



**SOVA**  
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and analysis



## **Information on the Russian Federation for the 135<sup>th</sup> session of the UN Human Rights Committee**

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## INTRODUCTION

This report is submitted to the UN Human Rights Committee (“Committee”) as a follow-up to the alternative report by a coalition of civil society organizations in the Russian Federation in response to the Committee’s call for information regarding its 135th session. This report is presented in the form of responses to the paragraphs of the Committee’s List of issues (hereinafter “LOI”) in relation to the eighth periodic report of the Russian Federation and focuses on the rapid developments on the human rights issues in the context of ongoing war in Ukraine.

The following organizations contributed to this report:

**OVD-Info**, a leading Russian human rights project on freedom of assembly and political persecution.<sup>1</sup>

**Mass Media Defence Centre**, a Voronezh-based media freedom NGO, promoting freedom of expression since 1996. MMDC is providing legal assistance and court defense on domestic and international levels to Russian media, journalists, bloggers. MMDC was designated as a foreign agent NGO in 2015, challenging this decision of Russian authorities in the European Court of Human rights.<sup>2</sup>

**SOVA Center for Information and Analysis** was founded in 2002 and is focused on xenophobia, nationalism, freedom of religion and anti-extremism law and policies in Russia.<sup>3</sup>

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<sup>1</sup> <https://ovdinfo.org/>

<sup>2</sup> <https://mmdc.ru/>

<sup>3</sup> <https://www.sova-center.ru/>

## Regulation of speech — Paragraphs 15 and 16 of the LOI

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

1. Since 2012, the Russian authorities have been creating and developing a legislative framework for the possibility of unlimited blocking – 84 amendments have been made to the law “On Information” over the past two years. At the same time, state regulators (media and digital watchdog Roskomnadzor and other state bodies) ordered and financed the development of technologies for automated control over the dissemination of information on the Internet. Finally, the mechanisms of blockings – judicial and extrajudicial; the blocking of individual pages, entire sites or domains; with the ability to unlock, “slow down” and completely separate domains, etc, were developed. After February 24, 2022, most of these tools have become fully operational. Most of the information resources were blocked immediately and out of court on the basis of Article 15.3 of the Law “On Information”.
2. From February 24 to May 5, according to the independent media outlet Roskomsvoboda<sup>4</sup>, more than 3,000 sites were subjected to “military censorship” (this statistics does not include blocking for other reasons, therefore, this is already much more than in the same four months of 2021). State information policy still formally refers to legislation, but the range of laws adopted in recent years makes it possible to block almost any page, site or media outlet.
3. On February 24, Roskomnadzor informed<sup>5</sup> the media that they should only use official information about the armed conflict in Ukraine and demanded that the media delete any publications where the words “war” or “invasion” are used instead of “a military operation”, and reports on shelling cities or claiming Russian personnel losses, otherwise threatening to block and fine them (up to ~78 200 USD). Moreover, the agency claimed that the blocking by foreign countries of Russian propagandist media is an act of censorship; and promised similar countermeasures.
4. On February 26, Roskomnadzor published the news<sup>6</sup> about the increasing cases of dissemination of “false information” with a threat to restrict access to the materials of several media outlets<sup>7</sup>, as well as “Wikipedia” – for the article “Russia’s Invasion of Ukraine”. According to the agency, these resources “under the guise of reliable messages posted socially significant false information about the shelling of Ukrainian cities and the death of civilians in Ukraine as a result of the actions of the Russian Army, as well as materials in which the ongoing operation is called an attack, an invasion, or a declaration of war.”

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<sup>4</sup> <https://roskomsvoboda.org/post/voennaya-cenzura-3000-saytov/>

<sup>5</sup> <https://rkn.gov.ru/news/rsoc/news74084.htm>

<sup>6</sup> <https://rkn.gov.ru/news/rsoc/news74112.htm>

<sup>7</sup> Namely: Ekho Moskvyy, InoSMI, Mediazona, The New Times, Dozhd, Svobodnaya Pressa, Krym. Realii”, “Novaya Gazeta”, “Journalist”, “Lenizdat”.

5. On February 28, “Current Time”, “Crimea. Realii”, student magazine “Doxa”, “The New Times” were blocked for “false socially significant information about the Russian servicemen allegedly killed and captured on the territory of Ukraine during a special military operation carried out by the Armed Forces of the Russian Federation.” On the same day, Roskomnadzor demanded<sup>8</sup> from the administration of TikTok Pte. Ltd. “exclude any military or political content from recommendations for minors.”
6. On March 1, the websites of two media outlets were blocked<sup>9</sup>, which soon ceased their activities: Echo of Moscow and TV Rain. The reason was “the targeted and systematic publication of deliberately false information about the actions of the Russian military as part of a special operation to protect the DPR and LPR.” On March 2, the editorial office of TV Rain ceased its activities, and on March 2, the board of directors of Echo decided to liquidate the radio and the website, deleting their social media accounts. Frequency “Echo of Moscow” was transmitted for broadcasting to the state channel Sputnik.<sup>10</sup> TV Rain is the only independent TV outlet in Russia, which produces daily broadcasts watched by thousands. Their YouTube channel boasted 2 billion views, their final video was watched 1.3 mln times. The Echo of Moscow is the oldest independent radio station, continuously operating since 1990.
7. Euronews TV channel was also taken off the air. The next day, a state channel “Russia 24” was launched on their frequency, and starting on April 7, a new TV channel began broadcasting there.<sup>11</sup> It was the channel “Solovyov.Live” by journalist Vladimir Solovyov, who was included in the EU sanctions lists for supporting Russia’s military aggression against Ukraine.
8. From March 1 to March 6, with various justifications (“calls for extremism”, “inaccurate socially significant information”, etc.), all the major independent news outlets were blocked. Overall, since February 24, at least:
  - 181 media outlets were blocked<sup>12</sup>;
  - 21 had stopped or paused their work;
  - 11 decided to completely stop writing about the war.
9. At the same time, only on May 20, at a court hearing regarding the Meduza’s blocking, Roskomnadzor showed<sup>13</sup> a request from the Prosecutor General’s Office dated February 24, on the basis of which the decision to block was made. It lists eight publications from Russia, Kazakhstan, Georgia, Armenia and Estonia, which, according to the department,

<sup>8</sup> <https://rkn.gov.ru/news/rsoc/news74124.htm>

<sup>9</sup> <https://meduza.io/news/2022/03/01/genprokuratura-rf-potrebovala-zablokirovat-sayty-eha-moskvy-i-dozhdya>

<sup>10</sup> <https://www.dw.com/ru/rt-zajavil-o-nachale-veshhanija-sputnik-na-chastote-jeha-moskvy/a-61051555>

<sup>11</sup> <https://www.svoboda.org/a/na-chastotah-euronews-v-rossii-teperj-veschaet-telekanal-solovjev-live/31790161.html>

<sup>12</sup> The list of blocked media included in the “No to war” report of OVD-Info: <https://reports.ovdinfo.org/no-to-war-en#12>

<sup>13</sup> <https://meduza.io/feature/2022/05/20/roskomnadzor-pokazal-trebovanie-genprokuratury-na-osnovanii-kotorigo-zablokirovali-meduzu-v-nem-ne-upominaetsya-meduza>

contain “information that does not correspond to reality”, namely, “materials about Russia's alleged attack on the territory of Ukraine.”

10. The document does not mention Meduza’s publications at all. At the same time, the document says: “In the case of reproduction of similar materials on other Internet resources, I also demand that access to them be restricted.” Such information, according to the prosecutor's office, “forms panic among people, creates the prerequisites for a mass violation of public order and public safety.” Previously, the Prosecutor General's Office refused to show this document, saying that it “contains information, the disclosure of which may entail a violation of the rights of third parties.”
11. The blockings also affected major media and social platforms. On February 25, the Prosecutor General’s Office, in agreement with the Foreign Ministry, recognized<sup>14</sup> the Meta company as “involved in the violation of fundamental human rights and freedoms, as well as the rights and freedoms of Russian citizens” and throttled their traffic. On March 4, the Facebook network was blocked<sup>15</sup> in Russia, on March 14, Instagram, and on March 21, Meta was recognized as extremist<sup>16</sup>. On March 1, Roskomnadzor began to slow down Twitter, and on March 4 it blocked<sup>17</sup> the social network. On March 6, the Zello application was blocked<sup>18</sup> after “a demand to stop sending messages to users that contain false information about the course of a special operation of the Armed Forces of the Russian Federation on the territory of Ukraine.”
12. In addition to Russian and foreign media, the websites of human rights organizations (Voice, For Human Rights movement and Amnesty International), as well as individual pages of anti-war activists (Mikhail Khodorkovsky, Ilya Yashin, fan groups of political scientist Ekaterina Shulman and others) were blocked.
13. The State Duma also submitted — and already adopted in the first reading<sup>19</sup> — amendments to the laws on information. After coming into force, the Prosecutor General's Office will have the right to close down Russian media outlets without judicial intervention and to initiate a ban on the work of foreign media outlets in Russia. The initiators of the bill called these measures “mirror”, referring to the blockings of official Russian media on foreign sites (Youtube, Facebook, etc.)
14. According to the bill, the Prosecutor General's Office will be able to invalidate the registration of any media outlet if it:
  - disseminates “fake news” or information that “offends human dignity and public morality”;
  - “expresses clear disrespect for society, the state, the official state symbols of the Russian Federation, the Constitution, state authorities”;

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<sup>14</sup> <https://rkn.gov.ru/news/rsoc/news74108.htm>

<sup>15</sup> <https://rkn.gov.ru/news/rsoc/news74156.htm>

<sup>16</sup> <https://www.vedomosti.ru/society/articles/2022/03/28/915588-meta-ekstremistskoi>

<sup>17</sup> <https://www.interfax.ru/russia/826411>

<sup>18</sup> <https://rkn.gov.ru/news/rsoc/news74160.htm>

<sup>19</sup> <http://duma.gov.ru/news/54375/>

- disseminates information containing “calls for participation in unauthorized public events” or for the imposition of sanctions;
  - contain propaganda, substantiation or justification of “extremist activity”.
15. In this case, the activities of the media will be prohibited, and employees will lose their accreditation.
  16. Moreover, this bill provides for extrajudicial blocking of sites containing “false information distributed under the guise of reliable messages” about the use of the armed forces, the activities of government agencies abroad, their discrediting or calls for sanctions. After the adoption of the new amendments, the Prosecutor General's Office when finding “repeated dissemination of such information,” will have the right to send a request to Roskomnadzor to immediately block the site, as well as resources “confusingly similar to it.”
  17. Thus, the blockings complement the wide crackdown of the media and freedom of expression sphere in Russia. The majority of significant non-state outlets are now closed and there is no way to predict if they will be back to work. The essence of journalism is being prosecuted. On March 5, Important Stories and OCCRP were added<sup>20</sup> to the list of undesirable organizations. This entails a complete ban on their activities in Russia (including a ban on all their published materials) and criminal liability for people who cooperate with them.<sup>21</sup>
  18. The new restrictive practices also target journalists. Apart from being detained during the peaceful protests — we know about at least 101 such cases since February 24 — they get direct threats for speaking against the war, and now they are the main targets of new laws. For example, “Kommersant” veteran foreign policy correspondent Yelena Chernenko was expelled<sup>22</sup> from the Russian Foreign Ministry’s pool of journalists. Irina Dolinina, Important Stories journalist<sup>23</sup>, and a cameraman were roughly detained and forced to leave the city while filming a report about residents of the Rostov region and refugees from the LDNR. Plus, at least 10 criminal cases under the new article on “fakes” about the Russian army<sup>24</sup> are initiated against journalists.<sup>25</sup> At least two of them are against the editors of regional media outlets who published anti-war articles: Mikhail Afanasyev<sup>26</sup> and Sergei Mikhailov.<sup>27</sup> Sergei Mikhailov’s newspaper “Listok” was also fined 5200 USD for discrediting Russian armed forces after such publications.

<sup>20</sup> <https://meduza.io/news/2022/03/05/vazhnye-istorii-i-occrp-vnesli-v-reestr-nezheletelnyh-organizatsiy>

<sup>21</sup> See more about that in the “Foreign agents” and “undesirable organizations” part of the report

<sup>22</sup> <https://www.themoscowtimes.com/2022/02/25/russian-foreign-ministry-ousts-leading-journalist-from-pool-after-anti-war-letter-a76593>

<sup>23</sup> <https://ovd.news/express-news/2022/02/24/v-shahtah-zaderzhali-zhurnalistku-vazhnyh-istoriy-i-operatora>

<sup>24</sup> See more about that in the “Criminal prosecutions for expression of anti-war positions” part of the report

<sup>25</sup> In particular: Andrei Novashov, Izabella Yevloeva (2 cases), Ilya Krasilschik, Michael Naki, Ruslan Leviev, Alexander Nevzorov, Mikhail Afanasiev, Maria Ponomarenko, Sergei Mikhailov.

<sup>26</sup> <https://ovd.news/express-news/2022/04/13/v-abakane-zaderzhali-glavnogo-redaktora-izdaniya-novyy-fokus-mihaila>

<sup>27</sup> <https://ovd.news/express-news/2022/04/13/v-redakcii-altayskoy-oppozicionnoy-gazety-listok-proshli-obyski-glavnogo>

19. Thus, the blockings, censorship and restrictions against journalists have risen to an unprecedented level and will most certainly only intensify.

#### Administrative prosecution for expression of anti-war positions

20. In a week after the start of the war, new articles of the Criminal Code and the Code of Administrative Offences were adopted and came into force all in one day. Article 20.3.3 of the CAO makes public discrediting the use of the military, including calls against its use punishable with up to 520 USD and 5 200 USD for natural and legal persons, respectively.<sup>28</sup> The article was further amended to cover the activities of other state bodies abroad. Calls for “unsanctioned” anti-war rallies are punishable with fines twice that. Given that the aims of an anti-war rally are considered “illegal” under this legislation, in practice it covers any calls for anti-war rallies.
21. More than 2 100 cases were brought under Article 20.3.3 of the CAO as of 26 May 2022, according to the court data. At least 1 386 punishments were imposed. In 715 cases where the amount is known, fines total 420 324 USD. In addition, people are often separately charged for breaking assembly rules by mere participation, leading to a duplicate punishment imposed in violation of the *non bis in idem* principle.
22. In practice, the law is interpreted broadly and in an unpredictable manner, outlawing any expression of anti-war sentiments. People were found guilty of displaying signs or elements of clothings with phrases such as “No to war”, “Peace”, “Fascism will not pass”, “\*\*\* \*\*\*” (a censored slogan “*Нет войне*” — no to war); taking part in anti-war rallies or their “silent support”; displaying Ukrainian flags or green ribbons; posting photos, comments or even liking anti-war posts on social media; sharing information about the death of civilians, destruction of civilian objects and claims of war crimes committed in Ukraine by the Russian army; expressing opposition to war in conversations; opposing the state-promoted pro-war symbols (such as “Z” used on military vehicles).
23. 47% of cases with a published court decision were initiated for participation in a public event, such as an assembly or a solo demonstration. 26% were brought for social media posts (including posts expressing an opinion, comments, memes, photos and profile photos) either calling for peace, criticising the war, reporting facts denied by the authorities (regarding the existence of civilian deaths or military personnel losses), questioning the motives of the war.
24. Courts motivated their decisions by “analogous anti-war calls published on the Internet”, charged people for spreading false information about the very existence of the war (as opposing to “special military operation”), used official denials of facts by the Ministry of Defence as proof (for instance, claims that photos of victims of Mariupol maternity ward

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<sup>28</sup> “Public actions aimed at discrediting the use of the Russian Federation Armed Forces for the purposes of defending the interests of the Russian Federation and its citizens, maintaining international peace and security, including for public appeals to prevent the use of the Russian Federation Armed Forces”. However, in practice, the “benevolence” of the aims is presumed and is irrefutable, thus extending to any criticism of the war.



bombing are fake), referred to Article 20 of the Covenant in their decisions to impose punishments on people opposing the war, considered anti-war calls as illegal incitement of breaking a military oath. Even a banner reading “Freedom, truth, peace” was interpreted as a negative statement towards the military and the Supreme Commander-in-Chief (president Putin) leading to a punishment being imposed.

25. In one case, the court went as far as to find a person guilty of “spreading false information about the existence of administrative and criminal prosecution for disapproval of the actions of the military” (for showing a sign reading “Freedom to political prisoners”) and for “misleading people to believe they can express their opinion in a similar way” (for a phrase “I am expressing my personal opinion”).
26. Newly introduced Article 20.3.4 of the CAO bans calls for political or economic sanctions to be imposed on Russia, its companies or citizens under the threat of a 520 USD fine. At least 4 such cases have been brought so far.

#### Criminal prosecution for expression of anti-war positions

27. In March, along with new administrative offences, several Criminal Code articles were also introduced – and already amended.
28. Repeat offence under the Article 20.3.3 of the CAO is now punishable with up to 5 years imprisonment under Article 280.3 of the Criminal Code. Punishment varies from a fine of 1 600 USD to imprisonment for up to three years. If these actions caused death by negligence and/or harm to the health of citizens, property, mass violations of public order and/or public safety, or interfered with the functioning of life support facilities, transport or social infrastructure, credit institutions, energy, industry or communications facilities, the maximum penalty increases up to a fine of 1 million rubles or imprisonment for up to five years. There is information about at least four criminal cases under this article.
29. Repeat offence under the Article 20.3.4 is now also a punishable criminal offence under Article 284.2 of the Criminal Code. The maximum penalty for this crime is imprisonment for up to three years (with or without a fine).
30. Another newly introduced criminal offence is public dissemination of deliberately false information about the use of the Russian armed forces or government authorities’ activities outside Russia – article 207.3 of the Criminal Code. The punishment varies from a fine of 11 000 USD to imprisonment for three years and under aggravating circumstances up to five years. For the same acts that have entailed aggravating consequences, a penalty of up to 15 years in prison may be imposed.
31. There are currently at least 52 criminal cases initiated under Article 207.3, and the vast majority of them were initiated also after anti-war comments and posts on social media, verbal disagreement with the war or distributing leaflets. Identical actions have been prosecuted under the administrative provision on discreditation (Article 20.3.3 of the CAO), making it impossible to predict whether such an action may lead to administrative or criminal prosecution.

32. For example, authors of the similar posts on the social network about the shelling of civilians by the Russian military were prosecuted in some cases<sup>29</sup> under Article 20.3.3 and in other cases<sup>30</sup> – under Article 207.3. The same situation happened with cases on:

- distributing anti-war leaflets – Alexander Tarapon<sup>31</sup> made anti-war leaflets, scattered them in mailboxes and pasted them along the streets of the city, at public transport stops, and now faces criminal prosecution. In at least 30 other cases<sup>32</sup> where the defendants distributed similar leaflets, they were convicted under Article 20.3.3 of the CAO.
- putting anti-war leaflets in grocery stores – Sasha Skochilenko<sup>33</sup> and Vladimir Zavyalov<sup>34</sup> placed anti-war leaflets instead of price tags in grocery stores and now are in custody facing criminal charges. Other instances<sup>35</sup> of the same actions are prosecuted only under Article 20.3.3 of the CAO.
- criticising “Z” sign – Isabella Yevloyeva<sup>36</sup> is under criminal prosecution after writing on a Telegram channel that the Z sign used by supporters of the Russian “special operation” in Ukraine is “synonymous with aggression, death, pain and shameless manipulation.” Authors of the posts comparing the Z sign with nazi symbols<sup>37</sup> or approving of destroyed property with this sign<sup>38</sup> were prosecuted under administrative provision.
- sharing the articles of independent media outlets – Andrei Novashov<sup>39</sup> was charged with a post where he shares an article by Novaya Gazeta journalist Victoria Ivleva about bomb shelters in Kyiv. Authors of posts with links to a

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<sup>29</sup> Kulbatsky A.P., No. 05-1483/2022, Kuzminsky District Court (Moscow City); Smedlyaev Zair Sitbelialovich, No. 5-293/2022, Krasnogvardeisky District Court (Republic of Crimea)

<sup>30</sup> Russian reporter Maria Ponomarenko arrested for two months under Russia’s ‘fake news’ law

<https://novayagazeta.eu/articles/2022/04/27/russian-reporter-maria-ponomarenko-arrested-for-two-months-under-russias-fake-news-law-news>

<sup>31</sup> In Crimea, a handyman was prosecuted under an article on the spread of "fake news" about the Russian army <https://ovd.news/express-news/2022/04/13/v-krymu-na-raznorabocheho-zaveli-delo-po-state-o-rasprostraneni-i-eykov-pro>

<sup>32</sup> For instance: Gogotov Kirill Gennadievich, No. 5-1242/2022, Leninsky District Court of Kursk (Kursk Region); Dubinin D.V., No. 5-1298/2022, Leninsky District Court of Krasnodar (Krasnodar Territory); Vecherko S.I., No. 5-641/2022, Central District Court of Barnaul (Altai Territory)

<sup>33</sup> In St. Petersburg, the performer of anti-war songs was detained in a criminal case

<https://ovd.news/express-news/2022/04/11/v-sankt-peterburge-ispolnitelnicu-antivoennyh-pesen-zaderzhali-po-ugolovnomu>

<sup>34</sup> A criminal case opened against resident of Smolensk for spreading fakes about the army because of price tags with inscriptions against the war

<https://ovd.news/express-news/2022/04/06/na-zhitelya-smolenska-zaveli-ugolovnoe-delo-o-feykah-pro-armiyu-i-z-za>

<sup>35</sup> For instance: Kaburkina Yu.A., No. 5-346/2022, Moskovsky District Court of Cheboksary (Chuvash Republic); Giricheva M.A., No. 5-249/2022, Sovetsky District Court of Nizhny Novgorod (Nizhny Novgorod Region); Valentinova O.N., No. 5-1030/2022, Central District Court of Tula (Tula Region)

<sup>36</sup> Ingush journalist Isabella Evloeva faces second criminal accusation

<https://ovd.news/express-news/2022/04/28/na-ingushskuyu-zhurnalistku-izabellu-evloevu-zaveli-eshche-odno-delo-o>

<sup>37</sup> Efimov V.S., No. 5-247/2022, Petropavlovsk-Kamchatsky City Court (Kamchatsky Krai)

<sup>38</sup> Rudyak E.O., No. 5-2557/2022, Surgut City Court (Khanty-Mansi Autonomous Okrug-Yugra)

<sup>39</sup> Russian journalist Andrey Novashov detained, charged with spreading ‘fake’ information

<https://cpj.org/2022/03/russian-journalist-andrei-novashov-detained-charged-with-spreading-fake-information/>

report by Novaya Gazeta journalist Yelena Kostyuchenko about the destroyed city of Mykolaiv<sup>40</sup>, or to the post on Garry Kasparov's blog<sup>41</sup> critiquing the military actions, have been prosecuted under administrative provisions instead.

33. Moreover, the total number of criminal cases related to anti-war protests is now exceeding 150.<sup>42</sup> The cases were initiated under various grounds: for example, at least 9 were initiated against people who took part in anti-war rallies. All of them are prosecuted under the provision on the use of violence against a representative of the authorities (Article 318 of the Criminal Code provides for punishment, depending on the part from a fine of up to 3 100 USD to imprisonment for up to 10 years).
34. These cases also include another example of arbitrariness of choice between administrative and criminal articles are the criminal cases on “vandalism” - Article 214 of Criminal Code. There are currently 23 criminal cases under this provision and the main reasons for prosecutions are anti-war<sup>43</sup> graffiti<sup>44</sup> or defacement of patriotic banners<sup>45</sup> (for example, installations<sup>46</sup> with the letter “Z”). The same actions are being prosecuted also under the Article 20.3.3 of CAO.<sup>47</sup>
35. Another instance of a case related to the protests is the case against the “Vesna” movement.<sup>48</sup> After the anti-war protests on May 9 were announced, police started to come with searches to their organizers and other civil society activists. On May 7, police came to the houses of two coordinators of the protest movement “Vesna”, Bogdan Litvin and Valentin Horoshenin, in Saint-Petersburg. Valentin was arrested, along with his colleague Evgeny Zateev, and their whereabouts were unknown for more than 10 hours, and then they were found in the Investigative Committee of Moscow, where they were forcibly moved.

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<sup>40</sup> Nogovitsyn A.G., No. 5-2840/2022, Yakut City Court (Republic of Sakha (Yakutia))

<sup>41</sup> Khots A.N., No. 5-1019/2022, Central District Court of Tula (Tula Region)

<sup>42</sup> ‘Anti-war prosecutions’ guide <https://ovd.news/news/2022/03/05/antivoennoe-delo-gid-ovd-info>

<sup>43</sup> In the Ivanovo region, an activist was charged with vandalism because of an anti-war inscription <https://ovd.news/express-news/2022/03/29/v-ivanovskoy-oblasti-na-aktivista-zaveli-ugolovnoe-delo-o-vandalizme-iz-za>

<sup>44</sup> In Moscow, the detainee was searched because of the anti-war inscription on the wall of the building <https://ovd.news/express-news/2022/04/07/v-moskve-u-zaderzhannogo-iz-za-antivoennoy-nadpisi-na-stene-zdaniya-proshel>

<sup>45</sup> In the Moscow region, a case of vandalism was opened due to pouring over a poster with the letter Z <https://ovd.news/express-news/2022/04/10/v-moskovskoy-oblasti-zaveli-delo-o-vandalizme-iz-za-oblivaniya-plakata-s>

<sup>46</sup> See: <https://t.me/vidowsov100500/12953>

<sup>47</sup> For instance: Loginov Maxim Alexandrovich, No. 5-1582/2022, Zheleznodorozhny District Court of Penza (Penza Region); Kambolin Pavel Sergeevich, No. 5-773/2022, Blagoveshchensk City Court (Amur Region); Koretsky V.I., No. 5-37/2022, Pushchino City Court (Moscow Region)

<sup>48</sup> A criminal case was opened against members of the Vesna movement <https://ovd.news/express-news/2022/05/07/protiv-uchastnikov-dvizheniya-vesna-vozbudili-ugolovnoe-delo>

36. On the night of May 9, journalist of “Skat” media outlet Angelina Roshchupko<sup>49</sup>, human rights defender Timofey Vaskin<sup>50</sup>, Anti-Corruption Foundation ex-employee Ivan Drobotov had their apartments searched and were later detained. The search was also conducted at the home of activist Daria Pak, who is abroad. All of them are now being charged under the same case with creation of a non-profit organization that infringes on the personality and rights of citizens (Part 3 of Article 239 of the Criminal Code).
37. There is also a wave of criminal cases, at first glance unrelated to anti-war activism but used to target anti-war activists and civil society actors directly. One of the provisions used for this is Article 207 of the Criminal Code — deliberately false report of a terrorist attack. Possible punishment is up to ten years in prison, depending on the part of the article.
38. At least 16 people in Saint-Petersburg were accused under this article. The authorities claim the accused had sent various threats that a bomb was planted in the governmental buildings. Moreover, the cases under this provision are accompanied with the apartments’ searches. At least 60 instances of such searches in several<sup>51</sup> different<sup>52</sup> cities<sup>53</sup> have happened<sup>54</sup> since March<sup>55</sup>. The searches are usually carried out before announced major protest actions (e.g. on March 5, May 7-9) and, along with threats of criminal prosecution, are used as additional pressure on anti-war activists.
39. Overall, the number of initiated criminal cases is increasing almost daily, making the number of anti-war related cases the most rapidly growing group of related criminal cases in Russia. The number is expected to continue growing. Given the arbitrariness of the law enforcement and the repressive legislation, this creates a dangerous instance of severe punishments for any anti-war actions and statements.
40. Moreover, authorities are seemingly eager to further criminalize any actions that counter theirs. For instance, on May 25, a new draft law introducing criminal prosecution for

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<sup>49</sup> The court in Moscow imposed a ban on certain actions by the defendants in the case of "Vesna"

<https://ovd.news/express-news/2022/05/10/sud-v-moskve-naznachil-zapret-opredelennyh-deystviy-obvinyaemy-m-po-delu>

<sup>50</sup> In Moscow, the security forces came en masse with searches to public figures

<https://ovd.news/express-news/2022/05/09/v-moskve-siloviki-massovo-prishli-s-obyskami-k-obshchestvennym-deyatelyam>

<sup>51</sup> In Naberezhnye Chelny, houses of four activists were searched related to the case of telephone terrorism

<https://ovd.news/express-news/2022/04/29/v-naberezhnyh-chelnah-u-chetyreh-aktivistov-proveli-obyski-po-delu-o>

<sup>52</sup> In Samara, the police searched the homes of four local activists

<https://ovd.news/express-news/2022/05/08/v-samare-policiya-i-centr-e-proveli-obyski-u-chetyreh-mestnyh-aktivistov>

<sup>53</sup> Residents of Volgograd and Cheboksary came with a search in the case of "phone terrorism"

<https://ovd.news/express-news/2022/05/06/k-zhitelyam-volgograda-i-cheboksar-prishli-s-obyskom-po-delu-o-telefonom>

<sup>54</sup> In several regions, the security forces came with searches to human rights activists, activists and journalists

<https://ovd.news/express-news/2022/03/05/v-neskolkih-regionah-siloviki-prishli-s-obyskami-k-pravozashchitnikam>

<sup>55</sup> In St. Petersburg, Fem-Activists and Vesna Activists Have Been Searched <https://ovd.news/express-news/2022/05/07/v-peterburge-k-fem-aktivistkam-i-aktivistke-vesny-prishli-s-obyskom>

“public calls for action against the security of Russia”, as well as for “confidential cooperation with special services of foreign states” was submitted<sup>56</sup> to the State Duma.

41. Deputies are proposing to introduce Article 275.1 into the Criminal Code titled “Confidential cooperation with special services of foreign states”, the punishment for which will include imprisonment for up to eight years or a fine up to 17 000 USD. The following actions are proposed to be criminalized: cooperation with foreign special services, international or foreign organizations acting “in the interests of the special service of foreign states”, as well as foreign PMCs and private intelligence companies. Due to the vague wording of the article, such “cooperation” can be found even in cooperation of a journalist from Russia with a community of journalists from other countries to write a joint investigation or participation of a scientist in a project supervised by foreign funds.
42. Another article 280.4 of the Criminal Code, which the authors of the bill propose to introduce, should introduce liability for calls for “actions against security” and “obstruction of the authorities and their officials from exercising their powers to ensure security” in Russia – the maximum punishment for it can be up to seven years of imprisonment. The first two parts of this article involve the same actions directed towards this goal, but without the use of violence.
43. The authors of the bill also propose to expand the concept of “espionage” (Article 276 of Criminal Code) to transfer, collect, steal information that can be used against the army and state bodies of Russia “in the context of an armed conflict, hostilities or other actions using weapons and military equipment”. This is a very ambiguous wording – what kind of information can be used against the Russian army and in what context is not yet clear.

**Counter-extremism — Paragraphs 14 and 18 of the LOI**

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

Article of CC	Brief description of the offense	2019	2020	2021
205.2	Incitement to terrorism or justification of terrorism	103	147	199
280	Incitement to extremism	117	147	255
280.1	Incitement to separatism	2	3	0

<sup>56</sup> <https://sozd.duma.gov.ru/bill/130406-8>

282	Incitement of hatred	19	12	43
148 (parts 1 and 2)	Insulting the feelings of believers	2	1	14
354.1	Justifying Nazism, slandering the USSR, insulting veterans, etc	1	8	30
	<b>TOTAL</b>	<b>244</b>	<b>318</b>	<b>541</b>

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

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

47. Extensive application by law enforcement of Article 354.1 of the Criminal Code (see in the table), which we see as mostly inappropriate, is supported now by the new law, signed by the President in April. This new law (Article 13.48 of the CAO) established administrative responsibility for equating the “goals, decisions and actions” of the leadership of the USSR and Nazi Germany and for “denying the decisive role of the Soviet people” in its defeat. The wording of the new article of the Code of Administrative Offences contains no explanations as to which statements can be interpreted as “equating actions” and “denying the decisive role.”

48. Moreover, in our previous report we mentioned one Jehovah's Witness who was acquitted at the end of 2021. However, his case is under revision now.

#### **Peaceful assembly — Paragraph 19 of the LOI**

49. According to the data recently published by the Supreme Court’s judicial department, in 2021, the courts received 17 123 cases under Article 20.2 (violating assembly rules). 15 601 persons were punished under this provision: 12 709 fines (averaging 13 300 RUB, or, currently, 207 USD), 676 compulsory work orders and 2 200 administrative arrests. The share of arrests in 2021 thus is over 14%.

50. Large-scale anti-war protests began in Russia on the first day of the armed conflict with Ukraine and were held almost daily for three consecutive weeks. Over the first days of anti-war protests in different cities, various attempts have been made to authorise public events, but they were not successful.<sup>57</sup>
51. At the same time, a large number of police officers and paddy wagons on the streets of Russian cities indicated that the authorities were ready for assemblies and were initially determined to stop them and detain their participants. Since the beginning of the war, we are aware of at least **16 000 detentions**: protesters, journalists, and bystanders. The peak of detentions occurred in the first weeks of the war; most people were detained during the rallies on March 6 — at least 5,558 people in 77 Russian cities. People with children<sup>58</sup>, animals<sup>59</sup> and means of transportation were detained. Mass protest rallies and spontaneous walks with a large number of participants were not the only reasons for detentions. Solo demonstrations and various forms of protest against the war, including the use of anti-war symbols, the colours of the Ukrainian flag, laying flowers at the Embassy of Ukraine or the Tomb of the Unknown Soldier became grounds for detention.
52. The detentions were accompanied by police violence: people were knocked to the ground, beaten with police truncheons, strangled, punched in the stomach, face, eyes, hit their heads against the wall, twisted and wrung their hands.<sup>60</sup> In at least 39 cases detainees reported ambulance calls and hospitalization from police departments in Moscow, St. Petersburg and Rostov-on-Don.
53. In at least 30 police departments in 9 cities the use of force was reported by protesters during detention, in a police van or police departments. Only during the rallies on March 6,<sup>61</sup> police officers used force against 34 detainees. In three cities detainees were handcuffed.
54. At least in four cities<sup>62</sup> protesters were detained by officers in plain clothes or without the necessary identification marks.
55. In the police stations, detainees are forced – with the use<sup>63</sup> of violence – to take fingerprints and photographs, and sometimes even to take DNA samples<sup>64</sup> – more than 300 such cases in 34 police departments. The police also take away phones<sup>65</sup> – in at least 75 police departments – and documents. When refusing to fingerprint, detainees are

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<sup>57</sup> Moscow City Hall did not authorise anti-war rallies scheduled for March 12  
<https://ovd.news/express-news/2022/03/04/meriya-moskvy-ne-soglasovala-antivoennye-akcii-zaplanirovannye-na-12-marta>

<sup>58</sup> <https://t.me/meduzalive/53623>

<sup>59</sup> [https://t.me/varlamov\\_news/27373](https://t.me/varlamov_news/27373)

<sup>60</sup> “No to war: How Russian authorities are suppressing anti-war protests”, Report of OVD-Info  
<https://reports.ovdinfo.org/no-to-war>

<sup>61</sup> <https://t.me/pchikov/4681>

<sup>62</sup> Moscow: [https://t.me/istories\\_media/881](https://t.me/istories_media/881); St. Petersburg: <https://t.me/ovdinfo/13782> Yekaterinburg and Novosibirsk <https://t.me/ovdinfo/13755>

<sup>63</sup> See: <https://www.24live.co/live/UPrXz?n=3001203095625820823>

<sup>64</sup> <https://www.24live.co/live/UPrXz?n=3001147056957329503>

<sup>65</sup> “No to war: How Russian authorities are suppressing anti-war protests”, Report of OVD-Info  
<https://reports.ovdinfo.org/no-to-war>



threatened with charges for disobeying the lawful request of a police officer (Article 19.3 of the CAO) and being left overnight in the department – in some cases, such threats materialized in administrative arrests.

56. Moreover, the lawyers are en masse not allowed to help the people detained at peaceful protests. Since February 24 until May 24 there have been at least 173 cases of non-admission of lawyers coming to help detainees in police departments. Moreover, there were cases<sup>66</sup> when detainees were forced to write a refusal from the defender. In at least 8 cases, defenders were kicked out of the department — or faced other forms of pressure. After the beating of a lawyer by police officers at the St. Petersburg police station on the night of March 7<sup>67</sup>, further detentions of lawyers, use of violence against them and searches in their apartments came to light.
57. Anti-war rallies were mainly peaceful – and the materials of the administrative cases against the detainees do not say that the protesters organize mass riots or otherwise violate public order. In general, people protesting in rallies are accused of shouting anti-war slogans calling for peace: “No war”, “Putin, hands off Ukraine”, “No war with Ukraine”, etc. Such slogans do not contain insults and do not contradict the standards of freedom of expression. However, in practice, pacifist ideology has been outlawed leading to imminent fines and arrests of its supporters. From February 24 to April 12, the courts ordered at least 960 arrests in connection with the protests in Russia.<sup>68</sup>
58. The detainees were accused of disobeying a lawful order of a police officer (Article 19.3 of the CAO), violating the restrictions imposed to combat the spread of COVID-19 (Article 20.6.1 of the CAO, or its regional analogues), organizing an unauthorised event (Part 2, Article 20.2 of the CAO), and most often — violating the procedure for holding a public event (Part 5 of Article 20.2 of the CAO). In addition, other parts of Article 20.2 of the CAO were also applied: Part 6.1 on participation in an event that interfered with the functioning of infrastructure, pedestrian traffic and transport, or Part 8 on repeated violation of the procedure for holding a public event. On the websites of district courts that deal with the cases of “violation of the rules for holding public events”, as of May 20, we managed to find information on 12 471 cases under article 20.2 and 20.2.2 of the CAO that have been submitted to the courts since February 24. Plus, after March 4 which marked the adoption of the Article 20.3.3<sup>69</sup> of the CAO the courts started to charge the protesters under this article along with aforementioned articles.
59. Moreover, the freedom of assembly is additionally hindered by the various means of extra pressure on protesters.

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<sup>66</sup> <https://t.me/ovdinfo/13501>

<sup>67</sup> Handcuffed, accused of defending Nazis, and threatened with criminal prosecution: In St. Petersburg, police rough up a lawyer working with OVD-Info  
<https://ovd.news/news/2022/03/12/handcuffed-accused-defending-nazis-and-threatened-criminal-prosecution-st-petersburg>

<sup>68</sup> No to war: How Russian authorities are suppressing anti-war protests <https://reports.ovdinfo.org/no-to-war>

<sup>69</sup> See more in the Administrative prosecutions for expression of anti-war positions part of the report



60. One of the methods of pressure on protesters is to create a risk of being drafted into the army. The Russian Constitution provides for an obligation to serve in the army for male citizens. Detention for a protest action frequently attracts attention of military registration and enlistment offices to such detainees. This may lead to initiation of criminal cases on evasion of military service (under Article 328 of the Criminal Code) or deprivation of deferment from the army in case of expulsion.
61. This practice has been in existence since at least 2019. After the backdrop of a wave of protests in Moscow in 2019, the Moscow Department of Regional Security and Anti-Corruption reported that on the day of the protest action on July 27, “in the central part of the city, including near the Moscow government building, it is planned to use special groups to identify these citizens in order to their subsequent conscription” with additional threats to minors.<sup>70</sup> After the protests, the Investigative Committee claimed<sup>71</sup> that 134 detainees evaded military service and pre-investigation checks in respect of 16 such citizens were being conducted. Later, the protesters began to receive summons to the military prosecutor's office.<sup>72</sup>
62. Since then, there have been multiple<sup>73</sup> instances of illegal conscription of activists, including cases when the person was expelled from the educational institution to be conscripted.<sup>74</sup> At least 3 criminal cases under Article 328 had been initiated against protesters and activists.<sup>75</sup>
63. In the context of ongoing armed hostilities in Ukraine, the threat of being drafted into the army for those protesting against the war becomes more real and realizable.
64. According to DOXA<sup>76</sup>, as of April 14, at least 50 higher education institutions held talks about the inadmissibility of participating in rallies and publicly expressing a position that differs from the official one, and criminal liability for this. The police routinely report

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<sup>70</sup> Moscow experiment: Persecution of protesters supporting candidates to Moscow City

Duma [https://reports.ovdinfo.org/mgd-2019\\_eng#8-2](https://reports.ovdinfo.org/mgd-2019_eng#8-2)

<sup>71</sup> <https://sledcom.ru/news/item/1379773/>

<sup>72</sup> In Moscow, the participants of the rally on July 27 receive summons to be summoned to the military prosecutor's office <https://ovd.news/express-news/2019/08/04/v-moskve-uchastnikam-mitinga-27-iyulya-prihod-yat-povestki-o-vyzove-v>

<sup>73</sup> See: <https://ovd.news/express-news/2021/11/27/sud-v-samare-ostavil-bez-izmeneniy-reshenie-o-prizyve-v-armiyu-libertarianca>; <https://ovd.news/express-news/2020/12/23/sotrudnik-fonda-borby-s-korruptsiy-demobilizov-alsya-iz-armii>; <https://ovd.news/express-news/2020/06/25/sotrudnika-fbk-kotorogo-zaderzhali-i-dostavili-v-voenkomat-otpravili-v>

<sup>74</sup> An activist was detained in Kaluga, who was expelled from college and is going to be drafted into the army <https://ovd.news/express-news/2021/07/09/v-kaluge-zaderzhali-aktivista-kotorogo-otchislili-iz-kolledzha-i>

<sup>75</sup> In 2019: <https://reports.ovdinfo.org/mgd-2019#7-7>; in 2020 against Aleksey Schwartz, coordinator of Navalny's headquarters in Kurgan; in 2021 against the head of the Kazan headquarters of Navalny - Oleg Yemelyanov: <https://ovdinfo.org/articles/2022/02/15/pripugnut-i-derzhat-v-tonuse-kak-presleduyut-storonnikov-navalnogo>

<sup>76</sup> Universities put pressure on students because of the war with Ukraine: chronicle [https://news.doxajournal.ru/novosti/vuzy-okazyvayut-davlenie-na-studentov-iz-za-vojny-s-ukrainoj-hronika/?utm\\_source=telegram&utm\\_medium=soc&utm\\_campaign=studenty-odnogo-iz-meditsinskih-vuzov-san&utm\\_content=59714752](https://news.doxajournal.ru/novosti/vuzy-okazyvayut-davlenie-na-studentov-iz-za-vojny-s-ukrainoj-hronika/?utm_source=telegram&utm_medium=soc&utm_campaign=studenty-odnogo-iz-meditsinskih-vuzov-san&utm_content=59714752)

holding such talks in schools.<sup>77</sup> There are also at least<sup>78</sup> 15 known cases of expulsion for expressing an anti-war position or participating in anti-war rallies.

65. This is especially dangerous in the context of war and military conscription, as expulsion from a university deprives conscripted men over the age of 18 of a deferment from such a conscription. Conscription seasons run twice a year in Russia – from April 1 until July 15 (spring) and between October 1 and December 31 (autumn). During these periods, men aged between 18 and 27, with no health issues or outstanding convictions could be called on to serve.
66. There have already been several<sup>79</sup> proven instances of participation of conscripts in the armed conflict in the Ukraine. Thus, this practice creates additional constraints on participating in peaceful anti-war assemblies and expressing anti-war opinions.

### **Freedom of association — Paragraph 20 of the LOI**

#### “Foreign agents” and “undesirable organizations”

67. As of May 27, 2022, the register of non-profit organizations (hereinafter “NPOs”) operating as “foreign agents” contained 73 organizations.<sup>80</sup> 5 new NPOs have been included since February 24, 2022. 5 NPOs have been excluded and thus, the total number has not changed. The register of unregistered public associations-“foreign agents” contained 7 associations (almost all of them protect the rights of LGBTQ+).<sup>81</sup>
68. Since the start of the war in Ukraine, the register of media-“foreign agents” increased in 3 legal entities, including Deutsche Welle, and 39 individuals, among them were journalists, bloggers, politicians, artists and other activists.<sup>82</sup> As of May 27, this registry contained 160 media-“foreign agents”.<sup>83</sup> 6 individuals (members of association protecting electoral rights “Golos”) were excluded upon request.<sup>84</sup>
69. Even before the war in Ukraine, the “foreign agents” law was used by the Russian authorities to suppress civil society initiatives and dissent. During the war, this law also became a tool for silencing those who were against activities of the Russian army in Ukraine. Several organizations and individuals of various occupations were recognized as “foreign agents” allegedly for their anti-war positions expressed publicly. Among them are Deutsche Welle, political scientist Ekaterina Shulman,<sup>85</sup> journalist Yuri Dud,

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<sup>77</sup> <https://airtable.com/shrIxejLBeJE7khz5>

<sup>78</sup> Ibid.

<sup>79</sup> <https://www.bbc.com/russian/news-60680182>;

<https://edition.cnn.com/2022/03/09/europe/russia-conscripts-fighting-ukraine-intl/index.html>

<sup>80</sup> <http://unro.minjust.ru/NKOForeignAgent.aspx>

<sup>81</sup> <https://minjust.gov.ru/ru/pages/reestr-nezaregistrirovannyh-obshchestvennyh-obedinenij-vypolnyayushih-funkc>

<sup>82</sup> <https://inoteka.io/ino/foreign-agents-en>

<sup>83</sup> <https://minjust.gov.ru/ru/documents/7755/>

<sup>84</sup> <https://ovd.news/express-news/2022/04/29/minyust-vpervye-isklyuchil-iz-reestra-smi-inoagentov-dvuh-chelovek>, <https://ovd.news/express-news/2022/05/06/minyust-isklyuchil-iz-reestra-inostrannyh-agentov-eshche-chetyreh-chelovek>

<sup>85</sup> <https://www.dw.com/ru/ekaterina-shulman-o-statuse-inoagenta-v-rossii-i-posledstvijah-vojny/a-61637456>

historian Evgeny Ponasenkov and even rappers such as “Face” (Ivan Dryomin) and Alisher Morgenstern.

70. In addition, on April 5, 2022, journalists Evgeny Kiselev and Matvey Ganapolsky were included in the previously empty register of individuals (not media) - “foreign agents” by virtue of the fact that “they conduct political activities, receiving foreign funding from Ukraine”.<sup>86</sup> A few weeks later this register was expanded by opposition politicians Leonid Volkov and Vladimir Kara-Murza, as well as Mikhail Khodorkovsky and Garry Kasparov.
71. Moreover, the authorities kept shutting down NPOs-“foreign agents”. On February 28, 2022, the court of the second instance approved the decision to liquidate International Memorial i.e. the decision has entered into force.<sup>87</sup> On April 5, 2022, the court of the second instance approved the decision to liquidate the Human Rights Centre Memorial as well,<sup>88</sup> despite the decision of the ECtHR under Rule 39 to suspend the liquidation.<sup>89</sup> Moreover, International Memorial<sup>90</sup> and Human Rights Centre Memorial<sup>91</sup> were excluded from the state register of legal entities in violation of legal procedure. The organizations’ accounts were blocked.
72. Additionally, on April 21, the Kuibyshevsky District Court of St. Petersburg issued a decision to liquidate the Charitable Foundation “Sphere”.<sup>92</sup> The court decided that the foundation under the guise of charity carried out political activities. Prior to this, the Ministry of Justice stated that “all the actual activities of the organization are aimed at supporting the LGBT movement in Russia” which is inconsistent with “constitutional traditional values”.
73. As of May 27, the registry of undesirable organizations contained 55 organizations. Since the start of the war, 5 organizations were added to the register, including Heinrich Böll Stiftung and the Royal Institute of International Affairs.<sup>93</sup> On April 5, the State Duma Commission on Investigation of the Facts of Interference by the Foreign States proposed to recognize 14 foreign NGOs as undesirable in Russia, among them was Heinrich Böll Stiftung.<sup>94</sup>
74. Moreover, the bill introduced to the State Duma on May 24<sup>95</sup> about “strengthening responsibility for creating threats to the national security of the Russian Federation”, also

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<sup>86</sup> <https://www.bbc.com/russian/news-61004743>

<sup>87</sup> [https://memohrc.org/ru/news\\_old/verhovnyy-sud-otkazalsya-ostanovit-likvidaciyu-mezhdunarodnogo-memoriala](https://memohrc.org/ru/news_old/verhovnyy-sud-otkazalsya-ostanovit-likvidaciyu-mezhdunarodnogo-memoriala)

<sup>88</sup> [https://memohrc.org/ru/news\\_old/pc-memorial-likvidirovan-reshenie-vstupilo-v-silu](https://memohrc.org/ru/news_old/pc-memorial-likvidirovan-reshenie-vstupilo-v-silu)

<sup>89</sup> <https://ovd.news/express-news/2022/03/22/verhovnyy-sud-otkazalsya-otsrochit-likvidaciyu-mezhdunarodnogo-memoriala-po>

<sup>90</sup> <https://ovd.news/express-news/2022/04/08/mezhdunarodnyy-memorial-nezakonno-isklyuchili-iz-gosreestra-yurlic-scheta>

<sup>91</sup> <https://t.me/ovdinfo/14684>

<sup>92</sup> <https://cfsphere.org/tpost/hdkhgyjff1-kuibishevskii-raionnii-sud-sankt-peterbu>

<sup>93</sup> <https://minjust.gov.ru/ru/documents/7756/>

<sup>94</sup> <https://ria.ru/20220405/np0-1781939601.html>, <https://t.me/komisgd/265>

<sup>95</sup> <https://sozd.duma.gov.ru/bill/130406-8>

proposes to amend the legislation on “undesirable organizations” and extend criminal liability to participation in the work of such organizations outside of Russia.

### The new bill on “foreign agents”

75. On April 25, a group of deputies submitted to the State Duma a bill “On control over the activities of persons under foreign influence.”<sup>96</sup> As emphasized in the explanatory note, the draft law is aimed at improving the effectiveness of the regulation of the institution of “foreign agents”, taking into account “the current challenges to security and sovereignty”. The expected time for consideration of the draft law in the first reading is June 2022.
76. Contrary to the existing 4 different legislative acts on “foreign agents” this bill will combine them into a single piece of legislation. Four existing “foreign agents” registries will be consolidated into a single one. All segmental requirements and restrictions existing for different types of “foreign agents” will become universal.
77. Under this bill, any Russian or foreign legal entity, regardless of its organization or legal form may be recognized as a “foreign agent”, including commercial companies.<sup>97</sup> Previously to be declared “foreign agents”, commercial companies had to be associated with the media. A public association operating without the formation of a legal entity, another association of persons; a foreign structure without the formation of a legal entity or an individual, regardless of his citizenship or lack thereof may also be recognized as “foreign agents”.<sup>98</sup>
78. There are two criteria for obtaining this status:
  - receiving foreign financial support or being “under the foreign influence of any kind” which is support from a foreign source or other forms of influence from it, “including coercion and persuasion” and
  - engaging in at least one of the following activities: political activity, collecting information about the Russian military and military logistics, participating in the creation of information and materials, or distributing them to an unlimited number of people.<sup>99</sup>
79. The category of “support” also includes the provision of organizational, methodological, scientific, technical, and other assistance by a foreign source.<sup>100</sup>
80. Therefore, it would no longer be necessary to receive money from abroad to be included in the list of “foreign agents”, it would be enough to be under “foreign influence”. This will result in even more excessive and arbitrary application of the legislation on “foreign agents”.

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<sup>96</sup><https://sozd.duma.gov.ru/bill/113045-8>

<sup>97</sup> Ibid, Article 1 (2).

<sup>98</sup> Ibid.

<sup>99</sup> Ibid, Article 1(1), 2, 3, 4.

<sup>100</sup> Ibid, Article 2 (2).

81. The terms “coercion and persuasion”, also determining “foreign influence” are not specified in the bill. Since the wording of a new universal criterion of “foreign influence” is vague and ambiguous, an association or individual that disseminates information to the public or engages in human rights activities can be defined as a foreign agent if they have any relationship with a foreign or international organization or any foreign or stateless person. This will give the authorities almost unlimited powers to decide who will be the next “foreign agent” which is very convenient in the context of the ongoing war, military censorship, and the hunt for anti-war activists.
82. After adoption, all “foreign agents” will be required to voluntarily be included in the relevant registers.<sup>101</sup> The bill also introduces a uniform procedure for getting off of the “foreign agents” list. Possible reasons to be excluded include death, liquidation of a legal entity, and a confirmation of the Ministry of Justice that shows the “foreign agent” has not received foreign support for at least a year.<sup>102</sup> In addition, a separate opportunity to leave the register will be provided for an individual who was included in the register for the first time. Such a person has the right to file a free-form application with the Ministry of Justice for exclusion from the register, attaching confirmation that the circumstances that served as the basis for inclusion in the register have been terminated.
83. All existing human rights restrictions imposed on “foreign agents” will remain and become universal for any type of a “foreign agent”, while new restrictions will be introduced. For example, “foreign agents” will be banned from:
- taking part in the activities of commissions, committees, advisory, deliberative, expert, and other bodies that exist under the authorities;
  - being a member of an election commission, a referendum commission;
  - receiving state financial support;
  - carrying out teaching, educational activities to minors;
  - producing information products for minors;
  - organizing assemblies.<sup>103</sup>
84. Furthermore, the Ministry of Justice will be able to request to block the websites of “foreign agents” for any violation of the law on “foreign agents”.<sup>104</sup> As for labeling requirements, the bill allows not to label posts of a “personal nature”.<sup>105</sup> However, it is not yet clear how effective this will be applied, since when it comes to activists, there is usually a fine line between the personal and “political” content of their publications.
85. The Ministry will be also entitled to conduct inspections not only to organizations but also to individuals.<sup>106</sup> In addition, it will have the right to send its representatives to

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<sup>101</sup> Ibid, Article 6.

<sup>102</sup> Ibid, Article 7.

<sup>103</sup> Ibid, Article 10.

<sup>104</sup> Ibid, Article 11 (4).

<sup>105</sup> Ibid, Article 8 (3, 4).

<sup>106</sup> Ibid, Article 9 (4, 6, 7, 8).

participate in events held by “foreign agents”.<sup>107</sup> The Ministry will submit an annual report on “foreign agents” activity to the Federation Council and the State Duma.<sup>108</sup>

86. Along with foreign agents, “affiliated persons” will be included in the register. “Affiliated persons” are those who:

- Are or were members of the bodies of the NPO-“foreign agent”, are or were its founder, member, participant, leader, or employee;
- Are or were members of the bodies of an unregistered public association - “foreign agent”, are or were its founder, member, participant, leader;
- Are or were members of the management bodies, were or are the founder, head, or employee of a “foreign agent” included in the register in connection with the distribution or participation in the creation of messages and materials (media- “foreign agents”);
- Carry out or have carried out political activities and receive or have received money or other property from NPOs, unregistered public associations, and people recognized as “foreign agents” (including through intermediaries).<sup>109</sup>

87. Thus, anyone who is in any way connected (or was connected) with NPOs, public associations, the media, or individuals who were previously recognized as “foreign agents” can be recognized as an “affiliated person” with a “foreign agent”. “Affiliated persons” will be able to be excluded from the register if they have not been associated with a “foreign agent” within two years after being included in the list.<sup>110</sup> Despite the fact that they will not be subject to general restrictions,<sup>111</sup> the mere fact of their public inclusion will violate at least their right to privacy.

88. The Ministry of Justice even before had to respond to applications received in a general manner, but now the bill establishes the direct duty of the department to check applications from government agencies, parties and public associations, the Public Chamber, the media, citizens, and organizations about those who need to be included in the register.

89. All the existing administrative and criminal sanctions will remain the same.

90. Therefore, the new bill targets a large group of entities and persons, violating a wide range of their human rights. However, the most affected will be those who are expressing alternative and oppositional views and conducting the relevant activities, including human rights defenders, journalists, oppositional politics, artists, academics, bloggers, and other activists.

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<sup>107</sup> Ibid, Article 9 (9).

<sup>108</sup> Ibid, Article 9 (11).

<sup>109</sup> Ibid, Article 5 (4).

<sup>110</sup> Ibid, Article 5 (7).

<sup>111</sup> Ibid, Article 5 (5).

### **Questions to the Russian Federation:**

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