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Home Office

Country Policy and Information Note
Russia: Critics and opponents of the government

Version 1.0

August 2022

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the Introduction section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies**:**

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within paragraphs 339C and 339CA(iii) of the Immigration Rules / Article 3 of the European Convention on Human Rights (ECHR)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within paragraphs 339C and 339CA(iv) of the Immigration Rules
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), Researching Country Origin Information – Training Manual, 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Independent Chief Inspector of Borders and Immigration
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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the gov.uk website.

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Assessment

Updated on 9 August 2022

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by state actors because the person is, or is perceived to be, an opponent or critic of the state.

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1.2 Points to note

1.2.1 For the purposes of this note an opponent or a critic of the state (or those perceived to be such) includes (but is not limited to) both 'systemic' (i.e., from Kremlin-approved political parties) and 'non-systemic' politicians, human rights lawyers, journalists and bloggers, civil society, non-governmental organisations, artists and academics, and protestors.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

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2.2 Exclusion

2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).

2.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on Exclusion under Articles 1F and 33(2) of the Refugee Convention, Humanitarian Protection and the instruction on Restricted Leave.

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

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2.3 Convention reason(s)

2.3.1 Actual or imputed political opinion.

2.3.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.

2.3.3 For further guidance on Convention reasons see the instruction on Assessing Credibility and Refugee Status.

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2.4 Risk from the state

a. Risk profiles

2.4.1 Persons who hold the following profiles are likely to be perceived as critics of the state and risk coming to the adverse attention of the authorities. The level of risk depends on the person's profile and activities. The risk may rise in the months prior to elections. The risk has increased in 2022, following the Russian invasion of Ukraine and the passing and enforcing of a number of new laws (see Relevant possible criminal sanctions). Each case must be considered on its individual facts.

i. Political opponents. Some opposition parties are Kremlin-approved ('systemic' opposition) and others are non-approved ('non-systemic' opposition). Opponents of both systemic and non-systemic parties may come to the adverse attention of the state, although those from non-systemic parties, and those who are higher-level, are at greater risk. Political prisoners are likely to be subject to treatment which is sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm based on conditions in detention and/or trials that are unlikely to be fair due to political influence (see sub-section b. below).

ii. NGOs/activists: those who work on human rights issues, election monitoring, corruption or other issues deemed critical of the government can be subjected to the 'foreign agent' and other laws which can result in stigma, loss of funding, and closure of the organisation. Activists may also be subjected to politically-motivated criminal cases, prosecutions, fines, raids, and beatings which are not adequately investigated (see sub-section c. below).

iii. Journalists/independent media: those who publish material deemed critical of the government may be harassed, detained, and prosecuted or could face politically-motivated criminal charges (see sub-section d. below).

iv. Bloggers/users of social media: those who blog or post social media content that is deemed critical of the government, authorities or the

military may be prosecuted or imprisoned. The risk of prosecution is greatest east of the Ural mountains (see sub-section d. below).

v. Protestors: those who attend demonstrations which have not been officially approved may be arrested. Persons convicted of multiple violations of rules relating to protests within a 6-month period may receive a substantial fine or prison sentence. Some detainees have produced evidence of torture (see sub-section e. below).

vi. Persons who protest about the invasion of Ukraine: may be targeted by the law on spreading 'fake news' about the army or the military operation. Persons convicted of multiple violations of rules relating to protests within a 6-month period may receive a substantial fine or prison sentence. Persons who are accused of using their position to spread fake information or distribute fake news with falsified evidence could be jailed for 5 to 10 years. If the falsified information is deemed to have 'grave consequences', the punishment will be 10 to 15 years in prison. Some detainees have produced evidence of torture (see sub-section f. below).

vii. Human rights lawyers: may be harassed, arrested or detained, with those who represent protestors or political cases most at risk (see sub-section g. below).

viii. Artists and academics: academic and cultural freedoms are restricted. All teaching is monitored by the government and at least one College has been designated as an 'undesirable organisation.' Artists may have their events cancelled by the authorities if the artists concerned have been critical of the government or if they oppose the invasion of Ukraine (see sub-section h. below).

b. Political opponents and opposition parties

2.4.2 Vladimir Putin is President and the United Russia Party is in power. Although United Russia supports President Putin, he has distanced himself from the Party and is not its leader. There are Kremlin-approved opposition parties ('systemic' opposition parties), but these are not a genuine challenge to the government. Those parties which do not have the approval of the Kremlin are denied the opportunity to register and/or may have their activities suspended. Many higher-level political opponents are facing criminal charges or have left Russia. The authorities frequently target opposition politicians and opposition lawmakers with fabricated criminal cases and other types of harassment in order to prevent their effective participation in politics.The elections held in 2018, 2020 and 2021 were not free or fair (see Political parties and elections).

2.4.3 The elections of September 2021 were parliamentary elections. In the months prior to the elections, the government used legislation to restrict political participation of individuals or organisations whom they considered to be 'foreign agents,' 'undesirable' or 'extremist.' In addition, the 'undesirable organisation' legislation was tightened, which was viewed as a deliberate attempt to restrict the political opposition prior to the elections. Those candidates connected to Alexey Navalny or Open Russia (a civic movement)

were particularly targeted for harassment. Many potential candidates were prevented from running for office or pressured to leave Russia. The United Russia party claimed the victory in the election (see Parliamentary elections of 2021: due process and outcome).

2.4.4 There have been allegations of Russian state involvement in the assassinations of high-profile political opponents and government critics, with approximately 11 such cases over 15 years. Impunity has hampered investigations. In August 2020, Alexey Navalny, one of the leaders of the 'non-systemic' opposition, an activist and anti-corruption campaigner, was poisoned. In September 2021, the European Court of Human Rights found that the Russian government was responsible for the poisoning of Aleksandr Litvinenko and that no effective investigation had been carried out (see State treatment of Alexey (Alexei) Navalny, State treatment of other opposition politicians and parties, Extrajudicial killings and State treatment of relatives of political opponents).

2.4.5 There are reports of politically motivated prosecutions and political prisoners, with the well-known human rights organisation, Memorial, estimating that 426 political prisoners were detained at the end of 2021. Political prisoners include opposition politicians. Those facing politically motivated prosecutions are unlikely to receive a fair trial due to political pressure from the state on the judiciary. Detainees who are political prisoners may face ill-treatment, psychological abuse, solitary confinement and torture. The average prison term for a political prisoner is 5.3 years (see State treatment of relatives of political opponents, Relevant possible criminal sanctions and Access to justice and fair trial).

c. Civil society and NGOs

2.4.6 Various laws are used by the government to harass or restrict the work of NGOs and civil society activists, including those identified as 'undesirable' or 'extremist' organisations, resulting in arbitrary arrests, prosecutions, fines and raids. The 'foreign agent' law, adopted in 2012, requires NGOs which receive foreign assistance, and which the government consider to be engaged in 'political activity,' to be registered, audited and identified as 'foreign agents;' failure to comply can lead to 2 years imprisonment or a fine. In 2021, 97 organisations/individuals were added to the list of foreign agents (see 'Undesirable foreign organisations' law and 'Foreign agent(s)' law). In regions east of the Ural mountains, NGOs did not address sensitive topics in order to avoid retaliation by the authorities (see State treatment of NGOs and civil society).

d. Journalists, media outlets, bloggers and users of social media

2.4.7 The constitution provides for freedom of expression, but due to governmental pressure on independent media outlets, coverage of issues such as the pro-Navalny demonstrations, elections and other areas deemed sensitive has been stifled. The authorities use various laws to label organisations and content as 'extremist,' thus restricting the work of journalists and the media. In 2021, several independent outlets closed and

journalists left the country due to an inability to finance outlets designated as 'foreign agents' and due to fear of repressive action by the authorities. By March 2022, there were no independent media outlets remaining open. Following the invasion of Ukraine, restrictions on journalism have increased (see Freedom of expression and censorship, Internet access, restrictions, monitoring and surveillance, State treatment of journalists and State treatment of online and media critics).

2.4.8 Journalists and bloggers who criticise the government, authorities or the military may face harassment, arbitrary arrest, including for fabricated crimes, physical attack/beatings, raids on property and homes and detention. The Justice for Journalists Foundation reported that there were 195 incidents of arrest and detention of journalists between 16 January and 3 February 2021. In 2021, several new laws were introduced to restrict the sharing of content on the internet. Such laws were used to charge persons who published political material online. In the months preceding the parliamentary elections of September 2021, various independent media outlets which were pro-democracy and anti-corruption were shut down and their leaders prosecuted (see State treatment of journalists).

2.4.9 The US Department of State reported a growing trend in 2021 of social media users being prosecuted or imprisoned for political posts, shares and 'likes.' The government imposed restrictions on media coverage of the Russian invasion of Ukraine and a law was introduced in February 2022 which penalised the dissemination of 'fake news,' allowing independent news outlets to be blocked and the possibility of a 15-year prison sentence for those persons found guilty (see Spreading 'fake news' about the army).

2.4.10 In 2021, several new laws were introduced to restrict the sharing of content on the internet. Such laws were used to charge protestors who published political material online. The government monitors internet use and content. Novosibirsk and Siberia as a whole are among the regions where social media administrators and ordinary users are most likely to be prosecuted (see Freedom of expression and censorship, Internet access, restrictions, monitoring and surveillance and Relevant possible criminal sanctions).

e. Protesters

2.4.11 Although the law provides for freedom of assembly, this right is restricted. Meetings and marches require permission, which is usually refused, particularly following restrictions introduced for alleged public health reasons during the covid pandemic in 2020. Protests which are unauthorised are viewed as unlawful and risk dispersal, even if peaceful, and on occasion are broken up with disproportionate force. Protesters can face arrest and detention on administrative or criminal charges and those convicted of multiple violations within a 6-month period may receive a fine or face a term of imprisonment of up to 5 years. The government sometimes punishes employees for taking part in such protests; for example, at least 40 employees of the Moscow metro were dismissed for supporting pro-Navalny protests. Public demonstrations which are not politically sensitive may be

allowed to take place (see Protests, State response to protestors: detention of Alexei Navalny and State responses to protestors: invasion of Ukraine).

2.4.12 The arrest and detention of Alexey Navalny in January 2021 led to some of the largest protests in a decade. Freedom House reported that at least 11,500 protestors were detained, including independent journalists and human rights defenders, and more than 130 criminal investigations were opened. The US Department of State reported that 761 minors were among the detainees. OVD-Info reported that a further 1,788 persons were detained in April 2021 during demonstrations following Alexey Navalny's declaration of a hunger strike; hundreds of protestors were arrested in St Petersburg, where the police used disproportionate force (see State response to protestors: detention of Alexei Navalny).

f. Those who protest about the invasion of Ukraine

2.4.13 In April 2022, The Moscow Times reported that the law which penalised the dissemination of 'fake news' in relation to the war in Ukraine had led to the immediate arrest of 'a broad cross-section of public and private protestors.' It is not clear how many people are facing prosecution under this law; however, in April 2022, Deutsche Welle reported that more than 300 allegations had been investigated by the courts under the law and criminal prosecutions brought in 21 cases, while OVD-Info (which monitors repression in Russia) reported at least 44. Examples of those arrested and detained under this law include persons wearing the colours/carrying flowers in the colours of the Ukrainian flag, persons distributing anti-war flyers/messages, persons putting anti-war posts on social media, and a teacher who made an anti-war speech to a class (see State responses to protestors: invasion of Ukraine and see Spreading 'fake news' about the army).

2.4.14 OVD-Info reported that by 31 May 2022, 15,445 people had been detained in connection with 'anti-war actions' since the Russian invasion of Ukraine on 24 February 2022. Al Jazeera reported violent dispersal by police of 'dozens' of people during demonstrations, the use of stun guns, the detention of children and mothers and allegations of torture of women in detention (see State responses to protestors: invasion of Ukraine).

g. Human rights lawyers

2.4.15 Human rights lawyers can experience harassment, arrest and detention, particularly those representing protestors or defending political cases. The FSB also conducted raids of homes and offices of 2 staff at Team 29, an association of lawyers and journalists specialising in defending 'political' cases and charged the lawyer under the Criminal Code. The website of Team 29 was blocked and the organisation eventually announced that it would close due to threats to safety (see State treatment of human rights lawyers).

h. Artists and academics

2.4.16 Academic freedoms are restricted, with all educational activities monitored by the government. Bard College was deemed an 'undesirable' organisation and academics may be sanctioned by the government for their teaching and views. Artists and musicians who criticise the authorities may have their events cancelled by the authorities. Artists who oppose the invasion of Ukraine may be 'blacklisted,' meaning that they will be prevented from giving concerts or appearing on television (see State treatment of academics and artists).

2.4.17 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.5 Protection

2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.

2.5.2 For further guidance on assessing state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.6 Internal relocation

2.6.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.

2.6.2 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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Country information

This section was updated on 1 June 2022

3. Political environment

3.1 General context

3.1.1 Freedom House included an undated piece entitled, 'Instability and repression in Russia,' written by Mike Smeltzer, in the 'Nations in Transit 2021' report; this stated:

'The events of 2020, including a fraudulent constitutional referendum enabling President Vladimir Putin's continued rule past 2024 and the attempted assassination of opposition leader Aleksey Navalny, depict a political environment that lacks any trace of democratic character. A recent deluge of repressive acts by the Kremlin, such as Navalny's unjust imprisonment, the brutal crackdown on subsequent nationwide protests, and the March 2021 arrests of opposition figures in Moscow, demonstrate how deeply threatened Putin feels by domestic developments. Recognizing that its relationship with the public has weakened, the Kremlin has chosen to drop its facade of "managed democracy" and is rapidly moving to a strategy of wholesale repression…

'… in an environment marked by increasing popular discontent—often directed at Putin himself—the regime has more recently favored a strategy of wholesale repression to maintain its grip. Civil society, independent media, and the political opposition have all felt the shift in the repressive nature of the state in 2021.'[1]

3.1.2 In their 'Freedom in the World' 2022 report, Freedom House stated, 'Power in Russia's authoritarian political system is concentrated in the hands of President Vladimir Putin. With loyalist security forces, a subservient judiciary, a controlled media environment, and a legislature consisting of a ruling party and pliable opposition factions, the Kremlin is able to manipulate elections and suppress genuine dissent.'[2]

3.1.3 In the 'Nations in Transit' 2022 report, Freedom House stated, 'In Russia, national governance represents a personalist authoritarian regime that increasingly relies on coercion.'[3]

3.1.4 The report added:

'Political decision-making operates via formal institutions, such as the government and the State Duma, as well as through informal alignment of interests with the presidential administration and security services (primarily the Security Council). Yet the extent of personalism looms larger, and political institutions remain weak and unstable. Political power is concentrated in the hands of the executive, while the legislative and the judicial authority are fully dependent upon the executive branch…

[1] Freedom House, Nations in Transit 2021 (p.5), 28 April 2021
[2] Freedom House, Russia: Freedom in the World 2022, 28 February 2022
[3] Freedom House, Russia: Nations in Transit 2022, 21 April 2022

'The security services - namely, the Security Council, Federal Security Service (FSB), and the Center for Combating Extremism - have acquired an unprecedented level of political influence in regulating the media, civil society, education, and foreign affairs.'[4]

3.1.5 Carnegie Moscow, part of Carnegie Endowment for International Peace ('…more than 150 thinkers and doers from diverse disciplines and perspectives spread across more than twenty countries working together as one network to advance international peace'[5]), published an article on 25 May 2022 which concluded that 'Support for the ruling regime is becoming the only legal political action. Even pro-Putin figures who are not considered sufficiently manageable are experiencing pressure from above, and the in-system parties are turning irrevocably into bureaucratic branches of the Kremlin's political bloc.'[6]

3.1.6 Institute of Modern Russia (IMR, 'a nonprofit, nonpartisan think tank whose mission is to deepen knowledge and understanding of Russian politics and society…'[7]) published a report on 29 March 2022 which stated, 'The results of the past two months have been devastating for Russian civil society: basic constitutional rights have been severely restricted; military censorship and the state's monopoly on the truth have been officially introduced; and freedom of speech and assembly has been completely destroyed. Russia's invasion of Ukraine gave a powerful boost to the Putin regime's repressive machine.'[8]

3.1.7 See also Political parties and elections and State treatment of critics and political opponents.

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This section was updated on 1 June 2022

4. Political parties and elections

4.1 Ruling party

4.1.1 Vladimir Putin is President and the United Russia Party is in power[9].

4.1.2 In November 2019, Warsaw Institute, a 'Polish-based geopolitical thinktank,'[10] stated:

'United Russia is of particular importance as a coalition of elite groups, primarily at the regional level… United Russia is nothing but a typical "party of power" without any specified agenda or ideology… Russia's incumbent president has long made well-though[t] efforts not to be linked to a worn-out political project that has been losing momentum on the country's political stage, a fact explaining why the Kremlin has many times stressed Putin is not the leader of United Russia.'[11]

[4] Freedom House, Russia: Nations in Transit 2022, 21 April 2022
[5] Carnegie…, About, no date
[6] Carnegie Moscow, In Declaring Navalny Extremist, Russia Has Crossed..., 25 May 2021
[7] IMR, About Us, no date
[8] IMR, February-March 2022: War, censorship, increased repression..., 29 March 2022
[9] VoA, Putin's United Russia Claims Victory amid Allegations of Vote-Rigging, 20 September 2021
[10] Warsaw Institute, About us, no date
[11] Warsaw Institute, United Russia Congress: Putin Distances Himself... , 25 November 2019

4.1.3 A briefing paper published by the European Parliament in September 2021 stated:

'Ever since 2003, the State Duma [lower house of the federal assembly] has been dominated by the pro-Putin United Russia party, which currently holds a three-quarters supermajority. With the ruling party clearly in charge, the parliament serves as little more than a rubber stamp for Kremlin and government initiatives. In Russia's system of managed democracy, the main role of the parliamentary opposition is to preserve an appearance of political pluralism, while carefully excluding most regime critics.'[12]

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4.2 Opposition parties

4.2.1 In the annual report covering 2021, Freedom House noted the 'main Kremlin-approved opposition parties [are] the Communist Party, A Just Russia, the Liberal Democratic Party of Russia (LDPR), and the New People party…'[13]

4.2.2 The same report stated:

'The multiparty system is carefully managed by the Kremlin, which tolerates only superficial competition against the ruling party. A 2012 law liberalized party registration rules, allowing the creation of hundreds of new parties. However, none posed a significant political threat to the authorities, and many seemed designed to encourage division and confusion among the opposition. The Justice Ministry has repeatedly refused to register Navalny's political party. In June 2021, Navalny's Anti-Corruption Foundation (FBK) was declared an extremist organization, effectively preventing anyone associated with it from running for office.

'Three new parties met a voting threshold in the 2020 local elections that would allow them to qualify for the 2021 Duma elections: New People, For Truth, and Green Alternative. In practice, each has links to the ruling party, allowing Kremlin-friendly political figures to distance themselves from the increasingly unpopular United Russia and siphon off voters who might otherwise support genuine opposition parties.'[14]

4.2.3 The report added that 'Legislation enacted in June 2021 banned individuals associated with extremist organizations from running for election… In June, Golos reported that around nine million Russians, or nearly one in 10 adults, had effectively been denied the right to run for any public office.'[15]

4.2.4 The United States Department of State Country Report on Human Rights Practices for 2021 (USSD HR Report 2021) stated, 'Authorities disproportionately denied registration for independent and nonsystemic opposition candidates. According to an investigation published by IStories on June 8, elections officials denied registration of opposition candidates at a rate of 25 percent over the past year, 10 times greater than the 2 percent of

[12] European Parliament, Russia's 2021 elections, September 2021
[13] Freedom House, Russia: Freedom in the World, 28 February 2022
[14] Freedom House, Russia: Freedom in the World, 28 February 2022
[15] Freedom House, Russia: Freedom in the World, 28 February 2022

United Russia and systemic (effectively progovernment) opposition party candidates denied registration. '[16]

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4.3 General comments about elections

4.3.1 In the 'Nations in Transit' 2022 report, Freedom House stated, 'Russia remains a consolidated authoritarian regime that nevertheless holds regular elections on federal, regional, and local levels and maintains other democratically designed political institutions, if only nominally so.' The report further noted that, 'Elections fall short of international standards and are marred by fraud, workplace mobilization, systematic exclusion of the opposition, and other irregularities.'[17]

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4.4 Elections of 2018 (presidential) and 2020 (regional)

4.4.1 On 19 March 2018, The Organization for Security and Cooperation in Europe (OSCE) reported:

'The 18 March presidential election in Russia took place in an overly controlled environment, marked by continued pressure on critical voices, … the international observers concluded in a statement today. After intense efforts to promote turnout, citizens voted in significant numbers, yet restrictions on the fundamental freedoms, as well as on candidate registration, have limited the space for political engagement and resulted in a lack of genuine competition, the statement says…

'Television, and particularly broadcasters founded, owned or supported by the state, remains the dominant source of political information… A restrictive legislative and regulatory framework limits freedom of the media and promotes self-censorship… Critical assessments were absent in most media.'[18]

4.4.2 The USSD HR Report 2021 stated that, 'Observers noted that the most prominent potential challenger, Aleksey Navalny, was prevented from registering his candidacy due to a previous politically motivated criminal conviction.'[19]

4.4.3 The United States Department of State's Country Report on Human Rights Practices for 2020 (USSD HR Report 2020), covering the year 2020, referred to the monitoring of elections in September 2020:

'Authorities sought to restrict the work of independent election monitors and promoted government-sponsored monitoring instead…

'The election-monitoring NGO Golos announced that the September 13 election took place under the worst electoral regulations in 25 years, with greater limits on the electoral rights of citizens and increased attacks on the rights of election observers. For example, on September 9, in the Ivanovo and Novgorod regions, security officials searched the apartments of public

[16] USSD, HR Report 2021: Russia (Section 3), 12 April 2022
[17] Freedom House, Russia: Nations in Transit 2022, 21 April 2022
[18] OSCE, Russian presidential election well administered, ..., 19 March 2018
[19] USSD, HR Report 2021: Russia, 12 April 2022

observation organizers, including Ruslan Zinatullin, the head of the Tatarstan branch of the Yabloko Party. Authorities continued to hamper the efforts of Golos to take part in the election process, since its work was made more difficult by a law prohibiting NGOs listed as "foreign agents," as well as by continuing harassment and intimidation by authorities.'[20]

4.4.4 See 'Foreign agent(s)' law.

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4.5 Parliamentary elections of 2021: run-up

4.5.1 The USSD HR Report 2021 stated, 'Ahead of the State Duma elections, the government adopted a series of repressive laws targeting independent media, human rights activists, and opposition politicians and used legislation to restrict the political participation of individuals or organizations designated as "foreign agents," "undesirable," or "extremist". Authorities also banned many would-be candidates from running for office and pressured several to leave the country.'[21]

4.5.2 See 'Undesirable foreign organisations' law, 'Foreign agent(s)' law and Extremism law.

4.5.3 The report further stated:

'Russian media and experts viewed the tightening of the "undesirable" organization legislation as a move intended to place further pressure on political opposition ahead of the September 19 elections, particularly on candidates affiliated with Navalny and exiled oppositionist Mikhail Khodorkovsky's Open Russia organization...

'Authorities did not limit their election-related harassment to Navalny's Anticorruption Foundation or Open Russia.'[22]

4.5.4 See the USSD HR Report 2021: Russia (section 3) for further information about state harassment of opposition politicians in the run-up to the elections.

4.5.5 In the 'Nations in Transit' 2022 report, Freedom House stated that '…in the run-up to the elections, due in part to United Russia's declining popularity, the presidential administration implemented additional regulations that prevented many independent and opposition candidates from running… This change primarily targeted the FBK [Navalny's Anti-Corruption Foundation]-affiliated opposition candidates. However, the regulations can be utilized to effectively exclude any candidate.'[23]

4.5.6 International Partnership for Human Rights (IPHR) describes itself as an independent non-governmental organisation which 'works closely together with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities.'[24] The IPHR report of August 2021 reported on the

[20] USSD, HR Report 2020: Russia (Section 3), 30 March 2021
[21] USSD, HR Report 2021: Russia, 12 April 2022
[22] USSD, HR Report 2021: Russia (Section 3), 12 April 2022
[23] Freedom House, Russia: Nations in Transit 2022, 21 April 2022
[24] IPHR, Who We Are, no date

elections of September 2021, stating, 'In a bid to silence its critics and retain control of the legislature, the Kremlin has unleashed an unprecedented crackdown on the pro-democracy movement, independent media, and anti-corruption activists. Its agents have gagged, black-listed, banned, dismantled and prosecuted vocal critics and perceived political opponents.'[25]

4.5.7 IPHR further stated that this 'crackdown' had been taking place over the previous 12 months[26], and provided a timeline of events taking place from January to August 2021[27].

4.5.8 The report stated that 'targets' of this 'crackdown' could be broken down into 5 categories: (i) Alexei Navalny; (ii) Navalny's organizations; (iii) human rights lawyers; (iv) independent media; and (v) opposition politicians and activists[28].

4.5.9 The report further stated, 'All of the targeted groups and individuals – independent media organisations, NGOs, politicians, activists, lawyers and journalists – are linked by the authorities' perception of their opposition and criticism of the Kremlin, the United Russia party and the corruption and abuse of power by the ruling elites. The underlying objective behind the crackdown is to ensure United Russia's victory in the upcoming Parliamentary elections.'[29]

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4.6 Parliamentary elections of 2021: due process and outcome

4.6.1 The USSD HR Report 2021 stated:

'While the law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, citizens could not fully do so because the government limited the ability of opposition parties to organize, register candidates for public office, access media outlets, and conduct political campaigns.

'In September 17-19, the country held elections for the State Duma as well as 10 gubernatorial elections and 39 regional parliamentary elections…'[30]

4.6.2 In the 'Nations in Transit' 2022 report, Freedom House stated:

'As in the past, the Russian regime sought to uphold its legitimacy by staging regular elections with a limited number of competitors and predefined outcomes. …

'Electoral integrity proved again to be extremely low. Electoral fraud, workplace mobilization, manipulations with absentee ballots, and at-home voting make up the traditional toolkit that was utilized to deliver desired electoral tallies. Electronic voting was introduced in seven regions…- and was used to facilitate rigging of protocols…

[25] IPHR, Russia's Silence Factory... (p.4), August 2021
[26] IPHR, Russia's Silence Factory... (p.7), August 2021
[27] IPHR, Russia's Silence Factory... (p.9-12), August 2021
[28] IPHR, Russia's Silence Factory... (p.12), August 2021
[29] IPHR, Russia's Silence Factory... (p.32), August 2021
[30] USSD, HR Report 2021: Russia, 12 April 2022

'Media coverage was heavily biased towards United Russia and Kremlin-backed candidates… The Kremlin deployed tactics to split and demobilize the protest vote. The most prominent was the use of spoiler parties and candidates.'[31]

4.6.3 The OSCE published an article on 4 August 2021 which stated it:

'…will not be able to send observers for the upcoming elections to the Duma due to limitations imposed by Russian Federation authorities on the election observation, leaders of the OSCE's Office for Democratic Institutions and Human Rights (ODHIR) and its Parliamentary Assembly (OSCE PA) announced today…

'… The Russian authorities cited the sanitary-epidemiological situation in the Russian Federation as the reason for the limitations. At present, no pandemic-related entry restrictions or rules about operating and moving within the country would seem to prevent the deployment of a full election observation mission in line with ODIHR's initial assessment…'[32]

4.6.4 The USSD HR Report 2021 further stated:

'The independent election observation group Golos concluded the elections were neither free nor fair. Golos noted the electoral campaign was conducted in an unfree and unequal manner and that many politically active citizens were deprived of their constitutional right to be elected. Observers also documented fraud and violations during voting and vote-counting that undermined public confidence in the elections and cast serious doubt on the integrity of the reported results… In six regions including Moscow, opaque online voting procedures, the reported results of which often favored the ruling party by a larger margin than in-person voting, further called into question the integrity of the vote. '[33]

4.6.5 On 20 September 2021, Voice of America (VoA) reported on the elections of September 2021:

'[United Russia] claimed victory a few hours after the polls closed Sunday after three days of voting amid claims of ballot stuffing, vote-rigging and the marshaling of public-sector workers to back United Russia candidates…

…

'Polling data ahead of the election suggested that just 26% of Russians were ready to vote for United Russia. '[34]

4.6.6 The VoA article also contained details of reported irregularities, claims of outside interference and turnout.[35]

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This section was updated on 1 June 2022

[31] Freedom House, Russia: Nations in Transit 2022, 21 April 2022
[32] OSCE, No OSCE observers for Russian parliamentary elections..., 4 August 2021
[33] USSD, HR Report 2021: Russia, 12 April 2022
[34] VoA, Putin's United Russia Claims Victory amid Allegations of Vote-Rigging, 20 September 2021
[35] VoA, Putin's United Russia Claims Victory amid Allegations of Vote-Rigging, 20 September 2021

5. Freedom of expression and censorship

5.1.1 Freedom House included an undated piece entitled, 'Instability and repression in Russia,' written by Mike Smeltzer, in the 'Nations in Transit 2021' report; this stated 'the state continues to shrink the space for dissenting voices, constraining the ability of dissatisfied Russians to learn or speak about events via independent media outlets, the online environment, or civil society.'[36]

5.1.2 The USSD HR Report 2021 stated:

'While the constitution provides for freedom of expression, including for the press and other media, the government increasingly restricted this right. Regional and local authorities used procedural violations and restrictive or vague legislation to detain, harass, or prosecute persons who criticized the government or institutions it favored. The government exercised editorial control over media, creating a media landscape in which most citizens were exposed to predominantly government-approved narratives. Significant government pressure on independent media constrained coverage of numerous topics, especially of the unauthorized pro-Navalny demonstrations early in the year and investigations into Navalny's poisoning; events in Belarus; treatment of LGBTQI+ persons; problems involving the environment, elections, COVID-19, and corruption; and criticism of local or federal leadership, as well as secessionism or federalism. The government used direct ownership or ownership by large private companies with government links to control or influence major national media and regional media outlets, especially television. '[37]

5.1.3 The report continued:

'Authorities continued to misuse the country's expansive definition of extremism, under which citizens may be punished for certain types of peaceful protests, affiliation with certain religious denominations, and even certain social media posts, as a tool to stifle dissent. As of October the Ministry of Justice had expanded its list of extremist materials to include 5,215 books, videos, websites, social media pages, musical compositions, and other items. '[38]

5.1.4 See also Extremism law.

5.1.5 The USSD HR Report 2021 noted that, 'Censorship and self-censorship in television and print media and on the internet was widespread, particularly regarding points of view critical of the government or its policies', 'The government directly and indirectly censored media, much of which occurred online' and that 'Self-censorship in independent media was also reportedly widespread.'[39]

5.1.6 The USSD HR Report 2021 also noted, 'The government continued to restrict press and media freedom. More than 80 percent of country's mass media was funded by the government or progovernment actors.

[36] Freedom House, Nations in Transit 2021 (p.5), 28 April 2021
[37] USSD, HR Report 2021: Russia, 12 April 2022
[38] USSD, HR Report 2021: Russia, 12 April 2022
[39] USSD, HR Report 2021: Russia, 12 April 2022

Government-friendly oligarchs owned most other outlets, which are permitted to determine what they publish within formal or informal boundaries set by the government.'[40]

5.1.7 On 3 March 2022, Centre for Eastern Studies, a 'Polish state analytical center,'[41] reported on further actions taken by the state following the Russian invasion of Ukraine:

'When the invasion of Ukraine began, the Kremlin introduced restrictions regulating the media coverage of the "operation", including, in particular, the requirement to report events only on the basis of official state sources. At the same time, representatives of state media and politicians began demanding that the government punish any sources that were objective, blaming them for destroying the morale of society and soldiers during the military "operation", and even to charge them with treason. In Russia, this is one of the most serious crimes, punishable by terms of imprisonment ranging from 12 to 20 years. In addition, on 2 March, a draft legislative amendment was introduced to the Duma (the lower house of the Russian parliament) imposing penalties of up to 15 years in prison for disseminating fake news about the activities of the Russian armed forces. The government is also gradually restricting citizens' access to Western social networks such as Meta (Facebook), Twitter and YouTube.

'The Russian authorities' actions reveal that their goal is to introduce complete censorship of the media and to impose an information blockade on their own society during wartime, so they can fully neutralise any sources of unsanctioned information or criticism of the government's policy.'[42]

5.1.8 On 18 February 2021, Centre for Eastern Studies published an article which stated:

'In December 2020, President Vladimir Putin signed a package of laws tightening regulations on non-governmental organisations, public gatherings and media censorship. It is one of the elements marking a new quality in the Kremlin's domestic policy: Russian authoritarianism has de facto abandoned the pretence of democratic procedures in favour of increased control and repression…

'The authorities are increasingly interfering in previously unregulated areas of public and even private life. The sheer number of often overlapping prohibitions and orders is intended to intimidate citizens and force them into inaction and self-censorship. Both the rhetoric of the ruling elite (e.g. pointing to the "foreign agents" as alleged "enemies") and the substance of the new regulations indicate that any civic activity deemed by the authorities to be a demonstration of disloyalty to the system, especially among the opposition, can potentially be treated as an anti-state crime.'[43]

5.1.9 See also 'Foreign agent(s)' law.

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[40] USSD, HR Report 2021: Russia, 12 April 2022
[41] Centre for Eastern Studies, About us, no date
[42] Centre for Eastern Studies, Russia: crackdown on Ekho Moskvy and Dozhd' TV, 3 March 2022
[43] Centre for Eastern Studies, Tightening the screws. Putin's repressive laws, 18 February 2021

This section was updated on 1 June 2022

6. Internet access, restrictions, monitoring and surveillance

6.1.1 The USSD HR Report 2021 reported on laws which affected the content which could be shared on the internet:

'During the year the government enacted new restrictions on the content that could be shared on the internet. In December 2020 President Putin signed into law amendments to communications legislation that allow Roskomnadzor to block websites that "violate the rights of [Russian citizens]," including by restricting the "dissemination of socially significant information." Experts characterized the new law as restricting "Russophobic" content and noted that it was adopted during a government public relations campaign against YouTube after it blocked content posted by progovernment media personality Vladimir Solovyov.

'In December 2020 President Putin also signed a law prohibiting journalists and websites from publishing the personal data of law enforcement officers and certain other state employees affiliated with the country's security services. Expanding the definition of sensitive data, the FSB published a list on June 20 of topics that could be "used against the security" of Russia, including information and assessments of Russia's military, security sector, and space agency, Roscosmos. Individuals who collect information in the specified categories could be subject to designation as "foreign agents".'[44]

6.1.2 The report continued:

'During the year authorities invoked laws prohibiting "inciting minors to participate in dangerous activities" or "violations to the established procedure for organizing or holding a public event" to charge individuals who published material online related to the demonstrations in January and February. For example, on February 3, authorities sentenced Sergey Smirnov, editor in chief of the independent Mediazona, to 25 days in prison for "repeatedly violating the rules of public demonstrations" after he retweeted a joke referencing the January 23 demonstration. The Moscow City Court subsequently reduced his sentence to 15 days.'[45]

6.1.3 See also Other legal tools.

6.1.4 The same report documented the monitoring of internet use:

'The government monitored all internet communications.

'The law requires internet providers to install equipment to route web traffic through servers in the country… The system enables police to track private email communications, identify internet users, and monitor their internet activity. Internet freedom advocates asserted the measure allows for surveillance by intelligence agencies and enables state authorities to control information and block content…

'Telecommunications companies are required to temporarily retain user data and make it available to law enforcement bodies... Observers believed that the country's security services were able to intercept and decode encrypted

[44] USSD, HR Report 2021: Russia, 12 April 2022
[45] USSD, HR Report 2021: Russia, 12 April 2022

messages on at least some messaging platforms. The law also requires telecommunications companies to provide authorities with “backdoors” around encryption technologies. Companies are fined up to six million rubles [approximately £74,280] if they refuse to provide the FSB with decryption keys that would allow it to read users’ correspondence…’[46]

6.1.5 The report continued:

‘The government blocked access to content and otherwise censored the internet. Roskomnadzor maintained a federal blacklist of internet sites and required ISPs to block access to web pages that the agency deemed offensive or illegal, including information that was already prohibited, such as items on the Federal List of Extremist Materials. The law gives the prosecutor general and Roskomnadzor authority to demand that ISPs block websites that promote extremist information and “mass public events that are conducted in violation of appropriate procedures.” …

‘There was a growing trend of authorities seeking to pressure social media platforms to censor posts and remove content deemed objectionable…

‘According to the internet freedom NGO Roskomsvoboda, as of September a total of 340,000 websites were unjustly blocked in the country… the Novosibirsk region and most of Siberia were among the regions where social media administrators, media, and ordinary users faced the greatest risk of prosecution…’[47]

6.1.6 The report also noted prosecutions of social media users and prohibitions of anonymity online:

‘There was a growing trend of social media users being prosecuted for the political, religious, or other ideological content of posts, shares, and “likes,” which resulted in fines or prison sentences…

‘The government prohibited online anonymity…

‘The law prohibits companies registered as “organizers of information dissemination,” including online messaging applications, from allowing anonymous users. Messaging applications and platforms that fail to comply with the requirements to restrict anonymous accounts may be blocked.’[48]

6.1.7 The report also noted the occurrence of cyberattacks:

‘There were reports of politically motivated cyberattacks. On April 2, hackers gained access to the email address database of a website, Free Navalny!, through which hundreds of thousands of Navalny supporters had registered to participate in a nationwide protest. On April 16, registered email addresses began receiving threats, and some who had registered to protest lost their jobs because of the public disclosure of their support for Navalny. The news outlet Meduza reported that the hack of the Free Navalny! website appeared to be tied to the Presidential Administration Office.’[49]

[46] USSD, HR Report 2021: Russia, 12 April 2022
[47] USSD, HR Report 2021: Russia, 12 April 2022
[48] USSD, HR Report 2021: Russia, 12 April 2022
[49] USSD, HR Report 2021: Russia, 12 April 2022

6.1.8 In the World Report 2022, covering the year 2021, Human Rights Watch reported:

'In 2021, Russia escalated pressure on foreign and Russian social media companies to strengthen its grip on free expression and curtail access to information online.

'Several new laws encroaching on digital freedom entered into force. Amendments obliged social media platforms to take down content on request of the authorities and prohibited them from censoring the content of social media accounts affiliated with the Russian state. Another law entered into force in April, introducing penalties on manufacturers that do not pre-install designated Russian software on relevant devices sold in Russia. In July, new provisions obliged popular foreign websites and apps to open representative offices in Russia. Sanctions for noncompliance include fines, advertisement bans, and blocking.

'In February, following a wave of country-wide protests, authorities escalated pressure on social media companies to censor online content related to protests.

'Throughout the year, authorities continued to slam social media platforms with large fines over noncompliance with regulations on content blocking and data localization, and eventually threatened to issue fines of up to 20 percent of the companies' annual revenue. The majority of fines against social media companies related to content about mass protests in January, February and April 2021.

'In March, the government slowed access to Twitter over its alleged failure to censor calls for protests. Later, authorities stated that Twitter eventually complied, but threatened to block the platform entirely.

'In May, authorities threatened to block VPNs for not complying with local regulations. By September, eight had been blocked.

'In July, Russian authorities demanded that YouTube block channels linked to Navalny groups that had been designated "extremist." In August, they demanded that Apple and Google take down Navalny's app from their stores. The companies eventually complied but Google reinstated the app in October.'[50]

6.1.9 The USSD HR Report 2021 noted:

'The law forbids officials from entering a private residence except in cases prescribed by federal law or when authorized by a judicial decision. The law also prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his or her consent. While the law previously prohibited government monitoring of correspondence, telephone conversations, and other means of communication without a warrant, those legal protections were significantly weakened by laws passed after 2016 granting authorities sweeping powers and requiring telecommunications providers to store all electronic and telecommunication data. Politicians from minority parties, NGOs, human rights activists, and

[50] HRW, World Report 2022, Russia, 13 January 2022

journalists alleged that authorities routinely employed surveillance and other measures to spy on and intimidate citizens.

'Law enforcement agencies required telecommunications providers to grant the Ministry of Internal Affairs and the FSB continuous remote access to client databases, including telephone and electronic communications, enabling them to track private communications and monitor internet activity without the provider's knowledge…

'Law enforcement officials reportedly accessed, collected, or used private communications or personal data arbitrarily or unlawfully or without appropriate legal authority.'[51]

6.1.10 The same report noted the use of facial recognition technology:

'The law requires explicit consent for governmental and private collection of biometric data via facial recognition technology. Laws on public security and crime prevention, however, provide for exceptions to this consent requirement. Human rights activists claimed the law lacks appropriate safeguards to prevent the misuse of these data, especially without any judicial or public oversight over surveillance methods and technologies…

'According to a December 2020 study by the information and analytical agency TelecomDaily, the country had more than 13 million closed-circuit television cameras in 2020, with approximately one-third of these installed by the government and the rest by businesses and individuals to protect private property. By the end of 2020, approximately 200,000 government surveillance cameras were installed in Moscow and equipped with Russian-developed automated facial recognition software as part of its "Safe City" program. The system was initially installed in key public places, such as metro stations and apartment entrances, to scan crowds against a database of wanted individuals. During the demonstrations on April 21, authorities used facial recognition data to identify protesters, sometimes incorrectly, days after the demonstration.'[52]

6.1.11 See also State response to protestors: detention of Alexei Navalny.

6.1.12 The report continued, 'In 2020 the State Duma adopted a law to create a unified federal register containing information on all the country's residents, including their names, dates and places of birth, and marital status. According to press reports, intelligence and security services would have access to the database in their investigations.'[53]

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7. Protests

7.1.1 The USSD HR Report 2021 noted:

'The law provides for freedom of assembly, but local authorities restricted this right. The law requires organizers of public meetings, demonstrations, or marches by more than one person to notify the government, although

[51] USSD, HR Report 2021: Russia (section 1F), 12 April 2022
[52] USSD, HR Report 2021: Russia (section 1F), 12 April 2022
[53] USSD, HR Report 2021: Russia (section 1F), 12 April 2022

authorities maintained that protest organizers must receive government permission, not just provide notification. Failure to obtain official permission to hold a protest resulted in the demonstration being viewed as unlawful by law enforcement officials, who routinely dispersed such protests. While some public demonstrations took place, on many occasions local officials selectively denied groups permission to assemble or offered alternate venues that were inconveniently or remotely located. Many public demonstrations were restricted or banned due to COVID-19 measures. Each region enforced its own restrictions.'[54]

7.1.2 The report continued:

'Although they do not require official approval, authorities restricted single-person pickets and required that there be at least 164 feet separating protesters from each other. By law police officers may stop a single-person picket to protect the health and safety of the picketer. In December 2020 President Putin approved amendments to the law that placed further restrictions on single-person pickets as well as multiperson protests, rallies, or demonstrations. The amended law imposes financial reporting requirements, prohibits protests or public demonstrations near agencies that perform "emergency operational services" (such as law enforcement agencies), and imposes further restrictions on journalists covering these events. In addition, the law prohibits "foreign sources of funding" financing public demonstrations and treats single-person pickets, if held in the general vicinity of other picketers, as "mass demonstrations without a permit," which are banned.'[55]

7.1.3 In the 'Freedom in the World' 2022 report, Freedom House stated, 'The arrest and detention of leading opposition figure Aleksey Navalny in January resulted in some of the largest protests in a decade.'[56]

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This section was updated on 1 June 2022

8. State treatment of critics and political opponents

8.1 State treatment of Alexey (Alexei) Navalny

8.1.1 In the briefing paper of September 2021, the European Parliament stated that 'Following the June 2020 constitutional referendum, which opened the door to President Vladimir Putin potentially staying on until 2036, the authorities moved to eliminate the few remaining pockets of resistance. Opposition activist Alexey Navalny is now in jail, and many other regime opponents are either facing criminal charges or have left the country.'[57]

8.1.2 The briefing paper continued:

'Rather than from docile system parties, resistance to Putin's rule has come from a disparate array of bloggers, political activists, non-governmental organisations and independent media outlets. Leaders of this non-system opposition include anti-corruption campaigner Alexey Navalny and, until his

[54] USSD, HR Report 2021: Russia (Section 2.B), 12 April 2022
[55] USSD, HR Report 2021: Russia, 12 April 2022
[56] Freedom House, Russia: Freedom in the World 2022, 28 February 2022
[57] European Parliament, Russia's 2021 elections, September 2021

assassination in 2015, Boris Nemtsov (five Chechen men were convicted of murdering him; however, it is not known whether they were acting on orders from a higher authority). Non-system politicians have faced gradually intensifying repression, as well as legal and sometimes physical harassment; some, such as Nemtsov, have even paid with their lives.

'Navalny has been a thorn in the side of the authorities, exposing corruption (a video produced by his Anti-Corruption Foundation of a lavish Black Sea palace allegedly built for Vladimir Putin was watched 120 million times), organising mass protests, and mobilising anti-United Russia voters. Navalny and other regime opponents have faced fines and (mostly) short prison sentences. Despite this, until recently the authorities never attempted to completely stamp out such activities, apparently acknowledging their role as a safety valve in a system that was otherwise completely under control. Ever since his unexpectedly strong performance in the 2013 Moscow mayoral election, where he won 27% of the vote despite relentlessly negative coverage in state media, Navalny himself has been excluded from political life; he was barred from standing as a presidential candidate in 2018 on the basis of a suspended sentence, and electoral authorities refused to register his Russia of the Future party; however some other non-system activists were permitted to stand in, and occasionally even win elections, at least at local level.

'In 2020, repression stepped up a gear, with moves to consolidate the regime and eliminate the few remaining pockets of resistance.'[58]

8.1.3 The briefing paper further stated:

'Returning from treatment in Germany [in January 2021, after having been poisoned in August 2020] [Alexey Navalny] was immediately arrested and sent to jail for nearly three years. Soon afterwards, the courts ruled that organisations linked to Navalny were "extremist", forcing them to close down; they also slapped charges on his associates ranging from violation of coronavirus safety rules to incitement of minors to join illegal rallies, forcing many of them into exile. Speaking from prison in August 2021, Navalny noted that repression had entered a new phase and acknowledged that it had achieved its tactical goal of silencing his movement ahead of elections.'[59]

8.1.4 In the report of August 2021, IPHR stated that '…three organizations co-founded by and linked to [Navalny] – the Anti-Corruption Foundation ("FBK"), Citizens' Rights Protection Foundation ("CRPF") and "Navalny's Headquarters" – were targeted, silenced, and ultimately dismantled by Russian authorities. In parallel, key staff members, supporters and affiliates of Navalny were targeted through criminal prosecutions.'[60]

8.1.5 Detailed information about actions taken against these organisations is available in the report (p.12-20).

[58] European Parliament, Russia's 2021 elections, September 2021
[59] European Parliament, Russia's 2021 elections, September 2021
[60] IPHR, Russia's Silence Factory... (p.13), August 2021

8.1.6 On 29 September 2021, Reuters reported on further measures taken against Alexey Navalny, which included:

'… on [28 September 2021], opening a new criminal case against President Putin's fiercest domestic critic that could allow the authorities to hand him another decade in jail.

'In a case condemned by the West, Navalny, 45, is already serving two-and-a-half years in prison for parole violations he says were trumped up to thwart his political ambitions…

'The new case, details of which were published on the website of Russia's Investigative Committee, which looks into major crimes, named Navalny as being suspected of founding and leading an extremist group…

'The statement said some of Navalny's key allies were suspects in the same case and that other associates were suspected of taking part in the group's extremist activity.

'The statement characterised the activities of Navalny and his allies in recent years as criminal… It accused Navalny's allies, many of whom now operate from abroad, of carrying on with their alleged illegal activities after their group had been banned as extremist.'[61]

8.1.7 On 23 March 2022, BBC reported:

'Russia's most prominent opposition figure Alexei Navalny has been given nine years in a "strict regime penal colony" in a fraud case rejected by supporters as fabricated.

'Navalny … is already serving three and a half years in jail for breaking bail conditions while in hospital.

'A judge has now found him guilty of fraud and contempt of court. Prosecutors accused him of stealing $4.7m (£3.5m) of donations given to his now banned organisations, including his anti-corruption foundation. Delivering her verdict, Judge Margarita Kotova said Navalny had carried out "the theft of property by an organised group".

'The new sentence replaces his earlier jail term, so the opposition leader will now have to serve some seven years in a maximum-security prison, with much stricter conditions and far more remote than the jail in Pokrov east of Moscow where he has spent more than a year…

'The trial has been dismissed as a sham by Amnesty International - words echoed by the US, which added it was the latest move in a series of attempts by Russia to silence Navalny. The European Union also condemned the ruling, which it described as "politically motivated", and called for Navalny's immediate release.'[62]

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8.2 State treatment of other opposition politicians and parties

8.2.1 The IPHR report of August 2021 explained 'Russian authorities have also targeted opposition politicians and activists with a view to preventing them

[61] Reuters, Russia opens new criminal case against Kremlin critic Navalny..., 29 September 2021
[62] BBC, Russia Navalny: Putin critic given nine-year jail sentence in trial..., 23 March 2022

from running for elected office and/or supporting other candidates from doing so. The aggressive approach to political opponents also appears to be a message to those who plan to challenge the United Russia party in the upcoming Parliamentary elections [of September 2021].'[63]

8.2.2 The IPHR report of August 2021 gave examples of state treatment of political opponents.

8.2.3 The IPHR report of August 2021 also explained that 'As of 28 July 2021, at least seven opposition politicians were banned from running in September's elections under the "FBK Law" [which relates to the designation of certain organisations as 'extremist organisations'[64]].'[65]

8.2.4 See also Extremism law.

8.2.5 In the 'Freedom in the World' report covering events of 2021, Freedom House noted that 'Opposition politicians and activists are frequently targeted with fabricated criminal cases and other forms of administrative harassment designed to prevent their participation in the political process…'[66]

8.2.6 The USSD HR Report 2021 stated that 'Systemic opposition parties (i.e., quasi-independent parties permitted by the government to appear on the ballot) also faced pressure.'[67] The report gave several examples.

8.2.7 The report continued: 'During the year authorities routinely restricted gatherings, campaign communications, and other political activities of opposition candidates and prodemocracy groups. Authorities often charged the opposition and independent politicians with violating COVID-19 protocols, while not restricting similar gatherings by the ruling United Russia party…'[68]

8.2.8 On 22 April 2022, The Moscow Times reported:

'Jailed Kremlin critic Vladimir Kara-Murza could face an additional 10 years in prison on newly unveiled charges of spreading "false" information about the Russian military.

'Kara-Murza, who has spoken out regularly against Russia's invasion of Ukraine, is currently serving the remaining five days of his 15-day administrative jail sentence on charges of disobeying police orders…

'The opposition figure survived two suspected poisonings in Moscow in 2015 and 2017, which he maintains were in retaliation for his efforts to lobby the West to sanction Russian officials accused of human rights abuses.'[69]

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8.3 Extrajudicial killings

8.3.1 In March 2017, The Washington Post published an article which stated:

[63] IPHR, Russia's Silence Factory... (p.24-26), August 2021
[64] IPHR, Russia's Silence Factory... (p.10), August 2021
[65] IPHR, Russia's Silence Factory... (p.24-26), August 2021
[66] Freedom House, Russia: Freedom in the World, 28 February 2022
[67] USSD, HR Report 2021: Russia (Section 3), 12 April 2022
[68] USSD, HR Report 2021: Russia (Section 3), 12 April 2022
[69] The Moscow Times, Kremlin Critic Kara-Murza Faces Prison..., 22 April 2022

'Not everyone who has a quarrel with Russian President Vladimir Putin dies in violent or suspicious circumstances - far from it. But enough loud critics of Putin's policies have been murdered that Thursday's daylight shooting of a Russian who sought asylum in Ukraine has led to speculation of Kremlin involvement.

'Ukrainian President Petro Poroshenko called the shooting in Kiev of Denis Voronenkov, a former Russian Communist Party member who began sharply criticizing Putin after fleeing Russia in 2016, an "act of state terrorism by Russia."

'That drew a sharp rebuke from Putin's spokesman, who called the accusation "absurd." Throughout the years, the Kremlin has always dismissed the notion of political killings with scorn.'[70] The article included a list of nine 'outspoken critics of Putin who were killed or died mysteriously.'[71]

8.3.2 In March 2018, The Washington Post reported on the poisoning of Sergei Skripal, a retired Russian military intelligence officer living in Britain. It noted former Prime Minister Theresa May's announcement that it was "highly likely" Russia was behind it[72].

8.3.3 The same article also covered the 2006 poisoning of 'dissident former Russian intelligence officer, Alexander Litvinenko' and noted 'A British government inquiry into Litvinenko's death concluded that it was a "probably" a hit job carried out by Russia's FSB security service, with the approval of Russian President Vladimir Putin…

'In recent years, a number of Putin critics have died under suspicious circumstances — in poisonings, shootings and mysterious ways…'[73]

8.3.4 On 28 March 2020, BBC reported:

'Russian opposition politician Boris Nemtsov was shadowed by an agent linked to a political assassination team for almost a year before he was shot dead, an investigation has found. Nemtsov was a fierce adversary of President Vladimir Putin. His murder in 2015 is the highest-profile political killing since Putin came to power. The authorities deny any involvement…

'Five men of Chechen origin were quickly arrested and later jailed for his murder. But the official investigation left the most urgent questions unanswered: who ordered the killing and why?

'Seven years later, the BBC - working with the investigative websites Bellingcat and The Insider - can reveal evidence that in the months running up to the killing, Nemtsov was being followed across Russia by a government agent linked to a secret assassination squad. Using leaked train and flight reservation data, the investigation shows that Mr Nemtsov was followed on at least 13 journeys…

'It is not unusual in Russia for security agencies to keep tabs on prominent opposition leaders. But Mr Sukharev [Valery Sukhavrev, government agent] was not just a low-ranking FSB recruit on routine business. Bellingcat, in a

[70] The Washington Post, Here are 10 critics of Vladimir Putin who died violently..., 23 March 2017
[71] The Washington Post, Here are 10 critics of Vladimir Putin who died violently..., 23 March 2017
[72] The Washington Post, Russia has a long history of eliminating..., 13 March 2018
[73] The Washington Post, Russia has a long history of eliminating..., 13 March 2018

previous investigation, linked him to two apparent assassination attempts, both aimed at prominent critics of Mr Putin.

'The first target was Mr Nemtsov's friend and protege Vladimir Kara-Murza, an opposition politician … In May 2015, Sukharev was part of a team that went to the Russian city of Kazan at the same time as Mr Kara-Murza. Two days after Mr Kara-Murza returned to Moscow he collapsed unable to breathe. He fell into a coma and suffered multiple organ failure but recovered. He was poisoned for a second time in 2017, and once again survived. The Russian government rejects the allegation that their operatives were involved in the poisonings.

'The second target was Alexei Navalny…'[74]

8.3.5 The USSD HR Report 2021 noted:

'There were several reports the government or its agents committed, or attempted to commit, arbitrary or unlawful killings. Impunity was a significant problem in investigating whether security force killings were justifiable.

'Officers of the Federal Security Service (FSB) poisoned opposition activist and anticorruption campaigner Aleksey Navalny in August 2020 with a form of Novichok, a nerve agent that was also used in the 2018 attack on former Russian intelligence officer Sergey Skripal in the United Kingdom. In December 2020 investigations published by the independent outlets Bellingcat and The Insider identified eight FSB officers suspected to have been involved in Navalny's poisoning... On June 11, Navalny's Anticorruption Foundation published the results of an investigation that alleged the doctors who treated Navalny at a hospital in Omsk falsified his original medical records to hide evidence of his poisoning. At year's end Russian Federation representatives continued to reject requests to open an investigation into the circumstances of Navalny's poisoning and repeated denials that he had been poisoned by a nerve agent.'[75]

8.3.6 The report continued:

'On September 21, the ECHR ruled in favor of the widow of Russian whistleblower Aleksandr Litvinenko, who was fatally poisoned with the radioactive isotope polonium-210 in the United Kingdom in 2006, finding that the Russian government was responsible for Litvinenko's death… The court also found that Russian authorities had not carried out an effective domestic investigation capable of leading to the establishment of the facts and, where appropriate, the identification and punishment of those responsible for the murder.'[76]

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8.4 State treatment of relatives of political opponents

8.4.1 The USSD HR Report 2021 noted:

'Authorities punished family members for offenses allegedly committed by their relatives. On January 27, police detained Aleksey Navalny's brother

[74] BBC, Boris Nemtsov: Murdered Putin rival 'tailed' by agent linked to FSB hit squad, 28 March 2022
[75] USSD, HR Report 2021: Russia, 12 April 2022
[76] USSD, HR Report 2021: Russia (section 1E), 12 April 2022

Oleg the same day as police searched the houses of at least 13 Navalny associates, including those of his wife Yuliya and his colleague Lyubov Sobol, as well as the headquarters of "Navalny Live," Navalny's anticorruption YouTube channel. Critics characterized the police tactics as efforts to punish or pressure Navalny, who remained detained at the time. In subsequent months authorities exerted similar pressure on the families of Navalny's associates residing outside of the country, such as Leonid Volkov, Navalny's former campaign manager, and Ivan Zhdanov, the former director of the Anticorruption Foundation.'[77]

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8.5 State response to protestors: detention of Alexei Navalny

8.5.1 Freedom House included an undated piece entitled, 'Instability and repression in Russia,' written by Mike Smeltzer, in the 'Nations in Transit 2021' report; this stated 'More than 12,000 Russians were detained, in what independent media outlet Proekt described as a staggering intensification in judicial punishment against protesters. That figure represents a six-fold increase in the number of administrative arrests over protests held in 2017 and 2019.'[78] The same article added, 'The authorities' response to the early 2021 protests was uniquely repressive in the contemporary Russian context.'[79]

8.5.2 The USSD HR Report 2021 reported that 'Arrests or detentions for organizing or taking part in unsanctioned protests were common.'[80] The report went on to provide specific details of preemptive detention of Alexey Navalny associates ahead of the January 23 demonstrations[81].

8.5.3 The same report stated:

'The law provides heavy penalties for engaging in unsanctioned protests and other violations of public assembly law. Protesters convicted of multiple violations within six months may be fined substantially or imprisoned for up to five years. The law prohibits "involving a minor in participation in an unsanctioned gathering," which is punishable by fines, 100 hours of community service, or arrest for up to 15 days. … Arrests or detentions for organizing or taking part in unsanctioned protests were common.'[82]

8.5.4 The USSD also reported that the 'Authorities regularly detained single-person picketers'.'[83]

8.5.5 In the 'Freedom in the World' 2022 report, Freedom House described the response to protests about the detention of Alexei Navalny as being '… met with excessive force by state security personnel.'[84] They added that 'At least 11,500 people were detained, more than 130 criminal investigations were opened, and multiple protesters and journalists were injured, with many

[77] USSD, HR Report 2021: Russia (section 1F), 12 April 2022
[78] Freedom House, Nations in Transit 2021 (p.5), 28 April 2021
[79] Freedom House, Nations in Transit 2021 (p.5), 28 April 2021
[80] USSD, HR Report 2021: Russia (Section 2.B), 12 April 2022
[81] USSD, HR Report 2021: Russia (Section 2.B), 12 April 2022
[82] USSD, HR Report 2021: Russia (Section 2.B), 12 April 2022
[83] USSD, HR Report 2021: Russia, 12 April 2022
[84] Freedom House, Russia: Freedom in the World 2022, 28 February 2022

reporting beatings and other abuse in custody. Some of those convicted over the subsequent months received multiyear prison sentences. Facial-recognition technology installed in Moscow and several other cities was reportedly used to identify and arrest participants in the protests.'[85]

8.5.6 On 23 January 2021, Al Jazeera reported:

'Security forces detained more than 3,000 people and violently broke up rallies across Russia as tens of thousands of protesters ignored extreme cold and police warnings to demand the release of Kremlin critic Alexei Navalny.

'Prosecutors in St Petersburg said in a statement late Saturday they were probing violations including "on the part of law enforcement" and the use of force against an unidentified woman…

'Authorities had warned people to stay away from the protests, saying they risked catching COVID-19 as well as prosecution and possible jail time for attending an unauthorised event. But protesters defied the ban and bitter cold and turned out in force in more than 60 Russian cities.

'The OVD-Info protest monitor group said at least 3,060 people – including 1,099 in the capital, Moscow and 386 in St Petersburg – had been detained across Russia, a number likely to rise.

'In central Moscow, where an estimated tens of thousands of people had gathered in one of the biggest unauthorised rallies for years, police were seen detaining people, bundling them into nearby vans. The authorities said just some 4,000 people had shown up.

'"There were violent clashes with the police using their batons to beat them down," Al Jazeera's Aleksandra Godfroid, reporting from Moscow, said…

'Speaking to Al Jazeera, Anna Matveeva, a researcher at King's College London, underlined the importance of the wide geographic reach of Saturday's protests. "The police [are] brutal; there is nothing new about it," Matveeva told Al Jazeera.

'"But the fact that the geography of protests has spread all the way from Moscow to western Russia and also in northern states … we are seeing a consistent number of people coming out, knowing that they might be beaten, that they might be detained, that they will have criminal records. And notwithstanding that, people are [still] coming out."

'The Investigative Committee, which probes major crimes, said in a statement it launched several preliminary probes into violence against law enforcement.

'The United States condemned what it described as "harsh tactics" used against protesters and journalists and called for Navalny's "immediate and unconditional" release. "We call on Russian authorities to release all those detained for exercising their universal rights," US State Department spokesman Ned Price said in a statement.

[85] Freedom House, Russia: Freedom in the World 2022, 28 February 2022

'The European Union's foreign policy chief, Josep Borrell, said in a post on Twitter that he deplored the authorities "disproportionate use of force", while Britain's foreign minister, Dominic Raab, condemned the "use of violence against peaceful protesters and journalists"…'[86]

8.5.7 The USSD HR Report 2021 stated:

'According to an FSB internal report leaked to media, approximately 12,000 individuals, including 761 minors, were detained nationwide during the January 23 and 31 demonstrations on charges that included violations of COVID-19 preventive measures, violence against persons in authority, incitement of minors, and organization of an unauthorized protest. Media outlets reported that of those detained, 1,200 were sentenced to administrative arrest and 2,490 were fined for their participation in the demonstrations. The independent human rights media project OVD-Info reported that an additional 1,788 individuals were detained on April 21 during countrywide demonstrations after Navalny declared a hunger strike to seek medical care.

'On February 11, the Ministry of Interior reported that it had opened 90 criminal cases for crimes committed during the demonstrations, with most cases to "illegal actions targeting police officers" or "repeated participation in an unauthorized protest." For example, on March 3, a court in the Volga region sentenced a man to 18 months of forced labor for attacking a police officer during the January 23 protest after the man pleaded guilty to the charge. Based on information provided by the court reporter to OVD-Info, the man intervened in the detention of another protest participant, "causing the latter physical pain and bodily injury."'[87]

8.5.8 In the report of August 2021, IPHR stated, 'According to the Russian monitoring organisation OVD-Info, over 11,000 protesters were arrested during three days of protests in January and February 2021, including dozens of independent journalists and human rights defenders who were covering or monitoring the protests.'[88]

8.5.9 On 21 April 2021, BBC reported:

'Thousands of people around Russia have joined unauthorised rallies to protest against the detention of jailed opposition leader Alexei Navalny. They are calling for Navalny, who has been on hunger strike for weeks, to receive proper medical care. More than 1,000 people were reportedly arrested.

…

'The largest protest was in Moscow, but others took place in major cities. These included St Petersburg, Vladivostok in the Far East, a number of cities in Siberia, and the central city of Vladimir where Navalny is being held.

'The opposition had hoped Wednesday's protests would be the largest in years, but reports suggest they have been smaller than those that took place

[86] Al Jazeera, Russia arrests thousands amid unprecedented pro-Navalny protests, 23 January 2021
[87] USSD, HR Report 2021: Russia (Section 2.B), 12 April 2022
[88] IPHR, Russia's Silence Factory, August 2021

shortly before Navalny was jailed. More than 14,000 people protested in 29 cities, police said. This included 6,000 people who gathered in Moscow.

'But estimates from monitoring groups tend to far exceed official police figures. One such group, OVD-Info, said more than 1,000 people had been detained nationwide.

'The protesters defied stark warnings from the authorities and a heavy police presence in most major cities… In Moscow, riot police urged people to leave the protest area and formed barricades to try and contain the demonstrators' route.'[89]

8.5.10 The same article included an analysis by Sarah Rainsford, BBC Moscow correspondent, who noted:

'It's hard to tell the size of a rally when crowds are banned from gathering in one place, and that's the point. In Moscow, protesters were constantly diverted by police, as roads were closed.

'Fewer came out than in January when Alexei Navalny was arrested - but that's hardly surprising. The price of protesting is rising in Russia: you face a beating, losing your job - at worst, a prison sentence.

'Many of Navalny's supporters who did make it out on Wednesday said they were afraid, but they were passionate: in Moscow, they shouted for Navalny's freedom and they called Vladimir Putin a killer.

'For once, the police stood back and let them march - no dragging screaming protesters into their vans.

'In St Petersburg it was different: hundreds were arrested there, some stunned with electric shockers by police.'[90]

8.5.11 On 10 March 2022, The Guardian explored reasons why anti-war protests have not been larger following the Russian invasion of Ukraine, stating, '…The political opposition has been decimated in the last few years and is unable to coordinate an anti-war effort. Following the January 2021 protests in support of Alexey Navalny, his organisations were declared extremist and functionally eliminated. Other opposition political parties with national reach, such as Yabloko, are exceedingly unlikely to chance severe penalties for organising illegal protests, or expose their followers to repression.'[91]

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8.6 State responses to protestors: invasion of Ukraine

8.6.1 OVD-Info, which stated that it is an independent human rights media project focussing on political persecution in Russia and which collects information on detentions at public rallies[92], amongst other things, reported that, by 31 May 2022, there had been 15,445 detentions 'in connection with anti-war actions' in Russia since 24 February 2022[93]. The website also published

[89] BBC, Alexei Navalny: Thousands across Russia defy ban on protests, 21 April 2021
[90] BBC, Alexei Navalny: Thousands across Russia defy ban on protests, 21 April 2021
[91] The Guardian, How Putin's regime stifled anti-war protests in Russia, 10 March 2022
[92] OVD-Info, Independent human rights media project OVD-Info, no date
[93] OVD-Info, Independent human rights media project OVD-Info, no date

Lists of detainees in connection with the actions against the war with Ukraine[94].

8.6.2 An article by Alvina Hoffman, lecturer in International Relations at Kings College London, noted that 'It is difficult to find official numbers for … anti-war protests, as attendees are only able to gather momentarily before police step in.'[95]

8.6.3 On 10 March 2022, Al Jazeera reported on protests about the Russian invasion of Ukraine, stating:

'As protests intensify, so too do efforts by the police force to disperse them, with dozens suffering beatings from truncheons or being shocked with stun guns after already being held down by officers.

'Women held at Moscow's Bratayevo police station say they were punched, kicked, waterboarded and threatened with rape. Two women managed to discreetly record their ordeal and handed over the audio to Russia's independent newspaper Novaya Gazeta, which has filed an official complaint. Several journalists were also detained, as were children...'[96]

8.6.4 On 13 March 2022, Al Jazeera reported:

'More than 750 people have been arrested in cities across Russia for protesting against Moscow's invasion of Ukraine, which is now in its third week. Independent monitoring group OVD-Info said police had arrested at least 756 people during demonstrations in 37 Russian cities – with about half of them in the Russian capital Moscow.

'Since President Vladimir Putin ordered a land, air and sea invasion of Ukraine on February 24, OVD-Info has reported more than 14,000 arrests in connection with anti-war actions, according to its website. Of these, more than 170 people have been remanded in custody.

'"It's very difficult for people to go to the streets and protest," said Al Jazeera's Bernard Smith, reporting from Moscow.

'"Anyone trying to go out or looking like a protester has been violently dragged away," he said, adding that in one instance, a woman was dragged away just for holding a blank piece of white paper.

'An AFP news agency journalist present at a protest in the capital Moscow witnessed at least a dozen arrests and said police were taking away anybody without press papers…

'In Russia's second city Saint Petersburg, AFP reported multiple arrests, including that of a protester who was dragged across the ground. The city's central Nevsky Avenue was closed off by police, with a dozen police vans parked along the road. According to AFP, several journalists were also detained…

'Last weekend, police arrested more than 5,000 protesters across Russia.'[97]

[94] OVD-Info, Lists of detainees in connection with the actions against the war with Ukraine..., no date
[95] The Conversation, Ukraine: what anti-war protesters in Russia risk by speaking out, 1 March 2022
[96] Al Jazeera, Anti-war protests intensify in Russia along with police crackdown, 10 March 2022
[97] Al Jazeera, Hundreds of anti-war protesters arrested across Russia, 13 March 2022

8.6.5 On 10 March 2022, The Guardian published an article about the anti-war protests which stated: 'While the number of detentions is striking, it should not be confused with high turnout, because the detention rate is likely much higher than in normal conditions. Photos suggest that in many cities, the number of people at demonstrations is a few dozen or few hundred at most, with turnouts in Moscow and St Petersburg probably in the thousands…'[98]

8.6.6 The same article explored reasons why anti-war protests have not been larger:

'For individual activists, the landscape is … bleak. Many oppositionists are in self-imposed exile, and lack both the social media reach and the moral authority to call for protest. Those in Russia are rapidly repressed, such as human rights activist Marina Litvinovich, who was arrested on the day of the invasion, a few hours after she posted about protesting. The repressive landscape is changing rapidly, with new consequences for speaking out introduced seemingly on a daily basis, and many potential protesters have already begun leaving the country.

'… there is no "anti-war movement" as such in Russia. The protests happening across the country have no coordinating body. Many have been planned through personal networks and social media posts. In some cases, opponents of the war have simply travelled to their nearest city centre in the hope of finding like-minded citizens. Many protests are single-person pickets.'[99]

8.6.7 In a Regional Overview covering 2 to 8 April 2022, the Armed Conflict Location and Event Data Project (ACLED) noted that: '… demonstrations against the invasion continued at a smaller scale, as anti-war activists continued to face pressure and intimidation by the state. Demonstrations took place in a dozen cities, with police arresting over 200 demonstrators.'[100]

8.6.8 Institute of Modern Russia published a report on 29 March 2022 which stated 'Anti-war protesters are being detained and beaten en masse in police stations, and the courts continue to hand down harsh sentences on trumped-up charges.'[101]

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8.7 State treatment of journalists

8.7.1 The USSD HR Report 2021 noted 'There were reports of police framing journalists for serious crimes to interfere with or to punish them for their reporting'[102]. The report included several examples.

8.7.2 The report continued 'There were reports of police raids on the offices of independent media outlets that observers believed were designed to punish or pressure the outlets…'[103] The report also included some examples.

[98] The Guardian, How Putin's regime stifled anti-war protests in Russia, 10 March 2022
[99] The Guardian, How Putin's regime stifled anti-war protests in Russia, 10 March 2022
[100] ACLED, Regional Overview: Europe, Caucasus and Central Asia 2-8 April, 14 April 2022
[101] IMR, February-March 2022: War, censorship, increased repression..., 29 March 2022
[102] USSD, HR Report 2021: Russia, 12 April 2022
[103] USSD, HR Report 2021: Russia, 12 April 2022

8.7.3 Justice for Journalists describes itself as a 'London-based charity whose mission is to fight impunity for attacks against media. Justice for Journalists Foundation monitors attacks against media workers and funds investigations worldwide into violence and abuse against professional and citizen journalists.'[104] This organisation produced an article dated 4 February 2021 which included details of reported attacks on journalists and so-called 'citizen journalists'. The report added, 'The full and detailed information about attacks on journalists, bloggers and is available in our Media Risk Map as well as in the Incidents Database.'[105]

8.7.4 See also 'Foreign agent(s)' law on how that has been used against journalists and media outlets.

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8.8 State treatment of online and media critics

8.8.1 The USSD HR Report 2021 noted

'There were reports that the government retaliated against those who produced or published content it disliked. For example, authorities conducted searches of the houses of Roman Badanin, Proyekt editor in chief, deputy editor Mikhail Rubin, and journalist Mariya Zholobova on June 29, the same day the outlet intended to publish an investigation alleging corruption by Minister of Internal Affairs Vladimir Kolokoltsev, his son, and other members of his family. OVD-Info reported that authorities had opened an investigation into Badanin and his colleagues on criminal libel charges related to the 2017 showing of a documentary series that linked President Putin to Ilya Traber, a businessman suspected of having mafia connections. On July 15, the Ministry of Justice added Badanin and four Proyekt journalists to its list of media "foreign agents" and Proyekt to the list of "undesirable foreign organizations."…'[106]

8.8.2 See also 'Undesirable foreign organisations' law.

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8.9 State treatment of human rights lawyers

8.9.1 The USSD HR Report 2021 noted that 'There were … reports that authorities targeted lawyers involved in the defense of political prisoners.'[107]

8.9.2 In the World Report 2022, covering events of 2021, Human Rights Watch reported:

'In January, authorities interfered with the work of lawyers representing peaceful protesters and human rights defenders who monitored the January protests [concerning treatment of Alexey Navalny]…

'In June, authorities opened a criminal case against Ernest Mezak, a human rights lawyer who litigates cases at the European Court of Human Rights (ECtHR). They charged him with insulting a judge in a social media post…

[104] Justice for Journalists, About us, no date
[105] Justice for Journalists, Unprecedented repressions against ... journalists, 4 February 2021
[106] USSD, HR Report 2021: Russia, 12 April 2022
[107] USSD, HR Report 2021: Russia (section 1D), 12 April 2022

'In September, authorities barred human rights lawyer Valentina Chupik from re-entering Russia and stripped her of her refugee status, obtained in 2009. Chupik, a national of Uzbekistan, provided legal assistance to migrants in Russia and was an outspoken critic of the abuses she documented against them.'[108] On 2 October 2021, Deutsche Welle reported that the European Court of Human Rights had banned Valentina Chupik from being deported to Uzbekistan. The Russian authorities subsequently released her from detention and she was allowed to fly to Armenia[109].

8.9.3 See Avenues of redress: human rights cases for further information.

8.9.4 In the report of August 2021, IPHR recorded the following events:

'Team 29 is an independent association of Russian lawyers and journalists who specialise in defending "political" cases – people and organizations charged with treason, espionage, and "extremism". Team 29 has had notable successes in dismantling politically motivated cases and in pursuing freedom of information. Team 29 represented Navalny's Organizations in their "extremism" case, with senior counsel, Ivan Pavlov, leading the defence case. Ivan Pavlov also represents Ivan Safronov, a Russian journalist held in virtual isolation on high-treason charges for allegedly collecting and transferring defence secrets to Czech intelligence, a charge that he strongly denies.

'On 30 April 2021, the FSB broke into and searched Ivan Pavlov's hotel room, office and home, and the home of Team 29's IT specialist – Igor Dorfman. The case against Pavlov was launched on direct orders of the Director of FSB and the investigation was led by the Head of the Main Investigative Directorate of the Investigative Committee of the Russian Federation.

'Pavlov was charged with Article 310 of the Russian Criminal Code (disclosure of preliminary investigation data) in relation to his alleged disclosure of case documents from the authorities' treason case against journalist Ivan Safronov. Pavlov denies the charge. He faces a three-month prison term and the prospect of disbarment. By way of preliminary measures, Moscow City Court banned Pavlov from communicating with witnesses, using mail, email and other internet services – effectively preventing him from exercising his professional duties pending the outcome of his case.

'On 15 July 2021, the Prosecutor General of Russia requested the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) to block the website of Team 29. … The website was blocked by Roskomnadzor on 16 July 2021.

'On 19 July 2021, Team 29 announced that the association would shut down, stating: "In these conditions, the continuation of Team 29's activities creates a direct and clear threat to the safety of a large number of people, and we can't ignore that risk," adding that it would take down all its online

[108] HRW, World Report 2022, Russia, 13 January 2022
[109] DW, Human rights activist Valentina Chupik left Russia, 2 October 2021

content in order to avoid any risks and that its lawyers would continue representing their clients in a personal capacity.

'On 5 August 2021, Human Rights Postcards – an independent legal aid NGO funded by exiled businessman Mikhail Khodorkovksy had its website blocked by Roskomnadzor and shut operations citing "risks to employees and other factors".'[110]

8.9.5 See also Access to justice and fair trial.

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8.10 State treatment of NGOs and civil society

8.10.1 In the 'Freedom in the World' 2022 report, Freedom House noted, 'The government has relentlessly persecuted NGOs, particularly those that work on human rights and governance issues. Civic activists are frequently arrested on politically motivated charges.'[111]

8.10.2 The USSD HR Report 2021, covering the year 2021, noted:

'Official harassment of independent NGOs continued and, in many instances, intensified, particularly of groups that focused on monitoring elections, engaging in environmental activism, exposing corruption, and addressing human rights abuses... Officials often displayed hostility toward the activities of human rights organizations and suggested their work was unpatriotic and detrimental to national security. Authorities continued to apply several indirect tactics to suppress or close domestic NGOs, including the application of various laws and harassment in the form of prosecution, investigations, fines, and raids.'[112]

8.10.3 The report further stated, 'The government continued to use the "foreign agents" law, which requires NGOs that receive foreign funding and engage in "political activity" to register as "foreign agents," to harass, stigmatize, and, in some cases, halt their operation, although fewer organizations were registered than in previous years.'[113]

8.10.4 The USSD HR Report 2021 continued 'The law requires the Ministry of Justice to maintain a list of "undesirable foreign organizations."'[114]

8.10.5 See 'Foreign agent(s)' law and 'Undesirable foreign organisations' law.

8.10.6 The USSD stated that 'In multiple cases authorities arbitrarily arrested and prosecuted civil society activists in political retaliation for their work'[115] and 'There were reports civil society activists were beaten or attacked in retaliation for their professional activities and that in most cases law enforcement officials did not adequately investigate the incidents.'[116]

8.10.7 The report further noted:

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[110] IPHR, Russia's Silence Factory (p.21), August 2021
[111] Freedom House, Russia: Freedom in the World 2022, 28 February 2022
[112] USSD, HR Report 2021: Russia (Section 5), 12 April 2022
[113] USSD, HR Report 2021: Russia (Section 2.B), 12 April 2022
[114] USSD, HR Report 2021: Russia (Section 2.B), 12 April 2022
[115] USSD, HR Report 2021: Russia (Section 2.B), 12 April 2022
[116] USSD, HR Report 2021: Russia (Section 2.B), 12 April 2022

'Authorities generally refused to cooperate with NGOs that were critical of government activities or listed as a foreign agent. International human rights NGOs had almost no presence east of the Ural Mountains or in the North Caucasus. A few local NGOs addressed human rights problems in these regions but often chose not to work on politically sensitive topics to avoid retaliation by local authorities. One NGO in this region reported that the organization's employees sometimes had to resort to working in an individual capacity rather than as representatives of the organization.'[117]

8.10.8 In the World Report 2022, covering events of 2021, Human Rights Watch reported:

'As a result of [increasingly strict laws on foreign agents and undesirable organisations], Open Russia civic movement - which authorities had targeted since 2019 with "undesirable"-related prosecutions - closed, citing risks to supporters and members. But at the end of May, authorities detained Andrey Pivovarov, the group's former director. At time of writing, he remained in detention facing up to six years in prison.

'…In August, Mikhail Iosilevich was released after six months' pretrial detention for providing space for civil society events in his café. He still faces trial on "undesirable" and other trumped up charges.'[118]

8.10.9 On 3 January 2022, BBC reported on the closure of Memorial, which it referred to as 'one of the oldest civil rights groups in Russia:' It argued:

'A pretext for closing the group was its failure to mark some of its social media posts with a "foreign agent" disclaimer, which it is legally required to do. Memorial's lawyer Tatyana Glushkova stresses the group marked most of its posts and online pages as required and paid fines when it failed to do so. The group and its supporters say the accusation was just a formal excuse to close down an organisation voicing uncomfortable truths….'[119]

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8.11 State treatment of academics and artists

8.11.1 In the 'Nations in Transit' 2022 report, Freedom House noted:

'Academic freedoms were also put to the test during the year as the Law on Educational Activities came into force on July 1, despite a large public campaign to prevent its passage. Under this new law, all educational activities - from popular science lectures to international collaborations between universities - would be monitored by the government. Additionally, some topics have been deemed sensitive, and their treatment is closely monitored by government authorities; these include… discussion of the Second World War and Soviet repression… Pressure on the academic community also continued apace:.'[120]

8.11.2 The USSD HR Report 2021 reported:

[117] USSD, HR Report 2021: Russia (Section 5), 12 April 2022
[118] HRW, World Report 2022, Russia, 13 January 2022
[119] BBC, Memorial: Russia's civil rights group uncovering an uncomfortable past, 3 January 2022
[120] Freedom House, Russia: Nations in Transit 2022, 21 April 2022

'The government took further steps during the year to restrict academic freedom and cultural events…

'On June 21, the Ministry of Justice added Bard College to its list of "undesirable" foreign organizations, effectively terminating a 25-year-old joint degree program between the college and the Smolny University of Liberal Arts and Sciences… The news outlet Fontanka reported that the Coordination Council of Russian NGOs had asked the Prosecutor General's Office in March to check Smolny's links with "foreign NGOs controlled by George Soros and leading destructive activities on the territory of Russia," and to declare Bard an "undesirable" organization. Bard College was the first academic institution to receive the designation.

'There were reports that the government sanctioned academic personnel for their teachings, writing, research, or political views. …

'There were reports that authorities forced the cancellation of concerts by musicians who had been critical of the government or dealt with subjects considered unacceptable to authorities. In most cases the FSB or other security forces visited the music venues and "highly recommended" cancellation of the concerts, which the owners and managers understood as a veiled threat against the venue if they did not comply.'[121]

8.11.3 In the World Report 2022, covering the year 2021, Human Rights Watch reported that 'Russian authorities continued to penalize artistic expression that criticized or shed light on sensitive issues.'[122] The report cited several examples ('Freedom of expression').

8.11.4 On 24 March 2022, Jamestown Foundation published an article which reported that, 'the Kremlin appears to be preparing for an even tougher wave of repression. According to the few independent news outlets in Russia, artists opposing the war will be put on a "blacklist." They will be forbidden to give concerts and appear on television.'[123]

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This section was updated on 1 June 2022

9. Relevant possible criminal sanctions

9.1 'Undesirable foreign organisations' law

9.1.1 In August 2021 IPHR reported:

'Groups may be declared "undesirable organizations" by the Prosecutor General – requiring the organization to shut down and cease all activity. To date, at least 42 organizations have been banned under this law – including IPHR. Any group or individual found to be "carrying out the activities of" a banned organization (which may include anything from financial support to sending information to re-posting information on social media) may be criminally prosecuted and face up to five years of imprisonment.

[121] USSD, HR Report 2021: Russia, 12 April 2022
[122] HRW, World Report 2022, Russia, 13 January 2022
[123] Jamestown Foundation, … The Battle Against 'Traitors'…, 24 March 2022

'Under a new bill approved by the Russian Lower House of Parliament (Duma) on 9 June 2021, Russian citizens and organizations located in any country of the world will be barred from taking part in the activities of "undesirable" organisations, whilst "any foreign or international NGOs that provide services or transfer money to NGOs that have the status of an undesirable organization in Russia" will be by extension defined as "undesirable".'[124]

9.1.2 The USSD HR Report 2021 reported:

'By law a foreign organization may be found "undesirable" if it is deemed "dangerous to the foundations of the constitutional order of the Russian Federation, its national security, and defense." Authorities did not clarify what specific threats these "undesirable" NGOs posed to the country. Any foreign organization deemed "undesirable" must cease its activities. Any money or assets found by authorities may be seized, and any citizens found guilty of continuing to work with the organization in contravention of the law may face up to seven years in prison.'[125]

9.1.3 The report continued:

'The list expanded during the year to 49 organizations as of December 7. The Ministry of Justice added three German NGOs involved in efforts to develop relations with Russia, three United Kingdom (UK) affiliates of opposition activist Mikhail Khodorkovsky's Open Russian Foundation, a French NGO involved in educational exchange, a Czech NGO promoting freedom of information, a foreign college, two Church of Scientology organizations, the investigative outlet Proyekt, the International Partnership for Human Rights, four evangelical Christian groups, and the European Network of Election Monitoring Organizations.'[126]

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9.2 'Foreign agent(s)' law

9.2.1 In December 2021, Radio Free Europe/Radio Liberty (RFE/RL) stated that 'The "foreign agent" law was adopted initially in 2012 and has been modified repeatedly.'[127] Freedom House stated that Russia's foreign agent law was adopted in 2014[128].

9.2.2 The USSD HR Report 2021 noted:

'For the purposes of implementing the "foreign agents" law, the government considered "political activities" to include: organizing public events, rallies, demonstrations, marches, and pickets; organizing and conducting public debates, discussions, or presentations; participating in election activities aimed at influencing the result, including election observation and forming commissions; public calls to influence local and state government bodies, including calling for changes to legislation; disseminating opinions and decisions of state bodies by technology; and attempting to shape public

[124] IPHR, Russia's Silence Factory... (p.8), August 2021
[125] USSD, HR Report 2021 (section 2.B), 12 April 2022
[126] USSD, HR Report 2021 (section 2.B), 12 April 2022
[127] RFE/RL, In latest blow to Russian civil society..., 29 December 2021
[128] Freedom House, Nations in Transit 2021 (p.5), 28 April 2021

political views, including public opinion polls or other sociological research.'[129]

9.2.3 The report added that 'Under the law the Ministry of Justice may also assign the "foreign agent" status directly to individuals or associations.'[130]

9.2.4 Freedom House included an undated piece entitled, 'Instability and repression in Russia,' written by Mike Smeltzer, in the 'Nations in Transit 2021' report; this stated 'Russia's foreign agent law … has impacted the ability of civil society groups to operate, has been expanded to apply to independent media outlets and even individuals.'[131]

9.2.5 IPHR published a report in August 2021 which stated 'Any group or individual may be declared a "foreign agent" by the Ministry of Justice, entailing onerous financial audit requirements and an obligation to mark all publications with a header that the organization operates as a foreign agent (non-compliance with these requirements is punishable by large fines and two-year prison sentences)".'[132]

9.2.6 In December 2021, RFE/RL explained the foreign agent law '… requires nongovernmental organizations that receive foreign assistance, and that the government deems to be engaged in political activity to be registered, to identify themselves as "foreign agents," and to submit to audits. More recent amendments have targeted media organizations, individual journalists, and even defense lawyers.'[133]

9.2.7 The USSD HR Report 2021 stated '… individuals and NGOs who meet the criteria of a "foreign agent" are obliged to register or face criminal liability, with penalties of a fine of up to 300,000 rubles [approximately £3,774.00] compulsory labor for up to 480 hours, or up to two years of correctional labor or prison'[134] and 'By law the Ministry of Justice is required to maintain a list of media outlets that are designated "foreign agents." The decision to designate media outlets or individual journalists as foreign agents may be made outside of court by other government bodies, including law enforcement agencies…'[135]

9.2.8 Further examples of the use of the 'foreign agents' law are available in the USSD HR Report 2021: Russia (section 2.b).

9.2.9 In an article dated December 2021, Forum 18 News Service, a Norwegian-Danish-Swedish non-profit charitable foundation, that provides monitoring and analysis of violations of freedom of thought, conscience and belief in Central Asia, Russia, the South Caucasus, and Belarus,[136] noted punishments which may be applied if laws are broken:

'Both "foreign agent" legal entities and their employees may be subject to punishment under the Administrative Code (Article 19.34) and Criminal Code

[129] USSD, HR Report 2021 (section 2.B), 12 April 2022
[130] USSD, HR Report 2021 (section 2.B), 12 April 2022
[131] Freedom House, Nations in Transit 2021 (p.5), 28 April 2021
[132] IPHR, Russia's Silence Factory... (p.8), August 2021
[133] RFE/RL, In latest blow to Russian civil society..., 29 December 2021
[134] USSD, HR Report 2021 (section 2.B), 12 April 2022
[135] USSD, HR Report 2021: Russia, 12 April 2022
[136] Forum 18, About Forum 18, no date

(Article 330.1, Part 1 and Article 239) if the Justice Ministry or prosecutors decide that they have violated any of the requirements of registering or operating as a foreign agent. This may take the form of large fines or (in criminal cases), community service, correctional labour, or imprisonment.

'Administrative Code Article 19.34.1 ("Violation of the procedure for activities of foreign mass media performing the functions of a foreign agent, and/or a Russian legal entity established by it") carries a maximum fine for individuals of 50,000 Roubles [approximately £480], and for organisations of 5 million Roubles [approximately £48,000].

'Criminal Code Article 330.1 ("Malicious evasion of [legal obligations] in relation to recognition as performing the functions of a foreign agent") carries a maximum punishment of two years' imprisonment.

'Criminal Code Article 239 ("Creation of a non-profit organisation which infringes upon the person and rights of citizens") carries a maximum punishment of four years' imprisonment.'[137]

9.2.10 The USSD HR Report 2021 continued: 'Organizations the government listed as "foreign agents" reported experiencing the social effects of stigmatization, such as being targeted by vandals and online criticism, in addition to losing partners and funding sources and being subjected to smear campaigns in the state-controlled press. At the same time, the "foreign agent" label did not necessarily exclude organizations from receiving state-sponsored support.'[138]

9.2.11 In their August 2021 report, IPHR noted, 'To date, at least 34 media outlets and journalists have been declared "foreign agents".'[139] The report provided detailed information about actions taken against the following media outlets: DOXA, Meduza, VTimes, Proekt, Open Media, MBKh, and The Insider (pages 22 to 24). In the World Report 2022, covering events of 2021, Human Rights Watch reported, 'Since December 2020, the number of individuals and entities authorities branded "foreign media - foreign agent" exploded, reaching 94 by early November. Most are prominent investigative journalists and independent outlets.'[140] The USSD HR Report 2021 reported that 'As of December 30 [2021], there were 37 outlets and 74 individuals designated as "media foreign agents," the majority of whom were journalists. Several of those designated as "foreign agents" tried unsuccessfully to reverse their designation…'[141] Whereas, in the 'Nations in Transit' 2022 report, Freedom House noted 'Throughout 2021, a record number of 97 Russian CSOs and individuals were added to the "foreign agent" list."'[142]

9.2.12 In their report of May 2022, Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) noted that 225 NGOs had been registered as foreign agents since 2012. As of 23 May 2022, 80 NGOs

[137] Forum 18, RUSSIA: "Foreign agents", "undesirable organisations", ..., 20 December 2021
[138] USSD, HR Report 2021 (section 2.B), 12 April 2022
[139] IPHR, Russia's Silence Factory... (p.8), August 2021
[140] HRW, World Report 2022, Russia, 13 January 2022
[141] USSD, HR Report 2021: Russia, 12 April 2022
[142] Freedom House, Russia: Nations in Transit 2022, 21 April 2022

remained on the list. 145 were excluded from the register over time, mostly because of termination or liquidation of the organisation[143].

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9.3 Extremism law

9.3.1 IPHR explained, 'Groups may be prosecuted and banned as "extremist organizations". Members of affiliates of an "extremist organisation" accused of carrying out its activities may be prosecuted and could face years behind bars. All former members and affiliates of an "extremist organization" are banned from running for elections.'[144]

9.3.2 The USSD HR Report 2021 provided further information about the 'extremism' law:

'On June 4, President Putin signed a law that prohibits members of "extremist" organizations from participating in elections at all levels – municipal, regional, and federal. An organization's founders and leaders are barred from running for elected office for five years from the date of the organization's ban, while members and others "involved in its work" are barred for three years. In addition to direct membership, a person may be considered by the courts to be "involved" in the organization if that individual makes a statement of support for the group, including on social media, transfers money to it, or offers any other form of "assistance." The ban may also be applied retroactively, barring individuals from running for office if they were involved with the group up to three years prior to the extremist designation. Experts and both "systemic opposition" (effectively progovernment) and independent politicians decried the law as politically motivated and unconstitutional, citing the law's retroactive nature and ability to disenfranchise thousands of individuals as evident violations of the constitution.'[145]

9.3.3 The report further stated:

'Authorities continued to misuse the country's expansive definition of extremism, under which citizens may be punished for certain types of peaceful protests, affiliation with certain religious denominations, and even certain social media posts, as a tool to stifle dissent. As of October the Ministry of Justice had expanded its list of extremist materials to include 5,215 books, videos, websites, social media pages, musical compositions, and other items. According to the SOVA Center for Information and Analysis, in 2020 authorities "inappropriately initiated" 145 new cases against individuals under antiextremism laws, including for exercising free speech on social media and elsewhere or for their religious beliefs'[146]

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9.4 Terrorism

9.4.1 In the World Report 2021, which covered events of 2020, Human Rights Watch stated, 'In June, three 14-year old boys were detained and later

[143] ACCORD, Russian Federation: Political protests and dissidence ... Ukraine invasion, May 2022
[144] IPHR, Russia's Silence Factory... (p.8), August 2021
[145] USSD, HR Report 2021 (section 2.B), 12 April 2022
[146] USSD, HR Report 2021: Russia, 12 April 2022

charged with creating a terrorist organization and planning to blow up an FSB building in the computer game, Minecraft. One of them refused to plead guilty and has been in pre-trial detention since summer.'[147]

9.4.2 RFE/RL subsequently published further information concerning the case cited above in an article dated 10 February 2022:

'A court in Siberia has sentenced a 16-year-old boy to five years in prison in a high-profile terrorism case prompted by plans he had with two friends to add the building of Russia's Federal Security Service (FSB) to the popular video game Minecraft to allow players to blow it up… Two other defendants in the case were convicted of illegal weapons possession and handed suspended prison terms of three years and four years, Vladimir Ilkov, the lawyer for one of the two other defendants, told RFE/RL… The three boys were 14 when they were arrested in 2020 while distributing leaflets to support Azat Miftakhov, a mathematician, who was in custody at the time and later sentenced to six years in prison in January 2021 on terrorism charges that he and his supporters called politically motivated.'[148]

9.4.3 The USSD HR Report 2021 stated:

'Authorities cited laws against terrorism or protecting national security to arrest or punish critics of the government or deter criticism of government policies or officials. There were reports that critics of the government's counterterrorism policies were themselves charged with "justifying terrorism." For example, in July 2020 RFE/RL contributor Svetlana Prokopyeva was convicted of "justifying terrorism" and fined for a 2018 radio piece that explored the motivations of a teenage suicide bomber who had attacked a regional FSB office. In February the Moscow Region's Military Court of Appeal upheld her 2020 verdict and fine.'[149]

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9.5 Spreading 'fake news' about the army

9.5.1 On 4 March 2022, The Moscow Times reported 'On [4 March] the State Duma passed a law introducing punishment for spreading fake news about the Russian Armed Forces and the military operation in Ukraine, statements that discredit the armed forces, and calls for sanctions on Russia…'[150]

9.5.2 The same article explained:

'The parliament provided examples of "fakes" about military operations that are punishable by up to 15 years in prison. Some of them include the use of old photos of burned military equipment of the Ukrainian Armed Forces that have been photoshopped to have markings of the Russian military.

'The explanatory note to the bill states that the Ukrainian media is using footage of the devastation in the Donbas region from 2014-2015 and passing it off as crimes perpetrated by the Russian military in order to "create a

[147] HRW, World Report 2021, Russia, 13 January 2021
[148] RFE/RL, Russian Teenager Gets Five Years In Prison..., 10 February 2022
[149] USSD, HR Report 2021: Russia, 12 April 2022
[150] The Moscow Times, Russia Duma Passes Law on 'Fake News', 4 March 2022

global negative image of Russia as a 'bloody aggressor' and whip up panic in society.'"[151]

9.5.3 On 4 March 2022, The Moscow Times reported, 'A group of people that use their position to spread fake information or distribute fake news with falsified evidence could be jailed for 5 to 10 years. If the falsified information has grave consequences, the punishment will be 10 to 15 years in prison.'[152]

9.5.4 On 26 May 2022, Meduza also reported that 'Days after launching its full-fledged invasion of Ukraine, Russia outlawed the spread of "knowingly false information" about the country's armed forces. The new law, which came into force on March 4, carries punishments of up to 15 years in prison.'[153]

9.5.5 In an article published on 20 April 2022, Deutsche Welle noted that: 'A law prohibiting the "discrediting the Russian Armed Forces" has been in force for a little more than a month now. Since then, courts across Russia have investigated more than 300 allegations. Criminal prosecutions have been brought in at least 21 cases…' [154]

9.5.6 The same article gave some examples and cited a human rights lawyer as describing it happening 'en-masse'[155]. The same article explained that 'In most cases, people found guilty of "discrediting the operation of the Russian Armed Forces" are simply fined. But anyone found to have committed anti-war "crimes" again within a year of paying their fine can expect to face prison.'[156]

9.5.7 On 6 April 2022, The Guardian reported that a Russian teacher in the city of Penza faced jail after expressing anti-war views to her class, which had been reportedly recorded. The article explained that at the end of March 2022, 'Russian prosecutors announced they had opened a criminal case against [her] under a recently introduced law that criminalises the spread of so-called fake news about the Russian army. Prosecutors specifically took issue with the statements Gen [Irina Gen, teacher] made about the Mariupol maternity ward. She has since been banned from leaving the country, and her lawyer said she faced up to 10 years in jail if found guilty.'[157]

9.5.8 On 13 April 2022, The Guardian reported that:

'A Russian court has ordered an artist to be held behind bars for allegedly replacing supermarket price labels with messages protesting against Moscow's military campaign in Ukraine.

'Alexandra Skochilenko faces up to a decade in jail for her stealth protest, after she was charged under a new law banning "fake news" about Russia's armed forces…

[151] The Moscow Times, Russia Duma Passes Law on 'Fake News', 4 March 2022
[152] The Moscow Times, Russia Duma Passes Law on 'Fake News', 4 March 2022
[153] Meduza, 'Holding people liable for stating the facts' ..., 26 May 2022
[154] DW, Cracking down on peace: How anti-war protesters face persecution, 20 April 2022
[155] DW, Cracking down on peace: How anti-war protesters face persecution, 20 April 2022
[156] DW, Cracking down on peace: How anti-war protesters face persecution, 20 April 2022
[157] The Guardian, Russian teacher 'shocked' as she faces jail over anti-war speech..., 6 April 2022

'… Andrei Makedonov, a 59-year-old doctor, was detained for a similar supermarket protest in Saint Petersburg, Fontanka reported….'[158]

9.5.9 On 14 April 2022, Amnesty International (AI) reported on two cases of people arrested and 'accused of disseminating "knowingly false information about the Russian Armed Forces". If convicted, they could be imprisoned for up to 10 years.'[159]

9.5.10 On 18 April 2022, The Moscow Times reported that 'Police in central Russia charged an anti-war protester with "discrediting" the military for quoting American rapper Tupac on a poster… "They have money for war but can't feed the poor," read his banner, signed "@2pac."

'Police released Shayakhmetov after filing administrative charges under a sweeping law against "fake news" about the military that Russia passed after invading Ukraine. He faces a maximum fine of 50,000 rubles [approximately £567] on higher administrative charges.

'Aggravated circumstances and a repeat offense within a year could lead to imprisonment for three to five years.

'The "fake news" law's swift passage has led to immediate arrests of a broad cross-section of public and private protesters, as well as dozens of independent news outlets suspending operations or being blocked by the authorities.'[160]

9.5.11 On 22 April 2022, The Moscow Times reported that 'At least 32 people have been charged under the newly created article of the Russian Criminal Code, according to human rights lawyer Pavel Chikov.

'Between Feb. 24 and April 20, Chikov said 68 others who expressed opposition to the war faced criminal charges ranging from vandalism to assaulting police.'[161]

9.5.12 On 16 May 2022, RFE/RL published an article about four people from St. Petersburg, which noted:

'All four are being criminally prosecuted for "discrediting the armed forces of the Russian Federation" and face up to 10 years in prison if tried and convicted. And all four are being held in pretrial custody even though they are accused of nothing more dangerous than putting up stickers or making social-media posts about the war in Ukraine.

'It is unclear exactly how many Russians are facing prosecution under Article 207.3 of the Criminal Code… The criminal statute, which prohibits the dissemination of false information about the armed forces, stipulates prison terms from three to 15 years.

'The Agora legal-defense group said that 32 cases were opened under the statute in April. Investigative Committee head Aleksandr Bastrykin said on May 3 that there were 35 such cases. OVD-Info, which monitors repression in Russia, has counted at least 44.

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[158] The Guardian, Russian artist faces jail over peace protest using supermarket..., 13 April 2022
[159] AI, Russia: Release journalists detained over critical coverage of Ukraine invasion, 14 April 2022
[160] The Moscow Times, Russian Protester Charged for Quoting Anti-War Tupac Lyric, 18 April 2022
[161] The Moscow Times, Kremlin Critic Kara-Murza Faces Prison..., 22 April 2022

‘Because of the real prospect of long prison terms for people convicted under the new law, Article 207.3 represents a significant new phase in the Kremlin's effort to stamp out opposition to the war in Ukraine and clamp down on dissent.

‘St. Petersburg rights lawyer Stanislav Seleznyov told RFE/RL that prosecutors have started more frequently charging defendants with Part 2 of Article 207.3, which stipulates harsher terms for violations deemed by the state to have been “politically motivated.”

‘“Investigators ‘prove’ the motives using old posts on social media that show any criticism of the authorities,” Seleznyov said. “And they automatically ask judges to hold defendants in custody pending trial. Investigators [privately] say there are orders ‘from above’ to keep everyone in pretrial detention.”

‘In addition, he says, prosecutors often interrogate suspects without a lawyer present and pressure them to sign confessions that include language later used in court to establish that the defendant knew the information he or she distributed was false.

‘“This is a very important point,” Seleznyov said. “Many administrative cases [involving similar accusations] were dismissed or mitigated because the defendant believed the information to be true. Even one criminal case about spreading false information about the coronavirus resulted in acquittal for this reason.”’[162]

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9.6 Libel, slander and ‘spreading false information’

9.6.1 In the ‘Freedom in the World’ 2022 report, Freedom House stated: ‘In recent years, authorities have adopted a series of laws that impose fines or prison sentences for insulting the state, spreading false news, committing libel, and using social media to discuss the personal information of judges and law enforcement officials or to share information on corruption. These and other laws are actively enforced to punish and deter expressions of dissent.’[163]

9.6.2 The USSD HR Report 2021 noted:

‘Officials at all levels used their authority to restrict the work of and to retaliate against journalists and bloggers who criticized them, including taking legal action for alleged slander or libel, which are criminal offenses. President Putin signed new legislation in December 2020 that introduced criminal penalties of up to two years’ imprisonment for slander or libel “using information and telecommunications networks, including the internet.” Authorities used these laws to target human rights defenders and civil society activists in criminal investigations, most recently by accusing them of spreading unreliable information related to the COVID-19 pandemic or libelously criticizing public officials.’[164]

9.6.3 The USSD HR Report 2021 stated:

[162] RFE/RL, 'We Are Fighting Against Evil': Four St. Petersburg Women Face Prison..., 16 May 2022
[163] Freedom House, Russia: Freedom in the World 2022, 28 February 2022
[164] USSD, HR Report 2021: Russia, 12 April 2022

'The law prohibits the dissemination of false "socially significant information" online, in mass media, or during protests or public events, as well as the dissemination of "incorrect socially meaningful information, distributed under the guise of correct information, which creates the threat of damage to the lives and health of citizens or property, the threat of mass disruption of public order and public security, or the threat of the creation of an impediment to the functioning of life support facilities, transport infrastructure, banking, energy, industry, or communications."'[165]

9.6.4 The same report noted that 'The law prohibits showing "disrespect" online for the state, authorities, the public, flag, or constitution.'[166]

9.6.5 The report continued:

'During the year authorities enforced a law prohibiting the "propaganda of narcotics" to prosecute or threaten to block independent outlets and journalists. …

'During the year authorities used a law banning cooperation with "undesirable foreign organizations" to restrict free expression.

'Government-controlled media frequently used derogatory terms such as "traitor," "foreign agent," and "fifth column" to describe individuals expressing views critical of or different from government policy, leading to a societal climate intolerant of dissent.'[167]

9.6.6 In the World Report 2022, covering the year 2021, Human Rights Watch noted, 'In January, new legislative amendments came into effect imposing further restrictions on free expression. One amendment could allow authorities to institute misdemeanor proceedings on insult charges without a complainant and victim. Other amendments expanded the definition of criminal defamation and introduced imprisonment as a possible penalty.'[168]

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9.7 Other legal tools

9.7.1 A separate article published by The Moscow Times on 4 March stated that President Putin had signed into law the bill concerning imprisonment for spreading fake news about the Russian army and added, 'Putin also signed a bill that would allow fines or jail terms of up to three years for calling for sanctions against Russia with Moscow facing harsh economic penalties from Western capitals over the invasion [of Ukraine].'[169]

9.7.2 IPHR summarised additional steps which may be taken by the authorities to target those viewed as political opponents:

'Websites may be taken down after request from the Prosecutor General's Office to the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor). Legal challenges against

[165] USSD, HR Report 2021: Russia, 12 April 2022
[166] USSD, HR Report 2021: Russia, 12 April 2022
[167] USSD, HR Report 2021: Russia, 12 April 2022
[168] HRW, World Report 2022, Russia, 13 January 2022
[169] The Moscow Times, Putin Signs Law Introducing Jail Terms for 'Fake News'..., 4 March 2022

such arbitrary censorship have proven futile as t [sic] courts are often unwilling to conduct genuine and independent judicial reviews….

…

'Individuals convicted of serious crimes are disqualified from standing for elected office.

'Finally, the Russian authorities have used the COVID-19 pandemic as additional justification for breaking up meetings and demonstrations and to criminally prosecute activists and opposition politicians for violating the imposed restrictions.'[170]

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This section was updated on 1 June 2022

10. Arrest, detention and imprisonment

10.1 Police actions

10.1.1 In the 'Freedom in the World' 2022 report, Freedom House reported, 'Use of excessive force by police is widespread, and rights groups have reported that law enforcement agents who carry out such abuses have deliberately employed electric shocks, suffocation, and the stretching of a detainee's body so as to avoid leaving visible injuries.'[171]

10.1.2 The USSD HR Report 2021 stated, 'There were reports that police committed enforced disappearances and abductions during the year'[172] and 'There were reports that police beat or otherwise abused persons, in some cases resulting in their death.'[173]

10.1.3 Amnesty International reported that 'Police enjoyed impunity for the unlawful use of force, including with stun guns, against peaceful protesters.'[174]

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10.2 Arrest and detention

10.2.1 In the 'Freedom in the World' 2022 report, Freedom House noted:

'Safeguards against arbitrary arrest and other due process guarantees are regularly violated, particularly for individuals who oppose or are perceived as threatening to the interests of the political leadership and its allies… In December 2021, the president signed legislation that granted police broader authority to break into homes and vehicles and search personal belongings without a warrant. While arbitrary arrests are rarely punished, a court in May sentenced five former police officers to prison terms for the 2019 arrest of journalist Ivan Golunov on fabricated drug charges.'[175]

10.2.2 The USSD HR Report 2021 stated, 'While the law prohibits arbitrary arrest and detention, authorities engaged in these practices with impunity. The law

[170] IPHR, Russia's Silence Factory... (p.8), August 2021
[171] Freedom House, Russia: Freedom in the World 2022, 28 February 2022
[172] USSD, HR Report 2021: Russia (section 1B), 12 April 2022
[173] USSD, HR Report 2021: Russia (section 1C), 12 April 2022
[174] AI, Annual Report 2021/22, 29 March 2022
[175] Freedom House, Russia: Freedom in the World 2022, 28 February 2022

provides for the right of any person to challenge the lawfulness of his or her arrest or detention, but successful challenges were rare.'[176]

10.2.3 The report continued:

'By law authorities may arrest and hold a suspect for up to 48 hours without court approval, provided there is evidence of a crime or a witness; otherwise, an arrest warrant is required. The law requires judicial approval of arrest warrants, searches, seizures, and detentions. Officials generally honored this requirement, although bribery or political pressure sometimes subverted the process of obtaining judicial warrants…

'Detainees had trouble obtaining adequate defense counsel. While the law provides defendants the right to choose their own lawyers, investigators sometimes did not respect this provision, instead designating lawyers friendly to the prosecution. These "pocket" defense attorneys agreed to the interrogation of their clients in their presence while making no effort to defend their clients' legal rights…

'Media reported that police used facial recognition technology to detain several individuals days after public demonstrations, with some instances of misidentification leading to the arrest of the wrong individuals.'[177]

10.2.4 The report further stated:

'During the year human rights monitoring groups reported an increase in so-called carousel arrests, in which police immediately rearrest protest participants upon exiting detention facilities after having completed court-ordered administrative sentences. In contrast to earlier cases of protesters being arrested multiple times, the new charges filed against these activists and journalists stemmed from the same underlying activities or events, allowing authorities to impose lengthy periods of detention for minor infractions. For example, OVD-Info reported that from May to July, members of the Pussy Riot movement were repeatedly sentenced up to the 15 days' maximum administrative detention for disobeying a police officer. One of the activists, Veronika Nikulshina, was sentenced three times in three months to 15-day detentions, including on July 2, the day after her release from a June 16 detention. Her lawyer speculated that the systematic detentions were intended to prevent the movement from organizing demonstrations during a European soccer championship match hosted in Russia.'[178]

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10.3 Treatment in detention

10.3.1 The USSD HR Report 2021 stated, 'Physical abuse of suspects by police officers was reportedly systemic and usually occurred within the first few days of arrest in pretrial detention facilities. Reports from human rights groups and former police officers indicated that police most often used electric shocks, suffocation, and stretching or applying pressure to joints and

[176] USSD, HR Report 2021: Russia (section 1D), 12 April 2022
[177] USSD, HR Report 2021: Russia (section 1D), 12 April 2022
[178] USSD, HR Report 2021: Russia (section 1D), 12 April 2022

ligaments because those methods were considered less likely to leave visible marks.'[179]

10.3.2 In the 'Nations in Transit' 2022 report, Freedom House stated that 'The Russian prison system is plagued with systematic abuse of human rights… According to data from Proekt Media, only nine regions [out of a total of 49] over the past five years have shown no evidence of using torture, beatings, and ill-treatment, which implies that violence remains a routine practice in Russian prisons.'[180]

10.3.3 The USSD HR Report 2021 reported:

'There were reports that law enforcement officers used torture, including sleep deprivation, as a form of punishment against detained opposition and human rights activists, journalists, and critics of government policies…

'Several activists affiliated with Navalny and his political activities or the Anticorruption Foundation also reported being tortured or abused by security officials while in their custody…

'There were reports of the FSB using torture against young "anarchists and antifascist activists" who were allegedly involved in several "terrorism" and "extremism" cases.'[181]

10.3.4 The report continued: 'There were reports of authorities detaining defendants for psychiatric evaluations to exert pressure on them or sending defendants for psychiatric treatment as punishment. Prosecutors and certified medical professionals may request suspects be placed in psychiatric clinics on an involuntary basis.'[182]

10.3.5 The same report stated:

'There were reports that political prisoners were placed in particularly harsh conditions and subjected to punitive treatment within the prison system, such as solitary confinement or punitive stays in psychiatric units… Former political prisoners described having to carry out meaningless tasks multiple times a day and being sent to the "punishment brigade" for minor infractions, conditions that one prisoner described as psychologically harrowing. In March media outlets reported that authorities issued 20 violations to Navalny in his first month of prison, including for getting out of bed 10 minutes before the scheduled "wake up" command. On January 20, Navalny filed a complaint to the ECHR [European Court of Human Rights] concerning the poor conditions of his detention center, which he characterized as a "friendly concentration camp."'[183]

10.3.6 In the Annual Report 2021, Amnesty International claimed that 'Torture and other ill-treatment in custody remained endemic.' The same report added that 'Those arrested during pro-Navalny rallies complained of inhuman and degrading conditions in detention, including severe overcrowding at the

[179] USSD, HR Report 2021: Russia (section 1C), 12 April 2022
[180] Freedom House, Russia: Nations in Transit 2022, 21 April 2022
[181] USSD, HR Report 2021: Russia (section 1C), 12 April 2022
[182] USSD, HR Report 2021: Russia (section 1C), 12 April 2022
[183] USSD, HR Report 2021: Russia (section 1C), 12 April 2022

Sakharovo detention facility for migrants, outside Moscow, and elsewhere.'[184]

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10.4 Political prisoners

10.4.1 The USSD HR Report 2021 stated:

'There were credible reports of political prisoners in the country and that authorities detained and prosecuted individuals for political reasons. Charges usually applied in politically motivated cases included "terrorism," "extremism," "separatism," and "espionage." Political prisoners were reportedly placed in particularly harsh conditions of confinement and subjected to other punitive treatment within the prison system, such as solitary confinement or punitive stays in psychiatric units.'[185]

10.4.2 In terms of numbers, the USSD HR Report 2021 added, 'As of December 7, Memorial's list of political prisoners contained 426 names, including 343 individuals who were allegedly wrongfully imprisoned for exercising freedom of religion or belief.'[186] On 16 August 2021, the Russian human rights group Memorial published an article which stated 'Since the beginning of the year, the total number of political prisoners in Russia has grown from 349 to 410 people. … Of these, 329 people are imprisoned because of the exercise of the right to freedom of religion or religious affiliation… and 81 - for other political reasons (see list).'[187]

10.4.3 Memorial explained:

'At the beginning of the year, there were 349 names on our lists. Over the past seven and a half months… 30 new political prisoners were included in the list of those persecuted for other political reasons, 10 people from this list were released.

'The inclusion of new names in the lists not only reflects changes in the fate of people – new arrests, changes in preventive measures, sentencing related to imprisonment – but is also the result of our work on the analysis of criminal cases whose defendants were previously imprisoned. Nevertheless, changes in the lists generally reflect the dynamics of the general situation with political prisoners.

'Over the past seven and a half months, unfortunately, many new people have appeared on our lists. In addition to Alexei Navalny himself, who was arrested upon his return to Russia, after the actions of solidarity with him in January 2021, both protesters (defendants in the so-called "palace case" throughout Russia) and those who spoke about the actions on the network (defendants in the "sanitary case", journalists of the student magazine Doxa) were imprisoned. Other persecutions related to statements and dissemination of information on the Internet continued (the cases of Pavel Zelensky, Andrei Borovikov and Maxim Smolnikov). In the run-up to the September elections to Russia's State Duma, many potential candidates,

[184] AI, Annual report 2021, 29 March 2022
[185] USSD, HR Report 2021: Russia (section 1E), 12 April 2022
[186] USSD, HR Report 2021: Russia (section 1E), 12 April 2022
[187] Memorial, Memorial publishes updated lists of political prisoners, 16 August 2021

including Andrei Pivovarov, Alexei Vorsin and Oleg Stepanov, were prosecuted on a variety of illegal and unfounded charges…

'And yet, despite our best efforts, the names of many people who are probably political prisoners, imprisoned or convicted since the publication of the previous lists are not on our lists: we are still collecting information about them and studying the circumstances of their persecution.

'The lists of political prisoners of the Memorial Human Rights Centre are only a minimal estimate of the number of political prisoners in modern Russia. In fact, there are undoubtedly many more political prisoners and other persons imprisoned for political reasons.'[188]

10.4.4 The USSD HR Report 2021 added:

'Memorial noted the average length of sentences for the cases on their list continued to increase, from 5.3 years for political prisoners and 6.6 years for religious prisoners in 2016 to 6.8 and 9.1 years, respectively, in 2018. In some cases sentences were significantly longer, such as the case of Aleksey Pichugin, a former security official of the Russian oil company Yukos, imprisoned since 2003 with a life sentence for conviction of alleged involvement in murder and attempted murder; human rights organizations asserted that his detention was politically motivated to obtain false evidence against Yukos executives.'[189]

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10.5 Monitoring and investigations

10.5.1 The USSD HR Report 2021 reported:

'During the year media coverage of multiple allegations of torture at several penal colonies and testimony from victims and their family members prompted investigations by the Federal Penitentiary System. In one example, on February 23, the Investigative Committee opened an investigation into abuse of power after media published two videos of abuse at penal colony No. 1 (IK-1) in Yaroslavl... In May media outlets reported that the Investigative Committee had detained 10 staff members of the IK-1 prison, although as of July, no information was available on the outcome of the investigation. On October 5, after the release of numerous videos depicting the torture and rape of inmates in the Saratov regional tuberculosis hospital No. 1, the Federal Penitentiary System opened an investigation into abuses at the facility.'[190]

10.5.2 In the World Report 2022, covering events of 2021, Human Rights Watch reported that 'Authorities regularly allowed cruel treatment, torture and suspicious deaths in custody to go unpunished by refusing to open criminal cases, explanations by law enforcement as justification to close or drop cases due to expiration of statutory limitations.'[191]

10.5.3 Human Rights Watch continued:

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[188] Memorial, Memorial publishes updated lists of political prisoners, 16 August 2021
[189] USSD, HR Report 2021: Russia (section 1E), 12 April 2022
[190] USSD, HR Report 2021: Russia (section 1C), 12 April 2022
[191] HRW, World Report 2022, Russia, 13 January 2022

'Torture and ill-treatment of inmates continued in Russia's penitentiary system, despite official assurances following the publication of leaked, graphic videos of torture of inmates. In July, a number of inmates complained of intensified cruel treatment in retaliation for an April riot in a penal colony in Angarsk, reportedly sparked by ill-treatment.

'In October, after new media reports about leaked videos documenting numerous incidents of rape and other ill-treatment of male inmates at a prison hospital in Saratov region, law enforcement announced they were opening an investigation. The person who leaked the videos fled the country.

'In April and October, inmates rioted in penal colonies in Angarsk and Vladikavkaz, reportedly prompted by beatings.'[192]

10.5.4 In the Annual Report 2021, Amnesty International stated 'prosecutions of perpetrators [of torture and other ill-treatment] was rare.'[193] They added, 'Although several criminal investigations were initiated into multiple allegations of torture, including rape, of prisoners in Irkutsk region in 2020, they were stalled with victims and witnesses complaining of threats and intimidation.'[194]

10.5.5 The USSD HR Report 2021 stated that 'There were reports of authorities prosecuting journalists and activists for reporting torture.'[195]

10.5.6 The report continued: 'While prisoners may file complaints with public oversight commissions or with the Office of the Human Rights Ombudsperson, they often did not do so due to fear of reprisal. Prison reform activists reported that only prisoners who believed they had no other option risked the consequences of filing a complaint. Complaints that reached the oversight commissions often focused on minor personal requests.'[196]

10.5.7 The report further noted:

'Authorities permitted representatives of public oversight commissions to visit prisons regularly to monitor conditions. According to the Public Chamber, there were public oversight commissions in almost all regions. Human rights activists expressed concern that some members of the commissions were individuals close to authorities and included persons with law enforcement backgrounds…

'Authorities allowed the Council of Europe's Committee for the Prevention of Torture to visit the country's prisons and release some reports on conditions but continued to withhold permission for it to release all recent reports.'[197]

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This section was updated on 1 June 2022

[192] HRW, World Report 2022, Russia, 13 January 2022
[193] AI, Annual report 2021, 29 March 2022
[194] AI, Annual report 2021, 29 March 2022
[195] USSD, HR Report 2021: Russia (section 1C), 12 April 2022
[196] USSD, HR Report 2021: Russia (section 1C), 12 April 2022
[197] USSD, HR Report 2021: Russia (section 1C), 12 April 2022

11. Access to justice and fair trial

11.1.1 In the 'Nations in Transit' 2022 report, Freedom House stated, 'The court system lacks autonomy from the executive and security services, and is often utilized as an instrument of political oppression.'[198]

11.1.2 The USSD HR Report 2021 stated:

'The law provides for an independent judiciary, but judges remained subject to influence from the executive branch, the armed forces, and other security forces, particularly in high-profile or politically sensitive cases, as well as to corruption. The outcomes of some trials appeared predetermined. Acquittal rates remained extremely low. In 2020 courts acquitted 0.34 percent of all defendants.

'There were reports of pressure on defense attorneys representing clients who were being subjected to politically motivated prosecution and other forms of reprisal. According to a 2019 report from the Agora International Human Rights Group, it was common practice for judges to remove defense attorneys from court hearings without a legitimate basis in retaliation for their providing clients with an effective defense. The report also documented a trend of law enforcement authorities using physical force to interfere with the work of defense attorneys, including the use of violence to prevent them from being present during searches and interrogations.'[199]

11.1.3 The report continued: 'The law provides for the right to a fair and public trial, but executive interference with the judiciary and judicial corruption undermined this right… In some cases judicial authorities imposed sentences disproportionate to the crimes charged. '[200] The report then gave 2 examples[201].

11.1.4 In their report of August 2021, IPHR noted:

'Navalny's Organisations were not given access to evidence against them until the day of the hearing and even then, only partial disclosure was granted – leaving the defendants without an effective opportunity to prepare their defence…

'The final judgment was neither based on sound legal reasoning nor on credible, reliable or even existing evidence. The Prosecution's accusations and the Court's finding of "extremism" was not borne out by the evidence and the Court decision does not allow for a clear analysis of how the verdict was reached nor of the evidential basis that supports it. On the contrary, the ruling appears to have been a foregone conclusion…

'Legal proceedings involving other targeted groups and individuals are marked by the same fundamental evidentiary and fair trial concerns. Courts have ignored the authorities' failure to present or disclose any, or any credible, evidence for taking down the website of Team 29, designating Meduza as a "foreign agent" or shutting down the Municipal Russia Conference and imposing fines on nearly 200 participants. … There are

[198] Freedom House, Russia: Nations in Transit 2022, 21 April 2022
[199] USSD, HR Report 2021: Russia (section 1E), 12 April 2022
[200] USSD, HR Report 2021: Russia (section 1E), 12 April 2022
[201] USSD, HR Report 2021: Russia (section 1E), 12 April 2022

serious and credible doubts as to the impartiality and independence of judges presiding over all cases related to the crackdown, as demonstrated by the identically-worded court decisions, lack of substantiating evidence and lack of procedural fairness… The prosecutions against opposition politicians appear to be aimed at disqualifying them from running in September's elections. The official rhetoric heard during and after the proceedings clearly demonstrates that the outcomes of these proceedings were a fait accompli, aimed not at protecting the public but rather at safeguarding the regime's interests. For these reasons, the authorities have violated the right to fair trial.'[202]

11.1.5 IPHR further stated that 'Legal proceedings involving other targeted groups and individuals are marked by … fundamental evidentiary and fair trial concerns.'[203] The report cited examples.

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This section was updated on 19 January 2022

12. Avenues of redress: human rights cases

12.1.1 The USSD HR Report 2021 stated:

'Some government institutions continued to promote human rights and intervened in selected abuse complaints, despite widespread doubt as to these institutions' effectiveness.

'Many observers did not consider the 168-member Civic Chamber, composed of government-appointed members from civil society organizations, to be an effective check on the government.

'The Presidential Council for Civil Society and Human Rights is an advisory body to the president tasked with monitoring systemic problems in legislation and individual human rights cases, developing proposals to submit to the president and government, and monitoring their implementation. The president appoints some council members by decree, and not all members operated independently. Experts noted that the head of the council and senior member of the ruling United Russia party, Valeriy Fadeyev, worked closely with government authorities and often echoed their assessment of well known human rights cases. The high commissioner for human rights, Tatyana Moskalkova, was viewed as a figure with very limited autonomy. The country had regional ombudspersons in all regions with responsibilities similar to Moskalkova's. Their effectiveness varied significantly, and local authorities often undermined their independence.'[204]

12.1.2 In the 'Freedom in the World' 2022 report, Freedom House noted, 'Many Russians have … sought justice from international courts, but a 2015 law authorizes the Russian judiciary to overrule the decisions of such bodies, and it has since done so on a number of occasions.'[205]

12.1.3 Institute of Modern Russia published an article on 29 March 2022 which noted 'Russia announced its withdrawal from the Council of Europe, thereby

[202] IPHR, Russia's Silence Factory (p.29), August 2021
[203] IPHR, Russia's Silence Factory (p.29), August 2021
[204] USSD, HR Report 2021: Russia (section 5), 12 April 2022
[205] Freedom House, Russia: Freedom in the World 2022, 28 February 2022

denouncing the Convention for the Protection of Human Rights and Fundamental Freedoms. It will be difficult now for Russians to apply to the European Court of Human Rights (Russia is the leading country by number of complaints filed against it to the ECHR).'[206]

12.1.4 In the annual report 2021, Amnesty International stated, 'Impunity for crimes committed against human rights defenders and journalists persisted. Numerous crimes, past and ongoing, remained unsolved with investigations unopened or manifestly stalled.'[207]

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[206] IMR, February-March 2022: War, censorship, increased repression..., 29 March 2022
[207] AI, Annual report 2021, 29 March 2022

Annex A

Interview questions

Official – sensitive: Start of section

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Terms of Reference

A ‘Terms of Reference’ (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the country information section. The Home Office’s Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Relevant law(s)
    - Include use of ‘foreign agent’ designation
- Party in government and opposition parties
    - Freedom to operate
    - Freedom to support opposition parties
    - State treatment of opposition politicians
    - State treatment of family of opposition politicians
- Elections
    - Freedom to stand for elections
    - Whether elections are free and fair
- Groups seen as opposing the authorities
    - Journalists and media
    - Human rights defenders and NGOs
    - Human rights lawyers
    - Artists
    - Academics
    - Protestors
- Treatment by the police and treatment in detention
    - Include political prisoners
- Treatment in the justice system
- Other actions taken by the state
- Detention
    - Political prisoners
    - Treatment in detention
- Justice
    - Possibility of fair trial
- Avenues of redress

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Version control

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **11 August 2022**

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Changes from last version of this note

This is the first Country Policy and Information Note on this subject.

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