers, the notification regime *de facto* requires state approval of assemblies. Finally, contrary to the general measures following from [Lashmankin and Others v. Russia](#) and indicated in [Popova v. Russia](#), spontaneous assemblies still do not have legal recognition and, therefore, protection.
- The state shows no tolerance to peaceful, including non-disruptive, assemblies and their participants. The state refers to their illegality as grounds sufficient for a violent dispersal, even if prior notification would have served no purpose (such as with pickets of two people or several solitary pickets held at different times). The state's assertion that penalties are only applicable if the national law is violated should be rejected since the law itself and its enforcement practice are not compliant with Article 21 of the ICCPR.
- The European Court of Human Rights (hereinafter «ECtHR») has found violations of the right to peaceful assembly on account of the authorities' failure to ensure the peaceful conduct of the assembly at Bolotnaya Square. It established that the unrest in the Bolotnaya square case was provoked by the police interference with the assembly, which **did not lose** its peaceful character and protection under the right to freedom of assembly. The state is exaggerating the extent of the riots: despite the fact that a single Molotov cocktail **was thrown** (no charges were eventually brought under this head), sporadic acts of violence do not justify a disproportionate response.

- For instance, Yaroslav Belousov **received** a 27 months prison sentence: 9 months for throwing a lemon at the police and partly concurrent 21 months for attending an authorized public assembly and chanting anti-government slogans. The ECtHR established a violation of the right to peaceful assembly in his case and those of **other participants** (Nepomnyashchikh, Barabanov, Polikhovich, and others).
- Despite their attempts to stop the violence that erupted after a violent dispersal by the national guard, leaders of the March 27, 2019, rally in Magas were baselessly convicted for organizing the use of violence against officials, organizing and participating in an extremist community, creating a public association inducing individuals to commit unlawful acts. They received from 7,5 to 9 years imprisonment. Memorial Human Rights Center **considers** them political prisoners.
- Similarly, the authorities regarded a spontaneous unnotified assembly on July 27, 2019, as illegal, although the organizers were time-barred from such notification, and that the authorities were aware of it beforehand. The authorities cracked down on participants with unmotivated violence. Although sporadic violent acts took place in response, they were a reaction to cruel beatings by the riot police that qualify as torture. The punishments for participants were disproportionate. Kirill Zhukov received a 2,5-year prison term for trying to lift an officer's face shield; others were convicted for pulling officers that were repeatedly beating participants lying on the ground with police batons. No charges of mass riots held up in court.
- The Government rejected the notification to hold an August 3, 2019 rally and **detained** more than 1,000 peaceful participants.

- In a similar vein, the authorities **detained** more than 17,600 people for mere participation in January 23, 31 and February 2, 2021 rallies. More than 170 criminal cases **were opened** in connection with these rallies.
- Contrary to the Government's assertion, most often, it is the police who pressure participants in assemblies, obstruct and disrupt the events. Challenging law enforcement actions is ineffective. For instance, the police restrained Konstantin Konovalov, who was jogging alone near the planned venue of the upcoming July 27, 2019 rally. The police broke his leg after he had already been immobilized, which was captured on photo, and denied him medical assistance. The Investigative Committee refused even to consider his complaint, let alone investigate the police actions; the courts **upheld** the inaction. Konovalov was prosecuted for allegedly participating in the rally based on falsified police statements.
- On August 10, 2019, a masked police officer punched Darya Sosnovskaya, detained for participation in a walk-around in the chest. The law enforcement refused to investigate, and courts **upheld** the decisions. The police are allowed to use excessive and unnecessary force towards protesters with impunity.
- The Government's response regarding heavy financial fines and administrative detention solely for participation in protests is misleading. They refer to Article 5.38 of the CAO, while protesters are generally prosecuted under Articles 19.3 (disobeying police orders), 20.2 (violation of assembly rules), 20.2.2 (mass presence), as well as for violating coronavirus rules banning any, including solitary, assemblies.

- According to the latest judicial data, only in the first half of 2021, 14 069 people were prosecuted under Article 20.2 of the CAO. 11 426 fines totaled 148 860 629 RUB (1 919 878 USD), 642 compulsory labor orders and 1994 administrative arrests **were imposed**. According to the judgments published on the Moscow courts' website, the average arrest duration is about ten days (the share of arrests in Moscow is 21%). Further 2 198 people were prosecuted for organizing or participating in a mass presence, including 488 arrests. The following figures by the Supreme Court's Judicial Department illustrate the main trends in the application of Article 20.2 of the CAO:

Year	Guilty judgements	Average fine	Share of arrests
2017	3 849	12 946	4%
2018	3 412	17 247	13%
2019	4 045	16 218	6%
2020	2 454	16 260	9%
the first half of 2021	14 069	13 028	14%

- Among many others, Matvey Aleksandrov **was fined** 300 000 RUB (3 869 USD) for staging a June 5, 2020, solitary picket, and Sergei Mitrokhin for being present at the January 23, 2021 rally **based on** facial recognition. A fine in the same amount **was imposed** on Ksenia Fadeeva for ordering leaflets with a link to a website with information about the upcoming April 21, 2021 assembly, and on Natalia Petrimova for posting an Instagram story **announcing** the January 31, 2021 assembly.
- Sergei Stepanov **received** a 30-day arrest solely for participating in a 50-person picket, **Evgenii Goncharov** and **Andrei Us** for solitary pickets on the Red Square, **Irina Norman** for posting the date and place of an upcoming rally. Dozens of 30-day arrests have been imposed in recent years for the similar peaceful exercise of assembly rights.
- Another trend is the use of civil actions brought against alleged «organizers» of rallies for police overtime, loss of income or damages by state or private enterprises. For instance, Bogdan Litvin and Denis Mikhailov **were ordered** to pay 7,3 million RUB (94 151 USD) for grass and flowers stomped on by protesters. Lubov Sobol and Georgy Alburov 4,6 million RUB (59 328 USD) **for police overtime in just one of a dozen lawsuits**. Such actions as posting calls to join an assembly online (Artem Yaumbayev) or leading the march and shouting «Forward!» (Oleg Shamburov) qualify as «organizing» an assembly.

Additional issues

- Facial recognition technologies have been used to find and prosecute participants in peaceful assemblies. Their use is arbitrary and not based on law.
- The authorities and state-controlled media are marginalizing and discrediting assemblies and protest. In particular, the state's Strategy on Countering Extremism defines as the most dangerous manifestations of extremism «... uncoordinated public assemblies (including protest actions), mass riots; terror acts».
- Assembly laws and other laws applicable to assemblies do not meet the «quality of law» requirements and are applied unpredictably.

Questions to the Russian Federation:

- The Government refers to the fact that prosecution of peaceful protesters is based on the law. The ICCPR requires an assessment of proportionality in each case. Is proportionality assessed on a case-by-case basis in concrete, not abstract terms?
- Is the total ban on public events, including solo demonstrations, necessary in a democratic society, considering the fact that other mass gatherings, such as sports events, were allowed? Does it indicate an abuse of power that the authorities exempted their own political events from the ban?

Freedom of association — Paragraph 20 of the LOI

Foreign Agents

NGOs

- As of January 31, 2022, the register of non-profit organizations (hereinafter «NGOs») operating as a foreign agent contained 73 organizations (219 organizations **have been** in the register during the whole period of the **law's existence**). 99 NGOs were forced to self-dissolve or reorganize after being recognized as such. The Ministry of Justice of Russia removed 46 NGOs from the list due to the lack (or discontinuation) of foreign funding and other formal grounds. Not a single organization was able to challenge the status of a foreign agent in court on substantial grounds.
- The legislation on «foreign agents» **was amended** several times during the last two years, introducing new discriminative restrictions on the freedom of association. The definition of «foreign funding» was expanded to include receiving funding from Russian citizens and legal entities receiving foreign funding or acting as intermediaries in obtaining such funds. The definition of «political activity» was expanded as well, covering almost all spheres of public life. Furthermore, in practice, even for-profit organizations may be considered foreign agents, as **happened** with «Utopia».
- Since 2020, NGOs — «foreign agents» may not be providers of public benefit services. Since 2021, such organizations must inform the Ministry of Justice in advance about planned programs and events and report upon completion. The Ministry of Justice can decide to ban a program or event. In case of non-execution of the decision, the Ministry of Justice may demand the organization's dissolution.

- Once every six months, NGOs with a foreign agent status submit a report on their activities, the governing bodies' composition, and the list of employees. Quarterly they submit documents on the purposes of spending money and using other property, including those received from foreign sources. Annually they provide an auditor's report. Moreover, founders, members, participants and leaders of such NGOs should indicate their status in their publications and documents to state and municipal authorities.
- For non-compliance with «foreign agent» obligations, organizations and their employees are subject to administrative and criminal liability. According to the statistics of the Supreme Court, in 2017–2021, the courts of the first instance considered 229 cases against NGOs for non-inclusion in the register or violation of labeling rules and issued 158 indictments, **imposing** fines in the total amount of 36 245 500 RUB (467 617 USD). The average fine increased from 190 000 RUB (2 452 USD) in 2017 to 350 000 RUB (4 518 USD) in 2021. The insignificant number of fines were challenged and overturned, but mostly on procedural grounds.
- Violation of «foreign agents» regulation can lead to the forceful dissolution of an NGO. On December 28, 2021, the Supreme Court **dissolved** the «International Memorial». The next day the Moscow City Court dissolved the «Human Rights Center Memorial». The courts motivated these decisions by the fact that the organizations violated labeling rules. In 2020, the Ministry of Justice attempted to dissolve «Man and Law» **due to** a violation of labeling rules and other formal requirements. In 2019, «For Human Rights» **was dissolved** for the same reasons.

- «Anti-Corruption Foundation» not only remained in the **registry of foreign agents**, but was also recognized as an **extremist organization**. Several criminal cases **were initiated** against participants of the organization.

Public associations

- Since 2021, public associations not registered as legal entities **may also be recognized** as foreign agents. For instance, in September 2021, OVD-Info was recognized as such due to its human rights activities and cooperation with international organizations, **including** the Council of Europe.
- Reporting and labeling requirements for them **are** similar to those established for NGOs. Such foreign agents are also subject to administrative and criminal liability. As of January 31, 2022, the register of «foreign agent» public associations **contained** six associations. No association has ever been excluded from this registry.
- Another way of restricting the rights of associations was the blocking of their websites, including the websites of **OVD-Info** and «**Team 29**». OVD-Info's website was blocked due to a claim by the prosecutors that information published about prosecution for participation in assemblies and the legal analysis of the restrictions through the prism of international **human rights standards** confirms that the project **is aimed** at extremism and terrorism propaganda. The court also ruled to remove the project's accounts from social networks. Meanwhile, on December 30, 2021, an act that allows blocking information «containing the justification of extremist and terrorist activities» without court hearings **entered** into force.

Individuals

- As of January 31, 2022, the registry of foreign agents media **contained** 75 persons (and 40 organizations), including human rights lawyers and activists. No one has ever been excluded from this registry. Reporting and labeling requirements are similar to those established for NGOs. Such persons are obliged to create a legal entity, which should be included in the registry. They **are** also subject to administrative and criminal liability.
- Furthermore, individuals engaged in political activities or collecting information in the military field **may be classified** as foreign agents regardless of their citizenship. Similar reporting and labeling requirements apply to them as well. Such persons **cannot hold** a position in state bodies and local self-government bodies. They **are** subject to administrative and criminal liability. Notwithstanding that the registry of «foreign agent» individuals is currently empty, the example of the media registry shows that it is temporary.
- **Dissemination of information** about such persons, «foreign agent» media (including individuals), public associations and NGOs in the media and the Internet without indicating their status entails administrative liability. In 2021, 920 protocols of administrative offenses **were drawn up** for the lack of labeling. Most protocols were brought against Radio Free Europe/Radio Liberty, and a few against «foreign agent media» individuals.
- In 2021, two new concepts **were introduced** into the electoral legislation: «a candidate who is an individual operating as a foreign agent» and «a candidate affiliated with a foreign agent». Additionally, NGOs and public associations operating as foreign agents and legal entities **included** in the registry of foreign agents media are prohibited from campaigning for or against the nomination of candidates or otherwise participating in election campaigns and referendums.

Undesirable organizations

- 1** As of January 31, 2022, the registry of undesirable foreign organizations and international NGOs **consisted** of 49 organizations. From 2021, foreign organizations and international NGOs campaigning for or against the nomination of candidates or otherwise participating in election campaigns and referendums **may be recognized** as undesirable. Moreover, organizations **may be recognized** as such if they provide intermediary services by carrying out transactions with funds or other property belonging to undesirable organizations. Russian citizens **are prohibited** from participating in the activities of such organizations even outside of Russia. Penalties for violating the law on undesirable organizations **have been expanded** and toughened.
- 2** In 2019–2021, the courts of about 20 constituent entities of Russia considered dozens of cases under Article 20.33 of the CAO, a vast majority of them **related** to the «Open Russia». The Moscow Magistrates Courts' database lists 378 **cases** under Article 20.33 throughout the application of this provision. Additionally, in 2019–2021, 8 criminal cases were initiated against activists of the «Open Russia», three guilty verdicts **were delivered**, including against Anastasia Shevchenko. Moreover, «Team 29» had to self-dissolve under pain of criminal liability, as authorities **associated** it with «Společnost Svobody Informace».
- 3** Consequently, despite **public demand** to repeal or revise the relevant laws to comply with Russia's human rights obligations, these legal acts were amended only to introduce more intrusive and discriminatory measures against associations and individuals.

Questions to the Russian Federation:

- Will the law on foreign agents be amended to ensure that the definition of political activity does not cover the references to international human rights procedures?
- Considering the significant role of the ECtHR in the promotion and protection of human rights and its cooperation with UN mechanisms, as well as the similarity of guarantees to the freedom of association provided by the ECHR and the ICCPR, we are concerned about Russia's hesitation to comply with interim measures issued by the ECtHR under Rule 39 in relation to Human Rights Center Memorial. We request information on when and how exactly Russia will comply with these interim measures.
- The obligation of NGOs foreign agents to inform the Ministry of Justice about all their programs and events in advance threatened with dissolution violates Article 22 of the ICCPR. Excessive reporting and labeling requirements for associations and related individuals operating as foreign agents, under penalty of administrative or criminal liability and possible dissolution (for associations) for failure to comply with these formal requirements are not consistent with Article 22 of the ICCPR. Will Russia repeal or amend the relevant provisions to comply with its obligations under the ICCPR? If yes, when and how exactly.

COVID-19 measures in detention facilities — Paragraph 25 of the LOI

Measures taken to prevent the spread of COVID-19 among those who are in detention facilities

- The Russian Federation reports «comprehensive preventive and curative measures» to address the spread of COVID-19 in institutions of the penal system (paragraph 201 of Russia's replies to the LOI). However, such measures fall far short of the recommendations issued by the World Health Organization, and the COVID-19 pandemic is often used by authorities to limit prisoners' rights. The most problematic aspects of these measures will be discussed in further detail below.

Inaccessibility of personal protective equipment to people in prisons and other places of detention

- Official statements by the authorities about the availability of personal protective equipment, products for hygienic hand disinfection, and the use of air disinfection systems often do not correspond to reality. In practice, according to the reports of prisoners and their relatives collected by the Russia Behind Bars Foundation, the means of disinfection and personal protection are available only to the staff of penal institutions, while prisoners do not have access to them. As for the air disinfection devices, they are only available at the expense of relatives or prisoners themselves.

Lack of reliable morbidity, mortality and vaccination data

- The Federal Penal Service (hereinafter «FPS») does not maintain or publish information on confirmed cases of COVID-19 and deaths among prisoners and staff, as well as vaccination rates. For instance, there are still no up-to-date and reliable data on the number of cases, recoveries and deaths from COVID-19 in detention settings:
 - on June 25, 2020, it **was reported** that 766 prisoners had been diagnosed with COVID-19; 292 of them recovered; no deaths among prisoners had been registered;
 - on October 1, 2020, it **was reported** that 1465 prisoners had been diagnosed with COVID-19; 1,369 of them recovered; 1 person died at the age of 64;
 - on March 12, 2021, it **was reported** that «fewer than 4,000» prisoners (suspects, defendants, convicted persons) were infected with coronavirus in 2020.
- Concerning vaccination, regional FPS departments provide statistics, which in fact is very irregular and non-uniform, for example:
 - **Sverdlovsk region** as of January 11, 2022, — 95% of employees and contract workers, 73% of inmates;
 - **Novosibirsk region** as of January 27, 2022, — 14,209 people in total;
 - **Volgograd region** as of August 10, 2021, — 2,500 convicts and 2,900 prison officers.
- Such unsystematic and sporadic data do not allow for the tracking of morbidity trends and drawing conclusions about the effectiveness of measures taken by the state to combat coronavirus infection in detention settings.

Violations of the right to respect for private and family life

- During outbreaks of COVID-19, in certain places of detention, temporary bans on family visits have been introduced. The key problem is that a visit that is supposed to happen when restrictions are in place is not postponed but is canceled instead. Prisoners need to wait several months for the next visit, which also may not happen due to newly imposed restrictions. As a result, many prisoners have not seen their families since the beginning of the pandemic.
- In addition, many relatives encounter problems getting into prisons that are not officially quarantined. In the absence of any legal grounds, some administrations of penal facilities impose arbitrary local restrictions. For example, in addition to a negative PCR test, they require relatives to provide other medical documents (information on vaccination, a certificate on absence of contact with infectious diseases, chest X-ray results, information on immunity to COVID-19, etc.). As a result, visiting a prisoner, especially if they are sent to remote regions, is virtually impossible due to the complexity and cost of obtaining all the documents in the required time, as well as their limited validity.
- Some institutions of the FPS offer video calls as an alternative to visits, but they cannot be considered a proper substitute. The cost of the special ZonaTelecom card is 300 RUB (4 USD), and 7 rubles **are charged** per minute. With salaries of 200–300 rubles per month, video communication is inaccessible to a large number of prisoners. At the same time, the communication itself takes place via a small screen no bigger than a postal envelope, which also **cannot replace** a family visit.

Violations of the right to legal aid

- Since the beginning of the pandemic, almost everywhere, confidential communication and the transfer of documents between lawyers and their clients **is breached**, as consultations with lawyers take place in rooms for short-term family visits. Other people may be present in such rooms, and the administration taps the communication.
- The Russian Ministry of Justice has drafted amendments to the Penal Code, **introducing** the concept of a «special conditions regime». The amendments propose, *inter alia*, that prison administrations be allowed to ban visits by persons providing legal assistance (lawyers, representatives in the proceedings before the ECtHR, and notaries). The Ministry of Justice is currently finalizing the draft law.

Questions to the Russian Federation:

- How does the Government ensure that administrations of prisons and other places of detention do not arbitrarily and unlawfully interfere with the family life of prisoners according to Article 17 § 1 of the ICCPR?
- How does the Government ensure the administrations of prisons and other places of detention do not arbitrarily and unlawfully interfere with the right to legal assistance according to Article 14 § 3 (d) of the ICCPR?

INFORMATION ON THE RUSSIAN FEDERATION FOR THE 135TH SESSION OF THE UN HUMAN RIGHTS COMMITTEE

Introduction

This report is submitted to the UN Human Rights Committee («Committee») as a follow-up to the alternative report by a coalition of civil society organizations in the Russian

Federation in response to the Committee's call for information regarding its 135th session. This report is presented in the form of responses to the paragraphs of the Committee's List of issues (hereinafter «LOI») in relation to the eighth periodic report of the Russian Federation and focuses on the rapid developments on the human rights issues in the context of ongoing war in Ukraine.

The following organizations contributed to this report:

OVD-Info, a leading Russian human rights project on freedom of assembly and political persecution.

Mass Media Defence Centre, a Voronezh-based media freedom NGO, promoting freedom of expression since 1996. MMDC is providing legal assistance and court defense on domestic and international levels to Russian media, journalists, bloggers. MMDC was designated as a foreign agent NGO in 2015, challenging this decision of Russian authorities in the European Court of Human rights.

SOVA Center for Information and Analysis was founded in 2002 and is focused on xenophobia, nationalism, freedom of religion and anti-extremism law and policies in Russia.

Regulation of speech — Paragraphs 15 and 16 of the LOI

Censorship and blocking of independent media in the context of armed conflict in Ukraine

- Since 2012, the Russian authorities have been creating and developing a legislative framework for the possibility of unlimited blocking — 84 amendments have been made to the law «On Information» over the past two years. At the same time, state regulators (media and digital watchdog Roskomnadzor and other state bodies) ordered and financed the development of technologies for automated control over the dissemination of information on the Internet. Finally, the mechanisms of blockings — judicial and extrajudicial; the blocking of individual pages, entire sites or domains; with the ability to unlock, «slow down» and completely separate domains, etc, were developed. After February 24, 2022, most of these tools have become fully operational. Most of the information resources were blocked immediately and out of court on the basis of Article 15.3 of the Law «On Information».
- From February 24 to May 5, **according** to the independent media outlet Roskomsvoboda, more than 3,000 sites were subjected to «military censorship» (this statistics does not include blocking for other reasons, therefore, this is already much more than in the same four months of 2021). State information policy still formally refers to legislation, but the range of laws adopted in recent years makes it possible to block almost any page, site or media outlet.
- On February 24, Roskomnadzor **informed** the media that they should only use official information about the armed conflict in Ukraine and demanded that the media delete any publications where the words «war» or «invasion» are used instead of «a military operation», and reports on shelling cities or claiming Russian personnel losses, otherwise threatening to block and fine them (up to ~78 200 USD). Moreover, the agency claimed that the blocking by foreign countries of Russian propagandist media is an act of censorship; and promised similar countermeasures.

- On February 26, Roskomnadzor **published** the news about the increasing cases of dissemination of «false information» with a threat to restrict access to the materials of several media outlets, as well as «Wikipedia» — for the article «Russia’s Invasion of Ukraine». According to the agency, these resources «under the guise of reliable messages posted socially significant false information about the shelling of Ukrainian cities and the death of civilians in Ukraine as a result of the actions of the Russian Army, as well as materials in which the ongoing operation is called an attack, an invasion, or a declaration of war.»
- On February 28, «Current Time», «Crimea. Realii», student magazine «Doxa», «The New Times» were blocked for «false socially significant information about the Russian servicemen allegedly killed and captured on the territory of Ukraine during a special military operation carried out by the Armed Forces of the Russian Federation.» On the same day, Roskomnadzor **demand**ed from the administration of TikTok Pte. Ltd. «exclude any military or political content from recommendations for minors.»

- On March 1, the websites of two media outlets **were blocked**, which soon ceased their activities: Echo of Moscow and TV Rain. The reason was «the targeted and systematic publication of deliberately false information about the actions of the Russian military as part of a special operation to protect the DPR and LPR.» On March 2, the editorial office of TV Rain ceased its activities, and on March 2, the board of directors of Echo decided to liquidate the radio and the website, deleting their social media accounts. Frequency «Echo of Moscow» was **transmitted** for broadcasting to the state **channel Sputnik**. TV Rain is the only independent TV outlet in Russia, which produces daily broadcasts watched by thousands. Their YouTube channel boasted 2 billion views, their final video was watched 1.3 mln times. The Echo of Moscow is the oldest independent radio station, continuously operating since 1990.
- Euronews TV channel was also taken off the air. The next day, a state channel «Russia 24» was launched on their frequency, and starting on April 7, a new TV channel began **broadcasting** there. It was the channel «Solovyov.Live» by journalist Vladimir Solovyov, who was included in the EU sanctions lists for supporting Russia's military aggression against Ukraine.
- From March 1 to March 6, with various justifications («calls for extremism», «inaccurate socially significant information», etc.), all the major independent news outlets were blocked. Overall, since February 24, at least:
 - 181 media outlets were blocked;
 - 21 had stopped or paused their work;
 - 11 decided to completely stop writing about the war.

- At the same time, only on May 20, at a court hearing regarding the Meduza's blocking, Roskomnadzor **showed** a request from the Prosecutor General's Office dated February 24, on the basis of which the decision to block was made. It lists eight publications from Russia, Kazakhstan, Georgia, Armenia and Estonia, which, according to the department, contain «information that does not correspond to reality», namely, «materials about Russia's alleged attack on the territory of Ukraine.»
- The document does not mention Meduza's publications at all. At the same time, the document says: «In the case of reproduction of similar materials on other Internet resources, I also demand that access to them be restricted.» Such information, according to the prosecutor's office, «forms panic among people, creates the prerequisites for a mass violation of public order and public safety.» Previously, the Prosecutor General's Office refused to show this document, saying that it «contains information, the disclosure of which may entail a violation of the rights of third parties.»
- The blockings also affected major media and social platforms. On February 25, the Prosecutor General's Office, in agreement with the Foreign Ministry, **recognized** the Meta company as «involved in the violation of fundamental human rights and freedoms, as well as the rights and freedoms of Russian citizens» and throttled their traffic. On March 4, the Facebook network **was blocked** in Russia, on March 14, Instagram, and on March 21, Meta was **recognized** as extremist. On March 1, Roskomnadzor began to slow down Twitter, and on March 4 it **blocked** the social network. On March 6, the Zello application **was blocked** after «a demand to stop sending messages to users that contain false information about the course of a special operation of the Armed Forces of the Russian Federation on the territory of Ukraine.»

- In addition to Russian and foreign media, the websites of human rights organizations (Voice, For Human Rights movement and Amnesty International), as well as individual pages of anti-war activists (Mikhail Khodorkovsky, Ilya Yashin, fan groups of political scientist Ekaterina Shulman and others) were blocked.
- The State Duma also **submitted** — and already adopted in the first reading — amendments to the laws on information. After coming into force, the Prosecutor General's Office will have the right to close down Russian media outlets without judicial intervention and to initiate a ban on the work of foreign media outlets in Russia. The initiators of the bill called these measures «mirror», referring to the blockings of official Russian media on foreign sites (Youtube, Facebook, etc.)
- According to the bill, the Prosecutor General's Office will be able to invalidate the registration of any media outlet if it:
 - disseminates «fake news» or information that «offends human dignity and public morality»;
 - «expresses clear disrespect for society, the state, the official state symbols of the Russian Federation, the Constitution, state authorities»;
 - disseminates information containing «calls for participation in unauthorized public events» or for the imposition of sanctions;
 - contain propaganda, substantiation or justification of «extremist activity».
- In this case, the activities of the media will be prohibited, and employees will lose their accreditation.

- Moreover, this bill provides for extrajudicial blocking of sites containing «false information distributed under the guise of reliable messages» about the use of the armed forces, the activities of government agencies abroad, their discrediting or calls for sanctions. After the adoption of the new amendments, the Prosecutor General's Office when finding «repeated dissemination of such information, » will have the right to send a request to Roskomnadzor to immediately block the site, as well as resources «confusingly similar to it.»
- Thus, the blockings complement the wide crackdown of the media and freedom of expression sphere in Russia. The majority of significant non-state outlets are now closed and there is no way to predict if they will be back to work. The essence of journalism is being prosecuted. On March 5, Important Stories and OCCRP were added to the list of undesirable organizations. This entails a complete ban on their activities in Russia (including a ban on all their published materials) and criminal liability for people who cooperate with them.

- The new restrictive practices also target journalists. Apart from being detained during the peaceful protests — we know about at least 101 such cases since February 24 — they get direct threats for speaking against the war, and now they are the main targets of new laws. For example, «Kommersant» veteran foreign policy correspondent Yelena Chernenko **was expelled** from the Russian Foreign Ministry’s pool of journalists. Irina Dolinina, Important Stories journalist, and a cameraman **were roughly detained** and forced to leave the city while filming a report about residents of the Rostov region and refugees from the LDNR. Plus, at least 10 criminal cases under the new article on «fakes» about the Russian army are initiated against journalists. At least two of them are against the editors of regional media outlets who published anti-war articles: **Mikhail Afanasyev** and **Sergei Mikhailov**. Sergei Mikhailov’s newspaper «Listok» was also fined 5200 USD for discrediting Russian armed forces after such publications.
- Thus, the blockings, censorship and restrictions against journalists have risen to an unprecedented level and will most certainly only intensify.

Administrative prosecution for expression of anti-war positions

- In a week after the start of the war, new articles of the Criminal Code and the Code of Administrative Offences were adopted and came into force all in one day. Article 20.3.3 of the CAO makes public discrediting the use of the military, including calls against its use punishable with up to 520 USD and 5 200 USD for natural and legal persons, respectively. The article was further amended to cover the activities of other state bodies abroad. Calls for «unsanctioned» anti-war rallies are punishable with fines twice that. Given that the aims of an anti-war rally are considered «illegal» under this legislation, in practice it covers any calls for anti-war rallies.
- More than 2100 cases were brought under Article 20.3.3 of the CAO as of 26 May 2022, according to the court data. At least 1386 punishments were imposed. In 715 cases where the amount is known, fines total 420 324 USD. In addition, people are often separately charged for breaking assembly rules by mere participation, leading to a duplicate punishment imposed in violation of the *non bis in idem* principle.
- In practice, the law is interpreted broadly and in an unpredictable manner, outlawing any expression of anti-war sentiments. People were found guilty of displaying signs or elements of clothings with phrases such as «No to war», «Peace», «Fascism will not pass», «***» (a censored slogan «Нет войне» — no to war); taking part in anti-war rallies or their «silent support»; displaying Ukrainian flags or green ribbons; posting photos, comments or even liking anti-war posts on social media; sharing information about the death of civilians, destruction of civilian objects and claims of war crimes committed in Ukraine by the Russian army; expressing opposition to war in conversations; opposing the state-promoted pro-war symbols (such as «Z» used on military vehicles).

- 47% of cases with a published court decision were initiated for participation in a public event, such as an assembly or a solo demonstration. 26% were brought for social media posts (including posts expressing an opinion, comments, memes, photos and profile photos) either calling for peace, criticising the war, reporting facts denied by the authorities (regarding the existence of civilian deaths or military personnel losses), questioning the motives of the war.
- Courts motivated their decisions by «analogous anti-war calls published on the Internet», charged people for spreading false information about the very existence of the war (as opposing to «special military operation»), used official denials of facts by the Ministry of Defence as proof (for instance, claims that photos of victims of Mariupol maternity ward bombing are fake), referred to Article 20 of the Covenant in their decisions to impose punishments on people opposing the war, considered anti-war calls as illegal incitement of breaking a military oath. Even a banner reading «Freedom, truth, peace» was interpreted as a negative statement towards the military and the Supreme Commander-in-Chief (president Putin) leading to a punishment being imposed.
- In one case, the court went as far as to find a person guilty of «spreading false information about the existence of administrative and criminal prosecution for disapproval of the actions of the military» (for showing a sign reading «Freedom to political prisoners») and for «misleading people to believe they can express their opinion in a similar way» (for a phrase «I am expressing my personal opinion»).
- Newly introduced Article 20.3.4 of the CAO bans calls for political or economic sanctions to be imposed on Russia, its companies or citizens under the threat of a 520 USD fine. At least 4 such cases have been brought so far.

Criminal prosecution for expression of anti-war positions

- In March, along with new administrative offences, several Criminal Code articles were also introduced — and already amended.
- Repeat offence under the Article 20.3.3 of the CAO is now punishable with up to 5 years imprisonment under Article 280.3 of the Criminal Code. Punishment varies from a fine of 1 600 USD to imprisonment for up to three years. If these actions caused death by negligence and/or harm to the health of citizens, property, mass violations of public order and/or public safety, or interfered with the functioning of life support facilities, transport or social infrastructure, credit institutions, energy, industry or communications facilities, the maximum penalty increases up to a fine of 1 million rubles or imprisonment for up to five years. There is information about at least four criminal cases under this article.
- Repeat offence under the Article 20.3.4 is now also a punishable criminal offence under Article 284.2 of the Criminal Code. The maximum penalty for this crime is imprisonment for up to three years (with or without a fine).
- Another newly introduced criminal offence is public dissemination of deliberately false information about the use of the Russian armed forces or government authorities' activities outside Russia — article 207.3 of the Criminal Code. The punishment varies from a fine of 11 000 USD to imprisonment for three years and under aggravating circumstances up to five years. For the same acts that have entailed aggravating consequences, a penalty of up to 15 years in prison may be imposed.

- There are currently at least 52 criminal cases initiated under Article 207.3, and the vast majority of them were initiated also after anti-war comments and posts on social media, verbal disagreement with the war or distributing leaflets. Identical actions have been prosecuted under the administrative provision on discreditation (Article 20.3.3 of the CAO), making it impossible to predict whether such an action may lead to administrative or criminal prosecution.

- For example, authors of the similar posts on the social network about the shelling of civilians by the Russian military were prosecuted in some cases under Article 20.3.3 and in other cases — under Article 207.3. The same situation happened with cases on:
 - distributing anti-war leaflets — Alexander Tarapon made anti-war leaflets, scattered them in mailboxes and pasted them along the streets of the city, at public transport stops, and now faces criminal prosecution. In at least 30 other cases where the defendants distributed similar leaflets, they were convicted under Article 20.3.3 of the CAO.
 - putting anti-war leaflets in grocery stores — Sasha Skochilenko and Vladimir Zavyalov placed anti-war leaflets instead of price tags in grocery stores and now are in custody facing criminal charges. Other instances of the same actions are prosecuted only under Article 20.3.3 of the CAO.
 - criticising «Z» sign — Isabella Yevloyeva is under criminal prosecution after writing on a Telegram channel that the Z sign used by supporters of the Russian «special operation» in Ukraine is «synonymous with aggression, death, pain and shameless manipulation.» Authors of the posts comparing the Z sign with nazi symbols or approving of destroyed property with this sign were prosecuted under administrative provision.
 - sharing the articles of independent media outlets — Andrei Novashov was charged with a post where he shares an article by Novaya Gazeta journalist Victoria Ivleva about bomb shelters in Kyiv. Authors of posts with links to a report by Novaya Gazeta journalist Yelena Kostyuchenko about the destroyed city of Mykolaiv, or to the post on Garry Kasparov's blog critiquing the military actions, have been prosecuted under administrative provisions instead.

- Moreover, the total number of criminal cases related to anti-war protests is now exceeding 150. The cases were initiated under various grounds: for example, at least 9 were initiated against people who took part in anti-war rallies. All of them are prosecuted under the provision on the use of violence against a representative of the authorities (Article 318 of the Criminal Code provides for punishment, depending on the part from a fine of up to 3 100 USD to imprisonment for up to 10 years).
- These cases also include another example of arbitrariness of choice between administrative and criminal articles are the criminal cases on «vandalism» — Article 214 of Criminal Code. There are currently 23 criminal cases under this provision and the main reasons for prosecutions are anti-war graffiti or defacement of patriotic banners (for example, installations with the letter «Z»). The same actions are being prosecuted also under the Article 20.3.3 of CAO.
- Another instance of a case related to the protests is the case against the «Vesna» movement. After the anti-war protests on May 9 were announced, police started to come with searches to their organizers and other civil society activists. On May 7, police came to the houses of two coordinators of the protest movement «Vesna», Bogdan Litvin and Valentin Horoshenin, in Saint-Petersburg. Valentin was arrested, along with his colleague Evgeny Zateev, and their whereabouts were unknown for more than 10 hours, and then they were found in the Investigative Committee of Moscow, where they were forcibly moved.

- On the night of May 9, journalist of «Skat» media outlet Angelina Roshchupko, human rights defender Timofey Vaskin, Anti-Corruption Foundation ex-employee Ivan Drobotov had their apartments searched and were later detained. The search was also conducted at the home of activist Daria Pak, who is abroad. All of them are now being charged under the same case with creation of a non-profit organization that infringes on the personality and rights of citizens (Part 3 of Article 239 of the Criminal Code).
- There is also a wave of criminal cases, at first glance unrelated to anti-war activism but used to target anti-war activists and civil society actors directly. One of the provisions used for this is Article 207 of the Criminal Code — deliberately false report of a terrorist attack. Possible punishment is up to ten years in prison, depending on the part of the article.
- At least 16 people in Saint-Petersburg were accused under this article. The authorities claim the accused had sent various threats that a bomb was planted in the governmental buildings. Moreover, the cases under this provision are accompanied with the apartments' searches. At least 60 instances of such searches in several different cities have happened since March. The searches are usually carried out before announced major protest actions (e.g. on March 5, May 7-9) and, along with threats of criminal prosecution, are used as additional pressure on anti-war activists.

- Overall, the number of initiated criminal cases is increasing almost daily, making the number of anti-war related cases the most rapidly growing group of related criminal cases in Russia. The number is expected to continue growing. Given the arbitrariness of the law enforcement and the repressive legislation, this creates a dangerous instance of severe punishments for any anti-war actions and statements.
- Moreover, authorities are seemingly eager to further criminalize any actions that counter theirs. For instance, on May 25, a new draft law introducing criminal prosecution for «public calls for action against the security of Russia», as well as for «confidential cooperation with special services of foreign states» **was submitted** to the State Duma.
- Deputies are proposing to introduce Article 275.1 into the Criminal Code titled «Confidential cooperation with special services of foreign states», the punishment for which will include imprisonment for up to eight years or a fine up to 17 000 USD. The following actions are proposed to be criminalized: cooperation with foreign special services, international or foreign organizations acting «in the interests of the special service of foreign states», as well as foreign PMCs and private intelligence companies. Due to the vague wording of the article, such «cooperation» can be found even in cooperation of a journalist from Russia with a community of journalists from other countries to write a joint investigation or participation of a scientist in a project supervised by foreign funds.

- Another article 280.4 of the Criminal Code, which the authors of the bill propose to introduce, should introduce liability for calls for «actions against security» and «obstruction of the authorities and their officials from exercising their powers to ensure security» in Russia — the maximum punishment for it can be up to seven years of imprisonment. The first two parts of this article involve the same actions directed towards this goal, but without the use of violence.
- The authors of the bill also propose to expand the concept of «espionage» (Article 276 of Criminal Code) to transfer, collect, steal information that can be used against the army and state bodies of Russia «in the context of an armed conflict, hostilities or other actions using weapons and military equipment». This is a very ambiguous wording — what kind of information can be used against the Russian army and in what context is not yet clear.

Counter-extremism — Paragraphs 14 and 18 of the LOI

- The number of persons prosecuted for «crimes of extremist nature», excluding violent crimes, almost doubled in 2021 compared to 2020. See updated tables:
- The number of people convicted under the Criminal Code articles (based on the Supreme Court data, principal charge only):

Article of CC	Brief description of the offense	2019	2020	2021
205.2	Incitement to terrorism or justification of terrorism	103	147	199
280	Incitement to extremism	117	147	255
280.1	Incitement to separatism	2	3	0
282	Incitement of hatred	19	12	43
148 (parts 1 and 2)	Insulting the feelings of believers	2	1	14
354.1	Justifying Nazism, slandering the USSR, insulting veterans, etc	1	8	30
	TOTAL	244	318	541

- The number of people convicted under the articles of the Code of Administrative Offenses (based on the Supreme Court data):

Article of CAO	Brief description of the offense	2019	2020	2021
20.3	Demonstration of Nazi and extremist symbols	2388	2279	3183
20.3.1	Incitement of hatred (if first time)	383	757	936
20.29	Mass distribution of prohibited materials	1591	1826	1319
	TOTAL	4362	4862	5438

- Extensive application by law enforcement of Article 354.1 of the Criminal Code (see in the table), which we see as mostly inappropriate, is supported now by the new law, signed by the President in April. This new law (Article 13.48 of the CAO) established administrative responsibility for equating the «goals, decisions and actions» of the leadership of the USSR and Nazi Germany and for «denying the decisive role of the Soviet people» in its defeat. The wording of the new article of the Code of Administrative Offences contains no explanations as to which statements can be interpreted as «equating actions» and «denying the decisive role.»
- Moreover, in our previous report we mentioned one Jehovah's Witness who was acquitted at the end of 2021. However, his case is under revision now.

Peaceful assembly — Paragraph 19 of the LOI

- According to the data recently published by the Supreme Court's judicial department, in 2021, the courts received 17 123 cases under Article 20.2 (violating assembly rules). 15 601 persons were punished under this provision: 12 709 fines (averaging 13 300 RUB, or, currently, 207 USD), 676 compulsory work orders and 2 200 administrative arrests. The share of arrests in 2021 thus is over 14%.
- Large-scale anti-war protests began in Russia on the first day of the armed conflict with Ukraine and were held almost daily for three consecutive weeks. Over the first days of anti-war protests in different cities, various attempts have been made to authorise public events, but they were not successful.
- At the same time, a large number of police officers and paddy wagons on the streets of Russian cities indicated that the authorities were ready for assemblies and were initially determined to stop them and detain their participants. Since the beginning of the war, we are aware of at least **16 000 detentions**: protesters, journalists, and bystanders. The peak of detentions occurred in the first weeks of the war; most people were detained during the rallies on March 6 — at least 5,558 people in 77 Russian cities. People with children, animals and means of transportation were detained. Mass protest rallies and spontaneous walks with a large number of participants were not the only reasons for detentions. Solo demonstrations and various forms of protest against the war, including the use of anti-war symbols, the colours of the Ukrainian flag, laying flowers at the Embassy of Ukraine or the Tomb of the Unknown Soldier became grounds for detention.

- The detentions were accompanied by police violence: people were knocked to the ground, beaten with police truncheons, strangled, punched in the stomach, face, eyes, hit their heads against the wall, twisted and wrung their hands. In at least 39 cases detainees reported ambulance calls and hospitalization from police departments in Moscow, St. Petersburg and Rostov-on-Don.
- In at least 30 police departments in 9 cities the use of force was reported by protesters during detention, in a police van or police departments. Only **during** the rallies on March 6, police officers used force against 34 detainees. In three cities detainees were handcuffed.
- At least in four cities protesters were detained by officers in plain clothes or without the necessary identification marks.
- In the police stations, detainees are forced — with the **use of violence** — to take fingerprints and photographs, and sometimes even to take **DNA samples** — more than 300 such cases in 34 police departments. The police also take away phones — in at least 75 police departments — and documents. When refusing to fingerprint, detainees are threatened with charges for disobeying the lawful request of a police officer (Article 19.3 of the CAO) and being left overnight in the department — in some cases, such threats materialized in administrative arrests.

- Moreover, the lawyers are en masse not allowed to help the people detained at peaceful protests. Since February 24 until May 24 there have been at least 173 cases of non-admission of lawyers coming to help detainees in police departments. Moreover, there **were cases** when detainees were forced to write a refusal from the defender. In at least 8 cases, defenders were kicked out of the department — or faced other forms of pressure. After the **beating** of a lawyer by police officers at the St. Petersburg police station on the night of March 7, further detentions of lawyers, use of violence against them and searches in their apartments came to light.
- Anti-war rallies were mainly peaceful — and the materials of the administrative cases against the detainees do not say that the protesters organize mass riots or otherwise violate public order. In general, people protesting in rallies are accused of shouting anti-war slogans calling for peace: «No war», «Putin, hands off Ukraine», «No war with Ukraine», etc. Such slogans do not contain insults and do not contradict the standards of freedom of expression. However, in practice, pacifist ideology has been outlawed leading to imminent fines and arrests of its supporters. From February 24 to April 12, the courts **ordered** at least 960 arrests in connection with the protests in Russia.

- The detainees were accused of disobeying a lawful order of a police officer (Article 19.3 of the CAO), violating the restrictions imposed to combat the spread of COVID-19 (Article 20.6.1 of the CAO, or its regional analogues), organizing an unauthorised event (Part 2, Article 20.2 of the CAO), and most often — violating the procedure for holding a public event (Part 5 of Article 20.2 of the CAO). In addition, other parts of Article 20.2 of the CAO were also applied: Part 6.1 on participation in an event that interfered with the functioning of infrastructure, pedestrian traffic and transport, or Part 8 on repeated violation of the procedure for holding a public event. On the websites of district courts that deal with the cases of «violation of the rules for holding public events», as of May 20, we managed to find information on 12 471 cases under article 20.2 and 20.2.2 of the CAO that have been submitted to the courts since February 24. Plus, after March 4 which marked the adoption of the Article 20.3.3 of the CAO the courts started to charge the protesters under this article along with aforementioned articles.
- Moreover, the freedom of assembly is additionally hindered by the various means of extra pressure on protesters.
- One of the methods of pressure on protesters is to create a risk of being drafted into the army. The Russian Constitution provides for an obligation to serve in the army for male citizens. Detention for a protest action frequently attracts attention of military registration and enlistment offices to such detainees. This may lead to initiation of criminal cases on evasion of military service (under Article 328 of the Criminal Code) or deprivation of deferment from the army in case of expulsion.

- This practice has been in existence since at least 2019. After the backdrop of a wave of protests in Moscow in 2019, the Moscow Department of Regional Security and Anti-Corruption reported that on the day of the protest action on July 27, «in the central part of the city, including near the Moscow government building, it is planned to use special groups to identify these citizens in order to their subsequent conscription» with additional threats to minors. After the protests, the Investigative Committee **claimed** that 134 detainees evaded military service and pre-investigation checks in respect of 16 such citizens were being conducted. Later, the protesters began to receive summons to the military prosecutor's office.
- Since then, there **have been** multiple instances of illegal conscription of activists, including cases when the person was expelled from the educational institution to be conscripted. At least 3 criminal cases under Article 328 had been initiated against protesters and activists.
- In the context of ongoing armed hostilities in Ukraine, the threat of being drafted into the army for those protesting against the war becomes more real and realizable.
- According to DOXA, as of April 14, at least 50 higher education institutions held talks about the inadmissibility of participating in rallies and publicly expressing a position that differs from the official one, and criminal liability for this. The police routinely **report** holding such talks in schools. There are also at least 15 known cases of expulsion for expressing an anti-war position or participating in anti-war rallies.

- This is especially dangerous in the context of war and military conscription, as expulsion from a university deprives conscripted men over the age of 18 of a deferment from such a conscription. Conscription seasons run twice a year in Russia — from April 1 until July 15 (spring) and between October 1 and December 31 (autumn). During these periods, men aged between 18 and 27, with no health issues or outstanding convictions could be called on to serve.
- There **have already been** several proven instances of participation of conscripts in the armed conflict in the Ukraine. Thus, this practice creates additional constraints on participating in peaceful anti-war assemblies and expressing anti-war opinions.

Freedom of association — Paragraph 20 of the LOI

«Foreign agents» and «undesirable organizations»

- As of May 27, 2022, the register of non-profit organizations (hereinafter «NPOs») operating as «foreign agents» contained 73 organizations. 5 new NPOs have been included since February 24, 2022. 5 NPOs have been excluded and thus, the total number has not changed. The register of unregistered public associations-«foreign agents» contained 7 associations (almost all of them protect the rights of LGBTQ).
- Since the start of the war in Ukraine, the register of media-«foreign agents» increased in 3 legal entities, including Deutsche Welle, and 39 individuals, among them were journalists, bloggers, politicians, artists and other activists. As of May 27, this registry contained 160 media-«foreign agents». 6 individuals (members of association protecting electoral rights «Golos») were excluded upon request.
- Even before the war in Ukraine, the «foreign agents» law was used by the Russian authorities to suppress civil society initiatives and dissent. During the war, this law also became a tool for silencing those who were against activities of the Russian army in Ukraine. Several organizations and individuals of various occupations were recognized as «foreign agents» allegedly for their anti-war positions expressed publicly. Among them are Deutsche Welle, political scientist Ekaterina Shulman, journalist Yuri Dud, historian Evgeny Ponasenkov and even rappers such as «Face» (Ivan Dryomin) and Alisher Morgenstern.
- In addition, on April 5, 2022, journalists Evgeny Kiselev and Matvey Ganapolsky were included in the previously empty register of individuals (not media) — «foreign agents» by virtue of the fact that «they conduct political activities, receiving foreign funding from Ukraine». A few weeks later this register was expanded by opposition politicians Leonid Volkov and Vladimir Kara-Murza, as well as Mikhail Khodorkovsky and Garry Kasparov.

- Moreover, the authorities kept shutting down NPOs- «foreign agents». On February 28, 2022, the court of the second instance approved the decision to liquidate International Memorial i.e. the decision **has entered** into force. On April 5, 2022, the court of the second instance approved the decision to liquidate the **Human Rights Centre Memorial** as well, despite the decision of the ECtHR under Rule 39 to suspend the liquidation. Moreover, **International Memorial** and **Human Rights Centre Memorial** were excluded from the state register of legal entities in violation of legal procedure. The organizations' accounts were blocked.
- Additionally, on April 21, the Kuibyshevsky District Court of St. Petersburg issued a decision **to liquidate** the Charitable Foundation «Sphere». The court decided that the foundation under the guise of charity carried out political activities. Prior to this, the Ministry of Justice stated that «all the actual activities of the organization are aimed at supporting the LGBT movement in Russia» which is inconsistent with «constitutional traditional values».
- As of May 27, the registry of undesirable organizations contained 55 organizations. Since the start of the war, 5 organizations **were added** to the register, including Heinrich Böll Stiftung and the Royal Institute of International Affairs. On April 5, the State Duma Commission on Investigation of the Facts of Interference by the Foreign States proposed to recognize 14 foreign NGOs as undesirable in Russia, among them **was** Heinrich Böll Stiftung.
- Moreover, the bill **introduced** to the State Duma on May 24 about «strengthening responsibility for creating threats to the national security of the Russian Federation», also proposes to amend the legislation on «undesirable organizations» and extend criminal liability to participation in the work of such organizations outside of Russia.

The new bill on «foreign agents»

- On April 25, a group of deputies submitted to the State Duma a bill «On control over the activities of persons under foreign influence.» As emphasized in the explanatory note, the draft law is aimed at improving the effectiveness of the regulation of the institution of «foreign agents», taking into account «the current challenges to security and sovereignty». The expected time for consideration of the draft law in the first reading is June 2022.
- Contrary to the existing 4 different legislative acts on «foreign agents» this bill will combine them into a single piece of legislation. Four existing «foreign agents» registries will be consolidated into a single one. All segmental requirements and restrictions existing for different types of «foreign agents» will become universal.
- Under this bill, any Russian or foreign legal entity, regardless of its organization or legal form may be recognized as a «foreign agent», including commercial companies. Previously to be declared «foreign agents», commercial companies had to be associated with the media. A public association operating without the formation of a legal entity, another association of persons; a foreign structure without the formation of a legal entity or an individual, regardless of his citizenship or lack thereof may also be recognized as «foreign agents».
- There are two criteria for obtaining this status:
 - receiving foreign financial support or being «under the foreign influence of any kind» which is support from a foreign source or other forms of influence from it, «including coercion and persuasion» and
 - engaging in at least one of the following activities: political activity, collecting information about the Russian military and military logistics, participating in the creation of information and materials, or distributing them to an unlimited number of people.

- The category of «support» also includes the provision of organizational, methodological, scientific, technical, and other assistance by a foreign source.
- Therefore, it would no longer be necessary to receive money from abroad to be included in the list of «foreign agents», it would be enough to be under «foreign influence». This will result in even more excessive and arbitrary application of the legislation on «foreign agents».
- The terms «coercion and persuasion», also determining «foreign influence» are not specified in the bill. Since the wording of a new universal criterion of «foreign influence» is vague and ambiguous, an association or individual that disseminates information to the public or engages in human rights activities can be defined as a foreign agent if they have any relationship with a foreign or international organization or any foreign or stateless person. This will give the authorities almost unlimited powers to decide who will be the next «foreign agent» which is very convenient in the context of the ongoing war, military censorship, and the hunt for anti-war activists.
- After adoption, all «foreign agents» will be required to voluntarily be included in the relevant registers. The bill also introduces a uniform procedure for getting off of the «foreign agents» list. Possible reasons to be excluded include death, liquidation of a legal entity, and a confirmation of the Ministry of Justice that shows the «foreign agent» has not received foreign support for at least a year. In addition, a separate opportunity to leave the register will be provided for an individual who was included in the register for the first time. Such a person has the right to file a free-form application with the Ministry of Justice for exclusion from the register, attaching confirmation that the circumstances that served as the basis for inclusion in the register have been terminated.

- All existing human rights restrictions imposed on «foreign agents» will remain and become universal for any type of a «foreign agent», while new restrictions will be introduced. For example, «foreign agents» will be banned from:
 - taking part in the activities of commissions, committees, advisory, deliberative, expert, and other bodies that exist under the authorities;
 - being a member of an election commission, a referendum commission;
 - receiving state financial support;
 - carrying out teaching, educational activities to minors;
 - producing information products for minors;
 - organizing assemblies.
- Furthermore, the Ministry of Justice will be able to request to block the websites of «foreign agents» for any violation of the law on «foreign agents». As for labeling requirements, the bill allows not to label posts of a «personal nature». However, it is not yet clear how effective this will be applied, since when it comes to activists, there is usually a fine line between the personal and «political» content of their publications.
- The Ministry will be also entitled to conduct inspections not only to organizations but also to individuals. In addition, it will have the right to send its representatives to participate in events held by «foreign agents». The Ministry will submit an annual report on «foreign agents» activity to the Federation Council and the State Duma.

- Along with foreign agents, «affiliated persons» will be included in the register. «Affiliated persons» are those who:
 - Are or were members of the bodies of the NPO-“foreign agent», are or were its founder, member, participant, leader, or employee;
 - Are or were members of the bodies of an unregistered public association — «foreign agent», are or were its founder, member, participant, leader;
 - Are or were members of the management bodies, were or are the founder, head, or employee of a «foreign agent» included in the register in connection with the distribution or participation in the creation of messages and materials (media- «foreign agents»);
 - Carry out or have carried out political activities and receive or have received money or other property from NPOs, unregistered public associations, and people recognized as «foreign agents» (including through intermediaries).
- Thus, anyone who is in any way connected (or was connected) with NPOs, public associations, the media, or individuals who were previously recognized as «foreign agents» can be recognized as an «affiliated person» with a «foreign agent». «Affiliated persons» will be able to be excluded from the register if they have not been associated with a «foreign agent» within two years after being included in the list. Despite the fact that they will not be subject to general restrictions, the mere fact of their public inclusion will violate at least their right to privacy.

- The Ministry of Justice even before had to respond to applications received in a general manner, but now the bill establishes the direct duty of the department to check applications from government agencies, parties and public associations, the Public Chamber, the media, citizens, and organizations about those who need to be included in the register.
- All the existing administrative and criminal sanctions will remain the same.
- Therefore, the new bill targets a large group of entities and persons, violating a wide range of their human rights. However, the most affected will be those who are expressing alternative and oppositional views and conducting the relevant activities, including human rights defenders, journalists, oppositional politics, artists, academics, bloggers, and other activists.

Questions to the Russian Federation:

- Is it illegal in Russia to call a «special military operation» in Ukraine a «war»?
- Why are the decisions of Roskomnadzor about extrajudicial blockings not made available to the public?
- Why are people brought under double responsibility for participating in anti-war assemblies (under Article 20.3.3 of the CAO for «discreditation» and under Articles 20.2/20.2.2 for the peaceful assembly itself)?
- Why are pacifist inscriptions and slogans considered to be «discrediting the use of the Russian armed forces»?
- Why for the same actions people can be brought with the same probability to administrative liability under Article 20.3.3 of the CAO, and to criminal responsibility under Article 207.3 of the CC?
- Is the punishment of up to 15 years in prison for spreading false information proportionate?
- Does the removal of the foreign funding criterion for being recognized as a foreign agent by the new bill entail the risk of arbitrary application of the law? If not, explain why.
- Will Russia assist a country-specific mandate of a Special Rapporteur assigned to investigate human rights issues in the context of the war in Ukraine and beyond, if one is appointed?

INFORMATION ON THE RUSSIAN FEDERATION FOR THE 136TH SESSION OF THE UN HUMAN RIGHTS COMMITTEE

Introduction

This report is submitted to the UN Human Rights Committee («Committee») as a follow-up to the alternative report by a coalition of civil society organizations in the Russian Federation in response to the Committee's call for information regarding its 136th session.

The following organizations contributed to this report:

OVD-Info, a leading Russian human rights project on freedom of assembly and political persecution;

No to Violence, an abuse problem resolution center;

Stitching Justice Initiative is dedicated to the legal protection of victims of human rights violations connected to armed conflict and counter-terrorism operations, torture and gender-based violence in the post-Soviet region;

International Committee of Indigenous Peoples of Russia is the international coalition led by indigenous human right defenders and leaders to promote IP rights and bring Russian IP independent voice to the globe;

Mass Media Defence Centre, a Voronezh-based media freedom NGO, promoting freedom of expression since 1996;

Citizens Watch, a St. Petersburg based human rights NGO established in 1992. The goals were to establish parliamentary and civic control over police, security service, and armed forces, and to help prevent violations of constitutional rights by these governmental agencies;

Charitable Foundation Sphere, a human rights organization which conducts advocacy programs and supports smaller initiatives to bring about systemic changes for the Russian LGBTQ community;

Movement of conscientious objectors, a non-profit organisation since 2014 helping young people to legally exempt themselves from conscription to the army;

Memorial Human Rights Defence Centre, a Russian NGO that focuses on protecting human rights, especially in conflict zones in and around modern Russia, founded in 2022 by supporters of Memorial Human Rights Centre, a Russian NGO that existed in 1992-2022;

Public Verdict Foundation, a Russian human rights organisation that combines legal protection for victims of law enforcement arbitrariness with in-depth law enforcement research and professional media support for human rights work.

Freedom of speech

«Media foreign agents»

- As of September 12, 2022, the register of media foreign agents contained 176 media outlets and individuals (7 individuals were excluded from this list, however information about their inclusion and subsequent delisting **remains** publicly available). Around three quarters of the designations of media or individuals as «foreign agents» have been made after February 24, 2022, including opposition politicians Yulia Galyamina and Lyubov Sobol, artist Yulia Tsvetkova, journalist Alexey Pivovarov, poet Dmitry Bykov etc. In general, «media foreign agents» in Russia are now leading journalists, scientists, opposition figures, human rights defenders, bloggers etc. It goes without saying that those who were listed had spoken against the war or expressed their alternative opinion on other issues.

«Foreign agents» individuals

- As of September 12, 2022, the register of «foreign agent» individuals contained 22 persons. From December 2020, any natural person, regardless of citizenship, can be recognized as a «foreign agent» individual and included to the separate register. However, the list of such persons was empty till the beginning of April 2022. Since our last report of May 27, 15 individuals were added in the list, including opposition politicians Ilya Yashin and Maxim Katz, actress Tatyana Lazareva, journalists Dmitry Gordon and Katerina Gordeeva and singer Andrey Makarevich. The grounds for their inclusion were political activity and receiving funding from Ukraine.

Blockings and shut downs of media outlets

- According to Roskomsvoboda, about 7 thousand sites **were blocked** by «military censorship». According to Prosecutor General Igor Krasnov, 138 thousand Internet resources **have been blocked** and deleted since the beginning of the war with Ukraine. The authorities also continue to block VPN services to further restrict the flow of independent information. Moreover, the authorities **prosecute** independent media under the provision of «discrediting the use of Russian armed forces» (Article 20.3.3 of Code of Administrative Offences (CAO)). Only in August «Journalists' and Media Workers' Union», «Novaya Rasskaz-gazeta», «Odintsovo-Info» and «Vechernie Vedomosti» were fined under this article.
- The Lukhovitsky District Court of the Moscow Region rejected OVD-Info's request to unblock the project website. The court instituted the blocking in December 2021. The court ruling states that this measure cannot be lifted, since OVD-Info is «an independent human rights project about political persecution in Russia, which, using a hotline, collects information about detentions at public rallies and other cases of political pressure, and also publishes and coordinate legal assistance for detainees.» In addition, the court refers to the fact that the project receives funding from the liquidated HRC «Memorial» and the European Commission FIDH, which aim to «influence public opinion within the country», and **is also included** in the register of «foreign [agents]».

- Moreover, the OVD-Info's VK page **was blocked** in August. The reason for the extrajudicial blocking was «information materials containing unreliable socially significant information about the special military operation conducted by the Armed Forces of the Russian Federation, its form, methods of conducting military operations, as well as information about attacks on civilian infrastructure facilities, numerous victims among the civilian population of Ukraine and in the ranks of the Armed Forces of the Russian Federation, regarding general mobilization and others».
- On September 5, the Basmany District Court of Moscow declared the license of Novaya Gazeta, a major independent news outlet, invalid due to the fact that the publication changed its founder in 2006, but **did not submit** the charter to Roskomnadzor. On September 6, The Basmany District Court of Moscow annulled the certificate of registration of Novaya Rasskaz-gazeta. Roskomnadzor filed a lawsuit due to the fact that the magazine had not been published for more than a year. The publication was registered on March 6, 2009, and the first issue was published in July 2022. The representative of the editorial office provided the court with several copies of the Novaya Rasskaz-Gazeta, including the August issue. However, the court still **declared** the certificate of registration invalid. On September 15, the Russian Supreme Court is expected to pass a verdict on whether to terminate the registration of Novaya Gazeta's website following another lawsuit by Roskomnadzor.
- In March, the ECtHR issued interim measures under Rule 39 ordering the Russian government to refrain from obstructing the work of Novaya Gazeta.

Persecution of journalists

- On August 17, in Kazan at least 9 searches were conducted in the houses of journalists who are working with «Radio Liberty» related to the case of incitement to terrorism via the Internet (part 2 of Article 205.2 of the Criminal Code (CC)) initiated because of the post dedicated to the attack on the Russian ambassador in Warsaw on the YouTube channel «Objective-TV». The journalists argue they **had not heard** about it before and did not work with it. On September 9, the searches **continued**, this time in the houses of anti-war activists and the members of the election observer's association.
- On September 8, in several Russian cities at least 7 searches in the houses of journalists and activists were carried out allegedly in connection with the criminal case opened under Article 207.3 of the CC against former State Duma deputy Ilya Ponomarev. Law enforcement officials claimed that searches were being carried out because of the posts and «discrediting the Russian army» by the journalists, as well as «because of connections with Ilya Ponomarev». Yet, none of the journalists and activists admit knowing Mr. Ponomarev or working with him in any manner. On the next day, their bank accounts started getting blocked.
- Over the past year, at least 504 employees of 27 Russian media outlets have moved to a permanent place of work abroad, according to the estimates of the «Project», based on a survey of editorial staff. Most of them left in the last six months, after the start of the war in Ukraine. For instance, the editorial offices of Meduza, Project, Important Stories, the BBC Russian Service, Mediazona, Mikhail Khodorkovsky's media projects, most of the employees of Radio Liberty, the Current Time project left Russia.

Prosecution for expression of anti-war positions

- The number of criminal cases initiated against the people expressing anti-war positions is now exceeding 240. At least 27 Criminal Code provisions **are used** to prosecute them. Among the prosecuted, there are 23 journalists.
- Yet, the articles specifically adopted after the start of the war with Ukraine are still the ones used most often against anti-war activists. As of September 12, there are now more than 100 cases initiated under criminal Article 207.3 («Public dissemination of deliberately false information about the use of the Russian armed forces or government authorities' activities outside Russia»). There are also 13 cases under part 1 of Article 280.3 («Repeat discreditation of the use of the Russian armed forces or government authorities' activities outside Russia»).
- Yet, there are now more than 3800 cases initiated under the administrative Article 20.3.3 («Discreditation of the use of the Russian armed forces or government authorities) — every person found guilty under this provision risks criminal persecution for the repeated offence. According to the Judicial Department, only in Moscow and Saint-Petersburg, in 6 months of 2022, 616 cases were received by district courts and 569 were considered in the first instance, 490 people were indicted, all of them were fined. The amount of fines imposed by the courts: 20 529 000 rubles (340 731 USD), the average fine — 44,378 rubles in Moscow (738 USD) and 34 242 in Saint-Petersburg (569 USD).
- Another frequently used articles are Article 205.2 («Public calls for terrorist activities») — 12 cases, Article 318 («The use of violence not dangerous to life or health, or the threat of violence against a representative of authority») — 10 cases, Article 207 («Knowingly false report about an impending explosion, arson or other actions») — 17 cases.

- Under Article 207.3, as of September 12, 8 sentences have been already handed down. They include 2 fines — 1000 000 rubles and 3 000 000 rubles (16 300 and 48 900 USD, respectively); 2 cases of assignment of corrective labor — 6 months and 8 months; 2 suspended sentences of 5 years; and 2 cases of deprivation of liberty. The first one is 6 months, and the second one is 7 years for the independent member of Moscow's municipal council Mr Alexey Gorinov. His case attracted a lot of media attention — and he did not plead guilty, and continued to express his anti-war position even in court. He was sentenced mainly for saying at his local council meeting that civilians had been killed in Ukraine.
- Among ongoing cases — prominent opposition figure Mr Ilya Yashin is in pre-trial detention for denouncing war crimes in Bucha, Mr Dmitry Talantov, an attorney, is in pre-trial detention for a post on Facebook about the massacres of civilians on the territory of Ukraine and Mr Vladimir Kara-Murza, a politician, for a public speech before members of the House of Representatives of the State of Arizona, where he spoke about the bombing of civilian objects. 30 other defendants under Article 207.3 are also in detention pending trial. Those who are outside the country are hit with asset freezes.
- Generally, out of 100 cases initiated under Article 207.3, 25 are initiated for statements (spoken on YouTube, in a private dialogue, or in public places), 66 are initiated for posts and comments on social media, 3 — for anti-war leaflets, 2 — for articles in media outlets, 1 for a solo picket and 1 for a mass SMS sending. The reasons for the other 2 are yet unknown, but both of them were initiated against military personnel.

- The main categories of «fakes» — that is, the information that investigators and courts consider deliberately false, is information:
 - about the killing of civilians on the territory of Ukraine;
 - about the shelling of civilian objects on the territory of Ukraine, in particular, Zaporozhye NPP;
 - about the losses of the Russian military;
 - that war is being conducted on the territory of Ukraine (and not «special military operation»);
 - on the participation of conscripts in the armed conflict on the territory of Ukraine;
 - about other war crimes of the Russian army — e.g. obstruction of humanitarian aid, looting, robbery.
- The main and only ground for claiming such information as «deliberately false» is that the Russian officials (most frequently, Ministry of Defense and Ministry of Foreign Affairs) do not confirm or contradict the information disseminated by the people. No other sources are being checked or even considered by the investigators and courts.
- For example, in the case of Mr Gorinov, the defense cited official United Nations figures on the number of children who died on the territory of Ukraine, since Aleksey said that «children die there every day.» However, the court considered such assessment to be one-sided, not fully reflecting the essence of Gorinov's act and evaluated by the defense in isolation from other evidence available in the case.

- At the same time, the investigation often refers to specific briefings and statements of the Ministry of Defense — without taking into account the fact that the position and information may change over time. This was the case with statements that there were no conscripts on the territory of Ukraine — which **was later refuted** by the Ministry of Defense itself.

Other criminal legislation

- In July, Article 275.1 of the CC ('cooperation on a confidential basis with a foreign state, international or foreign organization') was adopted. Responsibility with up to 8 years of imprisonment is provided for the establishment and maintenance by a citizen of the Russian Federation of cooperation on a confidential basis with a representative of a foreign state, international or foreign organization in order to assist them in activities knowingly directed against the security of the Russian Federation.
- In this regard, essentially confidential contact with any representative of a foreign state or foreign / international organization (and not only with a representative of the special services) creates a threat of prosecution under this article. At the same time, the article does not contain an explanation of what will be considered «cooperation on a confidential basis», there is a risk of a broad interpretation of this term in practice. There are also additional risks in the note to this article. It exempts a person from criminal liability if they voluntarily and timely informed the authorities about the establishment and maintenance of such cooperation, did not take any actions to fulfill the assignment received, and if the actions of this person do not contain a different corpus delicti.
- According to the judicial department of the Russian Supreme Court, for the entire period from 2009 to 2013, 25 people were convicted of treason (Article 275) and espionage (Article 276). However, since 2014 there has been an increase in the number of such cases. So, in 2015 alone, 15 sentences were handed down, and 17 in 2021.

- In at least 20 cases of treason and espionage, the investigation **tried** to falsify documents or evidence. Under the Russian law, the very list of information constituting a state secret is a state secret in itself. At least 21 convicted of treason did not have access to state secrets.
- Cases of treason are classified as «secret», their consideration in courts takes place behind closed doors, only verdicts are officially reported. Moreover, the accused **are often isolated** and deprived of visitation and even correspondence rights.
- These articles are frequently used against military personnel, former intelligence officers, scientists, journalists. In 2018–2022, at least 14 cases were initiated against scientists in the context of their work under Article 275. The loose interpretation of the concept of «state secret» by law enforcement officers makes the position of scientists participating in research projects with international participation very vulnerable. They are charged with alleged transfer of secret data to foreign countries, giving lectures in foreign countries, sending CVs to foreign organisations, having the abstract of the presentation on a USB flash drive while being on a work trip abroad, etc.

- One of the latest most prominent cases **is** the case of Ivan Safronov — an independent journalist. He is accused of allegedly handing over to the citizen of the Czech Republic Martin Larisch and the German political scientist Demuri Voronin seven files with secret information about Russia’s military-technical cooperation with several countries. Yet, according to the **investigation** of Project Media all the information from those same seven files, which the investigation considers a state secret, was found in open sources. In court, Safronov asked the court to attach the study of the Project to the case file, but it was refused. On September 5, Ivan Safronov **was sentenced** to 22 years in prison and a fine of 500,000 rubles (8250 USD).
- Furthermore, Article 280.4 of the CC was adopted which prohibits public calls to carry out activities directed against the security of the Russian Federation, or to prevent the authorities and their officials from exercising their powers to ensure such security. The maximum sanction under this article is imprisonment for up to 4 years. Here, the responsibility will appear for any public expressions calling (in the opinion of law enforcement officers) to commit crimes from a specific list, which **is** in the footnote to this article.
- Moreover, the first cases under Part 1 Article 282.3 of CC (‘financing extremist activities’) were opened, almost a year after Alexey Navalny’s Anti-Corruption Fund was declared as extremist. One of the accused is **Andrei Zayakin**, a Novaya Gazeta journalist and one of the founders of the Dissernet project. The case against Zayakin was opened because of the transfer of a 1000 rubles (17 USD) to the Anti-Corruption Fund on the day after they **were recognized** as extremist.

Freedom of association

- As of September 12, 2022, the register of non-profit organizations (hereinafter «NPOs») operating as «foreign agents» contained 69 organizations. Since our last report of May 27, no NPO was included in the register, but several organizations were excluded due to termination of receiving foreign funding or dissolution (more than 100 since the adoption of the law). Not a single organization was able to successfully challenge this decision at court on the substantial basis (‘political activity’ criterion).
- The register of unregistered public associations-«foreign agents» contained 8 associations. The Russian NPO Committee against Torture was recognized as such on June 10, and the next day the association decided to self-dissolve. They continue their activities under the new name — Crew Against Torture. It is the third time when this project is recognized as «foreign agents» and they are forced to change its organizational form or other characteristics.
- Moreover, the prosecutor’s office demanded to liquidate the «Trade Union of Journalists» for non-compliance with the requirements of foreign agency legislation, and the court began the bankruptcy procedure of Radio Liberty due to non-payment of fines for the absence of foreign agency labellings.

- The bill on «On control over the activities of persons under foreign influence» reforming the law on «foreign agents» was adopted and will **enter** into force on December 1, 2022. The bill **did not undergo** significant changes during its readings. Among the amendments that the State Duma deputies decided to **reject** at the stage of the second reading are:
 - A ban on recognizing lawyers, bar associations, FCL (Federal Chamber of Lawyers), notaries, notary chambers, FCN (Federal Chamber of Notaries) as «foreign agents»;
 - An indication that «foreign agent activity» is an activity in the interests of foreign sources;
 - A ban on recognizing scientific organizations and scientific workers as «foreign agents»;
 - A ban on recognizing obtaining a foreign education, studying in foreign educational organizations, foreign academic degrees and titles, participating in international scientific research projects, in scientific conferences outside of Russia, studying in Russian educational institutions with foreign teachers, receiving grants for implementation of scientific programs and projects, receiving scholarships, publishing in foreign journals indexed in the international databases Scopus, Web of Science, receiving royalties for publishing books by foreign publishers, royalties for publishing in foreign media as «foreign influence»;
 - Exemption from «foreign agent» labeling of procedural documents within the framework of constitutional, civil, arbitration, administrative and criminal procedures.

- On June 14, 2022, the European Court of Human Rights ruled in the *Ecodefence and Others v. Russia* case and **found** a violation of freedom of association by the state labelling several organizations as «foreign agents». However, Russia refuses to implement all the judgements that entered into force after March 15, 2022, which is the date of filing by the Russian Federation of the application for withdrawal from the Council of Europe.
- As of September 12, the registry of undesirable organizations **contained** 65 organizations. Since May 27, 9 organizations **were added** to the list: Stichting Bellingcat, Bellingcat Ltd., The Insider, CEELI Institute, Avatud Eesti Fond SA, Open Estonia Foundation, Calvert 22 Foundation, Ukrainian Canadian Congress, Macdonald-Laurier Institute, Ukrainian National Federation of Canada.
- On July 15, Andrey Pivovarov, former director of «Open Russia», **was sentenced** to 4 years of imprisonment because of carrying out the activities of an «undesirable organization» (Article 284.1). The case was initiated because of 30 posts and one repost of Open Russia on Facebook. On July 27, the case under the same article **was initiated** against politician Vladimir Kara-Murza.
- On August 14, 2022 in at least five Russian cities, houses of alleged members of the New Generation **were searched** as part of a criminal case under Article 284.1. This is a first known criminal case under this article against religious organizations.

- On September 2, it became known that the police initiated an administrative case under the provision on participation in the activities of an undesirable organization (Article 20.33 of the CAO against the coordinator of the Kirov «Golos» (Voice) Denis Shadrin due to monitoring the elections of the mayor of Tbilisi in October 2021. The police believe that, while observing the elections, Shadrin cooperated through Golos with the European Network of Election Monitoring Organizations (ENEMO) recognized as «undesirable». Earlier, a similar case was brought against activist Yevgeny Dolgoplov, who also observed the Georgian elections in October 2021. In the course of the proceedings in the case of Dolgoplov, political scientist Anton Shmelev, at the request of the prosecutor's office, prepared an examination that the Russian movement Golos was allegedly a «member and founder» of ENEMO. These precedents may lead to official association of Golos with «undesirable organizations» and to persecution of its members. It is particularly relevant and alarming now since September 11 is a voting day in Russia and Golos is a leading Russian organization for public observation of elections.
- Since July 2022, participation in any events held by undesirable organizations abroad is banned for Russian citizens.

Freedom of assembly

- We are aware of at least 16,437 detentions related to anti-war protests. This number, in addition to street detentions, includes 138 detentions for anti-war posts in social networks, 118 detentions for anti-war symbolics and 62 detentions after anti-war protests.
- Moreover, the authorities **continue** to refuse authorising any peaceful anti-war protest, which leads to all such assemblies being de facto unlawful. Since the start of the year authorities refused to authorize rallies against pollution, **increase of public transport fares**, **demolition of historical buildings** and even in support of political prisoners.
- According to the Judicial Department, in the first six months of 2022, in Moscow and Saint-Petersburg alone district courts received 13 748 cases under Articles 20.2 (assembly rules violations) and 20.2.2 (mass simultaneous presence) of the CAO, 13 709 were considered. In 12 203 cases, punishment was imposed: 10 886 fines, 1152 arrests, 163 compulsory work orders, 2 warnings.
- The total amount of fines imposed by the courts in the first instance amounted to 151 093 561 rubles (2 507 781 USD).
- In addition to detentions at the rallies and after them, the authorities also practice «preventive» detentions using a facial recognition system. We had documented at least 115 detentions based on facial recognition in the Moscow subway on state holidays of May 9, June 12 and August 22.
- The majority of detainees report that they were detained based on the ‘Sphere’ system that the authorities use to track wanted criminals. However, none of the detainees were wanted criminals but most had participated in anti-war protests.

- The peculiarity here is that at least 9 people were not participating in anti-war protests — only in protests several years ago. Moreover, at least 3 people did not participate in the protests at all — the grounds for their detention were, consequently ‘running an anti-war Telegram channel’, ‘anti-war inscription on the car windows’ and ‘being an assistant to the local independent deputy’. Still, all of these people were included in the list of potential protesters — and police officers openly claim they will be detained before any major holiday or potential protest because they are on that list.
- Plus, many of the detainees claim that the pictures of their face used for comparison are from official sources — for example, a passport picture or a picture from the police station. During the protests, police officers often force detainees to have their pictures taken — during anti-war protests OVD-Info recorded such practice in at least 75 police departments.
- The mass application of facial recognition system for post factum detentions of protesters was identified by OVD-Info in 2021, when we recorded at least 454 such detentions. Although this was most often reported in Moscow, similar evidence came from at least 17 other cities.
- The use of facial recognition is not regulated by law. There are no restrictions on the use of CCTV footage in public places. The procedure for storing and reviewing data is unknown. It is not known which state body directly carries out measures to identify the person recorded on the video. The protocol of interaction between the police and the structures responsible for storing data is not regulated in any way. There are also no effective remedies for people from arbitrary interference in their private lives.

- On July 22, the Constitutional Court of Russia refused to consider the application submitted by Ekaterina Bazhanova, who staged a solo picket in June 2020 in support of Konstantin Kotov, a civil activist sentenced to imprisonment for repeated participation in a peaceful action not approved by the authorities. Ekaterina Bazhanova was fined 15 000 RUB (250 USD) for staging a solo picket and thus violating the ban on «public and other mass events», including solo demonstrations, that still exists in Moscow. In her application Ms. Bazhanova argued that such a ban on events that are not mass in nature is not legal and proportionate, considering the fact that all other restrictions except for political rallies had been already lifted. However, the Constitutional Court ignored her arguments and decided that even a solo demonstration involves the potential to attract the other citizens and thus, this ongoing ban «is due to the objective need to respond to the threat of the spread of coronavirus infection, is of an exceptional nature and pursues the constitutionally enshrined goals of protecting the life and health of citizens».

Crime of torture

- The Federal Law No. 307-FZ, aimed at increasing criminal liability for torture **was adopted** on July 14, 2022. The authorities ignored comments and proposed amendments to the bill from the human rights community.
- The law contains two separate provisions: an abuse of authority involving the use of violence and an abuse of authority involving the use of torture (Article 286 of the CC). The maximum penalty for the latter can be up to 15 years if the victim was seriously injured or died from torture. Thus, rather than conceptualize torture as an independent crime, the new law defines it as a type of «abuse of authority».
- It is not clear how the authorities should distinguish between the use of violence and the use of torture. This uncertainty grants virtually unlimited discretion to authorities in choosing either option for qualifying an offence. This also leaves a room for manipulation and bargaining, as sanctions for torture are tougher. This may be used to put unlawful pressure on suspects and to allow perpetrators evade full responsibility and fair punishment.
- Known and investigated cases of torture indicate that it is usually perpetrated in a preplanned manner by a group with roles distributed among its members. However, these aggravating circumstances — a crime committed by a group by prior conspiracy — are recognized only for the crime of «abuse of power involving violence» but not for the crime of torture. Thus, authorities may be inclined to use the former qualification as more familiar to them and better reflecting the typical circumstances of such crimes, while the new provision on «torture» is likely to be applied rarely and selectively.

- The actual prevalence of torture in the country will remain unclear, because the judicial statistics will only include cases in which the perpetrator was sentenced under the heading of «torture, » while a large part of acts that essentially constitute torture will be hidden under the «use of violence» heading, which includes a wide range of different practices.
- The punishment imposed by the court on the person who committed torture may be canceled or mitigated at the stage of its execution. This can be achieved through existing procedures to reward well-behaved prisoners. Torture victims are in a particularly vulnerable position in such situations. They are effectively denied access to the proceedings: in practice, courts do not notify the victims either of a scheduled hearing on the matter or of the decision to mitigate the perpetrator's sentence.
- Marina Ruzaeva survived hours of torture at a police station in Usolie-Sibirskoe. After six years of ineffective investigation, the case was finally sent to court that found the police officers guilty and sentenced them to custodial penalties (3,5 and 4 years in prison). Three months after being admitted to a penal colony, two convicted perpetrators were effectively relieved from their custodial sentences. Having considered a request to replace the remaining unserved part of their sentences with non-custodial sanctions, a court mitigated the punishment, sentencing the perpetrators to correctional labor which involved their release from the penal colony. Marina Ruzaeva, who had received numerous, well-documented, threats, and had her family's possessions destroyed during the investigation and trial, was excluded from the proceedings, and her opinion was not considered by the court.

- April 2022 marked the end of the trial in the case of Abubakar Tsagalayev, a prisoner subjected to ill-treatment and collective beatings in the punishment cell of Corrective Colony No. 1 in Yaroslavl. Nine officers of the colony were sentenced to actual prison terms. Four of the defendants were previously sentenced to real imprisonment on other similar episodes of the Yaroslavl case. The investigations and trials in the Yaroslavl case confirmed that collective «correctional» beatings of prisoners **were** a routine practice at the colony, perpetrated in the same manner by the same officers of the same facility.
- In addition, police used indiscriminate force during the anti-war protests in February and March 2022. The extent of cruelty and humiliation and the demonstrative nature of police violence were unprecedented. Brutally beaten and injured protesters were either **denied** medical assistance or it was provided with a long delay.
- Women arrested during anti-war protests were subjected to sexualized humiliation and abuse, **including** in the infamous case of torture in Brateevo Police Department in Moscow. Strip searches of women and non-binary people at police stations were reported in several Russian cities after peaceful protests. No information is available on whether these incidents are being investigated, although, in the case of Brateevo, BBC even **identified** the perpetrators.

Extrajudicial persecutions of civil society

- Since the start of the war with Ukraine, the long-developed practices of threats, attacks and vandalism had been used against the anti-war activists. Such attacks are not a new notion Russian authorities use.
- For instance, the workers and activists of Navalny's organisations **had** their offices and homes vandalized with inscriptions in previous years, the same happened with «Open Russia» activists. The data from Novaya gazeta shows that by 2021, out of 92 cases of physical attacks on public figures, activists, journalists, bloggers only in one case the perpetrator **was found**.
- Since the start of the war, there have been various forms of attacks on dissenters. For instance, there have been at least 57 cases of dissenters' property vandalism — mainly, by the signs 'Z' and 'V' spray-painted on house doors, cars and inside offices of human rights organisations. This happened with human rights defenders **Oleg Orlov** and **Alla Frolova**, journalists **Oleg Yelanchik**, **Alexey Venediktov** and **Alexey Milovanov**, independent municipal deputies **Evgeny Stupin** and **Nodari Hananashvili**. Moreover, in the case of vandalism in the office of 'Memorial' the 'Z' and 'V' signs **were left** by the police officers. There are no cases or investigations by the police initiated after these actions — instead, there **are** open refusals to do so.

- There also **have been** at least 14 physical attacks on anti-war activists, at least 23 instances of direct threats (from the police or from unknown numbers — for example, for notifying the authorities about the anti-war rally). Among those, SOTA journalist Petr Ivanov was diagnosed with a fracture of the bones of the nose and contusion of the soft tissues **after the attack**, and human rights defender Lev Ponomarev **was being filmed** by the state-controlled TV channel while being attacked. As regarding the threats — there **are** at least 2 cases where people are forcibly made to apologize after their anti-war statements. Others, for example, **received** threats for trying to organize an anti-war protest or for **signing an appeal** to the Russian President calling for the withdrawal of troops from Ukraine. At least 4 local deputies have been expelled from their **political parties** or deprived of the **deputy status** after expressing their anti-war position.
- Moreover, the authorities are also quite cautious about the cultural events. In total, there are at least 24 people or music bands whose events were cancelled or disrupted because of their anti-war statements.

Domestic, gender based violence and related issues

Domestic violence

- Domestic violence in Russia is indeed a systemic problem. It has been highlighted in numerous reports by NGOs and by regional and international mechanisms. Official statistics are fragmented, missing or outdated. Currently, acts of domestic violence are prosecuted under the general provisions of the CC or the CAO. Russian law does not provide for the offence of domestic violence. Domestic violence is not recognised as an aggravating factor in the commission of any other offence. Thus, Russian law does not contain any penalty-enhancing provisions relating to acts of domestic violence or make a distinction between domestic violence and violence inflicted by strangers.
- Also, while Russian legislation provides several general protection measures for victims of crimes, none of these are specifically tailored to victims of domestic violence and sufficiently address specific risks associated with such a situation. In November 2020, Russian NGOs working with victims of domestic violence wrote to the Head of the Ministry of Internal Affairs (MIA) asking them to introduce risk assessment and risk management protocols that are used in many countries around the world. However, the MIA refused, stating: «the need to assess and manage the risks of violence is indicated in Article 51 of the Council of Europe Convention on preventing and combating violence against women and domestic violence... Due to the fact that one of the prescriptions of the Convention is to lift the ban on propaganda of a free gender orientation, the Russian Federation has not ratified it».
- None of the numerous draft bills on domestic violence (including those proposed by human rights defenders) has been adopted. The state-sponsored 2019 bill on domestic violence has been subject to massive criticism since its publication — it fails to provide an adequate level of protection. However, even this law is not on the agenda or under discussion anymore because of the pressure from the Russian Orthodox Church.

- According to statistics from the National Domestic Violence Helpline (non-governmental), a critical number of victims — more than 96% of women — were not satisfied with the help they **received** when they contacted the police.
- According to «Domestic violence in the context of COVID-19 in Russia» report of seven women’s rights organisations, levels of domestic violence **increased** during the COVID-19 pandemic. Human rights defenders analysed verdicts from 2011 to 2019 and discovered that 65,8% of women murdered **were** victims of domestic violence. Then, they analysed verdicts for 2020 and 2021 and found that the proportion of intimate partner/family-related homicide has increased significantly **compared** to previous years, i.e., in 2020, it was 70,9%; in 2021, it was 71,7%.

Sexual violence

- In conflict with international standards, Russia’s legislation lacks consent-based definitions of rape and other forms of sexual violence. Instead, the provision on rape focuses on the requirement of force, threat of force or helplessness when it comes to defining rape (Articles 131 and 132 of CC). Marital rape is neither explicitly criminalised as a separate article, nor included as an aggravating factor of sexual violence crimes. The criminal legislation of Russia **fails** to ensure ex officio prosecution for sexual violence crimes, classifying these crimes as the ones prosecuted under private-public prosecution procedures.

Psychological violence

- Psychological violence is almost completely overlooked in Russian legislation. While the Criminal Code criminalises psychological violence, i.e., the infliction of systematic psychological suffering (Article 117) and the threat of murder or infliction of grave injury (Article 119), the prosecution of domestic violence under Article 117 is very rare and the threshold of Article 119 is high.
- In *Volodina v. Russia*, the ECtHR stated that the existing criminal-law provisions were insufficient to offer protection against many forms of violence and discrimination against women, such as harassment, stalking, coercive behaviour, psychological or economic abuse, or a recurrence of similar incidents protracted over a period of time. In *Volodina v. Russia No. 2*, the ECtHR found that Russian authorities fail to protect victims from repeated acts of cyberviolence.
- In addition, women's access to justice is hindered by judicial bias and discriminatory stereotypes among judges, prosecutors and law enforcement officials towards women reporting violations of their rights.
- In general, an overview of what Russia should do to change the appalling situation is given in the ECtHR pilot judgment in *Tunikova and Others v. Russia*. However, despite the fact that the judgement entered into force on March 14, 2022, in terms of general measures, the judgment is unlikely to be implemented. So far, the law on combating domestic violence is not on the agenda or under discussion.

Negative impact of the exclusion of Russia from the Council of Europe

- Due to the expulsion of Russia from the CoE, women experiencing violence in Russia soon will no longer be able to apply to the ECtHR and at least receive monetary compensation. The UN treaty bodies do not award specific compensation, leaving it to the national authorities, which is likely to mean either no compensation at all or insignificant compensation.
- Therefore, it would be very helpful if the UN treaty bodies could increase their capacity. Particularly, it is extremely important to focus on how Russia complies with interim measures indicated by the Committees. So far, there is at least one case in which Russia has not complied with the CCPR request (not to extradite a woman to Belarus). Further non-compliance and lack of response from the UN treaty bodies will seriously worsen the already existing climate of impunity.

Impact of armed conflict in Ukraine

- Firstly, a general atmosphere of violence and impunity in Russian society cannot lead to a reduction in violence, including within the family. Secondly, the level of violence in society increases after conflict. Thirdly, women and girls forced to flee are one of the most vulnerable groups.
- On the one hand, these are the women and girls of Ukraine — some come to Russia because it was the nearest available destination, others are evacuated by force. They are extremely vulnerable to trafficking and various forms of exploitation.
- According to data from the Judicial Department of the Supreme Court, an average of 25 persons per year are prosecuted for human trafficking. A representative of the Supreme Court commented on these statistics as follows: «We are aware that these figures unfortunately do not mean that we are on the way to defeating this monstrous crime for the 21st century. We are aware of how many traffickers, given the high level of latency, go unpunished».
- It is clear that these isolated convictions do not reflect the real scale of Russia's human trafficking problem. The low number of detected cases of human trafficking is a result of imperfections in Russian legislation.
- On the other hand, women who leave Russia are vulnerable and may encounter various forms of violence due to, for example, their lack of knowledge of the language, local context, and laws.

Other issues

- Persistent problem of the non-enforcement of decisions granting custody over children remains generally, as well as in specific context of non-enforcement of custody decisions in the North Caucasus, where the problem is compounded by regional particularities: the support by regional authorities of gender-discriminatory practices originating in customary law, which follow an extreme form of patrilineality. Following the death of a child's biological father, or following divorce, only the paternal side of the family has any claim to children, with no obligation to involve the mother in their upbringing. Especially in the Chechen Republic and Republic of Ingushetia, the majority of mothers who are divorced or widowed are denied custody of their minor children, a role in their children's upbringing, regular or any contact with them. As a result, despite the national decision to award custody to the mother, in practice, enforcement of these decisions is simply ignored by the local authorities. It is not uncommon for mothers not to see their children for years and some lose contact altogether.

LGBT rights

- Since the beginning of the full-scale invasion to Ukraine, the number of cases of prosecution for LGBT propaganda has increased. In the six months of 2022, we are aware of 7 such cases. In April, Meta and TikTok were fined for propaganda. In May, a lawyer at the LGBT Resource Center in Yekaterinburg was fined twice for posting information on the organisation's website.
- Sphere is aware that since 2019, the Federal Security Service (FSB) has been systematically engaged in identifying «propaganda of non-traditional sexual relations» on the Internet. The involvement of the FSB shows us that countering information about LGBT is part of high-level government policy.
- The bill on new legislation around 'LGBT propaganda' proposed in July of 2022 suggests all information that either denies family values or is a 'propaganda of non-traditional relations' be banned, which would potentially restrict access to information. Additionally, in explanatory note the deputies authoring the bill equate information on LGBT with the propaganda of suicide, drugs, extremism and criminal behavior, and the LGBT people are equated with pedophiles, terrorists and those who are childfree.
- In 2021, right after the case of Memorial's shutdown, Russian authorities started a campaign against other human rights activists. One of the target groups was LGBT organisations and activists. The Ministry of Justice selects key organisations and activists working with LGBT rights to be recognized as foreign agents. Now there are 7 individuals and 6 organisations on the list.

Indigenous peoples

- While the war itself has no declared Indigenous dimension, it will certainly have serious repercussions on Ukraine's and Russia's Indigenous peoples and the international Indigenous movement. As Ukraine's Indigenous peoples traditionally mostly reside on the Crimean peninsula, they have been subject to Russia's aggression since 2014.
- Draconian laws enacted since 2012 regulate the work of organizations engaged in activities deemed political by the government. The constant harassment of these organizations by the authorities have made it next to impossible to openly and freely discuss issues relating to Indigenous peoples rights, especially where they concern the right to self-determination, and more specifically land rights. A particularly worrisome aspect was the expansion of extractive industries on Indigenous peoples' territories without their Free, Prior, and Informed Consent (FPIC), actions broadly supported by Western businesses and governments.
- As a result, today, the once vibrant Indigenous activist movement in Russia **has been reduced** to a handful of people. Those activists must be extremely careful about what they say and do as anyone who openly questions the political and economic choices made by the authorities is at risk of **criminal prosecution**. A number of prominent **Indigenous rights defenders left the country** fearing for their safety and freedom. Some of those who chose to stay in Russia are experiencing arbitrary **criminal prosecution** initiated by the state or extractive companies.

- Soon after the start of the war, Russia unprecedentedly restricted the flow of information by adopting censorship and persecuting independent sources. Yet, the reality for the overwhelming majority of people living in remote areas like Russia's Indigenous communities is that they have no access to the Internet, let alone the skills to avoid restrictions on information access imposed by the government.
- The Russian media **reported** that the overwhelming majority of Russian soldiers fighting in Ukraine are coming from smaller and **poorer** localities in Siberia and the Far East and the Volga and Caucasus regions. The percentage of Indigenous peoples and ethnic minorities among soldiers in the Russian armed forces who are fighting and dying in the war seems to be disproportionately high. There have been confirmed deaths of Indigenous soldiers from Chukotka, Khabarovsk Krai, Tyva, Buryatia, and other Russian regions. While any loss of life is a tragedy, for small-numbered Indigenous peoples it could be a question of their very survival.
- The Russian government's decision to wage a war against its neighbor had a devastating effect on its Indigenous peoples' participation in international advocacy mechanisms. Following the start of the war on Ukraine, the **Arctic Council**, a unique institution in which the Arctic's nations, Indigenous peoples, and NGOs work on sustainable environmental development and protection of the region, has suspended its work.

- Meanwhile speaking out at the UN has become extremely dangerous for independent Indigenous voices from Russia. Anyone voicing opposition to Russian government decisions at international fora risks intimidation and prosecution in Russia. This is a huge challenge, as **participating in international fora is of great importance** for the many marginalized Indigenous peoples of Russia. Just how far Russian government representatives may go in their attempt to intimidate independent Indigenous activists was seen at the July 2022 session of the United Nations' Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). On July 4, the first day of EMRIP's 15th session in Geneva, indigenous Shor activist Yana Tannagasheva was verbally assaulted and physically intimidated by a representative of the Russian state.
- Indigenous peoples whose ancestral lands are divided by national borders suffer additional impacts of the war when contacts with brethren across the border are severely limited. The cross-border dimension is particularly evident in the case of the Sámi, who live in both Russia and Nordic countries. Here, the war in Ukraine has resulted in suspension of all cooperation between Russian and non-Russian members of the Sámi Council, the Sámi people's main representative body. The suspension followed an explicit expression of support by some Sámi leaders in Russia for the Russian government's decision to launch the war against Ukraine. And although not all Russian Sámi organizations endorsed the government on that issue, the decision to suspend Russian participation was made unanimously by the Executive Board of the Sámi Council, a body that consists of four people, one of which is a representative of Russian Sámi.

Military courts, army and conscripts

- Russian military courts examine cases both against military personnel and civilians as prescribed by certain provisions under the Code of Criminal Procedure. Generally, the trials of civilians in military courts raise serious concerns relating to the fair trial. In the Concluding Observations adopted in 2018, the Human Rights Committee expressed concerns about the jurisdiction of military courts in Lebanon extending to civilians. In 2018, the HRC concluded that the trial and sentencing of civilians by a Belorussian military court violated article 14 (1) of the ICCPR.
- Russian military courts are regulated by the Federal Constitutional Law «On military Courts of the Russian Federation», the Federal Constitutional Law «On the Court System in the Russian Federation», and the Code of Criminal Procedure. According to the Law On Military Courts, military courts are the part of Russian courts of general jurisdiction (Article 1) and have jurisdiction to hear civil and criminal cases involving military personnel (Article 7).

- Before 2009, only military officers could become military judges. On June 29, 2009, the law was amended, and non-military personnel obtained the right to become a judge of a military court. However, military officers on active duty or in the reserve currently retain a priority right to be appointed as judges of military courts. Moreover, a number of the judges of military courts appointed before the reform of 2009 are military officers, which calls into question their independence. According to international trial observers, the fact that all three judges of the panel, which found a journalist Svetlana Prokopyeva guilty of justifying terrorism (a verdict **considered** by the Commissioner for Human Rights and **representative** of the EU a violation of the right to freedom of speech), were appointed before 2009 as members of the military taken together with «widely reported abuse of anti-extremism and anti-terrorism laws to silence critics of the government» gives significant reasons to doubt the independence and impartiality of the judges. National trial monitoring by Citizens' Watch raises similar concerns regarding the trial of Viktor Filinkov and Igor Shishkin sentenced for terrorism despite their claims of torture in custody.

- These judges whose independence raises questions are entitled to consider such charges, which often constitute cases of political persecution: terrorism and extremism. Only military courts have jurisdiction to **examine** such cases. The Human Rights Committee found that the legal definitions of «extremist» and «terrorist» activities are too broad and vague and recommended Russia to **make** the definitions narrower and in line with the ICCPR. Russia did not comply with these recommendations. The vagueness of the legislation in question makes it an ideal tool for persecution and harassment of the human rights defenders and other people opposing the Russian government. Moreover, the defendants in such cases **cannot** file a petition to have their case tried by the jury, which deprives them of important guarantee of the right to a fair trial without an objective reason.
- The vague definition of extremism and terrorism, denial of the right to a jury trial for defendants in these categories of cases taken together with, firstly, the general recommendation not to examine cases against civilians in military courts and, secondly, serious doubts in the independence of the judges of Russian military courts leads to conclusion that trials of civilians in Russian military courts pose serious concerns in relation to the observance of the right to the fair trial.
- **According** to Agora's report, the rights of the conscripts and army servicemen are violated in the context of war with Ukraine. On March 8, Vladimir Putin said that neither conscripts nor reservists are involved in Russia's military operation in Ukraine, and **would not be involved** in future. The next day, on March 9, the Defence Ministry officially admitted that conscript soldiers were not only involved in combat operations, but several **had been taken** prisoner.

- At least three group cases of Russian Guard fighters **refusing** to be sent to Ukraine are known. In general at least 17 cities, military personnel and Russian Guard fighters reported pressure, dismissals and threats of criminal charges due to refusals to go to Ukraine. At the end of March, the media started to publish the first evidence of desertion by Russian servicemen from units stationed in Ukraine. In particular, reports **have pointed** to the use of violence against them by officers.
- A citizen of the Russian Federation has the right to ask to replace military service with an alternative civilian one. According to MCO statistics, in 50% of cases people are denied alternative civilian service. Courts cancel decisions of Draft commissions only in 10% of cases. Persons serving in the military cannot apply for alternative civilian service. In practice, the decision regarding applications to replace military service with alternative civil service is made by representatives of the Military commissariat.
- Alternative civilian service in Russia remains punitive and discriminatory in terms of duration and conditions. The military service in the Russian Federation is 12 months, while the alternative civilian service is 21 months or 18 months for alternative service in organizations affiliated to armed forces, such as military factories and construction departments. The conditions for alternative service are punitive in nature, including the practice to perform such services outside places of permanent residence, inadequate housing, the receipt of low salaries, which are below the subsistence level for those who are assigned to work in social organizations.

Political prisoners

- The number of political prisoners is growing and currently **stands** at 478 in the Memorial's deliberately incomplete lists. $\frac{3}{4}$ of them are prosecuted in connection with the exercise of the right to freedom of conscience, mainly Jehovah's Witnesses and those accused of participating in Hizb ut-Tahrir, including a large number of Crimean Tatars. This number increased by 10% since the beginning of the year. These lists are based on the notion of political prisoners in the 2012 PACE resolution and **are** in a sense certified by this year's June PACE Resolution 2446.
- Particular attention is drawn to those prosecuted under «political» articles like the new anti-war ones, but in general, about 50 different articles of the CC are used to prosecute those in the lists. An obvious trend this year is the suppression of the anti-war movement in any form.
- The new anti-war articles and their application (the presumption that only state sources are true) are only the most striking example of this. The new repressive norms (as, indeed, many of the old ones) do not meet the fundamental requirements of legal certainty. In general, the standard of proof of guilt in politically motivated cases has sharply decreased. This is evident from the Gorinov, Navalny, and Pivovarov cases.

- As recently as last year, there was a clear trend toward expanding the practice of criminal prosecution for desacralization of the sacred (primarily cases involving the rehabilitation of Nazism and insulting the feelings of believers). Politically motivated criminal repression is clearly aimed at suppressing:
 - freedom of assembly (cases of violence against representatives of the authorities, violation of sanitary norms, repeat assembly violation (Article 212.1 of the CC), «blocking transport communications»);
 - freedom of expression (cases of justification of terrorism, incitement to extremism, incitement to hatred and hostility, the new anti-war articles of the CC, hooliganism, vandalism, rehabilitation of Nazism, defamation);
 - freedom of association (cases involving participation in activities of extremist and terrorist communities and organizations, undesirable organizations, and the establishment of NGOs that infringe on the civil rights);
 - freedom of conscience (cases involving participation in terrorist and extremist communities and organizations, and now potentially including undesirable organizations).
- The Russian regime supports the Belarusian dictatorship: refugees from Belarus, persecuted on far-fetched political charges, are regularly extradited to Belarus.

- In a situation of war, we can expect a wide scale illegal criminal prosecution of prisoners of war and illegally captured civilians in the occupied territories, based on false accusations of war crimes, participation in terrorist organizations, and illegal armed formations not only through a proxy of the LDPR (Lugansk and Donetsk People's Republic) but also directly in the Russian Federation, as well as an increase in falsified cases of sabotage, spying and treason against the motherland on behalf of Ukraine.
- Repressions are selective, often choosing victims of politically motivated criminal prosecution at random. The main purpose of such selective repression is to control society. It was years long practice of these repressions in conjunction with a large number of other tools for restricting human rights and freedoms that provided the opportunity to unleash and wage a war of aggression against Ukraine, and today their intensification provides the opportunity to continue it.

Recommendations to the Russian Federation

- Stop the persecutions for the anti-war positions and for the dissent views, lift the de facto adopted military censorship and repeal the laws, restricting the freedom of speech, including Articles 20.3.3 of the Code of Administrative Offences, Articles 207.3, 280.3 etc. of the Criminal Code. Stop administrative and criminal prosecution under these articles and acquit all the persons already prosecuted under these articles for expression of their positions.
- Stop the extrajudicial blockings of sites and other sources of information.
- Repeal the laws on foreign agents and undesirable organizations, empty the relevant registries and acquit all the persons already prosecuted for cooperation with undesirable organizations or violating foreign agent restrictions.
- Stop the illegal use of the facial recognition system against protesters and activists.
- Lift the ban on public events, including solo demonstrations, introduced due to COVID-19 and still in force in several regions of Russia.
- Adopt the law on domestic violence in line with international standards in this area and implement the general measures indicated in the relevant judgments of the ECtHR. Comply with and implement the decisions, including interim measures, of other international mechanisms, in particular the UN Treaty Bodies.
- Stop the persecutions, including the extrajudicial ones, of human rights defenders, journalists and media outlets, LGBT* and women's rights activists, indigenous peoples and other activists. Investigate promptly and impartially the existing cases and bring perpetrators to justice.

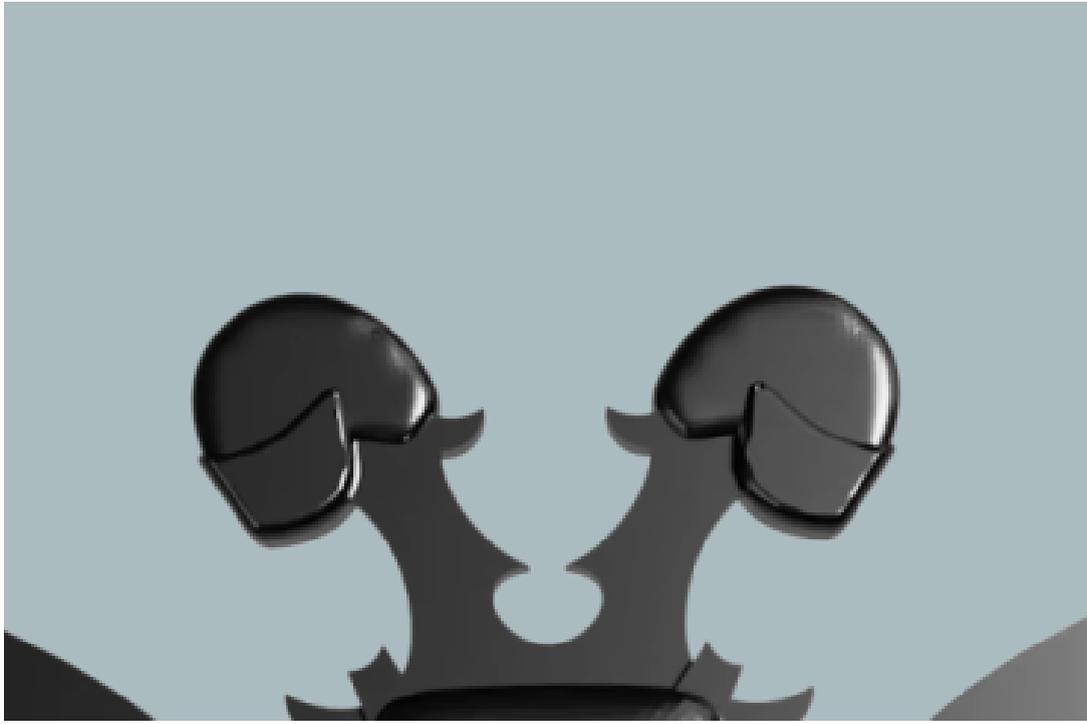
- Prevent and put an end to torture and ill-treatment, effectively investigate existing cases and bring perpetrators to justice.

More to read



The strangling of Crimea

Denis Shedov and Dan Storyev explain how the repression in occupied Crimea was structured and how it evolved



Reports and data