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Introduction

This country of origin information report (COI report) describes the situation in the Russian Federation insofar as it is relevant for the assessment of asylum applications by persons originating from Russia and for decisions related to the return of rejected Russian asylum seekers. This report is an update of the COI report for the Russian Federation of April 2021. The reporting period covers the period from April 2021 up to and including March 2023. Relevant developments after that period that are important for answering the questions asked in the ToR are taken into account in broad outline up to the date of publication. This COI report is not a policy document and does not reflect the Dutch government's vision or policy in relation to a country or region. Nor does it contain any conclusions regarding immigration policy.

This COI report is based on the questions and points of focus in the Terms of Reference (ToR) drawn up by the Ministry of Justice and Security. The ToR were confirmed on 29 July 2022, with a supplementary ToR on 11 October 2022. The ToR and the supplement, as well as the COI report, are available on the website of the Dutch Government.

This report was prepared on the basis of both public and confidential sources, using carefully selected, analysed and verified information. Information from non-governmental organisations (NGOs), specialist literature, media coverage and the relevant government agencies was used to create this COI report. Except where the facts are generally undisputed or unless stated otherwise, the content of this report is based on multiple sources. The public sources that were consulted are included in the bibliography. Resources available only in the Russian language are supported by other sources, where possible, and were translated using the European Union's eTranslation tool¹.

Some of the information used was obtained by means of interviews with relevant and expert sources on location and in surrounding countries. Information originating from the diplomatic missions of the Netherlands in the Russian Federation was also used. The information obtained on a confidential basis has chiefly been used to support and add to passages based on public information. These sources are referred to as a 'confidential source' in the footnotes and are provided with a date.

Chapter 1 deals with the political situation in Russia. Chapter 2 focuses on citizenship, documents and address registration. Chapter 3 describes the situation of specific groups in Russia. The situation for conscripts, contract soldiers and reservists is described in Chapter 4. Compliance with and violation of certain human rights is discussed in Chapter 5. Chapter 6 focuses on a number of different laws and their enforcement. Chapter 7 describes the judicial process. The situation of refugees and displaced persons is described in Chapter 8 and return to Russia in Chapter 9. Chapter 10 contains the bibliography and abbreviations used.

In this COI report, the Russian Federation is also referred to as 'Russia'.

¹ See https://commission.europa.eu/resources-partners/etranslation_en

1 Political developments

On 24 February 2022, Russia invaded Ukraine: in the north from Belarus, in the south through the previously illegally annexed Crimea and in the east from Russia. This incursion was announced by President Putin as a short-term 'special military operation' to liberate certain areas of Ukraine from the so-called Nazism of the Ukrainian authorities. When it turned out that the war would be concluded less quickly than announced by President Putin, the mobilisation in September 2022 led to unrest and the number of Russian casualties continued to increase, the Russian narrative changed to an alleged need to defend Russia against NATO and the West. President Putin backed up this narrative by citing the alleged belligerence of the West and the introduction of hostile images of so-called Western moral decay that he believes pose a threat to Russian civilisation. The Crimean Peninsula of Ukraine had been illegally annexed by Russia in 2014. On 30 September 2022, Russia annexed the Ukrainian oblasts of Donetsk, Luhansk, Kherson and Zaporizhia and incorporated them into the Russian Federation under the guise of liberating them. In his annual address on 21 February 2023, President Putin announced the suspension by Russia of the Russian-US arms control treaty New START, citing the US withdrawal in 2019 from the *Intermediate-Range Nuclear Forces* arms control treaty.²

Simultaneously with Russia's invasion of Ukraine, repression was taking place in Russia on an unprecedented scale. Lawyers noted increasing lawlessness in the actions of the authorities, and freedom of expression was restricted on a large scale to curb criticism of the war.³ The Kremlin resorted to repressive measures to gain greater control over digital information flows and there was propaganda everywhere. Civil society and the political opposition have been almost wiped out and independent journalism has virtually disappeared from Russia. The number of independent criminal lawyers has fallen sharply. When the invasion of Ukraine lasted longer than initially announced, criticism of the armed forces was criminalised (see section 6.1, 'Criticism of the war'). Just a few critical voices from TV personalities who wanted a quicker victory and tougher military action were tolerated for a while.⁴

New legislation further limited the power of Russian civil society and journalism by isolating them from foreign and international partners, suppressing independent initiatives, smothering critical attitudes towards the authorities, silencing the media and suppressing political opposition. The people targeted by these actions were forced to leave the country or cease their activities. The repression that has gradually intensified since 2012⁵ reached a peak with the new legislation passed after the outbreak of war in March 2022 (see Chapter 6).⁶

At the end of October 2022, President Putin announced wider powers for the governors of all the Russian regions. Under this presidential decree, different threat levels were assigned to the regions in the Central District and the Southern District of Russia. The regions bordering Ukraine and the Moscow region were assigned the

² Raam op Rusland, *Wat u moet weten om de oorlog te snappen*, 17 February 2023; Kremlin website, *Signing of treaties on accession of Donetsk and Lugansk people's republics and Zaporozhye and Kherson regions to Russia*, 30 September 2022; The New York Times, *Putin's Move on Nuclear Treaty May Signal End to Formal Arms Control*, 21 February 2023.

³ Confidential source, 29 November 2022; confidential source, 3 November 2022.

⁴ Stiftung Wissenschaft und Politik, *Russland auf dem Weg in die Diktatur*, 31 April 2022; confidential source, 24 March 2022;

⁵ After massive protests in 2012 in the context of parliamentary and presidential elections, new laws were passed, such as the *Foreign Agent Law* in 2013 (section 6.3) and the *Yarovaya Laws* in 2016 (section 6.2).

⁶ OSCE, *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, September 2022; Raam op Rusland, *Laatste mensenrechtenclubs in Rusland opgeruimd*, 30 January 2023; Meduza, *Hundreds of thousands of extremists*, 10 June 2021;

highest threat level, so the government's powers were expanded the most in those regions. For example, powers were extended to maintain public order, protect vital infrastructure and control transport and traffic.⁷

Although the reliability of opinion polls, even those of independent research agencies, is very difficult to estimate⁸, the following numbers are the only figures available. Ten months after the invasion, a report by research agency *Levada* showed that the majority of Russians support the war in Ukraine. Support was almost 90% among pensioners, but it was also 62% among young people.⁹ According to figures from the research agency Russian Field, a year after the invasion of Ukraine 69% of respondents supported the invasion, compared to 22% who spoke out against it. In addition, 52% are in favour of intensifying hostilities, with 42% against this course of action.¹⁰ A well-informed source notes that poll respondents probably don't feel free to answer honestly but that a majority of the population is somewhat supportive of the war. However, only a minority is believed to genuinely support the war.¹¹

Duma elections and regional elections

Duma elections were held on 19 September 2021. Putin's United Russia party won a two-thirds majority.¹² Prior to the elections, the independent newspaper *Novaya Gazeta* stated that presidents of electoral commissions had been instructed to use certain falsification methods.¹³ No OSCE election observers were present, as Russia had severely limited the number of observers allowed due to COVID-19 restrictions. Only a small number of observers from the Parliamentary Assembly of the Council of Europe (PACE) were admitted, which made in-depth or representative monitoring and evaluation of the elections impossible.¹⁴ In August 2022, some media announced that they had material that would show that large-scale election fraud had taken place.¹⁵

From 9 to 11 September 2022, regional elections were held in 14 of the 89 regions. The outcome of the regional elections was regarded as confirmation that there is no longer any open protest against Putin inside Russia or that such protest is no longer possible. In all fourteen regions where votes were cast, governors affiliated with Putin's United Russia party won. United Russia also won in the six regional parliaments and twelve city councils.¹⁶

The Union State between Russia and Belarus

The Union State¹⁷ acquired a more solid footing during the reporting period. For example, in October 2022, President Putin and his Belarusian counterpart Aleksandr Lukashenko reaffirmed their military cooperation, announcing the creation of a joint military unit.¹⁸ At the start of the invasion of Ukraine, Russia used Belarus as a base to move troops and equipment to northern Ukraine. Since then, Russia has fired

⁷ Presidential Decree, 19 October 2022, (RU) no. 756; The Moscow Times, *Explainer: What Does Russia's Imposition of Martial Law Mean?*, 20 October 2022; The Independent, *Vladimir Putin imposes martial law on annexed regions of Ukraine*, 20 October 2022; See section 6.1.

⁸ See, for example, Open Democracy, *In Russia, opinion polls are a political weapon*, 9 March 2022.

⁹ The Washington Post, *Most Russians support peace talks but reject return of Crimea*, 13 December 2022; the Moscow Times, *What Secret Russian State Polling Tells Us About Support for the War*, 9 December 2022; Confidential source, 22 December 2022.

¹⁰ Confidential source, 28 February 2023; Kommersant, *Moderation is key in a special operation*, 27 February 2023 (RU).

¹¹ Confidential source, 1 March 2023.

¹² Confidential source, 21 September 2021.

¹³ *Novaya Gazeta*, *Russia Explained*, 8 September 2021.

¹⁴ OSCE, *No OSCE observers for Russian parliamentary elections following major limitations*, 4 August 2021; PACE, Memorandum AS/Bur (2021) 62, 15 November 2021.

¹⁵ Raam op Rusland, *How representative is the Duma after elections with 17 million stuffed ballots?*, 15 August 2022; RFERL, *'A Dress Rehearsal'*, 20 September 2021;

¹⁶ Meduza, *Feigning democracy*, 12 September 2022; Confidential source, 20 September 2022.

¹⁷ See the 2021 country of origin information report for the Russian Federation

¹⁸ Reuters, *Belarus, Russia to form joint military group, Lukashenko says*, 10 October 2022; Al Jazeera, *Lukashenko says Belarus and Russia to deploy joint military group*, 10 October 2022.

missiles several times at Ukraine from Belarus and from Belarusian airspace and the country is being deployed to supply the Russian army.¹⁹ Despite the above agreements, no Belarusian military personnel had been spotted in Ukraine up to the time this report was published. Several hundred Belarusians, mostly from the Belarusian diaspora, are fighting on the Ukrainian side.²⁰ Large sections of the Belarusian population are critical of the invasion of Ukraine and Russian military installations and operations in Belarus are regularly sabotaged.²¹

¹⁹ NOS, *Belarussen willen geen oorlog, maar hun leider doet wat Poetin wil*, 12 October 2022;

²⁰ Foreign Policy, *Meet the Belarusian Regiment Fighting for Ukraine*, 20 February 2023; VOA, *Belarusian regiment fights against Russia in Ukraine*, 28 December 2022; NPR, *These Belarusians join the fight against Russia, defying their Moscow-backed regime*, 31 May 2022;

²¹ Meduza, *The guerilla war on Belarus's railways*, 5 July 2022; npr, *These Belarusians join the fight against Russia, defying their Moscow-backed regime*, 31 May 2022; NOS, *Belarussen willen geen oorlog, maar hun leider doet wat Poetin wil*, 12 October 2022.

2 Identity, citizenship and documents

2.1 Citizenship

Already before the reporting period, more favourable conditions for obtaining Russian citizenship for Ukrainian citizens had been introduced in four phases. Since March 2014, Ukrainian or stateless permanent residents of Crimea and Sevastopol have been regarded as Russian citizens by Russia, unless they indicated within one month of the annexation of Crimea on 18 March 2014 that they do not wish to become Russian citizens and want to retain their Ukrainian citizenship. In 2017, the relinquishing requirement²² for all Ukrainians – irrespective of the applicant's place of residence – was removed from Russian legislation.²³ In April 2019, the simplified naturalisation procedure was opened up to residents of the self-declared People's Republics of Luhansk (LNR) and Donetsk (DPR)²⁴, and later also to all residents of the entire Ukrainian oblasts of Luhansk and Donetsk.²⁵ Since July 2020, nationals of Ukraine, amongst others²⁶, only have to prove legal residence in Russia for one year prior to their naturalisation request rather than the standard required five years, and they no longer have to comply with the income requirement.²⁷

In May and July 2022, the regulations for Ukrainians were relaxed even more. In May 2022, Russia opened the simplified naturalisation procedure to residents of Russian-occupied Kherson and Zaporizhia. In July 2022, President Putin issued a decree granting all Ukrainian citizens access to a simplified naturalisation procedure.²⁸

This access to the simplified naturalisation procedure also applies to Ukrainian citizens who are lawfully residing in Russia.²⁹

Since 24 September 2022, the simplified naturalisation procedure has also been open to foreigners who have served in the Russian army for at least one year. In the past, a term of three years applied.³⁰ For a description of ethnic minorities in military service, see section 3.2.1 (Ethnic groups).

2.2 Documents

For a description of identity documents, see the COI report of April 2021.³¹ The following developments took place during the current reporting period.

²² The obligation to give up Ukrainian citizenship after naturalising as a Russian.

²³ Russia in Global Affairs, vol. 19 No.2 April – June 2021, Igor A. Zevelev, *Russia in the Post-Soviet Space: Dual Citizenship as a Foreign Policy Instrument*, p. 24.

²⁴ In Russian: *Luganskaya Narodnaya Respublika* and *Donetskaya Narodnaya Respublika*.

²⁵ For a detailed description, see the general country of origin information report for the Russian Federation of April 2021. See also Russia in Global Affairs, vol. 19 No.2 April – June 2021, Igor A. Zevelev, *Russia in the Post-Soviet Space: Dual Citizenship as a Foreign Policy Instrument*, p. 10.

²⁶ And Belarus, Kazakhstan, and Moldavia.

²⁷ OFPRA, L'acquisition de la citoyenneté russe par naturalization, 27 October 2020; artt. 13 and 14 section 2 subsection n) *Federal Law* of 31.05.2002 N 62-FZ 'On Citizenship of the Russian Federation'.

²⁸ Reuters, *Putin decree gives all Ukrainians path to Russian citizenship*, 11 July 2022; The Moscow Times, *Russia Expands Fast-Tracked Citizenship Scheme to All Ukrainians*, 11 July 2022; VOA, *Putin Signs Decree Offering Russian Citizenship to All Ukrainians*, 11 July 2022.

²⁹ Presidential Decree, 11 July 2022 no. 440.

³⁰ Website Duma, *Foreign citizens serving in the Russian army under contract to be able to obtain citizenship of Russia under a simplified procedure*, consulted on 21 September 2022; NOS, *Mobilisatie betekent nieuwe fase in de oorlog*, 21 September 2022; *Russian Citizenship Act*, art. 13 section 4.

³¹ *General country of origin information report for the Russian Federation* April 2021.

It is no longer mandatory to specify the marital status or include children in the domestic passport. The information regarding children and spouse is only included if so desired by the applicant.³²

The issue of biometric passports was temporarily suspended in February 2022 due to the high number of applications and a shortage of materials.³³ This suspension was officially announced in August 2022. This also applied to applications submitted at Russian consulates abroad.³⁴

According to media reports, international passports are no longer being issued to mobilised Russians. This is said to apply to Russians who have been called up.³⁵ According to one source, this applies in practice to all reservists in the first category.³⁶

2.3 Address registration

All citizens of the Russian Federation residing on Russian territory must be registered at an address. They can register for free with the Migration Departments of the Ministry of the Interior. The registration can be temporary in nature (hereinafter referred to as: 'temporary registration') or permanent in nature (hereinafter referred to as: 'permanent registration').

Registration of temporary residence

A temporary residence of more than ninety days in a region other than the region in which the person concerned is registered must also be registered with the Ministry of the Interior. This temporary registration can coexist alongside the registration at a permanent address. A temporary registration can be issued electronically or on paper.³⁷

Registration of permanent address

Permanent registration must take place within seven days after the change of address. The registration stamp is entered in the domestic passport; children up to the age of 14 receive a certificate of registration. Applicants can apply to register online on the government internet portal ('Gosuslugi'³⁸) or in person at the Migration Department of the Ministry of the Interior or the government Multifunctional Centre (MFC). On Gosuslugi, an applicant can apply for his/her own permanent registration but also for the registration of a spouse and children up to the age of 18 with their consent.³⁹

For permanent registration, the following documents are required⁴⁰:

- Domestic passport
- A document that serves as proof of ownership of the accommodation or of the rental agreement
- If the person concerned is not the owner of the accommodation – notarial consent form from the owner for the registration, stating the person's personal and contact details. The owner can also give permission in person during the appointment

³² Confidential source, 30 July 2021; confidential source, 28 February 2023.

³³ Meduza, *Russia suspends applications for biometric passports*, 2 February 2023;

³⁴ RFERL, *Russia Suspends Issuance Of Biometric Passports For 'Technical' Reasons*, 27 August 2022; TASS, *Russian foreign ministry suspends issuance of biometric passports due to technical reasons*, 26 August 2022; Novaya Gazeta Europe, *Russian Consulates suspend issuing biometric passports 'for technical reasons'*, 26 August 2022.

³⁵ The Moscow Times, *Russia Will Not Give Out Passports to Mobilized People – Government*, 28 September 2022;

³⁶ Confidential source, 21 October 2022.

³⁷ Confidential source, 19 January 2023.

³⁸ See website: [Портал государственных услуг Российской Федерации \(gosuslugi.ru\)](https://gosuslugi.ru)

³⁹ Confidential source, 19 January 2023.

⁴⁰ Decree of the Government of the Russian Federation of 17 July 1995 N 713 'On approval of the Rules for the registration and deregistration of citizens of the Russian Federation', section 5, see [Garant.ru](https://garant.ru), consulted on 24 March 2023 (RU); Confidential source, 19 January 2023.

- For children up to 14 years old – birth certificates
- For children up to 14 years old – proof of permanent registration elsewhere, if any
- For children aged 14 to 18 – their domestic passports
- In case of registration through Gosuslugi: Gosuslugi accounts on the Gosuslugi internet portal of everybody who wants to register, except for children up to 14 years old.

After the application has been checked through Gosuslugi, a date is set for the applicant to report to an office of the Ministry of the Interior or the MFC. If the owner of the accommodation cannot come to the appointment, a notarial consent form must be submitted. This requirement does not apply to the registration of resident children.⁴¹

When moving to another address in Russia, conscripts and reservists must notify the regional military recruitment office, while pensioners must also notify the pension fund. The new address must then be registered in the above way.⁴²

Deregistration when moving abroad

When moving abroad, the person concerned must deregister from his/her place of permanent residence. This can be done in person or later through the consular section of a Russian embassy abroad, with an intermediary in Russia submitting the application in Russia. According to various sources, deregistration from the address register is actually possible in this way in practice through the embassies. To do this, the authorisation of the intermediary in Russia and the application form must be legalised by the consular section of the embassy. The confirmation of deregistration from the address register then follows on a separate deed (*adresnyy listok ubytiya*) instead of by means of an entry in the domestic passport.⁴³ Other formalities are said to be more difficult to complete from abroad, such as the sale of property in Russia after leaving the country.⁴⁴

Reservists and conscripts who wish to move abroad must report in person to the regional military recruitment office and submit an application for deregistration from the address register, stating the reason for their departure and their new place of residence.⁴⁵

Restrictions related to COVID-19

Even before the reporting period, in order to combat COVID-19 border controls were intensified and the Russian Border Police⁴⁶ started conducting checks on all border crossings from Russia, including minor roads.⁴⁷ In the reporting period, nothing is known about restrictions on domestic freedom of movement based on COVID-19 regulations. It is known, however, that protesters were arrested at unauthorised demonstrations for violating COVID-19 regulations.⁴⁸

⁴¹ Confidential source, 19 January 2023.

⁴² Confidential source, 19 January 2023.

⁴³ Confidential source, 11 December 2022.

⁴⁴ Confidential source, 19 January 2023; confidential source, 2 December 2022; confidential source, 11 December 2022.

⁴⁵ Confidential source, 19 January 2023; Regulation N 700 of the Ministry of Defence of the Russian Federation of 22.11.2021 'Approval of the instruction concerning the organisation of activities for operation of the military registration system'

⁴⁶ The Border Police is a special branch of the Federal Security Service (FSB) and is called PS FSB Rossii (in Russian: Pogranichnaya sluzhba Federal'noy sluzhby bezopasnosti Rossiyskoy Federatsii)

⁴⁷ [General country of origin information report for the Russian Federation](#) April 2021, p. 89.

⁴⁸ OVD-Info, *Recent challenges with regard to the right to privacy of people exercising their political and other rights: Russian experience*, June 2022.

3 Position of specific groups

A climate of fear and intimidation has developed in Russia. According to a report issued by the OSCE *Office for Democratic Institutions and Human Rights* (ODIHR) in September 2022, propaganda, pressure on freedom of opinion, the improper use of criminal law, the use of violence against civil society activists and the media, the dispersion of peaceful gatherings and the ineffective investigation of the murders of several journalists have helped create this climate.⁴⁹

This chapter focuses on the position of particular groups. For all the groups in question, the situation in the North Caucasus differs significantly from that in other parts of Russia (see the next section).

3.1 North Caucasus

In the North Caucasus, civil society is virtually non-existent, as are NGOs; human rights are being violated on a larger scale and the laws are sometimes different from those in the other parts of Russia. Particularly in the eastern regions of the North Caucasus, such as Ingushetia, Chechnya and Dagestan, the population adheres to *Adat*⁵⁰ and *Sharia law*.⁵¹ According to a report commissioned by the Parliamentary Assembly of the Council of Europe (PACE), journalists, human rights activists, LGBTIQ+ people, women who refuse to conform to local 'traditional values' and anybody who opposes authoritarian rule are at risk of severe repression, torture and even death for expressing their views or for living their lives as they see fit. Neither the people involved nor their relatives are safe in the North Caucasus, elsewhere in the Russian Federation or even in some cases abroad.⁵² The criminal justice system in the North Caucasus is a frequently used means of coercion and prosecution for critical journalists, opponents and human rights activists and offers scant protection to victims. Criminal cases based on fabricated evidence are a proven means of silencing journalists, human rights activists and other people who are critical of the authorities.⁵³

The severity of repression against critical voices in Chechnya is illustrated by the following example. In January 2022, police officers abducted Zarema Mysaeva from the city of Nizhny Novgorod in Central Russia. The Chechen authorities suspect that her sons, Ibrahim and Abubakar Yangulbaev, are connected to the 1ADAT Telegram channel, which is critical of Chechen leader Ramzan Kadyrov. One of her sons had spoken out critically about cases of torture in Chechnya. According to the media, around forty family members have been arrested since the family fell out with President Kadyrov.⁵⁴

The situation of LGBTIQ+ people and women in the North Caucasus is described separately in section 3.2.5.1 (*The LGBTIQ+ community in the North Caucasus*) and section 3.2.6.1 (*Women in the North Caucasus*), respectively. For the other groups described in Chapter 3, the above regional context should be taken into account.

⁴⁹ ODIHR *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, 22 September 2022.

⁵⁰ Adat consists of (pre-Islamic) social precepts, standards of behaviour and traditional customs.

⁵¹ Ahmet Yarlykapov, Ph. D. (Hist) (Institute of Ethnology & Anthropology RAS) *Adat, Shariah and Russian law in the modern North Caucasus: results and prospects*, 2015.

⁵² PACE, Report by Frank Schwabe, *The continuing need to restore human rights and the rule of law in the North Caucasus region*, 3 June 2022, point 2.

⁵³ PACE, Report by Frank Schwabe, *The continuing need to restore human rights and the rule of law in the North Caucasus region*, 3 June 2022, points 24 and 36.

⁵⁴ Caucasian Knot, *Defence reports deterioration of Zarema Musaeva's health condition*, 14 February 2023; Meduza, *'Take me instead of her'*, 20 January 2023.

3.2 Position of specific groups

3.2.1 Ethnic groups

The exact size of Russia's ethnic groups is disputed. There are 180 different ethnic minorities among the Russian population, of which 160 small groups belong to the original population. According to the 2010 census, the vast majority of the population is Russian (80.9%), followed by Tatars (3.7%), Ukrainians (1.7%), Chuvashs⁵⁵ (1.05%), Chechens (1.04%), and Armenians (0.8%). The vast majority of migrants come from former Soviet states in Central Asia, speak Russian poorly and migrate for economic reasons. They often belong to non-Slavic ethnic minorities.⁵⁶

A new census in 2021 produced figures of questionable credibility. The number of Tatars is said to have been reduced by 600,000 in eleven years, the number of Mari and Chuvashs by 22.6 and 25 % respectively, and the number of Udmurts by 30 %. In this census, the number of census respondents who refused to declare an ethnic identity rose to nearly 16.5 million people. Research agency Levada estimated that 24% of the Russian population did not participate in the census; in Moscow this was 73%. The surprising result and the question marks surrounding the reliability of the census led NGOs to question the purpose of the census. They assumed that further marginalisation of ethnic groups was a possible motive.⁵⁷

For more background information about the situation for ethnic groups, see section 5.1 of the COI report of April 2021.⁵⁸

Ethnic groups in the war in Ukraine

One conspicuous development during this reporting period involved the disproportionate numbers of soldiers from the poorer and more remote regions of Russia, such as Dagestan⁵⁹, Kalmykia, Tuva or Buryatia, who were deployed to Ukraine at the start of the invasion and were later mobilised in large numbers.⁶⁰ These regions include large ethnic minorities.⁶¹ Many of these people were less aware of independent information about the mobilisation and had less access to lawyers than Russians in the larger cities. In addition, regulations concerning mobilisation (see section 4.1.3 **Error! Reference source not found.**) were violated more often in these regions.⁶²

In the first weeks after the invasion, there were already critical reports from NGOs and media about the relatively high numbers of contract soldiers from these regions that were killed, although there were no reliable figures available. Research platform *IStories* stated that up to September 2022, 259 soldiers from Buryatia and 277 soldiers from Dagestan had died in Ukraine; only 10 soldiers from Moscow had died in the same period. Another source reported in April 2022 that the percentage of soldiers from Buryatia who were killed was 2.8%, while only 0.3% of the total population of Russia lives in Buryatia.⁶³ There are no official figures to confirm this.

⁵⁵ in English transliterated as *Chuvashs*

⁵⁶ Drobizheva L.M., Konstantinovskiy D.L., Mukharyamova L.M., Mukharyamov N.M. (2019) *Russia: Ethnic Differentiation in Education in a Context of Debates on Cultural Diversity, Autonomy, Cultural Homogeneity and Centralization*. In: Stevens P., Dworkin A. (eds) *The Palgrave Handbook of Race and Ethnic Inequalities in Education*, Palgrave Macmillan, Cham (https://doi.org/10.1007/978-3-319-94724-2_21).

⁵⁷ RFERL, *Russia's 2021 Census Results Raise Red Flags Among Experts And Ethnic-Minority Activists*, 5 February 2023; Russia Post, *Russia's changing ethnic landscape: Three takeaways from the 2021 census*, 30 January 2023.

⁵⁸ General country of origin information report for the Russian Federation April 2021, p. 44 et seq.

⁵⁹ Die Zeit, *Einsatzkräfte feuern bei Protesten gegen Mobilmachung Warnschüsse ab*, 26 September 2022; Confidential source, 6 October 2022.

⁶⁰ Of the 85 Russian regions, 22 were originally intended as regions of non-Russian ethnicity. See The Guardian, *Coffins in Buryatia: Ukraine invasion takes toll on Russia's remote regions*, 30 March 2022;

⁶¹ The Guardian, *Coffins in Buryatia: Ukraine invasion takes toll on Russia's remote regions*, 30 March 2022;

⁶² Confidential source, 28 February 2023; confidential source, 1 March 2023.

⁶³ The Moscow Times, *This war is a vampire*, 27 April 2022; Reuters, *Russia's mobilisation hits hard in poor, rural Buryatia*, 24 September 2022.

In Buryatia,⁶⁴ around 30% of the population is made up of Mongolian Buryats.⁶⁵ During the mobilisation, in Buryatia a remarkable number of men above the age limit for reservists and men with a medical history were called up and mobilised. See section **Error! Reference source not found.** about **Error! Reference source not found.** This was followed by protests, after which the governor of Buryatia ordered seventy mistakenly mobilised men to be sent home.⁶⁶ The website of an interest group for Buryats, *Free Buryatia Foundation*⁶⁷, was blocked by the Russian authorities in July 2022. The president of this association, Alexandra Garmazhapova, was placed on the wanted list in February 2023 due to an unspecified suspicion. She is currently living abroad.⁶⁸

Critics suspected that the target figures for mobilisation were higher in the regions than in the major cities in order to avoid large-scale protests in the cities.⁶⁹

Migrant workers and naturalised Russians

In recent years, hundreds of thousands of seasonal and migrant workers, mainly from Kyrgyzstan, Tajikistan and Uzbekistan, have come to Russia. According to the government, 60,000 migrant workers were granted Russian nationality in the first half of 2022. In September 2022, the State Duma passed an amendment allowing for accelerated naturalisation after one year of military service as a contract soldier.⁷⁰ Central Asian migrant workers reported that they were being coerced and deceived into signing contracts for military service.⁷¹ Alexander Bastrykin, head of the Investigative Committee⁷², said that he wanted to give this group priority for deployment in the Russian armed forces.⁷³ There is no information available about whether this group has actually been mobilised with priority.

The position of Ukrainians in Russia

Prior to the invasion of Ukraine, there were already special accelerated immigration schemes for Ukrainians who came to Russia for humanitarian reasons and faster channels for them to obtain Russian citizenship. Already before the war, Ukrainian people were being brought to Russia to be tried there, particularly Crimean Tatars for alleged extremism. See also the COI report of April 2021.⁷⁴

In case of dual citizenship, the Russian citizenship takes precedence and such people are considered to be purely Russian.⁷⁵ They therefore fall under the mobilisation regulations. Like other Russians, a pro-Ukrainian attitude is problematic for them; see sections 5.1 and 6.1 (Freedom of expression and Criticism of the war).

Important reasons for settling in Russia include knowledge of the language and family members living in Russia.⁷⁶ For more information about the forced or

⁶⁴ Buryatia is located in Southeast Siberia on the Russian-Mongolian border.

⁶⁵ Global Voices, *The Republic of Buryatia: invasion of Ukraine is an extension of Russia's domestic dominance over the country's ethnic minorities*, 30 June 2022; website Minority Rights, *Buryats*, consulted on 24 February 2023.

⁶⁶ Mediazona, *First days of the special mobilisation operation in the Republic of Buryatia*, 1 October 2022; Reuters, *Russia's mobilisation hits hard in poor, rural Buryatia*, 24 September 2022; The Guardian, *'It's a 100% mobilisation': day one of Russia's drive to build its army*, 22 September 2022.

⁶⁷ This NGO was established in March 2022 to advise on issues related to military service.

⁶⁸ The Moscow Times, *Russia Places Leading Buryat Activist On Wanted List*, 10 February 2023.

⁶⁹ The Moscow Times, *Ethnic Minorities Hit Hardest By Russia's Mobilisation, Activists Say*, 27 September 2022; The Guardian, *'It's a 100% mobilisation': day one of Russia's drive to build its army*, 22 September 2022.

⁷⁰ RFERL, *Russian Military Eyes Central Asian Recruits Amid Mobilization Drive*, 23 September 2022; website Duma, *Foreign citizens serving in the Russian army under contract to be able to obtain citizenship of Russia under a simplified procedure*, 20 September 2022;

⁷¹ Carnegie Endowment for International Peace, *Russian Draft Dodgers Find a Mixed Reception in Central Asia*, 19 October 2022; Eurasianet, *Central Asians targeted in Russia's desperate mobilisation drive*, 3 October 2022.

⁷² The Investigative Committee is a criminal investigative body that operates alongside the *prokuratura*. See also the 2021 General country of origin information report for the Russian Federation, p. 32.

⁷³ Rossiyskaya Gazeta, *Alexander Bastrykin in an interview with "RG"*, (RU) 13 January 2023.

⁷⁴ General country of origin information report for the Russian Federation April 2021, section 2.3.

⁷⁵ See the General country of origin information report for the Russian Federation April 2021.

⁷⁶ Confidential source, 1 March 2023.

voluntary resettlement of Ukrainians from Ukraine to Russia, see section 8.2 ([Ukrainians coming to Russia](#)).

3.2.2 *Religious groups*

For more background information about the situation for religious groups, see the COI report of April 2021.⁷⁷ There have been no significant changes with respect to these groups since the previous reporting period.⁷⁸ Jehovah's Witnesses and Hizb ut-Tahrir supporters continue to be prosecuted.⁷⁹

Jehovah's Witnesses

Since the federal ban on their organisation in 2017, Russian authorities have continued to arrest, prosecute and convict Jehovah's Witnesses⁸⁰ for participating in and maintaining an extremist organisation during the reporting period.⁸¹ The Russian NGO *Memorial* publicised the following figures in January 2023: Since the organisation was banned in 2017 on the basis of the extremism legislation, more than 700 Jehovah's Witnesses in Russia have been charged or convicted of extremism. Of this group, 64 people were given prison sentences of up to ten years and 70 were held in pre-trial detention or house arrest. 137 people were given suspended sentences and 338 were allowed to await their verdict in freedom. 28 Jehovah's Witnesses were fined, 34 had already served their sentences and 2 had their Russian citizenship revoked. In 18 cases the charges were dropped and in three cases the people in question were acquitted. 6 people died during their trial. The reason for their deaths is not known in detail.⁸²

In December 2022, the umbrella organisation of Jehovah's Witnesses stated that 110 members of their church were still being detained in Russia.⁸³ Jehovah's witnesses from illegally annexed Crimea in Ukraine were also brought to Russia and tried there.⁸⁴

Although the Supreme Court ruled in October 2021 that individual or collective beliefs were insufficient for a criminal conviction and that additional evidence of extremist activity was required, the courts continued to convict Jehovah's witnesses of extremism.⁸⁵ While a number of people were acquitted on the basis of the verdict, the Public Prosecution Service (*prokuratura*) appealed against this. In October 2022, a Jehovah's witness in Birobidzhan in the Jewish Autonomous Oblast was sentenced to two and a half years' detention on appeal for being an adherent of the Jehovah's Witnesses. Her fellow believer in Murmansk, Vitaly Omelchenko, was fined 580 thousand⁸⁶ roubles.⁸⁷ In December 2022, four Jehovah's witnesses in Birobidzhan were given varying prison sentences from three-and-a-half to seven years for violating extremism laws, including organising illegal religious gatherings and distributing banned religious doctrines to the local population.⁸⁸

Muslims

Islam is the second-largest religion in Russia after Orthodox Christianity.

⁷⁷ [General country of origin information report for the Russian Federation](#) April 2021, section 5.2.

⁷⁸ Confidential source, 6 October 2022. See the [General country of origin information report for the Russian Federation](#) April 2021, p. 46 et seq.

⁷⁹ Confidential source, 6 October 2022.

⁸⁰ For spelling, see the website [Onze Taal](#), consulted on 13 January 2023: The organisation is classified as (the) Jehovah's Witnesses, while the individual members are called Jehovah's witnesses.

⁸¹ Confidential source, 28 June 2022.

⁸² Website [Memorial](#) (in Russian), consulted on 13 January 2023.

⁸³ Reuters, *Russia jails four Jehovah's Witnesses adherents for up to seven years in prison*, 20 December 2022.

⁸⁴ Freedom House, *Freedom in the World 2022*, Russia, section D2; Human Rights Watch, *World Report 2022*, Russia; HRWF, *'Court' in Russian-occupied Crimea passes long sentences against three Ukrainian Jehovah's Witnesses*, 3 March 2023.

⁸⁵ Freedom House, *Freedom in the World 2022*, Russia, section D2; confidential source, 28 June 2022.

⁸⁶ Approx 7,272 euros according to xe.com on 2 March 2023.

⁸⁷ OVD-Info, Telegram message [15988](#), 23 September 2022;

⁸⁸ Reuters, *Russia jails four Jehovah's Witnesses adherents for up to seven years in prison*, 20 December 2022.

The Muslim population is estimated to be 15 million people. Islam is accepted by the authorities and is regulated according to the general regulations for all religious communities – for example by means of mandatory registration. The following religious communities are exceptions to this.⁸⁹

Hizb ut-Tahrir

In the fight against terrorism, the authorities focus mainly on Muslims, and particularly on the supporters of Hizb ut-Tahrir. Hizb ut-Tahrir has been classified as a banned terrorist organisation since 2003.⁹⁰ According to the NGO *Memorial*, amongst others, this organisation has been wrongly classified as terrorist because, although it propagates fundamentalist ideas and is banned in other countries, its supporters operate non-violently. Suspected adherents were prosecuted for membership of a terrorist organisation even though no terrorist acts were planned or committed, and the punishments became more severe.⁹¹ The persecution of this group continued during the reporting period at approximately the same rate as in the previous reporting period.⁹²

Besides the information contained in the previous COI report, the following also applies. Most of the prosecuted members of the Hizb ut-Tahrir were Tatars from the illegally annexed Crimea, who were tried against their will in Russia. Given that they are being prosecuted under counter-terrorism laws, there are fewer procedural safeguards for them. For example, they were regularly detained in remote areas far from their homes and relatives.⁹³ According to OVD-Info, terrorism charges against Hizb ut-Tahrir followers are also often misused to silence activist Crimean Tatars or critical journalists in Crimea.⁹⁴

The sanctions that are imposed usually consist of years of detention, ranging up to 15 years or more.⁹⁵ According to *Memorial*, on 11 January 2023 at least 330 people were still being prosecuted for their involvement with Hizb ut-Tahrir. The *Memorial* figures also include people who are being prosecuted in Crimea. 254 Hizb ut-Tahrir believers were given the following sentences: 116 received prison sentences of 10 to 15 years and 107 prison sentences of 15 years or more. At least 48 people are under criminal investigation or being prosecuted, and arrest warrants have been issued for at least 27 people. In addition, 68 people had already served their imposed detention, 1 person had been released for health reasons and the charges against 1 person were dropped. Of all the defendants, Memorial recognised at least 273 of them as political prisoners.⁹⁶

Followers of Said Nursi

In 2008, the Supreme Court designated the international group Nurcular as extremist. This means that it is prohibited to study texts by the theologian and founder Said Nursi. Every year since 2008, a number of Muslims have been persecuted for studying Said Nursi's texts. For example, they have been charged under Article 282.2 of the Penal Code (organising or participating in the activities of a prohibited organisation). In recent years, long prison sentences have been handed down for studying the teachings of Said Nursi.⁹⁷

⁸⁹ For more information about the regulation of religious communities, see the [General country of origin information report for the Russian Federation](#) April 2021, p. 49.

⁹⁰ Freedom House, *Freedom in the World 2022*, Russia, section D2; Human Rights Watch, *World Report 2022*, Russia.

⁹¹ [Website](#) Memorial (RU), consulted on 13 January 2023;

⁹² [Website](#) Memorial, consulted on 11 January 2023; confidential source, 20 October 2022; confidential source, 2 November 2022.

⁹³ Al Jazeera, *Russian court sentences Crimean Muslims to jail: Activist*, 12 May 2022; confidential source, 6 October 2022.

⁹⁴ [Website](#) OVD-Info, consulted on 13 January 2023.

⁹⁵ [Website](#) OVD-Info, consulted on 13 January 2023.

⁹⁶ [Website](#) Memorial, consulted on 11 January 2023

⁹⁷ HRW, *World Report, Russia 2023*; HRW, *World Report, Russia 2022*; SOVA, *Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2021*, 27 April 2022.

On 31 August 2021, a court in Naberezhnye Chelny imposed a suspended sentence of two years' detention on 63-year-old Nakia Sharifullina under Article 282.2 of the Penal Code. Sharifullina was found guilty of establishing a so-called Nurcular cell in 2015. According to the indictment, under the guise of conducting Koran study sessions and Turkish language classes she gathered people together and introduced them to the works of Said Nursi. Sharifullina had previously been convicted under the same article and fined 100,000⁹⁸ roubles.⁹⁹

In September 2021, a court in Dagestan dropped seven charges against alleged followers of Said Nursi for unknown reasons.¹⁰⁰

In September 2022, the criminal trial of six men who had gathered to study Said Nursi's work began in Moscow. By that time, they had been in pre-trial detention for almost one year.¹⁰¹

Tablighi Jamaat

Members of Tablighi Jamaat, a missionary movement of Sunni Islam that was classified as an extremist organisation in 2009 and has since been banned, were also prosecuted under Russian anti-extremism legislation during the reporting period. The supporters of Tablighi Jamaat are not usually convicted for violent acts or remarks; adherence to this movement without committing any acts is usually sufficient for a conviction. In 2021, at least 13 sentences were handed down to 20 persons under Article 282.2 of the Penal Code for continuing the activities of Tablighi Jamaat.¹⁰² Recent figures for 2022 are not yet available.

3.2.3 Members of opposition parties and political activists

There are two types of opposition in Russia: the systemic opposition and the opposition that operates outside the political system. The first category includes parties that are active in the political system and are registered as a political party, for example, and provide candidates and have seats in the State Duma, local parliaments and councils. According to critics, the Kremlin tolerates these parties because they follow President Putin's political line and therefore cannot be regarded as actual opposition.¹⁰³ If they become too critical, they will be prosecuted. See, for example, the case of Ketevan Kharaidze in section 3.2.3. In addition, opposition outside the political system is conducted by politicians who, for example, have failed to reach the electoral threshold or have been excluded from elections. The most famous examples of this type of opposition are Alexei Navalny with his FBK anti-corruption foundation and Ilya Yashin (see below).

3.2.3.1 Opposition politicians outside the political system

Ilya Yashin, an independent opposition politician and member of the *Yabloko* party until 2008, was sentenced to eight and a half years in prison on 9 December 2022 for a series of critical posts on social media about the actions of the Russian army in Ukraine. Under the new legislation, he was charged with discrediting the Russian army.¹⁰⁴

⁹⁸ Approx 1,253 euros according to xe.com on 2 March 2023.

⁹⁹ SOVA, *Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2021*, 27 April 2022.

¹⁰⁰ SOVA, *Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2021*, 27 April 2022.

¹⁰¹ Forum 18, *Six who wish to study their faith on trial in Moscow*, 29 August 2022; HRWF, *Criminal trial of six Muslims following Turkish theologian Said Nursi*, 9 September 2022.

¹⁰² SOVA, *Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2021*, 27 April 2022.

¹⁰³ *General country of origin information report for the Russian Federation* April 2021.

¹⁰⁴ The Guardian, *Russian opposition figure Ilya Yashin jailed for denouncing Ukraine war*, 9 December 2022.

Alexei Navalny

After his poisoning in 2020 and his return to Russia in January 2021 followed by his immediate arrest, Alexei Navalny was convicted of a criminal offence¹⁰⁵ and condemned to a very strict prison regime. This first conviction was followed by another conviction for fraud and contempt of court and a sentence of nine years' imprisonment plus a fine of 1.2 million roubles¹⁰⁶ and a charge of incitement to extremism with a maximum sentence of thirty years' imprisonment.¹⁰⁷ According to many people, his treatment in detention amounts to torture. He was put in solitary confinement for months at a time and was not allowed to receive visitors or speak to anybody for months. Visits by his lawyer and the right to correspond with his lawyer were also restricted. He did not receive appropriate treatment for his deteriorating health. According to Navalny's spokesperson, President Putin is slowly trying to kill him.¹⁰⁸ Amnesty International called his treatment cruel, degrading and inhumane.¹⁰⁹

FBK and FZPG

Navalny's anti-corruption foundation FBK¹¹⁰, which was founded in 2011 and now has regional offices in forty regions across Russia, was systematically obstructed and eventually disbanded even before the reporting period. Navalny was unable to have his political party registered even after eleven attempts, which caused him to be excluded from the political system. FBK had already been designated as a foreign agent in 2019. The organisation was disbanded by Navalny himself in July 2020 after a compensation claim of 88 million roubles¹¹¹ was filed against him, the FBK lawyer Lyubov Sobol and the FBK organisation. FBK was succeeded by the new organisation Citizens' Rights Protection Foundation (FZPG). FZPG was also designated as a foreign agent in December 2020. On 16 April 2021, the Moscow Prosecutor's Office applied to the Moscow Court to classify FBK, FZPG and Alexey Navalny's *Navalny Headquarters* movement as extremist organisations.¹¹² In June 2021, FBK, FZPG and the *Navalny Headquarters* movement were classified as extremist organisations by the court; this decision was upheld on appeal.¹¹³

The qualification as an extremist organisation also applies retroactively to former employees of FBK and FZPG. They were banned from participating in politics. Not just employees of the organisations concerned but also supporters of the movement or volunteers who had otherwise collaborated or contributed in the year preceding the ruling, i.e. from the start of 2020, were banned from running for election for three years. The managers of the offices were banned for five years, with an additional ten-year ban on establishing a foundation. These measures apply to persons who were involved in FBK, FZPG or Navalny's regional offices. In addition, persons suspected of continuing to run Navalny's organisations after being designated as extremist in June 2021 can be charged with crimes related to extremism. It should therefore not have been possible for employees who were no longer active for Navalny in June 2021 to be prosecuted for alleged extremist activities, but this happened nevertheless; see below. Partly because of this, the

¹⁰⁵ Navalny was arrested after his return to Russia in January 2021 because he allegedly failed to comply with a reporting obligation and therefore still had to serve a previously imposed suspended prison sentence. He was sentenced to 32 months in a penal camp, minus previous house arrest. See the [General country of origin information report for the Russian Federation](#) April 2021, p. 54.

¹⁰⁶ Approx 15,045 euros according to xe.com on 2 March 2023.

¹⁰⁷ The Guardian, *Alexei Navalny sentenced to 9 more years in prison after fraud conviction*, 22 March 2022; Al Jazeera, *Russia: Alexey Navalny faces 'terrorism' charges; 30 years' jail*, 20 October 2022.

¹⁰⁸ The Moscow Times, *Navalny Denounces Harsher Russian Detention Conditions*, 18 November 2022; Reuters, *Navalny says he's lost attorney-client privilege in prison*, 8 September 2022; The Moscow Times, *Ailing Navalny Ordered to 6 Months in Punishment Cell*, 1 February 2023; OVD-Info, Telegram report 15988, 23 September 2022.

¹⁰⁹ Amnesty International, *Russia: Prison administration imposes harsh conditions on Aleksei Navalny*, 16 September 2022.

¹¹⁰ Anti-Corruption Fund (*Fond borby s korruptsiyey*)

¹¹¹ Approx 1,103,130 euros according to xe.com on 2 March 2023.

¹¹² Raam op Rusland, *After ban on Navalny's organisation as 'extremist' political life in Russia is dead*, 26 April 2021.

¹¹³ BBC, *Alexei Navalny: Moscow court outlaws 'extremist' organisations*, 10 June 2021; Interfax, *Court of Appeal dismisses appeals against ban on FBK, Navalny Headquarters as extremist*, 4 August 2021.

designation as an extremist organisation was a severe blow to the supporters of Navalny.¹¹⁴

After FBK and FZPG had been designated as extremist organisations, Navalny and his associates were prosecuted. Up to October 2022, at least 20 of Navalny's employees across Russia were charged with founding or participating in an extremist organisation. This charge is punishable by years of detention.¹¹⁵ Although this is strictly speaking legally incorrect, when members of the Navalny movement are being criminally prosecuted, the designation of FBK, FGPZ and the *Navalny Headquarters* movement as extremist organisations is applied retroactively. This means that activities that took place before June 2021 can also lead to charges of extremism.¹¹⁶ For example, Liliya Chanyшева, former head of the Navalny regional office in Bashkortostan, was arrested in November 2021 on suspicion of founding and participating in an extremist organisation. She had been working for this office prior to June 2021. Chanyшева is facing a possible sentence of up to eighteen years in prison. This was followed by house searches and police interrogations of colleagues in Bashkortostan and two other regions.¹¹⁷ In December 2021, employees of Navalny in five cities were again arrested and interrogated. In two cases this resulted in criminal charges. They involved a former regional campaign coordinator, Zakhar Sarapulov, and a former head of a regional office, Ksenia Fadeeva. The NGO Memorial regards the (former) employees of Navalny as political prisoners.¹¹⁸

The actual risk of criminal prosecution among former Navalny employees is not entirely predictable, according to one source. Although this source says that the most visible employees, such as heads of regional offices, are at the greatest risk of prosecution, there is some arbitrariness and not all heads of regional offices were prosecuted, and sometimes employees with a much less visible profile were prosecuted. According to the same source, earlier administrative fines or criminal prosecutions may be an indication of the risk of criminal prosecution. Due to the risk of criminal prosecution and, if that happens, the years of detention for the imminent charges of extremism, the majority of Navalny's former employees have left Russia and sought asylum elsewhere.¹¹⁹

It is unclear whether the families of Navalny employees are also affected. In December 2021 the 67-year-old father of a close associate of Navalny, Ivan Zhdanov, was given a three-year suspended prison sentence for fraud. He had urged the municipality to provide a social rental home to a woman who later turned out not to be entitled to it. Zhdanov appealed against this verdict. In February 2022, he was arrested pending his appeal for violating the terms of his parole and was forced to serve his sentence. According to his son, Ivan Zhdanov, the sentence was intended to suppress his activism.¹²⁰ In August 2021, the brother of Alexei Navalny,

¹¹⁴ Meduza, *Hundreds of thousands of extremists*, 10 June 2021. RFERL, *Navalny Court Hearing Postponed After Extra Evidence Added*, 17 May 2021.

¹¹⁵ See article 282 Penal Code; SOVA, *Misuse of Anti-Extremism in March 2022*, April 2022; SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022; SOVA, *Misuse of Anti-Extremism in November 2022*, 28 December 2022.

¹¹⁶ Meduza, *Retroactive repression - Five former team Navalny activists arrested in cities across Russia*, 28 December 2021.

¹¹⁷ Meduza, *Activist arrested in Ufa as first suspect in extremism case against Alexey Navalny*, 9 November 2021; RFERL, *Navalny Associate Lilia Chanyшева May Face Up To 18 Years In Prison*, 20 September 2022; confidential source, 20 October 2022.

¹¹⁸ *Website Rights in Russia, Political Prisoners. Memorial: Three more or Aleksei Navalny's supporters, charged with being members of an 'extremist group,' are political prisoners*, 13 September 2022; Meduza, *Retroactive repression - Five former team Navalny activists arrested in cities across Russia*, 28 December 2021; Amnesty International, *Russia: Activist Denied Access To Lawyer*, consulted on 24 February 2023; Amnesty International, *Russia: Two years after Aleksei Navalny's arrest, Russian opposition figures suppressed, jailed or exiled*, 23 January 2023.

¹¹⁹ Confidential source, 20 October 2022; confidential source, 30 November 2022.

¹²⁰ RFERL, *Father Of Navalny Associate Zhdanov Jailed For Parole Violation*, 17 February 2022; The Moscow Times, *Exiled Navalny Aide's Father Sentenced to Prison*, 17 February 2022.

Oleg Navalny, was sentenced in absentia to a one-year suspended sentence for calling for non-compliance with covid regulations at a demonstration.¹²¹

Several well-known Navalny employees, such as Kira Yarmysh, Ivan Zhdanov, Maria Pevchikh, Leonid Volkov, Ruslan Shaveddinov, Lyubov Sobol, Anna Biryukova and Dmitry Nizovtsev, were charged with spreading false information. They were also prosecuted for being members of an extremist organisation.¹²² Many of them left the country for fear of criminal prosecution.

People who support Navalny and his organisations through donations, protests or expressions can be punished under anti-extremism legislation; see section [6.2](#).

Consequences for the media

Since June 2021, reports related to Navalny and his organisations must specify that they are extremist organisations. This is in addition to existing obligations that force journalists to specify that the Russian Ministry of Justice has labelled both the FBK and FZPG as 'foreign agents'. Non-compliance with this requirement is subject to fines of up to 50,000¹²³ roubles.¹²⁴ This makes it more difficult for Navalny and his team to gain publicity inside Russia.

3.2.3.2

Opposition politicians in the political system

Prior to the war in Ukraine, opposition politicians were tolerated in the political system but risked criminal prosecution if they were too critical. This was the case, for example, in the run-up to the September 2021 State Duma elections (see below).¹²⁵ After the invasion of Ukraine, the Russian government mainly used the new legislation that restricts criticism of the war to silence opposition politicians. The following are some examples of opposition politicians who faced criminal prosecution during the reporting period. This list of examples is by no means exhaustive.

In June 2021, in the run-up to the September 2021 State Duma elections, Ketevan Kharaidze, a Moscow municipal councillor for the opposition Yabloko party and a candidate for the State Duma elections, was arrested on suspicion of extortion and sentenced to four years in prison. She was banned from holding any official positions for two years and was fined 700,000 roubles¹²⁶. Kharaidze also had to pay 5 million roubles¹²⁷ in another lawsuit filed by a representative of a construction company. Kharaidze adamantly protested her innocence, went on a hunger strike and insisted that the sole purpose of the criminal proceedings was to exclude her from the election.¹²⁸

Maxim Reznik, a Saint Petersburg municipal councillor for the opposition party Yabloko, was arrested on the same day on suspicion of a drug offence and placed under house arrest. He, too, was effectively excluded from the elections and was sentenced in 2022, which meant that he was unable to stand in the State Duma

¹²¹ Euronews, *Oleg Navalny issued suspended sentence by Moscow court over protests*, 6 August 2021; RFERL, *Navalny's Brother Gets Suspended Sentence In Latest 'Sanitary' Case*, 6 August 2021.

¹²² Website SOVA, *Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2021*, 27 April 2022; Amnesty International, *Two years after Aleksei Navalny's arrest, Russian opposition figures suppressed, jailed or exiled*, 23 January 2023.

¹²³ Approx 626 euros according to xe.com on 2 March 2023.

¹²⁴ Meduza, *Hundreds of thousands of extremists*, 10 June 2021.

¹²⁵ Amnesty International, *Aspiring opposition candidates in Duma and Local elections threatened, prosecuted, jailed*, 20 July 2021.

¹²⁶ Approx 8,766 euros according to xe.com on 2 March 2023.

¹²⁷ Approx 62,615 euros according to xe.com on 2 March 2023.

¹²⁸ RFERL, *Two Russian Opposition Lawmakers Detained Ahead Of Elections*, 18 June 2021; RFERL, *Moscow City Legislator Sentenced To Four Years In Prison*, 12 December 2022; Novaya Gazeta, *Local politician in Russia sentenced to 4 years in prison for extortion*, 12 December 2022; Amnesty International, *Aspiring opposition candidates in Duma and Local elections threatened, prosecuted, jailed*, 20 July 2021.

elections. Reznik left Russia in September 2022 after warnings from the Federal Security Service, FSB.¹²⁹

After the invasion of Ukraine

The new legislation against criticism of the army, (see section 6.1 on Criticism of the war) was used after the invasion of Ukraine to effectively silence both types of opposition by handing down long prison sentences. Most of them already had a history of clashes with the authorities.

Opposition activist Vladimir Kara-Murza was arrested in Moscow in April 2022 for repeated criticism of the Russian army's actions in Ukraine. In October, he was also charged with 'high treason' because, according to state media, he had collaborated with a NATO member state. High treason is punishable by a maximum of twenty years in prison.¹³⁰

Alexey Gorinov, a deputy in one of the Moscow district councils, was sentenced to seven years in prison in July 2022 under Article 207.3 of the Penal Code for sharply criticising the actions of the Russian army in Ukraine. While in pre-trial detention, he was denied vital medical treatment.¹³¹

In an open letter written together with other leading Russian politicians and public figures, Boris Vishnevsky, a senior representative of the Yabloko party and a municipal councillor in Saint Petersburg, called on the authorities to investigate the events in Bucha in Ukraine. He was charged with discrediting the Russian military. Vishnevsky, along with other members of the Yabloko party from five Russian regional parliaments, had called on the authorities to officially end the mobilisation. Maxim Reznik was also charged with discrediting the Russian army after a critical remark on social media about the events in Bucha, Ukraine.¹³²

In some instances, Russians who have fled the country are being registered as wanted persons in the Interpol system with a *red notice*, for probably false accusations. For example, on 10 February 2021, a Moscow court ordered the arrest of a prominent Navalny associate, Leonid Volkov, who was in Lithuania at the time, on charges of encouraging minors to participate in unauthorised demonstrations. This offence is punishable with a maximum sentence of three years in prison. The order was sent to the Lithuanian authorities through Interpol, which refused to carry it out because it appeared to be politically motivated.¹³³ According to OVD Info, at least three Russian extradition requests were rejected by Interpol during the reporting period.¹³⁴ For more background information on this practice, see the previous COI report.

3.2.4 *Activists*

Human rights activists

During this reporting period, the scope for human rights activists became ever smaller. After the closure of NGOs such as Memorial and the Sakharov Centre, a large number of barely independent NGOs have been registered in Russia. The year

¹²⁹ Free Russia Foundation, *Russia jails opposition on fabricated drug charges: the case of Saint Petersburg politician Maxim Reznik*, 5 April 2022; The Moscow Times, *Saint Petersburg Politician Charged Over Bucha Massacre Claims*, 10 January 2023; Amnesty International, *Aspiring opposition candidates in Duma and Local elections threatened, prosecuted, jailed*, 20 July 2021.

¹³⁰ The Guardian, *Kremlin critic Vladimir Kara-Murza accused of 'high treason'*, 6 October 2022.

¹³¹ The Guardian, *Moscow councillor jailed for seven years after criticising Ukraine war*, 8 July 2022; Meduza, *'We hear daily that this war is for peace'*, 20 September 2022.

¹³² US News, *Russian Regional Deputies Urge Putin to Issue Decree Ending Mobilisation*, 6 December 2022.

¹³³ Confidential source, 28 June 2022; US Department of State, Human Rights Report Russia 2021.

¹³⁴ OVD-Info, *The Anti-War Case*, consulted on 7 February 2023;

2022 was a disastrous year for civil society.¹³⁵ Some NGOs moved abroad and are now active from there. For a description of the situation for NGOs, see section 5.2 (Freedom of association and assembly) and for the impact of anti-war legislation on individual activists, see section 6.1 (Criticism of the war).

According to one source, the main feature in the 2022 prosecution of activists was that the authorities attempted to link them to an organisation designated as extremist, as undesirable or as a foreign agent.¹³⁶ This meant that activists could be prosecuted on the basis of that legislation (see sections 6.2 for Anti-extremism legislation, 6.3 for the

¹³⁵ Briefing ThinkTank European Parliament, *'Foreign agents' and 'undesirables': Russian civil society in danger of extinction?*, 8 March 2022; Raam op Rusland, *Laatste mensenrechtencubs in Rusland opgeruimd*, 30 January 2023.

¹³⁶ Confidential source, 30 November 2022.

Foreign Agent Law and 6.4 for the Undesirable Organisations Law).

This was the case, for example, with Sasha Skolichenko, an activist who had replaced price tags in a supermarket with information cards about the war in Ukraine. She was wrongly associated with the organisation Vesna. Following the series of anti-war protests in February and March 2022, eight members of Vesna were prosecuted for founding an organisation that allegedly infringed on citizens' rights. Charges of inciting riots were later added. Vesna was classified as an extremist organisation in December 2022.¹³⁷

Even people who do not work professionally as activists, who are less visible or who previously did not speak out on political issues were also at risk due to the strict restrictions on freedom of expression regarding the war. A number of examples of this are included below and in more detail in sections 5.1 (Freedom of expression) and 6.1 (Criticism of the war).¹³⁸

In Krasnodar, a couple was sentenced to an administrative fine and administrative detention (Article 20.3.3 of the Code of Administrative Offences (CAO)) of fifteen days, respectively, for a conversation they had had in a restaurant, criticising the war. A restaurant guest who overheard the conversation had called the police, who handcuffed the couple and took them to the police station. The lawyer's argument that the conversation was confidential and had not been conducted in public was to no avail.¹³⁹

The leader of a punk band, Aikhal Ammosov¹⁴⁰, was arrested several times and received administrative sentences for hooliganism for painting anti-war graffiti and putting up critical posters. In December 2022, he faced criminal charges for discrediting the military; he disappeared in the days leading up to his trial.¹⁴¹

Vladimir Rummyantsev, a hobby radio producer from Vologda, was sentenced to three years in prison in December 2022 for spreading false information about the war (Article 207.3). According to the media, he had shown anti-war videos to his neighbours, participated in anti-war demonstrations and criticised the war on social media and on his own radio station. Due to his age of 61 and poor health, he received a more lenient sentence.¹⁴²

For other examples of restricted freedom of expression, see also Chapter 6 (Legislation), and section 3.2.3.1 (Opposition politicians outside the political system).

Environmental activists

Industrial pollution generated protests among the population in the Caucasus, amongst others.¹⁴³ In addition, environmental activists were arrested for speaking out against the war.¹⁴⁴ According to Arshak Makichyan, an environmental activist who has fled Russia, repression against environmental activists is increasing in Russia, as it is the case with other activists as well.¹⁴⁵ Makichyan had taken part in *Fridays for Future*¹⁴⁶ protests and had spoken out against climate damage every

¹³⁷ Bumaga, *You can't just sit it all out*, 31 October 2022; confidential source, 30 November 2022.

¹³⁸ Confidential source, 30 November 2022; confidential source, 18 October 2022.

¹³⁹ Novaya Gazeta, *Couple detained for their anti-war comments in restaurant*, 31 January 2023; RFERL, *Russia Declares Ex-Mayor, TV Journalist, And Trans Support Group Among 'Foreign Agents'*, 25 November 2022;

¹⁴⁰ This is his artist's name. His real name is Igor Ivanov.

¹⁴¹ Libcom.org, *Siberian punk may be imprisoned for anti-militarist agitation*, 28 August 2022; RFERL, *'If I Disappear, It Means They Killed Me': Russian Activist Accused Of 'Discrediting' The Military Vanishes, Friends Say*, 18 December 2022.

¹⁴² OVD-Info, *The Anti-war Case*, consulted on 7 February 2023; Novaya Gazeta, *Speak out at your own risk*, 4 January 2023.

¹⁴³ Caucasian Knot, *Chechnya, Dagestan and Krasnodar: how oil refineries generate protests*.

¹⁴⁴ The Moscow Times, *Russia's Environmental Activists Move Abroad Amid War, Persecution*, 25 October 2022.

¹⁴⁵ The Moscow Times, *The targeting of Russian Environmentalists must end*, 4 February 2023.

¹⁴⁶ *Fridays for Future*, started by Greta Thunberg, emerged in 2018 as a global climate movement. Mainly young people took part in these protests every Friday and skipped school to do so. See also the [website](#).

week for two years. He had also spoken out against the war in Ukraine. In June 2022, the Russian government revoked the renewal of his Russian citizenship as well as that of his two brothers and his father. It remains unclear whether it was his environmental activism or his anti-war remarks that led to this.¹⁴⁷

3.2.5 LGBTIQ+

This section discusses developments related to LGBTIQ+ during the reporting period. For more information about the LGBTIQ+ community in Russia, see the COI report for the Russian Federation of April 2021.

In December 2022, President Putin introduced new administrative law violations and increased sentences for any LGBTIQ+-related comment visible to anybody in Russia. Previously, these expressions were only classified as administrative offences if they were visible to minors and not marked as '18+'. Under the new legislation, the possession of all information and any comment related to LGBTIQ+ is de facto punishable as an administrative offence. Since February 2023, the Russian authorities have been using the 'Oculus' system to detect and block undesirable and unauthorised information, including information related to the LGBTIQ+ community. There are as yet no known cases in which this was followed by an indictment.¹⁴⁸ In their propaganda, the Russian authorities present LGBTIQ+ themes as an intrinsic part of an alleged Western hybrid attack on Russia and its core values. Even if this amendment to the law changes the legal status of LGBTIQ+ people very little, it does send a signal to society that the general population will interpret as the legitimisation of discrimination, harassment and violence against the LGBTIQ+ community. Due to this further marginalisation of the LGBTIQ+ community, young LGBTIQ+ people are now afraid to come out.¹⁴⁹ In addition, one source says that this amendment will make it easier for homophobic Russians to report any LGBTIQ+-related remarks or comments to the police.¹⁵⁰

Aid organisations and activists

During the reporting period, aid organisations for the LGBTIQ+ community across Russia faced repression against NGOs. As a result, they either had to move abroad, with all the associated costs and restrictions, or they were disbanded. The LGBT Network movement was labelled a foreign agent in November 2021.¹⁵¹ The NGO Sphera was banned in April 2022 after the Russian Ministry of Justice found that the organisation's activity 'undermined the moral foundations of Russian society'. In September 2022, six LGBTIQ+ activists and six LGBTIQ+ organisations were designated as 'foreign agents'.¹⁵² There are still LGBTIQ+ activists in Moscow, but they live in constant fear for their safety and receive anonymous threats.¹⁵³

See also section 5.2 (Freedom of association and assembly).

Family life

Family life for families with two same-sex parents can be complicated because only one of the parents can adopt a child. Previously, adoption by a homosexual father was possible in practice if he pretended to be single and heterosexual. However, according to a source, since recently background checks have been conducted

¹⁴⁷ The Guardian, *'We need something real': the Russian climate activist taking on Putin's war*, 6 June 2022.

¹⁴⁸ Reuters, *Russian system to scan internet for undesired content and dissent*, 13 February 2023; confidential source, 1 March 2023.

¹⁴⁹ The Independent, *Moscow's invasion of Ukraine is making life harder for LGBT+ people in Russia*, 9 January 2023; Freedom House, *Dismantling LGBT+ rights as a means of control in Russia*, 30 April 2021; confidential source, 10 November 2022.

¹⁵⁰ Confidential source, 2 December 2022.

¹⁵¹ Confidential source, 19 October 2022.

¹⁵² Website Sphera, consulted on 17 February 2023.

¹⁵³ RedaktionsNetzwerkDeutschland RND, *„Armee oder Gefängnis“: Wie Russlands Krieg die Lage der LGBTIQ-Community verschärft*, 2 November 2022; Norwegian Helsinki Committee, *Investigate threats against Valentina Likhoshva*, 12 March 2021.

before principle consent to adopt is granted, this option no longer exists. According to the same source, if a parent changes gender, it is not possible to convert his or her gender on the birth certificate to the new gender if there is already another parent of the same gender on the certificate.¹⁵⁴

In December 2022, President Putin signed a law banning all foreign couples and all unmarried men, whether they are foreigners or Russians, from using a surrogate mother in Russia. This means that only married Russian citizens or single women who cannot bear a child of their own for medical reasons can still fulfil their desire to have children using a Russian surrogate mother. The reasoning of the Russian authorities is that foreign gay men often resort to surrogacy in Russia. According to the FSB, around 45,000 children have been taken from Russia in this way in recent years.¹⁵⁵

The Russian Orthodox Church plays a central role in propagating the Kremlin's anti-LGBTQ+ stance. Archpriest Andrei Tkachev, while addressing the Russian people during the announcement of the legislative initiative, made a direct connection between the war in Ukraine and the need to act against the Russian LGBT community: 'The fight against Kiev and the fight against LGBT rights are intrinsically linked. And even when the war against Kiev ends, this moral war will continue.'¹⁵⁶

3.2.5.1

The LGBTQ+ community in the North Caucasus

The situation for LGBTQ+ people in the North Caucasus is as bad as ever and possibly even got worse. According to the NGO SK SOS, which helps people in danger to flee from the North Caucasus, the number of requests for help has increased significantly over the past year.¹⁵⁷ In Chechnya, according to one source, there are now more detentions and arrests of LGBTQ+ people, some even based on applications for an international passport.¹⁵⁸

LGBTQ+ people in the North Caucasus live in a closed, patriarchal society, especially in the eastern republics such as Ingushetia, Dagestan and Chechnya. Both local and federal governments in other parts of Russia tolerate or even cooperate with this severe repression by delegating it to local authorities under the pretext that it is justified by 'traditional values'. This is often manifested as violent and sometimes murderous discriminatory practices against LGBTQ+ individuals trying to escape from violent relatives.¹⁵⁹

In the North Caucasus, the situation for LGBTQ+ people in Chechnya is the most difficult. Gay men posing as heterosexuals can leave the region and settle elsewhere to work if they do not express their sexual orientation or identity. Women must stay living in Chechnya unless they are accompanied by a male relative. However, if the family is aware of a person's LGBTQ+ orientation or identity, resettlement in other parts of Russia will not necessarily mean that person is safe. Security services throughout Russia are actively involved in returning LGBTQ+ people to the North Caucasus.¹⁶⁰

¹⁵⁴ Confidential source, 19 October 2022.

¹⁵⁵ Reuters, *Russia's Duma Passes bill banning surrogacy foreigners*, 8 December 2022; AP news, *Russian lawmakers pass bill banning surrogacy for foreigners*, 8 December 2022; Federal law, 19 December 2022 No 538-FZ 'On Amendments to Certain Legislative Acts of the Russian Federation'; confidential source, 22 December 2022.

¹⁵⁶ Confidential source, 10 November 2022; Novaya Gazeta, *Unorthodox transition*, 7 February 2023.

¹⁵⁷ The Caucasian Knot, *Rights defenders from SK SOS Crisis Group report growth of appeals for help from North Caucasus*, 23 February 2023.

¹⁵⁸ Confidential source, 17 October 2022.

¹⁵⁹ PACE, Report by Frank Schwabe, *The continuing need to restore human rights and the rule of law in the North Caucasus region*, 3 June 2022, point 8.

¹⁶⁰ Confidential source, 19 October 2022; OSCE, *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, September 2022; ADC Memorial, *Persecution or LGBTI+ people in Russia: Increasing repressions 2021-2022*, 18 May 2022.

According to a number of NGOs, the systematic persecution of gay men and women in Chechnya continued during the reporting period.¹⁶¹ The NGO *Queer Women North Caucasus* conducted an indicative survey among non-heterosexual and transgender women in the North Caucasus. 57% of them said that they had experienced physical violence and 35% had experienced sexual violence, while 48% had received death threats. Women in Chechnya and Dagestan were most affected.¹⁶²

The following are some examples of LGBTIQ+ people who faced discrimination and criminal prosecution during the reporting period. This list of examples is by no means exhaustive. Figures on victims of the authorities or of violent relatives are not available.

In May 2021, Ibragim Selimkhanov was abducted in Moscow by Chechen men and pressured in Chechnya to reveal the names of gay men in the region. He was then placed under house arrest with his mother, but was able to escape to Moscow.¹⁶³

On 10 June 2021, 22-year-old Chechen Khalimat Taramova, who had been hiding at a refuge in Dagestan intended for victims of domestic and sexual violence, was forcibly returned to her family by the Dagestan police. She had fled imminent violence from her family, who suspected that she was homosexual, after she announced she wanted a divorce. She was forcibly removed from the refuge and sent back to Chechnya. After several days, she appeared on state television and announced that she had no memory of her flight and that she was being treated well by her family. Akhmed Dudayev, the Chechen minister of national politics, said Khalimat had psychological problems, which were supposedly confirmed by medical documents. As a result, NGOs feared an increase in forced psychiatric treatment or honour killings disguised as suicide.¹⁶⁴

A return to Chechnya continues to be dangerous for asylum seekers who have fled because of their sexual orientation or identity. Idris Arsamikov returned to Chechnya from the Netherlands in March 2022 to attend his father's funeral. According to media, he was arrested several times and tortured. In February 2023, while attempting to leave through the airport in Moscow, he was arrested and handed over to the Chechen authorities. According to the Chechen police, his arrest was related to a criminal investigation into fraud. Soon after, Arsamikov published videos stating that he wants to improve his health and then go to Ukraine. NGOs were very concerned about him and said that the videos must have been made under pressure.¹⁶⁵

'Conversion therapy'

Magomed Askhabov, a gay man from Dagestan, was checked into a drug rehabilitation centre by his family. The family wanted to change his sexual orientation and turn him into a heterosexual. Having previously been a victim of rape and extortion by a *fake date*, he had settled in Saint Petersburg. During a brief visit to his family in Dagestan, he was forced to undergo treatment in the drug rehabilitation centre for seven months. He reported being subjected to starvation and psychological and physical abuse.¹⁶⁶

¹⁶¹ Confidential source, 17 October 2022; confidential source, 19 October 2022.

¹⁶² QWNC, *Monitoring of human rights violations of lesbian, bisexual and transgender people in the North Caucasus region of the Russian Federation*, 2021, consulted on 17 February 2023.

¹⁶³ RFERL, *Russian LGBT Group Says Man Was Abducted, Taken To Chechnya, And Pressed For Info On Gays In Region*, 26 August 2021; HRW, *No End to Chechnya's Violent Anti-Gay Campaign*, 31 August 2021.

¹⁶⁴ France24, *Daughter of Chechen official who fled abuse forced to return home*, 21 June 2021; ADC Memorial, *Persecution of LGBTI+ people in Russia: Increasing repressions 2021-2022*, 18 May 2022.

¹⁶⁵ Mediazona, *LGBTQ+ refugee at risk of execution after returning to Russia to attend father's funeral*, 16 February 2023; Novaya Gazeta Europe, *I will soon go to Ukraine*, 17 February 2023.

¹⁶⁶ Caucasian Knot, *Dagestani gay complains about torture in rehab*, 14 July 2022.

Elina Ukhmanova, a 20-year-old woman from Dagestan, fled her family after being subjected to forced therapy for her bisexual orientation for four months, also at a drug rehabilitation centre.¹⁶⁷

Conversion therapy in Chechnya usually consists of demonic jinn exorcism by mullahs. If no evil spirit is discovered, it is assumed that the person involved deliberately chose the controversial behaviour and therefore deserves to die. The decision to act is then left to the family.¹⁶⁸ It is not known in how many cases the person concerned is actually killed.

Conversion therapy also exists in other parts of Russia, outside the North Caucasus. The effectiveness and moral acceptability of this 'therapy' are controversial in Russia.¹⁶⁹ Until 1999, homosexuality was defined as a mental illness in Russia.

Transgender people

According to one source, hormone therapy has been less accessible for transgender people since February 2022. This source states that access to hormones is made more difficult by the increased cost of hormone medication, by reduced availability in pharmacies, and by the difficulty of importing foreign unregistered hormone medication.¹⁷⁰

LGBTIQ+ and the army

In the military, men with a sexual orientation other than heterosexual or a sexual identity other than cisgender are at an increased risk of abuse. They therefore want to avoid mobilisation and were afraid to go outside during the mobilisation for fear of being called up for mobilisation on the street or on public transport.¹⁷¹

3.2.6

Women

In Russia, domestic violence continued to be a widespread problem during this reporting period. There are no official figures available, but *Human Rights Watch* stated in September 2021 that probably one in five women in Russia has experienced violent behaviour by her partner.¹⁷² In 2020 and 2021, between 66% and 70% of murdered women in Russia died from the consequences of domestic violence.¹⁷³ Covid-related restrictions on freedom of movement led to victims of domestic violence being forced to stay in the same house as the perpetrators and presumably to increased domestic violence. However, the size of this increase is difficult to measure.¹⁷⁴ As of December 2022, no figures were yet known about the

¹⁶⁷ RFERL, *The main mistake is trusting anybody*, 21 January 2023; Novaya Gazeta, *Woman from Russia's Dagestan shares her 'homosexuality treatment' story*, 6 March 2023.

¹⁶⁸ UN Report of the Independent Expert on protection against violence and discrimination based on SOGI, A/HRC/44/53, p. 13, 1 May 2020; Ekaterina Petrova, *Banishing devils: Chechen authorities against laws of life?*, 22 April 2019;

¹⁶⁹ Pro-LGBT, *How LGBT scientists falsify the conclusions of research on reparative therapy*, 7 February 2022; Pro-LGBT, *Kocharyan G.S. - Bisexuality and conversion therapy: a case study*, 25 September 2020; NB: The organisation Pro-LGBT seems to be in favour of conversion therapy and is therefore different to other LGBTIQ+ organisations. Fair Planet, *LGBTQ Conversion Therapy Is Still A Common Practice In Russia*, 27 October 2021; GQ.com, *My Harrowing Journey Through Gay Conversion Therapy in Russia*, 1 November 2022.

¹⁷⁰ Confidential source, 24 February 2022.

¹⁷¹ Confidential source, 21 October 2022; General country of origin information report for the Russian Federation April 2021, p. 70; RedaktionsNetzwerkDeutschland, *„Armee oder Gefängnis“: Wie Russlands Krieg die Lage der LGBTIQ-Community verschärft*, 2 November 2022; RFERL, *A Performance By Russian Cadets Shocks An Audience, And Adds To Fears About Rising Homophobia*, 1 September 2021;

¹⁷² Human Rights Watch, *Updated Submission to the Committee on the Elimination of Discrimination against Women in Russia*, 9 September 2021.

¹⁷³ HRW World Report 2022, *Russia*; Amnesty International, *Russian Federation 2021*; Kommersant, *Purely family murder*, 18 August 2022 (RU);

¹⁷⁴ Bradbury-Jones, C. and Isham, L. (2020), *The pandemic paradox: The consequences of COVID-19 on domestic violence*. J Clin Nurs, 29: 2047-2049; US Department of State, *Human Rights Report Russia 2021*, p. 72; Confidential source, 2 December 2022.

effects of the war in Ukraine on domestic violence perpetrated by returning soldiers.¹⁷⁵

Domestic violence is not a separate crime in the Russian Penal Code. Since 2017, first offences are punishable under administrative law with a fine ranging from 5,000 to 30,000 roubles¹⁷⁶ if no serious physical injury has occurred due to the violence committed.¹⁷⁷

The formal options for reporting domestic violence have not changed since the last reporting period; the burden of proof and the duty of investigation rest with the victim and not with the police. For more information, see section 5.7.1 of the previous COI report. The actual possibility to report a rape committed by a spouse or acquaintance is limited because the authorities often tend to dismiss it as a private matter.¹⁷⁸

Refuge options by family have remained unchanged since the previous COI report and still depend on individual circumstances. Government initiatives such as social rental apartments, special hospital departments or other refuge facilities exist, but were previously described by NGOs as insufficient in terms of their capacity and quality (see section 5.7.1 of the previous COI report). In addition, access to these facilities is made very difficult due to the necessary formalities and the fact that shelter facilities were partly closed due to COVID-19 restrictions.¹⁷⁹

NGOs sometimes offer hotel rooms or other accommodation options. However, the government has scaled back funds for women's rights organisations in recent years and at least one women's rights organisation, *Nasiliu.net*, has been listed as a foreign agent since December 2020. In April 2021, this NGO was fined for violating the Foreign Agent Law.¹⁸⁰

One typical example of domestic violence against girls and the lack of protection by the authorities was the case of the Khachatryan sisters, who killed their father in 2018 after years of sexual abuse. They were arrested and charged with murder. It was only after a public outcry and contradictory court rulings that the authorities finally launched a posthumous criminal investigation against the father in March 2021. The daughters were officially recognised as victims of sexual abuse, torture and child pornography. The criminal case against the sisters is still ongoing.¹⁸¹

3.2.6.1

Women in the North Caucasus

Women in the North Caucasus, particularly the eastern part of the region, have a completely different, weaker position in society than in other parts of Russia. *Sharia* and *Adat*¹⁸² are adhered to by the population, particularly in the eastern regions of the North Caucasus such as Ingushetia, Chechnya and Dagestan.¹⁸³ In November 2021, the UN Committee for the Elimination of Discrimination against Women (CEDAW) expressed serious concerns about widespread practices against women and girls in the North Caucasus, including femicide, honour killings, child marriage, forced marriage and the abduction of women and girls for forced marriage and female genital mutilation. The Committee notes with concern that the federal

¹⁷⁵ Confidential source, 2 December 2022.

¹⁷⁶ Approx 62 to 372 euros according to xe.com on 2 March 2023.

¹⁷⁷ Serious physical injury acts as an aggravating circumstance. See also Meduza, *Not talked about on TV*, 7 February 2022; HRW, *I could kill you and no-one would stop me*, 2018, p. 34 and 56 for a definition of serious physical injury.

¹⁷⁸ US Department of State, Human Rights Report Russia 2021, p. 72.

¹⁷⁹ US Department of State, Human Rights Report Russia 2021, p. 72; TIME, *Russia's Leaders Won't Deal With a Domestic Violence Epidemic*, 3 March 2021.

¹⁸⁰ US Department of State, Human Rights Report Russia 2021, p. 72; HRW World Report 2022, *Russia*.

¹⁸¹ Meduza, *Khachatryan sisters recognised as victims in sexual abuse case against their late father*, 23 March 2021; BBC, *Khachatryan sisters who killed father touch Russian hearts*, 22 August 2019.

¹⁸² Adat consists of (pre-Islamic) social precepts, standards of behaviour and traditional customs.

¹⁸³ Ahmet Yarlykapov, Ph. D. (Hist) (Institute of Ethnology & Anthropology RAS) *Adat, Shariah and Russian law in the modern North Caucasus: results and prospects*, 2015.

legislation for investigating, prosecuting and punishing such crimes against women in the region is not being effectively enforced.¹⁸⁴

According to a study commissioned by the Parliamentary Assembly of the Council of Europe (PACE), the situation of women, girls, LGBTQ+ people and other vulnerable groups has deteriorated in recent years. The people of the North Caucasus live in a closed, patriarchal society. Both local and federal governments tolerate heavy-handed repression under the pretext that it is justified by 'traditional values.' This repression often consists of violent, sometimes murderous, discriminatory practices against women and girls who try to escape from abusive husbands, fathers and brothers.¹⁸⁵

According to one source, women in Chechnya, Dagestan and Ingushetia are particularly at risk of abuse by family members. If they try to leave the family, the relatives go looking for them, often with help from the local FSB, which includes both the FSB's investigative arm and its border police. When the women attempt to leave Russia, the family members are often informed by the FSB and then wait for their runaway family member at the border.¹⁸⁶

Female Genital Mutilation (FGM)

In Russian criminal law, there is no separate legal article that prohibits FGM¹⁸⁷ or qualifies it as a serious crime. There are no official figures on how widespread this practice is. NGOs in Dagestan have reported that FGM is being practised in some villages in Dagestan. According to newspaper *Le Monde*, FGM is prevalent in a number of communities in Ingushetia and Dagestan and affects approximately 1,300 girls each year. According to the same article, FGM is not systematically encouraged by Imams, but the rare attempts to oppose FGM are met with joint opposition from Muslim and Orthodox spiritual leaders who hold on to what they believe to be traditional values.¹⁸⁸

In Dagestan, although a lawsuit was initiated against the perpetrators of FGM, it ended in dismissal due to a procedural delay. In Magas in Ingushetia, a doctor was prosecuted for inflicting minor bodily harm after he circumcised a nine-year-old girl in 2019.¹⁸⁹

Loss of parental authority

Besides their often socio-economic dependence on men, women in the North Caucasus often have another reason to stay with their husbands despite domestic violence, namely the fear of losing their children. According to the rules of Adat as followed in Chechnya and Ingushetia, when couples divorce, the children are assigned to the man and his family. Not in all divorces, but in traditional divorces, the mother is therefore separated from her children. Fearing the loss of their children, many women choose to remain in an abusive marriage rather than leave their husbands and children. According to one source, it is also customary in Dagestan for children to be assigned to the father, as he will generally be able to provide for the children better than the mother.¹⁹⁰

¹⁸⁴ CEDAW/C/RUS/CO/9, November 2021.

¹⁸⁵ PACE, Frank Schwabe, Committee on Legal Affairs and Human Rights, *The continuing need to restore human rights and the rule of law in the North Caucasus region*, 3 June 2022.

¹⁸⁶ Confidential source, 2 December 2022.

¹⁸⁷ FGM or female genital mutilation involves the removal of the labia and clitoris. This procedure is usually performed on girls under the age of 15.

¹⁸⁸ *Le Monde*, *A la frontière entre la Russie et la Géorgie, le sauvetage en direct de quatre sœurs menacées d'un « crime d'honneur »*, 8 November 2022.

¹⁸⁹ PACE, Frank Schwabe, Committee on Legal Affairs and Human Rights, *The continuing need to restore human rights and the rule of law in the North Caucasus region*, 3 June 2022; US Department of State, Human Rights Report Russia 2021, p. 72; DW, *Russia's first FGM trial restarts after quarantine*, 23 July 2020.

¹⁹⁰ Confidential source, 2 December 2022.

'Rehabilitation centres' and forced treatment

Various sources cite examples of forced treatment and placement in a medical facility, a so-called rehabilitation centre in Dagestan for men (see section 3.2.5.1 The LGBTIQ+ community in the North Caucasus) or women who do not adhere to the traditional way of life. This can also involve women who are not heterosexual or traditional enough in the perception of the family.¹⁹¹ Two such centres are located in Khasavyurt and Makhachkala. For example, a young bisexual woman reported being placed in this type of facility by her family after making a second attempt to escape. In the facility, she was restricted in her freedom of movement, abused and chained for days without food or drink.¹⁹² Women from Dagestan and Ingushetia also report being 'treated' by mullahs or exorcists.¹⁹³

Examples of female victims of gender-based violence

Victims from the North Caucasus are not safe even after resettlement in other areas in the region. In June 2021, the police raided a women's shelter in Dagestan and forcibly returned Khalimat Taramova to Chechnya (see also section 3.2.5.1 The LGBTIQ+ community in the North Caucasus). Taramova identifies as bisexual and had fled her parents' home to escape abuse. A few days after her forced return, she appeared on local TV and stated on camera that she was doing well and was being cared for by her family. In October, two women from Dagestan were forcibly taken from a shelter for victims of domestic violence in Tatarstan and returned to their families, reportedly by local police. The authorities launched an investigation but denied that the police were involved.¹⁹⁴

In late October 2022, four young women from Dagestan fled a violent family situation in which they had been forbidden to study, had fallen victim to FGM and were to be forced into an arranged marriage. After three months in the crisis shelter of an NGO in the North Caucasus, they tried to leave the country. However, the Russian border police in North Ossetia initially refused to allow them to travel to Georgia and detained them until relatives arrived at the border to take them home. In the end, the women were allowed to travel – presumably due to the enormous public interest in the case – and were able to enter Georgia.¹⁹⁵

3.2.7 *Unaccompanied minors*

For unaccompanied minors, the situation in Russia has not changed significantly.¹⁹⁶ For a description of their situation, see the COI report for the Russian Federation 2021.

According to a World Bank report, over the past fifteen years Russia has made remarkable improvements in deinstitutionalising children – that is, placing unaccompanied minors in a family rather than an institution. Compared to other countries,¹⁹⁷ the Russian percentage of children in the public care system is still relatively high at 1.6%, with large regional differences inside Russia. For example,

¹⁹¹ Confidential source, 19 October 2022.

¹⁹² The Caucasian Knot, *Dagestani resident complains about torture in rehabilitation centre*, 9 January 2023;

¹⁹³ RFERL, *Teenager Detained In Saint Petersburg Says She Fled Home In Ingushetia Over Domestic Violence*, 23 November 2022; The Caucasian Knot, *Rights defenders treat life threat to Dagestani woman who left Russia as real*, 20 August 2022; The Caucasian Knot, *Dagestan woman tells about her escape from Russia due to domestic violence*, 18 August 2022.

¹⁹⁴ HRW World Report 2022, Russia; Meduza, *'We begged not to be handed over to Chechnya'*, 14 June 2022.

¹⁹⁵ Caucasian Knot, *Flight to Georgia is not end to persecution threats for four Dagestani sisters*, 4 November 2022; Le Monde, *In Russia, the rescue of four sisters threatened with 'honour killing'*, 10 November 2022.

¹⁹⁶ Confidential source, 6 October 2022. See the General country of origin information report for the Russian Federation April 2021.

¹⁹⁷ In Germany this percentage is 0.2%, in the UK 0.65% and in the US 0.59%.

this percentage is 0.032% in Ingushetia and 0.45% in the Jewish Autonomous Oblast. The way care is organised and therefore the quality of care also differ significantly. NGOs play a major role in the care of minors but have difficulty obtaining financial resources.¹⁹⁸

In this reporting period, too, there were reports of abuse and neglect of children in state homes, especially children with a disability.¹⁹⁹

The UNHCR claimed that Russia was violating basic children's rights by giving Ukrainian children Russian passports, evacuating them against their will and placing them in Russian families or shelters.²⁰⁰ See section 8.2 ([Ukrainians coming to Russia](#)).

3.2.8 Journalists

The situation for independent journalists in Russia deteriorated further during the reporting period. Independent and critical journalism is no longer possible without running the risk of criminal prosecution and being classified as a 'foreign agent'. In December 2022, 19 journalists were being held in detention due to their work. Since 2000, 37 journalists have been killed due to their work. These types of incidents generally remain a mystery.²⁰¹ According to the NGO *Reporters Without Borders*, from January to March 2023 five journalists were killed in the course of their work. In the period between January 2021 and March 2023, 54 journalists were detained. According to RSF, in March 2023 at least 19 journalists were still in detention.²⁰² The number of journalists who have fled abroad is not known.

Journalists in Russia who criticise the government or President Putin face repression, often through legal proceedings brought against them by the government (judicial harassment). These proceedings are initiated for administrative or criminal violations of a wide range of laws, such as the Foreign Agent Law, the Undesirable Organisations Law, extremism legislation, fake news legislation, discrediting the Russian military or high treason. For a description of these laws, see Chapter 6 (Legislation). Repression against journalists intensified particularly after the start of the war in Ukraine. According to sources, it is not possible to completely exclude prosecution and report independently at the same time. Journalists are being prosecuted on a large scale but the system is not always transparent. While one source says that the repercussions for criticising the government were still fairly predictable before the war, since the invasion of Ukraine on 24 February 2022 the arbitrary nature of prosecution has become a means of repression in itself, causing journalists to stop their work for fear of prosecution, to do their work differently, to be less critical, to stop working altogether or to leave the country. There are, however, indicators of an increased risk of criminal prosecution. For example, cooperation with a foreign organisation or person, an organisation or person declared undesirable abroad or an organisation or individual that has been designated as a foreign agent or extremist can lead to a criminal investigation. Publishing information about sensitive topics such as the situation in Ukraine, mobilisation or conscription, military topics in general, LGBTIQ+-related topics, criticism of state-owned companies or criticism of family members of prominent politicians can also lead to repression on the basis of a number of different laws (see Chapter 6: Legislation).²⁰³

¹⁹⁸ World Bank Group, *Organization and delivery of child protection services in Russia*, June 2021.

¹⁹⁹ US Department of State, Human Rights Report Russia, 2021; US Department of State, Human Rights Report Russia, 2022.

²⁰⁰ BBC, Ukraine war: *UN accuses Russia of breaking child protection rules over refugees*, 29 January 2022.

²⁰¹ RSF, *Putin celebrates his 70th birthday by crushing independent media in Russia*, 6 September 2022.

²⁰² Website RSF, consulted on 24 March 2023.

²⁰³ Confidential source, 17 October 2022. IPI, *Over two dozen journalists detained while reporting on anti-mobilization protests*, 27 September 2022. Confidential source, 18 October 2022.

Journalists are most at risk in the North Caucasus.²⁰⁴

Foreign Agent Law

The expansion of the Foreign Agent Law²⁰⁵ of 14 July 2022 (see section 6.3

²⁰⁴ Confidential source, 17 October 2022.

²⁰⁵ In English, this law is referred to as the *Foreign Agent Law*

Foreign Agent Law) had negative consequences for journalists. The amendment replaced the criterion of 'foreign financial support' with 'foreign influence', and interpreted the criterion of 'political activity' as 'any activity that harms Russian interests'.²⁰⁶ In September 2022, more than half of the 'foreign agents' in Russia were journalists or media platforms. For individual journalists working in a freelance capacity, being labelled a 'foreign agent' can spell the end of their careers because all of their work must be labelled as coming from a 'foreign agent', even if it appears on a medium that is not itself labelled as 'foreign agent'. Violations are punished with heavy fines. In this way, independent journalism, which relies heavily on partnerships with freelancers or independent organisations, is strongly discouraged.²⁰⁷

Roman Badanin, a freelance journalist and founder of the investigative journalism platform Project²⁰⁸, was classified as a foreign agent in July 2021 while residing outside Russia. He was also obliged to provide quarterly figures from abroad.²⁰⁹ The platform itself was classified as a foreign undesirable organisation.²¹⁰ See section 6.4 for more information about the Undesirable Organisations Law.

The editor-in-chief of Novaya Gazeta Europe, Kiril Martynov, was individually designated as a 'media foreign agent' by the Russian Ministry of Justice on 2 September 2022. Russia's Penal Code provides for maximum sentences of five years' detention for people who do not meet the requirements for 'foreign agents'.²¹¹

Criticism of the war in Ukraine

After the introduction of the new laws that criminalise criticism of the invasion of Ukraine (see section 6.1 Criticism of the war), journalists who critically reported on the war risked criminal prosecution. If it involved state secret information, they risked prosecution for high treason (see below). On 1 December 2022, stricter restrictions came into effect for Russian and foreign journalists that are covering Russia and the war in Ukraine. There is a list²¹² of 61 points that may not be discussed, such as the training of mobilised men and the morale of the army.²¹³

Dmitry Muratov, a Nobel Prize winner and founder of the Novaya Gazeta newspaper banned in September 2022, was attacked with paint by unknown people in April 2022, presumably in response to reports about the war in Ukraine.²¹⁴

Marina Ovsyannikova, a newsreader on state television, protested against the Russian invasion of Ukraine in March 2022 during a live broadcast. She was fined 30,000 roubles²¹⁵ for violating the regulations for demonstrations. She moved to Germany but returned to Russia at the beginning of July. After a one-man protest in which she called President Putin a murderer and his soldiers fascists, she was charged in August 2022 for spreading fake news (see section 6.1.1 Criticism of the war - Spread of 'false information') and was fined 50,000 roubles²¹⁶ and placed

²⁰⁶ RFERL, *Putin Signs Off On Harsher 'Foreign Agent' Law*, 14 July 2022;

²⁰⁷ RFERL, *Russia's 'Foreign Agent' Law: A Blunt Instrument To Silence Dissent*, 22 January 2022.

²⁰⁸ <https://www.proekt.media/en/home/>

²⁰⁹ Confidential source, 17 October 2022.

²¹⁰ RSF, *Proekt is first Russian media outlet to be declared "undesirable"*, 19 July 2021.

²¹¹ CPJ, *Russian authorities suspend Novaya Gazeta's print license*, 6 September 2022.

²¹² News website RGRU, announcement of FSB decision no. 547, 4 November 2022, *On approval of the List of information in the field of military, military-technical activities of the Russian Federation, which, if received by foreign sources, can be used against the security of the Russian Federation*, 18 November 2022.

²¹³ NOS, *Journalistiek al bijna onmogelijk, maar Rusland draait duimschroeven verder aan*, 24 November 2022.

²¹⁴ The Guardian, *Russian Nobel-winning editor says he was attacked with red paint*, 8 April 2022; The Guardian, *Russian intelligence behind poisoning of Nobel-laureate editor, says US*, 28 April 2022.

²¹⁵ Approx 375 euros according to xe.com on 2 March 2023.

²¹⁶ Approx 625 euros according to xe.com on 2 March 2023.

under house arrest. In October, she recorded a video criticising President Putin and fled abroad from house arrest. Russia issued an international arrest warrant.²¹⁷

Journalist Valery Badmayev was arrested in December 2022 and charged with discrediting the Russian army (see section 6.1.2 Criticism of the War - Discrediting the Armed Forces). He had shared an interview with a combatant from the Ukrainian Azov Battalion on social media.²¹⁸

Crimean Tatar journalist Osman Arifmemetov was arrested in Russia's Rostov-on-Don on 27 March 2019 along with journalist Remzi Bekirov; Rustem Sheikhaliev was arrested the same day in Simferopol, the capital of Crimea, and the three were placed under arrest in Russia. They had live-streamed police raids and court hearings and posted the videos on the YouTube channel of human rights organisation Crimean Solidarity. Bekirov was sentenced to 19 years in prison in March 2022; Arifmemetov and Sheikhaliev were sentenced to 14 years in prison.²¹⁹

A foreign correspondent in France for Russian state television, Zhanna Agalakova, resigned in protest against the war in Ukraine and returned her two previously awarded presidential medals.²²⁰

In February 2022, Novaya Gazeta reported that journalist Elena Milashina had been forced to leave the Russian Federation because of threats made against her. Her most recent investigative reports concerned Chechen President Kadyrov's retaliation against the family of Saidi Yangulbayev, a former Chechen judge whose brothers and mother were detained after he reported on human rights abuses. Previously, Milashina and a colleague had been physically assaulted in Grozny. Adam Shahidov, an adviser to President Kadyrov, and several Muslim preachers had accused the newspaper of libel and had threatened retaliation. Elena Milashina investigated the violent termination of a school hostage-taking in Beslan in 2004, the murder of Anna Politkovskaya in 2006, the conflict in South Ossetia in 2008, and the abduction and murder of Natalya Estemirova in 2009. Milashina also reported on the so-called 'anti-gay purges' in Chechnya in 2017, publishing the names of 27 people allegedly killed by authorities and of dozens of people being detained, intimidated and tortured in secret prisons.²²¹

Journalist Maria Ponomorenko was sentenced to six years in detention in February 2023 after ten months of pre-trial detention during which she did not receive the psychological care she needed. She had reported on social media about the Russian attacks on a theatre in Mariupol. According to the court, she was guilty of spreading false information about the actions of the Russian army in Ukraine.²²²

In February 2023, TV commentator Alexander Nevzorov was sentenced in absentia to eight years in prison for spreading false information about the war. He had spoken out critically to his 2 million YouTube followers about the Russian attack on a theatre in Mariupol and attacks on civilians in the town of Bucha.²²³

Extremism

²¹⁷ The Guardian, *Russian woman behind on-air war protest reportedly escapes house arrest*, 3 October 2022; Politico, *Russian anti-war protest journalist Marina Ovsyannikova flees to Europe*, 17 October 2022; Novaya Gazeta Europe, *Speak out at your own risk*, 4 January 2023;

²¹⁸ CPJ, *Russian journalist Valery Badmayev charged with 'discrediting' the army*, 13 December 2022;

²¹⁹ CPJ, *CPJ condemns 14-year jail sentences for Crimean journalists Osman Arifmemetov and Rustem Sheikhaliev*, 25 November 2022.

²²⁰ Reuters, *Ex-Russian state TV reporter: I quit over Ukraine war*, 22 March 2022.

²²¹ PACE, Report by Frank Schwabe, *The continuing need to restore human rights and the rule of law in the North Caucasus region*, 3 June 2022, points 14 and 16.

²²² Politico, *Russian journalist Maria Ponomarenko sentenced to 6 years in jail over post on Mariupol strike*, 15 February 2023; Euractiv, *Russian journalist gets six years for accusing Moscow of Mariupol theatre bombing*, 15 February 2023.

²²³ Politico, *Russian journalist gets 8 years in prison over Ukraine coverage*, 1 February 2023;

Journalist Andrey Zayakin, working for Novaya Gazeta, was arrested in August 2022 for making a donation of 1,000 roubles²²⁴ to FBK. He was charged with financing an extremist organisation (Article 282.3 of the Penal Code) and placed under house arrest with no access to the internet or his telephone pending the investigation. Zayakin's investigations focused on plagiarism in dissertations by high-ranking politicians and civil servants.²²⁵

Insa Lander, an independent journalist living in Moscow and originally from Kabardino-Balkaria, was placed under house arrest by the authorities during a visit to that region. A criminal investigation was launched against her for allegedly recruiting terrorists. She fled through Georgia to Lithuania in July 2022 after Georgia had first denied her entry for two weeks for reasons of state security. Lander said that the charges are in retaliation for her investigation into corruption.²²⁶

Bulgarian investigative journalist Christo Grozev was placed on a wanted list by the Russian Ministry of Justice in late December 2022, which claimed that he was in violation of criminal law, without giving any further specifications. Grozev was responsible for reporting for the investigative journalism collective Bellingcat on, among other things, the poisoning of Alexei Navalny, the MH17 air disaster and cases of poisoning in the UK.²²⁷

High treason

Journalist Ivan Safronov was sentenced in September 2022 to 22 years in prison for high treason for providing military information to the Czech government. According to Safronov, most of the information was publicly available. His lawyers said that he was put under extreme pressure to confess and a criminal case was initiated against his lawyer Ivan Pavlov for the violation of procedural rules.²²⁸ According to Safronov's lawyer, the conviction was intended to serve as a warning to all Russian investigative journalists.²²⁹ Two of Safronov's lawyers – Ivan Pavlov and Dmitry Talantov – faced criminal charges, according to many to make his defence impossible.²³⁰

3.2.9 Lawyers

The independence of lawyers had already been severely curtailed in 2021 when bar associations were no longer able to function independently of the Ministry of Justice. See section 5.5.7 of the previous COI report for a detailed explanation.

The situation for lawyers representing clients whose interests conflict with the interests of the government deteriorated significantly during the reporting period. Lawyers themselves risk prosecution or opposition when they take on politically sensitive cases. They particularly faced judicial harassment during the reporting period, when the authorities brought cases against them or designated them as

²²⁴ Approx 12 euros according to xe.com on 2 March 2023.

²²⁵ *Jurist*, *Russia journalist arrested for donation to Navalny's Anti-Corruption Foundation*, 30 August 2022; Meduza, *Moscow police arrest journalist who founded project that finds plagiarism in senior state officials' academic work*, 29 August 2022.

²²⁶ *REFL*, *Russian Blogger Finally Allowed To Enter Georgia, Immediately Flies From Tbilisi To Lithuania*, 29 June 2022; *CPI*, *Russian journalist Insa Lander stranded at Georgia border after fleeing house arrest*, 17 June 2022.

²²⁷ RSF, *'Russia is trying to intimidate me'*, 2 January 2023;

²²⁸ The Moscow Times, *Russia Jails Journalist Safronov for 22 Years on Treason Charges*, 5 September 2022; website Frontline Defenders, *Human Rights lawyer Ivan Pavlov disbarred*, consulted 26 October 2022.

²²⁹ The Guardian, *Russian journalist Ivan Safronov sentenced to 22 years in prison*, 5 September 2022;

²³⁰ *Website* Frontline defenders, *Aggravated Charges Against Human Rights Lawyer Dmitry Talantov*, consulted on 16 November 2022.

foreign agents.²³¹ Lawyers can also be classified as foreign agents, even if they are only doing their job and refrain from any political activity.²³²

Examples of prosecuted lawyers

The criminal prosecution of Dmitry Talantov, Dean of the Udmurtia Bar Association, generated a great deal of attention among lawyers during the reporting period. Talantov was charged with spreading false information about the actions of the Russian army in Ukraine and 'extremism', which includes 'incitement to hatred and hostilities' using his official position. Committing these acts while exercising an official function constitutes an aggravating circumstance under Russian criminal law. Talantov had called attention online to reports of the mass killing of civilians in Ukraine by the Russian army and, according to the charge, had spoken in a 'negative and contemptuous way' about President Putin and his policies. Talantov was defending journalist Ivan Safronov after Safronov's first lawyer, Ivan Pavlov, had been forced to flee the country. The UN Human Rights Committee, the International Bar Association and Amnesty International have called for Talantov's release. His case was still pending in February 2023. He has been held in pre-trial detention since his arrest.²³³

Lawyer Prometey Yefimov was charged with disobeying a police officer; the police claimed that his appearance 'offended human dignity'. Lawyer Georgy Krasnov was arrested during an anti-mobilisation event in Yekaterinburg even though he was at some distance from the demonstrators. He had gone to the event to provide detained journalists with legal aid if they needed it.²³⁴

Examples of lawyers designated as a 'foreign agent'

Lawyers themselves were also classified as 'foreign agents' – for example if they defended clients involved in political affairs even though the lawyers themselves were not involved in political activities.²³⁵ Lawyer Galina Arapova represented a number of media organisations and was labelled a 'foreign agent' shortly after it was announced that Novaya Gazeta was to be awarded the Nobel Peace Prize.²³⁶

Lawyer Ivan Pavlov, who defended journalist Ivan Safronov in a high treason case, was classified as a 'foreign agent' in early November 2022. Pavlov has been under criminal investigation since April 2021, when he was charged with 'disclosing the details of a preliminary investigation' into a case of alleged high treason. He contested this violation, but on 19 July 2021 the Moscow Court rejected his appeal and upheld the restrictive measures against him. He left Russia because he feared further prosecution and he could no longer practice his profession.²³⁷ Four of Pavlov's direct colleagues were also designated as foreign agents in November 2021. These lawyers have never been politically active but in the course of their work they focus exclusively on human rights cases and cases of high treason.²³⁸

Lawyer Mikhail Benyash was also classified as a foreign agent in October 2022 and was subsequently suspended as a lawyer. As a result, Benyash had to discontinue his defence of soldiers who had challenged their dismissal from the National Guard over their refusal to fight in Ukraine. In January 2023, a court ordered the Justice Department to defer the designation of Benyash as a foreign agent. It is not known whether he decided to take the aforementioned case back on. Since 2018, the Russian authorities have instituted a number of administrative procedures against

²³¹ Confidential source, 29 November 2022.

²³² RFERL, *Noted Russian Lawyer, Associates Labelled 'Foreign Agents'*, 9 November 2021.

²³³ Website Frontline Defenders, *Aggravated Charges Against Human Rights Lawyer Dmitry Talantov*, consulted on 7 February 2023; Novaya Gazeta, *Speak out at your own risk*, 4 January 2023; The Insider, *Losing defense. How Putin's government named attorneys enemies of Russia*, 13 January 2023.

²³⁴ The Insider, *Losing defense. How Putin's government named attorneys enemies of Russia*, 13 January 2023.

²³⁵ Confidential source, 29 November 2022.

²³⁶ Media Defence, *Galina Arapova: media lawyer, human rights activist, "foreign agent"*, 25 January 2022;

²³⁷ Website Frontline Defenders, *Human Rights Lawyer Ivan Pavlov Disbarred*, consulted on 16 November 2022.

²³⁸ RFERL, *Noted Russian Lawyer, Associates Labelled 'Foreign Agents'*, 9 November 2021.

Benyash for his critical remarks, most recently for his criticism of the war in Ukraine. In January 2023, the Ministry of Justice asked the Bar Association to impose disciplinary measures on Benyash because his critical remarks online about the Russian authorities were not consistent with his professional conduct.²³⁹

²³⁹ The Caucasian Knot, *Advocate Mikhail Benyash* succeeds in removing marking of a foreign agent*, 18 January 2023; The Insider, *Losing defense. How Putin's government named attorneys enemies of Russia*, 13 January 2023; The Caucasian Knot, *Advocate of Kuban blogger Alexander Nozdrinov claims being under pressure*, 7 February 2023.

4 Conscripts, contract soldiers and reservists

The Russian army consists partly of conscripts and partly of contract soldiers. Contract soldiers serve on the basis of a temporary or permanent contract. In addition, people who have completed military service, or people who have previously served as contract soldiers, can be called up as reservists during a mobilisation. Members of the National Guard and the paramilitary Wagner Group have also been fighting in the war in Ukraine. This chapter deals successively with conscripts, contract soldiers and mobilised reservists. This is followed by the subject of travel restrictions for all three categories together.

Since the previous COI report, despite the Russian invasion of Ukraine in February 2022 no legislative changes have been introduced with regard to conscription, contract soldiers or reservists, except for the introduction of tougher penalties for evading military service and refusing to fight. For more information, see section 4.1.1.2 ([Evading military service](#)). In addition, since March 2022 there have been stricter penalties for discrediting the Russian army and for spreading what the authorities consider to be disinformation about the war in Ukraine²⁴⁰; see section 6.1 (Criticism of the war).

In September 2022, a large-scale mobilisation of reservists took place (see section 4.1.3 **Error! Reference source not found.**). This led to protests (see section 5.1.2 [Demonstrations](#)) and an escape movement (see sections 4.1.4 for [Freedom of movement for military](#) personnel and 8.3 for [Russians leaving Russia](#)).

The National Guard (Rosgvardia)

The National Guard²⁴¹ assists the federal security service FSB²⁴² and inside Russia is also responsible for law enforcement, border control, management of private gun ownership, combatting terrorism and organised crime, protecting public order and guarding important state buildings.²⁴³ In addition, members of the National Guard are also taking part in the armed conflict in Ukraine. Men who refused to fight were put under severe pressure by their employers and were eventually dismissed. Between 115 and 250 National Guard regulars unsuccessfully challenged their dismissal in court. One of their lawyers was arrested for discrediting the Russian military.²⁴⁴

Wagner

The Wagner PMC Group is a private army of mercenaries led by businessman Jevgenij Prigozhin. The Wagner Group has grown in importance since the war in Ukraine started.²⁴⁵ It is estimated that 10% of the Russian armed forces in Ukraine are Wagner mercenaries.²⁴⁶ Given the size of the group and its lack of official status, President Putin has been able to use it in the armed conflict without having to take responsibility for it. At the same time, the deployment of the Wagner Group in

²⁴⁰ [Politico](#), *Russia expands laws criminalizing 'fake news'*, 22 March 2022.

²⁴¹ The National Guard is a militarised organisation that was founded on the basis of the so-called internal forces of the Russian police (MVD). It provides support to the police (for example, the riot police now falls under Rosgvardia and no longer under the MVD) and also supports the FSB with border surveillance. See also the law concerning the [National Guard](#) (RU) and Dr. Lester Grau, *The Russian Way of War*, p. 26.

²⁴² FSB, *Federal'naya sluzhba bezopasnosti Rossiyskoy Federatsii*.

²⁴³ See the [General country of origin information report for the Russian Federation](#) April 2021, p. 29.

²⁴⁴ The Guardian, *115 Russian national guard soldiers sacked for refusing to fight in Ukraine*, 27 May 2022; confidential source, 3 November 2022.

²⁴⁵ [Politico](#), *U.S. officials: Russia is increasingly relying on Wagner in Ukraine*, 22 December 2022; for more general information about the Wagner Group, see: BBC, *What is the Wagner Group doing in Ukraine?*, 14 January 2023; CSIS, *Band of Brothers: The Wagner Group and the Russian State*, 21 September 2020.

²⁴⁶ BBC, *Andrey Medvedev: How Russian mercenary says he made an icy escape to Norway*, 17 January 2023.

Ukraine could somewhat mitigate the politically sensitive further mobilisation of citizens.²⁴⁷

Wagner owner Prigozhin recruited tens of thousands²⁴⁸ of mercenaries from detention centres with the promise of a pardon and a monthly salary of approximately €9,250 with a minimum contract term of six months.²⁴⁹ He claims to have stopped this recruitment drive in January 2023.²⁵⁰ In addition, he expressed his intention to have his mercenaries admitted to the respected Moscow State University (MGU) and the Moscow State Institute of International Relations (MGIMO). Prigozhin stressed that the admission of his fighters should not require an entrance exam.²⁵¹ Nothing is known about the actual admission of Wagner mercenaries to university. An ex-mercenary of the Wagner Group, Yevgeny Nuzhin, was brutally executed by the Wagner Group after surrendering to Ukrainian forces. There are conflicting reports in the media as to how Nuzhin ended up in Russian hands again.²⁵²

In January 2023, reports emerged that Andrey Medvedev, a Wagner mercenary who had deserted, was seeking asylum in Norway. He had signed a four-month contract, presumably in exchange for a pardon, and according to him this contract had been extended without his consent. After fleeing from his unit in Ukraine to Russia, he deregistered at a Wagner office. Fearing repression from the Wagner group, he then fled to Norway. An ex-commander of Wagner who had fled to Norway testified to his lawyer about the killing of Wagner mercenaries who had refused to fight.²⁵³

4.1.1 Conscripts

All Russian men between 18 and 27 years old and 16 or 17 year-olds who have been trained at a military school are conscripted. At the end of December 2022, the Ministry of Defence proposed raising the age for military service from 18-27 years to 21-30 years. This legislative amendment was submitted to the State Duma on 13 March 2023 but had not yet been processed by 31 March 2023 so will not affect the draft in the spring of 2023.²⁵⁴ Completion of military service is required in order to work in the public sector.²⁵⁵

Conscripts are called up twice a year: in spring between 1 April and 15 July and in autumn between 1 October and 31 December, for military service lasting twelve months.²⁵⁶ In the spring of 2022, 134,500 men started their military service. In the autumn of 2022, the start date for the recruitment of conscripts was moved from 1 October to 1 November.²⁵⁷ Presumably this was aimed at relieving the regional

²⁴⁷ The Guardian, *Russia's Wagner Group 'have as much power in Kremlin as ministers'*, 1 November 2022.

²⁴⁸ The exact numbers are not available. Die Welt, *Laut Angaben von Bürgerrechtlern - Nur noch 10.000 russische Häftlinge an der Front*, 23 January 2023.

²⁴⁹ BBC, *Andrey Medvedev: How Russian mercenary says he made an icy escape to Norway*, 17 January 2023; Al Jazeera, *Wagner chief frees prisoners who fought in Ukraine for Russia*, 5 January 2023; Politico, *U.S. officials: Russia is increasingly relying on Wagner in Ukraine*, 22 December 2022; The Guardian, *We thieves and killers are now fighting Russia's war': how Moscow recruits from its prisons*, 20 September 2022.

²⁵⁰ NRC, *'Wagnergroep stopt met werven gevangenen'*, 9 February 2023.

²⁵¹ confidential source, 13 January 2023.

²⁵² BBC Monitoring, *Briefing: Ex-Wagner fighter allegedly killed as 'warning to defectors'*; BBC, *Ukraine war: Wagner chief Prigozhin defends brutal killing video*, 14 November 2022.

²⁵³ BBC, *Andrey Medvedev: How Russian mercenary says he made an icy escape to Norway*, 17 January 2023.

²⁵⁴ Reuters, *Russia could expand draft age as soon as this spring, lawmaker says*, 12 January 2023; Telegram channel Military Ombudsman, message 804, 19 January 2023; Meduza, *Why the Kremlin wants to reform Russia's seasonal conscription*, 21 December 2022; Reuters, *Russian lawmaker introduces bill pushing back conscription age*, 13 March 2023.

²⁵⁵ Website Russian Ministry of Defence, consulted on 18 January 2023.

²⁵⁶ Different periods apply to three groups: conscripts living in the far north (1 May to 15 July and 1 November to 31 December), conscripts living in the countryside and involved in sowing or harvesting (no spring call-up, call-up from 15 October to 31 December) and educational staff (1 May to 15 June and no autumn call-up). See Garant.ru, 31/03/2022; Prizyvanet, 23/08/2022.

²⁵⁷ See Presidential Decree, 30 September 2022, no. 691 'On the conscription in November-December 2022 of citizens of the Russian Federation for military service and on the dismissal from military service of citizens undergoing military service on conscription', see [link](#).

military recruitment offices²⁵⁸ due to the mobilisation that was taking place at that time. In the autumn call-up, 120,000 conscripts started their military service. These numbers are lower than in previous years.²⁵⁹ For the spring call-up from 1 April 2023, President Putin announced on 30 March 2023 that he would call up 147,000 conscripts.²⁶⁰

4.1.1.1 *Draft and conscription procedure*

Local military recruitment offices issue the draft notice for conscripts. Every Russian male citizen can be called up for military service from the age of 18. The draft notice must be personally received by the conscript, who signs for receipt. A bill to remove this requirement had not yet passed the required third reading at the time of writing. Consideration of the proposal was postponed until July 2023.²⁶¹

After receiving a draft notice, a conscript must report to the military recruitment office within two days.²⁶² However, according to an anonymous source from news website *Meduza*, draft notices are regularly left in the mailbox instead of being delivered personally, contrary to the requirements of the current legislation.²⁶³ Sometimes the draft notice is sent digitally; according to lawyers, however, this should have no legal consequence.²⁶⁴ On 31 March 2023, media platforms quoted the Ministry of Defence as saying that conscripts will receive electronic draft notices from now on. Where this is not possible, paper draft notices should be delivered.²⁶⁵

After reporting to the recruitment office, the conscript is subjected to a medical examination that results in classification into one of the following five categories: healthy, healthy with minor limitations, limited health, temporary limited health, or long-term limited health and therefore unfit.²⁶⁶ Critics have noted that the outcome of the medical examination depends on the target figures of the relevant recruitment office and that the health of the person concerned was therefore not always looked at objectively.²⁶⁷

After approval by the medical committee, the draft board decides on one of the following:

- Classification for military service
- Deferral of military service
- Exemption from military service
- Inclusion in the reserve (*zapas*) (see section 4.1.3); or
- Classification for alternative military service.

²⁵⁸ In Russian *vojénnyj komissariát* (военный комиссариат) or abbreviated *vojenkomat* (военкомат). Also called regional military commissariat in Dutch.

²⁵⁹ ISW, *Explainer on Russian Conscription, Reserve, and Mobilization*, Stepanenko, Kagan and Babcock-Lumish, 5 March 2022; EUAA, *The Russian Federation – Military Service*, 16 December 2022.

²⁶⁰ Meduza, *Putin signs decree on a spring military conscription drive larger than last year's*, 30 March 2023;

²⁶¹ Telegram channel Military Ombudsman, message 804, 19 January 2023.

²⁶² The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022; confidential source, 20 October 2022.

²⁶³ Meduza, *The most unsafe thing is to think that if you have not been given a summons, then everything will pass by itself*, 13 July 2022 (RU).

²⁶⁴ The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022; Riamo, *Military conscription in the spring of 2022: what you need to know*, 4 April 2022.

²⁶⁵ Meduza, *Russian authorities to use electronic military summonses for the first time in spring conscription drive*, 31 March 2023; Telegraph, *Briefing by Rear Admiral Vladimir Tsimlyansky*, 30 March 2023 (RU).

²⁶⁶ Decree of the Government of the Russian Federation of 4 July 2013 N 565 (as amended on June 29, 2022) 'On approval of the Regulations on military medical expertise' and the *General country of origin information report for the Russian Federation* April 2021, p. 51.

²⁶⁷ Al Jazeera, *Explainer: How does conscription work in Russia?*, 5 May 2022; The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022.

If the conscript is indeed classified for the performance of military service, he will be given a form with the location at which he will perform his military service, the date on which he must report and the relevant military assembly point.²⁶⁸

The following conscripts are excluded from the duty to appear: men who are seriously ill themselves, whose immediate family members are seriously ill or who must attend the funeral of immediate family members, conscripts who are unable to attend the medical examination due to an act of God or other circumstances that the committee considers sufficient reason not to attend.²⁶⁹

In practice, for many conscripts the draft is divided into two steps: Young people in Russia are often called up in the year in which they turn 17 and they then undergo the medical examination. After medical clearance, they are issued a military certificate stating that they will serve. In a second step, these conscripts will receive a draft notice stating where and when they must report for duty.²⁷⁰

New conscripts undergo one to two months of basic training followed by three to six months of advanced training before arriving at their assigned military units.²⁷¹ The total duration of military service is twelve months.²⁷² After completing compulsory military service, conscripts automatically become reservists and can therefore be mobilised. See also section 4.3.3 (**Error! Reference source not found.**). Since the start of the war in Ukraine, conscripts are more often offered the opportunity to sign a contract, sometimes under pressure. For more information, see section 4.1.1.6 (Deployment of conscripts in Ukraine).

4.1.1.2 Evading military service

Conscripted men between the ages of 18 and 27 must notify the responsible recruitment office of their actual place of residence. Failure to do so, as well as failure to appear for the medical examination, is an administrative offence as stipulated in Article 21.5 or 21.6 of the Collective Labour Agreement²⁷³ and is punishable by a fine of 500 to 3,000 roubles²⁷⁴. Before travelling and living abroad for work or study during military service age, the conscript must announce his departure in advance to the recruitment office and ask for permission.²⁷⁵

Evasion of military service is defined as not responding or responding too late to the officially received call-up, or not appearing at the assigned military assembly point. This is a crime under Russian criminal law and the accused is tried in court. Evasion of military service is subject to fines of up to 200,000 roubles²⁷⁶, confiscation of income for 18 months, community service of two years, detention of up to six

²⁶⁸ The Danish Immigration Service, *Rusland, militaertjeneste, Danish COI report* (DK), July 2022; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022; confidential source, 20 October 2022.

²⁶⁹ See the *General country of origin information report for the Russian Federation* April 2021, p. 51.

²⁷⁰ Ministry of Defence of the Russian Federation, *Initial military registration*, consulted on 19 January 2023; The Danish Immigration Service, *Rusland, militaertjeneste, Danish COI report* (DK), July 2022; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022; confidential source, 20 October 2022.

²⁷¹ ISW, Kateryna Stepanenko, Frederick W. Kagan, Brian Babcock-Lumish, *Explainer On Russian Conscription, Reserve, And Mobilisation*, 5 March 2022; ISW, Frederick W. Kagan, *Russian Offensive Campaign Assessment*, 30 October 2022.

²⁷² The Danish Immigration Service, *Rusland, militaertjeneste, Danish COI report* (DK), July 2022.

²⁷³ Code of Administrative Offences

²⁷⁴ 6 to 37 euros according to xe.com on 2 March 2023.

²⁷⁵ The Danish Immigration Service, *Rusland, militaertjeneste, Danish COI report* (DK), July 2022; Article 21.5 Code of Administrative Offences of the Russian Federation, 30.12.2001 *No. 195 -FZ* (amended on 04.11.2022); EUAA, *The Russian Federation – Military Service*, 16 December 2022.

²⁷⁶ Approx 2,507 euros according to xe.com on 2 March 2023.

months or imprisonment of up to two years.²⁷⁷ The statute of limitations for this crime is two years, so people can be prosecuted for it up to the age of 29.²⁷⁸

A conscript who attempts to evade military service by feigning illness, harming himself, falsifying documents or committing other forms of fraud can be punished with military service restrictions of up to one year, detention of up to six months or incarceration for up to one year in a disciplinary military unit. If a person has committed the above acts with the aim of being fully released from military service, he may be punished with a prison sentence of up to seven years.²⁷⁹

For a first offence, detention can only be imposed if there are aggravating circumstances. In the past, the authorities usually imposed fines. Since the introduction of Article 63 of the Penal Code on 21 September 2022, mobilisation, martial law or war do constitute an aggravating circumstance, which means that detention can be imposed. It is not known whether this has actually happened since this amendment to the law.²⁸⁰

Refusal to perform alternative military service is punished slightly less harshly, namely with a fine of up to 80,000 roubles²⁸¹, a community service order or detention for up to six months.²⁸²

Unlike mobilised reservists, conscripts are therefore already liable to criminal prosecution the moment they receive their draft notice and ignore it. People who have been mobilised are only punishable under criminal law after they have registered at the recruitment office and have been assigned to a military unit (see section 4.1.3 **Error! Reference source not found.**).

For penalties for desertion, surrender, unauthorised absence and non-compliance with a warrant, see section 4.1.2.1 (Refusal – penal provisions and dismissal).

In the months from May to August 2022, the number of criminal cases for evading military service under Article 328 Penal Code was at its highest since 2013, with 410 cases. However, given the usual turnaround time for criminal cases, it is likely that these cases occurred before the invasion of Ukraine in February 2022.²⁸³

Nothing is known about pressure on the family members of draft dodgers.

4.1.1.3 Documents

After reporting to the recruitment office, everybody is issued a military certificate that confirms that the person is registered with a particular recruitment office. This shows, for example, whether a study programme has been deferred, stating the place of study and the period. In addition, the health category is also specified (see section 4.1.1.1 Draft and conscription procedure).²⁸⁴

²⁷⁷ The Criminal Code of the Russian Federation no. 63-FZ of 13 June 1996, article 328; The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022.

²⁷⁸ The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022.

²⁷⁹ The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022; Telegram Pavel Chikov, message 4663, 3 March 2023.

²⁸⁰ Pavel Chikov on Telegram, 22 September, message 5077; Die Zeit, *Russland droht Kriegsverweigerern mit bis zu 15 Jahren Haft*, 25 September 2022. See also Art. part 2.1 of Article 332 of the Penal Code. The Guardian, *'They were furious': the Russian soldiers refusing to fight in Ukraine*, 12 May 2022; ²⁸⁰ The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022.

²⁸¹ Approx 1,005 euros according to xe.com on 2 March 2023.

²⁸² The Criminal Code of the Russian Federation no. 63-FZ of 13 June 1996, article 328.

²⁸³ In 2021, the number of criminal cases for evading military service was 385. In other years, the number was less than 350, and in 2020, 2016 and 2013 less than 300. The peak can also be explained by a possible catch-up in criminal cases. See Pavel Chikov on Telegram, 2 October, message 5143.

²⁸⁴ The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022.

Conscripts are issued a military identity card at the start of their military service. After completing military service, conscripts are issued a 'military booklet'. The military booklet is often requested by employers at the start of employment. The military booklet is available as a paper passport document but electronic copies in the form of a bank card have also been available since 2018. However, the authorities still mainly issue the paper versions of the military booklet. There are two types of paper military booklets: a red and a green booklet. The red booklet has 32 pages and is intended for conscripts and persons in the military reserve. The green booklet has 40 pages and is only intended for officers who are members of the reserve or have retired.²⁸⁵

The military booklet contains information about the military service status of a conscript or contract soldier. It can be obtained from the army branch where the conscript has served or from the recruitment office and is issued to conscripts at the following times:

- Upon completion of military service.
- To persons studying at a military institution of higher education.
- The moment a person becomes a member of the reserve.
- When a person is exempted from military service for medical reasons or when he reaches the age of 27 and up to then was exempt from military service.
- Specifically to women who completed an education that is seen as a 'military specialty' (for example nurses).²⁸⁶ Women are not obliged to perform military service in Russia.

If conscription is deferred, conscripts receive a separate military certificate with stamps and dates pertaining to the deferral. This document must be renewed annually.²⁸⁷

After completing alternative military service, the person concerned receives a document that he can exchange for a military booklet at the recruitment office.²⁸⁸

4.1.1.4 Deferral, exemption or buyout schemes

The legal provisions for deferral, exemption and buyout options are described below. The following section focuses on the actual application of this legislation and the differences between the legislation and the situation on the ground.

Deferral

Military service can be deferred in the following cases.²⁸⁹

- serious health restrictions of the person concerned or of close relatives²⁹⁰
- parental authority over a minor sibling
- single fathers
- fathers of two or more children
- fathers of one child with a partner who is 25 or more weeks pregnant
- fathers of a disabled child aged three or younger

²⁸⁵ The Danish Immigration Service, *Rusland, militaertjeneste, Danish COI report* (DK), July 2022; [Website](#) Sluzhba Pomoshchi Prizyvnikam, 16 January 2023, consulted on 19 January 2023; [Website](#) RIA Novosti, 'Kak poluchit' voyennyy билет', 22 January 2022; website [Armyhelp.ru](#), consulted on 25 March 2023; confidential source, 20 October 2022.

²⁸⁶ Confidential source, 20 October 2022.

²⁸⁷ The Danish Immigration Service, *Rusland, militaertjeneste, Danish COI report* (DK), July 2022.

²⁸⁸ [website](#) Alternative Service without borders (AGS), consulted on 20 January 2023.

²⁸⁹ [website](#) Ministry of Defence of the Russian Federation, *Draft exemption and deterrents*, consulted on 20 January 2023; article 24, 1998 *Military Service Act* (Federal Law No. 53-FZ of 28 March 1998 (as amended on 28 May 2022) 'On Conscription and Military Service'); The Danish Immigration Service, *Rusland, militaertjeneste, Danish COI report* (DK), July 2022.

²⁹⁰ Parents, spouses, siblings, grandparents and adoptive parents.

- students following a higher full-time study programme
- employees of public bodies who are granted a deferral of their employees' military service; as of 29 March 2022, a presidential decree designated that particular IT personnel at state-owned enterprises are entitled to deferrals²⁹¹
- representatives in the State Duma and local elected representatives or candidates for these positions
- Other individual circumstances.

In case of a deferral due to a study programme, the person concerned must have his exemption stamp extended before the start of the new academic year. In the event of a study programme switch, graduation or termination of the study, the person concerned may be obliged to fulfil his military service. Students must present a student card in the recruitment office.²⁹²

The recruitment office has discretionary authority and can grant an extension in individual cases. In exceptional cases, the president can also do this.²⁹³

Exemption

Persons are exempt from military service in the following cases, which means that no call-up will follow:²⁹⁴

- Rejection due to health restrictions
- Completion of military service or alternative military service in another country
- For particular higher education study programmes or academic research
- For sons or brothers of men who have suffered injuries during their (compulsory) military service that have resulted in their death.

Furthermore, people are exempt from military service as long as the following circumstances apply:²⁹⁵

- Serving a judicial sentence in the form of a restriction of freedom or community service
- Pending a criminal investigation or criminal proceedings in court.

No exact numbers are known for the number of deferrals or exemptions that were granted.

There is officially no buyout scheme for military service in Russia. In the past, deferrals or exemptions were granted informally on payment of bribes – for example by doctors who diagnosed a medical condition in exchange for payment.²⁹⁶ To which extent this practice is still possible since Russia's invasion of Ukraine is not known.

²⁹¹ Presidential Decree No. 83, dated 2 March 2022 (explained in Government Decree [No. 490](#), dated March 28). These are employees who have a university degree in scientific fields such as mathematics, computer science, physics, who are employed full-time and have worked in their position for at least 11 months or who have started working within 1 year of completing their studies. The employer must submit the relevant employment documents to the Ministry of Digital Development, Communications and Mass Media, which then forwards the application to the Ministry of Defence. See also EUAA, *The Russian Federation – Military Service*, 16 December 2022.

²⁹² The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022.

²⁹³ The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022; [website](#) Ministry of Defence of the Russian Federation, *Draft exemption and deterrents*, consulted on 20 January 2023.

²⁹⁴ Article 23, 1998 *Military Service Act* (Federal Law No. 53-FZ of March 28, 1998 (as amended on May 28, 2022) 'On Conscription and Military Service'); [website](#) administration of Saint Petersburg, *Prizyv grazhdan na voyennuyu sluzhbu*, consulted on 19 January 2023; The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022; EUAA, *The Russian Federation – Military Service*, 16 December 2022.

²⁹⁵ [Website](#) of the Russian Ministry of Defence, consulted on 25 February 2023; The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022; EUAA, *The Russian Federation – Military Service*, 16 December 2022.

²⁹⁶ [website](#) Alternative Service without borders (AGS), consulted on 20 January 2023

4.1.1.5 Alternative military service in case of conscientious objection

The right to alternative military service is enshrined in Article 59.3 of the Russian Constitution in cases where military service might conflict with a conscript's beliefs and religion or in other cases provided for by federal law.²⁹⁷ People who are registered as belonging to an indigenous population group also have the right to alternative military service.²⁹⁸ The options for alternative military service have not changed on paper during the reporting period.²⁹⁹ Conscripts are only entitled to apply for alternative military service during the call-up phase.³⁰⁰ The duration of alternative military service is 21 months at a civilian organisation and 18 months at a military organisation in a position that does not involve bearing, keeping or using arms.³⁰¹

A request for alternative military service is submitted to the military commissariat and is then dealt with by the conscription board, where the conscript verbally explains the reasons for his choice. The written application must have been received by the committee six months prior to the commencement of the conscription age – i.e. the conscript's 18th birthday – or within ten days of the date on which the reason for the deferral expires – for example if the study has ended.³⁰² The application must be accompanied by a curriculum vitae and a specification of the place of study or work, as well as underlying evidence or witness statements of the conscientious objection.³⁰³

In practice, it is not always possible to opt for alternative military service. No accurate independent figures on the success rate are available. Prior to the war, there were only around 2,000 requests for alternative military service annually, according to the Russian Ministry of Defence.³⁰⁴ Around 140,000 conscripts complete their military service every year. Alternative military service is not possible in all regions because there are no locations or organisations where this can be done.³⁰⁵

On 15 November 2022, the Mobilisation Preparation Law was amended, allowing conscripts who take part in alternative military service to be transferred to military units in a position that does not involve bearing, keeping or using arms.³⁰⁶

According to the Russian Ministry of Defence, 98% of requests for alternative military service were granted in the years from 2014 to 2017.³⁰⁷ NGOs reported that alternative military service was rejected in half of the cases in Saint Petersburg during the same period.³⁰⁸ A more recent article quoted the Department of Defence as reporting a rejection rate of approximately 50% of its 2,000 applications

²⁹⁷ Civilian Service Act, Law No. 113-FZ, 25 July 2002; see also Pavel Chikov on Telegram, 20 March 2022, message [4739](#);

²⁹⁸ See section 5.2 of the [General country of origin information report for the Russian Federation](#) of April 2021 for more information about indigenous population groups and the possibility to register as such.

²⁹⁹ Meduza, 'Our entire society is built on threats', 25 July 2022; for a description of alternative military service, see also the [General country of origin information report for the Russian Federation](#) April 2021.

³⁰⁰ The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022;

³⁰¹ [website](#) Alternative Service without borders (AGS), consulted on 20 January 2023;

³⁰² If the application is submitted too late, the military office will decide whether the application will still be processed. See [website](#) Alternative Service without borders (AGS), consulted on 20 January 2023; Kholod Media, *Interview Pavel Chikov: "How to refuse when you are in the field and they threaten to shoot you?"*, 1 September 2022;

³⁰³ Pavel Chikov on Telegram, 20 March 2022, message [4739](#); EUAA, *The Russian Federation – Military Service*, 16 December 2022.

³⁰⁴ Al Jazeera, *Explainer: How does conscription work in Russia?*, 5 May 2022;

³⁰⁵ Kholod, 'How to refuse when you are in the field and they threaten to shoot you?', 1 September 2022.

³⁰⁶ Forum 18, *Russia: No legal provision for alternative civilian service during mobilisation*, 19 December 2022; article 17.1, Federal Law on mobilisation preparation and mobilisation in the Russian Federation, No. 31 FZ, 26 February 1997.

³⁰⁷ See the position of the Russian Federation in the case of Dyagilev / RF at the European Court of Human Rights, 49972/16, 10 March 2020, point 53. The Russian Federation cited figures for the years 2014-2017.

³⁰⁸ Meduza, 'Our entire society is built on threats', 25 July 2022; [Takedela](#), *Criminal cases and a sad military commissar*, 15 November 2021.

annually.³⁰⁹ One source noted that the rejection rate prior to the war in Ukraine was very low, as recruitment offices preferred to simply ignore applicants and not have them do military service. According to this source, that is no longer the case, but the figures are still not available.³¹⁰ This information could not be verified with other sources. News website Meduza also reports that applicants for alternative military service are discouraged by the recruitment office by means of threats and intimidation.³¹¹

It is difficult to estimate the number of requests and therefore the percentage of rejections because not everybody is invited to appear before the Commission for alternative military service due to administrative defects in the application procedure.³¹² The application procedure is described by one lawyer as bureaucratically complicated and designed to discourage alternative military service.³¹³ In addition, it is said that applicants for alternative military service are humiliated and threatened by the military commission in order to discourage them. There is also said to be a high degree of arbitrariness in the allocation or rejection of requests for alternative military service.³¹⁴

If the committee decides to reject the application, the applicant can appeal to the court.³¹⁵ No official or reliable success rates are available for these types of proceedings. In 2021, one NGO estimated that the success rate was around 25% and that in the other cases the court made military service compulsory.³¹⁶

4.1.1.6

Deployment of conscripts in Ukraine

The current legislation³¹⁷ prohibits the deployment of conscripts in combat operations abroad if they have undergone less than four months of training. However, during a state of siege or general mobilisation, the immediate deployment of new conscripts or mobilised reservists is possible under the provisions of the laws of armed conflict. President Putin has declared a state of high alert³¹⁸ to varying degrees throughout the Russian Federation. As a result, the minimum training period of four months for conscripts is not mandatory in some regions. The annexation of four Ukrainian oblasts provides another possible basis for deployment, as Russian law does not preclude the use of conscripts on Russian territory, regardless of how much training they have received.³¹⁹

Initially, conscripts were indeed used in the war in Ukraine and an unknown number of them were killed in action. For example, conscripts died on the sunken ship Moskva, just as in the Russian border region of Belgorod.³²⁰ After an initial denial by the Kremlin, the Ministry of Defence confirmed in early March 2022 that conscripts had indeed been deployed to Ukrainian territory at the start of the invasion of Ukraine, but according to the Ministry this would no longer happen and the

³⁰⁹ Al Jazeera, *Explainer: How does conscription work in Russia?*, 5 May 2022;

³¹⁰ Confidential source, 30 November 2022.

³¹¹ Meduza, *'Our entire society is built on threats'*, 25 July 2022;

³¹² Meduza, *'Our entire society is built on threats'*, 25 July 2022; Takiedela, *Criminal cases and a sad military commissar*, 15 November 2021.

³¹³ Kholod, *'How to refuse when you are in the field and they threaten to shoot you?'*, 1 September 2022;

³¹⁴ Meduza, *'Our entire society is built on threats'*, 25 July 2022; Takiedela, *Criminal cases and a sad military commissar*, 15 November 2021; confidential source, 17 October 2022.

³¹⁵ website Alternative Service without borders (AGS), consulted on 20 January 2023;

³¹⁶ Takiedela, *Criminal cases and a sad military commissar*, 15 November 2021.

³¹⁷ Decree of the President of the Russian Federation of 16 September 1999 N 1237 (as amended on 4 October 2022) *'Issues of military service'* (together with the 'Regulations on the procedure for military service').

³¹⁸ For more information, see Raam op Rusland, *What does Russia's martial law entail?*, 24 October 2022.

³¹⁹ ISW, *Explainer on Russian Conscription, Reserve, and Mobilisation*, Stepanenko, Kagan and Babcock-Lumish, 5 March 2022; ISW, Frederick W. Kagan, *Russian Offensive Campaign Assessment*, 30 October 2022; Article 2.3 of the Presidential Order no 1237 [informal translation] Regulations on Military Service, adopted on 16 September 1999 and revised on 4 October 2022, Russia; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022.

³²⁰ UTV.ru, *18-year-old Denis Yaroslavtsev from Bashkiria died in Ukraine*, 11 April 2022; Sibreal, *A conscript soldier from Nizhnevartovsk died in the war in Ukraine*, 7 April 2022 (RU); Novaya Gazeta Europe, *Conscripts-survivors of sunken Moskva cruiser being sent back into war zone*, 21 June 2022.

responsible officers would be prosecuted.³²¹ Russian media later reported that twelve officers were being held responsible for sending more than 600 conscripts to fight in Ukraine.³²² While incidental reports of conscripts who had fought or died in Ukraine continued to appear after March, conscripts were later deployed only in other regions or in the border regions of Russia, such as in Belgorod, Kursk, Bryansk, Rostov, Krasnodar and in Russian-occupied Crimea.³²³ In February 2023, Novaya Gazeta reported attacks by the Ukrainian army on targets in the Russian border region of Belgorod and deeper into Russia, where conscripts were also stationed.³²⁴

'Hidden mobilisation' – conscripts sign contracts

The planned expansion of the contingent of contract soldiers set ambitious targets for officers to recruit new contract soldiers.³²⁵ While completing their military service, conscripts can choose to also serve as contract soldiers with a fixed-term contract instead of doing military service. They then sign a contract for a minimum of two years³²⁶ and after a few months of training they can be deployed in armed combat (see section 4.1.2 **Error! Reference source not found.**). Unlike a conscript, a contract soldier can also be deployed in armed combat and he is not free to ask for a transfer.³²⁷

There are many reports of conscripts being put under severe physical and psychological pressure while doing their military service to sign a contract and join the army as a contract soldier – for example under threat of criminal prosecution for desertion.³²⁸ It is not clear on which scale this occurred.³²⁹ While Pavel Chikov said in March 2022 that there were no confirmed reports of physical pressure, the NGO Soldier's Mothers did speak in February 2022 about the physical abuse of conscripts who refused to sign a contract.³³⁰ More recent information about this is currently not available.

It goes without saying that the pressure on conscripts in barracks during their service is greater than the pressure on men who are in their home environment and who must report to a regular military office in order to be mobilised.³³¹

³²¹ Reuters, *Russia acknowledges conscripts were part of Ukraine operation, some are POWs*, 9 March 2022; The Danish Immigration Service, *Rusland, militærtjeneste, Danish COI report* (DK), July 2022.

³²² Confidential source, 13 June 2022.

³²³ Meduza, *Our entire society is built on threats*, 25 July 2022; The New York Times, *Frustrating and Often Fruitless: The Search for Missing Russian Soldiers*, 4 November 2022; confidential source, 3 November 2022; Meduza, *'I'm panicking — where is my child?'*, 25 February 2022.

³²⁴ Novaya Gazeta Europe, *Licence to Shell*, 3 February 2023.

³²⁵ On 25 August 2022, President Putin signed a decree to increase the size of Russia's armed forces from 1.9 million to 2.04 million from 1 January 2023. According to the decree, the contingent of troops deployable in armed combat had to be expanded from 1,013 to 1,151 million. This also includes contract soldiers. It was followed in December 2022 by a proposal from the Ministry of Defence to further expand the contingent of contract soldiers by 30%, which was backed by President Putin. See Reuters, *Putin signs decree to increase size of Russian armed forces*, 25 August 2022; CEPA, Luzin, P., *Russia's Military Manpower Crunch Will Worsen*, 21 September 2022; Reuters, *Russia proposes 30% increase of armed forces*, 21 December 2022.

³²⁶ The contract is entered into for a minimum of two years. Men with a higher (vocational) education can immediately sign a contract, while others can only do so after completing three months of basic military training. If the contract is terminated prematurely, the conscript will be exempted from one day of conscription for every two days served under contract. See Telegram Pavel Chikov, message 4661, 2 March 2022; website *Soldiers' Mothers*, consulted on 27 March 2023; Egmont Policy Brief 284, *Russian Spring 2022 Recruitment Cycle*, July 2022; confidential source, 20 October 2022.

³²⁷ BBC Russia, *The Russian army will take contract soldiers immediately after school*, 25 June 2022; Article 11 Internal Service Statute stipulates that a conscript who has not yet taken the oath may not be used for armed combat, may not be used for any duty during a state of emergency or armed conflict, may not fight with arms and may not be placed under disciplinary arrest.

³²⁸ Politico, *What the use of Russian conscripts tells us about the war in Ukraine*, 17 March 2022; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022; ISW, Frederick W. Kagan, *Russian Offensive Campaign Assessment*, 30 October 2022; Telegram Pavel Chikov, message 4661, 2 March 2022.

³²⁹ Confidential source, 3 February 2023.

³³⁰ SVTV, *Russian conscripts are transferred to a contract and sent to the border with Ukraine*, 24 February 2022; Pavel Chikov on Telegram, 2 March 2022, message 4661.

³³¹ Egmont Policy Brief 284, *Russian Spring 2022 Recruitment Cycle*, July 2022.

The above practice is often confused with the mobilisation of reservists. For more information, see section 4.3.3: **Error! Reference source not found..**

Conscripts are registered as reservists as soon as they complete military service. To do this, they must report to the military recruitment office. Not all conscripts do this and are therefore not registered as reservists.³³²

4.1.2 *Contract soldiers*

Since 2015, at least half of the Russian army has consisted of contract soldiers (*kontraktniki*). Contract soldiers work on the basis of a fixed-term or permanent contract with the Ministry of Defence. When between the ages of 18 and 40, they can sign a contract through a recruitment office. These are often conscripts who sign up for at least another two years during or at the end of their military service. At the end of May 2022, the maximum age of 40 will be adjusted to the retirement age – 55 for women and 60 for men. This will also make it possible to recruit older and more specialised contract soldiers.³³³ Contract soldiers receive financial benefits: they are allowed to live outside the military base, and they receive a salary, paid leave, favourable mortgage conditions, insurance, a pension scheme and free training opportunities.³³⁴

Contract soldiers can be deployed in the armed conflict in Ukraine after several months of basic training. The duration of the training depends on the training they received earlier. After secondary, vocational or higher education, a person can immediately work as a contract soldier; other persons with less education must first complete three months of basic training before they can sign up as contract soldiers. For conscripts who want to sign up as contract soldiers, the first year is the same as that of other conscripts, but after that they start working as contract soldiers in the Russian army. As soon as they sign up as a contract soldier, they get higher pay and are entitled to certain social benefits.³³⁵ Conscripts who sign a contract during their military service can be deployed in the armed conflict in Ukraine after a few months of basic training. Depending on their previous training, this can be done after just one month of training.³³⁶

4.1.2.1 Refusal – penal provisions and dismissal

The penal provisions described below apply to conscripts, mobilised reservists who are registered with a military unit and contract soldiers. Conscripts are also punishable if they do not respond to a draft notice; see section 4.1.1 (*Conscript*). Reservists can be prosecuted under administrative law if they ignore a draft notice; see section 4.1.3 (**Error! Reference source not found.**).

The Russian Penal Code already included a number of criminal offences for refusing to take part in combat operations. On 24 September 2022, in the days after the announcement of the mobilisation on 22 September 2022 (see below), sentences for the following offences were increased by the introduction of the aggravating circumstance 'during mobilisation or martial law in time of war'.³³⁷ Refusal to

³³² Confidential source, 21 March 2023.

³³³ BBC, *Russia scraps age limit for new troops in Ukraine push*, 29 May 2022; confidential source, 28 February 2023; Website Duma, consulted on 1 March 2023 (RU).

³³⁴ The Danish Immigration Service, *Rusland, militaertjeneste, Danish COI report* (DK), July 2022; BBC, *Russia scraps age limit for new troops in Ukraine push*, 29 May 2022; Website Russian Ministry of Defence, consulted on 24 January 2023; website NGO Soldiers' Mothers, consulted on 24 January 2023.

³³⁵ website Riamo, *Military conscription in the spring of 2022: what you need to know*, 4 April 2022; Egmont Policy Brief 284, *Russian Spring 2022 Recruitment Cycle*, July 2022; ISW, Frederick W. Kagan, *Russian Offensive Campaign Assessment*, 30 October 2022.

³³⁶ Meduza, *'I'm panicking — where is my child?'*, 25 February 2022.

³³⁷ Article 63 Russian Penal Code. See also Pavel Chikov on Telegram, 22 September, message [5077](#); Die Zeit, *Russland droht Kriegsverweigerern mit bis zu 15 Jahren Haft*, 25 September 2022.

perform military service (failing to comply with an order) was also introduced as a new crime. The penal provisions below apply to both contract soldiers³³⁸ and mobilised reservists who refuse to go to Ukraine, to take part in combat operations or to comply with an order.³³⁹ See also section 4.3.3.9 (Refusal – penal provisions).

Failing to comply with an order – Article 332, section 2.1 of the Penal Code

Since 24 September 2022, refusal to perform military service in the sense of failing to comply with the order of a superior issued in accordance with the established procedure, as well as refusal to participate in military operations or hostilities, is punishable by detention of up to two to three years if aggravating circumstances are involved.³⁴⁰ Since the amendment of Article 63 of the Penal Code, mobilisation, martial law or war constitute such an aggravating circumstance. Other aggravating circumstances include recidivism, an offence with serious consequences and offences committed as part of a group.³⁴¹ It is not clear whether this article will also be applied retroactively to a refusal prior to 24 September 2022.

Desertion – Article 338 of the Penal Code

Article 338 of the Penal Code makes desertion punishable under the aggravating circumstance with a maximum of fifteen years.³⁴²

Surrender – Article 352.1 Penal Code

Voluntary surrender to the enemy is punishable by three to ten years of penal detention (Art. 352.1), unless there are characteristics of treason.³⁴³

Feigning illness or other fraud - Article 339 of the Penal Code

Feigning illness or other types of fraud in order to evade military service is punishable by compulsory military service of one year or a prison sentence of up to seven years. In case of aggravating circumstances – mobilisation, martial law or war – the maximum penalty is ten years of detention (Art. 339, paragraph 3).

Dishonourable discharge – before and after 24 September 2022

Up to the introduction of the new legislation on 24 September 2022, contract soldiers could return within ten days from Ukraine to their military base in Russia without permission and refuse in writing to fight in Ukraine. According to one lawyer, dozens to hundreds of contract soldiers did this. The sanction for this was dishonourable discharge or disciplinary action, but not criminal prosecution. According to another lawyer, discharged contract soldiers had to sign a non-disclosure agreement with the FSB.³⁴⁴ The degree of psychological pressure that soldiers are put under by their commanders is different in every unit. Discharge also means a loss of salary, pension and the favourable mortgage conditions, which greatly disadvantages the financial situation of the family.³⁴⁵

Soldiers wanting to resign

Before 21 September 2022, it was only possible to request a discharge in exceptional cases – for example in case of a health condition, family circumstances,

³³⁸ In popular speech and in the media these objectors are called 'refuseniks' (Отказники).

³³⁹ Novaya Gazeta Europe, *Putin calls Russia to arms*, 23 September 2022.

³⁴⁰ Art. 332, para. 2.1, Russian Penal Code; Telegram channel Pavel Chikov, [message 5043](#), 20 September 2022.

³⁴¹ Pavel Chikov on Telegram, 22 September, [message 5077](#); Die Zeit, *Russland droht Kriegsverweigerern mit bis zu 15 Jahren Haft*, 25 September 2022. See also Art. part 2.1 of Article 332 of the Penal Code. The Guardian, *'They were furious': the Russian soldiers refusing to fight in Ukraine*, 12 May 2022.

³⁴² Federal Law, 14 July 2022 № 260-ФЗ (RU).

³⁴³ Art. 352.1 and 356.1 Russian Penal Code; Telegram channel Pavel Chikov, [message 5043](#), 20 September 2022.

³⁴⁴ The Guardian, *'They were furious': the Russian soldiers refusing to fight in Ukraine*, 12 May 2022; BBC, *We just drove in a column as if we were going to a parade*, 12 May 2022 (RU).

³⁴⁵ Kholod Media, *Interview Pavel Chikov: "How to refuse when you are in the field and they threaten to shoot you?"*, 1 September 2022.

or a breach of contract by the commander.³⁴⁶ In practice, a discharge was also granted to military personnel who refused to serve.³⁴⁷ Since the mobilisation was announced, it is no longer possible for military personnel to resign from the army unless they have reached the maximum age for their rank, have health issues or have been criminally convicted and been given a custodial sentence. This provision also applies with retroactive effect to military personnel who had signed a contract before mobilisation.³⁴⁸ The contracts of military personnel who are still in Ukraine when their contract expires are automatically extended. Then they cannot resign.³⁴⁹ In September 2022, a presidential decree stipulated that these contracts will be automatically extended until mobilisation ends.³⁵⁰

Unauthorised absence from the unit (Article 337 of the Penal Code)

Prior to the amendment of 21 September 2022, unless it involved an emergency or an act of God, soldiers who left their unit on their own initiative and without permission – in Russia or³⁵¹ abroad – could be subject to a disciplinary measure or could be criminally prosecuted. Due to the introduction of mobilisation as an aggravating circumstance (Article 63 Penal Code), the sentences for this offence were increased as follows:

- Unauthorised absence of between two and ten days: up to five years of restriction of freedom or disciplinary action (previously up to one year);
- Unauthorised absence of between ten days and one month: up to seven years of criminal detention (previously up to three years);
- Unauthorised absence of more than one month: between five and ten years in a penal colony (previously up to five years).³⁵²

Besides the above penal provisions and dismissal, there is also the risk of coercion and abuse, especially for military personnel who are already in a military unit or are already in Ukraine. See the next section.

Nothing is known about any legal provisions for stricter punishments for military personnel with higher positions.

4.1.2.2 Refusal – application of penal provisions

Nothing is known about any discriminatory persecution. However, there are major differences between regions, depending on the regional culture, the culture of the court in question and the culture of the military unit. The differences in the prosecutions may also have been driven by the authorities' desire to prevent public unrest, particularly in the major cities, but also in regions where protests had already broken out, such as Buryatia.³⁵³ See also the disproportionate numbers of soldiers from the poorer and more remote regions of Russia – for example in Dagestan³⁵⁴, Kalmykia, Tuva or Buryatia – who were deployed at the start of the

³⁴⁶ Article 51 Federal Law 'On Military Obligations and Military Service'; see also Telegram Pavel Chikov, message [4661](#), 2 March 2022.

³⁴⁷ The Guardian, '*They were furious: the Russian soldiers refusing to fight in Ukraine*', 12 May 2022; BBC, '*We just drove in a column as if we were going to a parade*', 12 May 2022 (RU).

³⁴⁸ The Danish Immigration Service, Russia, '*An update on military service since July 2022*', December 2022; Reuters, '*Explainer: What does Vladimir Putin's 'partial' mobilisation mean for Russia's military machine?*', 21 September 2022; CSIS, '*What Does Russia's 'Partial Mobilisation' Mean?*', 26 September 2022.

³⁴⁹ Novaya Gazeta Europe, '*Why is this body still lying here*', 18 December 2022.

³⁵⁰ The Guardian, '*Putin announces partial mobilisation and threatens nuclear retaliation in escalation of Ukraine war*', 21 September 2022.

³⁵¹ A lawyer notes that an emergency or an act of God applies in circumstances that require a soldier to immediately join his close relatives (for example due to a serious health condition of the father, mother or other close relatives, the funeral of these persons, etc) or that make the soldier's life in the unit considerably more difficult (e.g. because of illegal acts against the soldier (abuse) or the need for appropriate medical care). See Pavel Chikov on Telegram, 22 September, message [5077](#).

³⁵² Art. 337 Russian Penal Code; website Soldiers' Mothers, consulted on 24 January 2023; Telegram channel Pavel Chikov, message [5043](#), 20 September 2022.

³⁵³ Confidential source, 16 February 2023; France24, '*'Danger to the regime'? Russia faces anti-mobilisation protests among ethnic minorities*', 30 September 2022.

³⁵⁴ Die Zeit, '*Einsatzkräfte feuern bei Protesten gegen Mobilmachung Warnschüsse ab*', 26 September 2022;

invasion and later mobilised in large numbers. For more information, see section 3.2.1. (Ethnic groups).³⁵⁵ In addition, nothing is known about differences in the actual sentence imposed depending on the basis of military rank. According to one source, any difference in sentence could have more to do with the culture in certain military units and less with the military rank of the person involved.³⁵⁶

The criminal prosecution of contract soldiers and mobilised persons who refused to fight started in the second half of 2022 and the first verdicts followed in early 2023. The Russian-language website Mediazona has been reporting on the court cases of alleged deserters³⁵⁷, both contract soldiers and reservists who refused to fight or left their military units without permission. The sentences imposed on 2 February 2023 varied between five years of suspended criminal detention, two years of criminal detention and nine months of unpaid work for the military. The first charges were based on Section 337 of the Penal Code: leaving the unit without permission.³⁵⁸ Later, charges for failing to obey an order were added (Art. 332). In February 2023, a contract soldier was given a three-year suspended prison sentence for six weeks of unauthorised absence. The media reported that extenuating personal circumstances and the strong desire of the person concerned to rejoin the armed conflict influenced the severity of sentence. The court ruling has not been published, however.³⁵⁹ In March 2023, Mediazona reported on 536 charges filed in military courts; in 249 cases a verdict had already been delivered. According to Mediazona, suspended sentences were often handed down so that professional and mobilised soldiers could be sent back to the front. Some court cases were attended by tens to hundreds of military personnel or the court session was held on a military site.³⁶⁰

Besides the potential criminal prosecution and dismissal described above, military personnel who refuse to fight or who want to be discharged face coercion in the form of intimidation, detention, abuse or public humiliation. Soldiers who refuse to fight while they are already in Ukraine are particularly vulnerable to this as injuries or deaths can ostensibly be caused by combat operations and abuse can be difficult to prove afterwards. However, it is not known on which scale abuse or killings are taking place.³⁶¹ There are, however, numerous reports of coercion and abuse in local media. In July and November 2022, the media published reports of detention camps for Russian soldiers in the Russian-occupied territories of Ukraine. For example, in Perevalsk, Rubezhny and Zavitne Bazhannia, a few dozen to a few hundred contract soldiers and mobilised people who had refused to serve were said to be held in very poor sanitary conditions and were given very little food. They were given the choice by prosecutors to face criminal charges with a maximum sentence of ten years or to go and fight. Others were threatened with execution and some were actually executed. The scale on which this happened is unknown.³⁶² Still others were assigned lighter tasks such as cooking. Other reports indicate that the soldiers were given the choice to move to another military unit or to stay with their unit and fight. Still others were said to have been placed in 'pre-trial detention' centres or '*centres for the recovery of combat readiness*',³⁶³ indicating a more organised approach to

³⁵⁵ Of the 85 Russian regions, 22 were originally intended as regions of non-Russian ethnicity. See The Guardian, *Coffins in Buryatia: Ukraine invasion takes toll on Russia's remote regions*, 30 March 2022;

³⁵⁶ Confidential source, 16 February 2023.

³⁵⁷ In popular speech and in the media these objectors are called 'refuseniks' (Отказники).

³⁵⁸ See website Mediazona, consulted on 2 February 2023.

³⁵⁹ Mediazona, *A serviceman who left the unit and went home to Sakhalin was given a three-year suspended sentence*, 2 February 2023.

³⁶⁰ Mediazona, *500 "five hundredths"*, 22 March 2023 (RU).

³⁶¹ Golod Media, *Interview Pavel Chikov: "How to refuse when you are in the field and they threaten to shoot you?"*, 1 September 2022; confidential source, 28 June 2022.

³⁶² EUAA, *The Russian Federation – Military Service*, 16 December 2022.

³⁶³ Meduza, *'Like Wagner's meat'*, 1 November 2022; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022; NOS, *'Rusland houdt dienstweigeraars vast in zeker tien kelders in Oekraïne'*, 29 November 2022.

conscription objectors. There were also reports that these men were being guarded by mercenaries.³⁶⁴

Russian soldiers who complained about the poor conditions in Ukraine were denied leave and forced to remain at the front while their comrades were withdrawn.³⁶⁵ The Mediazona website reported that piles of resignation letters were not being forwarded by commanders to the Ministry of Defence. These letters of resignation predated the mobilisation.³⁶⁶

In Buryatia, prior to the mobilisation, 150 contract soldiers were able to return to their homes after their contracts had expired a month earlier. Protests were held in this region against the disproportionately large number of soldiers that were killed in relation to the population (see section 3.2.1 *Ethnic groups*). Although they were first taken by bus to a closed military base in Luhansk, they were later allowed to go home.³⁶⁷

A note referring to refusal and betrayal was added to the military booklets of contract soldiers who refused to fight, which means that the person concerned will probably no longer be able to work in the military, government or security sector and will be disadvantaged when applying for jobs in the private sector.³⁶⁸ In Ryazan, the court ruled in favour of a contract soldier who challenged this note in his military booklet.³⁶⁹ According to Pavel Chikov, the practice of placing stamps was widespread but stopped in the summer of 2022.³⁷⁰ On 17 September 2022, examples of stamps in military booklets in various wordings appeared on social media³⁷¹, as did a decision by the Eastern Military District dated 11 September 2022 establishing the wording of the stamp.³⁷² It is not known whether these stamps were also placed in the military booklets of reservists or of conscripts – after they had completed their military service.

According to one source, posters with the names and photographs of 'refuseniks' were sometimes hung up in public places.³⁷³

4.1.3 *Reservists and mobilisation*

The Russian Mobilisation Act³⁷⁴ requires the president to announce a mobilisation by presidential decree before inactive reservists (see section 4.1.3.1) can be called up.³⁷⁵ On 22 September 2022 President Putin announced a 'partial' mobilisation. All

³⁶⁴ Mediazona, *They'll send us back for slaughter*, 16 November 2022; Telegram channel Astra tv, *message 14563*, 22 October 2022; Meduza, *Lena, I might be executed by our own today*, 7 November 2022; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022; Current time, *They keep them in the garage, they feed them once a day*, 16 July 2022; Meduza, *Dozens or hundreds of Russian soldiers who have decided to retire from service are being held in custody*, 22 July 2022.

³⁶⁵ Novaya Gazeta Europe, *Mediazona: marines who filed complaints regarding huge Russian losses at Pavlivka denied withdrawal from frontline*, 23 November 2022.

³⁶⁶ Mediazona, *The word of the year is five hundredths. How soldiers who do not want to fight in Ukraine are tried for AWOL*, 16 December 2023.

³⁶⁷ Fox News, *Putin uses minorities as 'cannon fodder,' Buryat soldiers return home from Ukraine*, 14 July 2022; The Moscow Times, *150 Siberian Soldiers Refuse Ukraine Deployment, Activist Says*, 12 July 2022.

³⁶⁸ Confidential source, 28 June 2022; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022; Novaya Gazeta Europe, *Why is this body still lying here*, 18 December 2022; Mark Krutov post on *Twitter*, 17 September 2022; RFERL, *'Inclined Toward Treason'*, 16 April 2022; Confidential source, 20 October 2022.

³⁶⁹ Mediazona, *The court in Ryazan accepted the claim of an ordinary soldier who refused to fight in Ukraine to recognize the stamp "prone to betrayal, lies and deceit" as illegal*, 11 July 2022 (RU); Mediazona, *A contract soldier who refused to fight in Ukraine was stamped "prone to betrayal, lies and deceit" in his dismissal document*, 13 April 2022 (RU).

³⁷⁰ Pavel Chikov, telegram message 5308, 7 December 2022 (RU).

³⁷¹ *Twitter* Mark Krutov, 17 September 2022.

³⁷² *Twitter* Mark Krutov, 17 September 2022.

³⁷³ Confidential source, 28 June 2022.

³⁷⁴ No. 31-FZ On Mobilisation Preparations and Mobilisation in the Russian Federation, dated 26 February 1997.

³⁷⁵ Open Democracy, *Is Russia forcing people to fight in Ukraine?*, 25 May 2022.

men who were registered as reservists (see section 4.1.3.1), could be called up. The progress of the mobilisation was characterised by great uncertainty. The presidential decree was only partially published, so the number and types of reservists covered by this mobilisation were at first not clear. The duration of the mobilisation was also not clear. Even though the authorities had declared the mobilisation complete, it has not been legally concluded.³⁷⁶ After the announced completion of the first mobilisation wave at the end of October 2022, people continued to receive draft notices and were mobilised (see section 4.1.3.3, 'Hidden' mobilisation).³⁷⁷ The scale of this is not clear, but it was not limited to just a few cases.³⁷⁸

The censored parts of the presidential decree particularly gave rise to questions about the number of reservists to be mobilised. At that time, the mobilisation made it possible to deploy 300,000 extra soldiers with relevant military experience, according to the Russian authorities. A rough estimate by the Novaya Gazeta newspaper puts the total number of reservists in Russia at 25 million. This total number is divided into different categories, of which only the first category could be mobilised in September 2022. The newspaper estimated the number of reservists who could be mobilised in this first category in September 2022 at around 5.5 million. This did not include female reservists with medical military training of reservists above a certain age limit, for example.³⁷⁹ For an explanation of the different categories of reservists, see section 4.1.3.1 (Categories of reservists).

The first presidential decree announcing the mobilisation was followed by other decrees and official announcements about exceptions. However, these grounds for exception were not always known to local recruitment offices or they were not covered by the legislation. Partly due to these different changes, military recruitment offices around the country applied different criteria for mobilisation.³⁸⁰ See also section 4.1.3.4 (Dismissal and deferral – regulations).

4.1.3.1 Categories of reservists

The largest group of reservists are:³⁸¹

- Conscripts who have completed their military service
- Conscripts who have completed their alternative military service
- Men over the age of 27 who have not completed their military service due to a deferral – for example because they are studying
- Contract soldiers whose contract has expired
- Graduates of the military academy
- Male and female doctors, nurses and other professionals registered with the military
- Specific professional groups such as communications and IT experts

Inactive reserve

Reservists in the inactive reserve are people who have been registered as reservists in the past but are living as normal civilians. These reservists are divided into different categories. Government announcements and explanations by experts showed that the mobilisation mainly concerned the first of the three categories of reservists. The first category is mobilised if no state of war has been declared. The second and third categories of reservists will be called up when the mobilisation is

³⁷⁶ Presidential Decree, 21 September 2022 no. 647, as published on the [website](#) of the Kremlin (RU). See also [IASS](#), 21 September 2022. Translation by Politico, 22 September 2022; confidential source, 20 October 2022.

³⁷⁷ Confidential source, 3 February 2023; confidential source, 24 January 2023; Die Zeit [podcast](#) Was jetzt?, "Heldentot" soll zum Kämpfen motivieren, from 3:56 minutes, 20 January 2023.

³⁷⁸ Confidential source, 21 March 2023.

³⁷⁹ Novaya Gazeta Europe, [Putin calls Russia to arms](#), 23 September 2022; News.am, [Russia to hold military training camp: what awaits those who have not served](#), 24 January 2023.

³⁸⁰ EUAA, [The Russian Federation – Military Service](#), 16 December 2022.

³⁸¹ The Danish Immigration Service, Russia, [An update on military service since July 2022](#), December 2022.

scaled up. In this case, the age limits per rank are higher. The maximum age for mobilisation according to rank and army unit has been defined as:³⁸²

	Age of Russian nationals in the RAF's reserve		
	First tier	Second tier	Third tier
Soldiers, sailors, sergeants, petty officers, warrant officers, and midshipmen	up to 35	up to 45	up to 50
Junior officers	up to 50	up to 55	up to 60
Majors, Captains of the 3rd rank, Lieutenant Colonels, Captains of the 2nd rank	up to 55	up to 60	up to 65
Colonels, Captains of the 1st rank	up to 60	up to 65	
Superior officers	up to 65	up to 70	

From EUAA, *The Russian Federation – Military service*, 16 December 2022

The first category includes: regular soldiers³⁸³ up to 35 years old, non-commissioned officers³⁸⁴ up to 50 years old, senior officers³⁸⁵ up to 55 years old, and colonels and captains in the Navy up to 60 years old. In principle, this concerns not just men but also women with a military profession, such as nurses.³⁸⁶ However, according to the law, women can only be called up when the third category applies. An age limit of 50 applies for female officers and 45 for women of lower rank.³⁸⁷ Minister of Defence Sergei Shoigu said that women would not be drafted.³⁸⁸ Women in Russia are generally not deployed in combat positions.³⁸⁹

There may be women among the active reservists (see the above section) who can be called up immediately.

People who live outside Russia and have deregistered from Russia are exempt from mobilisation. People who have not deregistered can receive a draft notice at their registered address in Russia.³⁹⁰

³⁸² EUAA, *The Russian Federation – Military service*, 16 December 2022; see also article 53, Federal Law On Military Duty and Military Service, 28 March 1998 N 53-FZ; Pavel Chikov on Telegram, 6 October 2022, message [5165](#).

³⁸³ English: *privates and sergeants* (Russian: *ryadovyye i serzhanty*). This includes soldiers and soldiers of the first class.

³⁸⁴ English: *junior officers* (Russian: *mladshiye ofitsery*). This includes non-commissioned officers.

³⁸⁵ English: *senior officers* (Russian: *starshiye ofitsery*). In the army, this includes majors, lieutenant colonels and colonels; in the navy, it includes lieutenants commanders.

³⁸⁶ CSIS, *What does Russia's 'partial' mobilisation mean?*, 26 September 2022; ISW, *Russian Offensive Campaign Assessment*, 21 September 2022.

³⁸⁷ Article 53, Federal Law On Military Duty and Military Service, 28 March 1998 N 53-FZ; EUAA, *The Russian Federation – Military service*, 16 December 2022.

³⁸⁸ TASS, *Defense chief says Russia not to call up women for partial mobilisation*, 1 October 2022; Business Insider, *A female doctor fled Russia to avoid being drafted amid fears the 'partial mobilisation' will include women medics*, 15 October 2022.

³⁸⁹ Confidential source, 21 March 2023.

³⁹⁰ Meduza, *'Prepare to stand up for your convictions'*, 22 September 2022.

Active reserve

Besides this 'inactive reserve',³⁹¹ there is also a much smaller group of active reservists³⁹² who have voluntarily signed a contract with a military unit and, in addition to their jobs outside the army, regularly receive military training for which they are financially compensated. Around 10% of reservists sign this type of contract. Like contract soldiers, they too are not allowed to cancel their contract while the mobilisation is ongoing.³⁹³ People who have completed their military service, have acquired a military rank or have completed military training for reserve officers qualify for this category of reservists. They first sign a contract for three years and can subsequently sign for another three to five years per contract. During this time, these reservists do not work for the army but are still obliged to take part in training sessions. In practice, hardly any training sessions have been held.³⁹⁴ This group of active reservists has already been assigned to a military unit and must report to the unit immediately in case of mobilisation.³⁹⁵ Part of this group of active reservists had already been mobilised in the autumn of 2021, included in the BARS units,³⁹⁶ and sent to the front in Ukraine after a short training course.³⁹⁷ The maximum age for these active reservists is between 42 and a maximum of 57 for the highest ranks.³⁹⁸ The largest number of BARS reservists were in the Southern Military District: 38,000 troops.³⁹⁹

4.1.3.2

Being drafted

Draft notices⁴⁰⁰ for reservists must be delivered to the reservist in person by an employee of the recruitment office. According to lawyers, the draft notice is not issued in accordance with the law if not delivered by an employee of the recruitment office. When the draft notice is issued, the reservist to be called up signs for receipt on a list with the names, addresses and document numbers of the draft notice. The draft notice itself remains in the possession of the reservist who has been called up.⁴⁰¹

In practice, however, draft notices were also issued to reservists in other ways – for example by delivering them to the mailbox. Draft notices were also issued to protestors who expressed their dissatisfaction with the mobilisation.⁴⁰² They were also issued through employers, general practitioners, traffic police during traffic checks or by mayors, through schools or by caretakers, sometimes even in the middle of the night.⁴⁰³ People were also checked for their military status on the street or at metro stations and were issued a draft notice.⁴⁰⁴ In some cities, the

³⁹¹ RU: *mobilisatsionnaya ljudskoy reserve*; ENG: Mobilisation Human Reserve

³⁹² RU: *mobilisatsionnaya chelovechesky resurs*; ENG: Mobilisation Manpower Resource

³⁹³ Confidential source, 21 March 2023.

³⁹⁴ [Website](#) Global Security, consulted on 1 February 2023; ISW, *Explainer on Russian Conscription, Reserve, and Mobilisation*, 5 March 2022; EUAA, *The Russian Federation – Military Service*, 16 December 2022;

³⁹⁵ Confidential source, 3 November 2022.

³⁹⁶ ENG: *Special Combat Army Reserve*, RU: *Boyevoy Armeyskiy Rezerv Strany BARS* (Боевой Армейский Резерв Страны – БАРС).

³⁹⁷ confidential source, 16 February 2023; RFERL, *'We Were Nothing To Them': Russian Volunteer Reservists Return From War Against Ukraine Feeling Deceived*, 12 August 2022;

³⁹⁸ RFERL, *'We Were Nothing To Them': Russian Volunteer Reservists Return From War Against Ukraine Feeling Deceived*, 12 August 2022.

³⁹⁹ The Southern Military District is located in southwestern Russia, in the North Caucasus, and is surrounded by Ukraine, the Black Sea, Georgia, Azerbaijan, the Caspian Sea and Kazakhstan. It includes the republics of Adygea, Dagestan, Ingushetia, Kabardino-Balkaria, Kalmykia, Karachay-Cherkessia and North Ossetia (Alania) and the Chechnya, Krasnodar Krai, Stavropol Krai, and Astrakhan, Volgograd, and Rostov oblasts.

⁴⁰⁰ In Russian: *povestka*.

⁴⁰¹ Confidential source, 3 February 2023.

⁴⁰² OVD-Info, *Draft notices misdirected*, 4 October 2022.

⁴⁰³ *Die Zeit*, *Väter bitten ihre Söhne, zu fliehen*, 23 September 2022; The Guardian, *'It's a 100% mobilisation': day one of Russia's drive to build its army*, 22 September 2022.

⁴⁰⁴ The New York Times, *Eerie Quiet Settles on a Moscow Drained of Men*, 20 October 2022; Meduza, *Moscow men ambushed and drafted near subway stations. Draft office denies these reports*, 14 October 2022.

police raided hostels to round up men who were not staying at their registered addresses or transported them directly to the recruitment office.⁴⁰⁵

According to one lawyer's assessment, although the law prescribes that people must have been issued the draft notice personally for it to be legally binding, a court will usually look at the substantive regulations and say that the purpose to be served (mobilisation) prevails over the procedural rules.⁴⁰⁶

When the reservist visits a military recruitment office, he must produce his domestic passport, military booklet and any medical documents. He is then screened for any grounds for exemption or deferral. If the recruitment office finds that these grounds do not apply, the reservist will receive a second call-up on the spot to report to a military assembly point within a few days. Once there, he is registered with a unit in Ukraine, Russia or Belarus and from that moment he is officially serving in the military. In some cases, people were transported directly from the recruitment office to a military assembly point, where they were enrolled in a unit.⁴⁰⁷ In other cases, people were issued the draft notice and had to report to the military office within one hour and then travel directly to the military unit.⁴⁰⁸

See also sections 4.1.3.4 (Dismissal and deferral – regulations) and 4.1.3.5 (Discharge and deferral – application of the regulations).

4.1.3.3 'Hidden mobilisation' – mobilisation before 21 September and after 28 October 2022

Even prior to the mobilisation in September 2022, various sources reported on mobilised reservists, but these were only active reservists, i.e. reservists who had a contract as a reservist with the Ministry of Defence and had received regular training. According to media reports based on US security sources, prior to the invasion Russia had already drafted tens of thousands of active reservists as part of a pre-war mobilisation from November 2021. According to Ukrainian⁴⁰⁹ sources, in June 2022 the Russian army already had 80,000 active reservists in addition to contract soldiers, members of the Presidential Guard and mercenaries. Local recruitment offices were instructed to recruit reservists into the active reserve and as contract soldiers, which included writing to educational institutions and employers to issue call-ups for reservists to report for a data check or a medical examination.⁴¹⁰ Students said that they had been pressured to sign contracts.⁴¹¹

Even after the so-called⁴¹² completion of the first wave of mobilisation on 28 October 2022,⁴¹³ people continued to receive draft notices. According to the State Duma Committee for Defence and the central authorities, after 28 October 2022 reservists were only called up to have their current data updated at the military office – such as their state of health, for example.⁴¹⁴ According to one Russian media platform, a local military office stated that this involved preparatory activities for 'the next [mobilisation] peak'.⁴¹⁵ One confidential source says that the

⁴⁰⁵ The Moscow Times, *Russian Authorities Resort to Raiding Hotels to Catch Draft Dodgers*, 13 October 2022.

⁴⁰⁶ Confidential source, 20 October 2022.

⁴⁰⁷ Confidential source, 12 January 2023.

⁴⁰⁸ The Guardian, *'It's a 100% mobilisation': day one of Russia's drive to build its army*, 22 September 2022;

⁴⁰⁹ The objectivity of the reporting by Ukrainian media cannot be confirmed.

⁴¹⁰ Bloomberg, *U.S. Intel Shows Russia Plans for Potential Ukraine Invasion*, 21 November 2021; Forbes, *U.S. Intel Says Russia Is Preparing 175,000 Troops For Ukraine Offensive*, 3 December 2021; ISW, *Russian Offensive Campaign Assessment*, 16 June 2022; ISW, *Explainer On Russian Conscription, Reserve, and Mobilisation*, 5 March 2022; confidential source, 13 June 2022.

⁴¹¹ Confidential source, 13 June 2022.

⁴¹² A presidential decree is required to officially end mobilisation, but no such decree had been issued at the time of publication. The mobilisation has therefore not yet been officially completed.

⁴¹³ The Moscow Times, *Russian Defense Minister Announces End of Mobilisation*, 28 October 2022.

⁴¹⁴ V1.RU, *Why subpoenas keep coming after partial mobilisation is completed*, (RU) 7 November 2022.

⁴¹⁵ Arbat Media, *Work 'ahead of the curve'*, (RU) 26 January 2023.

mobilisation has not formally stopped and that it is widely accepted among political scientists that the mobilisation is being continued secretly.⁴¹⁶

Various sources have confirmed that reservists were actually mobilised and deployed in the front area after 28 October 2022. However, there is conflicting information about the scale on which this occurred. According to information from newspaper *Die Zeit*, people were still 'ongoingly' receiving draft notices and a hidden mobilisation was actually taking place.⁴¹⁷ According to another source, these were mainly reservists with technical professions or other skills that were lacking in the army.⁴¹⁸ Contrary to the aforementioned sources, however, another source states that substantial numbers of reservists were also mobilised after 28 October 2022, albeit in much lower numbers than in September and October 2022.⁴¹⁹ Politico also reported ongoing mobilisation, albeit on a smaller scale.⁴²⁰ Another source confirmed in March 2023 that no mass mobilisation took place after 28 October 2022 but that the army does need reservists and will therefore continue to call them up.⁴²¹ Yet another source has confirmed that while reservists were still being called up and mobilised after the first wave of mobilisation, they were mainly pressured to enlist as contract soldiers rather than be mobilised. How exactly these reservists are put under pressure and in which numbers mobilisation or the forced signing of a contract is occurring is unknown to this source.⁴²² It is not known whether the mobilised reservists consisted exclusively of reservists who had already received the mobilisation call-up in September and October 2022.

In addition, the ISW speaks of the mandatory training of reservists for a month as a means of convincing them to sign contracts during that training period.⁴²³

In Chechnya, volunteers were already called up before September 2022 and sent to Ukraine. Chechen President Kadyrov promised to send two hundred volunteers to Ukraine every week after one week of basic training. These included detainees in exchange for reduced sentences, government employees who failed to perform as expected or were suspected of corruption as well as students who were forced to sign up. Similar reports came from Dagestan but there was said to be less coercion here.⁴²⁴

For more information about mobilisation in Chechnya, see the EUAA report on military service in Russia.⁴²⁵

4.1.3.4 Dismissal and deferral – regulations

This section describes the regulations for discharge or deferral. The way they are applied is described below in section [4.1.3.5](#).

Age

The first presidential decree on mobilisation⁴²⁶ specified reaching a maximum age as grounds for discharging contract soldiers from military service and for exempting Russian citizens who qualify for mobilisation. This maximum age differs for each

⁴¹⁶ confidential source, 27 January 2023.

⁴¹⁷ *Die Zeit* [podcast](#) Was jetzt?, "Heldentot" soll zum Kämpfen motivieren, from 3:56 minutes, 20 January 2023. The text uses the word 'laufend', translated here as 'ongoing'.

⁴¹⁸ Confidential source, 3 February 2023.

⁴¹⁹ Confidential source, 21 March 2023; confidential source, 30 March 2023.

⁴²⁰ Politico, *As second mobilisation looms, Russian men are staying put (for now)*, 4 February 2023. Politico refers to 'a steady trickle of reports shared on social media suggests some men are still being recruited, albeit at a less frenetic pace than before and away from the public eye'.

⁴²¹ Confidential source, 28 March 2023.

⁴²² Confidential source, 31 March 2023.

⁴²³ ISW, *Russian Offensive Campaign Assessment*, 22 March 2023.

⁴²⁴ Confidential source, 28 June 2022.

⁴²⁵ EUAA, *The Russian Federation – Military service*, 16 December 2022.

⁴²⁶ Presidential Decree, 21 September 2022 no. 647, as published on the website of the Kremlin (RU). See also [TASS](#), 21 September 2022. Translation by Politico, 22 September 2022.

military rank and depends on the upscaling phase.⁴²⁷ For example, there are three different categories of reservists associated with each upscaling phase. The mobilisation involved the first category of reservists and was mainly aimed at common soldiers up to the age of 35, non-commissioned officers up to the age of 50 and senior officers up to the age of 55.⁴²⁸ For other categories, see section 4.1.3.1 (Categories of reservists).

Reservists with a soldier rank over the age of 50 were exempted by means of a stamp in their military booklet. However, reports also emerged of men above that age. Regardless of their age, men without any military experience were also called up.⁴²⁹

Health reasons

The second ground for discharge is for health reasons. Discharge follows after the military medical commission declares a person as unfit for military service, with the exception of military personnel who have expressed a desire to continue military service in military positions that can be filled by them.⁴³⁰ A medical examination can result in temporary incapacity for a maximum of six months (category G) or permanent incapacity (category D). In the event of temporary incapacity, the person concerned will be re-examined after a maximum of six months.⁴³¹

Criminal conviction

The third ground for discharge specified in the first presidential decree on mobilisation involves serving an enforced criminal detention.⁴³² Detainees are not required by law to comply with the mobilisation draft notice if they have been convicted of a serious crime with intent and sentenced to a term of imprisonment of 5 to 10 years or a serious crime with conditional intent with a term of imprisonment of 10 to 15 years.⁴³³ The Mobilisation Act was amended on 4 November 2022, making it possible to mobilise people with a criminal record, with a number of exceptions.⁴³⁴

Family circumstances

In addition to the above exceptions in the first presidential decree, Article 18 of the Mobilisation Act exempts the following reservists from mobilisation:⁴³⁵

- Citizens who take care of close relatives permanently, provided there is no one else to take care of them. By law, this can be a biological or adoptive father and mother, wife, husband, sibling, grandfather or grandmother;
- Guardians or custodians of a minor sibling in the absence of other persons legally required to support those citizens;
- Mothers of a child under the age of 16;
- Pregnant women who are at least 22 weeks pregnant;
- Fathers or guardians of four or more children under the age of 16. In October 2022, the Ministry of Defence extended this ground for exemption to fathers or guardians of three or more children under the age of 16. In January 2023, a State Duma member said that the extension was being

⁴²⁷ Pavel Chikov on Telegram, 24 September 2022, message [5109](#).

⁴²⁸ Meduza, *Russia's not-so-partial 'partial mobilisation' More details emerge about the Kremlin's draft*, 22 September 2022.

⁴²⁹ Pavel Chikov on Telegram, 23 September, messages [5087](#), [5088](#) and [5091](#); Confidential source, 20 October 2022.

⁴³⁰ Pavel Chikov on Telegram, 24 September 2022, message [5109](#).

⁴³¹ Category G includes, for example, visual and auditory disorders, diseases of the respiratory and genitourinary systems, damage to the gastrointestinal tract, conditions after operations, endocrine diseases, some infectious and parasitic diseases and some mental disorders. See also The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022.

⁴³² See also TASS, 21 September 2022. Translation by Politico, 22 September 2022.

⁴³³ Article 17 Mobilisation Act, Pavel Chikov on Telegram, 22 September 2022, message [5083](#).

⁴³⁴ RFERL, *Putin Signs Law Allowing Those Who've Committed Serious Crimes To Join Military*, 4 November 2022.

⁴³⁵ Article 18 of the Federal Law on Mobilisation Preparation and Mobilisation in the Russian Federation, 26 February 1997.

reversed to four children; the Kremlin denied this and the Ministry of Defence indicated that the subject is still being looked into.⁴³⁶

- Fathers of three children under the age of 16 with a wife who is more than 22 weeks pregnant;
- Single fathers of one or more children under the age of 16;
- Sons and daughters of single mothers raising four or more children under the age of eight;
- Members of the Federation Council and State Duma deputies;
- Citizens included in a decree signed by the president himself.

Further categories of exemptions and deferrals for employees and students, for example, were announced in successive presidential and ministerial decrees. Lawyers noted that these additional exemptions are not enshrined in legislation and requests for exemptions were therefore not honoured by all the recruitment offices.⁴³⁷

Employees in vital sectors

On 23 September 2022, the Ministry of Defence exempted specific workers in vital infrastructure such as IT, telecommunications, finance and major media. Specialists in the defence industry and the transport sector were also exempted. Accredited employers could submit lists of their essential workers.⁴³⁸

Students

On 24 September 2022, President Putin granted deferment of mobilisation to full-time and part-time undergraduate students enrolled in nationally accredited vocational training and higher education programmes at public educational institutions and research organisations, and students at equivalent level study programmes, including at private universities. On 6 October 2022, postgraduate courses and evening courses were added to this list.⁴³⁹

4.1.3.5 Discharge and deferral – application of the regulations

Lawyers described the discrepancies between the sometimes non-transparent regulations and the situation on the ground in military recruitment offices as lawless and chaotic.⁴⁴⁰ The media mentioned numerous cases in which reservists who complied with one of the grounds for exemption were nevertheless mobilised. These included men above the maximum age for the relevant military rank, men with health issues and men who had previously been exempted from military service on the basis of health issues, men who had never completed military service before, full-time students and fathers of three, four or more children.⁴⁴¹

President Putin himself said on 20 December 2022 that mistakes had been made with the mobilisation and set up a working group by presidential decree to improve communication between government, organisations and the families of soldiers. This working group must also guarantee compliance with the law more effectively.⁴⁴² On

⁴³⁶ Telegram channel Russian Ministry of Defence, message [3749](#), 14 October 2022; Novaya Gazeta Europe, *Drafted Russian father of three killed in Ukraine*, 21 October 2022; The Moscow Times, *Senior Russia Lawmaker Denies End to Mobilisation Deferral For Fathers*, 13 January 2023; Twitter message [Nexta](#), 13 January 2023

⁴³⁷ Confidential source, 20 October 2022; confidential source, 3 November 2022.

⁴³⁸ The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022; specifically for IT workers, see the website [TAdviser](#), consulted on 30 January 2023.

⁴³⁹ See website Kremlin, *Executive Order 'On granting deferral from conscription for military service for mobilisation'*, 24 September 2022 and Presidential Decree No. [664](#).

⁴⁴⁰ Confidential source, 20 October 2022; confidential source, 3 November 2022.

⁴⁴¹ Novaya Gazeta Europe, *Drafted Russian father of three killed in Ukraine*, 21 October 2022; Novaya Gazeta Europe, *'It's important to be a man. But you can become a dead man very quickly'*, 9 December 2022; Novaya Gazeta Europe, *Your husbands belong to the Ministry of Defense*, 22 October 2022; confidential source, 30 November 2022.

⁴⁴² BBC News, *Ukraine war: Russia admits mobilisation errors, amid growing public opposition*, 26 September 2022; Al Jazeera, *Putin says Russia's mobilisation mistakes must be 'corrected'*, 29 September 2022; Mediazona, *Putin*

31 January 2023, the Ministry of Defence announced that 9,000 wrongly mobilised reservists will be returned to Russia.⁴⁴³

See below for examples and background information. Precise numbers in which an exemption or deferral was wrongly not granted are not available; it can generally be said that military offices were obliged to take into account the target numbers of reservists to be supplied by them on the one hand and public opinion on the other hand.⁴⁴⁴

Health reasons

Reservists who were ill had often not kept the recruitment office informed about their current state of health since completing their military service.⁴⁴⁵ As a result, the systems were not updated and these reservists often did receive a draft notice. The moment they wanted to have their medical data updated and to invoke grounds for exemption, or they wanted to be medically examined, in some cases these reservists were immediately put on the bus to the military assembly point with no further examination. They were told that they would be examined at the military base, but this did not happen.⁴⁴⁶ The Russian daily newspaper Kommersant reported that men in the Siberian region of Irkutsk who had previously been exempted from military service for health reasons had been called up by the local commander.⁴⁴⁷ In Volgograd, a 63-year-old reservist with the rank of lieutenant colonel who has diabetes and had suffered a TIA (mini stroke) was mobilised despite his age and poor health.⁴⁴⁸ A driver, also stationed in Volgograd, had a positive health certificate added to his file even though he had failed the medical examination, and he was mobilised.⁴⁴⁹

Criminal conviction

According to the presidential decree, serving criminally imposed detention is a ground for dismissal. For more information about recruiting detainees as mercenaries for the Wagner mercenary army, see the fifth paragraph in Chapter 4. The Russian Ministry took over the recruitment of prisoners in February 2023.⁴⁵⁰

Family circumstances

While Russian families with three or more children under the age of 18 are generally labelled as having multiple children, the exemption provision for fathers with multiple children caused a lot of confusion among fathers, recruitment agencies and the media alike. This first applied to fathers of four children under the age of 16 and then three children, and a number of authorities brought about further confusion about the issue (see above). While some fathers with three children who had already been mobilised were sent home after the first extension, others had to stay at the front. Andrey Kartapolov, chairman of the Parliamentary Committee for Defence, said that the extension was not enshrined in law but that it was merely a benevolent gesture by the government. The extension was never applied

created a working group on mobilisation; it included the military commander Poddubny and the creator of the Rybar telegram channel, 20 December 2022 (RU); Decree of the President of the Russian Federation No. 420-rp dated December 20, 2022 'On the working group to ensure interaction between public authorities and organisations on issues of mobilisation training and mobilisation, social and legal protection of citizens of the Russian Federation participating in a special military operation, and members of their families', 20 December 2022.

⁴⁴³ Meduza, *Prosecutor General of the Russian Federation: more than nine thousand illegally mobilised returned home*, 31 January 2023.

⁴⁴⁴ Politico, *As second mobilisation looms, Russian men are staying put (for now)*, 4 February 2023; Meduza, *Prosecutor General of the Russian Federation: more than nine thousand illegally mobilised returned home*, 31 January 2023.

⁴⁴⁵ Confidential source, 20 October 2022.

⁴⁴⁶ Novaya Gazeta Europe, *'Your husbands belong to the Department of Defense'*, 22 October 2022; Bumaga, *Officers are shocked to see the kind of people sent their way*, 30 October 2022; confidential source, 30 November 2022.

⁴⁴⁷ BBC, *Ukraine war: Russia reveals exemptions as men flee call-up*, 23 September 2022.

⁴⁴⁸ The Insider, *63-year-old pensioner with diabetes and brain ischemia mobilized*, 23 September 2022.

⁴⁴⁹ Caucasian Knot, *Wife of a man mobilised from Volgograd Region demands to return him home*, 29 January 2023.

⁴⁵⁰ The Guardian, *Wagner mercenary group will 'decrease' as prisoner recruitment ends, says boss*, 15 February 2023.

uniformly.⁴⁵¹ According to an estimate by Novaya Gazeta, within two months of the start of the mobilisation, fifteen fathers 'with multiple children' had died in Ukraine.⁴⁵²

Employees

For many reservists, employers and recruitment offices, it was unclear who was eligible for the exemption category and exactly which procedures should be followed.⁴⁵³ This exemption was therefore applied arbitrarily, partly in view of the pressure on the recruitment offices to achieve target numbers of mobilised reservists.⁴⁵⁴ Some reservists who had already received an exemption certificate from their employers were nevertheless mobilised. They were put under considerable psychological and sometimes physical pressure and rarely succeeded in actually being exempted.⁴⁵⁵

4.1.3.6 Alternative military service and conscientious objection

Alternative military service for reservists has not been permitted since mobilisation, although lawyers claim that the constitution gives every soldier the right to alternative military service. In late September, the government announced that reservists are not entitled to alternative military service during mobilisation. Although it is possible to submit a request, according to media reports it is very likely that people will be called up immediately and ordered to report to a military unit.⁴⁵⁶ According to one lawyer, the constitution and a ruling by the Russian Constitutional Court provide for the right to alternative military service for everybody in a military position, and the decision of the Ministry of Defence to exclude alternative military service is at odds with this.⁴⁵⁷ Some reservists were promised that they could refuse to fight or could fulfil non-combat duties in the military unit, but these promises turned out to be untrue. In addition, placement in a non-combat position can later be changed to a placement in a combat position.⁴⁵⁸

In December 2022, one successful case was reported in which a conscientious objector invoked his religious beliefs and challenged his mobilisation. Protestant Pavel Mushumansky managed to obtain a mobilisation exemption from the court. This may have been due to the fact that Mushumansky had already convinced the military commission of his conscientious objection when he had reached conscription age and had obtained permission to perform the alternative military service. Because the case took place behind closed doors, Mushumansky's lawyer was not allowed to disclose the exact reasoning of the court.⁴⁵⁹

The media reported on Kirill Berezin, a 27-year-old man from Saint Petersburg, who, after receiving a mobilisation draft notice at his local military recruitment office,

⁴⁵¹ Novaya Gazeta Europe, *Drafted Russian father of three killed in Ukraine*, 21 October 2022; Caucasian Knot, *Dagestan women with many children treat mobilisation of their husbands as unfair*, 23 December 2022; Caucasian Knot, *Stavropol Territory: father of many children tries to challenge his mobilisation*, 28 December 2022; Bumaga, *Officers are shocked to see the kind of people sent their way*, 30 October 2022;

⁴⁵² Novaya Gazeta Europe, *Almost 160 Russian children lost their fathers as result of mobilisation*, 21 November 2022;

⁴⁵³ Pavel Chikov on Telegram, 23 September, message 5094. Specifically for IT workers, see the website *TAdviser*, consulted on 30 January 2023.

⁴⁵⁴ Confidential source, 20 October 2022.

⁴⁵⁵ Meduza, *'If you croak, we'll say you killed yourself.'*, 27 October 2022.

⁴⁵⁶ Meduza, *Prepare to stand for your convictions*, 22 September 2022;

⁴⁵⁷ Confidential source, 3 November 2022.

⁴⁵⁸ Confidential source, 3 November 2022; confidential source, 20 October 2022; The Bell, *The authorities said that mobilised citizens will not be able to perform alternative civilian service*, 25 September 2022; War Resisters' International, *Russia: No legal provision for alternative civilian service during mobilisation*, 21 December 2022; Pavel Chikov on Telegram, 22 September, message 5084; EUAA, *The Russian Federation – Military Service*, 16 December 2022, p. 30. confidential source, 21 March 2023.

⁴⁵⁹ Forum 18, *Russia: Refusing to "carry out orders aimed at destruction and utter defeat of living people"*, 20 December 2022; War Resisters' International, *Russia: No legal provision for alternative civilian service during mobilisation*, 21 December 2022.

wanted to apply for alternative government service. He was immediately sent to a military unit close to the Ukrainian border, where he repeated his request. His commander treated him aggressively and threatened violence. A court in Saint Petersburg rejected his appeal. The court ruled that alternative military service is only for regular conscripts under the age of 27. His superiors had threatened him with violence and told him that he must kill people. He was then transferred and assigned to a position in which there was no necessity of bearing, keeping or using weapons. His appeal was also dismissed as unfounded. He had completed his military service at an earlier date.⁴⁶⁰

Amnesty International has reported several cases involving the forced mobilisation of conscientious objectors who did not want to fight and arbitrary and disproportionate criminal prosecution.⁴⁶¹

4.1.3.7 Legal remedies against mobilisation

Before September 2022, reservists could submit a request to a recruitment office to be assigned to alternative military service. A rejection could be challenged in court.⁴⁶² Since the mobilisation in September 2022, alternative military service is no longer open to reservists; see section 4.1.3.6 (Alternative military service and conscientious objection).

In addition, according to the law it is possible to lodge an objection against a mobilisation draft notice.⁴⁶³ In practice, however, the possibilities for such a step are limited. At the recruitment office, the objection will be rejected and a lawyer will have to appeal to a court. By the time the court issues a ruling, the reservist has often already arrived at the army unit. There he is largely dependent on the commander for his communication with the outside world and for compliance with court rulings.⁴⁶⁴

People can also appeal against the outcome of the medical examination. In these cases, too, a lawyer estimates that there is a good chance that the objection will be rejected and that people will already have been mobilised before the court issues a ruling.⁴⁶⁵

In the event of mobilisation – unlike a draft notice for military service – an objection procedure has no suspensive effect. However, a preliminary injunction can be requested to suspend the mobilisation obligation. There is no data about how effective this remedy is.⁴⁶⁶

After receiving the draft notice, according to the law it is possible to object to the second mobilisation draft notice to report to a military unit.

For legal remedies against the refusal of admission to alternative military service, see section 4.1.1.5 for conscripts (Alternative military service in case of conscientious objection).

4.1.3.8 Practical options for avoiding mobilisation

In practice, there are a number of illegal ways to escape mobilisation.

⁴⁶⁰ Mediazona, *'I refuse to fulfill everything listed in the oath'*, 17 October 2022; Novaya Gazeta, *Russian court finds mobilisation of a person illegal for the first time*, 30 November 2022.

⁴⁶¹ Position of Amnesty International, received by the Ministry of Foreign Affairs on 26 January 2023.

⁴⁶² EUAA, *The Russian Federation – Military Service*, 16 December 2022, p. 30.

⁴⁶³ Pavel Chikov on Telegram, 3 October, message 5144.

⁴⁶⁴ Confidential source, 20 October 2022; confidential source, 3 November 2022.

⁴⁶⁵ Meduza, *Prepare to stand for your convictions*, 22 September 2022.

⁴⁶⁶ Pavel Chikov on Telegram, 22 September, message 5082.

After the introduction of formal exemptions, commercial providers appeared on the black market promising to provide an exemption for a fee. For example, they could arrange a contract with an IT company, which would then apply for an exemption. In addition, counterfeit medical documents citing chronic diseases such as HIV or hepatitis appeared on the black market. Other people tried to create documents showing that they were receiving medical treatment for fabricated health issues such as addiction or mental health problems. According to Novaya Gazeta, the cost of counterfeit medical certificates is between 12,000 and 55,000 roubles.⁴⁶⁷ Instructional videos also appeared on the internet on how people could break their limbs in order to be exempted.⁴⁶⁸

Little is known about the possibility of bribing officials. In at least one case, the recruitment office on Russia's border with Georgia let through a reservist who had not yet received the draft notice. It is unknown if others were stopped at the border.⁴⁶⁹

From the beginning of the invasion of Ukraine up to November 2022, news website Mediazona counted around seventy⁴⁷⁰ cases of arson in recruitment offices, presumably in an attempt to destroy lists of conscripts or reservists. Some recruitment offices outside the larger cities are not digitised and work with paper lists.⁴⁷¹ Since 21 September 2022 the sabotage of military property has been punishable by five years of detention. This was followed in November 2022 by criminal prosecution, with actual sentences of up to five years in prison.⁴⁷² However, one week after mobilisation, the Ministry of Defence announced that arsonists would be prosecuted under terrorism law, which indeed happened in parts of Russia. In December, 14 charges of terrorism based on arson were pending. In January 2023, two men were sentenced to twelve years in prison for this crime.⁴⁷³

Staying at an address other than their registered address offers people a temporary solution to not receiving a draft notice. However, there were cases where the neighbours of the person concerned reported this to the recruitment office. Reservists who ignored the draft notice started working remotely to avoid being handed a draft notice at the office, while others avoided public transport or busy streets, fearing police checks.⁴⁷⁴ A large number of reservists fled abroad to escape the mobilisation (see section 8.3). Still others simply ignored the draft notices. It is unclear to which extent this is an effective means of evading mobilisation, as it is not clear in how many cases people were forced to respond to the draft notice. See sections 4.1.3.2 (Being) and 4.1.3.10 (Refusal – application of the penal provisions).

4.1.3.9 Refusal – penal provisions

This chapter describes the possibilities of a blanket refusal to fight or to go to Ukraine. See section 4.1.3.10 for more information about the practical application of

⁴⁶⁷ Approx 150 and 689 euros, respectively, according to xe.com on 2 March 2023.

⁴⁶⁸ The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022; Newsweek, *Videos Show Russian Men Breaking Limbs to Avoid Conscription*, 4 October 2022; BBC, *'I will break my arm, my leg... anything to avoid the draft'*, 22 September 2022.

⁴⁶⁹ BBC, *Russian's exhausting ordeal to escape conscription*, 16 October 2022.

⁴⁷⁰ Mediazona, *Fire! As Russians set fire to draft offices, we map the arson attacks*, 17 December 2022;

⁴⁷¹ BBC Monitoring, *More arson attacks on military enlistment offices reported after Russian call-up*, (subscription) 25 September 2022; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022.

⁴⁷² The Moscow Times, *Russian Ex-Teacher Jailed for Military Enlistment Arson Attacks*, 11 November 2022.

⁴⁷³ The Moscow Times, *Russian Man Imprisoned for 'Terrorist' Military Enlistment Arson Attack*, 31 January 2023; Meduza, *Russian man sentenced to 12 years on terrorism charges for setting fire to military enlistment office*, 31 January 2023; Mediazona, *Fire! As Russians set fire to draft offices, we map the arson attacks*, 17 December 2022.

⁴⁷⁴ Moscow Times, *I don't trust what they say*, 2 November 2022; BBC, *Ukraine war: Hiding from Putin's call-up by living off-grid in a freezing forest*, 22 January 2023; BBC, *'Russian army officer admits: "Our troops tortured Ukrainians"'*, 2 February 2023.

these regulations. There is no possibility for reservists to perform alternative military service on the basis of conscientious objection; see section 4.1.3.6 (Alternative military service and conscientious objection). It should be borne in mind that most reservists are prepared to fight for ideological or financial reasons.⁴⁷⁵

Nothing is known about discriminatory prosecution if people refuse to fight. However, there are major differences between regions, depending on the regional culture and the culture in the relevant court and in the military unit.⁴⁷⁶ Differences in the scale of prosecution may also have been driven by the authorities' desire to prevent public unrest, particularly in the major cities, but also in regions where protests had already erupted, such as Buryatia.⁴⁷⁷ See also the disproportionate numbers of soldiers from the poorer and more remote regions of Russia – for example in Dagestan⁴⁷⁸, Kalmykia, Tuva or Buryatia – who were deployed at the start of the invasion and later mobilised in large numbers.⁴⁷⁹ For more information, see section 3.2.1. (Ethnic groups).

Similarities and differences between conscripts and contract soldiers

Conscripts who refuse to fight are already punishable under Article 328 of the Russian Penal Code if they do not respond to the summons to report to the recruitment office to do their military service; according to an instruction from the Russian Supreme Court, Article 328 only applies to conscripts and not to people who have been mobilised.⁴⁸⁰ Reservists are only punishable when they can be designated as soldiers, namely after registering with a military unit. As described below, after registering with a military unit the same penal provisions apply to reservists as to contract soldiers (for more information, see section 4.1.2, **Error! Reference source not found.**). For example, the amended Article 337 (unauthorised absence from the unit) applies to both reservists and contract soldiers.⁴⁸¹

Moment of refusal

The consequences for reservists who refuse to be mobilised depend on when they refuse:

- before receiving the draft notice
- after receiving the draft notice and before registering with a military unit
- after enlisting in a military unit.

Before receiving the draft notice

The draft notice for mobilisation is issued to reservists who, according to the law, must receive the draft notice in person and sign for receipt, similar to a subpoena or summons. If a person refuses to accept the draft notice or is not at the registered address, the draft notice has not been delivered in accordance with the law and the person has not been called up. This is therefore not a violation of the law.⁴⁸² For eventual consequences, see section 4.1.3.10 (Refusal – application of the penal provisions).

After receiving the mobilisation draft notice

A reservist who has received a draft notice and does not appear at the recruitment office for a medical examination and assignment to a military unit is committing an administrative offence and can be fined 3,000 roubles.⁴⁸³ Repeatedly not responding to the draft notice can be regarded under administrative law⁴⁸⁴ as an aggravating

⁴⁷⁵ Confidential source, 12 January 2023; confidential source, 23 September 2022.

⁴⁷⁶ Confidential source, 16 February 2023.

⁴⁷⁷ Confidential source, 16 February 2023; France24, 'Danger to the regime? Russia faces anti-mobilisation protests among ethnic minorities', 30 September 2022.

⁴⁷⁸ Die Zeit, *Einsatzkräfte feuern bei Protesten gegen Mobilmachung Warnschüsse ab*, 26 September 2022;

⁴⁷⁹ Of the 85 Russian regions, 22 were originally intended as regions of non-Russian ethnicity. See The Guardian, *Coffins in Buryatia: Ukraine invasion takes toll on Russia's remote regions*, 30 March 2022;

⁴⁸⁰ Confidential source, 6 October 2022.

⁴⁸¹ Art. 337 Russian Penal Code.

⁴⁸² Confidential source, 6 October 2022.

⁴⁸³ Approx 37 euros according to xe.com on 2 March 2023. See article 21.5 Law on administrative violations.

⁴⁸⁴ Art. 4.3 Law on administrative violations.

circumstance for which the maximum fine – but not more than 3,000 roubles – is imposed.⁴⁸⁵

On 1 November 2022, however, the State Duma discussed possible new higher penalty provisions for ignoring a draft notice. The proposed punishments include a fine of between 300,000 and 500,000 roubles⁴⁸⁶ or withholding of income for 1-3 years, forced labour or up to five years of detention.⁴⁸⁷ This bill has not yet been adopted.⁴⁸⁸

After reporting to the recruitment office, a person will receive a second draft notice to report to a military assembly point. Sometimes this second formal step immediately follows the visit to the recruitment office.⁴⁸⁹

After registering with a military unit

A person is only considered to be a soldier after registering with a military unit. If, after that moment, the person still refuses to fight, does not obey orders or leaves the military unit without permission, he will be prosecuted under the same penal provisions as contract soldiers.⁴⁹⁰ For the criminal law provisions, see section 4.1.2.1 (Refusal – penal provisions and dismissal).

4.1.3.10 Refusal – application of the penal provisions

Before receiving the draft notice

In early October, the first criminal proceedings were launched for a reservist who had refused to accept his mobilisation draft notice. The person concerned was forcibly arrested by OMON riot police and detained for two days in a temporary detention facility. He was prosecuted on the basis of the legal provision that actually applies to evading conscription (Article 328 Penal Code).⁴⁹¹ The case was withdrawn again after two days.⁴⁹²

After receiving the draft notice

As of 29 September 2022, the NGO Agora was aware of only one court case in which a reservist was charged with ignoring the mobilisation draft notice under Section 21.5 of the Administrative Offences Act. It is not clear why, but this case was again withdrawn.⁴⁹³ Furthermore, there is no information available about criminal or administrative prosecution for ignoring a draft notice.

Different sources tell a different story about whether it is possible in practice to ignore the draft notice. Lawyers and NGOs point to the regulations and emphasise that the only sanction for ignoring a draft notice is an administrative fine. According to one lawyer, the maximum penalty imposed in practice is a fine of 3,000 roubles⁴⁹⁴, even if the draft notice is repeatedly ignored. This lawyer is not aware of any case of reservists being taken to the military recruitment office under physical duress. However, this lawyer does say that pressure can be exerted on the reservist in other ways – for example through his employer or university. This would particularly apply if the employer or university is formally or informally connected to the government in any way. In the latter case, for example, it could involve a

⁴⁸⁵ Moscow Times, *I don't trust what they say*, 2 November 2022; EUAA, *The Russian Federation – Military Service*, 16 December 2022; confidential source, 28 March 2023.

⁴⁸⁶ Approx 3,760 and 6,266 euros, respectively, according to xe.com on 2 March 2023.

⁴⁸⁷ Informationsblatt BAME, 1 January 2023, p.6; Meduza, *Russian State Duma deputies to submit bill that would criminalize draft evasion*, 1 November 2022.

⁴⁸⁸ Confidential source, 28 March 2023.

⁴⁸⁹ Confidential source, 6 October 2022.

⁴⁹⁰ Confidential source, 6 October 2022.

⁴⁹¹ Confidential source, 6 October 2022.

⁴⁹² Pavel Chikov (Agora on Telegram, 7 October 2022, message [5157](#)).

⁴⁹³ Pavel Chikov on Telegram, 29 September, message [5138](#);

⁴⁹⁴ Approx 37 euros according to xe.com on 2 March 2023.

manager who pledges to supply a number of employees for mobilisation in exchange for privileges.⁴⁹⁵

Another source cannot confirm that the punishment is limited to an administrative fine and that no psychological or physical pressure is applied. In addition, it depends on timing: Once the military recruitment office has provided the required number of reservists, it can be expected to exert less pressure than if the numbers were not reached.⁴⁹⁶ Another source indicates that it is not possible to give an unequivocal answer for all of Russia given that there are regional differences between the military districts but estimates that the consequences of ignoring a draft notice will not be limited to an administrative fine.⁴⁹⁷ A source from Saint Petersburg says that it should be possible to ignore the draft notice by renting an apartment somewhere else, for example.⁴⁹⁸ Another source also says that the military police can call around to a person's home and exert pressure on the person concerned with physical or legal threats.⁴⁹⁹ The growing lawlessness in Russia described by lawyers is also an important factor here.⁵⁰⁰

After registering with a military unit

Criminal prosecution started in January 2023. See below for a number of examples. However, the extent to which mobilised reservists were prosecuted if they failed to fulfil their duties is still unclear. The court hearings in these types of cases were usually held behind closed doors and lawyers had to sign non-disclosure agreements under penalty of criminal prosecution. The Russian-language website Mediazona has reported on court cases of both contract soldiers and reservists who refused to fight or left their military unit without authorisation. As with contract soldiers, the sentences imposed on 2 February 2023 varied from suspended or unconditional criminal detention and unpaid work for the military to detention in a penal colony. All charges were based on Article 337 of the Penal Code: leaving the unit without permission.⁵⁰¹

The following are examples of criminal cases and the sentences that were imposed.

The first known criminal case against a reservist was filed in Ulan-Ude for being absent without leave from his military unit. After he had been threatened with criminal proceedings, the reservist fled and was charged under Article 337 of the Penal Code.⁵⁰²

In January 2023, a 31-year-old reservist was killed during a botched arrest. He had left his military unit in Ukraine without permission, taking weapons with him, and had been identified on security cameras along the way. He was found hiding in a shed. The local authorities announced that he had been liquidated. Local media published an arrest warrant for the man.⁵⁰³

In Kaliningrad, eight men were prosecuted for desertion during an armed conflict (Article 338, section 3). After being told that they were being sent to the front, they had left their military unit in eastern Ukraine with their weapons without permission. After their return, the men – one sailor and seven soldiers – were placed under disciplinary arrest at an army base in Russia. One of them – according to

⁴⁹⁵ Confidential source, 29 March 2023.

⁴⁹⁶ Confidential source, 21 March 2023.

⁴⁹⁷ Confidential source, 16 February 2023.

⁴⁹⁸ Confidential source, 3 February 2023.

⁴⁹⁹ Confidential source, 12 January 2023.

⁵⁰⁰ Confidential source, 20 October 2022; confidential source, 3 November 2022.

⁵⁰¹ See [website](#) Mediazona, consulted on 2 February 2023.

⁵⁰² The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022;

⁵⁰³ RFERL, *Russian Soldier Killed During Arrest For Desertion*, 18 January 2023; The Moscow Times, *Russian Soldier Killed After Deserting Military Base*, 18 January 2023.

prosecutors the mastermind behind the escape – was placed in pre-trial detention.⁵⁰⁴

According to the NGO Human Rights Watch, the Russian authorities in Moscow used facial recognition technology in metro stations to track down reservists trying to evade mobilisation. The police took some of them to the military recruitment office.⁵⁰⁵

4.1.4 *Freedom of movement for military personnel*

This section focuses on the freedom of movement of military personnel. See also section 5.4 ([Freedom of movement](#)) and section 8.3 ([Russians leaving Russia](#)).

Freedom of movement inside Russia

Initially, in the days after mobilisation in late September 2022, there was a great deal of uncertainty about the possibilities of leaving the regions legitimately. For example, conscripts, reservists and contract soldiers must report a relocation inside the Russian Federation to the military recruitment office and are not allowed to leave their place of residence.⁵⁰⁶

Regional military recruitment offices issued subordinate regulations prohibiting people from going outside their home town, district or outside the Russian Federation, but these were relaxed or abolished soon after.⁵⁰⁷ However, no information was available about active enforcement of these restrictions during the first wave of mobilisation. According to media reports, the authorities did not impose any travel restrictions.⁵⁰⁸ One source said that men were allowed to leave their place of residence if they had not yet received a draft notice.⁵⁰⁹ In September 2022, the governor of North Ossetia did impose an entry restriction on vehicles that were not registered in his region; see section 4.1.4 ([Freedom of movement for military personnel](#)).

In Moscow, military information is electronically available to the police and connected to facial recognition using cameras in the metro.⁵¹⁰ For more information about connected electronic systems, see section 5.4.2 ([Available information at the border](#)).

Freedom of movement outside Russia

Although there are restrictions on freedom of movement inside the country, according to the interpretation of the law by critical lawyers, citizens registered as reservists, contract soldiers or conscripts were free to leave Russia as long as they had not been called up.⁵¹¹

⁵⁰⁴ Meduza, *Eight Russian draftees face desertion charges after leaving Ukraine, returning to Russia by cab*, 18 January 2023; Mediazona, *Eight mobilised from the Kaliningrad region became defendants in the case of desertion*, 18 January 2023.

⁵⁰⁵ HRW, *Russia Uses Facial Recognition to Hunt Down Draft Evaders*, 26 October 2022.

⁵⁰⁶ Telegram Pavel Chikov, message [5119](#), 22 September 22; Article 2 Federal Law No. 5242-1 of June 25, 1993 on the right of citizens of the Russian Federation to freedom of travel, the choice of the place of stay and residence within the Russian Federation; clause 52 of the Provisions on military registration during mobilization and in wartime; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022.

⁵⁰⁷ Telegram Pavel Chikov, message [5131](#), 22 September 22.

⁵⁰⁸ NRC, *Toespraak Poetin leidt tot paniek*, with a correction on 22 September 2022; OVD *News*, *Harsh detentions and summonses to the military enlistment office: results of actions against mobilization on September 21, 22 September 2022*; Meduza, *'Prepare to stand up for your convictions'*, 22 September 2022.

⁵⁰⁹ Confidential source, 29 September 2022.

⁵¹⁰ BBC Russia, *From the metro to the front*, (RU) 24 October 2022

⁵¹¹ Telegram Pavel Chikov, message [5119](#), 22 September 22; Article 2 Federal Law no. 5242-1 of 25 June 1993 on the right of citizens of the Russian Federation to freedom of travel, the choice of the place of stay and residence within the Russian Federation; clause 52 of the Provisions on military registration during mobilization and in wartime; The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022;

The right to travel out of Russia can only be temporarily restricted under federal law for persons called up for military service or alternative social service until completion of their military service, unless they have received permission from their supervisor. Since 16 December 2019, persons who have fulfilled their military service with the FSB can be denied exit from Russia for a maximum of five years thereafter. Officials with access to secret information can also be prohibited from leaving Russia. This category includes millions of officials from the Ministry of Defence, the Public Prosecution Service, the FSB, the Ministry of the Interior, including the Federal Drug Control Agency and the Immigration Authority, the Prison Service, and the Ministry of Calamities.⁵¹²

The implementation of regulations on Russia's external borders in the days following the mobilisation generally lacked transparency and was arbitrary, according to one lawyer.⁵¹³ It was possible for reservists to leave the country legally if they had not yet received a draft notice. People were not always ordered to produce their military booklets.⁵¹⁴ But even if the draft notice had already been received, this information was not always known to Russian border guards and people were sometimes permitted to travel.⁵¹⁵ According to one media report, this information was indeed available at other border crossings and reservists who had been called up were denied exit.⁵¹⁶ Yet another source reported that one Russian border guard actually encouraged departing Russians to flee.⁵¹⁷ Others were given a stamp in their passport and refused exit but managed to leave in a later attempt.⁵¹⁸

According to media reports, international passports are no longer being issued to mobilised Russians. This is said to apply to Russians who have been called up.⁵¹⁹ According to one source, this applies in practice to all reservists in the first category.⁵²⁰

4.1.4.1

Georgia

In the days following the mobilisation announcement on 22 September 2022, a long queue of cars, pedestrians and cyclists formed at the border with Georgia.

On the Russian side of the border with Georgia at Verkhny Lars, people were indeed sporadically asked about their mobilisation status and a military recruitment office was finally set up around a week after mobilisation. Nevertheless, most of the reservists were able to leave the country. Departing Russians themselves estimate the percentage of refusal to travel to be 10%.⁵²¹ However, these cases can be attributed to a range of different reasons, such as the fact that they have received a mobilisation draft notice but also have outstanding debts or are facing criminal prosecution. Some had been issued a mobilisation draft notice and were still allowed to travel.⁵²²

There is one known case of a 21-year-old man, Saveliy Frolov, who tried to leave the country and was arrested by the border police. Subscriptions to anti-war videos and Telegram channels were allegedly found on his mobile phone. After being placed under administrative arrest several times for various administrative offences, Frolov was charged with high treason (Article 275 CC). According to the indictment, he had

⁵¹² Article 15 of Federal law no. 114-FZ of 15 August 1996 on the procedure for exiting and entering the Russian Federation; Meduza, *'Prepare to stand up for your convictions'*, 22 September 2022.

⁵¹³ Confidential source, 3 November 2022.

⁵¹⁴ Confidential source, 30 November 2022; confidential source, 30 November 2022.

⁵¹⁵ Article 21, Federal law no. 31-FZ 'About mobilisation training and mobilisation in the Russian Federation'. See also Telegram Pavel Chikov, message 5064 21 September 22. Confidential source, 2 December 2022.

⁵¹⁶ BBC Russia, *From the metro to the front*, (RU) 24 October 2022.

⁵¹⁷ Confidential source 3 October 2022.

⁵¹⁸ Confidential source, 30 November 2022.

⁵¹⁹ The Moscow Times, *Russia Will Not Give Out Passports to Mobilised People – Government*, 28 September 2022.

⁵²⁰ Confidential source, 21 October 2022.

⁵²¹ Confidential source, 14 October 2022.

⁵²² Confidential source, 14 October 2022; confidential source, 30 November 2022.

intended to travel to Ukraine via Turkey and Poland and fight against Russia there. His lawyer disputed this as Frolov had no Schengen visa and no ticket to Turkey.⁵²³

A week after the mobilisation started, therefore after the major exodus to Georgia, the governor of North Ossetia, which includes the border crossing to Georgia, announced that only vehicles registered in North Ossetia would be permitted to enter the region.⁵²⁴

4.1.4.2 Kazakhstan

Long queues also formed at the border with Kazakhstan. According to Kazakh government records, at least 200,000 Russians travelled to Kazakhstan in the days following mobilisation.⁵²⁵ Media platforms reported that Russians fleeing the mobilisation were not being returned to Russia unless an international arrest warrant had been issued for them.⁵²⁶

4.1.4.3 The Baltic States and Finland

At the end of September, Finland, Poland, Estonia, Latvia and Lithuania limited entry options for Russians with a Schengen visa.⁵²⁷ Just as on the border with Georgia and Kazakhstan, there were also long lines of fleeing men on the Russian-Finnish border. Tickets for regular bus trips from Saint Petersburg to Helsinki were almost impossible to buy. Some Russians offered to drive fleeing men to Finland in their private cars for exorbitant prices. The prices for these trips cost as much as 1,000 euros.⁵²⁸

⁵²³ OVD-Info, *The Anti-war Case*, consulted on 7 February 2023.

⁵²⁴ DW, *Russia restricts access to Georgia amid call-up*, 28 September 2022.

⁵²⁵ Meduza, *Kazakh Interior Ministry says more than 200,000 Russians have entered Kazakhstan*, 4 October 2022; The New York Times, *Eerie Quiet Settles on a Moscow Drained of Men*, 20 October 2022.

⁵²⁶ Meduza, *Kazakh Interior Ministry says more than 200,000 Russians have entered Kazakhstan*, 4 October 2022.

⁵²⁷ Confidential source, 3 October 2022; confidential source, 31 October 2022; website Finnish Border Guard Raja, *Restrictions on the entry of Russian citizens*, consulted on 26 February 2023; website Ministry of Interior of the Republic of Lithuania, *Russian citizens travelling to the European Union through Lithuania will be subject to stricter controls*, 19 September 2022; website of the Republic of Poland, *Poland, Estonia, Lithuania and Latvia want to limit the possibility of travel in Europe for Russian citizens - a joint statement by the prime ministers*, 8 September 2022.

⁵²⁸ Carnegie Endowment for International Peace, *Russian Draft Dodgers Find a Mixed Reception in Central Asia*, 19 October 2022; confidential source, 3 October 2022.

5 Human rights

5.1 Freedom of expression

This chapter describes the consequences of further restrictions on freedom of expression in the Russian Federation for civil society, the media, protestors and the online domain.

For examples involving Journalists see section [3.2.8](#), for Freedom of association and assembly [5.2](#) and for information on the further clampdown on LGBTIQ+-related remarks, see sections [3.2.5 \(LGBTIQ+\)](#) and [6.6 \(Law on LGBTIQ+-related remarks\)](#).

In Russia, there was a further curtailment with regard to civil society, journalism, demonstrators and social media. Those restrictions gained momentum in response to events such as the invasion of Ukraine and anti-mobilisation protests across the country. Prior to the invasion of Ukraine in February 2022, freedom of expression was mainly restricted under the Foreign Agent Law, the Undesirable Organisations Law, various anti-extremism laws, and various laws protecting historical facts, state secrecy, traditional values and religious sentiments. Legislation in relation to the war was added in March 2022.⁵²⁹

Remarks about the war

On 4 March 2022, the Russian parliament sped up the adoption of new laws – subsequently signed by President Putin – that criminalised anti-war speech and protests with immediate effect. The dissemination of information about the actions of the Russian armed forces that deviates from the official position and ‘discredits’ the Russian armed forces became punishable under these laws. The sentences imposed ranged from administrative fines to many years of criminal detention – among other things for repeated offences. Two weeks later, these provisions were expanded with amendments to punish the discrediting of Russian government agencies abroad.⁵³⁰ For the main legal instruments for the restriction of freedom of expression and their application, see Chapter 6 (Legislation).

Although the risks of persecution are difficult to predict, they can be exacerbated by certain factors – for example exercising criticism in a professional capacity and making repeated critical remarks, as is the case with professional activists, journalists and politicians, amongst others; working for or cooperating with undesirable organisations or individuals, or with organisations or individuals designated as foreign agents (even if this occurred in the past); being self-identified as a foreign agent. In addition, some subjects are more high-risk than others. A list⁵³¹ of prohibited subjects has been drawn up for this, but criticism of the war in Ukraine, of the president himself or of the president's family members is also high-risk. In addition, having a wider reach can generally mean a higher risk of prosecution, because there is a greater chance that the police will keep the social media accounts in question under surveillance or that one of the followers of the account will report the person concerned to the police.⁵³² In addition, being designated as a foreign agent or an undesirable person is a reason for increased scrutiny by the authorities; see section 6.3 (

⁵²⁹ ODIHR *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, 22 September 2022.

⁵³⁰ HRW, *World Report 2023* – Russia.

⁵³¹ NOS, *Journalistiek al bijna onmogelijk, maar Rusland draait duimschroeven verder aan*, 24 November 2022.

⁵³² Confidential source, 17 October 2022.

Foreign Agent Law).

According to various sources, the decision to proceed with criminal or administrative prosecution is always preceded by a decision in principle that people should be prosecuted, at any rate for people with a visible profile. The subsequent choice of the law to be applied to that person is dictated more by the desired effect than by whether or not the person concerned has committed a criminal offence. There is also a side effect: the deterrent effect on people with a similar profile – for example journalists who may then refrain from publishing critical remarks or from cooperating with the person being prosecuted because they are afraid of being prosecuted themselves.⁵³³

Confidential sources report that Russian police and other enforcement agencies are profiling so-called 'untrustworthy' people and including them on a special list. The reasons for inclusion on this list are not officially known. According to one source⁵³⁴, it can be based, for example, on critical comments on social media, on video images of participation in protests or fines that were imposed earlier. Inclusion on the list can also be unrelated to previous offences and can be based on participation in a group that is considered to be critical of the government.⁵³⁵

Once they have been placed on the list, people are kept under greater scrutiny by the authorities. According to the source⁵³⁶, this greater scrutiny can manifest itself in threats, regular interrogations, warnings to act according to the law in the future or 'preventive arrest' prior to protests. The lack of transparency and the arbitrariness of this list is creating a culture of fear among the public. The list is also said to include major regional differences. In some regions only well-known activists are on the list while in other regions the list also includes private small-scale bloggers or 'ordinary' citizens.⁵³⁷ People are not told that they have been placed on the list. Nor can they object to being placed on the list.⁵³⁸

In addition, leaked lists from media authority *Roskomnadzor* revealed that it has been compiling files on potential foreign agents. Sometimes this is done at the request of the Ministry of Justice and the file leads to accelerated designation as a foreign agent. However, sometimes the file is compiled but the designation as a foreign agent never happens. Files have been compiled, for example for critical journalists, politicians (especially from the communist party) and scientists.⁵³⁹ See section 6.3.

⁵³³ Confidential source, 17 October 2022; confidential source, 29 November 2022.

⁵³⁴ Confidential source, 17 October 2022.

⁵³⁵ Network Freedoms, see link to Russian-language report; confidential source, 30 November 2022.

⁵³⁶ Confidential source, 17 October 2022.

⁵³⁷ Confidential source, 17 October 2022.

⁵³⁸ Confidential source, 18 October 2022.

⁵³⁹ IStories, *Eye of state censorship*, 8 February 2023 (RU); Verstka, *Roskomnadzor proposes candidates for recognition as foreign agents*, 9 February 2023 (RU); IStories, *Roskomnadzor compiled certificates for Yavlinsky, Kasyanov, Rashkin and other politicians*, 8 February 2023 (RU); confidential source, 1 March 2023.

Foreign Agent Law.

5.1.1 *Journalism/freedom of the press*

The regulation of information in Russia is now so advanced that the Russian authorities have a virtual monopoly on information. Critical voices are only allowed if they focus on how the Kremlin's goals can be achieved more effectively – for example in the war in Ukraine. Mass media and the internet are regulated in such a way that access to information is radically restricted – for example by blocking thousands of websites and labelling media platforms as extremist or undesirable organisations. After the invasion of Ukraine in late February 2022, the information space in Russia changed dramatically. Since then, government agencies have been constantly taking legal action against the media in order to make their work more difficult.⁵⁴⁰

Independent journalism in Russia has been all but wiped out. The population is exposed to propaganda on a large scale and has little or no access to international or independent media. The reporting on the war in Ukraine, for example, was not objective and followed the Kremlin's narrative. For example, only one of Russia's three largest weekly newscasts, state broadcaster Rossiya 1's *Vesti Nedeli* (News of the Week), covered the Russian withdrawal from the Ukrainian city of Kherson on 11 November in detail. Other broadcasts treated this action as relatively minor and emphasised its military necessity. All three programmes actually avoided saying that Russian troops had left Kherson.⁵⁴¹

Russian law criminalises partnerships with organisations or individuals identified as extremist, undesirable or foreign agent. Because cooperation is not clearly defined, many journalists feel compelled to refrain from cooperation or decide to publish anonymously. Sources are also less inclined to be interviewed by the above parties or they only want to do so under strict anonymity. Making cooperative ventures impossible has inflicted severe damage on the journalistic sector.⁵⁴²

With the new legislation of 14 March 2022, another peak of censorship was reached. The media came under the total control of the Prosecutor General. He was granted the authority to ban foreign media from Russia in consultation with the State Department. All the content of banned media is therefore automatically banned, which means that distribution or even possession of such material for the purpose of distribution is punishable. The Prosecutor General can also suspend or revoke the licences of Russian media without court proceedings or for repeated violations if they spread false information about the actions of the Russian armed forces, discredit them or express extremist views.⁵⁴³

As a result of the repression, many media outlets were either forced to shut down or to relocate to other countries, where they embarked on so-called offshore journalism and reported on events in Russia from abroad. Establishing themselves abroad confronted them with major operational and financial challenges.⁵⁴⁴

⁵⁴⁰ ODIHR *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, 22 September 2022; Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022.

⁵⁴¹ International Press Institute, *Dmitry Muratov: Russia faces total eradication of independent journalism*, 9 September 2022; confidential source, 17 October 2022; BBC Monitoring, *Russian state TV plays down Kherson withdrawal*, 14 November 2022; BBC Monitoring, *Analysis: How the Russian media are spinning the Kherson pullout*, 10 November 2022.

⁵⁴² Confidential source, 19 October 2022.

⁵⁴³ Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022.

⁵⁴⁴ Proekt, *A Guide to Russian Media in the Times of Total Censorship*, 15 August 2022.

The website *Important Stories*⁵⁴⁵ was designated as a foreign agent in 2021 after a court ruling on rectification of a critical article about Rosneft. After the website moved its office abroad, it was classified as an undesirable organisation. This means that cooperating with the website or even sharing or liking the website is a criminal offence.⁵⁴⁶

The independent newspaper Novaya Gazeta ceased publication at the end of March 2022 after receiving another warning from Russia's federal media regulator, Roskomnadzor, in response to publications about Russian aggression against Ukraine. The paper had already been designated as a foreign agent and has had a history of critical investigative journalism and conflicts with the authorities since 1993. A number of its journalists have been murdered, presumably because of their work – among other things after reporting on the Chechen wars. In early September 2022, Roskomnadzor revoked the newspaper's licence to publish inside Russia due to administrative irregularities, according to the authorities. This revocation of Novaya Gazeta's licence was upheld by the court on appeal.⁵⁴⁷ The newspaper's website also lost its licence two weeks later for violating the Foreign Agent Law. The newspaper claimed to have 27 million online readers.⁵⁴⁸

On 1 March 2022, *Echo of Moscow's* website was blocked by Roskomnadzor at the request of the Prosecutor General. At the same time, the radio station was blocked in the European Union due to its ties with the state-owned Gazprom corporation. On 5 March 2022, the board of directors of Echo of Moscow closed down the radio station, which had been on the air since 1990. After the closure, Alexei Venediktov, who had run the station for 24 years, was designated as a foreign agent by the Russian Ministry of Justice.⁵⁴⁹ On 3 October 2022, it was relaunched under the new name *Echo*. The radio station's app could be downloaded, as could the telegram channel. The new medium is intended to be a platform for all content created by former *Echo of Moscow* employees, who are now spread all over the world. *Echo* became the third major opposition medium after TV channel *Dozhd* (*TV Rain*) and the newspaper *Novaya Gazeta*, which were liquidated in Russia but resumed their activities abroad.⁵⁵⁰

In March 2022, the Russian authorities blocked access from Russia to the websites of five media organisations outside Russia that publish news in Russian, namely BBC Russia, Voice of America, Radio Free Europe/Radio Liberty, Deutsche Welle and Meduza. These media organisations had allegedly been spreading 'fake information' about the casualties suffered by the Russian armed forces, the number of civilian casualties and the combat methods, including attacks on civilians.⁵⁵¹

Blocked websites continue to be accessible from Russia using VPNs. It became increasingly difficult to obtain a working VPN in Russia. For more information, see section 5.1.3 ([Online freedom of expression](#)).

Meduza had already been labelled a 'foreign agent' in March 2021 and was blocked in Russia in March 2022, shortly after the invasion of Ukraine. In January 2023, Meduza was classified as an undesirable organisation. Administrative fines and

⁵⁴⁵ See the website *Important Stories*, consulted on 1 November 2022. The website, also known as IStories, was launched in late April 2020 by Russian journalists Roman Anin and Olesya Shmagun, who had both previously worked for Novaya Gazeta. The website is known, among other things, for its publications related to the Panama papers, Alexey Navalny and the financial situation of President Putin's relatives.

⁵⁴⁶ [ICJ](#), *Russia brands IStories a 'foreign agent' in independent media crackdown*, 20 August 2021; Meduza, *Russia has declared 12 organisations 'undesirable' so far this year*, 4 August 2022.

⁵⁴⁷ The Guardian, *Russian news outlet Novaya Gazeta to close until end of Ukraine war*, 28 March 2022; The Guardian, *Moscow court revokes Novaya Gazeta's licence to publish inside Russia*, 5 September 2022; RFERL, *Moscow Court Upholds Decision To Withdraw Novaya Gazeta Newspaper's License*, 7 February 2023.

⁵⁴⁸ DW, *Russia revokes independent media outlet Novaya Gazeta's online license*, 15 September 2022.

⁵⁴⁹ Confidential source, 7 October 2022; RFERL, *Russia Adds Ekho Moskv Editor, Navalny Ally, Others To 'Foreign Agents' List*, 23 April 2022.

⁵⁵⁰ Confidential source, 7 October 2022. *Novaya Gazeta Europe*, *Russian censorship agency blocks website of Echo, a project launched by Echo of Moscow's team*, 6 October 2022.

⁵⁵¹ Al Jazeera, *Russia's parliament approves jail for 'fake' war reports*, 4 March 2022.

criminal penalties of up to six years can be imposed on people who distribute or repost Meduza's reports on social media and on people in Russia who try to transfer money to Meduza or people who provide interviews and comments to Meduza.⁵⁵² See also section 6.4 (Undesirable Organisations Law).

Dozhd (TV Rain), an independent TV channel, decided in March 2022 to end its operations in view of the fact that many of its journalists had left Russia for fear of persecution. The channel first moved its activities to Latvia and then to the Netherlands.⁵⁵³

For examples of the criminal prosecution of individual journalists, see section 3.2.8 (Journalists).

5.1.2 Demonstrations

Following large-scale protests in 2011-2012, the legal framework for freedom of assembly has changed significantly. The federal law on assemblies has been amended several times, and the amendments introduced various restrictions in terms of the time slots, places, purposes and promoters of public events. According to Amnesty International, the number of legal provisions restricting the right to demonstrate increased from 3 to 17 between 2011 and 2021, resulting in sentences of up to 30 days of administrative detention. Meanwhile, the maximum fines have increased from 2,000 roubles in 2012 to 300,000 roubles⁵⁵⁴ in 2021.⁵⁵⁵

Organising a demonstration without prior permission can be punished with fines or up to 15 days of administrative detention. It is virtually impossible to obtain permission. After two repeat convictions, the third violation is regarded as a criminal offence that can lead to possible prison terms of up to five years. Participation in an unauthorised public event is also regarded as an administrative offence and is punishable by fines, community service or administrative detention of up to 15 days. One-man protests do not require prior permission; however, restrictions have been in place since March 2020 under the guise of COVID-19 measures banning all 'public and other large-scale events', including one-man protests.⁵⁵⁶

Besides administrative law provisions, there are also criminal-law provisions that can be used against demonstrators. Article 212 of the Penal Code criminalises 'the organisation of or participation in mass riots involving the use of force, manhunts, arson, the destruction of property, the use of firearms or explosives, as well as armed resistance against government representatives'. The maximum sentence is eight to fifteen years in prison. This article was used against participants in the Bolotnaya protests in 2012, pro-Navalny demonstrations in 2021 and anti-war activists in 2022.⁵⁵⁷

A new development in this reporting period relates to the penalties for criticising the war. For information about the relevant legislation, see section 6.1 (Criticism of the war).

⁵⁵² The Washington Post, *Russia outlaws an independent news outlet*, 28 January 2023; CPJ, *Russian authorities outlaw independent outlet Meduza*, 26 January 2023.

⁵⁵³ RFERL, *Russia's Popular Dozhd TV Suspends Operations*, 3 March 2022; Politico, *Russian independent TV Rain gets license to broadcast from the Netherlands*, 10 January 2023.

⁵⁵⁴ Approx 25 and 3,761 euros, respectively, according to xe.com on 2 March 2023.

⁵⁵⁵ Amnesty International, *Russia: End of the road for those seeking to exercise their right to protest*, 12 August 2021.

⁵⁵⁶ EUAA, *Russian Federation – Political Opposition*, p. 13, December 2022; ODIHR *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, 22 September 2022; HRW World Report Russia 2023; HRW World Report Russia 2022.

⁵⁵⁷ EUAA, *Russian Federation – Political Opposition*, p. 13, December 2022.

After the invasion of Ukraine, demonstrators held mass protests against the war in various parts of Russia for one month. The authorities responded with mass detentions, police brutality and the criminal prosecution of people who took part in anti-war protests. According to figures from HRW, the authorities arrested more than 15,000 protesters in that first month and brought thousands of administrative and hundreds of criminal cases against them.⁵⁵⁸ On 21 September 2022, according to the NGO OVD-Info, during protests against the mobilisation, at least another 1,310 people were arrested on that day alone, most of them in Moscow and Saint Petersburg.⁵⁵⁹ Most of the demonstrators behaved peacefully; in a few cases, military recruitment offices were attacked.⁵⁶⁰

Demonstrations were often attended by plain-clothes officers who filmed everyone present.⁵⁶¹ This footage may be saved for later use.⁵⁶² There were cases in Moscow of people being arrested in metro stations on the basis of facial recognition for taking part in an earlier protest.⁵⁶³ According to some reports, arrested anti-mobilisation protesters were issued a mobilisation draft notice on their release.⁵⁶⁴ It is not clear on which scale this occurred.

The mobilisation in September 2022 led to a new wave of protests, particularly in regions in which many ethnic minorities live. In Dagestan, where protests lasted for days, the police violently crushed these protests and brought at least twenty criminal cases against demonstrators.⁵⁶⁵

Punishments imposed

The actual punishments imposed for anti-war protests varied from mostly administrative fines and criminal detention to occasional community service, to occasional acquittal with legal assistance from the NGO OVD-Info.⁵⁶⁶ OVD-Info listed the following sanctions for anti-war protests during the first year of the war: 19,536 arrests⁵⁶⁷, 5,601 administrative cases and 420 criminal prosecutions (see section 6.1 Legislation).⁵⁶⁸

The Public Prosecution Service demanded five years of detention for protester Igor Maltsev, who had burned a military uniform.⁵⁶⁹ People were also charged under the *Dadin article*, Article 212.1 of the Penal Code, which allows for prosecution under criminal law for a third administrative offence within 180 days.⁵⁷⁰

According to the media, arrested demonstrators sometimes had to serve their administrative punishment in another city far from their homes.⁵⁷¹

5.1.3 *Online freedom of expression*

⁵⁵⁸ Politico, *Russia expands laws criminalizing 'fake news'*, 22 March 2022; HRW *World Report Russia* 2023.

⁵⁵⁹ OVD-Info, *Harsh detentions and summonses to the military recruitment office: results of actions against mobilisation on September 21*, (RU) 22 September 2022.

⁵⁶⁰ UN OHCHR, *Arrests in Russia at protests over troop mobilisation*, 27 September 2022.

⁵⁶¹ Confidential source, 5 September 2022.

⁵⁶² *NewTimes.ru*, "Network Freedoms": *The Police Collect Information About The Political Interests Of People And Data From Their Social Networks*, 25 August 2022; Network Freedoms, see [link](#) to Russian-language report;

⁵⁶³ OVD-Info, Telegram message 15976, 23 September 2022.

⁵⁶⁴ Al-Jazeera, *Anti-war protesters in Russia reportedly handed draft papers*, 22 September 2022. Die Zeit, *Väter bitten ihre Söhne, zu fliehen*, 23 September 2022; Meduza, *Our entire society is built on threats*, 25 July 2022; Confidential source, 5 September 2022.

⁵⁶⁵ HRW *World Report Russia* 2023.

⁵⁶⁶ OVD-Info, Telegram message 15982, 23 September 2022.

⁵⁶⁷ Arrest with administrative detention can last for up to 15 or 30 days, depending on the alleged offence.

⁵⁶⁸ See the current overview of sanctions for anti-war protests: OVD-Info, *Persecution for anti-war views*, (RU) consulted on 10 February 2023.

⁵⁶⁹ OVD-Info, Telegram message 15988, 23 September 2022.

⁵⁷⁰ Wilson Centre, *Protest in Peril? Russia's Constitutional Court Upholds Article 212.1*, April 2021; OVD-Info, Telegram message 15988, 23 September 2022.

⁵⁷¹ Telegram message OVD-Info, 15969 (RU), 22 September 2022.

In addition to all the legislation restricting freedom of expression under the Foreign Agent Law, the Undesirable Organisations Law, anti-extremism legislation, the protection of historical memory, state secrecy, and the protection of traditional values and religious sentiments and the war, the following specific provisions for online freedom also apply.

Online content related to any of the following topics may be blocked under the Information, Information Technology and Information Protection Act⁵⁷² and related legislation. Prohibited content includes images of child sexual abuse, content related to the illegal sale of alcohol, information about illegal drugs, information about illegal gambling, calls for suicide, extremist activities, riots or unauthorised demonstrations, copyright infringement, violations of data protection law, information about evading online censorship, discrediting the Russian armed forces and false information about the war (section 6.1, Criticism of the war) and Law on LGBTIQ+-related remarks (see section 4.5.6).⁵⁷³ Various government bodies⁵⁷⁴ can block these websites. Publication about this can lead to classification as a foreign agent.⁵⁷⁵ The NGO Roskomsvoboda keeps a list of blocked websites, news organisations and news platforms.⁵⁷⁶

Social media

Prosecution for critical comments on social media seems to be arbitrary. According to one source, it mainly occurs when new laws are introduced to raise awareness of the law in all layers of the population and in that way increase its deterrent effect. Another reason for the arbitrary application of laws may be numerical targets: according to one source, police stations are assessed by the number of criminal cases they have launched.⁵⁷⁷

Since February 2023, the Russian authorities have been using the 'Oculus' system to find and block undesirable and unauthorised information, including information related to LGBTIQ+. There are no known cases that led to criminal prosecution.⁵⁷⁸

Besides the content of posts on social media, the use in itself of a social media platform that is classified as extremist is also punishable. Fashion blogger Veronika Loginova was threatened with 6 years in prison for having an Instagram account. The company behind Facebook and Instagram, Meta, was listed as an extremist organisation in March 2022. According to the authorities, Loginova was using her vlogs to recruit people for an extremist organisation. In the end, she received just a warning from the Public Prosecution Service. Loginova has never commented on political issues.⁵⁷⁹

For more information about the monitoring of online and social media and mobile telephony, see the previous COI report.

In the case of prosecution for remarks made on social media, it is important to note that, once made, a remark counts as a continuous administrative offence. According to one lawyer, it continues to be punishable under administrative law long after it

⁵⁷² Federal Law of 29 July 2017 No. 276-FZ.

⁵⁷³ RFERL, Russia's 'Foreign Agent' Law: A Blunt Instrument To Silence Dissent, 22 January 2022; Freedom House, Freedom on the Net 2022, Russia.

⁵⁷⁴ A number of government agencies are authorised to block online publications with prohibited content, including Roskomnadzor, the Public Prosecution Service, the Federal Office for Supervision of the Protection of Consumer Rights and Human Welfare (Rospotrebnadzor), the Ministry of the Interior, the Ministry of Digital Development, Communications and Mass Media, the Federal Office for the Regulation of the Alcohol Market, the federal tax office, and the Federal Agency for Youth Affairs (Rosmolodezh).

⁵⁷⁵ RFERL, Russia's 'Foreign Agent' Law: A Blunt Instrument To Silence Dissent, 22 January 2022.

⁵⁷⁶ Roskomsvoboda, Monitoring of registry, consulted on 10 February 2023.

⁵⁷⁷ Confidential source, 17 October 2022.

⁵⁷⁸ Reuters, Russian system to scan internet for undesired content and dissent, 13 February 2023; confidential source, 1 March 2023.

⁵⁷⁹ Roskomsvoboda, In Russia, the first case of persecution for using Instagram, (RU), 20 September 2022;

has been posted. A remark or comment is therefore also punishable even if it only became illegal under a later administrative law.⁵⁸⁰

Examples of this type of prosecution in the reporting period mainly involved remarks on Telegram, VKontakte or YouTube. Although Facebook and Instagram are banned in Russia, people are sometimes prosecuted for remarks made on these platforms. According to one lawyer, it is customary for the police to take a screenshot of a remark that constitutes an offence and save it in a file. The screenshot can then be used when proof against a person is required.⁵⁸¹

A woman from Sochi was fined for a critical remark about the war that she had included as her status on WhatsApp. What was striking about this case is that she had posted the remark in Korean and the police had responded within 24 hours.⁵⁸²

For more examples of prosecution for anti-war remarks, see section 6.1 (Criticism of the war).

Monitoring the diaspora

There are indications that the Russian diaspora is being actively monitored by the Russian government. *The Hague Peace Projects* has highlighted the cases of Russian human rights defenders in the Netherlands who are under threat.⁵⁸³ Meduza published an article about how an FSB spy infiltrated a group of activists who had relocated to Georgia.⁵⁸⁴ The Dutch security agencies AIVD, MIVD and NCTV have identified Russian intelligence and influencing activities aimed at the Russian diaspora in the Netherlands. Among other things, this can manifest itself in self-censorship, overt propagation of the Russian government's point of view and active cooperation with intelligence services.⁵⁸⁵ More specific or recent information on this subject is not available.

According to one source, it does not matter to the Russian authorities for a prosecution whether critical remarks by the Russian diaspora are posted online during a stay abroad or in Russia because they do not always know whether a person has moved abroad. When living abroad, a person can also be sentenced in absentia and his property confiscated. Relatives in Russia can also be harassed by authorities – for example in the form of house searches.⁵⁸⁶ This happened to one source even though the person concerned was not registered at the address of the family member.⁵⁸⁷

Internet regulation

For internet regulation and the obligations of companies, see the 2021 General COI report for the Russian Federation.⁵⁸⁸

The use of VPNs in itself is not prohibited in Russia but the provision of a VPN is subject to strict rules. Since November 2017, VPN providers have not been permitted to give access to websites that are blocked in Russia, under penalty of having the VPN service blocked or the imposition of heavy fines.⁵⁸⁹ The Russian government started blocking VPNs in 2021. In March 2022, around twenty popular VPNs were blocked. VPN usage nevertheless increased significantly during the war,

⁵⁸⁰ Confidential source, 29 November 2022.

⁵⁸¹ Confidential source, 28 June 2022.

⁵⁸² Caucasian Knot, *Fine imposed on Sochi woman for status in Korean on WhatsApp surprises social media users*, 3 February 2023.

⁵⁸³ The Hague Peace Projects, *Threats to human rights activists in The Netherlands*, February 2020.

⁵⁸⁴ Meduza, *When the FSB asked Vsevolod Osipov to become a spy, he saw little choice but to say yes*, 12 July 2022.

⁵⁸⁵ AIVD, MIVD and NCTV, *Dreigingsbeeld Statelijke Actoren 2022*, 28 November 2022.

⁵⁸⁶ Confidential source, 17 October 2022.

⁵⁸⁷ Confidential source, 2 December 2022.

⁵⁸⁸ General country of origin information report for the Russian Federation April 2021, section 7.4.

⁵⁸⁹ General country of origin information report for the Russian Federation April 2021, section 7.4.

from 15,000 daily users prior to the war to a peak of 475,000 daily users in March 2022. In May 2022, an estimated 300,000 people were still using VPNs daily.⁵⁹⁰

There was a new development during this reporting period: Companies could be prosecuted three times if they did not ensure their technical resources to counter threats (tekhnicheskikh sredstv protivodeystviya ugrozam, TSPU) were in working order. TSPU is equipment that Roskomnadzor supplies to Russian internet providers, who are required to install it in their systems to make it possible to monitor user traffic.⁵⁹¹

The Russian authorities can monitor mobile message traffic and request user data from providers (see the 2021 General country of origin report for the Russian Federation).

5.2 Freedom of association and assembly

NGOs in Russia all faced severe restrictions based on a variety of laws. As in the journalistic sector, the vast majority of critical NGOs have moved abroad for this reason. NGOs and individual activists could be classified as foreign agents, as extremist or terrorist or as undesirable organisations. This left them isolated because any collaboration with or donation to them was criminalised.⁵⁹² See sections 6.2 (Anti-extremism legislation), 6.3 (

⁵⁹⁰ Freedom House, Freedom on the Net: Russia 2022, sections B1, B7 and C4.

⁵⁹¹ SOVA, Brief report on inappropriate Use of Anti-Extremist Legislation in January – August 2022, 26 October 2022;

⁵⁹² Briefing ThinkTank European Parliament, *'Foreign agents' and 'undesirables': Russian civil society in danger of extinction?*, 8 March 2022.

Foreign Agent Law) and 6.4 (Undesirable Organisations Law).

Many NGOs that exclusively focus on apolitical subjects, such as care for the elderly or children, have remained in Russia. Subjects such as science, culture, healthcare, mother and child care, environmental protection, sports or charity are not officially classified as political subjects, so these NGOs could in theory not be classified as foreign agents. However, organisations such as the doctors' union, environmental organisations, organisations against domestic violence and for HIV prevention have been placed on this list.⁵⁹³ Organisation focusing on apolitical subjects are not exempt from the legislation governing undesirable or extremist organisations.

The organisations that have stayed in Russia are facing financial difficulties due to their dependence on donations and gifts from private individuals because many donors have withdrawn, partly due to financial considerations in view of the economic situation. Insofar as organisations have been designated as undesirable, terrorist, extremist or a foreign agent, donors have stopped their donations because they fear being prosecuted themselves, based on the legislation, for supporting these organisations; see sections 6.2 (Anti-extremism legislation), 6.3 (

⁵⁹³ Briefing ThinkTank European Parliament, *'Foreign agents' and 'undesirables': Russian civil society in danger of extinction?*, 8 March 2022, p. 3.

Foreign Agent Law) and 6.4 (Undesirable Organisations Law). Some organisations have also noticed that their target group has moved abroad.⁵⁹⁴

In December 2021, Russia's most well-known human rights organisation and Nobel Prize winner Memorial was disbanded by the Russian authorities. Both branches⁵⁹⁵ of the largest human rights NGO Memorial were liquidated at the end of December 2021 at the request of the Public Prosecution Service, due to alleged repeated violations of the

⁵⁹⁴ Confidential source, 17 October 2022.

⁵⁹⁵ The two branches deal with the historical education of Russians and human rights, respectively.

Foreign Agent Law (see section [Q](#)). Memorial worked to keep the memory of the terror under Stalin alive and also focused on human rights in present-day Russia. As part of this work, for example, Memorial publishes lists of political prisoners.⁵⁹⁶

The Russian Ministry of Justice launched a lawsuit in December 2022 to disband the country's oldest human rights NGO, the Moscow Helsinki Group (MHG). In January 2023, the NGO was indeed disbanded on the basis of eleven formal offences. According to the Ministry of Justice, MHG had not adhered to territorial restrictions and had attended court cases outside the area for which it was licensed.⁵⁹⁷

In June 2022, the ECtHR upheld 61 joined complaints from 73 NGOs, including environmental organisations, which had challenged restrictions resulting from their registration as 'foreign agents'.⁵⁹⁸

In June 2022, the Russian NGO Committee Against Torture was forced to disband after being classified as a 'foreign agent' for the third time since 2014 and had constantly faced opposition from the authorities. Some of its employees have chosen to continue their work as a collective of individual activists.⁵⁹⁹

In December 2022, the human rights organisation Vesna was classified as extremist by a court in Saint Petersburg. Similar to the employees of FBK, Vesna employees now risk criminal prosecution under anti-extremism legislation.⁶⁰⁰

Environmental organisations such as the *Sakhalin Environmental Watch organisation* and the *Centre for the Preservation and Study of Salmon Species and Their Habitats* have also been included on the list of foreign agents.⁶⁰¹

Social charity organisations also had a hard time – for example because many of their donors and employees were abroad or had been mobilised.⁶⁰² Apolitical NGOs that are involved with corporate interests are also at risk of repression, especially if their work involves state-owned companies or companies with close ties to the government.⁶⁰³

Undesirable organisations

NGOs that move abroad or set up a new entity abroad can be designated as undesirable organisations. For example, fourteen NGOs in Europe were declared undesirable in April 2022, including British thinktank Chatham House.⁶⁰⁴ See section 6.4 ([Undesirable Organisations Law](#)) for more information about sanctions for these organisations, their employees and their partnerships.

5.3 Freedom of religion and belief

During the reporting period, the legal system for freedom of religion remained largely unchanged.⁶⁰⁵ In October 2021, an amendment to the law that prohibited members of extremist groups from participating in or leading religious groups came

⁵⁹⁶ Website [Memorial](#), *Russian Prosecutor General's Office files lawsuit to liquidate International Memorial*, 11 November 2022.

⁵⁹⁷ Meduza, *Russian authorities seek dissolution of Moscow Helsinki Group*, 20 December 2022; Novaya Gazeta Europe, *No country for old men*, 27 January 2023; confidential source, 22 December 2022.

⁵⁹⁸ Website [SOVA](#), *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022.

⁵⁹⁹ The Moscow Times, *Russian Anti-Torture NGO Disbands After Foreign Label*, 14 June 2022.

⁶⁰⁰ The Moscow Times, *Russian Court Deems Human Rights NGO Vesna 'Extremist Organisation'*, 6 December 2022.

⁶⁰¹ Meduza, *New additions to Russia's list of 'foreign agents' include LGBTQ and environmental defense groups*, 16 December 2022.

⁶⁰² Raam op Rusland, *Life is lonely in Russia*, 19 January 2023.

⁶⁰³ Confidential source, 6 October 2022.

⁶⁰⁴ RFERL, *Chatham House Think tank declared 'Undesirable' in Russia*, 8 April 2022.

⁶⁰⁵ US DoS, *Report on international religious freedom 2022*, 2 June 2022.

into effect. In addition, administrative costs were increased in order to monitor the structures of religious organisations more closely.⁶⁰⁶

Terrorism and extremism legislation continued to be applied to the Jehovah's Witnesses, a number of Muslim minorities and Falun Gong, some with punishments involving years of detention. For more information, see section 4.2.2 (Religious groups).

The Russian Orthodox Church spoke out on political issues. For example, it made a TV programme that spoke positively about the invasion of Ukraine and adhered to the Kremlin line.⁶⁰⁷ The Russian Orthodox Church also spoke out against the inclusion of domestic violence as a separate crime in the Penal Code (see section 3.2.6 on Women), and in favour of extending the law that prohibits LGBTIQ+-related remarks (see section 6.6 Law on LGBTIQ+-related remarks).⁶⁰⁸

In 2021, *Scientology* was declared an undesirable foreign organisation, as was *New Generation Church of Evangelical Christians (Pentecostals)* protestant communities with their various branches. This actually means that these religious communities are banned and should cease to exist in Russia.⁶⁰⁹ As far as is known, individual members of these religious groups have not yet been prosecuted under the Undesirable Organisations Law.

Members of faith communities that have been declared undesirable or extremist may face the indirect consequences of being classified as undesirable or extremist. For example, they can be discriminated against by society or can be subjected to additional monitoring. Jehovah's witnesses have previously complained of difficulties in exercising their right to perform alternative military service. For more information about undesirable organisations, see section 6.4 (Undesirable Organisations Law). For examples of prosecution, see section 3.2.2 (Religious groups).

5.4 Freedom of movement

5.4.1 Travel bans

For a detailed description of the legal regulations pertaining to travel bans, see the previous general COI report.⁶¹⁰

According to the constitution, everybody has the right to travel out of Russia and all Russian citizens have the right to re-enter Russia. Federal law regulates the procedure for entry and exit in the Russian Federation as well as the exceptions to the right to leave the country.⁶¹¹

Debts

Having debts excludes people from the right to travel. According to a report from DW, the number of people who are not allowed to travel for this reason has almost doubled to 8 million people by the end of 2022.⁶¹²

⁶⁰⁶ Forum 18, *Widened ban on "extremists" exercising religious freedom*, 17 May 2021; US CIRF, Annual report 2022, p. 30.

⁶⁰⁷ NOS, *Televisiezender van Russisch-Orthodoxe Kerk brengt oorlogspropaganda*, 24 December 2022.

⁶⁰⁸ Meduza, *We need a law*, 19 May 2021.

⁶⁰⁹ RFERL, *Russia Declares Church Of Scientology 'Undesirable'*, 24 September 2021; SOVA, *Freedom of Conscience in Russia: Restrictions and Challenges in 2021*, 11 April 2022; US CIRF, Annual report 2022, p. 30.

⁶¹⁰ Russian Federation April 2021, p. 86.

⁶¹¹ Article 27 of the Russian Constitution; Article 15 of Federal Law No. 114-FZ of 15 August 1996 on the procedure for exiting and entering the Russian Federation.

⁶¹² DW, *The number of Russian debtors restricted to travel abroad reached 8 million people*, 2 January 2023 (RU); confidential source, 28 February 2023.

Travel restrictions for military personnel and civil servants with access to classified information

The right to travel may be temporarily restricted under federal law for persons called up for military service or alternative military service until they have completed it unless their supervisor has given them permission to travel. Since 16 December 2019, people who have completed their military service with the FSB can also be prohibited from exiting Russia for a maximum of five years thereafter. Officials with access to secret information can also be prohibited from leaving Russia. This category includes millions of officials from the Public Prosecution Service, the FSB, the Ministry of the Interior, the Ministry of Defence, the Prison Service, the Federal Drug Control Service, the Immigration Authority and the Ministry of Calamities.⁶¹³ This travel ban can be part of the employment contract but can also be imposed by law by an interdepartmental committee. A travel ban based on access to confidential information can last up to five years after access to the information has ended and can be extended for up to ten years in exceptional cases.

For more specific information about travel restrictions based on military service or mobilisation, see section 4.1.4 ([Freedom of movement for military personnel](#)). For a description of flows of refugees from Russia, see section 8.3 ([Russians leaving Russia](#)). For information about [Address registration](#) see section 2.3.

5.4.2 *Available information at the border*

During the previous reporting period, criminal investigation information was already available to border posts as soon as it had been registered in the FSB system, albeit sometimes with a delay.⁶¹⁴

In December 2022, President Putin instructed the FSB to step up border and homeland security surveillance to help combat foreign threats and traitors in Russia. It is not yet clear how this more intensive supervision manifested itself at the border.⁶¹⁵

Various sources suggest that the system consulted by the border police when people are leaving Russia is not or not fully synchronised with all the other government systems, such as police tracking and detection systems or the information systems of recruitment offices.⁶¹⁶ The government has been working for a number of years on a system that processes all the available information about citizens by synchronising different systems.⁶¹⁷ At the moment, that information is still fragmented. For example, data about travel by public transport is stored in the *Rozysk-Magistral* system⁶¹⁸. It is likely that this system was used to refuse exit to Ukraine to a number of Ukrainians, including the mathematician Konstantin Olmezov⁶¹⁹, on 26 February 2022. The leaked information about the travel movements of FSB agents in the aftermath of Alexei Navalny's poisoning also came from this system.⁶²⁰ A report by Network Freedoms mentions a number of other information systems – for example a system⁶²¹ used by the Ministry of the Interior (MVD), which also includes the police, that makes it possible to access and link information from other systems, including hotel registrations, tracking data, car data and data about wanted persons. Yet another system⁶²² provides visual information

⁶¹³ Freedom House, *Freedom in the World 2022, Russia*, para. G1.

⁶¹⁴ See the [General country of origin information report for the Russian Federation](#) April 2021, p. 87.

⁶¹⁵ Reuters, *Putin orders FSB to step up surveillance of Russians and borders*, 20 December 2022.

⁶¹⁶ Confidential source, 2 December 2022.

⁶¹⁷ [NewTimes.ru](#), "Network Freedoms": The Police Collect Information About The Political Interests Of People And Data From Their Social Networks, 25 August 2022; Network Freedoms, see [link](#) to Russian-language report; Confidential source, 3 February 2023.

⁶¹⁸ In Russian: *Розыск Магистраль*.

⁶¹⁹ Olmezov committed suicide around one month after his arrest. See [Meduza](#), 'I'd rather lose my life than my freedom', 23 March 2022.

⁶²⁰ [The Moscow Times](#), *Kremlin Turns on Russia's 'Subversive Transparency'*, 9 March 2021.

⁶²¹ *Uchetno-zagraditel'naya sistema – M (Учетно-заградительная система – М)*.

⁶²² *Forpost (ФОРПОСТ)*.

about public transport passengers, including biometric data, at a regional level. It is believed that this system was used to identify reservists at metro stations in Moscow so that they could be issued a mobilisation draft notice.⁶²³ The Rubin system of the Federal Security Service appears to be used to collect and systematise information about civil activists. For example, in 2018 this data was used as a pretext to arrest Semyon Simonov, the director of the Sochi Human Rights Centre, on his arrival in Sochi by train from Krasnodar. Activists are presumably included in this system to enable closer monitoring by the authorities.⁶²⁴ As far as we know, none of this information is yet available at the border.

In the case of four young women from Dagestan who tried to flee, the Russian border police did stop them, but probably not because of an alert but at the request of the relatives.⁶²⁵ See also section 3.2.6.1 (Women in the North Caucasus).

According to several sources, there is also a list of 'unreliable' citizens that is closely monitored by the police and other enforcement authorities. This list is said to include people who have been politically active. However, the list has never been officially confirmed. Inclusion on such a list is formally insufficient reason to be refused at the border.⁶²⁶

In order to travel out of the country, vehicles of Russian nationals and companies may have to reserve a time window electronically from 1 March 2023. According to the Russian authorities, this amendment of the law mainly concerned the regulation of international goods traffic.⁶²⁷

Confiscation of passports

In almost all of the above cases involving a travel ban, for the duration of the travel ban the international passport is confiscated from the holder and kept by the authority that issued the passport or may even be permanently confiscated. The foreign passport is not confiscated if there is a travel ban because the person in question is bankrupt or has provided false information in connection with leaving the country.⁶²⁸ Member States of the Eurasian Economic Union – Armenia, Belarus, Kazakhstan and Kyrgyzstan – allow Russians into their territory without having to produce an international passport. They are obliged to produce a domestic passport, however.⁶²⁹

According to one source, some people obtain a humanitarian Schengen visa in their domestic passport and can use it to leave Russia through Belarus.⁶³⁰

The domestic passport can also be confiscated (see the previous COI report).⁶³¹

Exit via Belarus is possible if the person concerned has an international travel document. It is not clear whether the registration of an arrest warrant or pending criminal proceedings prevents people from leaving the country. For example, political activist Maria Alyokhina was twice prevented from travelling to Lithuania via Belarus, possibly on the grounds of an outstanding prison sentence or because she only had a domestic passport. On a third attempt, she was able to produce a European laissez-passer and was allowed to travel from Belarus to Lithuania.⁶³²

⁶²³ HRW, *Russia Uses Facial Recognition to Hunt Down Draft Evaders*, 26 October 2022;

⁶²⁴ Website OHCHR, *Free Semyon Simonov and stop criminalising human rights activists for legitimate work* – UN expert, 31 August 2021.

⁶²⁵ Caucasian Knot, *Border guards prevent group of Dagestani girls from leaving Russia*, 30 October 2022; Confidential source, 2 December 2022.

⁶²⁶ Confidential source, 30 November 2022; confidential source, 2 December 2022.

⁶²⁷ Reuters, *Russian lawmakers to consider booking system to cross land borders*, 24 January 2023; Confidential source, 3 February 2023.

⁶²⁸ General country of origin information report for the Russian Federation April 2021, p. 87.

⁶²⁹ Meduza, *Prepare to stand up for your convictions*, 22 September 2022; confidential source, 2 December 2022.

⁶³⁰ Confidential source, 21 October 2022.

⁶³¹ General country of origin information report for the Russian Federation April 2021, p. 88.

⁶³² New York Times, *Leader of Pussy Riot Band Escapes Russia, With Help From Friends*, 11 May 2022.

6 Legislation

New legislation and amendments were adopted at a rapid pace in Russia during the reporting period. Legislative proposals are submitted to the State Duma and then discussed and approved in a maximum of three rounds. Following this, the proposal is submitted to the Federation Council and then to the President to be signed.⁶³³

It is important when reviewing this legislation that it is not the letter of the law that applies in Russia but the policy that has been developed by the government and that lies behind the law. If the government deems certain behaviour or certain individuals to be criticizing their policy, law enforcement is targeted at punishing this criticism. This means that individuals are prosecuted even if their behaviour is not strictly covered by the enforced criminal law article. The opposite is also true, and behaviour that is criminal according to the law but desirable according to policy is not prosecuted. During the reporting period, the Russian legislature enacted laws that also adhered to these two principles. Examples of the first principle (policy demands a broad interpretation of the law) include the amendment to the Foreign Agent Law, with the vague wording that activities that are in conflict with 'national interests, the basis of public order or other constitutional values' are labelled as political and are therefore undesirable.⁶³⁴ For this law, see section 6.3 (

⁶³³ Euractiv, *Russia makes punishable maps in breach of 'new territorial realities'*, 9 January 2023; Website The State Duma, *Overview of the Legislative Process in the Russian Federation*, consulted on 6 February 2023.

⁶³⁴ Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022.

Foreign Agent Law). An example of the second principle (policy justifies unlawful action) is the justification of unlawful action in the annexed Ukrainian territories as long as it 'serves the interests of the Russian Federation or the population'.⁶³⁵ In addition, new laws are also applied retroactively. Behaviour that was not yet punishable at the time it was committed can therefore be declared punishable with retroactive effect. See, for example, the criminal prosecution of Navalny employees based on extremism legislation and comments on social media about Alexei Navalny that can still be punishable (section 3.2.3.1, Opposition politicians outside the political system).⁶³⁶ A third factor that makes law enforcement unpredictable involves the target figures that police stations work with. More arrests for extremist crimes, for example, are beneficial for police stations, which are assessed on the basis of their statistics. For the excessive application of extremism legislation, see also the previous COI report for the Russian Federation and section 6.2 of this report (Anti-extremism legislation).

Both enforcement and case law based on the following laws are therefore unpredictable and largely adhere to the policy and wishes of the authorities. Various sources state that this arbitrary application is supposed to increase the deterrent effect, particularly in the months following the introduction of new laws.⁶³⁷ See also section 7.2 (Justice system).

This chapter lists the main laws that are used to repress the media, citizens and NGOs in Russia.⁶³⁸ However, the government has a multitude of other laws at its disposal that are applied with some regularity, such as violence against a civil servant (Art. 318 Penal Code), vandalism (Art. 214 Penal Code, such as in the case of graffiti), insulting a law enforcement officer (Art. 319 Penal Code), a call to act against the state (Art. 280.4 Penal Code). It is beyond the scope of this report to describe all of these articles.

6.1 Criticism of the war

Criticism of the war can be interpreted by the authorities as spreading what they believe to be false information or discrediting the Russian armed forces. The former therefore involves a factual observation, while the latter involves an opinion. There are administrative and criminal articles for both offences. Discrediting the Russian armed forces is first punishable by an administrative penalty (unless major damage is caused by the first offence) and if the offence is repeated within one year of the first administrative conviction, it leads to criminal prosecution with much higher penalties. A conviction for spreading false information can immediately be followed by a criminal sanction.⁶³⁹

Administrative penalties on a large scale

Since administrative violations are much easier to try and the court's requirements for evidence are less strict, according to one lawyer Article 20.3.3 of the CAO (discrediting the armed forces) is the most commonly used article to punish anti-war remarks.

Behaviour that was punished included one-man protests, exhibiting an object in the Ukrainian colours, posting or sharing anti-war sentiments on social media, sharing photos and videos on social media, leaflets, stickers, items of clothing, flags (the Ukrainian flag and the white-blue-white flag⁶⁴⁰) or tattoos. According to the NGO

⁶³⁵ Verfassungsblog, *The Bill on Crimes Committed in the Interests of Russia and Its Proxies?*, 25 January 2023;

⁶³⁶ Confidential source, 29 November 2022.

⁶³⁷ Confidential source, 17 October 2022; confidential source, 12 January 2023; confidential source, 29 November 2022.

⁶³⁸ Confidential source, 2 November 2022.

⁶³⁹ Website OVD-Info Legal, *Discredit or "fake": how to distinguish one from the other*, (RU), consulted on 8 February 2023.

⁶⁴⁰ This flag is used alongside the Ukrainian flag in anti-war protests. The idea behind it is that the red colour from the Russian flag (the colour of blood) has been replaced by the white colour (the colour of peace).

OVD-Info, there have also been cases of administrative punishment for white sheets of paper, anti-war discussions in public places, damage to patriotic symbols, inscriptions and graffiti on walls and other forms of expression that do not clearly reflect the anti-war stance of the person in question.⁶⁴¹

Figures for administrative-law prosecutions based on Art. 20.3.3

The same lawyer says that there had already been 2,000 administrative convictions within three months of the introduction of this article in March 2022. According to NGO *Agora*, the total number of cases under Article 20.3.3 amounted to 3,500 around 15 August 2022, and at the end of December 2022 Mediazona recorded 5,518 cases that were pending or closed. People were fined for displaying posters, for slogans on their clothing, offline and online comments, the distribution of printed material and painting graffiti on walls.⁶⁴²

Figures criminal prosecution Art. 207.3 and 280.3 – repeated violations

Within three days of the criminalisation of 'false information' about the Russian armed forces (Art. 207.3 Penal Code) in early March 2022, over 140 people had been arrested under this article, according to Amnesty International.⁶⁴³ Up to mid-September 2022, OVD-Info claimed that 100 people had already been charged under this article.⁶⁴⁴ In an interview, the Russian Prosecutor General announced that in 2022 a total of 187 criminal investigations had been launched under Article 207.3 of the Penal Code. He said that 67 people were eventually prosecuted for 78 criminal offences.⁶⁴⁵

In August 2022, according to Russian opposition media, there were 85 cases pending against people accused of repeatedly discrediting the Russian armed forces (Article 280.3 Penal Code).⁶⁴⁶ According to information from OVD-Info, criminal fines were imposed more often than detention, including on people with limited visibility. People were prosecuted even if the second offence involved just one social media message or graffiti or, in one case, that parents had asked their daughter to remove a sticker with the Z symbol. Often a second charge was also filed – for example for vandalism or failure to comply with police orders.⁶⁴⁷

Imposed detention

According to Memorial, on 8 February 2023 at least 41 people were known to have been sentenced to criminal detention for various types of criticism of the war. Around three quarters of these people had been convicted of spreading false information (Art. 207.3 Penal Code), and a quarter for repeatedly discrediting the armed forces (Art. 280.3 Penal Code).

31 people were convicted under Article 207.3 of the Penal Code and ten people under Article 280.3. These numbers only serve to indicate the ratio between the two articles, as the list is not exhaustive; not all cases are known to Memorial and some are still being investigated.⁶⁴⁸

Not all criticism of the war is punishable. Prominent war bloggers and even state media have criticised the actions of the Russian armed forces and no sanctions were imposed. That is because this criticism was about the way the war was being

⁶⁴¹ Website OVD-Info, *Repressions in Russia in 2022*, consulted on 8 February 2023.

⁶⁴² Confidential source, 28 June 2022; Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022; Mediazona, *It's gotten worse. Russian 2022 in numbers*, 31 December 2022.

⁶⁴³ Amnesty International, *Kremlin's ruthless crackdown stifles independent journalism and anti-war movement*, 10 March 2022.

⁶⁴⁴ Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022.

⁶⁴⁵ Novaya Gazeta, *Russian official: 187 cases of 'fakes' about Russian army identified in 2022*, 23 January 2023.

⁶⁴⁶ CCL, *85 criminal cases have been launched in Russia for "discreditation" of the Russian armed forces, human rights activists say*, 22 August 2022.

⁶⁴⁷ OVD-Info, *The anti-war Case*, consulted on 7 February 2023; confidential source, 28 June 2022.

⁶⁴⁸ Website Memorial, *Imprisoned for anti-war stance*, in Russian, consulted on 8 February 2023.

conducted and not about the fact that Russian forces were being deployed at all. In addition, this criticism was always aimed at the army leadership and never at President Putin himself.⁶⁴⁹

6.1.1 *Criticism of the war - Spread of 'false information'* (Art. 13.15 CAO and 207.3 Penal Code)

There are a number of different sanctions under administrative law and criminal law for disseminating 'false information'⁶⁵⁰ in public. Spreading 'false' information about the war in Ukraine was generally prosecuted under criminal law. For individuals and for the media, this legislation meant a further major restriction of their right to freedom of opinion. Some media had to close their operations due to the high fines that were imposed.⁶⁵¹

Administrative-law sanctions - Art. 13.15 CAO

Public dissemination of deliberately false information is punishable as an administrative offence on the grounds of 'misuse of freedom of mass information'. Before the reporting period, this was already subject to fines of up to five million roubles⁶⁵² for media and other information sources that 'knowingly published false information'.⁶⁵³ On 5 April 2021, the dissemination of false information about the actions of the Soviet Union during World War II, or about veterans, was introduced as an administrative offence⁶⁵⁴ that is punishable by administrative fines.⁶⁵⁵

Criminal sanctions – Art. 207 of the Penal Code

In April 2020, during the COVID-19 pandemic, criminal sanctions were introduced for the dissemination of knowingly false information if it 'endangers the life and safety of citizens' and the dissemination of knowingly false information 'of public significance, with serious consequences'.⁶⁵⁶

On 4 March 2022, shortly after the invasion of Ukraine, the public dissemination of 'deliberately false information' about the Russian armed forces and government institutions was made a criminal offence in order to prevent the dissemination of 'false information' about the deployment of the Russian army (Art. 207.3 Penal Code). The penalties for this are up to three years in prison in regular cases, up to ten years in prison if the suspect has a public status and is inciting hatred, and fifteen years if there are 'serious consequences'.⁶⁵⁷ Shortly thereafter, this article was expanded to include the Russian authorities and institutions inside Russia and abroad, such as the Presidential Guard, Russian Embassies, the Public Prosecution Service and other state agencies, military law enforcement agencies and civilian courts.⁶⁵⁸ In effect, this banned the use of the word 'war' given that the Russian authorities insisted that the action in Ukraine involved a 'special military operation'.

Examples

⁶⁴⁹ Raam op Rusland, *Nationalistische militaire bloggers worden lastig voor het Kremlin*, 19 September 2022; The Bell, *Russia's pro-war bloggers become a serious threat to the Kremlin*, 14 September 2022; confidential source, 18 October 2022; Raam op Rusland, *Kritiek op verloop van oorlog zwelt aan*, 5 October 2022

⁶⁵⁰ What is true and false is determined by the authorities. In practice, this means that information that deviates from the Kremlin line is labelled as false. For example, describing the situation in Ukraine as a war is labelled as false because it is actually a 'special military operation'. See also Die Welt, *Warum Russen "Trockenfisch" kritisieren*, 19 October 2022; confidential source, 28 June 2022.

⁶⁵¹ International Press Institute, *War censorship laws continue to suffocate independent media*, 21 June 2022.

⁶⁵² Approx 62,703 euros according to xe.com on 2 March 2023.

⁶⁵³ Art. 13.15 CAO

⁶⁵⁴ EUAA, *Political Dissent And Opposition*, December 2022, p. 20 et seq.

⁶⁵⁵ Art. 13.15 CAO

⁶⁵⁶ Art. 207.1 and 207.2 Penal Code.

⁶⁵⁷ Art. 207.3 Penal Code

⁶⁵⁸ RFERL, *Russian Lawmakers OK Bill On 'False News' About Military Operations*, 4 March 2022; Politico, *Russia expands laws criminalizing 'fake news'*, 22 March 2022; EUAA, *Political Dissent And Opposition*, December 2022, p. 20 et seq.

Police officer Semiel Vedel was arrested on 9 March 2022 for making phone calls in which he alleged that Russia is cremating fallen soldiers in Belarus to avoid paying compensation to the families. Vedel was the first to be charged on the basis of phone conversations. It is unknown why his phone was tapped. Vedel was born in Ukraine.⁶⁵⁹

Lawyer Dmitry Talantov, the defence lawyer for journalist Ivan Safronov and others, was arrested in late June 2022 and charged under Article 207.3 of the Penal Code for posting critical comments about the war on social media. The initial charge was extended with aggravating circumstances because he allegedly abused his position as dean of the local bar association in Udmurtia in order to incite hatred. Depending on how seriously the court assesses the consequences of his social media posts, he could be sentenced to 15 years in prison. His case was still pending in February 2023. He has been held in pre-trial detention since his arrest.⁶⁶⁰

Alexey Gorinov, a deputy in one of the Moscow district councils, was sentenced to seven years in prison in July 2022 under Article 207.3 of the Penal Code for sharply criticising the actions of the Russian army in Ukraine.⁶⁶¹ Ilya Yashin, the prominent opposition politician, was sentenced under the new law on discrediting the Russian military to eight and a half years in prison on 9 December 2022 for a series of social media posts that were critical of the actions of the Russian military in Ukraine.⁶⁶²

According to the NGO *Kharkiv Human Rights Protection Group*, the NGO *OVD-Info* and the Russian research platform *IStories*, Russian soldier Daniil Frolkin was charged with spreading false information after admitting on a video that he was guilty of murdering a Ukrainian citizen and looting in Ukraine.⁶⁶³

Nina Belyayeva, a Protestant municipal councillor for the Communist Party, was the first public figure in Russia to face criminal charges for criticising the war in Ukraine on explicitly religious grounds. At the Semiluk district council meeting in Voronezh, she had called the invasion of Ukraine a war crime, saying that to keep silent would be incompatible with her faith. The public prosecutor launched an investigation under Article 207.3 of the Penal Code. Belyayeva fled Russia in early April 2022.⁶⁶⁴

Besides these people with a clearly visible profile, OVD-Info also published information about dozens of people without a visible profile or activist history who were prosecuted on the basis of one or more remarks they made on social media. The sentences imposed varied from community service to freedom-restricting measures or fines.⁶⁶⁵

For the application of this legislation for media, see section 5.1 ([Freedom of expression](#)) and for the application for individual journalists, see section 3.2.8 ([Journalists](#)).

6.1.2 Criticism of the War - Discrediting the Armed Forces (Art. 20.3.3 CAO and 280.3 Penal Code)

⁶⁵⁹ Novaya Gazeta, *Speak out at your own risk*, 4 January 2023.

⁶⁶⁰ Website Frontline Defenders, *Aggravated Charges Against Human Rights Lawyer Dmitry Talantov*, consulted on 7 February 2023; Novaya Gazeta, *Speak out at your own risk*, 4 January 2023.

⁶⁶¹ The Guardian, *Moscow councillor jailed for seven years after criticising Ukraine war*, 8 July 2022; Meduza, *'We hear daily that this war is for peace'*, 20 September 2022.

⁶⁶² The Guardian, *Russian opposition figure Ilya Jasjin jailed for denouncing Ukraine war*, 9 December 2022; NRC, *Oppositieleider Jasjin veroordeeld tot 8,5 jaar cel voor verspreiden 'nepnieuws'*, 9 December 2022.

⁶⁶³ Kharkiv Human Rights Protection Group (KHPG), *Russia plans to imprison soldier who admitted to murder and plunder in Ukraine*, 28 December 2022; OVD-Info, *A Russian serviceman who confessed to killing civilians may have been charged with "fake news"*, 26 December 2022; OCCRP, *'I confess to all the Crimes'*, 18 August 2022;

⁶⁶⁴ Forum 18, *First known criminal investigation for opposing Ukraine war on explicitly religious grounds*, 5 May 2022.

⁶⁶⁵ For more information, see OVD-Info, *The Anti-war Case*, consulted on 7 February 2023, for 'Article 207.3 section 1'.

Like the dissemination of 'false' information, discrediting the armed forces is first punished administratively and then only criminally if it is repeated. This particularly refers to discrediting the deployment of the Russian armed forces in Ukraine.⁶⁶⁶

Publicly discrediting the Russian armed forces has been an administrative offence since 4 March 2022 and is punishable by administrative-law fines of between 30,000 and 50,000 roubles⁶⁶⁷ for individuals, between 100,000 and 200,000 roubles⁶⁶⁸ for the directors of organisations and 300,000 to 500,000 roubles⁶⁶⁹ for actual organisations (Art. 20.3.3 CAO). If a second offence is committed within one year of the administrative conviction for the first offence, the accused will be tried under criminal law, which can lead to high fines of between 30,000 and 1 million roubles⁶⁷⁰ or detention of up to three years or – if damage has been caused – five years (Art. 280.3 Penal Code). If there are aggravating circumstances, this penalty can be even higher.⁶⁷¹

Examples

In Krasnodar, a couple were sentenced to an administrative fine and administrative detention (Article 20.3.3 of the Code of Administrative Offences (CAO)) of fifteen days, respectively, for a conversation they had in a restaurant in which they criticised the war. A restaurant guest who overheard the conversation had called the police, who handcuffed the couple and took them to the police station. The lawyer's argument that the conversation was confidential and had not been conducted in public was to no avail.⁶⁷²

The daughter of journalist Irina Slavina, who set herself on fire in protest against President Putin's repression and died of her injuries, protested against President Putin and the war on the spot where her mother died. She was fined 30,000 roubles⁶⁷³ under Article 20.3.3 of the Penal Code. Shortly afterwards, she was dismissed by her employer.⁶⁷⁴

On 7 February 2022, the OVD-Info website provided descriptions of people who had been prosecuted under Article 280.3 of the Penal Code. Almost all the cases in which the charges were based on Article 280.3 were followed by restrictions of freedom pending proceedings, ranging from house arrest to pre-trial detention. Many of the court cases are still pending but the penalties usually consist of large fines and in some cases detention. This is a snapshot, however, and the cases described do not cover all the cases in Russia.⁶⁷⁵

Yevgeny Roizman, a former member of the Duma and a former mayor of Yekaterinburg and critic of Putin, was charged with discrediting the Russian military. He was classified as a foreign agent in November 2022.⁶⁷⁶

The 73-year-old pop star Alla Pugacheva, a legend in Russia since Soviet times, posted a message on her Instagram account (which has around 3.5 million followers) in which she asked the Russian Ministry of Justice to include her on the list of foreign agents. This was in protest against the war and in solidarity with her husband, TV presenter and comedian Maxim Galkin, who had recently been included

⁶⁶⁶ Confidential source, 29 November 2022.

⁶⁶⁷ Approx 376 and 626 euros, respectively, according to xe.com on 2 March 2023.

⁶⁶⁸ Approx 1,252 and 2,502 euros, respectively, according to xe.com on 2 March 2023.

⁶⁶⁹ Approx 3,754 and 6,295 euros, respectively, according to xe.com on 2 March 2023.

⁶⁷⁰ Approx 375 and 12,513 euros, respectively, according to xe.com on 2 March 2023.

⁶⁷¹ Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022;

⁶⁷² Novaya Gazeta, *Couple detained for their anti-war comments in restaurant*, 31 January 2023; RFERL, *Russia Declares Ex-Mayor, TV Journalist, And Trans Support Group Among 'Foreign Agents'*, 25 November 2022.

⁶⁷³ Approx 375 euros according to xe.com on 2 March 2023.

⁶⁷⁴ Novaya Gazeta Europe, *Daughter of self-immolator Irina Slavina fined for 'discrediting army'*, 23 November 2022.

⁶⁷⁵ OVD-Info, *The anti-war Case*, consulted on 7 February 2023.

⁶⁷⁶ Newsweek, *Face of Russia's Anti-Putin Movement, Yevgeny Roizman, Faces Jail*, 24 August 2022.

on the list of foreign agents. Her standpoint provoked large-scale reactions in Russian society, ranging from thanks and respect to fierce criticism.⁶⁷⁷

In Komi, the artist Anton Ganyushkin was found guilty of committing vandalism motivated by political ideological hatred (part 2 of Art. 214 of the Penal Code) for painting the graffiti slogan 'No to war' and was sentenced to 8 months in detention.⁶⁷⁸

In April 2022, a single father and his 13-year-old daughter were detained at a school after the daughter had made an anti-war drawing and the school principal informed the police. Both the father and daughter had previously expressed criticism of the war on social media on several occasions. The father was initially fined 32,000 roubles⁶⁷⁹ and allowed to go home. A few months later, the police came back for a house search, arrested the father and charged him under Article 280.3 of the Penal Code. The father was allegedly prosecuted for a comment made by his daughter on social media.⁶⁸⁰ The daughter was placed in a home and in March 2023 the court started a procedure to relieve the father of parental authority.⁶⁸¹ On 28 March 2023, the father was sentenced to two years in prison for discrediting the Russian army. The daughter has been placed in a refuge.⁶⁸²

⁶⁷⁷ Confidential source, 23 September 2022.

⁶⁷⁸ 7x7 Russia, *Two artists are detained in Vorkuta because of art object «No More Movies»*, 30 October 2022; OVD-Info, *The anti-war Case*, consulted on 7 February 2023.

⁶⁷⁹ Approx 400 euros according to xe.com on 2 March 2023.

⁶⁸⁰ Meduza, *The FSB said I'm raising my daughter wrong*, 28 February 2023; Meduza, *Russian police arrest father charged with 'discrediting' army after daughter drew anti-war picture at school*, 1 March 2023.

⁶⁸¹ Meduza, *Russian authorities seek to restrict the parental rights of Alexey Moskaev*, 12 March 2023.

⁶⁸² Meduza, *Dad, you are my hero*, 28 March 2023.

6.2 Anti-extremism legislation

In addition to legislation to counter criticism of the war, Russia's extremism and terrorism legislation is the most widely used means of repression by means of criminal prosecution. This law is aimed at isolating and financially draining organisations or individuals whose activities are deemed to be undesirable by the government. Donations and collaboration in the broadest sense of the word are being criminalised, which also discourages other individuals or organisations from working together.

As far back as 2016, a package of legal measures against extremism and terrorism came into force with a multitude of legislative amendments, the *Yarovaya* laws. Russian regulations still lack a clear definition of extremism and terrorism. The broad wording of anti-extremism and terrorism legislation encourages arbitrary application of the law, which can jeopardise the rights to freedom of expression, privacy and freedom of religion or belief. Anti-extremism legislation was therefore used extensively during this reporting period to restrict freedom of expression, freedom of religion and political activism.⁶⁸³ The application of the legislation for each specific group is discussed in section 3 (Position of specific groups), section 5.1 (Freedom of expression) and section 5.3 (Freedom of religion and belief).

With regard to freedom of expression, Russian extremism legislation has a two-stage system: A first offence will result in an administrative fine or arrest for up to thirty days, and a repeat offence will be tried under the Penal Code, with a possible lengthy prison sentence as a punishment. For the existing laws in the field of counter-terrorism and extremism, see the previous COI report. The lists of organisations and persons designated as extremist or terrorist are also included in the previous COI report, as is the list of materials designated as extremist.⁶⁸⁴

New legislation

On 4 June 2021, President Putin signed an amendment to the law that makes it impossible for persons identified as extremist or terrorist to stand for election for three to five years.⁶⁸⁵

On 14 July 2022, President Putin signed a law providing for criminal prosecution for repeated propaganda, the display or production of prohibited symbols (Article 20.3 CAO applies to first offences). This includes the swastika, for example, but also logos of organisations that have been declared extremist. Due to this amendment to the law, a repeated offence is punishable with penalties ranging from a fine of 600 thousand roubles⁶⁸⁶ to four years in prison (Art. 282.4 Penal Code).⁶⁸⁷

Application

The above legislation is used to restrict freedom of expression by controlling online and offline remarks and comments. The legislation has also been used to silence and isolate organisations, groups and individuals because any collaboration with them – possibly even if it was prior to their classification as an extremist or terrorist – is punishable by law.

Remarks

SOVA Center, a research platform that monitors criminal prosecution statistics, recorded an increase in criminal prosecutions for inciting extremism between 2018 and 2021 (Art. 280 Penal Code, at least 255 convictions) or incitement or justification of terrorism (Art. 205.2 Penal Code, at least 199 convictions). In addition, at least fifty people were sentenced in 2021 for inciting hatred or hostility

⁶⁸³ General country of origin information report for the Russian Federation April 2021, p. 24 et seq.

⁶⁸⁴ General country of origin information report for the Russian Federation April 2021, p. 24 et seq.

⁶⁸⁵ CNN, *Putin signs law banning 'extremists' from running in elections, on Navalny's birthday*, 4 June 2023.

⁶⁸⁶ Approx 7,499 euros according to xe.com on 2 March 2023.

⁶⁸⁷ Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022.

(Article 282 Penal Code, a maximum of eight years in prison). SOVA estimates that a large proportion of the cases did not involve any actual criminal behaviour. According to data from the Supreme Court, 20% of those punished for public 'extremist remarks' were sentenced to detention in 2021. In this case, 11% of the verdicts were based on Article 280, 14% on Article 282 and 38% on Article 205.2 of the Penal Code. According to SOVA, the risk of being sentenced to detention was greatest if a person had already been sentenced to detention.⁶⁸⁸ Data for 2022 was not yet available. SOVA did, however, record an increase in convictions and charges for extremism in the months from January to August compared to the previous year.⁶⁸⁹

For examples, see section 4.4.1 ([Freedom of expression](#)). For examples of the criminal prosecution of individual journalists, see section 3.2.8 ([Journalists](#)).

Organisations or groups

Organisations that are regarded as extremist include Meta⁶⁹⁰, the Navalny organisation (FBK) and the NGO Vesna. These organisations were classified as extremist by the court at the request of various authorities, including Rosfinmonitoring and regional public prosecutors.⁶⁹¹ Showing or displaying a name or symbol of an organisation identified as extremist – such as the swastika or the logo of the FBK – can be punished as an administrative offence. A second offence is punishable under the Penal Code with a maximum of four years' imprisonment. Collaborating (even in the past) with or giving positive coverage to these organisations is immediately punishable under extremism legislation and offenders are given prison sentences.⁶⁹² Many former employees of these organisations have therefore fled the country. People who donate to extremist organisations such as the FBK can also be prosecuted under extremism legislation and given lengthy prison sentences.⁶⁹³ For more information about the risks for (former) FBK employees, see section 3.2.3 ([Opposition politicians outside the political system](#)).

The Ukrainian Azov battalion was also classified as a terrorist group in early August 2022, making it practically impossible to report on it. This means that members of the battalion could now be sentenced to twenty years in prison in Russia and commanders even to life imprisonment. It is not known how many members of the battalion are currently imprisoned in Russia.⁶⁹⁴

In addition, religious groups such as the Jehovah's Witnesses and some Muslim minorities have been classified as extremist or terrorist. For more information, see section 3.2.2 ([Religious groups](#)).

⁶⁸⁸ SOVA, *Commentary on the Growing Number of Convictions under Articles on Incitement to Terrorism and Extremism by SOVA Centre*, 28 November 2022.

⁶⁸⁹ Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022: SOVA counted 18 wrongful criminal convictions against 21 people under extremism legislation for public remarks as opposed to 13 convictions against 16 people in the same months of 2021.

⁶⁹⁰ Meta is the parent company behind Facebook, Instagram and WhatsApp. Displaying the logos of these social media on websites can also be regarded as an offence under the extremism legislation.

⁶⁹¹ Interfax, Rosfinmonitoring adds Meta Inc to list of terrorists, extremists, 11 October 2022; Euronews, *Russia adds Meta to list of terrorist and extremist organisations*, 13 October 2022; confidential source, 30 November 2022.

⁶⁹² Confidential source, 28 June 2022.

⁶⁹³ BBC, *Alexei Navalny: Moscow court outlaws 'extremist' organisations*, 10 June 2021; Interfax, *Court of Appeal dismisses appeals against ban on FBK, Navalny Headquarters as extremist*, 4 August 2021; Jurist, *Russia journalist arrested for donation to Navalny's Anti-Corruption Foundation*, 30 August 2022; Meduza, *Moscow police arrest journalist who founded project that finds plagiarism in senior state officials' academic work*, 29 August 2022.

⁶⁹⁴ NOS, *Russisch hooggerechtshof: Azov-bataljon is terroristische groep*, 2 August 2022; DW, *Russia labels Ukraine's Azov Regiment 'terrorists'*, 3 August 2022.

6.3 Foreign Agent Law

The Foreign Agent Law is one of the core pieces of legislation that suppresses the activities of civil society. This law, which was passed in 2012 to limit the activities of foreign-influenced organisations and individuals, has since been repeatedly amended and broadened in scope. By now, virtually every Russian and foreign socially active organisation or individual can be classified as a 'foreign agent' or as 'associated with a foreign agent'. As a result, participation in social and political life has been drastically restricted. Organisations or persons designated as foreign agents are scarcely able to continue their work in Russia due to the strict constraints, but they do try. Organisations that have been declared undesirable, on the other hand, can no longer actually operate in Russia and must cease their work immediately (see section 6.4 Undesirable Organisations Law).⁶⁹⁵

On 1 December 2022, the Foreign Agents Law was amended in the following way:⁶⁹⁶

- instead of four 'foreign agent' registers, there will now be two: a 'unified register of foreign agents' and a 'unified register of persons associated with foreign agents'
- new and stricter financial reporting requirements have been introduced, with tougher penalties for failure to file financial reports with the Department of Justice
- organisations or individuals that cooperate or have cooperated with a foreign agent are also regarded as foreign agents themselves
- the right to the confidentiality of banking, family and commercial information is restricted for foreign agents. This means that the Ministry of Justice has the right to receive documentation concerning transactions, accounts and deposits from natural persons and legal entities if there are indications that the Foreign Agent Law has been violated, and to receive documents from other authorities even if they contain information that is protected by law⁶⁹⁷
- in addition to Russian organisations and persons, foreign persons in Russia can now also be regarded as foreign agents.
- persons designated as foreign agents may no longer receive subsidies for creative activities, work in education, organise public gatherings or work for the media.
- Foreign agents are not allowed to run for office.

The new list of foreign agents now also specifies the date of birth of individuals, links to their websites, social media accounts and other online information about organisations, and organisations and individuals that had previously been on the list but were removed.⁶⁹⁸

Application

In particular, the broadening of the requirement of 'foreign influence', previously construed strictly financially or materially, to the much more obscure and broader requirement of 'influenced by property; organisation; methodology; scientific, technical or other assistance; or influenced by coercion, persuasion or other means' is conducive to the arbitrary application of the law.⁶⁹⁹

The requirement of 'political activity' is also interpreted broadly in the new law. Even lawyers who have never been politically active but who have been involved in human rights cases were classified as foreign agents.⁷⁰⁰ The definition of 'political

⁶⁹⁵ ODIHR *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, 22 September 2022.

⁶⁹⁶ RFERL, *Putin Signs Off On Harsher 'Foreign Agent' Law*, 14 July 2022.

⁶⁹⁷ <https://inoteka.io/ino/2022/12/01/novyy-zakon-ob-inoagentah-vstupil-v-silu>

⁶⁹⁸ Website *Rights in Russia*, consulted on 7 February 2023. This article specifies the link to the list of foreign agents. Informationsblatt BAME, 1 January 2023.

⁶⁹⁹ Confidential source, 28 June 2022.

⁷⁰⁰ RFERL, *Noted Russian Lawyer, Associates Labelled 'Foreign Agents'*, 9 November 2021.

activity' does not include activities in the fields of science, culture, arts, health care, social services and social protection, protection of human life, motherhood, fatherhood and childhood, family and traditional family values, social support for disabled people, promotion of a healthy lifestyle, environmental protection or charity. However, such activity will not be considered 'political' only if it 'does not conflict with the national interests of the Russian Federation, the foundations of the public order of the Russian Federation and other values protected by the Constitution of the Russian Federation'.⁷⁰¹

The Foreign Agent Law is applied to civil society but also to the media or political opposition. Transactions of small amounts of money to or from abroad, or even interviews with foreign media classified as foreign agents, can already be grounds for an opposition candidate to be classified as a foreign agent and therefore to be excluded from elections.⁷⁰²

In April 2022, the Russian authorities used the register of individual foreign agents for the first time, adding dozens of activists, journalists and prominent figures who authorities claimed received unspecified funding from Ukraine. Well-known opponents of the war, such as opposition politicians, musicians, bloggers and since 2022 also writers,⁷⁰³ were also designated as foreign agents and therefore as being influenced by the West.⁷⁰⁴ Ilia Shumanov, director of the Russian NGO Transparency International Russia, was declared a foreign agent on 21 October 2022 and was issued a mobilisation draft notice the next day.⁷⁰⁵

In February 2023, a person classified as a 'foreign agent' was placed on the wanted list in Russia and the CIS countries for the first time. Artyom Vazhenkov, coordinator of the Golos movement in Tver, was charged with wilful non-compliance with the duties of a foreign agent (Article 330.1 of the Criminal Code of the Russian Federation). Prior to that, Vazhenkov had been punished administratively twice in one year because he failed to specify in posts on his social network accounts that he had been declared a foreign agent.⁷⁰⁶

The list is updated every Friday. According to one source, in 2022 mainly journalists were placed on the list because there are no critical NGOs or activists left in Russia.⁷⁰⁷ For examples, see section 3.2.8 (Journalists). Individuals who are designated as foreign agents or who may be designated as such risk regular audits by the tax authorities and searches of their homes or the homes of relatives, followed by the seizure of data carriers. These house searches can also result in criminal prosecution.⁷⁰⁸

In the reporting period, election observer Golos, amongst others, was designated as a 'foreign agent'. Within six months, twenty heads of regional Golos offices were individually designated as foreign agents. For many people, this designation meant a loss of income, financial problems, stigmatisation and general stress.⁷⁰⁹

⁷⁰¹ Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022.

⁷⁰² <https://www.rightsinrussia.org/ovd-info-282/>

⁷⁰³ For example Dmitry Bykov or Dmitriy Glukhovskiy. See Meduza, *Moscow libraries pull LGBT-themed and 'foreign agent' authored books*, 3 December 2022.

⁷⁰⁴ HRW, World report 2022; Meduza, *Maksim Galkin declared a 'foreign agent'*, 17 September 2022; Raam op Rusland, *Popster tegen Poetins oorlog en illusies*, 19 September 2022; Novaya Gazeta Europe, *Russian singer Zemfira labelled 'foreign agent'*, 10 February 2023.

⁷⁰⁵ Transparency International Russia, *TI Russia Director General Ilia Shumanov declared "foreign agent": our statement*, 3 November 2022.

⁷⁰⁶ Pavel Chikov on Telegram, 1 March 2023, message [5427](#).

⁷⁰⁷ Confidential source, 17 October 2022.

⁷⁰⁸ Confidential source, 17 October 2022.

⁷⁰⁹ Russian Election Monitor, *From election observers to 'foreign agents': how voters' rights defenders or the 'Golos' Movement are persecuted*, March 2022.

Particularly the high fines for violating the strict rules for organisations designated as foreign agents posed a serious problem. For example, the director of the Sochi Human Rights Center, Semyon Simonov, was unable to pay the fine and was therefore prosecuted and sentenced to 250 hours of community service.⁷¹⁰

6.4 Undesirable Organisations Law

Just like the extremist organisation designation, the designation as an undesirable organisation also proved to be an effective means of silencing, financially draining and isolating organisations, groups or individuals from others, since any kind of collaboration or donation is punishable by law – sometimes even if this took place prior to the classification of the organisation as undesirable. This law was also aimed at restricting freedom of expression by criminalising references to these organisations, both online and offline. These provisions apply to Russians inside and outside Russia.⁷¹¹

Whereas Russian organisations and individuals can be classified as terrorist or extremist or as foreign agents, foreign organisations can be placed on a list of undesirable organisations. The 2015 Undesirable Foreign and International Organisations Act can prohibit foreign and international non-profit organisations from operating in Russia and freeze their bank assets if they pose a threat to Russia's security, defence or constitution. While an organisation can still continue its work under severe restrictions as a foreign agent, in practice being classified as an extremist or undesirable organisation means the end of an organisation's existence.⁷¹²

Cooperation with organisations outside Russia that have been declared undesirable was already punishable under administrative law and was further discouraged during the reporting period by making criminal prosecution possible more quickly. Previously, possible sanctions for cooperation with an undesirable organisation ranged from administrative detention to fines of up to 15,000 roubles for individuals, 50,000 roubles for officials and 100,000 roubles for organisations.⁷¹³ Besides these administrative sanctions, it was possible to criminally prosecute people or organisations that had committed two offences within one year if they committed a third offence within that year.⁷¹⁴ In May 2021, the State Duma passed legislation which meant that cooperation with an undesirable organisation for the second time in one year is no longer prosecuted under administrative law but immediately under criminal law, with a possible penalty of up to four years in prison. Previously, this only applied to the directors of Russian organisations that collaborated with organisations declared undesirable. The same amendment also made donations or other financial services to undesirable organisations punishable with up to five years of criminal detention. Foreign organisations that cooperate with undesirable organisations are in turn also labelled as undesirable.⁷¹⁵

During the reporting period, Russian media organisations that had fled abroad were declared undesirable. As a result, they could only work with anonymous sources and it was difficult to find people willing to take part in interviews. In July 2021, journalistic platform *Proekt*, which had investigated academic plagiarism by Russian officials, was the first Russian news organisation to be placed on the list.⁷¹⁶ The

⁷¹⁰ HRW, *Submission by Human Rights Watch on Russia to the Human Rights Committee*, 10 February 2022.

⁷¹¹ EUAA, *Russian Federation - Political opposition*, December 2022;

⁷¹² BBC Russia, *The "project" is an undesirable organisation, its journalists are "foreign agents". What threatens them now?*, 15 July 2021.

⁷¹³ Approx 187,624 and 1,249 euros, respectively, according to xe.com on 2 March 2023.

⁷¹⁴ General country of origin information report for the Russian Federation April 2021, p. 24 et seq.

⁷¹⁵ RFERL, *Russian Bill Approved Expanding 'Undesirable' Organisations Law*, 9 June 2021; HRW, *New 'Undesirables' Law Expands Activists' Danger Zone*, 17 June 2021; European Parliamentary Research Service EPRS, *'Foreign agents' and 'undesirables'*, March 2022.

⁷¹⁶ The Moscow Times, *How Do Russia's 'Undesirable Organisations' and 'Foreign Agents' Laws Work?*, 16 July 2021;

journalistic platform *IStories* was also placed on the list.⁷¹⁷ In May 2021, the NGO Open Russia announced its own closure so as not to endanger its partners in Russia.⁷¹⁸

Andrei Pivovarov, former director of the 'undesirable' NGO Open Russia, after two administrative charges in 2021 for activities and remarks on social media on behalf of an undesirable organisation (Art. 20.33 CAO), was convicted in July 2022 for running an undesirable organisation and sentenced to four years in prison. He was forcibly taken off a flight in May 2021 as he was about to fly to Warsaw.⁷¹⁹

Team 29, the advocacy group of Ivan Pavlov, the lawyer representing journalist Ivan Safronov and the Navalny FBK organisation, among others, was regarded as foreign by the authorities and was also declared undesirable. Pavlov fled the country in September, and both he and his organisation were designated as foreign agents.⁷²⁰

On 17 September 2021, Igor Kalyapin, co-founder of the Russian NGO *Committee against Torture*, was sentenced to fines totalling 10,000 roubles for making online remarks that were linked to an undesirable organisation. According to the court, the moment when the remarks were posted, namely when the organisation concerned had not yet been classified as undesirable, did not matter for the conviction.⁷²¹

6.5 High treason

Since July 2022, Article 275.1 of the Penal Code criminalises any confidential contact with a foreign power or organisation if information is being shared that can be used against the Russian Federation or its security, and if the foreign entity has ties to foreign intelligence services. This crime is punishable with sentences of up to eight years in prison. The wording of the article is so broad that its actual application is still unclear, but any collaboration with foreign governments, institutions, organisations or media in any field is expected to be discouraged.⁷²² In addition, defection during armed struggle or mobilisation is equated with high treason.⁷²³

The charge of high treason rarely occurs, and according to lawyers it is mainly used to deter people from cooperating with foreign organisations. In recent years and during this reporting period, this article has mainly been used against scientists. Dmitriy Kolker, a terminally ill physicist who was arrested for state treason, died after the FSB arrested him in a hospital in Siberia and put him on a flight to Moscow.⁷²⁴

Due to the broader definition of the article, it is deterring more and more professions from cooperating with foreign parties. Journalists are also becoming more cautious because of it.⁷²⁵

⁷¹⁷ Confidential source, 17 October 2022.

⁷¹⁸ The Moscow Times, 'Undesirable' Open Russia Opposition Group Disbands Ahead of Elections, 27 May 2021; RFERL, *Khodorkovsky-Founded Opposition Group Says It's Ending Activities In Russia*, 28 May 2021.

⁷¹⁹ Al Jazeera, *Russian opposition activist Andrei Pivovarov jailed for 4 years*, 15 July 2022; Amnesty International, *Activist sentenced to four years in prison: Andrei Pivovarov*, 28 July 2022.

⁷²⁰ HRW, *World report 2022*, Russia.

⁷²¹ Front Line Defenders, *Global Analysis 2021*, p. 45.

⁷²² The Warsaw Institute, *State Duma Adopts Harsher Treason Penalties*, 29 July 2022.

⁷²³ Mediazona, *It's gotten worse. Russian 2022 in numbers*, 31 December 2022.

⁷²⁴ BBC, *Russian scientist Kolker held in spy probe dies of cancer*, 3 July 2022; Novaya Gazeta Europe, *Novosibirsk professor arrested over high treason charges*, 2 July 2022; Newsweek, *Russian Hypersonic Missile Scientist Arrested, Charged With Treason*, 5 August 2022; State press agency TASS overview of cases in recent years: *High-profile treason cases against Russian scientists*, 5 August 2022.

⁷²⁵ Confidential source, 29 November 2022; confidential source, 20 October 2022.

Journalist Ivan Safronov was sentenced to 22 years in prison for alleged high treason. According to his lawyer, this was intended to act as a warning to all Russian investigative journalists.⁷²⁶

Opposition activist Vladimir Kara-Murza was arrested in Moscow in April 2022 for repeated criticism of the Russian army's actions in Ukraine. In October, he was also charged with high treason for collaborating with a NATO member state, according to state media. His lawyer said that this charge is based on a number of critical public speeches that Kara-Murza gave in Western Europe and the US. High treason carries a maximum prison term of 20 years provided there are no aggravating circumstances.⁷²⁷

A 21-year-old man, Saveliy Frolov, who tried to leave Russia, was arrested by the border police. Subscriptions to anti-war videos and Telegram channels had been found on his smartphone. After being placed in administrative arrest several times for various administrative offences, Frolov was charged with high treason (Article 30.1). According to the indictment, he had intended to travel to Ukraine via Turkey and Poland and fight against Russia there. His lawyer disputed this. Frolov had no Schengen visa and no ticket to Turkey.⁷²⁸

Communication about lawsuits involving high treason is prohibited and little is known about how this article is applied.

6.6 Law on LGBTIQ+-related remarks

On 29 June 2013, Russian President Vladimir Putin signed the so-called 'Law on Propaganda of Non-Traditional Sexual Relations between Minors'. It contained a series of amendments to several existing laws in Russia, making the promotion of drugs, paedophilia and homosexuality to minors an administrative offence. A new amendment to the law in November 2022 prohibits the promotion of homosexuality as well as pornography, childlessness, suicide and criminal or extremist behaviour towards any age group.⁷²⁹

President Putin signed two legislative amendments in December 2022 that criminalise any LGBTIQ+-related remark that is visible to anybody in Russia (previously only minors) as an administrative offence (Art. 6.21 CAO⁷³⁰ and various federal laws on the provision of information). Penalties were significantly increased and now range from 400,000 roubles for natural persons without a public profile, or 800,000 roubles for natural persons with a public profile, to 5 million roubles⁷³¹, or suspension of activities for a period of 90 days for legal entities.⁷³²

For more information, see section 3.2.5 (LGBTIQ+).

⁷²⁶ The Guardian, *Russian journalist Ivan Safronov sentenced to 22 years in prison*, 5 September 2022.

⁷²⁷ The Guardian, *Kremlin critic Vladimir Kara-Murza accused of 'high treason'*, 6 October 2022.

⁷²⁸ OVD-Info, *The Anti-war Case*, consulted on 7 February 2023.

⁷²⁹ See *General country of origin information report Russian Federation 2021*

⁷³⁰ Law on administrative violations

⁷³¹ Approx 4,997, 9,994 and 62,456 euros, respectively, according to xe.com on 2 March 2023.

⁷³² Open Democracy, *Explainer: What does new 'gay propaganda' law mean for LGBTIQ+ Russians?*, 24 November 2022; confidential source, 10 November 2022.

7 Judicial process

7.1 Reporting a crime

During the reporting period, no amendments were made to the regulations for reporting a crime. For a description of the procedure for reporting a crime, see the previous COI report.⁷³³

7.2 Justice system

Arbitrary, baseless charges and disproportionate sentences increased sharply during the reporting period, especially in the aftermath of the invasion of Ukraine. According to critical news website Meduza, lawyers were very concerned about the development of enforcement and justice in 2022, especially the restrictions on freedom of expression regarding the war in Ukraine.⁷³⁴ See section 6.1 (Freedom of expression).

Ombudsman

The High Commissioner for Human Rights, Tatjana Moskalkova⁷³⁵, was regarded as a figure with very limited autonomy. The country had regional ombudsmen in all regions with similar responsibilities to those of Moskalkova. Their effectiveness varied widely and local authorities often undermined their independence.⁷³⁶

The judiciary and the Public Prosecution Service

Compared to the previous reporting period, no formal changes have been made to the regulations concerning the judiciary. Article 10 of the Russian Constitution still provides for the separation of powers and an independent judiciary. Nevertheless, in politically sensitive cases judges in both criminal and administrative law are still regarded by critics as an extension of the investigative authorities. When asked whether it is still possible to successfully litigate in Russian criminal law, one criminal lawyer said that the strategy of many lawyers has changed over the years. Where previously an appeal to the law worked with the courts, and then publicity and the pressure of public opinion, followed by cynical humour, lawyers nowadays have nothing left with which to defend their clients.⁷³⁷ Another lawyer noted that it has long been impossible to prove a person's innocence; suspects are now said to be isolated in pre-trial detention from their lawyers, family and the media.⁷³⁸ Yet another lawyer describes the justice system as an instrument of the law enforcement agencies, whose sole function is to mete out punishment.⁷³⁹ According to another lawyer, the courts act as tribunals to set a deterrent example in all cases that have even the slightest political significance.⁷⁴⁰ In addition, target figures for convictions by courts also have a role to play. Once a person has been charged with a crime, it almost always ends in a conviction. The acquittal rate in Russia is below 1%, which is a strong indicator of close cooperation between the Public Prosecution Service and the courts.⁷⁴¹

⁷³³ See *General country of origin information report Russian Federation 2021*, p. 29.

⁷³⁴ Meduza, *The fog of war spreads over daily life*, 24 January 2023.

⁷³⁵ Moskalkova was included in the tenth EU sanctions package for her role in the abduction of Ukrainian children to Russia. Reuters, *EU adopts fresh sanctions to raise pressure on Moscow*, 25 February 2023; EU Observer, *New EU blacklist names Russians abducting Ukrainian children*, 20 February 2023.

⁷³⁶ US Department of State, Human Rights Report Russia 2021; Website Russian Federal ombudsman, consulted on 15 February 2023; OSCE, *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, September 2022.

⁷³⁷ Confidential source, 29 November 2022.

⁷³⁸ France 24, *'Even if no one cares': Russia's lone liberal lawyer*, 24 October 2022.

⁷³⁹ The Insider, *Losing defense. How Putin's government named attorneys enemies of Russia*, 13 January 2023.

⁷⁴⁰ Confidential source, 29 November 2022.

⁷⁴¹ The Guardian, *Brittney Griner trial date set in Russian system with 1% acquittal rate*, 27 June 2022; confidential source, 29 November 2022; confidential source, 20 October 2022.

With regard to corruption in the judiciary, there have been no changes compared to the previous reporting period.

ECtHR

Following the invasion of Ukraine, the State Duma almost unanimously agreed to end recognition of the jurisdiction of the European Court of Human Rights (ECtHR) as of 15 March 2022, which is in violation of ECtHR rules. Earlier, the ECtHR itself had set the termination of its jurisdiction at 16 September 2022. According to the Russian decision, damages awarded by the ECtHR would be paid until 2023. Access to various UN rapporteurs is still open.⁷⁴² On 28 February 2023, President Putin signed a law that sealed Russia's withdrawal from the Council of Europe and the effect of all agreements, including those related to counter-terrorism, in Russian law.⁷⁴³

The end of the recognition of the ECtHR is consistent with the move towards the primacy of Russian law over international legal rules, as described in the previous COI report.⁷⁴⁴ Since the 2020 constitutional amendments, the President has had the power to appoint and remove judges from the Constitutional Court and the Supreme Court with the support of the Federation Council.⁷⁴⁵

Insofar as petitioners before the ECtHR have encountered problems from the side of the Russian authorities, the cause of this cannot be traced with certainty to the complaint they filed with the ECtHR or to any other conflicts with the government.

7.3 Criminal procedure

Critics of the regime in Russia were regularly silenced as criminal cases were filed against them. A recent example of this is Ilya Yashin, Chairman of the Krasnoselsky Council of Deputies and an anti-war activist. He was first sentenced to 15 days of administrative detention for disobeying a police order. During this detention, the Public Prosecution Service decided to charge him with discrediting the Russian army (Art. 280.3 Penal Code, see section 6.1 Criticism of the war). The court followed the lead of the Public Prosecution Service and sentenced Yashin to 8.5 years in prison for a series of critical remarks on social media about the actions of the Russian army in Ukraine.⁷⁴⁶ This method is more common: a person is arrested for a minor offence and, depending on the wishes of the authorities, subsequently prosecuted for another crime. The court sees itself as a protector of order and security and follows the lead of the Public Prosecution Service in almost all cases. In this way, particularly cases in which publicity plays a role serve more of a propaganda purpose rather than follow the letter of the law.⁷⁴⁷

According to the law, a suspect can be detained for a maximum of 48 hours. Insofar as there is evidence of or witnesses to a crime, this may be done without a court order; otherwise, an arrest warrant is required. Searches, seizures and detentions also require a court order. The investigating officers generally complied with this requirement of prior approval by the court, but bribery or political pressure sometimes plays a role in obtaining court orders. After an arrest, the police normally take the detainee to the nearest police station, where he is informed of his rights. The police must draw up a police report stating the reasons for the arrest and both the detainee and the police officer must sign the report within three hours of the

⁷⁴² Website SOVA, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2022*, 26 October 2022; confidential source, 20 July 2022.

⁷⁴³ RFERL, *Duma Lawmakers Back Russia's Exit From Council Of Europe Conventions*, 16 February 2023.

⁷⁴⁴ See *General country of origin information report Russian Federation 2021*, p.33.

⁷⁴⁵ Freedom House, *Freedom in the World 2022*, Russia.

⁷⁴⁶ The Guardian, *Russian opposition figure Ilya Yashin jailed for denouncing Ukraine war*, 9 December 2022; ODIHR *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, 22 September 2022.

⁷⁴⁷ Confidential source, 20 October 2022; confidential source, 29 November 2022.

detainee being taken into detention. The police must notify the public prosecutor within 12 hours of the arrest and must question detainees within 24 hours of their arrest. Prior to interrogation, a detainee has the right to speak to a lawyer for two hours and may speak to his family as long as it is not a secret detention.⁷⁴⁸

After 48 hours, a judge can place the suspect in pre-trial detention or the suspect must be released – on bail, if necessary. Within two months of arresting a suspect, the police must complete the investigation and hand over the case to a public prosecutor for arraignment. If necessary, an investigative authority may extend this period by a maximum of twelve months, if approved by a court and the head of the federal investigative body at the Ministry of the Interior, the FSB or the Investigative Committee. According to some lawyers, the two-month deadline was often extended, especially in politically sensitive cases.⁷⁴⁹

Access to a lawyer is regulated by law in Russia. There are reports, particularly from Chechnya, of suspects whose arrest was only registered after they had confessed. As long as an arrest has not been registered, the 48-hour period does come into play and there is no right to a lawyer. Often these confessions were made under pressure and the lawyer was only allowed to see his client after questioning. Confessions without a lawyer were generally accepted by judges as legally valid.⁷⁵⁰ There is no data on the scale on which this occurs. During the large-scale anti-war demonstrations, lawyers sometimes let the police arrest them in order to give legal advice in the police van.⁷⁵¹

If suspects do not have their own lawyer, they will be assigned a lawyer. However, critics say that these assigned lawyers are not independent but work together with the investigative authorities to achieve a conviction. Independent lawyers chosen by the suspect themselves are often hindered in their work by the police. For example, they are asked to wait while the suspect is already being questioned and put under pressure to confess. Or the lawyer is told that the suspect has chosen an assigned lawyer after all.⁷⁵²

7.4 Arrests, custody and detentions

Arrests are also used as a preventative measure; they were used in this way, for example, to prevent large-scale protests in the aftermath of Alexei Navalny's arrest.⁷⁵³

According to confidential sources, Russian police and other law enforcement agencies are profiling so-called 'untrustworthy' people and putting their names on a list. It is not clear why they are placed on this list and one source⁷⁵⁴ says that it can be due to critical remarks on social media, video footage of protests or previously imposed fines, for example. Inclusion on the list can also be unrelated to previous offences and can be due to membership of a group that is seen as critical of the government.⁷⁵⁵

Once they have been placed on the list, people are kept under greater scrutiny by the authorities. According to the source, this greater scrutiny⁷⁵⁶ can manifest itself in threats, regular interrogations, warnings to act according to the law in the future

⁷⁴⁸ US Department of State, *Country Report on Human rights practices – Russia, 2021*.

⁷⁴⁹ US Department of State, *Country Report on Human rights practices – Russia, 2021*.

⁷⁵⁰ US Department of State, *Country Report on Human rights practices – Russia, 2021*.

⁷⁵¹ The Insider, *Losing defense. How Putin's government named attorneys enemies of Russia*, 13 January 2023.

⁷⁵² US Department of State, *Country Report on Human rights practices – Russia, 2021*; confidential source, 20 October 2022.

⁷⁵³ Financial Times, *Russia cracks down on Navalny supporters ahead of planned protests*, 21 January 2021.

⁷⁵⁴ Confidential source, 17 October 2022.

⁷⁵⁵ Network Freedoms, see [link](#) to Russian-language report.

⁷⁵⁶ Confidential source, 17 October 2022.

or 'preventive arrest' prior to protests. The lack of transparency and the arbitrariness of this list is creating a culture of fear among the public. There are also said to be large regional differences. In some regions, only well-known activists are included on the list, while in other regions private small-scale bloggers are also included.⁷⁵⁷ People are not told that they have been placed on the list, nor can they object to being placed on the list.⁷⁵⁸

Conditions in detention

Living conditions in prisons and detention centres vary greatly by region and according to the type of detention facility. Detainees in prisons were subjected to abuse and humiliation by guards (see section 7.5 [Abuse and torture](#)) and fellow prisoners, food shortages, inadequate sanitary facilities, poor medical care (even in the case of serious health problems), and overcrowded cells, especially in detention facilities for pre-trial detention.⁷⁵⁹

For Alexei Navalny's detention conditions, see section 3.2.3.1 ([Opposition politicians outside the political system](#)).

7.5 Abuse and torture

The Russian Constitution prohibits torture.⁷⁶⁰ Although torture can be taken into account during sentencing as an aggravating circumstance⁷⁶¹, the Russian Penal Code does not specify torture as being punishable as a separate crime. If charges are brought, the alleged perpetrator is often charged with abuse of power, possibly with the aggravating circumstance of torture.⁷⁶²

Abuse during detention continues to be a persistent and widespread problem in Russia. Detainees in pre-trial detention are particularly at risk of abuse. A US State Department report refers to the systematic abuse of detained suspects by investigating officers; OVD-Info indicates that many people face this type of abuse during court proceedings, particularly if they were arrested for their political opinion or spoke out against the war. This includes electric shocks, suffocation and stretching or exerting pressure on joints and limbs to avoid traces of abuse. During criminal detention, fellow inmates were deployed by prison guards to carry out the torture. Abuse was particularly prevalent in the Northern Caucasus. The perpetrators are rarely prosecuted or punished.⁷⁶³

Since 27 January 2020, it has been possible to submit an administrative claim for compensation for the poor detention conditions. In such cases, the plaintiff does not have to prove the guilt of the defendant – i.e. the management of the detention facility – for the psychological harm suffered due to detention conditions. The mere fact of bad conditions is sufficient to award damages. The NGO Citizens' Watch has serious doubts about the effectiveness of the system of compensation for poor detention conditions.⁷⁶⁴

Public Oversight Committee

⁷⁵⁷ Confidential source, 17 October 2022.

⁷⁵⁸ Confidential source, 18 October 2022.

⁷⁵⁹ US Department of State, Country reports on Human Rights 2021, Russia; OVD-Info, *At times there are moments when silence is not acceptable». Interview with Alexei Gorinov*, 25 November 2022; RFERL, *Jailed Russian Journalist Ponomarenko Says She Attempted Suicide In Detention Center*, 16 September 2022.

⁷⁶⁰ Article 21 of the Russian Constitution

⁷⁶¹ Article 117, paragraph 2, sub d) of the Russian Penal Code.

⁷⁶² Article 286 of the Russian Penal Code.

⁷⁶³ US Department of State, Country reports on Human Rights 2021, Russia; OVD-Info, *Weekly Bulletin No. 289: Bruises after a trial*, 21 January 2023; BBC, *Ex-inmates reveal details of Russia prison rape scandal*, 10 August 2022.

⁷⁶⁴ Citizens' Watch, *Compensation For Improper Conditions In The Places Of Confinement: Analysis Of The Court Of Cassation Case Law*, 16 August 2022.

To monitor detention conditions, Russia had already established a system of local Public Oversight Committees (POC) in 2008. The POCs are made up of volunteers and have the legal task of publicly monitoring detention conditions, writing reports and recommendations based on those conditions and supporting cooperation between NGOs on the one hand and detention facilities and governments on the other hand. POCs have the right to visit detention facilities, address detainee complaints in recommendations and communicate about their work in the media and in state institutions. Since February 2020, the POCs have also had the right to visit custodial clinics.⁷⁶⁵

Criticism of the POC mainly relates to the selection criteria and selection procedure for members of the POCs, the independence of the members and the non-binding nature of their advice. For example, people who have been designated as a 'foreign agent' cannot take a seat in the POC.⁷⁶⁶ The *Committee for Prevention of Torture*, a Russian NGO engaged in combatting abuse in detention, was again designated a 'foreign agent' in 2022. In 2015, the NGO, then still active under a different legal form, was also classified as a 'foreign agent'.⁷⁶⁷

Examples

In October 2021, whistle-blower Sergei Saveljev leaked a large amount of videos of torture, including rape, of prisoners in Saratov Prison Hospital and other penitentiary institutions through the NGO *Gulagu.net*. This revelation exposed the large scale on which torture is taking place. Saveljev, himself imprisoned for a drug crime, was deployed by the prison authorities to record the torture. For three years, he used his position to download video recordings of torture in the prison and from servers in other prisons using the prison's internal network. In response to the widespread media coverage and public outcry, the authorities launched criminal investigations and dismissed a number of prison officials. The head of the penitentiary institutions service was replaced. Human rights ombudsman Tatjana Moskalkova said that Saveljev was a courageous man to stand up against the 'ugly phenomenon' of torture and that he was indispensable as a witness. However, after threats of prosecution for revealing state secrets, Saveljev decided to leave Russia.⁷⁶⁸

According to the independent Russian media project *Proekt*, there were reports of torture in 90% of the Russian regions between 2015 and 2019. The BBC, after reviewing court documents, found that 41 penitentiary employees have been convicted of the most severe prisoner abuse but around half of them were given only suspended sentences.⁷⁶⁹

According to NGOs and media platforms, after one of the guards was killed by prisoners in Penal Colony No.2 in the southern Russian republic of Kalmykia on 5 August 2022, one hundred prisoners were abused and tortured by at least forty enforcers. Five prison guards were questioned about the abuse but refused to talk. The abused detainees received minimal medical attention. Two abused prisoners from Dagestan, Magomed Atimagomedov and Daud Kuramagomedov, were suspected of inciting unrest in September 2022.⁷⁷⁰

⁷⁶⁵ See the General country of origin information report for the Russian Federation April 2021.

⁷⁶⁶ OSCE, *Report On Russia's Legal And Administrative Practice In Light Of Its OSCE Human Dimension Commitments*, September 2022.

⁷⁶⁷ RFERL, *Russia Adds Committee Against Torture To 'Foreign Agents' List*, 11 June 2022; Citizens' Watch and Human Rights Monitoring Institute, *An overview of torture prevention systems in Russia, Lithuania, Sweden and Norway*, 2019; website Frontline Defenders, *Committee Against Torture (CAT)*, consulted on 16 February 2023.

⁷⁶⁸ Amnesty International, Russian Federation 2021; confidential source, 4 November 2021.

⁷⁶⁹ BBC, *Ex-inmates reveal details of Russia prison rape scandal*, 10 August 2022.

⁷⁷⁰ Caucasian Knot, *In Kalmykia, penal colony warders refuse to confess to participating in torturing prisoners from Dagestan*, 28 January 2023; Caucasian Knot, *Advocates tell about the condition of Dagestanis beaten up in Kalmyk colony*, 19 August 2022.

Dmitry Kamynin, a Siberian human rights activist, was beaten during pre-trial detention in December 2022 after attempting to file a complaint about his detention conditions. Ingushetian activist Bagaudin Myakiev was also beaten in detention.⁷⁷¹

In January 2023, Kurban Dalgatov, a resident of Mkhachkala in Dagestan, died after his arrest. His relatives say that his death was caused by the effects of torture.⁷⁷²

According to PACE rapporteur Frank Schwabe, the situation in the North Caucasus has not improved in recent years and torture remains widespread.⁷⁷³

For more information about the torture of LGBTIQ+ people in the North Caucasus and Chechnya, see section 3.2.5 (The LGBTIQ+ community in the North Caucasus).

Compulsory medical or psychiatric treatment

Forced medical and often psychiatric treatment is quite widespread in Russia. In Moscow alone, around 5,500 people are forcibly placed in psychiatric treatment each year. A court can order a suspect to be subjected to a psychiatric examination by a committee. Based on the committee's advice, the court decides whether the suspect should be forcibly treated. For this procedure, suspects have very few procedural safeguards since the reason for the psychiatric examination can be a simple report from a neighbour or the police, against which there is no defence. In most cases, the courts adopt the committee's advice. According to OVD-Info, the way an examination takes place in this type of clinic borders on abuse.⁷⁷⁴

Forced psychiatric treatment sometimes results from criminal cases and has also been used to silence activists or other critical voices, according to RFE/RL.⁷⁷⁵ In those cases, the suspect loses the opportunity to defend himself. The lawyers who have been assigned are often passive in these cases, according to the website of the NGO Lawyers' Street.⁷⁷⁶

For example, after two critical posts about the war in Ukraine on her social media accounts, a 65-year-old woman in Primorsky was forcibly examined in a psychiatric clinic after being charged with inciting extremist activity. OVD says that such examinations border on torture.⁷⁷⁷

Violetta Grudina, a former local representative of Aleksei Navalny in Murmansk and a candidate for the city council, was hospitalised and treated for COVID-19 in July 2021 despite having no symptoms, a negative test and a doctor who testified that she did not need treatment.⁷⁷⁸

On 19 July 2021, Dmitry Nadein, an Irkutsk blogger and former Navalny staff member, was sentenced by a military court in Khabarovsk, 9,500 kilometres east of Murmansk in the Russian Far East, to compulsory psychological treatment in connection with a criminal charge for justifying terrorism. Without informing his family or explaining the reasons, the authorities transferred Nadein from Irkutsk to

⁷⁷¹ OVD-Info, *Weekly Bulletin No. 289: Bruises after a trial*, 21 January 2023.

⁷⁷² Caucasian Knot, *Makhachkala resident dies after being detained by police*, 22 January 2023; Caucasian Knot, *After man's death at police station, social network users remind Dagestani leader about Gasanguseinovs' case*, 24 January 2023.

⁷⁷³ PACE, Report by Frank Schwabe, *The continuing need to restore human rights and the rule of law in the North Caucasus region*, 3 June 2022, point 7.

⁷⁷⁴ OVD-Info *Weekly Bulletin No. 289: Bruises after a trial - Rights in Russia*, 12 January 2023.

⁷⁷⁵ RFERL, *Increasingly, Russian Activists Find Themselves Sentenced To Compulsory Medical Treatment*, 30 July 2021.

⁷⁷⁶ Website Lawyers' street, *Lawyer Olga Efimova - About The Indifference Of Lawyers In Cases Of Involuntary Hospitalisation*, 13 January 2023.

⁷⁷⁷ OVD-Info *Weekly Bulletin No. 289: Bruises after a trial - Rights in Russia*, 12 January 2023.

⁷⁷⁸ RFERL, *Increasingly, Russian Activists Find Themselves Sentenced To Compulsory Medical Treatment*, 30 July 2021.

Khabarovsk, more than 2,200 kilometres away. The authorities claimed that he suffers from schizophrenia.⁷⁷⁹

In a highly publicised case, the Yakutsk District Court ruled on 26 July 2021 that shaman Aleksandr Gabyshev should be committed to a psychiatric hospital indefinitely for mandatory 'intensive' treatment. The court declared Gabyshev 'insane' and found him guilty of using violence against police officers and inciting extremism. Gabyshev rose to prominence after walking hundreds of kilometres from Yakutsk to Moscow twice, vowing to use his self-proclaimed magical powers to 'purge' President Vladimir Putin from the Kremlin.⁷⁸⁰

7.6 Disappearances and abductions

Between 22 May 2021 and 13 May 2022, the number of missing persons known to the UN Working Group on Enforced or Involuntary Disappearances increased from 896 to 916.⁷⁸¹ Missing persons cases and disappearances remain a deeply rooted problem in the North Caucasus. According to PACE reporter Frank Schwabe, Russian authorities partially denied these cases, refused to provide information to the appropriate authorities and continued to use ineffective methods to search for missing persons.⁷⁸²

In September 2020, Salman Tepsurkayev, a 19-year-old Chechen activist and blogger for the channel 1ADAT, was abducted and subjected to abuse and humiliation after making highly critical remarks about President Kadyrov. Two videos showed him being humiliated and making a forced apology. After the Chechen authorities refused to investigate his disappearance, the investigative committee in Krasnodar Krai opened an investigation in January 2021. However, this yielded no information. On 19 October 2021, the ECtHR found the Russian authorities responsible for the disappearance and torture of Tepsurkayev and ordered the Russian Federation to pay €26,000 in damages. NGOs announced in August 2022 that Tepsurkayev was probably dead.⁷⁸³

In Chechnya, dozens of relatives of anti-Kadyrov activists and bloggers were abducted and assaulted in one week at the end of 2021. Some of them disappeared for weeks.⁷⁸⁴

For information about the persecution of LGBTIQ+ men and women in the North Caucasus, see section 3.2.5 ([The LGBTIQ+ community in the North Caucasus](#)).

⁷⁷⁹ RFERL, *Increasingly, Russian Activists Find Themselves Sentenced To Compulsory Medical Treatment*, 30 July 2021.

⁷⁸⁰ Amnesty International, *Siberian shaman who marched against Putin is indefinitely confined to a psychiatric hospital*, 23 September 2021; RFERL, *Amnesty 'Expects' UN's Special Rapporteur To Act Regarding Anti-Putin Shaman Held In Psychiatric Clinic*, 30 November 2021.

⁷⁸¹ UN Working Group on Enforced or Involuntary Disappearances, Report A/HRC/51/31.

⁷⁸² PACE, Report by Frank Schwabe, *The continuing need to restore human rights and the rule of law in the North Caucasus region*, 3 June 2022, point 5.

⁷⁸³ US Department of State, Country reports on Human Rights 2021, Russia; RFERL, *Chechen Opposition Activist Missing Since 2020 Was Killed, Rights Defender Says*, 24 August 2022; Novaya Gazeta, *Human rights activists report death of Kadyrov critic*, 24 August 2022.

⁷⁸⁴ HRW, *Moscow Plays a Weak Hand on Lawlessness in Chechnya*, 9 February 2022; Caucasian Knot, *Blogger Khasan Khalitov's sister humiliated in Chechnya*, 24 January 2022; Caucasian Knot, *Pressure on Kadyrov's critics through kidnapping their relatives found failed*, 20 January 2022.

7.7 Extrajudicial executions and murders

Reports of abduction, torture, abuse, enforced disappearances and extrajudicial executions and killings continued to emerge from the North Caucasus.⁷⁸⁵

The extrajudicial killing of 27 LGBTIQ+ men in Chechnya in late 2016 and early 2017 did not lead to criminal investigation. The Chechen police officer who testified to *Novaya Gazeta* newspaper in March 2021 about this abuse and killing retracted his statements after pressure had been put on his relatives in Chechnya.⁷⁸⁶

A series of unexplained deaths of influential businessmen across Russia in 2022 and 2023 remained unexplained. Some of them had been critical of the war in Ukraine.⁷⁸⁷

In April 2022, Valdislav Avayev, former vice chairman of Gazprom Bank, and his wife and daughter were found dead in an apartment in Moscow. The cause of death was a gunshot wound but the facts are unclear.⁷⁸⁸ Two days later, the former chief accountant of oil company Novatek, Sergei Protasenia, was found dead with his family while on vacation in Spain. The police are investigating the deaths from two perspectives: a family drama involving the murder of the family members followed by suicide and a staged family drama.⁷⁸⁹

In May 2022, a former top manager of Lukoil, Aleksandr Subbotin, was found dead in a basement of a house near Moscow. Lukoil CEO Ravil Maganov fell from his hospital room window on 1 September 2022. Lukoil was one of the few major Russian companies to express criticism shortly after the Russian invasion of Ukraine.⁷⁹⁰

In early December 2022, Grigory Kochenov died after falling from a window during a police search in connection with suspicions of alleged paedophilia. Kochenov was the creative director of a software company. Colleagues and friends strongly doubt the suspicions. Kochenov was outspoken against the war in Ukraine. Others suspect extortion of the company by the FSB under threat of a paedophilia charge with false evidence.⁷⁹¹

In late December 2022, the lifeless body of local politician and businessman Pavel Antov, 65, from Vladimir was found in India where he had fallen from the balcony of his hotel. Antov had been critical of the war in Ukraine. During the same holiday, a travelling companion, Vladimir Bidenov, also died of a suspected cardiac arrest. The exact circumstances surrounding both deaths remained unresolved.⁷⁹²

In mid-December 2022, property developer Dmitry Zelenov died after falling down the stairs.⁷⁹³

⁷⁸⁵ PACE, Report by Frank Schwabe, *The continuing need to restore human rights and the rule of law in the North Caucasus region*, 3 June 2022, point 7.

⁷⁸⁶ US Department of State, Country reports on Human Rights 2021, Russia; *Novaya Gazeta*, *I served the Chechen police and did not want to kill people*, 23 March 2021; RFERL, *Chechen Police Regiment Urges Putin To 'Protect' It From Newspaper's 'Defamation'*, 18 March 2021.

⁷⁸⁷ NPR, *Russian businessmen keep mysteriously dying. Why?*, 29 December 2022.

⁷⁸⁸ Business Insider, *2 Russian oligarchs were found dead one day apart alongside their wives and children, reports say*, 21 April 2022.

⁷⁸⁹ RFERL, *Former Senior Manager At Russian Energy Giant, Family Members Found Dead In Spain*, 21 April 2022; Business Insider, *Ex-company of Russian oligarch found dead with his wife and child throws doubt on murder-suicide theory, saying he was a 'wonderful family man'*, 22 April 2022.

⁷⁹⁰ RFERL, *LUKoil Chairman Is Latest Russian Businessman To Die Under Mysterious Circumstances*, 1 September 2022.

⁷⁹¹ Meduza, *'What he's accused of simply can't be true'*, 9 December 2022.

⁷⁹² Al Jazeera, *India probing wealthy Russian politician's fall to death at hotel*, 27 December 2022.

⁷⁹³ NDTV, *Russian Businessman Dmitry Zelenov Dies Under Mysterious Circumstances*, 19 December 2022.

8 Refugees and displaced persons

For a description of the legal regulations for asylum in Russia and the activities of aid organisations, see the previous COI report.⁷⁹⁴

In 2021, the drastic reduction in the numbers of refugees and asylum seekers in Russia, described in the previous COI report, continued. During the year 2021, the number of people living in Russia with refugee status in that year fell from 426 to 331, while the number of people with a temporary asylum permit fell from 14,637 to 10,581. The main explanation for this is probably the granting of Russian citizenship to asylum seekers from former Soviet Union countries. Around half of these new Russians came from Ukraine, and this figure was offset by a drop in Ukrainian asylum seekers from 13,235 to 8,867.⁷⁹⁵

For 2022, only figures up to 1 October are currently available. In the first nine months of 2022, there was a big increase in the number of temporary asylum permits that were granted compared to the previous year; this was mainly due to the influx of Ukrainian applicants. 88,658 temporary asylum permits had been issued by 1 October 2022, of which 86,678 were to Ukrainian applicants.⁷⁹⁶

8.1 Syrians in Russia

In principle, Syrian refugees were entitled to temporary asylum in Russia in 2021. However, according to local migration experts, fewer temporary asylum permits were issued to Syrians because expiring permits were not being renewed or because the migrants had returned to Syria. In some cases, the Russian authorities encouraged people to return to Syria.⁷⁹⁷

In 2021, the number of temporary asylum permits for Syrians fell from 359 to 295. The number of refugee statuses remained at 2. On 1 October 2022, the number of Syrians with a temporary asylum permit had fallen to 240.⁷⁹⁸

8.2 Ukrainians coming to Russia

The largest influx of refugees came from Ukraine during the reporting period. According to UNHCR figures, the number of refugees from Ukraine all over Europe stood at 7.8 million. Exact figures for the total number of Ukrainians in Russia are not known. The UNHCR figures are illustrative of the increase in the number of Ukrainians in Russia: In 2022, UNHCR counted 1,456,250 Ukrainian refugees under the UNHCR mandate in Russia, up from 8,921 in the previous year.⁷⁹⁹ The total number of Ukrainian refugees is probably many times higher. On 10 March 2022, the number of Ukrainian refugees in Russia was estimated at around 2.85 million, based on Russian government data. More recent data is unavailable, probably due to late registration.⁸⁰⁰ Media quoted the Russian authorities as indicating that there are 4 million Ukrainians in Russia.⁸⁰¹

⁷⁹⁴ General country of origin information report for the Russian Federation April 2021, p. 105 et seq.

⁷⁹⁵ Civic Assistance Committee, *2021 Committee Report*, p. 9.

⁷⁹⁶ Civic Assistance Committee, *Ministry Of Internal Affairs Of Russia Published Migration Statistics For 3rd Quarter Of 2022*, 12 December 2022.

⁷⁹⁷ US Department of State, Human Rights Report Russia 2021.

⁷⁹⁸ See Civic Assistance Committee, *2021 Committee Report*, p. 9; Civic Assistance Committee, *Ministry Of Internal Affairs Of Russia Published Migration Statistics For 3rd Quarter Of 2022*, 12 December 2022.

⁷⁹⁹ UNHCR *Data Portal*, consulted on 18 February 2023.

⁸⁰⁰ See UNHCR Data Portal, *Situation Ukraine Refugee Situation (unhcr.org)*, consulted on 18 February 2023. These figures have been obtained from the authorities and are indicative of the actual figures.

⁸⁰¹ The New Yorker, *Inside Russia's "Filtration Camps" in Eastern Ukraine*, 3 October 2022.

There is a great deal of uncertainty about how Ukrainians end up in Russia. For example, it is not known how many people travelled to Russia involuntarily and how many people voluntarily. Many people actually had no choice, because otherwise they would have had to stay in an unsafe area. In addition, it is not known how many of these people had a Russian passport, how many were transported straight to Russia or how many were first subjected to filtration prior to their transit to Russia. HRW describes 'filtration' as the forced security screening of Ukrainian citizens by the Russian authorities, where their biometric data was recorded, they and their belongings were searched and they were interrogated about their political beliefs and connections in the Ukrainian security services and military. Many were held in unsuitable facilities pending this procedure. Depending on the findings of the Russian forces, they were released or held longer in filtration camps on Ukrainian territory. Eyewitnesses have described the conditions in these filtration camps as very bad and also report torture and executions as well as forced mobilisation to fight on the Russian side.⁸⁰²

It is beyond the scope of this report to describe the filtration camps. The treatment of Ukrainian prisoners of war is also outside the scope of this report. This section describes the reception of Ukrainian citizens as they arrive at the Russian border.

Both *Human Rights Watch* and the Russian authorities have spoken of a large-scale planned resettlement operation of Ukrainian citizens to Russia. Many were not given the choice to travel to safe Ukrainian territory.⁸⁰³

Upon their arrival at the Russian border, the data of Ukrainian citizens was again registered and biometric data was taken. Some say that the Russian border police checked photos and social media posts, erased messages on their mobile phones and wrote down the IMEI numbers in order to track down 'terrorists' or 'extremists'. Others were questioned in a very intimidating manner for several hours. HRW reports one case of a retired soldier who did indeed pass through the filtration procedure on Ukrainian territory but was arrested at the Russian border and detained in Russian-controlled territory in Ukraine.⁸⁰⁴

After passing through border control, Ukrainian citizens were transported to detention centres across the country, sometimes with a stopover at a distribution centre. Many were given no say about their final destination and sometimes found themselves thousands of kilometres from the Ukrainian border.⁸⁰⁵ In the final reception centre, they were offered shelter for one to three months and were immediately given access to the labour market.⁸⁰⁶ They also received the offer of a one-off payment of 10,000 roubles⁸⁰⁷ from the Russian government and help from volunteers. Very little is known about the conditions in the reception centres; according to two sources,⁸⁰⁸ the reception centres in the areas bordering Ukraine are tightly guarded and are inaccessible to volunteers. Nothing is known about these closed reception centres or the conditions there. Other reception centres are spread all over Russia and provide reasonable shelter and free access to Russian volunteers as long as the volunteers do not express themselves politically or disclose details to the media.⁸⁰⁹ Ukrainians staying in the reception centres may leave if they have the financial and practical means to do so or may stay with acquaintances or relatives.

⁸⁰² The New Yorker, *Inside Russia's "Filtration Camps" in Eastern Ukraine*, 3 October 2022, The Washington Post, *New findings expose machinery of Russia's 'filtration' of Ukrainians*, 1 September 2022; Conflict Observatory, *Mapping The Filtration System In Donetsk Oblast*, 25 August 2022.

⁸⁰³ HRW, *"We had no choice"*, September 2022, p. 46 et seq.; BBC, *Russians start leaving Ukraine's Kherson city*, 19 October 2022.

⁸⁰⁴ HRW, *"We had no choice"*, September 2022, p. 46 et seq..

⁸⁰⁵ Conflict Observatory, *Mapping The Filtration System In Donetsk Oblast*, 25 August 2022, p. 25.

⁸⁰⁶ Confidential source, 2 December 2022.

⁸⁰⁷ Approx 124 euros according to xe.com on 2 March 2023.

⁸⁰⁸ Confidential source, 19 October 2022; confidential source, 2 December 2022; confidential source, 19 October 2022.

⁸⁰⁹ Confidential source, 2 December 2022; confidential source, 19 October 2022.

They are free to travel to other countries. According to HRW, some of the detained Ukrainians were interrogated by Russian investigators at the detention centre and urged to sign false statements about war crimes allegedly committed by the Ukrainian army.⁸¹⁰

Children from Ukraine

In the course of 2022, Russia placed thousands of children⁸¹¹ from Ukraine in at least 41 reception facilities in Russia – for example in Taganrog and in Russia's illegally annexed Crimea. The children stayed in these reception facilities temporarily or indefinitely. Some of the children were then placed with foster families or in orphanages in Russia under the guise of humanitarian aid. This partly involved Ukrainian orphans but also children who still had *de jure* parents or foster parents or for whom their parental care was not clear. According to the Ukrainian government, Human Rights Watch (HRW) and an investigation by the *Conflict Observatory*, these cases involve forced deportations.⁸¹² The *Conflict Observatory* investigation and one source speak of an organised Kremlin operation to re-educate Ukrainian children and instil them with Russian values.⁸¹³ After placement in a foster family, the child is adopted by foster parents without the child's consent, usually first assigning Russian citizenship to the child in order to facilitate a simple adoption procedure. If the children are registered as orphans, this also facilitates the adoption procedure.⁸¹⁴

8.3 Russians leaving Russia

After Russia's invasion of Ukraine in February 2022, many Russians left the country, particularly after the mobilisation in September 2022. Besides European countries, the main destinations were Georgia, Kazakhstan and Mongolia. Many people wishing to leave also booked last-minute flights to foreign cities such as Istanbul, Dubai, Belgrade and Yerevan. According to Reuters, the costs of these flights were high, sometimes amounting to thousands of euros for a one-way trip, if it was even possible to leave Russia at all.⁸¹⁵

The exodus to Georgia and Kazakhstan is described below.

In October 2022, it was found that 400,000 to 700,000 Russians had fled the country since the announcement of the partial mobilisation. Most of these were men of military age. The Kremlin disputed this figure. It is not clear how many Russians have returned to Russia.⁸¹⁶

For travel restrictions, see section 5.4 (Freedom of movement) and section 4.1.4 (Freedom of movement for military personnel).

Georgia

Georgia has seen a large influx of migrants from Ukraine, Russia and Belarus since the start of the war in Ukraine. Many migrants with ties to Georgia through property

⁸¹⁰ HRW, *"We had no choice"*, September 2022, p. 46 et seq.; confidential source, 19 October 2022; confidential source, 28 June 2022.

⁸¹¹ The actual number is unknown. Estimates vary widely, from a minimum of 6,000 to more than 14,000 children, according to the Ukrainian authorities. See Al Jazeera, *Russia holding Ukrainian children in camp network: Study*, 15 February 2023.

⁸¹² Trouw, *Russisch leger deporteert duizenden kinderen*, 19 October 2022; HRW, *"We had no choice"*, September 2022; Raam op Rusland, *Rusland deporteert massaal Oekraïense kinderen naar Rusland*, 24 October 2022.

⁸¹³ Conflict Observatory, *Russia's Systematic Program for the Re-education and Adoption of Ukraine's Children*, 14 February 2023; Al Jazeera, *Russia holding Ukrainian children in camp network: Study*, 15 February 2023; Confidential source, 28 June 2022.

⁸¹⁴ Confidential source, 2 December 2022; Raam op Rusland, *Rusland deporteert massaal Oekraïense kinderen naar Rusland*, 24 October 2022; Conflict Observatory, *Mapping The Filtration System In Donetsk Oblast*, 25 August 2022; confidential source, 3 February 2023; confidential source, 9 January 2023.

⁸¹⁵ Financieel Dagblad, *Russische mobilisatie en omstreken referenda stuwten vluchtelingenstroom*, 23 September 2022.

⁸¹⁶ The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022;

or family came to Georgia to flee the war or in response to sanctions imposed on Russia.⁸¹⁷ In the days after the mobilisation on 22 September 2022, the queue of people waiting on the Russian side of the border with Georgia grew by the hour. Military-aged men, fearing the borders would close, crossed the border on bicycles, electric scooters and on foot.⁸¹⁸

The number of Russians crossing the border into Georgia quadrupled in some months compared to the previous year, totalling approximately 1.2 million by 2022. An unknown number of these involved tourism and work-related travel. It is not clear how many Russians have remained in Georgia permanently. Russians are granted free residence for one year after entry and, in principle, do not have to register in Georgia. During that year, they are not entitled to social benefits, insured healthcare or education. After crossing the Georgian border ('visarun'⁸¹⁹ or *border run*), the year starts again. Rough estimates indicated that of all the incoming Russians, between 80,000 and 150,000 remained in the country.⁸²⁰

In the aftermath of the large influx of Russians into Georgia, Russians were increasingly refused entry by the Georgian border police without stating the reason, including Russians who had lived in Georgia for a long time and wanted to return from a trip abroad. According to one source, the Georgian border police have lists of people they do not want in Georgia. This is said to mainly involve Russians critical of the Russian government.⁸²¹ After Georgia denied entry to a number of human rights defenders and journalists, confusion arose about the country's border policy. Activists, journalists and other Russians therefore did not feel free to leave Georgia for fear of being unable to re-enter the country. The refusals to enter may have been related to state security considerations, but there is no official information available about the reasons for and frequency of the refusals.⁸²²

According to various sources, ethnic minorities are regularly refused by Georgian border guards, who state the reason: 'state security'.⁸²³

Kazakhstan

Kazakhstan adjusted the rules concerning the visa-free access period – when Russians can stay in the country for ninety days without a visa. As of 27 January 2023, the 90-day period can no longer be extended by means of a border crossing and immediate return, a 'visa run'. From now on, if Russians want to stay in Kazakhstan for more than thirty days, they must notify the immigration service within thirty days, which entitles them to stay for a total of ninety days. After that, they must apply for a residence permit or leave the country for 90 days.⁸²⁴

8.4 Refoulement (forcible return) and abuse

The concept of non-refoulement (non-forcible return) is not explicitly stipulated in Russian law. The government provided some protection against the expulsion or return of individuals to countries where their life or liberty could be threatened

⁸¹⁷ IOM *Sitrep Provision of assistance to vulnerable migrants in Armenia, Azerbaijan, and Georgia*, April – August 2022.

⁸¹⁸ The Danish Immigration Service, Russia, *An update on military service since July 2022*, December 2022;

⁸¹⁹ In Russian, this is described as a 'visaran' (визаран).

⁸²⁰ Jam News, *Russians leading in foreign visitors to Georgia*, 8 December 2022; IDFI, *Finances of Russian Citizens in Georgian Commercial Banks*, 6 October 2022; confidential source, 1 December 2022; confidential source, 30 November 2022.

⁸²¹ Confidential source, 17 October 2022.

⁸²² CPJ, *CPJ urges countries to give refuge to Russian journalists after Georgia refuses entry to Dozhd TV's Mikhail Fishman*, 7 March 2022; RFERL, *Russian Blogger Finally Allowed To Enter Georgia, Immediately Flies From Tbilisi To Lithuania*, 29 June 2022; CPJ, *Russian journalist Insa Lander stranded at Georgia border after fleeing house arrest*, 17 June 2022; confidential source, 2 December 2022; confidential source, 2 December 2022; confidential source, 20 October 2022.

⁸²³ Confidential source, 30 November 2022; confidential source, 2 December 2022.

⁸²⁴ Meduza, *Hundreds of thousands of Russians fled from mobilisation to Kazakhstan*, (RU) 26 January 2023; Euronews, *Kazakhstan ends unlimited stay for Russians*, 18 January 2023.

because of their race, religion, nationality, membership of a particular social group or political opinion, but not in all cases. However, the competent authority is not always present at the airports. In practice, cases of forcible return continued to occur.⁸²⁵

In September 2021, Valentina Chupik, a refugee human rights activist from Uzbekistan, was detained at Sheremetyevo airport upon her return to Russia. Her residence permit was revoked, she was banned from entering the country and preparations were made for her deportation to Uzbekistan. After a public outcry, she was allowed to leave for Armenia in October 2021.⁸²⁶

Abuse of migrants and refugees

NGOs reported that police detained, fined and threatened to deport migrants and asylum seekers. In some cases, people who had been granted temporary asylum and had been granted refugee status by third countries were not issued an exit visa or were not allowed to leave the country.⁸²⁷

⁸²⁵ US Department of State, Human Rights Report Russia 2021.

⁸²⁶ Amnesty International, Annual report 2021 Russia; Frontline defenders, *Woman human rights activist Valentina Chupik Barred From Entering Russia*, 28 September 2021.

⁸²⁷ USDoS, *Annual report on human rights in 2021 – Russia*, April 2022.

9 Migrants returning to Russia

There is very little information available about migrants experiencing problems with the Russian authorities after their return to Russia. Nor is there any information available about problems experienced by migrants when they return pursuant to the return and readmission agreement. It is therefore unknown whether there are special groups that are at an increased risk of experiencing problems on their return to Russia. At the same time, after the invasion of Ukraine and especially after the mobilisation, political rhetoric turned increasingly fierce against Russians who had fled the country. They were labelled traitors and legislative proposals were introduced for increased tax rates and the confiscation of their property.⁸²⁸

It is not clear whether the submission of an application for asylum in the Netherlands on returning to Russia is known to the Russian authorities and whether this asylum application itself has consequences for the person concerned or whether other circumstances carry more weight.

However, an illegal border crossing or departure with false documents can be prosecuted under administrative law or criminal law. For more information, see the previous COI report.⁸²⁹ Actual figures of criminal prosecution for illegal exit are not known.

Activists who had fled abroad and who had reliable information that they were not under criminal investigation dared to return to Russia for short visits.⁸³⁰

⁸²⁸ Meduza, *Duma speaker suggests confiscating property of 'scoundrels' who went abroad and criticize war*, 13 January 2023; Reuters, *Duma prepares higher taxation for Russians who left country - speaker*, 25 December 2022.

⁸²⁹ *General country of origin information report for the Russian Federation* April 2021, p. 110.

⁸³⁰ Confidential source, 29 November 2022; confidential source, 30 November 2022.

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