

# *Political Prisoners and Political Repression in Russia in 2022*

*Moscow, 2023*

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# Abbreviations

<b>ACF</b>	Anti-Corruption Foundation
<b>CIT</b>	Conflict Intelligence Team
<b>CPRF</b>	Communist Party of the Russian Federation
<b>DNR</b>	The self-proclaimed 'Donetsk People's Republic'
<b>EAEU</b>	Eurasian Economic Union
<b>ECHR</b>	European Convention on Human Rights and Fundamental Freedoms
<b>ECtHR</b>	European Court of Human Rights
<b>FSB</b>	Federal Security Service
<b>GKChP</b>	State Committee for the State of Emergency
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>LNR</b>	The self-proclaimed 'Luhansk People's Republic'
<b>NATO</b>	North Atlantic Treaty Organisation
<b>OCCRP</b>	Organised Crime and Corruption Reporting Project
<b>OHCHR</b>	Office of the UN High Commissioner for Human Rights
<b>OMON</b>	Special Purpose Police Unit – within the National Guard
<b>OSCE</b>	Organisation of Security and Cooperation in Europe
<b>PMC</b>	Private Military Company
<b>RCAO</b>	Russian Code of Administrative Offences
<b>RCC</b>	Russian Criminal Code
<b>SOBR</b>	Special Rapid Response Unit – within the National Guard
<b>SVO</b>	Special Military Operation
<b>USA</b>	United States of America
<b>USSR</b>	Union of Soviet Socialist Republics



# Introduction

The full-scale war of aggression unleashed by the Russian government on 24 February 2022 has been a source of appalling violations of the rights of people living in Ukraine and has had a very wide range of impacts on the situation in Europe and the world.

Politically motivated repression in Russia in 2022 has, of course, been inextricably linked to the war. On the one hand, the repression reflected the efforts by the authorities to ensure what they considered to be a necessary level of control over society, which was much greater than previously; and on the other hand, it was a consequence of the tightening of domestic policies that accompanied the war situation.

In the current situation, we consider it important to continue our series of annual reviews of political repression in Russia, to show the practices and trends from previous years that continue, as well as those that have been newly introduced.

01.

# 1.1. The independent human rights project ‘Political Prisoners. Memorial’ and lists of political prisoners

[Memorial Human Rights Centre](#) was unlawfully closed down by the authorities on 5 April 2022. Among the organisation’s most important activities from 2009 until then had been the provision of support to victims of politically motivated prosecutions, including maintaining lists of political prisoners in Russia.

Before the decision to liquidate Memorial Human Rights Centre had entered into force, its board approved the continuation of this work in the framework of a new independent human rights project.

‘Political Prisoners. Memorial’ is an independent human rights project that collects, researches and systematises information about unlawful politically motivated criminal prosecutions, and in addition provides assistance to victims of such prosecutions. We continue to work on the basis of the principles, approaches and methods which guided the work of Memorial Human Rights Centre. In particular, the decision as to whether a defendant or convicted person in a specific case of criminal prosecution meets the criteria to be designated a political prisoner and, accordingly, should be included in the respective lists, is made by a broader and representative Council consisting of authoritative Russian human rights defenders.

What do we do?

- We gather information about cases of unlawful politically motivated criminal prosecution.
- We compile and maintain lists of Russian political prisoners.
- We disseminate information about specific criminal cases, people subjected to political repression and their fates. On our website, you will find case files, copies of documents, links to media publications about the cases and trials, statements by lawyers and human rights defenders, open letters and texts of appeals in their support, and articles from the media.
- We help find and pay for lawyers for people prosecuted for political reasons and provide support to their families.
- We report on planned protests, events and campaigns of solidarity in support of political prisoners, as well as possible forms of assistance to each.

## 1.2. Who we consider to be political prisoners

In designating individuals as political prisoners, the project 'Political Prisoners. Memorial' relies on the [Guidelines on the Definition of the Term 'Political Prisoner'](#) developed by human rights defenders from a number of countries on the basis of [Resolution No. 1900 \(2012\) of the Parliamentary Assembly of the Council of Europe \(PACE\)](#). According to these Guidelines, in order for someone to be recognised as a political prisoner, the following conditions must be met:

1. the prosecuted individual has been deprived of liberty by state coercion (on remand, in a penal colony, under house arrest, in a temporary detention centre, under compulsory treatment in a psychiatric hospital, and so on); in practice, in most cases what is at issue is a criminal prosecution, and at least one of the following factors is present:
  - 1.a. the deprivation of liberty was imposed solely for political, religious or other beliefs or for the non-violent exercise of rights and freedoms guaranteed by the [International Covenant on Civil and Political Rights](#) or the [European Convention for the Protection of Human Rights and Fundamental Freedoms](#);
  - 1.b. the deprivation of liberty was imposed solely for non-violent activities aimed at protecting human rights and fundamental freedoms;
  - 1.c. the deprivation of liberty has been imposed solely on the basis of gender, race, colour, language, religion, national, ethnic, social or family origin, birth, nationality, sexual orientation or gender identity, property or other status or on the basis of a sustained association with communities united on such grounds;
2. the prosecution is politically motivated (see below for a definition of 'political motivation') and at least one of the following factors is present:
  - 2.a. the deprivation of liberty was imposed in violation of the right to a fair trial or other rights and freedoms guaranteed by the International Covenant on Civil and Political Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms;
  - 2.b. the deprivation of liberty was based on fabricated evidence, or the absence of an offence, or the offence was committed by another person;
  - 2.c. the length or conditions of deprivation of liberty are manifestly disproportionate to the offence of which the person is suspected or for which the person has been charged or convicted;
  - 2.d. the person's deprivation of liberty is selective in comparison to the treatment of other persons.

For an individual to be recognised as a political prisoner, it is also necessary that they have not committed a crime of violence against the person (except in cases of self-defence or extreme necessity), hate crimes against persons or property, and has not incited violence on national, ethnic, racial, religious or other similar grounds.

This is not the only possible approach to the definition of the term ‘political prisoner.’ Neither we, nor any others, have a monopoly on the term and everyone is free to define it in their own way. Nevertheless, a common approach, based on the PACE resolution, is valuable both for a meaningful discussion of the issues involved and for a common approach to situations in different countries.

## 1.3. How we define political motivation

According to the *Guidelines on Defining the Term ‘Political Prisoner,’* a political motive is ‘the actual basis for actions or omissions by law enforcement, the judiciary or other public authorities that is unacceptable in a democratic society and is aimed at achieving at least one of the following goals:

- (a) the consolidation or retention of power by those in authority;
- (b) the involuntary termination or alteration of the nature of a person’s public activity.’

To put it more simply, irrespective of whatever the authorities declare to be the reasons for prosecution in the formal indictment, what matters is the real reason for their attack on the person, in so far as it can be established: he/she either hinders the authorities or for some other reason it is somehow beneficial for the authorities to fabricate a criminal case against them.

Point b) is intuitively clear: we are talking about the prosecution of human rights defenders, journalists, opposition politicians, organisers of and participants in public protests, bloggers and other opinion leaders. Repression in this case is a means to intimidate such people, to force them to leave the country or simply to physically isolate them in prison. A prime example from 2022 is the prosecution of [Ilya Yashin](#), one of the few Russian politicians who remained in Russia and publicly criticised the war against Ukraine.

Point a) is somewhat more complex and brings together a group of motives, the most common among which are:

- intimidation of society – the authorities hope that those who find out about the prosecution will refuse to attend protest rallies, express opinions on social media, or publish investigative journalism, and so on;
- propaganda – the authorities seek either to discredit their opponents by making them look like fraudsters, for example, or, on the contrary, to create the image of a dangerous enemy, sometimes even with regard to chance victims, in order, for example, to confirm the notions set out in state propaganda or to justify in the public mind the expansion of powers of the law enforcement and security services;
- to reassure society – law enforcement authorities create the impression that they are effective in combating serious threats (most often related to terrorism);
- to strengthen a negotiating position (hostage-taking, to put it simply) – the Russian authorities are ready to release those prosecuted if other countries make concessions.

This understanding of political motive is inevitably very broad. In particular, it is not always easy to establish its presence or absence in specific prosecutions that take place in the framework of a repressive campaign. The state conducts repressive (sometimes merely simulated) campaigns that result in a large number of fabricated cases concerning a variety of offences — combating drugs, sexualised violence against children, corruption and so on. In each case, the context has to be examined separately to see if there is a political motive.

Nevertheless, there are cases in which we almost always speak of the prosecution as having a political motive: if it *'clearly falls within the framework of a specific state propaganda campaign or campaign of state repression and is connected to charges related to extremism or terrorism, or rioting, hooliganism, vandalism, espionage or treason.'*

An additional motive for prosecution is often the desire of individual security officials to improve crime statistics, gain promotion or other benefits. This situation is a kind of bottom-up response to a demand for further repression coming from above.

## 1.4. Why we know our lists of political prisoners are incomplete

The number of people in the lists of political prisoners maintained by the project 'Political Prisoners. Memorial' should be considered a minimum estimate of the scale of repression. Many of those prosecuted for political reasons have not been recognised as political prisoners, and there are several reasons for this.

### 1. Lack of information.

We try as far as possible to study the position and arguments of the prosecution and for this we rely on documents such as the indictment, other materials in the case and the court verdict. The arguments of the defence are also important: it is important for us to know whether forensic expertise has been carried out that proves the innocence of the prosecuted person or whether there have been significant procedural violations.

It is often difficult to obtain the materials related to a case. The agreement of the persons prosecuted, their relatives or their lawyers may not be enough for us to obtain the documents. Espionage cases, for example, usually involve state secrets. In many other cases, lawyers are required to sign a non-disclosure undertaking with respect to the initial investigation. Sometimes defendants and their defence counsel, in the belief that publicity will only be harmful, refrain from contacting human rights defenders.

Of course, sometimes the fact that a prosecution is politically motivated may be so obvious that it is not necessary to investigate the materials of the case. These include cases where people are prosecuted for something that is not a crime, and cannot and should not be considered as such, as for example when a person is remanded in custody on charges of expressing an anti-war point of view (so-called discreditation or 'spreading information known to be false about the use of the armed forces of the Russian Federation') or for exercising their right to freedom

of religion (for example, participation in Jehovah's Witnesses organisations). In these cases, information from the media may be enough. But some cases, such as those involving allegations of preparing terrorist attacks or of economic crimes, require a much more thorough analysis. Often, the necessary information can only be obtained after the investigation has been completed, or sometimes even after the trial has ended.

Finally, we do not know about the majority of politically motivated prosecutions, especially when the victims in the case are victims by accident and those prosecuted do not know how or to whom to tell their stories. This has become particularly evident since the start of Russia's full-scale aggression against Ukraine. Many people who previously took no part in civil society activism have become involved in anti-war protests, and in protest movements in general, and the scale and in particular the geographic scope of political repression has grown dramatically, taking in even the smallest communities in the most various regions. This creates significant additional obstacles for human rights defenders and independent media in quickly obtaining information about politically motivated criminal prosecutions.

## **2. Limited resources.**

The gathering of information, its analysis, the compilation of analytical reports and, finally, their examination by the experts on the Council, all take time and work.

If some persons subject to prosecution do not yet figure in the list, this may be because their cases have not yet been reviewed.

## **3. The problem of applying exceptions.**

It was said above that even if a person prosecuted for political reasons meets the criteria for being a political prisoner, we will not recognise them as such if they have committed a crime of violence against the person, incited violence or committed a violent act motivated by hate.

However, in cases where there are no circumstances that exclude the possibility of recognition as a political prisoner, we also consider it important to meaningfully analyse the validity of criminal charges that can be considered necessary in a democratic society, even if the alleged crimes were probably motivated by the best of intentions, and to assess the correctness of the prosecution of actions that are alleged to be dangerous to the public.

Any other approach would not be human rights-based but would be a political one, virtually stripping the concept of 'political prisoner' of its objective content and making it a mere marker of 'one's own' in a division between 'insiders' and 'outsiders.'

This approach raises understandable criticism in the realities of 2022, when the Russian authorities unleashed a full-scale war against Ukraine and toughened repression inside the country. The public response to the Russian government's crimes has included numerous acts of resistance, which cannot be classified as non-violent protest. These actions are supported by a large part of society. However, sympathies and empathy based on ideological, political or even moral grounds do not in themselves justify recognition of a person as a political prisoner. The concept of 'political prisoners' is a more complex phenomenon defined in terms of a large number of factors.

At the same time, of course, neither the provision of legal, humanitarian nor psychological support to prisoners, nor advocacy for their rights, are dependent on whether they are recognised as political prisoners. We believe it is important to help protect the rights of prisoners in po-

litically motivated cases to the best of our ability and to highlight prosecutions even where the defendants or persons convicted are not included in our lists of political prisoners.

## 1.5. How our lists of political prisoners and victims of politically motivated prosecutions are organised

### [1. The general list of political prisoners.](#)

This list includes all political prisoners, except those imprisoned in connection with the exercise of the right to freedom of religion and religious affiliation. We aim to include in this list all those who meet the criteria.

### [2. The list of political prisoners prosecuted for their religion.](#)

Those on this list meet all the criteria for political prisoners, but because of their large numbers we count them separately for purposes of clarity. There are four times as many people on the 'religious' list as on the 'secular' or 'civic' list. The main reason for this is the large number of 'conveyor belt' prosecutions for involvement with [Hizb ut-Tahrir](#) and Jehovah's Witnesses. We also try to include all known 'religious' political prisoners in this list.

### [3. The list of those prosecuted without being deprived of liberty.](#)

These are people whose prosecution meets the criteria for political prisoners, but who are not imprisoned. That is, for example, people who are under travel restrictions, those given a suspended sentence or forced to emigrate because of politically motivated prosecution. If they are imprisoned, we automatically transfer them to the list of political prisoners. This list does not claim to be exhaustive: we do not aim to include everyone who falls under its criteria, and we do not include anyone on it purposely.

### [4. A list of prisoners whose cases show very probable evidence of political motivation and serious violation of the law.](#)

We include here those prisoners whom we have not yet recognised as political prisoners. Sometimes these are cases that we have not been able, for one reason or another, to analyse with the detail necessary to recognise those prosecuted as political prisoners; and sometimes these are cases where those imprisoned, despite meeting the other criteria for political prisoners, have called for group violence or whose cases fall under other grounds for exclusion.

This list in particular is intended to help draw public attention to the cases described in chapter [1.4. Why our lists of political prisoners are inevitably incomplete.](#)

## 1.6. Why lists of political prisoners are needed

Firstly, the main function of the lists is to provide an approximate minimum estimate of the scale of political repression in Russia. The number of political prisoners on our lists (and especially how this number changes from year to year) is an important indicator of what is happening in the country and the severity of the authoritarian regime. Although the dramatic increase in the scale and changes in the forms of political repression in 2022 have enlarged the disparity between the estimated number of political prisoners in Russia and the numbers on our lists, both this conservative assessment itself and, still more, the consequent assessment of the dynamics of political repression, remain relevant.

Secondly, we try to increase public support for political prisoners. We carry out preparatory work, collect information, and present carefully prepared arguments as to why a particular prosecution is wrongful and politically motivated. Most of those who sympathise with the defendants or persons convicted in a particular case do not themselves have the time or energy to research the case in detail. When people learn that Memorial has recognised someone as a political prisoner, they usually realise that the prosecuted person deserves support and a speedy release or review of their case. The less well-known a prosecuted person is, the more important it can be for them to be included in our lists.

Thirdly, our website provides information about the criminal cases of political prisoners and their analysis. We seek to disseminate this information in Russia and abroad.

Fourthly, we try to provide as much financial and legal support to political prisoners and their families as we can. However, a person does not need to be on one of our lists to receive assistance; we also extend help to those who have not been recognised as political prisoners but whom we know to have been a victim of unjust politically motivated prosecution.

## 1.7. The context of 2022

Russia's full-scale invasion of Ukraine on 24 February has divided the year 2022 into two unequal parts. At the beginning of 2022 the trends of 2021 concerning the prosecutions of Navalny supporters and of participants in peaceful protests, along with some others, continued in full force. This is not to say that such prosecutions stopped after the outbreak of full-scale war, but thereafter the repression of opponents of the war came to the fore and the human rights situation deteriorated significantly.

A week after the Russian invasion of Ukraine began, on 4 March, the Russian State Duma adopted emergency legislation (not in the form of new bills, but by amending bills that had already passed in first reading) to amend the Russian Code of Administrative Offences [RCAO] and the Russian Criminal Code [RCC]. These laws concerned calling for sanctions, the spread-



ing of 'fake news' about the Russian armed forces, the discreditation of the Russian armed forces and also calling for 'obstruction of their use.' The same day the bills were approved by the Federation Council and signed by the President in the evening. The amendments came into force on the date of their official publication, 5 March 2022.

These laws have become a symbol both of the new repressive wartime legislation and of the persecution of those who disagree with the aggressive war. In many cases, however, a variety of other criminal laws have been used for the same purpose.

The outbreak of war was accompanied by mass protests throughout the country which were unlawfully dispersed by the authorities. Many participants in the protests have been prosecuted for administrative offences; some have been prosecuted for criminal offences.

The war caused the mass displacement of hundreds of thousands of people. Many Russians left the country immediately after the invasion, even more after the decree starting mobilisation. Also refugees and forcibly displaced persons from Ukraine arrived on Russian territory.

Although peaceful forms of protest clearly prevailed over violent ones, there has been an increase in various forms of violent resistance to the authorities.

## 1.8. Statistics

As of 31 December 2022, the lists of the project 'Political Prisoners. Memorial' contained:

- 122 political prisoners on the 'general' list;
- 391 political prisoners on the 'religious' list.

As mentioned above, while the lists provide only a minimum estimate of the number of victims of political repression, from changes in the trends it is possible to draw conclusions about the increasing severity of the Russian political regime in recent years (see Table 1.1).

In late 2014, the number of political prisoners decreased significantly because of the amnesty and pardons on the eve of the Sochi Olympics. However, since then the number of political prisoners has steadily increased, and the rapidity of this growth excludes any explanation related to the methodology used by Memorial in compiling the lists. Since the beginning of 2015, the total number of political prisoners has increased almost tenfold. The list of those deprived of liberty for the exercise of the right to freedom of religion has grown at a particularly rapid rate (this is explained by the 'conveyor belt' of cases against [Hizb ut-Tahrir](#) and [Jehovah's Witnesses](#).)

In 2022 we note the emergence of a new 'conveyor belt' of cases under articles of the Russian Criminal Code [RCC] that enable prosecution for criticism of the invasion of Ukraine.

The number of political prisoners on the 'general' list has increased ever faster, overtaking previous rates of growth. A total of 74 people were included in the general list of political prisoners in 2022, which, taking into account those released, increased by 39.

In 2021, prosecutions were primarily related to the activities of Aleksei Navalny and his team, as well as protests in his support. In 2022, this trend continued until Russia's invasion of Ukraine

on 24 February. The new stream of political prisoners is linked to prosecution of the opponents of the war.

The ‘religious’ list for 2022 included 107 new prisoners.

	2015	2016	2017	2018	2019	2020	2021	2022	as of 31 December 2022
General list	36	40	52	46	53	63	61	83	122
Religious list	10	10	50	84	167	245	287	343	391
<b>Total</b>	<b>46</b>	<b>50</b>	<b>102</b>	<b>130</b>	<b>220</b>	<b>308</b>	<b>348</b>	<b>426</b>	<b>513</b>

Table 1.1. The number of political prisoners in the Russian Federation in 2015-2022  
(data are given for the beginning of the respective years)

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In our overview report, which is the third following on from similar reports for [2018-2019](#) and [2021](#), we do not claim to fully describe all political repression that took place in 2022. However, we try to reflect the most prominent repressive campaigns and provide an overview of the variety, nature, purposes, scope, tools and targets of prosecutions, primarily in criminal cases, that give signs of being politically motivated, groundless and unlawful. Clearly, many specific instances of politically motivated criminal prosecutions have features which would allow them to be classified under several different sections. In these cases, we have provisionally assigned them to one section on the basis of the aspect of the prosecution that seems to us most significant.

Political  
repression in  
relation to the  
war against  
Ukraine

02.

# 2.1. Russia's war against Ukraine as the context for repression in Russia and annexed Crimea

The prosecution of those protesting the war against Ukraine, trying to help Ukraine in the war, or simply refusing to fight, does not resemble the more or less usual type of political repression in which the authorities target their opponents. The authoritarian regime's external aggression has a double-edged impact inside the country: state terror against civil society is part of the war, and the war in turn gives the security services reasons and motivation for new repression. Therefore, before we move on to a description of actual politically motivated prosecutions of opponents of the war, we describe how this war developed, how it was justified and how the authorities seek to manage society through propaganda and suppression of dissent.

## 2.1.1. 'Eight Years': the situation from February 2014 to February 2022

*I know exactly what kind of Ukraine would satisfy Russia and Putin – a non-independent dictatorship. Such as today's Belarus, where the voice of the oppressed people is not heard. Russian military bases, huge economic dependence, cultural and linguistic Russification...<sup>[1]</sup>*

– **Ales Bialiatski,**

Belarusian political prisoner and Nobel Peace Prize winner. From a speech read by his wife, Natalya Pinchuk, at the Nobel Peace Prize award ceremony.

### ***Background to the Russian aggression***

In February 2014, three months of civic protests in Kyiv's main square, Maidan Nezalezhnosti, ended with the victory of the protesters, the government resigning and the flight of the then Ukrainian President Viktor Yanukovich to Russia. The confrontation on the Maidan with the authorities began in November 2013, after the Ukrainian government suspended preparations for the signing of an Association Agreement with the European Union. The abrupt

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1 The original Belarusian reads: 'Я дакладна ведаю, якая Украіна задавальняла б Расею і Пуціна – несамастойная дыктатура. Такая, як сённяшняя Беларусь, дзе не чуваць голасу прыдушанага народу. Расейскія вайсковыя базы, велічэзная эканамічная залежнасць, культурная і моўная русіфікацыя...'

change of course most likely came about as a result of pressure from Russia, which wished to see Ukraine's accession to the Customs Union of the Eurasian Economic Union [EAEU]<sup>[2]</sup>, and specifically after Yanukovich's meetings with Vladimir Putin.

The violent dispersal of several hundred supporters of European integration led to hundreds of thousands joining the protests, dissatisfied with the level of corruption, social injustice and the country's slide towards authoritarianism. Their demands included the resignation of the president and government.

Russian propaganda portrayed the Ukrainian revolution as an armed uprising of 'Nazis,' allegedly obsessed with hatred of Russians and the Russian language, and mocked European values, reducing them to LGBT rights.

## The Annexation of Crimea

Russian propaganda portrayed the Ukrainian revolution as an armed uprising of 'Nazis,' allegedly obsessed with hatred of Russians and the Russian language, and mocked European values, reducing them to LGBT rights.

From 22 February 2014, two days after the Euromaidan victory, men in military uniform but without identifying insignia began to appear in Crimea, seizing strategic facilities on the peninsula and Sevastopol. On 1 March, the Federation Council officially authorized the use of the Russian army on Ukrainian territory. However, Russian authorities at the time denied the involvement of the Russian military in the ongoing occupation of Crimea. On 4 March, Putin [announced](#) that the unidentified armed men in Crimea were local self-defence forces and that military uniforms could be bought in shops.

On 16 March, a referendum on Crimea joining Russia was held. The vote was initiated by the Supreme Council of Crimea after the region had been seized by armed men. Organisers of the referendum announced that almost 97 percent of those who voted favoured joining Russia, on an 80 percent turnout. On 18 March, Putin signed a treaty accepting Crimea and Sevastopol into the Russian Federation. Already in April, he publicly [acknowledged](#) that *'behind the backs of the self-defence forces in Crimea, of course, there were our military personnel.'* Subsequently, he said on more than one occasion that the Russian military had secured the referendum.

The annexation of Crimea undoubtedly marked the beginning of Russian military aggression against sovereign Ukraine. Neither the desire, postulated by the supporters of annexation, of the majority of Crimean residents to join Russia, nor the relatively low number of casualties, nor the absence of military hostilities, can legitimise the occupation. The so-called referendum, even if the votes were counted honestly, is null and void because it was held under occupation and does not comply with Ukrainian or international law.

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2 The Customs Union of the Eurasian Economic Union is an association of countries with some common rules on taxation, export and import of goods, and labour migration. Today the Customs Union includes Russia, Belarus, Kazakhstan, Armenia and Kyrgyzstan. European officials repeatedly said that Ukraine's membership in the Customs Union would hinder its European integration.

A significant part of Russian society supported the annexation of Crimea. According to the [Levada Centre](#), 88 percent of those surveyed were in favour of annexing Crimea in March 2014. This figure did not fall below 84 percent up to and including 2021. Putin's approval rating, which had steadily declined since 2008 and reached a historic low in 2013, [rose](#) from 57 percent in March 2013 to 71 percent in March 2014.

## **'Hybrid' war in south-east Ukraine**

In March 2014 protests were held in Donetsk, Luhansk, Kharkiv and other regions in south-east Ukraine. Participants included both those who demanded increased autonomy for the Ukrainian regions and the granting of Russian the status of a second state language, and those who refused to recognise the post-revolutionary Ukrainian government and sought secession from the country.

On 6 April, participants in pro-Russian rallies began seizing local government offices and police stations in Donetsk, Luhansk, Kharkiv and other cities, and on 7 April they proclaimed 'people's republics.' The 'Kharkiv People's Republic' lasted a few hours. Shortly after the separatists seized the regional administration, Ukrainian special forces stormed the building. In turn, following the seizure of the town of Slovyansk by a Russian detachment led by I. Girkin, the so-called people's republics proclaimed in Donetsk [DNR] and Luhansk [LNR] were able to take control of these cities and launch combat operations against the Ukrainian army.

On 11 May, the separatists held 'referendums' on independence in the parts of Donetsk and Luhansk regions under their control. It was not only Ukraine and the vast majority of other countries that did not recognise the DNR and LNR. Until 2022, their sovereignty was not officially recognised by Russia either. Despite a [request](#) by the head of the DNR, Denis Pushylin, to admit the self-proclaimed 'state' as part of Russia, the president's press service in May 2014 limited itself to [statements](#) about 'respect for the expression of the will of the population of Luhansk and Donetsk regions.'

Despite official declarations that it was not a participant in the war in south-east Ukraine, there is much evidence that Russia supplied the separatists with weapons and military equipment, recruited combatants through military recruitment offices and paid them remuneration, and later sent regular army units to fight in Ukraine as well. Russia has denied military assistance, although at times admitting that Russian military personnel 'on leave' had been fighting on the side of the separatists. However, statements by separatist figures, testimonies of Russian military service personnel captured by the Ukrainian army, and investigative journalism have confirmed the existence of this assistance. The most notorious example of Russia supplying DNR fighters with weapons was the Buk surface-to-air missile system. In 2022, the District Court of The Hague ruled that the Buk which shot down the Boeing 777 passenger jetliner flight MH17 in 2014 had been brought to Donetsk region from Russia and then taken back there.

### **The Boeing-777 disaster in Donetsk region**

*On 17 July 2014, a passenger airliner travelling from Amsterdam to Kuala Lumpur crashed near the city of Torez in Donetsk region. All 298 people on board were killed. The investigation was led by a Joint Investigation Team which included representatives from Australia, Belgium, Malaysia, the Netherlands and Ukraine. They concluded that*

*the Boeing had been shot down by fighters from the Donetsk People's Republic, presumably mistaking it for a Ukrainian An-26 military transport plane.*

Detailed reviews of the evidence of Russian involvement in the war in south-east Ukraine since 2014 can be found in many sources, including the report '[Putin. War](#),' begun by Boris Nemtsov and completed by his associates; '[Hiding in Plain Sight: Putin's War in Ukraine](#)'<sup>[3]</sup>; a report by the American non-profit Atlantic Council; '[Infiltration, Instruction, Invasion: Russia's War in the Donbass](#)'<sup>[4]</sup> by Nikolai Mitrokhin; and '[Russian Forces in Ukraine](#)'<sup>[5]</sup> by Igor Sutyagin.

Although the involvement of the Russian military in the war in Ukraine was an open secret, the Russian authorities did not dare to openly invade Donetsk and Luhansk regions in 2014. A 'hot,' 'real' war would have seriously increased the risks of tougher sanctions and hence an economic crisis, which could in turn have led to a drop in Putin's ratings, that had only recently increased, inside Russia, and required a much higher level of repression, censorship, and control over the media and civil society than existed in 2014.

Active bloody fighting continued throughout the summer of 2014. By August, the Ukrainian army had managed to liberate a significant part of the territory previously seized by the separatists, but subsequently the armed groups of the 'people's republics' launched a counter-offensive. There is every reason to believe that it was in August that Russian army units began to be systematically used in the war. In particular, this led to the encirclement and death of a large number of Ukrainian soldiers near Ilovaisk, and, in addition, pro-Russian forces gained a foothold on the coast of the Sea of Azov.

In September, the first ceasefire was attempted on the basis of the Minsk Protocol agreed between Russia, Ukraine and representatives of the separatists. Nevertheless, fighting over Donetsk airport continued until the middle of the winter of 2015, when, after months of battle, it came under the control of DNR forces. The winter saw a new escalation of the war. It was against this background that the second Minsk agreement (Minsk II) was concluded.

## ***Temporary de-escalation of military hostilities in south-east Ukraine***

In February 2015, talks again took place in Minsk, this time with the participation of German and French leaders. The result was the Second Minsk Agreement, signed by representatives of Russia, Ukraine, the Organisation for Security and Cooperation in Europe (OSCE) and the self-proclaimed 'republics.'

The new agreement called for an immediate ceasefire from 15 February, the withdrawal of heavy weapons to 70 km from the line of contact and monitoring by the OSCE of these requirements. Other points of the agreement included the reintegration of the territories seized by the separatists into Ukraine's political space, while expanding their autonomy. The ceasefire and withdrawal of weapons actually began on 21 February.

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3 For a Russian translation, see: «[Прячась у всех на глазах. Война Путина против Украины](#)».

4 Published in the Journal of Soviet and Post-Soviet Politics and Society (2015).

5 Published by the Royal United Services Institute of Great Britain.

From that time until Russia's full-scale invasion of Ukraine in 2022, there were intermittent skirmishes between the parties to the military conflict. Negotiations were constantly resumed in various formats. Ukraine and pro-Russian forces never reached a mutually acceptable resolution concerning the political clauses of the agreement.

Nevertheless, the scale of hostilities significantly diminished. According to the Office of the UN High Commissioner for Human Rights [OHCHR], between 14 April 2014 and 31 December 2021, 14,200 to 14,400 people were killed in the fighting in south-east Ukraine, including 3,400 civilians, 4,400 members of the Ukrainian armed forces and volunteer battalions and 6,500 who fought on the separatist side. Between 37,000 and 39,000 people were wounded, including 7,000–9,000 civilians. Meanwhile, in 2014, 2,084 civilians were killed (including passengers of the downed Malaysian airliner), which is about 61 percent of all civilians killed as of 31 January 2021. There were 955 civilian deaths in 2015, 112 in 2016, 117 in 2017, 58 in 2018, 27 in 2019, 26 in 2020 and 25 in 2021.

The DNR and LNR quasi-states continued to exist and control previously seized territories. The exclusion of these territories from the system of international law paved the way for widespread terror by the 'authorities of the republics' against civilians suspected of disloyalty. The international human rights organisation Human Rights Watch reported on this in 2014 in its article '[Ukraine: Rebel Forces Detain, Torture Civilians.](#)' In 2019, in a [report on the human rights situation in Ukraine](#), OHCHR drew attention to the practice of arbitrary detention of detainees in the DNR and LNR and the fact that those detained were deprived of links with the outside world. In 2017–2019, Ukrainian journalist [Stanislav Aseev](#) was detained in the Donetsk prison, Izolyatsia, on espionage charges. After his release, he spoke about the torture, humiliation and rape inflicted on prisoners (for example, excerpts of his recordings were published by [Radio Svoboda](#)).

## **'Victory Madness': use of the memory of World War II to justify Russian aggression**

In 2014 Russian official propaganda began to consistently link the country's current foreign policy with the victory of the USSR in the Second World War. This was not limited to parallels with the invented narrative that 'Nazis seized power in Ukraine' or the labelling of supporters of the Maidan revolution as 'Banderites,' which is mostly inappropriate. In the propaganda picture of the world, Russia was confronted not only and not so much by Ukraine, portrayed as a 'puppet of the West,' but also by Europe and the USA. The idea was propagated that the West and especially NATO wanted to destroy Russia, and that the country had to emerge victorious from this confrontation, just as the USSR had once emerged the victor from the war with Hitler's Germany. The St. George's Ribbon<sup>[6]</sup>, previously a symbol of the memory of the Great Patriotic War [*a Russian term used to describe the Second World War – trans.*], has also come to be used as a sign of support for modern Russian aggression.

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6 The St. George's Ribbon is a ribbon with alternating black and orange stripes, similar to the ribbon that was used with the medal 'For Victory over Germany in the Great Patriotic War 1941-1945.' Since 2005 it has been used in the former Soviet Union as a symbol of Victory Day.



The victory of the USSR in the Great Patriotic War had also in the past sometimes been used as an argument in favour of Stalinism and the Soviet regime in general. Now it was being consistently linked with Putin's aggressive foreign policy, militarism, anti-Westernism and hypertrophied 'patriotism.'

## **Repression of pro-Ukrainian sentiment in Russia and annexed Crimea**

Immediately after the annexation of Crimea and the start of the 'hybrid' war in south-east Ukraine, the Russian authorities began to target people with pro-Ukrainian views. For example, the articles of the Russian Criminal Code [RCC] on extremist statements (**Article 280 RCC** and **Article 282 RCC**) and support for terrorism (**Article 205.2 RCC**) began to be actively used for this purpose. For example, Memorial Human Rights Centre recognised three individuals as political prisoners: [Vadim Tiumentsev](#), a resident of Tomsk, who was sentenced to five years in a penal colony on charges including inciting hatred against immigrants from Donetsk and Luhansk regions; [Igor Stenin](#), a resident of Astrakhan, who received two years in a low-security penal colony for the phrase 'Death to the Kremlin occupiers! Hands off Ukraine!'; and [Andrei Bubeev](#), sentenced to three years and two months in a low-security penal colony for, among other things, a number of pro-Ukrainian posts. At the same time, cases of actual imprisonment for verbal support for Ukraine were relatively rare in 2014 and the following years. Other punishments for pro-Ukrainian statements were also handed down; for details, see Part 3 of PEN Russia's report '[Russia, 2016–2017. Violations and State Restrictions on Freedom of Expression, Freedom of the Press, and Freedom of Artistic Creation.](#)'

The authorities have also made use of the article on separatism (**Article 280.1 RCC**) introduced into the Russian Criminal Code in late 2013. In particular, the demand to return Crimea to Ukraine, as in the case of Tatar activist [Rafis Kashapov](#), sentenced to three years in a penal colony for posts condemning Russian military aggression against Ukraine and other countries, was defined as separatism. Kuban activist [Darya Poliudova](#) was found guilty of separatism for trying to organise the 'March for the Federalisation of Kuban' — a parody of Russian propaganda that claims fighters from the unrecognised republics in the Donbas were fighting for the 'federalisation of Ukraine.' Poliudova was sentenced to two years in a low-security penal colony. Another 'separatist' parody was the protest by [Oleg Savvin](#), [Mikhail Feldman](#) and [Dmitry Fonarev](#) in Kaliningrad: they hung a German flag on the building of the regional FSB, 'mirroring' the actions of insurgents in Ukrainian cities. All three spent more than a year on remand on charges of hooliganism (**Article 213 RCC**), and were then given real terms in prison, but were released on the basis of 'time served.'

After the Russian Supreme Court declared the Right Sector, a Ukrainian organisation, as extremist in 2014, several Russians were convicted on charges of involvement in it: they were accused of both participating in hostilities on the side of Ukraine as well as recruiting Russian residents to the nationalist organisation.

As expected, Russian security forces began to crack down in Crimea after the annexation of the peninsula. Pro-Ukrainian activists and independent journalists were prosecuted both for speaking out and on trumped-up charges of terrorism, sabotage, and possession of drugs

and weapons. The first major prosecution, used in propaganda as an example of combating the ‘Ukrainian threat,’ was that of [Oleg Sentsov](#). In 2014, four Crimean activists were accused of terrorism for setting fire to buildings associated with pro-Russian separatists and planning to blow up a Lenin monument. Some of the defendants reported severe torture. [Vladimir Balukh](#) was imprisoned from 2016 to 2019 because of ammunition allegedly found in his attic. In 2019, [Oleg Prikhodko](#) was remanded in custody on fabricated charges of preparing to blow up the Saki city administration building, and to this day he remains in a Russian penal colony. Both Prikhodko and Balukh lived in Crimea, making no secret of their support for Ukraine. In 2021, Vladislav Esipenko, a journalist for the online publication Krym.Realii [‘Crimea.Realities’], was remanded in custody on charges of carrying a grenade in his car. A number of people, including those not involved in any activism, were convicted on trumped up charges of sabotage. The article of the Russian Criminal Code on sabotage was also used in retribution against [Nariman Dzhelyal](#), deputy chair of the Mejlis of the Crimean Tatar People, sentenced to 17 years in prison for involvement in a gas pipe bombing in August 2021 (see details below). The defendants in this case, as well as a number of others, reported being tortured.

The prosecutions of Muslims for involvement in Hizb ut-Tahrir stand apart. The crackdown against them in Crimea began in 2015 and has become more widespread there in recent years than in any other region of Russia (see [3.9. Prosecutions for exercising the right to freedom of religion and religious affiliation](#)).

## ***Detention of Ukrainian citizens in Russian prisons as a tool of interstate bargaining***

With the start of the undeclared war against Ukraine in 2014, the Russian authorities began to carry out show trials of Ukrainian citizens, both those on Russian territory and annexed Crimea and those captured during the hostilities. These included journalists, activists, members of the Ukrainian army and participants in the Maidan protests and volunteer battalions. Among the victims of political prosecutions there were also individuals targeted at random by the security services as convenient victims of fabricated charges.

Until 2022 the Russian authorities did not recognise as prisoners of war even those Ukrainian military service personnel imprisoned for performing their professional duties, such as the pilot [Nadiya Savchenko](#), captured by separatists near Luhansk and transferred to Russia, and the 24 Ukrainian sailors attacked by the Russian navy as they guided vessels across the Kerch Strait. They were prosecuted as criminals: Savchenko was found guilty of killing two Russian journalists in the war zone, while the sailors were accused of illegally crossing the Russian border.

In many cases, Russian authorities used Ukrainian political prisoners for exchanges and bargaining with Ukraine and European countries. In 2016, for example, Savchenko was exchanged for the Russians Aleksandr Aleksandrov and Evgeny Erofeev, captured a year earlier in Luhansk region. Later, [Gennady Afanasyev](#), convicted in the Sentsov case, and [Yury Soloshenko](#), convicted of espionage, were exchanged. In return, Ukraine handed over journalists from Odesa accused of separatism and treason. The largest exchange took place in the autumn of 2019 when 35 Ukrainians held in Russian prisons were exchanged for 35 detainees and prisoners

of war held by Ukrainian authorities. At that time, Ukraine released, at Russia's request, in particular Vladimir Tsemakh, whom the Joint Investigation Team in the Netherlands suspected of involvement in the downing of the Malaysian Boeing. Forty members of the European Parliament asked that Tsemakh not be extradited to Russia. It is possible that the Russian authorities may have imposed other conditions that have not been made public on Ukraine and Western countries for the release of Ukrainian citizens.

## 2.1.2. The preparation, justification and initiation of the full-scale Russian invasion of Ukrainian territory

Grounds for expecting a full-scale Russian invasion of Ukraine appeared almost a year before the invasion itself. In the spring of 2021, Russia deployed large numbers of troops to the Ukrainian border and to Crimea. Researchers with the Conflict Intelligence Team [CIT] [said](#) at the time that such a concentration of troops near the border had not been seen since 2015. On 22 April, Defence Minister Sergei Shoigu announced that the military exercise had been completed and the troops had returned to their places of permanent deployment.

Information about a new concentration of Russian troops near the Ukrainian border began to emerge in November 2021. NATO Secretary-General Jens Stoltenberg, in particular, [spoke](#) about the 'unusual concentration' of military forces near the border. The German newspaper Bild [published](#) a plan of the Russian invasion of Ukraine in December 2021. The actual invasion in February 2022 was very much in line with this plan. Subsequently, in August 2022, The Washington Post [reported](#) that, as early as October 2021, the administration of U.S. President Joseph Biden had ample intelligence about an impending Russian attack on Ukraine. According to them, Russia planned to attack Kyiv in the winter, advancing from several directions, seize the Ukrainian capital in three or four days, kidnap and, if necessary, kill Ukrainian President Volodymyr Zelensky and install a new government under its control. Putin, the newspaper wrote, planned to occupy almost all of Ukraine, except for territories in the west, where, as he believes, there live 'incorrigible Russophobic Nazis.'

Throughout November, December, January and the first half of February, Russia built up its troops on the borders with Ukraine, including in Belarus, while completely denying any plans to attack the country. NATO strengthened its presence in Eastern Europe, while some Alliance member-countries transferred weapons to Ukraine, and representatives of Western countries urgently held negotiations with each other and with Russia, discussing the impending war both in the public eye and out of it.

On 16 February, the situation on the line of contact between the Ukrainian army and the separatist 'republics' in the Donbas escalated sharply. Earlier, Politico [quoted](#) sources as saying that US President Biden had told the USA's allies this was the very date of the supposed start of Russia's invasion. On 18 February, the heads of the DNR and LNR, Denis Pushilin and Leonid Pasechnik, recorded video messages urging the population of their 'republics' to evacuate

to Russia. Both videos, according to [metadata](#) studied by a Radio Liberty correspondent, were recorded no later than 16 February, although Pushilin said in the video: ‘Today, 18 February.’ Pasechnik’s appeal was kept in a folder called ‘The Mongoose’s Leap.’

On 21 February, Pushilin and Pasechnik asked Putin to recognise the DNR and LNR and for co-operation in the sphere of defence. Putin complied with the request by delivering an address to Russian citizens. The speech contained a number of theses justifying the future invasion of Ukraine:

1. *‘Modern Ukraine was entirely created by Russia, or rather Bolshevik, Communist Russia.’* Ukraine’s independence was originally granted by Vladimir Lenin shortly after the October 1917 coup, making ‘concessions to nationalists.’
2. After the collapse of the USSR, ‘stable statehood was never established in Ukraine,’ corruption ‘literally impregnated, corroded Ukrainian statehood,’ against this background ‘radicals became impudent’ and ‘in 2014 led the Maidan protests to a coup d’état’ with US assistance.
3. Ukraine is preparing for war with Russia and intends to recreate nuclear weapons.<sup>[7]</sup>
4. ‘The US and NATO have begun shamelessly developing the territory of Ukraine as a theatre of potential military action.’ Although NATO is not ready to accept Ukraine as a member at present, its accession to the Alliance, according to Putin, is ‘a foregone conclusion, a matter of time.’ This poses, in his view, a direct military threat to Russia.
5. In the Donbas, ‘the ruling elite in Kyiv... is not interested in a peaceful solution’ and is not implementing the Minsk agreements. Four million people there are subjected to genocide because they have not accepted ‘aggressive nationalism and neo-Nazism’ and are ‘fighting for their elementary rights – to live on their land, to speak their language, to preserve their culture and traditions.’

Putin had already presented many of these ideas in the summer of 2021 in an article ‘[On the historical unity of Russians and Ukrainians](#).’ There, the notion of the artificiality of the Ukrainian state is developed in greater detail, and the author opines that ‘ideas about the Ukrainian people being separate from the Russian people’ originated in the 19th century among the ‘Polish elite’ and ‘a part of the Little Russian [малоросско́й] intelligentsia’ and were made use of by the ‘Austro-Hungarian authorities.’

Almost all these theses were to be subsequently used in official Russian propaganda and by supporters of the attack on Ukraine.

On 22 February the Federation Council authorised the use of Russian troops abroad and on 23 February the heads of the DNR and LNR appealed to Putin for military assistance.

Putin announced the start of a ‘special military operation’ at 5:50 am on 24 February. ‘Its [the ‘special operation’s] goal is to protect people who have been subjected to abuses and genocide by the Kyiv regime for eight years. And to this end, we shall aim to demilitarise and denazify

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7 Under the 1994 Budapest Memorandum, Ukraine renounced the nuclear weapons it had retained after the collapse of the USSR. In return, Russia, the United States and the United Kingdom pledged to respect Ukraine’s independence, sovereignty and territorial integrity and to refrain from threats and the use of force against Ukraine.

Ukraine and to bring to justice those who have committed numerous bloody crimes against civilians, including citizens of the Russian Federation,’ the [statement](#) said. He called on Ukraine’s military to ‘lay down their arms’ and not to defend the ‘anti-national junta’ and ‘neo-Nazis.’ In case other countries try to obstruct the ‘special operation,’ Putin promised a response that ‘*will lead you to consequences you have never faced before in your history.*’

Simultaneously with this address, rocket attacks on Ukrainian cities and an invasion by Russian troops, including from the territory of Belarus, began. Many military analysts agree that the Russian military command had not prepared for resistance by the Ukrainian army but was counting on Ukraine’s instant surrender. This was one of the factors behind the failure of the blitzkrieg conducted with a large superiority of Russian forces (estimated at 12:1 by the [Royal Joint Institute for Defence Studies](#)). According to [The New York Times](#), all the Russian convoys were scheduled to move from Gomel region in Belarus to the outskirts of Kyiv in about 13 hours, with the first convoy consisting of personnel from riot police [OMON] and the ‘Belgorod’ special rapid deployment [SOBR] units – security forces specialising not in military operations but in dispersing demonstrations, detaining members of criminal groups and other tasks related to internal, domestic policing. The advancing columns were attacked by the Ukrainian army, with the Russian military suffering heavy losses and failing to capture the Ukrainian capital.

## 2.1.3. The creation of de facto military censorship in Russia

During the invasion of Ukraine, the Russian authorities have sought to control the information space through a combination of propaganda and censorship. Propaganda has been used to portray events in a light favourable for the Russian military command and to create the illusion of total support for the military aggression in Russian society. Censorship and repression prevented the dissemination of alternative information.

On 4 March 2022 the State Duma adopted in three readings at once a bill introducing several new articles into the Russian Criminal Code and the Russian Code of Administrative Offences [RCAO]: on discrediting of the army (**Article 20.3.3 RCAO** and **Article 280.3 RCC**), on appeals for sanctions against Russia (**Article 20.3.4 of Russian Code of Administrative Offences** and **Article 284.2 RCC**), and on spreading ‘fake news’ about the use of the Russian army (**Article 207.3 RCC**). More details about these articles can be found in [Chapter 2.3. Prosecutions for anti-war statements](#). On the same day, the new law was approved by the Federation Council and signed by Putin.

The new articles of the Russian Criminal Code criminalised the dissemination of any information about the war that does not coincide with the official line. Such information may include estimates of Russian military losses (the Russian authorities rarely disclose losses, their figures being understated in many respects) and reports of alleged Russian war crimes. In particular, criminal prosecutions have often been initiated for comments about the murders of residents of Bucha and the bombing of besieged Mariupol, which are some of the worst war crimes of which the Russian army has been accused.

## ***The killings of Bucha residents***

Bucha, a town north-west of Kyiv, was under Russian occupation from 5 to 31 March. After the withdrawal of Russian troops, bodies of dead people in civilian clothes, in some cases with their hands tied behind their backs, were found in the streets and courtyards. As of 13 September, the number of civilian bodies found in Bucha had reached 422, the [Kyiv region police](#) reported. Exactly how many died as a result of extrajudicial execution and how many because of combat operations is not known. Reuters [quoted](#) the secretary of Bucha city council, Taras Shapravskyy, as saying on 4 April that 50 of the 300 dead found at the time were believed by the city authorities to be victims of executions.

Russian authorities and propaganda called the allegations of the killings in Bucha ‘fake news’ and ‘staged.’ In particular, the [Russian Defence Ministry](#) reposted a recording from the Telegram channel ‘Voyna s feikami’ [‘War on Fake News’] which said that the bodies lying in the road in the video by Ukrainian ESPRESO.TV were moving. Subsequently, even the channel itself [admitted](#) that the ‘moving hand’ of the corpse was a visual distortion caused by dirt on the car’s windscreen, but in the minds of supporters of Russian aggression this argument was perceived as proof that the video was staged. Subsequently, Russian official propaganda and pro-Russian bloggers developed the idea that the murders did take place, but that they were committed by Ukrainian soldiers and members of the territorial defence.

As early as April, The New York Times [published](#) satellite images proving that the bodies had appeared in the street at the time the city was controlled by Russian military forces, and in December the newspaper published an [investigation](#) into the killings on the city’s central street, Yablonskaya, where the 234th Guards Black Sea Parachute Regiment was stationed. The journalists reconstructed the circumstances surrounding the killing of 36 civilians by Russian soldiers, based on video from surviving street cameras and drones, as well as evidence that soldiers from the 234th Regiment had made phone calls to Russia from the phones of murdered residents of Bucha.

## ***The siege of Mariupol***

The fighting for Mariupol lasted from the first days of the full-scale invasion until 20 May. From the beginning of March, the city was under siege and subjected to constant shelling. Residents found themselves facing a humanitarian disaster because of lack of food, water, electricity and heating. They were forced to bury the dead in their courtyards. According to a [report](#) by the UN High Commissioner for Human Rights, Mariupol during the siege was ‘*the deadliest place in Ukraine.*’ By 16 June, the deaths of 1,348 civilians, including 70 children, had been verified there (counting and identifying the dead in occupied territory is extremely difficult). In December, the Associated Press published an [investigation](#) estimating that approximately 10,300 new graves had appeared in Mariupol since March. Ninety percent of high-rise buildings were destroyed during the siege. Ukraine and Russia continuously accused each other of breaking ceasefire agreements intended to enable evacuation of the population.

On 9 March, an airstrike hit a children’s hospital and a maternity hospital, killing five people, including a woman in late-term pregnancy and her baby that a caesarean section failed to save. Experts from the [OSCE](#) and the office of the [UN High Commissioner for Human Rights es-](#)

[tablished](#) that the bomb had been dropped by Russian forces. Russia refused to acknowledge its involvement and published contradictory statements: that the attack on the maternity hospital was staged, that fighters from the Ukrainian Azov unit had set up a gun position in the maternity hospital, and that it was not an air strike but ‘staged explosions’ near the hospital.

On 16 March, a powerful explosion destroyed the building of the Mariupol drama theatre. Hundreds of residents were sheltering from the bombing in its basement, and on both sides of the theatre the word ‘CHILDREN’ had been painted on the asphalt, visible even on satellite images. The Russian Defence Ministry issued a statement that the theatre had been blown up from inside by ‘fighters from the nationalist Azov battalion’ who had committed ‘a new bloody provocation.’ Amnesty International, after conducting an investigation, [concluded](#) that the theatre was destroyed by an aerial bomb that Russian forces deliberately dropped on the civilian facility. The exact death toll has not been established. It is known that the basement bomb shelter withstood the impact and some people subsequently were able to get out from under the rubble. However, full-fledged rescue work was impossible because of constant shelling. Mariupol city council reported that 300 people had been killed, Associated Press [wrote](#) of at least 600, while Amnesty International, on the contrary, on the basis of interviews with survivors, believes that the death toll ‘was much lower than previously reported.’

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Russians were also prosecuted for criminal and administrative offences for commenting on Russian military strikes on the Zaporizhzhia nuclear plant, Russian missile strikes on Kremenchug and Vinnitsa that killed civilians, and other incidents.

At the same time, Russian propaganda created an ‘information reality’ that promoted support for military aggression. For a long time, the term ‘special military operation’ (‘special operation,’ ‘SVO’ [*in its Russian abbreviation – trans.*]) was used almost exclusively at the official level. The authorities avoided referring to combat operations as war, probably because the word might evoke negative associations in the public mind. Moreover, even the use of the words ‘war’ and ‘special operation’ in inverted commas could lead to repressive measures (see [Chapter 2.3. Prosecutions for anti-war statements](#)). In the second half of 2022, when it became clear that the military conflict was dragging on and the Russian army had suffered several major defeats and mobilisation was announced, the rhetoric of state propaganda began to change: the word ‘war’ was increasingly used to show Russians the seriousness of the situation and to motivate them to participate.

During the invasion of Ukraine, symbols of support for the ‘special operation’ – the Latin letters Z and V – appeared. Initially, these and other letters were used to mark military equipment. There has still been no precise explanation as to why these markings were applied and what they mean (according to different versions, they could be marks of territorial affiliation or troop specialisation, and so on). Nevertheless, the letters Z and V became widespread outside the theatre of war, being placed in Russian and occupied cities in the form of banners, installations, stickers on transport, and replacing the Cyrillic letters ‘З’ and ‘В’ in words (for example in the phrase ‘For victory’ – ‘За победу’ instead of ‘За победу’, and so on). For opponents of the war, defacing such constructions has become one of the ways to protest.

## 2.1.4. Mobilisation

### *Prerequisites for announcing mobilisation*

Russian troops failed to conduct the successful blitzkrieg that the military leadership had planned. Not only did they fail to capture Kyiv, but since 24 February they have not established control over any regional centre other than Kherson. At the end of March, Russia withdrew its troops from Kyiv, Chernihiv, Sumy and Zhytomyr regions, effectively abandoning plans to occupy northern Ukraine. The war took on a protracted character, accompanied by an unforeseen large number of casualties.

After April the Russian army concentrated on completely capturing Donetsk and Luhansk regions and a significant part of Kharkiv region, as well as maintaining control over the occupied territories in southern Ukraine. By 20 May, Russian forces managed to finally take Mariupol. In June-July, after long battles, they occupied the cities of Sievierodonetsk and Lysychansk in Luhansk region, but this has been the last success of the ground military operation of any significance. The advance to the west stopped near Bakhmut in Donetsk region: the assault on the city, which began in the summer, had not been successful by the end of the year.

On 7 September, the Ukrainian armed forces launched a sudden successful counter-offensive in Kharkiv region, as a result of which almost the entire region was liberated.

Russia's military leadership was faced with the problem of a severe shortage of human resources. Even before the full-scale invasion, on 19 February, the 'authorities' of the unrecognised 'republics' announced forced mobilisation of men of draft age in the occupied territories. Patrols almost immediately began raiding streets and homes. By the end of August, the situation had not changed. Pavel Lisyansky, head of the Eastern Human Rights Group, said that, according to his information, as of April approximately 48,000 residents of the Donetsk and Luhansk regions had been sent into [combat](#), while on 20 August he [said](#) 30,000 of those mobilised from the occupied territories had been killed.

In Russia, for six months after the start of the full-scale war, men of appropriate age were actively encouraged to join the military on a contract basis. There was a regional bias in the composition of the troops: according to [calculations](#) by Mediazona, as of the end of April the highest casualties had been among residents of Dagestan, with Buryatia in second place. In general, people from poor regions with low average salaries were more likely to go to war: by 25 April, only three Muscovites had been reported dead, while 125 Dagestan residents had been killed.



In the autumn, the media began to [publish evidence](#) that the founder of the Wagner private military company [PMC]<sup>[8]</sup> Evgeny Prigozhin had personally visited Russian penal colonies to recruit prisoners. The publication Vazhnye istorii [*Important Stories*] [estimated](#) that as of 19 September, at least 5,786 prisoners had been recruited to join the Wagner group from penal colonies, and more than 2,000 had been sent to the front. [According](#) to Mediazona, in September and October 2022, the number of prisoners in male penal colonies decreased by 23,000.

## ***Laws accompanying mobilisation***

On 20 September the State Duma suddenly added several articles to the Russian Criminal Code, as well as the concepts of ‘mobilisation’ and ‘martial law.’ The amendments were adopted in one day. They provide for tougher penalties for a number of crimes related to military service, if committed ‘during mobilisation or martial law, in wartime or in conditions of armed conflict or combat operations.’ These offences include disobeying orders (**Article 322 RCC**), absence without leave (**Article 337 RCC**) and desertion (**Article 338 RCC**). The State Duma criminalised voluntary surrender (**Article 352.1 RCC**), punishable by a term of imprisonment from three to 10 years. There is also an article on looting (**Article 356.1 RCC**) and several articles on violations of state defence procurement contracts.

The next day, on the morning of 21 September, Putin announced a partial mobilisation. Defence Minister Shoigu said that 300,000 people were to be mobilised. Both Putin and Shoigu claimed that those with combat experience and military specialisations would be called up first. However, the public version of the mobilisation decree did not specify any limits on numbers.

## ***The course of mobilisation***

Conscription of men began en masse almost immediately after the announcement of mobilisation. Many men were sent to the assembly points within the first day. The suddenness of the mobilisation often prevented the mobilised men from making sensible decisions, and moreover the laws that had been adopted also exerted significant psychological pressure. There are many cases where men arrived at a military enlistment office expecting to prove they had the right to defer military service, but were sent to fight. Women eligible for the draft (doctors, military service personnel and police officers, and so on) also received summonses.

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8 The Wagner private military company is a Russian armed group created in 2014 that participated in the ‘hybrid’ war in south-east Ukraine, and subsequently in the military conflict in Syria and combat operations in several countries in Africa. Participants in the Wagner PMC are suspected of having committed war crimes before 2022. In September 2022, businessman Evgeny Prigozhin for the first time publicly confirmed he was the creator of Wagner PMC. Previously, this had been reported in numerous journalistic investigations, but Prigozhin had successfully gone to court to force several people to refute allegations of his involvement in Wagner. Prigozhin himself is the billionaire owner of the Concorde company and a confidant of Vladimir Putin. He is linked to the ‘troll factory’ – a network of computer users who post numerous propagandistic comments for money. The US Department of Justice believes that this network interfered in the US presidential election in support of Donald Trump.

Promises to mobilise in the first place those with combat experience and military specialities have not been fulfilled. In practice, mobilisation has been indiscriminate. In violation of the law, men over the call-up age and those with illnesses that require deferment have also been mobilised. Initially, media reports said the mobilisation was being carried out most intensely among ethnic minorities and in rural areas, but in October men began to be actively drafted in Moscow as well. Forced conscription into the army of occupation is also taking place in annexed Crimea, which is prohibited by Article 51 of the 1949 Geneva Convention.

Those mobilised throughout the campaign have reported poor provisioning, the issuance of obsolete or unsuitable weapons, lack of training and rapid deployment to the front, contrary to Putin's [promises](#) that training would be provided for at least 10–25 days.

As of 16 December, Mediazona [found data](#) in open sources on at least 433 dead individuals who had been mobilised.

The announcement of mobilisation led to the mass emigration of men of conscription age who did not want to take part in military action. Airline tickets to the nearest visa-free countries for Russian citizens, even at very high prices, were [sold out](#) two days in advance within hours of Putin's speech. Tens of thousands of Russians travelled across land borders to Kazakhstan, Georgia, and Mongolia, and from these countries many then travelled to Armenia, Kyrgyzstan, and Turkey.

On 28 October, Shoigu announced that mobilisation was complete, but no decree was issued to end the campaign. Furthermore, on 1 November, the usual annual conscription campaign began. Raids to find young men and forcibly deliver them to the military enlistment centres continued in December.

## 2.1.5. Annexation of the occupied Ukrainian territories

On 23–27 September, the occupation authorities held 'referendums' on the inclusion into Russia of the occupied territories of Ukraine (except for Crimea and Sevastopol, annexed in 2014). As a result of these quasi-electoral events, the DNR and LNR (within the borders of Donetsk and Luhansk regions) and the Kherson and Zaporizhzhia regions were declared to have joined Russia. None of these regions was fully controlled by the Russian army, and in Zaporizhzhia region Russian forces did not control the regional centre either. If serious propaganda efforts were made to legitimise the annexation of Crimea in 2014, this time no explanations were given as to why the Ukrainian-controlled city of Zaporizhzhia, on whose territory no 'vote' had been held, should join Russia.

On 30 September, Putin signed agreements with the pro-Russian 'heads' of the occupied territories to admit these four regions into Russia. Formal procedures to incorporate the regions into the Russian Constitution were completed by 5 October.

The annexation and Putin's solemn [declaration](#) that the people living in Luhansk and Donetsk, Kherson and Zaporizhzhia '*become our citizens forever*' and his promise to '*defend our land*

*with all the forces and means at our disposal*' had no effect on the real situation on the front. The very next day, the Ukrainian armed forces liberated the town of Lyman in Donetsk region. In October, the Russian army lost control over a number of previously occupied settlements in Kherson region, and on 9 November, Shoigu gave the order to abandon Kherson.

The Russian authorities may have thought they would be able to strengthen their positions in the captured territories by frightening Ukraine and third countries with the notion that fighting there would be seen as aggression against Russia. However, they achieved the opposite effect, a devaluation of their own threats, of the notion of Russia's 'territorial integrity' and of any legal provisions, including those of the Russian Constitution. Even the pro-government NTV channel voiced the view that the Russian laws providing for de facto military censorship contradict each other and the real situation. Presenter Andrei Norkin [said](#): *'If I support this decision [that Russian troops should leave Kherson] and say that the Defence Ministry is doing the right thing by leaving Kherson, then this constitutes public incitement to violate the territorial integrity of the Russian Federation. In our Criminal Code, this is Article 280.1. I specifically checked this morning: it provides for several years of imprisonment. If I do not support this decision and believe that the Ministry of Defence acted wrongly in leaving Kherson, then this constitutes public discreditation of the Russian armed forces...'*

In fact, charges were drawn up against at least two picketers who protested the surrender of Kherson for discrediting the army, an article of the Russian Code of Administrative Offences usually used against authors of anti-war statements. One concerned a man who protested on 10 November in Moscow with a placard that read, *'Traitors. They've fucked up everything.'* Another was that of Olga Siutkina, a supporter of the National Bolshevik movement, who picketed in Perm on 11 November holding a placard that read, *'They surrendered Kherson, they'll surrender Moscow too.'*

## 2.2. Suppression of anti-war protests

### 2.2.1. Dispersal of rallies, use of violence against protesters, administrative and criminal prosecutions for taking part in protests

The first anti-war pickets began as early as the morning of 24 February. In the evening, mass protests were held in dozens of Russian cities. According to the human rights project [OVD-Info](#), police detained at least 1,817 people in 58 cities that day. Protests continued over the following days, and on Sunday 27 February anti-war demonstrations merged with rallies in memory of opposition politician Boris Nemtsov, who was killed on that day in 2015. In the period up to 3 March, police detained at least several hundred people every day ([2,800](#) on 27 February).

A new series of major protests took place on Sunday 6 March. OVD-Info [counted](#) 5,186 detainees in 69 cities. A week later, on 13 March, at least 850 protesters [were detained](#) in 37 cities, followed by protests on 2 April in which 204 people [were detained](#) in 17 cities. At this point, the mass demonstrations temporarily died down. Single-person pickets nevertheless took place almost every day.

To disperse the protests, the authorities used the usual set of repressive practices:

1. Charges were brought for protests that had not had the approval of the authorities (**Article 20.2 RCAO**), violation of sanitary restrictions in connection with the coronavirus epidemic (**Article 20.6.1 of the RCAO**, **Article 8-6-1 of the St. Petersburg Code of Administrative Offences**), ‘organisation of simultaneous mass presence of citizens’ (**Article 20.2.2 RCAO**) and on other grounds. Applicants had been denied approval to hold anti-war demonstrations.
2. Violence during arrests and in police stations. A few examples may be cited. In Ekaterinburg, a driver honking to show approval of the protests was [dragged](#) out of his car and put face down in the mud. In Moscow, [Maksim Andreenkov](#) [suffered](#) ligament damage to his right elbow during arrest. According to him, the police officers twisted his arms violently, hit him in the stomach and ribs, and pressed their knees into his face. Another person detained in Moscow, [Vyacheslav Moskvichev](#), had his [finger broken](#). In St. Petersburg, [Gleb Tarasov](#) had his [nose broken](#), and [Andrei Kalikh](#), also in St. Petersburg, was [thrown over a fence](#) while being detained. In Moscow’s Brateevo district police station, several young women who had been detained were beaten, dragged by their hair, doused with water and antiseptic, suffocated with a bag, and threatened with a gun. One of them,

[Aleksandra Kaluzhskikh](#), [recorded](#) the threats and blows of the police officer on a dictaphone. The Investigative Committee refused to open a criminal case with respect to torture in Brateevo. [The victims](#), using data leaked from a delivery service, were able to identify the name of the police officer who had used violence.

3. Psychological pressure, threats, unlawfully forcing persons to undergo fingerprinting, confiscation of phones.
4. Non-admission of lawyers to detainees.
5. Jail terms under administrative law of up to 30 days. According to [OVD-Info](#), by 10 March at least 712 people had received such sentences. In recent years in Russia it has been common practice to jail not only those detained at rallies, but also those who published an announcement of the event on social media who were then recognised as organisers of a demonstration that did not have official approval (**Article 20.2, Part 2, RCAO**).

From 6 March, participants in anti-war protests were charged with discrediting the Russian army (**Article 20.3.3 RCAO**). Already on 10 March the project Setevye svobody [*Network Freedoms*] had [stated](#) that it was providing legal support to defendants in 49 such cases. Law enforcement agencies considered as discrediting the army any anti-war posters and slogans (for example, 'No war!' 'Peace to Ukraine – Freedom to Russia!' 'Stop the military operation!'), wearing green ribbons, which have become a symbol of the anti-war movement, and clothing that resembles the Ukrainian flag with a combination of blue and yellow colours. Picketers with placards reading '[Fascism will not pass](#),' '[\\*\\*\\* \\*\\*\\*\\*\\*](#)' were convicted of this offence (forensic experts subsequently decided that these stars were an encrypted version of 'Net voine' [*No to war*]). The courts also [found](#) demonstrators guilty of discrediting the army on the grounds that '*by their silence they expressed support for the unlawful aims of the event.*'

A new wave of mass protests took place immediately after the announcement of mobilisation on 21 September. On that day, according to [OVD-Info](#), at least 1,330 people were detained in 42 cities (more than 1,000 in Moscow and St. Petersburg). To the standard methods of intimidation – arrests, jail terms, physical and psychological violence – was added the mass distribution of summonses to military enlistment offices to men of mobilisation age who had been detained. On 24 September, [783 people](#) were detained in 33 cities.

Nationwide mass protests stopped, but regional protests continued. [A video](#) appeared on the internet showing residents of the village of Endirei in Dagestan blocking a road and police dispersing them by shooting in the air. The same day, a rally in Makhachkala was forcibly dispersed. On the one hand, the regime in Dagestan is more authoritarian than the average Russian region, and therefore protests are rare. On the other hand, it is likely that civil society in this republic was more aware of the dangers of mobilisation, since among those who died in the 'special operation' the largest single group had consisted of Dagestanis. Protests in September also took place in Yakutsk and Kyzyl, usually involving women.

Finding information about the suppression of protests in Chechnya, where women gathered for a rally on 21 September, was most difficult of all. According to the opposition [Chechen Telegram channel 1ADAT](#), about 130 women were detained. According to the same [source](#), the security forces then forced the women's sons to join the army to fight in Ukraine, threatening to harm their mothers if they did not. Memorial Human Rights Defence Centre [discovered](#) that the husbands of the detained women were brought to Grozny City Hall where they were forced

to beat their wives with polyethylene pipes filled with concrete. The men were told that if they did not do this, the law enforcement officers would beat the women themselves. The beatings were filmed on video. [Adam Muradov](#), who was forced to beat his wife, died of a heart attack a few days later. He became ill the day after his 18-year-old son, who had been forcibly mobilised, called him from Luhansk.

There is one known instance of the application of **Article 212.1 RCC**, the so-called ‘Dadin’ article, which provides for up to five years’ imprisonment, for ‘repeated violation of the established order of organising or holding an assembly, rally, demonstration, march or picket,’ with regard to anti-war picketing. This is the ongoing [prosecution](#) of [Olga Nazarenko](#) in Ivanovo. The charges include picketing with posters reading ‘No war!’ ‘I am a Russian against the war. Putin to the Hague’ and ‘If those who are against the war are imprisoned – fascism has won.’

### **The ‘Dadin’ article of the Russian Criminal Code**

*Article 212.1 of the Russian Criminal Code entered into force in 2015. The Moscow activist Ildar Dadin was the first person convicted under it, and he was sentenced to a term in prison, after which the article began to be called by his name. To be prosecuted under this article, a person must have been convicted at least three times within six months for administrative violations of the rules for holding a public event, for example, for participating in a protest that law enforcement agencies deem ‘illegal’ because it was not approved by the authorities, or for urging others to take part in such a protest. A fourth administrative offence of this kind may be considered a crime under criminal law. Memorial Human Rights Centre believes that the very existence of this article violates the right to freedom of assembly. Any prosecution under this article is illegitimate.*

## 2.2.2. Criminal prosecutions for violence against police officers

Since 2012, the Russian authorities have traditionally initiated criminal cases against those who have actually or allegedly put up any resistance whatsoever to the forcible dispersal of peaceful demonstrations.

The first person detained in connection with a criminal prosecution for violence against police officers (**Article 318 RCC**) was [Anastasiya Levashova](#), who threw a Molotov cocktail towards police officers on 24 February in Moscow. The bottle ignited on the road without hitting anyone. Levashova [was sentenced](#) to two years in a general regime penal colony; in December that year a court reduced her sentence by two months on appeal. Another participant in the Moscow protest, [Evgeny Feklistov](#), [was given](#) an 18-month suspended sentence on charges of striking a police officer with a bag.

In St. Petersburg, [Zakhar Tatuiko](#) sprayed pepper gas in the face of a police officer at a rally on 2 March. He pleaded guilty and [was sentenced](#) to 16 months in a penal colony. On 6 March, according to the Investigative Committee, three people attacked a police officer. [Valery Dubeniuk](#), accused of striking four blows against the officer, was remanded in custody and then [sentenced](#)

to one year in a low security penal colony. [Kirill Korolev](#), who pushed the officer, was placed under house arrest and then fined 50,000 roubles. However, the prosecutor's office appealed against this decision in St. Petersburg City Court, which sent the case back to the Oktyabrsky district court for reconsideration. The third attacker managed to escape.

In Ekaterinburg, [Andrei Luzhin](#) was remanded in custody following the protest rally on 6 March for striking a police officer on the head. According to Luzhin, he reflexively swung away when he was suddenly grabbed by the arm. After a month and a half on remand, he was released under certain restrictions; in September he [was fined](#) 70,000 roubles, a sum reduced to 20,000 roubles to take into account the time Luzhin had spent in custody.

There was one criminal prosecution in Moscow following the September anti-mobilisation protests: on 24 September, [Suren Atanasyan](#), whose name is the same as that of a person detained at a protest on 21 September, was remanded in custody on charges of using violence against a public official. On 16 December he was sentenced, as [reported](#) on the database of the Moscow courts. However, no details about the case or the verdict are known.

It is worth noting that in most Russian regions the number of known criminal prosecutions for violence against police officers at mass anti-war protests in 2022 is significantly lower than those recorded after the protests in support of Aleksei Navalny in 2021. At that time, at least 57 prosecutions were filed, including at least 14 in Moscow and 11 in St. Petersburg (see the Memorial Human Rights Centre's report, [Political Prisoners and Political Repression in Russia in 2021](#)). Currently, it is known that there have been four such prosecutions in Moscow, three in St. Petersburg, and two in Ekaterinburg.

The only exception to this downward trend in the number of prosecutions for violence against police officers (while there has been an increase in the number of prosecutions for other criminal offences and the severity of punishments) is probably Dagestan. According to [OVD-Info](#), there have been about 30 prosecutions following the protests against mobilisation. As of the end of 2022, three sentences were known: [Isa Abdulaev](#), who pleaded guilty to striking a police officer twice on the head, [was fined](#) 50,000 roubles; [Gafar Isaev](#), who threw a police officer to the ground, [was given](#) a two-year suspended sentence; and [Muhammad Magomedov](#), the charges against whom are unknown, [was given](#) a four-year suspended sentence. Isaev and Magomedov were held in custody until the verdict. It is also known that [Adam Gadzhiev](#), [Ruslan Valiev](#), [Sultan Akhmedkhanov](#), [Magomed Ubaidulaev](#), [Murad Aligadzhiev](#), and [Kemran Agabekov](#) were also all [remanded in custody](#). There is no information about most of those who have been charged in such cases in Dagestan.

In addition, there have been at least seven criminal prosecutions for violence against representatives of the authorities that are related to anti-war protests, activism or anti-war symbols and are based on an actual or invented confrontation with a police officer that occurred in circumstances other than during the dispersal of a protest.

- [Daniil Tikhomirov](#), Moscow. Tikhomirov was held on remand from 7 March to 9 November. He was sentenced to 18 months in a general regime colony, but on appeal the sentence [was reduced](#) to 18 months of forced labour. The case against Tikhomirov arose after he, together with his girlfriend, drove around Moscow on 6 March in a car with

a white-blue-white flag attached.<sup>[9]</sup> After the car was stopped by traffic police, the young woman tried to run away, and Tikhomirov, according to the prosecution, pushed the police officer who tried to catch up with her in the chest.

- **Nataliya Filonova**, Ulan-Ude (Republic of Buryatia). From 22 October she was under house arrest, and on 17 November she was [remanded in custody](#) for violation of the rules of house arrest. Filonova had had to leave her home because her husband was hospitalised with a heart attack. Filonova's 16-year-old son was sent to the hospital by the guardianship authorities. The case against Filonova arose from the following incident: detained at a protest against mobilisation on 24 September, on 26 September, as police officers were taking her by car to the court, according to the Investigative Committee, she used violence against them, striking one with her hand and poking another in the face with a pen. Later she was also accused of breaking a finger of one of the victims. Previously, Filonova had been convicted of an administrative offence, serving five days' jail in May for asking the driver of a minibus to remove the letter Z from his cabin.
- **Roman Taganov**, Maikop (Republic of Adygea). Taganov was in jail from 7 to 17 March, convicted under administrative law of disobeying a police officer. From 17 March he was placed under house arrest. In summer he was given a suspended sentence of three years, but remained under house arrest until the sentence came into force. On 3 October he was transferred to a remand prison when the Federal Penitentiary Service accused him of violating the terms of his pre-trial conditions on account of several activations of his tracking bracelet. On 6 October, the verdict came into force, but Taganov [was kept in custody](#) until 13 October. The case against Taganov arose from the following incident: walking down a street with his son in March, he was attacked first by one and then by another police officer of the Centre for Combating Extremism in civilian clothes. Perhaps the reason for this was that the child had been wearing a yellow hat and a blue jacket, while Taganov himself was wearing a green ribbon. As can be seen on [the video](#) published by Taganov's wife, he fought back in an effort to defend himself from unknown aggressors who did not look like police officers on duty.
- **Vyacheslav Koshelev**, Volzhsky (Volgograd region). Koshelev was under court-imposed travel restrictions pending trial from the end of April. On 5 August the court ordered that Koshelev undergo [compulsory treatment](#) in a general psychiatric hospital. During his appeal against this ruling he was remanded in custody. The case against Koshelev arose after he arrived to take part on 17 April in a competition speed-climbing the floors of high-rise buildings wearing a cap with the Ukrainian coat of arms and a sweatshirt with the inscription: '30 years of Ukrainian independence' [30 років незалежності України]. He was arrested and accused of shouting 'obscene slogans.' Subsequently, it became known the Investigative Committee had opened a criminal case against him. According to the Investigative Committee, Koshelev kicked a police officer on the shins. In March, Koshelev was against arrested for wearing the same clothes. He [said](#) he had been held overnight in a police station where he had been handcuffed and his head had been beaten against a wall.

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9 The white-blue-white flag is a symbol of the Russian anti-war movement. It is a modified version of the Russian national flag. The red stripe symbolizing blood and war has been replaced by a white one.



- [Roman Balyasin](#), Zheleznogorsk (Krasnoyarsk region). Balyasin has been at liberty pending trial since the beginning of August. The case against Balyasin relates to the night of 30 July when he had tried to paint over the letter Z in an inscription, ‘ЖелеЗногорск’ [ZheleZnogorsk], near the forest park. He was struck from behind, and as he swung out in reaction, the unknown assailant fell to the ground. Balyasin was then surrounded by several men in civilian clothes, carrying, as he told [Taiga.Info](#), batons and firearms. It turned out that they were police and FSB officers. They beat Balyasin, insulted him and threatened to rape him with a stick. He was left with bruises all over his body. A criminal case was later opened against Balyasin because he had swung out at the first officer to have attacked him.
- [Anastasiya Eletsкая](#), Novokuznetsk (Kemerovo region). Eletsкая had been under pre-trial travel restrictions since May. In December she [was given](#) a one-year suspended sentence. The case against Eletsкая arose in May after she had walked with a friend past the local memorial to the Warrior-Liberator [*a copy of the memorial to Soviet soldiers put up in Berlin’s Treptower Park – trans.*]. The friend decided to tear the letter Z off the cardboard star attached to the monument. Police officers, noticing this, threw the man to the ground and Eletsкая, according to the Investigative Committee, bit one of them on the left arm, and then began to beat the officer on the head, neck and arms. She herself said in court that she felt someone grabbing her neck and bit the hand of the person who grabbed her in an attempt to free herself.

## 2.2.3. Preventive detentions as ‘prophylaxis’ against protests

In 2022, law enforcement agencies continued to use the already traditional practice of preventive detentions of people in the Moscow underground system on holidays or other days when protest activity was anticipated. Detentions have usually been carried out after a CCTV camera has identified a person who previously participated in opposition demonstrations. According to [OVD-Info](#), 141 people were detained in this way in Moscow in 2022.

Preventive detentions were carried out on 8 and 9 May in connection with Victory Day, on 12 June which is Russia Day, on 22 August, the anniversary of the defeat of the 1991 attempted putsch by the State Committee on the State of Emergency [GKChP], and on 30 September, the day Putin signed the agreement on the acceptance of Ukrainian regions into Russia. As a rule, those detained were taken to a police station, held for three hours, and then released without any charges. There were cases when the same person was detained twice in one day. Most of those detained did not intend to participate in protests but were going about their usual business. There are no grounds for this practice in law, and its only outcome has been to cause minor difficulties for activists.

In order to prevent anti-war demonstrations on Victory Day, law enforcement agencies did not limit themselves to detentions in the underground train network. For example, on 7 May, activist [Mikhail Kriger](#) [was detained](#) in the entrance hall of the apartment building

where he lived. The police said he was swearing loudly and ignoring his neighbours' comments. For this he was jailed for four days. On the same day SOTA journalist [Anna Loiko was detained](#) near her home. In this case, the pretext was her alleged refusal to show her passport to a police officer. Loiko was jailed for five days.

An even tougher preventive measure used by law enforcement agencies in the run up to protests was that of conducting mass searches of activists on grounds of fictitious criminal investigations (see [Chapter 2.4. Mass searches of activists and journalists on spurious grounds](#)).

## 2.2.4. The Vesna case: criminalisation of a movement that organised anti-war protests

In early May, several members of the [Vesna](#) ['Spring'] youth movement were detained in St. Petersburg, Novgorod, and Moscow. A criminal case was opened against them for participation in the activities of a non-profit that infringes on the personality and rights of citizens (**Article 239, Part 3, RCC**). The Investigative Committee considered that by publishing on the internet calls to participate in anti-war protests that did not have official approval from 25 to 27 February 2022, Vesna incited citizens to commit unlawful acts.<sup>[10]</sup> The maximum punishment for an offence under this article is two years' imprisonment.

The Vesna movement was established in 2013 in St. Petersburg; branches later appeared in other Russian cities. It defined its goal as '*to change the corrupt regime in Russia, to build a system based on democracy and human rights.*' Vesna took an active part in various protests, including anti-war protests that began immediately after Russia started its full-scale invasion of Ukraine. On Victory Day, the movement called for people to join the Immortal Regiment marches under the slogan '*They didn't fight for this.*' The arrests made on 7-9 May were probably aimed, among other things, at disrupting this planned protest.

On 7 May the homes of [Valentin Khoroshenin](#) and [Evgeny Zateev](#) were searched in St. Petersburg and the two men were taken to Moscow for questioning. Searches also took place at the home of the parents of Vesna's national coordinator, [Bogdan Litvin](#), who was already abroad at that time. On 8 May, [Roman Maksimov](#) was arrested in Novgorod and taken to Moscow after his home was searched. Maksimov denied he was a member of Vesna. On the night of 8-9 May, the Moscow homes of [Ivan Drobotov](#), [Angelina Roshchupko](#), [Timofei Vaskin](#) and of the mother of [Darya Pak](#) (Pak herself was outside Russia) were searched.

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10 This is not the first case when **Article 239 of the Russian Criminal Code** has been used against an organisation that called for the holding of peaceful demonstrations, albeit demonstrations that did not have the approval of the authorities. In particular, in 2021, [Aleksei Navalny](#), [Leonid Volkov](#) and [Ivan Zhdanov](#), considered by the Investigative Committee to be leaders of the Anti-Corruption Foundation, were charged with heading a non-profit organisation, the activities of which are associated with inducing citizens to commit unlawful acts (**Article 239, Part 2, RCC**). In this case, the protest rallies following Navalny's arrest were cited as unlawful acts.

Under the pre-trial conditions imposed on the six detainees, Khoroshenin, Zateev, Maksimov, Vaskin, Drobotov, and Roschupko were forbidden to leave their apartments between 8 p.m. and 8 a.m., to use the internet, telephone or the postal system, or to communicate with other defendants in the case.

In June, Ivan Drobotov cut off his electronic ankle bracelet and fled to Georgia. Later, Roman Maksimov managed to leave Russia.

[Ekaterina Goncharova](#), from St. Petersburg, is also a defendant in the case. She left Russia in March. In August, a warrant was issued for her arrest.

In September, immediately after Vesna issued a public call for people to take part in protests against mobilisation, it became known that the group were now additionally being investigated for incitement of riots (**Article 212, Part 1.1, RCC**). It remains unknown who will be charged with this offence and to what it is related.

On 30 September, the prosecutor's office demanded that Vesna be designated as an extremist movement. On 6 December, St. Petersburg City Court designated the movement as such. The details of the lawsuit brought by the prosecutor's office were classified, and neither the movement's activists nor its lawyers in court saw them.

## 2.2.5. Prosecutions for 'performances' and other art-based protests

In some cases, protests took the form not of the usual rallies but of performances of an artistic nature, which also led to criminal prosecutions.

In St. Petersburg, [Igor Maltsev was given](#) a disproportionately harsh sentence of three years and eight months in a penal colony for burning an effigy in military uniform on 6 March, the day celebrating Maslenitsa [*Pancake Day*]. On the head of the effigy was a bag made of cloth inscribed with the words 'Take it back.' The Vesna movement published a video of the performance with the comment, 'Anonymous activists demand: 'Take the soldiers and bodies back to Russia!'' [Maltsev](#) and [Sofia Semenova](#), a defendant in the same case, were charged with hooliganism committed by a group of persons motivated by political hatred (**Article 213, Part 2, RCC**). Pending trial, Maltsev was remanded in custody and Semenova was placed under certain restrictions. She was able to escape from Russia.

In Moscow, [Aleksei Nechushkin was remanded](#) in custody in March. On 27 February, he [had written](#) on his car, 'People, rise up!' 'This is war' and 'Putin is scum,' and then driven into fencing on Pushkin Square and set fire to his car. No one was hurt in the performance and Nechushkin damaged his own property. However, he was remanded in custody on 1 March and since 1 October he has been on trial for hooliganism (**Article 213, Part 2, RCC**).

On the night of 11 May, [Grigory Mumrikov was detained](#) in Moscow. Initially he was jailed for ten days on charges of using foul language in a public place; then he was remanded in custody for hooliganism committed in a group (**Article 213, Part 2, RCC**). According to the Investigative Committee, Mumrikov had intended to photograph a performance by the artist Danila

Tkachenko, who planned to turn on air conditioners that would emit blue and yellow smoke flares near Red Square during the Victory Parade on 9 May. The event was to be launched remotely (Tkachenko had left Russia after he installed the air conditioners), but law enforcement officers disrupted the performance. However, the artist claims only he knew about the upcoming performance. On 8 August Mumrikov was released from custody and placed under house arrest.

A case of [vandalism](#) (**Article 214 RCC**) was opened in Moscow after several people painted the water of the fountain ‘Music of Glory’ with red paint on 24 August, six months after the start of the full-scale war against Ukraine. Beside the fountain they left a flyer with the words ‘Hands in Blood’ [*‘Ruki V krovi’ – using an upper-case Latin letter V in place of the Cyrillic lower-case – trans.*], and threw a pair of children’s slippers with the word ‘Liza’ into the water in memory of a four-year-old girl killed by a missile strike in Vinnitsa. [Aleksandr Nizamov](#), 19 years of age, was detained on 27 August, but released two days later on his own recognisance. Police operatives failed to find another participant in the protest, [Anna Vyalkina](#), so they detained her husband and forced him to call her and convince her to voluntarily surrender. During the call, an officer from the police department against extremism [*‘Centre E’*] took the phone and said: ‘Show some love to your husband. I would say, compassion.’ Vyalkina nevertheless did not give in to the threats. Her husband was released from the police station in the morning. Vyalkina, Nizamov and another participant in the protest, [Tatyana Matveeva](#), were able to leave Russia.

Law enforcement agencies qualified the post of the [Party of the Dead](#)<sup>[11]</sup> about an art performance at a cemetery as offensive to the sensibilities of believers (**Article 148 RCC**). In the performance, activists in black cloaks were photographed with posters reading ‘Christ is risen, but the conscript is not,’ ‘Enough war, civilians will not rise from the dead,’ and so on against a background of graves. On its Telegram channel, the Party of the Dead [said](#): ‘The sacred holiday of Easter recently passed in the very heart of the Russian world – in a Russian cemetery. No one rose from the dead.’ On 1 September, as part of an investigation into an offence of ‘offending sensibilities related to Easter,’ several [searches](#) were conducted of the homes of persons associated with the Party of the Dead, including [Maksim Evstropov](#), whom the Investigative Committee considers coordinator of the project. Evstropov himself had already left Russia at that time. In December, it became known that a warrant had been issued for his arrest.

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11 The Party of the Dead is an artistic and political project whose participants hold performances wearing masks of dead people and play up the theme of death. It was created in 2017 and has an anti-war and anti-militarist orientation.

## 2.3. Prosecutions for anti-war statements

### 2.3.1. Prosecutions under administrative and criminal law for discrediting the Russian army and for ‘fake news’ about the Russian army

#### *The new laws on discrediting the Russian army and ‘fake news’ about the Russian army and their unlawful nature.*

On 4 March, new articles were added to the Code of Administrative Offences and the Criminal Code, essentially punishing anti-war speech (see Table 2.1). Actions aimed at ‘discrediting the use of the armed forces of the Russian Federation’ and ‘*discrediting the exercise by Russian state bodies of their powers outside the territory of the Russian Federation,*’ as well as calls to obstruct the use of the Russian army, were prohibited. A first offence of this kind now falls under **Article 20.3.3 RCAO** and is punishable by a fine. The fine may be higher if the ‘discrediting of the army’ is accompanied by incitement to take part in a rally that did not have the authorities’ approval or creates a threat to persons, public order or infrastructure (**Article 20.3.3, Part 2, RCAO**).

Sentencing for an offence under this administrative article comes into force after it has been upheld in a court of appeal or, if the person fined does not appeal, ten days after the delivery of the ruling at first instance. From that moment on, a repeat offence may lead to criminal prosecution under **Article 280.3, Part 1, RCC**. The maximum penalty for this offence is three years’ imprisonment. Criminal liability for discrediting the use of the Russian army may come immediately, without a preliminary administrative fine, if the act of discrediting has caused harm to persons, the public order or infrastructure (**Article 280.3, Part 2, RCC**).

At the same time as discrediting the use of the army was criminalised, the dissemination of information known to be false (‘fake news’) under the guise of reliable information about the use of the Russian armed forces or the use by Russian state bodies of their powers outside the territory of the Russian Federation was also criminalised. The maximum penalty for such an offence in its ‘basic’ version (**Article 207.3, Part 1, RCC**) is three years’ imprisonment. However, if there are aggravating circumstances, which, in particular, include use of an official position, commission of an offence by a group of persons or a motivation of ‘political hatred’ (**Article 207.3, Part 2, RCC**), the maximum penalty increases to ten years’ imprisonment. Until March 2022, the most severe punishments for public statements were for justification of terrorism by means of the internet (**Article 205.2, Part 2, RCC**), with a maximum punishment of seven years in a penal colony.

Finally, if the dissemination of ‘fake news’ about the Russian army causes ‘grave consequences’ (**Article 207.3, Part 3, RCC**), the punishment would be from 10 to 15 years in a penal colony. The Criminal Code does not define what exactly is meant by the term ‘grave consequence.’

<b>Article</b>	<b>Possible Punishment</b>
<p><b>Article 20.3.3, Part 1, RCAO:</b> ‘Public actions aimed at discrediting the use of the Russian armed forces to protect the interests of Russia and its citizens, to maintain international peace and security, including public calls to prevent the use of the Russian armed forces for the above purposes, as well as those aimed at discrediting the use by Russian state bodies of their powers outside the territory of Russia for the above purposes...’</p>	<p><b>Fines:</b>            For citizens – from 30,000 to 50,000 roubles;            For public officials – from 100,000 to 200,000 roubles;            For legal entities – from 300,000 to 500,000 roubles.</p>
<p><b>Article 20.3.3, Part 2, RCAO:</b> ‘The same actions accompanied by calls to hold public events without official approval, as well as creating a threat of harm to the life or health of citizens, property, a threat of mass disruption of public order or public safety or a threat of interference with the functioning or cessation of functioning of essential public services, transport or social infrastructure, credit organisations, energy, industry or communications facilities...’</p>	<p><b>Fines:</b>            For citizens – from 50,000 to 100,000 roubles;            For public officials – from 200,000 to 300,000 roubles;            For legal entities – from 500,000 to 1m roubles.</p>
<p><b>Article 280.3, Part 1, RCC:</b> The same actions as described in Article 20.3.3, Part 1, RCAO, ‘committed by a person after they have been convicted under administrative law of a similar act in the course of one year.’</p>	<p><b>Fine:</b> 100,000 to 300,000 roubles or the equivalent of the convicted person’s salary over a period from one to two years.  <b>Forced labour:</b> up to three years.  <b>Jail term:</b> from four to six months.  <b>Imprisonment:</b> up to three years + deprivation of the right to hold certain positions or engage in certain activities for the same period.</p>
<p><b>Article 280.3, Part 2, RCC:</b> The same actions as described in Article 20.3.3, Part 1, of the RCAO: ‘causing death by negligence or harm to the health of citizens, property, mass disruption of public order or public safety or interfering with the functioning or cessation of functioning of essential public services, transport or social infrastructure, credit organisations, energy, industrial or communications facilities.’</p>	<p><b>Fines:</b> from 300,000 to 1m roubles or the equivalent of the convicted person’s salary over a period from one to two years.  <b>Imprisonment:</b> up to five years + deprivation of the right to hold certain positions or engage in certain activities for the same period.</p>

Article	Possible Punishment
<p><b>Article 280.3, Part 2, RCC:</b> The same actions as described in Article 20.3.3, Part 1, of the RCAO: ‘causing death by negligence or harm to the health of citizens, property, mass disruption of public order or public safety or interfering with the functioning or cessation of functioning of essential public services, transport or social infrastructure, credit organisations, energy, industrial or communications facilities.’</p>	<p><b>Fines:</b> from 300,000 to 1m roubles or the equivalent of the convicted person’s salary over a period from one to two years.</p> <p><b>Imprisonment:</b> up to five years + deprivation of the right to hold certain positions or engage in certain activities for the same period.</p>
<p><b>Article 207.3, Part 1, RCC:</b> ‘Public dissemination, under the guise of reliable reports, of information known to be false that contains information about the use of the Russian armed forces to protect the interests of Russia and its citizens, to maintain international peace and security, as well as containing information about the use by Russian state bodies of their powers outside the territory of Russia for the above purposes.’</p>	<p><b>Fines:</b> from 700,000 roubles to 1.5m roubles or the equivalent of the convicted person’s salary over a period from one to one and a half years.</p> <p><b>Corrective labour:</b> up to one year.</p> <p><b>Forced labour:</b> up to three years.</p> <p><b>Imprisonment:</b> up to three years.</p>
<p><b>Article 207.3, Part 2, RCC:</b> ‘The same act committed: by a person using their official position; by a group of persons, a group of persons by prior conspiracy or an organised group; with artificially created evidence of accusations; on grounds of self-interest; on grounds of political, ideological, racial, ethnic or religious hatred or enmity, or on grounds of hatred or enmity against any social group.’</p>	<p><b>Fines:</b> from 3m roubles to 5m roubles or the equivalent of the convicted persons salary over a period from three to five years.</p> <p><b>Forced labour:</b> up to five years + deprivation of the right to hold certain positions or engage in certain activities for the same period.</p> <p><b>Imprisonment:</b> from five to ten years + deprivation of the right to hold certain positions or engage in certain activities for the same period.</p>
<p><b>Article 207.3, Part 3, RCC:</b> ‘Acts provided for by Part 1 and Part 2 of this Article, where they cause grave consequences.’</p>	<p><b>Imprisonment:</b> from 10 to 15 years + deprivation of the right to hold certain positions or engage in certain activities for up to five years.</p>

Table 2.1. Penalties for discrediting the Russian army and for ‘fake news’ about the Russian army

The project 'Political Prisoners. Memorial' considers that the penalties for both discrediting the Russian army and spreading 'fake news' about the use of the army contradict the Russian Constitution and fundamental principles of law. They violate the constitutional right to freedom of thought, speech, and dissemination of information (**Article 29 of the Russian Constitution**) and similar rights enshrined in international instruments (**Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 19 of the International Covenant on Civil and Political Rights**). The Russian state can explain the restriction of freedom of speech only by means of a perverted logic, according to which unleashing and waging a war of aggression on the territory of another country is supposedly necessary to ensure the defence or national security of Russia, and anything that hinders the conduct of this war threatens the security of Russia.

In theory, the imposition of martial law could allow the state to legally exercise military censorship. On 19 October, Putin declared such a regime in the occupied regions of Ukraine, which he considers to be part of Russia, but martial law has not yet been imposed in regions that are in fact legally part of Russia, and even if it were, it would not automatically restrict freedom of expression since a special law would have to be passed for this purpose.

## ***Enforcement of the articles of the Russian Criminal Code on discrediting the army and 'fake news' about the army***

Neither the Criminal Code nor the Code of Administrative Offences defines what 'discrediting' means. In practice, any disagreement with or negative assessment of Russia's military actions, as well as the use of the word 'war' instead of the official term 'special military operation,' is considered to be discrediting the use of the Russian army. Moreover, in the administrative prosecution of Nizhny Novgorod activist [Aleksei Podnebesny](#), the court [ruled](#) that use of the words 'special operation' in quotation marks '*undoubtedly indicates an ironic, negative, disparaging meaning of the above words.*' [Timofei Efremov](#), a Yakut journalist, was found guilty of discrediting the army because he used the word 'front' in a comment to Dozhd TV, when he should have said 'line of contact,' according to the court. This decision was subsequently [quashed](#) and the case was closed, but on a technicality because Efremov had not been appropriately notified and the statute of limitations had expired for the alleged offence.

Prosecutions under this article were carried out not only for public anti-war statements, but also for hanging a Ukrainian flag in an apartment window, for listening to the Ukrainian anthem at home with an open window, for listening to, or singing, the song 'Chervona Kalina,' for private conversations, and so on. In a number of cases, police investigations followed denunciations by neighbours or interlocutors. During the days of voting in the regional elections of 9-11 September, voters who left anti-war inscriptions on ballot papers were prosecuted.

Actions that serve as grounds for an administrative prosecution on charges of discrediting the army can also become grounds for criminal proceedings if a person has already been subject to an administrative fine. In particular, criminal cases for repeated discrediting of the Russian army (**Article 280. 3, Part 1, RCC**) have been initiated for tearing off the letter Z from someone else's car, for sticking an anti-war poster on the window of one's own car, for hanging a banner reading in English, '*Yakutian punks against war,*' on a roof, for a video message calling



on people not to participate in the war, and for publications in which the authors called the actions of the Russian army a war of conquest or used the words ‘invasion of Ukraine’ or claimed that Russia was ‘moving towards the Third Reich,’ and so on.

In turn, grounds for prosecution for ‘fake news’ about the use of the army are any assertions of facts not officially recognised by the Russian authorities, which may include, for example, reports about the course of hostilities, about life under occupation, about war crimes of the Russian army, about civilian deaths in Ukraine, about losses of the Russian army, about the refusal of military or National Guard personnel to participate in the war, and so on. In a number of cases, a court has concluded that disseminated information is inaccurate on the grounds it contradicts official accounts from the Russian Ministry of Defence which are known to be reliable and not subject to doubt. Opposition politician [Ilya Yashin](#) has been [convicted](#) for a video about the killings of Bucha residents, in which he even quoted an official statement by the Ministry of Defence as one of the points of view.

At the same time, there is one case in which the defence succeeded in using this presumption of the truth of statements made by the Ministry of Defence in favour of the defendant. In Nizhny Novgorod, a court [dismissed](#) a case concerning ‘fake news’ because the defendant published a video about the events in Bucha before the official position of the Ministry of Defence had appeared, which means he had no way of knowing that the information he was disseminating was ‘false.’

Investigative Committee officers arbitrarily choose whether to bring charges for a less serious offence under **Article 207.3, Part 1, RCC**, or for a more serious offence under **Article 207.3, Part 2, RCC**, that provides for up to ten years’ imprisonment. As a rule, in order to bring the more serious charges, it is enough for investigators to state that the alleged distribution of ‘fake news’ was committed on grounds of political or ideological hatred (**Article 207.3, Part 2 (e), RCC**). This is a vague and evaluative wording that can be applied to almost any political statements.

In some cases, the choice between prosecuting for ‘discrediting’ or for ‘fake news’ is equally arbitrary. For example, in [the case](#) of [Aleksei Gorinov](#), a former municipal councillor in Moscow’s Krasnoselsky district, the court classified as ‘information known to be false’ the use of the word ‘war’ as applied to events that should allegedly be called a ‘special operation.’ A prohibition on calling an armed conflict between two countries a war is absurd in itself, but even in Russian practice in 2022 use of the ‘wrong word’ usually entails the lighter charges of discrediting the army.

Note that the article on ‘fake news’ penalises public dissemination of false information. However, even this condition is not always met. Former Moscow police officer [Sergei Klovov](#) has been [prosecuted](#) for private phone conversations.

Against the general background of prosecutions for ‘fake news’ about the army, the case against military serviceman [Daniil Frolkin](#) stands out. While criminal cases are usually brought against people who oppose the war, in this case the defendant was a man who [confessed](#) to a journalist of *Vazhnye istorii* [‘Important Stories’] that he had committed a war crime, namely the murder of a civilian in Andreevka, Kyiv region. Later it became known that Frolkin was being investigated in Russia, but not for using prohibited means of warfare, but for dissemination of information known to be false by a group of persons for reasons of self-interest (**Article 207.3, Part 2 (b & d) RCC**).

## Prevalence of prosecutions

Several thousand people have been prosecuted under administrative law for the offence of discrediting the army; more than two hundred people have been prosecuted for the criminal offences of discrediting the Russian army or spreading ‘fake news’ about the Russian army.

Article	Scale of Prosecutions
<p><b>Article 20.3.3, Parts 1 &amp; 2, Russian Code of Administrative Offences</b></p>	<p>As of 21 December, according to <a href="#">Mediazona</a>, 5,518 administrative cases on discrediting the use of the Russian army had been filed with Russian courts. More cases had been initiated, but not all of them went to court.</p> <p>According to the judicial department of the Russian Supreme Court, in the first half of 2022, 3,210 cases were received by the courts, and in 2,505 of them sentences were handed down. In one case a warning was issued, in all others a fine. The average fine was approximately 34,200 roubles. Approximately half of all fines imposed have entered into force.</p>
<p><b>Article 280.3, Part 1, RCC</b></p>	<p>By the end of 2022, according to OVD-Info, 36 people had been prosecuted.</p>
<p><b>Article 280.3, Part 2, RCC</b></p>	<p>In 2022, according to OVD-Info, three people were prosecuted under this article of the Russian Criminal Code. There is also unconfirmed information about three more criminal cases initiated in connection with the defacement of banners depicting Russians involved in the war against Ukraine.</p>
<p><b>Article 207.3, Part 1, RCC</b></p>	<p>By the end of 2022, according to OVD-Info, 42 people had been prosecuted.</p>
<p><b>Article 207.3, Part 2, RCC</b></p>	<p>By the end of 2022, according to OVD-Info, 75 people had been prosecuted (in a further 15 cases, it was not known what part of the article the defendants were charged with).</p> <p>In total, according to OVD-Info, at least 131 people were prosecuted under the article of the Russian Criminal Code for ‘fake news’ about the Russian army in 2022. Human rights defender Pavel Chikov <a href="#">said</a> on 22 December that according to the General Prosecutor’s Office, 180 cases regarding ‘fake news’ about the army had been initiated in Russia.</p>
<p><b>Article 207.3, Part 3, RCC</b></p>	<p>There is as yet no information about prosecutions for this offence.</p>

Table 2.2. Number of prosecutions for discrediting or spreading ‘fake news’ about the Russian army

Prosecutions under articles of the Russian Criminal Code for discrediting the army and for ‘fake news’ about the army have occurred throughout Russia from Kaliningrad to Petropavlovsk-Kamchatsky, from Murmansk to Sochi. At least five people have been prosecuted in occupied Crimea. As might be expected, the largest numbers of those prosecuted have been current and former residents of Moscow, including emigrants. Of the 32 people from Moscow prosecuted, seven have been imprisoned, while most of the defendants are in emigration. Eight people have been prosecuted in St. Petersburg (seven have been remanded in custody) and six in Novosibirsk (one defendant has been remanded in custody). Nevertheless, residents of the three largest Russian cities account for less than a third of all known defendants in cases of discrediting the army and ‘military fake news.’ At least 70 defendants live or used to live in other regional centres, and more than 50 live in settlements that are not regional centres. In particular, those prosecuted include residents of the township of Olovyannaya in the Trans-Baikal region, the town of Verkhoturys in Sverdlovsk region, and the village of Verkhnyaya Khava in Voronezh region (each of these small towns has a population of about 7,000) and residents of the village of Izhma in the Komi Republic (which has a population of less than 4,000).

The main groups of people prosecuted have been politicians, activists, human rights defenders and journalists. These make up approximately half of the list of known defendants. Journalists are also being prosecuted for their professional activities, such as [Mikhail Afanasyev](#), the editor-in-chief of Novy Fokus from Khakassia, who [published](#) an article about National Guard personnel who refused to participate in the ‘special operation.’ At the same time, criminal cases were also brought against former police officers, military officers, priests, a former monk of the Russian Orthodox Church, and a former employee of the Elista mayor’s office. The list of those prosecuted includes representatives of working-class professions (builder, stoker, furniture assembler) and former prisoners who have served their time.

## Severity of repression

The first parts of the articles of the Russian Criminal Code on discrediting the army and ‘fake news’ belong to the category of crimes of medium gravity. Under these articles, suspects are relatively rarely remanded in custody. Sometimes, however, a suspect can be remanded in custody if the charge includes other articles. For example, programmer [Eduard Shcherbakov](#) from Tiumen was [remanded in custody](#) on charges under **Article 207.3, Part 1, RCC** during the investigation. In addition to being charged with spreading ‘fake news’ about the army, he was also charged with ‘dissemination of information expressing obvious disrespect to society about the days of military glory and memorable dates of Russian history’ using the internet (**Article 354.1, Part 4, RCC**) for trying to send an image of Hitler to the ‘Immortal Regiment’ website. [Nikita Tushkanov](#), a former history teacher from Syktyvkar, was also remanded in custody. He stands accused not only of discrediting the army, but also of justifying terrorism (**Article 205.2, Part 2, RCC**).

### **The Immortal Regiment**

*The Immortal Regiment is a movement that holds events in memory of veterans of the Great Patriotic War. Traditionally, the events were held on 9 May in the format of processions with portraits of relatives who fought in the war. In 2020 and 2021,*

*the marches were cancelled because of the coronavirus pandemic. Those wishing to take part in the processions were invited to upload portraits of veterans to the movement's website. Some, for various motives, but most often as a provocative joke, began uploading portraits of Adolf Hitler and other representatives of the military high command of Nazi Germany. The Investigative Committee regularly initiates criminal proceedings in connection with such incidents under the article of the Russian Criminal Code on rehabilitation of Nazism.*

In other known cases, defendants were remanded in custody on charges of violating the terms of less severe pre-trial conditions. [Evgeny Kruglov](#), an archaeologist from Omsk, [was remanded in custody](#) after an alleged attempt to flee Russia. [Vladislav Nikitenko](#), a lawyer from Blagoveshchensk, [was remanded in custody](#) after allegedly being found to have used a mobile phone under house arrest. [Askhabali Alibekov](#), a video blogger from Novorossiisk, whose pre-trial conditions included a ban on certain actions, refused to wear a tracking bracelet and [was remanded in custody](#) for this. [Aleksandr Kamenyuk](#), an activist from Petropavlovsk-Kamchatsky, [was remanded in custody](#) on the grounds that he had missed meetings with the investigator. He was later placed under house arrest. The pre-trial conditions of [Elena Tardasova-Iun](#), a resident of Novosibirsk, were made [more severe](#) after she was accused of violating a ban on using the internet and published two videos.

At the same time, among those charged and convicted with an offence under the more serious **Article 207.3, Part 2, RCC**, more than 30 people were or are being held on remand during the investigation. Three instances are known where the court released those remanded in custody under this article. [Boris Romanov](#) from St. Petersburg was [released](#) on 28 July and a ban imposed on him undertaking certain actions. Subsequently, the prosecutor's office asked that the accused be returned to custody. Romanov allegedly managed to escape and a warrant was issued for his arrest. On 19 October in Cherepovets, human rights defender [Gregory Markus Severin Vinter](#) (see below for more information on this case), who suffers from diabetes and requires insulin, was released from custody and [placed under house arrest](#). On 14 November, the journalist [Mariya Ponomarenko](#) was released from custody and [placed under house arrest](#) in Barnaul.

Article	Scale of Prosecutions
<b>Article 280.3, Part 1, RCC</b>	<p>As of the end of 2022, it is known of:</p> <ul style="list-style-type: none"> <li>• three defendants remanded in custody, one of whom is also being prosecuted for justification of terrorism (at least one other person had been previously remanded in custody);</li> <li>• three defendants held under house arrest and two who were previously held under house arrest.</li> </ul> <p>In the remaining cases, the defendants are either in Russia under a ban on certain actions, an undertaking to appear in court or travel restrictions, or they have left the country, or pre-trial conditions in their cases are not known.</p>

Article	Scale of Prosecutions
<p><b>Article 280.3, Part 2, RCC</b></p>	<p>As of the end of 2022, one defendant is known to be held on remand. In addition to a charge of discrediting the army, they stand accused of vandalism motivated by political hatred (<b>Article 214, Part 2, RCC</b>) and involving a minor in a crime motivated by political hatred (<b>Article 150, Part 4, RCC</b>).</p> <p>At least one more person is under pre-trial travel restrictions.</p>
<p><b>Article 207.3, Part 1, RCC</b></p>	<p>As of the end of 2022, one defendant is known to be held on remand and two persons subsequently convicted were held on remand during their trials.</p> <p>In the remaining cases, the defendants are either in Russia under a ban on certain actions, an undertaking to appear in court or travel restrictions, or they have left the country, or pre-trial conditions in their cases are not known.</p>
<p><b>Article 207.3, Part 2, RCC</b></p>	<p>As of the end of 2022, it is known of:</p> <ul style="list-style-type: none"> <li>• 33 defendants being held or previously held on remand;</li> <li>• two defendants under house arrest and three defendants who had previously been under house arrest but had managed to escape.</li> </ul> <p>Pre-trial conditions in the form of a ban on certain actions or travel restrictions are imposed relatively rarely under this article, with only about ten cases known. Most of the defendants who are not currently held on remand or under house arrest are outside Russia.</p>

Table 2.3. Pre-trial conditions imposed under articles of the Russian Criminal Code on discrediting the Russian army and ‘fake news’ about the Russian army

For some defendants, the conditions of detention in remand prisons and penal colonies have been comparable to torture. For example, [Vinter reported](#) he was kept in solitary confinement where the temperature dropped to 4-6 degrees Celsius at night, which made him deaf in his left ear, as well as being deprived of regular meals necessary for his diabetes on the days he travelled to court. [Ponomarenko](#), who suffers from claustrophobia, tried [to cut open her veins](#) with shards of window glass after two months in a cell with windows that were taped shut. St. Petersburg artist [Aleksandra Skochilenko](#) suffers [from celiac disease](#) (congenital gluten intolerance) and experiences great trouble getting gluten-free food in the remand prison, causing her to lose weight and suffer constant gastrointestinal disorders. If Skochilenko is sent to a penal colony, her nutritional conditions will become even worse because of the restrictions on parcels and packages for convicts. [Aleksei Gorinov](#), a former Moscow city district councillor,

complained of cold, dampness, lack of hot water, and not being able to sleep before the official bedtime in Vladimir region’s Penal Colony No. 2. Gorinov’s support group [wrote](#) in December: ‘When they [lawyers] entered the poorly heated, cold visiting room, Aleksei was dozing, he explained that he dozed off after getting into the relative warmth, as he had not had a chance to sleep properly since arriving at the penal colony.’ At the same time, Gorinov told his lawyers that he had a fever, constant coughing and shortness of breath, but was not receiving medical care. After the publicity, Gorinov was finally moved to a prison hospital.

As of the end of 2022, at least 22 defendants prosecuted for anti-war statements had been sentenced. At least six of these were sentenced to terms of imprisonment in a penal colony.

Article	Scale of Prosecutions
<b>Article 280.3, Part 1, RCC</b>	Three sentences are known: <ul style="list-style-type: none"> <li>• one suspended sentence and a fine (two years suspended and a fine of 30,000 roubles delayed for two years);</li> <li>• two fines, one of 100,000 roubles, a second of 200,000 roubles.</li> </ul>
<b>Article 280.3, Part 2, RCC</b>	There are no known sentences.
<b>Article 207.3, Part 1, RCC</b>	Ten sentences are known. Of these: <ul style="list-style-type: none"> <li>• two terms of imprisonment (two and a half years in a strict regime penal colony; and six months in a general-regime penal colony);</li> <li>• three fines (800,000 roubles, 1m roubles, and also the equivalent of one year’s pension which is almost 210,000 roubles);</li> <li>• four terms of corrective labour for periods from six to eight months;</li> <li>• one suspended sentence (for one year, with a further 18 months on probation).</li> </ul> In two cases charges were dropped.
<b>Article 207.3, Part 2, RCC</b>	Nine sentences are known. Of these: <ul style="list-style-type: none"> <li>• four terms of imprisonment (ranging from three to eight and a half years in a general regime penal colony);</li> <li>• three suspended sentences (each one for five years);</li> <li>• two fines (600,000 roubles and 3m roubles).</li> </ul>

Table 2.4. Numbers of convictions and kinds of sentences handed down under articles of the Russian Criminal Code for discrediting the Russian army and for ‘fake news’ about the Russian army (as of the end of 2022)

The most severe sentences were handed down in Moscow to [Ilya Yashin](#) and [Aleksei Gorinov](#), former councillors in the capital's Krasnoselsky district. On 8 July Gorinov was [sentenced](#) to seven years in a general regime penal colony; on 19 September the sentence was reduced by one month. Gorinov was found guilty on three counts under **Article 207.3, Part 2, RCC: (a)** – using an official position, **(b)** – by a group of persons, and **(e)** – motivated by political or ideological hatred. Together with Gorinov, his colleague, former head of Krasnoselsky district council [Elena Kotenochkina](#), was also on trial. However, she managed to leave Russia and was jailed in absentia. The criminal case was initiated on account of a meeting of the district council on 15 March at which Gorinov said that a children's celebration in the district should not be held while there was a war going on and children were dying in Ukraine; Kotenochkina called Russia a fascist state. Yashin was sentenced on 9 December to eight and a half years in a general regime colony. The grounds for his criminal prosecution were a broadcast on his YouTube channel in which he talked about the killings in Bucha.

It should be noted that Krasnoselsky district was one of the Moscow districts where the opposition was most successful in the 2017 municipal elections. In that district, seven out of ten seats in the local council were won by the Solidarity democratic movement whose team was led by Ilya Yashin. After Gorinov's arrest in April, Yashin's in July and Kotenochkina's forced departure, one of the most prominent opposition district councils in Moscow was in effect demonstratively broken up. In this way the authorities signalled to other municipal councillors that they cannot speak out publicly against the war.

[Altan Ochirov](#), a former employee of the mayor's office in Elista, was initially [sentenced](#) to three years in a general regime penal colony, but on appeal the prosecutor's office secured a more severe sentence of five years in a penal colony. Ochirov had been found guilty of posting various news items about the war on the Volny Ulus ['A Free People'] Telegram channel. He himself denies having posted the publications, and another defendant in the case, [Ertseen Dolyaev](#), who managed to leave Russia, confirms that Ochirov had stopped using the Telegram channel several months before his arrest.

[Vladimir Rumyantsev](#), a stoker from Vologda, was [sentenced](#) to three years in a general regime penal colony. According to the Investigative Committee, he had created a homemade radio station in his apartment and talked about the war in his broadcasts. He also wrote posts on social networks about those killed in Ukraine.

Yalta resident [Aleksandr Tarapon](#) was [sentenced](#) to two and a half years in a strict regime penal colony. On the gate of the house of a relative, National Guard member Yury Orlenko, he put up a photo of the latter with the caption: 'Here lives a war criminal who kills children Y. Orlenko.' [Tarapon used the letters V and Z in the Russian, that are official symbols of the military operation: 'Здесь живет Военный преступник, убивающий детей Орленко Ю.' – trans.].

[Eduard Shcherbakov](#) from Tiumen, prosecuted for disseminating 'fake news' about the Russian army and for rehabilitation of Nazism, was [sentenced](#) to six months in a penal colony. He has already served his sentence.

As an additional punishment, several people were banned from practising their professions. For example, [Aleksei Gorinov](#) will not be allowed to hold positions in government at any level for four years after his release; [Irina Gen](#), a teacher from Penza, will not be allowed to teach; and [Andrei Samodurov](#), an employee of the Ministry of Emergency Situations from Yalta, will not be allowed to work in a rescue service.

More than 50 defendants in ‘fake news’ and defamation cases are outside Russia. Some managed to leave the country after their prosecutions began, many left after the start of the full-scale invasion of Ukraine, some emigrated earlier, including on account of political pressure. In particular, seven associates of Aleksei Navalny who are abroad have been accused of spreading ‘fake news.’ They are all accused of making statements on the Popular Politics YouTube channel.

Some political activists who have already left the country and have been charged with disseminating ‘fake news’ have had their bank accounts and property in Russia seized.

## 2.3.2. Prosecutions for urging the imposition of sanctions and other activities against the security of the state

The March law, which established liability for discrediting the use of the Russian army and spreading ‘fake news’ about the Russian army, introduced another pair of articles of the administrative and criminal codes penalising calls to impose or extend sanctions against Russia, Russian citizens or companies (**Article 20.3.4 RCAO** and **Article 284.2 RCC**). The principles governing application of these articles are the same as those for the articles on discrediting the army. A first offence is followed by an administrative penalty; a repeat offence within a year is followed by a criminal penalty. Russian citizens or Russian legal entities can be prosecuted for the administrative offence. The administrative fine for an ordinary person is 30,000 to 50,000 roubles; for an official it is from 100,000 to 200,000 roubles; for legal entities it is from 300,000 to 500,000 roubles. Only Russian citizens are subject to criminal liability, with a maximum penalty of three years’ imprisonment.

The project ‘Political Prisoners. Memorial’ notes that economic and political sanctions are a normal, legitimate form of pressure on a state and its representatives responsible for violations of human rights and international law. Calling for sanctions is part of political activity and should not be criminalised.

There is as yet no precise information on prosecutions for calling for sanctions. The judicial department in its statistics for the first half of 2022 combined the number of administrative cases heard under this article of the Russian Code of Administrative Offences with the number of cases for calling for separatism (**Article 20.3.2 RCAO**). The courts imposed 32 fines under these two articles. We can only say that the scale of administrative prosecutions for calling for sanctions is approximately a hundred times smaller than prosecutions for discrediting the Russian army.

Law enforcement agencies used the article of the Russian Code of Administrative Offences concerning calls for anti-Russian sanctions to put pressure on the Altai opposition newspaper Listok [‘Leaflet’]. On 27 April Listok Publishing House, which publishes the newspaper, was [fined](#) 300,000 roubles. The prosecution was initiated on the grounds that the paper published an article entitled ‘*The head of the AR [Altai Republic] Khorokhordin, the speaker of the State Assembly Kokhiov and the director of the Gorny Altai television station Koncheva will probably*



not be able to visit civilised countries.’ It should be noted that Listok, as a publication in opposition to the local authorities, has been [under political pressure](#) for many years. For example, the publication’s website was first blocked by Roskomnadzor back in 2014 after the paper published an article about the ‘March for the Federalisation of Siberia.’ Listok has been repeatedly fined. The newspaper’s founder [Sergei Mikhailov](#) has been [remanded in custody](#) on suspicion of spreading ‘fake news’ about the Russian army. The director of the publishing house [Olga Komarova](#) was fined a total of 800,000 roubles. Editor-in-chief [Viktor Rau](#) was forced to leave the country and was also fined 120,000 roubles.

Several other administrative prosecutions for calling for sanctions are known. In April, [Vladislav Arinichev was fined](#) 35,000 roubles in Moscow and [Andrei Balin was fined](#) 30,000 roubles in Togliatti. In October, [Sergei Veselov](#) from Shuya, Ivanovo region, was charged, but the court dismissed the case. There is as yet no information about criminal cases brought for repeated calls for sanctions.

In July, another repressive article was added to the Criminal Code, penalising public incitement of activities against the security of the state (**Article 280.4 RCC**). **Article 280.4** stipulates that it does not apply to incitement of terrorism, extremism, separatism, sanctions, unleashing a war of aggression, or discrediting the Russian army, for which there are other applicable articles. Offences that are considered to be activities ‘directed against the security of the state’ are listed. These include, in particular, illegal export of materials and technologies that can be used in the creation of weapons, smuggling of cash, banditry, organisation of a criminal association, illegal storage and manufacture of weapons, ammunition, explosives and explosive devices, smuggling of drugs, poisons, radioactive substances, especially valuable wild animals, unlawful influence on Russia’s critical information infrastructure, treason, espionage, sabotage, disclosure and illegal acquisition of state secrets, participation in an undesirable organisation, giving and receiving bribes, illegal crossing of state borders, organisation of illegal migration, destruction of border signs, failure to comply with an official order, desertion, genocide, fighting as a mercenary, and so on. In this way, the legislation attributes incitement to smuggle wildlife, bribery, genocide and participation in Open Russia all to the same type of offence.

The basic penalty under **Article 280.4, Part 1, RCC** is imprisonment for up to four years. However, if the incitement is conducted using the internet, an official position or by a group of persons by prior conspiracy (**Article 280.4, Part 2, RCC**), the term of imprisonment may rise to six years. If the crime was committed by an organised group (**Article 280.4, Part 3, RCC**), its members can receive up to seven years’ imprisonment.

As of the end of 2022, one criminal prosecution for incitement of actions against the security of the state is known. In Amur region [Nikolai Titarenko](#) was [detained](#) after he published a video on a public Telegram chat in which a certain masked man says that he, as a representative of the Atesh movement [*‘Atesh’ is a Crimean Tatar word meaning fire – trans.*], joined the Russian army during the mobilisation ‘to destroy it from the inside,’ ‘to publicise the positions of soldiers and equipment,’ ‘to arrange sabotage in warehouses and headquarters.’ There is no information yet about the pre-trial conditions applied to Titarenko.

## 2.3.3. Prosecutions under pre-existing criminal articles of the Russian Criminal Code

Although most prosecutions for statements against the war in Ukraine in 2022 were conducted under the new articles of the Russian Criminal Code on ‘fake news’ and discrediting the Russian army, the authorities continued to use ‘traditional’ criminal articles penalising statements:

- public incitement of extremism (**Article 280, RCC**);
- incitement of hatred or hostility (**Article 282, RCC**);
- public incitement of terrorism or justification of terrorism (**Article 205.2, RCC**).

As of the end of 2022, OVD-Info is aware of more than 20 persons prosecuted for incitement of extremism on the basis of anti-war statements; more than 10 for justification of terrorism; and more than 10 for incitement of hatred or hostility. In about half of these cases, the defendants have been prosecuted simultaneously under two of these articles, as well as under other articles such as those on ‘fake news,’ discrediting the army, political vandalism, rehabilitation of Nazism, and so on.

At least 15 (about a third) of the defendants in the cases brought under these articles in connection with anti-war statements are currently, or were previously, held on remand at the end of 2022. At least 12 more people are outside Russia. A charge of incitement of extremism was also brought against [Vladislav Sinitsa](#), who since 2019 has been serving a five-year sentence in the so-called ‘Moscow case.’<sup>[12]</sup> According to the new charge, Sinitsa, while in the penal colony, used an illegal phone and started a Twitter account in which, Network Freedoms [reports](#), ‘for several days he negatively characterised military and National Guard officers, as well as calling for violent actions against Vladimir Putin and the Russian Federation as a whole.’ OVD-Info also adds that the account does not have a single subscriber and ‘it all looks like an obvious fabrication.’ Fabrication of new criminal cases against prisoners is indeed a widespread practice in Russian penal colonies.

Two sentences to terms of imprisonment are known. In Voronezh, [Andrei Biriukov](#) was [sentenced](#) to three and a half years in a general regime penal colony for expressing aggressive, anti-Russian views. The Ukrainian singer [Igor Levchenko](#), who lived in Krasnogorsk outside Moscow, was [sentenced](#) to three years in a general regime penal colony. According to the Investigative Committee, he incited hatred towards the Russian military.

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12 In 2019, protests took place in Moscow over decisions to bar independent candidates from elections to the Moscow City Duma. The prosecution of participants in these protests was referred to in the media as the ‘Moscow case.’ Sinitsa was sentenced to five years in a penal colony because of a tweet containing his reflections on the supposed killing of children of National Guard officers who disperse demonstrations. The tweet did not contain calls for violence, nor was it accompanied by any actual criminal actions.

Two women were sentenced to fines. [Irina Nelson \(Dmitrieva\)](#), a mother of four children from the village of Novaya, Novgorod region, [was fined](#) 300,000 roubles for comments in which she suggested that ‘everyone should get up from their sofas and beat up these officials’ and organise ‘huge mass rallies with the use of force by the people.’ [Irina Bystrova](#), a painting teacher from Petrozavodsk, [was fined](#) 600,000 roubles for justification of terrorism and for spreading ‘fake news’ about the Russian army, but the exact reasons for the charges against her are not known.

Prosecutions for inciting extremism, terrorism and hatred in the context of the war against Ukraine have been conducted mainly with regard to those who have expressed aggression towards Russian soldiers or police officers, who have called for violence against them, or for protest actions that go beyond peaceful ones (for example, arson attacks on military recruitment offices or clashes with the police). The Russian authorities also classify calls to kill Putin or, more precisely, texts that they themselves interpret as constituting such calls, as inciting terrorism. For example, [Leonid Volkov](#), an associate of Aleksei Navalny, was indicted in July, [in his words](#), ‘for a post saying that Putin is now the number one terrorist in the world and should be treated accordingly.’

The ‘[Mayakovsky Readings](#)’ case has attracted particular attention. It was initiated by the authorities for the public reading of poems that, according to the Investigative Committee, incite hatred towards members of the armed formations of the so-called Donetsk and Lugansk People’s Republics. [Artem Kamardin](#), [Nikolai Daineko](#) and [Egor Shtovba](#) were remanded in custody for incitement to hatred with the threat of violence (**Article 282, Part 2 (a), RCC**). The defendants spoke at the Mayakovsky Readings on 25 September. This is a traditional poetry event, which has been held in Moscow at the monument to Vladimir Mayakovsky since 1959. The organisers dedicated the poetry evening to protests against mobilisation. In particular, their speeches included the phrases: ‘While you were fighting for Donbas, I was fucking your daughters and selling spice to your three-year-old son’ and ‘Glory to Kyivan Rus, Novorossiya, suck that!’ The case became notorious on account of the violence used by law enforcement officers against the defendants at the time of their arrest (see. [2.3.4. Violence by law enforcement officers against authors of statements about the war](#)).

Formally, the Moscow-based activist [Mikhail Kriger](#) is being prosecuted for [statements](#) he made before 2022 unrelated to the war against Ukraine. In 2019 on his Facebook page he wrote: ‘...I do not hide from anyone my fierce hatred for the regime, for the Chekists who created it and personally for V. V. Pu..n. And believe me, when and if I live to see this KGB scum hanged, I will fight hard for the right to participate in this inspirational event.’ In 2020 Kriger posted a comment about a verdict whose fairness had been questioned in the media. ‘We can state that in our country monsters from the Cheka have seized power over people,’ the comment read, along with a statement that, in the opinion of the author, Mikhail Zhlobitsky<sup>[13]</sup> and Evgeny

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13 On 31 October 2018, 17-year-old anarchist Mikhail Zhlobitsky detonated a bomb in the FSB building in Arkhangelsk. Three FSB staff were injured and the young man himself died. A few minutes before the incident, a message about the explosion appeared in the open chat of the Telegram channel ‘Rechi Buntovshchika’ [‘Speeches of a Rebel’], in which Zhlobitsky explained his actions as a protest against torture and repression. Law enforcement authorities have opened dozens of criminal investigations for ‘justification of terrorism’ in connection with discussions of the anarchist’s suicide bombing.

Maniurov<sup>[14]</sup> were heroes, because of the need to resist state terror by force: ‘Otherwise these bandits do not understand.... The monsters have imposed not even a war, they are just beating up people.’ The activist was accused of justifying terrorism (**Article 205.2, Part 2, RCC**) and incitement to hatred with a threat of violence against FSB officers (**Article 282, Part 2 (a), RCC**). In fact, the reason Kriger was remanded in custody in November 2022, two and three years respectively after the publication of the imputed posts, was because of his regular participation in anti-war protests. Prior to that, Kriger had been jailed three times in the course of one year for administrative law offences: in February for ten days because of a picket in support of Ukraine before the start of the full-scale invasion; in May for four days, in practice to prevent him participating in protests on Victory Day; and in July for ten days because of anti-Putin stickers on his car.

## 2.3.4. Violence by law enforcement personnel against the authors of statements on the war

In 2022, politically motivated prosecutions have been increasingly systematically accompanied by brutal violence on the part of law enforcement personnel. Previously, torture was more often reported by defendants in cases that were largely based on confessions, self-incrimination and incrimination of others. The crimes of law enforcement operatives in these cases had the practical purpose of fabricating ‘evidence’ for the prosecution. The facts that underlie prosecutions for speaking out are as a rule in any case obvious because people are more likely to write and speak out on their own behalf. Violence in such cases acquires the character of a purely political terror, constituting an expression of hatred on the part of state representatives towards suspects or accused persons, and accompanied by their intentional humiliation.

A ubiquitous practice in Russia and annexed Crimea has become the publication of videos with apologies by ‘the guilty’ – something that used to be the ‘calling card’ of Chechnya. Such apologies are usually, at the least, the result of psychological pressure and threats; they can also be the result of torture. For example, those who have made such ‘public apologies’ include: [Ukrainian singer Igor Levchenko](#), detained in Moscow region on charges of inciting hatred against the Russian military; residents of Akhtubinsk, Astrakhan region, who [published](#) anti-war videos on social media; [Dmitry Kuznetsov](#), [leader of the Russian rock band Elysium](#), after an anti-war concert in Moscow; and female students of the [secondary school](#) attached to the Higher School of Economics who refused to stand up when the Russian anthem was played during a lesson, ‘Talks about Important Things.’<sup>[15]</sup> Residents of annexed Crimea were particularly often forced to apologise: [DJ Akhtem Gemedzhi](#), who played the song ‘Chervona Kalina’ at a wedding in a restaurant; [Olga Saenko](#), who was [prosecuted](#) for inciting extremism

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14 On 19 December 2019, 39-year-old Evgeny Maniurov opened fire at FSB officers outside the main FSB building in Moscow, killing two. He was shot dead as he was being detained. Maniurov’s motives are not known.

15 An educational activity introduced in the Russian school curriculum from September 2022. It is described in detail in section [2.10.2. Dismissals and expulsions for anti-war stances](#).

after she wished death to the Russian military; [Valentina Ivanovna](#), who [played](#) a song by Verka Serduchka<sup>[16]</sup> on the Yalta seafront; and others.

The brutal violence was reported not only by those who had been prosecuted for a criminal offence, but even by those facing administrative charges. [Andrei Akimov](#), an activist from Yaroslavl, [told](#) journalists from Mesto Sily Yaroslavl [*‘Yaroslavl – Place of Strength’*] that the police took him away from his home, beat him and used handcuffs to hang him up from a pull-up bar: *‘While they were beating me, they said that I wanted to overthrow the government, was encouraging everyone to go on protests and rocking the boat at such a difficult time. They said I was a scoundrel, a traitor.’* In the upshot, Akimov was charged with discrediting the Russian army and calling for demonstrations that did not have official approval (**Article 20.3.3, Part 2, RCAO**) and disobeying the police (**Article 19.3, Part 1, RCAO**). On the second charge he was sentenced to four days in jail.

The TikToker and citizen of Moldova, [Nekoglai \(Nikolai Lebedev\)](#), who parodied in a video a soldier lying in a trench and throwing back enemy grenades with his hands, was not prosecuted for the video itself. The court found him guilty of violating the rules of stay in Russia (**Article 18.8 RCAO**) and decided to deport him. Once in Moldova, Nekoglai [described](#) how he had been tortured at a police station during his detention on 9 November. According to Nekoglai, the police officers beat him, forcibly shaved him, tried to rape him with a bottle and, after they did not manage to do that, forced him to imitate the insertion of a bottle into his anus and filmed it on video. After the torture, Nekoglai [apologised](#) for the video. Later he showed on a video a certificate from a trauma hospital department dated 10 November which stated he had suffered multiple bruises and abrasions. Traces of the beating to which Nekoglai had been subjected [were seen](#) by Aleksei Melnikov, a member of Moscow’s Public Oversight Commission, when he visited Nekoglai in a detention centre for foreign citizens on 12 November.

The best-known example of torture of defendants has been in the ‘Mayakovsky case’ in which people were prosecuted for reading poems that, according to the Investigative Committee, incited hatred towards the fighters of the DNR and LNR. On 26 September, special forces burst into the apartment where the main suspect [Artem Kamardin](#), his girlfriend [Aleksandra Popova](#) and his friend [Aleksandr Meniukov](#) were staying. For several hours, the activists had no communication with the outside world. That evening *Novaya gazeta. Europa*, citing an anonymous source, [reported](#) that law enforcement officers had beaten up Kamardin in his apartment and raped him with a dumbbell. During the night, doctors diagnosed him with concussion, a closed craniocerebral injury and a bruised chest and numerous facial abrasions, but refused to hospitalise him. Popova was released after questioning, and she said the special forces officers pulled out her hair, stuck stickers on her face with superglue, threatened her with gang rape and showed her a video of the abuse of Kamardin. Others who were also charged in the case were also detained the same day. The police Telegram channel ‘112’ published a video of Kamardin, [Daineko](#) and [Shtovba](#) on their knees apologising for taking part in the poetry readings.

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16 The stage drag persona of Ukrainian comedian, actor and singer Andriy Danylko.

## 2.4. Mass searches of the homes of activists and journalists on spurious grounds

It is not the first year that, as a form of terror, the Russian authorities have conducted searches in formal connection with a criminal case, but of people not actually involved in the case. Such, for example, were the searches in the Yukos<sup>[17]</sup> case of the employees of Mikhail Khodorkovsky's Open Russia. In particular, on 9 September 2020, 24 searches were conducted across the country, including of people who had just been born or were of school age at the time of the crimes imputed to the management of the oil company.

Searches cause a great deal of stress for the person searched and their family members. Often the law enforcement officers involved subject the occupants of the apartment to humiliation: they only allow them to go to the toilet under surveillance and read their private letters and diaries, and so on. As a rule, the search ends with the seizure of phones and computers, sometimes of cash. The seized property may not be returned for a long time, citing the needs of the investigation. Spyware may be installed on returned computer equipment. In practice, there may be no further investigative activities involving the person searched. In this way, searches may be used solely for purposes of exercising pressure and intimidation.

On 1 October 2020, police operatives searched the house of [Irina Slavina](#), a journalist from Nizhny Novgorod named as a witness in the case of a Nizhny Novgorod activist's participation in Open Russia. The next day, Slavina committed self-immolation in front of the regional headquarters of the Ministry of Internal Affairs in protest against state arbitrariness.

In 2021, the authorities regularly conducted searches of activists on the eve of planned protests and after them. Formal reasons for the searches could be criminal cases regarding road blockades or the spreading of the coronavirus at previous rallies. Law enforcement agencies in St. Petersburg were particularly known for this. For example, on 6 February 2021, after a series of demonstrations in support of Aleksei Navalny, the Interior Ministry [announced](#) 30 searches had taken place in St. Petersburg in connection with an investigation into the blocking of roads at the 23 January rally. There was subsequently no information that charges had been brought against any of the residents of the 30 apartments that were searched.

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17 The Yukos case was a prosecution that began in 1993 of the Yukos oil company and its owners, most notably Mikhail Khodorkovsky, and some of its employees. The company's management was charged with tax evasion as well as fraud during the 1994 privatisation of Apatit, a state enterprise.

## 2.4.1. Fictitious cases of ‘telephone terrorism’

In 2022, law enforcement agencies invented a new way to formally justify searches in connection with criminal investigations into the offence of reporting an act of terrorism known to be false (**Article 207 RCC**). Such reports can be made by telephone, e-mail, or other channels, but the media have taken to using a generalised name for this type of criminal case as ‘telephone terrorism.’

Law enforcement agencies state that a government agency has received a report of an impending terrorist attack and that, according to their operational information, such and such a person may be involved. This is enough to conduct a search, seize equipment, and sometimes detain a person for two days. To date, it is not known that any further actual investigation has ever followed searches or arrests of this kind.

The first searches in cases of ‘telephone terrorism’ was carried out on 5 March, on the eve of the nationwide anti-war demonstration scheduled for 6 March. In St. Petersburg, police operatives went to several dozen addresses of activists and journalists. OVD-Info has [reported](#) the names of 26 people who were searched that day. The internet media outlet Fontanka wrote of 40 defendants in the case of a false bomb alert. ‘St. Petersburg police officers have identified the ‘bombers’ who for a week did not let the courts, schools, shopping centres, hospitals, hotels and restaurants live in peace,’ Fontanka [related](#) the police version of events. ‘They pretended the calls were from Ukraine, but they turned out to be local... Police operatives with the help of special technical means identified a group of about 40 people. They were competently organised and the roles of participants were clearly distributed. Some people carried out general coordination, others provided technical support, the rest transmitted the messages. At the same time, the group used modern IP-telephony means, making it possible to change the number of origin of the call.’

The propaganda justification for the repressive measures, as often happens, was louder than the repression itself. Neither on 5 March nor in the following days was there any court decision on the guilt of the people searched, nor were there any investigative actions that could have put evidence on which charges could be based in the public domain. Moreover, nothing more was heard of the ‘commission of a crime by an organised group with a clear division of roles among the suspects.’ Several such criminal investigations were subsequently officially dropped.

‘The police record of the search included the phone number from which the call about the alleged bomb was received. It was a random set of numbers, which can’t be any phone number,’ activist [Lelya Nordik](#) later told OVD-Info about the search of her home.

On the morning of 6 March, searches and detentions in ‘telephone terrorism’ cases continued in St. Petersburg and also took place in other cities, including at least seven addresses of activists and journalists in Samara and at least four addresses in Kazan. Twelve people were detained after the searches in St Petersburg and held in a temporary police detention centre for two nights. The investigators told them a court would decide on the pre-trial conditions to be imposed. In reality, no trial followed, and the detainees were released on 6-7 March or earlier.

On 5 and 6 March, searches were conducted at activists’ homes in other regions on other grounds, including vandalism, fraud, distribution of ‘fake news,’ incitement of extremism, and so on.

The intimidation of protesters by means of cases of ‘telephone terrorism’ was repeated several times.

On 12 March, before the next planned national anti-war protest, in Krasnodar [searches](#) were conducted of the homes of the lawyer [Mikhail Benyash](#), the activist [Yana Antonova](#), and the coordinator of an environmental organisation [Andrei Rudomakha](#). On 13 March in Novosibirsk the home of [Elena Noskovets](#), assistant to a member of the city assembly, was searched. On 18 and 20 March the homes of at least seven activists in Volgograd were searched. On 2 April, the day of the planned demonstration, the homes of at least three people in Novosibirsk and two in St. Petersburg were searched. During the search of the home of [Konstantin Nadein](#) from St. Petersburg in connection with a case of ‘telephone terrorism,’ police [seized](#) a hoodie with the inscriptions ‘Putin is a thief!’ and ‘Glory to Ukraine!’ In the following weeks, law enforcement officers searched the homes of at least eight more activists in different cities

There was a fresh wave of intimidation in the run-up to Victory Day celebrations. At least three feminist activists in St. Petersburg were [detained](#) after searches on the night of 7-8 May, while another, Paladdya Bashurova (Polina Titova), [was taken](#) from a bar to a temporary detention centre on 9 May. This was Bashurova’s second case of a ‘false bomb alert.’ After 48 hours, the detainees were released. A former spokesman for Vesna, Artem Uimanen, was also [detained](#) for two days. The homes of four activists were searched in Samara on 8 May, and those of a journalist and two activists were searched in Voronezh on 9 May. One search each took place on 12 May in Cheboksary, on 29 May in Novosibirsk, and on 9 June in Samara.

For about three months, the activities of law enforcement agencies in imitating searches for ‘telephone terrorists’ quietened down, just as protest activity had also decreased in the period before Putin announced mobilisation.

On 24 September, the day of the nationwide protest against mobilisation, at least 11 people were detained in St Petersburg after searches and at least seven were sent to temporary detention facilities for two days. [Paladdya Bashurova](#), detained on charges of ‘telephone terrorism’ for the third time in seven months, later [wrote](#): ‘The last time I was put in a temporary detention centre, I cried for hours without stopping. I was placed in a cell where the toilet was clogged. Other people’s shit was floating in it. I was moved to another cell only the next day. I was cold there, but I couldn’t close the window because otherwise the stench was unbearable.’

On 5 October St. Petersburg law enforcement officers [searched](#) the homes of two activists – [Valeriya Kovalishina](#) and [Evgeniya Kazantseva](#). The young women were detained for 48 hours. Once again the police came to [Bashurova’s](#) house. She was not at home, but officers broke the lock on the door shared with her neighbours and then left without entering her apartment. Bashurova left Russia after this, although she had previously tried to avoid emigration. ‘I recently caught myself thinking that during a week and a half in Yerevan I had looked through the door peephole exactly once. In St. Petersburg, I did it every hour,’ she [told](#) the online newspaper *Bumaga* [‘Paper’].

On 7 November, searches took place in Samara. The home of local activist [Vladimir Avdonin](#) was searched for a third time since March, while the home of the chair of the Libertarian Party of Russia, [Boris Fediukin](#), was searched for a second time. The home of activist [Stanislav Spirkin](#) was also searched. The [police report](#) on the search of Avdonin’s home stated that the Samara local authorities had received the following email: ‘I am Denis Vladimirovich Sukhachev, born in 1989. I have realised that I am a god, I want to repeat the terrorist attack in Kazan, so I have



mined all the courts in the city of Samara, beware of me, because I have laid about 50 kg of TNT, people will die in agony, you have little time left, tick-tock-tick-tock.’ The police department for combating extremism [Centre E], for its part, said it had information that Avdonin was involved in sending the email.

Several people tried to demand in court that the searches be recognised as unlawful. It is known that courts dismissed seven such complaints in Volgograd and one in Novosibirsk.

Many of those subjected to searches have since emigrated, and this was probably one of the aims of the authorities’ attacks. At the same time, the Russian authorities also used the article of the Russian Criminal Code on ‘false bomb alerts’ to put pressure on a journalist already abroad. On 30 September, [Evgeniya Baltatarova](#), who had left Buryatia, was [detained](#) in Kazakhstan at Russia’s request. Baltatarova was released after answering questions.

## 2.4.2. Unjustified searches conducted on other pretexts

On 8 September, [searches](#) were conducted of the homes of a number of journalists: [Vladislav Postnikov](#), editor-in-chief of Vecherniye vedomosti [‘Evening news’] in Ekaterinburg; [Bella Nasibyan](#), a RusNews journalist in Rostov-on-Don; [Yulia Glazova](#), a journalist with 86.RU in Tiumen; [Ruslan Sukhushin](#), a photographer in Moscow; [Sergei Nosov](#), a blogger in Orel; [Viktor Zyryanov](#), one of the founders of the Orlets media project in Orel, in Reutov near Moscow; [Andrei Ostroukhov](#), director of the Odintsovo-Info website in Odintsovo along with four of the outlet’s employees; [Miroslav Valkovich](#), [a town-planning expert](#) in Krasnodar; and [Vladislav Khodakovsky](#), [an activist](#) in Voronezh. The pretext for the searches was a criminal investigation into alleged ‘fake news’ about the Russian army by former State Duma deputy [Ilya Ponomarev](#), who lives in Ukraine, and the suspicion that all those whose homes were searched were connected to Ponomarev’s publications which disseminated information the Russian authorities call ‘fake news.’ Many of those subjected to searches said they did not know the former State Duma deputy and had never worked in any way with him. Ponomarev himself also denied they had any connection with his projects. At least four of the people who were searched had their bank accounts blocked, allegedly on account of ‘damage caused by the offence,’ although they were only witnesses in the case. Later, one of them, [Vladislav Khodakovsky](#), managed to prove in court that the arrest of the bank accounts was unlawful, as there had been no preliminary court decision on the matter.

There was a new [wave of searches](#) in the Ponomarev case on 29 December. The homes of two former municipal councillors and of the left-wing activist [Mikhail Lobanov](#) were searched in Moscow, those of two journalists in Tiumen, and that of the former head of the Navalny Headquarters in Izhevsk. Lobanov was beaten during the search; doctors at the trauma centre recorded a bruised chest and haematomas. He was also accused of disobeying the lawful demands of police officers (**Article 19.3, Part 1, RCAO**) and jailed for 15 days. Both he and the other journalists and activists whose homes were searched insisted they had never worked in any way with Ponomarev.

[Ilya Ponomarev](#) was a State Duma deputy representing first the Communist Party of the Russian Federation [CPRF] and then A Just Russia from 2007 to 2016. In 2011–2012, he took an active part in protests against rigged elections and Putin’s presidency. In 2013, he left A Just Russia. In 2014, he was the only State Duma deputy who voted against the annexation of Crimea by Russia. In 2015, the Investigative Committee opened a criminal case against Ponomarev for aiding and abetting embezzlement (**Article 160, Part 4, RCC** in conjunction with **Article 33, Part 5, RCC**) on account of an alleged failure to fulfil the terms of a contract with the Skolkovo Foundation. Ponomarev was then stripped of his immunity as a State Duma deputy and arrested in absentia. He himself had already left Russia. In 2019, Ponomarev was granted Ukrainian citizenship. After the start of the full-scale Russian invasion in April 2022, Ponomarev founded the TV channel ‘A February Morning,’ that focuses on Russia’s invasion of Ukraine. Ponomarev is also co-ordinator of the Free Russia Legion, a structure described in the media as part of the Foreign Legion within the Ukrainian army, in which Russian citizens fight. After the murder on 20 August 2020 of Darya Dugina, a Russian pro-government journalist and daughter of far-right philosopher Aleksandr Dugin, Ponomarev claimed that a previously unknown National Republican Army, whose members had made contact with him, was responsible for the car bombing (however, the version that underground Russian guerrillas were involved in the murder does not correspond to the views of the official Russian investigation, nor to [information](#) obtained by The New York Times). Shortly thereafter, it became known that a new criminal investigation was underway against Ponomarev, not in connection with his statements about the Free Russia Legion or the National Republican Army, but for allegedly spreading ‘fake news’ about the Russian armed forces.

One other reason for the mass searches was the [criminal case](#) brought against [Mikhail Gusev](#), an activist with the Golos movement, for repeated discrediting of the Russian army (**Article 280.3, Part 1, RCC**)<sup>[18]</sup>. Gusev himself left Russia. On 5 October, [searches](#) took place at the homes of his colleagues [Grigory Melkonyants](#) and [Arkady Liubarev](#) in Moscow, [Vitaly Kovin](#) in Perm, [Irina Maltseva](#) in Ivanovo, and [Nataliya Guseva](#) in Chelyabinsk region. Police also knocked on the door of the apartment of [Inna Karezina](#) in Moscow region, but she was no longer in Russia. Golos’ Moscow office was searched, where [Vladimir Egorov](#) was detained on charges of disobeying the police and subsequently jailed for five days. The same day, searches were conducted at the homes of a number of Pskov residents: [Nikolai Kuzmin](#), a State Duma deputy; the journalist [Denis Kamalyagin](#); and the activist [Ekaterina Novikova](#). A month later, on 2 November, the homes of two other Golos activists – [Yury Gurman](#) in Chelyabinsk region and [Mariya Teratsuyan](#) in Petrozavodsk – were also [searched](#).

The criminal case against Gusev was based solely on an anti-war post he made on his personal Telegram channel. The security forces have no reason to seriously suggest that more than ten people across Russia could be involved in writing one post. They deliberately carried out a punitive operation aimed specifically at election observers.

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18 The Golos movement is the oldest organisation in Russia that specialises in election monitoring. In 2020, Golos was included in the register of ‘foreign agents that are unregistered associations,’ and later a number of its coordinators were designated as ‘media foreign agents’ in a personal capacity.

In Kazan, the most frequently used formal pretext for searches was the anonymous publication of the video 'Paint and a booth for the Russian ambassador to Poland' on the YouTube channel Obektiv-TV. The video is about how on 9 May the Russian ambassador to Poland, Sergei Andreev, was doused with red paint at the cemetery for Soviet soldiers in Warsaw. The protest symbolised the blood from which 'Russia cannot wash itself clean.' The Russian authorities regarded what happened as an attack on a diplomat for the purpose of complicating international relations (**Article 360, Part 2, RCC**). Approval of such an offence, according to Russian criminal law, is equivalent to justification of terrorism (**Article 205.2 RCC**), and it was under this article that a criminal investigation was launched against unidentified persons. On 17 August, nine searches were [carried out](#) on the basis of this case of the homes of journalists associated, or formerly associated, with Radio Liberty, in particular [Iskander Yasaveev](#), [Marina Iudkevich](#), and [Aisylu Kadyrova](#). On 9 September, the day voting began in elections at various levels, searches were carried out at the home of the coordinator of the Association of Election Observers, [Dmitry Pervukhin](#), as well as at the homes of several participants in anti-war protests: [Syldys Sundui-ool](#), [Ksenia Urazaeva](#), and [Zulfiya Sitdikova](#). A day earlier the police had gone to the home of the student [Vladislav Semenov](#). They did not find him at home but confiscated his computer. In October the homes of anti-war activists [Sabina Zholtaeva](#) and [Vera Otreshko](#) were searched. On 1 December the homes of at least six more Kazan journalists and activists were [searched](#). One of them, [Naila Mullaeva](#), was jailed for six days because she had attended the September rally against mobilisation as a journalist. In November, it became known that [Andrei Grigoyev](#), a journalist with the internet publication Idel.Realii ['Volga.Realities' – Idel being the Tatar name of the river Volga – trans.] [was arrested in absentia](#) in connection with the case of the video about the ambassador. Grigoryev is understood have left Russia.

## 2.5. Criminal prosecutions for vandalism and desecration of monuments and graves

### 2.5.1. Prosecutions for anti-war graffiti in public places

A common form of protest against the war has been graffiti on walls, bus stops and other objects in public places. Russian authorities have used the criminal law to prosecute at least 25 people for such actions in 2022 in various regions of the country, as well as in annexed Crimea. As a rule, all the defendants were charged with vandalism (**Article 214 RCC**). The Investigative Committee arbitrarily chooses whether to bring charges for the less serious offence of **Article 214, Part 1, RCC**, which provides for a maximum punishment of up to three months' imprisonment, or **Article 214, Part 2, RCC**, which is the more serious offence of vandalism motivated by 'political hatred' and for which the maximum sentence is three years' imprisonment. As a result, similar actions can have very different consequences. For example, courts dismissed the charges against [Roman Zotov](#) from Arkhangelsk, who [drew](#) several 'NO WAR' inscriptions on walls, and against [Nataliya Indukaeva](#) from Kolpashchev, Tomsk region, who [drew](#) an anti-war inscription on the building of the local palace of culture, because both of the accused actively repented. It is known that the damage from Zotov's actions was estimated at 7,000 roubles, and that he paid this sum in compensation. At the same time, during investigations into similar actions at least four people have been remanded in custody and at least six placed under house arrest. Several others charged with vandalism are in custody, but they are also facing more serious charges, such as spreading 'fake news' about the Russian army or setting fire to a local government building, which was classified as an act of terrorism.

[Egor Kazanets](#), a Ukrainian citizen living in St. Petersburg, spent six months on remand from May to November. He was accused of writing the inscription 'Glory to Ukraine!' on the wall of a residential building. The joint press service of the courts [wrote](#), quoting the version of the investigation, that this slogan was used 'as a greeting by nationalist military formations in Ukraine, conducting military operations against the Soviet army in 1917-1920.' He was eventually sentenced to a fine of 30,000 roubles and released from having to pay it in lieu of time spent in custody. He also repaid damages to the amount of 1,800 roubles. In practice, he had been punished by his detention in a remand prison, which was clearly out of proportion to the gravity of the charge and too long for such a simple investigation.

[Sergei Vasilyev](#), a St. Petersburg resident who [wrote](#) 'Glory to Ukraine! Glory to Heroes!' on a children's playground, and [Dmitry Stepanchenko](#), a resident of Feodosia in Crimea, who [drew](#) anti-war inscriptions on walls, were both remanded in custody. Both were eventually sentenced to a year of restricted freedom.

At least seven other people were sentenced to periods of restricted freedom varying in length from eight months to two years for anti-war inscriptions in public places.

## 2.5.2. Prosecutions for defacing objects honouring the ‘special operation’

At least 20 people are being prosecuted for damaging banners in support of the Russian army and Russian military actions against Ukraine, as well as installations containing the letter Z. People are accused of setting fire to such banners and pouring paint on them, cutting words out from them and ‘disfiguring’ them with graffiti insulting the Russian military. As a rule, such actions are classified as vandalism (**Article 214 RCC**), but in some cases the charges are for arson (**Article 167, Part 2, RCC**) which carries a maximum sentence of five years’ imprisonment. In Leningrad region, [Stanislav Semeniuk](#), who [set fire](#) to a Russian flag bearing the letter Z and the inscription ‘We do not abandon our own,’ was charged with desecration of a flag (**Article 329 RCC**), an offence which has a maximum sentence of one year’s imprisonment. In Ukhta (Komi Republic), the Investigative Committee considered the defacement of a memorial plaque to Motorola<sup>[19]</sup> to be damage to a memorial to a person killed ‘in defence of the Fatherland or its interests’ (**Article 243.4, Part 1, RCC**), an offence which carries a maximum sentence of three years’ imprisonment.

There have been several verdicts in prosecutions for damaging ‘Z-objects.’ In Kostroma, a 51-year-old Moscow resident was [fined](#) 40,000 roubles for breaking a Z-shaped luminous structure. He was also charged with damages amounting to 76,000 roubles. [Nikolai Mikhailov](#) and [Andrei Fedorov](#) from Cheboksary, who also damaged a luminous Z installation, were [charged](#) with the same offence, and both were sentenced to eight months’ imprisonment. [Anastasiya Skryleva](#) from Kemerovo, who threw paint on banners put up for Victory Day, was [sentenced](#) to a year of restricted freedom. On 7 December, Khakassia activist [Igor Pokusin](#), who painted over a Victory Day banner and wrote graffiti on a museum wall, was [given](#) a six-month suspended sentence (however, the very next day he was remanded in custody on charges of attempting to join the Ukrainian armed forces).

In some cases, law enforcement agencies detained people who had nothing to do with the defacement of the objects. For example, in Ukhta, local resident [Vladimir Lyashko](#) was detained on suspicion of defacing the above-mentioned memorial plaque to Motorola. His sister [reported](#) that Lyashko was much larger than the man who had been caught on video camera smashing the plaque. Nevertheless, Lyashko was held in a temporary detention centre for two days. All this time, investigative experiments and expertise were conducted, but the video was not shown to Lyashko. After 48 hours, he was released, no evidence having been found of his involvement, and later the Investigative Committee announced it was looking for two people in the case.

[Dmitry Karimov](#), 22, from Krasnoobsk, Novosibirsk region, categorically denies having set on fire a banner reading ‘Strength in truth. For victory’ [*Sila V pravde. Za pobedu* – with the Latin letters V and Z instead of the Cyrillic letters в and з – trans.] that hung outside the House

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19 ‘Motorola’ was the call sign of Russian citizen Arsen Pavlov, who commanded the separatist Sparta unit in the so-called Donetsk People’s Republic in 2014-2016. Blown up in a lift in 2016 in Donetsk, in 2022 Putin posthumously awarded Motorola the Order of Courage. Pavlov was born and raised in Ukhta, and the plaque was put up on the school he attended.

of Scientists and claims he confessed to the arson only under torture. On 14 October, Karimov [said](#), he was attacked by about five men in the courtyard of his house. They dragged him into a car and drove him into a forest. On the way there, and in the forest, they beat him, gave him electric shocks, suffocated him by clamping his nose, threatened to shoot him and offered to give his 'last words' to his parents. Karimov agreed to confess and he was released on condition he remained in the town. Doctors found abrasions and bruises on his body. When, a few days later, he publicly denied his guilt, he was sent to a psychiatric hospital for evaluation, where he was kept for a month. Karimov's mother believes her son could have been targeted by the police because he is active on social networks and had expressed opposition to government policies. Karimov suffers from disabilities that include poor hearing and damage to the central nervous system.

### 2.5.3. Prosecutions for defacing public memorials not directly related to the war against Ukraine as part of anti-war protest

In some instances, people wrote graffiti on monuments not directly related to the war in Ukraine. Sometimes these were memorials dedicated to the Great Patriotic War (the authors of the graffiti compared the aggression by Putin's Russia with the actions of Nazi Germany), sometimes to other aspects of Russian military history, and sometimes not related to the war at all.

The most severe pre-trial conditions were imposed in St. Petersburg and Leningrad region. At least four men are known to have been remanded in custody for defacing monuments and memorials: [Nikita Chirkov drew](#) on the pedestal of a monument to Nikolai Chernyshevsky 'in the form of Latin letter 'Z' crossed out horizontally in the centre with the sign '=' and the image of a cross with the ends bent at right angles'; [Nikolai Vorotnev painted](#) two 1938-model howitzers that stand on the territory of the Military History Museum of Artillery, Engineering and Communication Forces in the colours of the Ukrainian flag; [Dmitry Khodin](#), according to the Investigative Committee, [wrote](#) 'No to war!' and 'Putin is a fascist!' on a memorial marking 'The mass grave of soldiers of the Soviet army who died in the defence of Leningrad in 1941-1943'; [Aleksandr Kudryashov](#) from Vsevolozhsk [drew](#) graffiti on the memorial pillar and the pedestal of an anti-aircraft gun, in which he equated the letter Z with the swastika. Vorotnev, who had been held on remand since March, was released in May, according to unconfirmed reports; in the autumn he was sentenced to one year of restricted freedom. Chirkov was also sentenced to a year of restricted freedom. It is not known whether he was held on remand for all four months before the sentence or whether he was released earlier. Khodin was initially charged with desecration of a burial site motivated by political hatred (**Article 244, Part 2 (b), RCC**), while Kudryashov was charged with damaging a memorial structure commemorating those who died in defence of the Fatherland (**Article 243.4, Part 2 (b), RCC**). There is a maximum punishment of five years' imprisonment for both offences. Later, the charges against both Khodin and Kudryashov were reclassified as 'standard' political vandalism, for which the maximum sentence is three years' imprisonment. Khodin was eventually fined 40,000 roubles. Kudryashov was released from the remand prison and placed under certain restrictions. The compar-

atively mild sentences for graffiti on memorials show that even Russian courts assess the public danger of these actions as low, and consequently remanding the defendants in custody was clearly unjustified.

In Vladivostok in May, [Olga Bratash](#), who sprayed red paint on a monument to Rikhard Sorge, was [remanded in custody](#). Her two children were temporarily placed in an orphanage, from where later their father was able to collect them. In July, the defendant was released and placed under house arrest.

In other cities, similar actions resulted in more lenient pre-trial conditions. In Pushchin, Moscow region, a man accused of pouring red paint on a memorial to veterans of local wars was banned from undertaking certain actions. In Ryazan, a young man who allegedly wrote ‘*Russian warship – Fuck you*’<sup>[20]</sup> on military exhibits in the Park of Maritime Glory was released on his own recognisance. [Mikhail Sukhoruchkin](#), a Kaliningrad student [accused](#) of drawing ‘PUTIN = WAR’ on the back wall of a monument to 1200 guardsmen, was released under travel restrictions (he subsequently succeeded in leaving Russia). After his arrest, he was forced to apologise on video, stating that he supported Putin’s actions ‘in Ukraine against Nazism’ and promised to join ‘patriotic organisations’; he later said he did this under threat of reprisals. In Kasimov, Ryazan region, a court dismissed the charges against [Sergei Skoreev](#) and [Sergei Erzhenkov](#), [accused](#) of writing the words ‘*You’ve pissed us off, Putin, go away*’ on a Lenin monument. The court fined each of them 15,000 roubles for breaches of court rules. The prosecutor’s office appealed the dismissal of the case, whereupon the court handed down the same ruling again, and the prosecutor’s office then filed an appeal once again. The case is to be heard for a third time.

## 2.5.4. Prosecutions on charges of desecrating graves

The most severe prosecution was suffered by pensioner [Valeriya Goldenberg](#) from Sudak (Crimea), who poured blood and faeces on the grave of Valentin Isaichev, a mortar gunner of the 810th brigade of the Russian Marine Corps, who died in Berdyansk on the landing ship Orsk. Goldenberg [explained](#) that she did it ‘*out of a sense of revenge and compassion for the people of Ukraine.*’ Despite her confession of guilt, remorse and apologies to the relatives of the deceased, Goldenberg was remanded in custody and in June Sudak city court found her guilty of desecration of the grave on grounds of political hatred (**Article 244, Part 2 (b), RCC**). The pensioner was [sentenced](#) to two years in a penal colony, despite the fact that **Article 244 RCC** provides for a number of less severe penalties. The court also ruled that Goldenberg should pay 500,000 roubles in compensation for moral damage to the relatives of the deceased.

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20 On 24 February 2022, the day Russia launched its full-scale invasion of Ukraine, sailors from the cruiser Moskva told Ukrainian border guards on Snake Island: ‘*Snake Island. I am a Russian warship. In order to avoid bloodshed, I propose you lay down your arms and surrender.*’ To which border guard Roman Gribov replied, ‘*Russian warship, fuck you!*’ The audio recording of the conversation was widely circulated on social media, and Gribov’s response became a popular slogan among opponents of Russian aggression.

Another pensioner, [Irina Tsybaneva](#) from St. Petersburg, simply put a note on a grave. Only this was the grave of Putin's parents at the city's Serafimovsky cemetery. The message [read](#), '*Parents of a maniac, take him to yourselves, he has caused so much pain and trouble, the whole world prays for his death. Death to Putin, you raised a freak and a murderer.*' Tsybaneva was placed under house arrest on 12 October on charges of desecrating a burial site. On 7 November Tsybaneva was released under a ban on certain actions. In particular, the court forbade her to visit the Serafimovsky cemetery, as well as to use the internet or travel outside St. Petersburg and Leningrad region.

## 2.6. Prosecutions for arson attacks on military enlistment offices, other government buildings and means of transport

### 2.6.1. Arson of military recruitment offices as a form of anti-war protest

As of 2 November, Mediazona had [counted](#) 75 arson attacks carried out after the start of the full-scale invasion of Ukraine that were definitely, or with a high probability, related to anti-war protests. Of these, 52 were arson attacks on military recruitment offices. Other targets included police and National Guard offices, FSB buildings, local government buildings, the offices of the United Russia party, offices of the Communist Party of the Russian Federation, and even the office of the Krasnaya zvezda newspaper in Leningrad region. Between 24 February and 21 September, when the partial mobilisation was announced, that is, almost seven months, 34 arson attacks were committed, while after 21 September, 41 arson attacks were committed in just over a month.

United Russia party, offices of the Communist Party of the Russian Federation, and even the office of the Krasnaya zvezda newspaper in Leningrad region. Between 24 February and 21 September, when the partial mobilisation was announced, that is, almost seven months, 34 arson attacks were committed, while after 21 September, 41 arson attacks were committed in just over a month.

Often the arsonists threw Molotov cocktails at a building, less often they used other means. Sometimes the practical purpose of the attack was to destroy the archive with personal files of conscripts. For example, in April in Zubovaya Polyana (Mordovia) and in May in Shchelkovo



outside Moscow, arsonists did succeed in damaging archives; it is not known, however, how serious the effect was. Nonetheless, in most cases, the goal was not achieved and the fire took place in a room unconnected with the archive, or the area of the fire was negligible, or the fire occurred outside the building, or the Molotov cocktails did not ignite at all. Very often the damage caused by the arson attempt was negligible. For example, after [Igor Paskar](#) [threw](#) a Molotov cocktail at the door of the FSB building in Krasnodar, only a doormat caught fire (for more about this case, [see below](#)). Therefore, attacks on buildings in most cases can be described as symbolic rather than having a practical effect. 'I wanted to see what I could do. Am I capable of doing such a thing?' said [Ilya Farber](#), a former rural teacher who pleaded guilty to setting fire to a military enlistment office in the Udmurt village of Igra, in [explaining](#) his motives. [Mikhail Filatov](#) [wrote](#) on his VKontakte page before committing an arson attack on the military recruitment office in Uriupinsk: 'Everyone protests in the way they think is right. Some protest at home in the kitchen, some, drunk, in the courtyard with friends, some liberally, with flowers. I express my protest against mobilisation and war in this way,' posting a photo of a Molotov cocktail.

The authorities sometimes reported that arsonists were trying to make money, as they had been promised to be paid for the arson by certain persons on the internet. There is no information yet whether such allegations, or some of them, are true or whether they have been made up to discredit the anti-war movement.

## 2.6.2. How the investigative authorities select the article of the Criminal Code to prosecute arson

**Article 167, Part 2, RCC** concerns destruction or damage to other people's property by arson, providing a maximum penalty of five years' imprisonment. It was under this article that [Ilya Farber](#), mentioned above, was charged. In November, the court sentenced him to three years and two months in a strict regime penal colony and a fine of 2.66 million roubles. The punishment was imposed taking into account the aggravating circumstance that Farber had a previous conviction<sup>[21]</sup>. In annexed Crimea, [Aziz Faizullaev](#), who pleaded guilty to arson of the local government building in Pushkin, a rural settlement, was sentenced to three years in a general regime penal colony. The court also [ruled](#) Faizullaev should pay about 700,000 roubles in damages for furniture and a computer that were burnt and for repairs needed to the premises.

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21 In 2013, Ilya Farber, who worked as a teacher in a village school in Tver region, was found guilty of bribery and abuse of power. The case was accompanied by a public outcry. Farber himself denied guilt and said the reason for his prosecution was a conflict with a contractor who was carrying out repairs to the village cultural centre. Initially, Farber was sentenced to seven years and one month in a strict regime penal colony and fined 3.1 million roubles. On appeal, the sentence was reduced to three years, and on 31 December 2013 he was released on parole. Presumably, the fine levied in the case of arson of a military recruitment office took into account the unpaid part of the previous fine.

However, not all arsonists have been charged with arson, an offence which seems to accurately describe their actions. In some cases criminal prosecutions were initiated for the crime of hooliganism (**Article 213 RCC**); sometimes charges were brought for both offences at once, both hooliganism and arson. However, a more widespread trend has been to classify arson attacks on military enlistment offices and other administrative buildings as acts of terrorism, sometimes as acts of terrorism ‘causing significant damage’ and sometimes as such acts ‘committed by a group.’ Committing a terrorist act (**Article 205, Part 1, RCC**) is punishable by imprisonment for a term ranging from 10 to 15 years, and if it caused ‘significant damage’ or was ‘committed by a group’ (**Article 205, Part 2 (a) & (b), RCC**), imprisonment from 12 to 20 years. For preparing to commit a crime (**Article 30, Part 1, RCC**), a convicted person may be given not more than half of the maximum punishment, and for attempting a crime (**Article 30, Part 3, RCC**) not more than three quarters of the maximum punishment. According to OVD-Info, as of the end of 2022, in connection with arson attacks on buildings, or plans to carry out such arson attacks, in protest against the war, at least 22 people had been charged with committing a terrorist act or attempting to commit a terrorist act, while in similar cases at least 14 defendants had been charged with arson. The arsonists may be charged either with an offence of medium gravity or with an especially serious offence, and this most likely depends on the political conjuncture in which the law enforcement agencies find themselves in a particular region. The amount of damage caused to property does not in fact affect the selection of the charges: arson has been imputed to those who caused more significant damage than those whom the state decided to try as ‘terrorists.’ For example, in St. Petersburg, [Maksim Asriyan](#) has been charged with attempted terrorism even though, according to the Investigative Committee, he did not throw a Molotov cocktail at the military enlistment office but only looked at the building and changed his mind about setting it on fire. Some of those arrested after setting fire to a building were first charged with arson, and then the charge was upgraded to terrorism. As of the end of 2022, there has been no information about convictions for terrorism in connection with arson of military recruitment centres.

Over many years Russian law enforcement agencies have been developing the practice of charging people with terrorism when there has been nothing more than a symbolic arson attack on a government building, an attack in which there were no casualties and which even theoretically could not have posed a danger to anyone (in most cases buildings were set on fire at night), and where there was no significant fire or damage. Such allegations were seen in the ABTO [*‘Autonomous Militant Terrorist Organisation’*] case. In particular, in 2012 a court found that throwing Molotov cocktails into the main FSB building in south-west Moscow constituted a terrorist act. The defendants in the case of [Oleg Sentsov](#), who was accused of symbolic arson attacks in Crimea shortly after the annexation in the spring of 2014, were convicted of terrorism. Supporters of the Artpodgotovka [*‘Artillery (or Art) Preparation’*] movement were accused of preparing a terrorist attack even in the absence of a planned target, solely on the basis of the Investigative Committee’s claim that they had stored bottles of petrol on their balcony. Plans to set fire to decorative hay left in the centre of Moscow after a festival in 2019 were found to be preparation for a terrorist attack. Details of these and other terrorism cases can be read in the [2020 report](#) by Memorial Human Rights Centre.

We consider prosecutions on charges of committing a terrorist act or of attempting to commit a terrorist act for an arson attack that is purely symbolic and not dangerous to people are unreasonably harsh and politically motivated.

## 2.6.3. Charges of planning arson attacks and incitement of arson attacks

Since arson attacks on military recruitment offices are often classified as acts of terrorism, then approval of such actions is classified as incitement or justification of terrorism. Charges of justification of terrorism using the internet (**Article 205.2, Part 2, RCC**) were brought against Navalny's associates who hosted the Popular Politics YouTube channel and approved the arson of military recruitment offices after the announcement of mobilisation.

Plans to set fire to military recruitment offices were among the charges brought against the defendants in the 'Tiumen case' – a criminal case against six anarchists from Tiumen, Surgut and Ekaterinburg, whom the FSB considered to be members of a terrorist group. All six confessed under torture and incriminated themselves. According to these confessions, the defendants were planning sabotage of military enlistment offices, police departments and the railways. It is very likely that the 'Tiumen case' was fabricated. Moreover, the case was politically motivated and is similar to the 'Network' case, while the content of the confessions, which were possibly dictated by the investigative officers, reflects the needs of the political regime in 2022: to combat pro-Ukrainian saboteurs and arsonists (or to imitate such combat).

### **The 'Network' case**

*The 'Network' case is a criminal prosecution of ten anarchists and anti-fascists from Penza and St. Petersburg on charges that they constituted a terrorist group. Arrests in the case began in 2017. In 2020, sentences were handed down, the harshest of which was 18 years in a penal colony. According to the FSB, participants in the 'Network' were preparing for revolution and violence against representatives of the authorities. Most of those convicted said that they gave testimony demanded by investigators under severe torture.*

## 2.6.4. Prosecutions for arson of means of transport

At least two cases of arson attacks on National Guard prisoner transport vehicles in Moscow are known. Omsk residents [Anton Zhuchkov](#) and [Vladimir Sergeev](#) were hospitalised with methadone poisoning after an anti-war rally on 6 March in Moscow. As Sergeev said during his interrogation, as [quoted](#) by Mediazona, he went to the rally with a Molotov cocktail and planned to set fire to a prisoner transport vehicle as a sign of protest against the war on Ukraine, and then commit suicide by taking methadone. Zhuchkov, on the other hand, claims that his only goal was suicide. Either way, the arson did not happen. Sergeev and Zhuchkov were detained before it could take place. They attempted suicide in the detention centre, but doctors saved them. Immediately they were discharged from the hospital on 17 March, the two men were detained again. Initially they were charged with attempted

hooliganism (**Article 213, Part 2, RCC** in conjunction with **Article 30, Part 3, RCC**). However, later the charges were reclassified to preparation for a terrorist act by a group of persons (**Article 205, Part 2 (a), RCC** in conjunction with **Article 30, Part 1, RCC**).

On 2 May [Vitaly Koltsov](#) threw a Molotov cocktail at a police bus parked on Revolution Square. He was detained on the spot. Since there was a police officer on the bus, Koltsov was charged with attempt on the life of a law enforcement officer (**Article 317 RCC**), which carries a maximum penalty of life imprisonment. However, Koltsov claims he did not want to kill anyone. The publication [Vot Tak](#) [reported](#) Koltsov's words at the hearing on the selection of pre-trial conditions: *'Of course, the court does not consider the issue of what charges should be brought, but I did not plan to kill the officer, I planned to cause damage to the vehicle. I did not know that there was someone inside and I assumed that the prisoner transport vehicle would be quickly extinguished and anyone on board would be able to get out quickly. The charge itself is not quite correct, but it is obvious that I committed an offence.'* Koltsov was remanded in custody.

Several criminal investigations have been opened in connection with arson attacks on the personal cars of persons known to support Russia's military aggression, but no terrorism charges have reportedly been brought in those cases.

## 2.7. Prosecutions for providing military and financial assistance to Ukraine

This section deals only with prosecutions within Russia's internationally recognised borders. The situation in the occupied territories of Ukraine, including since 2014, can be found in [Chapter 3.1. Repression against residents and citizens of Ukraine, as well as related repression against Russian citizens](#).

It is logical that with the outbreak of the full-scale war against Ukraine, prosecutions of Russians accused of assisting the Ukrainian army with money or information, attempting to join Ukrainian volunteer formations, or carrying out sabotage inside Russia have become more frequent. Such prosecutions can be, on the one hand, widespread, and, on the other hand, extremely lacking in transparency, with evidence of abuses and fabrication of evidence, as happened during previous military campaigns (in Chechnya, Syria, and so on).

For many years there has been a lack of public information about criminal cases involving charges of aiding the Russian army's military adversary. Defendants and their relatives rarely contact journalists and human rights activists. Investigators sometimes put additional pressure on defendants and their relatives to remain silent. Case materials are usually classified until the end of the investigation. Courts do not publish verdicts in these categories of cases (extremism, terrorism, illegal armed groups). In 2022, there is altogether a tendency to classify

assistance to the enemy state as treason, and prosecutions for treason and espionage are kept the most secret of all.

On account of this general lack of transparency, we are unable to draw a complete picture of prosecutions on charges of military assistance to Ukraine; we can only give an overview of the known facts.

## 2.7.1. Expansion of legislation on treason and participation in military hostilities

Already on 27 February, the Russian Prosecutor General's Office [stated](#): *'It must be taken into account that the provision of financial, material, technical, advisory or other assistance to a foreign state, international or foreign organisation or their representatives in activities intended to undermine the security of the Russian Federation constitutes an offence under Article 275 of the Russian Criminal Code (treason).'*

In July, the State Duma expanded criminal legislation on treason. The notion of *'switching to the enemy's side in an armed conflict'* was added to the definition of treason in the Criminal Code. Language about the collection and transference to the enemy of information *'that can be used against the armed forces of the Russian Federation'* in conditions of armed conflict were added to the definition of espionage (**Article 276 RCC**). At the same time, the penalties stipulated for acting as a mercenary (**Article 359 RCC**) were increased. To the definition of illegal armed groups (**Article 208 RCC**) was added Part 3: participation of a Russian citizen or a stateless person permanently residing in Russia in military actions *'on the territory of a foreign state for purposes contrary to the interests of the Russian Federation'* – an offence punishable by imprisonment from 12 to 20 years.

Finally, **Article 275.1 RCC** ('Cooperation on a confidential basis with a foreign state, international or foreign organisation') has been added to the Criminal Code. Under this article, the court may impose a sentence ranging from three to eight years' imprisonment if it can be proved that secret co-operation with foreigners was conducted *'with the aim of assisting them in activities known to be intended to undermine the security of the Russian Federation.'*

*'That is, if you talked to a foreigner and did not report it to the FSB – be prepared to be prosecuted,'* the lawyer Ivan Pavlov, who specialises in cases of treason and espionage, [has written](#) on his Telegram channel, adding: *'Don't let the fact that the conversation should be 'for the purpose of assisting in activities known to be intended to undermine the security of the Russian Federation,' reassure you – anything can be fitted under this rubber-stamp wording.'*

## 2.7.2. Prosecutions on charges of attempting to fight on the side of Ukraine and passing military information to Ukraine

As already mentioned, we cannot at present estimate the scale of criminal prosecutions for attempts to join Ukrainian military structures. It will be possible to give an approximate assessment once the dynamics of the number of convictions for participation in an illegal armed group (**Article 208 RCC**) and for treason (**Article 275 RCC**) in 2022–2024 are known (from the initiation of criminal proceedings to the sentence may take from several months to two or more years). At present we have only fragmentary information published in open sources.

We know of several convictions for an ‘uncompleted offence’ of participation in an illegal armed group concerning attempts to leave Russia to fight on the side of Ukraine.

In October, Bryansk regional court [sentenced](#) a caretaker from Tambov to seven years in a strict regime penal colony who, according to the court’s press service, was detained by border guards while trying to cross illegally into Ukraine’s Sumy region. In December, the same court [reported](#) that a resident of Udmurtia who had also been detained by border guards had been given a sentence of five years in a strict regime penal colony. In both cases it was alleged the convicts were ‘adherents of Ukraine’s Nazi ideology.’

In December, Krasnoyarsk regional court [sentenced](#) Krasnoyarsk resident [Sergei Ulukshonov](#) to four years and eight months in a strict regime penal colony for ‘preparing to participate in an armed group on the territory of a foreign state.’

In Moscow in December, the Lefortovo district court [sentenced](#) [Maksim Dmitrienko](#), a native of Volgograd, to four years in a strict regime penal colony. According to [TASS](#), Dmitrienko had previously served in the French Foreign Legion and in April 2022 he was detained in Moscow, where he had returned after an unsuccessful attempt to enter the territory of Ukraine.

Prosecutions for treason on charges of attempting to join the Ukrainian armed forces have also been initiated.

One person involved in such a case was 21-year-old [Savely Frolov](#), who was taken off a bus at the Verkhny Lars checkpoint on 30 October while trying to leave Russia for Georgia. Contact with him was lost after he texted his girlfriend that he was going to be searched by FSB officers. After his arrest, Frolov was jailed on administrative charges for 15 days three times in a row, twice on charges of petty hooliganism and once for disobeying the lawful order of a border guard. All the while, Frolov was held in a temporary detention centre in Vladikavkaz. In December, a criminal case was opened against Frolov for preparing to undertake treason (**Article 30, Part 1, RCC** in conjunction with **Article 275 RCC**). On 12 December he was transferred to the remand prison in Vladikavkaz. Frolov denies guilt and insists that he was travelling to Georgia to be with his girlfriend, who had moved there earlier. ‘At the hearing on selection of pre-trial conditions, the investigator said Savely bought camouflage trousers and special shoes in the summer, which can be used in combat operations. And also, according to the FSB, he tried to get to the front through Georgia, Turkey and Poland. However, he had neither tickets nor a visa,’

[said](#) Evgeny Smirnov, a lawyer with the human rights organisation, First Department<sup>[22]</sup>. The Insider [quotes](#) Nikita, a close friend of Frolov, who was visited by FSB officers in the course of the investigation: *'I can say that Savely definitely had no real plans to join the Ukrainian armed forces, and all the FSB's assumptions are based on one message from our conversation that has no serious relation to reality. There were messages discussing the special military operation, and the main thing they latched on to was his half-joking message about intending to go there, which I, also in the context of the joke, approved.'* Ekaterina Frolova, the arrestee's mother, who has twice visited her son, [told](#) Bumaga [*'Paper'*] that at the border Savely *'was beaten, threatened with rape with a mop and threats were made against his family,'* so he gave up his phone and password. *'In a cell with no communication and no socialising, Savely, according to his mother, lost track of the days and started burning his hands with cigarettes to "at least feel something." But after the meeting with Ekaterina he became cheerful again: "He was sure he had not been abandoned",'* the publication reported the mother's story.

On 8 December, the FSB detained Abakan resident [Igor Pokusin](#), who a day earlier, after four months of house arrest, had been sentenced to a six-month suspended sentence for vandalism (**Article 214, Part 2, RCC**) for writing the words 'Glory to Ukraine!' on the wall of a museum. According to the FSB, in July Pokusin tried to fly to Kazakhstan in order to travel on to Ukraine and join the Ukrainian armed forces. His wife [told](#) Nastoyashchee vremya [*'Real Time'*] that, so far as she knows, the prosecution is based solely on the testimony of a classified witness. *'Not only is Igor 60 years old, he has also been repeatedly traumatised,'* Elena Pokusina describes the condition of her spouse, *'He has had his hip joint replaced, his knee joint replaced, and there is metal in his ankle. He's a tin soldier. He has a stent in his heart after an operation. It's a special tube that they put in the heart vessel. What Ukrainian armed forces can they be talking about?'*

Also in December, the FSB [announced](#) that it had detained [Evgeny Nikiforov](#), a resident of Volgograd region, on charges of travelling to Rostov region to cross the border with Ukraine. In a press release, the FSB stated: *'At the time of his arrest, Nikiforov was found to have a questionnaire and application for conclusion of a contract with the Ukrainian armed forces, signed by him, an outdoor all-weather suit, and mobile phones used to communicate with subscribers in Ukraine, all of which were seized.'* It should be noted that Rostov region borders only with territories of Ukraine controlled by Russian troops, and it is practically impossible to pass through to the location of Ukrainian troops.

The same FSB press release reports a criminal case against a resident of Birobidzhan, [Valery Kachin](#), accused of passing information to Ukrainian security services *'about critical infrastructure facilities in the Jewish Autonomous region'* and then planning to go abroad, acquire Ukrainian citizenship and join the Ukrainian army. According to the Telegram channel ['Beware of the News!'](#) Kachin was detained back in September and then transferred to Moscow, where he is being held in Lefortovo remand prison. He is a scientist — a geodesist — by profession and his last job was at the Bastak nature reserve where he specialised in geodetic information systems. *'The man supported Aleksei Navalny in his posts on social media (his data is in the leak*

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22 First Department is a human rights organisation providing legal assistance to those accused of crimes against state security. It is the successor to Team 29, an organisation dissolved in the summer of 2021 after its website was blocked and the Prosecutor's Office stated it contained materials from an 'undesirable organisation.'

from the ‘Smart Voting’ site) and protests in Belarus and Ukraine. For example, in 2022, he uploaded to his playlist on Yandex.Music about 50 anti-war songs,’ the authors of the Telegram channel write. Kachin’s civic stance could have attracted the attention of law enforcement agents and motivated them to fabricate evidence for a prosecution. The FSB’s description of the charges also raises doubts. From Ukraine to Birobidzhan is more than 6,000 kilometres. The city, according to [Wikipedia](#), has no working defence enterprises, and it is difficult to know what exactly could be of interest there to Ukrainian intelligence.

Several cases are known in which the charges concern the passing of information to the Ukrainian intelligence services. For example, in August, a man was [detained](#) in Krasnodar who, according to the FSB, passed information to the Ukrainian security services for money and used the pseudonym ‘Archie.’ In Vladivostok a man was [remanded in custody](#) in September who allegedly ‘*filmed critical and military infrastructure facilities in Primorye.*’ In Moscow region, the top manager of an aircraft factory was [charged](#) with sending blueprints of combat aircraft to Ukrainians. In December, the FSB reported the detention of **Vladislav Ponamarev**, a ‘citizen of the Russian Federation and Ukraine’ in Rostov region. The press release [stated](#): ‘*It has been established that Ponamarev passed to the Ukrainian side data on the deployment of Russian service personnel and information on the movement of military equipment. As a result, the Ukrainian armed forces launched a missile strike on the coordinates they received with a Himars multiple launch rocket system.*’ Some of the accusations may be true and some may not. We do not have enough information yet to be able to draw our own conclusions.

There have also been the first prosecutions for confidential co-operation with foreigners (**Article 275.1 RCC**) against Muscovite [Pavel Pishchulin](#) and St. Petersburg activist [Daniil Krinari](#). The latter was detained on 21 December in the Belarusian city of Hrodna and taken to Moscow, where he was remanded in custody. In neither case is there any information about the substance of the charges (see [3.11.2. Other new prosecutions for espionage](#)).

## 2.7.3. Intimidation on account of money transfers to Ukraine

Already on 1 March, First Department [reported](#) that Sberbank was blocking the cards of Russians who had donated money to Ukrainian foundations. In particular, in a letter to a client, the bank asked for an explanation as to the purpose of a donation to the Come Back Alive Foundation, which provides the Ukrainian army with drones, cars, defence equipment, and so on.

At the end of March, Evgeny Smirnov, a lawyer with First Department, [said](#) the FSB was conducting inspections of the homes of people who had transferred money to Ukraine. At that time, he knew of eight or nine such cases ‘*starting from St. Petersburg and ending in Khabarovsk.*’ According to Smirnov, police operatives seized equipment and took people in for questioning, during which they asked about the money transfers but no criminal charges were brought. In May, First Department [reported](#) that relatives of people who left Russia after such inspections had been invited for interviews with the FSB and efforts were made to persuade them to bring their relatives back home. At the time of publication, First Department knew of five such cases. According to [Agentsvo](#) [‘Agency’], pressure was exerted on the mother of a young woman



who left Russia back in 2021 and had made one donation from a Russian card to the Come Back Alive Foundation. The FSB asked the rector's office at the university where the mother taught for a character reference. She herself was summoned to the FSB where she was promised that FSB officers would attend her classes, after which outsiders did start attending her classes.

In the summer, official mass media also began to report on warnings to Russians who transferred money to Ukraine. In July, RIA Novosti showed [footage](#) of an FSB operational film where a man was read a document saying that the transfer of money to the Come Back Alive Foundation 'creates the conditions for committing' treason. In August, the same warnings were [issued](#) to two more men and one woman.

There is as yet no public information about criminal prosecutions of Russians for financing the Ukrainian military in 2022.

## 2.7.4. Prosecutions on charges of sabotage

It is even more difficult to draw an objective picture of prosecutions for sabotage that is intended to reduce the combat effectiveness of the Russian army than in the case of treason. Very often, it is not known how many people are accused of preparing and committing sabotage or the nature of the evidence for these charges. Nor is it known which accidents precisely were a result of targeted damage by saboteurs, and which were caused by safety violations or other causes. Government authorities may have a vested interest in passing off successful attacks and sabotage as accidents, since otherwise this could threaten to demoralise supporters of the war against Ukraine and, conversely, inspire opponents.

According to [estimates](#) by [The Insider](#), 63 freight trains were derailed in Russia between March and June 2022, which is one and a half times more than in the same period the previous year. At the same time, the geographical spread of accidents shifted to the west of the country, and in some cases derailments occurred near military units. The involvement of saboteurs in the crashes was periodically claimed by various anonymous Telegram channels. It is also possible that some industrial fires, explosions at military warehouses, and so on, could be a result of sabotage.

Sometimes government agencies have publicly admitted that the destruction of infrastructure was intentional. For example, Kursk region Governor Roman Starovoit [wrote](#) on 1 May that a railway bridge in the region collapsed as a result of sabotage, and the Investigative Committee [opened](#) a criminal investigation into the bridge's collapse.

At the same time, law enforcement agencies, on the contrary, may overestimate the number of sabotage incidents in an effort to improve their crime statistics (where the alleged crimes of sabotage are either successfully 'prevented' or 'solved'). Our experience of many years of monitoring the FSB's counter-terrorism campaigns shows that its officers periodically fabricate criminal cases in their reporting on crime prevention both to their superiors and to the public. The FSB's need for 'success' leads to political repression, and the list of political prisoners recognised by Memorial includes a number of individuals falsely accused of preparing terrorist attacks (probably both for the purposes of propaganda as well as for the sake of 'improving' FSB crime statistics).

Periodically, the FSB reports on the prevention of sabotage. For example, in April, TASS [published](#) a report that two ‘supporters of Ukrainian Nazis’ had been detained in Belgorod region as they were preparing to sabotage a railway line. In Voronezh region in November, ‘supporters of Ukrainian nationalists’ were killed, allegedly because they used weapons in resisting arrest. At the same time, the security services [claimed](#) they had prevented an attempt to sabotage military and energy facilities. The Russian security services are notorious for their practice of killing people at the time of arrest and subsequently officially declaring that those killed were terrorists who had opened fire, forcing them to return fire. This has been the practice primarily in the North Caucasus, but has also happened in other regions of Russia (for example, in [Nizhny Novgorod](#)). There is a high probability that similar methods are used in combating sabotage, or in imitating such activities.

Law enforcement agencies also consider as sabotage actions intended not to derail trains, but only to delay them, such as installing a jumper switch between rails to trigger a red semaphore signal. In particular, [Vladlen Menshikov](#) is accused in Sverdlovsk region of attempted sabotage (**Article 281 RCC** in conjunction with **Article 30, Part 3, RCC**) for such actions. In September he was detained at the border, remanded in custody in Ekaterinburg, and at the end of December charged with confidential cooperation with a foreign organisation, namely the Free Russia Legion (**Article 275.1 RCC**). Kommersant, citing a source in the law enforcement agencies, [wrote](#): ‘*The cooperation is confirmed by the fact that they [the administrators of the Telegram channel which publishes information about the Legion] used his photo report in their Telegram channel, including “pasting” their logo onto it.*’

The Russian authorities have repeatedly classified sabotage attacks as terrorism. In part, these offences are similar, as they also involve explosions, arson and other destructive acts. However, a terrorist attack, as defined by the Criminal Code, is aimed at destabilising the authorities and securing the taking by the authorities of certain decisions, while the purpose of sabotage is to undermine Russia’s economic security and defence capability. The Investigative Committee called the above-mentioned destruction of a railway bridge in Kursk region a terrorist attack, although there were no casualties and the purpose of damaging the railway in the border region was most likely to complicate the transport supply to the army, rather than to intimidate the public and the authorities. Four students from Ufa were [charged](#) with committing a terrorist act in an organised group (**Article 205, Part 2 (a), RCC**) for allegedly setting fire to a control centre for controlling the supply of electricity and four relay points on the railway. Finally, the most famous case of treating sabotage as a terrorist act was the criminal case opened regarding the explosion on the Crimean bridge on 8 October, which resulted in the deaths of the driver of the truck, which, according to the investigation, was carrying explosives, and of two people in a passing passenger car, as well as the partial collapse of the roadbed and the burning of wagons of a goods train. The bridge from Krasnodar region to Crimea is an important element of the military transport infrastructure, and therefore blowing it up falls more within the definition of sabotage.

The difference between prosecution for terrorist acts and sabotage is small, and in terms of the penalties and the level of secrecy of the investigation are comparable. Practically the only advantage for the authorities in classifying sabotage as a terrorist act is that it makes it possible to initiate criminal proceedings for its justification. In addition, a charge of terrorism may provoke a more negative public reaction than a charge of sabotage. [Nikita Tushkanov](#) from Syktyvkar (see [The severity of repression](#)) and [Olesya Krivtsova](#), a student from Arkhangelsk,

who was [banned](#) from certain actions at the end of 2022, are being prosecuted for justification of terrorism (**Article 205.2, Part 2, RCC**) for statements they made about the explosion on the Crimean Bridge,

In December, the State Duma significantly expanded the criminal law on sabotage, taking as a model the articles on terrorism previously added to the Russian Criminal Code: **Article 281.1, RCC** ('Facilitating sabotage activities, including assistance, recruitment, involvement in the commission of sabotage, preparation of another person for sabotage, financing, complicity, organisation of sabotage'), **Article 281.2 RCC** ('Receiving training for the purpose of committing sabotage') and **Article 281.3 RCC** ('Organisation of and participation in a sabotage group'). Almost all these offences can be punished with life imprisonment, while for participation in a sabotage group (**Article 281.3, Part 2, RCC**) the maximum penalty is ten years' imprisonment.

It is worth noting that a sabotage group, as defined in the Criminal Code, is not only a group carrying out or planning sabotage, but also a group of persons united for '*other crimes for the purposes of propaganda, justification and support of sabotage.*' Since justification and propaganda of sabotage themselves are not yet recognised as a crime, it is difficult at present to know what the intention of this legislation is in terms of the kinds of crime that can be committed by a group for the purposes of propaganda and justification of sabotage. At the same time, '*committing an offence for the purposes of propaganda, justification and support of sabotage*' has been included in the list of aggravating circumstances (**Article 63 RCC**). Indirectly, this may indicate that the state sees a serious threat in the development of sabotage activities and the growth of its popularity, and, in addition, is preparing the ground for conducting a whole series of cases against real and imaginary saboteurs.

## 2.8. Prosecution for refusal to fight

### 2.8.1. Prosecutions on charges of sabotage

By 21 July 2022, the publication Verстка [had found](#) information in open sources about at least 1,793 military service personnel who had refused to fight in Ukraine. At least 234 of them were unlawfully imprisoned in the Luhansk region of Ukraine (see [2.8.3. Institutional violence against those who refused to fight](#)). The rest were able to return home to Russia, annexed Crimea or de facto occupied South Ossetia. Some may have subsequently ended up back in the war. '*In the upshot, some people resigned, and some, under pressure from relatives and local authorities, were reinstated and after hospitalisation went back to Ukraine,*' The Moscow Times' Russian service [reported](#) about contract soldiers who returned from the war to Buinaksk, citing an anonymous human rights activist from Dagestan.

It is publicly known that 300 Dagestani contract soldiers returned from the war. There was a large number of 'refuseniks' in the 4th Guards Military Base, stationed in South Ossetia, as well as among soldiers from the regions of Stavropol, Buryatia and Kabardino-Balkaria. Some soldiers refused to fight soon after the start of the full-scale invasion when they realised they had been sent not on exercises but on real combat operations. For example, the Ukrainian

publication Grati [reported](#) that about 80 marines from annexed Crimea had returned home in February and Pskov gubernia [reported](#) that about 60 military service personnel from Pskov were withdrawn to Belarus a few days after the war started. Other contract soldiers left Ukraine after serving for a month or more. As a rule, reasons for refusal to fight were cited as the large number of deaths, poor planning of the ‘special operation,’ poor provision of supplies, lack of medical care, and frostbite. Some National Guard soldiers, realising they were going to be sent to war, refused to go on their mission.

Military service personnel, who wanted to request a discharge, faced persuasion, threats, bureaucratic obstacles, and were subjected to public humiliation. For example, portraits of the ‘disgraced’ were put up in military units on a [stand](#) entitled ‘They refused to fulfil combat missions’ and on a ‘[poster of disgrace](#).’ The project ‘An Appeal to Conscience’ told about [letters](#) sent to neighbours of a paratrooper who, according to the letter’s author, ‘had become cowardly, was afraid for his life’ and ‘left the area of the special military operation without authorisation.’ It became well-known that in some regions the military IDs of contract soldiers who refused to fight in Ukraine were stamped with phrases such as: ‘Prone to lies and deceit’ and ‘Prone to treachery, lies and deceit.’ Subsequently, even military courts in at least two cases recognised this practice as illegal.

It was theoretically easier for National Guard personnel to refuse to fight, since, according to the law ‘On the National Guard Troops of the Russian Federation,’ they are not obliged to take part in combat operations outside Russia. But OMON [riot police] officers who returned from the war without authorisation or who refused to go to the war were usually accused of failing to fulfil their service assignments and were dismissed. Some of them, believing the dismissal to be unfair, have tried to secure reinstatement through the courts, but there is no record of any such cases being won.

In the summer, sentences began to be passed on military personnel who had not resigned in accordance with established procedure, but had fled their military unit or place of deployment after the start of the full-scale invasion of Ukraine. Mediazona [analysed](#) the information published on the websites of garrison military courts and discovered that, starting from May, the courts began receiving more criminal cases for the offence of unauthorized abandonment of place of service (**Article 337 RCC**) than a year earlier. The highest number of cases was received in July at a level approximately three times higher than in July 2021. Since investigations of this kind usually take several months, it can be assumed that the increase in the number of prosecutions began after 24 February. Having studied 490 sentences for this offence published as of December 2022, Mediazona found that 40 of them mentioned the ‘special operation,’ while all relevant details of the cases had been deleted from most of the reports.

Here are some examples of convictions of military service personnel for fleeing from the war before mobilisation was announced:

- in July in Pskov, [Ilya Kononov](#), who had left his unit, after which he was found at his place of residence, was [sentenced](#) to a restriction on military service for one year with a deduction of 10 percent of his allowance to the state;
- in August, [Mikhail Guryanov](#), who fled from his unit on 6 April and was detained in Pskov on 25 May, was given a one-year [suspended sentence](#);
- in August, in Chelyabinsk, [Daniil Belorusov](#), who had left his unit and returned home

in May and voluntarily appeared at the investigative department in June, was given a one-year [suspended sentence](#);

- in October in Moscow region [Roman Kashtakov](#) was given a two-year [suspended sentence](#) for not returning from leave after 3 July;
- in December in Yuzhno-Sakhalinsk [Konstantin Sannikov](#) was [sentenced](#) to three years in a penal colony, having fled from a unit in Belgorod region on 24 July, and on 31 August was found in a Sakhalin regional hospital with alcohol poisoning.

In none of these cases is there any information that the ‘refuseniks’ rejected the war in principle. As a rule, the sentences state that the convicts were tired of combat, ‘*did not want to endure the hardships and deprivations*’ of military service, and so on.

The motivation of a military serviceman who did not want to fight is described in more detail in the [verdict](#) handed down in the case of [Ivan Kravchenko](#), who fled from a field camp on 5 April and voluntarily reported to the commandant’s office in Orenburg region on 17 May: ‘On 23 March 2022, while moving as part of a convoy, they came under fire, as a result of which his vehicle was damaged and subsequently caught fire. On 25 March 2022, he returned to a field camp located .... While at the field camp, there were rumours amongst the personnel that they would soon be sent back again to cross over the border into Ukraine. He decided for himself that he did not want to take part in the hostilities because he feared for his life and health.’

It is worth noting, however, that if the defendants were critical of the war, they probably would have concealed this at trial so as not to aggravate their situation.

One [conviction](#) for evasion of military service by self-injury (**Article 339, Part 2, RCC**) is also known. On 6 October Grozny garrison court sentenced [Daniil Nosov](#) to two years in a general regime penal colony. According to the investigation, Nosov deliberately exploded a grenade in his hand, resulting in three fingers being torn off.

## 2.8.2. Institutional persecution of those who refused to fight after mobilisation began

Since the announcement of mobilisation on 21 September, the price of refusing to participate in the war has increased significantly. First, Putin’s [decree](#) extended the validity of military service contracts until the end of the ‘period of partial mobilisation,’ and when that will end is not known. Discharge during the mobilisation period is possible only upon reaching the age limit, recognition by the military medical commission as unfit for service, or the entry into force of a prison sentence. Discharges for family reasons, failure to fulfil a contract and other reasons are no longer possible. Second, the Criminal Code introduced much severer penalties for unauthorised abandonment of a unit or place of service (**Article 337 RCC**) and desertion (**Article 338 RCC**) if committed during mobilisation (see Table 2.5). While imprisonment for fleeing the war was rare before mobilisation, it has since become the only possible punishment. In January 2023, the BBC Russian Service [counted](#) 16 convictions under the new article on unauthorised abandonment of a unit during mobilisation for more than a month (**Article 337, Part 5, RCC**), with all those convicted sentenced to a term of imprisonment. As of 23 January 2023, the courts had received a total of 41 cases.

<b>Offence</b>	<b>Punishment in ‘peace time’</b>	<b>Punishment during mobilisation</b> <i>As well as during martial law, wartime, armed conflict or combat hostilities.</i>
Unauthorised abandonment of the place of service for a period of two to ten days	A jail term of up to six months or detention in a disciplinary military unit for up to one year	Deprivation of liberty for up to five years.
Unauthorised abandonment of the place of service for a period of 10 days to one month	Restriction on military service for up to two years, detention in a disciplinary military unit for up to two years or deprivation of liberty for up to three years	Deprivation of liberty for up to seven years
Unauthorised abandonment of the place of service for a period of more than one month	Deprivation of liberty for up to five years	Deprivation of liberty for from five to 10 years
Desertion	Deprivation of liberty for up to seven years	Deprivation of liberty for from five to 15 years

Table 2.5. Increased penalties for being AWOL and desertion during mobilisation

The criminal article on disobeying an order (**Article 332 RCC**) has also been supplemented. While the new elements of this article do not mention mobilisation (only martial law, wartime, armed conflict or hostilities), however this crime is now equated with refusal to participate in military or combat action. Whereas the ‘standard’ **Article 332, Part 1, RCC** prescribed punishment in the form of a restriction on military service, a jail term or detention in a disciplinary military unit, the new **Article 332, Part 2.1, RCC** prescribes only deprivation of liberty for a term from two to three years. If non-execution of an order had serious consequences, then under **Article 332, Part 2.2, RCC** a punishment of from three to ten years’ imprisonment may be imposed.

In December the first sentences for refusal to fight during mobilisation became known. For example, in Novgorod [Danila Ivanov](#), who left his unit in Belgorod region in April and returned on 26 September, was given a five-year [suspended sentence](#). In Ufa, [Salavat Mirasov](#), who had not returned from leave in July, but arrived at the military recruitment office in October, was [sentenced](#) to three years’ imprisonment. At his trial, he said he had been taking care of his disabled father. In Chelyabinsk, [Aleksei Kirginekov](#) was [sentenced](#) to five years and one month in a general regime penal colony. He had left his unit on 22 August, and on 26 September he was found by military police.

Also in December, a sentence was handed down for refusal to participate in military operations. In Petropavlovsk-Kamchatsky, [Aleksei Breusov](#) was [sentenced](#) to one year and eight months in a penal colony for refusing to fight in the ‘special operation’ on 6 October.

As before mobilisation, little is known about the motivations of convicted ‘refuseniks,’ but there are cases where military service personnel have directly and publicly declared their opposition to the war against Ukraine. Lieutenant [Dmitry Vasilets](#), who was prosecuted for refusing to participate in military action (**Article 332, Part 2.1, RCC**), [told](#) Novaya Gazeta: ‘I realised that every person’s life has value and I cannot allow myself to take another person’s life, this is a boundary, a red line that I cannot cross. It’s better to go to prison than betray myself, than to abandon my humanity.’ He did not come to this decision immediately. From February to July he took part in the ‘special operation’ to which he, like many others, had been brought ‘for training.’ He told journalists: ‘At first it felt unreal, like you were in a computer game or a film. We slept two or three hours a night, we were being shelled. I couldn’t drop everything and leave – my comrades remained there.’ In July, the officer obtained leave and then filed a request for discharge, but he was not discharged before mobilisation, and thereafter refusal to go to war became a crime.

[Mikhail Zhilin](#), a major in the Federal Guard Service from Novosibirsk, crossed the border into Kazakhstan illegally after mobilisation was announced, making his way through barbed wire because he was forbidden to leave Russia because of his access to state secrets and he did not have a passport. When he met border guards in Kazakhstan, he asked for asylum. In a public video message, Zhilin [stated](#): ‘I, Mikhail Alekseevich Zhilin, a military service officer of the Russian Federation, with no intention of desertion, crossed the state border with the Republic of Kazakhstan on 27 September 2022 because the war in Ukraine initiated by the military and political leadership of the Russian Federation would oblige me to go to the combat zone to kill other persons, citizens of Ukraine, which I categorically do not agree with.’ Kazakhstan refused to grant him asylum and deported him to Russia, where charges of desertion (**Article 338 RCC**) and illegal border crossing (**Article 322 RCC**) were laid against him. Zhilin has been remanded in custody.

Civilians subject to mobilisation as yet still have more opportunities to avoid being sent to war without being charged with a criminal offence. Criminal charges for desertion, unauthorised abandonment of a unit or failure to comply with an order are only laid against persons who have already been called up for military service by the draft commission on mobilisation, while failure to appear on being summonsed by the military commission, the body that carries out the mobilisation procedure and takes the relevant decisions, entails only administrative liability with a fine ranging from 500 to 3,000 roubles (**Article 21.5 RCAO**). Moreover, a person can be said to have failed to appear in response to a summons only if they received the summons by hand and signed a receipt.

Criminal liability for evasion of military service (**Article 328 RCC**) applies only to those subject to conscription and not those in the reserve, as separately explained in the [resolution](#) of the Plenum of the Russian Supreme Court of 3 April 2008.

In early October in Penza [a criminal investigation](#) for evasion of military service was instituted against 32-year-old [Maksim Moiseev](#) who was over the age limit for compulsory military service and had refused to sign a summons. After a search at his mother-in-law’s house, Moiseev was held in a temporary detention centre for two days and then released on his own recognisance. However, two days later, the criminal case was dropped, specifically because the of-

fence of evasion does not apply to the mobilisation of reservists. Later, the head of the Penza region Investigative Committee was disciplined for unlawfully initiating a criminal case.

If a reservist receives a summons to attend a military recruitment office and a decision is there made to mobilise them, at that point they are already considered military service personnel serving under contract, which radically worsens their legal status.

A criminal case for going AWOL for a period of from ten days to a month during mobilisation (**Article 337, Part 3.1, RCC**) was brought against a mobilised man from Yakutia who had fled from his unit in Ulan-Ude. According to human rights defender [Pavel Chikov](#), the man told the commander: *'I will not go to any Ukraine, I will not shoot at any Ukrainians.'* After that, the 'refusenik' was threatened, but he managed to leave the unit through a hole in the fence. So far as is known, the young man has not yet been detained.

Another mobilised man, [Kirill Berezin](#), fled from a military unit in Belgorod region, returned home to St. Petersburg and then went to the Investigative Committee himself. Immediately after receiving a summons, Berezin had applied to do alternative civilian service (ACS). Despite the fact that he had previously served as a conscript, he then said he was a pacifist and did not wish to kill people. The military enlistment office staff ignored his petition. According to Berezin, they locked the door and did not let him out. *'Before I could open my mouth, they took away my passport and military registration card. That was the end of it,'* the BBC Russian Service [quoted](#) him as saying. The young man was immediately sent to a military unit near Vyborg and then to Belgorod region. Before he was sent to the front, he again filed a report requesting transfer to Alternative Civilian Service and refused to take up arms. For some time Berezin remained in the camp, where he constantly received threats of physical violence from the chief of staff. Before the next dispatch of soldiers to the front, he left the unit and travelled to St. Petersburg by taxi. There, he went to the offices of the Investigative Committee where he filed an admission of guilt and a statement that he had received death threats and had been the victim of abuse of authority by the chief of staff of the unit. Less than two days elapsed between Berezin leaving the unit and his admission of guilt, a period of unauthorised abandonment of a unit that is insufficient for criminal liability. However, the Investigative Committee nonetheless initiated a check. The courts refused to declare Berezin's mobilisation unlawful, but after the story went public, he was assigned as a mechanic and driver to a rear unit in Leningrad region, which [sued him](#): *'It's not Alternative Civilian Service, but still, I won't have to shoot people, and that's good.'*

Another mobilised man, [Pavel Mushumansky](#) from Leningrad region, managed to defend in court his right to refuse military service on grounds of his religious views. He had already undergone Alternative Civilian Service instead of conscription and had worked in a psychiatric boarding school. Nonetheless, Mushumansky was mobilised and [held](#) for two months in a military unit, where he refused to follow orders, wear a uniform or receive cash payments, until finally Gatchina district court overturned the mobilisation decision.



## 2.8.3. Extra-institutional violence against those who refuse to fight

If those who arrive at their places of permanent deployment can count on investigative and judicial procedures, and official punishment, the pressure and violence they experience at the front can have nothing to do with the law at all.

Reports of unofficial camps for ‘refuseniks’ in the occupied territories began to appear as early as the summer. One of the most notorious places of unlawful deprivation of liberty was a ‘special centre’ in Bryanka in Luhansk region. There, [according](#) to the publication Verstka, as of 22 July, at least 234 people were held.

Sources of information for the media about informal prisons for ‘refuseniks’ have been:

- [relatives](#) of the contract soldiers [Artem Gorshenin](#) and [Nikita Lazarev](#), who, having decided to resign, travelled on their own from Kherson region to the commandant’s office in occupied Crimea, after which they were victims of deception and were transferred by helicopter to Luhansk region;
- [relatives](#) of the contract soldier [Ilya Tatarnikov](#), who was placed in a ‘centre for refuseniks’ after he requested leave;
- [Ilya Kaminsky](#), a [sergeant](#) of the 11th Independent Airborne Assault Brigade, who said that ten military service personnel who refused to fight were locked in a garage and were going to be taken to the Luhansk remand prison;
- other military service personnel (many of whom spoke to journalists on condition of anonymity) and human rights defenders to whom they had appealed.

In August 2022 Mediazona [described](#) the system of pressure on military service personnel who tried to refuse to fight. The ‘refuseniks’ were first interviewed in the local military headquarters, where an attempt was made to persuade them to return to the front. After that, they were sent to Bryanka. It would seem that the prison was organised in a school building, guarded by mercenaries from the Wagner PMC. In Bryanka, the soldiers were also interviewed and further attempts were made to persuade them, including by use of threats, to continue fighting. Those who refused to be persuaded were taken to certain cellars, or, as the military called them, ‘pits,’ where, most likely, physical violence was used. *‘The guys we met, who had been in the “pit” were in an awful state. They were blue all over, their backs were all blue, their legs were all blue. They threw them into a car, took them away, did them over and brought them back,’* the father of one of the soldiers related to Mediazona the words of his son. Another soldier [told](#) The Insider that in the basement, where he and other ‘refuseniks’ had been taken from Bryanka, unidentified people, presumably mercenaries from Wagner PMC, beat them with batons to force them to return to the front. Furthermore, those held in the basement said they had been kept in darkness and food had been rarely brought to them, or not at all.

At the end of July, after numerous publications in the media, the ‘refuseniks’ from Bryanka were transferred to the buildings of a former penal colony in Perevalsk. According to Mediazona, about 100-150 people were taken there in total. Mediazona’s sources also reported that they were hardly given any food.

On 5 August, the lawyer Maksim Grebeniuk [wrote](#) that the ‘camp’ in Perevalsk had been closed, and the ‘refuseniks’ who had been held there had either been taken to the rear by commanders who came to pick them up, or simply released and were not prevented from returning to Russia. This was facilitated by media reports, complaints to government agencies, and the arrival of the parents of the contract soldiers who had been unofficially imprisoned in Luhansk.

The closing down of informal prisons for ‘refuseniks’ proved to be temporary. Already in October, a few weeks after the start of mobilisation, media reports about such places began to appear again. The ‘ASTRA’ Telegram channel published videos from basements where, according to the channel, about 20 mobilised men who refused to return to the front line under mortar fire were being held. The men were kept first in a basement in [Kremenna](#), then in [Rubizhne](#), and then were moved again to the former penal colony in Perevalsk. The basements where they were kept were damp, had no windows, and had a bucket for a toilet.

[According](#) to Mediazona, by 1 November about 40 ‘refuseniks,’ this time from among those who had been mobilised, were again being held at the former penal colony in Perevalsk, which had been closed in the summer.

By the end of November, ‘ASTRA’ had [established](#) that there were seven more locations in the occupied territories where both contract and mobilised soldiers who refused to fight were held. The largest was an informal prison in Zaitsevo, Luhansk region, where some 300 people were held. Some of these ‘refuseniks’ were returned to Russia after media publications, while others were hidden from inspections on the territory of the LNR and DNR.

[Roman Martynov](#), who had been mobilised, spent time in three of the cellars for ‘refuseniks’ and filed a criminal complaint in which he said that he had been tortured after being suspected of communicating with journalists. From Martynov’s words [quoted](#) by the human rights defender Pavel Chikov, it transpires that he was beaten, a machine gun was fired next to him, he was thrown into a sewage tank and he was threatened with being buried alive – and things went so far as to actually have soil dumped on him. In November, Martynov managed to obtain an exemption from service from a military medical commission.

Even against the background of this extra-legal violence, the state of affairs in the Wagner PMC stands out. Prigozhin, in addressing convicts in penal colonies, [said](#) explicitly that desertion, retreat and surrender were all prohibited, and promised that those who subsequently changed their minds about fighting would be shot.

The most famous extrajudicial execution in 2022 was that of [Evgeny Nuzhin](#), a former prisoner recruited by the Wagner PMC and then taken into Ukrainian captivity, where he publicly declared his readiness to fight for Ukraine. On 12 November, the ‘Grey Zone’ Telegram channel, which is associated with the Wagner PMC, published a video in which unidentified persons smashed Nuzhin’s head with a sledgehammer. The video was called ‘Hammer of Retribution’ and was accompanied by the comment: ‘...those who roughly know what’s going on, know that the sledgehammer and traitors have, for the ‘orchestra,’<sup>[23]</sup> a close connection. And now, having suddenly disappeared from the investigation in Kyiv, the traitor received the traditional Wagne-

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23      ‘The orchestra’ and ‘musicians’ are slang names Wagner mercenaries call themselves.

rian punishment.’<sup>[24]</sup> Nuzhin apparently fell into the hands of the Wagnerites after a prisoner exchange between Russia and Ukraine. Prigozhin [commented](#) on the video of the extrajudicial execution as follows: ‘So far as the victim of the sledgehammer is concerned, this show makes plain he did not find happiness in Ukraine, but met with unkind but just people. I think this film is called “A dog’s death for a dog.” The director did a wonderful job, you watch it in one breath.’ On 17 November, Nuzhin’s sons [told](#) the BBC Russian Service that no investigation into the murder had been carried out. There is still no information as to whether a criminal case has been opened or any investigation begun into the murder. At the same time, Putin’s press secretary Dmitry Peskov [told](#) journalists when asked about the video of the killing: ‘It’s none of our business.’ It can be concluded that the Wagner PMC openly carries out extrajudicial executions with the non-interference, and possibly even approval, of the state.

In December, British intelligence [confirmed](#) that Wagner PMC executes mercenaries who deviate from the route along which they have been ordered to attack. Subsequently, two individuals told of demonstrative shootings by Wagner PMC that were intended to intimidate other mercenaries. These were [Andrei Medvedev](#), a former mercenary who gave an [interview](#) to the Gulagu.net project and who arrived in Norway in early 2023 where he asked for political asylum; and an [anonymous source](#) who spoke to Mediazona and claimed to have served time in a penal colony before being recruited by Wagner PMC and had then managed to escape from the front.

## 2.9. Purging the information space

### 2.9.1. Combating independent media

Throughout the entire period of Putin’s rule, there have been attacks on independent media. However, in previous years, the measures of censorship introduced with regard to the press and television were targeted and carried out on an ad hoc basis. They often took on covert forms (for example, a change of ownership, dismissal of individual employees, interference in editorial policy), and less often overt (for example, blocking a website). In 2021, open pressure on journalists became systematic and noticeably more intense and was conducted by means of fabricated criminal cases and the ‘foreign agent’ legislation. However, once the full-scale invasion of Ukraine began, it took approximately three weeks for it to become impossible for any remaining independent media inside Russia to continue to work.

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24 In 2017–2019, videos of the brutal killing of Mohammed Taha Ismail Al-Abdullah, a Syrian man who deserted from Bashar al-Assad’s army reserves, appeared on the internet. The man was bludgeoned with a sledgehammer, his body decapitated, and his corpse abused. The killers in the video spoke Russian. Novaya gazeta was able to [identify](#) one of them. He turned out to be Stanislav Dychko, a mercenary of the Wagner PMC. Russian law enforcement authorities refused to initiate a criminal case.

[According](#) to Reporters Without Borders, in 2022, Russia dropped from 150 to 155 out of 180 places in its freedom of speech ranking (Azerbaijan ranks 154th and Taliban-ruled Afghanistan ranks 156th). The organisation attributes this change specifically to the invasion of Ukraine and the subsequent de facto introduction of military censorship.

On 24 February, Roskomnadzor [announced](#) that all mass media outlets covering the ‘special operation’ were ‘*obliged to exclusively use information and data they received from official Russian sources.*’ On 26 February, the agency issued ten media outlets with [demands](#) to remove materials containing ‘inaccurate information’ about the shelling of Ukrainian cities and the deaths of Ukrainian civilians, as well as ‘*materials in which the ongoing operation is referred to as an attack or invasion.*’

From 27 February systematic blocking of media websites started, including the TV channel *Nastoyashchee vremya* [‘*Real Time*’] created by Radio Free Europe/Radio Liberty with the participation of Voice of America), the project *Krym.Realii* [‘*Crimea.Realities*’] created by the Ukrainian service of Radio Liberty, The New Times magazine, the student magazine DOXA, and the Siberian news publication Taiga.Info.

On 2 March it became known that the websites of the largest independent TV channel Dozhd [‘*Rain*’] and the oldest radio station covering social and political issues Ekho Moskvyy [‘*Echo of Moscow*’] had been blocked. The next day, the board of directors of Ekho Moskvyy decided to liquidate the station; Dozhd, in turn, suspended its broadcasting (it was resumed in July from Latvia).

On the night of 3-4 March, the websites of Meduza, BBC Russian Service, and Radio Liberty were blocked. On 6 March, Mediazona, a publication that reports on the courts, the prison system and political repression, was added to the register of banned sites. Many regional publications were also blocked.

On 5 March, the investigative media project *Vazhnye istorii* [‘*Important Stories*’] and the American Association for the Advancement of Journalism, which created the Organised Crime and Corruption Reporting Project (OCCRP), were added to the list of ‘undesirable’ organisations. In July, The Insider and Bellingcat were added to the list. Collaboration with ‘undesirable’ organisations, which may include the reposting of materials, can result in criminal prosecution.

A number of Russian and foreign media outlets (for example, Znak.com, Colta, Bloomberg, CNN) decided to cease working in Russia because of the danger to their staff, while some began to censor their materials. For example, the editorial board of Republic [wrote](#) on its Telegram channel on 4 March: ‘*Republic will also have to hide some of the materials about the “special military operation” and change some of them. In addition, in the future we will be forced to give up our day-to-day coverage of Ukrainian events, focusing on assessments, opinions, analytics and descriptions of the consequences. And in these genres, too, we will probably have to be very careful and use Aesopian language.*’ At the same time, Novaya gazeta [announced](#) the removal of materials related to the war in Ukraine from its website.

On 28 March, Novaya gazeta suspended publication of any new materials on account of warnings issued by Roskomnadzor. In April, the editorial board started publishing a new edition in Latvia entitled, *Novaya Gazeta. Europa*. Roskomnadzor soon blocked the publication’s website in Russia.

On April 7, an unidentified person poured foul-smelling red paint on [Dmitry Muratov](#), editor-in-chief of Novaya gazeta and Nobel Peace Prize laureate, in a train carriage at Moscow's Kazan railway station. The attacker shouted: 'Muratov, this is for our boys.' An accomplice filmed the attack on video. Muratov suffered a chemical burn on his eye. The next day, police announced the detention of Ilya Markovets, who allegedly filmed the attack. His subsequent fate has not been publicly reported. The other suspect, according to police, has fled. The Telegram channel 'Baza' [revealed](#) that his name is Nikolai Trifonov. Novaya gazeta journalists [found](#) a photo of a nationalist member of paramilitary organisations with that name on the internet, and Muratov identified him as the attacker. The Telegram channel 'Union of Z Paratroopers' first published the video of the crime with a comment ending with the words 'We will come for each of you, just wait!!!' but then deleted the post. Although the motive for the attack could have been hatred on the part of members of far-right militarist organisations, it would have been difficult to carry out the attack without the help of state structures. The criminals had been told which compartment Muratov was in and had been able to smuggle a large amount of paint through the inspection at the entrance to the station. Moreover, police on the platform checked the passport of one of the attackers, but did not detain him, although Muratov told the police that was the man who had taken part in the attack. Furthermore, the huge number of CCTV cameras in Moscow, equipped with advanced facial recognition technology, did not facilitate the arrest of the suspects. The detention of the second suspect has not yet been reported.

In 2022, [Novaya gazeta](#) was fined three times, on 6 July, 10 August and 14 September, for 300,000 roubles, 350,000 roubles and 300,000 roubles respectively, for violation of the freedom of mass information (**Article 13.15, Part 9, RCAO**); and once, on 13 September, for 400,000 roubles for discrediting the use of the Russian armed forces (**Article 20.3.3, Part 1, RCAO**). Finally, on 6 September a court [cancelled](#) Novaya gazeta's licence as a media outlet on the formal grounds that the outlet had failed to notify Roskomnadzor about a change of owner in 2006.

As of August 15, according to [calculations](#) by the media outlet Proekt, at least 504 journalists had left Russia during the year, most of them after the start of the full-scale invasion.

## 2.9.2. Combating independent media

On March 21, Tverskoi district court in Moscow designated Meta, which owns the social networks Facebook and Instagram, an extremist organisation. *'The Prosecutor General's Office insisted that the social networks Facebook and Instagram host extremist materials. One of the claims made by the Prosecutor General's Office concerned the publication of photos of Adolf Hitler on Instagram in 2016. Among other things, the representative of the Prosecutor General's Office asserted, Meta social networks posted calls for participation in mass protests that did not have official approval and calls for violence against Russian citizens, including military personnel stationed in Ukraine,'* a Novaya gazeta correspondent [relayed](#) the position of the General Prosecutor's Office from the courtroom. The prosecutor noted, however, that the ban did not apply to the WhatsApp messenger, also owned by Meta, and that *'individuals will not be prosecuted just because they use Meta's services.'* What exactly law enforcement agencies consider to be participation in an extremist organisation, if an extremist organisation is a social network with millions of users, remains unclear.

Nothing is yet known of any criminal proceedings brought for using Facebook or Instagram. However, in the autumn it became known that users are being given warnings about the inadmissibility of extremist activity. Such warnings were reported by human rights activist [Pavel Chikov](#) and the [Roskomsvoboda](#) project. In particular, fashion blogger [Veronika Loginova](#), who ran an Instagram account on fashion and psychology, received a warning.

Even before Meta was recognised as an extremist organisation, Facebook and Instagram were blocked. They are available in Russia only with the use of blocking circumvention tools. Twitter has also been blocked in Russia.

The Russian social network VKontakte itself fulfills the requirements of the Prosecutor-General's Office and blocks personal pages and communities en masse where people talk about the war in Ukraine from a position that differs from the official version.

## 2.9.3. Blocking of other internet resources

By 22 December, the Roskomsvoboda project had [counted](#) more than 9,300 cases in which websites had been blocked on account of the de facto military censorship in place. Among them are dozens of Russian media outlets, including those listed above, and media from other countries, particularly Ukraine; the websites of human rights projects (For Human Rights, Golos, Russian Anti-War Committee, Memorial Human Rights Centre, Human Rights Watch); the websites of Ukrainian government agencies; blogs; instructions on evading mobilisation, surrendering to Ukrainian troops, or assisting the Ukrainian armed forces; online resources of communities of interest that feature anti-war statements (for example, the chess website chess.com, the online encyclopedia of visual art WikiArt, the website of the game S.T.A.L.K.E.R. 2: Heart of Chornobyl, the ParkRun running community, and so on).

## 2.10. Other types of pressure for anti-war opinions

### 2.10.1. Cancellation of concerts, performances and other cultural and educational events

After the outbreak of the full-scale war against Ukraine, the authorities systematically disrupted the events of musicians, theatre performers, and academics who expressed anti-war opinions.

Popular pop, rock and rap music performers have been most affected by the crackdown. In July, the St. Petersburg publication Fontanka [published](#) a list of almost 30 banned bands and performers, most of whom had spoken out against the war. The list, according to Fontanka,

was being distributed among concert organisers. Many of the musicians mentioned on the list have indeed faced concert cancellations. This has happened to musicians critical of the Russian authorities before, but it was after the start of the full-scale war against Ukraine that concert cancellations or postponements became systematic and widespread. In July, RBK [publicised](#) the fact that contracts with musicians had begun to include a prohibition on political statements during concerts, violation of which could entail a large monetary penalty.

Here listed are some of the more prominent and illustrative examples of political pressure on musicians.

- At a concert in Ufa on 18 May, the leader of the band DDT, [Yury Shevchuk](#), made an anti-war [speech](#), which included the phrase: *'The Motherland is not the president's arse, which needs to be constantly licked and kissed.'* Immediately after the concert, according to [Radmir Usaev](#), director of the Ufa production centre, *'law enforcement officers infiltrated backstage, isolated Yury Yu. [Yury Yulianovich Shevchuk] from the band without even letting the director of the collective through.'* Charges were drawn up against Shevchuk for discrediting the Russian army (**Article 20.3.3, Part 1, RCAO**). In August, he was fined 50,000 roubles. The band's concerts began to be postponed until 2023, with the Gazprom-Arena in St. Petersburg [saying](#) the postponement was *'for reasons beyond the organiser's control.'*
- Concerts by the group Anacondaz were cancelled and disrupted in several cities. For example, in June, Moscow's GLAVCLUB [announced](#) the cancellation of the band's performance: *'After several weeks of calls to us from various authorities, on Friday, 24 June, within a couple of hours after our latest rejection of their requests, we received notifications of two unscheduled inspections by Rospotrebnadzor [the official Russian consumer rights agency – trans.] and the Ministry of Emergency Situations.'* In Ekaterinburg, the regional Ministry of Culture and police forced two venues to cancel an Anacondaz concert. In Perm, police forced the cancellation of a concert that had already started. The court later ruled that the cancellation of the concerts was legal, citing the failure to notify state authorities of the planned events in a timely manner.
- After a number of cancellations, the band Aloe-Vera held several 'secret concerts' in August for which the venue was not publicly announced, but invitations were sent out by e-mail or SMS to those who had bought tickets. On 13 August, the band's lead singer [Vera Musaelyan](#) [told](#) Meduza that FSB officers came to one of the venues: *'They interrogate the organisers, as well as reviewing photos and surveillance footage to establish the identity of everyone who came to the concert.'* After that, the band stopped any concerts in Russia because of their inability to ensure the safety of visitors.
- The rock group Splin faced a concert ban after its lead singer [Aleksandr Vasilyev](#) [dedicated](#) a song at the Black Earth festival to musicians *'who had to leave the country for various reasons.'* Splin's performance was cut from the festival broadcast. After that, the band's concerts began to be cancelled in various cities or postponed until 2023.
- The musicians of the group Bi-2 did not make any anti-war statements at all. Their problems began after they refused to perform on 28 April at the Omsk sports complex on stage with a banner 'Za President' [*'For the President' – using the Latin letter Z, one of the symbols of the war, in place of the Cyrillic letter З – trans.*]. The band tried to drape the slogan with a black cloth. *'As a result, we had to remove this black cloth from*

the banner ourselves, after which the artists refused to perform in front of the Omsk public,' [said](#) Ivan Kolesnik, the first deputy sports minister of the Omsk region. 'Our performances always bring together people of different views and beliefs, who are united by their love for music. Our idea is music without politics,' the musicians [explained](#), adding that all epy venues were lined with black decorations. Nevertheless, in May, Bi-2 concerts began to be systematically cancelled in various cities.

Concert venues, under pressure from the authorities, also cancelled performances by Neschastny sluchae, Dora, [Valery Meladze](#), AIGEL, Kis-Kis, Krovostok, Little Big and Others – all artists who in one way or another had made anti-war statements. The bans also affected classical music performers such as pianist [Polina Osetinskaya](#), opera singer [Anna Netrebko](#), and a group of musicians led by conductor [Vasily Sinaisky](#).

Humourist [Maksim Galkin](#) [spoke](#) about the disruption of performances in Russia after he had made anti-war online posts in April. According to him, he also had advertising contracts cancelled: 'The authorities banned my face from commercial breaks.' In September, Galkin was designated 'an individual performing the function of a foreign agent.' His wife, singer [Alla Pugacheva](#), [wrote](#) at the time: 'Please enrol me in the ranks of foreign agents of my beloved country, for I am in solidarity with my husband [...] who wishes the Motherland prosperity, peaceful life, freedom of speech and an end to the death of our guys for illusory goals that make our country a pariah and weigh down the lives of our citizens.' Both Galkin and Pugacheva left Russia. In October, the Ural State Variety Theatre cancelled Alla Tribute, a show featuring Pugacheva's songs.

Theatre workers who spoke out against the war were also deprived of the opportunity to work. For example, theatres in various cities cancelled performances of plays by playwright [Ivan Vyrypaev](#), who said he would donate money to funds dedicated to providing assistance to Ukraine. In Moscow, productions featuring actress [Yuliya Aug](#) and plays directed by [Dmitry Krymov](#) were cancelled. The Moscow Art Theatre Studio School cancelled its contract with teacher and playwright [Mikhail Durnenkov](#) because of an anti-war post he made on Facebook. In Bashkiria, a performance based on the novel Zuleikha Opens Her Eyes by [Guzel Yakhina](#) was cancelled.

In the autumn, a frankly absurd practice began to spread, whereby plays created with the participation of 'politically unreliable' figures continued to be performed in theatres, but the 'banned' names began to be erased from the playbills and programmes. Here are a few examples:

- The Russian Youth Academic Theatre and the Aleksandrinsky Theatre removed [Boris Akunin's](#) name from playbills and announcements of plays based on his works. 'It is absolutely logical that those cultural figures who in this difficult time have left the country, who have abandoned Russia, who have publicly opposed its rich culture, one after another leave our institutions and their playbills,' representatives of the Ministry of Culture [commented](#) on the situation for RBK.
- In the Kemerovo regional drama theatre the name of director [Rimas Tuminas](#), who had spoken out in opposition to the war against Ukraine, was covered over with white paper on the playbills of the performance of War and Peace. Elena Sitkina, deputy director for audience organisation at the Kuzbass Drama Theatre, [said](#) in answer to a question about this by the media outlet Sibir.Realii: 'No comment! We are forbidden to comment on this topic! Don't you know who the director is yourselves?! Well, then, why are you asking?'



- The name of the director [Kirill Serebrennikov](#) was [removed](#) from the programme of the Chekhov Moscow Art Theatre's production of *The Forest*, replacing it with the word 'DIRECTOR.'
- In August in St. Petersburg lectures on 'The Social Brain: Finding the Edge Between Cooperation and Conformity' by science popularizer [Asya Kazantseva](#), who had participated in anti-war rallies, were cancelled. '*...they [the organisers] started to receive z-bots and they became very concerned and decided to make sure they didn't take a wrong step,*' Kazantseva [explained](#).

## 2.10.2. Dismissals and expulsions from educational institutions for anti-war opinions

OVD-Info [counted](#) 40 known cases of dismissals for an anti-war stance between 24 February and 24 December, 26 of which were dismissals of teachers from educational institutions (10 school teachers and 16 teachers from higher and secondary vocational schools). Among those dismissed were both [activists](#) (for example, the former chair of the Teachers' Alliance trade union [Raushan Valiullin](#), who taught history at a school in Naberezhnye Chelny) and people who had not previously been involved in any civil society activity. The reasons for dismissal could include being arrested at a public protest, anti-war posts on social networks, or statements about Russian aggression in communication with students. Sometimes it was the latter who recorded the teacher's speech, and then either denounced them to the management of the educational institution or informed the parents, who then wrote complaints. For example, a school in Korsakov, Sakhalin region, [fired](#) English teacher [Marina Dubrova](#), who called the war a mistake during a breaktime conversation with students. The conversation was videotaped by one of the pupils, subsequently one of the parents wrote a denunciation to the police, and the teacher was not only dismissed, but also fined 30,000 roubles for discrediting the Russian army (**Article 20.3.3, Part 1, RCAO**). [Vladimir Volkov](#), a history teacher from Gus-Khrustalny, was fired from two schools at once after he [answered](#) a question from students in sixth grade (11-12 years old) about his view of Putin: '*I told them frankly that he unleashed the war in Ukraine and civilians are being killed on his orders. Our country attacked another country, a good neighbour. In short, I said what I think. Apparently, the parents were outraged and went to see the head-teacher.*'

The dismissal of teachers also took place in annexed Crimea. In Sevastopol, a primary school teacher who decorated her classroom with pairs of blue and yellow balloons for 1 September was [fired](#). [Andrei Belozеров](#)<sup>[25]</sup>, a teacher at Belogorsk technical school, was [fired](#) because he played a video clip of the song Bayraktar in the classroom. After that, he was twice jailed on administrative charges and was then charged with the criminal offence of repeated discrediting of the Russian army (**Article 280.3, Part 1, RCC**) and placed under house arrest. Geography

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25 Bayraktar is a Turkish-made unmanned aerial vehicle used by the Ukrainian army.

teacher [Susanna Bezazieva](#) from Dzhankoi was forced to resign from her school after she intervened in a conversation during a school breaktime between children about Nazism and fascism. ‘Girls, do you know what Nazism and fascism are? On the territory of Ukraine, citizens are simply defending their homes, fighting for their freedom, their independence,’ she [explained](#). The school’s headteacher subsequently told her: ‘This is not in your competence, let the history teacher explain about Nazism and fascism in the history class. What right did you have to explain about Nazism and fascism to children during breaktime?’

Doctors, employees of the Federal Penitentiary Service, of the Ministry of Justice, of museums and state nature reserves, and so on, have all incurred dismissal for political reasons. Persons subject to criminal prosecution can find it impossible to continue in their employment, even if the pre-trial conditions applied to them allow them to fulfil their work duties. In October, the [above](#) mentioned [Olga Nazarenko](#) was [suspended](#) from teaching at Ivanovo State Medical Academy because of a criminal prosecution for repeated violations of the law on public assemblies ([Article 212.1 RCC](#)). Moreover, her savings were seized during a search. In Stary Oskol, Belgorod region, the contract of construction worker [Aleksandr Grigoryev](#), accused of ‘fake news’ about the Russian army, was not renewed. According to the [Yabloko party](#), of which Grigoryev is a member, his employer said he did not need criminals.

The expulsion of students for taking an anti-war stance has become a systemic practice at various universities and institutions of secondary vocational education. OVD-Info has counted 14 such cases over ten months. While these are only cases that have become known, it is impossible to say how many students have actually suffered in this way. For example, according to the Chechen opposition Telegram channel [IADAT](#), 17 people were expelled from the Russian Islamic University in Grozny alone for ignoring a rally on 23 September in support of ‘referendums’ in the occupied territories of Ukraine.

Many cases are known where students have been expelled after being detained at an anti-war rally. The universities justified the expulsions by the prosecutions for administrative law offences that followed. Former SOTA photographer [Vasily Vorona](#) was [expelled](#) from the Gubkin Russian State University of Oil and Gas because he was arrested at a rally on 6 March, although he had been working there as a photojournalist and had an editorial assignment.

One case is known where two female students were expelled from the Plekhanov Russian University of Economics for statements on their Instagram stories (such stories are available for viewing only for a day, which means the students’ social networks were probably under constant surveillance). ‘A staff member of the dean’s office accidentally let out that we should keep better track of what we post on social media. They have screenshots that prove what we were expelled for,’ one of the girls, [Antonina Begacheva](#), [told](#) Novaya gazeta.

At least one expulsion has been successfully [appealed](#) in court. [Timur Garipov](#) was obliged to retake the sixth year of the St Petersburg State Paediatric Medical University.

From September 2022, Russian schools and colleges have introduced a new academic subject, ‘Conversations about What’s Important.’ Before the start of the academic year, the Russian Ministry of Education published the related methodological recommendations for teachers, including materials aimed at fostering patriotism. Already starting from the fifth grade it was proposed that teachers should discuss the ‘special operation.’ The guidelines [state](#): ‘Among the goals of the special military operation are the protection of the population of the Donbas, which has been subjected to abuse and oppression by the Kyiv regime, to disarm Ukraine,

*and to prevent NATO military bases from being deployed on its territory.’* The lesson was supposed to result in *‘students understanding the goals of the special military operation, the fact that the residents of the DNR and LNR are Russian people, and therefore it is important to return them to Russia.’* The lessons should inculcate the idea that a patriot, among other things, should be ready to die for the Motherland. With younger students this should be done by discussing proverbs, with older students it should be done directly. The new subject has evoked a reaction among the general public and marked indignation on the part of some parents and teachers. On 12 September, the ministry updated the methodological recommendations, removing all references to the war against Ukraine. Now [the official website](#) of ‘Conversations About What’s Important’ has scripts for lessons on the definition of patriotism, on Russian history, on national holidays, the Great Patriotic War, and so on.

In October, the police arrived at a Moscow school to detain maths teacher [Tatyana Chervenko](#), who had refused to conduct the lesson ‘Conversations about What’s Important’ and had given an interview to the TV channel Dozhd right from the classroom. At the police station they tried to get her to explain why she had given the interview. She had already been reprimanded earlier when, as the Alliance of Teachers trade union [wrote](#), *‘at a lesson on 26 September, in the presence of the senior teacher responsible for curriculum with a tape recorder, she refused to tell students that the inhabitants of Donbas are our compatriots, to compare the “heroes of the special operation” with the soldiers of the Great Patriotic War or to praise Mayor Sobyenin.’* Chervenko was fired in December.

In Arkhangelsk, journalist and activist [Andrei Kichev](#) was [expelled](#) from the S. N. Oreshkov Waterways Technical School for refusing to attend ‘Conversations about What’s Important.’ In Moscow, the mother of a fifth-grader was found [guilty](#) of improper fulfilment of parental duties because her daughter did not attend this extracurricular activity, put a pro-Ukrainian avatar of ‘Saint Javelin’ in her VKontakte profile and spoke out against the war in a chat room of her classmates. The family was placed on the ‘register for preventive measures’ of the commission for juvenile affairs.

### 2.10.3. ‘Unidentified perpetrators’: violence, threats and damage to property

Attacks and damage to property by unidentified perpetrators continued in 2022. Without an effective investigation, it is usually difficult to say whether such individuals are acting on their own initiative, at the behest of security forces, or are themselves from the security services. In other words, it can be assumed that the state somehow organises these attacks as well as that it condones them.

According to [OVD-Info](#), between 24 February and 24 December there were 18 attacks on activists and journalists allegedly for their anti-war stance. Information about attacks is not always possible to verify. As a rule, attacks are reported by the victims themselves, and sometimes there are documents confirming the injuries. Here are some examples of such attacks.

- In March, a Moscow coordinator of the Vesna [‘Spring’] movement was [attacked](#). *‘They waited for him outside his apartment building and beat him up in the entrance hall.’*

*They also kicked him in the face,*’ the movement’s Telegram channel wrote, noting that the victim’s name had not been disclosed for security reasons. In the publication there is a photo with a partially hidden face, which shows that the young man has many abrasions and bruises.

- In St. Petersburg on 30 May, two unidentified men beat up SOTA journalist and Yabloko party press service employee [Petr Ivanov](#) as he was returning home. In this instance, [a video recording](#) from a surveillance camera has been preserved, which shows the beating, albeit from a distance. According to the journalist, the attackers asked, ‘*Are you going to do any more bullshit?*’ After they ran away, a bottle with a blue liquid, which they had probably intended to throw over Ivanov, was found at the location. Ivanov was diagnosed in hospital with a broken nose and bruises to the soft tissues of his face. The police opened a criminal investigation for intentional infliction of minor harm to health motivated by hooliganism (**Article 115, Part 2 (a), RCC**). A month later Ivanov [wrote](#) that the investigation was not progressing and no suspects had been identified. However, on 31 May, a police operative in a private conversation gave Ivanov the name of a suspect – Grigory Malyshev – from the pro-governmental organisation ‘Volunteer Company of the Combat Brotherhood.’
- In August, [Ilmira Rakhmatullina](#), an anti-war activist from Ufa, [told](#) OVD-Info that unidentified men had attacked her sister [Amrita Rakhmatullina](#) after waiting for her as she was doing a morning run. She related: ‘*Two unidentified men grabbed her, started threatening and beating her, saying: ‘We’ve had enough of your bullshit,’ ‘Your sister is next in line,’ ‘Complain and you’ll get worse from us,’ ‘This is what it’s like to sell the Motherland!’ and so on.*’ Amrita was found to have soft tissue bruises.

Some activists have had their cars damaged. For example, in Kaluga in May the car of [Albert Ratkin](#), a bishop of the Word of Life Pentecostal Church, who recorded anti-war videos, was [sprayed](#) with paint and construction foam, and had the letters V and Z painted on it. In Arkhangelsk in July, [Olga Shkolina](#), a former activist of the Navalny Headquarters, had foam [poured](#) into the exhaust pipe of her car and her tyres were punctured. In November, in Yaroslavl the car of lawyer and environmental activist [Andrei Akimov](#), who had earlier been detained and beaten after re-posting an announcement of a protest against mobilisation, was [set on fire](#).

In the spring, the systematic writing of insults and threats on the doors of apartments of people who spoke out against the war began. At least forty such cases are known. For example, in Moscow, film critic [Anton Dolin](#) had the letter Z [painted](#) on his door; [Aleksei Venediktov](#), former editor-in-chief of Ekho Moskvyy, had [a pig’s head](#) placed outside his door and a sticker with the coat of arms of Ukraine pasted on the door with the words ‘Judensau’ (‘Jewish pig’) written over it. In the entrance hall of the building where political scientist [Ekaterina Shulman](#) has an apartment, leaflets were [plastered](#) on the walls with her photo and the caption: ‘*She supports Ukrainian Nazis.*’ Similar leaflets appeared on the apartment doors of politician [Elvira Vikhareva](#), human rights activists [Oleg Orlov](#) and [Alla Frolova](#), Open Space employee Aleksandra Kalistratova, municipal deputies [Nodari Khananashvili](#) and [Liusi Shtein](#), former editor-in-chief of SOTA Vision [Oleg Elanchik](#), Nemtsov Bridge volunteer [Polina Utina](#)<sup>[26]</sup> and others. [Dmitry Ivanov](#), author of the ‘Protest MSU’ Telegram channel, had ‘*Don’t betray/sell your motherland, Dima*’ and the letter Z written on his door; activist [Olga Misik](#) had ‘*Don’t sell your motherland, bitch*’

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26 Volunteers regularly watch over the site of Boris Nemtsov’s murder on the Bolshoi Moskvoretsky Bridge to ensure the safety of flowers and photographs placed there and, if necessary, restore the memorial.

[with a Latin V letter instead of the Cyrillic letter B – trans.] written on her door; the phrase ‘Let’s end this war’ [with a Latin letter Z instead of the Cyrillic letter З – trans.] was inscribed on the door of SOTA journalist [Anna Loiko](#); the door of activist [Grigory Ponomarev](#) was inscribed with the letter Z and the phrase ‘Take care of your balls, bitch’; Vesna [‘Spring’] member [Mikhail Samin](#) had the letter Z and ‘Misha, forget the Spring’ written on the door of his apartment, and so on.

In St. Petersburg, piles of manure became the ‘calling card’ of unidentified fighters against anti-war activists. Manure was put beside the doors of the apartments of [Dariya Heikinen](#), head of the Mayak movement, [Asan Mumdzhi](#) and [Olga Smirnova](#), activists of the Peaceful Resistance movement, and outside the door of the shop of [Dmitry Skurikhin](#), who had written ‘Peace to Ukraine, freedom to Russia’ on the building. At the same time, graffiti with threats and insults were written on their doors. In Kaliningrad, the author of the project Kaliningrad Fires Putin, [Kirill Sukhorukov](#) had a poster stuck on his door that read, ‘Traitor, be afraid,’ along with a funeral wreath and the letters Z and V, while [Alekssei Milovanov](#), former editor-in-chief of the publication Novy Kaliningrad, had a poster with the words ‘A traitor lives here’ [with the Latin letters Z and V in place of Cyrillic З and В – trans.] stuck on his door. In Kirov, activist [Alekssei Anofriev](#) found the letter Z and an image of a gallows on his door. In Penza, volunteers engaged in helping Ukrainian refugees, [Igor Zhulimov](#) and his girlfriend [Irina](#), had blue and yellow graffiti written on their doors with the words ‘UkrNazi lives here’ and ‘abettor of UkroNazism.’ This happened after SOTA published an [interview](#) with Zhulimov. Another volunteer, [Albert Gerasimov](#), had his car windows smashed and the words ‘Arsehole’ [with the Latin letter Z instead of the Cyrillic З – trans.] and ‘Stupid Prick’ [with the Latin letter V instead of the Cyrillic В – trans.] written on his car. On the car and the gate of the house of the 7x7 correspondent in Penza, [Evgeny Malyshev](#), unknown persons drew the letter Z and wrote ‘UkroNazi collaborators live here.’ He connects this with a trip he made to a refugee camp.

In a number of cases, threats on doors were not the only acts of intimidation and violence. Sometimes they were combined with threats on the internet, by phone and harassment by the police. In Penza, journalist [Ekaterina Milenkaya](#) complained to the police about threats in comments made to her anti-war post on a dating site, and a few days later her door was inscribed with the words ‘I found you, b\*\*\*h’ and a funeral wreath placed next to it. Milenkaya is [certain](#) she did not give her address to anyone but the police. After holding an anti-war picket on 1 June, St. Petersburg resident [Oleg Klimenchuk](#) had leaflets pasted on his door that including the words ‘Just wait, we are close by ...’ The same phrases were texted to him, and on 14 June he was attacked near his home. According to [Klimenchuk](#), one of the attackers said: ‘How much did you sell yourself for, bitch? If you come out again, I’ll kill you!’ and ‘Don’t bother to go to the cops, I’m a cop myself.’

There is no information that in any of these cases or others like them the law enforcement agencies have conducted an effective investigation. It is known that the authorities refused to open a criminal investigation into the threats made against [Mikhail Samin](#) and [Evgeny Malyshev](#). Many of the residents of the ‘marked’ apartments were forced to leave Russia.

The offices of human rights organisations have also been attacked. Within 20 days in the spring, the office of the civil society human rights project For Human Rights was attacked four times. On 16 March the attackers wrote ‘Traitor, get out’ on the organisation’s sign; on 21 March the letters Z and V were written on the front door; on 23 March pepper spray was sprayed near

the entrance; and on 4 April faeces were poured on the door. As a result, the head of the organisation [Lev Ponomarev](#) left the country. On 14 March, the office of Memorial Human Rights Centre was doused with a strong-smelling mixture, which, according to eyewitnesses, smelled like a mixture of urine and petrol.

# Other Uses of the Criminal Law for Purposes of Political Repression

03.

# 3.1. Acts of repression against residents and citizens of Ukraine and related acts of repression against Russian citizens

Large-scale acts of repression against Ukrainians began immediately after the annexation of Crimea and Russia's launch of 'hybrid' warfare in Luhansk and Donetsk regions. Repression affected residents of the annexed Crimean Peninsula, citizens of Ukraine resident or temporarily based on Russian territory, and Russians who spoke out against these kinds of actions by the authorities. Since that time, individuals serving prison sentences in connection with the Russian-Ukrainian armed conflict have made up a significant proportion of the total list of political prisoners.

A special place in the political prisoner lists goes to residents of Crimea incarcerated in connection with their religious beliefs: participants in the Jehovah's Witnesses, Hizb ut-Tahrir and Tablighi Jamaat. None of these associations is illegal in Ukraine. In our view, Russia, as the occupying nation, is in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, under which an occupying power has no right to repeal, or to substitute with its own, criminal legislation in force at the moment of occupation. Meanwhile, Crimea tops the list of all the regions under the control of Russian authorities when it comes to the numbers jailed for involvement in Hizb ut-Tahrir. We are convinced that, in Crimea, accusations linked to Hizb ut-Tahrir, which has been banned and declared a terrorist organisation in Russia, are used to suppress the civic activity and solidarity of the Crimean Tatar people. Prosecutions related to exercising the right to freedom of religion are described in more detail in [chapter 3.9. Prosecutions related to exercising the right to freedom of religion and religious affiliation](#).

From the moment of its annexation, Crimea has also seen an expansion in political repression, unrelated to religion.

The Russian army's full-scale invasion of Ukraine in February 2022 gave new impetus to 'Ukrainian' repression in Russia and Crimea. According to numerous witness statements, including tragic testimonies from territories liberated from Russian occupation, human rights violations in the new, temporarily occupied and annexed territories of Ukraine, outside Crimea, are dismayingly large-scale and cruel. Researching and describing these crimes is an exceptionally important task. It extends beyond the remit of this review which is devoted primarily to acts of repression given legal form and carried out within the Russian legal system, whereas in the newly occupied and annexed territories, the overwhelming majority of acts of repression are carried out in forms that are not camouflaged by any legal proceedings.

This chapter deals solely with cases brought against citizens of Ukraine, residents of Crimea and also Russians, accused of belonging to Right Sector in Russia and in occupied Crimea. Un-



doubtedly, our material is in no way exhaustive nor does it claim to be so. Nevertheless, this overview gives an impression of the scale of repression.

### **Right Sector**

On 17 November 2014, the Russian Federation Supreme Court [ruled](#), in a suit brought by the Prosecutor General's Office of the Russian Federation, that a number of Ukrainian organisations, including Right Sector, were extremist and banned their operation on the territory of the Russian Federation. It is doubtful whether the grounds existed to ban Right Sector. The Russian Supreme Court's reasoning in respect of the said organisation does not hold water and is, at the very least, based on unverified facts.

Firstly, the Sentsov case is cited to justify the need to ban Right Sector: '...in May 2014, the FSB uncovered two terrorist acts and intercepted preparations for a third in the town of Simferopol, carried out by supporters of Right Sector who had joined forces in a terrorist association.' We studied the Sentsov case in detail and saw no connection between those convicted and Right Sector. Essentially, the case is famous for the great number of fabrications and the inappropriate qualification of acts of hooliganism as terrorist acts. Moreover, on 17 November 2014, not a single verdict was handed down in the case and the facts mentioned in the ruling to ban Right Sector were not established by the court.

'The torching of the Simferopol office of the local city branch of the All-Russian Political Party United Russia on 18 April 2014 prevented its legitimate operation,' the ruling says. The Sentsov case trial, however, showed that the Simferopol branch of United Russia was only founded on 24 April 2014.

Secondly, the ruling talks about bringing a criminal case against the leader of Right Sector, Dmitry Yarosh, under **Articles 205.2** ('Advocating terrorism or the public justification of terrorism' and **280** ('Advocating extremist activity') of the Russian Criminal Code in connection with the posting on Right Sector's VKontakte page on 1 March 2014 of the text of an 'Appeal from Right Sector leader Dmitry Yarosh to Doku Umarov'. The organisation's press service stated that the account of one of the association's administrators had been hacked and neither Yarosh nor Right Sector as an organisation had issued such an appeal. The 'Appeal' was not posted on the organisation's website nor its other social networks and was taken down from VKontakte.

Thirdly, the ruling indicates that 'the website [pravyysektor.info](http://pravyysektor.info) carries the manifesto of the Right Sector political party. 'The Realisation of the Ukrainian National Idea in State Development,' according to which one of the political principles is the policy toward the 'Crimean Tatars,' 'whose existence outside Ukraine is impossible.' It also indicates that 'any attempts to ignore or defer the Crimean Tatar issue or to resolve it in contradiction with Ukraine's national interests will inevitably lead to fresh problems for Ukrainians, Crimean Tatars and representatives of other ethnic groups, above all those that are resident in Crimea,' but does not explain why the discussion of the nationality issue within Ukraine (that everything suggests was current until the annexation of Crimea) should be banned.

The fight against Right Sector is a variation of the 'witch-hunt' theme and is an integral part of the Russian authorities' propaganda campaign against Ukraine. Dozens of people have been prosecuted in Russia for allegedly belonging to Right Sector.

## 3.1.1. Criminal Prosecutions

Despite substantial growth in the number of politically motivated prosecutions of Ukrainians since 24 February, ‘Ukrainian’ cases were an outrageous norm even beforehand. One example is the [case](#) against [Igor Chugainov](#) from Stavropol region. He was remanded in custody on 13 April 2021. That same day, his home was searched and security officers allegedly discovered an explosive substance in his shed. According to the investigation’s version of events, Chugainov had sworn an oath to Right Sector and sent the relevant audio recording to the organisation’s leader via a third party. He had also allegedly persuaded three people to join Right Sector and planned to commit a terrorist act – blowing up a container of chlorine at an enterprise in Stavropol region. The Southern District Military Court in Rostov-on-Don found Chugainov guilty of organising the activity of an extremist organisation (**Article 282.2, Part 2, RCC**), illegally possessing an explosive substance (**Article 222.1, Part 1, RCC**) and preparing to commit an act of terrorism (**Article 205, Part 1, in conjunction with Article 30, Part 1, RCC**). On 14 July 2022, Chugainov was sentenced to eight years in a general regime penal colony.

Nonetheless, the number of prosecutions went up after the Russian army’s invasion of Ukraine. Most criminal prosecutions are of the same kind – people are accused of belonging to Right Sector which has been recognised as an extremist organisation in Russia.

In Adygea and in Stavropol region, the investigation took the easy route and brought a case against prisoners already serving sentences for alleged membership of Right Sector (**Article 282.2, Part 2, RCC**). In Adygea, a case was [brought](#) against a 27-year-old convict from Crimea who had allegedly been recruiting other prisoners for Right Sector. In Stavropol region, [Evgeniya Kiselyova](#) was [sentenced](#) to nine years and [Kuzma Stavratsiya](#) to seven and a half years.

In March, again in Stavropol region, a criminal case [was brought](#) against [Vadim Kartashov](#) and [Oleg Kharaim](#) for taking part in the activities of an extremist organisation (**Article 282.2, Part 2, RCC**). They were accused of belonging to Right Sector ‘*in order to aggravate the social and political situation and destabilise the country’s constitutional system.*’ In July, Kharaim was given a three-year term of imprisonment.

Law-enforcement agencies managed to find an alleged member of Right Sector even in Moscow. Their choice [fell](#) on [Mikhail Kavun](#), a 61-year-old geologist, a descendent of Ukrainian Jews who, before the start of the war, had often travelled around Ukraine on his motorbike. During one of his trips, he was photographed wearing a T-shirt bearing the ironic inscription ‘Zhidobanderite’ [*Banderite Yid*]. This, together with the Glory to Ukraine slogan on his motorbike, gave the FSB reason to suppose that Kavun holds nationalist views and is a member of the Ukrainian nationalist movement. On 18 April, a criminal case was brought against Kavun for funding an extremist organisation (**Article 282.3, Part 1, RCC**). He faces up to eight years’ imprisonment. The investigation, based on the testimonies of certain secret witnesses, claims that Kavun provided a variety of assistance to Right Sector leaders. Specifically, in 2015–2019, he allegedly transferred ‘*at least 20,000 hryvnias to I. N. Pirozhok, political leader of the Ukrainian Right Sector organisation and at least 70,000 roubles to other members of the Right Sector organisation to fund its activities.*’ Kavun has pleaded not guilty. He says that, during his travels around Ukraine, he met biker friends but never had any dealings whatsoever with Right Sector and did not know any of its members. He donated money to the Saint Serafim Medical Centre in Lviv and the Roads of Kindness chari-

table foundation in Kyiv. The 'Political Prisoners. Memorial' Project has recognised Mikhail Kavun as [a political prisoner](#).

In August, Cherkessk City Court [arrested](#) a local resident, again for belonging to Right Sector. The man, whose name is unknown, stands accused of preparing to commit acts of terrorism at the prosecutor's office and the military recruitment office (**Article 205, Part 2 (a), RCC**, in conjunction with **Article 30, Part 1, RCC**) and of involvement in an extremist organisation (**Article 282.2, Part 2, RCC**). The FSB stated that a search had revealed a cache of home-made explosive devices and plans of approaches to the premises of the prosecutor's office and military recruitment office.

On 26 October, the Leninsky district court in Rostov-on-Don [sentenced](#) another citizen of Ukraine, [Vladimir Kulbatsky](#), to seven years and 11 months in a strict regime penal colony for membership of Right Sector. Kulbatsky was found guilty of participation in the activities of an illegal armed group (**Article 208, Part 2, RCC**) and an extremist organisation (**Article 282.2, Part 2, RCC**). He was arrested in March and a search of his home was conducted. Its findings led security officers to state that items had been discovered that pointed to *'his participation in military actions as part of an illegal armed group.'* The court found that he had joined the Ukrainian nationalist association, Right Sector, by at least 23 March 2014 and had subsequently taken part in military actions against the People's Militia of the DNR. The court also believed that Kulbatsky promoted Right Sector activity on the internet.

There were also prosecutions that had nothing to do with Right Sector.

At the end of February and beginning of March, Ukrainian sailor [Vadim Ignashov](#) was [detained](#) on a Portuguese vessel in the port of Vladivostok. It later emerged that Ignashov had been remanded in custody on charges of advocating extremism (**Article 280, Part 2, RCC**). Furthermore, he even pleaded guilty, probably under pressure. The sailor's subsequent fate is unknown. He is presumed to be still in custody in Vladivostok.

On 28 June in Moscow region, the Krasnogorsk City Court [sentenced](#) 25-year-old singer [Igor Levchenko](#) to three years in a general regime penal colony. Originally from Ukraine, he had been remanded in custody on 18 March. He was found guilty of inciting hatred or enmity with the threat of violence (**Article 282, Part 2 (a) RCC**) for an Instagram post. Levchenko was detained at his home in Krasnogorsk. He confessed during questioning. After he was taken into custody, a video of him apologising for the post appeared.

On 17 November, [Egor Kazanets](#), a Ukrainian citizen, was [sentenced](#) to be fined 30,000 roubles. He was charged with vandalism motivated by ethnic hatred or enmity (**Article 214, Part 2, RCC**). On 10 May, he wrote 'Glory to Ukraine!' on the front of a building in St. Petersburg. From May until he was sentenced, Kazanets was held on remand. The 'Political Prisoners. Memorial' Project has recognised Egor Kazanets as [a political prisoner](#).

On 7 December, in Yuzhno-Sakhalinsk, a criminal case [was brought](#) against Ukrainian citizen [Aleksandr Vdovichenko](#), who was already on remand for attempted murder. Vdovichenko, who has lived in Russia since 2013, was charged with repeatedly discrediting the army (**Article 280.3, Part 1, RCC**). Vdovichenko had condemned the war in Ukraine in a conversation with friends. They wrote a report to the authorities, saying that he *'condemned the Russian Federation's aggression against Ukraine and expressed support for the Azov military battalion.'* On 29 June, Vdovichenko was fined 30,000 roubles under the administrative article on discred-

iting the Russian Army (**Article 20.3.3 RCAO**) for condemning the war in comments on the Sakh.com news agency website.

Pressure continues on [Aleksandr Marchenko](#), a Ukrainian recognised as [a political prisoner](#) by the 'Political Prisoners. Memorial' Project. The likely reason is his Ukrainian citizenship and pro-Ukrainian views. At the start of 2022, Marchenko, sentenced in 2020 to 10 years in a strict regime penal colony for espionage, was in a punitive isolation unit. The pressure upon him, however, became particularly intense after Russia's full-scale invasion of Ukraine. From spring to summer, Marchenko was placed in a punitive isolation unit four times on trumped-up charges, such as, for example, wearing a T-shirt rather than overalls on the way to the shower. Marchenko was placed in a cell-type prison for six months, with harsher conditions, similar to those of a punitive isolation unit. He was not allowed to phone his wife, letters were not delivered to him and the contents of his parcels were interfered with.

These are just some of the criminal cases making it possible to form a picture of the type of prosecutions, but not of their scale. Moreover, many cases are unknown to us since the geography of prosecutions is expanding and the accused are often not well-known individuals and rarely have recourse to human rights advocates and journalists.

## 3.1.2. Prosecutions under administrative law and other pressure on Ukrainians

Since 24 February, the existence of Ukrainian citizenship has often been grounds not only for criminal prosecution but also for pressure, unfounded suspicions and violations of various rights.

For example, in Tatarstan on 20 September, Ukrainian citizen [Ildus Fatykhov](#), was [fined](#) 30,000 roubles for discrediting the army (**Article 20.3.3, Part 1, RCAO**). In Dagestan in October, Derbentsky district court [fined](#) Ukrainian citizen [Gadzhikerim Gamzaev](#) 10,000 roubles for an allegedly offensive comment on a video showing a police officer heavy handedly detaining a participant in a protest against mobilisation.

There have been instances where Ukrainian citizenship was virtually the sole reason for prosecution.

In St. Petersburg on 25 March, police officers with machine-guns [detained](#) teacher [Gennady Tychina](#) in a technology class on school premises. He was held at the police station for 48 hours for allegedly swearing in the street. In Tychina's own opinion, the real reason for his detention was that he told a security guard he was proud of his Ukrainian origins. After this incident, Tychina was dismissed without explanation. In August, a court ruled that the school must give Tychina his job back.

In Kazan in April, Ukrainian-born [Lyaisan Nurutdinova](#) was [met](#) by two FSB agents in the personnel department of the heat and power plant at which she was attempting to find work. They confiscated her smartphone and, she claims, took her for questioning, during which they told her that persons with Ukrainian citizenship could no longer work at critical infrastructure facilities and, moreover, advised her against further work for the Yabloko political party.

In Moscow in May an [ambulance crew](#) assisted a patient then reported to the police that he was ‘*a big strong lad from Ukraine.*’ The police turned up with pistols and flak jackets, demanding that the man came out onto the landing with his hands up. There they pressed him up against a wall and searched him before going on to search his apartment without witnesses. The Ukrainian himself was taken to the police station. An agent questioned him there heavy-handedly and with threats for several hours. After that, the man was photographed, finger-printed and released.

Refugees have also been prosecuted. We know of at least two such cases. [Aleksandr Shmaliuk](#), a deaf and dumb refugee from Ukraine, was [fined](#) 30,000 roubles in Tambov for ‘discrediting’ the Russian armed forces ([Article 20.3.3, Part 1, RCAO](#)) for a picture on the Viber messenger app. In Tula region, a refugee from Mariupol, [Tatyana Skomarida](#), was fined the same [amount](#), also for ‘discreditation.’ She had said that Russian troops were killing Ukrainian civilians.

The media and human rights activists have also [reported](#) many instances of interrogations and pressure on Ukrainian citizens who were deported or who fled to Russia.

Ukrainians who have found themselves in detention centres for foreign citizens have experienced serious rights violations. They include Ukrainians awaiting deportation from Russia. The war has made this impossible, however, and many people have found their freedom effectively curtailed indefinitely. For example, the Detention Centre for Foreign Citizens of the Main Directorate of the Russian Internal Affairs Ministry for Moscow in the village of Sakharovo held at least 113 Ukrainians at the beginning of June. Some of these were subjected to strict monitoring. FSB staffers held conversations with them. By August, the intervention of human rights activists had succeeded in freeing a large number of Ukrainians but at least 21 people are still being indefinitely and illegally detained at the centre. There is reason to suppose that citizens of Ukraine may also be subject to indefinite detention at other centres of this kind. This is what happened to Ukrainian citizen [Artem Kryazh](#) who [has been held](#) for at least five months at the Detention Centre for Foreign Citizens in the town of Korolev, Moscow region, since the Internal Affairs Ministry deemed his presence on Russian territory undesirable and denied him entry for 50 years. And this when Kryazh is married to a Russian citizen with whom he has a young son.

## 3.1.2. Crimea

### *Criminal prosecutions*

Repression has not ceased in Crimea from the moment the peninsula was annexed in 2014. Some of the prosecutions that were concluded in 2022 had dragged on from previous years. The two most prominent cases of this kind are the prosecution of journalist [Vladislav Esipenko](#) and a case of sabotage of a gas pipeline.

A journalist for the online publication Krym. Realii [‘*Crimea. Realities*’] (a Radio Liberty project), Vladislav Esipenko, was [detained](#) by Russian security agents and taken to an undisclosed location on 10 March 2021. On 16 March, the FSB reported that Esipenko had engaged in ‘*espionage and sabotage activities in the interests of the Ukrainian special services*’ taking photos

and making videos in Crimea while an explosive device had been found in his car. Independent lawyer Aleksei Ladin was only able to meet Esipenko on 6 April in court at his appeal hearing against being held in custody. Ladin was not given access to the remand prison on the grounds that the defendant had declined his services in writing. In court, Esipenko said that FSB agents had planted a hand grenade in his car and then taken him to a basement where he was subjected to electric shock torture all night long. Wires were attached to his ears and he was beaten until he provided the necessary evidence and then an interview for the pro-Russian Krym 24 TV channel. The journalist was accused of illegal manufacture of an explosive device (**Article 223.1, Part 1, RCC**) and a charge of possessing the device was subsequently added (**Article 222.1, Part 1, RCC**). The defence says that the accused's fingerprints are not on the grenade. Since July, Esipenko's case has been heard by Simferopolsky district court and in February 2022, Judge Dlyaver Berberov sentenced Esipenko to six years in a general-regime penal colony and a fine of 110,000 roubles. Esipenko was found guilty of on illegal acts with a weapon (**Article 222 RCC**) and manufacture of an explosive device (**Article 223.1 RCC**). In August, the Supreme Court of Crimea [reduced](#) the term by one year.

On 23 August 2021, the press service of the Internal Affairs Ministry for the Republic of Crimea [announced](#) that damage had been caused by unknown persons to a gas pipeline near the village of Perevalnoye. A criminal investigation was opened concerning the deliberate damage to property by dangerous means (**Article 167, Part 2, RCC**). On 3 and 4 September security officials [conducted](#) five searches at the homes of Crimean Tatars as part of the case. Three, former deputy chair of the Crimean Tatar Mejlis [Nariman Dzhelyal](#) and second cousins [Aziz](#) and [Asan Akhtemov](#), were taken into custody. The Akhtemovs were accused of sabotage (**Article 281, Part 1, RCC**) and Dzhelyal was accused of complicity in sabotage (**Article 281, Part 1, RCC**, in conjunction with **Article 33, Part 5, RCC**). Since 10 September, Dzhelyal has also been charged with sabotage. Dzhelyal [reported](#) that, after being taken into custody, he was held in a cellar with a sack over his head, handcuffed and subjected to psychological pressure. He believes his arrest is in revenge for having taken part in the Crimea Platform international summit, held in Kyiv at the end of August. On 10 September, Aziz Akhtemov told his lawyer Aider Azamatov that he and his cousin had been beaten by security agents, taken into a forest, threatened with being shot and tortured with electric shocks. Subsequently, harsher accusations were levelled at those involved in the case. They all began to be accused of group sabotage (**Article 281, Part 2 (a) and (b), RCC**), the unlawful acquisition and possession of explosive substances in an organised group (**Article 222.1, Part 4, RCC**) and smuggling an explosive device as an organised group (**Article 226.1, Part 2, RCC**). At the end of March 2022, the Supreme Court of Crimea [declined](#) to let Dzhelyal leave the remand prison for his father's funeral. On 21 September, the court [sentenced](#) Nariman Dzhelyal to 17 years in a strict-regime penal colony and a fine of 700,000 roubles, Asan and Aziz Akhtemov were sentenced to 15 and 13 years in a strict-regime penal colony respectively and they were each fined 500,000 roubles.

In May the Southern Military district court in Rostov-on-Don [began](#) proceedings in the case of Uzbek citizen [Nabi Rakhimov](#), killed by FSB operatives in Crimea. His death occurred during searches of the homes of Crimean Tatars on 11 May 2021. To date, the authorities have declined to hand over his body. In this way, the investigation may be attempting to conceal evidence of a crime and the circumstances of Rakhimov's murder. Several days after he died, the court ruled that his widow, [Sokhiby Burkhanova](#), should be deported. She was placed in a detention centre for foreign citizens in Krasnodar region. Despite the fact that the European Court of Hu-

man Rights had banned Burkhanova's deportation, the Supreme Court of Crimea left the deportation ruling in force. As of 21 December, Burkhanova was still in the detention centre for foreign citizens. After the death of their father and the incarceration of their mother, their children's fate is unknown. Despite all these circumstances, the investigation accuses Rakhimov of committing serious crimes such as attempting to kill a police officer (**Article 317 RCC**), preparing acts of terrorism (**Article 205, Part 1, RCC**, in conjunction with **Article 30, Part 1, RCC**), participation in the activities of a terrorist organisation (**Article 205.5, Part 2, RCC**), abetting terrorist activity (**Article 205.1, Part 1.1, RCC**), and unlawful possession of a weapon (**Article 222, Part 1, RCC**) and of explosive substances and explosive devices (**Article 222.1, Part 1, RCC**). If during the court review, Rakhimov is found guilty of a terrorist offence, his body will remain in the state's possession and will not be handed over to his relatives.

Nurse and activist [Iryna Danylovykh](#) was [detained](#) in Crimea on 29 April on her way home from work. Her whereabouts remained unknown until 11 May. On the day she was detained, the house where she lived with her parents was searched. Security officers refused to give her father a search warrant and said that his daughter had been given a 10-day jail sentence under administrative law for 'passing on unclassified information.' As Danylovykh subsequently reported, before being remanded in custody in Simferopol, she was held for more than a week in the cellar of the FSB building as if it were a torture chamber while demands were made for her to sign a confession. She says that on 5 July, as she was being taken under escort to Simferopol's Kyivsky district court, FSB operatives caused her bodily harm. On 28 December, the Feodosia City Court sentenced Danylovykh to seven years in prison for possession of an explosive device (**Article 222.1, Part 1, RCC**). According to the FSB account, she had made an explosive device from explosive materials and projectiles (medical needles) and kept it in the lining of a glasses case. She was additionally fined 50,000 roubles. During the court hearing, the defence highlighted numerous contradictions in the witness statements, inadmissible evidence, the lack of material evidence and false testimony by one of the 'witnesses' who turned out to be an officer of the Crimean police. Danylovykh and her defence claim that the explosive device was planted on her – when she arrived at the FSB building, security operatives examined her bag and found nothing in it. Then, according to Danylovykh, her bag was taken away and subsequently found to contain explosive substances. The activist also recounted that on 21 July, when the investigative procedure was already over, one of the FSB escorts aggressively declared that he regretted operatives had only placed a small amount of explosive in her bag. Iryna Danylovich is a nurse at one of the holiday facilities in Koktebel. She defended the interests of Crimea's medical staff and wrote a great deal about violations of their rights, for example, underpayment for work with Covid patients. On 3 July, the Ministry of Justice placed Danylovykh on the registry of 'foreign agents.' Pressure was also brought to bear on her in the remand prison: staff carried out an 'unscheduled search' of her cell and took away a notebook of personal writing, citing internal regulations, and then moved her to an unheated cell where she acquired an ear infection, almost lost her hearing and suffered from severe headaches. She was given no medical assistance during that time.

In June, Sudak City Court [sentenced](#) pensioner [Valeriya Goldenberg](#) to two years in a low-security penal colony for desecrating the grave of a Russian soldier (the case is set out in greater detail [above](#)).

On 26 October, Crimea's Sovetsky district court [sentenced](#) 25-year-old [Aziz Faizullaev](#) to three years in a general regime penal colony for deliberate destruction of someone else's property

by means of arson (**Article 167, Part 2 RCC**). He was found guilty of setting fire to the premises of the Pushkinskoye rural settlement's administration. He was also ordered to pay financial damages of 700,000 roubles. The court found that on 4 July Faizullaev, who was drunk, smashed the windows of the administration's premises and threw two Molotov cocktails into the building. The fire damaged the meeting room allocated to local councillors, its furniture and equipment. The verdict notes that the arson Faizullaev committed the arson because he did not agree with the war in Ukraine where he has friends and relatives. Moreover, the verdict claims, he had watched Telegram channel footage of Ukrainian homes on fire as a result of the special operation, as well as interviews with opponents of the war. Faizullaev was detained in June after a search and remanded in custody until the verdict was delivered. After his arrest, pro-Russian Telegram channels ran a video of his 'sincere confessions.'

On 14 September, the magistrate for Area № 89 of Feodosia district [sentenced Dmitry Stepanchenko](#) to one year and 21 days of restricted liberty for vandalism motivated by political hatred (**Article 214, Part 2, RCC**). The case was brought for graffiti 'insulting' Russian troops. In March, Stepanchenko was fined 30,000 roubles for discrediting the Russian army (**Article 20.3.3 RCAO**).

In Kerch in October a criminal case for extremism was [opened](#) for wishing Russian soldiers dead. [Olga Saenko](#) is suspected of advocating extremism on the internet (**Article 280, Part 2, RCC**). The investigation believes that Saenko, in an unnamed Telegram chatroom, disseminated 'calls for acts of violence to be carried out against a group of persons singled out on the grounds of their nationality (Russians).' Allegedly, after the Crimean Bridge was blown up, Saenko actively expressed approval of Ukraine's action and expressed the wish that Russian troops taking part in the 'special operation' would die. She is known to have been detained after she was reported by pro-Russian blogger Aleksandr Talipov who later posted her apologies on his video channel.

In Crimea on 21 October, [Aleksandr Tarapon](#) was [sentenced](#) to two and a half years in a strict regime penal colony. He was convicted of 'fake news' about the Russian army by an Alushta judge (**Article 207.3, Part 1, RCC**) for sticking a flyer on a relative's gate bearing the relative's photograph and the words 'war criminal.' Tarapon does not believe he is guilty and claims that the investigator interpreted a family dispute as a piece of fake news about the military. The 'Political Prisoners. Memorial' Project has recognised Aleksandr Tarapon as [a political prisoner](#).

[The story](#) of Kerch resident [Ilya Gantsevsky](#) may be quoted as an example of a successful escape from repression. In April, he was detained for expressing anti-war views on social media and subjected to torture, after which drugs were planted in his clothing and then in his apartment in order to jail him on administrative charges. In the temporary holding facility where he served his sentence, law enforcement officers forced him to record a video in which he apologised and confessed to supporting 'Ukrainian nationalists.' At the end of two weeks in jail, he left the facility and was once again detained by FSB operatives. During an 'informal chat', they reported that Ilya was also to be prosecuted under 'a drugs crime article' but would get off with a fine if he kept his mouth shut. It later became known that, without him being involved or even informed, the court had fined Gantsevsky 30,000 roubles for 'discrediting the army' (**Article 20.3.3 RCAO**). A short time later, despite their promises, security officials brought a criminal charge of 'discrediting the army' against him (**Article 280.3 RCC**). On 17 August, the court opted to impose house arrest without the right to leave home as a pre-trial condition. Gantsevsky managed to escape, however. The 'Political Prisoners. Memorial' Project has recognised Ilya Gantsevsky as [a political prisoner](#).



## The Noman Chelebidzhikhan Battalion

A separate block of prosecutions consists of acts of repression for alleged membership of the Noman Chlebidzhikhan Battalion.

### **The Noman Chelebidzhikhan Battalion**

*Lenur Islyamov, vice-president of the World Congress of Crimean Tatars, instigated the creation of the battalion in 2015. The main goal of its activities was the de-occupation of Crimea. The battalion is named in honour of Noman Chlebidzhikhan, first chair of the government of the Crimean People's Republic that existed after the February Revolution. The battalion was expected to be made up primarily of Crimeans. At the same time, it was not officially registered. The Russian authorities regard the battalion as an illegal armed group and on 1 June 2022 the Russian Supreme Court recognised it as a terrorist organisation and banned it in Russia. Criminal prosecutions of Ukrainians, most frequently Crimean Tatars, for alleged participation in the battalion's activities took place even before the battalion was recognised as a terrorist organisation.*

Dozens of people are currently being prosecuted in connection with the battalion. Here individual cases that give a general impression of the mechanics and nature of these prosecutions are described.

On 8 April, Kyivsky district court in Simferopol [sentenced Izet Gdanov](#) in absentia to eight years in a penal colony. Gdanov, formerly the [Ukrainian] president's first deputy permanent representative to the Autonomous Republic of Crimea, was charged under **Article 208, Part 2, RCC**: 'Participation in an armed group not envisaged in federal law, as well as participation on the territory of a foreign state in an armed group not recognised by the legislation of that state with objectives running counter to Russia's interests.'

On 4 August, Crimea's Belogorsky district court [sentenced](#) Crimean Tartar [Rustem Osmanov](#) to six years in prison under **Article 208, Part 2, RCC**. Osmanov has said that he was unlawfully detained on 15 April at his place of residence in Kalanchak, Kherson region. Twelve Russian servicemen armed with rifles burst into his home. They beat Osmanov, handcuffed him, placed a bag over his head and then took him off towards the border with Crimea. There he was placed in a trailer where he was forced to sign a confession after threats were made to kill him and his family. After this, still wearing the handcuffs and the bag, he was taken to the FSB building in Simferopol where he was tortured with electric shocks, beaten and subjected to ongoing threats against his family. According to Osmanov, he was forced to incriminate himself and sign confessions which he subsequently repeated in court. The 'Support for Political Prisoners. Memorial' Project has recognised Rustem Osmanov as a [political prisoner](#).

On 2 September, Simferopol's Kyivsky district court [sentenced](#) Ukrainian citizen [Ruslan Abdurakhmanov](#) to five years' imprisonment under **Article 208, Part 2, RCC**. The FSB reported that Abdurakhmanov was detained in an alleged attempt to cross the border. Abdurakhmanov himself said that on 18 April armed men in balaclavas and camouflage with sewn-on flags of the DNR and Russia burst into his home in the Russian-occupied village of Azovskoye, Genichesky district. With a bag over his head, he was taken to Vocational and Technical School № 17 in Genichesk. There he was subjected to electric shock torture and beaten up. Once he had signed some papers, he was taken to the FSB building in Simferopol. Then he was placed

in torturous conditions in a remand prison, effectively denied food and water. Pressure was put upon him and as a result he incriminated himself. The ‘Political Prisoners. Memorial’ Project has recognised Ruslan Aburakhmanov as a [political prisoner](#).

On 17 October, Simferopol’s Kyivsky district court [sentenced](#) Crimean Tatar [Artur Memetshaiev](#) to six and a half years in a strict regime penal colony. He was detained in April. The FSB accused Memetshaiev of carrying out checks of vehicles and persons in border territories as a member of the Chelebidzhikhan Battalion. The court deemed this to be participation in an illegal armed group (**Article 208, Part 2, RCC**).

Crimean Tatar [Rustem Gugurik](#) was also [sentenced](#) in October. It was once again the Kyivsky district court that sentenced him to eight and a half years in a strict-regime penal colony, again under **Article 208, Part 2, RCC**. In the prosecution’s opinion, Gugurik had been part of the battalion from November 2014 to 29 March 2022 until the moment he was detained by FSB operatives. Three anonymous witnesses gave evidence against him in court. They said that Gugurik regularly visited the battalion’s territory in Novooleksiyivka and also collected funds to purchase foodstuffs and other items. Their statements were confirmed by witnesses from among the FSB operatives. Gugurik states that he looked after his children, cared for his elderly mother and worked as a taxi driver, specifically taking passengers to Crimea. In March 2016, he was forbidden, without explanation, to enter the peninsula for a period of five years. In 2022, when the ban expired, Gugurik decided to visit relatives in Crimea but was detained on the Russian border. The ‘Political Prisoners. Memorial’ Project has recognised Rustem Gugurik as a [political prisoner](#).

On 11 November 2022, [Aidar Umerov](#) was [sentenced](#) to six years in a strict regime penal colony under that same article (**Article 208, Part 2, RCC**). Simferopol’s Kyivsky district court found that Umerov, a Crimean Tatar, had served in the battalion’s armed guard and had also handled material and foodstuff supplies.

On 12 December [Konstantin Tereshchenko](#) was sentenced to four years and three months in a strict regime penal colony by Dzhankoysky district court under **Article 208, Part 2, RCC**. The prosecution claims that from 2016 onwards he *‘performed the duties of checking individuals and vehicles at checkpoints on the state border between Ukraine and the Russian Federation Republic of Crimea and guarded the facilities of an illegal armed group.’*

Still in court are two further significant cases of participation in the Chelebidzhikhan Battalion, those of [Mamet Dolhopolov](#) and [Oleksii Kyselyov](#).

[The prosecution](#) names Dolhopolov as *‘a personal bodyguard’* of the battalion’s founder, Lenur Islyamov, and accuses him of taking part *‘in the food blockade of Crimea and other actions in border areas.’* As in all such instances, the case has been brought under **Article 208, Part 2, RCC**. Dolhopolov faces a possible 15 years in prison.

Oleksii Kyselyov is the former captain of the Ukrainian naval vessel Slavutych. After the annexation of Crimea, he moved to Henichesk, Kherson region, which is currently under Russian occupation. In July 2022, he was [detained](#) by Russian law-enforcement officers and taken to Simferopol. According to the Russian security services, since 2016, Kyselyov had been providing foodstuffs to other members of the battalion and getting them ready for the maritime blockade of the Crimean Peninsula. This maritime blockade is, to put it mildly, a dubious concept that has been described by one of the ‘witnesses’: crossing the Azov Sea on a fishing boat then

setting up barriers made from metal hawsers on rafts in the Strait of Kerch, which would become entangled in ships' propellers and thus blockade shipping. Kyselyov denies the accusations, talking of beatings and electric shock torture. He asserts that he knows nothing about the weapons, members or objectives of the Chelebidzhikhan Battalion. Lenur Islyamov also denies that Kyselyov has taken part in the battalion's activities.

All in all, at the end of 2022, there were no fewer than 14 known criminal cases connected to accusations of belonging to the Chelebidzhikhan Battalion.

## *Hizb ut-Tahrir al-Islami*

We shall not dwell at length here on prosecutions for allegedly belonging to the international religious and political party, Hizb ut-Tahrir al-Islami. This topic is the subject, for example, of [3.9.2 Prosecution in cases of belonging to Hizb ut-Tahrir](#). This section would be incomplete, however, if it was not mentioned at all in considering prosecutions of residents of Crimea.

It is important that an accusation of participation in the activities of a terrorist organisation (**Article 205.5 RCC**) effectively boils down to proving the connection of the accused to Hizb ut-Tahrir: that they possessed the literature of this religious party, discussed its ideas and have told other local Muslims about them. In this way, there is no need to even prove an intention to carry out a terrorist act or to take part in terrorist activity in some other way for someone to be convicted of a terrorist offence. It is sufficient for someone to be a Muslim for law enforcement officers to have the opportunity to accuse them of belonging to Hizb ut-Tahrir.

In a number of cases, an additional charge of preparing a violent seizure of power (**Article 278**, in conjunction with **Article 30, Part 1, RCC**) was arbitrarily added to the accusation under **Article 205.5 RCC**, essentially based on the same evidence as the main charge.

In sum, accusations of belonging to Hizb ut-Tahrir have become a key instrument in the acts of punitive repression against Crimean Tatars, which began soon after the annexation of Crimea. During this time, at least 99 people have been the victims of unlawful imprisonment because of such accusations. The list of political prisoners list of the 'Political Prisoners. Memorial' Project currently includes 85 residents of Crimea, jailed for alleged membership of this Muslim organisation.

At the same time, the repression of alleged members of Hizb ut-Tahrir in Crimea stands out not just in terms of the high numbers involved. A substantial proportion of those who have fallen between the millstones of the Russian security agencies in recent years are linked to Crimean activists in one way or another, primarily, to Crimean Solidarity, a human rights NGO that supports victims of repression. People who offered information support to the victims of repression, arranged deliveries to prisoners and help for their families and regularly visited political trials, have found themselves behind bars.

In most instances of prosecution for membership of Hizb ut-Tahrir, we do not know whether the person was connected to the organisation's activities in any way at all. Something else is obvious, however: this convenient and already familiar accusation has become an instrument for suppressing the social solidarity and civic activities of residents of Crimea and, above all, of the Crimean Tatars.

## *Administrative law prosecutions and other pressure*

There has been no let-up in various types of administrative pressure in Crimea either. At the beginning of the year, various articles of the Russian Code of Administrative Offences were used. However, in the main it was provisions that related to peaceful assembly that were applied.

On 19 January, [Aider Gemedzhi](#) and [Eskender Saliev](#) were found guilty of organising a mass gathering of citizens leading to a breach of public order (**Article 20.2.2, Part 1, RCAO**). They were fined 10,000 roubles.

On 18 February, charges were drawn up under the same article (**Article 20.2.2, Part 1, RCAO**) regarding 15 people detained near the court building during the trial of activist Edem Dudakov. The following day, the courts imposed jail sentences and fines under administrative law.

In March, Bakhchisaraysky district court fined [Edem Dudakov](#), an activist and delegate to the Congress (Qurultay) of the Crimean Tatars, for displaying Nazi symbols (**Article 20.3 RCAO**). The pretext was a caricature Dudakov had posted on Facebook. Prior to this, on 17 February, Dudakov's home had been searched, the electronic devices of all family members were confiscated and Dudakov himself was detained. No lawyers were permitted to attend the search. On 18 February, Dudakov was jailed for 10 days for inciting interethnic hatred (**Article 20.3.1 RCAO**) and for a Facebook post about 'jingoists' published back in 2017.

After the Russian army's invasion, the security services embarked on the mass use of new, unlawful legislation.

As early as March, the first Crimeans were prosecuted for discrediting the use of the armed forces (**Article 20.3.3, Part 1, RCAO**). On 7 March, the courts fined a Yalta resident 50,000 roubles, two residents of Simferopol 35,000 roubles and a resident of Feodosia 30,000 roubles. Also, a woman resident of Simferopol was fined 35,000 roubles on 11 March. As well as a bunch of flowers, she had placed a cardboard sign saying 'No to war' at the monument to Taras Shevchenko. On 15 March, Sevastopol's Leninsky district court fined [R. Aslyamov](#) 30,000 roubles for a one-person protest and poster. On 16 March another two people were fined 50,000 roubles each in Simferopol. On 1 April, activist [Sergei Akimov](#) was fined 35,000 roubles by Simferopol's Tsentralnyy district court for a poster with the word 'War' crossed out that he had stuck on his car.

On 24 March, the head of the Central Electoral Commission of the Qurultay of the Crimean Tatar People, [Zair Smedlya](#) was detained for 48 hours by the Krasnogvardeisky district court for displaying banned symbols (**Article 20.3, Part 1, RCAO**) and fined 40,000 roubles for discrediting the Russian armed forces (**Article 20.3.3, Part 1, RCAO**).

The prosecution of people with anti-war views continued throughout the year.

On 3 September, the Feodosia City Court fined [Anastasia Kotova](#) 30,000 roubles for discrediting Russian troops (**Article 20.3.3, Part 1, RCAO**) for a VKontakte post in which she called the war a war and attached work by photo-artist Volya.

On 15 September, Leninsky district court fined an unnamed man 30,000 roubles for discrediting the armed forces (**Article 20.3.3, Part 1, RCAO**) for publicly accusing a Russian serviceman at a food shop of murdering women and children in Ukraine.

On 14 October, Yalta City Court gave 67-year-old [Asie Chapukh](#) three fines at once totalling 61,000 roubles for posts on Facebook: 30,000 roubles for discrediting the army (**Article 20.3.3,**

**Part 1, RCAO**), 30,000 roubles for failure to respect the authorities (**Article 20.1, Part 3, RCAO**) and 1,000 roubles for a post displaying symbols of the Azov Battalion (**Article 20.3, Part 1, RCAO**).

Repression in Crimea was not confined to the new articles of the Russian Code of Administrative Offences, however. For example, the occupying authorities decided to [pull down](#) an auto-repair shop which refused to repair a military lorry marked with a letter Z.

There was also a series of cases linked to Ukrainian songs.

In August, Leninsky district court [fined Dmitry Gaina](#) 50,000 roubles for discrediting the army (**Article 20.3.3, Part 1, RCAO**) after he had been to the Krab karaoke bar in the settlement of Shchelkino and asked for the song Dikoye Polye by Ukrainian rapper YARMAK to be played. DJ [Oleg Radionov](#), who played the song, which was accompanied on screen by Azov Regiment symbols, was given a 10-day jail sentence for displaying extremist symbols (**Article 20.3, Part 1 RCAO**).

On 15 September, a court [sentenced](#) vocational schoolteacher [Andrei Belozеров](#) to 13 days behind bars. He had played the Ukrainian song Bayraktar in lessons. He was found guilty of displaying Nazi or extremist symbols (**Article 20.3 RCAO**) and of discrediting the Russian army (**Article 20.3.3 RCAO**). Belozеров had previously been dismissed from the vocational school after a complaint by students. On 28 October Belozеров was again [detained](#) and jailed for 14 days by Simferopol's Tsentralny district court, again for displaying Nazi symbols (**Article 20.3 RCAO**) on the grounds that he had posted the song Chervona Kalyna<sup>[1]</sup> (Red Viburnum) on the VKontakte social media site.

Kirovsky district court [fined Valentin Komassarenko](#) 45,000 roubles in December for discrediting the Russian army on the grounds that he had listened to the same song in his own car (**Article 20.3.3, Part 1, RCAO**).

Chervona Kalyna has been the reason behind at least two administrative law cases.

At the beginning of October, a finalist in the Mrs Crimea 2022 competition, [Olga Valeeva](#), and her friend, [Viktoria Amargalieva](#) were accused of discrediting the army (**Article 20.3.3, Part 1, RCAO**) and of displaying Nazi symbols (**Article 20.3 RCAO**). They were forced to apologise on camera for posting stories on Instagram in which the song was performed. The court fined Valeeva 40,000 roubles and sentenced Amargalieva to 10 days behind bars.

One month earlier, the song had been heard at a wedding. The court [imposed](#) detentions and fines on six of those taking part. The court found that the song Chervona Kalyna 'is an attribute (a war song) used by the Organisation of Ukrainian Nationalists (OUN), the activities of which have been recognised as extremist and banned on the territory of the Russian Federation.' The court deemed that the words 'free brother Ukrainians from Moscow's shackles' discredited the Russian army.

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1 'Red Viburnum.' This Ukrainian song is an original composition that became a folk song. It was popular during World War I among Ukrainian riflemen from the Zaporizhzhian Cossacks fighting on the side of Austria-Hungary. Since 2022 the song has become a symbol of support for Ukraine after it was sung by Andriy Khlyvnyuk, the leader of the group Boombox, at the beginning of Russia's full-scale war against Ukraine. Russian law enforcement agencies and courts have periodically regarded 'Chervona Kalina' not only as discrediting the Russian army, but also as a 'demonstration of Nazi paraphernalia' (**Article 20.3, Part 1, of the RCAO**) on the basis that it is a [battle song](#) of the Organization of Ukrainian Nationalists which is banned in Russia.

Many of those prosecuted for administrative or criminal offences have been forced to repent, apologise and express support for the Russian army on camera. For example, the Ministry of Internal Affairs for the Republic of Crimea [put up](#) a video showing the apologies of a resident of Evpatoria who had been fined 30,000 roubles for allegedly discrediting the Russian armed forces in comments made during a video chatroom conversation (**Article 20.3.3, Part 1, RCAO**).

## **Prosecutions of human rights activists, lawyers and journalists**

The prosecutions of human rights activists, lawyers and journalists that have been part of Crimea's reality since annexation deserve separate mention.

Journalist [Denis Tishin was arrested](#) in Dzhankoi on 27 February as he prepared material about the situation in Crimea in connection with the war against Ukraine. At the police station, he encountered police officers and FSB agents and someone from a private military company who did not introduce himself. Threats were made to rape Tishin with a bottle. Ultimately, he was released without a report being drawn up and without any explanation.

The home of a veteran of the Crimean Tatar movement, [Abdureshit Dzepparov](#), in Belogorsk was [searched](#) on 16 March. The same day, Belogorsky district court jailed him for 15 days for publishing Nazi or extremist symbols (**Article 20.3, Part 1 RCAO**) because of a video posted on Facebook in 2019, which compared a Soviet march to a Nazi one.

In May, four lawyers were prosecuted simultaneously on fabricated administrative charges.

On 26 May, Simferopol's Kyivsky district court [imposed](#) a fine of 75,000 roubles on [Edem Semedlyayev](#) for discrediting the Russian army (**Article 20.3.3, Part 2, RCAO**). Moreover, the charges were brought because of a publication on Facebook that was posted by someone else. Semedlyayev was merely tagged in it.

On 27 May, the court [sentenced Nazim Sheikhmambetov](#), who had defended Semedlyayev the previous day, to eight days in prison. Moreover, before the court met, lawyers [Aider Azamatov](#) and [Emine Avamileva](#), were [detained](#). They were meant to be defending Sheikhmambetov. The following day they were themselves sentenced to eight and five days in jail respectively. All three were found guilty of organising a gathering of citizens which led to a violation of public order (**Article 20.2.2, Part 1, RCAO**). The events of October 2021 served as a pretext. The lawyers had represented the interests of those arrested outside the Crimean Garrison Court on 25 October where a session of the Military Court of Appeal in Moscow region, at which the sentence in a Hizb ut-Tahrir case was being appealed, was being broadcast. As they left the police station at night, they gave an interview to journalists. It was this night-time conversation specifically that the authorities considered to be an administrative offence.

On 15 July, three Crimean lawyers were [disbarred](#). The decision was taken by the Bar Association of the Chechen Republic, of which they were members. [Lilya Hemedzhy](#), [Nazim Sheikhmambetov](#) and [Rustem Kyamilev](#) were disbarred on the demand of the Justice Ministry of the Chechen Republic, an extremely rare event since disbarment usually occurs because of a client's complaint. Moreover, none of the lawyers was informed in good time that the qualifications commission was sitting. They learnt of its decision only after the event. All three had, among other things, defended Crimean citizens accused of belonging to Hizb ut-Tahrir. They link their disbarment

to their work as lawyers in Crimea since they have come under pressure many times since 2014. These are only some of the acts of repression against Crimean citizens, for the most part Crimean Tatars, which are known to us.

## 3.2. Prosecutions of Aleksei Navalny and his supporters

Aleksei Navalny is a popular opposition politician, a lawyer, a driving force behind anti-corruption investigations and a blogger. He began to gain popularity in 2009–2010 when he published his own investigations into theft at VTB Bank and Transneft. He created the RosPil project, dedicated to combating abuses in state procurement, and went on to found the Anti-Corruption Foundation (ACF). In 2013 he ran in the elections for Moscow mayor and came second. Also that year, he was sentenced to five years in a penal colony in the Kirovles [Kirov Forestry] case (there are further examples of prosecutions against Navalny [on the website of the 'Political Prisoners. Memorial' Project](#)). After Navalny was taken into custody, many thousands attended a protest rally in Moscow. The next day Navalny was released pending an appeal. His actual sentence was subsequently replaced by a suspended sentence.

On 30 December 2014, brothers Aleksei and Oleg Navalny were found guilty in the Yves Rocher case. Aleksei was given a three-and-a-half-year suspended sentence and a probation period of five years, while Oleg was jailed for three and a half years.

The European Court of Human Rights has recognised that the sentence was passed in violation of the right to a fair trial. Russia paid Navalny damages but the sentence was not repealed.

### **The Yves Rocher Case**

*The case was brought in December 2012 for fraud on a particularly large scale (**Article 159, Part 4, RCC**) and money laundering (**Article 174.1, Part 2, RCC**). The accused were brothers, Aleksei and Oleg Navalny.*

*Oleg Navalny, who worked for Russian Post [Pochta Rossii] at the time, was accused of persuading the Yves Rocher Vostok limited liability company, clients of Russian Post, to use his own private company, the Glavpodpiska limited liability company [Glavnoe Podpisnoe Agentsvo], to deliver goods from a warehouse in Yaroslavl to Moscow in 2008, since Russian Post's local branch could not handle the flow of goods. Over four and a half years, Yves Rocher Vostok paid Glavpodpiska around 55.2 million roubles. Glavpodpiska in turn commissioned transport services from a subcontractor, the AVTOSAGA limited liability company, and paid it around 31.6 million roubles. The investigation regarded the difference between the two sums not as legitimate business profits but as stolen money.*

*In 2013, another injured party appeared in the case – the Multipurpose Payment Processor limited liability company [Mnogoprofilnaya Protsessingovaya Kompaniya, MPK]. The investigation said that Glavpodpiska had 'stolen' 3.8 million roubles from MPK in the same manner.*

*Since Glavpodpiska's main founder was the Cypriot offshore company, Altorag Management Limited, which belonged to Aleksei Navalny, his involvement in the fraud was evident, as the investigator saw it.*

*Glavpodpiska transferred 21 million roubles of the 'stolen' money to the account of the Kobyakovskaya Basket-Weaving Factory limited liability company. Since the latter belongs to the Navalnys' parents, the investigation interpreted this as money laundering.*

*The court downgraded the charge, replacing the charge of fraud with the charge of fraud in the realm of commercial activity (**Article 159.4, Parts 2 and 3, RCC**). The Navalny brothers were found guilty on 30 December 2014.*

*In 2017, at the request of the Federal Penitentiary Service, the court extended Aleksei Navalny's period of probation for a year on the pretext that he faced administrative prosecution for attending a protest rally. The probation period would thus end on 30 December 2020.*

*The 'Political Prisoners. Memorial' Project believes the Navalnys were convicted for lawful business activity. Yves Rocher Vostok and MPK used their services of their own volition, the services were provided in accordance with contracts, the companies had raised no grievances in the course of several years and had extended the contracts since they found them beneficial to their business.*

Navalny was detained on administrative charges numerous times after arrests at protests. He tried, unsuccessfully, to register a political party. In 2017 he said he would run for the Russian presidency but the Central Electoral Commission refused to register him because of his criminal record in the Kirovles case.

Navalny survived an attempt on his life in 2020 when he was poisoned with a nerve agent from the Novichok group. An [investigation](#) by the media ([The Insider](#), [Bellingcat](#), [CNN](#), [Der Spiegel](#)) and the ACF identified eight FSB operatives who were involved in the attempt to poison him.

In 2021, upon his return from treatment in Germany, Navalny was arrested, allegedly for violating the terms imposed under the suspended sentence in the Yves Rocher case, which had been due to end on 30 December 2020. Simonovsky district court in Moscow later ruled that Navalny should be given a real term in prison, rather than a suspended sentence. Taking into account the time he had spent under house arrest in 2014, the court ruled that he must spend two years and eight months in a general regime penal colony.

## 3.2.1. Prosecutions of Aleksei Navalny

### *Cases of fraud and contempt of court*

On 29 February 2020, the day after the Federal Penitentiary Service announced that Navalny had not complied with the terms for serving his suspended sentence, it emerged that a case was being brought against him under **Article 159, Part 4, of the Russian Criminal Code** (fraud on a particularly large scale). According to the Russian Investigative Committee, individuals had contributed more than 588 million roubles to the ACF, the Fifth Season of the Year Media Support Foundation, the Citizens' Rights Protection Foundation, the Citizens' Legal Sup-



port Foundation and the Headquarters Citizens' Rights Protection Foundation, while Navalny had allegedly spent 356 million of that amount 'on personal objectives': 'to acquire personal property, amass wealth and defray expenses (including holidays abroad).' No evidence of this version of events has ever been presented.

Navalny for his part published his tax declaration and [stated](#) that he received no money from the foundations he headed. In addition, the ACF, as a non-profit organisation, reported annually to the Justice Ministry and had assumed responsibility for publishing its spending [accounts](#) every year.

This case was combined with a subsequent prosecution brought under **Article 297, Parts 1 and 4, RCC** ('insulting the participants in a court session and the judge'). Navalny had allegedly insulted Judge Akimova and the participants in the court session in the case of defaming war veteran Artemenko.

### **The Case of Defamation of a War Veteran**

*The plaintiff, 94-year-old war veteran Ignat Artemenko, was videoed campaigning with other people for the adoption of amendments to the Constitution that would reset Putin's term in office to zero [and thereby make it possible to extend Putin's term in office]. Navalny called the campaigners in the video 'corrupt stooges', 'the shame of the country' and 'traitors.' The case was brought in the middle of June 2020 under **Article 128.1, Part 2, of the Russian Criminal Code**.*

*Navalny's criminal activity, in the investigation's view, took the form of deliberately spreading slander. Allegedly aware that the information was false, Navalny slandered the people filmed in the video.*

*Navalny himself says that he was not slandering Artemenko but expressing his attitude towards all those taking part in the video. This was a value judgement as confirmed by two experts, one for the defence and one for the prosecution.*

*Moscow's Babushkinsky district court fined Navalny 850,000 roubles.*

Moscow's Lefortovsky district court began hearing both cases on 15 February 2022. The session, presided over by Judge Margarita Kotova, took place at Penal Colony No. 2 (Pokrov, Vladimir region) where Navalny was being held. On 22 March he was sentenced to nine years in a strict-regime penal colony and fined 1.2 million roubles under Article 159.4, Part 4 and **Article 297, Parts 1 and 4, RCC**. Moreover, publication of the sentence was [prohibited](#).

On 21 February, ex-ACF-employee [Fedor Gorozhanko said](#) that the investigator had put pressure upon him, demanding that he give 'the right' evidence or find himself in the dock. Shortly after the trial, the witness left Russia.

Navalny's colleague, Ivan Zhdanov, stated that he [had in his possession](#) a detailed breakdown of Judge Kotova's phone calls, which showed that from the first day of the trial she was in constant contact with Russian Presidential Administration employee Evgeny Vladimirov. The fact that shortly before sentence was passed a Putin decree appointed Kotova a judge of the Moscow City Court also speaks volumes.

Coverage of the trial was made substantially more difficult by the fact that the sessions of the court were taking place in a penal colony in Vladimir region. Initially, no members of the public and no journalists were allowed into the courtroom. The defence petitioned

for the sessions to be moved to Lefortovsky district court but this was refused. Furthermore, the management of the penal colony forbade lawyers Vadim Kobzev and Olga Mikhailova from taking phones, laptops or voice recorders into the sessions.

On 24 May Moscow City Court left the sentence unchanged. Other cases against Aleksei Navalny are set out in [3.2.3. Charges against staff of the ACF and other organisations](#).

## 3.2.2. Distinctive features of Aleksei Navalny's detention in penal colonies

The political persecution of Navalny is not confined to bringing numerous criminal cases against him. The Russian authorities create torturous conditions specifically for him, as we described in last year's report. This year the scale of his victimisation has only increased.

Navalny saw in the New Year at Penal Colony No. 2 in Vladimir region, to which he had been taken in March 2021 after the verdict in the Yves Rocher case. On 1 February, Petushinsky district court [did not remove](#) Navalny from the 'preventive register' as the exponent of an extremist ideology inclined towards crimes of a terrorist and extremist nature. He had been placed on this register in October 2021.

On 22 March, as noted above, Navalny was sentenced to serve a term in a strict regime penal colony. When this decision came into force, he was taken to Penal Colony No. 6, which is in the village of Melekhovo in Vladimir region. Russian journalists and human rights activists say the colony is one of the very strictest in the country. For example, human rights activist Olga Romanova [notes](#): 'Melekhovo is one of the worst of the strict prison zones. By tradition, they banish people there whom they want to destroy.'

Navalny was taken to Melekhovo under guard at the beginning of June and on 21 June had already received his first reprimand for failure to comply with the rules on prison uniform. He had gone to get washed wearing a T-shirt rather than prison overalls. On 4 July, Navalny reported that prison staff were not letting him phone his wife and mother, citing the schedule for the day. The first of an endless series of times in which Navalny was placed in a punitive isolation unit on fabricated pretexts began on 12 August.

Pressure on Navalny was ramped up immediately after he said he was setting up a prison trade union, 'Promzona', for prisoners working in penitentiary establishments and for prison staff. In response, the colony administration issued Navalny with an official warning that he 'may not break the laws on protest meetings and demonstrations.' According to Navalny, he began to be summoned to the disciplinary committee every day and given reprimands.

*The punitive isolation unit [in Russian: ShIZO] – is one of a penal colony's most severe punishments. The rights of those in the unit are considerably restricted. They are not allowed visits, parcels, phone calls, most personal items or the purchase of food in the prison shop. Prisoners are held in isolation in a small building.*

Navalny was first sent to the punitive isolation unit for three days on 12 August for leaving the top button on his uniform undone, as already mentioned. On 23 August he was sent there

for another five days for not immediately putting his hands behind his back when going down a corridor. He was subsequently sent to the isolation unit on three separate occasions for quoting a European Court of Human Rights ruling about his immediate release – for 7, 15 and 12 days. On 10 October, the politician found himself in the isolation unit for the sixth time for 14 days for refusing to wash down a fence. On 30 October, it was 11 days for ‘not tidying up the exercise yard properly’ and for insulting Lieutenant Neimovich by calling him ‘Lieutenant Neimovich’ rather than using ‘his name and patronymic.’ Navalny was sent to the unit on 1 and 13 December for the eighth and ninth times for 11 and 12 days respectively. The pretext was not having a jacket and using the word ‘fuck’ [‘blyad’] when talking to a cellmate.

Because of the special severity of conditions in the punitive isolation unit, people may not be held there for longer than 15 days. From 12 August to 24 December, Navalny spent 90 out of 135 days there, of which 39 were in succession as were 23 out of 24 in December.

The politician notes that he suffers from asthma because of the stuffiness in the unit and loses 3.5 kilos in every 10 days he spends there. Furthermore, in the cramped cell, he is unable to do the exercises that help him deal with the back pain that appeared after the torturous conditions in which he was held last year. It is important to note that lying down is not permitted in the unit during the day, something that also has a negative impact on his chances of recovery and does not help him fight the back pain.

As might be expected, he appealed against each time he was sent to the punitive isolation unit, unsuccessfully, in court.

Other types of pressure have also been brought to bear on Navalny. At the beginning of September, the prison management sealed shut the opening hitherto used to pass documents to Navalny during meetings with lawyers and then stuck opaque film over the glass through which he communicated with them. Prison staff later [forbade](#) his lawyer to bring documents into the penal colony on the pretext that they had nothing to do with his criminal case.

The management at Penal Colony No. 6 believes Navalny ‘*continues to commit crimes even while in prison and takes advantage of communication with his lawyer to do so.*’ For this reason, the politician [is forbidden](#) from exchanging any notes or documents. All incoming and outgoing documents of his lawyers are checked by prison staff over a period of three days.

In September, Navalny was designated a ‘[habitual offender](#)’ and moved to serve his time with a group of prisoners segregated from the rest. This means even tougher conditions – fewer visits from relatives plus restrictions on receiving parcels and on the chance to spend money in the prison shop.

Restrictions on contacts with the outside world continued even during court sessions. In September, a court in Kovrovo deemed it legitimate to send him to the punitive isolation unit for leaving a button undone. Navalny took part through a video link but, following indignation at the restrictions on filming for journalists, the court cut the link, depriving the politician of the chance to take part in the trial.

On 17 November, it emerged that four days before an extended meeting with relatives, Navalny was [placed](#) in cell-type conditions. Those held there are not allowed extended meetings.

*Cell-type conditions means a cell with more severe conditions, to which a prisoner is moved as a penalty for habitual violations of the prescribed procedure for serving a sentence. Those being punished with cell-like conditions are even taken to work sep-*

*arately from other convicts. In this way, Navalny has been even more isolated from the outside world.*

In November, Navalny was not given winter boots for a long time. He was forced to use autumn boots. During that same November, Yulia Navalnaya reported that her letters were not being given to her husband.

On 12 December it emerged that the colony management had devised a new form of torture for Navalny by [placing](#) a prisoner ‘with serious personal hygiene issues’ in the isolation unit with him. According to Navalny, the presence of such a neighbour ‘*instantly makes your life unbearable.*’ Unofficial prison rules stipulate that such a neighbour may be driven out of the cell by threats or beatings. The newcomer himself requested a move to another cell but the colony management turned him down despite there being spare cells in the isolation unit. On 20 December, this prisoner was once again moved in with Navalny.

On 13 December, the politician was issued with a reprimand for the expletive with which he described the ‘*state of health and hygiene of the toilets and washrooms of Group No.1 serving their sentences in harsh conditions.*’

On 23 December, it emerged that a convict [had been placed](#) in the cell next to Navalny’s who possibly had mental health issues since he yelled day and night, talking to himself. As a result, the politician could neither sleep nor read.

Navalny links the increased pressure not just to his initiative of setting up the trade union but also to the fact that ACF staff are working on the Smart Voting project and the List of 6,000, aka the ‘List of Bribe Takers and Warmongers’, which includes people whose actions, in the authors’ view, enabled the war against Ukraine – bribe takers, security service agents, organisers of acts of repression, a number of senior – and middle-ranking officials, propagandists, and public supporters of the war, and so on.

### 3.2.3. Charges brought against staff of the Anti-Corruption Foundation and other organisations

Together with his colleagues, Navalny features in a whole series of other prosecutions, most of which have dragged on since last year.

#### [Prosecution for creating an extremist group](#)

The prosecution for setting up an extremist organisation is outrageous from a legal point of view. The designation of Navalny’s registered organisations and the Navalny Headquarters that operate publicly as extremist created the formal grounds for a criminal prosecution if they continued their operation after a ban. This is precisely what usually happens with other registered public associations that are rightly or wrongly declared to be extremist. This is natural since, by registering these associations, receiving regular reports from them and constantly

monitoring their compliance with legislation, the state ‘certifies’ them and recognises their activities as lawful. Having worked in many regions, the Navalny Headquarters also operated publicly, openly and officially. However, participation in their activities is declared to have been criminal retrospectively, that is to say before the legal ban came into force. Such a blatant contradiction clearly undermines the prestige of the state. Citizens are essentially obliged to detect the ‘criminal objectives’ of publicly and officially operating associations well before the many agencies of the state have been able to do so. This is the exact conclusion that stems from the fact that the organisations have effectively been deemed extremist retroactively. In other words, for the sake of the demonstrative rout of Navalny’s supporters one of the fundamental principles of criminal law has been flouted.

The case became the thirteenth to be brought against Navalny. Involved with him in the case of creating an extremist organisation (**Article 282.1, Part 1, RCC**) are his allies [Leonid Volkov](#) and [Ivan Zhdanov](#), while [Liubov Sobol](#), [Georgy Alburov](#), [Ruslan Shaveddinov](#), [Vyacheslav Gimadi](#), [Pavel Zelensky](#) and [Rustem Muliukov](#) are accused of belonging to an extremist organisation (**Article 282.1, Part 2 RCC**) ‘Other individuals’ are also reportedly involved in the case.

*According to the Russian Investigative Committee, ‘no later than 2014, Navalny, as the founder of the Anti-Corruption Foundation non-profit (recognised as extremist and abolished on the territory of the Russian Federation) with the aim of carrying out extremist activity aimed at changing the basis of the constitutional order in the Russian Federation, undermining public safety and the state integrity of the Russian Federation, set up and ran an extremist organisation. In the period of time indicated, Volkov and Zhdanov joined Navalny’s extremist activity. ... With a view to expanding the area of criminal activity, the public movement, Navalny Headquarters, was set up in 2017 to carry out the organisation’s activities in 37 regions of Russia. The main champion and the leader of Navalny Headquarters was Volkov, who represented the Federal Headquarters in the city of Moscow. During the period 2014 to 2021, Sobol, Alburov, Shaveddinov, Gimadi and others became members of the organisation, as did leaders and staff of Headquarters in the regions. For purposes of promoting criminal activity, the following were created on the internet: an Anti-Corruption Foundation website, a Navalny Headquarters website and the Aleksei Navalny proprietary video channel hosted by YouTube, while the social networks Twitter, Instagram, Facebook and others were also used.’*

On 9 June 2021, a ruling by Moscow City Court [shut down](#) the Anti-Corruption Foundation non-profit and the Citizens’ Rights Protection Foundation non-profit and banned the Navalny Headquarters public movement from operating since they had all been found to be extremist organisations.

On 9 November 2021, after yet another round of searches of the premises of Navalny’s allies, it emerged that Ufa opposition activist [Liliya Chanysheva](#) had been detained. She was the head of the Navalny Headquarters in the Republic of Bashkortostan until the court ban on the movement’s activities, whereupon she withdrew from politics but decided not to leave Russia. The following day, Chanysheva [was remanded](#) in custody and was soon taken under guard to Moscow’s Pre-Trial Detention Centre No. 6. She was charged with participation in setting up an extremist organisation (**Article 282.1, Part 1, RCC**). This is how the prosecution regards the perfectly legitimate political activities of staff at the Navalny Headquarters before the public movement was designated an extremist organisation and banned. She was the first person to be arrested in the new ‘retrospective’ case being investigated by the central apparatus of the Russian Investigative Committee. In [December](#) and [January](#), the administration

of the pre-trial detention centre refused to admit several lawyers to see Chanysheva, referring to the lack of approval from the investigator or any waiver from him, as had been the case with Vladimir Voronin, Andrei Sergeev and Mariya Eismont.

In December 2021, the following became defendants in the case (of Navalny's supporters who had remained in Russia): [Egor Butakov](#), [Elisaveta Bychkova](#), [Vadim Osmanin](#), [Zakhar Sarapulov](#), [Ksenia Fadeev](#), [Andrei Fateev](#) and [Olga Shkolina](#). For all, bar Andrei Fateev who had successfully fled abroad, pre-trial conditions that did not involve incarceration were selected.

On 25 January 2022, [Aleksei Navalny](#), [Liubov Sobol](#), [Vyacheslav Gimadi](#), [Georgy Alburov](#), [Ruslan Saveddinov](#), [Liliya Chanysheva](#), [Zakhar Sarapulov](#), [Pavel Zelensky](#), [Ksenia Fadeeva](#), [Egor Butakov](#), [Andrei Fateev](#) and [Vadim Osmanin](#) were placed on the list of terrorists and extremists.

In March, [Daniel Kholodny](#), the former [technical director](#) of the Navalny LIVE YouTube channel and [Vadim Ostanin](#), [ex-coordinator](#) at the Navalny Headquarters in Barnaul, were taken into custody. Previously subject to a ban on certain activities, the latter was taken under guard from Barnaul to Moscow's Pre-Trial Detention Centre, No.5.

It emerged in the summer that [Rustem Muliukov](#), a former volunteer at the Navalny Headquarters in Ufa was under house arrest. Since he requires dialysis, he qualifies as having a severe disability.

In August, Arkhangelsk activist and former Navalny Headquarters volunteer [Olga Shkolina](#) [left](#) Russia and a warrant was issued for her arrest.

In September, it emerged that the former head of Navalny Headquarters in Khabarovsk, [Aleksei Vorsin](#), who had left Russia, had been [charged](#) in absentia.

On 29 August, a criminal case [was brought](#) against [Andrei Zayakin](#), Novaya Gazeta journalist and founder of Dissertnet for funding extremist activity (**Article 282.3, Part 1, RCC**) for the transfer of 1,000 roubles to the ACF. As pre-trial conditions, Zayakin was banned from certain activities: he was not allowed to leave home between 20:00 and 08:00, to use a phone, the post or the internet or to associate with others involved in the case. The journalist subsequently managed to leave Russia.

We believe that the criminal cases against the staff and volunteers of Aleksei Navalny's structures are aimed solely at forcing Navalny and his allies to halt their lawful political and social activities.

The 'Political Prisoners. Memorial' Project regards the following as political prisoners: Rustem Muliukov, Vadim Ostanin, Daniel Kholodny, Liliya Chanysheva, Pavel Zelensky, all of whom have been incarcerated in the 'extremist organisation' case, as well as Navalny himself. We also demand an end to the criminal prosecution of other persons in the case who are still at liberty.

## [Prosecution of a non-profit organisation for encroaching on the persons and rights of citizens](#)

In August 2021, it emerged that charges had been brought against [Navalny](#), [Volkov](#) and [Zhdanov](#) under **Article 239, Part 2, RCC**, which carries a maximum sentence of three years' imprisonment ('creation of a non-profit organisation, the activities of which are likely to incite citizens to decline to perform their civil obligations or to commit other unlawful acts'). The Investiga-

tive Committee regards the ACF as one such organisation because it called on people to attend protest actions not sanctioned by the authorities.

We know that the case also concerns ex-leaders of the Navalny Headquarters in the regions. Specifically, at the very end of 2021, [searches](#) were carried out at the premises of [Vadim Ostanin](#) (Barnaul), [Ksenia Fadeeva](#) (Tomsk) and [Zakhar Sarapulov](#) (Irkutsk). They were all taken into custody. Some of the searches were also linked to the case of setting up an extremist organisation. In addition, [Egor Butakov](#) (Archangelsk) and [Andrei Gorodetsky](#) (media editor of the Navalny Headquarters in Engels) were detained.

In September 2022, an indictment was [laid](#) against [Liliya Chanysheva](#), which, in addition to **Article 282.1, Part 3, RCC** (organising an extremist organisation) and **Article 280, Part 1, RCC** (publicly advocating extremist activities), included **Article 239, Part 3 RCC** (participation in a non-profit organisation encroaching on the persons and rights of citizens).

## [Charges related to the work of the Popular Politics YouTube channel](#)

On 20 October 2022, [Navalny reported](#) in a letter from the penal colony that a notification from the Investigative Committee that had reached him of a new criminal charge being brought against him spoke of him being ‘*the leader of a criminal group*’ which included his allies, among them [Liliya Chanysheva](#), who was in detention, and [Leonid Volkov](#) and [Ivan Zhdanov](#), who had both emigrated.

Because of broadcasts on the Popular Politics YouTube channel, participants in the group were charged with advocating terrorism and extremism (**Articles 205.2 and 280 RCC**), funding extremism (**Article 282.3 RCC**) and the rehabilitation of Nazism (**Article 354.1 RCC**).

*‘As far as I can tell from the decision, my guilt in disseminating Nazism lies in the fact that on the Popular Politics Channel Volkov said that ‘Colonel Stauffenberg was right to try to kill Hitler, he needed killing’ ... Everything else is in the same vein. All Popular Politics programmes are terror and extremism with me in charge,’* Navalny wrote, paraphrasing the document.

On 7 November, the Moscow City Court [deemed](#) it legitimate to prosecute Navalny for funding extremist activity and setting up an extremist organisation as well as for creating a non-profit organisation encroaching on the persons and rights of citizens.

Moreover, a case [had been under investigation](#) against Volkov and Zhdanov for fundraising for an extremist organisation (**A 282.3, Part 1, RCC**) since August 2021. They were accused of uploading a video, entitled ‘We go on and we need your help’ on Aleksei Navalny’s YouTube channel on 5 August, in other words, after Navalny’s organisations had been found to be extremist.

## ***Prosecutions related to protests in support of Navalny***

Despite his arrest and the sentence depriving Navalny of his freedom, there were protests in support of the politician in 2022. They nearly all took the form of single-person pickets. The expression of an opinion in this way was harshly suppressed by the authorities. Picketers were detained and administrative charges drawn up. The majority of criminal prosecutions against Navalny's supporters, however, remain linked to the large-scale protests at the start of 2021. What is more, some of the cases are still dragging on.

## ***Prosecutions on grounds related to public health [‘Sanitary Cases’]***

After last year's mass protests, several prosecutions for violating the health and epidemiology rules (**Article 236, Part 1, RCC**) were brought in Moscow, Nizhny Novgorod, Saratov and Balakovo (Saratov region). The accused were charged with creating a threat of mass infection since their calls to take part in protest actions were responded to by a person with coronavirus. Moreover, the initial charge of breaking the health and epidemiology rules on 17 March was re-categorised as incitement to break them. A ruling was given against 10 people in Moscow that same year whereas the court rulings on four people from other regions were only reached the following year. The sentences were initially suspended. In 2022, however, the sentences of several of those convicted ([Oleg Navalny](#), [Liubov Sobol](#), [Mariya Alekhina](#), [Kira Yarmysh](#) and [Liusya Shtein](#)) were changed to actual jail time. They had all left Russia. Three regional figures in the ‘public health’ case ([Roman Tregubov](#) from Nizhny Novgorod, [Dmitry Tsibirov](#) from Saratov and [Vladimir Nechaev](#) from St. Petersburg) left Russia before their sentences were passed. Only one accused person remained, [Natalya Rezontova](#), a journalist from Nizhny Novgorod. On 24 March the pre-trial conditions against her [were changed](#) from a ban on certain activities (she could not use the internet or attend rallies that did not have official approval) to house arrest. Investigators said that the journalist had violated her pre-trial conditions measure, twice walking around the city carrying a blue and yellow bag, once with the inscription ‘No to war.’ On 14 November, Nizhegorodsky district court in Nizhny Novgorod [sentenced](#) Rezontova to eighteen months of restricted liberty. The grounds for this decision were that she had written in social media on numerous occasions about holding the January protest and had also posted ‘*exhortations to invite the participation...of other persons from among friends and relatives.*’

Charges against people who urged their social media readers to attend the rally, thereby inciting them to violate the health and epidemiological rules, are not only invalid. They are shockingly selective. If someone meant to be self-isolating goes to a shop or a café, no one is likely to prosecute those establishments because they invite visitors.

According to the [official statistics](#), the number of coronavirus infections a day in Russia after December 2020 fell steadily until spring 2021 and went on to be relatively stable. There is no information in the case to show that the rallies had a negative impact on the epidemiological situation. In fact, the ‘public health case’ pursued exclusively political ends.



## Prosecutions related to violence against police officers

Immediately after the peaceful protests at the start of 2021, criminal prosecutions for violence against representatives of the authorities began to be brought (**Article 318 RCC**). OVD-Info [counted](#) at least 62 persons involved in such cases in the wake of the winter protests in support of Aleksei Navalny. In the majority of well-known cases, the sentences were passed in 2021.

Even those instances when protestors did indeed resort to violence should be considered in the overall context. Actions that started out peacefully were brutally broken up by the police. Protesters were not only detained but also frequently beaten up. OVD-Info on 23 January alone [received](#) reports from 27 cities of the police using force when making arrests, as a result of which at least 64 people were hurt. Rally participants endeavoured to protect themselves and others. Sometimes their heightened emotions meant they entered into what they knew in advance was an unequal fight with law enforcement agents. At the same time, not once has a police officer been brought to book for violating the right to freedom of assembly or for excessive use of force even where it has been documented. On the contrary, protest participants have pointedly been more harshly punished than is usual in the application of **Article 318, Part 1, RCC**. This is eloquently attested by a Novaya Gazeta [investigation](#), as is the fact that the punishments were disproportionate to the public danger and the damage done as a result of actions by the accused. Having analysed 12,000 accessible cases and compared them to the sentences given to participants in the protest, the newspaper's data department reached the unequivocal conclusion: *'sober participants in the rallies, with no previous convictions, accused of using violence against representatives of the authorities, are more often given actual jail time than, for example, a drunk with a record who tried to fight off the police.'*

In 2022, sentences were passed for violence against police officers in at least nine cases linked to protest actions in support of Navalny in 2021.

On 12 January, Moscow's Tverskoi district court [sentenced Vyacheslav Igumnov](#) to five years in a penal colony. The 21-year-old from Moscow was found guilty of hooliganism (**Article 213, Part 2, RCC**) and the use of violence against representatives of the authorities (**Article 318 RCC**). By the investigation's account, at a protest in support of Navalny on 23 January, he lit a flare and threw it at police officers. According to the case files, Igumnov *'fully admitted his guilt and regretted what he had done.'*

On 18 February, St. Petersburg's Leninsky district court [sentenced Eldar Garipov](#) to 18 months in a low security penal colony. Taking into account the time spent on remand, the activist was released in the courtroom. The court found him guilty of violence that did not pose a threat to life against a representative of the authorities at a protest in support of Navalny. The 'Political Prisoners. Memorial' Project has studied the case. Eldar Garipov has been recognised as a [political prisoner](#).

On 10 March, Kaluzhsky district court in Kaluga [sentenced](#) five residents of the city – [Artem Zhukov](#), [Vladislav Lazutkin](#), [Sergei Lukashin](#), [Aleksei Lukyanov](#) and [Maksim Semenov](#) – to four years each in a general regime penal colony for violence against police officers at a protest in support of Navalny on 23 January 2021. The court ruled that they had been fighting to free protestors who had been detained by the police. Zhukov, Lukashin and Semenov were accused of the use of violence that posed a threat to the life or health of a representative of the authorities (**Article 318, Part 2 RCC**). Lazutkin was additionally charged with committing a crime that

did not pose a threat to the life or health of a representative of the authorities (**Article 318, Part 1 RCC**). Lukyanov was charged with two episodes connected to the use of violence that did not endanger the life or health of a representative of the authorities (**Article 318, Part 1 RCC**).

The case against Muscovite [Andrei Klimashev](#) was actually [brought](#) in 2022. His apartment was searched on 30 March, after which he was detained and later remanded in custody. The case files reached the court on 30 November. Initially he was considered a witness but at the end of March 2022 he was charged with violence against police officers.

## ***Prosecutions for hooliganism and damage to property***

Criminal cases for hooliganism (**Article 213 RCC**) and/or destroying or damaging another's property (**Article 167 RCC**) were brought against at least 12 people after the winter protests of 2021. A large proportion of these cases were heard in 2021. According to our information, in 2022 sentences were passed on four individuals, two accused of hooliganism and two of damage to property.

On 10 January, Tsentralny district court in Krasnoyarsk [gave](#) an unnamed man born in 1988 a three-year suspended sentence on [criminal charges](#) of hooliganism (**Article 213, Part 2, RCC**). According to the investigation's account, on 21 April 2021, the man '*carried out a gross public-order offence, expressing clear contempt for society. He lit fireworks and threw them onto a pedestrianised road where people were standing when they went off.*' [According](#) to the man himself, he lit a flare 'to watch it burn.'

On 26 August, [Serafim Kravchuk](#) and [Timur Tsayu](#) were [given](#) a two-year suspended sentence by Tverskoi district court in Moscow for damaging property (**Article 167, Part 2 RCC**). According to the investigation, at the protest in support of Navalny on 23 January 2021, both of them, juveniles at the time and as part of a group, struck a car with government number plates, presumed to belong to the FSB. Kravchuk admitted that he was guilty of dealing two blows – to the mirror and to the rear bumper. The investigation stated that at least 13 people took part in the attack. Nine have not been identified. Earlier, [Gleb Borisov](#) and Tiktoker [Konstantin Lakeev](#) were sentenced for the same episode.

On 10 October, [Anastasiya Ponkina](#) from Izhevsk was found guilty of hooliganism motivated by political enmity (**Article 213, Part 1 (b), RCC**). The city's Oktyabrsky district court [gave](#) the young woman a two-year suspended sentence. According to the court ruling, on 23 January 2021, Ponkina '*motivated by hooliganism, organised a march onto the roadways of Izhevsk's central streets by more than 2,000 citizens.*' What precisely constituted the act of 'hooliganism' is not clarified.

## ***Prosecutions for blocking roads***

After the winter actions in support of Navalny, an article on the deliberate blocking of transport routes (**Article 267, Part 1, RCC**) began to be used against participants in protests for the first time. It carries a maximum punishment of a year in prison. A lack of legal clarity is inherent in this article since it makes prosecution possible not just in the event that damage is caused but also for actions that create only the 'threat' of adverse consequences. Another feature of prosecutions under this article are the attendant civil lawsuits from transport companies

for alleged losses caused by the activists' conduct. This is one more aspect of political pressure. After all, the sums involved in the civil lawsuits can reach several million roubles.

In 2022 two women who took part in peaceful gatherings in support of Navalny were convicted of deliberately blocking transport routes. Both young women were sentenced to time in jail.

On 16 May, Magistrate Elena Kazakova of the 370th judicial district of Moscow's Tverskoi district [found](#) Muscovite [Mariya Chugunova](#) guilty of blocking roads by a group of people by prior agreement at a rally on 2 February 2021 (**Article 267, Part 1, RCC** in conjunction with **Article 35, Part 2 RCC**) and sentenced her to eight months in a general-regime penal colony. The judge also found for the claimant in civil lawsuits brought by Mosgortrans [the Moscow city public transport authority] and the Moscow Metro, [exacting a sum of 2,970,93 roubles in favour of the first and of 448,928 roubles in favour of the second](#). It is notable that the sum includes payment for 219 Mosgortrans buses 'for transporting police officers and keeping them warm.' They had gone to 'protect public order' because of the protest in support of Navalny. The 'Political Prisoners. Memorial' Project has recognised Mariya Chugunova as a [political prisoner](#).

On 26 May, Judge Alla Panova of Bryansk's Sovetsky district court [sentenced Tatyana Kabulina](#) to a year in a general regime penal colony for deliberately blocking transport and preventing motor traffic and passenger movement, causing major damage (**Article 267, Part 4, RCC**). The judge believed that, at a protest on 23 January 2021, Kabulina had urged participants to cross the road towards the Burial Mound memorial complex and thereby 'posed a threat to the lives and health of an unspecified number of people' and created 'the threat of damage to the property' of drivers and pedestrians. Moreover, damages of 1,230,825.14 roubles were sought from Kabulina by the Russian Ministry of Internal Affairs Directorate for Bryansk region and 18,949,32 roubles by the Directorate of the Federal Service of National Guard Troops for Bryansk region. On 19 August, Bryansk Regional Court reclassified the charge to **Article 267, Part 1, RCC** and reduced the sum exacted to 100,000 roubles. The 'Political Prisoners. Memorial' Project has recognised Tatyana Kabulina as a [political prisoner](#).

## ***Prosecutions for inciting extremism and riots***

In 2020 verdicts were reached in at least two cases of publicly inciting extremism (**Article 280, Parts 1 & 2, RCC**, carrying a maximum penalty of five years' imprisonment) and inciting riots (**Article 212, Part 3, RCC**, carrying a maximum penalty of two years' imprisonment). The charges were based on remarks made at rallies in support of Navalny at the beginning of 2021.

On 28 June, Vladivostok's Frunzensky district court [gave Roman Belomestnov](#) a suspended sentence of two years in prison for inciting extremism on the internet (**Article 280, Part 2, RCC**). In addition, he was not allowed to use the internet for two years. According to the investigation's account, during rallies in 2021, the activist suggested 'seizing cosmonauts and sellotaping them to stakes in the square.'

A 20-year-old activist from Severodvinsk, who is not named, was [sentenced](#) in June 2022 to nine months' of restricted liberty on charges of inciting riots and participating in them (**Article 212, Part 3, RCC**). The accused admitted his guilt. In the investigation's view, comments the activist left on one of the social networks contained 'calls for riots, accompanied by violence, pogroms, destruction of property and armed resistance to representatives of the authorities.'

## ***Prosecutions for repeated violations of the regulations governing the holding of public events***

In 2021, after the protests in support of Navalny, cases were brought against at least seven people for multiple violations of the set procedure for organising or holding a public event (**Article 212.1 RCC**) Over the previous six years, from 2015-2020, the so-called ‘Dadin’ Article had been used against eight people.

On 8 August, Kaliningrad’s Tsentralny district court [sentenced Vadim Khairullin](#) to one year in a general regime penal colony for repeatedly violating the rules of participation in public events (**Article 212.1 RCC**). The prosecution had sought a two-year suspended sentence. The ‘Political Prisoners. Memorial’ Project has recognised Vadim Khairullin as a [political prisoner](#). The case against the activist was brought after three rulings were handed down in 2021: on organising a protest without the approval of the authorities (**Article 20.2, Part 2, RCAO**) because of the January protests in support of Aleksei Navalny and two fines of 20,000 roubles for violating the rules for holding a public event (**Article 20.2, Part 5, RCAO**) for another protest in support of Navalny and a picket supporting protests in Belarus. A fourth episode, Khairullin’s participation in a protest in support of Navalny on 21 April 2021, provided the formal grounds for pursuing a criminal case.

On 24 January the investigation [discontinued](#) a case against Barnaul activist [Viktor Rau](#) under the ‘Dadin’ article: *‘The investigation established that Viktor Rau’s actions did not in themselves represent any danger to the public: his single-person pickets contained no real threat of harm to constitutionally safeguarded values while communications about public protests uploaded to social networks contained no advocacy.’*

On 19 September, the Investigative Committee in Kaliningrad region [discontinued](#) the criminal prosecution of [Evgeniya Fedulova](#) who was also charged under **Article 212.1 RCC**. Fedulova has faced administrative prosecution on four occasions under the article on ‘rallies’ (**Article 20.2 RCAO**): for pickets in support of the accused in the case of the Baltic Vanguard of Russian Resistance (BARS) related to the poisoning of Navalny and for taking part in rallies in support of the opposition politician on 23 January and 21 April 2021. The reason the criminal case was discontinued was the repeal of the district court’s ruling in an administrative case regarding the picket related to the poisoning of Navalny.

## ***Lawsuits brought against the organisers of public protests***

After the mass actions in support of Navalny in 2021, the Russian authorities embarked on the wide-scale practice of putting financial pressure on undesirable politicians and activists. To achieve this, one of them would, often arbitrarily, be named the organiser of a public event that did not have the approval of the authorities and expenses would be sought from them to pay the overtime of the police officers or other law enforcement agencies forced either to protect them or disperse the protesters. We should note that exacting these sums runs counter to the right to peaceful assembly: organisers cannot be liable for the actions of other persons, while the authorities are obliged to guarantee the safety of any peaceful gathering, irrespective of how legitimate they might consider it to be. Moreover, the practice runs counter to the Russian Labour Code since no-one other than an employer may pay staff overtime.

Despite the blatantly unlawful nature of this financial pressure, dozens of people from at least 11 regions were subjected to it in 2022. The overall amount demanded of the presumed organisers of protests has been more than 19 million roubles. In some cases, payments from the 'organisers' of one and the same protest went to various structures. For examples, the courts sought money on several occasions after the protests of 23 and 21 January from [Olga Korolev](#) from Bashkortostan.

### **Arkhangelsk region**

23 January protest. [Egor Butakov](#), [Elizaveta Bychkova](#), [Olga Shkolina](#), [Olga Kuznetsova](#), [Yury Chesnokov](#), [Kirill Golubchik](#) and [Yelena Fokina](#) – [amount sought](#) 233,461.78 roubles.

31 January protest. [Ruslan Akhmetshin](#), [Ilya Leshukov](#) and [Dmitry Batur](#) – [amount sought](#) 532,722.10 roubles.

### **Republic of Bashkortostan**

23 January protest. [Olga Komleva](#), [Lilia Chanysheva](#), [Ilgam Yanberdin](#) – [amount sought](#) 1,149,612 roubles.

31 January protest. [Olga Komleva](#) – [amount sought](#) 1,944,901 roubles.

Protests on 23 and 31 January. In the first lawsuit (23 January protest): [Olga Komleva](#), [Liliya Chanysheva](#), [Ilgam Yanberdin](#) – [amount sought](#) 122,619.96 roubles (including tax), in the second lawsuit (31 January protest): [Olga Komleva](#) – [amount sought](#) 165,160.64 roubles (including tax).

Protests on 23 and 31 January. In the first lawsuit: [Olga Komleva](#), [Liliya Chanysheva](#), [Ilgam Yanberdin](#) – amount sought 27,367.98 roubles (including tax), in the second lawsuit: [Olga Komleva](#) – amount sought 120,592.24 roubles (including tax).

31 January protest. [Olga Komleva](#) – [amount sought](#) 114,185.85 roubles.

### **Kemerovo region**

Protests on 23 and 31 January. [Stanislav Kalinichenko](#), [Elizaveta Slavinskaya](#) – [amount sought](#) 752,409.39 roubles.

### **Kirov region**

23 January protest. [Mikhail Semenov](#), [Vadim Ananin](#) – [amount sought](#) 103,380 roubles.

### **Kurgan region**

Protests on 23 and 31 January. [Nikita Ilin](#), [Sofya Lopatin](#), [Aleksei Shvarts](#) – [amount sought](#) 176,119.09 roubles (including tax), [Vladislav Vasilyev](#), [Anton Talykov](#) – [amount sought](#) 275,835.82 roubles (including tax).

### **Novosibirsk region**

31 January protest. [Timur Khanov](#), [Anton Kartavin](#) – [amount sought](#) 3,024,877 roubles.

23 January protest. [Elena Noskovets](#), [Daniil Markelov](#), [Sergei Boiko](#), [Arkady Yankovsky](#), [Aleksandr Shnaider](#), [Vyacheslav Yakimenko](#), [Kirill Levchenko](#) – [amount sought](#) 2,797,306.95 roubles (including tax).

### **Samara region**

23 January protest. [Vadim Sheremetev](#), [Mikhail Nikolaev](#), [Egor Alasheev](#), [Marina Evdokimova](#), [Viktor Sanzhenakov](#) – [amount sought](#) 113,456.04 roubles.

31 January protest. [Ilya Yudin](#), [Vadim Sheremetev](#), [Sergei Podsytnik](#) – [amount sought](#) 322,563.59 roubles.

Moreover, a tax of 7,560 roubles was [exacted](#) from each of the defendants.

### **St. Petersburg**

Protests on 23 and 31 January. [Irina Fatyanova](#) – [amount sought](#) 4,004,040.63 roubles (including tax).

### **Sverdlovsk region**

31 January protest. [Evgeny Roizman](#), [Viktoria Raik](#), [Irina Norman](#), [Kirill Serebrennikov](#), [Sergei Chechenev](#) – [amount sought](#) 573,994 roubles (including tax).

### **Tambov region**

23 January protest. [Yana Zenkina](#), [Vyacheslav Nosov](#), [Sergei Stepanov](#), [Aleksandr Chuksin](#), [Andrei Belov](#), [Sergei Siusin](#), [Mariya Struchalina](#), [Viktor Smagin](#) – [amount sought](#) 69,852.26 roubles.

31 January protest. [Vladimir Fateev](#), [Sergei Siusin](#), [Vladimir Murzin](#), [Maksim Cherkasov](#) – [amount sought](#) 362,046.26 roubles.

21 April protest. [Anatoly Popov](#), [Vladimir Zhogolev](#), [Vladimir Murzin](#) – [amount sought](#) 32,124.16 roubles.

### **Chelyabinsk region**

Protests on 23 and 31 January. [Oleg Shamburov](#), [Artem Yambaev](#) – [amount sought](#) 1,421,879.13 roubles (including tax), [Aleksandr Kopev](#), [Mariya Makarova](#), [Pavel Strunin](#) – [amount sought](#) 783,903.12 roubles (including tax).

## **Other prosecutions of Navalny supporters**

By 2022, not a single organisation set up by Navalny in Russia could operate freely. A substantial proportion of ACF employees and former coordinators of the Navalny Headquarters had left Russia and many who remained were prosecuted for connexions with Navalny's structures in the past.

The sentence against [Andrei Borovikov](#), the former head of the Navalny Headquarters in Arkhangelsk, was lifted by the court of appeal in February. The case was sent to be heard again. Meanwhile, Borovikov remained in custody on remand and on 1 April the Arkhangelsk Regional Court [sentenced](#) him once again to two years and three months in a penal colony on the blatantly unfounded charge of disseminating pornography when he posted a clip of the group Rammstein.

A [new case](#) was also brought in Arkhangelsk against the former photographer of the Nav-

alny Headquarters, [Ruslan Akhmetshin](#). In October, he was sentenced to two years in a penal colony for rehabilitating Nazism (**Article 354.1, Parts 2 and 4, RCC**). The Court felt that Akhmetshin had been rehabilitating Nazism when he called Russia's 9 May celebrations 'a tacky carnival' on VKontakte and when he claimed that the USSR and Germany had been allies for two years and had together occupied Poland. Akhmetshin was also compelled to pay 180,000 roubles for the work of expert psychologists and historians that formed part of the investigation.

In Dagestan in March, the former head of the local Navalny Headquarters was [remanded in custody](#) after a search. The search at the home of [Eduard Ataev](#) allegedly discovered a pistol, a hand-grenade and drugs. Initially, charges of possessing an explosive device were brought against the activist (**Article 222.1 RCC**), and later a case of possessing drugs (**Article 228 RCC**). Ataev claims that en route to the police station after the search, a packet was planted on him while the handle of the pistol and the grenade were placed in his hands. Not only did he not have any drugs in his possession, he said, but he had never used any. Ataev wrote a statement accusing the law enforcement agencies of committing a crime. He believes he is being prosecuted for his political activities.

### 3.3. Other prosecutions violating the right to freedom of association

On the eve of the full-scale invasion of Ukraine, the Russian authorities stepped up their efforts to remove threats posed by civil society associations that were not under state control and might express views that differed from official opinions. For this reason, pressure on various civil society structures was markedly increased. The year began with the [completion](#) of legal proceedings formalising the authorities' decision to close down the key organisations of Memorial and ended with the [initiation](#) of such a procedure against the Moscow Helsinki Group.

Activists were also prosecuted. Most prosecutions were linked to anti-war activism but many other actions by citizens were also suppressed – urban conservation, environmental activism, the defence of labour rights and more.

Various instruments were used to put pressure on civil society: inclusion on the list of 'foreign agents', inclusion on the list of 'undesirable' organisations, lawsuits to abolish organisations, the closure of representative offices, designation of organisations as extremist, the administrative and criminal prosecution of activists.

Bearing in mind that one of the main aims of repression is censorship and the purging from the information space of opinions that run counter to official ones, the authorities began more frequently to enforce laws on 'foreign agents' and 'undesirable organisations' against the media. Many editors were forced to leave Russia or to cease activity altogether.

### 3.3.1. Designation of organisations as ‘undesirable’

Amendments were made in 2022 to **Article 284.1 RCC**, which provides criminal liability for organising the activity of ‘undesirable’ organisations and for participation in them. The amendments extended liability to apply even where an organisation [operates](#) entirely outside Russia. There was a very substantial increase in the list of ‘undesirable’ organisations during the year. It rose by 21 non-profits and media outlets (from 2015, when the article was introduced into the Criminal Code, until the beginning of 2022, in other words, a period of more than six years, 49 organisations have been included in the list).

The addition of each new organisation in the list is a heavy blow to civil society in Russia. An ‘undesirable’ organisation is obliged to wind down its presence in the country and to rule out contacts with people and organisations that remain in Russia or to make these as little public as possible.

We do not here list all those organisations included in the ‘undesirables’ list but we note organisations created by Russians and linked more closely to Russia than anywhere else, since their inclusion on the list creates the greatest number of risks.

On 5 March, the Justice Ministry [designated](#) the media outlet [Vazhnye istorii](#) [‘Important Stories’] ‘undesirable.’ On 11 March, the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) blocked the publication’s website, allegedly for ‘*posting unreliable socially-significant information*’ about the Russian attack on Ukraine. Vazhnye istorii was founded by journalists from Russia but was registered in Latvia because of constant threats from the Russian authorities. The journalists focused on investigations, many of which have attracted a great deal of public attention and were negatively received by the authorities. In 2021, Vazhnye istorii was included in the list of ‘foreign agents.’

On 6 May, the [Crimea Human Rights Group](#) was [recognised](#) as ‘undesirable.’ This Ukrainian organisation recorded human rights violations in Crimea, its activists working in close contact with their Russian counterparts. The Prosecutor General’s Office believes that the activities of the Ukrainian human rights activists ‘*represent a threat to the constitutional order and security of the Russian Federation.*’

On 15 July, [The Insider](#) was [designated](#) ‘undesirable.’ That same evening the project’s website was blocked. Previously, the publication and its editor-in-chief [Roman Dobrokhotov](#) had been placed on the media register of ‘foreign agents.’ The Insider is a media outlet founded by Russians that specialises in investigative journalism. In particular, it took part in investigations into the poisonings of Aleksei Navalny, Vladimir Kara-Murza, Dmitry Bykov and others who fell victim to the Russian security services. Its journalists also published an investigation into surveillance of Boris Nemtsov before his murder and many others. On 4 August, Dobrokhotov was [arrested](#) in absentia by the Lefortovsky district court at the request of the FSB for illegally crossing the border.

We note also that [Bellingcat](#), an international investigative journalism project, was designated ‘undesirable’ at the same time as The Insider. A substantial proportion of its investigations are about Russia.



## 3.3.2. Prosecutions of individuals for association with ‘undesirable’ organisations

One of the features of the ‘undesirable organisations’ legislation is the prospect of criminal prosecution not only for managing and participating in such NGOs, but also for collaborating with them. In 2022, several individuals were subject to criminal and administrative prosecutions.

The [proceedings](#) against the former director of Open Russia, [Andrei Pivovarov](#), were concluded in Krasnodar.

### **Prosecution of Open Russia**

*In April 2017, the Russian Prosecutor General’s Office added two British organisations – Open Russia Civic Movement and OR (Otkrytaya Rossiya) – to the list of ‘undesirable’ organisations. Both organisations were founded by Mikhail Khodorkovsky, a former Russian oligarch and political prisoner who served ten years in prison. He was pardoned by Putin in 2013 and in effect exiled from the country. Along with other Russian citizens Khodorkovsky established the Open Russia Public Network Movement (ONM) in November 2016. A representative of the Prosecutor General’s Office, Aleksandr Kurennoi, assured the media that the designation of the British NGOs as ‘undesirable’ would not affect the work of the Russian movement (‘Our undertakings concern only associations registered in Britain,’ he emphasised). Nevertheless, in 2018, many participants in the Russian ‘Otkrytka’ (Open Russia) were prosecuted for administrative offences, and since the beginning of 2019 they have been charged under **Article 284.1** of the Russian Criminal Code. It is important to note that it was the two British organisations that were designated as ‘undesirable’, and the activities, statements and publications of the Russian Open Russia movement do not indicate any association with them. The investigation’s position that the similarity of their names is sufficient to conclude that these organisations are identical, and that the lack of registration of the Open Russia movement with the Russian Ministry of Justice means that there is no such Russian movement, does not stand up to scrutiny (the law does not require registration of these types of public associations). Criminal prosecution for association with Open Russia did not cease even after the ONM self-disbanded on 30 March 2019 and established a Russian non-governmental organisation (RNGO) a day later, in an unsuccessful bid to get registered as a Russian legal entity.*

After the State Duma approved amendments increasing liability for collaboration with undesirable organisations in a first reading on 18 May 2021, the Open Russia RNGO Board [voted](#) on 27 May in favour of a decision to dissolve the organisation, as the adoption of this amendment ‘would make it possible to imprison anyone who collaborates with Open Russia.’

Despite this move, on 31 May, the by then former executive director of Open Russia, Andrei Pivovarov, was [removed](#) from a St. Petersburg-Warsaw flight at Pulkovo airport and detained. Pivovarov was taken to the St. Petersburg offices of the Russian Investigative Committee. It subsequently transpired that a criminal case had been brought against him under **Article 284.1 RCC**, though not in St. Petersburg, but in Krasnodar, where he was taken after being interrogated and his home searched.

The criminal case was opened on 29 May on the basis of a report by the Krasnodar Centre for Combating Extremism drawn up the same day, i.e. after Open Russia had been dissolved, and contrary to the following note to **Article 284.1 RCC**: *'An individual who has voluntarily ceased participation in the activities of a foreign or international NGO in respect of which a decision has been taken to designate its activities as undesirable on the territory of the Russian Federation shall be exempted from criminal liability if their actions do not contain any other evidence of a crime.'*

On 2 June, Judge Aleksei Krasnopeev of Krasnodar's Pervomaisky district court [ordered](#) Pivovarov to be remanded in custody.

On 8 June the Krasnodar region office of the Russian Investigative Committee [charged](#) Pivovarov under **Article 284.1 RCC**. The investigation accused him of publishing materials by the United Democrats containing fundraising appeals on Facebook. The criminal case was brought in Krasnodar, as Pivovarov published the material at about 13:00 on 12 August 2020, while in the Chekistov Prospekt neighbourhood in Krasnodar. At the same time, Pivovarov was previously fined twice 5,000 roubles under **Article 20.33 RCAO** in connection with his participation in the following Open Russia activities:

- On 3 July 2019 – by a magistrate of the Nizhny Novgorod judicial district No. 7 for organising the Free People forum on 7 April 2019 (enacted on 23 December 2019);
- On 22 July 2019 – by a magistrate of the St. Petersburg judicial district No. 45 for two posts on VKontakte about Open Russia's activities and one post calling on people to go to the Mothers' Rage March in support of political prisoners, as well as for organising a protest on 9 March 2019 (enacted on 14 October 2019).

On 15 June, Krasnodar Regional Court considered the appeal filed by Pivovarov's lawyers and [upheld the ruling that he be remanded in custody](#) (subsequently, Pivovarov's term in custody was repeatedly extended). During the hearing, the defence filed a submission that Pivovarov's Facebook account was managed in 2020 by Mariya Kuznetsova, an Open Russia supporter, and media expert, who independently reposted the United Democrats' material. Pivovarov and his lawyers also asked the court to transfer the case to the defendant's place of residence in St. Petersburg. The politician pointed out that *'Kuban's law enforcement agencies and judges had been leant on to treat him as an enemy, and his sentence there was a foregone conclusion.'* However, the court turned down his motion.

On 15 July 2022, Krasnodar's Leninsky district court sentenced Andrei Pivovarov to four years' imprisonment in a general regime penal colony. Judge Nataliya Isakova also banned him from engaging in civil society and political activities for eight years.

The project 'Political Prisoners. Memorial' has recognised Andrei Pivovarov as a [political prisoner](#).

On 21 February 2022, activist [Leonid Malyavin](#) was [convicted](#) in the Krasnodar region for his association with the same Open Russia organisation. Krasnodar's Pervomaisky district court found him guilty of participation in an 'undesirable' organisation' (**Article 284.1 RCC**) and sentenced him to a one-year suspended sentence for reposting an Open Media publication, which the court deemed to be associated with Open Russia. The absurdity of the court's decision becomes blatant when we consider that the publication was a popular science article about Spanish scientists in China creating a viable ape-human embryo. The activist was also given two years' probation and will have to report monthly to the Penal Enforcement Inspectorate.

On 27 May Nizhny Novgorod's Savetsky district court [sentenced](#) [Mikhail Iosilevich](#), rec-

tor of the Flying Pasta Monster Temple, to one year and eight months in a low security penal colony in for collaboration with an ‘undesirable organisation’ – Open Russia (**Article 284.1 RCC**). The actual term of imprisonment, taking into account the time spent in a remand centre, amounted to approximately three months. On 19 September the Pastafarian was released. This was the first real prison sentence in a case of collaboration with ‘undesirable’ organisations. Two reports on alleged collaboration with Open Russia and the training which [Iosilevich](#) conducted at his premises, served as grounds for bringing a case under the article on ‘undesirable organisations.’

We have already mentioned the lack of any proven links between the Russian organisation and the two British organisations deemed ‘undesirable’ in the Open Russia prosecution brief. But even the investigation’s allegation of Iosilevich’s participation in the Russian Open Russia is a fabrication. In fact, he is being prosecuted merely because, as an opposition activist, he has a resource in the form of premises, that he is ready to rent out to entities out of favour with the authorities to carry out entirely legal political and public activities. In this particular case, Iosilevich offered his premises to the Golos movement for training observers for the Nizhny Novgorod Duma elections. This was an event conducted by Golos and had nothing to do with Open Russia. Representatives of the Golos Movement for Fair Elections, the regional branch of the Yabloko Party, and the local Navalny local headquarters claim that it was they who had organised the talk for observers.

In addition, the original criminal case appears to have arisen because of a [mistake](#). One of the grounds for Iosilevich’s prosecution was an interview given by Andrei Pivovarov to Znak.com. He said that their United Democrats project was participating in the Novgorod region election campaign, but the headline mistakenly referred to the Nizhny Novgorod region. Iosilevich was remanded in custody for six months, after which he was released under a ban on certain activities. Later, the pre-trial conditions were changed to a travel restrictions order.

On 11 May, law enforcers removed Iosilevich from the flight to Tel Aviv at Domodedovo airport. After that he was taken to Nizhny Novgorod and returned to the remand centre.

The project ‘Political Prisoners. Memorial’ has recognised Mikhail Iosilevich as a [political prisoner](#). On 10 October the activist and his family [left](#) Russia.

On 27 July, a new criminal case was [brought against](#) the Russian politician [Vladimir Kara-Murza](#), already in custody, for conducting activities of an ‘undesirable’ organisation. Kara-Murza is accused of collaborating with the Free Russia Foundation. The politician allegedly used the organisation’s money to hold a round table in support of Russian political prisoners on 27 October 2021 in Moscow. The Free Russia Foundation was designated ‘undesirable’ in June 2019.

Kara-Murza has been held in custody on remand since 22 April 2022 on charges of spreading ‘fake news’ about the Russian army. The project ‘Political Prisoners. Memorial’ recognises Vladimir Kara-Murza as a [political prisoner](#).

A human rights defender and coordinator of Golos in Kirov [Denis Shadrin](#) was prosecuted under administrative law for participation in the activities of an undesirable organisation (**Article 20.33 RCAO**). The grounds were his observation of the Tbilisi mayoral elections in October 2021. Allegedly, while observing the elections, Shadrin collaborated through Golos with the European Network of Election Monitoring Organisations (ENEMO), designated ‘undesirable’ in September 2021.

On 14 August, [searches](#) were conducted in at least six Russian cities (Chelyabinsk, Moscow, Krasnodar, Sochi, Kemerovo, and Novosibirsk) at the homes of alleged members of the [New Generation](#) protestant religious organisation as part of a criminal case under **Article 284.1 RCC** for conducting activities of an ‘undesirable’ organisation. In August 2021, the Prosecutor General’s Office designated activities of the New Generation religious organisations based in Latvia and Ukraine as undesirable in Russia. Their followers believe that they have been charged for having maintained contact with Andrei Tishchenko, a New Generation pastor from Ukraine.

### 3.3.3. Designation of associations as extremist organisations

On 22 May, the Chechen Supreme Court designated the [1ADAT](#) civic movement as extremist. This large-scale but anonymous movement not only denounces and ridicules Chechen officials, but also actively collects information on crimes committed by the Chechen authorities and keeps records of abductions.

The Chechen authorities have been trying to find the movement’s leaders for several years and are cracking down on anyone who is in any way associated with 1ADAT. In 2020, 19-year-old [Salman Tepsurkaev](#) was kidnapped in Gelendzhik and then tortured for his association with the movement. His fate remained unknown until 2022, when a lawyer of the Committee Against Torture, Olga Sadovskaya, [stated](#) that Tepsurkaev had been killed.

The Chechen authorities are trying to de-anonymise subscribers to the movement’s Telegram channel. When they succeed, the subscribers are also subjected to torture in the Interior Ministry’s local branches. Suspected association with 1ADAT was one of the reasons for the [prosecution](#) of human rights defender [Abubakar Yangulbaev’s](#) family (for more details see [3.4.4. Zarema Musaeva’s case](#)).

On 6 December, St. Petersburg City Court designated the Vesna youth movement an extremist organisation. The prosecution of Vesna is related to their anti-war activities. This prosecution is covered in greater detail in chapter [2.2.4. The Vesna case: criminalisation of a movement that organised anti-war protests](#).

We also need to mention the [ban](#) imposed by Moscow’s Tverskoi district court on the activities of the transnational holding company [Meta Platforms Inc.](#) in Russia. On 21 March, the parent company of the social media platforms Facebook and Instagram, as well as the popular messenger WhatsApp, was declared an extremist organisation and its products, except for the latter, were blocked. This decision is clearly linked to an attempt to interfere with the dissemination of information about the war, and anti-war views. At the same time, Meta’s designation as an extremist organisation creates a potential risk of criminal prosecution for millions of its products’ users.

So far, we know of only one case of pressure being put on an individual for the use of Instagram: [Veronika Loginova’s](#) fashion blog had [caught](#) the attention of the police and the prosecutor’s office. The authorities believe that Loginova ‘*had acted to attract users to Facebook and In-*

stagram social media platforms’, and she has been given warnings about the inadmissibility of violating the law. According to the prosecutor’s office, ‘...acting to attract users to Facebook and Instagram social media platforms, as well as posting materials there, including advertising, can be considered a form of participation in the activities of an extremist organisation and inducement of an indefinite number of people to participate in them.’

### 3.3.4. Prosecutions of ‘foreign agents’

In 2022, the ‘foreign agent’ laws became the focus of great interest for Russian legislators, who introduced several amendments to them.

The first amendments were introduced in the [Federal Law No. 255 of 14 July 2022 ‘On Control over Activities of Individuals Under Foreign Influence.’](#) In this law, the Russian lawmakers tried to assemble and unify all the legal norms concerning the activities of individuals and organisations designated as ‘foreign agents.’ At the same time, new tougher amendments were brought in. The amendments came into force on 1 December 2022.

One of the key innovations was that it was no longer required to receive foreign funding to be designated a ‘foreign agent’, but merely to be under ‘foreign influence.’

A special list of ‘*individuals affiliated with foreign agents*’ has also been introduced. It will include everyone who was or is a founder, head, participant, member or employee of an organisation or unregistered public association designated a ‘foreign agent.’ Such people will be considered ‘affiliated’ with a ‘foreign agent.’

The law has significantly expanded the interpretation of ‘political activities’, which was already extremely broad and vague. Now, according to the Ministry of Justice, it is sufficient to carry out ‘*purposeful information gathering in the fields of military, and military technology activities of the Russian Federation*’, or to publicly disseminate messages and materials, or to participate in the creation of such messages and materials, or to finance these activities.

In addition, the law significantly expanded the list of prohibitions for ‘foreign agents.’ For example, under the amendments, books created by ‘foreign agents’ can only be sold in opaque packaging.

The government has also approved new labels which should be used by ‘foreign agents’ and employees of organisations designated as ‘foreign agents’ to mark their materials. The latter is another innovation; in the past, the requirement to label materials applied only to the ‘foreign agents’ themselves.

The second package of amendments was approved by the State Duma and signed by Putin on 29 December. The provisions of the Russian Code of Administrative Offences applicable to ‘foreign agents’ were amended, namely, fines for ‘foreign agents’ and participants in ‘foreign agent’ associations were increased, and the previous ‘foreign agent’ articles (19.7.5-2-19.7.5-4 and 19.34.1) were replaced with one general article – **Article 19.34 RCAO**, ‘Violation of a Foreign Agent’s Mode of Operation.’

Fines for all ‘foreign agents’ – individuals, officials and legal entities – were increased. The minimum requirements for criminal prosecution for ‘malicious evasion from fulfilling obligations of a ‘foreign agent’” (**Article 330.1 RCC**) have also been lowered. A criminal case will be brought

if a ‘foreign agent’ has been prosecuted twice in one year under **Article 19.34 RCAO**, which can apply to any offence, meaning that the risk of criminal cases being brought against ‘foreign agents’ will increase significantly.

The year 2022 holds the record for the number of new ‘foreign agents.’ As of 23 December, 178 ‘foreign agents’ had been added to the list since the beginning of the year (at the beginning of the year they numbered 328). Prominent cultural figures are being designated ‘foreign agents’ with significantly greater frequency.

## 3.4. Prosecutions of activists

In this chapter, we describe the state of play regarding criminal prosecution of activists, referring to those cases and trends that, while such a distinction is relative, do not explicitly fit the specific categories described in other chapters, such as prosecutions for the expression of opinion, exercise of the rights to freedom of assembly, association and conscience, as well as anti-war activities.

In 2022, prosecutions of representatives of civil society and civil society activists of various persuasions continued. We do not claim to present a complete picture of these repressive activities of the state, but rather provide examples to illustrate some of the most noteworthy or characteristic trends.

### 3.4.1. Prosecutions of ‘anti-fascists’

Prosecution of ‘anti-fascists’ – supporters of leftwing, primarily anarchist, views – has been going on in Russia for many years. For some reason, the authorities, most often FSB officers, deliberately classify people who profess anti-fascist views as terrorists. In criminal cases, these concepts are often listed together, separated by a comma. Moreover, such identification of political views with methods of political struggle is not substantiated in any way, and in general, such a pairing is somewhat bewildering. In fact, individuals with anti-fascist political views are openly persecuted in Russia.

We note that the ongoing repression against anarchists and anti-fascists greatly intensified in 2017-2018. Government authorities cultivate the image of anti-fascists as representing a public danger, involved in terrorism and attempts to destabilise society and politics. In addition, the detained anti-fascists are routinely and almost blatantly tortured.

At the same time, there is an ongoing suppression of non-systemic, informal independent organisations, especially, although not only, involving young people. In the high-profile Kansk case, this even included 14-year-old schoolchildren (see [‘Nikita Uvarov and the case of ‘Kansk teenagers’](#)). In addition to the objective of stopping the activities of those subjected to repressive measures, the law enforcement agencies aim to influence society by sending a signal that any civil society or political opposition activities pose a danger for their participants.

Several new cases accompanied by gross human rights violations were brought against anti-fascists in 2022.

## ***‘People’s Self-Defence’ and a banner against the FSB***

On 12 September, the People’s Self-Defence anarchist organisation was [designated](#) a terrorist organisation, and its activities were banned. Chelyabinsk Regional Court found that members of the organisation were carrying out certain terrorist and extremist activities and had conducted about 200 extremist events.

The prosecution of People’s Self-Defence began in 2018 after anarchist Mikhail Zhlobitsky [blew himself up](#) in the Arkhangelsk FSB building. In April 2019, RIA Novosti [reported](#) that law enforcement officers directly linked the terrorist attack to anarchist activities and the People’s Self-Defence. The organisation itself appeared in 2015 and consisted of former members of Autonomous Action.

In 2022, after the designation of People’s Self-Defence as a terrorist organisation, the prosecution that began in 2018 of Dmitry Tsibukovsky and Anastasiya Safonova, whom the investigation had identified as members of the organisation, was [concluded](#). On 19 September, the court sentenced the anarchist couple from Chelyabinsk to one year and nine months in a penal colony. They were found guilty of hooliganism motivated by political hostility (**Article 213, Part 2 RCC**) for the ‘FSB is the Biggest Terrorist’ banner, hung on the fence of the Chelyabinsk regional headquarters of the FSB on 15 February 2018. In addition, according to the investigation, Tsibukovsky had lit a flare and thrown it over the fence. The prosecution considered his actions as violating public order to express a political opinion, and ruled that the flare was a weapon. The defendant claimed that his confession had been extracted under torture. The case was repeatedly dismissed due to the lack of evidence, but in 2021 the spouses were nevertheless found guilty of hooliganism. Tsibukovsky was then sentenced to two and a half years’ imprisonment and Safonova to two years’ imprisonment. However, later Chelyabinsk Regional Court overturned the verdict and sent the case back for retrial. The spouses were released from custody, with a ban on certain activities.

On 20 September 2022, the day after the verdict, they were detained while trying to cross the Russian-Kazakh border and remanded in custody in Chelyabinsk. On 7 December Safonova was released on account of the fact that a day spent in a remand prison represents one and a half days in a general regime colony.

The project ‘Political Prisoners. Memorial’ has recognised Anastasiya Safonova and Dmitry Tsibukovsky as [political prisoners](#).

## ***Nikita Uvarov and the case of the ‘Kansk teenagers’***

On 6 June 2020, 14-year-old teenagers [Nikita Uvarov](#), [Denis Mikhailenko](#) and [Bogdan Andreev](#) were posting leaflets criticising the government and in support of political prisoners in the centre of Kansk (Krasnoyarsk region), including the FSB building. A few hours later they were [detained](#) by FSB officers.

Initially, all three were charged under **Article 205.3 RCC** (‘Training for the purpose of committing terrorist activities’). Subsequently further charges were added under **Article 223.1, Part 2, RCC** (‘Illegal manufacture of explosives or explosive devices by a group of individuals in collusion with each other’) and **Article 222.1, Part 2, RCC** (‘Illegal storage of explosives or explosive devices, by a group of individuals in collusion with each other’). According to the investigation,

since February 2020, the teenagers, *'adherents of anarchist ideology, aiming to change the existing government and political system in the Russian Federation, with a view to eliminating national government institutions, as well as in an act of revenge for unfairly and wrongfully ... convicted like-minded individuals'* participated in a *'training to carry out terrorist activities in the future – to commit ... a terrorist act on the territory of the city of Kansk, Krasnoyarsk region, in the summer of 2020... by carrying out explosions at the premises of law enforcement agencies (the Kansk branch of the Russian Interior Ministry and the Kansk branch of the Krasnoyarsk region FSB) and other actions terrorising the population and creating a risk of loss of life'*, and also *'practised manufacture and throwing of Molotov cocktails, manufacture and testing of improvised explosive devices and explosives that pose a danger to others, with the aim to further manufacture improvised explosive devices and explosives that he intended to use in order to commit a terrorist act'* (from the court ruling remanding Uvarov in custody).

Uvarov was remanded in custody on 10 June, with the rest of the teenagers being placed under house arrest the following day. In November, Mikhailenko was also remanded in custody. On 4 May 2021 Uvarov was released from custody and placed under a ban on certain activities, as, on 17 August, were Mikhailenko and Andreev.

The teenagers did not deny the manufacture of pyrotechnic devices, as well as their use. They did deny, however, that they were preparing to commit terrorist acts. Prosecution experts who have studied their correspondence do not cite facts that could point to any detailed plans or discussion of carrying explosions at law enforcement premises. In addition, all three teenagers claim that they were subjected to violence during their detention and subsequently pressured into confessing.

On 10 February 2022, Uvarov was [sentenced](#) to a five-year term in a general regime colony and taken into custody by the First Eastern District Military Court, while Andreev and Mikhailenko were handed a four and a three-year suspended sentence, respectively. The rest of the defendants were found guilty of possessing weapons and explosive devices only and were released from liability on charges of undergoing terrorist training for cooperating with the investigation. The trial was held behind closed doors.

In his last plea at the trial, Uvarov [said](#): *'I am not worried, because I have never taught my friends any wrongdoing, I was not their leader, we were on an equal footing as friends. I have not denounced anyone. I am not ashamed to face the people, relatives or strangers, who are familiar with our story. Let others believe the law enforcement agencies, rather than me, I have nothing to be ashamed of. I did not plan to blow anyone up.'*

On 16 May, the Military Court of Appeal upheld the verdict in the case of Kansk teenagers.

## ***A suspended sentence for a juvenile anarchist from Rybinsk***

On 22 September, Rybinsk City Court in Yaroslavl region handed a four-year suspended sentence to an unnamed 17-year-old 'supporter of anarchism', finding him guilty of possession and manufacture of explosives (**Article 222.1, Part 1, and Article 223.1, Part 1, RCC**) and incitement to extremism on the internet (**Article 280, Part 2, RCC**). The court found that he *'incited to violent actions'* and *'planned to commit high-profile acts aimed at destabilising the socio-political situation'*, namely, he posted *'calls for the violent overthrow of government, armed actions against government authorities'* on a Telegram channel in November 2021.



## The case of the Chita anarchists

On 31 October, anarchists [Aleksandr Snezhkov](#) and [Liubov Lizunova](#) were [detained](#) in Chita. The FSB suspected them of incitement of terrorist activities ([Article 205.2 RCC](#)) and extremist activities ([Article 280 RCC](#)), as well as vandalism motivated by political hatred ([Article 214, Part 2, RCC](#)). Their apartments were searched. According to investigators, the anarchists put up ‘Death to the Regime’ graffiti and ran two Telegram channels, ‘75zlo’ and ‘Shugan-25.’ They published critical statements against the war in Ukraine and posted calls for participation in protests and sabotage. Snezhkov and Lizunova are currently under travel restrictions.

## The Tiumen case

Six anti-fascists, namely [Kirill Brik](#), [Deniz Aidyn](#), [Yury Neznamov](#), [Daniil Cherytkov](#), [Nikita Oleinikov](#) and [Roman Paklin](#) were [detained](#) and subsequently remanded in custody in late summer and early autumn in Ekaterinburg, Surgut and Tiumen. Oleinik is charged with the creation of a terrorist group ([Article 205.4, Part 1, RCC](#)), while the rest are charged with alleged involvement in the group ([Article 205.4, Part 2, RCC](#)). Brik and Aidyn are also suspected of manufacturing an improvised explosive device ([Article 223.1, Part 2, RCC](#)). The investigation believes that the goal of the ‘terrorist group’ was sabotage on the railways, as well as carrying out explosions at military enlistment offices and police departments. All the defendants have stated that they were subjected to torture. For details, see [3.10.7. The Tiumen case](#).

## 3.4.2. Trade union activists

In 2022, the state had tightened the screws to such an extent that several criminal cases were brought simultaneously against trade union activists, whose activities had not attracted such attention from law enforcement agencies in previous years.

On 24 May, a Circassian social activist and member of the Independent Doctors Association [Aslan Naptugov](#), was [detained](#) and jailed a day later for six days, allegedly for petty hooliganism ([Article 20.1 RCAO](#)). At the end of his administrative jail term, Napsugov did not get in touch with anyone. It later transpired that he had been remanded in custody on criminal charges of inciting hatred or hostility by an organised group ([Article 282, Part 2, RCC](#)). The investigation found elements of a criminal offence in the activities of the Solidarity international trade union, which, among other things, fought against forced vaccination. According to Kavkazsky Uzel, six more people were detained in the same case.

Charges under the ‘Dadin’ article were [brought against Kirill Ukraintsev](#), head of the Kurier [‘Courier’] trade union. He was detained after a search in his apartment on 25 April. The trade union was created in 2020, seeking to improve couriers’ working conditions, in particular, their transfer to employment contracts and the abolition of the penalty system. On 25 April, about 30 people gathered for a protest near the Delivery Club office in Moscow. 12 of them were detained. The search and arrest of Ukraintsev was likely connected with this protest, although the activist himself had not participated in such protests for a long time. He was charged with organising protests by couriers and taxi drivers in 2020–2021 and calls to attend the trial

of anarchist Azat Miftakhov. A case was brought against him for these episodes for repeated violation of the established procedure for holding public events (**Article 212.1 RCC**). Since 27 April, Ukraintsev has been held on remand. The grounds for criminal prosecution of Ukraintsev were fabricated – the administrative offences cases were all brought many months after the publications. We believe Ukraintsev’s prosecution is politically motivated, not only because of the general background of suppression of any independent civil society activism, but also because the call to support political prisoner Azat Miftakhov was among the charges brought against him. The project ‘Political Prisoners. Memorial’ has recognised Kirill Ukraintsev as a [political prisoner](#).

In September, Ufa’s Sovetsky district court [sentenced Anton Orlov](#), coordinator of the Deistvie [‘Action’] medical workers’ trade union, to six and a half years in prison and a fine of 250,000 roubles in a serious fraud case (**Article 159, Part 4, RCC**). Orlov claims that his civil society and trade union activities were the reason for his prosecution.

### 3.4.3. The ‘Left Resistance’ case

The creation of the Left Resistance movement was announced in 2017 by [Darya Poliudova](#), an opposition activist from Krasnodar region, who had previously served two years in prison for peaceful protests against the Russian authorities and armed aggression against Ukraine. The group held small peaceful pickets with human rights and opposition slogans, and distributed leaflets.

#### **Darya Poliudova**

*The founder of the Left Resistance movement has been prosecuted by the Russian authorities on a regular basis. She received her first criminal sentence for allegedly inciting separatism (**Article 280.1 RCC**), namely for preparing a ‘march in support of the federalisation of Kuban’ in 2014. In 2020, Poliudova was again accused of incitement to separatism; the charges were dropped later, however, but others appeared – namely for the public justification of terrorism (**Article 205.2, Part 2, RCC**) due to the repost of a message about the Chechen field commander Shamil Basaev, as well as for calls to extremism (**Article 280, Part 1, RCC**) in an unpublished video recording from Poliudova’s phone, where she speaks about Evgeny Maniurov, who carried out a shooting in front of the FSB building on Lubyanka Street in December 2019. Poliudova was sentenced to six years in prison in 2021 for the two offences. Memorial Human Rights Centre has twice recognised Darya Poliudova as a [political prisoner](#).*

Left Resistance aims to uphold ‘true communist ideas.’ Several pages on the VKontakte social media site are associated with the movement. At the request of the Prosecutor General’s Office in March 2018, access to the first page has been restricted (97 subscribers as of February 2022; it has not been updated since Poliudova’s arrest in January 2020). The [second page](#) was created after the first one was blocked (232 subscribers). Poliudova is the registered owner of the page. As far as the [third](#) group, Left Resistance 2.0 (15 subscribers as of February 2022, 47 subscribers as of March 2023), is concerned, Darya Poliudova, Konstantin Kotov, Sergei Kirsanov and Alena Kozlova have no longer been its administrators since March 2023, and it is therefore doubtful that it can be considered as representing the movement’s position.

On 8 November 2021, the FSB for Moscow and the Moscow region [opened](#) a criminal case under **Article 282.1, Parts 1 and 2, RCC** ('Creation of an extremist group and participation in it') against alleged members of the Left Resistance movement [Darya Poliudova](#), [Kirill Kotov](#), [Sergei Kirsanov](#) and [Alena Krylova](#) (residing in Moscow and the Moscow region), journalist [Igor Kuznetsov](#) from Tomsk, and a trade unionist from Magnitogorsk who received asylum in Finland in 2014, [Andrei Romanov](#). The criminal cases against Kirsanov, Krylova, Kuznetsov and Romanov were later treated as a separate case.

On 23 December 2022, the Second Western District Military Court [found](#) Poliudova guilty of creating an extremist group (**Article 282.1, Part 1, RCC**) and incitement to terrorism or justifying it (**Article 205.2, Part 2, RCC**) and sentenced her to nine years' imprisonment (the term includes the 2021 sentence). The court found Kirill Kotov guilty of participating in an extremist group (**Article 282.1, Part 2, RCC**) and handed him a three-year suspended sentence.

According to the verdict, Poliudova had registered the Left Resistance group on VKontakte no later than October 2017, in which she '*announced the creation of the Left Resistance extremist group, whose goals are a violent change of the foundations of the constitutional order and violation of the territorial integrity of the Russian Federation.*' Kotov allegedly entered into a 'criminal conspiracy' with her, and together they created the '*Left Resistance extremist group.*' Poliudova allegedly persuaded the rest of the accused to '*become involved in participating*' in the activities of the criminal group, that consisted of organising rallies, marches and pickets aimed '*at discrediting the authorities and provoking clashes with police officers*', as well as in administering the group's page on VKontakte and promoting its activities on the internet.

Poliudova was charged with incitement to terrorist activities for her 2019 posts on the Left Resistance VKontakte page, in which experts discovered calls for the violent seizure of power and the use of violence against law enforcement agencies. Publications about the anniversary of the annexation of Crimea and pickets in support of defendants in cases of involvement in Hizb ut-Tahrir became another 'criminal episode' in the case.

It should be noted that all the actions for which Poliudova was convicted in 2021 are also listed in the new verdict as episodes of her extremist activities, this time on behalf of an extremist group.

Kotov was [charged](#) with running the group's page on VKontakte and holding five pickets in Moscow and one in Tomsk in 2019.

### 3.4.4. [The prosecution of Zarema Musaeva](#)

On the evening of 20 January 2022, Chechen security forces, with the support of the Nizhny Novgorod police, broke into the apartment of the Federal Judge Saidi Yangulbaev, his wife [Zarema Musaeva](#), and their daughter.

Their middle son, Ibragim Yangulbaev, was the administrator of an opposition Telegram channel that criticized Ramzan Kadyrov's regime, while their eldest son, Abubakar Yangulbaev, was engaged in human rights activities and worked as a lawyer with the Committee Against Torture.

Unable to find an excuse to transfer Saidi Yangulbaev, who enjoys immunity as a federal judge, to Chechnya the security forces apprehended his wife. She was jailed for 15 days in Grozny on a charge of petty hooliganism – for allegedly cursing during her arrest.

A criminal case was subsequently brought against Musaeva for using violence against a police officer (**Article 318, Part 2, RCC**). The investigation claims that she struck a police officer during the drawing up of an administrative charge.

In addition, Musaeva was charged with fraud (**Article 159, Part 3, RCC**) in a criminal case filed in Chechnya back in 2019. At that time, Musaeva and her husband had been living outside the Republic for two years. Lawyers still have not had access to the case file. The Chechen and Nizhny Novgorod authorities are sabotaging consideration of the lawyers' complaints.

Musaeva has been held on remand since February. In September, it came to light that she had not been receiving any letters. At the same time, persons have been providing Musaeva with necessary medicines anonymously, as she has been diagnosed with diabetes.

The abduction and prosecution of Zarema Musaeva is clearly connected with the opposition and human rights activities of her two sons, who were previously detained and tortured in a secret Grozny prison. Kadyrov has publicly called the Yangulbaev family enemies of Chechnya and terrorists and said that *'there is a place waiting for them either in prison or underground.'*

The project 'Political Prisoners. Memorial' considers Zarema Musaeva a [political prisoner](#). She is in fact a hostage of Kadyrov, and her abduction fits the pattern of Chechen law enforcement practices.

### 3.4.5. The case of the 'Chto-delat! Telegram channel

[Proceedings](#) are ongoing in the case of the 'Chto-Delat!' ['What is to be done!'] Telegram channel, in connection with which ten people were arrested in 2021, namely [Vyacheslav Abramov](#), [Nikita Kreshchuk](#), [Igor Kuznetsov](#), [Aleksei Kurlov](#), [Dmitry Lamanov](#), [Igor Nagibin](#), [Ildar Sadriev](#), [Dmitry Chebanov](#), [Zhanna Chernova](#), and [Aleksei Yanochkin](#). Mariya Platonova was placed under house arrest. The owner of the channel, Dmitry Chebanov, and other activists are being prosecuted for involvement in riots (**Article 212, Part 1.1, RCC**). According to the official version, *'a group of individuals consisting of at least 11 participants from seven constituent regions of Russia created a network of Telegram channels in which they posted publications and conducted campaigns aimed at organising riots on the territory of the Russian Federation on universal voting days from 17 September to 19 September 2021.'*

The Tomsk journalist Igor Kuznetsov was also charged with participation in an extremist group (**Article 282.1, Part 2, RCC**) in connection with the Left Resistance case (see [3.4.3. The Left Resistance case](#)).

In the summer, a criminal investigation was also opened against all the defendants for inciting hatred in an organised group (**Article 282, Part 2 (c), RCC**). A charge of illegal possession of explosives was also added to the charges against Nagibin (**Article 222.1, Part 1, RCC**) on the grounds that gunpowder was found during the search of his home. The activist himself claims he does not know to whom the gunpowder belongs.

On 5 December, the case of the 'Chto-Delat!' Telegram channel was transferred to Moscow's Butyrsky district court.

## 3.4.6. Prosecutions of USSR citizens

'USSR Citizens' is a generic name for activists and associations that do not recognise the collapse of the USSR. They believe that the Soviet Union continues to exist, and the current Russian government is illegal. The movement is very heterogeneous and there are several organisations operating under different names. 'USSR Citizens' are united by the non-recognition of the legitimacy of the collapse of the Soviet Union, challenging its fact in a number of legal ways, as well as their refusal to use Russian documents, and often conducting public awareness campaigns.

In 2019, one of the 'USSR citizens' organisations – namely the Union of Slavic Forces of Rus – was [designated](#) extremist by the Komi Supreme Court. That marked the beginning of criminal prosecutions against 'USSR citizens.' The number of such prosecutions peaked in 2022, with the conviction of dozens of individuals. In most cases, the grounds for prosecution were either the suggestion of a possible membership in an 'organisation', or posts on social media claiming the illegality of the USSR's collapse.

One of the longest terms of imprisonment was [given to Sergei Taraskin](#), who calls himself the 'USSR's acting president. On 5 May, Moscow's Zelenogradsky district court sentenced him to eight years in a penal colony. He was found guilty of organising the activities of an extremist organisation (**Article 282.2, Part 1, RCC**).

In some cases, the prosecution claims these organisations are preparing socially dangerous acts. For example, a resident of Omsk, 72-year-old [Vladimir Beskhlebny](#) was [given](#) a four-year suspended sentence by Omsk's Pervomaisky district court on 31 January for allegedly planning the violent replacement of the regional government and arrest of the governor. On 29 June, Volgograd FSB officers [stopped](#) the activities of the local branch of an organisation entitled 'Russia's Security Committee (KOB Ra)'. They detained four individuals who were allegedly plotting a coup d'état and armed seizure of power. One of the detainees, a former head of Volga region agricultural bodies, is also 72 years old.

The former head of the Tolyatti Molot ['Hammer'] trade union of the 'USSR citizens' [Vyacheslav Shepelev](#) was [found](#) guilty of insulting a representative of the authorities in April (**Article 319 RCC**), of three episodes of incitement to extremism (**Article 280, Part 2, RCC**), and of two episodes of inciting ethnic hatred (**Article 282, Part 1, RCC**) as well as five episodes of incitement to extremism (**Article 205.2, Part 2, RCC**). The Central District Military Court sentenced him to six years' imprisonment. A criminal case was brought against him at the beginning of 2020 for reposting the video 'To the Russian Federation Police Officers and Traitors of the USSR Homeland', authored by blogger Aleksandr Chernykh.

In some cases, psychiatry has been used to prosecute activists.

For example, Elena and Aleksei Patrushev, a married couple who advocate the revival of the USSR, were [sent](#) to a psychiatric hospital in the Novosibirsk region. On 27 July, law enforcement officers detained them, along with their two underage children, at their summer cottage as part of an extremism case. Initially, they were all taken to a police station, after which the parents were taken to Novosibirsk Psychiatric Hospital No. 3, while the children were placed in an orphanage. They were not allowed to be put in the care of their adult siblings.

Vyacheslav Shepelev was also subjected to a compulsory psychiatric examination in 2020.

It is important to note that, for some of the prosecuted associations, the only connection with the ‘Union of Slavic Forces of Rus’ extremist organisation was their coincidental abbreviated name – SSSR, while in other cases there was no connection whatsoever. For example, prosecutions were brought against the ‘RSFSR State’ public movement, the ‘Council of the RSFSR Citizens of the USSR’, and the aforementioned ‘Russia’s Security Committee (KOBra).’

### 3.4.7. Other criminal prosecutions of activists

The prosecution of [Andrei Khristoforov](#), known as [Drevarkh the Enlightened](#), continued in 2022. On 12 January in the Republic of Komi, Ust-Vymsky district court [handed](#) him a one- year suspended sentence on charges of violence against a government official (**Article 318, Part 1, RCC**). Drevarkh the Enlightened, an active participant in protests against the construction of a landfill in Shies, was detained on a train when he activated the emergency brake while trying to get off in Shies. According to investigators, he tasered a police officer who tried to detain him after receiving complaints from other passengers. It is worth noting that an examination did not find any traces of taser use on the officer’s body, although the latter had stated that he experienced ‘*acute physical pain*.’ At the same time, the law enforcement officers themselves had used a taser to detain the environmental activist.

On 13 January, Cheboksary activist [Alena Blinova](#) was [charged](#) with participation in the activities of an extremist organisation (**Article 282.2, Part 2, RCC**) on suspicion of participating in the Artpodgotovka [‘Artillery (or Art) Preparation’] movement, banned in Russia. On 29 December 2021, a search was conducted at Blinova’s house where she was detained. She was subsequently released on travel restrictions.

In 2019 and 2021, the activist was fined for photographing materials bearing the Artpodgotovka insignia.

On 4 March, the prosecution of [Evgeny Kurakin](#), a Reutov activist and head of the local Yabloko political party, which had been dragging on since 2012, came to an end. The Zheleznodorozhny City Court [gave](#) Kurakin a three-year suspended sentence on charges of serious fraud (**Article 159, Part 4, RCC**). Initiated for political reasons, the criminal case then became a pretext for periodically putting pressure on Kurakin through detentions and interrogations. The charges were based on an alleged indebtedness of the housing cooperative, of which Kurakin was chair, to the district heating utility. The project ‘Political Prisoners. Memorial’ has recognised Kurakin’s prosecution as [politically motivated](#).

Among the politically motivated prosecutions of 2022 there was one unexpectedly positive development which appears particularly exceptional given the generally negative trends. On 15 May, Komsomolsk-on-Amur’s central district court [acquitted](#) [Yulia Tsvetkova](#), an artist, feminist and theatre director. In November, Khabarovsk Regional Court dismissed the prosecutor’s complaint and upheld the acquittal. To recap, Tsvetkova was a defendant in an absurd case involving charges of illegal production and trafficking of pornography (**Article 242, Part 3 (b), RCC**) in connection with the management of the feminist body-positive public page ‘Vagina Monologues’, which posted abstract images of female genitalia. The case became an example of how nationwide conservative and homophobic tendencies driven by official government

policy has not everywhere affected the regional level. It also illustrated the growing ideologisation of repression. The formal reason for the prosecution was merely a denunciation by Timur Bulatov, an opponent of the LGBTQ community. Unfortunately, despite Tsvetkova's acquittal, the tendency to protect so-called traditional values with the help of criminal sanctions continues (see [3.8. Cases of 'violation of the holy'](#)).

## 3.5. Prosecutions of human rights defenders and lawyers

Prosecutions of human rights defenders form a small part of politically motivated criminal prosecutions, but represent a particular public danger. This is related to the fact that in the case of unjustified, politically motivated prosecution of human rights defenders, it is not only the individuals themselves who become the target of prosecution, but human rights as such and the work of protecting them.

We are convinced that there is a direct link between political prosecutions of human rights defenders and the state of democracy and respect for human rights in the country. Unfortunately, repression of human rights defenders in Russia continued without change in 2022. This included both pressure on those previously deprived of liberty and new prosecutions of human rights defenders and human rights organisations.

Although human rights defenders are often prosecuted on general criminal charges rather than on charges related to their human rights work, all such cases attract particular attention.

### 3.5.1. New criminal prosecutions of human rights defenders

#### [Bakhrom Khamroev](#)

In 2022, several criminal cases were brought against the well-known Russian human rights defender [Bakhrom Khamroev](#), a member of the now-dissolved Memorial Human Rights Centre.

Khamroev is known not only for his active defence of the rights of Central Asian migrants and Russian Muslims, but also for his public criticism of authoritarian Central Asian regimes and for organising pickets in front of embassies of Central Asian countries. He has been repeatedly subjected to various prosecutions for these activities.

On the morning of 24 February, FSB officers broke into his apartment, opening it with a key. They conducted a search and seized all computers and phones on the premises. Khamroev's wife Zukhra managed to [contact](#) a lawyer only after the search was completed. The human

rights defender has been held on remand since 25 February.

The pro-government TV channel REN TV immediately [labelled](#) Khamroev a ‘terrorist’ and bizarrely accused him of links to the Ukrainian Security Service, while in early March Rosfinmonitoring added his name to the list of individuals involved in extremism and terrorism.

The grounds for criminal prosecution were six Facebook posts, two of which were reposts and one was a link to a video. According to the investigation, the human rights defender ‘*advocated terrorism*’ by posting materials on his personal page allegedly related to the international pan-Islamist political party Hizb ut-Tahrir, which is banned in Russia. Four of the six posts had nothing to do with Hizb ut-Tahrir, but they allegedly contained vocabulary ‘*typical of this organisation.*’ The remaining two posts mention Hizb ut-Tahrir, but do not incite violence. The expert opinion referred to by the investigators does not explain in any way what exactly makes these publications dangerous. Without conducting a substantive analysis of the specific materials, the experts note that any mention of the organisation in itself is sufficient grounds for determining that the material promotes or incites terrorism.

Khamroev has been charged with two offences: justification of terrorism on the internet (**Article 205.2, Part 2, RCC**) and organising activities of a terrorist organisation (**Article 205.5, Part 1, RCC**). The second charge came to our knowledge only in October.

The human rights defender vehemently denies involvement in the activities of Hizb-ut-Tahrir and making publications on behalf of this organisation, stating that his Facebook page has been hacked repeatedly. He links the charges of supporting Hizb-ut-Tahrir to his work with cases of individuals prosecuted for participation in its activities, as well as to his active political stance.

In fact, Khamroev stands accused of ordinary human rights work — filing complaints and applications with law enforcement agencies and international organisations. In essence, the authorities do not even try to hide the fact that they are prosecuting Khamroev precisely for his defence of human rights.

[Zukhra Khamroeva](#) was also subjected to pressure to sign the report of the search she did not attend and was later identified as a witness in the case, made to sign a non-disclosure agreement and forbidden to attend her husband’s court hearings. Later searches were conducted at the apartment of [Agnessa Ilyina](#), the daughter of Khamroev’s wife. She was also made to sign a non-disclosure agreement.

Bakhrom Khamroev is known for his longstanding work in defence of the rights of Russian Muslims and migrants from Central Asia, for which he has come under the scrutiny of both Russian and Uzbek security services.

As a result of his human rights activities, Khamroev has been repeatedly prosecuted since 2003, including criminal and administrative prosecutions, has been beaten by an FSB officer, had his Russian citizenship revoked, and an apartment that he had bought on a mortgage has been taken from him without any compensation.

There is reason to believe that not only Russian security services, but also their colleagues from Uzbekistan, are interested in Khamroev. There is a known instance of [recruitment](#) of someone to carry out provocations against the human rights defender, as well as instances of inducing prisoners to testify against him.



We believe that the charge of justifying terrorism pressed against the Memorial Human Rights Centre member Khamroev could serve as an important pretext for making similar accusations against Memorial Human Rights Centre itself in the future. Such allegations were made in the Moscow prosecutor's office's statement of claim sent to the court in November 2021. The Khamroev case was the basis for searches at the organisation's premises and at the office of the Civic Assistance organisation.

The project 'Political Prisoners. Memorial' considers Bakhrom Khamroev a [political prisoner](#) since he is being prosecuted for his human rights work, as well as for his political and religious beliefs, with the aim of terminating his activities, intimidating the human rights community in Russia, and, in sum, preserving and strengthening the authorities' grip on power.

## [Gregori Markus Severin Vinter](#)

Gregori Markus Severin Vinter, a human rights defender from Cherepovets, was prosecuted for 'fake news' about the Russian army (**Article 207.3, Part 2, clause (e), RCC**). Remanded in custody on 24 August, on 19 October he was transferred to house arrest after numerous complaints about his detention conditions. The human rights defender was finally charged on 15 December.

**Vinter** is a well-known Russian human rights activist, head of the Vologda branch of the For Human Rights movement (which has since been closed down by a court). In recent years, Vinter has fought against excessive and illegal restrictions on the rights of citizens, which the authorities justified on the grounds of the fight against the coronavirus. Vinter was also active in defending the Puloovsky forest against logging.

The investigation presented as spreading 'information known to be false' a comment about mass murders and rapes in Bucha that appeared under someone else's post along with eight reposts about the shelling of the theatre in Mariupol. The prosecution's evidence that this information is false consists of a reference to the Defence Ministry's official position.

Vinter suffers from insulin-dependent diabetes, however initially he did not receive insulin in the remand centre and had to use his own supplies. Vinter complained about the lack of heating in his cell, that resulted in a drop in temperature at night to 4-6 degrees Celsius, and about problems with food. He later reported that he had become deaf in his left ear because of the cold in the cell and continued to suffer from a lack of medication to combat the effects of coronavirus and ear inflammation. Vinter also reported that he was humiliated and beaten in the remand prison in an attempt to get him to declare that he belonged to the lowest caste of prison inmates that are victims of regular and degrading humiliation.

This is not the first attempt to prosecute the human rights defender. He had been attacked in the past and repeatedly condemned for criticising local authorities.

The project 'Political Prisoners. Memorial' considers Gregori Vinter a [political prisoner](#).

## 3.5.2. Ongoing prosecutions of human rights defenders

### [Dmitry Kamynin and Vladimir Taranenko](#)

Back in February 2021, two coordinators of the ‘Sibir Pravovaya’ [‘Legal Siberia’] human rights organisation, [Dmitry Kamynin](#) and [Vladimir Taranenko](#), who provided legal assistance to convicts and prisoners, were arrested and remanded in custody. At the same time, information was published about torture in the Kemerovo region remand prisons and penal colonies. The human rights defenders were charged with illegal possession of drugs (**Article 228 RCC**) and extortion (**Article 163 RCC**), respectively. Taranenko stated he was subjected to torture in the remand prison.

Unexpectedly, in January Kamynin was released from custody and the legal proceedings in the drug case were suspended for lack of evidence, although the charges were not dropped. Moreover, he was immediately detained on the same charge that had been brought against Taranenko – extortion of 20,000 roubles from a Kemerovo resident. On 21 January, Taranenko was also accused of creating a cell of the Prison Life is One [‘Arrestantsky Uklad Edin’ – AUE] movement, which is banned in Russia.

In 2022, Kamynin was tortured in the remand prison. At one point the staff stopped forwarding his complaints about conditions of detention, and when he tried to submit a new complaint, he was beaten, his hands were twisted, and his mouth violently forced open. The violations the human rights defender complained of were numerous. He alleged he was deliberately infected with coronavirus through a specially arranged contact with a sick person, and then isolated in a dirty cell without any light, table, or toilet cistern for the duration of his illness and was not given any correspondence or legal literature.

Kamynin was also threatened with deportation to Krasnoyarsk, away from his family. In August, Kemerovo’s Zavodsky district court dismissed his complaint about the Investigative Committee’s refusal to initiate criminal proceedings against the police officers who had beaten him, ignoring the video of the beating and the recorded bruises and injuries on his face.

Taranenko’s abuse in the remand prison continued as well. He was not issued any footwear and was forced to wear plastic bags in winter. In addition, he has been regularly placed in a punishment cell. Speaking via videoconference in January, he stated he had been kept in a punishment cell for five months. The fact that Taranenko had been permanently kept in a punishment cell was also confirmed by Kamynin.

The accusations against Kamynin and Taranenko raise reasonable suspicion that it is their human rights activities that seem to have been the reason for initiating criminal proceedings against them.

## Yury Dmitriev

The prosecution of Yury Dmitriev, historian, researcher of burial sites of victims of political repression and chair of Memorial's Karelia branch, began in 2016 on damaging charges of paedophilia. A series of trials in 2021 resulted in a 15-year custodial sentence in a strict regime prison colony. Memorial recognised Yury Dmitriev as a [political prisoner](#) prosecuted for his human rights work. The [chronology](#) of Dmitriev's trials, which twice ended in a de-facto acquittal in Petrozavodsk City Court and subsequent cancellation of the verdicts by the Republic of Karelia Supreme Court, is available on the Memorial website.

Since September, the head of Memorial's Karelia branch has been subjected to regular pressure in the Mordovian penal colony No. 18. He was [placed](#) in a punitive isolation unit for three days on 16 September, for five days on 19 September and for another five days on 26 September. From 16 to 29 September, the historian spent only one day outside the punitive isolation unit. Dmitriev was placed in the punitive isolation unit for a fourth time on 4 November for ten consecutive days. In total, in the autumn he spent 23 days in the punishment unit. The management of the penal colony uses any formal pretext to mete out punishment, including failing to greet prison guards in a proper manner, having a cat on the bed, not putting your hands behind your back and not having a name tag on your clothes.

## [Evgeny Pleskachev](#)

In 2022 the human rights defender Evgeny Pleskachev from Mednogorsk continued to serve his sentence in Orenburg region. In December 2020 he had been found guilty of two episodes of insulting a judge (**Article 297, Part 2, RCC**), use of violence against a representative of the authorities (**Article 318, Part 1, RCC**) and six episodes of insulting a representative of the authorities (**Article 319 RCC**). Initially, he was sentenced to one year and three months of compulsory labour, with 10 percent of earnings withheld, but on 1 March 2021 Orenburg Regional Court reduced the term by two months on appeal.

To serve his sentence, the human rights defender was placed in a local rehabilitation centre, where he was repeatedly subjected to pressure by the administration. He was given regular reprimands, not released for treatment for long periods of time, and then prevented from observing bed rest. At the end of 2021, Pleskachev was found to be a persistent regime violator and in January 2022 he was placed in a special facility for such inmates.

In March, [we became aware](#) that the Novotroitsk court in Orenburg region had refused to satisfy the application by the head of the rehabilitation centre to transfer Pleskachev to a penal colony. In May, Pleskachev had served his sentence in full and was released.

Pleskachev is known in Mednogorsk and Orenburg region for his civil society and human rights work. He fights against abuses by the local administration and the chair of the Mednogorsk town court, as well as violations by the Kuvandyk investigation department. The human rights defender actively publicises his activities on social media. He has been repeatedly subjected to pressure by local officials, one of whom, a prosecutor, openly warned Pleskachev: *'If you continue writing, I shall take action against you.'*

## Vladmir Kazantsev

Judicial proceedings against a lawyer who defended local environmental activists concluded in Chelyabinsk. On 19 September he was sentenced to four years in a penal colony and ordered to pay 500,000 roubles compensation to the victim in the case. The Sovetsky district court found Vladimir Kazantsev guilty of serious fraud and abuse of office (**Article 159, Part 3, RCC**) and preparation to commit serious fraud by an organised group (**Article 159, Part 4**, in conjunction with **Article 30, Part 1, RCC**). According to the prosecution, Kazantsev had received 500,000 roubles from a client for assistance to render a judgment favourable to the victim, while aware that he had no real possibility to influence the judgment. Subsequently, he tried to obtain 2.5 million roubles from another client, allegedly in order to pass them on to an official at the court of arbitration.

Kazantsev was detained on the evening of 26 August 2020. His office and home were searched. He was first placed under house arrest, which was later replaced by travel restrictions.

In addition to defending local environmental activists in court, Kazantsev has filed several environmental lawsuits himself, including action against the decision to build the Tominsky mining and processing plant and the landfill in Poletaev. There are serious grounds to believe that it was Kazantsev's human rights activities that led to his prosecution.

## Andrei Ivashev

Prosecution of the human rights defender from Komi, [Andrei Ivashev](#), continued in 2022. He had already been prosecuted for two offences a year earlier: incitement of hatred (**Article 282 RCC**) and contempt of court (**Article 297 RCC**). In January he was charged with inciting extremism on the internet (**Article 280, Part 2, RCC**). The local FSB department alleged comments allegedly posted by Ivashev in 2020 contained calls to assassinate the head of the Republic, Vladimir Uiba. Ivashev considers his prosecution politically motivated.

In March, Ivashev was remanded in custody despite his disability caused by a spinal disease. He is kept in conditions that would be difficult to endure even for a healthy individual: a cold basement cell with a broken window through which insects can enter. The cell is noisy and permanently lit. Moreover, the human rights defender is in need of surgery.

On 6 October Syktyvkar City Court returned the criminal case against Ivashev to the prosecutor.

Ivashev is a human rights defender and a civil society activist. He is known for a series of single-person pickets in defence of Article 31 of the Constitution and for his criticism of abuses by the head of the Republic. There are serious grounds to believe that it was these activities that led to his prosecution.

## ***Vladimir Vorontsov and his supporters***

The trial of [Vladimir Vorontsov](#) concluded in a conviction in 2022. Three of his supporters were also jailed.

Vorontsov is a retired police officer, with a rank of a major, who created a ‘Police Ombudsman’ online group on the VKontakte social media site dedicated to discussing issues related to the work of the law enforcement agencies. Since 7 May 2020, he had been remanded in custody on a number of charges. Before his conviction he was in custody. On 2 August, Moscow’s Lyublinsky district court [sentenced](#) Vorontsov to five years’ imprisonment in a general regime penal colony. The court established his guilt on charges of extortion and production of pornography. The ‘police ombudsman’ was stripped of his rank of major and banned from engaging in activities related to administration of websites and other resources on the internet for ten years.

The court considered three episodes as allegedly proven: a case of extortion of 300,000 roubles from ex-police officer Rasim Kurbanov in exchange for returning to him nude photos of himself (**Article 163, Part 2 (d), RCC**) and their subsequent publication (**Article 242, Part 3 (a, b), RCC**); publication of pornographic pictures of G. Danshina (**Article 242, Part 3 (b), RCC**) and insulting a staff member of the Russian police’s internal security directorate Sergei Kobelev (**Article 319 RCC**). The statute of limitations on the latter episode had expired by the time of the verdict. The case initially consisted of 14 episodes, but thanks to the efforts of Vorontsov’s associates, the prosecutor dropped nine of them in July.

In January, former police officers [Vasily Fedorov](#), [Evgeny Moiseev](#) and [Irina Andina](#) published a [film](#) proving fabrication of the case against Vorontsov. To do this, Andina had had to initially testify against Vorontsov, and later inform the court during the trial about evidence of the unlawful prosecution of the human rights advocate they had collected. They managed to draw attention to the fabrication of evidence, but on 29 July they were [detained](#) on charges of making false allegations along with fabrication of evidence for a prosecution (**Article 306, Part 3, RCC**). They have remained in custody since 31 July.

On 23 December, Moscow’s Tverskoi district court reduced the time for Moiseev to familiarise himself with his case file on the grounds that he was deliberately taking too long over it. At the same time, the ‘Police Ombudsman’ member stated the investigator had only spent two working days in a month and a half visiting him in the remand prison.

The project ‘Political Prisoners. Memorial’ has recognised Vladimir Vorontsov as a [political prisoner](#).

## [Tatyana Kotlyar](#)

The third criminal case against the Obninsk-based human rights defender [Tatyana Kotlyar](#) concluded in 2022. She was again found guilty in the so-called ‘rubber apartment’ case (**Article 322.3 RCC**) and fined 340,000 roubles.

For many years now the human rights defender has been trying to draw the authorities’ attention to the poor functioning of the registration office in the Kaluga region in an attempt to bring the existing norms in line with the Constitution and international law. She has also drawn attention to the fact that the existing system forces migrants to make sham registrations. Kotlyar has been openly registering migrants in her apartment for a number of years, resulting in prosecutions by the authorities. In the third criminal case against her, she was charged with the sham registration of 46 individuals.

### 3.5.3. Prosecutions of human rights organisations

As noted above, judicial proceedings to disband key Memorial organisations [concluded](#) in early 2022 and the authorities began [winding up](#) the Moscow Helsinki Group at the end of the year. We have also mentioned the [searches](#) of the homes of Golos coordinators and the organisation's Moscow office linked to the case against their activist, [Mikhail Gusev](#).

In addition, searches were conducted at other human rights organisations during the year. The searches at the offices of Memorial and Civic Assistance were also noted [above](#) when describing [Bakhrom Khamroev's](#) prosecution.

On 23 June, law enforcement officers [spent](#) five hours 'inspecting' the Ekaterinburg Memorial's premises. They confiscated a laptop, two hard discs and various documents, including a copy of the book FSB vzryvaet Rossiu [*The FSB Blows Up Russia*] as part of their operation.

On 14 June, premises of the Open Space human rights project in Moscow [underwent](#) a similar 'inspection.' The police confiscated some paintings, stickers with the inscription 'No to War' and a crossed-out picture of Putin, LGBT brochures, project merchandise, old posters of 'Mothers against Political Repression,' signed bail sureties for defendants in anti-war cases, the 'Sanitary case' and the 'Vesna' case, a SOTAVISION publication banner, as well as postcards for the artist Sasha Skochilenko. At the end of the inspection, the police took project volunteer [Darya Soboleva](#) and lawyer [Irina Putilova](#) to a police station for questioning. On 15 June Soboleva's apartment was searched as part of a criminal case on charges of vandalism committed on the grounds of political, ideological or other enmity (**Article 214, Part 2, RCC**). According to the warrant, the case concerned the display of materials, including exhibits, with anti-war slogans at the Open Space exhibition. On 16 June Putilova's apartment was searched in connection with the criminal case of hooliganism motivated by political and ideological hatred (**Article 213, Part 1 (b), RCC**). On 16 June law enforcement officers also [arrived at](#) the project's St. Petersburg office, but could not inspect it as they had no search warrant and the door was locked.

On 30 July, the police once again [raided](#) the Moscow premises of Open Space where a birthday party was taking place for the 'Teenagers and little cats' project. The police detained [Katrin Nenasheva](#), artist, activist and human rights defender. They explained their actions by citing a complaint about violation of the law on LGBTQ propaganda among teenagers (**Article 6.21 RCAO**).

Memorial has essentially lost its premises in the centre of Moscow. On 7 October, Moscow's Tverskoi district court [ruled](#) that the transfer of the office in Karetny Ryad to the Memorial Scientific Information and Educational Centre by its owner, the disbanded International Memorial Society, was illegal. This judgement cleared the way for the property's alienation in favour of the state. Whether by coincidence or not, it was on this very day that the news broke of Memorial becoming one of the recipients of the 2022 Nobel Peace Prize.

Memorial's Ekaterinburg branch also lost its premises. On 20 December, the city administration [terminated](#) the contract on the provision of premises in the city centre, which the organ-

isation had occupied since 2005. Head of the Urals-based Memorial Aleksei Mosin considers the outstanding debt of 11,000 roubles for the rental of the premises provided formal grounds for the eviction. 'This decision is not merely an attempt to destroy the organisation, it is a signal to other human rights defenders of what their activities may lead to,' Mosin emphasised. According to the law, the human rights defenders were given exactly three months to move out. They were to leave their premises by 20 March 2023.

## 3.5.4. Prosecutions of lawyers

There is no doubt that the prosecution of [Dmitry Talantov](#), chair of the Udmurtia Bar Association and one of the lawyers acting for the journalist Ivan Safronov, was the most high-profile case under this category. He was [detained](#) on 28 June for spreading 'fake news' about the Russian army on the grounds of hatred or enmity (**Article 207.3, Part 2 (e), RCC**) and was transferred from Izhevsk to Moscow, where he was remanded in custody the following day. He is currently being held there.

The charges are based on a Facebook post in which Talantov condemned the Russian army's crimes in Mariupol, Irpin and Bucha, calling them Nazi practices. According to the investigation, Talantov tried to influence other lawyers with his post, undermine the current government's reputation and discredit the army. In September, Talantov's charges were [increased](#) by addition of four new episodes and the additional offence of incitement to hatred by abuse of office (**Article 282, Part 2 (b), RCC**). The lawyer now faces up to 15 years' imprisonment.

Talantov also experienced pressure and violation of his rights in the remand prison. Due to the cell's overcrowding, the 61-year-old man was provided with a bed and was offered to sleep on the floor. The bed was only provided after the lack of one was made public.

It should be noted that Talantov is the second lawyer acting for the journalist Ivan Safronov who has faced politically motivated prosecution.

The project 'Political Prisoners. Memorial' has recognised [Dmitry Talantov](#) as a political prisoner.

Another of Safronov's lawyers, [Ivan Pavlov](#), had his status as a lawyer [suspended](#) by the St. Petersburg Bar Association. Last year, Pavlov was forced to leave Russia following a prosecution for disclosure of materials of a preliminary investigation. His home was also searched on the grounds of a case of 'telephone terrorism' (**Article 207 RCC**). We noted above (see [2.4.1. Fictitious cases of 'telephone terrorism'](#)) that law enforcement agencies often use such cases as an opportunity to exert pressure. The search warrant was later cancelled by Krasnodar Regional Court.

There was an attempt to hold Krasnodar lawyer [Mikhail Benyash](#) administratively liable for discrediting the army (**Article 20.3.3 RCAO**), but Krasnodar's Leninsky district court [dismissed](#) the case on 27 April.

In October, Benyash was designated a 'foreign agent' as an individual.

On 15 November Krasnodar police [brought](#) a second charge against Benyash under **Article 20.3.3 RCAO**. According to the law enforcement agency, the lawyer 'discredited' the Russian army by posting the phrase 'no to war' at least 20 times on his Telegram channel. The report

claims that the words are aimed at ‘obstructing the use of the Russian armed forces to protect the interests of Russia and its citizens, and to maintain international peace and security.’ The defence lawyer noted in the report that he considered the accusation absurd.

In December, the Krasnodar region department of the Russian Ministry of Justice [sent](#) a proposal to the Krasnodar region Bar Association to initiate disciplinary proceedings against Benyash and terminate his status as a lawyer. The posts on Benyash’s Telegram channel which contained ‘statements incompatible with the status of a lawyer, impairing the authority of the Russian Bar Association and information aimed at destabilising the socio-political situation’ were named as grounds for the proposal.

A criminal case was opened against lawyer [Ilya Novikov](#) who has participated as a defence lawyer in many high-profile trials, including the trials of the Ukrainian pilot Nadezhda Savchenko and the Chechen human rights activist Oyub Titiev. As reported on 25 November, a warrant was issued for Novikov’s arrest. Novikov has been living in Kyiv for some time now.

Among other facts, we also draw attention to the [reports](#) of pressure on Vesna’s lawyers, as well as the episode of three Crimean lawyers losing their status, described [above](#) and the administrative prosecution of other Crimean lawyers – Edem Semedlaev, Nazim Sheikhmambetov, Aider Azamatov and Emina Avamileva.

## 3.6. Prosecutions that infringe upon freedom of assembly

Peaceful assemblies, including single-person pickets, are all but banned in the country. In most cases, the authorities still continue to invoke restrictions imposed in connection with the COVID-19 pandemic to refuse applications to hold assemblies. We believe that the real reason for the refusal is political. We base our assessments on the approach set out in the OSCE Guidelines on Freedom of Assembly: restrictions on freedom of assembly ‘should not be imposed unless other similar gatherings of people are similarly restricted.’

Activists have been prosecuted for exercising their right to freedom of assembly under both administrative and criminal law. Most of these cases are described in the sections of the report on anti-war activities and prosecutions of Navalny supporters. Here we focus on other reasons for prosecution related to the right to freedom of peaceful assembly.



### 3.6.1. Participants in the ‘people’s gathering’ in Vladikavkaz

On 20 April 2020, a ‘[people’s gathering](#)’ was held in Vladikavkaz. About 2,000 people spoke out against excessive coronavirus restrictions, which had caused many people to lose their jobs and incomes. The participants also demanded the resignation of the North Ossetian leadership. The rally was violently dispersed by law enforcement officers, with 69 people detained.

The trials of detainees continued in 2022, including three people whom the investigation considered to be organisers of the gathering.

On 19 July Rostov Regional Court [sentenced](#) the opera singer [Vadim Cheldiev](#), [Ramis Chirkinov](#) and [Arsen Besolov](#) to ten, eight and eight and a half years in a strict regime penal colony respectively, having found them guilty of organisation of riots (**Article 212, Part 1, RCC**). According to the investigation, all three defendants incited participation in the ‘people’s gathering.’

Even prior to the gathering, Cheldiev was prosecuted for ‘fake news’ about the coronavirus (**Article 207.1, RCC**) for criticising the lockdown restrictions. He was detained on 17 April 2020. An additional charge was soon laid against him for the use of violence against a representative of the authorities (**Article 318, Part 1, RCC**). It was alleged that he repeatedly struck a police officer from the anti-extremism police department [‘Centre E’] who was escorting him. After the gathering, a case was opened against him not only for organising riots, but also for inciting extremist actions (**Article 280 RCC**).

Throughout the year, the courts continued to convict participants in the gathering of participation in riots (**Article 212, Part 2, RCC**). On 19 February, Rostov Regional Court [increased](#) the prison terms of [Akhsartag Ailarov](#) and [Bimbolat Bekuzarov](#) by two months, sentencing both to three years and eight months in a general regime colony.

On 22 February Rostov-on-Don’s Kirovsky district court [sentenced](#) [Vyacheslav Makhmadiev](#), [Zaur Savlokhov](#) and [Atsamaz Tsagaraev](#) to terms of four years in a general regime colony.

On 7 July Rostov-on-Don’s Pervomaisky district court [sentenced](#) [Sarmat Kadiev](#) and [Taimuraz Kadiev](#) to terms of four years in a general regime colony. [Soslan Dzansokhov](#) and [Uruzmag Koniev](#) were sentenced to three years and ten months in a general regime colony. [Erik Bestaev](#) was sentenced to four years and three months in a general regime colony; he was also found guilty of illegal weapons trafficking (**Article 222, Part 1, RCC**).

On 18 October Rostov-on-Don’s Proletarsky district court [sentenced](#) [Zaurbek Tsgoev](#) to three and a half years in a general regime colony.

### 3.6.2. [The case of the Ingush opposition](#)

Criminal cases associated with the rally in Magas in March 2019 and initiated around that time, are still ongoing.

In autumn 2018, Ingushetia’s leaders signed a behind-the-scenes agreement on the transfer

of land to Chechnya, which provoked peaceful protests in the republic. On 26 March 2019, an authorised peaceful rally began in Magas, which the protesters decided to continue the following day, remaining in Magas overnight. In the early morning of 27 March, National Guard soldiers arrived from other regions to disperse the protest without any legal grounds, resulting in clashes.

The courts passed guilty verdicts against 40 people, who can provisionally be called ordinary participants in the rally, mainly for violence against a representative of the authorities posing no danger to life and health (**Article 318, Part 1, RCC**).

The leaders of the protest movement in Ingushetia have been hit hardest. Their prosecution has not been limited to violation of the right to freedom of assembly, but infringes upon other fundamental civil rights, including freedom of association and freedom of expression. Despite the fact that the defence convincingly demonstrated the completely untenable nature of the charges in the course of the trial, on 15 December 2021 Judge Yanis Kutsurov of Kislovodsk City Court handed down guilty verdicts against [Akhmed Barakhoev](#), [Musa Malsagov](#), [Ismail Nalgiev](#), [Zarifa Sautieva](#), [Malsag Uzhakhov](#), [Baraz Chemurziev](#) and [Bagaudin Khautiev](#) and sentenced them to prison terms ranging from seven and a half to nine years (the case against [Akhmed Pogorov](#), who had been detained later, was set aside in a separate proceeding and tried in 2022). All the defendants were recognised as political prisoners by the ‘Political Prisoners. Memorial’ project.

In 2022, when most of the trials at first-instance had been concluded, the majority of appeals against the verdicts were heard by courts of appeal. We shall only dwell here on the cases of [Akhmed Pogorov](#), [Bagaudin Myakiev](#) and [Ramazan Dugiev](#).

[Akhmed Pogorov](#) is a co-chair of the Ingush National Congress and former Minister of Internal Affairs of Ingushetia (2002–2003). He was accused of organising violent acts against a representative of the authorities that constitute danger to health (**Article 33, Part 3**, in conjunction with **Article 318, Part 2, RCC**), as well as of participation in an extremist group (**Article 282.1, Part 2, RCC**). A warrant had been issued for Pogorov’s arrest almost two years before he was detained at his home in Nazran on 26 February 2021. The following day he was remanded in custody, where he was kept for the whole of 2022.

[Bagaudin Myakiev](#) is a member of the Teips Council of the Ingush people. He served one year and ten months of imprisonment on charges of using violence against members of the National Guard that do not constitute a danger to health (**Article 318, Part 1, RCC**) and was released on 27 August 2020. The cassation court in Pyatigorsk overturned the verdict on 18 January 2022 and sent the case for a retrial. On 15 June, Zheleznovodsk City Court [sentenced](#) Myakiev to one and a half years’ imprisonment, which was less than the time he had already served.

On 28 November, a magistrate sitting in Nalchik’s judicial district No. 8 [sentenced](#) the Ingush activist to six months of corrective labour on charges of destruction or damage to the property of a remand prison (**Article 167, Part 1, RCC**) that had been initiated back in 2019. The defendant was released without having to serve his sentence on account of the expiry of the statute of limitations. At the same time, the court refused the prosecution move to hold Myakiev liable for compensating the ‘damage’ to the Russian Federal Penitentiary Service. According to the investigators, Myakiev broke a lavatory partition, a window and ripped out floorboards. The investigation had been suspended, but in March 2021 the case was reportedly resumed. During the court hearing, the lawyer Magomed Aushev noted that Myakiev’s guilt had not been

proven and there was no evidence against the defendant. The video from the scene of the incident does not show the ‘crime’ itself, but only the dismantled and neatly stacked up lavatory partition.

[Ramazan Dugiev](#) is a sign language interpreter and participant in the Magas gathering on 26 March 2019. He was detained in February 2022, remand in custody on 14 February, and transferred to house arrest on 16 March. On 10 August, Essentuki City Court [handed](#) him a one and a half-year suspended sentence for striking a National Guard officer on his shield and on the head (**Article 318, Part 1, RCC**). The defendant pleaded guilty, and his case was tried in a special proceeding.

### 3.6.3. Ingush police officers who refused to disperse a protest rally

On 27 March 2019, 13 officers of a battalion of traffic patrol and checkpoint police of Ingushetia’s Ministry of Internal Affairs formed a line between protesters and the National Guard officers in an attempt to prevent disruption of the rally. The police officers were later prosecuted for failure as a group to carry out orders (**Article 286.1, Part 2, RCC**) and discharged from the force.

[Magomed Dolgiev’s](#) case was tried in a special proceeding. In 2021, Pyatigorsk City Court [gave him](#) a one and a half-year’s suspended sentence. In February 2022, Stavropol Regional Court overturned the sentence as too lenient, but on 14 October, Pyatigorsk City Court gave Dolgiev an even shorter suspended sentence of one year.

The other defendants were tried together, namely, [Umalat Belkhoroev](#), [Vakha Gandaloev](#), [Beksultan Daurbekov](#), [Isa Evloev](#), [Ibragim Karakhoev](#), [Beslan Sainaroev](#), [Timerlan Toldiev](#), [Temirlan Umarov](#), [Beslan Khamkhoev](#), [Timur Khamchiev](#), [Ismail Tsechoev](#) and [Ramazan Ekazhev](#). On 30 August 2022, they were all [given](#) suspended sentences of 18 months by Zheleznovodsk City Court.

### 3.6.4. A picket against the sending of troops to Kazakhstan

On 9 January 2022, trade union activist [Konstantin Zavalin](#) was [detained](#) along with other participants in a picket in Astrakhan against the deployment of troops of the Collective Security Treaty Organization (CSTO) to Kazakhstan. He was later released without charges. In early February, police came to his home twice, but he refused to let them in. Zavalin did not receive any summons to a police station, but he was detained on 2 March with the use of non-lethal weapons and a charge of failing to obey police orders was drawn up against him (**Article 19.3 RCAO**). A court jailed Zavalin for ten days. Zavalin filed a complaint against the police

officers' illegal actions, which resulted in a criminal case against him, accusing him of hitting a district police officer (**Article 318, Part 1, RCC**). The case came to court on 6 May. He was remanded in custody on 12 May. On 23 June Astrakhan's Kirovsky district court sentenced Zavalin to one and a half years of community work, ignoring two witnesses who testified that the district police officer Bairamov, allegedly hit by Zavalin, was standing at a distance from Zavalin at the time he was arrested.

Pressure on the activist continued at penal colony No. 6 in Astrakhan region. Zavalin reported harassment and threats from the staff of the correction facility. He considers the fact that he disagreed with the manner in which the contract for community work was drawn up and executed as a possible reason for his treatment, in particular the fact that the contract was not securely bound and only signed by the director on the last page. On 4 October Zavalin was [sent](#) to a punishment cell. At the beginning of December he was [given](#) the status of a 'persistent offender' on the grounds that he had been served with three penalties: two for refusing to work without overalls, and another for sleeping and not hearing the arrival of the centre's inspector or getting up to greet him. As part of the community service, Zavalin was employed as a caretaker on Komsomolskaya Embankment. He claims to have asked the management for boots and waterproof gloves to work in heavy rain, but was refused, got very wet, caught a cold and came down with bronchitis.

### 3.6.5. The Lipetsk 'sanitary' case

On 25 March it was reported that a prosecution for violation of sanitary and epidemiological rules (**Article 236, Part 1, RCC**) had been [brought](#) against Lipetsk activist [Dmitry Krasichkov](#). On 12 February, together with other activists, he had recorded a video message to Putin in which they spoke out against the high-rise development of an area of private housing. Despite the fact that Krasichkov had a certificate to prove his recovery from coronavirus dated 9 February, the investigation believed he was still unwell on the day of the recording.

In recent years, local authorities have prosecuted Krasichkov on a number of criminal and administrative charges. On 24 October, he was [sentenced](#) to one year of community work on charges of insurance fraud that were filed in 2021 when he was planning to run for the city council. In addition, 10 percent of Krasichkov's salary for one year will be taken by the state. The activist considers the case to be fabricated.

### 3.6.6. Prosecutions under the 'Dadin' article

Cases of repeated violation of the established procedure for holding public events (**Article 212.1 RCC**) became rarer in 2022, which does nothing to change the blatantly unlawful nature of this norm and any number of cases of its application.

Examples of the use of the 'Dadin' article have been covered in previous sections, including the [prosecution](#) of the Courier trade union leader [Kirill Ukraintsev](#), the [prosecution](#) of Navalny supporter [Vadim Khairullin](#) and the [prosecution](#) of [Olga Nazarenko](#) from Ivanovo.

It is also worth mentioning that in February the prosecution tried to increase the sentence handed down to Kolomna environmental activist [Vyacheslav Egorov](#), who was convicted under the ‘Dadin’ article. Egorov was sentenced to one year and three months in a general regime colony; the prosecution asked for the sentence to be increased to three years. On 17 February, Moscow Regional Court [left](#) the verdict unchanged. Egorov was [released](#) from prison in August 2022.

## 3.7. Prosecutions infringing freedom of expression and of the media

The scale of prosecutions of journalists can be judged from [data](#) published by the Media Rights Protection Centre, which show that politically motivated criminal cases were brought against 30 Russian journalists and bloggers on social and political themes in 2022, with half prosecuted for ‘fake news’ about the Russian army ([Article 207.3 RCC](#)), warrants issued for the arrest of 11, and 37 subjected to searches. The editorial offices of Listok (Gorno-Altaysk) and Pskovskaya Guberniya [‘Pskov Governorship’] (Pskov) were also searched. These are instances of criminal prosecution, which is the most severe, but not the only, form of pressure. Other types of pressure – instituting administrative charges, designation as ‘foreign agents’, physical violence and the threat of such, the leaking of personal data – were much more extensive in 2022. We barely touch upon these topics because they go beyond the scope of this report.

Prosecution for public statements has been so broad in nature that we have needed to allocate separate chapters to describe repression for anti-war statements (see [2.3. Prosecution for anti-war statements](#)), military censorship (see [2.9. Purging the information space](#)), as well as for reckless statements about religion, history and state symbols ([3.8 Cases of ‘violation of the holy’](#)). In addition, the section on the fabrication of treason cases includes a separate description of [Ivan Safronov’s](#) case, the most important prosecution for the community of Russian journalists (see [3.11.3. Ivan Safronov’s case](#)).

In this chapter, we describe the most typical examples of other cases and campaigns intended to suppress the rights to freedom of expression and dissemination of information. As with the prosecution of human rights defenders, violations in these areas, especially against journalists, require close public scrutiny, as they have the greatest impact on society. Depriving society of alternative sources of information contributes to its fragmentation and atomisation. The prosecution of journalists is part of a general trend of suppression of freedom of expression, which was [observed](#) in the early 2020s in countries with authoritarian and hybrid political regimes.

## 3.7.1. The prosecution of Abdulmumin Gadzhiev

The case of [Abdulmumin Gadzhiev](#), a journalist from Dagestan's Chernovik ['Draft'] newspaper, recognised by the project 'Political Prisoners. Memorial' as a [political prisoner](#), continued in 2022. He is accused of financing terrorism (**Article 205.1, Part 4, RCC**) and participation in the activities of extremist organisations (**Article 282.2, Part 2, RCC**) as well as terrorist organisations (**Article 205.5, Part 2, RCC**). The investigation claims the journalist allegedly participated in the activities of such designated terrorist organisations as ISIS, the Congress of the Peoples of Ichkeria and Dagestan and the Supreme Military Madzhlisul Shura of the United Forces of the Caucasus Mujahideen, as well as publishing information about the Ansar Foundation headed by the preacher Abu Umar Sasitlinski in the Chernovik newspaper. The law enforcement agencies accuse the latter of organising funding of terrorists through charitable organisations [without any proof](#). A trial is presently underway. Gadzhiev has been remanded in custody and over the past year his detention has been extended three times. A linguistic review of 26 of Gadzhiev's publications has been conducted during the trial, but none of them showed any signs of extremism. In addition, three witnesses on the prosecution side recanted their testimony, one of whom said he had signed the report on the interrogation with the charges under threat of torture.

In November, Chernovik [stopped](#) publishing its print copy because of pressure by the authorities against the printing company.

## 3.7.2. Charges against bloggers for extremism

The number of charges for extremist offences and justification of terrorism rose sharply in 2022. According to figures published by the Russian Interior Ministry and [analysed](#) by the Sova Information and Analytical Centre, the law enforcement agencies registered 1,566 extremist crimes, 48.2 percent more than in 2021, of which 1,257 crimes were solved (+38.4 percent), with 493 registered crimes (+8.4 percent) prosecuted under **Article 280, Part 2, RCC** ('Incitement of extremist activities committed by use of mass media or information and telecommunications networks, including the internet'). In addition, 490 offences (+55.6 percent) were recorded under **Article 205.2, Part 2 RCC** ('Incitement of terrorist activities, public justification of terrorism or propaganda of terrorism committed by use of mass media or electronic or information and telecommunications networks, including the internet').

Even the official information therefore shows a sharp increase in prosecutions for expressing opinions and a widespread practice of bringing charges against users of social media and the internet. This scale of prosecutions and the lack of information about the nature of the charges in most cases do not allow us or other human rights organisations to analyse each case. Moreover, official statistics do not allow an assessment of the dynamics of the posting of criminalised statements on account of the widespread practice of initiating criminal proceedings on the basis of the discovery of so-called 'ongoing offences' with regard to posts and comments posted

sometimes as long as several years ago. Nevertheless, to illustrate the trends, we shall adduce examples of the most egregious cases of anti-extremist legislation being used to prosecute critics of the regime.

Criminal cases for justification of terrorism continued to be initiated in the absence of any evidence in the actions of the accused. According to OVD-Info estimates, [at least 50](#) criminal cases alone were opened for comments about the suicide bombing of the Arkhangelsk anarchist Mikhail Zhlobitsky in the FSB building, and a number of their defendants have been recognised by Memorial as political prisoners. Memorial has previously criticised both **Article 205.2 RCC** itself and the practice of its application, including in its 2019 report '[Pro-terrorist Statements](#),' which noted: '*Such criminal cases are characterised by a formal approach and a marked disparity between the penalty and the actual danger posed, and sometimes the prosecution may constitute retribution for political views or socio-political activities... Cases under Article 205.2 are being actively brought not only for incitement to terrorism, but also to revolution and rebellion, although Article 280 of the Russian Criminal Code already deals with statements against the constitutional order.*' For example, on 28 July the Second Western District Military Court [sentenced](#) Smolensk activist [Sergei Komandirov](#) to six and a half years' imprisonment for cumulative offences, based on his posts on social media which showed no signs of public danger. [The main charge against him](#) was in fact justification of terrorism for a reposted video clip of a trial of Putin and Sechin, which was not even recognised as extremist.

The above-mentioned **Article 280 RCC**, especially its second part which criminalises comments on the internet, primarily in social media channels, has also served as a convenient tool to prevent free discussion on topics relevant to forms of protest, in particular public rallies, alternative forms of government and territorial organisation, and so on. This is because liability for this offence is incurred, among other things, for calls to change the constitutional order by violence, which are often interpreted by investigators as incitement to mass protests. Criminal cases are often initiated for reckless statements in social media, which pose no public danger whatsoever because of the very limited size of their audience and the absence of negative consequences. One such example is the criminal case against Voronezh resident [Grigory Severin](#), who was sentenced on 22 August to two years in a penal colony for inciting extremist acts on VKontakte (**Article 280, Part 2, RCC**) and insulting a representative of the authorities (**Article 319 RCC**). The opposition activist was [charged](#) in connection with an emotional comment about the attack against the FSB building in Lubyanka Square, which not only had no socially dangerous consequences, but was only discovered by the law enforcement agencies over a year after it was posted.

The unjustified classification of law enforcement officers as a 'social group' continued, which created grounds for the prosecution of their critics. For example, an opposition blogger from the Kemerovo region [Aleksei Fedorov](#) was [charged](#) under **Article 282, Part 1, RCC** ('Incitement to hatred or enmity, as well as degrading human dignity') for criticising 'social groups' such as 'law enforcement officers' and 'officials' (Memorial has repeatedly stated that criticism should not be criminalised in principle). He was also charged under **Article 222.1, Part 1, RCC** ('Illegal acquisition, transfer, sale, storage, transportation, forwarding or carrying of explosives or explosive devices') for possession of smokeless gunpowder, which was most likely planted on him. Fedorov has been under house arrest since June 2021.

### 3.7.3. Prosecutions of journalists and bloggers on charges of defamation

Charges under **Article 128.1 RCC** ('Defamation') remained a significant threat to the journalist community. Despite the fact that this article concerns private prosecutions and the establishment of the factual circumstances of the case should be limited to the evaluation of statements against the victim, the bringing of such cases is routinely accompanied by unjustified searches.

On 12 November it was reported that a case of defamation of a judge (**Article 298.1 RCC**) had been [opened](#) against [Alekssei Mashkevich](#), editor-in-chief of the Ivanovo-based publication *Slukhi v fakty* ['Rumours and Facts']. The case was brought after Judge Yulia Raskina of Ivanovo's Leninsky district court applied to the prosecutor's office, quoting two texts by Mashkevich. In the first, the journalist described how an investigator had pressured a defendant to enter into a plea bargain and the role of the judge in the affair; and in the second, he described his attempts to obtain comments from the district court about Raskina's behaviour at the trial.

A similar criminal case was opened in Penza. On 26 July the office of [Maksim Denisau](#), editor-in-chief of the *Novaya alternativa* ['New Alternative'] newspaper was searched and his computer system unit was seized by police officers. On 8 December the case was [closed](#) due to the lack of evidence. The case had been brought following a complaint filed by Anton Sharonov, a United Russia candidate in the regional parliamentary election, on account of Denisov's critical comments about the former in one of his articles and his listing of corruption scandals associated with the United Russia candidate's activities, with links to the publications about these activities.

Bloggers have also been prosecuted for defamation of the authorities. For example, a criminal case was opened in Vladikavkaz in October against blogger [Alan Khasiev](#) over a post on his Telegram channel stating that the deputy prosecutor of the city's Zatrechny district, David Batagov, was forcing investigators to fabricate cases against people of whom he disapproved. In early November, Khasiev was taken into custody, and on 26 November was [charged with](#) theft causing significant damage (**Article 158, Part 2 (c), RCC**), as he was alleged to have stolen his ex-wife's money and jewellery worth 54,000 roubles.

### 3.7.4. Crackdown on Telegram channels by Rostekh management

As early as the beginning of 2010, a practice of prosecuting regional journalists and bloggers as well as activists opposing illegal real estate development on charges of extortion (**Article 163 RCC**) became widespread. Such criminal cases are particularly difficult to assess from the point of view of the legality of initiating criminal proceedings because it is very hard to determine whether defendants had tried to extort money or whether they were victims of a provocation. In practice, any negotiations for the transfer of money in exchange for a change in media coverage of the 'victims' activities may form the basis for charges of extortion or, less frequently, charges of fraud (**Article 159 RCC**).



Prosecution of such criminal cases acquired a much more public character in 2022. Mass detentions of Telegram channels' administrators took place in Moscow and St. Petersburg. What all the cases had in common was that the victims were all managers at Rostekh State Corporation. Proekt ['Project'], an investigative publication, [claims](#) that the cases were personally initiated by Rostekh's director for special commissions, Vassily Brovko. The reasons for their initiation were both political and personal, linked to Brovko's retaliation against individuals who had criticised him and his wife, the well-known propagandist Tina Kandelaki. According to Proekt, Brovko suggested that Rostekh management should start fighting against anonymous Telegram channels that criticise the corporation against the backdrop of a growing number of negative publications directed against him since May and the negative assessment of Rostekh's work by Putin in his [speech](#) on 18 July. After Rostekh CEO Sergei Chemezov approved the plan to crackdown on Telegram channels with the help of law enforcement agencies, ten administrators of popular Telegram channels were detained between 4 August and 7 October, nine of whom were remanded in custody. In seven cases they were charged with large scale extortion (**Article 163, Part 3, RCC**) involving either Vassily Brovko or the top manager of Promsvyazbank Aleksandr Ushakov, by way of demanding money for agreeing not to post negative information (the so-called 'block on negativity'). In three cases – involving the 'Project Scanner' channel administrators – the charges were for large scale fraud (**Article 159, Part 4, RCC**). A detailed description of these cases and the specific charges can be found on the Proekt [website](#).

Other articles of the Criminal Code were also used during the campaign, organised by Rostekh to crackdown on the semi-independent media outlets. For example, on 3 November, the TV presenter [Andrei Karaulov's](#) country house was searched in connection with charges of defaming Sergei Chemezov. On 24 November an [arrest warrant](#) was issued for Karaulov. According to the corporation's [statement](#), Karaulov '*went far beyond the bounds of professional ethics, engaging, in fact, in pseudo-journalism... publishing rumours and speculations detached from reality, without bothering to properly verify the information.*'

The case of Ksenia Sobchak's employees, the ex-Tatler editor-in-chief [Arian Romanovsky](#), commercial director [Kirill Sukhanov](#) and journalist [Tamerlan Bigaev](#), who were [remanded in custody](#) in late October and early November, is likely to be part of the crackdown against Telegram. They were accused of extorting 11 million roubles for not publishing a post with 'defamatory information' about Chemezov. Romanovsky did not plead guilty, while Sukhanov admitted only to demanding 800,000 roubles. While the project 'Political Prisoners. Memorial' does not have access to the case file, the charges appear to be spurious both because of the absence of any defamatory information about Chemezov in the incriminating post containing a description of a social event and because of its possible use to put pressure on Sobchak, whose media resources can be classified as at least semi-independent.

We cannot rule out that the pressure campaign against the administrators of Telegram channels using extortion charges could have been broader in character and at least partially unrelated to Rostekh's activities. For example, Moskovsky Komsomolets journalist [Lev Speransky](#) was [questioned](#) as a witness on 16 August after his apartment was searched. The formal reason given was a criminal case concerning the extortion of 50,000 roubles from Alisher Usmanov and Kazakh businessman Kenes Rakishev. However, the journalist noted that the investigator had also asked him about his association with the popular anonymous 'VChK-OGPU' Telegram channel (over 400,000 subscribers).

## 3.7.5. Other instances of prosecutions on charges of extortion

In addition to the campaign to purge the media realm initiated by Rostekh, smaller but regular cases of using **Article 163 RCC** against mainly regional bloggers and journalists continued. For example, on 1 August, Kursk's Leninsky district court [sentenced Dennis Shaikin](#), former publisher of MK Chernozemye, to two years in a general regime penal colony and ordered him to pay 100,000 roubles in compensation for moral damage to the victim. The case against the journalist was brought in September 2020; he was accused of extorting 400,000 roubles (**Article 163, Part 2 (d), RCC**) from Evgeny Levant, the owner of the Proekt 'Svezhy Khleb' ['Fresh Bread Project'] company, for refusing to publish information about the company. The journalist insists that he met Levant to obtain a comment from him when preparing a publication on the illegal takeover of the rival KurskKhleb ['Kurskbread'] enterprise. One of the criminal case's consequences was the closure of the Kurskaya nedelya ['Kursk Weekly'] publication, also published by Shaikin, because of the seizure of office equipment during a search of the editorial office.

In the neighbouring Orel region, journalist of the local Orlets publication [Vladimir Panfilov](#) and website administrator [Artyom Prokhorov](#) were [detained](#) on 3 August for allegedly receiving money from businessman Vladimir Tilman, who had previously been a victim in another extortion case. The detainees were first remanded in custody, but later placed under house arrest on 26 August. The potentially political nature of Panfilov and Prokhorov's prosecution may be evidenced by the fact that the newspaper's website and its VKontakte page were blocked in March on account of publishing inaccurate information about the war against Ukraine, according to the Prosecutor General's Office. After that, the Orlets continued to operate on a site with a new domain name.

In Rostov-on-Don, charges of extortion of 60,000 roubles from the director of the Nakhichevan market Roman Gevorgyan were [brought](#) in August against [Sergei Reznik](#), an opposition journalist and former [political prisoner](#) who had emigrated from Russia, together with charges of alleged rehabilitation of Nazism (**Article 354.1 RCC**) and fake news about the army (**Article 207 RCC**).

## 3.7.6. Prosecutions of the 'Rosderzhava' journalists

The prosecution of journalists working on the Rosderzhava [*the name is a shortened version of a phrase such as 'Great Power Russia' – trans.*] online publication continued in 2022. The journalists, a cross between video bloggers and [vigilanti](#) activists, had tried to deal with a number of social problems (mainly, traffic offences) themselves. Such activities incurred the wrath of the regional authorities, on the one hand, and made them a convenient target for repressive

measures on the other – measures officially carried out to punish their actions rather than their statements. In all cases of which we are aware, however, there is a clear political underpinning of the prosecution. The ‘Political Prisoners. Memorial’ project has recognised the defendants in these cases as political prisoners.

Krasnodar-based video bloggers [Stanislav Andreev](#) and [Aleksei Shamardin](#) were taken into custody in August 2021 after a criminal case was brought against them in March for the theft of two ‘Disabled’ signs in Timashevsk, Krasnodar region (**Article 158, Part 2, RCC**), in February 2019. Andreev was also charged under **Article 319 RCC** after he had called the bailiff who stopped him from attending a court hearing a ‘parasite.’ The video bloggers did dismantle the signs, but they did so in the presence of officials and traffic police officers, while filming their actions, and having previously received a notification from the local administration that the signs were ‘*not listed at that location.*’ The Investigative Committee and the court declared their actions ‘covert embezzlement.’ On 18 November, the Timashevsk district court [sentenced](#) them both to two and a half years in a penal colony. Andreev was also fined 40,000 roubles.

The bloggers [Yan Katelevsky](#) and [Aleksandr Dorogov](#), who had been investigating corruption and repeatedly criticised the Moscow region’s branch of the Interior Ministry, were [charged](#) with large-scale extortion as part of a group of individuals by prior conspiracy (**Article 163, Part 3 (b), RCC**) and insulting a representative of the authorities (**Article 319 RCC**). Katelevsky is also accused of deliberate damage to property, committed as hooliganism, in the form of arson, explosion or other generally dangerous means or causing serious consequences (**Article 167, Part 2, RCC**). They have been in custody since 29 July 2020 and the case is currently being heard by the court.

[Maksim Lavrentiev](#) and [Sergei Kamensky](#), the Kemerovo activists who made videos of violations by various officials and law enforcement officers for their YouTube channel ‘Don’t Be Apathetic’, have been charged with hooliganism (**Article 213, Part 2, RCC**) and intentional infliction of minor harm to health (**Article 115, Part 2, RCC**), while Lavrentiev has also been charged with assault against a representative of the authorities (**Article 318, Part 2, RCC**) for using pepper spray in two altercations over irregular parking by law enforcement officers. In addition, they are [accused](#) of inciting hatred or enmity as part of an organised group against law enforcement officers (**Article 282, Part 2 (c), RCC**) together with another activist, [Anatoly Sadovin](#). All three were detained on 26 June 2020. Lavrentiev has been remanded in custody, Kamensky is under house arrest, and Sadovin is under travel restrictions. The trial of their case continued throughout 2022.

## 3.8. Prosecutions for ‘violation of the sacred’

2021 was marked by a dramatic intensification of the state’s crackdown on individuals, often apolitical, who infringed on symbols important to the state or constituencies supporting it – religious, historical, patriotic, and so on. The prosecution of war opponents in 2022

for disseminating information about the war that differed from the official narrative (**Article 207.3 RCC**) or for ‘discrediting’ it (**Article 280.3 RCC**), i.e. for having an essentially negative attitude to the war, can actually be considered an apotheosis of this campaign, in the course of which the war itself acquired a sacred image that does not tolerate ‘sacrilegious’ denigration. The corresponding repression is described in [2.3. Prosecution for anti-war statements](#). Neither did the scale of prosecutions on charges of infringement of more familiar sacred symbols decrease. Moreover, such cases became one of the tools of society’s ideological mobilisation in the context of the war against Ukraine. This was one of the reasons why, since [mid-April](#), we have been gathering information about prosecutions for insulting the ‘greatness’ of the state and its values, together with reports of cases against anti-war activists, and publishing them within a single digest on the project’s [Telegram channel](#): ‘Russia’s Detractors.’

### 3.8.1. Prosecutions for offending believers’ sensibilities

The number of cases brought under **Article 148, Part 1, RCC** (‘Public acts displaying clear disrespect for society and committed for the purpose of offending religious believers’ sensibilities’) continued to grow in 2022, as did the number of convictions. According to the statistics of the Russian Supreme Court Judicial Department [cited](#) by the Sova Centre, six people were convicted for such an offence in the [first half](#) of 2022, the same number as in the first half of 2021 (13 [over the course of the year](#)), while there were only two such convictions in 2020. Notably, ‘investigation’ of criminal cases, brought mainly in connection with the publication of provocative, often erotic, photos of churches and mosques on social media, continued. At the same time, we believe that publication of such pictures carries no threat of public danger, and in all the cases known to us, prosecutions under this article have been unlawful.

In January, a case was brought against Instagram user [Mariya Katanova](#) over a video posted by a random passer-by who filmed the young woman’s photo shoot wearing a niqab, stockings and underwear under an unbuttoned white coat against the backdrop of Moscow’s Cathedral Mosque. Later, charges were brought against six more female and male participants of the photo shoot. On 25 May a magistrate of the Moscow Meshchansky judicial district No. 410 [dismissed](#) the case on grounds of the reconciliation of the parties given the absence of believers’ claims against the defendants, despite the prosecution’s objections.

On 4 May, a magistrate of the Kaluga judicial district No. 12, Kaluga region, [fined](#) Twitter and Instagram user [Nataliya Maslennikova](#) 25,000 roubles for publishing a photo of herself with a raised skirt against the backdrop of the Church of the Transfiguration in the summer of 2021. The case was brought in November 2021 amid a nationwide [campaign](#) to bring similar cases.

On 25 July, photographer [Sergei Kondratyev](#) was [fined](#) 15,000 roubles by a magistrate of the St. Petersburg judicial district No. 134 for an eight-second video posted on Instagram and showing him kissing a man against the backdrop of the ‘Kulich and Easter’ Holy Trinity church on Obukhovskaya Defence Avenue, set to an audio track, containing profanities ‘with a background of church chants.’ Seventeen-year-old [Andrei Kurdov](#), from the same city, was [sentenced](#) on 14 November to a fine of 80,000 roubles by a magistrate of judicial district

No. 199 for a photo with his trousers down against the background of the Saviour on the Blood church, published on social media.

In Moscow, a case was [brought](#) against trash-streamer [Polina Morugina](#) (Polina Face), who posted a nude picture of herself against the background of the Pokrov church of the Blessed Virgin Mary in Fili in August 2021. At the same time, in December 2021, a report was drawn up against her under **Article 5.26, Part 2, RCAO** ('Deliberate public desecration of religious or liturgical literature, objects of religious worship, signs or emblems of ideological symbols and attributes, or their defacement or destruction'), but after the case was referred back to the police by the court for rectification of deficiencies, the charge was reclassified under **Article 148, Part 1, RCC**.

Cases were [brought](#) not only for photos taken next to churches, but also for publication of other content. For example, in May, a resident of Eisk, Krasnodar region, was prosecuted for the fact that from March 2018 to May 2020 he posted images of Orthodox icons on his social media page, *'which were subjected to a rewriting with the addition of details and inscriptions that changed the original ethical meaning of the iconic themes.'* Blogger [Mariya Chistyakova](#) (Mari Govori) was [accused](#) in March of offending believers' sensibilities by tweeting photos of herself wearing underwear with a picture of the Virgin Mary on 2 May 2021, the day of Orthodox Easter, with the caption, *'2 May is World Tuna Day. Happy Holidays, everyone!'* (Easter coincided with [World Tuna Day](#), celebrated on 2 May). In most cases, however, it was the press services of the investigative authorities that reported the initiation of the cases, without disclosing the nature of the charges.

As can be evidenced even by this brief overview of law enforcement practice, the very notion of 'offending believers' sensibilities' does not and cannot have a precise legal definition and therefore there should be no criminal liability. The related repressive campaign is clearly motivated by ideological propaganda aimed at strengthening support for the current government by the religious and, more broadly, socially conservative part of society. In cases where actions of the accused pose a public danger and, moreover, are violent in nature, other articles of the Russian Criminal Code or the Russian Code of Administrative Offences could, in our view, be appropriate.

For example, charges under **Article 148 RCC** in the [chapel arson](#) case in Nizhny Novgorod region and in the case of a [conflict](#) between different Muslim groups in Crimea, which led, according to the official account, to the alleged beating of the local mosque imam and deputy mufti, can be easily reclassified under other articles of the Russian Criminal Code. In the case of a Naberezhnye Chelny resident, [convicted](#) in February 2023 for statements that contained *'linguistic attributes of inciting extremist actions, as well as derogatory descriptions and negative comments about groups of Islamic believers'*, it would have been sufficient to apply **Article 280 RCC**, while the imputation of **Article 148 RCC** appears redundant. In another criminal case, the Sova Centre noted that if the statements for which a resident of Rostov-on-Don was [convicted](#) under **Article 148, Part 1, RCC**, *'contained elements of incitement to hatred against Muslims, propaganda of violence or discrimination, he should have been prosecuted under Article 20.3.1 of the Russian Code of Administrative Offences,'* which reflects our own position on the matter.

## 3.8.2. Prosecutions for offending the ‘memory of the war’ and war veterans

Prosecutions for offending veterans of the Great Patriotic War and victory in the war itself, as well as for the extremely broadly interpreted ‘rehabilitation of Nazism,’ also continued throughout the year. Moreover, the scale of prosecutions increased. While 89 cases were [brought](#) under **Article 354.1 RCC** (‘Rehabilitation of Nazism’) in the whole of 2021, 114 cases were brought in the first nine months of 2022 alone. These criminal cases, as in the year before, were used by the authorities to exploit the image of victory in the Great Patriotic War, which, in the given context, served the purpose of ideological justification for the aggression against Ukraine.

In most of the cases where we were able to examine the case file or at least a detailed description of the actions imputed to the defendants, we can conclude that there were no grounds for criminal prosecution. According to estimates by Memorial, an analysis of materials gathered by the Sova Centre showed that at least 21 criminal cases were [initiated](#) unlawfully. At the same time, because of the extreme bias of the investigation and the courts, we cannot rule out the legitimacy of prosecution and, in some cases, subsequent charges in connection with statements and actions that are generally recognised as criminal in many democratic countries. We are referring to vandalism, justification or denial of Nazi crimes, in particular the Holocaust, and glorification of Nazi criminals.

Several individuals convicted of ‘rehabilitation of Nazism’ have been recognised as political prisoners by the ‘Political Prisoners. Memorial’ project. For example, a blogger from Smolensk region, [Aleksei Chervyakov](#), was [sentenced](#) to one year and ten months in a penal colony on 20 July in a case of insulting the honour and dignity of a war veteran (**Article 354.1, Part 4, RCC**), which the court discerned from the rudely expressed [critical remark](#) about the painting of a war veteran on a school facade.

Smolensk resident [Sergei Komandirov](#), already imprisoned on politically motivated charges of justifying terrorism, became the defendant in [three more criminal cases](#) in May 2022, including charges brought under **Article 354.1, Part 4, RCC**, for a post ‘criticising Putin’s regime in relation to its attitude to Victory Day.’

A significant portion of the defendants were internet users who participated in inappropriate, albeit not publicly dangerous trolling – uploading pictures of Hitler and, less frequently, other Nazi officials and collaborators to the ‘Immortal Regiment’ website. Sova [counted](#) at least six convicted individuals and ten defendants in respect of whom criminal charges were dropped on account of the expiry of the statute of limitations, the total number is likely to be higher. One of these, the above mentioned Tiumen resident [Eduard Shcherbakov](#), has been recognised as [political prisoner](#) by our project.

As in previous years, criminal cases were brought against persons accused of ‘desecrating symbols of Russia’s military glory’ in the absence of any political motives. For example, in Aleksin, Tula region, a criminal case was [brought](#) in October against an unnamed man who, while under the influence of alcohol, burnt off cable insulation over the Eternal Flame before taking it to a scrap metal collection point. We believe that such behaviour primarily deserves public

condemnation, but it does not intend to rehabilitate Nazism, does not cause any harm and does not pose any significant public danger.

In some cases, the use of the charge of desecration of sacred symbols appears to have been merely a pretext to institute proceedings, which formed part of other repressive campaigns. The abovementioned [case](#) of [Ruslan Akhmetshin](#), a former photographer at Navalny's headquarters in Arkhangelsk is a stark case in point.

The investigative authorities' efforts to shield veterans of the Great Patriotic War from any criticism have led to the adoption of an ideological stance that the latter did not just display heroism on the battlefield, but also committed no disreputable acts in later life, which in essence sacralises the image of a war veteran. Such sacralisation was manifest, for example, in the case of the 71-year-old Novosibirsk resident [Viktor Bondarev](#), who was [fined](#) 100,000 roubles on 28 December by Novosibirsk Regional Court on charges of defamation (**Article 128.1, Part 2, RCC**) and insulting the honour and dignity of a war veteran (**Article 354.1, Part 4, RCC**). Bondarev was found guilty on account of social media posts in which he accused his 96-year-old war veteran stepfather Vitaly Simonov of his mother's death and occupation of her apartment and called him a 'ponce and a swindler.' This was clearly a domestic conflict that had nothing to do with 'rehabilitation of Nazism.'

### 3.8.3. Prosecutions for disrespecting other military and patriotic symbols

The practice of applying **Article 354.1 RCC** is not limited to the theme of the Great Patriotic War. In 2022, cases of disrespecting other military symbols and commemorative dates were also brought against a number of individuals. For example, in July a criminal case was [brought](#) against a Stavropol resident, [Yanis Aslanov](#), apparently under **Article 354.1, Part 3, RCC** ('Desecration of symbols of Russian military glory, insulting the memory of defenders of the Fatherland') in connection with the publication of two posts on VKontakte criticising the Defender of the Fatherland Day. Aslanov was also charged with saying that the Red Army consisted of 'gangs of murderers, rapists and muggers' and that only 'slaves and dogs' would serve in a conscript army, as well as with making pacifist arguments.

In November unknown individuals in Ulan-Ude [spread](#) black paint from a marker pen onto a photograph of a border guard who fought on the Damansky Island in 1969. The Investigative Committee [opened](#) a criminal case under **Article 354.1, Part 3, RCC**. Suspicion fell on pupils of two neighbouring schools, and the investigation decided to take DNA samples from all boys in grades 5-11.

After 24 February, the letters Z and V, posters containing images of soldiers and other elements of war propaganda, both in the streets and on-line, were added to the symbols specially protected by the state, that had no official status but acquired 'sacred' significance for the supporters of the 'SVO' [*Special Military Operation*]. Prosecution for their defacement has become so widespread that it is separately covered in chapter 2.5. Criminal cases of vandalism, desecration of monuments and graves.

# 3.9. Prosecutions for exercising the right to freedom of religion and religious affiliation

## 3.9.1. Prosecutions of Jehovah's Witnesses

As of the end of 2022, the project 'Political Prisoners. Memorial' was aware of at least 130 (111 as of 27 November 2021) incarcerated Jehovah's Witnesses in Russia and Crimea:

1. at least 73 had been sentenced to terms in a penal colony and had not yet served them (35 as of 27 November 2021);
2. at least 41 were being held on remand pending sentencing (45 as of 27 November 2021);
3. at least 16 were under house arrest pending sentencing (31 as of 27 November 2021).

In total, at least 596 Jehovah's Witnesses were subjected to criminal prosecution, and during the entire period of repression against this religious group about 700 people have been prosecuted.

In 2022, at least 52 Jehovah's Witnesses were sentenced to terms in penal colonies. Five of them had their sentences commuted on appeal: four were given suspended sentences and one was fined. Another four were released on recognisance after the appeal court sent the case for review.

The shortest terms were given to **Vladimir Deshko** (one year and four months) and **Tatyana Velizhanina** (one year and five months) in Sochi; at the time of sentencing they had already served their terms, since they had been remanded in custody earlier. The rest of the believers were sentenced to terms ranging from two to seven years, with 83 percent of them receiving sentences of six years or more. The eight-year sentences handed down to several Jehovah's Witnesses in 2021 remain a record.

At least 53 people received suspended sentences while in three instances defendants had their cases sent back for review on appeal. At least nine people were fined sums ranging from 250,000 to 600,000 roubles. One was sentenced to corrective labour (four years and two months).

In June, Porkhovsky district court in Pskov region acquitted **Aleksei Khabarov**. The appeal court, however, sided with the prosecution on 3 November and [sent](#) the case for a retrial. On 8 April the court of appeal also [overturned](#) the acquittal of **Dmitry Barmakin** from Vladivostok, which became a sensation of sorts in 2021. This was the first acquittal in the history of Russian prosecutions of Jehovah's Witnesses under the article on extremist organisations.

In 2022, **Dennis Christensen** from Denmark, who had been the first individual to be sentenced to a term of imprisonment in modern Russia for belonging to the Jehovah's Witnesses, was re-



leased. He had served six years in prison. Immediately after his release from the penal colony, he was detained by immigration officials and [deported](#) to Denmark. In total, at least 48 believers had served their sentences by the end of the year.

### **Jehovah's Witnesses and their prosecution by the Russian authorities**

The history of the Jehovah's Witnesses started with the founding of the 'Bible Explorers' circle by Charles Russell in the United States in the second half of the 19th century. Its followers were united by a distinctly different understanding of Christianity from the traditional canon. In particular, they denied the concept of the Holy Trinity and debated the precise date of the end of the world. Their current name was given to the organisation in 1931.

The organisation was outlawed in the USSR and its followers subjected to mass repression during the Stalin period. Jehovah's Witnesses were registered in Russia in 1991, but government pressure on them resumed in the 2000s.

In 2004, the Moscow congregation was shut down on the initiative of the prosecutor's office. In 2009, it was decided to designate the Jehovah's Witnesses organisation in Taganrog (Rostov region) as extremist, ban and dissolve it. In 2015, those believers deemed by the court to be the organisers of the Taganrog congregation were handed suspended sentences while ordinary participants were issued fines. In subsequent years, seven more local organisations were disbanded. The courts eagerly designated Jehovah's Witnesses' literature as extremist materials.

Grounds for the dissolution of the Taganrog congregation [included](#) refusal of blood transfusions, breakup of families on account of religious differences, involvement of children in the religion, propaganda of the exceptionalism of their faith, and negative attitudes toward other faiths. Refusal of blood transfusions may indeed pose a public danger, but does not constitute extremism, while the rest of the claims can be made against virtually any religion or faith.

In April 2017, Russia's Supreme Court designated the religious organisation Jehovah's Witnesses Management Centre an extremist organisation and closed it down along with its 395 regional branches. Since then, Jehovah's Witnesses have been prosecuted, in the vast majority of cases for 'organising the activities of an extremist organisation' (**Article 282.2, Part 1, of the Russian Criminal Code**, punishable by up to ten years' imprisonment) or 'participation in such activities' (**Article 282.2, Part 2, of the Russian Criminal Code**, punishable by up to six years' imprisonment). Sometimes they were also imputed with funding extremist activities (**Article 282.3 of the Russian Criminal Code**, punishable by up to eight years' imprisonment), the grounds for which could include any money transfer or collection of funds for the needs of the congregation, such as payment for a Zoom video conference.

On 28 October 2021, the Plenum of the Russian Supreme Court [explained](#) that 'actions of individuals ... consisting solely of the exercise of their rights to freedom of conscience and freedom of religion, including through individual or joint practice of religion, the performance of religious services or other religious rites and ceremonies, do not in themselves ... constitute an offence under **Article 282.2 (2)** of the Russian Criminal Code.' At the same time, 'conducting conversations for the purpose of promoting

*the activities of a banned organisation or direct participation in such events' was deemed by the Plenum to be criminal actions.*

*In 2022, the European Court of Human Rights [ruled](#) that by prosecuting Jehovah's Witnesses, Russia was violating the right to freedom of conscience, expression and association, as well as personal inviolability and respect for private property. However, the ruling was delivered after Russia had refused to comply with the ECtHR decisions.*

In 2022 at least 35 Jehovah's Witnesses became new defendants in criminal cases, of whom 19 were remanded in custody (two were later transferred to house arrest and one was banned from engaging in certain activities) and three were placed under house arrest. The properties of a much larger number were subjected to searches – detention of one defendant was sometimes preceded by ten or more searches.

It is virtually impossible to grasp the logic by which investigators, prosecutors and courts determine which of the prosecuted individuals are to be remanded in custody or sentenced to terms in penal colonies, and which are to be given more lenient pre-trial conditions and punishments. Humanitarian considerations are often not considered – the elderly and the disabled have all ended up behind bars. For example, in May, Prokopyevsk Central district court in the Kemerovo region sentenced [Andrei Vlasov](#), who has a severe disability as a result of crippling osteoarthritis of both hip joints and has great difficulty caring for himself, to seven years in a general regime penal colony. When Vlasov found himself alone in the remand cell, 'he had to roll on the floor to put on his trousers', his stepson [said](#). The appeal court and court of cassation left the verdict unchanged. In January, Trusovsky district court in Astrakhan [sentenced Anna Safronova](#), who had been caring for her 81-year-old mother before her detention, to six years' imprisonment. Among others, the following people were remanded in custody: [70-year-old Boris Andreev](#) in Primorsky region; [66-year-old Liubov Galitsyna](#), suffering from diabetes and hypertension, in Rostov region; [67-year-old Nikolai Voishchev](#) in Maikop, who did not receive proper treatment for headaches resulting from head injuries suffered in his youth, and so on.

In 2022, 71-year-old [Valentina Baranovskaya](#), who had previously suffered a coronary stroke, was finally [released](#) from colony. She had spent over 14 months in custody. The court granted her request for parole only after the second appeal, and even then the prosecution appealed the against decision and the defendant had to remain in the penal colony until that appeal had been heard.

## 3.9.2. Prosecutions for involvement in Hizb ut-Tahrir

According to the 'Political Prisoners. Memorial' project, at least 302 people were incarcerated for involvement in Hizb ut-Tahrir as of the end of 2022 (at least 305 as of the end of 2021). Of these, 247 were convicted (in 2021, 218), at least 111 were sentenced to terms of between 10 and 15 years, and 106 were sentenced to terms of more than 15 years. At least 54 people are under investigation or are being tried in court. Of these, three are under house arrest

(Crimean residents [Aleksandr Sizikov](#), [Amet Suleimanov](#) and [Seityaga Abbozov](#)) and the rest have been remanded in custody. Among the defendants placed under house arrest during the investigation are persons with disabilities or serious illnesses (for example, Sizikov is blind), while many other defendants with disabilities or in need of medical treatment are being held in remand centres or, after sentencing, in penal colonies.

For example, Crimean Tatar [Dzhemil Gafarov](#), who suffers from kidney failure, had been trying to obtain medical care whilst on remand for an entire year. Before his arrest, he had a less serious disability, but in his cell his condition worsened, and he was recognised as having a more grave condition. In November, Gafarov told the court that he had suffered a heart attack and could not get out of bed for four days. He [died](#) in February 2023. The defence's requests to get the elderly man hospitalised in a local hospital had been dismissed, while the medical unit at the remand prison did not conduct any full-scale examination or treatment.

At least two other elderly Crimeans – [Azamat Eiupov](#) and [Servet Gaziev](#) – remain in detention after suffering strokes. Both of them have speech, facial expression and movement disorders. In Samara, [Marsel Gimaliev](#), who jumped from the fifth floor while being detained in 2017 and suffered a severe spinal injury, as a result of which he was classified as having a disability, was again [refused](#) a scheduled disability reassessment in April. Gimaliev is missing one of his lumbar vertebrae and his upper body is supported by a steel plate, which leads to pelvic organ dysfunction. Nevertheless, the Central District Military Court in Samara [sentenced](#) him to 17 years in a strict regime penal colony on 28 April.

### **Hizb ut-Tahrir and the Russian authorities**

*The Sunni political party Hizb ut-Tahrir al Islami was founded in 1953 in Jerusalem by a judge of the Sharia Court of Appeal Takiuddin al-Nabhani. The aim of the organisation is to promote the return of Muslims to an Islamic way of life based on Sharia law and to spread the Islamic faith in the world through jihad. According to the party's philosophy, this is possible by re-establishing the caliphate (a theocratic state uniting all Islamic countries).*

*The timing of the caliphate's re-establishment is not known, nor is the place that will become 'the point of spreading the Islamic call.' Until the caliphate is re-established, the organisation rejects violence and is only concerned with spreading its ideas among Muslims. If an Islamic state emerges, however, it is expected to wage wars as a 'practical method of recruitment.'*

*In Europe, Hizb ut-Tahrir is banned only in Germany (because of its denial of the State of Israel's right to exist). As stated in the 2012 ECtHR ruling in the case of 'Hizb ut-Tahrir and Others v. Germany', in Germany the maximum penalty for participating in a banned organisation is imprisonment for one year.*

*In 2003, the Russian Supreme Court banned Hizb ut-Tahrir and designated it a terrorist organisation, citing its 'militant Islamist propaganda combined with intolerance towards other faiths.' There is no mention of terrorist attacks, assaults or violent offences in the decision. The 'Political Prisoners. Memorial' project considers this ruling of the Supreme Court to be groundless.*

*In 2004-2013, Hizb ut-Tahrir members were prosecuted mainly for association with a banned organisation (**Article 282.2 RCC**). The maximum penalty handed down*

was eight years in a penal colony. Many defendants received suspended sentences.

Since the end of 2013, the Russian Criminal Code has added an article penalising association with a terrorist organisation (**Article 205.5**). This significantly increased the penalties, as well as the scale of prosecutions. Under this article, it is impossible to be sentenced to less than ten years in a penal colony, let alone receive a non-custodial sentence. Furthermore, in all cases known to us, the defendants are only accused of studying the philosophy of political Islam, participating in meetings, and encouraging other people to join them.

Often, in addition to being charged under the article on terrorist organisations, defendants are charged with plotting a violent seizure of power (**Article 30 (1)** in conjunction with **Article 278 RCC**), on the sole assumption that one of the hypothetical goals of the organisation is to take power someday, somewhere; as well as promoting terrorism (**Article 205.1 RCC**) in relation to recruiting new supporters or raising funds to print brochures.

At the end of 2018, a provision was [introduced](#) under **Article 58** of the Russian Criminal Code requiring courts to order those convicted under **Article 205.5** to serve part of their custodial sentence, at least one year, in a cell-type prison. A cell-type prison is the harshest of all possible types of penal institutions, involving the confinement of prisoners in lockable cells and maximum restrictions on visits and parcels.

During 2022, at least 45 defendants accused of association with Hizb ut-Tahrir were handed custodial sentences (at least 26 in 2021). They received between 11 and 19 years in strict regime penal colonies; furthermore, most of them were sentenced to serve from three to six years in a cell-type prison. The maximum sentence handed down in such cases so far remains that of [Rinat Nurlygayanov](#), sentenced in 2018 to 24 years in a penal colony.

On 29 December, the Southern District Military Court [sentenced Ernes Ametov](#) from Bakhchisarai (annexed Crimea) to 11 years in a strict regime penal colony. This was a retrial, as he had been acquitted by a court in 2020, the only such acquittal in Hizb ut-Tahrir cases to date. However, the appeals court overturned the acquittal and sent the case for a retrial. In May 2022, Ametov had again been remanded in custody.

The 'Political Prisoners. Memorial' project knows of 11 new detainees in prosecutions for involvement with Hizb ut-Tahrir in 2022, ten of which are in Crimea (in 2021 at least 18 new defendants were detained, 11 of them in Crimea).

In general, Russian authorities carry out the most large-scale repression in annexed Crimea. As of the end of 2022, 94 local supporters of the banned organisation had been imprisoned (89 as of the end of 2021). Tatarstan comes second, with at least 66 people from this region incarcerated. Third is Bashkortostan, where at least 45 people imprisoned. The number of Hizb ut-Tahrir followers from Tatarstan and Bashkortostan currently imprisoned that we know of decreased over the year. While some were released, there has been no information about new detentions (although the media may not have reported them).

### 3.9.3. Prosecutions of other religious groups

As in previous years, in 2022 followers of Said Nursi<sup>[2]</sup> and Muslims accused of association with Tablighi Jamaat<sup>[3]</sup> were prosecuted for association with an extremist organisation (**Article 282.2 RCC**). The ‘Political Prisoners. Memorial’ project considers these prosecutions to be unfounded. In many cases, defendants’ names and the circumstances of their cases are unknown.

In February, a court in Tatarstan upheld the sentence of a former imam [Gabdrakhman Naumov](#). He had been [sentenced](#) earlier to six and a half years in a general regime penal colony after he had been found guilty of leading a Nurdzhular cell (**Article 282.2, Part 1, RCC**) and financing the Yashlar Bistase (‘Young Community’) project, which, according to the investigation, was used to recruit new followers to Nurdzhular. Trials of three more defendants in a similar case also started in Naberezhnye Chelny, Tatarstan. [According](#) to the Sova Centre, [Khunar Agaev](#), [Aidar Sageev](#) and [Amrakh Akhmedov](#) are on trial and have been held on remand since November 2021.

In Dagestan, the regional branch of the Investigative Committee [reported](#) on several occasions initiating or sending to court cases in relation to participation in Nurdzhular. For example, a criminal investigation into four residents of the republic [was concluded](#) in June. However, the Investigative Committee did not disclose either their names, their place of residence, the pre-trial conditions imposed or the name of the judicial body where the cases had been sent for consideration. Nothing is known about the trial.

In December, in Dagestan [Ilgar Aliev](#), a follower of Nursi, was [released](#) from a penal colony after his sentence was reduced from eight to six years following a cassation appeal, and he had already served that term.

At least four people were sentenced to two years in general regime penal colonies in Tablighi Jamaat cases in Saratov in 2022: [two](#) in February, [one](#) in March, and [one](#) in August. In the latter case, the convicted person’s participation in the activities of the banned organisation, according to the Investigative Committee, spanned two days, ‘from 7 to 8 October 2019.’ The convicted men’s names are unknown, but it is known that they were charged with participation in religious meetings, agitating, and some of them with travelling to other countries to communicate with supporters.

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2 Badiuzzaman Said Nursi (1877-1960) was a Turkish theologian and author of the Risale-i Nur (‘Treatises of Light’) series of books. In 2007, Moscow’s Koptevsky district court banned 14 Russian translations of Nursi’s writings. In 2008, the Russian Supreme Court banned the Nurdzhular religious association, calling it a ‘properly structured international religious association’ whose main goal is ‘the creation of a worldwide Islamic state (caliphate).’ From Memorial’s point of view, there is no reason to ban Nursi’s books; they do not contain calls for violence or change of government, they focus on moral issues, and Nurdzhular is not an organisation, but a word that is used generically to refer to the followers of Risale-e Nur around the world.

3 Tablighi Jamaat is an international Islamic preaching movement founded in the Indo-Pakistani region in the 1920s in response to Western Christian missionary initiatives. The founders aimed to bring ‘nominal Muslims’ – those designated as Muslims but who do not fully practice the religion – to Islam. The movement’s preachers periodically travel to other regions and countries and teach the values of the Koran and Islamic rituals to people on the street. In 2009, the Russian Supreme Court designated Tablighi Jamaat an extremist organisation. Neither this decision nor the criminal case files known to Memorial contain any specific evidence of extremist or any violent activity by the organisation.

An appeal court in Volgograd [upheld](#) a three-year general regime sentence for [Mikhail Kolotilin](#) in February, while in November it [increased](#) sentences for [Amanat Lukpanov](#), [Batr Urazov](#), and [Gilman Nitaliev](#). The court of first instance had given the men two-year suspended sentences, while the court of appeal replaced their suspended sentences with terms of imprisonment. In August, a prisoner in Rubtsovsk, Altai region, who, investigators claimed, continued to preach the Tablighi Jamaat doctrine in the colony, had his sentence [extended](#) by several months.

Proceedings in the case of St. Petersburg Scientologists<sup>[4]</sup> that started in 2020 continued in 2022. [Ivan Matsitsky](#), who was remanded in custody in 2021, was transferred to house arrest. Other defendants in the case, in terms of pre-trial conditions, were banned from taking certain actions ([Sahib Aliev](#), [Konstantsiya Esaulkova](#), [Anastasiya Terentyeva](#)) or placed under travel restrictions ([Galina Shurinova](#)). All five are accused of organising an extremist community (**Article 282.1, Part 1, RCC**), degrading human dignity as part of an organised group (**Article 282.2, Part 2 (c), RCC**) and illegal entrepreneurship as part of an organised group involving profiteering on an extremely large scale (**Article 171, Part 2 (a, b), RCC**).

Memorial [indicated](#) earlier that Scientologists are being prosecuted for peacefully exercising their rights to freedom of conscience and association. The Investigative Committee considers internal restrictions on church members who violate the ethics of the Church of Scientology to be violations of human dignity, activities based on Ron Hubbard's books that have been designated extremist as extremism, and the unofficial provision of paid services to be illegal entrepreneurship (and furthermore, the authorities do not allow Scientologists to register a legal entity). In addition, in 2021, Prosecutor General's Office designated two Scientology organisations – the World Institute of Scientology Enterprises and the Ron Hubbard Library – as 'undesirable.' We have learnt that a criminal case was [brought](#) in Dimitrovgrad, Ulyanovsk region, for financing an undesirable organisation (**Article 284.1, Part 2, RCC**) over fundraising for the World Institute.

Latvian and Ukrainian religious organisations associated with the New Generation Church<sup>[5]</sup> were also designated 'undesirable' in 2021. On 14 August 2022, searches were conducted in Russia over this matter, and on 15 August Moscow's Basmany district court ordered Pentecostal pastor [Nikolai Ulitin to be remanded in custody](#). He is accused of organising the activities of an undesirable organisation (**Article 284.1, Part 3, RCC**).

In 2022, two Ukrainian religious organisations headed by Vladimir Muntean were added to the list of 'undesirable' organisations: the Revival Spiritual Centre<sup>[6]</sup> and the Revival Charitable Foundation. There have been no reports on criminal cases arising from association with these organisations.

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4 The Church of Scientology was founded by the American science fiction writer Lafayette Ronald Hubbard in 1954 in the United States, based on the notion that man is a spiritual being living more than one life. Hubbard's books are banned in Russia, and some Scientology organisations have been dissolved.

5 The New Generation Church is a religious organisation founded in Riga by Aleksei Ledyayev, who had previously served as a pastor in a Pentecostal church but was expelled from the ministry for deviating from the standards of worship. Pentecostalism, in turn, is one of the Protestant movements that originated in the nineteenth century in the United States. It is based on spiritual experiences considered identical to those of the Apostles on the 50th day after Christ's resurrection.

6 The Revival Centre was founded by Vladimir Muntean in 1997. The All-Ukrainian Union of Evangelical Christian Faith Churches considers Muntean's activities to be inconsistent with evangelical teaching and similar to occult practices.

## 3.10. Prosecutions for terrorism

Charges for terrorism offences in 2022 served as one of the tools for suppression of the anti-war movement (see [2. Political repression linked to the war in Ukraine](#)), as the main tool of prosecution on charges related to participation in Hizb ut-Tahrir (see [3.9.2. Prosecution on cases of association with Hizb ut-Tahrir](#)) and were used against various anarchist-anti-fascist groups (see [3.4. Prosecution of activists](#)) as well as to suppress freedom of expression (see [3.7. Cases attacking freedom of expression and the media](#)).

In this chapter, perhaps to an even greater extent than in preceding ones, we do not attempt to provide a comprehensive picture of repression based on charges of terrorism other than those mentioned above, but we try to outline the contours and scope of such prosecutions using a few important or typical cases.

### 3.10.1. Prosecutions of participants in the anti-war movement

In Chapter [2.6. Cases of arson attacks on military and other administrative buildings and vehicles](#), we compiled statistical data and gave a detailed description of these repressive practices. For the sake of illustration, we here describe several cases whose defendants have been declared terrorists.

Perhaps the most egregious of all such prosecution cases is the [one](#) concerning members of the Bakal post-punk band ROOM 32. [Aleksai Nuriev](#) and [Roman Nasryev](#) were detained in Bakal, Chelyabinsk region in October. According to the investigation, on the night of 11 October they broke a window on the ground floor of the municipal administration building (where the military enlistment office was also located) and threw two Molotov cocktails inside. The building's linoleum caught fire, but the fire was extinguished by a caretaker with water and a piece of cloth before the arrival of firefighters. Initially Nuriev and Nasryev were charged with deliberate destruction and damage to property (**Article 167 RCC**), which seems appropriate to the act committed and the scale of the damage caused, but later the charges were changed to commission of a terrorist act by a group of persons by prior conspiracy (**Article 205, Part 2.a, RCC**). In November, they were also charged with undergoing training for the purpose of terrorist activity (**Article 205.3 RCC**). The investigation also claimed that the musicians 'were members of scores of left- and right-wing radical internet communities, including pro-Ukrainian nationalist communities.' This claim seems very odd, given the fundamental standoff between left-wing and right-wing radical activists. The defendants do not deny the fact of committing arson but do not agree with its classification as terrorism. It is worth noting that Nasryev is a former senior National Guard sergeant, and Nuriev is a former firefighter and petty officer in the Ministry of Emergency Situations.

The majority of such cases are based, on the one hand, on the designation as terrorist of clearly unlawful actions which, on the other hand, manifestly do not deserve such a harsh classification. Among them, for example, is the [case](#) of Krasnodar resident [Igor Paskar](#). He was charged with committing a terrorist act (**Article 205, Part 1 RCC**) and vandalism motivated by political ha-

tred (**Article 214, Part 2, RCC**). According to the investigation, in June, the man painted his face in the colours of the Ukrainian flag and threw a Molotov cocktail into the doorway of the FSB headquarters in Krasnodar, causing the doormat to catch fire; he also set fire to a banner with the letter Z and the words ‘We Do Not Abandon Our Own.’

In Omsk, engineer [Anton Smolyaninov](#) is [suspected](#) of setting fire to several cars bearing the letter Z, which resulted in a case brought for deliberate destruction or damage to property (**Article 167 RCC**). Later another episode of alleged arson of a transformer box was added to the case file, for which Smolyaninov was charged with terrorism (**Article 205 RCC**).

Prosecution of Irkutsk activist [Ilya Podkamenny](#) appears to be even more dubious. He was first [prosecuted](#) on charges of incitement to extremism (**Article 280, Part 1 RCC**) for wrapping copper wire around the rails of a railway line and attaching leaflets to the tracks. Later, two more criminal cases were brought against him for allegedly collecting funds for a bomb attack on the local military enlistment office for the offences of preparation of a terrorist act and organisation of a terrorist act (presumably, Article 205 in conjunction with **Article 30 RCC** and **Article 205.1, Part 4, RCC**). The very idea of such a charge seems absurd.

In some cases, however, it is not even necessary to commit an unlawful act in order to be charged with terrorism. For example, nurse [Maksim Asriyan](#), whose case was mentioned in [2.6.2. How the investigative authorities select the article of the Criminal Code to prosecute arson](#), was [accused](#) of preparing to commit an act of terrorism by arson simply because he looked at the windows of the military enlistment office in St. Petersburg’s Frunzensky district.

## 3.10.2. The Lyantor Muslims case

The [trial](#) of Muslims [Artyom Vatrya](#), [Behruz Ganiev](#) and [Gamid Dataev](#) from Lyantor in the Khanty–Mansiysk Autonomous region on charges of creating and participating in a terrorist group continued in 2022. Vatrya was involved in defending the rights of Muslims in Lyantor, and there is reason to believe that the criminal case was an act of retaliation by law enforcement agents for his activities.

The three Muslims were detained in 2020 after weapons and explosives were planted on them. Drugs were also planted on Dataev, who was charged with creating a terrorist community, while Vatrya and Ganiev were charged with participating in it. According to the prosecution, the three were members of the ‘Lyantor Jamaat’, a local cell of the Caucasus Emirate terrorist organisation which seeks to ‘*prepare for jihad against the infidels*,’ and were also planning to blow up a mosque and kill an imam. We have recognised them as political prisoners because of their obvious innocence: their testimony was given under torture, illegal items were planted on them, and the entire case was completely fabricated.

In September 2021, their case was transferred to the Central District Military Court in Ekaterinburg, and the trial is currently ongoing.

We mention this case here because it appears to be representative of a whole array of similar terrorism cases brought against Muslims in Russian provinces. Fortuitously, details and proof of the fabrication of charges in this case and a small number of other similar cases have become known to our project, while details of most very similar cases remain anonymous episodes of ‘successful’ ‘anti-terrorist’ work by law enforcement agencies.



### 3.10.3. Prosecutions for financing terrorist organisations

The case of [Abdulmumin Gadzhiev](#), a journalist from Dagestan accused of financing terrorist organisations, is the subject of Section [3.7.1. The case of Abdulmumin Gadzhiev](#). It is particularly noteworthy because the journalist is being prosecuted for his professional activities. At the same time, along with the case of the head of the Umma publishing house [Aslambek Ezhaev](#), it is one of the few cases of Muslims being accused of financing terrorism that have come to public attention. Like most prosecutions for terrorism, the bulk of these cases, mostly involving minor private financial settlements between Muslims, remain largely unknown.

A typical example of how such cases are covered officially is the [report](#) on the conviction of a foreign citizen detained in March 2022 by the FSB branch in the Republic of Karelia for financing terrorist activities (**Article 205.1, Part 1.1, RCC**). Neither his name nor citizenship have been disclosed. All that was reported was that he had transferred 23,000 roubles to the Syrian Islamist organisation Hayat Tahrir al-Sham, designated terrorist in Russia, and that the Second Western District Military Court sentenced him to a nine-year term of imprisonment on 28 December.

Charges of recruitment to terrorist organisations are similar in appearance to charges of financing terrorism: they are fabricated en masse, most of the cases are not known to us and may be based on facts that have nothing at all to do with criminal offences.

2022 saw continued prosecutions for past support of banned organisations. A telling example is the [case](#) of investigative blogger [Insa Lander \(Oguz\)](#). The case was brought in 2021 on charges of enabling terrorism (**Article 205.1, Part 1 RCC**). Lander was accused of recruiting a resident of Kabardino-Balkaria to the Islamic State terrorist organisation in 2014 through personal correspondence via VKontakte. The charge was brought despite the fact that the correspondence did not lead to anything and Lander herself had long ago stopped subscribing to conservative Islamic views and led a secular lifestyle. She was able to flee to Lithuania via Georgia in the summer of 2022. Prior to that, the court had refused to commute her house arrest to a more lenient form of pre-trial restriction.

### 3.10.4. Former participants in the North Caucasus underground

Chechens who took part in the first and second Chechen wars on the side of the separatists and, to a lesser extent, representatives of other North Caucasus nations, continued to be charged with participating in illegal armed groups. Sometimes, defendants in these cases have been accused of participating in the 1995 attack on Budennovsk by Shamil Basaev's detachment, which involved the killing of civilians and hostage-taking. The cases related to the Budennovsk attack, if properly investigated and tried by an independent court, could theoretically have been viewed as a form of punishment for former terrorists and a way of restoring justice

to their victims. However, one cannot claim that this is possible in present-day Russia. According to Memorial Human Rights Defence Centre, at least some of these cases bear all the hallmarks of fabrications.

This includes the [case](#) of [Magomed Alkhanov](#), who was accused of attacking Pskov paratroopers in Chechnya in 2000 based on a classified list of former members of illegal armed groups and the testimonies of six classified witnesses who had already been convicted for the same attack. Memorial Human Rights Defence Centre notes that 19 other people, some of whom had alibis, had previously been convicted on this charge alone.

Another striking example of such prosecutions is the case of [Aleksandr Ponomarenko](#), an ethnic Russian and a former resident of Chechnya, who was charged in 2021 with participation in the attack on Dagestan by Basaev's armed group and has been [held](#) on remand ever since. Apart from the extremely weak evidence based on testimony obtained under [torture](#), this case stands out for the standardised nature of prosecution, unrelated to the alleged danger to society posed by Ponomarenko, who was 16 years old at the time of the alleged offences and who, despite being labelled a radical Islamist by the investigation, was a [Christian](#) at the time of his arrest, together with the rest of his family.

Equally important is the fact that defendants in cases not related to attacks on civilian targets, such as those on Kizlyar and Budennovsk, are in fact prosecuted solely for participating in hostilities. They were arbitrarily excluded from the amnesty for former members of illegal armed groups by having offences of banditism ([Article 209 RCC](#)) or armed rebellion ([Article 279 RCC](#)) imputed to them. Such a selective approach looks particularly ridiculous when a significant part of the Chechen Republic's security forces, most of its leadership and Ramzan Kadyrov himself committed similar acts.

### 3.10.5. Prosecution of the Ufa Marxists

Of course, prosecutions are not only directed at Muslims and followers of other religions, but also at supporters of secular opposition organisations. For example, the homes of at least 12 people were searched in Ufa on 25 March. As a result, five members of a [Marxist circle](#) were detained: [Yury Efimov](#), [Pavel Matisov](#), [Rinat Burkeev](#), [Aleksei Dmitriev](#), and a member of Bashkortostan's Legislative Assembly [Dmitry Chuvilin](#). According to the investigation, the circle was allegedly planning the violent takeover of power. The investigation declared Matisov, who fought in Donbass in 2014 in one of the separatist LNR battalions, the organiser of a terrorist group. He has been charged with organising the activities of a terrorist group ([Article 205.4, Part 1, RCC](#)), while the others have been charged with participation in a terrorist group ([Article 205.4, Part 2, RCC](#)). In addition, Efimov and Dmitriev were also prosecuted for open incitement of terrorism ([Article 205.2, Part 2, RCC](#)). All the defendants are being held in custody. In November, Chuvilin reported threats from an FSB colonel who promised him that he would *'create problems for him.'*

Details of this case are largely inaccessible at present, but we consider it highly likely that there will prove to be evidence of unlawfulness and political motivation. The case stands out for the way it appears to be directed against representatives of left-wing statist views.

## 3.10.6. The prosecution of strike ball players from Yuzho-Sakhalinsk

On 13 June the First Eastern District Military Court [found](#) Yuzhno-Sakhalinsk residents [Aleksandr Kozin](#) and [Arseny Lesnoi](#) guilty in the case of a ‘terrorist group’ and sentenced them to 19 and 18 years’ imprisonment respectively. Kozin was convicted of organising a terrorist group (**Article 205.4, Part 1**, in conjunction with **Article 33, Part 3, RCC**), organising support for terrorist activity (**Article 205.1, Part 4**, in conjunction with **Article 33, Part 3, RCC**), storage of explosives (**Article 222.1, Part 1, RCC**), attempted storage of explosives (**Article 222.1, Part 1**, in conjunction with **Article 30, Part 3, RCC**) and manufacture of explosives (**Article 223.1, Part 1, RCC**). Lesnoi was charged with participation in a terrorist group (**Article 205.4, Part 2, RCC**), storage of weapons and explosives (**Article 222.1, Part 1**, and **Article 221.1 RCC**), preparation for the storage of explosives (**Article 222.1, Part 1**, in conjunction with **Article 30, Part 1, RCC**), manufacture of explosives and undergoing training to commit a terrorist act (**Article 205.3 RCC**).

Kozin, Lesnoi and the third defendant in the case, [Oleg Safonov](#), were detained on 4 April 2020. According to the law enforcement agents, Kozin created a terrorist group as early as June 2018 with the aim of changing the constitutional system by force. All three were members of the Emergency Sakhalin search and rescue team and played strike ball. Prior to his arrest, Kozin ran a nationalist Emergency Sakhalin Russian Media public forum on VKontakte.

In 2021 Safonov was sentenced to two and a half years in a general regime penal colony and fined. Details of this case are currently beyond our reach and need to be investigated, but the general background and particulars make us doubt its merits. It is highly likely that this is an instance of representatives of the right-wing conservative sector of Russian society being subject to ‘counter-terrorist’ repression.

## 3.10.7. The Tiumen case

At the end of August, large-scale searches of local antifascists’ premises [took place](#) in Tiumen, Ekaterinburg and Surgut, resulting in the detention of six people: [Kirill Brik](#) and [Deniz Aidyn](#) in Tiumen, [Yury Neznamov](#) and [Daniil Cherytkov](#) in Ekaterinburg, and [Nikita Oleinik](#) and [Roman Paklin](#) in Surgut. The detainees were taken to Tiumen, but their whereabouts remained unknown for a long time. Only on 4 September did Neznamov manage to get in touch through another individual. Oleinik has been charged with creating a terrorist group (**Article 205.4, Part 1, RCC**), and the others with participation in a terrorist group (**Article 205.4, Part 2, RCC**). Brik and Aidyn are also suspected of manufacturing an improvised explosive device (**Article 223.1, Part 2, RCC**).

According to the prosecution, Oleinik ‘created a terrorist group’ because of ‘his hatred of the current Russian regime.’ According to the investigation, he involved his friends in the group to jointly ‘carry out terrorist activities’ in the Tiumen, Sverdlovsk Khanty-Mansi Autonomous regions.

The law enforcement officers describe Brik and Aidyn as ‘*manufacturers*’ of explosives. They allege that an improvised explosive device was found in their possession during the search. According to the investigation, the two intended to test it in the vicinity of the Tiumen combined heat and power plant.

During the search, law enforcement officers seized non-lethal and smoothbore weapons in Oleinik’s possession. Oleinik claims he has authorisation to use these weapons. The officers also seized electronic equipment and books and planted a bag with saltpetre.

A veterinarian from Ekaterinburg, Chertykov, was alleged to be the group’s doctor, providing its members with various substances.

The investigation’s description of the ‘terrorist group’s’ activities is extremely vague. The anti-fascists are alleged to have organised secret meetings, discussed overthrowing the government and engaged in ‘*destructive activities*.’

The defendants are currently being held in remand prison No. 1 in Tiumen region.

All of them have [reported](#) making confessions under torture. The Investigative Committee [denied](#) Neznamov’s allegation of torture.

In December, Paklin and Chertykov [reported](#) health problems after being held in the remand prison and subjected to torture. In addition to heart pain and arm problems, Paklin has high blood pressure and suspected diabetes. Chertykov’s health has been ‘rapidly deteriorating.’ He has been experiencing constant headaches and problems with his teeth. He requires vitamins, which the remand prison staff refuse to give him.

Even the defence lawyers have encountered obstacles in this case. We know that the law enforcement officers put pressure on Paklin to [waive](#) his right to a defence counsel by consent. In December, four defence lawyers were [made](#) to sign non-disclosure agreements. They are forbidden to disclose information about the preliminary investigation, although no new materials have emerged in the case since its inception. The lawyers believe that by doing this, the investigation wants to hide both the indications of torture and the lack of real evidence.

### 3.10.8. Individuals remanded in custody for allegedly preparing school shootings

In 2022, as in previous years, prevention of attacks by schoolchildren and students on the premises of their educational establishments, known as school shootings, continued to focus primarily on criminal offences. While not contesting the need to combat these kinds of particularly dangerous crimes involving mass killings of children and adolescents, we nevertheless believe that attempts to prevent them in recent years have been associated with excessive criminal prosecution of minors.

2022 saw regular prosecutions of attempted school shooting cases. However, for a number of reasons, not least the crackdown on the independent regional press, we have received little information about new cases of clearly fabricated prosecutions of minors. This makes it difficult for us to judge violations in such cases, and all the more difficult to identify po-

tential perpetrators of such attacks among the subculture of teenagers who are interested in this phenomenon. Law enforcement agencies do not as a matter of principle set themselves such an objective, as [evidenced](#) by the Russian Supreme Court's designation of the Columbine movement as terrorist on 2 February. This decision strikes us as an oversimplification of reality setting the scene for an artificial criminalisation of individuals out of favour with the authorities and of a large part of network communities. This is linked to the fact that the 'movement' has no structure, organisation or leadership, similar to the Prisoners' Criminal Unity criminal subculture, that was also designated as extremist and also [classified](#) as a 'movement', which has not prevented law enforcement agencies from accusing prisoners of [mass](#) participation in it. Moreover, against the backdrop of the war against Ukraine, there is a tendency to artificially group together supporters of Columbine with 'Ukrainian Nazi' organisations. For example, a teenager born in 2005 was detained in Sochi in March 2022 and accused of administering Columbine's online community, the rights to which he had allegedly received from a Ukrainian citizen under the nickname Belaya Roza. On 6 September, the FSB [stated](#) that *'searches and investigations have been conducted in 46 regions of the Russian Federation against 187 Russian citizens who are participants in online communities supporting the ideology of mass murder and administered by moderators of the Columbine terrorist movement and the Ukrainian radical group Maniacs; Murder Cult,'* a group that also, probably, does not exist, although that is something which has not prevented law enforcement officials from regularly reporting that [hundreds](#) of its supporters have been arrested since 2021.

## 3.11. Prosecutions for treason and espionage

In some cases, the Russian authorities use **Article 275** ('Treason') and **Article 276** ('Espionage') of the Russian Criminal Code as tools for politically motivated prosecutions. These articles are similar in their intent, the only difference being that the former applies to Russian citizens and the latter to foreigners.

The main feature of 'espionage' cases is the total lack of transparency of the investigation and the court proceedings. This is one of the reasons for low public awareness about them. As it is usually impossible to obtain complete and objective information about treason and espionage cases, Memorial often has difficulty in recognising their defendants as political prisoners.

The number of espionage and treason cases increased sharply in 2014 with the start of the Russian-Ukrainian conflict and the growing confrontation between Russia and Western countries. The number of people convicted of offences under these articles quadrupled compared with the previous year. After a slight reduction in 2017, there has been a moderate increase in the number of cases on charges of espionage and treason since 2018, and a sharp increase in the number of cases under such 'counterintelligence' articles as divulging state secrets (**Article 283 RCC**) and illegally gaining access to state secrets (**Article 283.1 RCC**). This has come about as a result of deliberate state policy and propaganda fomenting a wartime climate in so-

ciety with the imperative to hunt out ‘fifth columnists’ and ‘enemies of the state.’ Maintaining this atmosphere requires a constantly growing number of new ‘spies and ‘traitors to the homeland’, and the counter-intelligence agencies have enthusiastically embarked on a continuous fabrication of criminal cases that criminalises quite legitimate actions of the accused.

We believe that the conveyor belt of ‘espionage’ cases is used by the authorities to consolidate their power. This way the FSB creates a false appearance of being engaged in work of great national importance, and individual officers ensure their own career promotion and financial gain. A number of ‘counterintelligence’ articles of the Criminal Code have been used very actively to prosecute Ukrainian citizens.

[According](#) to political scientist Pavel Luzin, the constant generation of espionage cases is also a result of the fact that they are ‘a powerful disciplinary tool directed in particular against those who work for the state in highly sensitive areas. Moreover, this Damocles Sword is embedded in the context of hundreds of criminal trials relating to state secrets, in which the defendants always have to be aware that things could have been much worse for them.’

Luzin reached this conclusion after analysing the cases of 110 Russian citizens convicted of offences under **Article 275 RCC** between 1997 and 2020. Of those convicted, 59 were former or active military service personnel, staff of security services or persons associated with law enforcement agencies, while 18 worked as engineers in the military-industrial sector and as scientists involved in defence R&D.

The potential for the arbitrary application of politically motivated charges of treason is largely based on the vague wording of **Article 275 RCC**, which, in its 2022 version, provides for penalties for ‘*espionage committed by a citizen of the Russian Federation, the disclosure of information constituting a state secret and entrusted to an individual or made known to them in the course of their service, work, study or in other cases provided for by Russian legislation to a foreign state, international or foreign organisation or their representatives or providing financial, logistical, advisory or other assistance to a foreign state, international or foreign organisation or their representatives as part of activities, intended to undermine the security of the Russian Federation.*’

The inclusion of the wording ‘*providing financial, logistical, advisory or other assistance to a foreign state, international or foreign organisation or their representatives as part of the activities intended to undermine the security of the Russian Federation*’ in the disposition allows, if desired, to frame virtually any cooperation with any foreign entity as treason. While the content and types of criminal activity appear to be vague, the already broad list of methods of committing a crime (financial, logistical, advisory assistance) is supplemented by ‘*other assistance.*’ The concept of ‘*activities intended to undermine the security of the Russian Federation*’ is not legally defined and allows for the broadest possible interpretation. The wording of the provision itself makes it impossible to predict what kind of behaviour may later be judged by law enforcement authorities to be criminal and does not comply with the principle of legal certainty.

[Federal Law No. 260 of 14 July 2022](#), which, among other things, changed the wording of **Article 275 RCC**, introduced a new crime positioned between ‘treason’ and ‘espionage’: ‘**Article 275.1 Confidential cooperation with a foreign state, international or foreign organisation.**’ *Establishment and maintenance by a Russian Federation citizen of relations of confidential cooperation with a representative of a foreign state, international or foreign organisation for the purpose of assisting them in activities deliberately intended to undermine the security of the Russian Federation (in the absence of attributes of a crime under Article 275 of this Code).*’ Practically

any cooperation with any foreign citizen or organisation, to which for whatever reason the article on treason cannot be applied, for example, if such cooperation does not concern state secrets, can be criminalised under this article. In this way, virtually any engagement with foreign entities is criminalised. Even if such engagement relates to the humanitarian field, it may, in the opinion of the law enforcement authorities, be deliberately intended to undermine the security of the Russian Federation, there being no limits placed on the interpretation of the term ‘security.’ The new article provides for penalties that are as harsh as those for treason, with a maximum of life imprisonment (for details on the tightening of criminal legislation, see [4.1.1. New repressive norms of the Russian Criminal Code](#)).

In 2022, the growing repression in Russia also included prosecutions for ‘espionage.’ Cases were brought under both old and new articles of the Criminal Code. At the same time, in the context of war, censorship and mass violations of human rights, opportunities to provide assistance to those accused of ‘espionage,’ public oversight of such repression, and the reporting and gathering of information about such prosecutions, have all significantly reduced.

On 27 February, the Russian Prosecutor General’s Office [pledged](#) that: ‘A legal opinion will be given on the fact of providing financial assistance to a foreign state in activities intended to undermine the security of the Russian Federation.’ The agency stressed that ‘provision of financial, logistical, advisory or other assistance to a foreign state, or a foreign organisation or representative in activities intended to undermine the security of the Russian Federation’ will be considered treason.

In the summer, the FSB issued warnings to at least four Russians who transferred money to the Ukrainian Come Back Alive Foundation (a Moscow [resident](#) on 1 July and [three residents](#) of Moscow region on 19 August). According to the FSB, these actions ‘create conditions for committing an offence’ under the treason article.

Secrecy around espionage and treason cases and the closed nature of the trials themselves contribute to an increasing number of unlawful, biased convictions. The public cannot be sure of the verdict’s validity or the proof of guilt. At the same time, by citing examples of criminal cases bearing clear signs of political motivation, we seek to show the scope and diversity of new cases being investigated by the FSB, cases that are regularly brought against people who do not have access to state secrets and are hardly capable of compromising the security of the Russian Federation.

### 3.11.1. Prosecutions of scientists

Scientists have become almost the most common target of charges of treason and disclosure of state secrets. According to Novaya gazeta’s estimates, they have accounted for a fifth of all cases since 2000, with over 30 scientists prosecuted over that period. 2022 was no exception.

On 28 June the FSB [detained](#) the chief scientific officer of the Institute of Theoretical and Applied Mechanics (ITPM) of the Siberian Branch of the Russian Academy of Sciences, Doctor of Physical and Mathematical Sciences [Anatoly Maslov](#) in Novosibirsk. The Novosibirsk Sovetsky district court ordered that Maslov be remanded in custody, after which he was transferred to Moscow’s Lefortovo remand prison. There, Maslov, who suffers from a number of chronic

conditions, experienced a deterioration in his health. The scientist was given urgent medical assistance after indications of a heart attack. Despite this, he was denied necessary medication and other regular medical care.

Two days after Maslov's detention, another scientist was [detained](#) in Novosibirsk on 30 June. An employee of the Laser Physics Institute of the Siberian Branch of the Russian Academy of Sciences, Doctor of Physical and Mathematical Sciences [Dmitry Kolker](#), was remanded in custody despite having fourth-stage pancreatic cancer. Three days later he died in Lefortovo, where he had been taken.

On 5 August, a third scientist was [detained](#) there as well – head of the Institute of Theoretical and Applied Mechanics of the Siberian Branch of the Russian Academy of Sciences, Associate Member of the Russian Academy of Sciences, [Aleksandr Shipliuk](#). He was also transferred to Lefortovo later.

The trials are being held behind closed doors, and the defence lawyers have had to sign non-disclosure agreements. As a result, we cannot examine the circumstances of the cases or even the nature of the charges. All we know is that all three were charged with treason for allegedly passing classified information to China.

In September, Birobidzhan district court ordered that junior researcher and geodesist [Valery Kachin](#) be [remanded in custody](#) on charges of treason. We described this case [earlier](#). He was also transferred to the Lefortovo remand prison. Nothing is known about the nature of charges against him, but the media indicate that Kachin opposed the war against Ukraine on social media and supported Navalny and the protests in Belarus.

Kolker is not the only scientist whose death was precipitated by repression.

Physicist [Roman Kovalev](#), sentenced to seven years for treason, [passed away](#) in April. Kovalev, a former head of the Heat Transfer and Aerogasdynamics Centre of the Central Research Institute of Mechanical Engineering, Doctor of Physical and Mathematical Sciences, was suffering from cancer and was released from prison for health reasons two weeks before his death.

[Dr Valery Mitko](#), an expert in hydroacoustics, founder and president of the Arctic Public Academy of Sciences, [died](#) in October. The case against the 81-year-old scientist had been brought in early 2020 on charges of working for Chinese intelligence. Since then, he had been under house arrest without the right to leave his house to take a walk. The FSB suspected Mitko of gathering classified information of a 'military nature.' Upon his return from a business trip to China, a document on the performance of submarines was found in the scientist's luggage. The scientist denied the charges, claiming that he had obtained the data from open sources and used it in his lectures.

## 3.11.2. Other new prosecutions for espionage

In September, [Dmitry Kulikov](#) was [detained](#) in Vladivostok, on charges of treason. According to the report of a search that was conducted, the grounds for the prosecution were a photograph of a combined heat and power plant allegedly passed to Ukrainian intelligence. Kulikov espoused anti-government views and opposed the war against Ukraine.



The first case under **Article 275.1 RCC** was [brought against](#) 39-year-old Penza resident [Pavel Pishchulin](#). The head of the little-known left-wing patriotic organisation, National Social Unity was detained in Moscow and remanded in custody by Lefortovsky district court on 18 October. The circumstances of his case are unknown. Pishchulin had condemned the war against Ukraine and called Russian military mobilisation illegal.

In December, we learned about the [filing](#) of charges for attempted treason against [Igor Pokusin](#) from Abakan, mentioned [earlier](#). As noted earlier, Pokusin was detained back in July while trying to fly to Astana. The FSB believe this elderly man in not particularly good health was planning to travel to Ukraine and join the Ukrainian armed forces.

Towards the end of the year, the FSB [brought](#) another case under **Article 275.1 RCC**. St. Petersburg activist [Daniil Krinari](#) was detained in the Belarusian town of Hrodna on 21 December and transferred to Moscow. According to the investigation, he was secretly cooperating with Ukraine and promoting activities intended to undermine the security of the Russian Federation. Before the nationwide protest campaign against mobilisation had begun, his house was searched in connection with a deliberately false report of a terrorist act (**Article 207 RCC**). The activist remains a suspect in that case.

We also note that [Vladimir Kara-Murza](#) was charged with treason (**Article 275 RCC**) in October, along with charges of spreading information known to be false about the use of the Russian army (**Article 207.3 RCC**) and organising activities of an ‘undesirable’ organisation (**Article 284.1 RCC**). The politician was charged with treason for criticising the Russian authorities at public events in Lisbon, Helsinki and Washington.

### 3.11.3. The prosecution of Ivan Safronov

Ivan Safronov, chief advisor to the Roscosmos Corporation on information policy and a former Kommersant and Vedomosti journalist was [detained](#) on 7 July 2020 on charges of allegedly collaborating with Czech intelligence. His lawyer [Ivan Pavlov](#) was subjected to constant pressure and was forced to leave Russia because of a criminal charge of disclosing materials of the preliminary investigation. From the moment of his detention, Safronov has been banned from making and receiving phone calls or visits from his mother and fiancée and was stripped of his rights of correspondence in October 2021. Safronov’s support group attributes this to the fact that, having insufficient evidence, the investigation tried to force [Safronov](#) to admit his guilt by subjecting him to constant pressure. In Pavlov’s opinion, expressed before his forced emigration, the FSB are trying to portray the ordinary activities of journalism as espionage, thus setting a precedent to bring future pressure on the media.

In February, the journalist’s lawyers were forbidden to copy and make notes while working on the criminal case file (approximately 20,000 pages). This ruling was made by Lefortovo district court. Later, a criminal case was brought against another of Safronov’s lawyers, [Dmitry Talantov](#) (see details of his prosecution [above](#)).

On 29 August 2022, the independent Proekt publication [put](#) the indictment from Safronov’s classified criminal case file in the public domain.

The published documents revealed that the journalist, allegedly recruited by Czech intelligence in 2012, was accused of:

- preparing six reports for Martin Larish on the Russian Federation's technical and military co-operation with countries in Africa, the Middle East and the Balkan Peninsula in exchange for receiving 87,100 euros and 80,500 roubles in 2017-2018;
- sending an analytical report to Demuri Voronin in December 2015 on the participation of Russian troops in the fighting in Syria in exchange for \$248 wired to him via Western Union.

Despite Safronov's evident innocence, on 5 September Moscow City Court found him guilty on both counts and sentenced him to 22 years in a strict regime penal colony and a fine of 500,000 roubles.

The Project 'Political Prisoners. Memorial' has recognised Ivan Safronov as a [political prisoner](#).

## 3.12. Supporters of the Belarusian opposition

After the rigged elections and mass peaceful protests in August 2020, a campaign of repression unfolded in the Republic of Belarus, reaching an unprecedented scale even by the standards of a country with an authoritarian political regime. By the end of 2022, there were 1,446 political prisoners in Belarus, and the Belarus human rights community recognised 889 people as political prisoners in that year alone. According to the Vyasna Human Rights Centre, 3,786 people had been criminally prosecuted, and at least 35,000 people subjected to jail terms under administrative law in connection with the 2020 events by the beginning of 2023.

Many Belarusians, taking advantage of the absence of border controls on the border with Russia and the fact that they do not require a foreign passport to cross the border, have fled to Russia to escape arrests, lengthy prison sentences, murder and torture. Russia, however, has, predictably, not proved to be a safe haven for them. Many Belarusian opposition activists have been extradited from Russia, having been initially held in remand prisons, since December 2020.

The scale of prosecution and the complete destruction of the independent bar, mass media, human rights organisations and blogosphere in Belarus have resulted in few details being available about many of the cases. It is highly likely that we do not know the real number of people extradited by the Russian authorities or abducted by Belarusian security forces on Russian territory.

The Belarus Prosecutor General Andrei Shved stated on 25 January: *'This year alone, positive decisions have been taken to extradite 25 individuals, citizens of the Republic of Belarus, who committed extremist offences. 16 people have already been extradited.'* He added that the Belarusian prosecutor's office had sent six criminal cases to Russia *'for instituting proceedings against citizens of the Russian Federation'* and that *'some of these cases have already been considered, namely, a Russian citizen was convicted in Kazan for insulting an official of the Belarusian Ministry of Internal Affairs.'* In another interview, Shved specified that the convicted individual was 42 years old and that he had been sentenced to a term of imprisonment.

Unfortunately, we know of far fewer cases of extradition of Belarusian citizens and have almost no information about the six cases against Russian citizens reported by Shved, which once again confirms the incompleteness of our list and the increasing difficulty of gathering data given the growing repression in Russia and Belarus.

We are also aware that opposition activists from Uzbekistan, Tajikistan and Turkmenistan, and possibly other countries, are being prosecuted on the territory of the Russian Federation for the benefit of the ruling authoritarian regimes.

[Mikhail Zubkov](#) who participated in protests in Homel in 2020, was detained and sentenced to 15 days in jail for an administrative offence. He later travelled to Moscow, where he was detained on 29 October 2021 as he was wanted by the Belarusian authorities. The latter charged him with violence against a law enforcement officer (**Article 364 of the Belarusian Criminal Code**). The Russian prosecutor's office ruled to extradite the activist, a decision supported by the court. However, the European Court of Human Rights applied its Rule 39 on 3 May 2022, prohibiting Zubkov's extradition until the conclusion of proceedings in his case at the ECtHR. The Russian authorities were supposed to release Zubkov on 14 May, but [extradited](#) him to Belarus on 13 May instead. Zubkov was later sentenced to [three years in prison](#) in Belarus.

Another Belarusian activist, [Ivan Sautin](#) participated in monitoring the 2020 Belarusian elections and in subsequent protests. He was arrested and beaten by law enforcement officers and detained in December on charges of defamation. Sautin was not taken into custody, and was able to flee to Kaliningrad, where he obtained a German visa, but he was [detained](#) at the Russian-Polish border in April 2021 and remanded in custody. The Belarusian authorities brought three criminal cases against him: for a deliberately false report of a planned explosion, for defamation and for fraud. The Russian Prosecutor General's Office granted the extradition request on the charges of fraud only. However, the ECtHR applied Rule 39 to the activist's case in March 2022, prohibiting his extradition until the conclusion of proceedings in his case at the ECtHR. Sautin was released in April following that ruling, but was detained again on 27 May, despite the ruling of the ECtHR.

Belarusian [Yana Pinchuk](#), who has been living in Russia since 2018, was arrested in November 2021 following an extradition request from the Belarusian authorities. She is accused of setting up the Vitebsk 97%, Orsha 97% and Novopolotsk and Polotsk 97% opposition TV channels. She was prosecuted under five articles of the Belarusian Criminal Code. The activist complained about the lack of medical care in the remand prison, as well as unhealthy detention conditions. After her arrest, Pinchuk applied for refugee status in Russia, but the Russian authorities refused to grant her the status and the prosecutor's office decided to extradite her. On 1 June 2022, St. Petersburg City Court allowed Pinchuk to be handed over to the Belarusian authorities, after which the UN Human Rights Committee applied interim measures and asked the Russian authorities to halt the extradition process until her individual application to the Committee could be heard. Despite the intervention of the UN Human Rights Committee, on 21 July St. Petersburg's Second General Jurisdiction Court of Appeal upheld the extradition decision, following which the Pinchuk was [extradited](#) to Belarus. Pinchuk can be tried in Belarus under three articles only, in conjunction with the charges in relation to which the Russian prosecutor's office had agreed to extradite her: incitement to social hatred, incitement to actions against national security and creation of an extremist group. The project 'Political Prisoners. Memorial' has recognised Yana Pinchuk as a [political prisoner](#).

**Yury Kastiuk** was convicted in Belarus for desecrating national symbols (**Article 370 of the Belarusian Criminal Code**). He was released on 6 January 2022, but was jailed again for an administrative offence on 14 February. While serving that sentence, he was severely beaten by Belarusian KGB officers. A new criminal case was brought against him for advocating extremist activity (**Article 364.4, Part 1 of the Belarusian Criminal Code**, providing for a maximum penalty of six years' imprisonment). According to the investigators, Kostiuk got acquainted with other inmates while serving his sentence and took part in public initiatives providing financial support to victims of political repression. Kastiuk managed to escape to Russia but was detained at the airport while trying to fly from Sochi to Armenia. He was held on remand from May to September while being considered for a potential extradition. The General Prosecutor's Office decided to refuse extradition, but Kastiuk was detained immediately after leaving the remand prison and convicted of the administrative offence of allegedly violating migration rules. In what was not the first example of backdoor extradition of Belarusian citizens, the court chose expulsion to Belarus by way of punishment. Kastiuk was placed in a Temporary Detention Centre for Foreign Nationals [TDCFN]. The decision was appealed, yet without waiting for the judgment, law enforcement officers tried to unlawfully remove Kastiuk to Belarus. According to his lawyer, he slit his wrists at the airport, thus disrupting his deportation. The bailiffs beat him up in return and took him back to the TDCFN. On 15 October Kostiuk was in fact [kidnapped](#) from the TDCFN and taken away by unknown individuals before the final verdict in his case had been handed down. On 17 October it transpired that Kastiuk was being kept in the Pruzhany temporary holding facility in Belarus. The project 'Political Prisoners. Memorial' has recognised Yury Kastiuk as a [political prisoner](#).

**Andrei Russkikh** has been living in Russia since December 2021. In May 2022 the Belarusian authorities initiated two criminal cases against him for comments on social media: for incitement of social hatred (**Article 130 of the Belarusian Criminal Code**) and for insulting the president (**Article 368 of the Belarusian Criminal Code**). He faces up to seven years in prison. Belarus has asked Russia to extradite Russkikh. On 28 May, he was detained at the Moskovsky railway station in St. Petersburg. The Prosecutor General's Office granted the extradition request, and on 9 November St. Petersburg City Court upheld the extradition decision. Later, the UN Human Rights Committee directed Russia to refrain from extraditing Russkikh. However, the same court refused to satisfy this demand, again ruling to [extradite](#) Russkikh on 20 December. The project 'Political Prisoners. Memorial' has recognised Andrei Russkikh as a [political prisoner](#).

## 3.13. Prosecutions of members of the elite bearing hallmarks of political motivation

In addition to the previously listed major categories of repressive campaigns, we consider it appropriate to single out prosecutions of members of the political elite that show clear signs of political motivation.

### 3.13.1. Main trends of repression

Prosecutions of members of the elite, which in 2021 were stood out markedly against the general background of a cleansing the political playing field and preparations for war, lost much of their relevance in 2022. Without going into a political science analysis of this phenomenon, which is clearly beyond the scope of this report, two trends shall be noted, however.

First, the earlier politically motivated cases against the anti-establishment members of elite groups, especially regional elites, and members of systemic parties, continued in 2022, marked by a decline in the number of new prosecutions, according to the available data.

At the same time, there was a clear decline in repressive activity associated with the stand-off between the dominant 'law enforcement' element of the establishment and the remnants of the 'systemic liberals.' This trend, however, was not the result of a general decline in the regime's repressiveness. It was probably caused by the actual political capitulation of the 'systemic liberals' and 'technocrats' against the background of the elites' consolidation around unconditional support for Putin's anti-Ukrainian and anti-Western stance.

### 3.13.2. Prosecutions of opposition elements within the political class

One example of such ongoing prosecutions is the investigation, now completed, against [Sergei Furgal](#) and the subsequent trial of the former governor of Khabarovsk region. It is safe to say that the charges against Furgal and other defendants in the case of organising contract killings in 2004-2005 are politically motivated and based on an [extremely weak](#) evidential base. The obvious political motive in Furgal's prosecution and his popularity in Khabarovsk region led to a regional political crisis and months of mass protests in 2020, with resulting criminal and administrative cases [brought](#) against a number of activists.

The prosecution of the former head of the Moscow City Committee of the Communist Party of the Russian Federation (CPRF) and former deputy of the State Duma, [Valery Rashkin](#),

was clearly politically motivated. On 22 April, the Kalininsky district court in Saratov region handed him a three-year suspended sentence for illegal hunting (**Article 258, Part 2, RCC**). We recall that on 29 October 2021, Rashkin was detained as a result of a [pre-planned](#) operation and accused of illegally hunting moose. Despite the fact that Rashkin's guilt in the commission of this crime was generally proven, the ensuing campaign in the pro-government media accusing the communist politician of organising protests and supporting Navalny allows us to say with confidence that the criminal case was politically motivated. Despite the changing political landscape and the fact that Rashkin did not hold anti-war views, he was [stripped of](#) his parliamentary mandate by a decision of the State Duma on 25 May.

Another deputy from the CPRF, representing the party in the Primorsky region Legislative Assembly, [Artem Samsonov](#) was [sentenced](#) to 13 years in a strict regime penal colony on 20 September, in an absurd case of allegedly showing a dildo to an 11-year-old boy on the beach, which was qualified by the investigation as a violent act of a sexual nature against a minor under 14 years of age (**Article 132, Part 4 (b), RCC**). The accusation is absurd in itself, especially given the background of testimonies by numerous witnesses, who generally refuted the commission of such an act by the accused. The case against Samsonov was brought after a shambolic denunciation in which, among other things, he was accused of supporting Navalny and calling for the violent overthrow of the regime, as well as of debauchery and appearing nude at a public beach. Apparently, the case was initiated as part of the campaign to cleanse the political playing field before and after the elections to the Russian State Duma in September 2021, as evidenced by the date of Samsonov's arrest on 17 November 2021.

### 3.13.3. Winding down the campaign against 'systemic liberals'

Criminal prosecutions of 'systemic liberals' and 'technocrats' were no longer a priority of the repression in 2022.

On 3 August, rector of the Moscow Higher School of Social and Economic Sciences (Shaninka) [Sergei Zuev](#), was [transferred](#) from a [remand prison](#) to house arrest because, according to the investigator, he had confessed and paid compensation for damages in the case brought on charges of fraud of government procurement to the amount of 50 million roubles (**Article 159, Part 4, RCC**).

On the same day, the rector of the Russian Presidential Academy of National Economy and Public Administration, [Vladimir Mau](#), who was on trial in the same case and initially placed under house arrest on 30 June, was released on his own recognisance. On 14 October it was reported that Mau's criminal prosecution had been terminated. According to [political analysts](#), this was part of an informal deal, under which he later voluntarily resigned from his post 'for health reasons.'

The former deputy minister of education and former vice-president of Sberbank, [Marina Rakova](#), as well as other defendants in the case — Rakova's common-law husband [Artur Stetsenko](#) and Sberbank managing directors [Evgeny Zakai](#) and [Maxim Inkin](#) — were also [placed](#) under house arrest on 3 November. A court subsequently replaced house arrest with a ban on certain activities for Shaninka's lawyer [Kristina Kriuchkova](#) and released [Zuev](#) from house arrest.

# Innovations in repressive legislation and law enforcement

04.

# 4.1. Innovations in legislation

From November 2020 to the end of 2021, Russian criminal legislation was supplemented with a number of norms designed to suppress the level of activity of opposition, media, NGOs and civil society in general. The new norms created unprecedented opportunities and grounds for politically motivated criminal prosecutions and imprisonments. These innovations, clearly excessive in terms of the authorities' needs for repression at the time, are now perceived as part of a set of measures to prepare for the war.

After the beginning of the Russian invasion of Ukraine on 24 February 2022, the Russian Criminal Code underwent an even more repressive transformation. The purpose of the changes, however, was not primarily to intensify persecution of largely defeated opposition groupings, but to suppress the anti-war movement and create conditions for a hypothetical victory in a war of aggression.

## 4.1.1. New repressive norms of the Russian Criminal Code

The tightening of the Criminal Code and the creation of conditions for the imposition of de facto martial law took place in four stages – in March, July, September and December.

A week after the invasion began, on 4 March, the Russian State Duma adopted laws amending the Russian Code of Administrative Offences and the Russian Criminal Code in an extraordinary manner (not as separate bills, but by amending bills already adopted in first reading).

[Federal Law No. 31](#) introduced new offences into the **Russian Code of Administrative Offences**: discrediting the use of the Russian armed forces, including calls to obstruct their use (**Article 20.3.3**) and calls for sanctions (**Article 20.3.4**).

[Federal Law No. 32](#) supplemented the **Russian Criminal Code** with articles penalising the spreading of 'fake news' about the Russian armed forces (**Article 207.3**), their discreditation, '*committed by an individual after being held administratively liable for a similar act within one year*' (**Article 280.3**), and calls for sanctions, '*committed by a citizen of the Russian Federation after being held administratively liable for a similar act within one year*' (**Article 284.2**).

The laws were approved by the Federation Council on the same day, and signed by Putin in the evening. The amendments came into force from the date of their official publication, that is, as of 5 March. We have described these articles and the practice of their application in detail in Chapter [2.3. Prosecutions for anti-war statements](#).

On 25 March, [Federal Law No. 63](#) came into force, specifying that liability under **Article 207.3** and **Article 280.3** RCC shall also be incurred in the case of dissemination of 'fake news' '*about the use by government agencies of the Russian Federation of their powers outside the territory of the Russian Federation*' and discrediting such 'use' respectively. This record-breaking speedy change of norms that had recently appeared in the criminal legislation



was [carried out](#) in an absurd manner by amending the law adopted by the Russian State Duma on 22 March, which originally increased liability under **Article 261 RCC** ('Destruction or damage to forestry plantations').

[The law](#) mentioned in Chapter [3.11 Prosecutions for treason and espionage](#) came into force on 14 July, tightening a number of existing provisions of the Criminal Code and introducing new ones. The new articles included the following:

- **Article 274.2** ('Violation of the rules of centralised management of technical means to counter threats to the stability, security and integrity of the functioning of the 'internet' information and telecommunication network and public communications network on the territory of the Russian Federation') introduced criminal liability for persons previously fined for violating the procedure for the installation, operation and upgrading of technical means to counter threats;
- **Article 275.1** ('Confidential cooperation with a foreign state, international or foreign organisation') criminalised *'establishment and maintenance by a Russian Federation citizen of relations of confidential cooperation with a representative of a foreign state, international or foreign organisation for the purpose of assisting them in activities deliberately intended to undermine the security of the Russian Federation'* in the absence of attributes of treason;
- **Article 280.4** ('Incitement to carry out activities intended to undermine the security of the state') prohibited incitement to commit a wide range of offences arbitrarily deemed to pose a threat to national security, from the establishment of a criminal association (**Article 210 RCC**) to bribery (**Article 291 RCC**);
- **Article 282.4** ('Repeated propaganda or public display of Nazi attributes or symbols, or attributes or symbols of extremist organisations, or other attributes or symbols, propaganda or public display of which is prohibited by federal laws') provides for criminal liability for persons previously convicted under **Article 20.3 RCAO** ('*Propaganda or public display of Nazi attributes or symbols, or attributes or symbols of extremist organisations, or other attributes or symbols, propaganda or public display of which is prohibited by federal laws*').
- **Article 283.1** ('Violation of the requirements for the protection of state secrets') introduced criminal liability for the departure of a *'citizen of the Russian Federation who has or previously had a security clearance and whose right to leave the Russian Federation is known to them to be restricted.'*

Liability under **Article 208** ('Organisation of an illegal armed group') and **Article 359** ('Acting as a mercenary') has also been greatly increased. The scope of **Article 275** ('Treason') and **Article 276** ('Espionage') has been extended to include cases of desertion during wartime operations and cases of *'transfer, collection, theft or storage for the purpose of transferring to the enemy of information that can be used against the armed forces of the Russian Federation, other troops, armed groups and agencies of the Russian Federation, committed during an armed conflict, hostilities or other actions, using weapons and materiel with the involvement of the Russian Federation'*, respectively.

These norms, among other things, were probably adopted with the aim of preventing and sup-

pressing resistance to aggression both inside Russia and in the occupied territories, as well as tightening control over society and the armed forces in conditions of war. The extension of liability under **Article 284.1 of the Russian Criminal Code** to participation in the activities of ‘undesirable’ organisations outside Russia is apparently intended to prevent the organisation of the anti-war and anti-Putin part of the Russian diaspora and its engagement with people who have remained in Russia. All these norms have been analysed in detail by the Sova Centre in their [review](#).

On 20 September, one day before mobilisation was announced, the Russian State Duma adopted a package of ‘mobilisation’ amendments to the **Russian Criminal Code**, aimed at tightening control over military personnel, and their enhanced coercion to participate in military operations, as well as the militarisation of the Russian economy. The amendments came into force on 24 September, after the start of mobilisation, when Putin signed [Federal Law No. 365](#) that contained them. This law made the commission of a crime ‘*during mobilisation or martial law, in wartime or in conditions of an armed conflict or hostilities*’ an aggravating circumstance and significantly increased liability for a number of crimes against military service, such as failure to carry out orders (**Article 332**), absence without official leave (**Article 337**), desertion (**Article 338**) and others. In addition, criminal liability was introduced for voluntary surrender (**Article 352.1**) and looting (**Article 356.1**), as well as four offences related to government defence orders, criminalising refusal or evasion of them by the supplier (**Article 201.3**) or customer (**Article 285.6**) or their violation (**Articles 201.2 and 285.5**).

Finally, the last two repressive packages of amendments to the Russian Criminal Code for 2022 came into force on 29 December.

[Federal Law No. 586](#) was apparently a reaction to the spread of acts of resistance in Russia and in the occupied territories and the activities of ‘railway partisans’; it introduces new offences such as enabling sabotage (**Article 281.1**), training to carry out sabotage (**Article 281.2**) and creating a sabotage group (**Article 281.3**), which to a large extent are a copy of **Articles 205.1, 205.3, 205.4 RCC**, penalising similar acts, but related to terrorist activities.

[Federal Law No. 582](#) further develops the concept of fighting ‘foreign agents’, i.e. peaceful opponents of the Russian authorities, and was adopted as a supplement to [Federal Law No. 255](#) of 14 July 2022 ‘On control over the activities of individuals under foreign influence.’ It provides for:

1. increased liability under **Article 239 RCC** (‘Establishment of a non-profit organisation that infringes on the personality and rights of citizens’), which was used, in particular, for repression against Navalny’s supporters;
2. changes in the wording of **Article 330.1 RCC** (‘Evading fulfilling obligations set out in Russian legislation on foreign agents’), simplifying prosecution of individuals designated foreign agents, and greatly expanding its scope of application.

In addition, the chair of the State Duma Committee on family issues, Nina Ostanina, stated in December their [intention](#) to criminalise repeated ‘propaganda’ in favour of LGBT rights which, however, had not yet been formulated as a bill at the time this report was finalised.

Along with the adoption of new repressive norms, a certain ‘humanisation’ of criminal legislation also took place during the same month, which in fact led to a worsening of the human rights situation. We refer to the [bill](#) ‘On the application of the provisions of the Russian Crim-

inal Code and the Criminal Procedure Code in the territories of the DNR, LNR, Zaporizhzhia region, and Kherson region’, which was adopted in first reading. Namely, the document states that ‘an act, liability for the commission of which is established by Ukrainian statutory regulations, is not criminal and punishable if it contains evidence of a crime provided for by the Russian Criminal Code, but is aimed at protecting the interests of the Russian Federation, the Donetsk People’s Republic, the Lugansk People’s Republic or the legally protected interests of citizens or organisations of the Russian Federation, the Donetsk People’s Republic, the Lugansk People’s Republic, residents and organisations of the Zaporizhzhia region and Kherson region.’ This is a de facto move to establish a unique legal regime providing for the possibility of indemnity against liability for the commission of war crimes and any other crimes in the annexed territories in the period before 30 September 2022, and, [according](#) to some experts, even after that date.

## 4.1.2. Other changes in legislation affecting victims of repression

In addition to the ‘improvement’ of criminal legislation, throughout the year there were changes adopted to other branches of the law that affected the situation of defendants and of those convicted in politically motivated cases.

In November, the legal community actively discussed the scandalous [proposal](#) of the Russian Supreme Court Plenum on the ‘abridged pronouncement of a verdict.’ The proposed amendments to the Russian Criminal Procedure Code would require judges to read out the introductory and operative parts of the verdict or other judicial decision only. In addition, it was originally envisaged that the part containing the judicial reasoning for the judgment could be prepared after the trial is over, but this proposal did not make it into the bill. Despite [objections](#) from lawyers and human rights activists who feared that the new norm would lead to the fact that convicted individuals would not receive hard copies of the verdict in a timely manner, would thus be unable to appeal against it in time, and that the operative part would still be prepared after the court ruling, the bill was adopted by the State Duma, signed by Putin on 29 December and entered into force as [Federal Law No. 608](#).

In order to facilitate recruitment of prisoners to military units participating in the war against Ukraine and legalise the process, at least formally, in the autumn of 2022 [deputies of the Kurultai of the Republic of Bashkortostan](#) and [members of the Federation Council](#) Andrei Klishas and Olga Kovitidi introduced competing bills to supplement the **Russian Criminal Code** with a new article (**Article 82.2**) providing for the postponement of serving a sentence in connection with participation in the ‘SVO’ [‘special military operation’] and ‘other military actions in order to protect the interests of the Russian Federation.’ At the same time, [Federal Law No. 421](#) of 4 November 2022 came into force, allowing for the mobilisation of those convicted under most articles of the Criminal Code, including, apparently, former political prisoners.

In the area of migration, the most significant negative change to legislation was the introduction of a presidential amendment to the [bill](#) ‘On Citizenship of the Russian Federation’ in the Russian State Duma on 13 November, which greatly expands the list of articles of the Russian Criminal Code, under which the convicted individuals may be deprived of Russian citizenship they

had acquired earlier. In particular, such repressive articles as ‘fake news’ about the army (**Article 207.3 RCC**), its ‘discreditation’ (**Article 280.3 RCC**), participation in the activities of an undesirable organisation (**Article 284.1 RCC**), and incitement to violate the territorial integrity of Russia (**Article 280.1 RCC**) were [added to the list](#).

Indirectly, the increase in the number of victims of political repression in the future is also likely to be influenced by the drastic [simplification](#) of the procedure for adding names to the ‘foreign agents’ register, the [ban](#) on rallies near administrative buildings and transport infrastructure, as well as the [equating](#) of geographical maps that do not include the occupied territories of Ukraine with extremist materials. This is related to the fact that these bans create the conditions for an increased frequency of application of the unlawful **Article 330.1 RCC** (‘Evading fulfilling obligations set out in the Russian Federation legislation on foreign agents’), **Article 212.1 RCC** (‘Repeated violation of the established procedure for organising or holding an assembly, rally, demonstration, march or picket’) and **Article 282.4 RCC** (‘Repeated propaganda or public display of Nazi attributes or symbols, or attributes or symbols of extremist organisations, or other attributes or symbols, the propaganda or public display of which is prohibited by federal laws’) of the **Russian Criminal Code** in relation to individuals with previous convictions under the corresponding articles of the **Russian Code of Administrative Offences**.

An increase in the number of new cases under **Article 354.1 RCC** (‘Rehabilitation of Nazism’) will result from the adoption of [Federal Law No. 579](#) of 29 December 2022, which consolidates the status of the St. George’s Ribbon as one of the symbols of Russia’s military glory and thus introduces criminal liability for its desecration, including on the internet (**Parts 3 & 4 of the Article**), while several criminal proceedings in connection with the burning of such ribbons had already been [initiated](#) in 2022.

One of the rare positive developments in legislation was that the [initiative](#) by the Russian Ministry of Justice to deprive prisoners, and by extension, political prisoners as well, of their basic rights during riots, epidemics and other emergencies, which was mentioned in the [‘Political Prisoners and Repression in Russia in 2021’](#) report by Memorial Human Rights Centre (p. 99), did not become law in 2022.

## 4.2. Innovations in law enforcement

The invasion of Ukraine was accompanied from the very first days by a sharp increase in repression, both of anti-war Russians and of Ukrainian citizens living in the occupied territories. The suppression of resistance to the authoritarian regime was carried out by means of the new repressive legislation and by the reinterpretation of existing norms of the Russian Criminal Code. In this chapter we shall point out new law enforcement practices and new ways of distorting legal principles embedded in the Russian legislation.

## 4.2.1. Special features of the use of new articles of the Russian Criminal Code

The most important repressive innovation of 2022 was the wide application of articles on the repeated discreditation of the Russian army (**Article 280.3 RCC**) and, notably, on the dissemination of information known to be false about the Russian army (**Article 207.3 RCC**). The practice of application of these articles was discussed in detail in [Chapter 2.3. Prosecution for anti-war statements](#).

It is worth noting that the practice of application of **Article 207.3 RCC** demonstrates the use by investigators and courts of the de-facto presumption of the truth of the official war reports and a presumption of guilt of anyone reporting facts (or, sometimes, opinions and views) not contained in official information. This approach defiantly contradicts the constitutional principle of presumption of innocence and is a notable new step towards legal degradation and arbitrariness.

The practice of applying **Article 280.3 RCC** contradicts the principles of law in an even more blatant way. A mere negative attitude towards the war without regard to the form and modality of its expression can serve as the basis for prosecution under the legally undefined ‘discreditation’ of the use of the armed forces. The criminal prosecution of a citizen for a negative opinion expressed about the actions and decisions of the authorities, who in theory are supposed to serve the interests of citizens, is even more outrageous than prosecution that infringes on the freedom of speech in general.

Regarding the practice of application of the above-mentioned norms of the Russian Criminal Code, it is worth noting that despite threats to use these articles against pro-war bloggers and journalists who criticise what they deem to be ineffective actions of the Russian Ministry of Defence, only opponents of the ‘special operation’ are currently being prosecuted under them. This selectivity in law enforcement enables us to argue that the use of these articles depends not on the form or content of the statement, but on the intentions implied, as the same words uttered by a pacifist and a Ukrainophobe will be assessed differently.

Similarly, we are not aware of any criminal prosecutions for fake news or discreditation that have been brought in connection with the activities of non-military government bodies, such as diplomatic or trade missions outside the Russian Federation. However, criminal prosecutions for the justification of terrorism were initiated for the first time in 2022 in connection with the approval of non-violent hooliganism against Russian diplomats (see below).

At present, other undoubtedly unlawful articles that appeared in 2022 are used very rarely, remaining a standby repressive tool. We are aware of just a few cases of their application.

On 20 November, it [transpired](#) that a criminal case had been brought for the failure of mobilised individuals to carry out orders (**Article 322, Part 2.1, RCC**) because they ‘*first verbally, and then in writing refused to carry out the unit commander’s order to leave for the combat zone.*’

As mentioned above (see [3.11.2. Other new instances of prosecution for espionage](#)), [Pavel Pischulin](#), a defendant in the first case (to our knowledge) under **Article 275.1 RCC**, which penalises confidential cooperation with a representative of a foreign state, international or for-

eign organisation, intended to undermine the security of the Russian Federation, was detained on 18 October.

On 10 November we learnt that the [first](#) criminal case (to our knowledge) for the repeated public display of Nazi symbols (**Article 282.4, Part 1, RCC**) had been brought in Tambov against a local resident who allegedly displayed a tattoo with Nazi insignia in a public place. He had previously been charged with administrative offences on several occasions for propaganda and display of Nazi symbols (**Article 20.3 RCAO**).

It is also worth noting the criminal case for incitement to activities against the security of the state (**Article 280.4 RCC**) initiated against a resident of Amur region, [Nikolai Titarenko](#), mentioned [above](#).

The exception in terms of their mass scale were cases of prosecution for absence without official leave initiated under the new **Article 337, Part 3.1, RCC** that was adopted as one of the war [amendments](#) on 24 September. The first case we became aware of was [initiated](#) on 17 October against a mobilised resident of Yakutia who declared his unwillingness to participate in the war and escaped through a hole in the fence surrounding the military unit. As [Mediazona notes](#), the courts received 948 cases of absence without official leave from January to the beginning of December. That said, the number of cases increased as compared to 2021 against the backdrop of the war, and their growth became especially noticeable in the summer.

## 4.2.2. Reinterpretation of norms that existed in the Russian Criminal Code before 2022

Norms of the criminal law previously used for political repression continued to play a significant role in the prosecution of anti-war and other activists. Some of these norms have been reinterpreted in a new, even more repressive, way, especially the article on treason (**Article 275 RCC**), which has been previously criticised by human rights activists.

An extremely dangerous precedent was the initiation of a criminal case for treason against opposition politician and political prisoner [Vladimir Kara-Murza](#), for example, whose case was covered in detail [above](#). A lawyer from the First Department [‘Pervy otdel’] project Valeriya Vetoshkina [noted](#) with regard to the charge of treason brought against Kara-Murza that the politician ‘is charged with *‘assisting a foreign state in activities against the security of the state.’ There have been no such cases before. This is a new and a rather bad precedent, as it further broadens the scope of the already elastic Article 275 of the Criminal Code.*’

Another innovation was the criminal prosecution for ‘preparation for treason’ (**Article 275, Part 1, RCC** in conjunction with **Article 30, Part 1 RCC**). This was exactly what happened [first](#) to an Astrakhan student [Gleb Verdiyan](#), arrested on 7 November, and [then](#) to 21-year-old [Savely Frolov](#), remanded in custody by the Lenin district court of Vladikavkaz on 12 December (on his case, see [above](#)). According to a TASS source in the FSB, Verdiyan allegedly ‘*wanted to pass information constituting state secrets to foreign intelligence services*’, but the FSB officers ‘uncovered and detained’ him. According to the investigation, Frolov allegedly intended to join the Free Russia Legion. We also know of one case brought in connection with ‘attempted treason

in the form of desertion' (**Article 275, Part 1, RCC** in conjunction with **Article 30, Part 3, RCC**), the case repeatedly mentioned [above](#) of **Igor Pokusin**, who allegedly intended to go to Ukraine and join the Ukrainian armed forces.

According to our information, defendants in treason cases have never previously been charged with 'incomplete' offences in post-Soviet Russia.

Other important trends include lowering of the standards for classifying objects as 'weapons' in relation to **Article 213, Part 2, RCC** ('Hooliganism with the use of weapons or objects used as weapons'). The cases of performance artist **Pavel Krysevich** who used [a replica gun](#) and the Chelyabinsk anarchists [who lit flares](#) (for more details on the latter case see '[People's Self-Defence and the banner against the FSB](#)') who received long prison sentences, indicate that objects totally incapable of causing any harm to others have been consistently classified as weapons. Lighted flares are [also classified as weapons](#) in the case of the Left Blog members **Ruslan Abasov** and **Lev Skoryakin**, who spent more than six months on remand and are still awaiting sentencing under a ban on certain activities.

On 28 August, the first known criminal case was opened against FBC donors for funding extremist activities (**Article 282.3, Part 1, RCC**). The case concerned the creator of 'Dissernet' and a 'Novaya Gazeta' journalist **Andrei Zayakin**. We described his case in detail [above](#).

Another 'innovation' in the investigation of politically motivated criminal cases was the spreading of the practice of mass simultaneous searches, previously applied mainly to ACF employees and Navalny supporters, to opposition activists throughout Russia. This time the formal grounds for mass simultaneous searches was a totally unfounded accusation of telephone terrorism (**Article 207 RCC**).

In some cases, actions classified as hooliganism in everyday practice (**Article 213 RCC**), could in 2022 become a trigger for absurd charges of justification of terrorism (**Article 205.2, Part 2, RCC**). For example, mass searches of Tatarstan journalists and activists took place in August and October as part of the investigation into the case concerning the mockery of the Russian ambassador to Poland, doused with paint in Warsaw on 9 May.

For more on searches, see chapter [2.4. Mass searches of activists and journalists on spurious grounds](#).

## 4.2.3. Breakdown of the legal realm after 24 February 2022

Against the background of the ongoing hostilities since 24 February and the occupation of part of Ukrainian territory, the disintegration of the common national legal framework, which was observed earlier and which became particularly egregious on the territory of the Chechen Republic, has sharply accelerated in Russia. Our report does not intend to describe processes that are not relevant to the deformed nature of Russian law, however we cannot fail to mention those that have a direct bearing on the law enforcement and judicial systems.

For example, a vivid illustration of the violation of the Russian Criminal Code, Criminal Procedure Code and Penal Code was the mass recruitment of prisoners throughout Russia to join

the Wagner PMC, a body also not provided for by Russian legislation and constituting, in formal terms, an illegal armed group. Its leader, Evgeny Prigozhin, openly declared that prisoners refusing to comply with the ‘Wagner’ orders would be executed on the spot directly on the premises of the Russian Federal Penitentiary Service institutions in the presence of their staff.

According to human rights activists, the number of such executions had reached at least 40 by mid-November. Such extrajudicial executions, sometimes of a particularly brutal nature, as in the case of [Evgeny Nuzhin](#), who was killed by a sledgehammer blow to the head for surrendering to the Ukrainian armed forces and reporting the crimes of Prigozhin’s mercenaries, are not investigated by the Russian investigative authorities, in the same way as they had previously refused to investigate crimes committed by the Kadyrovites.

Mass detention of Ukrainian prisoners of war in institutions of the Russian Federal Penitentiary Service is contrary to Russian legislation. It has been carried out without reference to the norms of the Russian Criminal Procedure Code or the Russian Penal Code, lawyers and members of public oversight commissions are not allowed to visit, and even the total number of prisoners of war and abducted civilians in Russian-controlled remand prisons and penal colonies remains unknown.

We do not consider it necessary to describe in detail the pseudo-legal instruments used in the occupied and formally annexed ‘new’ (as opposed to Crimea) Ukrainian regions. As far as can be seen, the ‘prosecution’ of Ukrainian citizens in these regions is conducted by applying predominantly extrajudicial methods, such as abductions, torture, executions or such ‘legal mechanisms’ as ‘expulsion to Ukraine’ for a pro-Ukrainian position. Similarly, the ‘prosecution’ of Russian service personnel who refuse to take part in military operations against Ukraine, as described in Chapter 2.8, is largely conducted outside the legal framework and is accompanied by their abduction, detention in secret prisons and torture.

At the same time, despite the continued use of the DNR and LNR criminal codes, which are not compliant with international law, the Russian Criminal Code has also been used to carry out repression in these ‘republics.’



# Conclusion

05.

Even if it were possible to ‘extract’ Russia’s full-scale war against Ukraine from 2022, we would still see a consistent continuation of previously established repressive trends. In some cases, political prosecutions have increased in both scale and severity, while other campaigns have reached their logical conclusion.

- The authorities have succeeded in putting an end to the public activity of structures established by [Aleksei Navalny](#) within Russia. Criminalised as early as 2021, they are only able to operate outside the country. Navalny himself saw his sentence initially increased from just under three years to nine years, and it will not end here – he will soon be tried for the ‘creation of an extremist group.’ [Liliya Chanysheva](#), former regional coordinator of the Navalny Headquarters in Ufa, is currently being held on remand in a similar case.
- It is likely that the Russian authorities have also decided to put a stop to the public activities of Mikhail Khodorkovsky’s organisations in Russia. The former director of Open Russia, [Andrei Pivovarov](#), has been sentenced to four years in a penal colony.
- In general, any opposition politicians who enjoy even the slightest degree of popularity among the public are barred from participating in elections, even at the municipal level. Those who are not in prison or in forced exile are not allowed to register as candidates on the basis of previously imposed legal restrictions.
- The legal entities of the civil society associations International Memorial Society and Memorial Human Rights Centre have been liquidated. While the liquidation of these legal entities creates a host of administrative difficulties, it remains possible for their work to continue. However, one member of Memorial, [Bakhrom Khamroev](#), who for many years defended Muslims wrongfully accused of terrorism, was subjected to a far more severe attack. Our colleague is currently held on remand on a charge of terrorism that carries a maximum sentence of life imprisonment, and the charge is based purely on his human rights activities.
- Memorial is of course not the only authoritative human rights organisation of which the authorities have sought to rid themselves. In late 2022, the Ministry of Justice filed a lawsuit to close down the Moscow Helsinki Group, and the Sakharov Centre was hit with millions of roubles in fines, which it will likely be unable to pay off.
- The deplorable custom of announcing new ‘foreign agents’ on Friday evenings has continued. In addition to activists, journalists, and politicians, cultural figures have started to appear regularly on the register. Members of the State Duma have spent all year ‘perfecting’ the ‘foreign agents’ legislation, increasing the number of restrictions and imposing harsher penalties on violators. We have finally reached the point where it is not even necessary to have received foreign money to be labelled an ‘agent,’ one must simply be under ‘foreign influence.’
- The prosecution of a wide range of activists and peaceful protestors – no matter what the area of their work – is becoming more severe. For example, [Kirill Ukraintsev](#), chair of the Kurier [Courier] trade union, was remanded in custody in Moscow on charges of repeated violations of the regulations governing public events under the unlawful and unconstitutional **Article 212.1 of the Russian Criminal Code**. Under this same article, participants in protests against coronavirus restrictions in Vladikavkaz received long sentences (in particular, [Vadim Cheldiev](#) was sentenced to ten years). Dariya Poli-

udova, founder of the Left Resistance movement, was given her third politically motivated sentence. This time, her term of imprisonment was increased to nine years after she was accused of what amounted to holding single-person pickets and posting on social media.

- Shockingly, [Ivan Safronov](#), a former defence sector correspondent, was sentenced to 22 years in a strict regime penal colony on charges of ‘treason’ for his journalistic work that was admitted to be based on publicly available information.
- Perhaps the sole positive event of the year was the final acquittal of [Yulia Tsvetkova](#), a feminist artist from Komsomolsk-on-Amur. The activist had been prosecuted since 2019 on charges of ‘disseminating pornographic materials’ after producing body-positive drawings of vaginas.
- Overall, the state has continued to ‘keep watch on all fronts’, prosecuting comedy bloggers, adherents of ‘unauthorised’ religions, authors of politically neutral Telegram channels, followers of marginal ideologies, and so on, as well as preparing to increase pressure on the LGBTQ community by banning ‘propaganda of non-traditional relationships’ among people of all ages.

This would have been the end of the review of repression in 2022 were it not for the war.

Indeed, it is this full-scale war that now defines the essence of the politically motivated prosecutions carried out by the Russian authorities both within Russia and in the occupied territories.

Neither the military repression nor the war itself came into being out of nothing. They were preceded by two decades of deliberate suppression of political rights and freedoms in Russia (and three decades during which the country, which never did embark on serious institutional reforms, regularly waged wars and [committed horrific war crimes with impunity](#)). The intensification of politically motivated prosecutions in 2021 was clearly necessary to establish de facto military censorship in 2022 and to make the large-scale organisation of anti-war protests impossible.

Let us now consider the fundamental trends and occurrences of politically motivated prosecutions related to the war against Ukraine.

### **I. The establishment of de facto military censorship became the hallmark of 2022.**

It is associated with the most significant increase in the number of political prisoners on Memorial’s ‘general’ list in its history – an almost 150 percent increase. In 2021, the list grew by a third, which seemed unprecedentedly repressive prior to the war. In 2022, 74 names were added to the list, compared to 32 in 2021.

The state, far from limiting itself to suppressing anti-war demonstrations, has officially banned any criticism of the Russian Federation’s military actions and calls to stop them. These new repressive norms can be and sometimes are also used against supporters of Russian aggression who are dissatisfied with the low efficiency of the Russian army, but at present they are almost always directed against opponents of the war on Ukraine. In 2022, administrative charges were brought against more than 5,000 people for ‘discrediting the army’, while criminal charges for ‘discrediting the army’ and ‘fake news about the army’ were brought against more than 200 people, more than 40 of whom were imprisoned.

The severity of punishments for speaking out has exceeded previously established limits. Prior to 2022, one could receive up to seven years in a penal colony for the propaganda or justification of terrorism (an already blatantly disproportionate punishment, even in the case of truly socially dangerous statements). Now, the publication of information about war crimes committed by the Russian army is punishable by up to eight and a half years' imprisonment and legislation criminalising the spread of 'fake news' provides for a maximum punishment of 15 years' imprisonment.

Those convicted, however, do not necessarily receive such harsh sentences and are not always remanded in custody for the duration of their investigation. Other possible punishments include corrective labour, fines, and suspended sentences. The Investigative Committee and the courts can arbitrarily adjust the gravity of the charges by choosing between 'discrediting', 'fake news', 'fake news' without aggravating circumstances and 'fake news' motivated by political hatred, and so on.

Administrative and criminal prosecutions for anti-war statements are complemented by the large-scale blocking of media, websites and social networks, bans on performances by cultural figures who have spoken out against the war, and politically motivated dismissals and (for students) expulsions.

By such measures, the state is able to solve several practical problems: firstly, it achieves total dominance of pro-war propaganda in the information space; secondly, it creates a feeling of unequivocal support for anti-Ukrainian aggression in Russian society – after all, motivated by a justified fear, more and more people become afraid to speak out against the war, making it easier to control the moderate, doubting but conformist majority.

## **II. Violence and coercion not based on law has become far more widespread and apparent.**

Law enforcement agencies have either been granted 'permission' or been specifically ordered to exhibit maximum cruelty towards detainees. Torture, previously used almost exclusively to elicit confessions, has begun to be used as a means of retribution and expression of hatred towards the 'enemy.' The torture cases of [Artem Kamardin](#), remanded in custody for reciting poetry in public, and [Nekoglai \(Nikolai Lebedev\)](#), a TikTokker who parodied a Russian soldier in a trench, were widely publicised. Nekoglai was subsequently deported to Moldova. Both accounts reported the use of sexualised violence as a method of degrading human dignity.

Practices that have been widespread in Chechnya for years have been normalized across many regions in 2022, including Moscow and occupied Crimea. Among these practices are the forced public apologies on video by the 'guilty' party, which have included even those of schoolchildren.

The risks have increased for activists and journalists of being subjected to violence by 'unknown persons' who may be cooperating with the security forces or acting on their own initiative. It has become widespread to mark the doors of the apartments of 'enemies of the people' with ideological symbols and threats. The making of denunciations, a practice much favoured and endorsed by the state, has become increasingly prevalent. Occasionally, situations have arisen in which individuals have reported to the police conversations they overheard, the lists of Telegram channels on someone else's phone, symbols on clothing of passers-by, and so on.

### **III. The state has begun carrying out political repression openly, abandoning any plausible legal justification and the very principle of law itself.**

Law enforcement agencies no longer pretend that prosecutions for public statements requires them to pose a threat to society, such as incitement to violence. Mere criticism of military aggression is enough. At the same time, anything that contradicts the Ministry of Defence's reports is officially considered 'information known to be false.' These reports are treated by the Investigative Committee and the courts as already established truths; 'information known to be true' that does not require any proof. Representatives of the Ministry do not even need to be questioned in court as witnesses to confirm their statements, where they would at the very least be notified of their liability for providing false testimony. In practice, the application of the new laws prosecuting anti-war stances comes with a presumption of guilt for the accused and a prohibition on disapproving of the actions of the state.

The security forces and law enforcement agencies care nothing for the plausibility of the pretexts for their searches of activists' homes. These are simply open campaigns of intimidation.

Russia's refusal to even formally implement the rulings of the European Court of Human Rights in 2022 was entirely expected. This was preceded by the consolidation in the 2020 Constitution of the primacy of national over international law, despite this being in direct contradiction to the contents of the first chapter of the Russian Constitution. This has been part of a long and ongoing process by which the Russian government has adopted an official disregard for international law.

### **IV. Closely linked to the aforementioned trends of a reduction in the role of formal judicial processes and an increase in the use of unlawful violence has come ideological repression.**

Prosecutions founded on entirely ideological grounds have become far more widespread. Such grounds include, for example, expressing the 'wrong' opinion, 'insulting' sacred symbols and ideas which are not so much of a religious nature as primarily related to the cult of victory in the Great Patriotic War [*a term used in Russia to describe the Second World War – trans.*] and other aspects of the 'cult of patriotism' in general. This can be extended to include accusations of inciting terrorism for any mention of violent action against Putin. Similarly, condoning the actions of the Ukrainian army, even when they are in accordance with the laws and customs of war, such as the bombing of the Crimean Bridge which clearly has a military significance, is considered 'justification of terrorism.'

### **V. Increasing the intensity and severity of the authoritarianism of a regime leads to a radicalisation of its opponents.**

The state then faces the task of combating radical rhetoric and actions. To this end, tried and tested methods are employed: falsification and provocations of crimes, and disproportionate punishments.

As arson at military recruitment offices became a widespread means of expressing attitudes towards the war and mobilisation, the manner in which the state, when it had the political will, had previously treated incidences of minor acts of arson motivated by protest as acts of terrorism came in handy. Law enforcement agencies have the ability to manipulate the severity of charges by choosing between arson, which carries a maximum sentence of five years in a penal colony, and terrorism, for which the maximum sentence is 15 years' imprisonment, or, in the case

of a group offence, 20 years' imprisonment, as well as choosing to bring charges for either an offence that has been committed, or for one that has been at least partially committed.

It may seem impossible to conceive of a more serious charge than that of committing an act of terrorism, but this is not so. In the case of [Alekssei Nuriev](#) and [Roman Nasryev](#), who tried to set fire to a military recruitment office in Chelyabinsk region, the prosecution treated the preparation to carry out the arson as a separate offence, namely, 'receiving training in terrorist activities.' For this offence, no sentence less than 15 years in a penal colony can be imposed, and the maximum sentence is life imprisonment. This system of disproportionate and unfounded charges of terrorism has developed over the years, and the offence of 'training in terrorism,' one of its most telling features, is now available to directly serve the purposes of political repression.

The FSB's previous counterterrorism expertise (founded to a great degree on practices similar to those described above) is now being used to fight sabotage, primarily on railways. Here, the state is faced with two opposing tasks. On the one hand, the authorities pretend that the 'partisans' damaging the railway infrastructure do not exist, on the other they regularly report on the successful prevention of such acts and emphasise that their perpetrators are teenagers bribed and recruited for small sums in Telegram chat rooms. If we extrapolate from the features of previous campaigns by the FSB imitating counterterrorism activity, then it is logical to assume that the current prosecutions are full of fictitious charges based on falsified evidence and confessions obtained by torture. Furthermore, some of the charges will have been brought for crimes committed by provocation, when the recruitment of saboteurs from Telegram chat rooms for a small fee actually does take place and it is done by FSB officers.

At the end of 2022, the Russian State Duma approved a set of 'anti-sabotage' laws to be added to the Russian Criminal Code that mirror the content of existing counterterrorism laws. Facilitation of sabotage activities, training in sabotage activities and establishment of sabotage groups all became separate offences, while the justification of sabotage was introduced into the Russian Criminal Code as an aggravating circumstance. It is most likely that these additions were made in preparation for a large-scale repressive campaign.

In a similar way, there have been prosecutions based on charges of providing military assistance to Ukraine, including providing information or material assistance, as well as attempts to join the Ukrainian army. These actions were all equated to treason in law in 2022. Criminal cases based on charges of treason and espionage are maximally lacking in transparency, and monitoring developments even in the past has been near impossible. Nevertheless, the fragmentary information that has reached the public space gives grounds to suspect that at least some of these cases are fabricated and that the charges underpinning them are implausible.

Nothing is known about criminal prosecutions in 2022 for funding the Ukrainian army, however the groundwork has been laid for them.

## **VI. Finally, another objective of the Russian state is to force its citizens to fight.**

At present, there is no way under criminal law to prosecute civilians who evade mobilisation. It is likely that legislation will be 'improved' in the future to allow for such a possibility. In the meantime, military recruitment officers have mainly been using deception, and to a lesser extent physical force, to mobilise those who do not willingly consent.

The situation is quite different for military personnel and citizens already mobilised who are considered the equivalent of the former. In 2022, the cost of refusing to fight has been increased considerably. Penalties for unauthorised abandonment of a unit and desertion were increased and it was prohibited to resign from units engaged in combat during mobilisation or to refuse to carry out military tasks (before mobilisation, more than 1,500 people refused to fight and were dismissed from the ranks). Courts handed down several hundred verdicts under the relevant articles of the Russian Criminal Code in 2022, but information about these cases is often either very limited or non-existent. Several cases are known where military service personnel refused to participate in the war, publicly justifying their refusal on the basis of their beliefs. Following the start of mobilisation, military service personnel who left their units without authorisation were usually sentenced to a term of imprisonment.

Imprisonment, however, is by no means the worst punishment someone who refuses to fight can face. In frontline areas, such people are subjected to informal violence, including extra-judicial executions.

### **VII. The occupied territories annexed by Russia in 2022 remain a ‘black hole.’**

While information about repression in Crimea, occupied since 2014, is systematically available, information regarding events in the occupied territories of Ukraine’s Donetsk, Luhansk, Kherson and Zaporizhzhia regions is fragmentary and poorly verified. As a result, we have been unable to provide a coherent overview of the situation in these territories. However, available data suggest that the scale of political terror unleashed there by the Russian authorities and their collaborators is very great indeed.