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ARTICLES

The Russian Constitutional Court has rejected our challenge. Here is what is wrong with this

Since the full-scale invasion of Ukraine the authorities detain people for anti-war statements almost daily. On 21 June the Constitutional Court illegitimately rejected our challenge to recognise the «discrediting the military» article 20.3.3 as unconstitutional. So today we will explain one of the key tools in the Kremlin's arsenal: the Discreditation Articles and what could trigger them.

ОБ ЭТОМ НИКТО НЕ УЗНАЕТ

Если об этом никто не напишет. Подпишитесь на регулярные пожертвования ОВД-Инфо, чтобы плохие дела не оставались в тишине.

ПОДПИСАТЬСЯ

OVD-INFO INFORMS: WHAT DISCREDITS THE RUSSIAN MILITARY

This piece is an example of our new format of English-language explainers. We'll release one every month or so explaining key features of Russia's struggle for human rights. I hope you like it! If you'd like to suggest us a topic to explore next feel free to reach out to newsletter@ovdinfo.org

Dan Storyev | English Managing Editor

What's in the articles?

The articles aim at discouraging Russians from expressing any opinion that is not in line with the official war narrative. Criticizing the Russian military and other Russian state structures, as well as mercenary groups, is considered as «discreditation» punishable by fines or prison time. They were introduced in the wake of the invasion once the Kremlin realized it needed to rein in the unprecedented Russian anti-war movement.

How it works?

Here is how it works. Russia has two legal codes — criminal and administrative. Punishments under the latter mostly amount to fines or somewhat little time behind bars. Criminal

code penalties are much more severe. The Discreditation Articles allowed the Kremlin to fine tune their 2-step punishment mechanism: an administrative (Article 20.3.3) penalty for first violation, a second «violation» is then can be persecuted under the criminal code (Article 280.3). In some circumstances even the first violation can be tried as a criminal case, if the authorities manage to prove that there has been any supposed «damage» to people or property.

Article 20.3.3 gets you fined anywhere between 30 000 to 1 million roubles — which is roughly 370 to 12 300 US dollars. In a country with 12 percent below the poverty line and a median monthly salary of 545 USD such penalties **hit hard**.

If the authorities use the criminal code, the situation gets even worse. Article 280.3 can land you in prison for 5 to 7 years. In prison, the Kremlin's authorities are known to use a wide variety of degrading tactics such as torture, rape, deliberate disregard of disability and more. At least 32 persecuted for their anti-war stance under **criminal code** were tortured or otherwise mistreated.

How to get in trouble?

That's the insidious influence of the discreditation articles — nearly anything can be considered discreditation. Of course, speaking out openly, protesting and talking about the Kremlin's war crimes is considered discreditation. But this is only where the list begins.

A student in Sakhalin got fined for an argument about the war with his teacher. A Kostroma priest got fined in a sermon where he said «thou shalt not kill». In Moscow an activist with a «no to fascism» banner was accused of discreditation. A passer-by was fined for carrying a copy of Leo Tolstoy's War and Peace. A journalist was fined for using the word «frontline» when talking about the «special military

operation». A man from Chita got fined for a dream about Zelensky. It only gets more absurd.

But it also gets scary. Alexei Moskalev is a prime example. This single father caught the authorities' eye after his daughter, Masha Moskaleva, drew an anti-war picture in school. Police broke into the Moskalevs' home, beat up Alexei and stole their savings. Eventually, Alexei was given a 2 years sentence for «discrediting» the army with anti-war social media posts. Masha was taken from him. You can read more in our coverage [here](#).

The articles also created a fruitful soil for snitching, corrupting Russian society. Walls have ears now as a resident of Balakovo found out — he was reported for a conversation with his friend. A snitch [listened in](#).

Overall, the articles creates an atmosphere of constant paranoia — it hangs over Russians' heads as the proverbial Damoclean sword. It may not have that many cases yet, but it has an incredibly powerful chilling effect.

Impact

So far we have counted 89 cases under 280.3 and 7182 under 20.3.3. The latter had Russians fined to the tune of 1 200 000 000 rubles (US\$ 14 250 090).

But besides these striking numbers, the articles had a part in the suffocating of the free press, dealing a powerful blow to Russian independent media. They worked in conjunction with the «fakes» article 207.3, which warrants its own explainer one day. Publications that want to cover the war — unarguably the most important development in modern Russia's history — now have to do so either in a Putinist tone, or go underground. While much of the independent Russian media was able to adapt via moving abroad, the articles still damaged the ability of journalists to operate within Russia.

The Kremlin of course insidiously used the articles to go after opposition figures and politicians. 280.3 cases are ripe with representatives of opposition structures. One of the more famous is Yevgeny Roizman, a maverick opposition politician, and a former mayor of Yekaterinburg. Before being persecuted under 280.3 he received several fines under the 20.3.3 for his anti-war tweets.

How we protect

We help detained in administrative and criminal cases. After the adoption of the articles we expanded our legal aid mandate to cover anti-war protests, while earlier we focused on freedom of assembly. We have also worked to shape the global response to the kremlin's attack on freedom of speech,

Despite the Court's rejection, we are using all available mechanisms: ECtHR (while it was still available), UN HRC (Human Rights Committee — working on it) and UN WGAD (Working Group on Arbitrary Detention). We aim to make international bodies to proclaim this legislation unconstitutional and incongruent with human rights norms.

We have provided legal aid for 20 cases under 208.3 and for at least 1123 cases 20.3.3. We will continue to help people facing injustice and fight against the Kremlin's repressive machine.

ЧТО Я МОГУ С ЭТИМ СДЕЛАТЬ?

Прочитать, рассказать, поддержать. Подпишитесь на регулярные пожертвования ОВД-Инфо, чтобы как можно больше людей узнали о политических репрессиях в России сегодня.

ПОДДЕРЖАТЬ

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