

[REDACTED]
Human Rights First
3680 Wilshire Blvd. Ste. P04-414
Los Angeles, CA 90010
Telephone: 646-376-0806
Email: [REDACTED]
Pro Bono counsel for Respondent

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
SAN DIEGO IMMIGRATION COURT
SAN DIEGO, CALIFORNIA**

In the Matters of:)
)
)
[REDACTED])
)
)
)
In Removal Proceedings)

File No. A [REDACTED]
A [REDACTED]

Immigration Judge: [REDACTED] **Individual Hearing:** [REDACTED]

**PRE-HEARING BRIEF IN SUPPORT OF RESPONDENTS' I-589 APPLICATION FOR
ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE
CONVENTION AGAINST TORTURE**

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PRELIMINARY STATEMENT

██████████ and his biological brother ██████████ (“Respondents”), by and through their pro bono counsel, respectfully submit the following brief in support of their application for Asylum under §208 of the Immigration and Nationality Act (“INA”), Withholding of Removal pursuant to INA § 241(b)(3), and Withholding of Removal under the Convention Against Torture.

Asylum (or, alternatively, relief from removal) should be granted to Respondents, refugees from the Chechen Republic, who fled brutal persecution at the hands of the government. Throughout their lives in the Chechen Republic, Respondents suffered constant pressure to support President Ramzan Kadyrov. Their persistent refusal to support Kadyrov’s regime led to brutal retaliation, including constant threats at gunpoint and menacing death threats by government authorities. Respondents were forced to flee from the Chechen Republic on ██████████, for fear of continued persecution on account of their actual and imputed political opinion of being opposed to President Ramzan Kadyrov; and by their membership in the particular social group of sons of ██████████. Since their arrival in the United States, on ██████████ Russian President Vladimir Putin has promoted Chechen leader Ramzan Kadyrov to Colonel General - the third-highest command rank in the Russian military hierarchy.¹

Accordingly, Respondents are eligible for asylum in the United States because they meet the definition of a “refugee” under § 101(a)(42)(A) of the Act, their application is not barred for any of the reasons described in § 204 of the Act, and such relief is warranted for humanitarian reasons in the exercise of discretion. Respondents are also entitled to withholding of removal to the Chechen Republic and withholding under the Convention Against Torture as the persecution and torture Respondents fear is more likely than not to occur if they are forced to return to the Chechen Republic.

¹ *Putin Makes Chechnya’s Kadyrov an Army General*, THE MOSCOW TIMES, October 5, 2022. Exh M.

I. STATEMENT OF FACTS

a. Respondents Suffer Longstanding Persecution on Account of Their Anti-Kadyrov Political Opinion and their Membership in a Particular Social Group.

i. Respondent's Life in the Chechen Republic, Being Born to

[REDACTED] was born on [REDACTED] in the village of [REDACTED].² [REDACTED] was born on [REDACTED] in the village of [REDACTED].³

Respondents are natives and citizens of the Chechen Republic, a republic of Russia.⁴ Respondents were raised by their mother, [REDACTED], and father, [REDACTED].⁵ Respondents have two siblings, [REDACTED] and [REDACTED], both of whom remain in the Chechen Republic.⁶ Respondents' father was a part of the security team for the former Head of the Chechen Republic, Aslan Maskhadov.⁷ [REDACTED] passed away in [REDACTED] due to a stress-related illness caused by his work.⁸ Respondents and their family are practicing Sunni Muslims.

ii. Respondents Become Employees of the Chechen Children Theatre, affiliated with the Chechen Republic Government's Cultural Department and Faced Persecution by Government Authorities

On or around [REDACTED], [REDACTED] started working as an actor at the Chechen Children Theater, which is affiliated with the Chechen Republic Government's cultural department.⁹ On or around [REDACTED] supporters of Ramzan Kadyrov's regime began pressuring [REDACTED] at work to participate in events supporting Kadyrov.¹⁰ At first, his supervisor and head director at the Chechen Children Theater, [REDACTED], would communicate the pressure to join and support the government.¹¹ In the Chechen Republic, it is common for individuals who have a high-ranking

² Exh A ¶ 1.
³ Exh B ¶ 1.
⁴ *Id.*
⁵ *Id.*
⁶ Exh A ¶ 2.
⁷ *Id.*
⁸ *Id.*
⁹ *Id.*
¹⁰ *Id.*
¹¹ *Id.*

position within a government department to force and pressure their workers to publicly support the government.¹² Further, ██████████ was a former prisoner in a Filtration Camp in the Chechen Republic during the Chechen Wars, and therefore, ██████████ was afraid for his safety if he did not pressure his employees to publicly support Kadyrov.¹³

Respondents continuously refused to attend these government events because they did not want to support Kadyrov and his regime.¹⁴ Respondents oppose Kadyrov because he is a corrupt president who has committed human rights violations since he has taken power, including torture and extrajudicial killings of civilians who do not support him.¹⁵ Respondents also do not support the Russian government because they believe the Chechen Republic has the right to be a sovereign and independent country.¹⁶

When ██████████ refused to participate and comply with ██████████ requests, his salary started being deducted.¹⁷ ██████████ began to receive threats from ██████████ that if he did not attend events supporting Kadyrov, government authorities will torture him, and if he happened to die from the torture, the government would label him as a terrorist to justify his death.¹⁸ Further, ██████████ was informed that if he did not attend these events, his family would be in trouble and government authorities would burn his home down to kill his family.¹⁹ For a few years, ██████████ continued to receive threats and pressure at work to support Kadyrov.²⁰ Although he wanted to leave his job, ██████████ was unable to quit because if he tried to seek employment at another company, ██████████ would have been contacted, and he would have prevented ██████████ from obtaining another job.²¹ In

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id* at 2-3.

addition, ██████ forced ██████ to sign a paper that stated he did not have the right to change jobs.²²

In or around ██████, ██████ was stopped and questioned about his clothing and appearance by the police in the central square of ██████ for around one hour.²³ Around this time, police in the Chechen Republic were routinely stopping men who were dressed in Islamic clothing or had long beards, as is customary with many Muslim men.²⁴ ██████ was stopped by the police because his beard was too long, and he was told by Chechen police he “looked like the devil.”²⁵ Further, the police stated that only the Head of the Chechen Republic, Kadyrov, and his family members could have a beard, and ██████ was instructed to shave his beard.²⁶

In or around ██████, ██████ also began working as a security guard at the Chechen Children Theater and eventually began to receive threats from ██████ to publicly support Kadyrov’s regime.²⁷ ██████ began to receive these threats at work because of his relationship with ██████.²⁸ ██████ would advise ██████ not to follow the behavior of his brother by refusing to attend the events supporting Kadyrov’s regime and would punish ██████ by assigning him extremely long shifts at the theater.²⁹ Moreover, ██████ stated that if ██████ continued refusing to attend the events, he would face “problems” from the government.³⁰

iii. Respondents Continued Facing Threats by Government Authorities, Being Threatened by Gunpoint to support President Kadyrov, and Threatened with Imprisonment and Death

In or around ██████, ██████ was threatened on two occasions by members of Kadyrov’s regime.³¹ The first incident occurred in or around ██████.³² While ██████ was walking towards

²² *Id.*

²³ Exh A ¶ 3.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Exh B ¶ 2.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

his home, he noticed a car had pulled up next to him on the road.³³ Members of Kadyrov's regime opened the door and instructed that he enter the car.³⁴ ██████ recognized these men were members of Kadyrov's regime because of their distinctive uniforms and by the guns they were carrying.³⁵ When ██████ refused to enter, the men displayed a gun and forced him into the car.³⁶ The men threatened ██████ by saying that if he continues to oppose the regime, they will kill him, and no one will come looking for him.³⁷ The second incident occurred later ██████ while ██████ was also walking home.³⁸ Just as the first incident, members of Kadyrov's regime forced ██████ into a car and threatened his life if he did not begin to publicly support Kadyrov.³⁹ ██████ believed their threats to kill him were serious and that he was going to be killed by them.⁴⁰

In or around 2018, ██████ quit his job as a security guard at the Chechen Children Theater because of the constant pressure to attend government events supporting Kadyrov.⁴¹ ██████ decided to flee the Chechen Republic and relocate to ██████ where he worked as a gas station attendant for around one month.⁴² He later traveled to ██████ and began working at a private driving company. ██████ remained in ██████ until ██████.⁴³

In or around 2018, ██████ was directly approached by two members of Kadyrov's regime to publicly support the government while he was working at the theater. The men instructed ██████ to go into the dressing room of the theater.⁴⁴ When he refused, they men took ██████ by the collar and forced him into the dressing room.⁴⁵ The men began to swear at ██████ called him the "devil,"

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* at 3.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Exh A ¶ 3.

⁴⁵ *Id.*

and stated that they “kill people like him every day.”⁴⁶ ██████ was then threatened by the men that “if he did not follow his supervisor’s request to publicly support Kadyrov, “then his family would be “severely harmed.”⁴⁷ Further, the men knew that ██████ and ██████ father had been a member of the security team for the former Head of the Chechen Republic, Maskhadov.⁴⁸ The men claimed that due to their familial relationship, ██████ and ██████ would continue defying them and not participate in events supporting the government.⁴⁹ The men then placed a gun to ██████ head demanding that they comply with their demands.⁵⁰ ██████ believed their threats to kill him were serious and that he was going to be killed by them.⁵¹

After this incident, ██████ attempted to resign from the theater.⁵² He sent a few letters to ██████, his supervisor, expressing that he wanted to quit, however, ██████ did not accept his resignation.⁵³ ██████ knew he would have been unable to find work elsewhere if his resignation was not approved, so he was forced to remain working at the theater.⁵⁴ In or around ██████ after several attempts by members of the regime to make ██████ support Kadyrov and continued threats telling him they will “get rid” of him, insinuating they will kill him, ██████ accepted his resignation, and he was able to leave his job.⁵⁵

Unfortunately, the threats did not stop when ██████ was no longer associated with the theatre.⁵⁶ He was now marked by members of the government and continued being threatened.⁵⁷ In ██████ while he was walking near his home, ██████ was approached by members of

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id* at 4.

⁵⁶ *Id.*

⁵⁷ *Id.*

Kadyrov's regime.⁵⁸ The men threatened him with a gun to enter their van.⁵⁹ The men told ██████ that he and ██████ "cannot continue refusing to comply with the government's demands to support Kadyrov," and that if they do continue refusing them, they will "be imprisoned for a long time" until their "hair and beards are long", and the government will then label them as a "terrorist" and "kill them."⁶⁰ ██████ believed the men were going to kill him because of his constant refusal to publicly support Kadyrov.⁶¹

iv. **Respondents fled to The United States in order to Flee Persecution, False Imprisonment, and Death**

In or around ██████, members of Kadyrov's regime approached ██████ while he was walking in the street near his house with papers to fill out to enlist himself and his brother ██████ in the army.⁶² At first, ██████ refused to sign the papers because he did not want to join the army and support Russia's invasion of Ukraine.⁶³ However, ██████ was threatened by the men that if he "did not fill out the forms," he would be "buried underneath the ground," thereby insinuating they would kill him.⁶⁴ ██████ was forced to filled out the papers and gave them to the men who told him that now he "will be forced to protect [his] homeland."⁶⁵

After all the threats they faced and traumatizing persecution they suffered, ██████ and ██████ fled the Chechen Republic on or around ██████.⁶⁶ They traveled to Turkey by plane.⁶⁷ After remaining in Turkey for a few hours, they traveled to Mexico and remained there for approximately one week until they entered the United States at the San Ysidro Port of Entry on ██████

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

██████████.⁶⁸ They did not seek asylum in Turkey or Mexico because they did not feel safe in either country, and they have no immigration status in either country.⁶⁹

After they came to the United States, their brother ██████████ informed them that a man came to their family home and asked ██████████ about ██████████ and ██████████ location.⁷⁰ ██████████ stated that he did not know where they were, in order to protect them and their safety.⁷¹ Thus, members of Kadyrov’s regime continue to look for Respondents in their village in ██████████.⁷²

II. COUNTRY CONDITIONS IN THE CHECHEN REPUBLIC

a. The Chechen Republic has a Long and Systematic History of Political Oppression of Ramzan Kadyrov’s Critics and their Family

The Chechen Republic is an autonomous republic within the Russian Federation, a “state within a state.”⁷³ The head-of-state of the Chechen Republic is President Ramzan Kadyrov, a key ally of Putin and the son of Akhmad Kadyrov, whose defection to the Russian side during the Second Chechen War was vital to securing Russian victory and political legitimacy in Chechnya in the late 1990s and early 2000s.⁷⁴ Under Ramzan Kadyrov’s tenure, the regime has tightened its grip as the “Kadyrovsky” has largely neutralized the Chechen insurgency and pacified Chechnya.⁷⁵

The Chechen Republic has an ignominious reputation for pervasive and sustained human rights abuses. The Kadyrov regime targets members of the LGBTQ community, Muslims who subscribe to sects of Islam that differ with or diverge from Kadyrov’s favored brand of Islam, Sufism,⁷⁶ women who refuse to wear the veil in public, and those who criticize the regime, to mention but a few.⁷⁷

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *State Within a State: Autocracy and Lawlessness in Chechnya*, THE ORGANIZATION FOR WORLD PEACE, 1, August 13, 2022. Exh R.

⁷⁴ *Id.*

⁷⁵ *Id.* 2.; Mansur Mirovalev, *The Real Role of Pro-Russian Chechens in Ukraine*, ALJAZEERA, 2-3, August 18, 2022. Exh K.

⁷⁶ Religious Freedom Violations in the Republic of Chechnya, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, 2-6, October 2021. Exh N.

⁷⁷ *Report on Russia’s Legal and Administrative Practice in Light of Its OSCE Human Dimension Commitments*, ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE, 8; 11, September 2022. Exh O.

Under Kadyrov's regime, arbitrary arrests, torture, and executions are a daily occurrence.⁷⁸ Even posting a critique against the government and Kadyrov on social media can lead to severe punishment.⁷⁹ The Organization for Security and Cooperation in Europe has reported that the Chechen Republic has carried out "enforced disappearances" of regime critics, particularly those who had voiced their criticisms online, in addition to the abduction and torture of "political activists."⁸⁰ Further, the security forces of the Chechen Republic operate without oversight from Moscow.⁸¹ They have been known to intimidate, kidnap, torture, and kill real or perceived political opponents of the Kadyrov administration.⁸² Friends and family of perceived political dissidents against Kadyrov are targets of the Chechen security forces' repression, and face being expelled from the Chechen Republic or having their house burned down.⁸³ For instance, Open Caucus Media estimated that in December 2021 alone Chechen Republic security forces abducted "up to 50 family members of government critics."⁸⁴

b. Circumstances in the Chechen Republic have Only Gotten Worse Since the Respondents Arrived in the United States and Show No Indication of Improving
Improvement in the human rights situation in Chechnya is a remote possibility because the

Kremlin has no reason to curtail or reign-in the human rights abuses of the Chechen security forces. In exchange for Kadyrov's support and his guarantee that the Chechen Republic will stay loyal to the Russian Federation, Putin has acceded to Kadyrov virtually complete and total autonomy.⁸⁵ Putin's impinging on that autonomy would sour ties with a close and important ally, Kadyrov, at a time when the Russian Federation is facing ever more international and domestic pressure in the wake of a

⁷⁸ Neil Hauer, *If Someone Speaks the Truth, He Will be Killed*, THE ATLANTIC, Dec. 21, 2019. Exh L.

⁷⁹ *Id.*

⁸⁰ Country Policy and Information Note: Critics of the State, Chechnya, Independent Advisory Group on Country Information, 8-9, August 2022. Exh G.

⁸¹ U.S. Department of State, Country Reports on Human Rights for 2021: Russia 2021 Human Rights Report., 1-6, 2021. Exh H.

⁸² Human Rights Watch, *Like Walking a Minefield: Vicious Crackdown on Critics in Russia's Chechen Republic*, 1-2, August 2016. Exh J.

⁸³ *Russian Federation: Joint Open Letter to President Putin on Mass Abductions in Chechnya*, AMNESTY INTERNATIONAL, January 7, 2022. Exh.Q; *Like Walking a Minefield*, 1-2. Exh. J; Hauer, *If Someone Speaks the Truth, He Will be Killed*, THE ATLANTIC, 4; 8, 9. Exh L.

⁸⁴ Critics of the State, Independent Advisory Group on Country Information, 9. Exh G.

⁸⁵ "Freedom in the World," Freedom House, 8, 2022. Exh I.

series of strategic defeats in Ukraine and backlash against the “partial” mobilization of 300,000 Russian “reservists.”⁸⁶ In addition, Putin’s relationship with Kadyrov is crucial to ensuring that Chechen nationalism and Islamism do not pose problems for the Russian Federation as it wages a protracted conflict with a formidable adversary.⁸⁷ As a result, Putin has promoted Kadyrov to Colonel General, which is the third-highest command rank in the Russian military hierarchy.⁸⁸ The Russian Federation, the only entity capable of protecting human rights in the Chechen Republic, has no interest in doing so. Therefore, the situation is unlikely to improve in the Chechen Republic.

Those who flee Chechnya and move to other regions of Russia are not safe from the Chechen regime. Kadyrov’s human rights abuses “extends to other parts of Russia and foreign countries, where Kadyrov is suspected of arranging the assassination of asylum seekers and political opponents living in exile.”⁸⁹ In February 2021, Chechen security personnel reportedly abducted two brothers who had left Chechnya and settled in the Moscow metropolitan area in order to escape persecution.⁹⁰ Just weeks earlier, Chechen security personnel traveled to Novgorod, Russia, where they kidnapped the wife of a federal judge and took her over 1,000 miles away to a Chechen jail.⁹¹ Even those who seek refuge in western Europe are not beyond the reach of the Kadyrovsky; in August 2019, a Chechen dissident was murdered in broad daylight in Berlin in what German authorities allege was a planned assassination carried out at the behest of either Kadyrov or the Kremlin.⁹² Thus, Kadyrov has made it evident that political dissidents, whether in the Chechen Republic or abroad, still face the threat of being murdered by the government.

III. ARGUMENT

⁸⁶ U.S. Department of State, Country Reports on Human Rights for 2021: Russia 2021 Human Rights Report, 1-6. Exh H.; *Like Walking a Minefield*, 18-19. Exh J.

⁸⁷ Fair Planet, Russian Authorities Ignore Chechen Human Rights Abuses, January 26, 2022. Exh P.

⁸⁸ *Putin Makes Chechnya’s Kadyrov an Army General*, THE MOSCOW TIMES, October 5, 2022. Exh M.

⁸⁹ Freedom House, Russia: Freedom in the World 2022, Feb. 28, 2022. Exh I.

⁹⁰ *Urgent Action: Two Family Members disappeared in Chechnya*, AMNESTY INTERNATIONAL. February 18, 2021. Exh S.

⁹¹ Fair Planet, Russian Authorities Ignore Chechen Human Rights Abuses, January 26, 2022. Exh P.

⁹² Neil Hauer, *If Someone Speaks the Truth, He Will be Killed*, THE ATLANTIC, Dec. 21, 2019. Exh L.

a. **The Persecution Respondents Suffered and Would Continue to Suffer in the Chechen Republic because of their Actual or Imputed Political Opinion and Membership in a Particular Social Group Entitle Them to Asylum**

To qualify for asylum under the Immigration and Nationality Act, an applicant must

demonstrate that she is a “refugee” pursuant to the Act. The Act defines “refugee” as:

[A]ny person who is outside any country of such person’s nationality . . . and who is unable or unwilling to return to, and is unable or unwilling to avail himself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion . . .⁹³

Further, Respondents must show that the persecution was or would be committed by the government or private individuals that the government is “unable or unwilling to control.”⁹⁴ Once statutory eligibility is established, asylum may be granted in the exercise of discretion.⁹⁵

Respondents qualify as refugees under the Act on several grounds. Respondents were persecuted in the Chechen Republic for years on account of their anti-Kadyrov views and actions; this constitutes both an actual and an imputed political opinion within the meaning of the Act. Moreover, Respondents were persecuted because of their membership in the particular social groups of Sons of [REDACTED]. In addition to an extensive record of past persecution, Respondents have a well-founded fear that if they were forced to return to the Chechen Republic, they would be terrorized, attacked and even killed by the government authorities and their network, who hold immense power throughout the country. As there is no statutory bar or other reason to deny their applications, Respondents’ request for asylum should be granted by this Court.

i. **The Harm Respondents Suffered in the Chechen Republic Amounts to Past Persecution**

Persecution is the “infliction of suffering or harm upon those who differ . . . in a way

⁹³ INA § 101(a)(42)(A).

⁹⁴ 8 C.F.R. § 1208.13(b)(2).

⁹⁵ 8 U.S.C § 1158(a).

regarded as offensive.”⁹⁶ The legal term “persecution” encompasses “threats to life, confinement, torture, and economic restrictions so severe that they constitute a threat to life or freedom.”⁹⁷

Generally, persecution does not require that the applicant suffer permanent or serious injuries.⁹⁸

Physical violence, such as assault and beatings, has consistently been treated as persecution.⁹⁹

However, harm need not be physical to constitute persecution.¹⁰⁰ Threats of serious harm, when combined with other confrontation and other mistreatment, may constitute persecution.¹⁰¹ When

assessing harm rising to the level of persecution, the Court must evaluate the cumulative effect of all past harm suffered by the applicant.¹⁰²

For Respondents, when considering the cumulative effect of the harm they suffered, it is clear such harm rises to the level of persecution.¹⁰³ In particular, Respondents suffered serious threats that are sufficiently severe to rise to the level of persecution.¹⁰⁴ For Respondents, they were threatened and held at gunpoint on several occasions by government authorities to pressure them into publicly supporting Kadyrov. Respondents were also threatened that not only will they be killed, but their family will also be severely harmed if they did not cease their political dissent.¹⁰⁵

The pattern of abuse, threats, attacks, and other forms of violence Respondents endured in the Chechen Republic conclusively demonstrates that the harm they suffered was persecution.¹⁰⁶ The Ninth Circuit has found that interrogation during imprisonment, where it is abusive, can constitute

⁹⁶ See *Thomas v. Ashcroft*, 359 F.3d 1169, 1175 (9th Cir. 2004); *Sangha v. INS*, 103 F.3d 1482, 1487 (9th Cir. 1997) (ellipses in original) (quoting *Sagermark v. INS*, 767 F.2d 645, 649 (9th Cir. 1985)).

⁹⁷ *Li v. Attorney General*, 400 F.3d 157, 167 (3d Cir. 2005) (citing, *inter alia*, *Matter of Acosta*, 19 I&N Dec. 211, 222 (BIA 1985)).

⁹⁸ *Matter of O-Z- & I-Z-*, 22 I&N Dec. 23, 25-26 (BIA 1998); see also *Madrigal v. Holder*, 716 F.3d 499, 504 (9th Cir. 2013).

⁹⁹ *Chand v. INS*, 222 F.3d 1066, 1073-74 (9th Cir. 2000).

¹⁰⁰ *Mashiri v. Ashcroft*, 383 F.3d 1112, 1120-1121 (9th Cir. 2004) (finding harm rising to the level of persecution when applicant suffered death threats, vandalism of residence, and near confrontation with a mob).

¹⁰¹ *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019); see also *Kaiser v. Ashcroft*, 390 F.3d 653, 658 (9th Cir. 2004) (finding death threats within a context of political and social turmoil constitute persecution).

¹⁰² *Krotova v. Gonzales*, 416 F.3d 1080, 1084 (9th Cir. 2005).

¹⁰³ See *Krotova*, 416 F.3d at 1084.

¹⁰⁴ See *Mashiri*, 383 F.3d at 1120 (a death threat amidst this political turmoil is sufficiently severe to constitute persecution).

¹⁰⁵ See *Kaiser*, 390 F.3d at 658. (“When viewing this threat, the social media messages, and house tagging in the cumulative, it is clear [respondent] suffered harm rising to the level of persecution.”).

¹⁰⁶ See *Matter of O-Z- & I-Z-*, 22 I&N Dec. 23, 25-26 (BIA 1998) (persecution does not require that the applicant suffer permanent or serious injuries) see also *Madrigal v. Holder*, 716 F.3d 499,504 (9th Cir. 2013).

persecution.¹⁰⁷ Additionally, where there is no legal basis for an arrest and a political motive is evident, government actions will be considered persecution.¹⁰⁸ Accordingly, the cumulative harm Respondents suffered, by government officials, clearly meets the definition of persecution.¹⁰⁹

ii. Respondents are Entitled to Asylum Based on their Actual and Imputed Anti- Kadyrov Political Opinion

1. Respondents Held an Actual or Imputed Political Opinion in Opposition to the Chechen Leader Kadyrov

The persecution Respondents suffered by governmental authorities of the Chechen Republic occurred on account of their actual or imputed political opinion in opposition to the Chechen Leader Kadyrov. Political opinion claims require a broad, fact-specific inquiry, and should be viewed within the national political context.¹¹⁰ The inquiry must focus on how the persecutor perceived the individual's action and allegiances, and what motivated the persecution.¹¹¹ An applicant for asylum need not have been politically active to hold a political opinion or hold a specific belief about the government or political parties, rather need only show they held beliefs about the society in which they lived.¹¹² Applicants who may be reluctant to characterize their conduct as political need not be sophisticated in the expression of their beliefs and need not actually hold a particular political opinion.¹¹³

Respondents each possess a political opinion in opposition to Chechen Leader Kadyrov. Respondents refused to attend government events supporting the government because they believe Kadyrov is a corrupt president who has committed several human rights violations since he has taken power, including torture and extrajudicial killings of civilians who do not support him.¹¹⁴

¹⁰⁷ *Bondarenko v. Holder*, 733 F.3d 899, 908-10 (9th Cir. 2013).

¹⁰⁸ *Bondarenko v. Holder*, 733 F.3d 899, 908-10 (9th Cir. 2013).

¹⁰⁹ *Matter of A-B-*, 28 I&N Dec. 307 (A.G. 2021) ("A-B-III") ("[H]arm may qualify as 'persecution' if it is inflicted either by a government or by non-governmental actors that the relevant government is 'unable or unwilling to control.'") (quoting *Matter of Acosta*, 19 I. & N. Dec. 211, 211).

¹¹⁰ *See, e.g., I.N.S. v. Cardoza-Fonseca*, 480 U.S. 421 (1987).

¹¹¹ *Agbuya v. INS*, 241 F.3d 1224, 1229 (9th Cir. 2001); *Sangha v. INS*, 103 F.3d 1482, 1489 (9th Cir. 1997).

¹¹² *Meza-Menay v. INS*, 139 F.3d 759, 763 (9th Cir. 1998) ("[A]n asylum petitioner may hold a political opinion within the meaning of the INA even if the petitioner did not participate in organized political activities.").

¹¹³ *See Ahmed v. Keisler*, 504 F.3d 1183, 1193 (9th Cir. 2007) ("when deciding whether an applicant has a well-founded fear of persecution on account of political opinion, one must look at the applicant from the perspective of the persecutor").

¹¹⁴ Exh A ¶ 2.

2. The Respondents' Actual or Imputed Political Opinion was a Central Reason why Chechen Governmental Authorities Persecuted Them

Respondents were persecuted precisely on account of their anti-Kadyrov actual or imputed political opinion. A determination of persecution based on political opinion requires an examination of the persecutor's views of the applicant's actions or lack of action.¹¹⁵ Direct or circumstantial evidence may demonstrate the persecutor's motives for harming the victim.¹¹⁶ Direct statements by persons acting on behalf of governmental authorities of the Chechen Republic demonstrate that Respondent's actual or imputed political opinion in opposition to the Chechen Leader Kadyrov was at least "one central reason" they persecuted them.¹¹⁷ A "central reason" is a "reason of primary importance to the persecutors, one that is essential to their decision to act. In other words, a motive is a 'central reason' if the persecutor would not have harmed the applicant if such a motive did not exist."¹¹⁸

Here, Respondents were called derogatory terms and had their lives and the lives of their family members threatened on multiple occasions by government authorities if they did not follow their supervisor's request to publicly support Kadyrov.¹¹⁹ Respondents were told that members of Kadyrov's regime would "get rid" of them and would be "buried underneath the ground" due to their continued anti-Kadyrov political opinion.¹²⁰ These statements are direct evidence that Respondents were targeted because of their anti-Kadyrov actual or imputed political opinion.¹²¹

iii. Respondents are Entitled to Asylum Based on their Membership in a Particular Social Group

1. Sons of ██████████ Constitutes a Cognizable Social Group

Respondents were also persecuted on account of their membership of the particular social group ("PSG") "Sons of ██████████." For a PSG to be cognizable, it must be: "(1) composed of

¹¹⁵ See, e.g., *INS. v. Elias-Zacarias*, 502 U.S. 478 (1992).

¹¹⁶ *Id.*, 502 U.S. 478, 482-484 (1992).

¹¹⁷ See INA § 208(b)(1)(B)(i).

¹¹⁸ *Parussimova v. Mukasey*, 555 F.3d 734, 741 (9th Cir. 2008).

¹¹⁹ Exh A ¶ 3.

¹²⁰ *Id.* at 4.

¹²¹ See *Sinha v. Holder*, 564 F.3d 1015, 1021-22 (9th Cir. 2009) (statements made by the persecutor to the victim are strong proof of motivation).

members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question.”¹²² The particular social group “Sons of [REDACTED] [REDACTED]” meets all three requirements.

Immutable: Immutable characteristics are those that are “so fundamental to individual identity or conscience that [they] ought not be required to be changed.”¹²³ As “Sons of [REDACTED] [REDACTED]” is an immutable and innate kinship tie, it fulfills this requirement.¹²⁴ Respondents’ family ties to their father cannot be severed or changed.¹²⁵

Sufficiently Particular: Particularity considers whether terms used to describe the groups have “commonly accepted definitions in the society of which the group is a part.”¹²⁶ “Sons of [REDACTED] [REDACTED]” are “sufficiently distinct,” “particular and well-defined” and recognizable in the Chechen Republic “as a discrete class of persons” due to [REDACTED] formerly being security personnel for the Former Head of the Chechen Republic, Aslan Maskhadov.¹²⁷ As ‘sons of [REDACTED]’ is “defined by characteristics that provide a clear benchmark for determining who falls within the group,” and the “terms used to describe the group have commonly accepted definitions in the society of which the group is part” being based on kinship, the group is sufficiently particular.¹²⁸

Socially Distinct: To satisfy the social distinction requirement, the social group “must be perceived as a group by society.”¹²⁹ “Social groups based on innate characteristics such as sex or family relationship are generally easily recognizable and understood by others to constitute social

¹²² *Lagos v. Barr*, 927 F.3d 236, 252 (internal quotation marks omitted).

¹²³ *Matter of Acosta*, 19 I&N Dec. 211, 233 (BIA 1985) (listing sex, color, kinship, and shared past experiences as prototypical examples).

¹²⁴ See *Mgoian v. INS*, 184 F.3d 1029 (9th Cir. 1999) (finding Respondent’s family, a prominent Kurdish-Muslim family in Armenian intelligensia, cognizable).

¹²⁵ *Matter of W-G-R-*, 26 I. & N. Dec. 208, 213 (BIA 2014).

¹²⁶ *Matter of M-E-V-G-*, 26 I. & N. Dec. 227, 239 (BIA 2014).

¹²⁷ See *Aguirre-Cervantes v. INS*, 242 F.3d 1169, 1176 (9th Cir. 2001) (citing to the recognition of “immediate family members” as a “prototypical example” of a PSG in *Sanchez-Trujillo*, other Ninth circuit decisions, sister circuits adopting the *Sanchez-Trujillo* framework, and BIA decisions. The court held that respondent’s immediate family was a cognizable PSG as “the petitioner’s family members are part of an immediate, as opposed to an extended, family unit; they now live or have lived together and are otherwise readily identifiable as a discrete unit; and they share the common experience of all having suffered persecution.”).

¹²⁸ *Matter of M-E-V-G-*, 26 I. & N. Dec. at 239.

¹²⁹ *Id* at 240.

groups.”¹³⁰ The declarations submitted demonstrate that the Respondents’ father, who was the security personnel for the Former Head of the Chechen Republic, was well-known in Chechen society and that both Respondents were recognized as being sons of this man.¹³¹ Accordingly, “sons of [REDACTED]” must be regarded as socially distinct within the society in question.

2. The Respondents' Membership in a Particular Social Group was a Central Reason why Chechen Governmental Authorities Persecuted Them

Respondents were persecuted precisely on account of their membership of a PSG “Sons of [REDACTED].” The Ninth Circuit has made clear that a “case-by-case determination [is required] as to whether the group is recognized by the particular society in question.”¹³² The reasons for persecution may be proved by direct or circumstantial evidence.¹³³ Direct statements by persons acting on behalf of governmental authorities of the Chechen Republic demonstrate that Respondents’ membership of a PSG “Sons of [REDACTED]” was at least “one central reason” they were persecuted.¹³⁴ As stated above, a “central reason” is a “reason of primary importance to the persecutors, one that is essential to their decision to act.”¹³⁵

Respondents were told by government authorities that due to their familial relationship with [REDACTED], they would continue defying Kadyrov and not participate in events supporting the government.¹³⁶ These statements made to Respondents by members of Kadyrov’s regime are direct evidence that Respondents were targeted because of their membership of a PSG “Sons of [REDACTED].”

b. Respondents Can Also Establish an Independent Well-founded Fear of Future Persecution on Account of Their Political Opinion and Their Membership in a Particular Social Group

¹³⁰ *Matter of C-A-*, 23 I. & N. Dec. 951, 959 (B.I.A. June 15, 2006).

¹³¹ Exh A ¶ 3 (“Further, the men knew that our father had been a member of the security team for the former Head of the Chechen Republic, Maskhadov. The men claimed that due to our familial relationship, [REDACTED] and I would continue defying them and not participate in events supporting the government.”)

¹³² *Pirir-Boc v. Holder*, 750 F.3d 1077, 1084 (9th Cir. 2014).

¹³³ *INS. v. Elias-Zacarias*, 502 U.S. 478, 483 (1992).

¹³⁴ See INA § 208(b)(1)(B)(i).

¹³⁵ *Parussimova v. Mukasey*, 555 F.3d 734, 741 (9th Cir. 2008).

¹³⁶ Exh. A ¶4.

Respondents can also, independently, establish they have a well-founded fear of future persecution, should it be found the amount of harm they suffered does not amount to a finding of persecution. The well-founded fear Respondents will face is both “subjective” and “objective.”¹³⁷ In order to establish a well-founded fear, the applicant must show a reasonable possibility of persecution -- whether a reasonable person in the applicant’s circumstances would fear persecution.

The Supreme Court has stated that a one-in-ten chance of persecution could make an applicant’s fear well-founded.¹³⁸ Although the applicant must also show that this fear exists country-wide and could not be resolved through internal relocation, the regulations presume that internal relocation is not reasonable if the persecutor is the government or government-sponsored, such as is the case for Respondents.¹³⁹ An applicant does not need to show that there is a reasonable possibility that he or she would be singled out individually for persecution, if the applicant can show that there is a pattern or practice of persecution of a group of similarly situated persons, and that he or she is included within this group.¹⁴⁰

Country conditions in the Chechen Republic reflect systemic human rights violations against opponents of the Kadyrov regime. As stated above, the security forces of the Chechen Republic operate without oversight from Moscow, and have been known to intimidate, kidnap, torture, and kill real or perceived political opponents of the Kadyrov administration.¹⁴¹ ¹⁴² Friends and family of perceived political dissidents against Kadyrov are not safe from persecution by the regime and have been known to be targets of the Chechen security forces’ repression.¹⁴³ Therefore, although Respondent ██████████ relocated to ██████████ his flight from Russia to the United States, combined with the Chechen government’s pursuit of him and Russia's increasing willingness to give Kadyrov free reign, indicates that he could not relocate safely to Russia now and will surely face future persecution.

¹³⁷ See generally Country Conditions at Exhs G-S.

¹³⁸ *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987).

¹³⁹ 8 C.F.R. § 208.13(b)(3).

¹⁴⁰ 8 CFR § 208.13(b)(2)(C)(iii).

¹⁴¹ Human Rights Watch, *Like Walking a Minefield: Vicious Crackdown on Critics in Russia’s Chechen Republic*, August 2016. Ex J.

¹⁴² U.S. Department of State, Country Reports on Human Rights for 2021: Russia 2021 Human Rights Report, 1-6. Exh H.

¹⁴³ *Russian Federation: Joint Open Letter to President Putin on Mass Abductions in Chechnya*, Amnesty International, January 7, 2022. Exh Q; Human Rights Watch, *Like Walking a Minefield: Vicious Crackdown on Critics in Russia’s Chechen Republic*, August 2016. Ex J; Neil Hauer, *If Someone Speaks the Truth, He Will be Killed*, The Atlantic, Dec. 21, 2019. Exh L.

Further, the fact that members of Kadyrov’s regime continue to look for Respondents in the Chechen Republic indicates they would be persecuted by the regime in the future. Respondent [REDACTED] was even previously targeted and suffered intimidation within the Chechen Republic because of his religious beliefs of Sunni Islam, and therefore it is even more likely he and his brother will be persecuted in the future.¹⁴⁴ Respondents also cannot reasonably relocate within the Chechen Republic or Russia due to their family ties with their father, [REDACTED], and they have received several direct threats from members of Kadyrov’s regime specifically because of their relationship. Because internal relocation is not reasonable as Respondents’ persecutor is the Chechen Republic government, and country conditions support systemic abuse and torture of those similarly situated as Respondents, they should be granted asylum based on a well-founded fear of future persecution.

c. Respondents are Eligible for Humanitarian Asylum

Even if the presumption of a well-founded fear of persecution could be rebutted in this case, which it cannot, Respondents are independently eligible for a grant of humanitarian asylum.¹⁴⁵ To be eligible for humanitarian asylum, an applicant needs to establish: (1) they have compelling reasons for being unwilling or unable to return to the country of origin for reasons arising out of the past persecution; or (2) they established that there is a reasonable possibility that they may suffer other serious harm upon removal to that country.¹⁴⁶ This provision provides “a specific, additional, and separate avenue for relief.”¹⁴⁷ In addressing humanitarian asylum, the BIA held:

[t]o be eligible for asylum under 8 C.F.R. § 1208.13(b)(1)(iii)(B), an applicant need not show that the harm suffered in the past was atrocious. Instead, the inquiry is forward-looking. When considering the possibility of ‘other serious harm,’ the focus should be on current conditions and the potential for new physical or psychological harm that the applicant might suffer. While ‘other serious harm’ must equal the severity of persecution, it may be wholly unrelated to the past harm. Moreover, pursuant to the regulation, the asylum applicant need only establish a ‘reasonable

¹⁴⁴ Religious Freedom Violations in the Republic of Chechnya, U.S. Commission on International Religious Freedom, 2-6, October 2021. Exh N.

¹⁴⁵ 8 C.F.R. §208.13(b)(1)(iii).

¹⁴⁶ *Id.*

¹⁴⁷ *Matter of L-S-*, 25 I&N Dec. 705, 714 (BIA 2011).

possibility’ of such ‘other serious harm’; a showing of ‘compelling reasons’ is not required under this provision. We also emphasize that no nexus between the ‘other serious harm’ and an asylum ground protected under the Act need be shown.¹⁴⁸

In *Matter of L-S*, the BIA further explained: “[o]ther serious harm” may be wholly unrelated to the applicant’s past harm and need not be inflicted on account of [a protected characteristic], but the harm must be so serious that it equals the severity of persecution.”¹⁴⁹ When making a discretionary determination as to humanitarian asylum, the Court “should focus on current conditions that could severely affect the applicant, such as civil strife and extreme economic deprivation, as well as on the potential for new physical or psychological harm that the applicant might suffer.”¹⁵⁰

The reprehensible harm that Respondents suffered in the Chechen Republic undoubtedly amounts to persecution as a matter of law. The record compels the Court to find that Respondents suffered past persecution in the Chechen Republic based upon their actual and imputed anti-Kadyrov political opinion, and their membership in the particular social group of Sons of [REDACTED]. Several threats against Respondents’ lives by government authorities over their continued refusal to publicly support Kadyrov, combined with the continued threats and violent pursuit of Respondents by the Kadyrov regime caused Respondents to experience trauma that no person should ever have to endure. Even after their arrival in the United States, the Kadyrov regime continued to search for Respondent’s in their family home. The unimaginable violence, corruption and widespread impunity that is omnipresent throughout the Kadyrov regime assuredly will result in Respondents death should they be forced to return to the Chechen Republic.

The unimaginable trauma that Respondents' experienced in the past combined with the fact that, even if they are not directly killed, they would likely be required to fight in a war that the United States strongly condemns, most likely amounting in their deaths should they be forced to return to the

¹⁴⁸ *Matter of Chen*, 20 I&N Dec. 16 (BIA 1989).

¹⁴⁹ 25 I&N Dec. 705 (BIA 2012).

¹⁵⁰ *Id.*

Chechen Republic, warrants a favorable exercise of discretion and affirmative grant of asylum for humanitarian reasons.

d. None of the Mandatory Bars Apply to Respondents' Application For Asylum and The Court Should Exercise Its Discretion to Grant Respondents' Application for Asylum

No bars to asylum apply in this case. Respondents (i) have never persecuted others; (ii) have never been convicted of a crime in the United States; (iii) have never committed a serious non-political crime outside the United States; (iv) are not a danger to the security of the United States; (v) have never participated in terrorist activities; (vi) have never firmly resettled in a third country prior to arriving in the United States; and (vii) timely filed their I-589 (asylum application) before the one-year deadline.¹⁵¹

An applicant who establishes that he is a “refugee” and that no mandatory bars apply can be granted asylum in the exercise of discretion. The totality of circumstances should be considered when considering a grant of asylum, although the “the danger of persecution should generally outweigh all but the most egregious of adverse factors.”¹⁵² There are no adverse factors in this case. The imminent threat of persecution facing Respondents if they are forced to return to the Chechen Republic presents a compelling case for the grant of asylum and is not outweighed by any adverse factors. Accordingly, Respondents should be granted asylum.

e. Respondents Are Alternatively Entitled to Withholding of Removal pursuant to INA § 241(b)(3)

As an alternative to a grant of asylum, Respondents should be granted withholding of removal pursuant to the INA because they established a clear probability that their life or freedom will be threatened in the Chechen Republic and none of the bars to withholding of removal apply.¹⁵³ Under the INA, a noncitizen is entitled to withholding of removal if the noncitizen’s “life or freedom would

¹⁵¹ 8 C.F.R. § 1208(a)(2), (b)(2).

¹⁵² *Matter of Pula*, 19 I&N Dec. 467, 474 (BIA 1987).

¹⁵³ *See* INA § 203(b)(3)(B).

be threatened” on account of one of the protected grounds.¹⁵⁴ To qualify for withholding of removal, a noncitizen must demonstrate that “it is more likely than not that the alien would be subject to persecution” in the proposed country of removal.¹⁵⁵ Similar to asylum, the presumption is raised, upon establishing that Respondents have suffered past persecution on account of a protected ground, that their life will be threatened in the future on the basis of their original claim if removed to the proposed country of removal.¹⁵⁶ Withholding of removal is mandatory if this statutory test is met.

For the reasons set out in support of Respondent’s claim of asylum, if returned to the Chechen Republic, they will face menacing threats to their lives and possible death on account of their actual and imputed anti-Kadyrov political opinion, and their membership in the particular social group of Sons of [REDACTED]. Since their arrival in the United States, members of the current Kadyrov searched their home for their whereabouts, asking about Respondent’s current location. Additionally, on October 4th, 2022, Russian President Vladimir Putin has promoted Chechen leader Ramzan Kadyrov to Colonel General - the third-highest command rank in the Russian military hierarchy. The situation in the Chechen Republic has only worsened and Respondents face continued persecution, up to and including torture and death, if forced to return, which clearly threatens their life and freedom. The presumption is thus raised, and Respondents cannot be returned to the Chechen Republic and must be granted withholding of removal under § 241(b)(3) of the Act.

f. Respondents Are Alternatively Entitled to Withholding of Removal pursuant to the Convention Against Torture

As an alternative to a grant of asylum or withholding of removal pursuant the INA, Respondents should be granted withholding of removal pursuant to the Convention Against Torture (“CAT”) because it is more likely than not that they will be a target of harassment and possible death.¹⁵⁷ To qualify for withholding or deferral of removal under the CAT, an applicant must show

¹⁵⁴ INA § 241(b)(3)(A); *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424 (1987).

¹⁵⁵ *INS v. Stevic*, 467 U.S. 407, 429–30 (1984).

¹⁵⁶ 8 C.F.R. § 1208.16(b)(1)(i).

¹⁵⁷ 8 C.F.R. § 208.16(c).

that it is “more likely than not” that he or she would be tortured if forced to return to the country of origin and that torture would be carried out by, or at the instigation of, or with the consent or acquiescence of, public officials in the country of origin.^{158 159}

“Torture is defined, in part, as ‘any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person . . . for any reason based on discrimination of any kind.’¹⁶⁰ Abuse such as physical violence, sexual violence, and psychological abuse has been found to rise to the threshold of torture and one single act may suffice to constitute torture.¹⁶¹ Mental pain or suffering may constitute torture if it results from “[t]he intentional infliction or threatened infliction of severe physical pain or suffering,” “[t]he threat of imminent death,” or “[t]he threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the sense or personality.”¹⁶² The torture does not have to be on account of a protected ground.¹⁶³ Evidence of past torture “is ordinarily the principal factor. . . when an applicant who has been previously tortured seeks relief under the Convention because, absent changed circumstances, if an individual has been tortured and has escaped to another country, it is likely that he will be tortured again if returned to the site of his prior suffering.”¹⁶⁴ Credible testimony can be sufficient to sustain the applicant’s burden of proof regarding the likelihood of torture.

¹⁵⁸ Article 1 of the CAT provides that “torture” is any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as . . . punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 108 Stat. 382, 1465 U.N.T.S. 85 (incorporated into U.S. immigration law at 8 C.F.R. § 208.18(a)).

¹⁵⁹ 8 C.F.R. § 208.16(c)(2); *see INS v. Cardoza-Fonseca*, 480 U.S. 421, 430 (1987); *Kamalthas v. INS*, 251 F.3d 1279, 1283 (9th Cir. 2001).

¹⁶⁰ *Madrigal v. Holder*, 716 F.3d 499, 508 (9th Cir. 2013).

¹⁶¹ 8 C.F.R. § 1208.18(a).

¹⁶² 8 C.F.R. § 208.18(a)(4).

¹⁶³ 8 C.F.R. § 1208.16(c)(2), (4); 8 C.F.R. § 1208.18(a)(1).

¹⁶⁴ *Avendano-Hernandez v. Lynch*, 800 F.3d at 1080.

An immigration judge must examine all sources of torture to assess a respondent's overall risk of being tortured.¹⁶⁵ In assessing whether Respondents have met their burden of proof that it is "more likely than not" that they will be tortured, courts consider all evidence relevant to the possibility of future torture, including: (1) evidence of past torture inflicted upon the applicant; (2) evidence that the applicant could relocate to a part of the country of removal where he or she is not likely to be tortured; (3) evidence of gross, flagrant, or mass violations of human rights within the country of removal; and (4) other relevant information regarding conditions in the country of removal.¹⁶⁶

Based on Respondents' past experiences, which constitute "torture" within the meaning put forward by the Act, their inability to relocate internally, and the evidence of human rights abuses throughout the country, Respondents are more likely than not to be tortured if returned. As outlined above, the persecution Respondents suffered in the past was intentional and coercive. Agents of the Kadyrov regime, on multiple occasions, constantly harassed and threatened them, even at gunpoint, to support Kadyrov. Further, because the torture was committed by Chechen government authorities, it is beyond doubt that the state of Chechen Republic acquiesced to the torture. As these were agents of the government, Respondents could also not obtain protection from the police. In fact, a police officer also threatened ██████ in ██████ because his beard was too long, and the officer told him he "looked like the devil."

Should Respondents be forced to return, they would face life threatening prison conditions.¹⁶⁷ Accordingly, it is more likely than not that such attacks against Respondents would be "inflicted by or at the instigation of or with the consent or acquiescence of" the Chechen Republic government, 8

¹⁶⁵ *Cole v. Holder*, 659 F.3d 762, 774 (9th Cir. 2011).

¹⁶⁶ 8 C.F.R. § 208.16(c)(3).

¹⁶⁷ *See generally* Country Conditions at Exhs G-S.

C.F.R. §208.18(a), and that there is no safe place in the Chechen Republic to which they could relocate. For these reasons, Respondents are entitled to withholding of removal pursuant to the CAT.

IV. CONCLUSION

For the foregoing reasons, Respondents are eligible for asylum in the United States. In the alternative, Respondents are also entitled to withholding of removal and withholding under the Convention Against Torture as the persecution and torture Respondents fear is more likely than not to occur if they are forced to return to the Chechen Republic.

Date:

[REDACTED]

Respectfully submitted,

[REDACTED]
Human Rights First
3680 Wilshire Blvd. Ste. P04-414
Los Angeles, CA 90010
Pro bono Counsel for Respondents

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TAB A

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
SAN DIEGO, CA**

In the Matters of: _____)
)
)
 [REDACTED])
)
)
 In Removal Proceedings _____)

File No. [REDACTED]

**DECLARATION OF [REDACTED] AEV IN SUPPORT OF HIS APPLICATION
FOR ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE
CONVENTION AGAINST TORTURE**

I, [REDACTED], declare under the penalty of perjury under the laws of the United States the following is true and correct to the best of my knowledge:

INTRODUCTION

1. My name is [REDACTED]. I was born in [REDACTED] on [REDACTED]. I am a native and citizen of the Chechen Republic, a republic of Russia. I am fluent in Chechen and Russian.
2. I entered the United States on [REDACTED] at the San Ysidro Port of Entry. I am currently detained at the Otay Mesa Detention Facility in San Diego, California.
3. I am providing this declaration in support of my application for asylum, withholding of removal, and protection under the Convention Against Torture. My pro bono attorney at Human Rights First assisted me in preparing this declaration. This declaration was translated and reviewed with me in Russian, and I understand and agree with its contents.
4. I am applying for asylum because I am afraid that I will be beaten, arrested, imprisoned, and possibly killed if I return to the Chechen Republic due to my political opinion against Ramzan Kadyrov, the Head of the Chechen Republic.

FAMILY AND PERSONAL BACKGROUND

5. My parents are [REDACTED] and [REDACTED]. My father was a part of the security team for the former Head of the Chechen Republic, Aslan Maskhadov. My father passed away in [REDACTED] due to a stress-related illness caused by his work.
6. I have three siblings: [REDACTED], [REDACTED], and [REDACTED]. My brother [REDACTED] is also currently detained at the Otay Mesa Detention Facility and is seeking asylum in the United States.
7. I lived with both my mother and siblings in [REDACTED] until I fled the Chechen Republic in [REDACTED].
8. I completed my primary education in [REDACTED]. I completed my secondary and college education in [REDACTED]. Lastly, I completed university at the [REDACTED] in [REDACTED].

PERSECUTION BY GOVERNMENT AUTHORITIES DUE TO MY POLITICAL OPINION

9. On or around [REDACTED], I started working as an actor at the Chechen Children Theater, which is affiliated with the Chechen Republic Government's cultural department.
10. In 2015, supporters of Ramzan Kadyrov's regime began pressuring me at work to participate in events supporting Kadyrov. At first, my supervisor and head director at the Chechen Children Theater, [REDACTED] [REDACTED] would communicate the pressure to join and support the government. In the Chechen Republic it is common for individuals who have a high-ranking position in a government department to force and pressure their workers to publicly support the government. Further, [REDACTED] was a former prisoner in a Filtration Camp in the Chechen Republic during the Chechen Wars, and I believe that because of this, he was afraid for his safety if he did not pressure his employees to support Kadyrov.
11. I refused to attend these government events because I did not want to support Kadyrov and his regime. I oppose Kadyrov because he is a corrupt president who has committed several human rights violations since he has taken power, including torture and extrajudicial killings of civilians who do not support him. I also do not support the Russian government because the Chechen Republic has the right to be a sovereign and independent country.
12. When I refused to participate and comply with [REDACTED] requests, my salary started being deducted. I began to receive threats from [REDACTED] that if I did not attend events supporting Kadyrov, government authorities will torture me, and if I happened to die from the torture, the government would label me as a terrorist to justify my death. Further, he stated that if I did not attend these events, my family would be in trouble and government authorities would burn my home down to kill my family. For a few years, I continued to receive threats and pressure at work to support Kadyrov. Although I wanted

to leave my job, I was unable to quit because if I sought employment at another company ██████████ would have been contacted and he would have prevented me from obtaining another job. In addition, ██████████ forced me to sign a paper that stated I did not have the right to change jobs.

13. In or around ██████████ I was stopped and questioned about my clothing and appearance by the police in the central square of ██████████ for around one hour. Around this time, police in the Chechen Republic were routinely stopping men who were dressed in Islamic clothing or had long beards, as is customary with many Muslim men. I was stopped by the police because my beard was too long, and I was told that I looked like the devil. Further, the police stated that only Kadyrov and his family members could have a beard, and I was instructed to shave my beard.
14. In or around January ██████████ my brother ██████████ also began working as a security guard at the Chechen Children Theater and eventually began to receive threats from ██████████ to publicly support Kadyrov's regime. I believe ██████████ began to receive these threats because of his relationship with me. ██████████ would advise ██████████ not to follow my behavior by refusing to attend the events supporting Kadyrov's regime and would punish ██████████ by assigning him very long shifts at the theater. ██████████ told me that he was personally threatened on two occasions by members of Kadyrov's regime in or around ██████████ ██████████ believed their threats to kill him were serious and that he was going to be killed by them. In or around ██████████ ██████████ quit his job as a security guard at the Chechen Children Theater because of the constant pressure to attend government events supporting Kadyrov.
15. In or around ██████████ I was directly approached by two members in the "second regiment" of Kadyrov's regime to publicly support the government while I was working at the theater. I recognized these men were members of Kadyrov's regime because of their distinctive uniforms and by the gun they were carrying. The men instructed me to go into the dressing room of the theater. When I refused, they took me by the collar and forced me into the dressing room. The men began to swear at me, called me the "devil," and stated that they kill people like me every day. I was then threatened by the men that if I did not follow my supervisor's request to publicly support Kadyrov, then my family would be severely harmed. Further, the men knew that our father had been a member of the security team for the former Head of the Chechen Republic, Maskhadov. The men claimed that due to our familial relationship, ██████████ and I would continue defying them and not participate in events supporting the government. The men then placed a gun to my head demanding that my brother ██████████ and I comply with their demands. I believed their threats to kill me were serious and that I was going to be killed by them.
16. After this incident, I attempted to resign from the theater. I sent a few letters to ██████████ ██████████ expressing that I wanted to quit, however, ██████████ did not accept my resignation. I knew I would have been unable to find work elsewhere if my resignation was not approved, so I remained working at the theater.

17. In [REDACTED] after several attempts by members of the regime to make me support Kadyrov and continued threats telling me they will “get rid of me,” insinuating they will kill me, [REDACTED] finally accepted my resignation, and I was able to leave my job.
18. Unfortunately, the threats did not stop when I was no longer associated with the theatre. I was now marked by members of the government and continued being harassed and threatened. In [REDACTED], while I was walking near my home, I was approached by members of Kadyrov’s regime. The men threatened me with a gun to enter their van. The men told me that [REDACTED] and I cannot continue refusing to comply with the government’s demands to support Kadyrov, and that if we do continue refusing them, they will imprison us for a long time until our hair and beards are long, and the government will then label us as a terrorist and kill us. I believed the men were going to kill me because of my constant refusal to publicly support Kadyrov.
19. In or around [REDACTED], members of Kadyrov’s regime approached me while I was walking in the street near my home. They had papers to fill out to enlist myself and my brother [REDACTED] in the army. At first, I refused to sign the papers because I did not want to join the army and support Russia’s invasion of Ukraine. However, I was threatened by the men that if I did not fill out the forms, I would be “buried underneath the ground,” thereby insinuating they would kill me. I filled out the papers and gave them to the men who told me that now I will be forced to protect my homeland. In or around [REDACTED] [REDACTED] returned to the Chechen Republic from [REDACTED] to gather his documents and meet up with me to flee the Chechen Republic. After my brother [REDACTED] and I fled from the Chechen Republic, my brother [REDACTED] informed me that a man came to our family home and asked him about [REDACTED] and my location. My brother stated that he did not know where we were. Thus, members of Kadyrov’s regime continue to look for me and my brother in our village.

MY FLIGHT FROM THE CHECHEN REPUBLIC

20. After being coerced by supporters of Kadyrov to enlist in the army, I fled the Chechen Republic with my brother [REDACTED] on or around [REDACTED], after suffering persecution due to our political opinion and our affiliation with our father, [REDACTED], former security personnel for the former Head of the Chechen Republic, Aslan Maskhadov. We fled Russia and traveled to Turkey by plane. After remaining in Turkey for a few hours, we traveled to Mexico and remained there for approximately one week until we entered the United States on [REDACTED].
21. We did not seek asylum in Turkey or Mexico because we did not feel safe in either country, and we have no immigration status in either country.
22. My mental and physical health has severely deteriorated since being detained at Otay Mesa Detention Center. Since being detained, I have experienced depression and anxiety.

MY FEAR OF RETURN TO THE CHECHEN REPUBLIC

23. If forced to return to the Chechen Republic, I fear that I will be harmed or killed by members of Kadyrov's regime because of my refusal to support his government and because of my familial relationship to my father. I do not believe I could relocate and live safely in another region in the Chechen Republic or Russia because Chechen authorities and supporters of Kadyrov's regime routinely persecute Muslims who refuse to cooperate with the regime.
24. The Russian government and police are unable and unwilling to protect me and my family and seeking help from the authorities would be dangerous because they do not protect Chechen Muslims. The current Chechen leader, Ramzan Kadyrov, was recently given the rank of colonel general by Russian President Putin, which is the third-highest command rank in the Russian military hierarchy.

CONCLUSION

25. For the above reasons, I respectfully request that the San Diego Immigration Court grant my asylum application and allow me to live in the United States safely. In the Chechen Republic, I will surely face serious harm and violence because of my political opposition to Kadyrov's regime and because of my affiliation with my father.

[Redacted]
[Redacted]

I, [Redacted] hereby certify this declaration was translated and reviewed with me in Russian, and I understand and agree with its contents.

Signature: [Redacted]

Date: [Redacted]

TAB B

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
SAN DIEGO, CA**

In the Matters of: _____)
)
)
 [REDACTED])
)
)
 In Removal Proceedings _____)

File No. [REDACTED]

**DECLARATION OF [REDACTED] IN SUPPORT OF HIS APPLICATION FOR
ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE
CONVENTION AGAINST TORTURE**

I, [REDACTED], declare under the penalty of perjury under the laws of the United States the following is true and correct to the best of my knowledge:

INTRODUCTION

1. My name is [REDACTED]. I was born in [REDACTED] on [REDACTED]. I am a native and citizen of the Chechen Republic, a republic in Russia. I am fluent in Chechen and Russian.
2. I entered the United States on [REDACTED] at the San Ysidro Port of entry. I am currently detained at the Otay Mesa Detention Facility in San Diego, California.
3. I am providing this declaration in support of my application for asylum, withholding of removal, and protection under the Convention Against Torture. My pro bono attorney at Human Rights First assisted me in preparing this declaration. This declaration was translated and reviewed with me in Russian, and I understand and agree with its contents.
4. I am applying for asylum because I am afraid that I will be beaten, arrested, imprisoned, and possibly killed if I return to the Chechen Republic due to my political opinion against Ramzan Kadyrov, the Head of the Chechen Republic.

FAMILY AND PERSONAL BACKGROUND

5. My parents are [REDACTED] and [REDACTED]. My father was a part of the security team for the former Head of the Chechen Republic, Aslan Maskhadov. My father passed away in [REDACTED] due to a stress-related illness caused by his work.
6. I have three siblings: [REDACTED], [REDACTED], and [REDACTED]. My brother [REDACTED] is also currently detained at the Otay Mesa Detention Facility and is seeking asylum in the United States.
7. I lived with both my mother and siblings in [REDACTED] until I fled the Chechen Republic in [REDACTED].
8. I completed my secondary education in [REDACTED]. I completed my college and university education in [REDACTED].

PERSECUTION DUE TO MY POLITICAL OPINION

9. On or around [REDACTED], my brother [REDACTED] started working as an actor at the Chechen Children Theater, which is affiliated with the Chechen Republic Government's cultural department.
10. In [REDACTED] supporters of Ramzan Kadyrov's regime began pressuring [REDACTED] at work to participate in events supporting Kadyrov. [REDACTED] told me about the pressure and threats he received at work. At first, his supervisor and head director at the Chechen Children Theater, [REDACTED] would communicate the pressure to join and support the government. In the Chechen Republic it is common for individuals who have a high-ranking position in a government department to force and pressure their workers to publicly support the government. Further, [REDACTED] was a former prisoner in a Filtration Camp in the Chechen Republic during the Chechen Wars, and I believe that because of this, he was afraid for his safety if he did not pressure his employees to support Kadyrov.
11. In or around [REDACTED], I also began working as a security guard at the Chechen Children Theater and eventually began to receive threats from [REDACTED] to publicly support Kadyrov's regime. I began to receive these threats because of my relationship with [REDACTED] and because I refused to attend events supporting Kadyrov. [REDACTED] would advise me not to follow [REDACTED] behavior by refusing to attend the events supporting Kadyrov's regime and would punish me by assigning me very long shifts at the theater. Further, [REDACTED] stated that if I continued refusing to attend the events, I would face "problems" from the government.
12. I oppose Kadyrov because he has committed several human rights violations since he has taken power and oppresses the citizens of the Chechen Republic. I also do not support the Russian government because the Chechen Republic has the right to be a sovereign and independent country. Further, I do not support Russia's invasion of Ukraine.

13. I was personally threatened on two occasions by members of Kadyrov's regime. The first incident occurred in or around [REDACTED]. While I was walking towards my home, I noticed a car had pulled up next to me on the road. Members of Kadyrov's regime opened the door and instructed that I enter the car. I recognized these men were members of Kadyrov's regime because of their distinctive uniforms and by the gun they were carrying. When I refused to enter, the men displayed a gun and forced me into the car. The men threatened me by saying that if I continue to oppose the regime, they will kill me, and no one will come looking for me. The second incident occurred later in [REDACTED] while I was also walking home. Just as the first incident, members of Kadyrov's regime forced me into a car and threatened my life if I did not begin to publicly support Kadyrov. I believed their threats to kill me were serious and that I was going to be killed by them.
14. In or around [REDACTED] I quit my job as a security guard at the Chechen Children Theater because of the constant pressure to attend government events supporting Kadyrov. I decided to flee the Chechen Republic and relocate to [REDACTED] where I worked as a gas station attendant for around one month. I then traveled to [REDACTED] and began working at a private driving company. I remained in [REDACTED] until [REDACTED].
15. [REDACTED] told me about the threats he continued to receive, some of which were also directed at me. In or around [REDACTED] [REDACTED] was directly approached by two members in the "second regiment" of Kadyrov's regime to publicly support the government while he was working at the theater. [REDACTED] was then threatened by the men that if he did not follow his supervisor's request to publicly support Kadyrov, then our family would be severely harmed. Further, the men knew that our father had been a member of the security team for the former Head of the Chechen Republic, Maskhadov. The men claimed that due to our familial relationship, [REDACTED] and I would continue defying them and not participate in events supporting the government. The men then placed a gun to [REDACTED] head demanding that we comply with their demands. [REDACTED] believed their threats to kill him were serious and that he was going to be killed by them.
16. According to [REDACTED] in or around [REDACTED], members of Kadyrov's regime approached [REDACTED] while he was walking in the street near our home. These men had papers to fill out to enlist himself and I in the army. At first, [REDACTED] refused to sign the papers because he did not want to join the army and support Russia's invasion of Ukraine. However, [REDACTED] was threatened by the men that if he did not fill out the forms, he would be "buried underneath the ground," thereby insinuating they would kill him. [REDACTED] filled out the papers and gave them to the men who told him that now he will be forced to protect his homeland. In or around [REDACTED], I returned to the Chechen Republic from [REDACTED] to gather my documents and meet up with [REDACTED] to flee the Chechen Republic. [REDACTED] and I did not want to join the army because we oppose Russia's invasion of Ukraine. After [REDACTED] and I fled from the Chechen Republic, my brother [REDACTED] informed [REDACTED] that a man came to our family home and asked him about [REDACTED] and my location. My brother stated that he did not know where we were. Thus, members of Kadyrov's regime continue to look for me and my brother in our village.

MY FLIGHT FROM THE CHECHEN REPUBLIC

17. After being coerced by supporters of Kadyrov to enlist in the army, I fled the Chechen Republic with my brother [REDACTED] on or around [REDACTED], after suffering persecution due to our political opinion and our affiliation with our father, [REDACTED] [REDACTED], former security personnel for the former Head of the Chechen Republic, Aslan Maskhadov. We fled Russia and traveled to Turkey by plane. After remaining in Turkey for a few hours, we traveled to Mexico and remained there for approximately one week until we entered the United States on [REDACTED].
18. [REDACTED] and I did not seek asylum in Turkey or Mexico because we did not feel safe in either country, and we have no immigration status in either country.
19. My mental and physical health has severely deteriorated since being detained at Otay Mesa Detention Center. Since being detained, I have experienced depression and anxiety. I have not been able to eat the food provided at the facility, and therefore have lost a significant amount of weight. Moreover, I have difficulty recalling dates and events from my past.

MY FEAR OF RETURN TO THE CHECHEN REPUBLIC

20. If forced to return to the Chechen Republic, I fear that I will be harmed or killed by members of Kadyrov's regime because of my refusal to support his government and because of my familial relationship to my father. I do not believe I could relocate and live safely in another region in the Chechen Republic or Russia because Chechen authorities and supporters of Kadyrov's regime routinely persecute Muslims who refuse to cooperate with the regime.
21. The Russian government and police are unable and unwilling to protect me and my family and seeking help from the authorities would be dangerous because they do not protect Chechen Muslims. The current Chechen leader, Ramzan Kadyrov, was recently given the rank of colonel general by Russian President Putin, which is the third-highest command rank in the Russian military hierarchy.

CONCLUSION

22. For the above reasons, I respectfully request that the San Diego Immigration Court grant my asylum application and allow me to live in the United States safely. In the Chechen Republic, I will surely face serious harm and violence because of my political opposition to Kadyrov's regime and because of my affiliation with my father.

[REDACTED]
[REDACTED]

I, [REDACTED], hereby certify this declaration was translated and reviewed with me in Russian, and I understand and agree with its contents.

Signature: [REDACTED]

[REDACTED] [REDACTED]

TAB C



Birth Certificate

Citizen [REDACTED]
(last name)

[REDACTED]
(name, middle name)

Born on [REDACTED]
(date,month,year)

[REDACTED]
Place of birth

[REDACTED]
Chechen Republic

About what [REDACTED] year month of [REDACTED] and date is [REDACTED]
A record of the birth act was created # 1

Parents

Father [REDACTED]
(last name)

[REDACTED]
(first name, middle name)
Nationality chechen

Mother [REDACTED]
(last name)

[REDACTED]
(first name, middle name)
Nationality chechen

Place of the Government Registration Industrial Department of Marriage Registry

[REDACTED]
Issued date [REDACTED]

Head of the civil registry office
#274287

Certificate of Translation

I, [REDACTED], hereby certify that I am fluent in Russian and English languages and that I have translated the following documents to the best of my knowledge and ability and believe this translation is a true, accurate and complete translation of the original English document that has been provided to me.

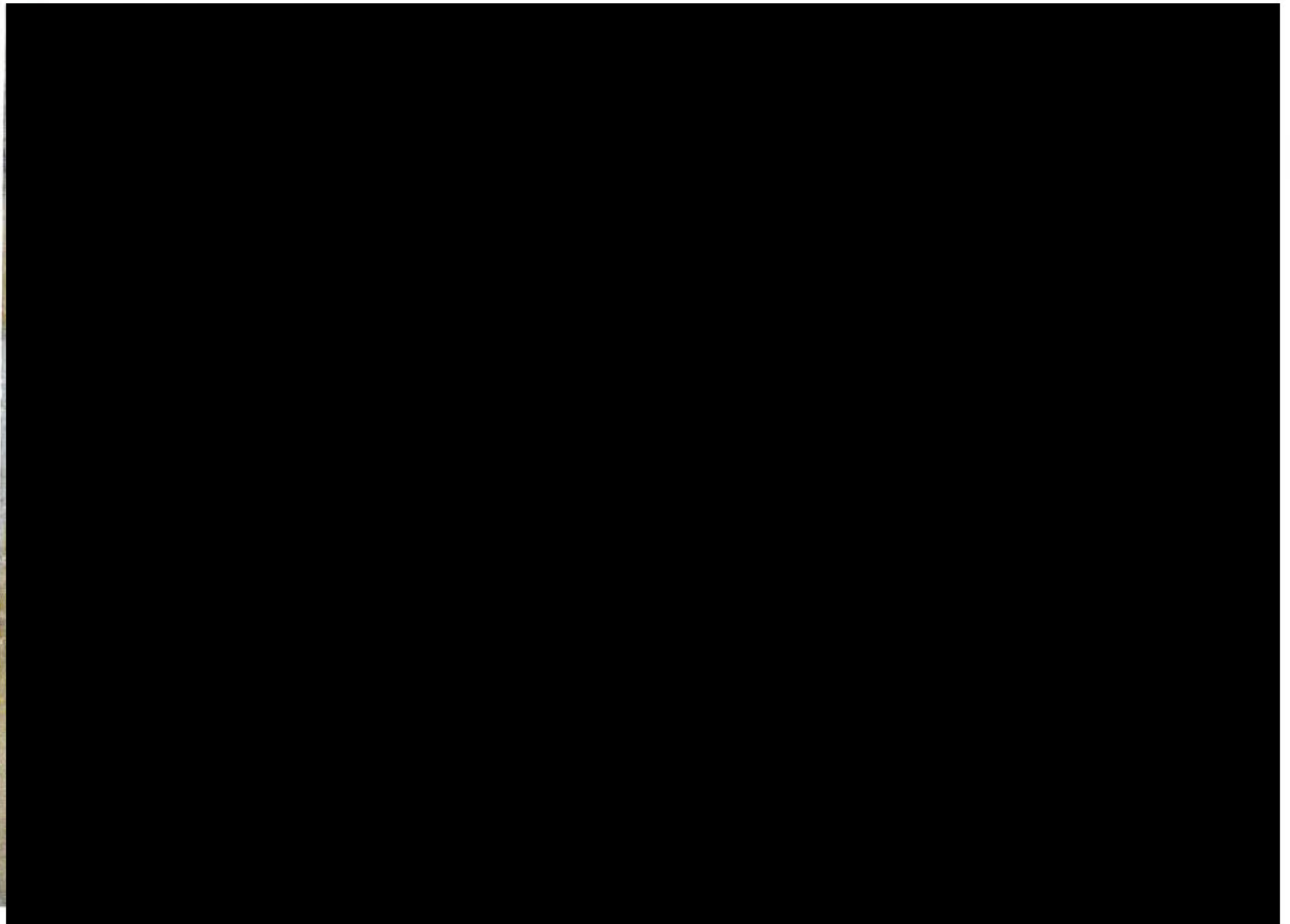
Signature:

[REDACTED]

Date:

[REDACTED]

TAB D



Birth Certificate

Citizen [REDACTED]
(last name)

[REDACTED]
(name, middle name)

Born on [REDACTED]
(date,month,year)

[REDACTED]
Place of birth

[REDACTED]
Chechen Republic

About what [REDACTED] year month of [REDACTED] and date is [REDACTED]
A record of the birth act was created # 5

Parents

Father [REDACTED]
(last name)

[REDACTED]
(first name, middle name)
Nationality chechen

Mother [REDACTED]
(last name)

[REDACTED]
(first name, middle name)
Nationality chechen

Place of the Government Registration Industrial Department of Marriage Registry

[REDACTED]

Issued date [REDACTED]

Head of the civil registry office
#388724

Certificate of Translation

I, [REDACTED], hereby certify that I am fluent in Russian and English languages and that I have translated the following documents to the best of my knowledge and ability and believe this translation is a true, accurate and complete translation of the original English document that has been provided to me.

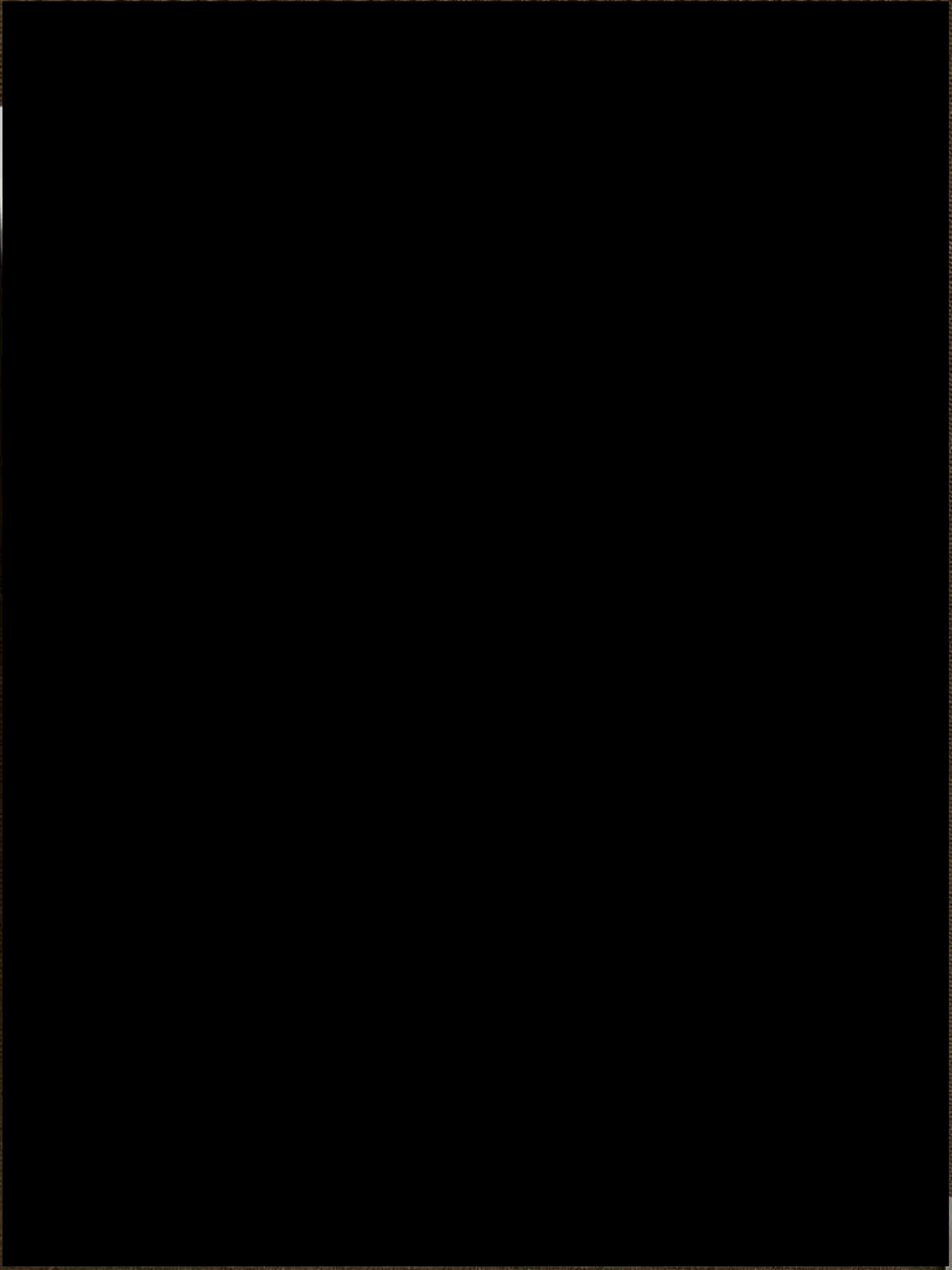
Signature:

[REDACTED]

Date:

[REDACTED]

TAB E



Citizen [redacted] residing in the city of [redacted] ([redacted]
district) Chechen Republic [redacted]

Subpoena

Serial [redacted]

In accordance with the Federal Law of March 28, 1998 N53-FZ "On military duty and military hearing" you are obliged on [redacted] by 3 o'clock to appear at the military commissariat of the Chechen Republic of the Chechen Republic of the city of [redacted] reception point [redacted] for mobilization.

Bring your passport and:

Military commissar of a region, city, district

M. P. Military Commissar of the city of [redacted] S X S

Certificate of Translation

I, [REDACTED], hereby certify that I am fluent in Russian and English languages and that I have translated the following documents to the best of my knowledge and ability and believe this translation is a true, accurate and complete translation of the original English document that has been provided to me.

Signature:

[REDACTED]

Date:

[REDACTED]

TAB F

Citizen [REDACTED] residing in the city of [REDACTED] ([REDACTED] district)
Chechen Republic [REDACTED].

Subpoena

Serial [REDACTED]

In accordance with the Federal Law of March 28, 1998 N53-FZ "On military duty and military hearing" you are obliged on [REDACTED] by 3 o'clock to appear at the military commissariat of the Chechen Republic of the Chechen Republic of the city of [REDACTED] reception point [REDACTED] for mobilization.

Bring your passport and:

Military commissar of a region, city, district

M. P. Military Commissar of the city of [REDACTED] S X S

Certificate of Translation

I, [REDACTED], hereby certify that I am fluent in Russian and English languages and that I have translated the following documents to the best of my knowledge and ability and believe this translation is a true, accurate and complete translation of the original English document that has been provided to me.

Signature:

[REDACTED]

Date:

[REDACTED]

TAB G

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(<https://www.gov.uk/government/organisations/uk-visas-and-immigration>)

Guidance

Country policy and information note: critics of the state, Chechnya, August 2022 (accessible)

Updated 31 August 2022

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Version 1.0

August 2022

Preface

Purpose

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

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

Assessment

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

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#) (<https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c>)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#) (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory

- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](#) (<https://www.legislation.gov.uk/ukpga/2002/41/section/94>).

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

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) (<http://www.refworld.org/docid/48493f7f2.html>), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual](#), (<https://www.coi-training.net/researching-coi/>) 2013. Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

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

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

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

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

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

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

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

Feedback

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

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research) (<https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research>) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

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

Independent Advisory Group on Country Information
Independent Chief Inspector of Borders and Immigration 5th Floor
Globe House
89 Eccleston Square
London
SW1V 1PN

Email: chiefinspector@icibi.gov.uk

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [GOV.UK website](https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research#reviews) (<https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research#reviews>).

Assessment

1. Introduction

1.1 Basis of claim

Updated on 23 August 2022

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

1.2 Point to note

1.2.1 This report focusses on critics of the state in Chechnya only. For information about the state critics and political opposition in the rest of Russia, see the Country Policy and Information Note on [Russia: Critics and opponents of the government](https://www.gov.uk/government/publications/russia-country-policy-and-information-notes) (<https://www.gov.uk/government/publications/russia-country-policy-and-information-notes>).

2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction) (<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](https://www.gov.uk/government/publications/visa-matches-handling-asylum-claims-from-uk-visa-applicants-instruction) (<https://www.gov.uk/government/publications/visa-matches-handling-asylum-claims-from-uk-visa-applicants-instruction>)).

2.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](https://www.gov.uk/government/publications/language-analysis-instruction) (<https://www.gov.uk/government/publications/language-analysis-instruction>)).

2.2 Exclusion

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

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

2.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](https://www.gov.uk/government/publications/asylum-instruction-exclusion-article-1f-of-the-refugee-convention) (<https://www.gov.uk/government/publications/asylum-instruction-exclusion-article-1f-of-the-refugee-convention>), [Humanitarian Protection](https://www.gov.uk/government/publications/humanitarian-protection-instruction) (<https://www.gov.uk/government/publications/humanitarian-protection-instruction>) and the instruction on [Restricted Leave](https://www.gov.uk/government/publications/restricted-leave-asylum-casework-instruction) (<https://www.gov.uk/government/publications/restricted-leave-asylum-casework-instruction>).

Official – sensitive: Start of section

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Official – sensitive: End of section

2.3 Convention reason(s)

2.3.1 Actual or imputed political opinion.

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

2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction) (<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

2.4 Risk

2.4.1 Persons who are perceived to be critical of the government are likely to be at risk of treatment which is sufficiently serious, by its nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm. Their family members may also be at risk of such treatment. Each case must be considered according to its individual facts.

2.4.2 Under the leadership of Ramzan Kadyrov, those perceived as critical of the authorities, including human rights defenders, journalists and bloggers may be detained, prosecuted, convicted on fabricated charges, abducted or killed. Citizens who complain about local issues, such as the closure of a hospital, can be harassed or humiliated (see [Chechnya: introduction](#), [Chechnya: journalists and NGOs](#) and [Chechnya: abductions](#)).

2.4.3 In December 2020, Jeroen Boender, Ambassador of the Netherlands to the Organisation for Security and Co-operation in Europe, spoke on behalf of 34 states when he expressed alarm at reports of a significant increase in enforced

disappearances in Chechnya. He stated that the authorities were particularly targeting young people who were linked with criticism of the government online. The US Department of State reported further instances of abduction and torture in 2021; those affected included political activists and critics of Kadyrov. Persons facing politically-motivated prosecutions are unlikely to receive a fair trial (see [Chechnya: abductions](#), [Chechnya: detention](#) and [Chechnya: fair trial](#)).

2.4.4 The USSD reported that incommunicado detention, which can last for weeks, sometimes takes place before detention is registered, and that torture is used during this time. The same report recorded the widespread use of torture of both militants and civilians in detention (see [Detention](#)).

2.4.5 Family members of the relatives of alleged terrorists are required by law to pay the cost of damages caused by an attack. Such collective punishments are routinely imposed on relatives, who may also be expelled from Chechnya. Various sources reported other actions taken against family members of perceived government critics. Open Caucasus Media reported that up to 50 family members of government critics may have been abducted in December 2021. Kadyrov publicly threatened those who criticised him and their family members (see [Chechnya: family members of government critics](#)).

2.4.6 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction) (<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

2.5 Protection

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

2.5.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction) (<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

2.6 Internal relocation

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

2.6.2 For further guidance on internal relocation, see the Asylum Instruction on [Assessing Credibility and Refugee Status](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction) (<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

2.7 Certification

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

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](https://www.gov.uk/government/publications/non-suspensive-appeals-certification-under-section-94-of-the-nia-act-2002-process) (<https://www.gov.uk/government/publications/non-suspensive-appeals-certification-under-section-94-of-the-nia-act-2002-process>).

Country information

This section was updated on 23 August 2022

3. Current situation

3.1 Introduction

3.1.1 The BBC published a ‘Chechnya profile’ in January 2018 which stated, ‘After a decade of unsuccessfully fighting for independence, the autonomous region is now firmly under the control of its Russian-appointed leader, Ramzan Kadyrov, although separatist groups continue low-level guerrilla attacks.’^[footnote 1]

3.1.2 In the World Report 2022, covering events of 2021, Human Rights Watch reported that ‘Chechen leadership under governor Ramzan Kadyrov continued to ruthlessly quash all forms of dissent.’^[footnote 2]

3.1.3 The news website ‘The Week’ published an article in March 2016 which stated that Kadyrov ‘...disdains democracy altogether. “We do not have an opposition,” Kadyrov says. “Such a system was invented to undermine authority.”’ The article continued, ‘Russian President Vladimir Putin personally anointed [sic - appointed] [Ramzan Kadyrov]... Because Kadyrov firmly controls a Muslim-majority province that gave Putin nightmares in the past, he enjoys a degree of independence that Putin would not tolerate in any other Russian leader. Kadyrov claims to be fanatically loyal to Putin, and Putin has showered him with awards...’^[footnote 3]

3.1.4 In June 2015, International Crisis Group (ICG) published an account of an interview with ICG’s Russia and North Caucasus Project Director, Ekaterina Sokirianskaia. When asked whether there was any ‘significant opposition’ to Ramzan Kadyrov in Chechnya, Ms Sokirianskaia responded, ‘For the time being, Kadyrov enjoys absolute power in the republic and there is no visible opposition.’ She further stated, ‘The current leadership was not chosen in free and fair elections, but installed

after a political process characterised by open conflict, intimidation and reported mass fraud. There is still strong if quiet dissent among many Chechens at home and abroad...’ [\[footnote 4\]](#)

3.1.5 In the ‘Freedom in the World’ 2022 report, Freedom House stated, ‘Parts of the country, especially the North Caucasus, suffer from high levels of violence; targets include officials, Islamist insurgents, and civilians. Chechen leader Ramzan Kadyrov has been accused of using abductions, torture, extrajudicial killings, and other forms of violence to maintain control.’ [\[footnote 5\]](#)

3.1.6 An undated article by Amnesty International stated:

‘Under the leadership of Kremlin-appointed Ramzan Kadyrov, Chechnya is the place where numerous human rights violations are being committed, with virtually total impunity for their perpetrators, and free speech has been brutally suppressed for years. Amnesty International and other human rights organizations have documented multiple instances when critics of the regime, including human rights defenders, journalists and bloggers, have been prosecuted and imprisoned under fabricated criminal charges, or abducted and killed. Members of the general public who dare to criticise Ramzan Kadyrov, members of his administration, his relatives or associates, or complain about local problems such as the closure of a hospital, or even ask for help in ways which reflect negatively on Chechnya (for instance, ask for help to provide for a large family), are often being forced to humiliate themselves in front of a camera and publicly “apologise” for their actions, which is recorded and then broadcast on the local television or via social media. This practice has been widely used since 2015.’ [\[footnote 6\]](#)

3.2 Journalists, bloggers and NGOs

3.2.1 The US State Department’s Country Report on Human Rights Practices for 2021 (USSD HR Report 2021), covering the year 2021, reported:

‘Journalists reported threats in connection with their reporting. For example, Amnesty International considered journalist and human rights defender Yelena Milashina to be a “case of concern” due to repeated threats against her for documenting Chechen officials’ abuses in Novaya Gazeta. In 2020 Milashina received a death threat on Instagram from the head of the Chechen Republic, Ramzan Kadyrov, and was physically attacked in Grozny along with human rights lawyer Marina Dubrovina. Chechen officials began a defamation and intimidation campaign against Milashina after she published the testimony in Novaya Gazeta on March 15 of a former police officer who said he witnessed extrajudicial executions, torture, and other grave human rights violations in 2017.’ [\[footnote 7\]](#)

3.2.2 The report further noted:

'On February 4, police in the city of Nizhny Novgorod arrested 20-year-old Salekh Magamadov and 17-year-old Ismail Isayev and forcibly transferred them to Chechnya, where their whereabouts were unknown to their lawyers and family members for several days. According to human rights organizations, the two men were targeted for having operated a social media channel critical of the government and for their real or perceived sexual orientation and gender identity. As of December, Magamadov and Isayev remained in detention in Chechnya's capital Grozny for having allegedly aided an illegal armed group, charges that human rights organizations called fabricated.'^[footnote 8]

3.2.3 See [Chechnya: Chechens abroad](#) for further information on this subject. See [Chechnya: abductions](#) for information about abductions of journalists.

3.3 Abductions

3.3.1 An address delivered by Jeroen Boender, Ambassador of the Netherlands to the OSCE, on behalf of 34 participating States at the OSCE Permanent Council on 17 December 2020, noted that they were:

'...alarmed by reports of a sharp increase in enforced disappearances in Chechnya. Ramzan Kadyrov's security forces continue to routinely engage in appalling acts of violence to punish any form of dissent. The Chechen authorities appear to be targeting primarily young persons who have engaged with content on the Internet criticizing the Chechen authorities.

According to the human rights group Memorial, at least twenty-two individuals have been unlawfully detained in recent months. Some reportedly remain in incommunicado detention under the control of Chechen authorities.'^[footnote 9]

3.3.2 The USSD HR Report 2021 stated, 'Enforced disappearances for both political and financial reasons continued in the North Caucasus...

'There were continued reports of abductions and torture in the North Caucasus, including of political activists, LGBTQI+ persons, and others critical of Chechnya head Kadyrov.'^[footnote 10] For examples, see the [report \(https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/russia/\)](https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/russia/) (Section 1.B).

3.3.3 In the World Report 2022, covering events of 2021, Human Rights Watch reported: 'In April, Chechen security officials abducted Magomed Gadaev, an asylum seeker and key witness in a high-profile torture case against Chechnya's leadership, two days after France deported him to Russia. They took him to Grozny and apparently coerced him to refuse the services of his trusted lawyer. In June, a court sentenced him to 18 months' imprisonment on spurious weapons charges.'^[footnote 11]

3.3.4 See [Chechnya: journalists and NGOs](#) for further information about state treatment of these groups.

3.4 Detention

3.4.1 The USSD HR Report 2021 stated ‘There were reports that security services sometimes held detainees in incommunicado detention before officially registering the detention. This practice usually coincided with allegations of the use of torture to coerce confessions before detainees were permitted access to a lawyer. The problem was especially acute in the Republic of Chechnya, where incommunicado detention could reportedly last for weeks in some cases.’[\[footnote 12\]](#)

3.4.2 The report also noted the issue of abuse in pre-trial detention, stating, ‘The problem was especially acute in the North Caucasus. According to the Civic Assistance Committee, prisoners in the North Caucasus complained of mistreatment, unreasonable punishment, religious and ethnic harassment, and inadequate provision of medical care.’[\[footnote 13\]](#) The report added, ‘In the North Caucasus region, there were widespread reports that security forces abused and tortured both alleged militants and civilians in detention facilities.’[\[footnote 14\]](#)

3.4.3 Amnesty International’s annual report 2021 stated, ‘In February, brothers Salekh Magamadov and Ismail Isaev were abducted by police in Nizhnii Novgorod and taken to Chechnya where they were remanded on false charges of aiding an armed group. They complained of torture and other ill- treatment, but the Chechen authorities refused to open a criminal investigation.’[\[footnote 15\]](#)

3.5 Fair trial

3.5.1 The USSD HR Report 2021 noted, ‘Authorities particularly infringed on the right to a fair trial in Chechnya, where observers noted that the judicial system served as a means of conducting reprisals against those who exposed wrongdoing by Chechnya head Kadyrov.’[\[footnote 16\]](#)

3.5.2 An article published by Institute of Modern Russia (IMR) on 29 March 2022 reported that Russia had announced its withdrawal from the Council of Europe, noting that, ‘This will have a particularly strong impact on residents of the North Caucasus, for whom the ECHR remained the last resort where they could count on justice.’[\[footnote 17\]](#)

3.6 Family members of government critics

3.6.1 The USSD HR Report 2021 noted that ‘The law requires relatives of terrorists to pay the cost of damages caused by an attack, which human rights advocates criticized as collective punishment. Chechen Republic authorities reportedly routinely imposed collective punishment on the relatives of alleged terrorists, including by expelling them from the republic.’[\[footnote 18\]](#)

3.6.2 In the World Report 2022, covering events of 2021, Human Rights Watch reported on the case of Salekh Magamadov and Ismail Isaev who posted anti-government messages on social media, noting that ‘In March, Chechen authorities temporarily detained and threatened their family members.’^[footnote 19]

3.6.3 On 28 December 2021, Open Caucasus Media (OC Media), a news outlet focussing on the North and South Caucasus, reported on actions taken against family members of government critics:

‘Up to 50 family members of government critics may have been abducted in Chechnya in a wave of mass kidnappings that began on 22 December.

Chechnya Head Ramzan Kadyrov acknowledged reports of the abductions but brushed them off as potential reprisals against “personal insults”...

‘Law enforcement agencies have yet to comment on the abduction reports. ‘The head of Chechnya, Ramzan Kadyrov, meanwhile equivocally responded to a question about kidnappings at a press conference yesterday.

“I also saw these reports and asked the Rosgvardiya [Russian National Guard] and FSB [Russian Federal Security Service] - they do not know [anything about it] either. If they were kidnapped, then we will look for them”, Kadyrov commented on the issue.

“They [opposition bloggers] should understand that if they touch the honour of my family, I will never leave this person at peace, even at the risk of being put on trial. Probably, those they insulted are the ones who took their relatives”.^[footnote 20]

3.6.4 On 2 February 2022, The Guardian published an article which stated:

‘A Chechen politician has threatened to “rip the heads off” the family of an anti-torture activist whose mother was arrested and forcibly returned to the tightly controlled republic.

‘Zarema Musayeva, the mother of Abubakar Yangulbayev, an exiled former lawyer for the Committee Against Torture, was detained by Chechen forces in mid-January in the Russian city of Nizhny Novgorod...

‘Police said Musayeva was detained in connection to an old fraud case. But after Kadyrov alleged the 59-year-old attacked a police officer and “almost rid him of an eye”, a Chechen court on Wednesday ruled she would be behind bars for two months.

‘Chechen authorities accuse another one of their sons of leading an anti-Kadyrov social media account from abroad...

‘Following the arrest, Kadyrov vowed to go after the entire Yangulbayev family. “This little family has a place waiting for them either in prison, or under ground,” he wrote on Telegram the day after the arrest...

‘Yangulbayev has alleged that in 2015 he was taken to Kadyrov’s residence with his sons, where they were beaten. He said one of his sons was tortured and beaten by Kadyrov himself, and said he came home “almost not alive”.’^[footnote 21]

3.6.5 See [Chechnya: Chechens abroad](#) for further information on this subject.

3.7 Chechens abroad

3.7.1 In the ‘Freedom in the World’ 2022 report, Freedom House noted human rights abuses carried out by Chechen leader, Ramzan Kadyrov, and added, ‘...his activity sometimes extends to other parts of Russia and foreign countries, where Kadyrov is suspected of arranging the assassination of asylum seekers and political opponents living in exile.’^[footnote 22]

3.7.2 In an undated report, Amnesty International stated, ‘Ramzan Kadyrov’s critics are not safe abroad either, and numerous suspicious attacks and assassinations which appear to have been instigated from Chechnya, have been reported.’^[footnote 23] Examples can be found in the [report \(https://www.amnesty.org.uk/urgent-actions/russian-federation-victim-videod-torture-still-missing-salman-tepsurkaev\)](https://www.amnesty.org.uk/urgent-actions/russian-federation-victim-videod-torture-still-missing-salman-tepsurkaev).

3.7.3 In September 2019, The Guardian published an article which stated:

‘Zelimkhan Khangoshvili spent a long time living on the edge. He survived several years of partisan warfare against Russian forces in Chechnya during the early 2000s. He survived an assassination attempt in Georgia’s capital Tbilisi in 2015, a spray of bullets hitting him in the arm and shoulder. He survived a stint living in Ukraine, where he was tipped off about another planned attack and went into hiding. Finally, he arrived in Germany towards the end of 2016, and breathed a sigh of relief...

‘But it was here, in the centre of Europe, that Khangoshvili finally met his end. Late last month, shortly after leaving home to go to the mosque, a man approached him in Berlin’s Kleiner Tiergarten and shot him twice in the head. He died immediately.

‘The suspected assassin ... was travelling on a Russian passport apparently issued under a false identity, boosting suspicions about a hit ordered by Russian security services or by the Kremlin-backed leader of Chechnya, Ramzan Kadyrov...

‘Khangoshvili was the latest in a trail of killings over the past decade in which insurgency figures and other enemies of Kadyrov have been shot dead, wherever they may be hiding...

‘[In 2009], a political rival to Kadyrov, Sulim Yamadayev, was shot dead in Dubai. Local police accused a Chechen politician close to Kadyrov of supplying the murder weapon. There have been half a dozen prominent Chechens killed in Istanbul over the past decade, with Turkish authorities believing Russian security services are involved. And in Ukraine, where Chechens have joined volunteer battalions fighting pro-Russian forces, the Chechen fighter Amina Okuyeva was killed in an ambush of

her car in 2017. Her husband and battalion commander, Adam Osmayev, was wounded but survived. Previously, the pair had been targeted by a Chechen hitman pretending to be a French journalist from Le Monde who had come to interview them.'^{[[footnote 24](#)]}

Annex A

Interview questions

Official – sensitive: Start of section

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

Official – sensitive: End of section

Terms of Reference

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

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

- Chechnya
 - Head of state
 - Groups at risk, eg journalists / bloggers and NGOs, and state actions taken
 - Detention conditions and treatment in detention
 - Possibility of a fair trial / avenues of redress

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Version control

Clearance

Below is information on when this note was cleared:

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Official – sensitive: Start of section

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

Official – sensitive: End of section

Changes from last version of this note

This is the first CPIN produced on this subject.

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TAB H

RUSSIA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Russian Federation has a highly centralized, authoritarian political system dominated by President Vladimir Putin. The bicameral Federal Assembly consists of a directly elected lower house (State Duma) and an appointed upper house (Federation Council), both of which lack independence from the executive. The 2018 presidential election and the September 19 State Duma elections were marked by accusations of government interference and manipulation of the electoral process, including the exclusion of meaningful opposition candidates.

The Ministry of Internal Affairs, Federal Security Service, Investigative Committee, Office of the Prosecutor General, and National Guard are responsible for law enforcement. The Federal Security Service is responsible for state security, counterintelligence, and counterterrorism, as well as for fighting organized crime and corruption. The national police force, under the Ministry of Internal Affairs, is responsible for combating all crime. The National Guard assists the Federal Security Service's Border Guard Service in securing borders, administers gun control, combats terrorism and organized crime, protects public order, and guards important state facilities. The National Guard also participates in armed defense of the country's territory in coordination with Ministry of Defense forces. Except in rare cases, security forces generally report to civilian authorities. National-level civilian authorities maintained, at best, limited control over security forces in the Republic of Chechnya, which are accountable only to the head of Chechnya, Ramzan Kadyrov. There were credible reports that members of the Russian security forces committed numerous human rights abuses.

The country's occupation and purported annexation of Ukraine's Crimean Peninsula continued to affect the human rights situation there significantly and negatively. The Russian government continued to arm, train, lead, and fight alongside Russia-led separatist forces in eastern Ukraine. Authorities also conducted politically motivated arrests, detentions, and trials of Ukrainian citizens in Russia, many of whom claimed to have been tortured (see *Country Reports on Human Rights Practices* for Ukraine).

Significant human rights issues included credible reports of: extrajudicial killings and attempted extrajudicial killings, including of lesbian, gay, bisexual, transgender, queer, and intersex persons in Chechnya by local government authorities; enforced disappearances by or on behalf of government authorities; pervasive torture by government law enforcement officers that sometimes resulted in death and occasionally involved sexual violence or punitive psychiatric incarceration; harsh and life-threatening conditions in prisons; arbitrary arrest and detention; political and religious prisoners and detainees; politically motivated reprisals against individuals located outside the country; severe arbitrary interference with privacy; severe suppression of freedom of expression and media, including violence against journalists and the use of “antiextremism” and other laws to prosecute peaceful dissent and religious minorities; severe restrictions on internet freedom; severe suppression of the freedom of peaceful assembly; severe suppression of freedom of association, including overly restrictive laws on “foreign agents” and “undesirable foreign organizations”; severe restrictions of religious freedom; refoulement of refugees; inability of citizens to change their government peacefully through free and fair elections; severe limits on participation in the political process, including restrictions on opposition candidates’ ability to seek public office and conduct political campaigns, and on the ability of civil society to monitor election processes; widespread corruption at all levels and in all branches of government; serious government restrictions on and harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence and violence against women; trafficking in persons; crimes involving violence or threats of violence targeting persons with disabilities, members of ethnic and religious minorities, and lesbian, gay, bisexual, transgender, intersex, and queer persons.

The government failed to take adequate steps to identify, investigate, prosecute, or punish most officials who committed abuses and engaged in corruption, resulting in a climate of impunity.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were several reports the government or its agents committed, or attempted to commit, arbitrary or unlawful killings. Impunity was a significant problem in investigating whether security force killings were justifiable (see section 1.e.).

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

In an investigation published on January 27, *Bellingcat*, *The Insider*, and *Der Spiegel* implicated several of the same FSB officials in the deaths of at least two other Russian activists between 2014 and 2019: Timur Kuashev, a journalist critical of Russia's invasion of Crimea who died in 2014, and Ruslan Magomedragimov, an activist for the Lezgin ethnic minority group who died in 2015. According to reporting at the time, both died of apparent poisoning, although neither death was investigated by authorities as suspicious. In another joint investigation, *Bellingcat*, *The Insider*, and *Der Spiegel* reported on February 12 that some of the same FSB officials had followed opposition activist Vladimir Kara-Murza immediately preceding his poisoning with an unknown substance in two assassination attempts in 2015 and 2017. On June 10, *Bellingcat* and *The Insider* reported that the same FSB officers were also implicated in the 2019 poisoning and near death of writer, journalist, and Russian government critic Dmitriy Bykov.

Credible nongovernmental organizations (NGOs) and independent media outlets continued to publish reports indicating that, from December 2018 to January 2019, local authorities in the Republic of Chechnya renewed a campaign of violence against individuals perceived to be members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. In February the news outlet *Novaya Gazeta* published information corroborating previous reports that Chechen security officials extrajudicially executed 27 residents of the Republic of Chechnya in 2017. As part of its investigation into the abuses, *Novaya Gazeta* interviewed former Chechen police sergeant Suleyman Gezmakhmayev, who testified that his police regiment, the Akhmat Kadyrov Police Patrol Service Regiment, carried out mass arrests and some of the extrajudicial killings of the 27 residents between December 2016 and January 2017. Media reported that Chechen police officers subsequently sought to force Gezmakhmayev to recant his testimony by putting pressure on relatives who remained in Chechnya. On March 15, presidential press secretary Dmitriy Peskov told reporters that the government was aware of *Novaya Gazeta*'s investigations into the extrajudicial executions in Chechnya but did not have the prerogative to investigate. Media outlets reported that the former head of the regiment, Aslan Iraskhanov, was appointed head of Chechnya's police at the end of March. According to human rights organizations, as of December authorities had failed to open investigations into the allegations or reports of extrajudicial killings and mass torture of LGBTQI+ persons in Chechnya and continued to deny there were any LGBTQI+ persons in the republic.

There were multiple reports that, in some prison colonies, authorities systematically tortured inmates (see section 1.c.), in some cases resulting in death or suicide. According to media reports, on February 27, a prisoner, Adygzhy Aymyr-ool, was found dead at the Irkutsk Penal Colony No. 25 (IK-25) prison with signs of torture on his body. Relatives of Aymyr-ool told media that he had previously complained of beatings and poor detention conditions. The Federal Penitentiary System Office of the Irkutsk Region told media it would investigate the cause of his death but denied reports detailing signs of a violent death. On October 5, the human rights group Gulagu.net announced it had obtained more than 1,000 leaked videos showing Russian prison officials torturing and sexually abusing inmates or forcing inmates to subject other inmates to such abuse in the Saratov region and elsewhere.

There were reports that the government or its proxies committed, or attempted to commit, extrajudicial killings of its opponents in other countries. On February 19, Ukraine filed a complaint against the Russian Federation in the European Court of Human Rights (ECHR) for its role in the “political assassinations of opponents.” Ukraine claimed that “operations to target the alleged opponents of the Russian state are carried out in Russia and on the territory of other states, including the member states of the Council of Europe, outside the situation of armed conflict.” On December 15, a German court sentenced a Russian citizen, Vadim Krasikov, to life in prison for killing a former Chechen rebel commander of Georgian nationality, Zelimkhan Khangoshvili, in a Berlin park in 2019. Prosecutors claimed that Krasikov traveled to Germany under an alias and belonged to a special unit of the FSB. The presiding judge concluded that “the central government of the Russian Federation was the author of this crime.”

The country continued to engage in armed conflict in eastern Ukraine, where human rights organizations attributed thousands of civilian deaths, widespread displacement of persons, and other abuses to Russia-led forces. Russian occupation authorities in Crimea also committed widespread abuses (see *Country Reports on Human Rights Practices* for Ukraine).

Since 2015 the country’s armed forces conducted military operations, including airstrikes, in the conflict in Syria. According to human rights organizations, the country’s forces took actions, such as bombing urban areas, that intentionally targeted civilian infrastructure (see *Country Reports on Human Rights Practices* for Syria).

Since 2017 the country provided the Central African Republic Army unarmed military advisors under the auspices of parameters established by the UN Security Council sanctions regime. According to a report presented by the UN Panel of Experts on the Central African Republic to the UN Security Council Committee on May 20, the Russian advisors actively participated in, and often led, combat operations on the ground and participated in abuses against civilians, including cases of excessive use of force, harsh interrogation tactics, numerous killings of civilians, and looting of homes on a large scale (see *Country Reports on Human Rights Practices* for the Central African Republic).

The news website Caucasian Knot reported that violent confrontations with security forces resulted in at least 19 deaths in the North Caucasus during the first half of the year. Chechnya was the most affected region, with five law enforcement officers injured and six suspected armed insurgents killed.

b. Disappearance

There were reports of disappearances perpetrated by or on behalf of government authorities. Enforced disappearances for both political and financial reasons continued in the North Caucasus. According to the August 2020 report of the UN Working Group on Enforced or Involuntary Disappearances, there were 896 outstanding cases of enforced or involuntary disappearances in the country.

There were reports that police committed enforced disappearances and abductions during the year.

Security forces were allegedly complicit in the kidnapping and disappearance of individuals from Central Asia, whose forcible return was apparently sought by their governments (see section 2.f., Protection of Refugees).

There were continued reports of abductions and torture in the North Caucasus, including of political activists, LGBTQI+ persons, and others critical of Chechnya head Kadyrov. For example, in September 2020 Salman Tepsurkayev, a 19-year-old Chechen activist and moderator of 1ADAT, a social media channel that was highly critical of Kadyrov, was kidnapped and subjected to abuse and humiliation in a disturbing video, reportedly by officers of the Akhmat Kadyrov Post and Patrol Service Regiment of the Chechen Police. Media outlets reported in January that the Investigative Committee of Gelendzhik in Krasnodar Krai opened an investigation into Tepsurkayev's disappearance. As of December, however, Tepsurkayev's whereabouts were unknown. On October 19, the ECHR found Russian state agents responsible for the disappearance and torture of Tepsurkayev and ordered the Russian Federation to pay 26,000 euros (\$29,900) in compensation.

On June 23, the ECHR ordered Russia to pay damages of almost two million euros (\$2.3 million) to the relatives of 11 persons, mainly from the ethnic Avar minority, who went missing in Chechnya in 2005 during an operation by a military unit

composed of ethnic Chechens. In its ruling, the ECHR stated that Russia had violated several articles of the European Convention on Human Rights, including the right to life.

There were reports Russia-led forces and Russian occupation authorities in Ukraine engaged in enforced disappearances (see *Country Reports on Human Rights Practices* for Ukraine).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution prohibits such practices, numerous credible reports indicated law enforcement officers engaged in torture, abuse, and violence to coerce confessions from suspects, and authorities only occasionally held officials accountable for such actions.

There were reports of deaths because of torture (see section 1.a., above).

Physical abuse of suspects by police officers was reportedly systemic and usually occurred within the first few days of arrest in pretrial detention facilities. Reports from human rights groups and former police officers indicated that police most often used electric shocks, suffocation, and stretching or applying pressure to joints and ligaments because those methods were considered less likely to leave visible marks. The problem was especially acute in the North Caucasus. According to the Civic Assistance Committee, prisoners in the North Caucasus complained of mistreatment, unreasonable punishment, religious and ethnic harassment, and inadequate provision of medical care.

There were reports that police beat or otherwise abused persons, in some cases resulting in their death. Police used excessive force and harsh tactics to encircle and detain protesters during countrywide protests in late January and early February calling for the release of Aleksey Navalny, who was detained on January 17 upon his return to Russia and sentenced to prison on February 2 (see section 1.d.). On April 26, the online news outlet *Meduza* published an article detailing multiple instances of excessive use of force and harsh treatment against detainees held in custody during the April 21 protests in St. Petersburg. In one example,

police detained a protester for filming the arrests and shocked him with a taser on the way to the police van, “triggering symptoms of cardiac arrhythmia,” according to *Meduza*.

There were reports that law enforcement officers used torture, including sleep deprivation, as a form of punishment against detained opposition and human rights activists, journalists, and critics of government policies. For example, on March 31, Navalny initiated a hunger strike to protest authorities’ failure to provide him a requested medical examination and treatment for pain and loss of mobility in his legs after he was transferred on March 15 to the Penal Colony No. 2 (IK-2) in the Vladimir region (see section 1.d., Arbitrary Arrest and Detention). Prison authorities also subjected Navalny for months to hourly wake-ups through the night by prison authorities on the pretense that he was a “flight risk.” Navalny likened this treatment to torture through sleep deprivation. On April 23, he ended his hunger strike after being permitted access to outside medical care. On June 28, a Moscow district court rejected Navalny’s request to be removed from the “prone to escape” list. Navalny continued to be treated as a flight risk until October 11, when he was instead designated an extremist and a terrorist.

Several activists affiliated with Navalny and his political activities or the Anticorruption Foundation also reported being tortured or abused by security officials while in their custody. Alena Kitayeva, a volunteer for Navalny associate Lyubov Sobol, who was issued a 12-day administrative arrest in February, accused police officers of torture after they placed a bag over her head and threatened her with a stun gun if she did not provide them her cell phone password.

In several cities police reportedly subjected members of Jehovah’s Witnesses, a religious group banned without basis under antiextremism laws, to physical abuse and torture during and following their arrest. For example, on October 4, during coordinated home raids by Interior Ministry and National Guard forces targeting members of Jehovah’s Witnesses in Irkutsk, four members of the group alleged that they were severely beaten, one of whom additionally alleged he was tortured. One member, Anatoliy Razdabarov, was allegedly kicked in the head and kidneys and threatened with rape, while his wife Greta was dragged by her hair before being beaten. Nikolay Merinov was hit in the face with a blunt object, breaking one of his teeth and knocking him unconscious. When he regained consciousness,

an officer was sitting on him and beating him. Merinov's wife Liliya reported she was also dragged by her hair and physically assaulted.

There were reports of the FSB using torture against young “anarchists and antifascist activists” who were allegedly involved in several “terrorism” and “extremism” cases.

In the North Caucasus region, there were widespread reports that security forces abused and tortured both alleged militants and civilians in detention facilities. For example, on October 24, newspaper *Novaya Gazeta* reported on the case of Salman Mukayev, a Chechen man who was detained and allegedly tortured in 2020 because security forces, based on a text message, believed him to be gay. The officers reportedly suffocated Mukayev with a bag, kicked him, subjected him to electric shocks for hours and attempted to co-opt him to identify members of the LGBTIQI+ community in Chechnya. After his release, Mukayev fled Russia.

There were reports of authorities detaining defendants for psychiatric evaluations to exert pressure on them or sending defendants for psychiatric treatment as punishment. Prosecutors and certified medical professionals may request suspects be placed in psychiatric clinics on an involuntary basis. For example, on January 27, authorities forcibly hospitalized Siberian shaman Aleksandr Gabyshev after he renewed his 2019 calls to “expel” Vladimir Putin from power and missed a court-mandated appointment related to his May 2020 detention (see *Country Reports on Human Rights Practices for Russia for 2020*). In mid-March the Yakut psychiatric hospital declared Gabyshev insane. On July 26, the Yakutsk City Court ruled that Gabyshev be confined indefinitely to a psychiatric hospital for compulsory intensive treatment.

Reports of nonlethal physical abuse and hazing continued in the armed forces. Activists reported such hazing was often tied to extortion schemes. On May 27, the online media outlet 29.ru published an article describing the abuse of a 21-year-old conscript, Dmitriy Lapenkov, who was serving in the city of Yurga in Kemerovo Oblast. Lapenkov's mother told the outlet he was subjected to severe hazing, including being forced to take an unknown tablet and call relatives to ask for large sums of money. He was subsequently transferred to a psychiatric hospital in the city of Novosibirsk in an incoherent state. His mother claimed he had

sustained a brain injury because of beating.

There were reports that Russia-led forces in Ukraine's Donbas region and Russian occupation authorities in Crimea engaged in torture (see *Country Reports on Human Rights Practices* for Ukraine).

Impunity was a significant problem in the security forces. In most cases where law enforcement officers or other government officials were publicly implicated in human rights abuses, authorities denied internal and external requests for independent investigation and engaged in disinformation campaigns or other efforts to obfuscate such allegations. The government's propensity to ignore serious human rights allegations along with the uneven application of the rule of law and a lack of judicial transparency resulted in impunity for most perpetrators.

The few investigations into official abuses that were conducted often concerned allegations of torture in detention and pretrial detention facilities that were exposed by whistleblowers or independent media. For example, on June 28, the Kanavinskiy District Court of Nizhny Novgorod sentenced former police officers Aleksey Khrulev and Nikolay Atamashko to two and one-half years in prison for abuse of office with violence. In 2015 the officers detained and beat Leonid Murskiy until he signed a confession for selling drugs.

Prison and Detention Center Conditions

Conditions in prisons and detention centers varied but were often harsh and life threatening. Overcrowding, abuse by guards and inmates, limited access to health care, food shortages, and inadequate sanitation were common in prisons, penal colonies, and other detention facilities.

Physical Conditions: Prison overcrowding remained a serious problem. While the law mandates the separation of women and men, juveniles and adults, and pretrial detainees and convicted prisoners in separate quarters, anecdotal evidence indicated not all prison facilities followed these rules. In March 2020 Amnesty International stated that prisons' overcrowding, poor ventilation, and inadequate health care and sanitation led to a high risk of COVID-19 infection among prisoners and detainees. According to a Council of Europe report released on April 8, the mortality rate of the Russian prison population in 2019 increased by

more than 12 percent, compared with the previous year.

Physical and sexual abuse by prison guards was systemic. For example, on February 8, media outlets reported that the Russian Investigative Committee brought charges of torture and extortion against the former head and staff of detention center No. 1 in Makhachkala. According to an investigation conducted from 2015 to 2019, the former head of the center, Daud Davydov, and two of his subordinates regularly beat a former investigator of the Investigative Committee, who was himself accused of torture and illegal imprisonment. The detention center officials faced charges of abuse of power with the use of violence, extortion, fraud with the use of an official position, and bribery by a group of persons. As of October no date was set for the court case.

Prisoner-on-prisoner violence was also a problem. For example, the lawyer of Pavel Sheremet, a detainee in the regional tuberculosis hospital No. 1 in Saratov, told media that inmates at the facility beat and sexually assaulted Sheremet on June 3. Media outlets reported that the prosecutor's office of the Saratov Region initiated an investigation into the allegations, although as of October no further information was available on the outcome of the case.

There were reports prison authorities recruited inmates to abuse other inmates. For example, on March 3, authorities detained the head of the Irkutsk penal colony No. 6 (IK-6) after reports emerged that he condoned the rape and beating of prisoner Takhirzhon Bakiyev by prison staff. According to media reporting, on January 20, after transferring to IK-6 from another facility, Bakiyev was placed in a "torture squad," where, with the knowledge and complicity of the prison guards, his cellmates then proceeded to rape and beat him before tying him up. Videos obtained by the NGO Gulagu.net in October documented numerous cases of prisoners in the Saratov region being enlisted or coerced by prison officials to abuse and in some cases rape other inmates.

Overcrowding, ventilation, heating, sanitation, and nutritional standards varied among facilities but generally were poor. Opportunities for movement and exercise in pretrial detention were minimal. Potable water was sometimes rationed, and food quality was poor; many inmates relied on food provided by family or NGOs. Access to quality medical care remained a problem. For

example, in early April the former governor of Khabarovsk Kray, Sergey Furgal, contracted COVID-19 while detained in the Lefortovo pretrial detention center, according to his lawyer. NGOs reported that approximately 50 percent of prisoners with HIV did not receive adequate treatment, with treatment provided only to inmates with a CD4 white blood cell count below a certain level. NGOs reported the supplies of some antiretroviral drugs were occasionally interrupted.

There were reports that political prisoners were placed in particularly harsh conditions and subjected to punitive treatment within the prison system, such as solitary confinement or punitive stays in psychiatric units. For example, on March 2, the *New York Times* reported that prisoners in the isolation unit of penal colony IK-2, including Aleksey Navalny, were forced to stand for hours with their hands clasped behind their backs and were forbidden from making eye contact with prison guards. Former political prisoners described having to carry out meaningless tasks multiple times a day and being sent to the “punishment brigade” for minor infractions, conditions that one prisoner described as psychologically harrowing. In March media outlets reported that authorities issued 20 violations to Navalny in his first month of prison, including for getting out of bed 10 minutes before the scheduled “wake up” command. On January 20, Navalny filed a complaint to the ECHR concerning the poor conditions of his detention center, which he characterized as a “friendly concentration camp.” On April 16, the ECHR gave the government of Russia notice it should respond by July 12. No public announcement concerning Russia’s response had been made by year’s end.

During the year media coverage of multiple allegations of torture at several penal colonies and testimony from victims and their family members prompted investigations by the Federal Penitentiary System. In one example, on February 23, the Investigative Committee opened an investigation into abuse of power after media published two videos of abuse at penal colony No. 1 (IK-1) in Yaroslavl. Staff at the prison had previously been convicted of torture-related crimes stemming from a separate 2018 video depicting the abuse of an inmate. In May media outlets reported that the Investigative Committee had detained 10 staff members of the IK-1 prison, although as of July, no information was available on the outcome of the investigation. On October 5, after the release of numerous videos depicting the torture and rape of inmates in the Saratov regional

tuberculosis hospital No. 1, the Federal Penitentiary System opened an investigation into abuses at the facility.

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

Convicted inmates and individuals in pretrial detention have visitation rights, but authorities may deny visitation depending on circumstances. By law prisoners with harsher sentences are allowed fewer visitation rights. The judge in a prisoner's case may deny the prisoner visitation. Authorities may also prohibit relatives deemed a security risk from visiting prisoners. Some pretrial detainees believed authorities sometimes denied visitation and telephone access to pressure them into providing confessions.

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

By law members of oversight commissions have the right to videotape and photograph inmates in detention facilities and prisons with their written approval. Commission members may also collect air samples, conduct other environmental inspections, conduct safety evaluations, and access prison psychiatric facilities. The law permits human rights activists not listed in public oversight commissions to visit detentions centers and prisons. The NGO Interregional Center for Women's Support, working with detained migrants, noted that only after a specific detainee submits a request and contacts the NGO may the organization obtain permission to visit a given detention center.

Authorities allowed the Council of Europe's Committee for the Prevention of

Torture to visit the country's prisons and release some reports on conditions but continued to withhold permission for it to release all recent reports.

There were reports of authorities prosecuting journalists and activists for reporting torture. For example, Vladimir Taranenko, an employee of the human rights organization Siberia Pravovaya detained in pretrial detention facility No. 1 of the Kemerovo region on extortion charges, told media on July 6 that he had been tortured by prison authorities who sought access to the Siberia Pravovaya YouTube channel. Siberia Pravovaya provides legal assistance to convicts and prisoners and publishes accounts of prison abuse on its YouTube channel, and human rights defenders alleged that Taranenko was prosecuted on fabricated charges because of his activism.

d. Arbitrary Arrest or Detention

While the law prohibits arbitrary arrest and detention, authorities engaged in these practices with impunity. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention, but successful challenges were rare.

Arrest Procedures and Treatment of Detainees

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

After an arrest, police typically took detainees to the nearest police station, where they informed them of their rights. Police must prepare a protocol stating the grounds for the arrest, and both the detainee and police officer must sign it within three hours of detention. Police must interrogate detainees within the first 24 hours of detention. Prior to interrogation, a detainee has the right to meet with an attorney for two hours. No later than 12 hours after detention, police must notify the prosecutor. They must also give the detainee an opportunity to notify his or her relatives by telephone unless a prosecutor issues a warrant to keep the detention secret. Police are required to release a detainee after 48 hours, subject to bail

conditions, unless a court decides, at a hearing, to prolong custody in response to a motion filed by police not less than eight hours before the 48-hour detention period expires. The defendant and his or her attorney must be present at the court hearing, either in person or through a video link. In May the State Duma adopted and President Putin signed into law amendments to the penal code that prohibit lawyers from bringing “communications technologies on the grounds of a correctional institution,” effectively barring lawyers from bringing their cell phones or other recording devices into detention facilities when meeting with their clients.

Except in the North Caucasus, authorities generally respected the legal limitations on detention. There were reports of occasional noncompliance with the 48-hour limit for holding a detainee. At times authorities failed to issue an official detention protocol within the required three hours after detention and held suspects longer than the legal detention limits.

By law police must complete their investigation and transfer a case to a prosecutor for arraignment within two months of a suspect’s arrest, although an investigative authority may extend a criminal investigation for up to 12 months. Extensions beyond 12 months need the approval of the head federal investigative authority in the Ministry of Internal Affairs, the FSB, or the Investigative Committee and the approval of the court. According to some defense lawyers, the two-month time limit often was exceeded, especially in cases with a high degree of public interest.

Detainees had trouble obtaining adequate defense counsel. While the law provides defendants the right to choose their own lawyers, investigators sometimes did not respect this provision, instead designating lawyers friendly to the prosecution. These “pocket” defense attorneys agreed to the interrogation of their clients in their presence while making no effort to defend their clients’ legal rights. For example, on July 6, Aleksey Vorsin, an opposition activist and former head of Aleksey Navalny’s Khabarovsk headquarters, was denied his request to replace his court-appointed public defender with legal representation of his choosing on procedural grounds. Vorsin was charged with repeated participation in protests and received a three-year suspended sentence. Moscow-based international human rights organization Memorial, which regularly publishes a list of political prisoners in Russia, considered Vorsin’s incarceration politically motivated.

In many cases, especially in more remote regions, defense counsel was not available for indigent defendants. Judges usually did not suppress confessions taken without a lawyer present. Judges at times freed suspects held in excess of detention limits, although they usually granted prosecutors' motions to extend detention periods.

There were reports that security services sometimes held detainees in incommunicado detention before officially registering the detention. This practice usually coincided with allegations of the use of torture to coerce confessions before detainees were permitted access to a lawyer. The problem was especially acute in the Republic of Chechnya, where incommunicado detention could reportedly last for weeks in some cases.

Media reported that police used facial recognition technology to detain several individuals days after public demonstrations, with some instances of misidentification leading to the arrest of the wrong individuals. For example, the internet freedom NGO Roskomsvoboda published an interview on July 16 with a Moscow municipal deputy, Vladimir Zalishchak, who, after attending the January 23 demonstrations in Moscow as a representative of the state, was arrested by police based on facial recognition software placing him at the protest. A court quickly sentenced Zalishchak to 15 days' detention without permitting him access to a lawyer. Media outlets reported that Moscow police also detained several activists and journalists identified using facial recognition technology as attendees of the peaceful rally in support of Navalny on April 21. The director of Amnesty International's Moscow office, Natalia Zviagina, characterized the use of facial recognition technology to identify and target protesters as "extremely disturbing."

There were also reports that authorities targeted lawyers involved in the defense of political prisoners. For example, on April 30, security forces searched the hotel room of human rights lawyer Ivan Pavlov and detained him for allegedly disclosing data related to the case of former *Kommersant* journalist Ivan Safronov (see the *Country Reports on Human Rights Practices* for Russia for 2020), a charge he denied. On July 17, Komanda 29 (Team 29), the lawyer's association led by Pavlov, announced its decision to legally dissolve after the Prosecutor General's Office blocked its website on July 16 for allegedly affiliating with the Czech NGO Spolecnost Svobody Informace (Freedom of Information Society),

which was designated an “undesirable foreign organization” on June 29 (see section 2.b.).

Arbitrary Arrest: There were many reports of arbitrary arrest or detention, often in connection with demonstrations or single-person pickets, such as those organized January 23 and 31 and February 2 and 14 calling for Navalny’s release (see section 1.e., Political Prisoners and Detainees, and section 2.b., Freedom of Assembly).

On February 4, police in the city of Nizhny Novgorod arrested 20-year-old Salekh Magamadov and 17-year-old Ismail Isayev and forcibly transferred them to Chechnya, where their whereabouts were unknown to their lawyers and family members for several days. According to human rights organizations, the two men were targeted for having operated a social media channel critical of the government and for their real or perceived sexual orientation and gender identity. As of December, Magamadov and Isayev remained in detention in Chechnya’s capital Grozny for having allegedly aided an illegal armed group, charges that human rights organizations called fabricated.

Police detained single-person picketers in Moscow and other regions of the country. In one example, on February 2, police in Mari El opened a case against the leader of the For New Socialism movement, Dmitriy Mishin, for “violating the procedure for holding a picket” after he hung banners expressing support for Navalny on several snowmen. The charge was dropped on April 9. On August 21, at least eight journalists were detained while conducting separate single-person protests against the “media foreign agent” law outside FSB headquarters in Moscow.

During the year human rights monitoring groups reported an increase in so-called carousel arrests, in which police immediately rearrest protest participants upon exiting detention facilities after having completed court-ordered administrative sentences. In contrast to earlier cases of protesters being arrested multiple times, the new charges filed against these activists and journalists stemmed from the same underlying activities or events, allowing authorities to impose lengthy periods of detention for minor infractions. For example, OVD-Info reported that from May to July, members of the Pussy Riot movement were repeatedly sentenced up to the 15

days' maximum administrative detention for disobeying a police officer. One of the activists, Veronika Nikulshina, was sentenced three times in three months to 15-day detentions, including on July 2, the day after her release from a June 16 detention. Her lawyer speculated that the systematic detentions were intended to prevent the movement from organizing demonstrations during a European soccer championship match hosted in Russia.

There were reports that Russia-led forces and Russian occupation authorities in Ukraine engaged in arbitrary detention (see *Country Reports on Human Rights Practices* for Ukraine).

Pretrial Detention: Observers noted lengthy pretrial detention was a problem, but data on its extent were not available. By law pretrial detention may not normally exceed two months, but the court has the power to extend it to six months, as well as to 12 or 18 months if the crime of which the defendant is accused is especially serious. For example, Yuriy Savelyev, a member of the Jehovah's Witnesses, was held in pretrial detention from October 2019 to December 2020 prior to being sentenced to six years in prison for participating in the activities of a "banned extremist organization." Media outlets reported that the Eighth Cassation Court of Kemerovo ruled on March 29 that his lengthy pretrial detention was illegal.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law a detainee may challenge the lawfulness of detention before a court. Due to problems with judicial independence (see section 1.e.), however, judges typically agreed with the investigator and dismissed defendants' complaints.

e. Denial of Fair Public Trial

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

There were reports of pressure on defense attorneys representing clients who were being subjected to politically motivated prosecution and other forms of reprisal. According to a 2019 report from the Agora International Human Rights Group, it

was common practice for judges to remove defense attorneys from court hearings without a legitimate basis in retaliation for their providing clients with an effective defense. The report also documented a trend of law enforcement authorities using physical force to interfere with the work of defense attorneys, including the use of violence to prevent them from being present during searches and interrogations.

Trial Procedures

The law provides for the right to a fair and public trial, but executive interference with the judiciary and judicial corruption undermined this right.

The defendant has a legal presumption of innocence and the right to a fair, timely, and public trial, but these rights were not always respected. Defendants have the right to be informed promptly of charges and to be present at the trial. The law provides for the appointment of an attorney free of charge if a defendant cannot afford one, although the high cost of legal service meant that lower-income defendants often lacked competent representation. A Yekaterinburg-based legal and human rights NGO indicated many defense attorneys did not vigorously defend their clients and that there were few qualified defense attorneys in remote areas of the country. Defense attorneys may visit their clients in detention, although defense lawyers claimed authorities electronically monitored their conversations and did not always provide them access to their clients. Prior to trial, defendants receive a copy of their indictment, which describes the charges against them in detail. They also may review their file following the completion of the criminal investigation.

Non-Russian defendants have the right to free interpretation as necessary from the moment charged through all appeals, although the quality of interpretation was typically poor. During trial the defense is not required to present evidence and is given an opportunity to cross-examine witnesses and call defense witnesses, although judges may deny the defense this opportunity. Defendants have the right not to be compelled to testify or confess guilt and have the right of appeal.

The law provides for trial by jury in criminal cases if the defendant is charged with murder, kidnapping, narcotics smuggling, and certain other serious crimes. Nonetheless, trials by jury remained rare, and most verdicts and sentences were

rendered by judges. The acquittal rate in trials by jury was higher (23 percent in 2019) than in trials before a judge (0.34 percent in 2020), although acquittals by jury were sometimes overturned by judges in appellate courts.

The law allows prosecutors to appeal acquittals, which they did in most cases. Prosecutors may also appeal what they regard as lenient sentences.

Authorities particularly infringed on the right to a fair trial in Chechnya, where observers noted that the judicial system served as a means of conducting reprisals against those who exposed wrongdoing by Chechnya head Kadyrov.

In some cases judicial authorities imposed sentences disproportionate to the crimes charged. For example, on January 15, Pavel Zelenskiy, an employee of Navalny's Anticorruption Foundation, was detained and charged with "public calls for extremist activities" for writing a pair of tweets in response to the October 2020 suicide of journalist Irina Murakhtayeva (known professionally as Irina Slavina; see *Country Reports on Human Rights Practices* for Russia for 2020). A Moscow court sentenced Zelenskiy to two years in prison on April 16. Memorial considered Zelenskiy to be a political prisoner.

Political Prisoners and Detainees

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

As of December 7, Memorial's list of political prisoners contained 426 names, including 343 individuals who were allegedly wrongfully imprisoned for exercising freedom of religion or belief. Memorial estimated that the actual number of political prisoners in the country could be three to four times greater than the number on its list. Memorial's list included opposition activists and politicians, including Aleksey Navalny and his associates (see section 1.d.); journalists jailed for their work, such as members of the student publication *DOXA* and Chernovik editor Abdulmumin Gadzhiyev (see section 2.a.); human rights

activists jailed for their work, such as Yuriy Dmitriyev; many Ukrainians (including Crimean Tatars) imprisoned for their vocal opposition to the country's occupation of Crimea; individuals jailed for participating in the 2019 Moscow protests as well as the nationwide protests during the year; and members of Jehovah's Witnesses, certain Muslim groups, and other religious groups.

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

On January 17, authorities detained anticorruption campaigner Aleksey Navalny at the Sheremetyevo Airport upon his return to Moscow from Berlin where he had been recovering from his poisoning by a Novichok nerve agent (see section 1.a.). Russian authorities justified the detention with a December 2020 order for Navalny to "register" with authorities to stay in compliance with the terms of the suspended prison sentence he received following conviction in the Yves Rocher "money laundering" case, which was set to expire December 30. The ECHR had previously characterized Navalny's conviction in the Yves Rocher case as "arbitrary and manifestly unreasonable" and ordered the Russian government to pay Navalny compensation.

Alleging Navalny had violated the terms of his probation when he failed to appear, the Simonovskiy District Court of Moscow scheduled a hearing on January 29 to adjudicate the prison authorities' request that he serve out his suspended sentence – for which he had already served his time – in prison. Human rights experts believed at the time that authorities sought to discourage Navalny from returning to Russia ahead of the State Duma elections on September 19. Navalny nonetheless voluntarily returned on January 17. Independent Russian and international journalists accompanied him on his return flight and live-streamed his trip, including the plane's diversion from its original destination airport in an apparent attempt to avoid his awaiting supporters, as well as his detention by security

authorities at customs control.

After being delayed access to his lawyer, Navalny was sentenced on January 18 in a makeshift court hearing at the Khimki police station to 30 days in pretrial detention. Independent observers characterized the hearing as a “mockery of justice.” On February 2, the Simonovskiy District Court of Moscow ruled to convert Navalny’s suspended sentence into a prison sentence of three and one-half years, which was subsequently reduced to two years and eight months to account for the time he had previously spent under house arrest. During the hearing the prosecutor and prison authorities claimed not to know Navalny’s whereabouts in the fall of 2020, when he had been in a well publicized coma and receiving medical care in Germany following his poisoning by the Russian government.

On February 16, the ECHR issued a ruling that obliged Russian authorities to release Navalny from pretrial detention due to threats to his safety. Russian authorities dismissed the ECHR ruling as undue interference in the Russian judicial system and claimed it was without merit after a 2020 constitutional amendment gave Russian law primacy over international law or any treaty to which Russia is a party. On March 2, authorities transferred Navalny from the SIZO-1 detention center near Moscow to the penal colony No. 2 in the Vladimir Region, a prison notorious for having some of the harshest conditions in the country. In the subsequent months, Navalny’s associates reported that his health deteriorated and that prison authorities routinely restricted his access to his lawyers. The courts repeatedly denied Navalny’s efforts to appeal the basis for his detention or challenge the conditions of his detention. In response to the conditions of his detention, Navalny went on a hunger strike from March 31 to April 23 (see section 1.c.). At year’s end Navalny remained in prison. Memorial, Amnesty International, and other prominent human rights organizations considered Navalny to be a political prisoner.

According to Memorial, Navalny had been charged in 11 other politically motivated criminal cases since 2011. In one case, on February 20, a Moscow court found Navalny guilty of defamation after he criticized participants in a propaganda video supporting President Putin’s constitutional amendments package on social media (see *Country Reports on Human Rights Practices for Russia for 2020*). The court fined Navalny 850,000 rubles (\$11,500).

Politically Motivated Reprisal against Individuals Located Outside the Country

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: On August 6, a court in Austria sentenced an ethnically Chechen Russian citizen, Sarali Akhtayev, to life in prison after finding him guilty of murdering Chechen dissident Mamikhan Umarov near Vienna in July 2020. Investigators were unable to establish a definitive motive for the crime, although some members of the Chechen exile community in Austria believed the murder was politically motivated. In addition to maintaining a blog critical of Chechen leader Ramzan Kadyrov, Umarov had given testimony in murder trials involving Chechens. Soon after Umarov's death, purported relatives of Umarov released a video in which they took responsibility for Umarov's killing and called on Austrian authorities to release suspects held in connection with his murder.

On September 21, the ECHR ruled in favor of the widow of Russian whistleblower Aleksandr Litvinenko, who was fatally poisoned with the radioactive isotope polonium-210 in the United Kingdom in 2006, finding that the Russian government was responsible for Litvinenko's death. The court concluded there was a strong prima facie case that the two men who poisoned Litvinenko, Andrey Lugovoy and Dmitriy Kovtun, had been acting as agents of the Russian state. It noted that the Russian government had failed to provide any other satisfactory and convincing explanation of the events or to counter the findings of the British inquiry. The court also found that Russian authorities had not carried out an effective domestic investigation capable of leading to the establishment of the facts and, where appropriate, the identification and punishment of those responsible for the murder.

Threats, Harassment, Surveillance, and Coercion: On March 26, authorities detained Yuriy Zhdanov, the father of Navalny associate Ivan Zhdanov, for alleged abuse of office. On May 19, the Investigative Committee for the Arkhangelsk Region instead charged Zhdanov with the more serious charges of forgery and fraud on a large scale that carry up to 10 years in prison if convicted. On July 19, Zhdanov's pretrial detention was extended, and his trial did not commence until October 25. On December 20, Zhdanov was given a three-year suspended sentence and released nine months after his initial detention. Memorial recognized

Zhdanov as a political prisoner.

Misuse of International Law-enforcement Tools: There were credible reports that authorities attempted to misuse international law enforcement tools for politically motivated reprisal against specific individuals located outside the country. For example, on February 10, a Moscow court ordered the arrest of a prominent Navalny associate, Leonid Volkov, who resided in Lithuania at the time, on charges of encouraging minors to participate in unauthorized rallies, an offense that could be punished by up to three years in prison. The warrant was sent via Interpol to Lithuanian authorities, who refused to enforce it on the grounds that it was politically motivated.

On July 21 in Warsaw, Polish authorities detained Yevgeniy Khasoyev, a human rights activist from Buryatiya, at the request of Moscow's Interpol office. Khasoyev's lawyer told media that he was detained for 48 hours while a Polish court decided on Russia's extradition request. Khasoyev had left Russia in March after authorities charged him with "threatening violence against a government official." Khasoyev characterized the case as politically motivated and an effort to hinder his activism in Buryatiya, where he defended the interests of victims of police violence and those detained during pro-Navalny protests earlier in the year. On October 26, a Warsaw district court declined to extradite Khasoyev to Russia. According to Khasoyev, the judge said it was obvious Russian authorities were trying to defame Khasoyev because he had provided legal support to pro-Navalny protesters.

Civil Judicial Procedures and Remedies

Although the law provides mechanisms for individuals to file lawsuits against authorities for human rights violations, these mechanisms often were not effective. For example, the law provides that a defendant who has been acquitted after a trial has the right to compensation from the government. While this legal mechanism exists in principle, it was very cumbersome to use. Persons who believed their human rights were violated typically sought redress in the ECHR after domestic courts ruled against them. Amendments to the constitution that were approved in a nationwide vote in July 2020 and signed into law in December 2020 established the primacy of Russian domestic law over international law by providing that

decisions by interstate bodies interpreted in a manner contrary to the constitution are not enforceable in the country. Many experts interpreted the provision as giving Russian courts greater power to ignore rulings from international human rights bodies, including the ECHR; the courts had already set a precedent by declaring such bodies' decisions "nonexecutable."

Property Seizure and Restitution

The country has endorsed the Terezin Declaration on Holocaust Restitution but declined to endorse the 2010 Guidelines and Best Practices. No legislation or special mechanism in the country addresses the restitution of or compensation for private property; the same is true for heirless property. The government has laws in place providing for the restitution of cultural property, but according to the laws' provisions, claims may only be made by states and not individuals.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress, released publicly in July 2020, can be found on the Department's website at <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law forbids officials from entering a private residence except in cases prescribed by federal law or when authorized by a judicial decision. The law also prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his or her consent. While the law previously prohibited government monitoring of correspondence, telephone conversations, and other means of communication without a warrant, those legal protections were significantly weakened by laws passed after 2016 granting authorities sweeping powers and requiring telecommunications providers to store all electronic and telecommunication data (see section 2.a., Internet Freedom). Politicians from minority parties, NGOs, human rights activists, and journalists alleged that authorities routinely employed surveillance and other measures to spy on and intimidate citizens.

Law enforcement agencies required telecommunications providers to grant the

Ministry of Internal Affairs and the FSB continuous remote access to client databases, including telephone and electronic communications, enabling them to track private communications and monitor internet activity without the provider's knowledge. The law permits authorities with a warrant to monitor telephone calls in real time, but this safeguard was largely pro forma. The Ministry of Information and Communication requires telecommunications service providers to allow the FSB to tap telephones and monitor the internet. On July 1, President Putin signed into law a bill that allows security services to obtain data on the location of mobile telephones without a court order for a period of 24 hours, or 48 hours in the case of a missing minor. Prior to the adoption of this amendment, even though the Ministry of Information and Communication maintained that authorities would not access information without a court order, the FSB was not required to show it.

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

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

Authorities punished family members for offenses allegedly committed by their relatives. On January 27, police detained Aleksey Navalny's brother Oleg (see section 1.d.) the same day as police searched the houses of at least 13 Navalny associates, including those of his wife Yuliya and his colleague Lyubov Sobol, as well as the headquarters of "Navalny Live," Navalny's anticorruption YouTube channel. Critics characterized the police tactics as efforts to punish or pressure Navalny, who remained detained at the time. In subsequent months authorities exerted similar pressure on the families of Navalny's associates residing outside of the country, such as Leonid Volkov, Navalny's former campaign manager, and Ivan Zhdanov, the former director of the Anticorruption Foundation.

According to a December 2020 study by the information and analytical agency

TelecomDaily, the country had more than 13 million closed-circuit television cameras in 2020, with approximately one-third of these installed by the government and the rest by businesses and individuals to protect private property. By the end of 2020, approximately 200,000 government surveillance cameras were installed in Moscow and equipped with Russian-developed automated facial recognition software as part of its “Safe City” program. The system was initially installed in key public places, such as metro stations and apartment entrances, to scan crowds against a database of wanted individuals. During the demonstrations on April 21 (see section 1.d.), authorities used facial recognition data to identify protesters, sometimes incorrectly, days after the demonstration.

In 2020 the State Duma adopted a law to create a unified federal register containing information on all the country’s residents, including their names, dates and places of birth, and marital status. According to press reports, intelligence and security services would have access to the database in their investigations. There were reports that authorities threatened to remove children from the custody of parents engaged in political activism or some forms of religious worship, or parents who were LGBTQI+ persons. Several families reportedly left the country due to fear of arrest, although as of October no related arrests were reported.

The law requires relatives of terrorists to pay the cost of damages caused by an attack, which human rights advocates criticized as collective punishment. Chechen Republic authorities reportedly routinely imposed collective punishment on the relatives of alleged terrorists, including by expelling them from the republic.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for the Members of the Press and Other Media

While the constitution provides for freedom of expression, including for the press and other media, the government increasingly restricted this right. Regional and local authorities used procedural violations and restrictive or vague legislation to detain, harass, or prosecute persons who criticized the government or institutions it favored. The government exercised editorial control over media, creating a media landscape in which most citizens were exposed to predominantly government-

approved narratives. Significant government pressure on independent media constrained coverage of numerous topics, especially of the unauthorized pro-Navalny demonstrations early in the year and investigations into Navalny's poisoning; events in Belarus; treatment of LGBTQI+ persons; problems involving the environment, elections, COVID-19, and corruption; and criticism of local or federal leadership, as well as secessionism or federalism. The government used direct ownership or ownership by large private companies with government links to control or influence major national media and regional media outlets, especially television. Censorship and self-censorship in television and print media and on the internet was widespread, particularly regarding points of view critical of the government or its policies.

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

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

The law criminalizes "offending the religious feelings of believers" (blasphemy). Actions in public "demonstrating clear disrespect for society and committed with the intent to insult the religious feelings of believers" are subject to fines of up to 300,000 rubles (\$4,000), compulsory labor for up to one year, or imprisonment for

up to one year. If these actions are committed in places of worship, the punishment is a fine of up to 500,000 rubles (\$6,700), compulsory labor for up to three years, or a prison sentence of up to three years.

The law prohibits showing “disrespect” online for the state, authorities, the public, flag, or constitution. For example, on March 4, a court in the city of Samara convicted civil rights activist Karim Yamadayev of promoting extremism and insulting authorities for mocking President Putin and two of his close associates in a 2019 YouTube video. The prosecutor originally sought to sentence Yamadayev to six years and seven months in prison. Yamadayev spent more than a year in detention before the court released him on March 4 with a 300,000 ruble (\$4,000) fine and prohibition from serving as an administrator for social media networks.

During the year the government enacted new restrictions on the content that could be shared on the internet. In December 2020 President Putin signed into law amendments to communications legislation that allow Roskomnadzor to block websites that “violate the rights of [Russian citizens],” including by restricting the “dissemination of socially significant information.” Experts characterized the new law as restricting “Russophobic” content and noted that it was adopted during a government public relations campaign against YouTube after it blocked content posted by progovernment media personality Vladimir Solovyov. In December 2020 President Putin also signed a law prohibiting journalists and websites from publishing the personal data of law enforcement officers and certain other state employees affiliated with the country’s security services. Expanding the definition of sensitive data, the FSB published a list on June 20 of topics that could be “used against the security” of Russia, including information and assessments of Russia’s military, security sector, and space agency, Roscosmos. Individuals who collect information in the specified categories could be subject to designation as “foreign agents” (see section 2.b.).

During the year authorities invoked laws prohibiting “inciting minors to participate in dangerous activities” or “violations to the established procedure for organizing or holding a public event” to charge individuals who published material online related to the demonstrations in January and February. For example, on February 3, authorities sentenced Sergey Smirnov, editor in chief of the independent *Mediazona*, to 25 days in prison for “repeatedly violating the rules of public

demonstrations” after he retweeted a joke referencing the January 23 demonstration. The Moscow City Court subsequently reduced his sentence to 15 days. In another example, authorities filed charges on January 22 against four editors of the student journal *DOXA* – Armen Aramyan, Alla Gutnikova, Vladimir Metelkin, and Natasha Tyshkevich – after *DOXA* published a YouTube video on January 23 expressing solidarity with students interested in participating in the unauthorized demonstrations and stating that it was unlawful for universities to punish those who did. All four were subjected to restrictions on their movement and communications until September 14 and faced up to three years in prison if convicted. Memorial considered the editors to be political prisoners.

During the year authorities invoked a 2013 law prohibiting the distribution of “propaganda on nontraditional sexual relations” to minors to punish the exercise of free speech by LGBTQI+ persons and their supporters. For example, on March 30, a court in Krasnodar convicted Anastasiya Panchenko, coordinator of Aleksey Navalny’s Krasnodar office, of distributing content prohibited by the law after she posted a photograph on her Instagram account of two same-sex couples kissing.

The law bans the display of Nazi symbols and the symbols of groups placed on the government’s list of “extremist” organizations. There was no official register or list of banned symbols, although the Duma adopted legislation in June that prohibits displaying images of individuals found guilty of committing crimes in accordance with the verdict of the Nuremberg Tribunal. On April 5, President Putin signed two related laws codifying penalties for the dissemination of information “denying the facts established by judgment of the International Military Tribunal” and about the activities of the USSR during the Second World War (covered in the administrative code) and strengthening the rehabilitation of Nazim (covered in the criminal code).

In 2019 the Supreme Court of the Komi Republic designated the Union of Slavic Forces of Russia an extremist organization for claiming that the USSR had not dissolved as a political entity. During the year authorities prosecuted individuals for speech that allegedly sought to restore the rights of citizens of the USSR. On July 12, the Leninskiy District Court sentenced three supporters of the Citizens of the USSR organization – Sergey Vorontsov, Vyacheslav Podchufarov, and Svetlana Vorontsova – with up to three years in prison under the extremism law for

denying the fall of the USSR. On July 13, the Volga City Court sentenced Aleksandr Mordovskiy, a leader of Citizens of the USSR, to six years in prison on the same charges.

During the year authorities enforced a law prohibiting the “propaganda of narcotics” to prosecute or threaten to block independent outlets and journalists. For example, in June authorities opened an administrative case against popular YouTube personality and journalist Yuriy Dud for purportedly promoting drugs in recent interviews published on his YouTube channel. On October 20, Dud was found guilty and fined 100,000 rubles (\$1,350).

On June 8, authorities arrested video blogger Yuriy Khovanskiy on suspicion of “publicly justifying extremism,” reportedly based on a song he recorded about the 2002 Moscow theater hostage crisis.

During the year authorities used a law banning cooperation with “undesirable foreign organizations” to restrict free expression (see section 2.b.).

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

Freedom of Expression for Members of the Press and Other Media, Including Online Media: The government continued to restrict press and media freedom. More than 80 percent of country’s mass media was funded by the government or progovernment actors. Government-friendly oligarchs owned most other outlets, which are permitted to determine what they publish within formal or informal boundaries set by the government. In the regions each governor controlled regional media through direct or indirect funding or through affiliated structures. The federal government or progovernment individuals completely or partially owned all so-called federal television channels, the only stations with nationwide reach. The 29 most-watched stations together commanded 86 percent of television viewership; all were owned at least in part by the federal or local governments or by progovernment individuals. Government-owned media outlets often received preferential benefits, such as rent-free occupancy of government-owned buildings,

and a preferential tax rate.

On a regional level, state-owned and progovernment television channels received subsidies from the Ministry of Finance for broadcasting in cities with a population of less than 100,000 and on the creation and production of content. At many government-owned or controlled outlets, the state increasingly dictated editorial policy. While the law restricts foreign ownership of media outlets to no more than 20 percent, another provision of the ambiguously worded law apparently bans foreign ownership entirely. The government used these provisions to consolidate ownership of independent outlets under progovernment oligarchs and to exert pressure on outlets that retained foreign backers. In its annual report on freedom of the press, Freedom House rated the country “not free.”

By law the Ministry of Justice is required to maintain a list of media outlets that are designated “foreign agents.” The decision to designate media outlets or individual journalists as foreign agents may be made outside of court by other government bodies, including law enforcement agencies. The law allows authorities to label individuals (both Russian and foreign citizens) as “foreign agents” if they disseminate foreign media to an unspecified number of persons, receive funding from abroad, or, after a December 2020 amendment, “carry out the interests of a foreign state.” The new amendment specifies that a foreign journalist “performing the functions of a foreign agent, incompatible with his professional activities as a journalist” could be declared an individual foreign agent.

Human rights defenders expressed concern that the “foreign agent” law was being used to restrict further the activities of or selectively punish journalists, bloggers, and social media users. Individuals labeled a “foreign agent” are required to register with the Ministry of Justice, and those living abroad also must create and register a legal entity inside the country to publish materials inside the country. All information published by the “foreign agent” individual must be marked as having been produced by a “foreign agent.” Fines for noncompliance with the law range from 10,000 to five million rubles (\$135 to \$67,500). In December 2020 authorities utilized the “individual media foreign agent” category for the first time by adding five individuals to this registry, including Lev Ponomaryov, a well known human rights activist and Memorial Human Rights Center cofounder, who closed his NGO following the designation.

As of December 30, there were 37 outlets and 74 individuals designated as “media foreign agents,” the majority of whom were journalists. Several of those designated as “foreign agents” tried unsuccessfully to reverse their designation. For example, in March feminist activist Darya Apakhonchich filed a lawsuit against the Ministry of Justice for her inclusion on this list, arguing that she had never received money or other property from foreign sources. All three Radio Free Europe/Radio Liberty (RFE/RL) contributors initially designated also lost their appeals to reverse the designation.

At the end of 2020, the government imposed new onerous labeling requirements for media outlets designated as foreign agents, which at the time only included Voice of America, RFE/RL and its affiliated outlets, and a news site run by Medium-Orient, based in the Czech Republic. In February, President Putin signed into law additional legislative changes related to the labeling “foreign agents.” The amendments introduced fines for the dissemination of information or media content about or belonging to a “foreign agent” without specifying this “foreign agent” status. Fines for noncompliance with this new amendment range from 2,000 to 50,000 rubles (\$27 to \$675).

During the year authorities vigorously implemented the law to impose fines or noncompliance of labeling requirements. As of July authorities had imposed 252 million rubles (\$3.4 million) in fines on RFE/RL and frozen its bank accounts due to alleged noncompliance with the new law, which RFE/RL maintained imposed devastating financial reporting and labeling requirements for all electronic media to pressure the media outlets to close. RFE/RL challenged the “foreign agent” law labeling requirements and the millions of rubles in fines levied on its Russian operations in the ECHR, filing a complaint on May 19. In July the ECHR granted RFE/RL’s request to grant the case priority status, giving the Russian government until October 5 to reply. Following a response from the Russian government in November, the case remained pending as of year’s end. State-owned media outlets were also fined under the law. For example, on May 6, the Moscow Arbitration Court fined the government-controlled Channel One media outlet 30,000 rubles (\$400) for broadcasting a story from a “foreign agent” without labeling it as such.

During the year the government significantly intensified its campaign against so-called media foreign agents. As of December 30, the Ministry of Justice’s register

of “media foreign agents” comprised 111 media outlets and individuals, 94 of which had been added since the beginning of the year. The news site *VTimes*, which was established in 2019 by former *Vedomosti* journalists, ceased operation on June 12 following its May 14 “foreign agent” designation. In a letter to its supporters on June 4, *VTimes* stated it saw no viable way to continue its operations after the designation placed its employees at risk of criminal prosecution and undercut its ability to attract advertising revenue and engage with sources. On June 16, Reporters Without Borders condemned the designation of outlets *Meduza* and *VTimes* and warned that the “draconian ‘foreign agents’ law is steadily killing off the country’s independent media.”

On July 15, the Ministry of Justice added independent investigative outlet *Proyekt* to the list of “undesirable foreign organizations,” making it the first media entity to receive that designation, which effectively bans its operations in the country. Under legislative changes adopted during the year (see section 2.b.), individuals who cooperate with “undesirable foreign organizations” could be charged with a fine or up to six-year prison sentence. Even quoting or reposting material from such an organization places individuals or organizations at risk of a fine. Independent media and human rights organizations characterized the inclusion of *Proyekt* on the “undesirable foreign organizations” list as a significant escalation in the government’s efforts to restrict independent media.

By law authorities were able to close any organization a court determines to be extremist, including media outlets and websites. Roskomnadzor, the country’s media oversight agency, routinely issued warnings to newspapers and internet outlets it suspected of publishing extremist materials. Three warnings in one year sufficed to initiate a closure lawsuit. On December 30, President Putin signed a law requiring Roskomnadzor to block without a court decision websites deemed to justify extremism or terrorism, if the prosecutor general or his deputy submit a request.

Violence and Harassment: Journalists continued to be subjected to arrest, imprisonment, physical attack, harassment, and intimidation as a result of their reporting. According to the Glasnost Defense Foundation, in January alone incidents of violence and harassment against journalists included 22 attacks, 161 detentions by law enforcement officers, one criminal prosecution and 12 lawsuits,

and three threats. Journalists and bloggers who uncovered government malfeasance or who criticized the government often faced harassment, either in the form of direct threats to their physical safety or threats to their livelihood, frequently through legal prosecution.

There were reports of attacks on journalists by government officials and police. For example, on March 10, Russian occupation authorities in Crimea arrested freelance journalist Vladislav Yesypenko on espionage charges that were widely described as politically motivated and reportedly tortured him in detention. On July 15, Yesypenko was indicted on weapons-related charges that many activists considered baseless; his trial was underway as of December.

There were reports of police briefly detaining journalists to interfere with or punish them for their reporting. According to Reporters Without Borders and Open Media, during the January 23 demonstration more than 50 journalists were arbitrarily detained, with more than 82 journalists arbitrarily detained on January 31. Journalists reported that they had been detained and charged with “participation in an unauthorized mass event,” even when clearly wearing press credentials. Some correspondents for independent news outlets reported that they were questioned by authorities about their supposed participation in the demonstrations or had received threats of violence or other efforts at intimidation.

There were reports of police framing journalists for serious crimes to interfere with or to punish them for their reporting. For example, Ivan Safronov, a former national security journalist for major national daily newspapers *Kommersant* and *Vedomosti*, was arrested by the FSB and charged with treason in July 2020, a charge that carries a 20-year prison sentence if convicted. According to media, Safronov’s case itself was classified, and the FSB declined to disclose what information he allegedly shared with Czech intelligence in 2012. Observers speculated the charges might be related to a 2017 *Kommersant* article coauthored by Safronov, detailing the potential sale of Russian military aircraft to Egypt. Safronov also provoked a strong reaction from the government for a 2019 article in *Kommersant* speculating on a shakeup of the leadership in the Federation Council. The court extended Safronov’s pretrial detention five times, including most recently on October 4 through the end of the year. On July 17, the freedom of information legal defense group Team 29, led by Safronov’s lawyer Ivan Pavlov,

announced its dissolution as a result of pressure from authorities (see section 1.d.).

On May 28, the Moscow City Court convicted former police officer Igor Lyakhovets and his three subordinates on charges of fabricating a criminal case against *Meduza* correspondent Ivan Golunov in July 2019 (see *Country Reports on Human Rights Practices* for 2019 for Russia). Lyakhovets, who was the principal officer in Golunov's illegal arrest, was sentenced to 12 years in prison while his subordinates each received an eight-year prison sentence. The court also banned them from serving as public officers for up to five years.

There were reports of police raids on the offices of independent media outlets that observers believed were designed to punish or pressure the outlets. For example, on April 9, the FSB searched the home of prominent investigative journalist and *IStories* editor in chief Roman Anin, seizing his equipment, notebooks, and materials. *IStories*, which specialized in investigative reporting, said that its offices had been searched as well. In an interview with Ekho Moskvyy on April 12, Anin speculated that authorities seized his personal records in response to a 2016 investigation he conducted into Rosneft CEO Igor Sechin and his former wife's wealth and more recent articles on the security services. Authorities charged Anin with "violation of privacy by abusing his professional functions," an offense that is punishable by up to four years in prison.

Journalists reported threats in connection with their reporting. For example, Amnesty International considered journalist and human rights defender Yelena Milashina to be a "case of concern" due to repeated threats against her for documenting Chechen officials' abuses in *Novaya Gazeta*. In 2020 Milashina received a death threat on Instagram from the head of the Chechen Republic, Ramzan Kadyrov, and was physically attacked in Grozny along with human rights lawyer Marina Dubrovina. Chechen officials began a defamation and intimidation campaign against Milashina after she published the testimony in *Novaya Gazeta* on March 15 of a former police officer who said he witnessed extrajudicial executions, torture, and other grave human rights violations in 2017.

In another example, Andrey Afanasyev, a journalist with RFE/RL Russian Service's *Siberia.Realities*, was severely beaten by unknown assailants on June 9. Afanasyev reported that the attackers demanded "less reporting about respectable

people.” Prior to his attack, Afanasyev had been investigating allegations of corruption against Adam Magomadov, a former leader of the Chechen diaspora and manager of the Akhmat martial arts club in Blagoveshchensk, and Andrey Domashenkin, a local lawmaker from the ruling United Russia party who founded the club. The Investigative Committee opened an investigation on June 17 into the attack on “hooliganism” charges, rather than “obstruction of journalist activities” as Afanasyev had requested. As of July the attackers were not identified.

There was no progress during the year in establishing accountability in several high-profile killings of journalists, including the 2004 killing of Paul Klebnikov, the 2006 killing of Anna Politkovskaya, and the 2009 killing of Natalia Estemirova.

Censorship or Content Restrictions: The government directly and indirectly censored media, much of which occurred online (also see Internet Freedom and Academic Freedom and Cultural Events, below).

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

On July 19, media reported that the country’s Office of Consumer Rights blocked a Russian-language website operated by Czech Radio. Authorities cited a 2001 online article about Jan Palach, a student who set himself on fire on Prague’s Wenceslas Square in 1969 to protest the 1968 Soviet-led Warsaw Pact invasion of Czechoslovakia. Experts noted that although the government cited the article’s “promotion of suicide” as the rationale, the decision came as part of a series of

retaliatory steps after the expulsion of Russian diplomats from Prague earlier in the year due to Russia's role in the 2014 Vrbetice ammunition site explosion.

Self-censorship in independent media was also reportedly widespread.

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

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

Internet Freedom

The government monitored all internet communications (see also section 1.f.).

The law requires internet providers to install equipment to route web traffic through servers in the country. The government continued to employ its longstanding use of the System for Operative Investigative Activities, which requires internet service providers (ISPs) to install, at their own expense, a device that routes all customer traffic to an FSB terminal. The system enables police to track private email communications, identify internet users, and monitor their internet activity. Internet freedom advocates asserted the measure allows for

surveillance by intelligence agencies and enables state authorities to control information and block content.

Declaring it necessary to protect the sovereignty and national interests of Russia, President Putin signed into law new regulations on February 24 allowing authorities to impose fines of up to six million rubles (\$81,000) for internet providers and social media companies that became repeat violators of Russia's "sovereign internet" law by failing to install and operate state-controlled software on their systems.

The "sovereign internet" law also prescribed the creation of an independent domain name system (DNS) for the country, separate from the global DNS, which would allow the country to isolate itself from the global internet, further restricting the free flow of information. On February 1, the deputy chairman of the country's Security Council, Dmitriy Medvedev, claimed the government was "legally and technologically" ready to isolate the country from the global internet but stated the option was only a contingency in the event that foreign governments "disconnect" Russia.

The law requires domestic and foreign businesses to store citizens' personal data on servers physically located in the country. Companies refusing to localize Russian users' data may be subject to penalties ranging from 5,000 rubles to six million rubles (\$67 to \$81,000), with fines of up to 18 million rubles (\$243,000) for repeat offenses or being blocked from operating in the country. The courts fined Twitter and Facebook four million rubles (\$54,000) each in 2020 for failure to provide information on the localization of databases of Russian users in the country. In April, Roskomnadzor reported Facebook had paid this fine, but Twitter had not. On May 26, authorities ordered social media companies, including Facebook and Twitter, to store all citizens' personal data within the country by July 1 or face additional fines.

Telecommunications companies are required to temporarily retain user data and make it available to law enforcement bodies. Regulatory requirements specify users' voice records must be stored for a period of six months, and electronic correspondence (audio, images, and video) for three months. Observers believed that the country's security services were able to intercept and decode encrypted

messages on at least some messaging platforms. The law also requires telecommunications companies to provide authorities with “backdoors” around encryption technologies. Companies are fined up to six million rubles (\$81,000) if they refuse to provide the FSB with decryption keys that would allow it to read users’ correspondence.

On July 1, President Putin signed a law requiring foreign tech companies with a daily audience larger than 500,000 users in the country to open official representative offices in the country by the end of the year. Local representation affords authorities leverage to enforce fines and regulations through pressure on domestically located employees. If tech companies do not comply, Roskomnadzor is authorized to block their access to Russian users’ personal data. The preliminary list contained 20 companies, including social media networks, instant messenger platforms, search engines and mail services, hosting providers, and online stores.

The government blocked access to content and otherwise censored the internet. Roskomnadzor maintained a federal blacklist of internet sites and required ISPs to block access to web pages that the agency deemed offensive or illegal, including information that was already prohibited, such as items on the Federal List of Extremist Materials. The law gives the prosecutor general and Roskomnadzor authority to demand that ISPs block websites that promote extremist information and “mass public events that are conducted in violation of appropriate procedures.” A law requiring social media companies to independently block and remove “obscene language” or other prohibited content went into effect on February 1.

There was a growing trend of authorities seeking to pressure social media platforms to censor posts and remove content deemed objectionable. Early in the year, nationwide demonstrations following the return and jailing of prominent oppositionist Aleksey Navalny spurred Roskomnadzor to issue increasingly stern warnings to major social media companies demanding they remove “unauthorized” content, such as publications related to the demonstrations. Roskomnadzor warned that failure to comply with censorship laws and to remove prohibited content would result in additional fines and, if banned content continued to appear on the platforms, their potential banishment from the country’s network. Media outlets reported that both the Russia-based VKontakte and China-based TikTok complied with the authorities’ demand to remove content perceived as attracting minors to

participate in the January protests. Many observers believed that authorities were concerned about social networks' ability to mobilize persons for social protests before the September Duma elections. In late June authorities sent a letter to Google demanding that it cease providing technical support for the Navalny organization's Smart Vote initiative website and application. On September 17, the first day of voting, Google and Apple removed the Smart Vote application from their respective app stores after reportedly being subjected to pressure by authorities.

On March 1, Roskomnadzor accused Twitter of the "malicious violation" of the country's laws and purported that Twitter failed to remove almost 3,000 posts with "with calls for extremism," child pornography, and drug use. According to the *Twitter Transparency Report* published in July and covering the period of July to December 2020, 64 percent of the removal requests from authorities pertained to prohibiting the promotion of suicide, although Twitter also received an increase in the number of removal requests related to journalists and verified news outlets. In one example, in March authorities demanded that Twitter remove the account of MBKh Media due to its affiliation with Open Russia, an "undesirable foreign organization" established by exiled political activist Mikhail Khodorkovsky.

On March 9, Roskomnadzor filed a lawsuit against five social media companies for failing to delete content allegedly urging youth to attend protests. Twitter, Google, and Facebook each had three cases filed against them, while TikTok and Telegram were each charged in one case. On March 10, Roskomnadzor began to slow Twitter's traffic throughout Russia, citing Twitter's failure to comply with their requests to remove prohibited information as the justification for the slowdown. On May 18, Roskomnadzor announced that, although Twitter had complied with requests to remove more than 90 percent of the "prohibited content," it would continue to slow its traffic on mobile networks.

In a statement published March 10, Twitter expressed concern regarding "increased attempts to block and throttle online public conversation" and stressed that the company has a "zero-tolerance policy" regarding efforts to use Twitter for any unlawful behavior or to further illegal activities, such as child sexual exploitation. Experts said that the authorities used Twitter to test technology that could later be used to slow or block the service of the more popular social media

platforms in the country, such as Facebook or VKontakte. The censorship measurement platform Censored Planet noted in an April 6 report that this incident represented “the first known centrally controlled attempt by the Russian government to use throttling (instead of outright blocking) to put pressure on social media websites,” giving “significant power to the authority to unilaterally impose desired restrictions.” On March 16, Sarkis Darbinyan, a Digital Rights Center law partner, told *Proyekt* that the country’s “censorship environment has become incompatible with Western practices,” noting that 10 government agencies can block content without court orders and that officials “notoriously” flag content either too broadly or too politically, such as banning information about protests. During the year authorities issued numerous fines on social media companies for their supposed violations of the censorship laws and used the courts to exert pressure on these outlets to remove or restore content. For example, in early April authorities fined Twitter 8.9 million rubles (\$120,000) and TikTok 2.3 million rubles (\$31,000) for failing to remove undesirable content related to the January protests. According to media reporting, Google, Facebook, Telegram, and the Russian sites VKontakte and Odnoklassniki also received similar fines. In another example, on April 23, Google filed a lawsuit against Roskomnadzor challenging the latter’s demand that Google block 12 YouTube links to “illegal content,” including calls to participate in “unauthorized rallies” in January. On May 24, Roskomnadzor informed Google that it had 24 hours to remove objectionable content from its YouTube platforms or be subject to a slowdown in traffic like the one imposed on Twitter. Google’s suit was dismissed by the Moscow Arbitration Court on August 4. In July, Roskomnadzor blocked the website of Aleksey Navalny’s Anticorruption Foundation and 49 related sites for “propaganda and banned extremist activity.”

According to the internet freedom NGO Roskomsvoboda, as of September a total of 340,000 websites were unjustly blocked in the country. The Agora International Human Rights Group recorded 275,532 cases of government interference with internet freedom in 2020 in its report, *Internet Freedom 2020: The Second Wave of Repression*, representing a slight decline from 2019. Agora reported that the number of criminal prosecutions for violations of unauthorized online activity increased (to 289 cases) as did reports of violence against media representatives and cyberattacks. According to the report, the Novosibirsk region and most of

Siberia were among the regions where social media administrators, media, and ordinary users faced the greatest risk of prosecution.

The law requires owners of internet search engines (news aggregators) with more than one million daily users to be accountable for the truthfulness of “publicly important” information before its dissemination. Authorities may demand that content deemed in violation be removed and impose heavy fines for refusal. For example, on January 31, the Prosecutor General’s Office and Roskomnadzor announced that they would block access to “false information, with overstated figures on the number of participants in illegal rallies, on alleged facts of violence and clashes, and the death of protesters.” Fines for noncompliance ranged from 800,000 to four million rubles (\$10,800 to \$54,000) for the first violation, with up to one-fifth of a company’s total annual revenues in Russia for a second violation. On October 25, Google paid 32 million rubles (\$432,000) in fines for failure to remove content authorities deemed illegal.

Roskomnadzor also sought to pressure social media companies into unblocking certain progovernment sites or individuals. For example, Google filed an appeal on May 20 against a Moscow City Court order obliging it to unblock the YouTube account of Tsargrad TV, an Orthodox Christian news channel owned by Konstantin Malofeyev, who is subject to European and other foreign sanctions. The court ordered Google to reinstate Tsargrad TV’s access or face exponentially increasing penalties for noncompliance. In another example, Roskomnadzor demanded Facebook justify its March 4 announcement and actions in the blocking of 530 Russian Instagram users for “coordinated attempts to mislead others.” The Instagram accounts had published posts critical of Navalny, and Roskomnadzor demanded Facebook explain why these accounts were illegal.

A 2015 law on the “right to be forgotten” allows individuals in the country to request that search-engine companies block search results that contain information about them. According to Freedom House’s 2020 Freedom on the Net report, the law was “routinely applied to require search engines to delete links to websites that contain personal information about an individual if it is no longer considered relevant.” The law fails to limit the “right to be forgotten” when the information requested for removal is in the public interest or concerns public figures impeding freedom of expression.

There was a growing trend of social media users being prosecuted for the political, religious, or other ideological content of posts, shares, and “likes,” which resulted in fines or prison sentences (see section 2.a., Freedom of Expression for Members of the Press and Other Media, Including Online Media).

The government prohibited online anonymity. The law requires commercial virtual private network (VPN) services and internet anonymizers to block access to websites and internet content prohibited in the country. The law also authorizes law enforcement agencies, including the Ministry of Internal Affairs and the FSB, to identify VPN services that do not comply with the ban. By law Roskomnadzor may also block sites that provide instructions on how to circumvent government blocking. In March, Roskomnadzor announced the forthcoming launch (in 2022) of Oculus, an automated system for checking proxies, VPNs, and search engines for compliance with the requirements for blocking access to prohibited sites, images, and videos. On December 8, Roskomnadzor announced it had blocked the popular online anonymity service TOR.

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

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

Academic Freedom and Cultural Events

The government took further steps during the year to restrict academic freedom and cultural events. On April 5, President Putin signed controversial amendments to the law on education that would potentially subject any educational activity,

including informal training sessions, YouTube lectures, and peer-to-peer tutoring, to government regulation and oversight. The amendments also grant the government authority to approve or disapprove all elements of international educational cooperation. The explanatory note that accompanied the draft submitted to the Duma stated that the law's goal was to protect schoolchildren from "anti-Russian propaganda submitted under the guise of educational activities." Prominent academics warned that the law would stifle intellectual freedom and creativity. On April 24, Russian Academy of Sciences professor Sergey Popov told TV Dozhd the amendments would hinder foreign professors and Nobel laureates from giving lectures, stifling academic exchanges. Other experts feared authorities could use the amended law to designate Russian professors who work with international partners "foreign agents" and subsequently to ban them from teaching.

On June 21, the Ministry of Justice added Bard College to its list of "undesirable" foreign organizations, effectively terminating a 25-year-old joint degree program between the college and the Smolny University of Liberal Arts and Sciences. Bard's designation occurred nearly the same week that Russia declared five foreign NGOs "undesirable" (see section 2.b., Freedom of Association). The news outlet Fontanka reported that the Coordination Council of Russian NGOs had asked the Prosecutor General's Office in March to check Smolny's links with "foreign NGOs controlled by George Soros and leading destructive activities on the territory of Russia," and to declare Bard an "undesirable" organization. Bard College was the first academic institution to receive the designation.

There were reports that the government sanctioned academic personnel for their teachings, writing, research, or political views. For example, a school administration in the Republic of Komi forced schoolteacher Nikita Tushkanov to resign after he held a single-picket protest on January 23, the same day as nationwide protests in support of Aleksey Navalny. There were also reports that the government penalized students for their activism or political views. For example, the rector of the Astrakhan State University expelled three students for participating in the January 23 protest. Two of students, Vera Inozemtseva and Aleksandr Mochalov, sued the university in February, demanding their reinstatement. The students argued that their expulsion violated the school's

charter and their right to freedom of assembly under the constitution.

Universities reported that authorities asked them to take down website pages that indicate cooperation with or announce a program partially funded by the U.S. government.

On October 12, Sergey Zuyev, the rector of the Moscow School for the Social and Economic Sciences, was detained in connection with the fraud case against the former deputy education minister, Marina Rakova, and accused of embezzling 21 million rubles (\$283,000) from an Education Ministry foundation. Zuyev maintained his innocence, and some activists said the case appeared politically motivated and part of a broader effort to target higher education institutions viewed as “incubators of dissent.”

On June 21, RFE/RL reported that the internet watchdog Roskomsvoboda discovered that the Russian State University for the Humanities had issued a tender for software that would allow it to monitor, compile, and analyze data gathered from students’ internet use, including posts on social media.

In February the Moscow City Department of Culture announced that it would not renew the contract of the well known Gogol Center theater director Kirill Serebrennikov, who was convicted in 2019 for embezzlement and sentenced to a fine, three years of probation, and a three-year ban on leading a state-funded cultural institution in the country. Observers believed the charges were politically motivated, citing Serebrennikov’s participation in antigovernment protests and criticism of government policies. The prosecution was widely seen by observers as a warning to the artistic community (see Country Practices on Human Rights for Russia for 2010).

There were reports that authorities forced the cancellation of concerts by musicians who had been critical of the government or dealt with subjects considered unacceptable to authorities. In most cases the FSB or other security forces visited the music venues and “highly recommended” cancellation of the concerts, which the owners and managers understood as a veiled threat against the venue if they did not comply. For example, authorities interrupted the presentation of two films during the April Artdocfest film festival, allegedly to search for minors and

possible violations of COVID-19 sanitary precautions. The first film, *Quiet Voice*, was a documentary that explored the life of a gay mixed martial arts fighter who had received threats from members of the Chechen diaspora for his sexuality. The second film, *Rastorguyev*, concerned film director Aleksandr Rastorguyev, who was killed in 2018 in the Central African Republic along with the journalist Orhan Dzhemal and their film operator Kirill Radchenko while filming an investigation into the private military company Wagner, widely reported to be owned by Yevgeniy Prigozhin. In another example, on May 4, Moscow police used the pretext of a bomb threat to interrupt the play *Neighbors* about the summer 2020 protests in Belarus.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The law provides for freedom of assembly, but local authorities restricted this right. The law requires organizers of public meetings, demonstrations, or marches by more than one person to notify the government, although authorities maintained that protest organizers must receive government permission, not just provide notification. Failure to obtain official permission to hold a protest resulted in the demonstration being viewed as unlawful by law enforcement officials, who routinely dispersed such protests. While some public demonstrations took place, on many occasions local officials selectively denied groups permission to assemble or offered alternate venues that were inconveniently or remotely located. Many public demonstrations were restricted or banned due to COVID-19 measures. Each region enforced its own restrictions.

Although they do not require official approval, authorities restricted single-person pickets and required that there be at least 164 feet separating protesters from each other. By law police officers may stop a single-person picket to protect the health and safety of the picketer. In December 2020 President Putin approved amendments to the law that placed further restrictions on single-person pickets as well as multiperson protests, rallies, or demonstrations. The amended law imposes financial reporting requirements, prohibits protests or public demonstrations near

agencies that perform “emergency operational services” (such as law enforcement agencies), and imposes further restrictions on journalists covering these events. In addition, the law prohibits “foreign sources of funding” financing public demonstrations and treats single-person pickets, if held in the general vicinity of other picketers, as “mass demonstrations without a permit,” which are banned. Authorities regularly detained single-person picketers. For example, on February 9, Yekaterinburg police arrested Galina Gastygina, a 79-year-old woman, for holding a placard stating, “Navalny is a hero of our time.” A court subsequently fined her 1,000 rubles (\$13.50) on February 19. Her lawyer reported that guards pushed witnesses and journalists out of the courtroom during what was to have been a public hearing. In another example, on May 25, St. Petersburg police detained civil activist Yevgeniya Smetankina for having held a single-person picket in support of the feminist activist Yuliya Tsvetkova (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity).

The law requires that “motor rallies” and “tent city” gatherings in public places receive official permission. It requires gatherings that would interfere with pedestrian or vehicle traffic to receive official agreement 10 days prior to the event; those that do not affect traffic require three days’ notice. The law prohibits “mass rioting,” which includes teaching and learning about the organization of and participation in “mass riots.” The law allows authorities to prohibit nighttime demonstrations and meetings and to levy fines for violating protest regulations and rules on holding public events.

Following an amendment to the criminal code signed by President Putin in December, the law imposes a fine for destroying infrastructure facilities and blocking roads and a 10-year prison sentence in the case of death of more than one person. During demonstrations early in the year, authorities charged dozens of individuals countrywide under the new law penalizing the blocking of roads. For example, on January 24, the Ministry of Interior opened a criminal case for “blocking roads and sidewalks” during a rally on Pushkin Square in central Moscow. Under the pretext of its investigation, the Ministry of Interior raided the homes of 30 individuals suspected of involvement and seized their equipment and files, purportedly as evidence.

The law provides heavy penalties for engaging in unsanctioned protests and other violations of public assembly law. Protesters convicted of multiple violations within six months may be fined substantially or imprisoned for up to five years. The law prohibits “involving a minor in participation in an unsanctioned gathering,” which is punishable by fines, 100 hours of community service, or arrest for up to 15 days. On June 18, *Novaya Gazeta* reported that several cities filed lawsuits against the supposed organizers of the January and February demonstrations in their areas in a stated effort to recuperate costs incurred by the Ministry of Interior staff and local authorities who worked on the day of the demonstrations. In the Kemerovo region, authorities sought 700,000 rubles (\$9,500) in compensation from former employees of Navalny’s regional headquarters.

Arrests or detentions for organizing or taking part in unsanctioned protests were common. Ahead of the January 23 demonstrations, which were unauthorized, authorities preemptively detained Navalny associates, including his spokesperson, Kira Yarmysh, and his Anticorruption Foundation’s lawyer, Lyubov Sobol, and investigator, Georgiy Alburov. Ten Navalny associates, including Yarmysh, Sobol, and Navalny’s brother Oleg, were subsequently arrested on January 28 and charged with violating COVID-19-related public health rules in connection with the January 23 demonstration and placed under house arrest through June 23. Independent media outlets characterized the arrests as an effort to prevent the political opposition from participating in the September Duma elections. On June 7, a Moscow court extended movement and communications restrictions for Sobol and Oleg Navalny until November, and on July 21, the courts separately extended Yarmysh’s house arrest until January 2022. Memorial considered the 10 activists of the “sanitary case” to be political prisoners.

According to an FSB internal report leaked to media, approximately 12,000 individuals, including 761 minors, were detained nationwide during the January 23 and 31 demonstrations on charges that included violations of COVID-19 preventive measures, violence against persons in authority, incitement of minors, and organization of an unauthorized protest. Media outlets reported that of those detained, 1,200 were sentenced to administrative arrest and 2,490 were fined for their participation in the demonstrations. The independent human rights media

project OVD-Info reported that an additional 1,788 individuals were detained on April 21 during countrywide demonstrations after Navalny declared a hunger strike to seek medical care (see section 1.c.).

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

Police often broke up protests that were not officially sanctioned, at times using disproportionate force. OVD-Info registered at least 140 reports of police brutality against demonstrators and monitored the initiation of 90 criminal cases against demonstrators. For example, in one instance filmed on January 23, police officers kicked a woman in the stomach, causing her to collapse and require medical assistance. On February 5, members of the Presidential Council for Civil Society and Human Rights released a statement urging officials to end the use of riot control weapons during the detention of peaceful demonstrators and to investigate “cases of excess of authority and hindrances to the activity of lawyers and journalists.”

There were reports that the government penalized employees for their participation in or support of unsanctioned assemblies. For example, at least 40 employees of the Moscow metro were dismissed in May for their participation in or support of the January and February protests. On May 14, Moscow City Duma deputy Mikhail Timonov reported that metro management ordered the dismissal of employees whose names or whose relatives’ names appeared in a leaked database of Navalny supporters.

Media reported several instances in which authorities charged individuals for their alleged participation in or other support of the demonstrations even when the individual charged was already detained or the statute of limitations for that particular charge had expired. For example, an employee of Navalny’s political

organization, Aleksandr Kopyev, was charged on February 19 for his alleged participation in a January 31 pro-Navalny demonstration, even though he had already been detained for his earlier involvement in a demonstration on January 23.

The courts occasionally acknowledged violations of citizens' rights to assemble. For example, on March 3, the Smolninskiy District Court of St. Petersburg ordered the Ministry of Internal Affairs to pay compensation for moral damage to Sergey Dumtsev, who was detained for holding a single-person picket in 2019. The court found that the police had no right to stop the picket or to detain the activist and keep him in the police office for more than three hours. In another example, during the spring the Supreme Court of Tatarstan awarded compensation for moral damages to three activists from Naberezhnye Chelny after the executive committee refused their 2018 request to hold a rally against raising the retirement age.

Freedom of Association

The constitution provides for freedom of association, but the government did not respect it. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. The finances of registered organizations are subject to investigation by tax authorities, and foreign grants must be registered.

The government continued to use the “foreign agents” law, which requires NGOs that receive foreign funding and engage in “political activity” to register as “foreign agents,” to harass, stigmatize, and, in some cases, halt their operation, although fewer organizations were registered than in previous years. As of December 7, the Ministry of Justice’s registry of organizations designated as “foreign agents” included 75 NGOs. The Ministry of Justice maintained separate registries of 111 media outlets and journalists designated as foreign agents as well as 49 “undesirable organizations” (see sections 2.a., Freedom of Expression and Academic Freedom and Cultural Events). NGOs designated as “foreign agents” are banned by law from observing elections and face other restrictions on their activity.

For the purposes of implementing the “foreign agents” law, the government considered “political activities” to include: organizing public events, rallies, demonstrations, marches, and pickets; organizing and conducting public debates,

discussions, or presentations; participating in election activities aimed at influencing the result, including election observation and forming commissions; public calls to influence local and state government bodies, including calling for changes to legislation; disseminating opinions and decisions of state bodies by technology; and attempting to shape public political views, including public opinion polls or other sociological research.

To be delisted, an NGO must submit an application to the Ministry of Justice proving that it did not receive any foreign funding or engage in any political activity within the previous 12 months. If the NGO received any foreign funding, it must have returned the money within three months. The ministry would then initiate an unscheduled inspection of the NGO to determine whether it qualified for removal from the list.

The law requires that NGOs on the foreign agents list identify themselves as “foreign agents” in all their public materials. Authorities fined NGOs for failing to disclose their “foreign agent” status on websites or printed materials. For example, on April 13, the Kuybyshevskiy District Court of St. Petersburg fined the Center for the Development of Nonprofit Organizations and its director, Anna Orlova, for failure to label social media posts appropriately.

Organizations the government listed as “foreign agents” reported experiencing the social effects of stigmatization, such as being targeted by vandals and online criticism, in addition to losing partners and funding sources and being subjected to smear campaigns in the state-controlled press. At the same time, the “foreign agent” label did not necessarily exclude organizations from receiving state-sponsored support.

The law requires the Ministry of Justice to maintain a list of “undesirable foreign organizations.” The list expanded during the year to 49 organizations as of December 7. The Ministry of Justice added three German NGOs involved in efforts to develop relations with Russia, three United Kingdom (UK) affiliates of opposition activist Mikhail Khodorkovsky’s Open Russian Foundation, a French NGO involved in educational exchange, a Czech NGO promoting freedom of information, a foreign college, two Church of Scientology organizations, the investigative outlet *Proyekt*, the International Partnership for Human Rights, four

evangelical Christian groups, and the European Network of Election Monitoring Organizations.

By law a foreign organization may be found “undesirable” if it is deemed “dangerous to the foundations of the constitutional order of the Russian Federation, its national security, and defense.” Authorities did not clarify what specific threats these “undesirable” NGOs posed to the country. Any foreign organization deemed “undesirable” must cease its activities. Any money or assets found by authorities may be seized, and any citizens found guilty of continuing to work with the organization in contravention of the law may face up to seven years in prison. On June 29, President Putin signed into law a bill that prohibits Russian citizens in any country from taking part in the work of NGOs designated as undesirable in Russia and from transferring money to Russia from certain countries under monitoring by the Federal Financial Monitoring Service, regardless of the transferred amount. The law became effective on October 1.

Authorities imposed criminal penalties for purported violations of the law on “undesirable foreign organizations.” On February 18, a court in Rostov-on-Don convicted political activist Anastasiya Shevchenko of violating the “undesirable organizations” law for her work with the UK-based NGO Open Russia. The court sentenced her to four years of parole and ended her house arrest. Shevchenko was the first person criminally charged under the “undesirable organizations” law. Amnesty International considered her a prisoner of conscience.

On March 13, law enforcement authorities detained all 194 participants at a forum for municipal and city council members organized by the unregistered political movement United Democrats. Authorities charged the detainees with administrative violations for allegedly “cooperating with an undesirable foreign organization,” even though United Democrats had not formally been recognized as such. Attendees, including anti-Kremlin analyst and activist Vladimir Kara-Murza, prominent municipal council members Ilya Yashin and Yuliya Galyamina, and former Yekaterinburg mayor Yevgeniy Roizman, had gathered at a hotel in greater Moscow to exchange ideas and undergo training to enhance city and municipal governance. While those detained were released pending court hearings in subsequent months, the courts fined a number of the forum participants, including Galyamina, Roizman, and Yekaterinburg city deputy Konstantin

Kiselyov. The Council of Deputies of the Timiryazevskiy district of Moscow announced its decision March 25 to deprive Galyamina of her status as a municipal deputy due to her repeated participation in unauthorized rallies; a Moscow City Court had sentenced Galyamina to two years' probation for this offense in December 2020.

Citing the pending changes to legislation regarding “undesirable” organizations, director of the Russia-based Open Russia, Andrey Pivovarov, announced on May 27 that the organization would close all branches and annul memberships to prevent the criminal prosecution of its supporters. Even though the Open Russia organization was declared “undesirable” in 2017, the Russian political advocacy group with the same name had not been banned as of July. Despite his announcement, on May 31, Russian security forces boarded a flight prior to its departure from St. Petersburg and arrested Pivovarov. The Investigative Committee subsequently charged Pivovarov for participating in the activities of an “undesirable organization,” detaining him for two months in a pretrial detention facility in Krasnodar. On June 1, authorities also searched the premises of, detained, and opened criminal cases against other prominent Open Russia members, including former director Aleksandr Solovyov. A court in St. Petersburg fined Pivovarov for the production and distribution of materials of an organization acting as a foreign agent, without indicating its status on July 19. The opposition politician told media that he believed authorities were persecuting him for political reasons. On July 21, a court in Krasnodar extended Pivovarov’s pretrial detention through the end of October. He faced up to six years in prison if convicted on the charge of belonging to an undesirable organization. Memorial considered Pivovarov a political prisoner.

NGOs engaged in political activities or activities that purportedly “pose a threat to the country” or that received support from U.S. citizens or organizations are subject to suspension under the 2012 “Dima Yakovlev” law, which prohibits NGOs from having members with dual Russian-U.S. citizenship.

In February, President Putin signed into law new regulations and restrictions regarding “foreign agents” and those who disseminate information about them. The Ministry of Justice subsequently announced the creation of a new registry of “foreign agents,” consisting of unregistered NGOs or loosely defined “public

associations” that purportedly receive funding from foreign sources and are engaged in political activity in Russia. Under the new law, individuals and NGOs who meet the criteria of a “foreign agent” are obliged to register or face criminal liability, with penalties of a fine of up to 300,000 rubles (\$4,000), compulsory labor for up to 480 hours, or up to two years of correctional labor or prison. Under the law the Ministry of Justice may also assign the “foreign agent” status directly to individuals or associations. On August 18, the election-monitoring group Golos became the first association to be included in the list. On March 1, when the penalties under the law entered into force, prominent human rights activist Lev Ponomaryov announced the closure of the For Human Rights organization, an unregistered group of human rights activists established in 2019 after a Supreme Court ruling to liquidate his rights monitoring and advocacy organization with the same name. Ponomaryov, who was designated a “foreign agent” in December 2020 (see section 2.a.), filed a lawsuit against the Ministry of Justice and Ministry of Foreign Affairs on March 3, demanding his removal from the registry.

On March 3, the Ministry of Justice designated the independent trade union Alliance of Doctors as a “foreign agent,” citing its “repeated receipts of foreign funding, as well as the implementation of political activities.” Anastasiya Vasilyeva, the leader of the trade union and an associate of Navalny, was one of the activists charged as part of the “sanitary case” for violating COVID-19 protocol in the organization of the January 23 protest (see section 2.b.). Memorial considered her a political prisoner.

Authorities continued to misuse the country’s expansive definition of extremism to stifle freedom of association. On June 4, President Putin signed a law that prohibits members of “extremist” organizations from participating in elections at all levels – municipal, regional, and federal. An organization’s founders and leaders are barred from running for elected office for five years from the date of the organization’s ban, while members and others “involved in its work” are barred for three years. In addition to direct membership, a person may be considered by the courts to be “involved” in the organization if that individual makes a statement of support for the group, including on social media, transfers money to it, or offers any other form of “assistance.” The ban may also be applied retroactively, barring individuals from running for office if they were involved with the group up to three

years prior to the extremist designation. Experts and both “systemic opposition” (effectively progovernment) and independent politicians decried the law as politically motivated and unconstitutional, citing the law’s retroactive nature and ability to disenfranchise thousands of individuals as evident violations of the constitution.

On June 9, a Moscow city court designated Navalny’s Anticorruption Foundation, his political operations, and the affiliated Citizens’ Rights Protection Fund as “extremist” in a move that experts said was designed to prohibit those affiliated with Navalny and the Anticorruption Foundation from running for office. In April the Moscow Prosecutor’s Office had filed a lawsuit seeking the organizations’ designation as “extremist,” which led to an injunction to freeze the organizations’ bank accounts and the suspension of their activities. Experts characterized this designation and legislative changes to the “foreign agents” and “undesirable organizations” legislation as targeted political repression against opposition groups ahead of the September elections (see section 3).

In multiple cases authorities arbitrarily arrested and prosecuted civil society activists in political retaliation for their work (see section 1.e.).

There were reports authorities targeted NGOs and activists representing the LGBTQI+ community for retaliation (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity).

Authorities misused antiterrorism and antiextremism laws, as well as other measures to label wrongfully peaceful religious groups and their practices “terrorist,” “extremist,” and “undesirable.” Among those designated without any credible evidence of violent actions or intentions were two foreign-based Church of Scientology organizations, four Protestant groups from Latvia and Ukraine, a regional branch of Falun Gong and seven Falun Gong-associated NGOs, Jehovah’s Witnesses, the Fayzrakhmani Islamic community, Tablighi Jamaat, followers of the Muslim theologian Said Nursi, and Hizb ut-Tahrir. These designations effectively banned their worship and activities, and members were subject to prolonged imprisonment, harsh detention conditions, house arrest and house raids, discrimination, harassment, and criminal investigation for participating in the

activities of a “banned extremist organization” (see the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>).

There were reports civil society activists were beaten or attacked in retaliation for their professional activities and that in most cases law enforcement officials did not adequately investigate the incidents. For example, on July 1, an ecological activist in Tambov Oblast, Roman Gerasimov, was attacked and stabbed three times by assailants after he filmed a video for President Putin’s annual call-in press conference requesting that a planned new landfill not be built in his region.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but in some cases authorities restricted these rights.

In-country Movement: Although the law gives citizens the right to choose their place of residence, adult citizens must carry government-issued internal passports while traveling domestically and must register with local authorities after arriving at a different location. To have their files transferred, persons with official refugee or asylum status must notify the Ministry of Internal Affairs in advance of relocating to a district other than the one that originally granted them status. Authorities often refused to provide government services to individuals without internal passports or proper registration, and many regional governments continued to restrict this right through residential registration rules.

Authorities imposed in-country travel restrictions on individuals facing prosecution for political purposes.

Foreign Travel: The law provides for freedom to travel abroad, but the government restricted this right for certain groups. The law stipulates that a person who violates a court decision does not have a right to leave the country. A court

may also prohibit a person from leaving the country for failure to satisfy debts; if the individual is suspected, accused, or convicted of a crime; or if the individual had access to classified material. The law allows for the temporary restriction of the right to leave the country for citizens with outstanding debts.

The government restricted the foreign travel of millions of its employees, prescribing which countries they are and are not allowed to visit. The restriction applies to employees of agencies including the Prosecutor General's Office, Ministry of Internal Affairs, Ministry of Defense, Federal Prison Service, Federal Drug Control Service, Federal Bailiff Service, General Administration for Migration Issues, and Ministry of Emergency Situations. On July 7, media outlets reported that Prime Minister Mikhail Mishustin signed a decree stating that prior to traveling abroad, his deputies and ministers must obtain his written permission. The travel restriction would also apply to lower-ranking officials, such as heads of agencies, who must obtain permission from their supervisors before travel.

Citizenship: There were reports that the government revoked citizenship on an arbitrary or discriminatory basis. For example, in April 2020 the Internal Affairs Ministry stripped the citizenship of Feliks Makhammadiyev and Konstantin Bazhenov, two members of Jehovah's Witnesses convicted of "extremism" on the basis of their religious beliefs. Makhammadiyev was left stateless as a result. In January authorities deported Makhammadiyev to Uzbekistan. Media outlets reported that authorities revoked the residency permits of several foreign nationals who had participated in the January and February protests in support of Aleksey Navalny and the people of Belarus, including individuals married to Russian citizens.

In another example, on October 26, authorities deported Tajikistan-born Bakhtiyor Usmonov, separating him from his wife and children. Usmonov's deportation followed his successful case in the ECHR against the Russian state, which annulled his citizenship and held him in a detention center for foreign citizens for two years. The ECHR ordered the Russian government to restore Usmonov's citizenship and to pay him compensation in the amount of 11,000 euros (\$12,700).

e. Status and Treatment of Internally Displaced Persons

The Internal Displacement Monitoring Center estimated the country was home to 1,230 internally displaced persons (IDPs) as of December 2020. Of these, the center asserted that 130 IDPs were displaced due to weather-related events, such as floods, and 1,100 were displaced because of conflict and violence.

According to the government's official statistics, the number of "forced" migrants, which under the government's definition includes refugees, asylum seekers, and IDPs, decreased from 9,485 in 2019 to 5,323 in January 2020 and again in January 2021 to 2,512. The government indicated that most forced migrants came from Georgia, Kazakhstan, and Uzbekistan.

Reliable information on whether the government promoted the safe, voluntary, dignified return, resettlement, or local integration of IDPs was not available. According to the independent NGOs Civic Assistance Committee and Memorial, most IDPs in the country were displaced by the Ossetian-Ingush conflict of 1992 and the Chechen wars in the mid-1990s and early 2000s. The Ossetian-Ingush conflict displaced Ingush from the territory of North Ossetia-Alania, and the Chechen wars displaced Chechens. The government provided minimal financial support for housing to persons registered as IDPs. The Civic Assistance Committee criticized the government's strict rules for qualifying for assistance and long backlog of persons waiting for housing support.

f. Protection of Refugees

The Office of the UN High Commissioner for Refugees (UNHCR) reported it had a working relationship with the government on asylum, refugee, and stateless persons problems. The Civic Assistance Committee reported, however, that the government failed to provide protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. On April 5, President Putin signed a law adopting the charter of the International Organization for Migration, which promotes the organized movement of migrants and refugees.

Access to Asylum: The law provides for the granting of asylum or refugee status,

and the government has established a system for providing protection to refugees. NGOs reported applicants commonly paid informal “facilitation fees” of approximately 33,000 rubles (\$445) to General Administration for Migration Issues adjudicators to have their application reviewed. Applicants who did not speak Russian often had to pay for a private interpreter. Human rights organizations noted that nearly all newly arrived asylum seekers in large cities, particularly Moscow and St. Petersburg, were forced to apply in other regions, allegedly due to full quotas. NGOs also noted difficulty in applying for asylum due to long queues and lack of clear application procedures. The General Administration for Migration Issues approved only a small percentage of applications for refugee status and temporary asylum, with exception of applications from Ukrainians, who had a much higher chance of approval.

Human rights organizations noted the government’s issuance of refugee and temporary asylum status decreased over the previous few years, pointing to the government’s systematic and arbitrary refusal to grant asylum. NGOs reported that authorities encouraged applicants to return to their countries of origin.

Authorities reportedly also had blanket authority to grant temporary asylum to Syrians, but local migration experts noted a decrease in the number of Syrians afforded temporary asylum, suggesting that the General Administration for Migration Issues had not renewed the temporary asylum of hundreds of Syrians and, in some cases, encouraged applicants to return to Syria.

Refoulement: The concept of nonrefoulement is not explicitly stated in the law. The government provided some protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The responsible agency, the General Administration for Migration Issues, did not maintain a presence at airports or other border points and did not adequately publicize that asylum seekers may request access to the agency. Asylum seekers had to rely on the goodwill of border guards and airline personnel to call immigration officials. Otherwise, they faced immediate deportation to neighboring countries or return to their countries of origin, including in some cases to countries where they may have had reasonable grounds to fear persecution.

According to Memorial, on March 23, Russian authorities rejected the asylum request of Rozgeldy Choliyev, a citizen of Turkmenistan facing prosecution for public criticism of his home country's government. Choliyev had arrived in Moscow from Istanbul and spent three weeks in Moscow's Sheremetyevo Airport waiting for a response to his request before being deported back to Turkey because all flights from Moscow to Ashgabat were cancelled due to COVID-19 restrictions. Memorial said that Choliyev faced extradition from Turkey to Turkmenistan, where he could be prosecuted for his public criticism of the government.

Human rights groups continued to allege that authorities made improper use of international agreements that permit them to detain, and possibly repatriate, persons with outstanding arrest warrants from other former Soviet states. This system, enforced by informal ties among senior law enforcement officials of the countries concerned, permitted authorities to detain individuals for up to one month while the Prosecutor General's Office investigated the nature of the warrants. For example, on July 21, a Russian court ruled that Alyaksey Kudzin, world champion kickboxer and outspoken critic of Belarusian leader Alyaksandr Lukashenka, could be extradited to face charges for assaulting a security officer during prodemocracy protests in Belarus in August 2020. Despite an earlier ECHR opinion that banned his extradition over concerns that he may be politically persecuted and tortured, Kudzin was handed over to Belarusian authorities and sentenced on August 11 to two and one-half years in prison.

Abuse of Migrants and Refugees: NGOs reported that police detained, fined, and threatened migrants and refugees with deportation.

In some cases temporary asylum holders who received refugee status from third countries were not granted exit visas or allowed to depart the country.

Employment: Employers frequently refused to hire applicants who lacked residential registration. UNHCR reported that employers frequently were not familiar with laws permitting employment for refugees and asylum seekers without work permits and refused to hire them. NGOs reported that refugees, asylum seekers, and migrants were vulnerable to exploitation in the form of forced labor because of the lack of proper documents and insufficient Russian language skills.

Access to Basic Services: By law successful temporary asylum seekers and persons whose applications were being processed have the right to work, to receive medical care, and to attend school. The government considered Ukrainian asylum seekers to be separate from asylum seekers from other countries, such as Afghanistan, Georgia, Syria, Sudan, and Yemen. NGOs reported authorities provided some services to Ukrainian asylum seekers, but there were instances in which applicants from other countries were denied the same service, including access to medical care and food banks.

While federal law provides for education for all children, regional authorities occasionally denied access to schools to children of temporary asylum and refugee applicants who lacked residential registration or who did not speak Russian. The Civic Assistance Committee reported that approximately one-third of the children of refugees were enrolled in schools. When parents encountered difficulties enrolling their children in school, authorities generally cooperated with UNHCR to resolve the problem.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. As of January 1, a total of 19,817 persons, 92 percent of whom were citizens of Ukraine, held a certificate of temporary asylum in Russia. A person who does not satisfy the criteria for refugee status, but who for humanitarian reasons could not be expelled or deported, may receive temporary asylum after submitting a separate application. There were reports, however, of authorities not upholding the principle of temporary protection.

g. Stateless Persons

According to the 2010 population census, the country was home to 178,000 self-declared stateless persons. Official statistics did not differentiate between stateless persons and other categories of persons seeking assistance. UNHCR data showed 60,185 stateless persons, including forcibly displaced stateless persons, in the country at the end of 2020. Law, policy, and procedures allow stateless persons and their children born in the country to gain nationality. The Civic Assistance Committee noted that most stateless persons in the country were elderly, ill, or single former Soviet Union passport holders who missed the opportunity to claim

Russian citizenship after the Soviet Union broke up. The NGO reported various bureaucratic hurdles as obstacles to obtaining legal status in the country. On February 24, President Putin signed a law authorizing temporary identity certificates for stateless persons that would be valid for 10 years or until the holder receives citizenship or a residence permit in another country.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: On September 17-19, the country held elections for the State Duma as well as 10 gubernatorial elections and 39 regional parliamentary elections. The independent election observation group Golos concluded the elections were neither free nor fair. Golos noted the electoral campaign was conducted in an unfree and unequal manner and that many politically active citizens were deprived of their constitutional right to be elected. Observers also documented fraud and violations during voting and vote-counting that undermined public confidence in the elections and cast serious doubt on the integrity of the reported results. In the period preceding the elections, authorities intensified repression of independent observers and media, including by designating Golos and dozens of media outlets and individuals as “foreign agents.” In six regions including Moscow, opaque online voting procedures, the reported results of which often favored the ruling party by a larger margin than in-person voting, further called into question the integrity of the vote.

Ahead of the State Duma elections, the government adopted a series of repressive laws targeting independent media, human rights activists, and opposition politicians and used legislation to restrict the political participation of individuals or organizations designated as “foreign agents,” “undesirable,” or “extremist” (see section 2.b., Freedom of Association). Authorities also banned many would-be

candidates from running for office and pressured several to leave the country.

At the end of 2020, President Putin signed into law a bill that permits Roskomnadzor to block or entirely remove “certain” online campaign materials during federal or regional elections. At the time, experts assessed that the bill was adopted with Aleksey Navalny’s Smart Voting campaign in mind. On July 26, Roskomnadzor blocked 49 websites linked to Navalny, his associates, and his political organization, including his personal blog, the website of his Anticorruption Foundation, and websites affiliated with the local political offices for alleged “propaganda and extremist activity.” Authorities also adopted legislative changes to expand the number of voting days from one to three, ostensibly to allow physical distancing between voters. Critics of the changes noted, however, that the longer the ballots remained open, the greater the opportunity for fraud and the more time to ensure government loyalists voted. Many experts concluded that these actions were designed to ensure that the ruling United Russia party retained a constitutional majority.

During the year authorities routinely restricted gatherings, campaign communications, and other political activities of opposition candidates and prodemocracy groups. Authorities often charged the opposition and independent politicians with violating COVID-19 protocols, while not restricting similar gatherings by the ruling United Russia party. For example, on May 22, police broke up a gathering of approximately 30 independent municipal and regional deputies attending a conference in Velikiy Novgorod and charged participants with violating pandemic restrictions. The following month, however, dozens of persons attended the June 19 United Russia party congress in Moscow without facing similar restrictions.

Russian media and experts viewed the tightening of the “undesirable” organization legislation as a move intended to place further pressure on political opposition ahead of the September 19 elections, particularly on candidates affiliated with Navalny and exiled oppositionist Mikhail Khodorkovsky’s Open Russia organization. During the year authorities routinely detained members of Navalny’s political operations throughout the country, conducted arbitrary searches of their homes and offices, and charged them with crimes on questionable grounds. In one example, on April 12, two employees of Navalny’s newly opened campaign

headquarters in Makhachkala were reported missing only to turn up later in special detention centers in Dagestan. In another example, the Penza police sued the local director of Navalny's organization for almost 900,000 rubles (\$12,000) to offset the expenses the police department reportedly incurred on the weekend of the January 23 protest.

Authorities did not limit their election-related harassment to Navalny's Anticorruption Foundation or Open Russia. For example, on June 1, law enforcement officers searched the homes of former State Duma deputy and presumptive Yabloko party nominee Dmitriy Gudkov and his relatives before detaining Gudkov for 48 hours on suspicion of "property damage." Upon his release, Gudkov fled the country and told media that sources close to the Presidential Administration informed him if he did not leave the country, the fake criminal case would continue until his arrest.

Authorities disproportionately denied registration for independent and nonsystemic opposition candidates. According to an investigation published by *IStories* on June 8, elections officials denied registration of opposition candidates at a rate of 25 percent over the past year, 10 times greater than the 2 percent of United Russia and systemic (effectively progovernment) opposition party candidates denied registration. In a related investigation, *Golos* reported on June 22 that at least nine million citizens were prohibited by the state from running in elections for various reasons, representing an estimated 8 percent of the voting population. In one example, the election commission barred prominent municipal deputy Ilya Yashin from running in the Moscow City Duma elections for his "involvement in extremist activities" due to his support of Navalny.

The Organization for Security and Cooperation in Europe (OSCE) reported that the 2018 presidential election "took place in an overly controlled environment, marked by continued pressure on critical voices," and that "restrictions on the fundamental freedoms, as well as on candidate registration, have limited the space for political engagement and resulted in a lack of genuine competition." The OSCE also noted that "television, and in particular broadcasters that are state funded, owned, or supported, remains the dominant source of political information. A restrictive legislative and regulatory framework challenges freedom of media and induces self-censorship. Voters were thus not presented with a critical assessment of the

incumbent's views and qualifications in most media.” Observers noted that the most prominent potential challenger, Aleksey Navalny, was prevented from registering his candidacy due to a previous politically motivated criminal conviction.

Political Parties and Political Participation: The process for nominating candidates for the office of the president was highly regulated and placed significant burdens on opposition parties and their candidates. While parties represented in the State Duma may nominate a presidential candidate without having to collect and submit signatures, prospective self-nominated presidential candidates must collect 300,000 signatures, no more than 7,500 from each region, and submit the signatures to the Central Election Commission for certification. Presidential candidates nominated by parties without State Duma representation must collect 100,000 signatures. An independent presidential candidate is ineligible to run if the commission finds more than 5 percent of signatures invalid. On April 5, President Putin signed a law resetting his presidential term limits, reflecting amendments approved during the July 2020 constitutional referendum.

Candidates to the State Duma may be nominated directly by constituents, political parties in single-mandate districts, or political parties on their federal list, or they may be self-nominated. Political parties select candidates for the federal lists from their ranks during party conventions via closed voting procedures. Party conventions also select single mandate candidates. While any of the country's formally registered political parties may run candidates on the party list portion of the ballot, only political parties that overcame the 5 percent threshold during the previous elections may form federal and single-mandate candidate lists without collecting signatures. Parties that did not overcome the 5 percent threshold must collect 200,000 signatures to register a candidate for the Duma. A total of 32 parties qualified to participate in the State Duma elections, of which 14 parties met this threshold. Self-nominated candidates generally must gather the signatures of 3 percent of the voters in their districts.

Observers and would-be candidates reported the municipal filter was not applied equally and that authorities pressured municipal deputies not to provide signatures to candidates who were not preapproved by authorities. They asserted that no independent candidate with the potential to defeat authorities' favored candidates

was permitted to pass through the municipal filter, while progovernment candidates were passed through the filter without fulfilling technical requirements.

In some cases opposition parties were repeatedly denied registration or faced court-mandated suspensions of their activities. The Central Election Commission announced on September 10 it had removed 16 State Duma candidates (from the Yabloko, Party for Growth, and Russian Party for Freedom and Justice parties) from their respective races for holding foreign assets. On September 11 in Sterlitamak, a Fair Russia candidate for State Duma, Vadim Iskandarov, and seven of his supporters were detained while distributing campaign materials. The candidate was participating in the City Day, an event where legal pre-election campaigns could be held, when National Guard officers detained the group claiming an official United Russia party event was occurring on the square. The detainees were later released; no charges were announced.

Systemic opposition parties (i.e., quasi-independent parties permitted by the government to appear on the ballot) also faced pressure. For example, on July 24, the Central Election Commission excluded from the party list candidate Pavel Grudinin, a prominent member of the Communist Party of the Russian Federation who had run an unsuccessful presidential campaign in 2018, on the grounds that he allegedly possessed foreign assets. Party members and other observers claimed Grudinin's disqualification was politically motivated. On September 8, Roman Yakovlev, a Communist Party candidate for State Duma and deputy of the Novosibirsk Legislative Assembly, attempted to hold a meeting with voters. Local authorities allowed Yakovlev to organize the meeting, but later blocked the only road to the site of the gathering. The authorities cited COVID-19 regulations and concerns as rationale for their actions, despite the decision of Governor Andrey Travnikov to allow all candidate meetings with voters as an exception to bans on mass gatherings. On September 15, Yelena Beshtereva from Fair Russia, Yevgeniya Bogdanova from the Liberal Democratic Party of Russia, and Igor Kapelyukh from United Russia withdrew their candidacies for deputies of the Legislative Assembly of Eastern Petropavlovsk in protest of unfair elections and electoral procedures.

State entities or entities closely aligned with the state also influenced their employees to vote a certain way or in a specific location. For example, employees

of the Orenburg Oblast Tax Service reported that they received a text message instructing them to unregister themselves at their home polling stations and vote instead in a precinct near their workplace.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of minority groups in the political process, and they did participate. Women's participation remained low, accounting for approximately 15 percent of elected seats in the national legislature. As of July women held approximately 10 percent of ministerial positions. While members of national minorities took an active part in political life, ethnic Russians, who constituted approximately 80 percent of the population, dominated the political and administrative system, particularly at the federal level.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government acknowledged difficulty in enforcing the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Corruption was widespread throughout the executive branch, including within the security sector, as well as in the legislative and judicial branches at all levels. Its manifestations included bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, extortion, and improper use of official position to secure personal profits. While there were prosecutions for bribery, a general lack of enforcement remained a problem. Official corruption continued to be rampant in numerous areas, including education, military conscription, health care, commerce, housing, social welfare, law enforcement, and the judicial system. According to the Prosecutor General's Office, at the start of the year, corruption-related crimes increased by approximately 12 percent compared with the previous year, with the total amount of material damage caused by corruption crimes exceeding 63 billion rubles (\$851 million) in 2020. Bribery accounted for half of the detected corruption crimes. The Prosecutor General's Office reported that approximately one-third of bribery

cases related to “petty bribery” of less than 10,000 rubles (\$135) given by citizens to police officers, schoolteachers, and prison authorities. Transparency International’s *Corruption Perception Index*, published in January, assessed corruption in the country as high.

There were reports of corruption by government officials at the highest level. During the year Aleksey Navalny’s Anticorruption Foundation and other investigative news outlets reported on previously undisclosed properties owned by President Putin, his family, and his close associates. In a widely viewed video expose released on January 19, Navalny’s investigative team documented the excesses of a luxury estate on the Black Sea coast that they traced back to President Putin and his inner circle. The investigation tracked corrupt proceeds from illicit deals and the president’s own alleged misuse of office to fund the property’s construction, which Navalny’s team estimated cost 74 billion rubles (one billion dollars) to construct and furnish.

Authorities selectively sentenced officials on corruption-related charges. For example, on March 22, a court in Moscow sentenced the governor of the Penza region, Ivan Belozertsev, to two months in prison on allegations that he accepted 31 million rubles (\$420,000) in bribes in 2020. The Investigative Committee also opened investigations into Belozertsev for embezzlement of three billion rubles (\$40.5 million) and falsification of election results in the 2020 election for governor.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups operating in the country investigated and published their findings on human rights cases. Government officials were rarely cooperative or responsive to their concerns. Official harassment of independent NGOs continued and, in many instances, intensified, particularly of groups that focused on monitoring elections, engaging in environmental activism, exposing corruption, and addressing human rights abuses. Some officials, including Tatyana Moskalkova, the high commissioner for

human rights, and her regional representatives regularly interacted and cooperated with NGOs.

Authorities continued to use a variety of laws to harass, stigmatize, and in some cases halt the operation of domestic and foreign human rights NGOs (see section 2.b., Freedom of Association). In an investigation published in February, the investigative outlet *Proyekt* reported that the harassment of renowned historian of the gulag and human rights activist Yuriy Dmitriyev had been supervised by Anatoliy Seryshev, an assistant to President Putin and former head of the FSB in Karelia. *Proyekt* noted that Dmitriyev began to receive threats after Memorial, the human rights organization he led, published a list in 2016 of individuals who had participated in the Stalinist repressions, which included Vasilii Mikhailovich Seryshev, a suspected relative of Anatoliy Seryshev. On February 16, a court rejected Dmitriyev's appeal and ordered him to serve out his 13-year prison sentence on charges that many observers assessed to be in retaliation for his work to expose Stalin-era crimes. Memorial considered Dmitriyev to be a political prisoner (see *Country Reports on Human Rights Practices for Russia for 2020*).

Officials often displayed hostility toward the activities of human rights organizations and suggested their work was unpatriotic and detrimental to national security. Authorities continued to apply several indirect tactics to suppress or close domestic NGOs, including the application of various laws and harassment in the form of prosecution, investigations, fines, and raids (see sections 1.e. and 2.b.).

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

In November authorities initiated legal proceedings to close two key branches of the country's most prominent and widely cited human rights association, Memorial. On November 8, the Moscow Prosecutor's Office filed suit in Moscow

City Court to liquidate the Memorial Human Rights Center on the grounds that the group had “hidden information about the performance of the function of a foreign agent.” The center was also accused of “justifying extremism and terrorism” by maintaining its widely referenced list of political prisoners, which included individuals Memorial assessed had been labeled as extremists or terrorists for political reasons.

On November 11, the Prosecutor General’s Office filed a parallel lawsuit seeking to liquidate International Memorial for alleged “systemic” violations of the country’s “foreign agent” NGO law. On December 28, the Supreme Court ordered the closure of International Memorial, and the Moscow City Court concluded its proceedings and ordered the Memorial Human Rights Center to close the next day. Russian and international human rights organizations widely decried the moves to close the branches of Memorial as politically motivated, incommensurate to the alleged offenses, and a grave blow to independent civil society in the country.

The United Nations or Other International Bodies: Authorities refused to cooperate with the OSCE Moscow Mechanism rapporteur investigating human rights abuses in Chechnya in 2018 and did not permit him to visit the country. Three years after the release of the rapporteur’s report, the government had not provided the OSCE a substantive response to the report.

Government Human Rights Bodies: Some government institutions continued to promote human rights and intervened in selected abuse complaints, despite widespread doubt as to these institutions’ effectiveness.

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

The Presidential Council for Civil Society and Human Rights is an advisory body to the president tasked with monitoring systemic problems in legislation and individual human rights cases, developing proposals to submit to the president and government, and monitoring their implementation. The president appoints some council members by decree, and not all members operated independently. Experts noted that the head of the council and senior member of the ruling United Russia

party, Valeriy Fadeyev, worked closely with government authorities and often echoed their assessment of well known human rights cases. The high commissioner for human rights, Tatyana Moskalkova, was viewed as a figure with very limited autonomy. The country had regional ombudspersons in all regions with responsibilities similar to Moskalkova's. Their effectiveness varied significantly, and local authorities often undermined their independence.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape is illegal, and the law provides the same punishment for a relative, including a spouse, who commits rape as for a nonrelative. The penalty for conviction of rape is three to six years' imprisonment for a single offense, with additional time imposed for aggravating factors. According to NGOs, many law enforcement personnel and prosecutors did not consider spousal or acquaintance rape a priority and did not encourage reporting or prosecuting such cases. NGOs reported that local police officers sometimes refused to respond to rape or domestic violence calls unless the victim's life was directly threatened. Authorities typically did not consider rape or attempted rape to be life threatening.

Domestic violence remained a significant problem. There is no domestic violence provision in the law and no legal definition of domestic violence, making it difficult to know its actual prevalence in the country. The law considers beatings by "close relatives" an administrative rather than a criminal offense for first-time offenders, provided the beating does not cause serious harm requiring hospital treatment. The anti-domestic-violence NGO ANNA Center estimated that 60 to 70 percent of women who experienced some form of domestic violence did not seek help due to fear, public shame, lack of financial independence from their partners, or lack of confidence in law enforcement authorities. Laws that address bodily harm are general in nature and do not permit police to initiate a criminal investigation unless the victim files a complaint. The burden of collecting evidence in such cases typically falls on the alleged victims. The law prohibits threats, assault, battery, and killing, but most acts of domestic violence did not fall within the jurisdiction of the Prosecutor's Office. The law does not provide for

protection orders, which experts believed could help keep women safe from experiencing recurrent violence by their partners.

Open Media reported in January that the government “drastically cut” funding for domestic violence initiatives in the previous year, from 16.5 million rubles (\$223,000) in 2019 to two million rubles (\$27,000) in 2020. During the year the government provided a grant to only one NGO of dozens of domestic violence crisis centers and legal aid organizations that sought government funding. According to Open Media, the government instead funded projects aimed at preventing divorce or promoting “Orthodox Christian traditions to strengthen families.”

In December 2020 the Ministry of Justice added the prominent women’s rights NGO Nasiliu.net – Russian for No to Violence – to the registry of “foreign agents,” a move media attributed to the organization’s support of a draft bill to recriminalize domestic violence introduced to the State Duma in 2019. Director Anna Rivina characterized the designation as a political reaction by the government and an effort to silence dissent and criticism of its stance on domestic violence, which experts said was influenced by conservative “traditional values.”

COVID-19-related stay-at-home orders and general restrictions on movement trapped many women experiencing domestic violence in the same space as their abusers. Many survivors noted they could not leave their homes due to fear of being punished for violating the stay-at-home order.

There were reports that women defending themselves from domestic violence were charged with crimes. In March authorities recognized three sisters accused of murdering their abusive father in 2018 as victims after the Investigative Committee opened a criminal case against the father on charges of sexual assault, coercion into sexual acts, and torture. Their lawyers expressed hope this “breakthrough” in the case would result in the dismissal of the sisters’ murder charges.

According to the ANNA Center, when domestic violence offenses were charged, articles under the country’s criminal law were usually applied that employed the process of private prosecution. The process of private prosecution requires the victim to gather all necessary evidence and bear all costs after the injured party or

his or her guardian took the initiative to file a complaint with a magistrate judge. The NGO noted that this process severely disadvantages survivors. Experts estimated that seven of 10 such cases were dropped due to reconciliation of the parties as a result of the abuser pressuring, manipulating, and intimidating the survivor who often had to continue living in the same house.

According to NGOs, police were often unwilling to register complaints of domestic violence, saying that cases were “family matters,” frequently discouraged survivors from submitting complaints, and often pressed victims to reconcile with abusers.

Most domestic violence cases filed with authorities were either dismissed on technical grounds or transferred to a reconciliation process conducted by a justice of the peace whose focus was on preserving the family rather than punishing the perpetrator. NGOs estimated that only 3 percent of such cases eventually reached the courts. Survivors of domestic violence in the North Caucasus experienced difficulty seeking protection from authorities.

NGOs noted government-operated institutions provided services to affected women such as social apartments, hospitals wards, and shelters. Access to these services was often complicated, since they required proof of residency in that municipality, as well as proof of low-income status. In many cases these documents were controlled by the abusers and not available to survivors. A strict two-month stay limit in the shelters and limited business hours of these services further restricted survivors’ access to social services. After COVID-19-related restrictions forced many shelters to close temporarily, NGOs rented out apartments and hotels to shelter the survivors.

Female Genital Mutilation/Cutting (FGM/C): The law does not specifically prohibit FGM/C. NGOs in Dagestan reported that FGM/C was occasionally practiced in some villages. On October 23, media outlets reported that the first case of FGM/C to be prosecuted in a Russian court was likely to end without resolution due to procedural delays that extended proceedings beyond the two-year statute of limitations for the offense stipulated by law. Criminal charges of “causing minor harm to health” were brought against a doctor in Ingushetiya who performed an FGM/C operation on a nine-year-old girl at her father’s request in

2019.

Other Harmful Traditional Practices: Human rights groups reported that “honor killings” of women persisted in Chechnya, Dagestan, and elsewhere in the North Caucasus, but the cases were rarely reported or acknowledged. Local police, doctors, and lawyers often collaborated with the families involved to cover up the crimes. In some parts of the North Caucasus, women continued to face bride kidnapping, polygamy, forced marriage (including early and child marriage), legal discrimination, virginity testing before marriage, and forced adherence to Islamic dress codes. Women in the North Caucasus often lost custody of their children after the father’s death or a divorce due to traditional law that prohibits women from living in a house without a man.

Sexual Harassment: The law contains a general provision against compelling a person to perform actions of a sexual character by means of blackmail, threats, or by taking advantage of the victim’s economic or other dependence on the perpetrator. There is no legal definition of harassment, however, and no comprehensive guidelines on how it should be addressed. Sexual harassment was reportedly widespread, but courts often rejected victims’ claims due to lack of sufficient evidence.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities during the year, although there had been such reports in previous years.

There were significant social and cultural barriers to family planning and reproductive health in the North Caucasus republics, including cases of FGM/C.

There are no legal restrictions on access to contraceptives, but very few citizens received any kind of sexual education, hampering their use. Senior government officials and church and conservative groups in the country stridently advocated for increasing the birth rate, and their opposition to family planning initiatives contributed to a social stigma that also affected the use of contraceptives.

Access to family planning and skilled medical attendance at birth varied widely based on geography and was often extremely limited in rural areas.

According to various human rights groups, COVID-19 restrictions negatively affected accessibility for the full range of reproductive health services.

The government did not deny access to sexual and reproductive health services for survivors of sexual violence, but survivors did not always seek needed treatment due to social stigma. Emergency contraception was readily available as part of clinical management of rape in urban centers, but not necessarily in rural areas.

Discrimination: The constitution and law provide that men and women enjoy the same legal status and rights, but women often encountered significant restrictions. Women experienced discrimination in the workplace, in pay, and in access to credit. At the start of the year, the government lifted Soviet-era gender-based employment restrictions, enabling women to do approximately 350 types of jobs that had previously been forbidden, such as truck driving. The Ministry of Labor ruled 100 jobs to be especially physically taxing, including firefighting, mining, and steam boiler repair, which remained off-limits to women.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination based on nationality, but according to a 2017 report by the UN Committee on the Elimination of Racial Discrimination, officials discriminated against minorities, including through “de facto racial profiling, targeting in particular migrants and persons from Central Asia and the Caucasus.” Activists reported that police officers often stopped individuals who looked foreign and asked them for their documents, claiming that they contained mistakes even when they were in order, and demanded bribes.

Hate crimes targeting ethnic minorities continued to be a problem. According to a 2018 report by the human rights group Antidiscrimination Center Memorial, Roma faced widespread discrimination in access to resources and basic utilities; demolitions of houses and forced evictions, including of children, often in winter; violation of the right to education (segregation of Romani children in low-quality schools); deprivation of parental rights; and other forms of structural discrimination.

During the year the government sought to repress expressions of ethnic identity, including calls for the preservation of minority languages and cultures. In

February the City Court of Naberezhnye Chelny fined the writer and public figure Fauziya Bayramova for incitement to violate the territorial integrity of Russia. Bayramova was convicted after authorities reviewed the translated transcript of her speech at a scientific conference organized by the All-Tatar Public Center of Kazan in 2020 in which she had spoken of the need to preserve Tatar culture and identity. In another example, in 2019 law enforcement authorities forcibly broke up a protest in Ingushetiya against government efforts to cede disputed territory to Chechnya and detained 51 individuals on charges related to use of violence against security forces. According to Memorial, as of July, 38 individuals had been convicted in relation to the protest, including Magomed Khamkhoyev, who was sentenced to three and one-half years in prison in February. On December 15, seven leaders of the Ingushetiya protest movement were found guilty of forming an extremist group and assaulting law enforcement, and they received prison sentences ranging from seven to nine years. Memorial considered them to be political prisoners.

Indigenous Peoples

The constitution and various statutes provide support for members of “small-numbered” indigenous groups of the North, Siberia, and the Far East, permitting them to create self-governing bodies and allowing them to seek compensation if economic development threatens their lands. The government granted the status of “indigenous” and its associated benefits only to those ethnic groups numbering fewer than 50,000 and maintaining their traditional way of life. A 2017 report by Antidiscrimination Center Memorial noted that the major challenges facing indigenous persons included “seizure of territories where these minorities traditionally live and maintain their households by mining and oil and gas companies; removal of self-government bodies of indigenous peoples; and repression of activists and employees of social organizations, including the fabrication of criminal cases.”

Indigenous sources reported state-sponsored harassment, including interrogations by security services as well as employment discrimination. Such treatment was especially acute in areas where corporations wanted to exploit natural resources. By law indigenous groups have exclusive rights to their indigenous lands, but the land itself and its natural resources belong to the state. Companies are required to

pay compensation to local inhabitants, but activists asserted that local authorities rarely enforced this provision. Activists stated that interests of corporations and indigenous persons were in constant conflict.

Children

Birth Registration: By law citizenship derives from parents at birth or from birth within the country's territory if the parents are unknown or if the child may not claim the parents' citizenship. Failure to register a birth resulted in the denial of public services.

Education: Education is free and compulsory through grade 11, although regional authorities frequently denied school access to the children of persons who were not registered local residents, including Roma, asylum seekers, and migrant workers.

Child Abuse: The country does not have a law on child abuse, but the law prohibits murder, battery, and rape. The penalties for conviction of such crimes range from five to 15 years in prison and, if they result in the death of a minor, up to 20 years in prison. The law makes beatings by "close relatives" an administrative rather than a criminal offense for first-time offenders, provided the beating does not cause serious harm requiring hospital treatment, applies to children as well. Some State Duma deputies claimed that children needed discipline and authority in the family, condoning beating as a mode of discipline.

Studies indicated that violence against children was common. According to a report published in 2019 by the National Institute for Child Protection, one in four parents admitted to having beaten their children at least once with a belt.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18 for both men and women. Local authorities may authorize marriage from the age of 16 under certain circumstances. More than a dozen regions allow marriage from the age of 14 under special circumstances, such as pregnancy or the birth of a child.

Sexual Exploitation of Children: The age of consent is 16. The law prohibits the commercial sexual exploitation, sale, offering, or procuring of children for commercial sexual exploitation, and practices related to child pornography.

Authorities generally enforced the law.

The law prohibits the manufacture, distribution, and possession with intent to distribute child pornography, but possession without intent to distribute is not prohibited by law. Manufacture and distribution of pornography involving children younger than 18 is punishable by two to eight years in prison or three to 10 years in prison if children younger than 14 are involved. Authorities considered child pornography to be a serious problem.

Roskomnadzor has the power to shut down any website immediately and without due process until its owners prove its content does not include child pornography.

Institutionalized Children: There were reports of neglect as well as physical and psychological abuse in state institutions for children. NGOs reported that children with disabilities were especially vulnerable to low-quality care at institutions due to a lack of resources and inadequate reforms. NGOs pointed to the closing of schools and strict stay-at-home orders during the height of COVID-19 measures as especially detrimental to at-risk children, including children in institutions. NGOs noted that many had limited access to social services and teachers or counselors.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The 2010 census estimated the Jewish population at slightly more than 150,000. The Russian Jewish Congress (RJC) estimated the Jewish population at 172,500, while the Federation of Jewish Communities estimated there were 1.5 million persons of Jewish heritage.

In the most recent data available, the RJC reported a slight decline in the level of anti-Semitic violence in 2020, compared with previous years, and reported similar downward trends in anti-Semitism in the public sphere, with only a few notable anti-Semitic posts on social media sites that caused a negative reaction among the

public and journalistic community. The RJC reported, however, that limited political pressure on Jewish organizations continued in 2020. There were no reported cases of anti-Semitic attacks against the Jewish community during 2020. There was one instance in which law enforcement intervened to thwart an attempt to kill a Jewish leader that resulted in the arrest of the would-be killer. There was only one reported instance of anti-Semitic expression on state television and a small number of anti-Semitic statements and publications by journalists and in social media posts by private citizens online. By the end of 2020, the RJC reported 10 criminal sentences had been issued against individuals for statements that directly or indirectly related to anti-Semitism, with the most common sentence a fine for hate speech or “propaganda through the internet.”

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law provides protection for persons with physical, sensory, intellectual, and mental disabilities, including access to education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. The government did not enforce these provisions effectively.

The conditions of guardianship imposed by courts on persons with disabilities deprived them of almost all personal rights. Activists reported that courts declared tens of thousands of individuals “legally incompetent” due to intellectual disabilities, forcing them to go through guardians to exercise their legal rights, even when they could make decisions for themselves. Courts rarely restored legal capacity to individuals with disabilities. By law individuals with intellectual disabilities were at times prevented from marrying without a guardian’s consent.

In many cases persons with intellectual or physical disabilities were confined to institutions where they were often subjected to abuse and neglect.

Roszdraznador, the Federal Service for Surveillance in Health Care, announced that it found abuses in 87 percent of institutions for children and adults with

intellectual disabilities during a 2019 audit.

Federal law requires that buildings be accessible to persons with disabilities. While there were improvements, especially in large cities such as Moscow and St. Petersburg, authorities did not effectively enforce the law in many areas of public transportation and in buildings. Many individuals in wheelchairs reported they continued to have trouble accessing public transportation and had to rely on private cars. Wheelchair-accessible street curbs were not widely available in many regions throughout the country.

Election law does not specifically mandate that polling places be accessible to persons with disabilities, and most of them were not. Election officials generally brought mobile ballot boxes to the homes of voters with disabilities.

The government began to implement inclusive education, but many children with disabilities continued not to study in mainstream schools due to a lack of accommodations to facilitate their individual learning needs. Many schools did not have the physical infrastructure or adequately trained staff to meet the needs of children with disabilities, leaving them no choice but to stay at home or attend segregated schools. Even when children were allowed to attend a mainstream school, many staff and children lacked understanding to meet the educational needs of the child. While the law mandates inclusive education for children with disabilities, authorities generally segregated them from mainstream society through a system that institutionalized them through adulthood. Graduates of such institutions often lacked the social, educational, and vocational skills to function in society.

There appeared to be no clear standardized formal legal mechanism by which individuals could contest their assignment to a facility for persons with disabilities. The classification of children with intellectual disabilities by category of disability often followed them through their lives. The official designations “imbecile” and “idiot,” assigned by commissions that assess children with developmental delays at the age of three, signified that authorities considered the child uneducable. These designations were almost always irrevocable. The designation “weak” (having a slight cognitive or intellectual disability) followed an individual on official documents, creating barriers to employment and housing after graduation from

state institutions.

HIV and AIDS Social Stigma

Persons with HIV or AIDS faced significant legal discrimination, growing informal stigma-based barriers, and employment discrimination.

In 2020 the government lifted restrictions on persons with HIV who wanted to adopt children if the adoptive parents met strict criteria, such as being on dispensary observation for at least a year and having a CD4 cell level of more than 350 cells/milliliter. Nonetheless, they also continued to face barriers to adopting children in many cases.

According to NGO activists, men who have sex with men were unlikely to seek antiretroviral treatment, since treatment exposed the fact that these individuals had the virus, while sex workers were afraid to appear in the official system due to threats from law enforcement bodies. Many individuals who injected drugs also did not seek treatment because of the country's aggressive criminalization of illegal drugs and marginalization of users. By law foreign citizens who are HIV-positive may be deported. The law, however, bars the deportation of HIV-positive foreigners who have a Russian national or permanent resident spouse, child, or parents. Economic migrants concealed their HIV status and avoided treatment due to fear of deportation. Younger women with HIV or AIDS, in particular, faced multiple barriers to accessing treatment because of stigma, discrimination, harmful gender stereotypes, gender-based violence, and difficulty accessing critical sexual and reproductive health care.

Children with HIV faced discrimination in education. NGOs noted that many younger children with HIV faced resistance by other parents when trying to enroll in schools.

The Ministry of Justice continued to designate HIV-related NGOs as foreign agents, effectively reducing the number of organizations that could serve the community (see section 2.b., Freedom of Association).

Acts of Violence, Criminalization, and Other Abuses Based on

Sexual Orientation and Gender Identity

During the year there were reports state actors committed violence against LGBTQI+ individuals based on their sexual orientation or gender identity, particularly in Chechnya (see section 1.b.).

There were reports that government agents attacked, harassed, and threatened LGBTQI+ activists. For example, *Meduza* reported that Dagestani police forcibly returned Khalimat Taramova, a 22-year-old woman and victim of domestic violence, to Chechnya after she escaped to a women's shelter in Makhachkala following threats by her family and local police due to her sexual orientation. In a statement on June 12, Chechen minister Akhmed Dudayev praised law enforcement for having “foiled an attempted kidnapping” by “instigators.” On the same day, the Russian LGBT Network said it would file a complaint with the ECHR about Taramova's abduction and expressed concern that her sexual orientation placed her at risk of further abuse in Chechnya.

LGBTQI+ persons were targets of societal violence, and police often failed to respond adequately to such incidents. For example, in March an LGBTQI+ activist from Murmansk, Valentina Likhoshva, reported to police that she had received threats after receiving an international award recognizing her contributions to social justice and human rights in the Barents region. Media outlets reported that police subsequently refused to investigate her claims, commenting that because the threats came by email, their validity could not be determined.

During the year authorities acted on a limited basis to investigate and punish those complicit in societal violence and abuses by the state. For example, on January 12, a court in Yekaterinburg sentenced Pavel Zuyev to five years in prison on robbery charges after he beat and robbed two gay men in September 2020. The court determined that Zuyev assaulted the men due to their sexual orientation and ordered him to compensate them financially for emotional damages.

In 2020 the Russian LGBT Network released a report that showed 12 percent of LGBTQI+ respondents in a survey had experienced physical violence, 4 percent had experienced sexual violence, and 56 percent had experienced psychological

abuse during their lifetime. The report noted that LGBTQI+ persons faced discrimination in their place of study or work, when receiving medical services, and when searching for housing. The report also noted that transgender persons were uniquely vulnerable to discrimination and violence. The Russian LGBT Network claimed that law enforcement authorities did not always protect the rights of LGBTQI+ individuals and were sometimes the source of violence themselves. As a result, LGBTQI+ individuals had extremely low levels of trust in courts and police.

A homophobic campaign continued in state-controlled media in which officials, journalists, and others derided LGBTQI+ persons as “perverts,” “sodomites,” and “abnormal,” and conflated homosexuality with pedophilia.

There were reports police conducted involuntary physical exams of transgender or intersex persons. In April a St. Petersburg court ordered a transgender man, Innokentiy Alimov, to undergo a gynecological examination to determine his gender, on the basis of which he was transferred to a women’s detention center. Alimov was sentenced to four and one-half years in prison in a drug trafficking case and spent at least two months in a “punishment cell,” which prison authorities argued was a safer place than among the general population.

The Association of Russian-speaking Intersex reported that medical specialists often pressured intersex persons (or their parents if they were underage) into having so-called normalization surgery without providing accurate information about the procedure or what being intersex meant.

The law criminalizes the distribution of “propaganda” of “nontraditional sexual relations” to minors and effectively limits the rights of free expression and assembly for citizens who wish to advocate publicly for LGBTQI+ rights or express the opinion that homosexuality is normal. Examples of what the government considered LGBTQI+ propaganda included materials that “directly or indirectly approve of persons who are in nontraditional sexual relationships” (see section 2.a.). Authorities charged feminist and LGBTQI+ rights defender Yuliya Tsvetkova with the criminal offense of disseminating pornography online after she shared images depicting female bodies on her social media accounts. Tsvetkova’s trial began on April 12 and continued as of December.

The law does not prohibit discrimination by state or nonstate actors against LGBTQI+ persons with respect to essential goods and services such as housing, employment, or access to government services such as health care.

LGBTQI+ persons reported significant societal stigma and discrimination, which some attributed to official promotion of intolerance and homophobia. In July a large health-food retail chain, VkusVill, ran and later apologized for an ad featuring a gay couple shopping in the store, which was part of a campaign featuring shoppers who visit the chain. Media outlets reported that the initial reaction to the ad was generally positive. As responses became increasingly critical, however, the chain was accused of promoting homosexuality. Its leadership removed the ad and apologized for “hurting the feelings of a large number of buyers, employees, partners and suppliers.”

High levels of employment discrimination against LGBTQI+ persons reportedly persisted. Activists asserted that the majority of LGBTQI+ persons hid their sexual orientation or gender identity due to fear of losing their jobs or homes, as well as the risk of violence. LGBTQI+ students also reported discrimination at schools and universities.

Medical practitioners reportedly continued to limit or deny LGBTQI+ persons health services due to intolerance and prejudice. The Russian LGBT Network’s report indicated that, upon disclosing their sexual orientation or gender identity, LGBTQI+ individuals often encountered strong negative reactions and the presumption they were mentally ill. According to a poll conducted in July by the government-controlled Russian Public Opinion Research Center, 23 percent of respondents considered members of the LGBTQI+ community to be “sick people who need help,” an opinion mainly held by men and persons older than age 60.

Transgender persons faced difficulty updating their names and gender markers on government documents to reflect their gender identity because the government had not established standard procedures, and many civil registry offices denied their requests. When documents failed to reflect their gender identity, transgender persons often faced harassment by law enforcement officers and discrimination in accessing health care, education, housing, transportation, and employment.

There were reports LGBTQI+ persons also faced discrimination in parental rights. The Russian LGBT Network reported LGBTQI+ parents often feared that the country's prohibition on the "propaganda of nontraditional sexual orientation" to minors would be used to remove custody of their children. On February 15, the ECHR inquired with Russian authorities on behalf of a transgender man who lost guardianship of his two foster children when authorities in Yekaterinburg learned that he had begun to change his gender. The man was granted asylum in Spain.

Other Societal Violence or Discrimination

The lack of an internal passport often prevented homeless citizens from fully securing their legal rights and social services. Homeless persons faced barriers to obtaining legal documentation as well as medical insurance, without which clinics refused to treat them.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that workers may form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination, but it does not require employers to reinstate workers fired due to their union activity. The law prohibits reprisals against striking workers. Unions must register with the Federal Registration Service, often a cumbersome process that includes lengthy delays and convoluted bureaucracy. The grounds on which trade union registration may be denied are not defined and can be arbitrary or unjustified. Active-duty members of the military, civil servants, customs workers, judges, prosecutors, and persons working under civil contracts are excluded from the right to organize. The law requires labor unions to be independent of government bodies, employers, political parties, and NGOs.

The law places several restrictions on the right to bargain collectively. For example, only one collective bargaining agreement is permitted per enterprise, and only a union or group of unions representing at least one-half the workforce may bargain collectively. The law allows workers to elect representatives if there is no union. The law does not specify who has authority to bargain collectively when

there is no trade union in an enterprise.

The law prohibits strikes in the military and emergency response services. It also prohibits strikes in essential public-service sectors, including utilities and transportation, and strikes that would threaten the country's defense, safety, and the life and health of its workers. The law additionally prohibits some nonessential public servants from striking and imposes compulsory arbitration for railroad, postal, and municipal workers, as well as public servants in roles other than law enforcement.

Laws regulating workers' strikes remained extremely restrictive, making it difficult to declare a strike but easy for authorities to rule a strike illegal and punish workers. It was also very difficult for those without a labor contract to go on a legal strike.

Union members must follow extensive legal requirements and engage in consultations with employers before acquiring the right to strike. Solidarity strikes and strikes on matters related to state policies are illegal, as are strikes that do not respect the onerous time limits, procedures, and requirements mandated by law. Employers may hire workers to replace strikers. Workers must give prior notice of the following aspects of a proposed strike: a list of the differences of opinion between employer and workers that triggered the strike; the date and time at which the strike is intended to start, its duration, and the number of anticipated participants; the name of the body that is leading the strike and the representatives authorized to participate in the conciliation procedures; and proposals for the minimum service to be provided during the strike. In the event a declared strike is ruled illegal and takes place, courts may confiscate union property to cover employers' losses.

The Federal Labor and Employment Service (RosTrud) regulates employer compliance with labor law and is responsible for "controlling and supervising compliance with labor laws and other legal acts which deal with labor norms" by employers. Several state agencies, including the Ministry of Justice, Prosecutor's Office, RosTrud, and Ministry of Internal Affairs, are responsible for enforcing the law. These agencies, however, frequently failed to enforce the law, and violations of freedom of association and collective bargaining provisions were common.

Penalties for violations were not commensurate with those under other similar laws related to civil rights.

Employers frequently engaged in reprisals against workers for independent union activity, including threatening to assign them to night shifts, denying benefits, and blacklisting or firing them. Although unions were occasionally successful in court, in most cases managers who engaged in antiunion activities did not face penalties.

In March the medical professional trade union Alliance of Doctors was put on a “foreign agent” list. Anastasiya Vasilyeva, the head of the union, had previously treated Aleksey Navalny. Vasilyeva was detained again in January and again in September. In October, Vasilyeva was convicted of breaching COVID-19 safety protocols for joining protests demanding Navalny’s release, which resulted in one year of restrictions, including a curfew and travel limitations.

In April and May, an estimated 200 workers with the Moscow Metro subway system were fired for registering online to participate in a protest in support of Aleksey Navalny. As of August, 42 of the workers had sued the company and at least two of the workers had been reinstated.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor but allows for it as a penal sentence, in some cases as prison labor contracted to private enterprises.

The government did not effectively enforce laws against forced labor, although prescribed penalties for violations were commensurate with those for other serious crimes. Compulsory prison labor occurred, which in some cases was used as punishment for expressing political or ideological views. Human rights groups expressed concern regarding the prison system being used in the construction sector in remote regions, due to insufficient numbers of Central Asian migrant workers. Instances of labor trafficking were reported in the construction, manufacturing, logging, textile, and maritime industries, as well as in sawmills, agriculture, sheep farms, grocery and retail stores, restaurants, waste sorting, street sweeping, domestic service, and forced begging (see section 7.c.). Serious problems remained in protecting migrant laborers, particularly from North Korea, who generally earned 40 percent less than the average salary. Migrant workers at

times experienced exploitative labor conditions characteristic of trafficking cases, such as withholding of identity documents, nonpayment for services rendered, physical abuse, unsafe working conditions, and extremely poor living conditions.

Under a state-to-state agreement, North Korean citizens worked for many years in the country in a variety of sectors, including the logging and construction industries in the Far East. To comply with the 2017 UN Security Council resolution prohibiting the employment of North Koreans, Russia had largely eliminated from the workforce North Korean laborers working in the country legally and continued to affirm its commitment to do so. Many North Korean laborers, however, continued to enter the country via fraudulent channels to work informally, for example by obtaining tourist or student visas. Authorities failed to screen departing North Korean workers for human trafficking and indications of forced labor.

There were reports of forced labor in the production of bricks, raising livestock, and at sawmills, primarily in Dagestan. While both men and women were exploited for forced labor in these industries in the Northern Caucasus region, victims were primarily male job seekers recruited in Moscow.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all worst forms of child labor, explicitly prohibiting work in unhealthy or dangerous conditions, underground work, or jobs that might endanger a child's health and moral development. The law prohibits the employment of children younger than 16 in most cases and regulates the working conditions of children younger than 18. The law permits children at age 14 to work under certain conditions and with the approval of a parent or guardian. Such work must not threaten the child's health or welfare. RosTrud is responsible for inspecting enterprises and organizations to identify violations of labor and occupational health standards for minors. The government effectively enforced the law, although penalties for violations were not commensurate with those for other serious crimes.

There were no available nationally representative data on the prevalence of child

labor in the country, although children reportedly worked in the informal and retail sectors. Some children, both Russian and foreign, were subjected to commercial sexual exploitation, forced participation in the production of pornography, and forced begging (see section 6, Children).

See the Department of Labor's List of Goods Produced by Child Labor or Forced Labor at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in respect to employment and occupation based on race, religion, national origin, color, sex, ethnicity, age, and refugee status, but does not prohibit discrimination based on sexual orientation, HIV status, gender identity, or disability. Although the country placed a general ban on discrimination, the government did not effectively enforce the law, and penalties for violations were not commensurate with those for other civil rights-related laws.

Discrimination based on gender in compensation, professional training, hiring, and dismissal was common, but very difficult to prove. Employers often preferred to hire men to save on maternity and child-care costs and to avoid the perceived unreliability associated with women with small children. The law prohibits employer discrimination in posting job vacancy information. It also prohibits employers from requesting workers with specific gender, race, nationality, address registration, age, and other factors unrelated to personal skills and competencies. Notwithstanding the law, vacancy announcements sometimes specified gender and age requirements or a desired physical appearance.

According to the Center for Social and Labor Rights, courts often ruled in favor of employees filing complaints, but the sums awarded were often seen as not worth the cost and time required to take legal action.

Women are restricted from employment in certain occupations in the chemical industry, metallurgy, oil production, coal mining, manufacturing of insulation, and some others owing to the harmful effects of certain compounds on women's reproductive health. In January an amended law went into effect that reduced the number of labor categories prohibited to woman from 456 to 98. According to the Ministry of Labor, women on average earned 39 percent less than men in 2019.

The legal age requirements for women and men to access either their full or partial pension benefits are not equal.

Sexual harassment in the workplace continued. The law does not prohibit sexual harassment in the workplace, and there are no criminal or civil remedies for sexual harassment experienced in the workplace.

The law requires applicants to undergo a mandatory pre-employment health screening for some jobs listed in the labor code or when enrolling at educational institutions. The medical commission may restrict or prohibit access to jobs and secondary or higher education if it finds signs of physical or mental problems. The law prohibits discrimination of persons with disabilities, but they were often subjected to employment discrimination. Companies with 35 to 100 employees have an employment quota of 1 to 3 percent for persons with disabilities, while those with more than 100 employees have a 2 to 4 percent quota. An NGO noted that some companies kept persons with disabilities on the payroll to fulfill the quotas but did not actually provide employment for them. Inadequate workplace access for persons with disabilities also limited work opportunities.

Many migrants regularly faced discrimination and hazardous or exploitative working conditions. The COVID-19 pandemic more severely impacted migrant workers. Employment discrimination based on sexual orientation and gender identity was a problem, especially in the public sector and education. Employers fired LGBTQI+ persons for their sexual orientation, gender identity, or public activism in support of LGBTQI+ rights. Primary and secondary school teachers were often the targets of such pressure due to the law on “propaganda of nontraditional sexual orientation” targeted at minors (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity).

Persons with HIV or AIDS were prohibited from working in areas of medical research and medicine that dealt with bodily fluids, including surgery and blood drives. The Ministry of Internal Affairs does not hire persons with HIV or AIDS, although persons who contract HIV or AIDS while employed are protected from losing their job.

e. Acceptable Conditions of Work

Wages and Hour Laws: The law provides for a minimum wage for all sectors, which was above the poverty income level. Some local governments had minimum wage rates higher than the national rate.

Nonpayment of wages is a criminal offense and is punishable by fines, compulsory labor, or imprisonment. Federal law provides for administrative fines of employers who fail to pay salaries and sets progressive compensation scales for workers affected by wage arrears. The government did not effectively enforce the law, and nonpayment or late payment of wages remained widespread. According to the Federal State Statistics Service, Rosstat, as of November 1, wage arrears amounted to approximately 1.34 billion rubles (\$18.1 million).

The law provides for standard workhours, overtime, and annual leave. The standard workweek may not exceed 40 hours. Employers may not request overtime work from pregnant women, workers younger than 18, and other categories of employees specified by federal law. Standard annual paid leave is 28 calendar days. Employees who perform work involving harmful or dangerous labor conditions and employees in the Far North regions receive additional annual paid leave. Organizations have discretion to grant additional leave to employees.

The law stipulates that payment for overtime must be at least 150 percent for the first two hours and not less than 200 percent after that. At an employee's request, overtime may be compensated by additional holiday leave. Overtime work may not exceed four hours in a two-day period or 120 hours in a year for each employee.

RosTrud is responsible for enforcing wage and hour laws and generally applied the law in the formal sector. The number of labor inspectors was insufficient to enforce the law in all sectors. Inspectors have the authority to make unannounced inspections and initiate sanctions, although there were significant restrictions on inspectors' authority to inspect workplaces. Experts generally pointed to prevention of these offenses, rather than adequacy of available punishment, as the main challenge to protection of worker rights. RosTrud noted state labor inspectors needed additional professional training and that the agency needed

additional inspectors to enforce consistent compliance. Although the labor inspectorate frequently referred cases for potential criminal prosecution, few of these cases were instituted by the Prosecutor's Office. In addition, courts routinely cancel decisions and penalties imposed by labor inspectors.

The government made efforts to effectively enforce minimum wage and hour laws, although resources and inspectors were limited. Penalties for violations were commensurate with those for similar crimes.

Occupational Safety and Health: Occupational safety and health standards were appropriate within the main industries. The law establishes minimum conditions for workplace safety and worker health, but it does not explicitly allow workers to remove themselves from hazardous workplaces without threat to their employment. The law entitles foreigners working in the country to the same rights and protections as citizens.

RosTrud is also responsible for enforcing occupational safety and health laws. The government made efforts to effectively enforce occupational safety and health laws, although resources and inspectors were limited. Serious breaches of occupational safety and health provisions are criminal offenses, and penalties for violations were commensurate with those of other similar crimes.

No national-level information was available on the number of workplace accidents or fatalities during the year. According to Rosstat, in 2019 approximately 23,300 workers were injured in industrial accidents, including 1,060 deaths.

Informal Sector: As of September an estimated 15 million persons were employed in the shadow economy, an 11.5 percent increase from the same period in 2020. Employment in the informal sector was concentrated in the southern regions. The largest share of laborers in the informal economy was concentrated in the trade, construction, and agricultural sectors, where workers were more vulnerable to exploitative working conditions. Labor migrants worked in low-skilled jobs in construction but also in housing, utilities, agriculture, and retail trade sectors, often informally. Labor law and protections apply to workers in the informal sector.

TAB I

UPDATES: THE INVASION OF UKRAINE



FREEDOM IN THE WORLD 2022

Russia

19
/100

NOT FREE

<u>Political Rights</u>	5/40
<u>Civil Liberties</u>	14/60

LAST YEAR'S SCORE & STATUS

20 /100 **Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Power in Russia's authoritarian political system is concentrated in the hands of President Vladimir Putin. With loyalist security forces, a subservient judiciary, a controlled media environment, and a legislature consisting of a ruling party and pliable opposition factions, the Kremlin is able to manipulate elections and suppress genuine dissent. Rampant corruption facilitates shifting links among state officials and organized crime groups.

Key Developments in 2021

- The arrest and detention of leading opposition figure Aleksey Navalny in January resulted in some of the largest protests in a decade. Authorities used excessive force against the demonstrators, and more than 11,500 people were detained.
- The September elections for the Duma, the lower house of parliament, were marked by extensive irregularities, according to election observers and independent media. The official results left the ruling United Russia party with a substantial supermajority.
- Authorities significantly expanded existing legal restrictions on “undesirable” and “extremist” organizations as well as “foreign agents,” contributing to an increase in censorship of the internet and social media and culminating in the forced closure of the respected human rights organization Memorial International.
- Russia continued to experience a severe outbreak of COVID-19, with more than 10 million confirmed cases and 300,000 deaths, according to official statistics; independent experts argued that those figures were artificially low. Low vaccination rates in the country were attributed in part to lack of trust in the government.

TOP

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	0/4
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The constitution establishes a strong presidency with the power to dismiss and appoint, pending parliamentary confirmation, the prime minister. The president is elected for a many a two consecutive six year term. Constitutional amendment approved in 2020 allow Putin, but not future presidents, to run for an additional two consecutive terms as president, potentially extending his rule to 2036.

As with past elections, President Putin's 2018 reelection campaign benefited from advantages including preferential media treatment, numerous abuses of incumbency, and procedural irregularities during the vote count. His most influential rival, Aleksey Navalny, was disqualified before the campaign began due to a politically motivated criminal conviction, creating what the Organization for Security and Co-operation in Europe (OSCE) called "a lack of genuine competition." The funding sources for Putin's campaign were also notably opaque.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	0/4
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The Federal Assembly consists of the 450-seat State Duma and an upper chamber, the Federation Council. The 2020 constitutional amendment altered the makeup of the Federation Council to include: two representatives from each of Russia's 81 regions (including two regions in the Russian-occupied Ukrainian territory of Crimea), with half appointed by governors and half by the regional legislatures, usually with strong federal input; former president, who are lifetime member; and no more than 30 "representatives of the Russian Federation," appointed by the president, of whom

no more than seven can be appointed for life. The rest of the Federation Council’s members are appointed for six-year terms.

Half of Duma members are elected by nationwide proportional representation, and the other half are elected in single-member districts, with all serving five-year terms. Electoral rules are designed to benefit the ruling party, United Russia.

In the 2021 Duma elections, United Russia won 324 seats, maintaining its supermajority. The main Kremlin-approved opposition parties—the Communist Party, A Just Russia, the Liberal Democratic Party of Russia (LDPR), and the New People party—won the bulk of the remainder, totaling 118 seats. Three smaller parties and five independents garnered 8 seats. The Central Election Commission reported a voter turnout of 52 percent, up from 48 percent in 2016. The election took place over three days, and Russians were permitted to use an opaque online voting system for the first time.

The OSCE was unable to send an observation mission due to new government-imposed restrictions on the number of observers. The Russian election-monitoring group Golos and independent media reported numerous violations, including vote buying, pressure on voters, “clone” candidates, and ballot stuffing. Under pressure from the authorities, Apple and Google removed the Navalny-backed Smart Voting mobile application from their online stores; the app was designed to inform citizens on how to avoid splitting the opposition vote in their respective districts. Some opposition candidates were not permitted to register, including an associate of Navalny’s organization. In Moscow, early results showed challengers to United Russia leading in several districts, but pro-Kremlin candidates were later declared the victors in each of these districts after delayed online-voting results were released, prompting further accusations of fraud.

A3 0/4 pt

<p>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</p>	<p>TOP 0/4</p>
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Russia's electoral system is designed to maintain the dominance of United Russia. The authorities make frequent changes to electoral laws and the timing of elections in order to secure advantages for their preferred candidates. Opposition candidates have little chance of success in appealing these decisions, or in securing a level playing field. In 2020, Putin signed a law permitting the use of electronic voting across Russia, raising concerns about the security and secrecy of ballots in the 2021 Duma polls and other future elections. Also that year, the president signed a law allowing a three-day voting period in future elections; critics argued that the expanded timeframe increased officials' ability to manipulate electoral outcomes.

B. Political Pluralism and Participation

B1 0-4 pts

<p>Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?</p>	<p>1 / 4</p>
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The multiparty system is carefully managed by the Kremlin, which tolerates only superficial competition against the ruling party. A 2012 law liberalized party registration rules, allowing the creation of hundreds of new parties. However, none posed a significant political threat to the authorities, and many seemed designed to encourage division and confusion among the opposition. The Justice Ministry has repeatedly refused to register Navalny's political party. In June 2021, Navalny's Anti-Corruption Foundation (FBK) was declared an extremist organization, effectively preventing anyone associated with it from running for office.

TOP

Three new parties met a voting threshold in the 2020 local elections that would allow them to qualify for the 2021 Duma elections: New People, For Truth, and Green Alternative. In practice, each has links to the ruling party, allowing Kremlin-friendly

political figures to distance themselves from the increasingly unpopular United Russia and siphon off voters who might otherwise support genuine opposition parties.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

0 / 4

Russia has never experienced a democratic transfer of power between rival groups. Putin, then the prime minister, initially received the presidency on an acting basis from the retiring Boris Yeltsin at the end of 1999. He served two four-year presidential terms from 2000 to 2008, then remained the de facto paramount leader while working as prime minister until he returned to the presidency in 2012, violating the spirit if not the letter of the constitution's two-term limit. A 2008 constitutional amendment extended presidential terms to six years, and a 2020 amendment allowed Putin to run for an additional two terms, meaning he could remain in office until 2036.

Opposition politicians and activists are frequently targeted with fabricated criminal cases and other forms of administrative harassment designed to prevent their participation in the political process. Navalny was poisoned with a toxic nerve agent in August 2020 while he was investigating corruption and campaigning in Siberia, with evidence later emerging that the attack was carried out by the Federal Security Service (FSB). He had to be evacuated to Germany to prevent the authorities from interfering with his treatment, and he was arrested upon his return in January 2021 for violating probation, receiving a prison term in February.

Legislation enacted in June 2021 banned individuals associated with extremist organizations from running for election. The Central Election Commission subsequently disqualified a number of candidates who were accused of extremism or association with undesirable organizations. Other opposition activists were **TOP** sentenced to prison or fled the country due to charges they said were politically motivated. Among other new restrictions, Russian citizens who hold a second citizenship or a foreign residence permit, and people who have been found guilty of

one of 400 criminal and administrative offenses, were unable to run for office as of 2021. In June, Golos reported that around nine million Russians, or nearly one in 10 adults, had effectively been denied the right to run for any public office.

B3 0-4 pts

<p>Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</p>	<p>1/4</p>
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Russia’s numerous security agencies work to maintain tight control over society and prevent any political challenges to the incumbent regime. The country’s leadership is also closely intertwined with powerful business magnates who benefit from government patronage in exchange for political loyalty and various forms of service. The Russian Orthodox Church similarly works to support the status quo, receiving financial support and a privileged status in return. Recent reports from the Riga-based online news outlet Meduza, echoing other research, have shown that many employers—particularly in the public sector—pressure their employees to vote, partly to deliver the government’s desired level of voter turnout.

B4 0-4 pts

<p>Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?</p>	<p>1/4</p>
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The formation of parties based on ethnicity or religion is not permitted by law. In practice, many regions inhabited by distinct ethnic groups are carefully monitored and controlled by federal authorities. Most republics in the restive North Caucasus area and some autonomous districts in energy-rich western Siberia have opted out of direct gubernatorial elections; instead, their legislatures choose a governor from **TOP** candidates proposed by the president.

Women are underrepresented in politics and government. As of 2021, they held less than a fifth of the seats in the State Duma and the Federation Council. Only about a

tenth of cabinet members are women, and many issues of importance to women are not prominent in Russian politics.

Constitutional amendments that were approved in the 2020 referendum and enacted in April 2021 formally defined marriage as a union between a man and a woman, both reflecting and deepening the systemic challenges LGBT+ people face in pursuing their political interests.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	0 / 4
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Russia's authoritarian president dominates the political system, along with powerful allies in the security services and the business sector. These groups effectively control the output of the parliament, which is not freely elected. The 2020 constitutional amendments formalized the power of the president over the legislature and allow Putin to retain the presidency until 2036, demonstrating his ability to manipulate the system. In 2021, the parliament passed a series of bills designed to increase political centralization at the expense of regional autonomy. However, the federal authorities have limited ability to impose policy decisions in Chechnya, where Chechen leader Ramzan Kadyrov has been granted unchecked power in exchange for violently suppressing dissent and keeping the republic within the Russian Federation.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	1 / 4 TOP
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Corruption in the government and the business world is pervasive, and a growing lack of accountability enables officials to engage in malfeasance with impunity. Many

analysts have argued that the political system is essentially a kleptocracy, a regime whose defining characteristic is the plunder of public wealth by ruling elites. Some of these elites openly work to fulfill President Putin's policy aims and receive government contracts and protection from prosecution in return for their loyalty.

C3 0-4 pts

Does the government operate with openness and transparency?	1/4
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There is little transparency and accountability in the day-to-day workings of the government. Decisions are adopted behind closed doors by a small group of individuals whose identities are often unclear to the public, and are announced to the population after the fact.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	0/4
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Although the constitution provides for freedom of speech, vague laws on extremism grant the authorities great discretion to crack down on any speech, organization or activity that lacks official support. The government controls, directly or through state-owned companies and friendly business magnates, all of the national television networks and many radio and print outlets, as well as most of the media advertising market. A handful of independent outlets still operate, most of them online and some headquartered abroad. The few still based in the country struggle to maintain their

independence from state interests. Television remains the most popular source of news, but its influence is declining, particularly among young people who rely more on social media.

Laws on extremism, foreign agents, and undesirable organizations have been used to harass media outlets, curtailing their access to funding and forcing many to cease operations in Russia. In late 2020, legislators expanded the foreign agents law to apply to individuals and informal organizations. Authorities cracked down on journalists who reported on protest events in 2021, for example by arresting editors at the student-led newspaper *Doxa*. Also during the year, a number of prominent independent media outlets were declared foreign agents, including Meduza, VTimes, Dozhd, OVD-Info, Mediazona, and iStories. Roskomnadzor, the federal media and telecommunications agency, required several media outlets to delete reports by the investigative news outlet Proekt, which was declared an undesirable organization in July.

A series of new laws that have gone into effect since 2020 require social media networks to take down “illegal” content, fine websites that fail to block illegal content, and enforce prison sentences for online “libel,” among other provisions. In the weeks following the introduction of these laws, Roskomnadzor issued warnings and fines to TikTok, VKontakte, Odnoklassniki, YouTube, Twitter, Facebook, and Instagram for failing to block posts that allegedly encouraged minors to participate in protests. In December, a court fined Google \$100 million for failure to delete banned content. Activists have also been fined and jailed for allegedly promoting extremist content on social media.

D2 0-4 pts

<p>Are individuals free to practice and express their religious faith or nonbelief in public and private?</p>	
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TOP

Freedom of religion is upheld unevenly. A 1997 law on religion gives the state extensive control and makes it difficult for new or independent groups to operate. The Russian Orthodox Church has a privileged position, working closely with the

government on foreign and domestic policy priorities. Antiterrorism legislation approved in 2016 grants authorities the power to suppress religious groups that are deemed extremist.

The Jehovah’s Witnesses were declared an extremist organization in 2017, leading to a protracted campaign against worshippers marked by surveillance, property seizures, arrests, and torture. Since the ban, more than 500 Jehovah’s Witnesses have been charged with or convicted of extremism. In October 2021, however, the Supreme Court ruled that authorities could not prosecute adherents merely for individual or collective worship, requiring additional evidence of extremist activity.

Many Muslims have been detained in recent years for alleged membership in banned Islamist groups, including Hizb ut-Tahrir.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	1/4
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The higher education system and the government-controlled Academy of Sciences are hampered by bureaucratic interference, state-imposed international isolation, and increasing pressure to toe the Kremlin line on politically sensitive topics, though some academics still express dissenting views. A number of universities have banned student and faculty participation in antigovernment rallies or threatened students with expulsion should they participate. Educators have also been fired for attending or sharing information about protests on social media.

A law enacted in April 2021 requires educators and academics to receive permission from authorities for public “educational activities” and partnerships involving foreign scholars. In July, US-based Bard College became the first foreign institution of higher education to be designated as an undesirable organization in Russia. In October, the FSB announced that individuals who work on military technology and related issues and share even nonsecret information with foreigners could be named as foreign agents.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	1/4
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Pervasive, hyperpatriotic propaganda and political repression—particularly since Russian forces' invasion of Ukraine in 2014—have had a cumulative impact on open and free private discussion, and the chilling effect is exacerbated by growing state efforts to control expression on the internet.

In recent years, authorities have adopted a series of laws that impose fines or prison sentences for insulting the state, spreading false news, committing libel, and using social media to discuss the personal information of judges and law enforcement officials or to share information on corruption. These and other laws are actively enforced to punish and deter expressions of dissent.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	0/4
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The government restricts freedom of assembly. Overwhelming police responses, the excessive use of force, routine arrests, and harsh fines and prison sentences have discouraged unsanctioned protests, while pro-Kremlin groups are able to demonstrate freely. Despite the risks, thousands of people have turned out for series of antigovernment demonstrations in recent years.

TOP

It is extremely difficult for groups opposing the Kremlin to obtain permission to hold a protest or rally. At the regional level, extensive location-based restrictions prohibit assemblies in as much as 70 percent of public space. While some of these restrictions

have been invalidated over the years, authorities can ban rallies on vaguely defined “public interest” grounds. Since 2014, nine major legislative amendments have been introduced to curtail freedom of assembly. Some protesters have resorted to single-person pickets to circumvent limits on mass gatherings, but authorities have used a variety of laws and tactics to crack down on the practice in recent years.

The government has invoked public health concerns to tighten restrictions on assembly during the COVID-19 pandemic, but the rules are selectively applied to target critics of the regime.

In early 2021, mass demonstrations in response to the arrest and imprisonment of Aleksey Navalny were met with excessive force by state security personnel. At least 11,500 people were detained, more than 130 criminal investigations were opened, and multiple protesters and journalists were injured, with many reporting beatings and other abuse in custody. Some of those convicted over the subsequent months received multiyear prison sentences. Facial-recognition technology installed in Moscow and several other cities was reportedly used to identify and arrest participants in the protests.

Score Change: The score declined from 1 to 0 because authorities pursued a campaign of retaliation against opposition protesters, arresting thousands of participants, engaging in physical abuse during arrests and in detention, and imposing criminal penalties.

E2 0-4 pts

<p>Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?</p>	<p>0 / 4</p>
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The government has relentlessly persecuted NGOs, particularly those that work on human rights and governance issues. Civic activists are frequently arrested on **TOP** politically motivated charges.

Authorities impede and block NGO work by requiring groups that receive foreign support and are deemed to engage in broadly defined “political activity” to register as

“foreign agents.” This designation, which is interpreted by much of the Russian public as denoting a foreign spying operation, entails onerous registration requirements, obliges groups to tag their materials with a “foreign agent” label, and generally makes it extremely difficult for them to pursue their objectives. Under amendments adopted in late 2020, authorities can designate individuals and informal organizations as foreign agents. Those who fail to comply with the law risk fines or prison time.

In June 2021, the president signed laws that made it easier to open criminal cases for alleged affiliation with “undesirable” organizations and banned individuals affiliated with “extremist” organizations from seeking public office. As of December 2021, the Ministry of Justice had listed 86 NGOs and public associations, 36 media outlets, and 75 individuals as foreign agents. Separately, a total of 48 organizations had been deemed “undesirable.” That month, Russia’s Supreme Court ordered the closure of Memorial International, one of Russia’s most well-respected human rights organizations, on the grounds that it had repeatedly failed to meet the requirements of the foreign agents legislation.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	2/4
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While trade union rights are legally protected, they are limited in practice. Strikes and worker protests have occurred in prominent industries, including automobile manufacturing, but antiunion discrimination and reprisals are common. Employers often ignore collective bargaining rights. The largest labor federation works in close cooperation with the Kremlin, though independent unions are active in some industrial sectors and regions.

F. Rule of Law

TOP

F1 0-4 pts

Is there an independent judiciary?	1/4
---	------------

The judiciary lacks independence from the executive branch, and judges' career advancement is effectively tied to compliance with Kremlin preferences. The Presidential Personnel Commission and court chairpersons control the appointment of the country's judges, who tend to be promoted from inside the judicial system rather than gaining independent experience as lawyers. The 2020 constitutional amendments empowered the president to remove judges from the Constitutional Court and the Supreme Court, with the support of the Federation Council, further damaging the judiciary's already negligible autonomy.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	1 / 4
--	--------------

Safeguards against arbitrary arrest and other due process guarantees are regularly violated, particularly for individuals who oppose or are perceived as threatening to the interests of the political leadership and its allies. Many Russians have consequently sought justice from international courts, but a 2015 law authorizes the Russian judiciary to overrule the decisions of such bodies, and it has since done so on a number of occasions. In December 2021, the president signed legislation that granted police broader authority to break into homes and vehicles and search personal belongings without a warrant. While arbitrary arrests are rarely punished, a court in May sentenced five former police officers to prison terms for the 2019 arrest of journalist Ivan Golunov on fabricated drug charges.

Memorial Human Rights Center counted 410 people as political prisoners as of August 2021, with 329 of them held in connection with the exercise of religious freedom. Those counted included opposition leader Aleksey Navalny along with several of his supporters, journalists, and potential opposition candidates for the 2021 parliamentary elections.

TOP

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom	
--	--

from war and insurgencies?

0/4

Use of excessive force by police is widespread, and rights groups have reported that law enforcement agents who carry out such abuses have deliberately employed electric shocks, suffocation, and the stretching of a detainee's body so as to avoid leaving visible injuries. Prisons are overcrowded and unsanitary; inmates lack access to health care and are subject to abuse by guards. In 2021, lawyers for Navalny reported that he had been subjected to sleep deprivation and denied medical treatment while in prison.

Parts of the country, especially the North Caucasus, suffer from high levels of violence; targets include officials, Islamist insurgents, and civilians. Chechen leader Ramzan Kadyrov has been accused of using abductions, torture, extrajudicial killings, and other forms of violence to maintain control. This activity sometimes **extends** to other parts of Russia and foreign countries, where Kadyrov is suspected of arranging the assassination of asylum seekers and political opponents living in exile.

F4 0-4 pts**Do laws, policies, and practices guarantee equal treatment of various segments of the population?**

0/4

Immigrants and ethnic minorities—particularly those who appear to be from the Caucasus or Central Asia—face governmental and societal discrimination and harassment. Constitutional amendments establish the primacy of the Russian language within the state, favoring ethnic Russians by implication.

LGBT+ people are also subject to considerable discrimination. A federal law banning the dissemination of information on “nontraditional sexual relationships” has been in force since 2013, making public discussion of homosexuality illegal. **TOP**

Chechnya remains particularly dangerous for LGBT+ people, with authorities launching a crackdown in 2019 that ensnared nearly 40 people; two of the detainees reportedly died after they were tortured by police. In 2021, police arrested and

forcibly returned to Chechnya individuals who were associated with LGBT+ organizations.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	2/4
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The government places some restrictions on freedoms of movement and residence. Adults must carry internal passports while traveling and to obtain many government services. Some regional authorities impose registration rules that limit the right of citizens to choose their place of residence, typically targeting members of ethnic minorities and migrants from the Caucasus and Central Asia. Most Russians are free to travel abroad, but more than four million employees tied to the military and security services were banned from foreign travel under rules issued in 2014.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	1/4
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State power and private property are intimately connected, with senior officials often using their government positions to amass vast property holdings. State takeovers of key industries and large tax penalties imposed on select companies after dubious legal proceedings have illustrated the precarious nature of property rights under **TOP** Putin's rule, especially when political interests are involved. Private businesses more broadly are routinely targeted for extortion or expropriation by law enforcement officials and organized criminal groups.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Constitutional amendments approved in 2020 define marriage as a union between a man and a woman; the changes were formally adopted in April 2021, effectively barring any future law recognizing same-sex marriage.

Domestic violence receives little attention from the authorities. Instead, survivors who kill their abusers in self-defense are commonly imprisoned; as many as 80 percent of women imprisoned in Russia may fall under this category. A 2017 law decriminalized acts of domestic violence that do not result in permanent physical harm. The measure also relieved police of the obligation to initiate cases, transferring that burden to survivors. During Russia’s COVID-19 lockdown in 2020, Russian NGOs reported a doubling of domestic violence cases, while official police statistics reported a decrease. In December 2020, the Justice Ministry listed the NGO Nasiliu.net, which fights gender-based violence, as a “foreign agent.” In April 2021, the Constitutional Court called on lawmakers to strengthen victim protections as well as penalties for repeat offenders.

Residents of certain regions, particularly in the North Caucasus, face tighter societal restrictions on personal appearance and relationships, and some so-called honor killings have been reported. In Chechnya, Kadyrov has spoken in favor of polygamy and sought to compel divorced couples to remarry.

G4 0-4 pts

<p>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</p>	<p>2 / 4</p>
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Legal protections against labor exploitation are poorly enforced. Migrant workers are often exposed to unsafe or exploitative working conditions. Both Russians facing economic hardship and migrants to Russia from other countries are vulnerable to sex and labor trafficking. The US State Department’s 2021 *Trafficking in Persons Report* criticized the government’s lack of significant efforts to address trafficking. While it

acknowledged the government’s extension of work and residence permits for foreign workers in response to the COVID-19 pandemic, its identification of some victims, and other positive steps, the report found that the government records a far lower number of trafficking victims than the estimated scope of the problem would suggest, and that the state is actively complicit in the forced labor of North Korean workers. Trafficking victims are routinely detained, deported, and prosecuted for activity they were forced to participate in.



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Global Freedom Score

19/100 Not Free

Internet Freedom Score

23/100 Not Free

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TAB J



HUMAN
RIGHTS
WATCH

“Like Walking a Minefield”

Vicious Crackdown on Critics in Russia’s Chechen Republic



“Like Walking a Minefield”

Vicious Crackdown on Critics in Russia’s Chechen Republic

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Like Walking a Minefield

Vicious Crackdown on Critics in Russia’s Chechen Republic

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Map



Summary

Now when I think back to the war, ...we were not as frightened as now. Fear of a bomb, fear of a bullet—it's something we could live with.... But this ... utter humiliation—I just cannot deal with it, I'm ashamed of myself. Every day, they take away another piece of my dignity.... It's like always walking a mine field, always...waiting for them to drag you away.

-Resident of Chechnya, July 2016

For close to a decade, Ramzan Kadyrov, the leader of Russia's Chechen Republic, has steadily tried to eradicate all forms of dissent and gradually built a tyranny within Chechnya. Kadyrov has been in this post since 2007 by virtue of appointment from the Kremlin, but he now faces elections for the head (governor) of Chechnya scheduled for September 2016. In the months before those elections local authorities have been viciously and comprehensively cracking down on critics and anyone whose total loyalty to Kadyrov they deem questionable. These include ordinary people who express dissenting opinions, critical Russian and foreign journalists, and the very few human rights defenders who challenge cases of abuse by Chechen law enforcement and security agencies. The increasingly abusive crackdown seems designed to remind the Chechen public of Kadyrov's total control and controlling the flow of any negative information from Chechnya that could undermine the Kremlin's support for Kadyrov.

Residents of Chechnya who show dissatisfaction with or seem reluctant to applaud the Chechen leadership and its policies are the primary victims of this crackdown. The authorities, whether acting directly or through apparent proxies, punish them by unlawfully detaining them—including through abductions and enforced disappearances—subjecting them to cruel and degrading treatment, death threats, and threatening and physically abusing their family members. These abuses also send an unequivocal message of intimidation to others that undermines the exercise of many civil and political rights, most notably freedom of expression. Even the mildest expressions of dissent about the situation in Chechnya or comments contradicting official policies or paradigms, whether expressed openly or in closed groups on social media, or through off-hand comments to a journalist or in a public place, can trigger ruthless reprisals.

This report documents a new phase in the Chechnya crackdown and is based on 43 interviews with victims, people who are close to those who paid a price for their critical remarks, as well as with human rights defenders, journalists, lawyers, and other experts.

In one case documented in this report, a man died after law enforcement officials forcibly disappeared and tortured him. In another, police officials unlawfully detained, threatened, and ill-treated a woman and her three children in retaliation for her husband's public remarks criticizing the authorities. Police officials beat the mother and the eldest daughter, age 17, and threatened them with death, in an effort to force them to persuade the father to retract his critical comments. In another five cases documented in this report, law enforcement and security officials, or their apparent proxies, abducted people and subjected them to cruel and degrading treatment; four of those individuals were forcibly disappeared for periods of time ranging from one to twelve days.

The authorities subjected five of the people whose cases are documented in this report to public humiliations, in which they were forced to publicly apologize to the Chechen leadership for their supposedly false claims and renounce or apologize for their actions. In Chechen society public humiliation and loss of face can lead to exclusion from social life for the victim and his or her extended family.

Human Rights Watch is aware of other similar cases of abuse against local critics but did not include them in this report because victims or their family members specifically requested us not to publish their stories or because we could not obtain video materials and other evidence to confirm their accounts. There is also little doubt that some abuses against local residents in Chechnya may never come to the attention of human rights monitors or journalists because the climate of fear in the region is overwhelming and local residents have been largely intimidated into silence.

The Chechen leadership has also intensified its onslaught against the few human rights defenders who still work in the region and provide legal and other assistance to victims of abuses. In the wake of the 2009 murder of Chechnya's leading human rights defender, Natalia Estemirova, only one human rights organization, the Joint Mobile Group of Human Rights Defenders in Chechnya (JMG) had been able to stay on the ground in Chechnya to provide legal assistance to victims or their family members in cases of torture, enforced disappearances and extrajudicial executions by law enforcement and security agencies

under Kadyrov's de facto control. However, towards the end of 2014 the Chechen leadership seemed determined to push JMG out of Chechnya. In the past two-and-a-half years law enforcement officials or their apparent proxies have on three occasions ransacked or burned the JMG's offices in Chechnya, thugs who appear to be acting as Chechen authorities' proxies have physically attacked JMG's activists numerous times, and the pro-Kadyrov Chechen media has engaged in a massive smear campaign against the group. JMG withdrew its team from Chechnya in early 2016 for security reasons.

Chechen authorities have also been making it increasingly difficult for journalists to work in Chechnya. They have fostered a climate of fear in which very few people dare talk to journalists, except to compliment the Chechen leadership. And journalists who persevere with Chechnya work also find themselves at greater risk. This report documents a recent case of a journalist receiving threats, including death threats, another of a journalist who was arbitrarily detained while investigating a story, and a third case of a violent attack against a group of visiting journalists.

In March 2016 a group of masked men attacked a minibus driving a group of Russian and foreign journalists from Ingushetia to Chechnya, dragged the journalists from the bus, beat them, and set the bus on fire. The attack was so shocking that it triggered an immediate, unprecedented reaction from President Vladimir Putin's press secretary, who called it "absolutely outrageous" and said that the law enforcement should ensure accountability for the crime. However, at this writing, the investigation, to the extent there is an active one, into the attack has not yielded any tangible results.

One of the key requirements of a free and fair election is for the public and media to be able to express their views, including those critical of the authorities, without fear of reprisal. With authorities engaged in severe and sweeping repression, ordinary people in Chechnya and local media simply cannot express their views freely.

The Chechen Republic is a "subject," or administrative unit, of the Russian Federation, and its authorities are duty bound to uphold the rights and fundamental freedoms enshrined in Russia's domestic legislation and international human rights obligations. Russia's leadership is clearly aware of the extent to which Chechen authorities have violated human rights, including freedom of expression. But it has done little more than issue rare words of concern. Human Rights Watch calls on the Russian government to ensure

Chechen authorities fully comply with Russia's legislation, including Russia's obligations under international human rights law, and put an immediate end to the crackdown on free expression in the pre-election period and beyond. Russian authorities need to provide effective security guarantees to victims and witnesses of abuses and bring perpetrators of abuses to justice.

Recommendations

To the Government of the Russian Federation

- Ensure all Chechen authorities, including law enforcement and security agencies, fully comply with Russia’s domestic legislation and international human rights obligations.
- Ensure Chechen authorities put an immediate end to the crackdown on free expression by Chechen authorities.
- Ensure Chechen authorities immediately stop collective punishment and public humiliation practices in Chechnya.
- Ensure victims have effective access to meaningful remedies and accountability mechanisms for violations of human rights, including cruel and degrading treatment, arbitrary detentions, enforced disappearances, punitive house-burnings, and other violations perpetrated by security services and law enforcement agencies.
- Bring perpetrators of abuses to justice and ensure transparency regarding investigations and/or prosecutions undertaken, including their outcome.
- Provide effective security guarantees to victims and witnesses of abuses.
- Ensure effective implementation of European Court of Human Rights rulings on Chechnya including by bringing perpetrators of violations to justice and taking concrete steps to prevent similar violations from reoccurring.
- Foster a favorable climate for journalists and human rights defenders to do their work in the region.

To Russia's International Partners

- The European Union, its individual member states, and the United States should advance the recommendations contained in this report in multilateral forums, including at the Human Rights Council, the Organization for Security and Co-operation in Europe, and the Council of Europe, and in their bilateral dialogues with the Russian government, and should react publicly to attacks against human rights defenders and media professionals in the North Caucasus.

To the Council of Europe

- The Parliamentary Assembly should include the crackdown on free expression as well as the use of collective punishment and public humiliation practices in the agenda of its ongoing monitoring and reporting on the North Caucasus, with a view to holding, as soon as possible, a public debate on the situation.

Methodology

This report is based on 43 interviews with victims of abuses, their family members, witnesses of abuses, human rights lawyers, and representatives of independent Russian and international organizations. Most interviewees from Chechnya asked to remain anonymous for fear of reprisals against themselves or members of their families. In the interest of interviewees' security Human Rights Watch chose not to specify locations or modes of interviews. Communication with interviewees was conducted either in person, by telephone or Skype, or with the use of internet-based messaging applications. Each interviewee was made aware of the purpose of the interview and agreed to speak on a voluntary basis. Human Rights Watch spoke to all interviewees separately and in private. Human Rights Watch did not provide any financial incentives to interviewees. All the interviews, except those with English-speaking foreign journalists, were conducted in Russian.

Human Right Watch chose not to interview some of the victims and witnesses to avoid reprisals against them and instead analyzed cases based on information from secondary sources, publicly available video materials, and other media publications.

Human Rights Watch also carried out extensive desk research, which included in-depth monitoring of mass media and social networks, analysis of video, photo, and audio materials and, where possible, analysis of legal and medical documents.

Human Rights Watch chose not to carry out field research in Chechnya for this report in order to avoid subjecting interviewees to the high risk of reprisals by the authorities for speaking with us.

I. Background

Ramzan Kadyrov's Rise to Power

In the 1990s two wars over Chechnya's status in the Russian Federation devastated the republic. In the early 2000s, after Russia's large-scale military operations brought Chechnya back under Russian federal rule, the federal government gradually began to hand responsibility for governing the republic and carrying out counter-insurgency operations to pro-Kremlin Chechen leaders. This process was completed by 2004.

Seeking a figure who could gain the trust of important strata within Chechen society, the Kremlin chose Akhmat Kadyrov, the former mufti, or leading religious authority, of Chechnya, who then became president of Chechnya in October 2003 elections organized by the Kremlin.¹ The federal government aimed to place most responsibility for law and order and counter-insurgency operations on Chechen security structures. An important factor in this process was Akhmat Kadyrov's personal security service, known as the Presidential Security Service, which was headed by his son, Ramzan, and initially consisted mainly of Kadyrov's relatives and co-villagers. The Presidential Security Service (known by its Russian initials, SB), informally referred to as "Kadyrovtsy," soon became the most important indigenous force in Chechnya.² The SB's units were legalized in 2004 as Interior Ministry units, which made it easier to finance them and provide them with arms.³

In May 2004 a bomb attack killed Akhmat Kadyrov and Russian authorities held a presidential election to find his replacement. Twenty-seven-year-old Ramzan inherited his father's influence but could not yet run for president as the Chechen constitution establishes 30 as the minimum age for presidential candidates.

¹ Akhmat Kadyrov supported independence in the first Chechen war, but switched sides to support Moscow early in the second war. Russian and international human rights groups reported that the elections were marred by voter intimidation and major fraud. See International Helsinki Federation for Human Rights, "Human Rights in the OSCE Region: Report 2004 (Events of 2003)," 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860 (accessed June 18, 2009).

² This report uses the term "Kadyrovtsy" to refer to forces believed to be effectively under the command of Ramzan Kadyrov.

³ Memorial Human Rights Center Memorial, "The Situation in the North Caucasus: November 2006–May 2007: Apotheosis of 'Chechenisation,'" March 2, 2007, <http://www.memo.ru/eng/news/2007/05/1605071.html> (accessed August 5, 2016).

Alu Alkhanov, a candidate chosen by the Kremlin, was elected president, and Ramzan Kadyrov was appointed first vice-prime minister in charge of security.⁴

Kadyrov soon began to muscle out those who were loyal to Alkhanov and to intimidate and punish those who refused to answer to him in an effort to extend his power and control.⁵ In 2005 and into early 2006, he gained direct influence over local law enforcement agencies.⁶ In spring 2006, he became prime minister of Chechnya. In February 2007 his ascent to power was completed through Alu Alkhanov's apparently forced resignation as president. Taking the place of Alkhanov, Ramzan Kadyrov was sworn in as president of the Chechen Republic in April 2007, following his nomination to the post by President Vladimir Putin.⁷ By 2008, Kadyrov firmly established himself as the only real power figure in Chechnya.⁸

Kadyrov's War on Opponents

Lawless Counter-insurgency Tactics

For the past decade, there have been persistent, credible allegations that while aiming to root out and destroy an aggressive Islamist insurgency in the region, law enforcement and security agencies under Kadyrov's control have been involved in abductions, enforced disappearances, torture, extrajudicial executions, and collective punishment. The main targets have been alleged insurgents, their relatives, and suspected collaborators.⁹

⁴ President Alkhanov described Kadyrov's responsibilities as "...answering for the coordination of the work of republican security structures and, likewise, organizing cooperation between republican law enforcement structures and federal units on the territory of the republic," and "directly tak[ing] part in organizing special operations involving members of the MVD of the Chechen Republic." See Andrei Pilipchuk, "Alu Alkhanov: 'You don't need to teach us anymore how to live' [Алу Алханов: «Нас сейчас не надо учить, как жить дальше»]," interview for *Strana.ru*, March 21, 2005, reproduced at http://www.konflikt.ru/index.php?top=1&status=show1news&news_id=41219&searchword (accessed June 18, 2009).

⁵ International Crisis Group, "Chechnya: The Inner Abroad," June 30, 2015, <http://www.refworld.org/docid/559294054.html> (accessed August 3, 2016).

⁶ See, for example, Center Demos, "Chechnya. Life at War [Чечня. Жизнь на войне]" (Moscow: Demos, 2007), p. 150.

⁷ The Kremlin proposed Kadyrov's candidacy and Chechnya's parliament approved it. Center Demos, "Chechnya. Life at War [Чечня. Жизнь на войне]" (Moscow: Demos, 2007), p. 54. See also: "Ramzan Kadyrov, Chechnya strongman, installed as president," *New York Times*, April 5, 2007, <http://www.nytimes.com/2007/04/05/world/europe/05iht-webo405-chech.5161439.html?scp=6&sq=kadyrov&st=cse> (accessed June 23, 2009); and Marcus Bensmann, "The Idi Amin of the Caucasus?," *Quantara.de*, March 3, 2007, <https://en.qantara.de/content/portrait-ramzan-kadyrov-the-idi-amin-of-the-caucasus> (accessed August 3, 2016).

⁸ See, for example, Memorial Human Rights Center, "Impunity Mechanisms in the Northern Caucasus (2009-2010) – How They Work [Механизмы безнаказанности на Северном Кавказе (2009-2010 гг.) – как они работают]," June 18, 2010, http://www.memo.ru/2010/06/18/1806103.htm#_Точ272763120 (accessed December 10, 2010).

⁹ For more information, see: Human Rights Watch, "*Widespread Torture in the Chechen Republic*," November 13, 2006, <http://www.hrw.org/en/reports/2006/11/13/widespread-torture-chechen-republic>; and Human Rights Watch, "*What Your Children Do Will Touch Upon You*," July 2, 2009, <http://www.hrw.org/en/reports/2009/07/02/what-your-children-do-will-touch-upon-you>. See also: Memorial Human Rights Center, "Impunity Mechanisms in the Northern Caucasus (2009-2010) –

Kadyrov also largely equates local Salafi Muslims with insurgents or their collaborators. Calling them Wahhabis, a term widely employed with pejorative connotations to designate dissident Islamist movements and militants inspired by radical Islam, he has been publicly asserting that they have no place in Chechnya. Kadyrov has specifically instructed police and local communities to closely monitor how people pray and dress and to punish those who stray from the Sufi Islam, traditional for the region. In recent years, police raids against Salafis—or suspected ones—have become widespread. According to Memorial Human Rights Center (Memorial), a leading Russian rights group that has worked on the North Caucasus since the early 1990s, in the last three months of 2015 alone, local law enforcement and security agencies detained several hundred men in the course of these raids. The detentions however are not officially registered, and the detainees’ families are not informed about the detainees’ whereabouts or well-being. The detentions typically last from one to several days, but despite their unlawful nature, when detainees are released they do not file complaints or like to discuss what happened to them due to acute fear of reprisals.¹⁰

Autocracy Under Kadyrov

Numerous experts on the North Caucasus describe Kadyrov’s orders as being, in practice, the only law in the republic. They label Kadyrov’s rule over Chechnya as a “personality cult regime.”¹¹ In a recent report Memorial describes contemporary Chechnya as a “totalitarian state within a state,” featuring Kadyrov’s interference in virtually all aspects of social life, including politics, religion, academic discourse, and family matters.¹²

How They Work [Механизмы безнаказанности на Северном Кавказе (2009-2010 гг.) – как они работают], June 18, 2010, http://www.memo.ru/2010/06/18/1806103.htm#_Точ272763120 (accessed June 10, 2016).

¹⁰ Memorial Human Rights Center, “Counterterror in the Northern Caucasus: Human rights defenders’ view. 2014 – first half of 2016 [Контртеррор на Северном Кавказе: Взгляд правозащитников. 2014 г. - первая половина 2016 г.],” http://memohrc.org/sites/default/files/doklad_severnoy_kavkaz_o.pdf (accessed August 5, 2016), pp. 23-27.

¹¹ See, for example, the November 2010 testimonies at the trial in Vienna (Austria) on the murder of a Chechen refugee, Umar Israilov, by Dick Marty, member of the Parliamentary Assembly of the Council of Europe and former rapporteur on human rights in the North Caucasus, and Lord Judd, member of the UK Parliament and former rapporteur on Chechnya for the Parliamentary Assembly of the Council of Europe, as quoted in *Novaya Gazeta* by Anna Shpitzer and Elena Milashina, “Vienna Process [Венский Процесс],” *Novaya Gazeta*, December 1, 2010, <http://www.novayagazeta.ru/data/2010/135/22.html> (accessed December 7, 2010). See also: “Soldatov: In Chechnya there are no laws besides the will of Kadyrov [Солдатов: «В Чечне нет никаких законов, кроме воли Кадырова»],” *Rosbalt*, November 18, 2010, <http://www.rosbalt.ru/2010/11/18/791437.html> (accessed December 14, 2010).

¹² Memorial Human Rights Center, “Counterterror in the Northern Caucasus: Human rights defenders’ view. 2014 – first half of 2016 [Контртеррор на Северном Кавказе: Взгляд правозащитников. 2014 г. - первая половина 2016 г.]” http://memohrc.org/sites/default/files/doklad_severnoy_kavkaz_o.pdf (accessed August 5, 2016), pp. 23-28.

The cult created around Kadyrov and his family consolidates his full control over the republic. The main engine of this cult is Grozny TV, the state television and radio broadcast company.¹³ Most of its news and “current affairs” programs are linked to Kadyrov, and it often broadcasts segments in which Kadyrov is shown giving orders and chastising people for their errors, including senior local officials. Kadyrov also actively uses social media to set his public agenda, demand obedience, designate and vilify enemies, and basically dictate the law. His Instagram account, which he launched in February 2013, gained a million subscribers by spring 2015. He also has accounts on Facebook, Twitter, and VKontakte, and according to Chechnya’s Ministry for Press and Information, his total number of subscribers on social media is over two million.¹⁴

Testing the Kremlin’s Tolerance

Ramzan Kadyrov frequently and zealously professes his loyalty to the Kremlin and to President Vladimir Putin personally. However, Kadyrov’s insistence on having a free rein in Chechnya has apparently begun to test the Kremlin’s patience. Until recently it appeared that Kadyrov enjoyed *carte blanche* to run Chechnya as his own personal fiefdom. However, starting in late 2014 the Kremlin, including Putin himself, began to respond to some of Kadyrov’s more outrageous actions with words that, though seemingly mild, were unmistakably rebukes.

On December 18, 2014, following Kadyrov’s public pledge to destroy houses of insurgents’ families and several highly publicized episodes of house burnings that followed, President Putin issued a mild rebuke saying that no one, including the head of Chechnya, has the right to impose extra-judicial punishment.¹⁵ The significance of that seemingly gentle reprimand cannot be underestimated, as this was the very first time the Kremlin criticized Kadyrov publicly. However, the reprimand did not stop punitive house-burnings in Chechnya.

Ten days later, Kadyrov gave a dramatic speech in Grozny’s soccer stadium, in front of thousands of armed members of his security forces. “We’re telling the entire world that we are the combat infantry of Vladimir Putin,” he said. Several analysts assessed this

¹³ Grozny TV is the Chechen branch of VGTRK, All Russian State Television and Radio Company.

¹⁴ TASS, “The Number of Kadyrov’s Followers on Instagram Reached 1 Million [Число подписчиков страницы Кадырова в Instagram достигло 1 млн],” April 30, 2015, <http://tass.ru/obschestvo/1943706> (accessed August 15, 2016).

¹⁵ “How they destroy houses in Chechnya [Как разрушают дома в Чечне],” *Caucasian Knot*, December 24, 2014, <http://www.kavkaz-uzel.ru/articles/253822/> (accessed August 3, 2016).

flamboyant display of loyalty as Kadyrov flexing his muscles, as if to caution the Kremlin that withdrawing political or financial support could cost dearly.¹⁶ Notably, less than four months later, in response to a special operation in Chechnya by federal security forces, Kadyrov ordered his law enforcement officers to “shoot to kill” if they encountered Russian federal law enforcement or security personnel from outside Chechnya who come to the republic to carry out operations without his consent.¹⁷

In February 27, 2015, Boris Nemtsov, a leading Russian political opposition figure and a staunch critic of Ramzan Kadyrov, was assassinated in central Moscow. The investigation quickly identified seven suspects, four of whom were either active or former members of Chechen law enforcement and security agencies; the others were either also from Chechnya or of Chechen origin. The authorities arrested five of the suspects, however they have been unable to arrest or even question a key suspect, Ruslan Geremeev, who at the time of Nemtsov’s murder served as deputy commander of a law enforcement battalion in Chechnya that is under Kadyrov’s control. According to numerous media reports, Geremeev is in Chechnya. While denying any involvement with Nemtsov’s killing, Kadyrov spoke of the suspects fondly, said Geremeev had no other choice than to go into hiding, and hinted that he had been framed. Investigative authorities eventually designated Geremeev’s personal driver, Ruslan Mukhudinov, who had somehow “disappeared” without a trace soon after the murder, as the crime’s organizer.¹⁸ At this writing, the case against the arrested suspects has moved to trial.¹⁹

Although Kadyrov has for years sharply criticized, often in aggressive tones, Russia’s political opposition, investigative journalists, and human rights defenders, in 2016 these comments have become more menacing. In January 2016, when speaking to the press in Grozny, Kadyrov attacked Russia’s political opposition, accusing its members of anti-

¹⁶ Joshua Yaffa, “Putin’s Dragon: Is the ruler of Chechnya out of control?” *The New Yorker*, February 8, 2016, <http://www.newyorker.com/magazine/2016/02/08/putins-dragon> (accessed June 15, 2016).

¹⁷ Paul Sonne, “President Ramzan Kadyrov gives Shoot-To-Kill Order on Outside Forces,” *The Wall Street Journal*, April 23, 2015, <http://www.wsj.com/articles/chechen-president-ramzan-kadyrov-gives-shoot-to-kill-order-on-outside-forces-1429812489> (accessed June 21, 2016).

¹⁸ Memorial Human Rights Center, “Counterterrorism in the Northern Caucasus: Human rights defenders’ view. 2014 – first half of 2016 [Контртеррор на Северном Кавказе: Взгляд правозащитников. 2014 г. - первая половина 2016 г.],” http://memohrc.org/sites/default/files/doklad_severnoy_kavkaz_o.pdf (accessed August 5, 2016), pp. 39-42.

¹⁹ Interfax, “The selection jury for the murder of Nemtsov will begin August 24 [Отбор присяжных по делу об убийстве Немцова начнется 24 августа],” July 26, 2016, <http://www.interfax.ru/russia/520532> (accessed August 15, 2016).

Russian “sabotage” and calling them “enemies of the people and traitors.”²⁰ A member of the local municipal council from Krasnoyarsk, Konstantin Senchenko, posted an emotional retort to his Facebook account: “Ramzan, you are the shame of Russia. You discredited anything that could possibly be discredited.”²¹ The next day, a short video of Senchenko apologizing for his “rushed” and “emotional” statement was published on Kadyrov’s Instagram account, along with Kadyrov’s comment, “Apology accepted.” Notably, in the video Senchenko makes it clear that his decision to apologize was triggered by a visit from “representatives of the Chechen people” who apparently made him realize his mistake.²²

In the same month, the Chechen authorities organized a mass pro-Kadyrov rally under the slogan “Our strength is in unity.” People employed in the public sector were required to attend the rally under the threat of losing their jobs and to bring one unemployed relative each. Also, college students and schoolchildren attended the rally in an organized way.²³ Local officials who spoke at the event said that leading figures of Russia’s political opposition were engaged in subversive activities and called out the names of some of them, describing them as “paid puppets” of the West and “national traitors.”²⁴ When commenting on the rally, Kadyrov repeatedly used the word “enemies” in relation to members of the opposition and announced a “war in every sense of the word” against them.²⁵

Also in January, Magomed Daudov, the head of Chechnya’s parliament, posted to Instagram a photograph of Kadyrov with a fierce Caucasian sheepdog, claiming that the dog’s “fangs are itching” for opposition activists, journalists, and human rights defenders

²⁰ The Head and Government of the Chechen Republic, “R. Kadyrov: Opposition in Russia is not interested in a prosperous and strong country [Р. Кадыров: Оппозиция в России не заинтересована в процветающей и сильной стране]”, January 12, 2016, <http://www.chechnya.gov.ru/page.php?r=126&id=17475> (accessed August 4, 2016).

²¹ Konstantin Senchenko, “Yesterday, an academic, a hero of Russia and head of a federal region Ramzan Kadyrov called me ‘Russia’s enemy’ [Вчера Академик, Герой России, глава Региона Рамзан Кадыров назвал меня ‘врагом России’],” *Facebook*, January 14, 2016, <https://www.facebook.com/senchenko.konstantin/posts/759301064203797> (accessed August 4, 2016).

²² Ramzan Kadyrov (Kadyrov_95), “I accept)))) [Я принимаю)))]”, *Instagram*, <https://www.instagram.com/p/BAj8bAxCRv2/> (accessed August 4, 2016).

²³ Human Rights Watch interview with Ekaterina Sokirianskaia, project director at International Crisis Group, August 3, 2016.

²⁴ “More than 57 percent of Chechen population attend rally in Grozny, MIA reports,” *Caucasian Knot*, January 22, 2016, <http://eng.kavkaz-uzel.ru/articles/34357/> (accessed June 22, 2016). See also: Khava Khasmagomadova, “Those who scold Chechnya have never been here! [Те, кто ругают Чечню, никогда здесь не были!],” *Chechenskaya Respublika Segodnya*, January 22, 2016, <http://chechnyatoday.com/content/view/289491> (accessed June 22, 2016).

²⁵ “Kadyrov: Every patriot should slap enemies of Russia [Кадыров: Любой патриот должен давать по морде врагам России],” *Life*, January 22, 2016, <https://life.ru/t/%D0%BD%D0%BE%D0%B2%D0%BE%D1%81%D1%82%D0%B8/181242> (accessed June 22, 2016).

and providing disparaging descriptions of some of those the Chechen leadership apparently thought particularly irritating.²⁶

On January 20, 2016 when commenting on the Chechen leadership's campaign against Russia's political opposition, Putin's press secretary urged journalists "not to blow things out of proportion."²⁷

However, Kadyrov continued to test the boundaries of the Kremlin's patience. On February 1, Kadyrov published a video on his Instagram featuring Mikhail Kasyanov, one of Russia's most prominent Russian opposition politicians, in a gunman's crosshairs, accompanied by the caption, "Kasyanov came to Strasbourg to get money for the Russian opposition."²⁸ The video, which appeared shortly after Kasyanov's visit to the January 2016 session of the Council of Europe's Parliamentary Assembly, triggered a wave of outrage in Europe and was widely covered in the Western and Russian media. Towards the end of the same day, it was removed from Kadyrov's account, allegedly by Instagram's administration.²⁹

In response to numerous press inquiries, Putin's press secretary said that the Kremlin did not follow Instagram in general or Kadyrov's account in particular but promised to look into the issue.³⁰

The Lead-up to Kadyrov's Interim Endorsement by the Kremlin

Kadyrov's term in office as the Kremlin-appointed head of Chechnya was set to expire on April 5, 2016. By that time, elections for regional heads were reinstated across Russia,

²⁶ Lord_095, "Here is Tarzan again. Our good old friend [Это опять Тарзан. Наш старый друг]," *Instagram*, <https://www.instagram.com/p/BApvJo8tBVe/> (accessed June 21, 2016).

²⁷ "Kremlin asked not to fuel tensions around Kadyrov's words about opposition [В Кремле призвали не нагнетать ситуацию вокруг заявлений Кадырова об оппозиции]," *Interfax*, January 20, 2016, <http://www.interfax.ru/russia/490544> (accessed August 4, 2016).

²⁸ "Chechnya's leader posts chilling video showing Russian opposition politician Mikhail Kasyanov in a sniper's CROSSHAIRS," *MailOnline*, February 1, 2016, <http://www.dailymail.co.uk/news/article-3426255/Chechen-leader-posts-video-opposition-crosshairs.html#ixzz4G5EAgcga> (accessed August 4, 2016).

²⁹ Alec Luhn, "Chechen leader Kadyrov posts video of Russian opposition leader in gun sights," *The Guardian*, February 1, 2016, <https://www.theguardian.com/world/2016/feb/01/ramzan-kadyrov-video-opposition-mikhail-kasyanov-rifle-sights> (accessed August 4, 2016).

³⁰ "Kremlin promised to check the video with Kasyanov 'in gun sights' [В Кремле пообещали посмотреть видео с Касьяновым «под прицелом»]," *Novaya Gazeta*, February 1, 2016, <http://www.novayagazeta.ru/news/1699834.html> (accessed August 4, 2016).

including Chechnya.³¹ With regional elections scheduled to take place on September 18, 2016, along with the nationwide parliamentary vote, Kadyrov needed Putin to extend his mandate until then and to signal that he would welcome his participation in the election for the head of Chechnya. However, on February 24, Dmitry Peskov, Putin’s press secretary, implied that the president was still deliberating whether Kadyrov’s mandate would be extended. The decision, Peskov said guardedly, “will be made at the end of his term of office.”³² Meanwhile, as the Kremlin kept its distance, Kadyrov intensified the crackdown on his critics in and outside Chechnya, including journalists, human rights defenders, local residents active on social media, and even active members of Chechen diaspora in Europe. By doing so, Kadyrov may have been trying to cut down on the flow of negative information from the region that could influence the decision-making processes in the Kremlin and undercut the Kremlin’s support for Kadyrov.³³

On February 27, Kadyrov told the press that it was time for him to step down from his post. His statement immediately triggered a flood of pleas for him to stay on from loyal, whether genuine or terrified into loyalty, residents of Chechnya.³⁴ A campaign under the hashtag #Рамзаннеуходи [#RamzanDon’tGo] was launched and went viral, with Chechen supplicants eventually joined by some Russian politicians and other prominent Russian public figures.³⁵

It wasn’t until March 25, that President Putin announced Kadyrov would remain as acting head of the Chechen Republic and encouraged him to run in the September election for the head of Chechnya. However, Putin’s remarks included a note of warning: he specifically stated that Kadyrov must work on building cooperation with federal authorities and ensure Chechnya’s compliance with Russian laws. Both the delay and

³¹ Federal legislation adopted by Russian parliament in 2005, supposedly in the interests of security, had abolished direct elections for governors. The law was amended in 2012 to restore direct gubernatorial elections (see, for example, “State Duma Returned Elections for Governors [Госдума вернула выборы губернаторов],” *Lenta.Ru*, April 25, 2012, <https://lenta.ru/news/2012/04/25/third/> (accessed April 9, 2016).

³² “Peskov considers premature to discuss whether Kadyrov will remain as Chechen head [Песков считает преждевременным говорить о том, останется ли Кадыров главой Чечни],” *TASS*, February 24, 2016, <http://tass.ru/politika/2690836> (accessed August 5, 2016).

³³ Human Rights Watch interview with Ekaterina Sokirianskaya, project director at International Crisis Group, August 3, 2016.

³⁴ “Kadyrov will get permission from Putin for re-election [Кадыров получит от Путина разрешение на переизбрание],” *RBK*, March 2, 2016, <http://www.rbk.ru/politics/02/03/2016/56d6dec19a7947ba7df3fdbc> (accessed June 21, 2016).

³⁵ “#RamzanDon’tGo [#Рамзаннеуходи],” *Twitter*, <https://twitter.com/search?q=%23%D0%A0%D0%B0%D0%BC%D0%B7%D0%B0%D0%BD%D0%BD%D0%B5%D1%83%D1%85%D0%BE%D0%B4%D0%B8&src=typd> (accessed August 4, 2016).

the warning suggest that Moscow has become apprehensive of Kadyrov, however not enough to change Chechnya's leadership.³⁶

The September election clearly has special significance for Kadyrov, as this is the first time his authority in Chechnya will be re-affirmed through direct popular vote, as opposed to appointment by the Kremlin. It is in these circumstances that the Chechen authorities have been viciously and comprehensively cracking down on outside critics and those local residents whose loyalty they deem questionable. Although on paper three other candidates are also running for the head of Chechnya, they have no political clout or wide public recognition, and effectively there is no competition for Ramzan Kadyrov.³⁷ Most importantly, the intense crackdown does not allow people in Chechnya to express their views freely and fosters an environment in which free and fair elections simply are not feasible.

³⁶ "Kadyrov will get permission from Putin for reelection [Кадиров получит от Путина разрешение на переизбрание]," *RBC*, March 2, 2016, <http://www.rbc.ru/politics/02/03/2016/56d6dec19a7947ba7df3fdbc> (accessed June 21, 2016).

³⁷ "Four candidates will compete for the position of head of Chechnya [За пост главы Чечни будут бороться четыре кандидата]," *RIA Novosti*, August 8, 2016, <http://ria.ru/politics/20160808/1473820237.html> (accessed August 15, 2016). The title of the post of Chechnya's leadership is "head of the Chechen republic," and it is analogous to a governor.

II. Attacks on Dissenters Inside Chechnya

Since mid-2014, the global drop in oil prices, coupled with the effect of the economic sanctions imposed on Russia by the United States and European Union over Ukraine, has taken an increasing toll on the country's economy. It has had a serious impact on Chechnya, where local elites, used to luxury, began squeezing the public, demanding greater kickbacks from businessmen and public servants alike. Towards the end of 2015, worn out by stifling extortion, some local residents began to vent their frustration not only in private conversations but also on social media, including Facebook and VKontakte, Russia's most popular social network, as well as WhatsApp and other messaging applications.³⁸

In response, the Chechen leadership launched a full blown witch hunt on local critics, punishing them ruthlessly through abductions by law enforcement officials; unlawful detention; cruel and degrading treatment; death threats; and threats and physical abuse against family members. These abuses send an unmistakable message of intimidation to others that undermines freedom of expression.

One person living in Chechnya described the fierce crackdown and the level of fear in the region as "simply unbearable":

Now when I think back to the war, I realize that back then we were not as frightened as now. Fear of a bomb, fear of a bullet—it's something we could live with, I can live with... But this relentless pressure, this utter humiliation—I just cannot deal with it, I'm ashamed of myself. Every day, they take away another piece of my dignity. They tick me off every day, they drill me, they make me toe the line. It's like walking a minefield, always looking over your shoulder, waiting for danger, waiting for them to take you away.³⁹

In one case documented below a man died following his enforced disappearance and torture by law enforcement officials. In another a woman and her three under aged daughters were unlawfully detained, threatened, and ill-treated by police officials in

³⁸ Human Rights Watch interview with Elena Milashina of *Novaya Gazeta*, August 1, 2016. Human Rights Watch interview with Ekaterina Sokirianskaya, project director at International Crisis Group, August 3, 2016.

³⁹ Human Rights Watch interview with LL (name withheld), July 5, 2016.

retaliation for her husband's public remarks criticizing the authorities. The mother and the eldest daughter, age 17, were both beaten and threatened with death, with the objective of convincing them to persuade her husband to retract his comments. The mother was also subjected to a mock execution. In another five cases documented below law enforcement and security officials abducted people and subjected them to cruel and degrading treatment; four of those individuals were forcibly disappeared for periods of time ranging from one to twelve days.

Five of the people whose cases are documented in this report were forced to publicly apologize to Chechen leadership for their supposedly untruthful claims and renounce their actions and comments. Personal and family honor are of enormous value in Chechen society, and loss of face through public humiliation is viewed in highly negative terms there. Numerous local residents interviewed by the International Crisis Group (ICG) for a 2015 report said public humiliation was one of the two main root causes of the paralyzing fear in contemporary Chechen society, the second one being collective punishment. One said: "It's not even violence that is scary... You won't be able to live with dignity in this republic anymore. This is worse than death."⁴⁰ Another resident of Chechnya told Human Rights Watch, "I cannot think of a worse fate than being put in front of a camera, like all those unfortunate people, to grovel before the authorities in an act of contrition, beating your breast, calling yourself a crook and a liar."⁴¹

The cases of abuse against local critics documented below are possibly only the tip of the iceberg. Human Rights Watch is aware of other, similar cases but could not include them in this report because victims or their family members specifically requested us not to publish their stories or because we could not obtain video materials and other evidence to confirm their accounts. There is also little doubt that some abuses against local residents in Chechnya may never come to the attention of human rights monitors or journalists because the climate of fear in the region is overwhelming and local residents have been largely intimidated into silence.

⁴⁰ International Crisis Group, "Chechnya: The Inner Abroad," June 30, 2015, <https://d2o71andvipowj.cloudfront.net/236-chechnya-the-inner-abroad.pdf> (accessed August 5, 2016), p. 35.

⁴¹ Human Rights Watch interview with GG (name withheld), April 2016.

Khizir Ezhiev (forcibly disappeared, tortured, killed)

On December 19, 2015, unidentified gunmen abducted Khizir Ezhiev, a senior lecturer in Economics at the Grozny State Oil Technical University. His broken body was found on January 1, 2016 some distance outside Grozny.

At around 6 p.m. on December 19, four gunmen in civilian clothes approached Ezhiev, 35, at the service station where he was fixing his car, put him in their vehicle and drove away. His relatives later found out that they took Ezhiev to a police precinct in Grozny.⁴² On December 28, Kheda Saratova, a member of Chechnya's human rights council, which reports directly to Ramzan Kadyrov, wrote on Facebook that Ezhiev's wife chose not to file a missing person report with the authorities out of fear that it could create problems for her husband, and expressed hope Ezhiev would soon return home. Saratova also wrote that a police officer apparently told Ezhiev's relatives that Ezhiev had been detained but then escaped from the police.⁴³

On New Year's day, Ezhiev's dead body was discovered in a forest near the village of Roshni-Chu, approximately 40 kilometers from Grozny.⁴⁴ A forensic report stated he allegedly died from internal bleeding after "falling off a cliff," with one of his six broken ribs piercing a lung.⁴⁵ No further investigation has been carried out into his death.

A close acquaintance of Ezhiev's told Human Rights Watch that Ezhiev had participated in a closed group on VKontakte that discussed the situation in the republic and expressed critical views of the Chechen leadership's policies. The acquaintance said that on December 19 Chechen police detained several other members of the group. Not long before their detention, the group's members apparently made derogatory comments about Kadyrov's

⁴² Human Rights Watch interview with a close acquaintance of Ezhiev (name withheld), July 7, 2016. See also a screenshot of a post by Ezhiev's wife to VKontakte social media, in which she states that her husband was taken away by local authorities. See: <http://cs630429.vk.me/v630429118/ae19/C4rmpVKXOHA.jpg> (accessed July 7, 2016).

⁴³ Kheda Saratova, "On December 20, 2015, I was approached by Kagirova Malika Magomedovna who told me about her misfortune [20.12.2015 года. Ко мне обратилась, Кагирова Малика Магомедовна, и рассказала о своём несчастье]," *Facebook*, December 28, 2015, <https://www.facebook.com/Hedasaratova/posts/10201083157158704> (accessed July 7, 2016).

⁴⁴ "Grozny lecturer Khizir Ezhiev found dead," *Caucasian Knot*, January 3, 2016, <http://eng.kavkaz-uzel.ru/articles/34170/> (accessed July 7, 2016).

⁴⁵ Kheda Saratova, Photograph of the police report, *Facebook*, January 2, 2016, <https://www.facebook.com/photo.php?fbid=10201097921207796&set=a.2756422327360.71634.1761802883&type=3&theater> (accessed July 7, 2016).

pilgrimage to Mecca, and Ezhiev wrote, “apparently, all sorts are welcome there these days.” Ezhiev’s relatives quickly established, through personal contacts, at which police station in Grozny Ezhiev was being held. Their source told them he was in “bad shape” and could barely move after a beating. The relatives hoped to get him released in exchange for money but a police official told them a few days later that Ezhiev had “escaped.”⁴⁶

“The other young men were eventually released. But it seems that Khizir died from the beating and they [police authorities] were trying to cover it up,” Ezhiev’s acquaintance said.

There is no official record of Ezhiev’s detention. He is survived by a wife and four small children. The family has not pressed for investigation into his death.⁴⁷

Khusein Betelgeriev (enforced disappearance and torture)

On the evening of March 31, 2016 two men who said they were from Chechen law enforcement forcibly disappeared Khusein Betelgeriev, a middle-aged Chechen poet, songwriter, and performer. They drove up to the Betelgeriev’s home in Kalinina village, a suburb of Grozny, in a black VAZ-2109 vehicle, forcibly entered the house, ordered Betelgeriev to follow them, and refused to tell his wife where they were taking him. When his relatives tried calling Betelgeriev on his mobile phone 15 minutes later, nobody answered. On April 2, still having no information regarding Betelgeriev’s fate and whereabouts, his family members filed a missing person report with police in Grozny.⁴⁸ His disappearance was widely reported in social media.⁴⁹ He returned home 12 days later, beaten.

Independent experts and people close to Betelgeriev tied his abduction to his pro-Chechen separatist views. On the day of his enforced disappearance, Betelgeriev had posted, in a closed Facebook discussion group called “History of the Chechen Republic,” comments praising the Chechen separatist movement.

⁴⁶ Human Rights Watch interview with a close acquaintance of Ezhiev (name withheld), July 7, 2016.

⁴⁷ Human Rights Watch interview with a close acquaintance of Ezhiev (name withheld), July 7, 2016.

⁴⁸ Human Rights Watch interview with a family member of Khusein Betelgeriev (name and relationship withheld), April 9, 2016.

⁴⁹ See, for example, Amnesty International, “Russian Federation: Chechen Man Forcibly Disappeared: Khusein Betelgeriev,” April 8, 2016, <https://www.amnesty.org/en/documents/eur46/3801/2016/en/> (accessed June 7, 2016).

On April 3, Anastasia Kirilenko, a freelance journalist who follows Chechnya closely, posted to her Facebook page a selection of these comments. She wrote, “on the morning [of March 31] he had written about Ichkeria [independent Chechnya] being immortal and in the evening [of the same day], he was abducted.”⁵⁰ Ekaterina Sokirianskaia of the International Crisis Group also connected Betelgeriev’s disappearance to the fact that he did not hide his separatist views and “sang of freedom and dreamed of independent Chechnya.”⁵¹ Betelgeriev’s spouse told *Caucasian Knot*, an independent media portal covering current developments in the Caucasus, that his disappearance could be related to his Facebook activity, which might have displeased the Chechen authorities.⁵² Furthermore, a friend of Betelgeriev told Human Rights Watch that local authorities were frustrated with his reluctance to take part in pro-Kadyrov public activities.⁵³

On April 4, Chechnya’s chief prosecutor ordered the local investigation authorities to prioritize the case, and the Investigation Committee for the Chechen Republic promptly stated on its website that it was looking into reports of Betelgeriev’s abduction.⁵⁴

On April 11, Kheda Saratova, a member of Chechnya’s human rights council, told the press that Betelgeriev had returned home safely. She claimed however, that she had no information as to where Betelgeriev had been for the previous 11 days and could not comment on the circumstances of his return.⁵⁵ One of Betelgeriev’s acquaintances confirmed to Human Rights Watch that Betelgeriev had “returned home,” that his captors had “beaten him to pulp,” and as a result he had broken bones and the state of his health was

⁵⁰ Anastasia Kirilenko, “In the morning he had written about Ichkeria being immortal and in the evening, he was abducted... [Еще утром чеченский бард писал в соцсети, что Ичкерия бессмертна, а вечером его похитили...],” *Facebook*, April 3, 2016, <https://www.facebook.com/akirilenko/posts/10208883967594288?pnref=story> (accessed June 15, 2016).

⁵¹ Ekaterina Sokirianskaia, “Opened FB and saw terrible news [Открыла ФБ, а тут страшная новость],” *Facebook*, April 3, 2016, <https://www.facebook.com/ekaterina.sokirianskaia/posts/10154067525783610> (accessed June 15, 2016).

⁵² “Betelgeriev’s relatives report about inaction of police [Родственники Бетельгериева заявляют о бездействии полиции],” *Caucasian Knot*, April 4, 2016, <http://www.kavkaz-uzel.ru/articles/280274/> (accessed June 16, 2016).

⁵³ Human Rights Watch interview with a friend of Khusein Betelgeriev (name withheld), May 15, 2016.

⁵⁴ Public Prosecutor Office in the Chechen Republic, “Republic’s Public Prosecutor ordered to speed up actions for search of Khusein Betelgeriev [Прокурор республики потребовал активизировать мероприятия по розыску Хусейна Бетельгериева],” April 4, 2016, <http://www.chechproc.ru/news/prokuror-respubliki-potreboval-aktivizir.html> (accessed June 7, 2016); Russian Investigation Committee for the Chechen Republic, “Investigative authorities are conducting examination of mass media report about Khusein Betelgeriev’s abduction [Следственными органами проводится проверка сообщения СМИ о похищении Хусейна Бетельгериева],” April 4, 2016, <http://chr.sledcom.ru/news/item/1027679/> (accessed June 7, 2016).

⁵⁵ “Khusein Betelgeriev returns home beaten,” *Caucasian Knot*, April 12, 2016, <http://eng.kavkaz-uzel.ru/articles/35232/> (accessed June 7, 2016).

“devastating.” The acquaintance declined to provide any information about where and by whom Betelgeriev had been held. The source also flagged that Betelgeriev’s family did not want to be contacted by any journalists or human rights organizations, citing profound fear.⁵⁶

Igor Kalyapin, the head of the Joint Mobile Group of Human Rights Defenders in Chechnya, told Human Rights Watch that the group approached Betelgeriev’s family offering to send a private ambulance for him and organize quality medical assistance for him outside of Chechnya. However, the family refused and asked Kalyapin not to contact them again.⁵⁷ These details suggest that Betelgeriev was released from captivity on condition that he maintains complete silence about what had happened to him, a common practice in such cases.

A member of the Russian Union of Writers, Khusein Betelgeriev was also a senior faculty member at the Chechen State University, until his sudden dismissal in 2015. An acquaintance of Betelgeriev’s told Human Rights Watch that he had lost his job at the university because of his separatist views, his lack of obsequiousness to the authorities, and his reluctance to support Ramzan Kadyrov publicly.⁵⁸

Taita Yunusova (arbitrary detention)

On October 10, 2015, between 3 and 4 a.m., unidentified men took Taita Yunusova, a women’s rights activist, from a relative’s house near Grozny. Around that time, a friend received a text message from her, which said, “That’s it, I’m done for!” and that was the last known communication anyone had from her until about 20 hours later.⁵⁹

Taita Yunusova, 49, the leader of a local activist group Live Thread, is one of several women rights activists featured in *Grozny Blues*, a documentary by European filmmakers about the legacy of the protracted armed conflict in Chechnya. Since April 2015, the film had been screened at several festivals in Europe and South Korea, and at the time of

⁵⁶ Human Rights Watch interview with an acquaintance of Khusein Betelgeriev (name and relationship withheld), April 9, 2016.

⁵⁷ Human Rights Watch interview with Igor Kalyapin, April 27, 2016.

⁵⁸ Human Rights Watch interview with an acquaintance of Betelgeriev (name withheld), April 9, 2016.

⁵⁹ Human Rights Watch interview with Lucia Sgueglia, Italian journalist and script writer for *Grozny Blues*, October 10, 2015.

Yunusova's apparent detention it was about to be screened at Artdocfest Film Festival in Moscow and St. Petersburg.⁶⁰

On October 7, a clip from the film, which showed Yunusova and several other women activists, appeared on YouTube. Though the women did not explicitly criticize the Chechen leadership on camera, internet users from Chechen diaspora communities made online comments about Chechen women supposedly mocking Kadyrov. One of the women was unofficially detained by Chechen police the following day and allegedly beaten for several hours, humiliated and threatened with execution, and another immediately left Chechnya.⁶¹

On October 10, the producers of *Grozny Blues* sent a letter to Ramzan Kadyrov expressing alarm about Yunusova's apparent disappearance. They also posted the letter to Kadyrov's Instagram page, from which it was deleted several hours later.⁶² The chair of Artdocfest Festival, Vitaly Mansky, posted an open letter to Kadyrov on Facebook, urging Kadyrov to "ensure the security of Taita Yunusova."⁶³ Several prominent artists publicized the case, alleging a connection between Yunusova's apparent abduction and her role in the documentary, and it immediately generated media attention.⁶⁴

At around 11 p.m. on the same day, a colleague of Yunusova's called *Caucasian Knot* and said, "They have just let her go, and she is OK. She is alive, and that's the most important thing."⁶⁵ On October 11, Kheda Saratova from Chechnya's human rights council, wrote on

⁶⁰ "Artdocfest. Grozny Blues is a Swiss film about women in Chechnya [Артдокфест. Грозный блюз Швейцарский фильм о женщинах в Чечне]," *Meduza*, October 8, 2015, <https://meduza.io/feature/2015/10/08/artdokfest-grozny-blyuz> (accessed August 4, 2016). See also "Heroine of the documentary 'Grozny Blues' was kidnapped in Chechnya [В Чечне похитили героиню документального фильма «Грозный блюз»]," *Dozhd TV*, October 10, 2015, https://tvrain.ru/news/v_chechne_pohitili_geroinju_dokumentalnogo_filma_groznyj_bljuz-396042/ (accessed August 4, 2016).

⁶¹ Human Rights Watch interviews with two Chechen activists (names withheld), October 10, 2015.

⁶² Human Rights Watch interview with Lucia Sgueglia, script writer for *Grozny Blues*, October 10, 2015.

⁶³ Vitaly Mansky, "To the head of the Chechen Republic Ramzan Akhmatovich Kadyrov! [Главе Чеченской республики, Рамзану Ахматовичу Кадырову!]" *Facebook*, October 10, 2015, <https://www.facebook.com/vitaliy.manski/posts/968527936539579?pnref=story> (accessed August 4, 2016).

⁶⁴ See, for example, "Heroine of the documentary 'Grozny Blues' Taita Yunusova was kidnapped in Chechnya [В Чечне похищена героиня документального фильма «Грозный блюз» Таита Юнусова]," *Svopi.ru*, October 10, 2015, <http://svopi.ru/culture/66000> (accessed August 4, 2016).

⁶⁵ "Taita Yunusova is back home [Таита Юнусова вернулась домой]," *Caucasian Knot*, October 10, 2015, <http://www.kavkaz-uzel.eu/articles/270399/> (accessed August 4, 2016).

Facebook that she visited Yunusova at home in the morning and Yunusova “is all right, there was no abduction and there especially was no violence.”⁶⁶

Later the same day, Yunusova publicly denied that she had been detained. She gave a video interview claiming that she was “shocked” to “find out about own abduction from the media,” and that the stories about her supposed abduction “discredit [her] in the eyes of the public and the [Chechen] leadership.” She said media reports about her disappearance were a “provocation,” vehemently denied allegations that she had been abducted, and said that she spent the day in an oncology ward taking care of a sick relative.⁶⁷

Rizvan Ibraghimov and Abubakar Didiev (forcibly disappeared, publicly humiliated)

Rizvan Ibraghimov and Abubakar Didiev, two middle-aged Chechen researchers and publicists, disappeared for several days in April 2016 following on an abduction-style detention.

Ibraghimov and Didiev are known in Chechnya for their unconventional interpretations of the history of the Chechen people and of Islam, which are out of line with those promoted by the Chechen authorities.⁶⁸

On March 28, Ibraghimov and Didiev attended a roundtable on the problems of the ethnic origins of Chechens organized by representatives of the muftiat, or chief of the local religious authority, of Chechnya.⁶⁹ According to *Caucasian Knot* and other sources, the purpose of the meeting was specifically to reprimand Ibraghimov for a lecture, “The True History of the

⁶⁶ “Taita Yunusova: there was no kidnapping [Тайта Юнусова: факта моего похищения не было],” *Caucasian Knot*, October 12, 2015, <http://www.kavkaz-uzel.eu/articles/270447/> (accessed August 4, 2016).

⁶⁷ “Chechen human rights defender Taita Yunusova refutes information about her kidnapping (VIDEO) [Чеченская правозащитница Тайта Юнусова опровергла сообщения о своем похищении (ВИДЕО)],” *Kavpolit*, October 11, 2015, http://kavpolit.com/articles/yusupova_objection-20573/ (accessed August 4, 2016).

⁶⁸ This is not the first time that Chechen authorities punished individuals for articulating an interpretation of Chechnya’s history that is out of line with the official position. In 2014, the authorities pressed fraudulent drug possession charges against 57-year-old local activist, Ruslan Kutaev, apparently in retaliation for his remarks about the Chechen leadership’s lack of commitment to commemorating the mass deportation of Chechens by the Soviet government during World War II. Kutaev suffered torture in police custody, including beatings and electric shocks. He was eventually sentenced to four years in prison. See, “Russia: Chechen Activist Leader Arrested, Beaten,” Human Rights Watch news release, April 8, 2014, updated July 8, 2014, <https://www.hrw.org/news/2014/07/08/russia-chechen-activist-leader-arrested-beaten>

⁶⁹ “Source informed about arrest of Rizvan Ibraghimov and Abubakar Didiev in Chechnya [Источники сообщили о задержании в Чечне Ризвана Ибрагимова и Абубакара Дидиева],” *Caucasian Knot*, April 5, 2016, <http://www.kavkaz-uzel.ru/articles/280320/> (accessed June 8, 2016).

Chechen People” which he had delivered at the International University al-Mustafa in Iran in February 2016, and to warn him and Didiev that their ideas were unacceptable.⁷⁰

On the night of April 1, 2016, local law enforcement officers took both men from their respective homes. On April 4, *Caucasian Knot* and *Novaya Gazeta* reported that the men’s relatives said they knew the men’s whereabouts.⁷¹ The media also reported that the men had been taken away by Chechen law enforcement officials who also seized their personal computers, and that their social media and Skype accounts had been hacked or forcibly taken over.⁷²

Both men returned home in the evening of April 5. Earlier that day, Ramzan Kadyrov held a meeting with Chechen academics and opinion leaders. Kadyrov wrote about the meeting on his Instagram account, commenting that Ibraghimov and Didiev had “offered apologies to the academic community and religious leadership of Chechnya” for their flawed theories and publications.⁷³ A video from that event, broadcast on Grozny TV, shows Ibraghimov and Didiev standing and apologizing to the meeting participants for their “mistakes.”⁷⁴ Following the event, Ibraghimov and Didiev were able to return to their families. Rizvan Ibraghimov later wrote, but later deleted, a post on his Facebook page that he had spent the days he was missing at the Oktyabrsky District Police Station in Grozny:

I, ...Rizvan Ibraghimov, spent the last 4 days starting the night of April 1 to 2 in Grozny’s Oktyabrsky District Police Station. Nobody abducted me, but they held me in custody for fear of me fleeing. Today, there was a talk with the head of the Chechen Republic Ramzan Kadyrov, after which I and

⁷⁰ Info Chechen, “True history of the Chechens escapes from confinement and reforms the world [Настоящая история чеченцев вырывается из заточения и переформатирует Мир],” video report, YouTube, February 22, 2016, <https://www.youtube.com/watch?v=AoYBy76phCQ> (accessed June 8, 2016).

⁷¹ “Source informed about arrest of Rizvan Ibraghimov and Abubakar Didiev in Chechnya [Источники сообщили о задержании в Чечне Ризвана Ибрагимова и Абубакара Дидиева],” *Caucasian Knot*, April 5, 2016, <http://www.kavkaz-uzel.ru/articles/280320/> (accessed June 8, 2016). See also: “Missing Chechen writers were freed after disciplinary talk with Kadyrov [Пропавших чеченских писателей освободили после воспитательной беседы с Кадыровым],” *Novaya Gazeta*, April 6, 2016, <http://www.novayagazeta.ru/society/72519.html> (accessed June 8, 2016).

⁷² “Missing Chechen writers were freed after disciplinary talk with Kadyrov [Пропавших чеченских писателей освободили после воспитательной беседы с Кадыровым],” *Novaya Gazeta*, April 6, 2016, <http://www.novayagazeta.ru/society/72519.html> (accessed June 8, 2016).

⁷³ Ibid.

⁷⁴ Ramzan Kadyrov Official, “Ramzan Kadyrov met with writers and academia of Chechnya [Рамзан Кадыров встретился с писателями и учеными ЧР],” video clip, YouTube, April 6, 2016, https://www.youtube.com/watch?v=ZINF_oOcgdE (accessed June 8, 2015).

Abubakar Didiev were freed. No coercive measures were used against us. More details will be given tomorrow. I express huge gratitude to those who worried about us.⁷⁵

According to media reports, Didiev left Chechnya soon afterwards.⁷⁶ In July, a court in Chechnya upheld a motion by the prosecutor's office to ban as "extremist" several of Ibraghimov's books."⁷⁷

Adam Dikaev (humiliating and degrading punishment)

Adam Dikaev was publicly humiliated for his criticism of Kadyrov in social media. On December 11, 2015, Dikaev made unflattering comments about a video that appeared on Kadyrov's Instagram account on December 2 featuring Kadyrov exercising, in a t-shirt with Putin's photo, to a popular Russian song "My best friend is President Putin."⁷⁸ Dikaev's comment implied that Kadyrov had dishonored the memory of the Chechen war by praising Putin, who launched the war in Chechnya in 1999.⁷⁹

On December 20, a new video appeared on Facebook and other social media, which featured Adam Dikaev walking on a treadmill, without his pants, wearing just a hoodie and underwear.⁸⁰ On the video, Dikaev renounced his actions and abased himself:

I am Adam Dikaev from Avtury village. Thinking that no one can find me, I wrote in the Instagram what I should not have written. They found me and

⁷⁵ Ibraghimov's original post cannot be accessed at this writing. The print screen image of the post on file with Human Rights Watch from Rizvan Ibraghimov, "I, administrator of the Nokhchidu website administrator, Rizvan Ibraghimov [Я, администратор сайта Нохчиду Ризван Ибрагимов]," *Facebook*, April 6, 2016.

⁷⁶ "Investigators found extremism in Ibraghimov's books on descent of the Chechen people [Следствие нашло экстремизм в книгах Ибрагимова о происхождении чеченцев]," *Caucasian Knot*, July 9, 2016, <http://www.kavkaz-uzel.eu/articles/285487/> (accessed August 5, 2016).

⁷⁷ "Ibraghimov's books are recognized as extremist in Chechnya [Книги Ибрагимова признаны экстремистскими в Чечне]," *Caucasian Knot*, July 22, 2016, <http://www.kavkaz-uzel.eu/articles/286247/> (accessed August 5, 2016).

⁷⁸ Ramzan Kadyrov (kadyrov_95), "Those who want to get good results after two-three trainings, are mistaken... [Глубоко заблуждаются те, кто желает за две-три тренировки получить высокого результата]," *Instagram*, December 2, 2015, https://www.instagram.com/p/-w_tXaiRmS/ (accessed June 10, 2016).

⁷⁹ "Resident of Chechnya was humiliated for criticism of Kadyrov [Житель Чечни подвергся унижению за критику Кадырова]," *Caucasian Knot*, December 21, 2016, <http://www.kavkaz-uzel.ru/articles/274719/> (accessed June 16, 2016).

⁸⁰ See the video of the Dozhd TV at Anti zulm, "Ramzan Kadyrov humiliated a Chechen for just criticism! Tyranny [Рамзан Кадыров унизил чеченца за справедливую критику! Тирания]," video clip, YouTube, December 25, 2015, <https://www.youtube.com/watch?v=sWwKZqct8V4> (accessed July 1, 2016).

took my pants down. I realized I am nobody. From now on, Putin is my father, grandfather, and tsar. You can find this video on my Instagram account at adam chechenskiy.⁸¹

Human Rights Watch has no information about the circumstances under which the video of Dikaev was made, however forcing Dikaev to appear publicly in underwear was a form of humiliation clearly intended to deprive him of all public dignity.⁸² The manner in which Dikaev was ill-treated not only punished him but sent a powerful warning to other potential critics of Kadyrov to keep quiet or risk being publicly stripped of their dignity too.

Aishat Inaeva (public humiliation)

Aishat Inaeva, a social worker, was subjected to public humiliation in December 2015 for having openly appealed to Ramzan Kadyrov about Chechen officials' alleged extortion practices.

In the first half of December, Inaeva disseminated through the social media platform WhatsApp an audio appeal to Ramzan Kadyrov, complaining about what she described as the practice by local officials of collecting debts and advance payments for gas and electricity bills, and how this practice was pushing ordinary people below the poverty line.⁸³ She noted the impact of these actions on public servants, who face forced deductions from their wages and threats of dismissal for refusing to pay.⁸⁴ Her recording also alleged that Chechen authorities live in luxury and spend staggering amounts of money on entertainment, while ordinary people struggle just to get by, and suggested that

⁸¹ Dikaev's original post cannot be accessed at this writing and his profile on Instagram—https://www.instagram.com/adam_chechenskiy—is hidden. The post is quoted in full at “Resident of Chechnya was humiliated for criticism of Kadyrov [Житель Чечни подвергся унижению за критику Кадырова],” *Caucasian Knot*, December 21, 2016, <http://www.kavkaz-uzel.ru/articles/274719/> (accessed June 16, 2016).

⁸² “Experts tell about systemic use of humiliation methods to the residents of Chechnya for criticizing Kadyrov [Эксперты заявили о системном применении метода унижения жителей Чечни за критику Кадырова],” *Caucasian Knot*, December 23, 2015, <http://www.kavkaz-uzel.ru/articles/274817/> (accessed July 1, 2016).

⁸³ Translation service for Caucasian languages, “Aishat Inaeva accuses Ramzan Kadyrov of back-breaking exactions in Chechnya [Айшат Инаева обвиняет Рамзана Кадырова в непосильных поборах в Чечне],” video clip, YouTube, December 18, 2015, <https://www.youtube.com/watch?v=fLhwQpQynxo> (accessed July 1, 2016). See also: “Chechen authorities gave residents a month to pay housing and utilities debts [Власти Чечни дали жителям месяц на погашение долгов по ЖКХ],” *Caucasian Knot*, December 19, 2015, <http://www.kavkaz-uzel.ru/articles/274619/> (accessed June 10, 2016).

⁸⁴ “Resident of Chechnya publicly recanted her statement from audio appeal to Kadyrov [Жительница Чечни после обращения с критикой Кадырова публично отказалась от своих слов],” *Caucasian Knot*, December 19, 2016, <http://www.kavkaz-uzel.ru/articles/274623/> (accessed June 10, 2016).

Kadyrov had to be aware of how those practices affected Chechnya’s population. “People are dying of hunger but you don’t care,” she said.⁸⁵ Her appeal went viral among Chechen users of WhatsApp.

On December 18, Grozny TV aired a story about Kadyrov meeting with Inaeva and her husband. The segment, which is 16 minutes long, shows Kadyrov and other local officials chastising her as she renounced and apologized for her alleged “lies.”

I apologize... No one asked me [to give extra payments]... You help [the poor]... I was confused and not able to understand [what I said]... I was mistaken. I acknowledge that. I do not know how and why I did that.⁸⁶

In the video, Inaeva appeared extremely frightened and subdued, spoke quietly, and kept her head bowed, staring at the floor.⁸⁷ Kadyrov also questioned Inaeva’s husband, who repeatedly said no one deprived him of salary, apologized for his wife and for “allowing her to spread all those lies.”⁸⁸

Ramazan Dzhahalaldinov (threats, house-burning, abuse of family-members, public humiliation)

Ramazan Dzhahalaldinov, 56, is an ethnic Avar from Kenkhi, a small village not far from Chechnya’s border with Dagestan populated mainly by Avars. On April 14, 2016 Dzhahalaldinov published a video message for the nationally televised, live call-in show that Russian President Vladimir Putin holds annually.⁸⁹ In the video, Dzhahalaldinov complained, among other things, that the village was in ruins as a result of the Chechen wars and seasonal landslides. He pointed to the scenery of his village, with its ramshackle houses

⁸⁵ Translation service for Caucasian languages, “Aishat Inaeva accuses Ramzan Kadyrov of back-breaking exactions in Chechnya [Айшат Инаева обвиняет Рамзана Кадырова в непосильных поборах в Чечне],” video clip, YouTube, December 18, 2015, <https://www.youtube.com/watch?v=fLhwQpQynxo> (accessed July 1, 2016).

⁸⁶ Gorec TV, “(With subtitles) Kadyrov met with slanderer from WhatsApp [(С переводом) Кадыров встретился с распространительницей клеветы в WhatsApp],” YouTube, December 25, 2015, https://www.youtube.com/watch?v=FVHL6Wpd_uE&nohtml5=False (accessed June 10, 2016).

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ramazan Dzhahalaldinov, “Video appeal for straight line with the Russian President Putin 2016 [Видео Обращение Прямая Линия с Президентом РФ Путиным 2016],” video clip, YouTube, May 11, 2016, <https://www.youtube.com/watch?v=5t32c4KxuW8> (accessed June 9, 2016).

and washed-out roads and cited the 2003 government regulation on compensation to civilians who lost housing and property due to military operations in Chechnya.⁹⁰

Dzhalalidinov argued that local Chechen officials are mired in corruption and embezzle the funds allocated for reconstruction. Dzhalalidinov and dozens of his co-villagers had previously sent multiple complaints on the issue to Chechnya's leadership and law enforcement authorities, but the complaints yielded no tangible result.⁹¹

The video was not broadcast during the call-in show, but after Dzhalalidinov posted it to his VKontakte account it was swiftly picked up by the *Caucasian Knot* media portal.

Dzhalalidinov fled Kenkhi to neighboring Dagestan, fearing for his safety.⁹²

Several days after the video's publication, Islam Kadyrov, chair of the Ramzan Kadyrov's administration and his close relative, traveled to the Sharoi district, where Kenkhi is located, rounded up a group of local public servants and spoke to them on camera. They said that Dzhalalidinov's claims had nothing to do with reality and that he was "unstable" and a "liar." The story was broadcast on Grozny TV on April 18.⁹³ At around that time, Dzhalalidinov's cousins contacted him from Kenkhi warning him that a group of village officials paid them a visit, saying that the only way to "save" Dzhalalidinov from harm was to help spread the story about him allegedly being mentally unstable.⁹⁴

On May 6, Ramzan Kadyrov and his entourage paid a visit to Kenkhi and spoke to local residents who, again, said on camera that they had no complaints and their co-villager was

⁹⁰ Russian government decree #404 of July 4, 2003 "On implementation of compensation payments for lost housing and damaged property to residents of the Chechen Republic impacted by the [operations] in connection with crisis resolution [Постановление Правительства РФ от 4 июля 2003 г. N 404 "О порядке осуществления компенсационных выплат за утраченное жилье и имущество пострадавшим в результате разрешения кризиса в Чеченской Республике гражданам, постоянно проживающим на ее территории]," <http://base.garant.ru/2306995/> (accessed July 1, 2016).

⁹¹ Human Rights Watch interview with Elena Milashina of *Novaya Gazeta*, August 1, 2016; some of the complaints are on file with Elena Milashina.

⁹² Human Rights Watch communications in May 2016 with Elena Milashina who covered Dzhalalidinov's case for *Novaya Gazeta*, with Ramazan Dzhalalidinov, and with human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Dzhalalidinov and his immediate family members. See also: "Founder of 'Chernovik' newspaper confirmed that fears for Dzhalalidinov's life are well grounded [Учредитель "Черновика" подтвердил обоснованность опасений за жизнь Джалалудинова]," *Caucasian Knot*, April 22, 2016, <http://www.kavkaz-uzel.ru/articles/281377/> (accessed June 16, 2016).

⁹³ "Sharoi district residents consider Ramazan Dzhalalidinov's complaint to the Russian President absurd [Жители Шаройского района считают жалобу Рамазана Джалалудинова президенту России абсурдной]," Grozny TV, April 18, 2016, <http://grozny.tv/news.php?id=12381> (accessed August 5, 2016).

⁹⁴ Human Rights Watch communications in May 2016 with Elena Milashina who covered Dzhalalidinov's case for *Novaya Gazeta*, with Ramazan Dzhalalidinov, and with human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Dzhalalidinov and his immediate family members.

“unstable,” a bully, and a liar, infamous for making innumerable “false” and “fruitless” complaints.⁹⁵ The broadcast story included no comments from those who attempted to support Dzhaldinov and uphold his allegations and were harassed and threatened by officials in response.⁹⁶

From mid-April through the early May, police officials visited Dzhaldinov’s home several times, putting pressure on his family members to reveal his whereabouts and insisting that he was wanted for interrogation.⁹⁷

On May 13, just after midnight, a dozen gunmen in masks and camouflaged uniforms forced their way into Dzhaldinov’s house. Dzhaldinov’s wife, Nazirat Nabieva, and their three daughters, 17-year-old Muslimat, 12-year-old Sabirat, and 10-year-old Tabarak were at home. (Nazirat’s adult sons had fled Kenkhi soon after their father for security reasons.) The gunmen ordered Nabieva and her daughters to get into one of their vehicles with their passports and the children’s birth certificates. When Muslimat picked up her phone to call their relatives for help, one of the gunmen yelled at her and snatched the phone away. Another gunman pushed Nabieva to the floor with his automatic rifle when she begged them to leave the younger girls behind. The other gunmen dragged the crying children out of bed and, without letting Nabieva or her daughters get dressed, put them into the vehicle and drove to the Sharoi regional police department.⁹⁸

At the police department, local police officials and their chief threatened and beat both Nabieva and her eldest daughter, demanding that they reveal the whereabouts of Dzhaldinov and his sons and demanding that they call Dzhaldinov a liar. A police

⁹⁵ See, for example: *Kavkaz TV*, “Ramzan Kadyrov met with residents of mountainous village Kenkhi [Рамзан Кадыров встретился с жителями высокогорного села Кенхи],” (May 6, 2016) published July 17, 2016, <https://www.youtube.com/watch?v=i1LLdsbFDTw> (accessed July 20, 2016).

⁹⁶ Human Rights Watch communications in May 2016 with Elena Milashina who covered Dzhaldinov’s case for *Novaya Gazeta*, with Ramazan Dzhaldinov, and with human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Dzhaldinov and his immediate family members.

⁹⁷ *Ibid.*

⁹⁸ *Gazeta Chernovik*, “Ramazan Dzhaldinov’s wife and daughter told about their expulsion from Chechnya [Жена и дочь Рамазана Джалалдинова рассказали, как их прогнали из Чечни],” video clip, YouTube, May 13, 2016, <https://www.youtube.com/watch?v=T-A7HQLVTws> (accessed June 9, 2016). Also based on information Human Rights Watch received in May 2016 from Ramazan Dzhaldinov, Elena Milashina who covered his case for *Novaya Gazeta*, and human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Ramazan Dzhaldinov and his immediate family members (in the interests of Dzhaldinov’s safety, Human Rights Watch chooses not to use direct quotes or attribute specific pieces of information to specific individuals).

official held Nabieva while a more senior official punched her on her back, on her ribcage, and in her kidneys and kicked her with his booted feet. He also hit her with the butt of his gun, put the gun barrel to her head and neck, threatened to kill her, and fired the gun three or four times above her head. All the while, he kept saying that he was punishing her for all the trouble caused by her husband. He also forced her to say that the allegations in Dzhaldinov's video were false, filming her statement with his cell phone.⁹⁹

The same senior police official choked Muslimat and threatened to kill her, forcing the girl to give up the phone number of one of her brothers, which she originally claimed she did not know. He also hit her on the neck and the back of her legs, saying that her father was a bandit and if she wanted him and her brothers alive, she needed to persuade her father to retract all of his complaints.¹⁰⁰

After more than an hour, police officials put Nabieva and her daughters back into the same vehicle, drove them directly to Chechnya's administrative border with Dagestan and, without returning their identification documents, told them to go to Dagestan and never return to Chechnya. While Nabieva and the girls were being held at the station, unidentified men torched their house in Kenkhi and ordered the neighbors to stay silent.¹⁰¹ Later that day, Ramzan Kadyrov said that Dzhaldinov intentionally "took his family out of Chechnya and simulated an arson attack."¹⁰² A few days later, with the help of human

⁹⁹ *GazetaChernovik*, "Ramazan Dzhaldinov's wife and daughter told about their expulsion from Chechnya [Жена и дочь Рамазана Джалалдинова рассказали, как их прогнали из Чечни]," video clip, YouTube, May 13, 2016, <https://www.youtube.com/watch?v=T-A7HQLVTws> (accessed June 9, 2016). Also based on information Human Rights Watch received in May 2016 through interviews with Ramazan Dzhaldinov, Elena Milashina who covered his case for *Novaya Gazeta*, and human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Ramazan Dzhaldinov and his immediate family members (in the interests of Dzhaldinov's safety, Human Rights Watch chooses not to use direct quotes or attribute specific pieces of information to specific individuals).

¹⁰⁰ *GazetaChernovik*, "Ramazan Dzhaldinov's wife and daughter told about their expulsion from Chechnya [Жена и дочь Рамазана Джалалдинова рассказали, как их прогнали из Чечни]," video clip, YouTube, May 13, 2016, <https://www.youtube.com/watch?v=T-A7HQLVTws> (accessed June 9, 2016). Human Rights Watch communications in May 2016 with Elena Milashina who covered Dzhaldinov's case for *Novaya Gazeta*, with Ramazan Dzhaldinov, and with human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Dzhaldinov and his immediate family members.

¹⁰¹ "Chernovik': Ramazan Dzhaldinov's house burnt in Kenkhi ["Черновик": в Кенки сожжен дом Рамазана Джалалдинова]," *Caucasian Knot*, May 13, 2016, <http://www.kavkaz-uzel.ru/articles/282408/> (accessed June 16, 2016). Also based on information Human Rights Watch received in the course of May 2016 from Ramazan Dzhaldinov, Elena Milashina who covered his case for *Novaya Gazeta*, and human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Ramazan Dzhaldinov and his immediate family members (in the interests of Dzhaldinov's safety, Human Rights Watch chooses not to use direct quotes or attribute specific pieces of information to specific individuals).

¹⁰² "Kadyrov called false the messages about arson attack on Dzhaldinov's house [Кадыров назвал ложными сообщения о поджоге дома Джалалдинова]," *Caucasian Knot*, May 14, 2016, <http://www.kavkaz-uzel.ru/articles/282459/> (accessed June 9, 2016).

rights lawyers, Dzhaldinov filed complaints with the Ministry of Internal Affairs and the prosecutor's office regarding the ill-treatment of his wife and daughters and house-burning by local police officials.¹⁰³ He and his family members also spoke to the media.

On May 15, according to media reports, unknown men tried to kidnap Dzhaldinov in front of a mosque in the Tsumadinsky district of Dagestan, but the men who gathered in the mosque protected him.¹⁰⁴

On May 21, Grozny TV showed a story about a petition to Putin from Kenkhi residents. Allegedly 455 men signed the petition claiming that “enemies of the state” and “pseudo-patriots, who call themselves human rights defenders,” were using Dzhaldinov to wage an “information war against Russia” and incite “national discord among ethnic groups” in Chechnya.¹⁰⁵

On May 30, Dzhaldinov appeared on Grozny TV, giving an apologetic speech:

Last Friday, I went to the mosque and with the help of the imam started looking for a way to approach Kadyrov. I asked Khasmagomed [Abubakarov—a respected elder in Chechnya] to apologize to Ramzan [Kadyrov] on my behalf. I apologize. I made a mistake. I ask other people not to repeat my mistake. The things those provocateurs have written [about Dzhaldinov's video message] are 99 percent lies. I never criticized Ramzan [Kadyrov]. No one persecuted me. I walked in parks, visited museums, and made photos freely in Makhachkala [in Dagestan]. I hid from no one and never received threats. Now many will say I was threatened or coerced [to say this]. I make this speech voluntarily... Ramzan [Kadyrov] rebuilt this [Kenkhi] village.¹⁰⁶

¹⁰³ Human Rights Watch communications in May 2016 with Elena Milashina who covered Dzhaldinov's case for *Novaya Gazeta*, with Ramazan Dzhaldinov, and with human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Dzhaldinov and his immediate family members.

¹⁰⁴ “Witnesses informed about attempted kidnapping of Dzhaldinov [Очевидцы заявили о попытке похищения Джалалдинова],” *Caucasian Knot*, May 18, 2016, <http://www.kavkaz-uzel.ru/articles/282719> (accessed June 9, 2016).

¹⁰⁵ “Address to Vladimir Putin from Kenkhi residents [Обращение в адрес Владимира Путина жителей села Кенхи],” video clip, YouTube, May 21, 2016, <https://www.youtube.com/watch?v=Bvh5qto23NE> (accessed June 9, 2016), at 03:39 – 03:54.

¹⁰⁶ “Kenkhi resident Dzhaldinov apologized to Kadyrov for unreasonable accusations [Житель села Кенхи Джалалдинов принес извинения Кадырову за необоснованные обвинения],” *TASS*, May 30, 2016, <http://tass.ru/obschestvo/3325442> (accessed June 9, 2016); embedded video Ramzan Kadyrov (Kadyrov_95), “Assalamu alaikum! Anybody can make mistakes

On the same day, Kadyrov posted on Instagram that he accepted Dzhaldinov's apology. He noted that "some abnormal forces" were trying to use Dzhaldinov "to achieve their filthy, harmful objectives," subjected him to a "psychological and information attack," and talked him into fleeing Chechnya, citing false security threats—but fortunately, Dzhaldinov "found the strength and wisdom" to realize his mistake and to "publicly admit he was wrong."¹⁰⁷

Dzhaldinov immediately returned to Kenkhi with his family. Approximately two weeks later, he withdrew his complaints about alleged abuses by police officials. Since then and until the time of this writing, he and his family members have been safe and even received some money from Chechen officials to rebuild their house.¹⁰⁸

[Ассаламу алайкум! Любому человеку свойственно ошибаться],” *Instagram*, <https://www.instagram.com/p/BGck4xrCRjF/?hl=ru> (accessed August 4, 2016).

¹⁰⁷ Ramzan Kadyrov (Kadyrov_95), “Assalamu alaikum! Anybody can make mistake [Ассаламу алайкум! Любому человеку свойственно ошибаться],” *Instagram*, <https://www.instagram.com/p/BGck4xrCRjF/?hl=ru> (accessed August 4, 2016).

¹⁰⁸ Human Rights Watch interview with Elena Milashina of *Novaya Gazeta*, August 1, 2016.

III. Attacks on Human Rights Defenders

The murder of a leading Chechen human rights defender, Natalia Estemirova, in July 2009 immensely contributed to the climate of fear in the region, making it nearly impossible for local human rights defenders to take up cases of abuses by law enforcement and security agencies under Kadyrov's control without unacceptable risks to their lives and their families.¹⁰⁹ Under those circumstances, Igor Kalyapin, the head of what is now called the Committee for Prevention of Torture, a Nizhny Novgorod-based group, organized the Joint Mobile Group of Human Rights Defenders in Chechnya (JMG). This initiative involves sending human rights lawyers and activists from a range of prominent human rights organizations in other Russian regions to work in Chechnya on a rotating basis. They provide legal aid and other forms of assistance to victims of human rights violations in Chechnya.

The JMG has been operating since November 2009, with Kalyapin and his Committee in the lead, focusing on bringing to justice perpetrators of enforced disappearances, torture, and extrajudicial executions in Chechnya.¹¹⁰ Until December 2014, the JMG was able to maintain an office in Grozny and work throughout Chechnya, despite the increasingly hostile climate and several security incidents.¹¹¹ However, at the end of 2014, the Chechen leadership apparently became determined to push the JMG out of Chechnya, leaving victims of abuses by law enforcement without any means of pursuing justice. As of December 2014, the JMG's office was attacked and ransacked or burned three times; its activists have been attacked repeatedly apparently by Chechen authorities' proxies; and a massive smear campaign against the group has been raging in the Chechen media. Since early 2016, the JMG no longer has its team based in Chechnya for security reasons.

¹⁰⁹ "Russia: Leading Chechnya Rights Activist Murdered," Human Rights Watch news release, July 15, 2009, <https://www.hrw.org/news/2009/07/15/russia-leading-chechnya-rights-activist-murdered>.

¹¹⁰ In 2013, the group received the prestigious Martin Ennals Award for Human Rights Defenders. "Russian group wins Martin Ennals human rights award," Human Rights Watch news release, October 8, 2013, <https://www.hrw.org/news/2013/10/08/russian-group-wins-martin-ennals-human-rights-award>.

¹¹¹ See, for example: "Russia: Activists' detention unjustified," Human Rights Watch news release, February 9, 2010, <https://www.hrw.org/news/2010/02/09/russia-activists-detention-unjustified>. See: "Russia: Chechen Human Rights Lawyer Threatened," Human Rights Watch news release, August 2, 2011, <https://www.hrw.org/news/2011/08/02/russia-chechen-human-rights-lawyer-threatened>. See also: "Russia: Protect Human Rights Defenders in Chechnya," Human Rights Watch news release, June 7, 2012, <https://www.hrw.org/news/2012/06/07/russia-protect-human-rights-defenders-chechnya>.

The intense crackdown on JMG was apparently triggered by a complaint Kalyapin filed with Russia's law enforcement authorities against Kadyrov. But the Chechen authorities' hostility towards the group had been building since JMG's launch as the only independent group in the region taking up cases of abuse by local law enforcement and security officials.

Chronicle of the Crackdown against the JMG and its Leadership

On December 5, 2014, armed Islamist insurgents carried out an attack in Grozny, killing 14 and injuring 36 law enforcement officers.¹¹² The deceased included Ramzan Kadyrov's 22-year-old cousin, Umar Kadyrov. In retaliation for the attack, Kadyrov promised to "raze to the ground" houses of insurgents' family members and expel the families from Chechnya "with no right to return." Within days, at least nine houses in five different towns were set on fire by unknown men and burnt down.¹¹³

On December 8, Igor Kalyapin petitioned Russia's prosecutor general and the chief of the investigation authorities to examine Kadyrov's statement for signs of abuse of official powers. Kalyapin argued that by asserting collective responsibility and referring to specific forms of punishment for relatives of insurgents, the head of Chechnya gave a green light to targeted criminal acts against civilians.¹¹⁴

On December 10, the Chechen leadership unleashed a smear campaign against Kalyapin and the JMG, starting with Kadyrov accusing Kalyapin of "defending bandits" and laundering money for insurgents.¹¹⁵ The same day, the speaker of the Chechen parliament

¹¹² "Kadyrov told about the death of his relative [Кадиров рассказал о гибели своего родственника]," *Vesti*, December 5, 2014, <http://www.vesti.ru/doc.html?id=2177576#> (accessed June 14, 2016).

¹¹³ Ramzan Kadyrov (Kadyrov_95), "Last night I had a meeting with ministers [Вечером я провёл совещание с министрами]," *Instagram*, <https://www.instagram.com/p/wOo8kRiRv4/> (accessed August 4, 2016).

¹¹⁴ The Human Rights Council under the President of the Russian Federation, "Igor Kalyapin: Appeal to the Russian General Prosecutor Yuri Chaika and Chairman of the Russian Investigative Committee Alexander Bastrykin in regards to the public statement of the Head of the Chechen Republic Ramzan Kadyrov [Обращение к Генеральному прокурору РФ Юрию Чайке и Председателю СК РФ Александру Бастрыкину в связи с публичными заявлениями Главы Чеченской Республики Рамзана Кадырова]," December 8, 2014, <http://president-sovet.ru/members/blogs/post/982/> (accessed June 20, 2016). See also: Tanya Lokshina (Human Rights Watch), "Dispatches: Burning Down the House in Chechnya," December 10, 2014, <https://www.hrw.org/news/2014/12/10/dispatches-burning-down-house-chechnya>.

¹¹⁵ Ramzan Kadyrov (Kadyrov_95), "I know all Chechen policemen by name [Я поимённо знаю практически всех, работающих в Чечне, сотрудников полиции]," *Instagram*, <https://www.instagram.com/p/wbqfX7CRtQ/?modal=true> (accessed June 20, 2016). See also: Kadyrov addressing the Chechen government and calling Kalyapin's group as the only one that "promotes terrorism" at Time Line, "1," video clip, YouTube, April 13, 2016, <https://www.youtube.com/watch?v=0lnO8MTx9lY> (accessed June 20, 2016).

accused Kalyapin of trying to make a name for himself by maligning Kadyrov.¹¹⁶ On December 11, unidentified men attacked Kalyapin and pelted him with eggs as he spoke at a news conference in Moscow about collective punishment in Chechnya.¹¹⁷ The next day, Chechen TV aired the program “Tochka Oporu [Support Point]” where the guest speakers vilified Kalyapin and his colleagues for supposedly “profiting from [the Chechen] war” and using human suffering to get grants from Western donors.¹¹⁸

On December 13, the Chechen authorities sponsored a mass rally in Grozny “against terrorists’ supporters,” supposedly at the initiative of relatives of killed policemen.¹¹⁹ Demonstrators held banners “Kalyapin, go home \$\$” and “Ramzan Kadyrov, protect us from the ‘Kalyapins!’”¹²⁰ Speakers called human rights defenders “fascists” and asked the officials to get rid of “pro-Western” “supporters of terrorism.”¹²¹

On the same day, the JMG team noticed they were being followed by armed, masked men in a car believed to belong to Chechen law enforcement officials. In the evening, their office in Grozny caught fire in an apparent arson attack and was destroyed. The next day, police entered the apartment rented by JMG in Grozny for the team members and, without providing any explanation or a search warrant to the two JMG activists present, ransacked the apartment, confiscated mobile phones, several cameras, laptop computers, and other electronic equipment. They also conducted body searches of the activists, searched their car, and held the activists for several hours before releasing them without charge. Though local law enforcement authorities launched a perfunctory investigation into the alleged arson attack, it was soon suspended without result.¹²²

¹¹⁶ Parliament of the Chechen Republic, “Dukuvakha Abdurakhmanov: The General Prosecutor’s Office will be interested in I. Kalyapin’s sympathy to terrorists [Дукухаха Абдурахманов: Генпрокуратуре будет интереснее сочувствие И. Каляпина террористам],” December 10, 2014, <http://parlamentchr.ru/official/vystupleniya/1758-dukuvakha-abdurakhmanov-genprokurature-budet-interesnee-sochuvstvie-i-kalyapina-terroristam> (accessed June 20, 2016).

¹¹⁷ Tanya Lokshina (Human Rights Watch), “Dispatches: Under attack at a news conference,” December 11, 2014, <https://www.hrw.org/news/2014/12/11/dispatches-under-attack-news-conference>.

¹¹⁸ Time Line, “3,” video clip, YouTube, April 13, 2016, <https://www.youtube.com/watch?v=WK3kcqPToNE> (accessed June 20, 2016).

¹¹⁹ Parliament of the Chechen Republic, “Mass meeting against terrorist supporters took place in Grozny [В Грозном прошел большой митинг против пособников террористов],” December 13, 2014, <http://parlamentchr.ru/press-centre/news/1783-2014-208> (accessed June 20, 2016).

¹²⁰ Grozny TV news video from the mass meeting on December 13, 2014 at Time Line, “4,” video clip, YouTube, <https://www.youtube.com/watch?v=fTY3CQZKzZo> (accessed June 20, 2016).

¹²¹ *Ibid.*

¹²² “Russia: End Persecution of Activists in Chechnya,” Human Rights Watch news release, December 14, 2014, <https://www.hrw.org/news/2014/12/14/russia-end-persecution-activists-chechnya>.

On December 17, Kadyrov once again attacked JMG on Instagram:

...US State Department and its henchmen launched a new project called 'Kalyapin & Co.' They created a beautiful story about some mobile group of young and athletically built men from Nizhny Novgorod who struggle for human rights in Chechnya. In reality, Kalyapin and his group do not care about human rights. They care about insurgents, terrorists, and their families. Why? Because he who pays the piper calls the tune. And who pays them? The UK Embassy and other Western sources gave the Committee [Against Torture] 44 534 000 rubles...¹²³

In January 2015, five men in dark clothing and face masks forced their way into the office of the Memorial Human Rights Center in Gudermes, Chechnya's second largest city, and pelted the staff with eggs screaming, "This is [for supporting] Kalyapin!"¹²⁴

In May, the Grozny Information Agency published another smear piece vilifying JMG and accusing the group of setting fire to their own office in Chechnya:

...They tried to 'kill two birds with one stone': acquire 'fame' of persecuted human rights defenders and hid all of their financial irregularities – when they launder big money of their western masters under the guise of human rights protection in Chechnya...¹²⁵

Grozny TV also alleged that Kalyapin and JMG were "pumping out funds from western backers for imaginary human rights issues and [imaginary] work."¹²⁶

¹²³ Ramzan Kadyrov (kadyrov_95), "Dear friends! Human rights protection is one of the major tasks for the Chechen head [Дорогие друзья! Защита прав человека является одной из главных задач, стоящих перед Главой Чечни]," *Instagram*, <https://www.instagram.com/p/wuD7lQIRlf/> (accessed June 20, 2016).

¹²⁴ Tanya Lokshina (Human Rights Watch), "Dispatches: Thugs, Eggs, and Intimidation in Chechnya," January 15, 2015, <https://www.hrw.org/news/2015/01/15/dispatches-thugs-eggs-and-intimidation-chechnya>.

¹²⁵ Mavsar Varaev, "Liar Khodorkovsky and despicable liberals in the movie 'The Family' [Лживый Ходорковский и презренные либералы в фильме «Семья»]," *Grozny Inform*, May 26, 2015, <http://www.grozny-inform.ru/news/analytics/60712/> (accessed June 21, 2016).

¹²⁶ "Movie 'The Family' did not meet authors' expectations and weltered in its own lies [Фильм "Семья" не оправдал авторских надежд и провалился в своей лжи]," *Grozny TV*, May 26, 2015, <http://grozny.tv/news.php?id=5386> (accessed June 21, 2016).

On June 3, 2015, an aggressive mob surrounded the building in which the JMG had its office at the time, smashing the JMG's car in the courtyard with metal crowbars, before forcing their way into the building. They broke down the door and stormed into the JMG office. Several people also climbed onto the office balcony and tried to break in through the window. Two JMG activists who were in the office escaped through a window on the other side of the building. The mob ransacked the office, then broke down the door of the apartment rented by the JMG staff on the same floor of the building and continued with the rampage.¹²⁷ Local law enforcement authorities did not intervene despite multiple attempts by JMG activists to reach them by phone. A few days later, Chechnya's Deputy Minister of Internal Affairs said he had no desire to respond to a phone call from Kalyapin, a "representative of the security services of the US and other hostile states."¹²⁸ Meanwhile, Kadyrov claimed that the JMG staff deliberately provoked the attack to "earn fame in international mass media and receive new American funds."¹²⁹ At this writing, there has been no accountability for the mob attack.¹³⁰

In October 2015, a JMG team took a crew of Austrian journalists to film destroyed houses of insurgents' families in the Chechen village of Yandi. Unidentified men attacked the group, pelted them with eggs, and chased them away.¹³¹

The smear campaign against Kalyapin and the JMG continued in Chechen media in 2016, with the group and its leader being repeatedly accused of working in the interests of their alleged Western sponsors to discredit Chechen leadership and destabilize Chechnya and Russia.¹³²

¹²⁷ Joint Statement by Human Rights Watch, Amnesty International and Front Line Defenders regarding the attack on the Joint Mobile Group for Chechnya, June 3, 2015, <https://www.hrw.org/news/2015/06/03/joint-statement-human-rights-watch-amnesty-international-and-front-line-defenders>.

¹²⁸ "Апти Алаудинов asked to resist provocations [Апти Алаудинов призвал не поддаваться на провокации]," Grozny TV, June 9, 2015, <http://grozny.tv/news.php?id=5518> (accessed June 21, 2016).

¹²⁹ Ramzan Kadyrov Official Website, "Ramzan Kadyrov: Members of the Committee against Torture might have deliberately provoked the incident [Рамзан Кадыров: Сотрудники «Комитета против пыток» могли преднамеренно спровоцировать инцидент]," June 3, 2015, http://www.ramzan-kadyrov.ru/press.php?releases&press_id=5883&month=06&year=2015 (accessed June 21, 2016).

¹³⁰ Human Rights Watch interview with Igor Kalyapin, August 2, 2016.

¹³¹ See the video from the security cameras provided by the Joint Mobile Group at Time Line, "19," video clip, YouTube, April 16, 2016, <https://www.youtube.com/watch?v=AFuB8-LdYlo> (accessed August 1, 2016).

¹³² See, for example, "Igor 'Bankrupt' Kalyapin [Игорь «Банкрот» Каляпин]," Grozny TV, February 21, 2016, <http://grozny.tv/news.php?id=10965> (accessed June 23, 2016).

On March 9, as described below, a mob viciously attacked a bus with Russian and foreign journalists on a trip to Chechnya organized by the Committee for Prevention of Torture through the JMG initiative.¹³³ Two nights later, Chechen police broke the door of the apartment in Grozny, which the JMG was using for work after their office was ransacked in June 2015. They broke the security camera, then ransacked the place, and finally left, sealing the doors shut. Local law enforcement authorities refused JMG's requests to open an investigation into the actions by Chechen police. At this writing, JMG no longer has teams based on the ground in Chechnya due to security concerns.¹³⁴

Violent Attack on Igor Kalyapin in Grozny

On March 16, 2016, a mob assaulted Kalyapin in Grozny, where he had gone to look into a violent attack against a group of journalists one week before (see below).¹³⁵ At around 7 p.m. approximately 40 minutes after he got to his room at the Grozny Citi Hotel, a hotel administrator knocked on his door, accompanied by a security guard, and another man. The administrator told Kalyapin he had to leave the hotel immediately because of the “unpleasant things” Kalyapin had said about Chechnya's leader.¹³⁶

Kalyapin gathered his belongings and left the hotel. As soon as he got outside, a mob of men, who were clearly waiting for him, pushed Kalyapin to the ground, kicked him, pelted him with eggs, and threw flour and bright green antiseptic liquid on him. Kalyapin suffered no injuries, but by the time his assailants fled, he was covered head to toe in flour, eggs, and green antiseptic. He told Human Rights Watch:

It was a well-prepared effort. When they escorted me to the hotel lobby I wanted to leave straight away but I could not do this. A group of women, apparently hotel employees, were waiting for me downstairs. They surrounded me, not letting me move towards the exit. They were yelling something about me saying bad things about Kadyrov and how the people of Chechnya won't tolerate it. I tried to engage with them but they would not

¹³³ See below in this report, Section IV, Attacks on and Harassment of Journalists

¹³⁴ Human Rights Watch interview with Igor Kalyapin, August 2, 2016.

¹³⁵ “Russia: Rights Defender Attacked in Chechnya,” Human Rights Watch news release, March 16, 2016, <https://www.hrw.org/news/2016/03/17/russia-rights-defender-attacked-chechnya>.

¹³⁶ Human Rights Watch interview with Igor Kalyapin, March 17, 2016.

listen to me. Their role was clearly to keep me inside while the team of assailants were gathering outside with their supplies ready. And then I was literally pushed outside and the show began.¹³⁷

Police eventually appeared at the scene and took Kalyapin to the city police station for questioning. Kalyapin told Human Rights Watch that police took his statement and photographed all of his clothing. A federal investigator came to the police station at Kalyapin's request, who felt he was still at risk, and they left Chechnya together.¹³⁸ On the same day, Grozny TV aired a program on Igor Kalyapin, accusing him of anti-Russian sabotage and lies for the sake of publicity. The anchor once again cited the amount of funds provided by foreign donors to the group.¹³⁹

On March 19, following a very strong statement by the Russian Presidential Human Rights Council, President Putin's press secretary said that the attack against Kalyapin in Grozny was "possibly a sequel" to the March 9 attack on journalists and stressed that it was "unacceptable" and "a cause for concern."¹⁴⁰ The local prosecutor's office in Grozny has ordered an investigation into the attack three times, and each time police opened a preliminary inquiry but declined to pursue a criminal case. At this writing, no one has been held accountable for the attack.¹⁴¹

¹³⁷ Human Rights Watch interview with Igor Kalyapin, March 17, 2016.

¹³⁸ Ibid.

¹³⁹ "The truth about the fifth column: Igor Kalyapin [Правда о пятой колонне: Игорь Каляпин]," Grozny TV, March 16, 2016, <http://grozny.tv/news.php?id=11649> (accessed June 23, 2016).

¹⁴⁰ Presidential Council for Civil Society and Human Rights, "Statement on the rowdy attack against Igor Kalyapin [Заявление СПЧ о хулиганском нападении на Игоря Каляпина]," March 17, 2016, <http://president-sovet.ru/presscenter/news/read/3076/> (accessed June 23, 2016); "Peskov called attack on Kalyapin a part of 'dangerous tendency' [Песков назвал избиение Каляпина частью «опасной тенденции»]," *Meduza*, March 17, 2016, <https://meduza.io/news/2016/03/17/peskov-nazval-izbienie-kalyapina-chastyu-opasnoy-tendentsii> (accessed August 4, 2016). See also: *Vesti*, "Peskov: we should not relate the attack on Kalyapin with..." [Песков: не надо увязывать нападение на Каляпина с...], video clip, *RuTube*, March 19, 2016, <http://rutube.ru/video/eeef131b17f09ff2bf9aесс6е5289e4d/> (accessed June 23, 2016).

¹⁴¹ Human Rights Watch interview with Igor Kalyapin, August 2, 2016.

IV. Attacks on and Harassment of Journalists

In recent years, journalists have been finding it increasingly difficult to work in Chechnya. One of the main obstacles many media professionals have described to Human Rights Watch is the climate of fear in the region, where on the one hand very few people dare talk to journalists, except to compliment the Chechen leadership, and on the other hand, those who do put themselves at great risk could be punished for speaking with or helping journalists. In 2016, several local journalists and activists who helped foreign and Russian independent media outlets with their Chechnya-related work had to leave the region due to well-grounded fears of reprisals. In the words of Anna Nemtsova of *The Daily Beast*, who has covered Chechnya since the second war broke out in 1999:

It's never been easy in Chechnya. I don't remember the time when I wasn't worried about the security of [the people I write about] but in the last couple of years we've been constantly, overwhelmingly concerned about doing harm, creating problems for the people I interview. It's been the same with other colleagues. Some of our [interviewees] and helpers have been punished by Chechen authorities for talking to foreign press—they were arbitrarily detained, threatened, humiliated. The risk for journalists working in the field has also increased dramatically. Covering crises is never risk-free, but I don't know any other region in Russia, where the people are so terrified by state repression and where independent observers, including journalists, feel so threatened.¹⁴²

Indeed, the situation has clearly become more dangerous not only for local residents who talk to independent press but also for journalists who persevere with Chechnya work. The cases documented below include a violent attack on a group of journalists, including foreign journalists, a death threat against a prominent Russian journalist, and a case of arbitrary detention of another well-known Russian journalist.

In March 2016, a group of masked men attacked a minibus driving a group of Russian and foreign journalists from Ingushetia to Chechnya, dragged the journalists from the bus, beat

¹⁴² Human Rights Watch interview with Anna Nemtsova, August 3, 2016.

them, and set the bus on fire.¹⁴³ The attack was so shocking that it triggered an immediate, unparalleled reaction from President Putin’s press secretary, who called it “absolutely outrageous” and called on law enforcement authorities to ensure accountability for this crime.¹⁴⁴ However, at this writing, although an investigation into the attack was nominally opened, it has not yielded any tangible results.

Anna Nemtsova told Human Rights Watch that she and many other media workers regarded the attack and the failure to identify the attackers as a warning to independent journalists, “a strong signal that this is what’s going to happen to you if you dare to come and work in Chechnya.”¹⁴⁵

Attack on Bus with Journalists

On March 9, 2016, at least 15 masked men armed with sticks and knives attacked a bus carrying eight people and their driver as the group traveled from Ingushetia to Chechnya.¹⁴⁶ The group which was badly beaten by the attackers included six journalists—one Norwegian, one Swede, and four Russians—and two Russian human rights activists. All were injured, and five were hospitalized. The attackers set the bus on fire.¹⁴⁷

The journalists and activists were on a trip organized by the Committee for Prevention of Torture through the JMG initiative. Sergei Romanov, a lawyer with the committee who was in touch with his colleagues during and after the incident, said that the group had noticed

¹⁴³ “Russian Activists, Western Journalists Attacked Trying to Enter Chechnya,” *Radio Free Europe/Radio Liberty*, March 9, 2016, <http://www.rferl.org/content/russia-chechnya-reporters-activists-attacked-entering-from-ingushetia/27601148.html> (accessed August 5, 2016).

¹⁴⁴ “Kremlin called ‘absolute hooliganism’ an attack on journalists in Ingushetia [В Кремле назвали ‘абсолютным хулиганством’ нападение на журналистов в Ингушетии],” *Interfax*, March 10, 2016, <http://www.interfax.ru/russia/497896> (accessed August 5, 2016). The OSCE Special Representative on Freedom of the Media flagged the attack on her Twitter account, calling it “troubling news,” and, the Committee to Protect Journalists issued a statement condemning the attack. Committee to Protect Journalists, “Attackers beat group of journalists covering human rights abuses in North Caucasus,” March 9, 2016, <https://www.cpj.org/2016/03/attackers-beat-group-of-journalists-covering-human.php> (accessed August 5, 2016); “Russian Activists, Western Journalists Attacked Trying To Enter Chechnya,” *Radio Free Europe/Radio Liberty*, March 9, 2016, <http://www.rferl.org/content/russia-chechnya-reporters-activists-attacked-entering-from-ingushetia/27601148.html> (accessed August 5, 2016).

¹⁴⁵ Human Rights Watch interview with Anna Nemtsova, August 3, 2016.

¹⁴⁶ “Russia: Journalists, Activists Attacked in North Caucasus,” Human Rights Watch news release, March 9, 2016, <https://www.hrw.org/news/2016/03/09/russia-journalists-activists-attacked-north-caucasus>

¹⁴⁷ Video and audio record of an attack on group of Russian and international journalists on the border between Chechnya and Ingushetia, March 9, 2016, filmed by *Mediazona* (in Russian with English subtitles), video clip, *Youtube*, <https://www.youtube.com/watch?v=MU2xw110ORE>

they were under surveillance by people whose identities they did not know from the beginning of the trip on March 7.¹⁴⁸

Those attacked included Ivan Zhiltsov and Ekaterina Vanslova, staff members of the Committee for Prevention of Torture; Oeystein Windstad, a correspondent for Norway's *My Tid* newspaper; Lena Maria Persson Loeffgren, a Swedish state radio journalist; and four Russian journalists: Aleksandra Elagina of *The New Times*, Egor Skovoroda of *Mediazona*, and freelance journalists Anton Prusakov and Mikhail Solunin.

Romanov told Human Rights Watch that on the evening of March 9, when they were near the village of Ordzhenikidzevskaya, close to the administrative border between Ingushetia and Chechnya, three cars carrying the masked men blocked the road, forcing the bus to stop. The men dragged the passengers out of the bus, kicked them and beat them with sticks, calling them "terrorists" who would "not be allowed to work on our land." They then poured gasoline on the bus and set it afire, destroying the journalists' equipment and some of the victims' identification documents. Having torched the bus, they fled.¹⁴⁹

Lena Maria Persson Loeffgren, who suffered multiple bruises and a deep gash on her upper leg told Human Rights Watch:

When those men attacked the bus, I dropped to the floor and tried to shield myself from glass fragments as they were breaking the windows. I thought they just aimed to frighten us... And then they broke the door, which the driver had locked, and they got in, through the driver's seat—so I was the first person they faced as I was right behind it. They were screaming, "You are friends of terrorists!" And I look at this man wielding his stick and I try to reason with him, "I'm a Swedish journalist. I'm a 59-year-old woman, a mother, a grandmother. Will you really beat me?" And he did... It's hard to come to terms with [it]... They beat us with their sticks, and kicked us. They pulled me out of the bus by my hair and they did the same with the young girl from the human rights group [Ekaterina Vanslova], who was on the floor next to me. They forced us face down on the ground, and they continued

¹⁴⁸ Human Rights Watch interview with Sergei Romanov, March 10, 2016.

¹⁴⁹ Ibid.

beating us, mostly on the legs... They were threatening to kill us while they were beating us. They were a mob.¹⁵⁰

Local residents arrived at the scene, called an ambulance and the police. The ambulance took five of the victims, including the driver, to the Sunzhenskaya district central hospital in Ingushetia. Ingush law enforcement dispatched to the scene drove the others to the Sunzhenski district police station for immediate questioning. Those hospitalized gave testimony to police in the hospital the next day.¹⁵¹

The driver, Bashir Pliev, suffered particularly serious injuries—multiple rib fractures, an arm fracture, a leg fracture, and a concussion. Oeystein Windstad, who was on his very first trip to the region and does not speak Russian, sustained a concussion, multiple bruises, and stab wounds to his arms, legs, and face, a leg fracture and two broken teeth. He suggested to Human Rights Watch that he suffered so many injuries because he resisted when the assailants attempted to drag him out of the bus:

It was dark and when those cars blocked our way and the men in masks with sticks jumped out, I thought, this is it, I'm going to die. I remembered that human rights defender [Natalia Estemirova] and how she was kidnapped from Chechnya and taken to Ingushetia to be killed...¹⁵² So, when they started to drag people out of the bus, I had no doubt it's now my turn and they'll just shoot us. I could hear my colleague, Lena Maria, screaming as they were dragging her by her hair, and I thought I won't let them drag me outside, even if it only means making it more difficult for them and living 30 seconds longer... I crawled to the very back of the bus. They kept trying to drag me out, pulling on my limbs, hitting me, kicking me. They pulled off my winter jacket and then my sweater, probably thinking that this way it'll be easier for them to push me out of the broken window... There were shards of glass everywhere... I raised my legs resisting their efforts and one of them stabbed me deep into the leg—it was either a knife or a

¹⁵⁰ Human Rights Watch interview with Maria Persson Loefgren, July 6, 2016.

¹⁵¹ Human Rights Watch interview with Sergei Romanov, March 10, 2016; Human Rights Watch Skype interview with Oeystein Windstad, August 1, 2016.

¹⁵² "Russia: Leading Chechnya rights activist murdered," Human Rights Watch news release, July 15, 2009, <https://www.hrw.org/news/2009/07/15/russia-leading-chechnya-rights-activist-murdered>.

nail, I'm not sure, but one of them had a nail attached to the top of his wooden club. They did everything to pull me out but I thought letting them meant death, a bullet in the head. And then suddenly, one of them screamed something at me—I could not understand but my colleagues later told me he screamed they'd be burning the bus and if I wanted to burn with it, whatever—and they all jumped out. I thought it was my chance to escape. I jumped out of the bus and ran... They chased me for some 100 meters and then there was a big bang and I could see the sky light up. They set the bus on fire.¹⁵³

According to the Committee for Prevention of Torture, having examined the scene of crime and questioned the victims and witnesses, law enforcement authorities launched a criminal investigation into “hooliganism, assault, damage to property, and obstruction of journalistic work.” At this writing, the investigation into the attack is ongoing but has not yielded any tangible results.¹⁵⁴

Ilya Azar, Meduza (threats, arbitrary detention)

Ilya Azar, a journalist with *Meduza*, an independent online media outlet registered in Latvia but targeted at Russian audiences, was detained by Chechen law enforcement officials in May 2016 in a suburb of Grozny, where he was working on a story about punitive house-burnings in Chechnya. The officials forced him to get into their vehicle, took away his phones, documents, and voice recorder, drove him to the main police precinct in Grozny and held him there for four hours. They released him but treated him in a hostile manner, making it clear to him that he could not continue with his work in Chechnya.

Azar attempted to look into the burning of the home of the family of a man who, on the morning of May 9, had attacked a security checkpoint in Alkhan-Kala, a village bordering Grozny. On that day, one man detonated explosives he was carrying at the checkpoint, killing himself and injuring six police officers. The police killed a second man who was accompanying him.¹⁵⁵ The men were identified as 24-year-old Ahmed Inalov and 26-year-

¹⁵³ Human Rights Watch interview with Oeystein Windstad, August 1, 2016.

¹⁵⁴ Human Rights Watch interview with Igor Kalyapin, August 2, 2016.

¹⁵⁵ “Both insurgents who carried out explosion at the checkpoint are identified in Grozny [В Грозном опознаны оба боевика, устроивших взрыв на КПП],” *Rosbalt*, May 9, 2016, <http://www.rosbalt.ru/russia/2016/05/09/1512816.html> (accessed July 4, 2016).

old Shamil Dzhannaraliev, both in their twenties, from the village of Kirova about 6.5 kilometers from Alkhan-Kala.¹⁵⁶ Ramzan Kadyrov posted belligerent comments on his social media account about the attack and the men and announced “raids and preventive [counter-insurgency] activities.”¹⁵⁷

On May 11, media reported the houses belonging to the families of Inalov and Dzhannaraliev had burned down.¹⁵⁸ Ilya Azar, who happened to be in Grozny on assignment for *Meduza* at the time, went to Kirova village to interview local residents and take pictures of the burned houses. Azar arrived there at around 1:10 p.m. and had managed only to take two photographs of the Dzhannaraliev’s destroyed house when a man who introduced himself as a deputy head of the local administration appeared and forbade him to take pictures.¹⁵⁹ When Azar approached a group of residents with questions about the burnt houses, an unknown man immediately volunteered to speak for the group, denied allegations of house burning, and prevented the others from answering Azar’s questions.¹⁶⁰

Two police officers arrived on the scene at around 1:40 p.m. and immediately took away Azar’s passport, voice recorder, and two mobile phones, accusing him of working for the insurgents and having Syrian connections. A man in civilian clothing drove up to them a few minutes later, introduced himself as Magomed Dashaev, head of the Grozny police,¹⁶¹ and ordered that Azar be taken to the Grozny police department “to check for terrorism.” He put Azar into his car and drove to Grozny. Another police official rode in the car with them.

On the way to Grozny, Dashaev kept telling Azar that he resembled the ISIS leader, Abu Bakr al-Baghdadi. He asked whether Azar had been to Syria and whether he liked ISIS.

¹⁵⁶ Ibid.

¹⁵⁷ Ramzan Kadyrov (kadyrov_95), “Early morning on May 9, at the Day of Great Victory, two bastards committed a heavy crime [Рано утром 9 мая, в День великой Победы двое подонков совершили тяжкое преступление],” *Instagram*, <https://www.instagram.com/p/BFMtPzwCRtU/?hl=ru> (accessed July 4, 2016).

¹⁵⁸ Maria Ablinova, “Houses of the insurgents, who attacked checkpoint in Chechnya, are burnt in Grozny [В Грозном сгорели дома боевиков, напавших на КПП в Чечне],” *Life*, May 11, 2016, https://life.ru/t/%Do%BD%Do%BE%Do%B2%Do%BE%D1%81%D1%82%Do%B8/407804/v_ghroznom_sghorieli_doma_boievikov_napavshikh_na_kpp_v_chiechnie (accessed July 4, 2016).

¹⁵⁹ Human Rights Watch interview with Ilya Azar, Moscow, June 21, 2016. See also: Ilya Azar, “Like in Moscow, but adjusted for local mentality [Как в Москве, но с поправкой на менталитет],” *Meduza*, May 12, 2016, <https://meduza.io/feature/2016/05/12/kak-v-moskve-no-s-popravkoy-na-mentalitet> (accessed July 4, 2016).

¹⁶⁰ Ibid.

¹⁶¹ Magomed Dashaev is not listed on the website of Chechnya’s Ministry of Internal Affairs as head of the Grozny police force. However, all police officials who spoke to Azar confirmed he was indeed in charge.

Soon after their arrival at Grozny’s main police precinct, the two police officers who had detained Azar in Kirova also arrived there.

At the police precinct, Dashaev and several other law enforcement officials questioned Azar about his views on Syria and ISIS, insisted he resembled al-Baghdadi or funded al-Baghdadi, and alleged he had travel to Kirova as an ISIS recruiter. They took photos of Azar, searched him, went through his personal belongings, and went through the data on his cell phones and voice recorder, deleting the photos of the burnt house in Kirova from his phone and all the files on the voice recorder. Then, they told Azar that Meduza is a foreign-funded media outlet that is hostile to Russia and that mass media should be reporting good news only as opposed to exposing problems and spoiling the country’s image. Eventually, they had Azar write an “explanation” regarding the circumstances of his detention and sign a document saying he suffered no ill-treatment by police officials, before they returned his equipment and released him at around 5:30 p.m. Azar’s detention lasted close to four hours. When leaving the precinct, he walked by an office transformed into a makeshift cell with eight men in it, asked the police officials who those men were and was told that they had been all detained earlier on the same day for “having long beards.”¹⁶²

Around 8 p.m. that evening, Dashaev called Azar, who had already left Chechnya out of concern for his security, and asked to meet immediately to discuss “something urgent.” Azar refused. When contacted by *Meduza*, Chechnya’s Ministry of Internal Affairs denied they had detained Azar and claimed he was merely brought to the police precinct for an identity check.¹⁶³

In his interview with Human Rights Watch, Azar pointed out that the working climate for journalists in Chechnya was increasingly difficult:

My previous trip there was in December 2014. Back then, I faced no serious problems while doing my job. But it’s clear that there are particularly

¹⁶² Human Rights Watch interview with Ilya Azar, Moscow, June 21, 2016. See also: Ilya Azar, “Like in Moscow, but adjusted for local mentality [Как в Москве, но с поправкой на менталитет],” *Meduza*, May 12, 2016, <https://meduza.io/feature/2016/05/12/kak-v-moskve-no-s-popravkoj-na-mentalitet> (accessed July 4, 2016).

¹⁶³ Human Rights Watch interview with Ilya Azar, Moscow, June 21, 2016. See also: “Meduza journalist was brought to Grozny police station for identity check [Журналист “Медузы” был доставлен в участок в Грозном для выяснения личности],” *TASS*, May 11, 2016, <http://tass.ru/proisshestiya/3273667> (accessed July 4, 2016).

sensitive topics and recently, the reaction [by the Chechen authorities] to those journalists that take up those topics took a turn for the worse.¹⁶⁴

Elena Milashina, Novaya Gazeta (harassment, threats)

In May 2015, Elena Milashina, a Russian investigative journalist with a leading independent Russian newspaper, *Novaya Gazeta*, received several serious threats in connection with her Chechnya reporting.

In mid-May, Milashina travelled to Chechnya on assignment to report on the arranged, apparently polygamous marriage of a 17-year-old Chechen girl, Kheda Goylabieva, to a Chechen police chief close to Ramzan Kadyrov.¹⁶⁵ Milashina had received information from local residents that the girl was being forced into the marriage and traveled to the village of Baitarki to speak with Goylabieva. The girl's family members prevented Milashina from meeting with Goylabieva, so she left. On her way back from the village to Khasavyurt, a large Dagestani town on the administrative border with Chechnya, Milashina and two activists from the JMG, who accompanied her on the trip, noticed surveillance. Several vehicles took turns following them all the way from Baitarki to Khasavyurt. The next day, May 12, Milashina attempted another trip to Baitarki but several law enforcement officials at a checkpoint by the entry to Nojai-Yurt district, where Baitarki is located, told her that the Chechen security services are "after her" and she "should better watch out." Concerned about her physical security, *Novaya Gazeta* insisted Milashina return to Moscow.¹⁶⁶

A May 19, 2015 editorial, *Grozny Inform*, Chechnya's most widely read media outlet closely linked to the republic's leadership, strongly implied that Elena Milashina could meet the same fate as Anna Politkovskaya, the *Novaya Gazeta* journalist murdered in 2006, and Boris Nemtsov, the Russian political opposition leader murdered in February 2015. The editorial claimed both killings were provocations by the United States and Israeli intelligence services, among others, in a bid to destabilize Russia. Noting that Politkovskaya received awards from "Americans and Europeans" for "constantly vilifying

¹⁶⁴ Human Rights Watch interview with Ilya Azar, Moscow, June 21, 2016.

¹⁶⁵ Tanya Lokshina (Human Rights Watch), "Dispatches: Will Russia Protect A Child Bride?" May 13, 2015, <https://www.hrw.org/news/2015/05/13/dispatches-will-russia-protect-child-bride>.

¹⁶⁶ Human Rights Watch interview with Elena Milashina, May 16, 2015. See also: "Novaya Gazeta correspondent in Chechnya Elena Milashina was advised to watch out [Спецкору «Новой газеты» Елене Милашиной в Чечне посоветовали следить за личной безопасностью]," *Novaya Gazeta*, May 14, 2015, <http://www.novayagazeta.ru/news/1693767.html> (accessed August 4, 2016).

her country,” the editorial warned that Milashina, also a recipient of international awards, could be killed for the same reasons.

Toward the end of the lengthy editorial, the author suggested that nameless forces were preparing the ground for Milashina to be victimized “...[I]f you go through all the potential victims, then by all indications, the latest hero who will pay with their life for ‘the defense of human rights’ in Russia will be our *Novaya Gazeta* special correspondent. It was not at all an accident that Secretary of State John Kerry gave Milashina the International Women of Courage award for her journalistic investigation. Let’s hope that it is not posthumous...” the editorial said.¹⁶⁷

Milashina told Human Rights Watch that given the timing of the editorial, the nature of her work, and *Grozny Inform*’s links to Chechnya’s leadership, she believed the editorial is “saying I’ll be killed and it’s been decided.... It’s a new sort of a death threat—not by phone, not by SMS, not by email but rather published in a state-sponsored media outlet.... It’s an attempt to silence me by threats, death threats actually, to prevent me from continuing my Chechnya reporting.”¹⁶⁸

The threats against Milashina led *Novaya Gazeta* to formally demand an investigation, as well as temporarily bar its journalists from traveling to Chechnya. At this writing, the investigation has yielded no tangible results.¹⁶⁹

In February 2016, Grozny TV broadcast a program about Milashina, accusing her of working for the US State Department and making up stories to destroy Chechen authorities’ reputation at the behest of her alleged foreign masters.¹⁷⁰ By way of “evidence,” the host referred to the fact that Milashina had received the U.S. Secretary of State’s International

¹⁶⁷ Elena Milashina, “Russia Update: Novaya Gazeta reporter Milashina targeted with death threat by Chechen media,” *The Interpreter*, June 10, 2015, <http://www.interpretermag.com/russia-update-june-10-2015/#8771> (accessed August 4, 2016).

¹⁶⁸ “Russia: Investigative Journalist Facing Death Threats,” Human Rights Watch news release, June 10, 2015, <https://www.hrw.org/news/2015/06/10/russia-investigative-journalist-facing-death-threats>.

¹⁶⁹ Human Rights Watch interview with Elena Milashina, August 1, 2016.

¹⁷⁰ “Elena Milashina – US State Department reporter of false sensations [Елена Милашина – госдеповский вестник вымышленных сенсаций],” *Grozny TV*, February 4, 2016, <http://grozny.tv/news.php?id=10459> (accessed August 4, 2016).

Women of Courage Award in 2013, the award referenced in the *Grozny Inform* editorial, and an award from Human Rights Watch in 2009.¹⁷¹

On March 10, Milashina published an article in *Novaya Gazeta* alleging that Kadyrov's closest associate, the speaker of Chechnya's parliament, Magomed Daudov organized a failed kidnapping of a local rights activist.¹⁷² Following the publication, Chechnya's human rights commissioner, Nurdi Nukhajiev, well-known for promoting the interests and public image of the Chechen leadership, demanded that the investigative authorities open a criminal case against Milashina for slandering Daudov and thereby "offending the Chechen people who delegated the power to their legislative representatives."¹⁷³

¹⁷¹ In 2009, Human Rights Watch awarded Elena Milashina with the organization's annual Alison de Forges Award for Extraordinary Activism. The host identified Human Rights Watch as "an odious American organization, which represents a key link in the web of American foreign policy influence."

¹⁷² Elena Milashina, "They moved from verbal threats against Kadyrov's critics to physical violence [От словесных угроз в адрес критиков Кадырова перешли к физическому насилию]," *Novaya Gazeta*, March 10, 2016, <http://www.novayagazeta.ru/columns/72160.html> (accessed August 5, 2016).

¹⁷³ Human Rights Ombudsman in the Chechen Republic, "We won't let the Chechen people be maligned anymore [Мы больше не позволим очернять чеченский народ]," March 16, 2016, http://chechenombudsman.ru/index.php?option=com_content&view=article&id=1898:%D0%BC%D1%8B-%D0%B1%D0%BE%D0%BB%D1%8C%D1%88%D0%B5-%D0%BD%D0%B5-%D0%BF%D0%BE%D0%B7%D0%B2%D0%BE%D0%BB%D0%B8%D0%BC-%D0%BE%D1%87%D0%B5%D1%80%D0%BD%D1%8F%D1%82%D1%8C-%D1%87%D0%B5%D1%87%D0%B5%D0%BD%D1%81%D0%BA%D0%B8%D0%B9-%D0%BD%D0%B0%D1%80%D0%BE%D0%B4&catid=47&Itemid=142 (accessed August 5, 2016). At this writing, Milashina is not aware of any criminal proceedings against her.

V. International Standards and Domestic Legal Framework

Russia is a party to the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR)¹⁷⁴ Both the ECHR and ICCPR impose negative and positive obligations on governments with respect to the right to life, prohibition of torture, right to liberty and security of a person, and freedom of expression.¹⁷⁵

Right to Life

Article 2 of the ECHR imposes legal obligations on the state to protect the right to life.¹⁷⁶ The European Court of Human Rights emphasizes the determinant character of Article 2 for the realization of other rights in the Convention and stresses that, “Article 2 ranks as one of the most fundamental provisions in the Convention.”¹⁷⁷ Obligations to protect the right to life include not just desisting from unlawful taking of life, but proactive measures to prevent and deter unlawful killings and threats to life including from third parties, and to investigate and punish unlawful killings and threats that occur.

Article 6 of the ICCPR correspondingly states that, “Every human being has the inherent right to life” and “No one shall be arbitrarily deprived of his life.”¹⁷⁸ The Constitution of the Russian Federation stipulates the right to life for everybody,¹⁷⁹ and the Russian Criminal Code criminalizes murder and other forms of deprivation of life.¹⁸⁰

¹⁷⁴ Council of Europe, Treaty list for a specific state: Russia, http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/country/RUS?p_auth=KLSucytz (accessed July 8, 2016). UN Office of the High Commissioner for Human Rights, Human Rights Committee, <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx> (accessed July 8, 2016).

¹⁷⁵ ECHR, art. 1, and ICCPR, art. 2 (2).

¹⁷⁶ European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols No. 3, 5, 8, and 11 which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively, ratified by Russia on May 5, 1998, art. 2.

¹⁷⁷ European Court of Human Rights, *McCann and others v. The United Kingdom*, no. 18984/91, Judgement of September 27, 1995, available at [http://hudoc.echr.coe.int/eng?i=001-57943&%7B%22itemid%22%3A%5B%22001-57943%22%5D%7D#{\"itemid\":\[\"001-57943\"\]}](http://hudoc.echr.coe.int/eng?i=001-57943&%7B%22itemid%22%3A%5B%22001-57943%22%5D%7D#{\), para. 147.

¹⁷⁸ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1996), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Russia on October 16, 1973, art. 6.

¹⁷⁹ Constitution of the Russian Federation (Constitution), adopted December 12, 1993, <http://constitution.kremlin.ru/>, art. 20.

¹⁸⁰ Criminal Code of the Russian Federation, № 63-FZ of June 13, 1996, art. 105-109.

Freedom from Torture and Cruel and Degrading Treatment

Article 3 of the ECHR, Article 7 of the ICCPR, and Article 21 of the Russian Constitution guarantee freedom from torture and cruel, inhuman or degrading treatment or punishment.¹⁸¹ The prohibition on torture is absolute in international law and both the ECHR and the ICCPR allow no derogation from the obligation on the right to life and freedom from torture, including in times of emergency.¹⁸²

The Russian Criminal Code Article 117 criminalizes “infliction of physical or psychological suffering” and Article 286 prohibits abuse of power by officials.¹⁸³

This report documents instances of prohibited ill-treatment and cruel and degrading punishments against people in retribution for expressing their views and also as collective punishment for views expressed by their family members.

Prohibition of Unlawful Detention/Arrest

Under Article 5 of the ECHR, Article 9 of the ICCPR, and Article 22 of the Russian Constitution, everyone has the right to liberty and inviolability of person.¹⁸⁴ Accordingly, arrest or detention should be sanctioned by a court of law.

Russia’s Constitution and the Criminal Procedure Code specifically limit detention without court sanction to 48 hours.¹⁸⁵

This report documents instances of unlawful detention in retribution against people for expressing their views and also as collective punishment for views expressed by their family members. Article 5 of Russia’s Criminal Code stipulating for “principle of guilt” provides that persons can be punished solely for “socially dangerous actions (lack of action) and resulting socially dangerous consequence” and only if their individual guilt has been established by a court of law.¹⁸⁶

¹⁸¹ ECHR, art. 3; ICCPR, art. 7; Constitution, art. 21 (2).

¹⁸² ECHR, art. 15 (2), and ICCPR, art. 4 (2).

¹⁸³ Criminal Code of the Russian Federation, art. 117 and 286.

¹⁸⁴ ECHR, art. 5; ICCPR, art. 9; Constitution, art. 22.

¹⁸⁵ Constitution, art. 22 (2); Criminal Procedure Code of the Russian Federation, № 174-FZ of December 18, 2001, art. 10.

¹⁸⁶ Criminal Code of the Russian Federation, art. 5.

Freedom of Expression

Article 10 of the ECHR sets some limitations that could be imposed on freedom of expression but any limitations “must be established convincingly”¹⁸⁷ and justifiable only when prescribed by law, are in pursuit of a legitimate goal, are necessary in a democratic society.¹⁸⁸

Article 19 of the ICCPR provides “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”¹⁸⁹ Though the exercise of the right to free expression “may therefore be subject to certain restrictions... these shall only be such as are provided by law and are necessary (a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order (*ordre public*), or of public health or morals.”¹⁹⁰

Freedom of expression constitutes one of the essential foundations of a democratic society and it extends not only to “information” or “ideas” that are favorably received, but also to those that offend, shock or disturb in such domains as “political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse.”¹⁹¹ With respect to criticism against public officials, the European Court of Human Rights has also made clear that “the limit of acceptable criticism is wider with regard to a politician acting in his public capacity than in relation to a private individual.”¹⁹²

The UN Human Rights Committee, the independent expert body that monitors state compliance with the ICCPR, in its General Comment No. 34 on the right to freedom of

¹⁸⁷ European Court of Human Rights, *Grinberg v. Russia*, no. 23472/03, judgement of July 21, 2005, available at [http://hudoc.echr.coe.int/eng?i=001-69835#{"itemid":\["001-69835"\]}](http://hudoc.echr.coe.int/eng?i=001-69835#{), para. 24.

¹⁸⁸ European Court of Human Rights, *The Sunday Times v. The United Kingdom*, no. 6538/74, judgement of April 26, 1979, available at [http://hudoc.echr.coe.int/eng#{"fulltext":\["Sunday Time"\],"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-57584"\]}](http://hudoc.echr.coe.int/eng#{), para. 45.

¹⁸⁹ ICCPR, art. 19.

¹⁹⁰ ICCPR, art. 19 (3).

¹⁹¹ European Court of Human Rights, *Grinberg v. Russia*, no. 23472/03, judgement of July 21, 2005, available at [http://hudoc.echr.coe.int/eng?i=001-69835#{"itemid":\["001-69835"\]}](http://hudoc.echr.coe.int/eng?i=001-69835#{), para. 23. See also: UN Human Rights Committee, General Comment No. 34, The Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34 (2011), para. 11.

¹⁹² European Court of Human Rights, *Grinberg v. Russia*, no. 23472/03, judgement of July 21, 2005, available at [http://hudoc.echr.coe.int/eng?i=001-69835#{"itemid":\["001-69835"\]}](http://hudoc.echr.coe.int/eng?i=001-69835#{), para. 25.

expression, has stated with respect to criticism of government officials, that in circumstances of public debate concerning public figures, “the value placed by the Covenant upon uninhibited expression is particularly high.”¹⁹³ The “mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.”¹⁹⁴ Thus, “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.”¹⁹⁵

Media freedom, plurality and the protection of journalists are a central part of the effective exercise of freedom of expression. While the media may be subject to some restrictions necessary for the protection of certain vital interests of the state, such as national security or public health, the media has a role and responsibility to convey information and ideas on political issues, even divisive ones and the public has a right to receive them. The ability to practice journalism free from undue interference, to peacefully criticize government, and to express critical views are crucial to the exercise of many other rights and freedoms. The European Court of Human Rights has emphasized that the media has a vital role to play as “public watchdog” in imparting information of serious public concern and should not be inhibited or intimidated from playing that role.¹⁹⁶

The UN Human Rights Committee also stated that actors of journalism include “bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere.”¹⁹⁷

Russia’s Constitution guarantees freedom of thought and expression and forbids censorship.¹⁹⁸ At the same time, the country’s recently amended broad anti-extremist legislation criminalizes defamation and public calls to extremist activities, including

¹⁹³ UN Human Rights Committee, General Comment No. 34, The Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34 (2011), para. 34.

¹⁹⁴ UN Human Rights Committee, General Comment No. 34, The Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34 (2011), para. 38.

¹⁹⁵ Ibid.

¹⁹⁶ European Court of Human Rights, *Von Hannover v. Germany*, nos. 40660/08 and 60641/08, Judgement of February 7, 2012, available at [http://hudoc.echr.coe.int/eng?i=001-109029#{"itemid":\["001-109029"\]}](http://hudoc.echr.coe.int/eng?i=001-109029#{), para. 102.

¹⁹⁷ UN Human Rights Committee, General Comment No. 34, The Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34 (2011), para. 44.

¹⁹⁸ Constitution, art. 29; Law on mass media, № 2124-1 of December 27, 1991, art. 3.

knowingly fraudulent public accusations against public servants, with bigger penalties if relevant calls or accusations are made with the use of mass media or internet.¹⁹⁹

¹⁹⁹ Federal Law “On Countering Extremist Activity (Федеральный закон о противодействии экстремистской деятельности), № 114-FZ of July 25, 2002; Criminal Code of the Russian Federation, art. 128.1 and 280. See also: “Russia: ‘Big Brother’ Law Harms Security, Rights,” Human Rights Watch news release, July 12, 2016, <https://www.hrw.org/news/2016/07/12/russia-big-brother-law-harms-security-rights>; and Tanya Lokshina (Human Rights Watch), “Draconian Law Rammed Through Russian Parliament,” commentary, *The Huffington Post*, June 23, 2016, <https://www.hrw.org/news/2016/06/23/draconian-law-rammed-through-russian-parliament>

Acknowledgements

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Annex : Selected Video Materials Analyzed for the Report

Section/Case	Video Materials
<p>Kadyrov’s War on Opponents</p>	<p><i>Russia 24 TV</i> broadcast of Ramzan Kadyrov beating the Chechen sports minister for an infraction (in Russian)</p> <p>URL: https://www.youtube.com/watch?v=iU7dr6r_54g</p>
<p>Attacks on Dissenters Inside Chechnya – The Case of Taita Yunusova</p>	<p>Trailer of “Grozny Blues,” a documentary by European filmmakers about the legacy of the protracted armed conflict in Chechnya, for the 2015 Artdocfest festival (with English subtitles)</p> <p>URL: https://www.youtube.com/watch?v=HmOl3a6taNw</p> <hr/> <p>Taita Yunusova refutes information about her kidnapping in a video interview to <i>Caucasian Politics</i>, October 11, 2015 (in Russian)</p> <p>URL: https://www.youtube.com/watch?v=hLDd37gPOoU</p>
<p>Attacks on Dissenters Inside Chechnya – The Case of Rizvan Ibraghimov and Abubakar Didiev</p>	<p>Ibraghimov and Didiev apologize for their theories and publications at the meeting with Ramzan Kadyrov and other Chechen officials, April 5, 2016, <i>Grozny TV</i> broadcast (in Russian and Chechen)</p> <p>URL: https://www.youtube.com/watch?v=rx-jzjJC7xo</p>

<p>Attacks on Dissenters Inside Chechnya – The Case of Adam Dikaev</p>	<p><i>Dozhd TV</i> broadcast with the video of Ramzan Kadyrov exercising in a T-shirt with Putin’s photo and Adam Dikaev walking on a treadmill without his pants and diminishing himself (in Russian)</p> <p>URL: https://www.youtube.com/watch?v=sWwKZqct8V4</p>
<p>Attacks on Dissenters Inside Chechnya – The Case of Aishat Inaeva</p>	<p>Audio record of Aishat Inaeva’s appeal to Ramzan Kadyrov (in Chechen with Russian subtitles provided by the Translation service for Caucasian languages)</p> <p>URL: https://www.youtube.com/watch?v=fLhwQpQynxo</p> <hr/> <p><i>Grozny TV</i> broadcast of Kadyrov’s meeting with Aishat Inaeva, during which she apologized for her accusations to Chechen leader, December 18, 2015 (in Chechen with Russian subtitles)</p> <p>URL: https://www.youtube.com/watch?v=FVHL6Wpd_uE&nohtml5=False</p>
<p>Attacks on Dissenters Inside Chechnya – The Case of Ramazan Dzhaldinov</p>	<p><i>Grozny TV</i> broadcast of Islam Kadyrov, head of Ramzan Kadyrov’s administration and his close relative, meeting with residents and officials of Sharoi region after the release of Dzhaldinov’s video appeal to Putin, April 18, 2016 (in Russian and Chechen)</p> <p>URL: http://grozny.tv/news.php?id=12381</p>

<p>Continued from the previous page: Attacks on Dissenters Inside Chechnya– The Case of Ramazan Dzhaldinov</p>	<p>Dzhaldinov’s video message for the annual national Q&A session with Russian President Vladimir Putin in which he complains about corruption and budget embezzlement</p> <p>URL: https://www.youtube.com/watch?v=5t32c4KxuW8</p>
	<p>Dzhaldinov’s elder daughter speaks about the security services’ raid to Dzhaldinov’s house and mistreatment from the security officers, May 13, 2016 (in Russian)</p> <p>URL: https://www.youtube.com/watch?v=T-A7HQLVTws</p>
	<p>Kenkhi residents read on camera a joint petition to Putin to apologize for Dzhaldinov’s actions and ask to prosecute those “enemies of the state” who use the situation to ignite interethnic conflict in Chechnya, May 21, 2016 (in Russian)</p> <p>URL: https://www.youtube.com/watch?v=Bvh5qto23NE</p>
	<p>Ramzan Dzhaldinov apologizes for his “mistakes” and denies persecution or threats towards him (in Russian); Official Instagram page of Ramzan Kadyrov (in Russian)</p> <p>URL: https://www.instagram.com/p/BGCK4xrCRJF/?hl=ru</p>

Attacks on Human Rights Defenders

Ramzan Kadyrov at the government meeting accusing Igor Kalyapin of state treason, defending bandits, and laundering money for insurgents; *Grozny TV* broadcast recorded by the JMG, December 10, 2014 (In Chechen and Russian)

URL:

<https://www.youtube.com/watch?v=olnO8MTx9IY>

Attack on Igor Kalyapin during his speech on Kadyrov's carte blanche for collective punishment against insurgents' families in Chechnya during a news conference in Moscow, December 11, 2014 (in Russian with English subtitles)

URL:

<https://www.youtube.com/watch?v=CdqJK4zy6Fc>

Grozny TV alleging that Igor Kalyapin used the attack on the journalists in Ingushetia to blacken Chechnya and get funds from foreign donors, March 16, 2016 (in Russian)

URL:

<http://grozny.tv/news.php?id=11649>

Grozny TV broadcast accusing Igor Kalyapin of working in the interests of Western sponsors to destabilize Russia, February 21, 2016 (in Russian)

URL:

<http://grozny.tv/news.php?id=10965>

Continued from previous page:
Attacks on Human Rights Defenders

Speakers at a mass rally in Grozny call Kalyapin and other human rights defenders “fascists” and ask the authorities to get rid of “pro-Western” “supporters of terrorism” December 13, 2014; Grozny TV broadcast (in Russian)

URL:

<https://www.youtube.com/watch?v=fTY3CQZKzZo>

Video from the JMG security cameras showing a dozen of unidentified men pelting the JMG car with eggs, October 31, 2015

URL:

<https://www.youtube.com/watch?v=AFuB8-LdYlo>

“Tochka Oporu” talk show with speakers calling Igor Kalyapin a part of “crusade against Russia” and accusing him of making money off of the Chechnya war; *Grozny TV* broadcast, December 12, 2014 (in Russian)

URL:

<https://www.youtube.com/watch?v=WK3kcqPToNE>

Grozny TV broadcast accusing Igor Kalyapin of “pumping out funds from western backers for imaginary human rights issues and [imaginary] work” in Chechnya, May 26, 2015; *Grozny TV* broadcast (in Russian)

URL:

<http://grozny.tv/news.php?id=5386>

<p>Attacks on Journalists</p>	<p>Video and audio record of the March 2016 attack near Ordzhenikidzevskaya, Ingushetia, on a group of journalists on a work trip to Chechnya. March 9, 2016, filmed by Mediazona (in Russian with English subtitles)</p> <p>URL: https://www.youtube.com/watch?v=MU2xw11oORE</p>
	<p><i>Grozny TV</i> broadcast calling prominent Novaya Gazeta journalist “Elena ‘Greencard’ Milashina” and referring to her international human rights awards, including the US Secretary of State's International Women of Courage Award, to accuse her of working for foreign masters, February 4, 2016 (in Russian)</p> <p>URL: http://grozny.tv/news.php?id=10459</p>
	<p>House of family of alleged insurgent burned by Chechen security officials in December 2014, Yandi village, filmed by Committee for Prevention of Torture</p> <p>URL: https://www.youtube.com/watch?v=jxRroHTd93o</p>



For close to a decade, Ramzan Kadyrov, the leader of Russia's Chechen Republic, has steadily tried to eradicate all forms of dissent. With elections for the head (governor) of Chechnya scheduled for September 2016, local authorities have viciously and comprehensively cracked down on critics and those whose loyalty they deem questionable. These include ordinary people who express dissenting opinions, critical journalists, and the very few human rights defenders who take up cases of abuse by Chechen enforcement and security agencies. The increasingly abusive crackdown is apparently aimed at reminding the public inside Chechnya of Kadyrov's total control and stopping the flow of any negative information from Chechnya that could undermine the Kremlin's support for Kadyrov.

"Like Walking a Minefield" documents the new phase in the Chechnya crackdown and is based on 43 interviews with victims and their friends or relatives, as well as with human rights defenders, journalists, lawyers, and other experts. The authorities have punished critics of the Chechen leadership by unlawfully detaining them, including through abductions and enforced disappearances, by subjecting them to cruel and degrading treatment and death threats, and by threatening and physically abusing their family members.

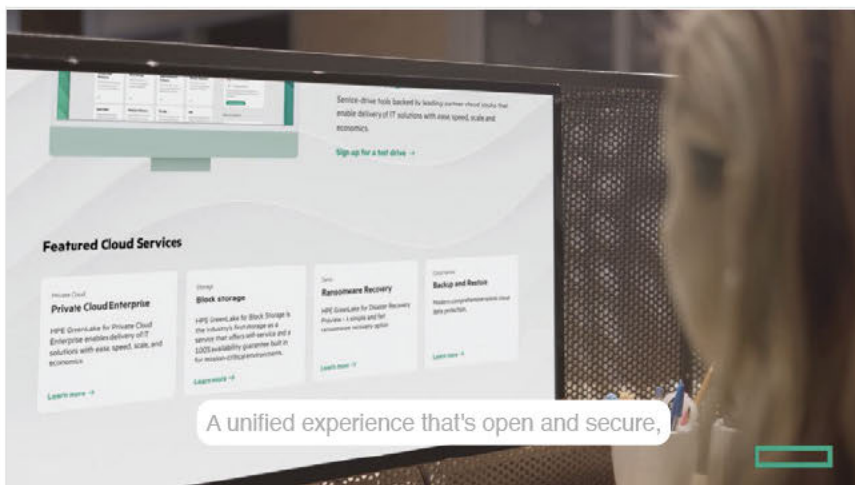
Human Rights Watch urges the Russian government to ensure that Chechen authorities, including law enforcement and security agencies, fully comply with Russia's domestic legislation and international human rights obligations. Russia should immediately put an end to the Chechen authorities' crackdown on free expression and foster a favorable climate for journalists and human rights defenders to do their work in the region.

(above) Mass rally in support of Ramzan Kadyrov organized by Chechen authorities in Grozny on January 22, 2016.

(front cover) Men carrying a banner reading "Putin and Kadyrov are Russia's foundation". Grozny, Chechnya, January 2016.

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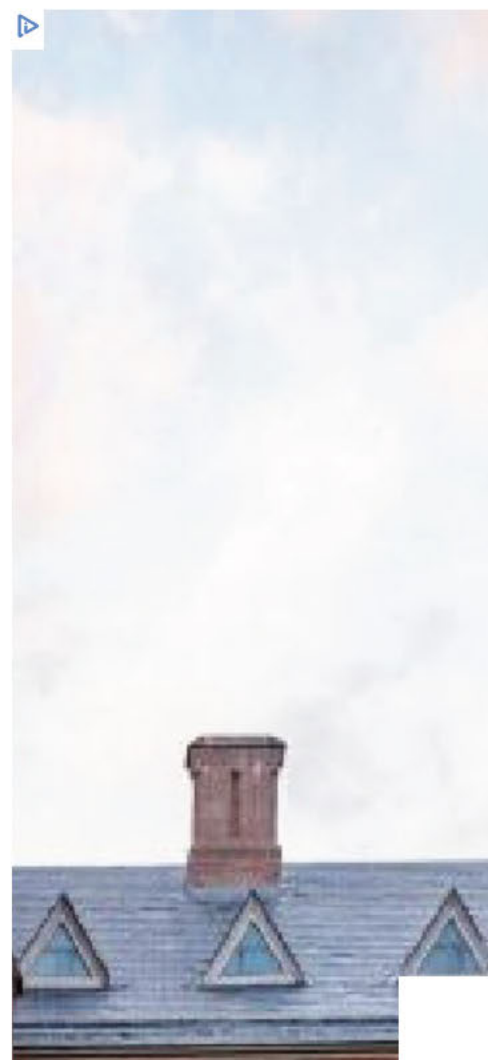
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News | Russia-Ukraine war

The real role of pro-Russian Chechens in Ukraine

Known as Kadyrovtsy after their leader Ramzan Kadyrov, the fighters are said to be brutal but delusional about their abilities.





Chechnya's regional leader Ramzan Kadyrov addresses servicemen in Grozny, the capital of the Chechen Republic, Russia, on February 25, 2022, the day after Moscow's troops invaded Ukraine [Musa Sadulayev/AP]

By Mansur Mirovlev



18 Aug 2022

Bucha, Ukraine – Most of the Russian servicemen sitting in and atop 34 armed personnel carriers that rolled into Bucha on February 27 were ethnic Chechens, according to Ukrainian military leaders and government officials.

Bearded and burly, clad in brand new, perfectly fitting uniforms and toting assault rifles, they hoped to whiz through the leafy suburb northwest of Kyiv to enter the Ukrainian capital on the war's third day.

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Crimea 'sabotage' highlights Russia's woes in Ukraine war

The Ukrainian Muslims fighting against Russia

What role is Chechnya's Ramzan Kadyrov playing in Ukraine war?

Chechen leader Kadyrov claims he travelled to Ukraine

They are known as “Kadyrovtsy” or “Kadyrovites” after

their leader, Ramzan Kadyrov, Chechnya's pro-Kremlin strongman, and their reputation preceded them.

Human rights groups, witnesses and survivors have for decades accused them of extrajudicial killings, kidnappings and the torture of Kadyrov's rivals and critics, as well as targeting religious hardliners and LGBTQ Chechens.

And in the month before the war, Kadyrov underwent a public relations disaster.

In January, during a campaign to silence his critics through intimidation of their relatives, these Kadyrov loyalists abducted Zarema Musaeva, the mother of a judge who lambasted Kadyrov, forcibly taking her from the western Russian city of Nizhny Novgorod to Chechnya.

An online petition to dismiss Kadyrov, posted in September by the now-jailed opposition leader Ilya Yashin, was signed by hundreds of thousands of people – a rare thing in President Vladimir Putin's increasingly authoritarian Russia.

The ruler of Chechnya desperately needed to mend his tarnished image.

He deployed his troops, who are officially part of the National Guard of Russia, to spearhead a blitzkrieg of Ukraine, hoping to boast of their triumph in the Kremlin

and on national television.

“Active participation in the assault in the first days of war was a public-relations need” for Kadyrov, Mykhailo Savva of Euromaidan-SOS, a Ukrainian rights group documenting Russian servicemen’s alleged atrocities, told Al Jazeera.

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“Kadyrov wanted his people to seize Kyiv,” said Savva, who spent the first weeks of the war in the occupied suburbs along the strategic Zhytomyr highway that links Kyiv with central Ukraine.



A Russian armored vehicle outside Bucha Mansur [Mansur Mirovalev/Al Jazeera]

Two days before the column entered Bucha, Kadyrov addressed 12,000 servicemen in Chechnya's administrative capital, Grozny, ordering them to storm Kyiv. He also issued a vaguely worded warning to anyone else opposed to Putin.

“Now Kyiv, and then whoever is going to mess with our side,” he said.

At least 1,200 Kadyrovtsy entered Ukraine in late February, according to Ukrainian intelligence, and hundreds more are believed to have joined them later.

Defending Bucha

The Kadyrovtsy – and a few ethnic Russian servicemen, according to the identity cards retrieved from their bodies later – started moving towards Bucha in the morning of February 27.

They hoped to join a bigger column on the Zhytomyr highway and advance on Kyiv. Sitting on the vehicles, the Kadyrovtsy were so carefree that they were singing Sufi religious chants.

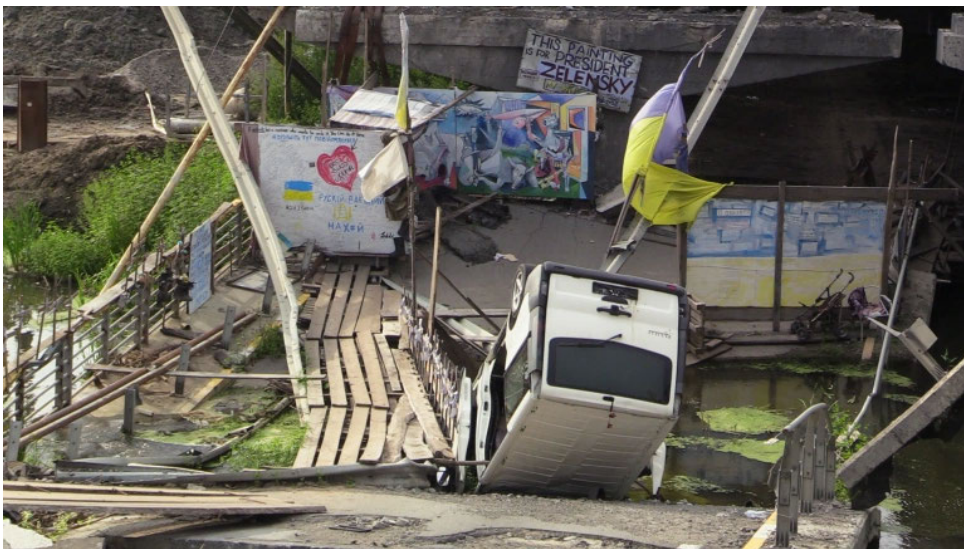
But their easy ride came to a screeching halt.

“I heard them. And I was killing them,” Bogdan Ya-

vorsky told Al Jazeera.

The lanky 39-year-old, who has two degrees and owns a small transportation company, was one of 22 Ukrainian volunteers from Bucha, aided by war veterans from central Ukraine, who ambushed the column at an intersection in the suburb.

Eight volunteers had nothing but Molotov cocktails. The rest had AK-74 assault rifles, a grenade launcher and 10 smaller, disposable anti-tank grenade launchers they had just learned how to use.



The bridge from Kyiv to Irpin was destroyed by Russian forces in early March [Mansur Mirovalev/Al Jazeera]

They fired the rifles to distract the Kadyrovtsy, hit two armoured personnel carriers APCs with grenades immobilising the column – and showered them with Molotov cocktails.

The Chechens returned fire with their APCs' cannons,

machine guns and assault rifles making the air thick with bullets, Yavorsky recalled.

They killed one of the Ukrainians, a disabled war veteran who had lost two feet while fighting separatists in the southeastern Donbas region, and wounded several more.

But the Ukrainians, who almost ran out of bullets, managed to drag the wounded to their cars and sped away from the Kadyrovtsy, who pursued them on foot and in the APCs.

During the chase, Yavorsky called an air raid on the column, and two Ukrainian fighter jets bombed it, destroying 12 APCs.



Bogdan Yavorsky, a Ukrainian businessman who battled Russian forces, shows a spot in Bucha where he fought 'Kadyrovtsy' fighters on February 27 [Mansur Mirovalev/Al Jazeera]

“We showed this TikTok army who they are,” said Ya-

vorsky, referring to the dozens of slick videos the Kadyrovtsy have posted on social media on their role in the war.

Observers say the videos are staged and aimed at a domestic audience and portray Kadyrov as a politician to be dreaded.

“He needs advertising to maintain his horrifying image, the image of ‘Putin’s foot soldier’ who is especially close [to Putin],” Pavel Luzin, a Russia-based defence analyst with the Jamestown Foundation, a think-tank in Washington, DC, told Al Jazeera.

Ukrainian media ridiculed the footage for months.

“Kadyrov’s TikTok forces posted a video of their real fight with a traffic light and an empty building,” one headline read.

Russian media, meanwhile, readily used the videos in their reporting, helping Kadyrov create the illusion that his troops played a key role in the invasion.

According to a former Russian mercenary who fought next to Chechen fighters in Syria, none of the videos shows any well-calculated military action and are mostly set up.

“Their success is definitely inflated, I think that they added very little to the military potential of invading

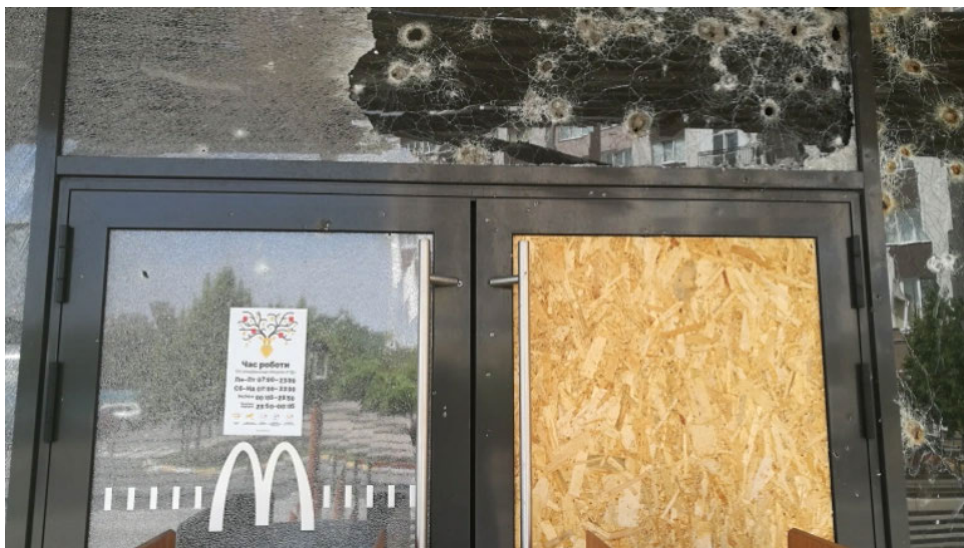
forces,” said Marat Gabidullin, who commanded a squad of the [Wagner](#) private army that fought for President Bashar al-Assad’s government.

“They never were an active, formidable military force. They have never been used as assault groups,” Gabidullin, who has [written](#) about his experiences, told Al Jazeera.

He claimed that a squad of Kadyrovtsy joined the Wagner group in Syria at Kadyrov’s request, but was disbanded after they panicked during their first encounter with anti-Assad rebels.

Gabidullin said that while some ethnic Chechens were “excellent warriors”, Kadyrovtsy are not that brave and battle-ready.

“There are no normal warriors next to [Kadyrov], only sycophants who calculated the strong side. Strong ones won’t follow a man of this kind,” he said.



A bullet-riddled glass wall of a McDonald's restaurant in Bucha
[Mansur Mirovalev/Al Jazeera]

The Kremlin has reportedly been far from enthusiastic about the way they fight.

“They didn’t coordinate their action with anybody, they moved chaotically citing orders from Kadyrov or his coterie,” a Kremlin official told the Kit online publication.

A separatist strongman fighting in the then-besieged southeastern city of Mariupol, lambasted the Kadyrovtsy as a “motley crew.”

“They are not prepared and not equipped in accordance with the [military] goals,” Alexander Khodakovsky wrote on the social messaging app Telegram in mid-March.

But after one of Kadyrov’s allies paid a visit to Khodakovsky, he apologised for his words and said on camera that the Kadyrovtsy “know what they’re doing.”

In the days after the war began, Kadyrov realised that seizing Kyiv was impossible – and did a U-turn on his troops’ strategy.

“They guarded the rear, purged occupied territories and played the role of ‘blocking detachments’” like the Soviet secret police that shot at the retreating infantry during World War II, Euromaidan-SOS’s Savva said.

“Our task is to chase back those lousy soldiers, when they start running away from artillery strikes,” a Chechen fighter told his wife, referring to Russian troops, according to a phone conversation intercepted by Ukrainian intelligence in late March.

They were also ordered to help evacuate wounded Russian soldiers – and, on at least one occasion, did the opposite, a Ukrainian intelligence official said.

On March 12, instead of evacuating 12 ethnic Russian servicemen, Kadyrovtsy reportedly shot them dead.

“This is the attitude of Chechens who treat Russians like second- or third-rate people,” Ukraine’s National Security Council chief Oleksiy Danilov said in televised remarks. “That’s all you need to know about Russia.”

War crimes and torture

The Kadyrovtsy have contributed to the killings of hundreds of civilians in Bucha, other Kyiv suburbs and occupied areas, according to survivors, police, officials and rights groups.

“My neighbour had his bike taken and went to the Russians to ask for it back. A bearded Chechen killed him on the spot just for opening his mouth,” a resident of one of the villages near Kyiv told Al Jazeera.

In early March, the Kadyrovtsy fighters shot dead Yuri Prilipko, a community leader in the occupied town of Hostomel, while he was delivering bread to town residents, Hostomel's authorities said on Facebook.

The Slidstvo.info investigative journalism website reported that the Kadyrovtsy planted a booby trap on Prilipko's body.

Sometimes, the fighters capture alleged war crimes on video.

Apti Alaudinov, a top security official in Chechnya, posted a video in mid-June showing a badly beaten and bruised Ukrainian serviceman.

The apparently harrowing, unprovoked and erratic violence committed by them and other Russian servicemen directly stems from the two wars between Chechen separatists and federal forces.

Both sides have committed war crimes such as summary executions, mutilation, torture and rape.



Remnants of a wooden hut built by Russian servicemen in a forest outside Bucha [Mansur Mirovalev/Al Jazeera]

Even after the Kremlin declared the end of the second Chechen war in 2009, thousands of police officers and servicemen from across Russia were deployed to the war-scarred province for two-month tours.

They took part in arbitrary killings and the torture of alleged religious hardliners – and eagerly used their new skills at home.

“The Chechen wars were not only a traumatic experience both for Russians and Chechens, they also brutalised Russian society,” Ivar Dale, a senior policy adviser with the Norwegian Helsinki Committee, a rights watchdog, told Al Jazeera.

“Some of that violence and brutality that was normalised by this experience contributed to the horrific violence we are seeing in Ukraine today,” he said.

Kadyrovtsy transplanted the violence and brutality “in their most brutal form to the temporarily occupied areas of Ukraine,” the European Union’s Parliamentary Assembly said in a report in June.

Their role in the siege of Mariupol “is symptomatic for the brutalisation of the treatment of opponents that began in the two Chechen wars,” it said.

State within a state

Kadyrov calls himself Putin’s “foot soldier” and enjoys lavish funding from Moscow, which he reportedly spends with next-to-no control.

While one of the war’s most vocal proponents, he is sometimes shockingly ignorant about Ukraine’s history and current affairs.

In March, he ordered his men to kill Stepan Bandera, a fiercely anti-Russian nationalist leader and Nazi collaborator lionised in Ukraine.

Alas, Bandera had already been killed – by a KGB assassin, in Munich, in 1959.

Kadyrov’s Chechnya is a Kuwait-sized mountainous province with a population of less than 1.5 million.



A dugout built by Russian servicemen outside Bucha [Mansur Mirovalev/Al Jazeera]

But apart from ruling Chechnya like his personal fief, Kadyrov punches way above his political weight.

He boasts personal friendship with Putin, reprimands federal ministers and top officials – often forcing them to apologise on camera, and has an opinion about almost anything related to Islam in Russia.

The son of a Sufi Muslim cleric who sided with Chechen separatists in the 1990s and declared a “jihad” on Moscow, he reportedly boasted of killing his first Russian soldier at age 16.

But then his father, Akhmad Kadyrov, switched sides and allied with Russia during the second Chechen war that began in 1999 and propelled then-newly appointed Prime Minister Vladimir Putin to the presidency.

After an explosion killed Akhmad Kadyrov in 2004,

Ramzan replaced him – and destroyed the traditional system of checks and balances among Chechen clans.

Human rights groups claimed Kadyrov's paramilitary forces terrorised, abducted and killed innocent civilians, claiming they were Muslim rebels.

Almost a dozen of his political enemies and critics, including two women, have been brutally killed but Kadyrov denied any role in their death.

Under him, Chechnya became “a totalitarian part of Russia,” human rights advocate Lev Ponomaryov told Al Jazeera in 2015.

Kadyrov has praised so-called “honour” killings and polygamy, banned the sale of alcohol in Chechnya and enforced a dress code on Chechen women.

“All the human rights you can imagine are being violated, laws are not being enacted, and if some things run according to the Russian legislation it's just because Kadyrov said so,” Ponomaryov said.

Third Chechen war?

Looking ahead, many in Ukraine believe that Kadyrov wants Chechnya to secede from Russia after Putin's death – and therefore wants his troops to get first-hand battlefield experience.

“He wants to get his personal army ready for a war in Russia. He wants to fight after Putin is gone,” SOS-Maidan’s Savva said.

In 2008, during Russia’s war with Georgia, this reporter saw Chechen servicemen fighting.

They crossed the Greater Caucasus Range into the breakaway Georgian province of South Ossetia with dozens of APCs.

An ethnic Chechen photographer addressed one of the officers sitting on one of the APCs.

“Hey, child of Noah [a respectful sobriquet among Chechens], who are you fighting for?” the photographer asked.

“For Russians. For now,” the officer replied, and his subordinates started laughing.



A sign saying ‘Complete apartments’ on a damaged building in Irpin, in

the Kyiv region [Mansur Mirovalev/Al Jazeera]

SOURCE: AL JAZEERA

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TAB L



GLOBAL

'If Someone Speaks the Truth, He Will Be Killed'

Chechens abroad feel the long reach of their brutal regime.

By Neil Hauer



Mourners attend the funeral of a murdered Chechen dissident who went by the alias Zelimkhan Khangoshvili. (Zurab Tsertsvadze / AP)

DECEMBER 21, 2019

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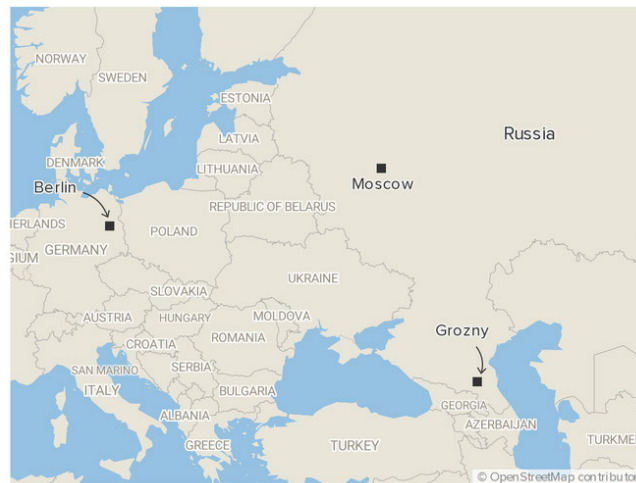
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BERLIN—One morning last April, immigration officers approached Minkail

Malizaev's residence in the German town of Lüdenscheid with troubling news. After four years in Germany, he and his family were being sent back to where they had come from: back to Russia. Back to Chechnya.

Before long, they were whisked to a nearby airport, set to board an upcoming flight. Malizaev was not in good health, though—the dissident was still recovering from back surgery, a consequence of injuries resulting from his torture in Chechnya years earlier. German officials determined that he was not in a good enough condition to travel, so he could stay. His wife and three children, however, could not, and were shipped off.

Things would soon get worse. When he returned home from the airport, Malizaev received a phone call. “Hello, Minkail,” the man on the other end of the line said in Chechen. “It seems you are making a lot of problems for yourself these days.” He then conveyed a message—Malizaev's problems could go away, as long as he did one thing: “Apologize to Ramzan.”



Ramzan Kadyrov, the Kremlin-backed leader of the highly autonomous Russian republic of Chechnya for the past decade and a half, has become infamous both inside Russia and beyond for his brutality and intolerance of even the slightest dissent. Arbitrary arrests, torture, and executions are a feature of daily life in Kadyrov's Chechnya; anyone with a family member accused of participating in an insurgent movement against his rule faces being expelled and having their house burned down

by security forces. Posting so much as a critical comment about the government on social media requires at least a coerced public apology on state TV, though punishment can be much worse. Public dissent is simply impossible.

Disbelief was still evident in Aslan Artsuev's voice as he relayed Malizaev's story to me and played part of the telephone conversation. Artsuev, a Chechen opposition activist with a background as a lawyer, has, over the years, become a confidant of Malizaev's as well as one of his legal advisers, as the dissident has tried (thus far unsuccessfully) to secure refugee status in Germany. Artsuev is no stranger to the suffering inflicted on opponents of the Chechen regime, yet even by those standards, Malizaev's experience was extreme.

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[Read: Russia is now targeting the relatives of suspected terrorists](#)

Malizaev—fearing for his family's life, as well as his own—eventually acquiesced to the demand, recording an audio statement that was briefly posted to YouTube, apologizing to Kadyrov for bringing shame on the Chechen people. But, as Artsuev recounted, “it wasn't enough.” Malizaev was soon asked to make a video in which he would have to use even more groveling language, a demand he rejected. Days later, Artsuev said, two men appeared at Malizaev's house and began physically beating him. The dissident managed to call Artsuev, and the lawyer quickly hopped into his car and began driving the hundreds of miles from his home in Hamburg to Lüdenscheid. By the time he arrived, Malizaev was in the hospital.

RECOMMENDED READING



Moscow's Little-Noticed Islamic-Outreach Effort

HASSAN HASSAN



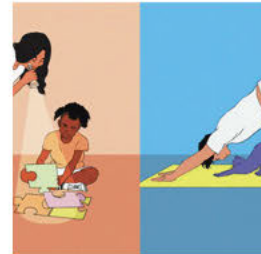
Trump's Refusal to Condemn Putin as a 'Killer'

JULIA IOFFE

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(Aspects of Artsuev's account were first reported last spring by [Kavkaz.Realii](#), part of Radio Free Europe/Radio Liberty. Two other Chechen activists in Germany, who asked not to be identified for fear of retribution, supported Artsuev's telling. I contacted Malizaev, but after the killing of a fellow Chechen exile in Berlin in August, he went into hiding and has since declined to comment. Germany's Federal Office for Migration and Refugees did not respond to requests for comment regarding the deportation of Malizaev's family.)

Malizaev's experience was not the first time an anti-Kadyrov Chechen living in Europe faced threats and violence. Nor was it the last.

[Read: There are almost no Chechens in the United States—here's why.](#)

Among the most recent, and the most daring, was the August 23 assassination of a Chechen dissident who went by the alias Zelimkhan Khangoshvili, who was shot dead in broad daylight in central Berlin. Germany has expelled two Russian diplomats over the killing, arguing that evidence shows it was carried out on behalf of either Moscow or Kadyrov's government in Grozny. Moscow has denied any involvement in the killing; Vladimir Putin later claimed, without providing evidence or further details, that Khangoshvili had organized a bombing of the Moscow metro in years prior.

Though the murder itself was shocking, that Kadyrov may have been responsible is not surprising: The Chechen leader has made abundantly clear what will happen to those who criticize him, at home or abroad, including in Europe. In [one video dispatch](#), he warns Chechen immigrants to the continent, “When you are kicked out of Europe, you will have nowhere else to go! And then you will answer to me for every word.” In [another](#), he states simply, “No law on Earth will stop me.”



Ramzan Kadyrov delivers a speech in Grozny. (SAID TSARNAYEV / REUTERS)

His remarks exacerbate what can often be [a suffocating situation](#) for Chechens abroad. According to NGO officials and analysts I spoke with, some 50,000 Chechens live in Germany alone, and as they wait for asylum applications to be processed, they are barred from working and subject to deportation for what rights groups say are often arbitrary reasons. Advocates for the Chechen community in Germany say these immigrants are frequently painted in a negative light—“that we are all criminals, terrorists,” says Zelimkhan Dokudaev, a Chechen who runs a cultural center that helps North Caucasian immigrants adapt to Germany.

They face a similar quagmire elsewhere: Mansur Sadulaev, the director of Vayfond, a Sweden-based NGO that assists Chechens with their asylum cases across Europe, described their struggle as a Sisyphean one, caught between disinterested European governments and the will of the Russian state.

Though neither Russia nor Kadyrov has any direct impact on Chechens' asylum applications, Moscow (and Grozny) can wield its strength through other means. One tactic it often resorts to is the use—critics say abuse—of Interpol red notices. These are typically meant to help law-enforcement agencies around the world work together to catch and extradite suspected criminals who have fled the authorities in one country, hoping to find a haven elsewhere.

Yet Russia has long utilized the system to pursue political opponents. Although full statistics are not available, of the 7,000 current public red notices, more than 2,500 were filed by Russia, many of which are for individuals of Chechen or North Caucasian origin. Sadulaev told me that while these red notices can be challenged in European courts, it is an uphill battle for people with few resources at their disposal. One case that his organization eventually won took “years of effort ... and was very expensive.”

Read: Putin's willing executioner

Some face the threat of collective punishment, with Chechen authorities warning dissidents abroad that their family at home is at risk. And for a select few, such as Malizaev, there is the potential for a call or visit from enforcers—members of what is known in Russian as the Kadyrovtsy. For example, Timur Dugazayev, Grozny's official representative in Germany, openly threatens immigrants with forcible returns to Chechnya.

The regime exerts pressure in other ways short of all-out violence or deportation. Take the experience of Movsar Eskarkhanov, a Chechen in Germany who became the first openly gay Chechen refugee to publicly speak out about persecution of the LGBTQ community back there, with *Time* writing a long feature on his experience.

Eskarkhanov's comments came amid widespread outrage over the detention and

torture of sexual minorities in Chechnya, allegations Grozny denied.



Two demonstrators protest the treatment of LGBTQ people in Chechnya outside of the chancellery in Berlin. (MARKUS SCHREIBER / AP)

Eskarkhanov's next interview, however, came with Beslan Dadaev, a Germany-based correspondent for the Chechen state broadcaster ChGTRK. In the interview, a visibly uncomfortable Eskarkhanov tells Dadaev that his words in the *Time* story were fabricated. "The Western journalists gave me drugs," he says, "forced me to disgrace the Chechen leader." It was his "mental illness" that spurred him to say "even one bad word" about Kadyrov. A month later, Eskarkhanov told another news outlet that the ChGTRK interview had been coerced. (Eskarkhanov could not be reached for comment.)

This was not the first time Dadaev was alleged to have pressured Chechens abroad on behalf of Kadyrov's government. According to Artsuev, the man who called Malizaev and told him to make the audio and video recordings was Dadaev. Neither Dadaev nor his employer responded to requests for comment.

For many Chechens in Germany, their patience is running out. Two I spoke with in

Berlin voiced disdain for the German authorities, accusing them of standing pat while their community is targeted. The pair, who asked to be identified only by their first names, Ramzan and Vakha, said Berlin had taken no action even as they were pressured—physically, verbally, psychologically—by people they said were acting on behalf of the Chechen government.

“The Russians and Kadyrovtsy have their own headquarters here, right here in Germany,” Ramzan told me. “Dogs here have more rights than us. You kill a dog, you face punishment. You kill a Chechen? Go on, no problem.”

Khangoshvili’s assassination in particular is fast becoming a symbolic case. The dissident was seen as a heroic figure by Chechens here, with many repeating stories of Khangoshvili having fought for Chechnya against invading Russian forces before turning against Kadyrov. His plight, too, highlights the feeling Chechens in Germany have of being hunted—even after fleeing Chechnya, Khangoshvili survived two assassination attempts in Georgia before being killed in Berlin. In taking action and publicly connecting the Russian state to the killing, Berlin went further than it was willing to in other incidents, but few in the Chechen community—Vakha and Ramzan among them—feel any safer. The pair were among several people I spoke with who speculated that a lack of response by the German authorities would drive Chechens to take matters into their own hands, either by allying more closely with extremists for protection or by carrying out vigilante justice.

Sitting in a small café in southeastern Berlin, Vakha spoke alternately with deep reverence for Khangoshvili and deep fear of the Chechen regime. “He defended his homeland and 15 years later he still paid the price,” he said. “Killing [Khangoshvili] was a very simple message: ‘Shut your mouth and don’t say a thing.’ If someone speaks the truth, he will be killed immediately.”

TAB M



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[Putin Makes Chechnya's Kadyrov an Army General](#)

By [AFP](#)
October 5, 2022

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Chechen leader Ramzan Kadyrov vk.com/ramzan

Chechen leader Ramzan Kadyrov, an ally of President Vladimir Putin, said Wednesday he was granted a top rank in Russia's army, just as Moscow's forces suffer a series of defeats in Ukraine

The 46 year old Chechen leader one of the most outspoken voices in Russia backing Putin's Ukraine offensive said it was a "huge honor" for him Kadyrov, a former warlord who rules Chechnya with widespread violations of human rights, said Putin had "personally" informed him of the decision "The President of Russia awarded me the rank of colonel general," Kadyrov said on Telegram "This is a promotion for me "

The rank of colonel general is the third highest command rank in the Russian military hierarchy

news

[Chechen Leader Kadyrov Says Sending Teenage Sons to Ukraine War](#)



The Chechen leader said he would do "everything to end the special military operation quickly" — using the Kremlin's term for its Ukraine campaign.

Chechen units — including Kadyrov's own militia with a sinister reputation, the "Kadyrovtsi" — are fighting alongside regular Russian forces in Ukraine.

Kadyrov has thrown his full backing behind Putin's campaign, regularly calling for the most drastic tactics to be used in Ukraine.

This week he called on Moscow to use low-yield nuclear weapons in Ukraine after Russian troops were forced to retreat from the town of Lyman.

He then said he was sending three of his teenage sons — aged 14, 15 and 16 — to the front.

Read more about: [Kadyrov](#) , [Chechnya](#)



TAB N



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

ISSUE UPDATE

October 2021

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Religious Freedom Violations in the Republic of Chechnya

By [Jason Morton](#), Senior Policy Analyst

Introduction

On May 25, 2021, Gennady Askaldovich, the Russian Foreign Ministry's Ambassador-at-Large, [criticized](#) the United States and other countries for "weaponizing" religious freedom and using the issue to undermine the political and cultural sovereignty of states. This is the latest manifestation of a longstanding Russian effort to promote a particular version of multipolar geopolitics that prioritizes regional relativism over international norms of human rights, including religious freedom.

Such accusations about the supposed cynicism of foreign advocacy for international religious freedom are best understood alongside Russia's own use of religion as a tool of authoritarian control. Russian religious policy claims to protect "traditional" values and faiths from the destructive influence of religious "extremists," or "foreign ideologies." While Russia does face a real threat from violent extremism, its expansive application of the term to peaceful religious minorities like the Jehovah's Witnesses reveals the extent to which the concept has become a pretext for the maintenance of regime control. The Russia government, in other words, has adopted the promotion of its interpretation of traditional values and religion as a mask for authoritarianism and to violate international human rights standards.

This Issue Update focuses on Chechnya as an example of the egregious religious repression in Russia. This tiny ethnic republic, located in the Caucasus mountains near the Caspian Sea in southwest Russia, has been [referred](#) to as a "totalitarian enclave in an authoritarian country" that combines repressive elements of the Soviet past with 21st century realities of religious revival, violent conflict, and profound technological change. Whereas Russian President Vladimir Putin's regime places strict limits on belief and expression, in Chechnya under the rule of republic President Ramzan Kadyrov, authorities more actively and exclusively define, shape, and enforce a particular interpretation of belief. Nevertheless, Kadyrov's regime is an integral part of the Russian Federation, which bears ultimate responsibility for all conditions there.

Background: The Chechens under Russian Rule

Modern Chechen identity, culture, and religion has been inevitably shaped by the long and brutal history of Russian domination. The Chechen people are indigenous to the Caucasus mountains, where they have lived for thousands of years. They speak a distinct language that is completely unrelated to anything spoken outside the region, including Russian. Like other mountain peoples of the Caucasus, they are fiercely independent and have suffered enormously under Russian rule since the Empire began to assert control over the region in the 18th century.

Although parts of the Caucasus have been Muslim since the dawn of the religion, the Chechen adoption of the faith largely coincided with the initial period of Russian encroachment. In the early 19th century, Chechens formed an integral component of the armed rebellion of North Caucasus peoples, who united under the banner of Islam and resisted Russian rule for more than four decades—only to fall victim to Russia’s brutal tactics that included ethnic cleansing, the widespread burning of villages, and the near eradication of regional forests.

Conditions did not improve under Stalin, who forcibly deported the entire Chechen population to Kazakhstan in 1944, in a brutal ethnic cleansing that killed 20–50 percent of Chechens in the process. Although they were eventually allowed to return to their homeland in 1957, when the Soviet Union collapsed in 1991, the suppressed anxieties and aspirations of the Chechen people brought them into conflict once again with the centralizing imperatives of Moscow. For more than a decade prior to Ramzan Kadyrov’s ascension in 2007, Chechnya was embroiled in two devastating wars with the Russian Federation.

Although the first Chechen conflict (1994–1996) was primarily motivated by nationalist aspirations, many Chechen combatants came under the influence of international jihadist ideology. The brutal conditions of war helped to foster such radicalization, and Islamist militants from abroad offered moral and material support. After successfully driving out the Russian forces, the new Chechen government struggled to establish order; organized criminal elements and Islamist militants came to increasingly dominate the region. Then Russian Prime Minister Vladimir Putin launched the second conflict (1999–2009), following his rise to power on promises that he would be tough on Chechen terrorists. By 2003, the improved Russian army had reduced the capitol city of Grozny into what United Nations observers called “the most devastated city on earth.”

Religious Control in Chechnya

In more recent years, Chechnya has modestly grown to include a [population](#) of just under 1.5 million. It nevertheless plays an outsized role, both within the Russian Federation and on the international stage. Its president, Ramzan Kadyrov, appears to represent a sort of anomaly—a politically autonomous leader under the rule of one of the world’s most recognizable authoritarians. While other regional governors are weak and frequently replaced, Kadyrov maintains virtually unlimited control over his tiny corner of Putin’s Russia, most recently winning reelection to a fourth term on September 19, 2021, in a widely criticized process in which he claimed [99.7 percent of the vote](#). Although he has twice been [sanctioned](#) by the United States under the Global Magnitsky Act, most recently on December 10, 2020, Kadyrov characteristically responded with defiance and even [mockery](#).

Yet, far from an outlier, Kadyrov’s Chechnya is perhaps the quintessential product of Putin’s political system. His virtual monopoly on religious belief, expression, and private life in Chechnya represents an extreme version of the current Russian trajectory. Despite its many violations of religious freedom and related human rights, the Russian Federation still maintains a limited degree of religious pluralism when compared to the tiny ethnic republic in the southeast. The Kadyrov regime is nevertheless a direct product of Putin’s policy in Chechnya, reflecting his own prioritization of power and centralized control above human rights.

Chechnya’s emphasis on protecting a particular interpretation of “traditional values,” and on promoting a regime-sponsored version of local Islam that leadership deems synonymous with Chechen ethnicity, fits comfortably within the official Russian approach to religion. In Russia, “traditional” religions like Orthodox Christianity and Hanafi Islam are privileged by the state and identified with particular ethnic groups, like ethnic Slavs or Volga Tatars. In contrast, “non-traditional” religions are often treated with suspicion and characterized as dangerous foreign influences. Chechen religious policy therefore reflects that broader Russian system, which is itself heavily influenced by [Soviet precedents](#).

Chechnya’s religious policy also has implications beyond the Russian Federation. Ramzan Kadyrov has been [called](#) Russia’s “cultural ambassador to the Islamic world,” where he is a respected and popular figure who has helped to

“rebrand” Russia as a place “where Muslims are protected from repression and where Islam flourishes.” Many Muslim leaders, particularly in the Middle East, perceive Chechnya as a success story after it emerged from the brutal separatist conflicts with Russia with its faith intact, and Kadyrov has become an influential proponent of a “[regime Islam](#)” that appeals to anxious governments in Muslim-majority countries beset by violent extremism and popular unrest. More than just “state Islam,” which refers to the diverse and complex ways religious authorities interact with officials across the Muslim world, Kadyrov promotes a form of religion that is synonymous with his rule and legitimizes his personal control over social and private life.

The Chechen Regime’s Interpretation of Islam

Sufism, a widely diverse movement of Islamic mysticism, has flourished in Chechnya since the late 18th century, with a relatively decentralized nature that is well suited to the social conditions of tribal life in the mountains—and uniquely able to survive underground during the harsh religious repression of the Soviet period. Today, most Chechen Muslims identify as Sufi, and while there are several prominent variants, the order of Kunta-Hadji Kishiev has particular relevance as a local phenomenon.

Kunta-Hadji (d. 1867) founded a movement called *zikrism*, whose rituals center on an ecstatic mystical dance called the *zikr*; it rose to prominence in the aftermath of the decades-long conflict with the Russian Empire during the 19th century. Unlike other Sufi orders that had supported the conflict, *zikrism* emphasized non-violence, disengagement from worldly affairs, and the cultivation of a personal connection to the divine. In the 1990s, Ramzan Kadyrov’s father Akhmad was the most prominent leader of the Kunta-Hadji order, claiming a [family connection](#) to the sheik and working to defend his holy sites from jihadist elements who considered the Sufi veneration of saints to be a form of paganism. By the time of the Second Chechen War, Akhmad Kadyrov had become a vocal supporter of the Russians he once opposed, and he considered “*Wahhabis*” and “*Salafis*” (which he considered synonymous with internationalist jihadis) the real enemy as they increasingly dominated the armed resistance.

The elder Kadyrov brought the Russians more than just religious and ideological legitimacy; he also contributed a loyal network of tribal alliances and seasoned fighters known as the *Kadyrovtsy*. His support, in conjunction with Putin’s ruthless military tactics, turned the tide definitively in Russia’s favor. He became the de facto

leader of Chechnya from 2000 before becoming president on October 7, 2003, after elections that were [marred](#) by allegations of voter intimidation and the withdrawal or removal of alternative candidates. His official tenure in office was cut short on May 9, 2004, when he was killed by a bomb while attending a parade in celebration of the Soviet victory over Nazi Germany.

Ramzan Kadyrov took on his father’s mantle three years later in 2007, once he had reached the presidency’s mandatory minimum age of 30. Since that time, the younger Kadyrov has prioritized the top-down imposition of an interpretation of Chechen Islam that draws on the symbolic legacy of Kunta-Hadji while also conferring saintly status on his late father and the Kadyrov family. Yet while the *zikrism* of Kunta-Hadji was historically apolitical, decentralized, and non-violent, Kadyrov’s interpretation is a highly centralized state religion that advocates and facilitates violence against religious minorities, and critics of the Kadyrov regime—all with the support of its sponsors in Moscow.

The devastated landscape of postwar Chechnya provided a unique template for Kadyrov to inscribe the legacy of his family and regime. In 2008, he opened the Akhmad Kadyrov Mosque in Grozny, also known as “The Heart of Chechnya,” which dominates the skyline of the rebuilt capital. In 2014, he dedicated a colossal mosque in the town of Argun to his [mother](#). In 2019, he unveiled in the modest town of Shali what was alleged to be the “[largest mosque in Europe](#),” able to hold more than 30,000 worshippers. Other shrines to the family, such as the Akhmad Kadyrov [museum](#) in Grozny, reinforce the dynastic symbolism of these prestige mosques by connecting the Kadyrovs to monuments of national and religious revival.

Ramzan Kadyrov has also become a collector of [relics](#) related to the Prophet Muhammad, which further cement his legitimacy as a religious authority. In 2015, Kadyrov received a [blood transfusion](#) from Habib Ali Al-Jifri, a popular Sufi cleric who claims to be a descendent of the Prophet Muhammad.

Since coming to power, Kadyrov has largely banned the sale of alcohol and energy drinks, and [mandated headscarves](#) and modest clothing for women. In 2010, there were multiple reports of unknown assailants using paintball guns to shoot women in the capital for not wearing headscarves. Although he claimed not to know the identity of the perpetrators, Kadyrov publicly [approved](#) of their methods against these so-called “naked women.”

In other [statements](#) he has justified “honor killings” of unmarried or divorced females by their relatives as in accordance with Chechen customary law (*adat*).

Additionally, according to the Russian LGBT Network, law enforcement regularly threatens families of LGBTI individuals encouraging them to carry out [honor killings](#) of their relatives. Chechen authorities [regularly condone](#) such violent practices, which belies the regime’s claim that it promotes a pacifist interpretation of Islam. In February 2021, Salekh Magamadov and Ismail Isayev, two LGBTI brothers who had fled to the Russian city of Nizhny Novgorod, were kidnapped and forcibly returned to Chechnya where they face questionable [terrorism](#) charges. On March 23, 2021, Chechen authorities [detained 20](#) of their relatives without cause and demanded that they help to find the men’s parents, who had fled Chechnya to escape official harassment and pressure to kill their sons.

Ramzan Kadyrov’s imposition of a supposedly “traditional” Islam violates the secular constitution of the Russian Federation and international standards of freedom of religion or belief. His policy as such is not truly intended to defend local belief and culture or to combat violent extremism; its purpose is to perpetuate and legitimize regime control. Chechen authorities have persecuted peaceful Muslim clerics who refuse to cooperate with regime interference in their religious communities. Meanwhile, these same authorities allowed Abdullakh Anzurov, the Chechen émigré who [decapitated](#) a French school teacher for insulting Islam, to receive a hero’s burial in Chechnya.

Claims of Religious Authority

Kadyrov’s pretensions to religious authority extend far beyond the borders of Chechnya. At a conference in 2016, he [scolded](#) theologians from neighboring Ingushetia, calling them demons (*shaitany*) and threatening them with decapitation if they tried to preach in Chechnya. He scolded Ingush authorities for tolerating the theologians, accused authorities in neighboring Dagestan of being slow to punish Salafis in their republic, and forbade Chechens from engaging in religious dialogue with Salafis.

Kadyrov’s suspicion of the international jihadi movement is understandable in light of [Chechnya’s recent history](#). Chechnya faces a real threat of violent extremism, although this has diminished in recent years as Chechen militants have migrated to other conflict zones like Syria. In reality, Kadyrov is hostile to any form of Islam that does not conform to his Sufi model. USCIRF has spoken

with sources who affirm that Chechen authorities even target clerics with a reputation for deradicalizing at-risk individuals, but nevertheless refuse to use their popularity to bolster the Kadyrov regime.

Kadyrov has also garnered criticism from prominent Muslim leaders in both Russia and the wider Islamic world for his divisive stances on the religion. In August 2016, he hosted a World Congress of Muslim Scholars in Grozny, after which some of the participants released a [fatwa](#) claiming that only followers of Sufism were true adherents of Islam and singling out “Salafis” and “Wahhabis” as especially misguided. The *fatwa* was accompanied by an appeal to the Russian government, asking it to ban Salafism.

The Grozny *fatwa* immediately angered Saudi Arabia, where the teachings of Muhammad ibn ‘Abd al-Wahhab are foundational to state ideology. Many prominent Muslim scholars quickly [renounced](#) the proclamation, including several who had attended the conference. These scholars included Ali al-Jifri, a close ally and blood brother of Kadyrov. Despite the Russian government’s general aversion to Salafism, the head of the [Spiritual Assembly of Muslims](#) in Moscow also disavowed the *fatwa*, as he feared that it would sow division among Russian Muslims. Kadyrov eventually apologized to the Saudi royal family, who later allowed him the [rare honor](#) of performing Sufi prayers in the Prophet Muhammad’s room in Medina. However, this rapprochement has not stopped Chechen law enforcement from broadly targeting alleged Salafists and Wahhabis on unsubstantiated claims of terrorism, which authorities bolster with [fabricated evidence](#) and confessions obtained under torture according to observers. It has also not prevented prominent Chechen officials from publicly comparing “Wahhabism” with [‘witchcraft,’](#) [which](#) law enforcement has also targeted prominently in recent years.

Witch Hunts

Allegations of witchcraft are increasingly common in contemporary Chechen political discourse. Since 2019, Chechen authorities have been conducting literal witch hunts, detaining citizens whom it accuses of “witchcraft” and “sorcery” on an almost weekly basis. These individuals, usually elderly women, are regularly forced to confess their crimes on state television while they face shame and reprimand from Adam El’zhurkayev, a Muslim theologian and director of the state-financed Islamic Medical Center.

This center, opened in 2009, is another initiative of Ramzan Kadyrov and provides free religious healing services, often involving the *exorcism* of “*jinn*”—a form of spirit in Islamic tradition that is often, but not always, malevolent and commonly blamed for a wide array of physical and psychological illnesses. Belief in *jinn* is widespread in the *North Caucasus*.

Public shaming *ceremonies* on state television is one of many forms of repression, with targets subjected to official reprimand and financial penalties but usually not physical harm or serious prison time. Instead, family and society at large are expected to regulate women and ensure their compliance. In a typical episode of these ceremonies, El'zhurkayev might wield a large cane symbolizing his authority as an Islamic elder. He interrogates an old woman who wrings her hands or sobs nervously while he catalogues the evidence of amulets, spells, and chicken bones strewn on a table in front of them. He tells her that Islam forbids fortune telling and that those who practice it will go to hell, while the state TV correspondent *echoes* that magic is “confirmed to be harmful under Islamic law.”



Photo: Chechen TV channel/Instagram, January 22, 2021, <https://www.instagram.com/p/CKUIYufJ0IC/>On

The accused “witch” may then be *interviewed* by the correspondent and given the opportunity to publicly recant her sinful practices. For instance, in a broadcast aired on January 29, 2021, the accused affirmed that her conversation with the theologian had been a revelation, causing her to understand that she was a liar and a deceiver who did not even respect herself, let alone her customers. On the wall behind her hung a portrait of Felix Dzerzhinsky, the founder of the Soviet secret police; during other such interviews, portraits of Putin and Kadyrov are a common background presence.

These televised segments often include a significant social media dimension. On January 30, 2021, a Grozny ChGTRK Instagram post featuring the *public shaming*

of accused witch Shaima Makhmuyeva received 142,118 views and 1,923 comments. Some commenters mocked those who believed in or practiced “witchcraft,” while others called for legislative action or claimed that “only the death penalty will stop these witches!” *Programs* routinely feature pictures of the “victims of these witches and sorcerers” among the displayed evidence; such “victims” are likely customers, or in some cases the intended targets of an alleged love spell or curse, and the display of their photos is intended to shame them as well.

The conspicuous placement of Felix Dzerzhinsky’s photograph on the wall behind the alleged witch in the above image is not accidental. These televised rituals are supposed to remind people of the Soviet precedent of “self-criticism” (*samokritika*), symbolically blended with Chechen *adat*, which emphasizes group identity and allocates responsibility for individual conduct to the relevant group (village, tribe, family). Public shaming of an individual is simultaneously the shaming of their relatives, friends, and neighbors, who are encouraged to defend their honor by actively policing the accused. This fusion of Soviet purge, Chechen *adat*, and Sufi religious authority is a stark representation of Kadyrov’s interpretation of “traditional” Chechen values, which facilitates the political, cultural, and social hegemony of his regime.

Purging and Disciplining Chechen Society

Supposed witches are not the only ones singled out for public humiliation, but the targets do tend to be women who are perceived to violate the strict patriarchal power structure that the regime justifies through its interpretation of Islam, which is heavily influenced by Chechen *adat*. There is a clear gendered dimension to witchcraft allegations or claims of possession. Men suspected of similar alleged “crimes” tend to fall under the jurisdiction of the security services, but also tend to be characterized as spiritually deviant. Thus, while a gay woman like *Khalimat Tamarova* was forced to undergo an exorcism by her family, a gay man like *Salekh Magamadov* was kidnapped, arrested, and charged with Islamist terrorism.

Beginning in 2019, juveniles began to appear in televised shamings as part of what Chechen Minister of Information and Press, Akhmed Dudaev, *described* as the “moral and spiritual education of the younger generation.” Such education involves teenage boys, like 16-year-old Magomed Akhmatov, tearfully begging for forgiveness from the Chief Mufti of Chechnya on state television for

ill-advised comments on social media sympathizing with those who want to flee Chechnya for Europe or Syria. Dudaev claimed this traumatic humiliation was actually a wonderful opportunity for the young man to meet the Mufti in person and receive his instruction.

The unofficial versions of this education campaign are significantly more [humiliating](#). On September 5, 2020, a 19-year-old Chechen named Salman Tepsurkayev was kidnapped and, according to his cell phone data, held at a facility run by the security services. Two days later, Tepsurkayev appeared in an online video in which he apologized for his online criticism of the *Kadyrovtsy* and “punished himself” by sitting naked on a glass bottle.

The most systematic and horrible expression of Kadyrov’s “traditional values” program is the violent [purge](#) of the LGBTI community. A large, but ultimately unknown, number of gay Chechens have been kidnapped, tortured, and executed in a sweeping campaign of violence that has been condemned by the [United Nations](#) and detailed in reports by the Russian newspaper [Novaya Gazeta](#) and the documentary film “[Welcome to Chechnya](#).” Despite international outcry, these abuses have not stopped and only become more cynical and brazen.

Kadyrov regularly claims that there are no homosexuals in Chechnya and, since at least 2017, his security services have worked to make this claim a reality. Most recently in response to a critical [statement](#) by U.S. President Biden on September 21, 2021, Kadyrov [reacted](#) with denials and even insults, arguing that “there are no roosters in the Chechen Republic.” In Russian, ‘rooster’ (*petukh*) is prison slang for men that have been sexually abused in prison and is used as a derogatory term for gay men. Kadyrov went on to claim that Biden’s remarks were merely part of broader U.S. hostility to Islam.

Conclusion

The Russian and Chechen governments claim to champion traditional values and cultural relativism, but in fact use those concepts to violate international standards of human rights. Chechnya is just one example of the flaws inherent in the Russian paradigm. Other examples abound: from the persecution of Crimean Tatar Muslims in occupied Crimea and the effective banning of Protestant groups in war-torn Donbass, to the ongoing purge of peaceful Jehovah’s Witnesses across its vast territory and recent de facto [ban](#) of the Church of Scientology.

Since 2017, USCIRF has recommended that the U.S. State Department designate the Russian Federation as a “Country of Particular Concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA). Since that time, the case for such a designation has only grown more compelling, as detailed each year in the USCIRF [Annual Report](#). As of 2020 the Department continues to place Russia on its Special Watch List, a lesser category that does not carry the threat of punitive consequences. Kadyrov’s regime in Chechnya is one of the world’s worst violators of religious freedom and the Russian government is ultimately responsible for what happens there. When considered alongside the Russian government’s many other abuses, including the illegal extension of its repressive religious policies to neighboring Ukraine, Ramzan Kadyrov’s brutal authoritarian policies clearly demonstrate that Russia is a Country of Particular Concern. The U.S. Department of State should designate it as such.



Professional Staff

Danielle Ashbahian
Supervisory Public Affairs Officer

Dwight Bashir
Director of Outreach and Policy

Susan Bishai
Policy Analyst

Elizabeth K. Cassidy
Director of Research and Policy

Mingzhi Chen
Policy Analyst

Patrick Greenwalt
Policy Analyst

Gabrielle Hasenstab
Communications Specialist

Roy Haskins
Director of Finance and Operations

Thomas Kraemer
Director of Human Resources

Kirsten Lavery
Supervisory Policy Analyst

John Lechner
Policy Analyst

Niala Mohammad
Senior Policy Analyst

Jason Morton
Senior Policy Analyst

Mohyeldin Omer
Policy Analyst

Dylan Schexnaydre
Victims List and Outreach Specialist

Jamie Staley
Supervisory Policy Advisor

Zack Udin
Researcher

Nina Ullom
Congressional Relations and Outreach Specialist

Madeline Velturo
Policy Analyst

Scott Weiner
Supervisory Policy Analyst

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.

TAB O



Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights

351/2022

NOTE VERBALE

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) presents its compliments to the Delegations of OSCE participating States and, in accordance with the second part of paragraph 11 of the Moscow Document of 1991, has the honour to transmit the report of the OSCE rapporteur appointed by 38 OSCE participating States under the Moscow Mechanism invoked in respect of the Russian Federation.

ODIHR avails itself of this opportunity to renew to the Delegations of the OSCE participating States the assurances of its highest consideration.

Warsaw, 16 September 2022



To the Delegations of the OSCE participating States
Vienna

REPORT ON RUSSIA'S LEGAL AND ADMINISTRATIVE PRACTICE IN LIGHT OF ITS OSCE HUMAN DIMENSION COMMITMENTS

by Professor Angelika Nußberger

GENERAL OBSERVATIONS AND EXECUTIVE SUMMARY

On 28 July 2022, 38 OSCE participating States invoked Article 12 of the OSCE's Moscow Document in respect of the Russian Federation in order "to establish a mission of experts to look into and report on the ongoing concerns [the invoking States] have identified as particularly serious threats to the fulfilment of the provisions of the OSCE human dimension by the Russian Federation, to assess Russia's legal and administrative practice in light of its OSCE commitments, to establish the facts, and to provide recommendations and advice."

The author of this report was appointed as a single rapporteur because the Russian Federation had decided not to appoint a second expert. The OSCE Office for Democratic Institutions and Human Rights (ODIHR), provided technical support to the mission by serving as a coordination point between the participating States and providing administrative and logistical support to the Rapporteur.

The mandate of the mission reads as follows:

- *To assess the state of Russia's adherence, in law and in practice, to its OSCE Human Dimension commitments and to identify actions taken by the Russian Government over recent years that have led to the current human rights and fundamental freedoms situation in the country.*
- *To assess ramifications of such developments on Russian civil society, on free media, on the rule of law, and on the ability of democratic processes and institutions to function in Russia, as well as on achieving the OSCE's goal of comprehensive security.*

The Rapporteur invited all potential sources to contribute information and received support from many sides, in particular from Russian NGOs. Unfortunately, the Permanent Representative of the Russian Federation did not reply to the Rapporteur's request to organise a country visit. Nor did she receive information from the eight State institutions she contacted through the Permanent Representation of the Russian Federation. The position of the Russian State could therefore only be taken into account insofar as it is accessible through public sources.

The main findings of the mission can be summarised as follows:

A decade of reform legislation in Russia has completely changed the scope of action of Russian civil society, cutting it off from foreign and international partners, suppressing independent initiatives, stifling critical attitudes towards the authorities, silencing the media and suppressing political opposition. The repression has gradually intensified since 2012 – after mass protests in the context of parliamentary and presidential elections – and reached its peak with the new reform laws adopted after the beginning of the war in July 2022. Most of the new legal provisions are implemented immediately and have the effect of forcing non-

governmental organisations, anti-corruption activists, journalists and other media actors, human rights defenders, lawyers and researchers to reduce or abandon their activities or to leave the country.

While the basic principles of the 1993 Russian Constitution, which are in line with OSCE human rights commitments, have remained untouched and human rights are still considered the "highest values to be protected by the State", a very strong vertical power structure has emerged. Successively, all federal and regional law enforcement agencies have been brought under the direct control of the President. There are still institutional guardians of human rights and civil society such as the Constitutional Court and the Ombudsman, but they are not able or willing to protect political rights effectively.

One of the core pieces of legislation suppressing civil society activities is the so-called "foreign agents" law, which has been criticised by all international human rights monitoring bodies. The original 2012 law has been constantly reformed and its scope has been extended more and more so that virtually any Russian and foreign organisation and individual can be declared and registered as a "foreign agent" or "affiliated with a foreign agent". As a result, participation in social and political life has been drastically restricted. The situation is even worse for foreign or international organisations declared "undesirable". Their work is illegal; whoever participates in their activities has to face persecution.

Freedom of expression is restricted by many new laws such as the laws on "fake news", "extremism", historical remembrance, "terrorism", "State secrets", "propaganda of non-traditional sexual relationships", and the "protection of religious feelings". The most restrictive laws are the "fake-news" laws related to the Russian Armed Forces that were adopted shortly after the beginning of the war against Ukraine. Together with the broadly interpreted Law on Extremism and the legislation on State secrets they establish a sort of military censorship completely banning anti-war protests.

Mass media and the internet have been regulated in such a way as to radically restrict access to information, not least shown with the blocking of thousands of websites and the declaration of many organisations providing information as "extremist" or "undesirable" organisations.

The Law on Assemblies which was changed 13 times as well as the continued application of the COVID-19-rules in many places – despite other pandemic-related restrictions being lifted – makes demonstrations de facto impossible.

In addition, propaganda, pressure in opinion formation, the use of criminal law for other purposes, the use of violence against civil society activists and the media, the dispersal of peaceful assemblies as well as the ineffective investigation of the murders of journalists have created a climate of fear and intimidation.

Russian legislation and practice in recent years, which betrays fear of civil society as a "fifth column" that weakens the State, is not in line with OSCE standards based on pluralism and a strong and independent civil society.

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REPORT ON RUSSIA’S LEGAL AND ADMINISTRATIVE PRACTICE IN LIGHT OF ITS OSCE COMMITMENTS

A) Introductory Remarks

I) Invocation of the Moscow Mechanism and Mandate

On 28 July 2022, 38 OSCE participating States (Albania, Andorra, Austria, Belgium, Bulgaria, Canada, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom, and the United States) invoked Article 12 of the OSCE’s Moscow Document in respect of the Russian Federation in order “to establish a mission of experts to look into and report on the ongoing concerns [the invoking States] have identified as particularly serious threats to the fulfilment of the provisions of the OSCE human dimension by the Russian Federation, to assess Russia’s legal and administrative practice in light of its OSCE commitments, to establish the facts, and to provide recommendations and advice.”¹

According to paragraph 10 of the Moscow Document the 38 participating States appointed the author of this report on 9 August 2022 from the resource list to serve as OSCE rapporteur.

The requested State, i.e. the Russian Federation, was informed on 10 August 2022 and given the opportunity to choose an additional rapporteur from the resource list within six days. If a second rapporteur is chosen, the Moscow Mechanism provides that the rapporteurs must agree on a third person to be chosen from the resource list to form the fact-finding group. However, as the Russian Federation did not appoint a second rapporteur within the deadline, the first rapporteur was mandated to carry out the mission as a single expert.²

The mandate of the mission reads as follows:

- *To assess the state of Russia’s adherence, in law and in practice, to its OSCE Human Dimension commitments and to identify actions taken by the Russian Government over recent years that have led to the current human rights and fundamental freedoms situation in the country.*
- *To assess ramifications of such developments on Russian civil society, on free media, on the rule of law, and on the ability of democratic processes and institutions to function in Russia, as well as on achieving the OSCE’s goal of comprehensive security.*

The invoking States encourage the mission of experts “to apply a gender-sensitive approach to their assessment”. In addition to establishing the facts, they also encourage the experts

¹ Joint Letter of 28 July 2022 from 38 participating States invoking paragraph 12 of the Moscow Document (hereinafter Joint Letter of 28 July 2022).

² The Rapporteur would like to thank her team – Daniel Krotov, Frederic Kupsch and Dr. Júlia Miklasová, for their great support in research and fact-finding, as well as Marina Schneider, for her great support in the administration of the project.

“to offer recommendations and give advice to the Russian Federation, to the OSCE, and to the international community on how to address the matters of concern.” In particular, they “encourage the experts to offer recommendations to the OSCE and its participating States on identifying early warnings and addressing such emerging challenges in a timely and effective manner.”³

The mission was facilitated by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). In accordance with the Moscow Document it limited itself to a merely technical role. It served as a coordinating point between the participating States, provided administrative and logistical assistance to the rapporteur, shared civil society contacts of relevance, transmitted information gathered through a mailbox specifically devoted to the mission, and received the report by the rapporteur. The rapporteur alone is responsible for the drafting and content.

II) Methodology

1) Scope of the Report

a) Time-Frame

The time-frame of the mission is not defined narrowly. The mission statement focusses on the present time (“state of Russia’s adherence, in law and practice, to its OSCE human dimension commitments”), but also includes the recent past (“actions taken by the Russian Government over recent years that have led to the current human rights and fundamental freedoms situation in the country”). The explanatory text makes reference to “numerous laws imposed in the Russian Federation over the last years”; at the same time, it speaks of the “ongoing war of aggression against Ukraine”.⁴

Current Russian legislation as well as current Russian law enforcement practice in the area of freedom of association, assembly and expression must be seen in context. While many of the laws were passed in the early 1990s during the transition period, they underwent important changes at the beginning of the new century. Reforms have continued gradually, step-by-step, up to the present. Therefore, the report focuses on the legislation and practice immediately before the outbreak of the war and during the war, but also considers the reform process that set the stage for the latest developments.

The report was written in the period from 18 August until 31 August 2022. Events that took place during these two weeks were still taken into account.

b) Thematic Focus

The mission comprises two different tasks.

First, the facts must be established, i.e., the relevant laws and regulations and how they are enforced. However, this is not sufficient, as it does not give an overall picture. Therefore, the

³ Joint Letter of 28 July 2022.

⁴ Idem.

terms of reference explicitly call for analysing the "actions" of the government that have led to the current human rights situation. The term "actions" in this context includes everything done by the government even without a legal basis, be it the creation of certain narratives or the use of propaganda to achieve certain goals, be it intimidation measures against demonstrators or the use of criminal law for other purposes; it also includes "non-actions" such as the lack of investigation into certain crimes.

Second, it is requested to give recommendations and advice. These have to be directed to three different addressees, the Russian Federation, OSCE, and the international community. In this context, two separate questions need to be answered: How can matters of concern be addressed? And – how is it possible to identify early warnings and address challenges in a timely and effective manner? The questions thus relate on the one hand to the present situation concerning Russia and on the other hand to lessons learned.

The term "human rights and fundamental freedoms situation" is too broad to provide a clear point of reference for a study accomplished in two weeks' time. Therefore, a thematic focus is necessary.

According to the explanatory report to the mission statement the focus should be on the "crack down on independent civil society, independent media, and political opposition, targeting in particular non-governmental organisations, anti-corruption activists, human rights defenders, journalists, other media actors, researchers, lawyers." This means that freedom of association, assembly and expression are in the centre of interest.

The matters of concern are enumerated in a detailed manner. It is, among other things, held that:

- "allegations of extremism have been ... used to outlaw dissenting opinions or beliefs, as well as to ban peaceful organisations"
- "the Russian Federation is rapidly moving towards a situation of complete censorship and isolation of its citizens from any form of independent information"
- "the Russian Federation continues to hold more than 430 political prisoners"
- "there are ... widespread reports of torture and other mistreatment in places of detention throughout Russia"
- "there is censorship of the media and of content on the internet"
- "[there is] political repression"
- "[there is] Impunity for violence"
- "[there is] the spread of hate speech"
- "[there is] engagement in propaganda on war of aggression"
- "[there is] the imposition of severe restrictions on freedom of assembly and association, on the right to liberty and security of person, and on the right to vote and to be elected"

These allegations show that the focus is clearly on the relationship between the State and civil society in the political sphere and the participation of individuals in public affairs.

On this basis, the Rapporteur has decided to analyse first and foremost the legislation that restricts freedom of association, assembly and expression (such as the "foreign-agent"-

legislature, the legislation on “undesirable organisations”, the legislation on “extremism”, the new criminal provisions concerning statements on the war and the Armed Forces).

Other human rights issues such as the rights of refugees, the rights of minorities, the rights of persons in detention and the rights of LGBTQI+ persons are closely related to the issues identified as a priority area, not least because the human rights defenders, journalists and lawyers targeted by the restrictive measures often defend the rights of those vulnerable groups. Furthermore, those minority groups form an important part of civil society. Yet, as it is not possible to scrutinise all matters of concern in detail, those topics are touched upon only insofar as they have direct thematic links.⁵ The thematic selection is, however, in no way intended to prioritise or hierarchise human rights issues in Russia; they are all of utmost importance.

A caveat is also necessary with regard to the electoral legislation. It is beyond the scope of this study to analyse it in detail and to address the allegations of electoral fraud. However, insofar as the right to vote is withdrawn in connection with other restrictive measures, it will be mentioned.

According to the mission statement a "gender-sensitive approach" is required. Therefore, wherever appropriate, it is shown in how far the measures taken by the authorities show a gender bias.⁶

The study is only based on the developments in Russia; it is not a comparative report.

c) Territorial Scope

The report focusses only on Russian territory insofar as it is internationally recognised.

2) Main Sources

Fact-finding in this mission concerns three different types of information: Russian legislation, practical application of the legislation, and “Government actions”.

Insofar as Russian legislation⁷ is concerned, it is fully accessible online.⁸

Administrative and judicial law enforcement is only partially accessible online.⁹ Sometimes judgements or administrative acts are not published or not published in full. In this context, summaries in newspaper reports or other sources had to be taken into account.

⁵ E.g. the legislation Federal Law of 29 June 2013 no. 135-FZ “On Propaganda of Non-Traditional Sexual Relationships” restricts freedom of speech, but is also discriminatory against LGBTQI+ people and touches upon their private lives.

⁶ This applies mainly to the measures taken against women in the course of detentions during demonstrations, but it is also evident from the orientation of official propaganda.

⁷ The legislation comprises laws and sublegal norms (Laws, ordinances and regulations).

⁸ <http://actual.pravo.gov.ru/>; <http://www.consultant.ru/popular/?ysclid=l7ajc3kpkz182731089>; <https://www.garant.ru/doc/law/?ysclid=l7ajc02ac964418909>.

Insofar as “Government actions” are concerned, fact-finding is based on newspaper reports, NGO reports, and information disseminated on social media. The most important sources were interviews with members of the Russian civil society, both living inside and outside the country. In addition, there was an exchange of information with representatives of international NGOs such as Committee on the Protection of Journalists (CPJ), International Federation on Human Rights (FIDH), Freedom House, Frontline Defenders, and Human Rights House Foundation.

Almost all interviews were conducted online, as a rule for one hour; with some interlocutors the exchange was in a written form. Some of the respondents consented to their names being mentioned in the report.¹⁰ Other respondents, however, preferred to remain anonymous. The Rapporteur wants to emphasize in this connection that after 24 February 2022 new criminal provisions have been adopted that might potentially be applicable to interviews such as those conducted in the framework of the present mission.¹¹ Furthermore, the changes in the “foreign-agent” legislation might also lead to negative consequences for those interviewed by a foreign expert. Therefore, the Rapporteur is of the opinion that it is fully justified not to publish the names of the interview partners.

As far as possible the information provided was double-checked. The relevant sources are indicated in the footnotes; wherever necessary, the issue of credibility is discussed.

The report also relies on academic publications and reports. Academic analyses are, however, cited only when they provide material for fact-finding or are used for direct quotations.

Immediately after the beginning of the mission on 18 August 2022, the Rapporteur contacted the Permanent Representative to the Russian Federation Aleksander Lukashevich and sent him a request to organise a country visit as foreseen in Article 10 of the Moscow Mechanism. While the Permanent Representation confirmed the receipt of the letter, there was no answer to the request for co-operation. Therefore, a country visit was not possible. The Rapporteur also forwarded eight letters to the Permanent Representation addressed to the presidents or representatives of those Russian State organs considered to be the most knowledgeable about the topic of the report (Igor Krasnov (General Prosecutor), Valery Zorkin (President of the Constitutional Court), Konstantin Chuychenko (Minister of Justice), Tatyana Moskalkova (Ombudsperson), Alexander Bastrykin (Chairman of the Investigative Committee), Andrey Klishas (Chairman of the Federation Council Committee on Constitutional Legislation and State Building), Andrey Lipov (Chairman of Roskomnadzor) and Mikhail Fedotov (Chairman of the Presidential Council for the Development of Civil

⁹ See e.g. Registers of Foreign Agents kept by the Federal Service for Supervision of Communications, Information Technology and Mass Media (hereinafter Roskomnadzor); Website of Roskomnadzor, <https://rkn.gov.ru/>; Official Telegram Channel of Roskomnadzor, https://t.me/rkn_tg.

¹⁰ Galina Arapova (Mass Media Defence Centre), Svetlana Gannushkina (Civil Assistance Committee), Tatiana Glushkova (Memorial), Lev Gudkov (Levada Centre), Daria Korolenko, Alexander Lokhmutov, Violetta Fitsner (all OVD-Info), Denis Shedov (OVD-Info, Human Rights Defence Centre Memorial), Anna Winckelmann (Novaya Gazeta Europe), and Leonid Volkov (Anti-Corruption Foundation).

¹¹ See e.g. confidential cooperation with a foreign State, international of foreign organisation (Art. 275.1 CC), fake news legislation (Art. 207.1, 207.2 CC), discreditation of the Armed Forces (Art. 207.3 CC) and other provisions.

Society and Human Rights¹²). Yet, no answers were received. In addition, an email was directly sent to Tatyana Moskalkova on 27 August 2022; there was no response to it.

In order to compensate for the lack of direct information from the Russian authorities the Rapporteur scrutinised all indirect sources such as the homepages of the Russian Ministries, the Russian reports to international organisations, their statements in court proceedings defining the Russian position, the President's statements, other official declarations.

Furthermore, there were interviews with Russian colleagues working or having worked for various State institutions. For them as well, it was important to remain anonymous.

The Rapporteur also took into account all sorts of international sources, such as the assessment and evaluation of the human rights situation in Russia by international bodies (Human Rights Council, Human Rights Committee, other UN treaty bodies, UN Special Rapporteur on Freedom of Opinion and Expression, OSCE Representative on Freedom of the Media, Venice Commission, Human Rights Commissioner of the Council of Europe, European Court of Human Rights).

In addition, there were several interviews with representatives of international organisations such as the President of the European Court of Human Rights Robert Spano, the Human Rights Commissioner of the Council of Europe Dunja Mijatović, the OSCE Representative on Freedom of the Media Teresa Ribeiro, the President of the Venice Commission Claire Bazy-Malaurie, the Secretary General of the Venice Commission, Simona Granata-Menghini, and the former UN Special Rapporteur on Freedom of Opinion and Expression David Kaye.

All in all, the Rapporteur interviewed 29 persons between 19 and 30 August 2022.

All the internet sources were last accessed on 30 August 2022.

3) Selection of Material

Even though the time frame for the mission was extremely short, the rapporteur was able to collect much more material than could be included in the report. This is due to the enormous dimension of the human rights problems civil society in Russia is facing. The amount of (reform) laws concerning freedom of expression, assembly and association demonstrates the speed with which the situation changes. Enforcement of the new legislation seems to have priority so that there are very many concrete cases reported. Therefore, for the report a selection had to be made. The report tries to outline the specific problems linked to the new legislation in the light of long-term development and to give examples illustrative of general tendencies.

4) Overlap with other OSCE Reports under the Moscow Mechanism

Within a short period of time, three reports were adopted under the Moscow Mechanism, all of which directly or indirectly concern Russia.

¹² This was a mistake as the current President of the Council is Mr. Fadeev.

a) OSCE Report under the Moscow Mechanism on Alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation

On 1 November 2018 the Moscow Mechanism of the human dimension of OSCE was invoked by 16 participating States with regard to “allegations of impunity for reported human rights violations and abuses in Chechnya from January 2017 to the present, including but not limited to, violations and abuses against persons based on their perceived or actual sexual orientation or gender identity, as well as against human rights defenders, lawyers, independent media, civil society organisations and others. Among the reported human rights violations and abuses were: allegations of harassment and persecution; arbitrary or unlawful arrests or detentions; torture; enforced disappearances; and extrajudicial executions.”¹³ The report transmitted to the participating States on 13 December 2018 covers the period from January 2017 until November 2018.¹⁴

There is some overlap between the 2018 report and this report, as the crackdown on the LGBTQI+ community in Chechnya is part of a crackdown on civil society in general. Moreover, the situation of human rights defenders, lawyers, civil society organisations and independent media are covered in both reports. Yet, the 2018 report covers only Chechnya and thus a specific region considered to be different from the rest of Russia. The topic is rather narrowly defined and the time-period is restricted for two years only (2017-2018).

The findings of the OSCE November 2018 report are nevertheless relevant for the present analysis, especially since they were not implemented;¹⁵ the Rapporteur of the present report fully endorses the recommendations of the 2018 report. Yet, the present mission is much broader and does not have similar spatial and temporal limitations. Neither Chechnya nor LGBTQI+ rights nor the period between 2017 and 2018 will be the focus.¹⁶

b) OSCE Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity

On 3 March 2022 the Moscow Mechanism of the human dimension of OSCE was invoked by Ukraine supported by 45 participating States with regard to “possible contraventions of OSCE commitments, and violations and abuses of international human rights law and international humanitarian law”.¹⁷

¹³ Joint Letter by the 16 invoking participating States of 1 November 2018 invoking paragraph 12 of the Moscow Document and Joint Letter by the 16 invoking participating States of 5 November 2018 announcing the appointment of a rapporteur.

¹⁴ OSCE Rapporteur’s Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation: https://www.osce.org/files/Moscow%20Mechanism%20Document_ENG.pdf (hereinafter OSCE November 2018 Report).

¹⁵ See Joint Statement on Invoking the Moscow Mechanism: Human Rights Violations and Abuses in the Russian Federation, 28 July 2022, <https://osce.usmission.gov/joint-statement-on-invoking-the-moscow-mechanism-human-rights-violations-and-abuses-in-the-russian-federation/>.

¹⁶ See above for the explanations on the present report.

¹⁷ OSCE Rapporteurs’ Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity: <https://www.osce.org/files/f/documents/f/a/515868.pdf> (hereinafter OSCE March 2022 Report).

This report concerns potential violations of OSCE commitments on the territory of Ukraine while the present report concerns potential violations on the territory of the Russian Federation. Nevertheless, there is a thematic overlap insofar as the report also touches upon violations of the right to freedom of expression¹⁸ and the right to freedom of association¹⁹ by Russia, although focusing on the situation in armed conflict. The March 2022 report also touches upon propaganda in schools.²⁰

There is thus a certain thematic overlap, e.g. in the reference to specific legislation adopted before or after the beginning of the war or specific practices relevant both in the occupied Ukrainian territories and in Russia.

c) OSCE Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity

On 2 June 2022 the Moscow Mechanism of the human dimension of OSCE was invoked by the delegations of 45 participating States, after consultations with Ukraine, under paragraph 8 of the Moscow Document to “consider, follow up and build upon the findings of the Moscow Mechanism report received by OSCE participating States on 12 April 2022” addressing “the human rights and humanitarian impacts of the Russian Federation’s invasion and acts of war, supported by Belarus, on the people of Ukraine, within Ukraine’s internationally recognized borders and territorial waters”.²¹

As this report follows the OSCE report of March 2022, it does not differ from it in terms of thematic overlaps with the present report.

III) Structure of the Report

The main part of the report (B) is structured along the lines of the mission's mandate. First, it analyses the extent to which Russia complies in law and in practice with its commitments in the human dimension of the OSCE. This part begins with a presentation of the constitutional framework, which is characterised by the "vertical power structure", as this is important for understanding the scope of action of civil society in Russia. In addition, the work of the institutional guardians of civil society and human rights is assessed. On this basis, the most important reforms of Russian legislation restricting freedom of expression, assembly and association are presented and the practical consequences for civil society are explained. These changes in law and practice are then assessed in the light of OSCE standards. The conclusive part of the chapter focusses on the main trends and short-term and long-term effects of the legislation.

Part C identifies the measures taken by the Russian government that have led to the current situation of human rights and fundamental freedoms in the country. It thus documents measures that are understood to lead to a general situation of uncertainty and fear.

¹⁸ OSCE March 2022 report, p. 59 et seq.

¹⁹ OSCE March 2022 report, p. 79 et seq.

²⁰ OSCE March 2022 report, p. 70; Term “war of aggression” see p. 116.

²¹ OSCE Rapporteurs’ Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity: <https://www.osce.org/files/f/documents/3/e/522616.pdf>.

Part D explains the interrelation between the human rights dimension in Russia and international peace and security. In this context, the shortcomings of the current system are addressed, where alarm bells ring when red lines are crossed, but without clear consequences.

The recommendations in part E are addressed to the Russian Federation, to OSCE and to the international community.

IV) Terminology

The report will use the same terminology as the other OSCE report published in March 2022 and speak of “war” or “war of aggression” and not about “special military operation” as is prescribed by Russian law.²²

B) Russia’s Adherence, in Law and in Practice, to its OSCE Human Dimension Commitments

I) Constitutional Framework and Practice

1) Constitutional Principles Reflecting Russia’s OSCE Commitments

The Russian Constitution has been amended several times since its adoption in 1993, with the most important and far-reaching changes being made in 2020,²³ but the basic principles of "democracy, the rule of law and federalism" have remained untouched.²⁴ Human rights are considered to be the “highest values to be protected by the State;”²⁵ this provision has not been changed either. The same applies to the principle of separation of powers,²⁶ pluralism,²⁷ and to the significance of international human rights guarantees.²⁸ These

²² Art. 207.3 CC (“Public dissemination of knowingly false information about the use of the Russian Armed Forces”) is interpreted as prohibiting the use of the word “war” for the aggression against Ukraine. The official term used is “special military operation” (in Russian: специальная военная операция); as a rule, the abbreviation (“CBO”) is used.

²³ Federal Constitutional Law no. 1-FKZ of 14 March 2020 “On Enhancement of Regulations Concerning Specific Questions of Organisation and Functioning of Public Authority” (approved by referendum on 1 July 2020), an extensive analysis is provided by Venice Commission, Opinion on Constitutional Amendments and the Procedure for their Adoption no. 992/2020 of 21 March 2021.

²⁴ Art. 1 of the Constitution: “The Russian Federation - Russia is a democratic federal law-bound State with a republican form of government.”

²⁵ Art. 2 of the Constitution: “Man, his rights and freedoms are the supreme value. The recognition, observance and protection of the rights and freedoms of man and citizen shall be the obligation of the State.”

²⁶ Art. 10 of the Constitution: “The state power in the Russian Federation shall be exercised on the basis of its division into legislative, executive and judicial power. The bodies of legislative, executive and judicial power shall be independent.”

²⁷ Art. 13 of the Constitution: “(1.) In the Russian Federation ideological diversity shall be recognised.; (2.) No ideology may be established as state or obligatory one.; (3.) In the Russian Federation political diversity and multi-party system shall be recognised.; (4.) Public associations shall be equal before the law.; (5.) The creation and activities of public associations whose aims and actions are aimed at a forced change of the fundamental principles of the constitutional system and at violating the integrity of the Russian Federation, at undermining

provisions are all part of the Constitution's first chapter and cannot be amended through the normal amendment procedure, but only through a very complex procedure²⁹ that has not yet been used. Chapter one of the Constitution thus mirrors the fundamental principles of the OSCE.

Human rights are permanently used in the rhetoric of Russian officials such as the President even for justifying the war against Ukraine, but as a rule referring to the general term "human rights" and not alluding to specific rights such as freedom of expression, freedom of assembly or freedom of association.³⁰

But even though the basic principles of the Russian Constitution have not been amended, the distribution of power both on the federal level and between the centre and the regions has considerably changed. Especially in the area of law enforcement, power has been concentrated in the hands of the president.

2) Formation of a Vertical Power Structure

a) Concentration of Power within the Federal Level

The Constitution of the Russian Federation is very president-centred – and has been this way already since 1993. However, an increase of presidential influence can be noted during the last decades. The most recent development was the constitutional reform of 2020.³¹

For the purposes of this mission, the successive subordination of the area of law enforcement under the direct control of the president is of particular interest.

The Russian intelligence services Federal Security Service (FSB)³², Foreign Intelligence Service (SVR)³³, and Federal Protective Service (FSO)³⁴ were already under control of the President before 2000.

In 2010, the Investigative Committee of the Russian Federation (SK), was detached from the General Prosecutor's office and placed under direct authority of the President.³⁵

its security, at setting up armed units, and at instigating social, racial, national and religious strife shall be prohibited."

²⁸ Art. 17 of the Constitution: "(1.) In the Russian Federation recognition and guarantees shall be provided for the rights and freedoms of man and citizen according to the universally recognised principles and norms of international law and according to the present Constitution.; (2.) Fundamental human rights and freedoms are inalienable and shall be enjoyed by everyone since the day of birth.; (3.) The exercise of the rights and freedoms of man and citizen shall not violate the rights and freedoms of other people."

²⁹ See Art. 135 of the Constitution.

³⁰ See e.g. Putin's speech on 24 February 2022 where he speaks of the "high values of human rights and freedoms in the reality that emerged over the post-war decades", <http://en.kremlin.ru/events/president/news/67843>.

³¹ Federal Constitutional Law no. 1-FKZ of 14 March 2020 "On Enhancement of Regulations Concerning Specific Questions of Organisation and Functioning of Public Authority" (approved by referendum on 1 July 2020).

³² See Art. 1 (2) of the Federal Law no. 40-FZ of 3 April 1995 "On the Federal Security Service".

³³ See Art. 12 of the Federal Law no. 5-FZ of 10 January 1996 "On Foreign Intelligence".

³⁴ See Art. 12 (3) of the Federal Law no. 57-FZ of 27 May 1996 "On State Protection".

The Federal Service of the Troops of the National Guard of the Russian Federation (National Guard, Rosgvardiya) was created by the Federal Law no. 226-FZ of 3 July 2015 “On Troops of the National Guard of the Russian Federation”. Article 6 (1), (2) of this Law places the National Guard directly under the authority of the President. Article 2 (1) lists the tasks of the National Guard. This list is, however, not exhaustive as Article 2 (2) provides that the President can determine other tasks “in accordance with constitutional laws and federal laws” without further concretisation. The National Guard is the successor of the Internal Troops and comprises also the Special Rapid Response Unit (SOBR) and Special Purpose Mobile Unit (OMON), all three formerly under the authority of the Ministry of the Interior.

The constitutional amendments of 2020 further strengthen the already extensive presidential powers in the area of law enforcement. Implementing the newly introduced Article 83 (6.1) of the Constitution, the Presidential Decree no. 21 of 21 January 2020 lists the Federal Organs that are now under the direct authority of the President. Among those Federal Organs are the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Justice, and especially the Ministry of the Interior that still has several law enforcement organs under its control – most importantly the regular police force.

The amendments also change appointment powers in relation to the already centralised public prosecution (Article 83 e.1 of the Constitution).³⁶ Article 12 of the Federal Law “On the Prosecution of the Russian Federation” allows for the appointment and dismissal of the Prosecutor General directly by the President after consultation (not approval) of the Federation Council. The president's influence, which used to be limited to the nomination of the candidate who was appointed and dismissed by the Federation Council, now extends directly to this fundamental personnel issue. Article 15.1 of the Law, already introduced in 2014,³⁷ extends direct influence of the president also to the lower level, prescribing that the President himself appoints and dismisses the prosecutors of the constituent entities of the Russian Federation. The constitutional amendments of 2020 abolish the requirement of an agreement between the President and the respective constituent entity organ upon nomination by the Prosecutor General and after consultation of the Federation Council. Other, subordinated personnel is also in some cases appointed and dismissed by the President.³⁸

The presidential power was even further increased by constitutional reform regarding the term of office. In 2008 the duration of the mandate was increased from 4 to 6 years.³⁹ The Constitutional Amendment of 2020⁴⁰ upheld the term limitation of two terms but eliminated

³⁵ Federal Law no. 403-FZ of 28 December 2010 “On the Investigative Committee of Russia”.

³⁶ See the changes made by Federal Law no. 367-FZ of 9 November 2020 “On Amendments to the Federal Law ‘On the Public Prosecution of the Russian Federation’”.

³⁷ Art. 1 (6) of the Federal Law no. 427-FZ of 22 December 2014 “On Amendments to the Federal Law ‘On the Public Prosecution of the Russian Federation’”.

³⁸ See Federal Law no. 427-FZ of 22 December 2014 “On Amendments to the Federal Law ‘On the Public Prosecution of the Russian Federation’”.

³⁹ Russian Federation Constitutional Amendment no. 6-FKZ of 30 December 2008 “On Amendments to the Term of Office of the President of the Russian Federation and the State Duma”.

⁴⁰ Russian Federation Constitutional Amendment no. 1-FKZ of 14 March 2020 “On Enhancement of Regulations concerning Specific Questions of Organisation and Functioning of Public Authority” (approved by referendum on 1 July 2020).

the requirement for consecutive terms and annulled the limitation of two consecutive terms for the mandates preceding the amendment. Thus, incumbent President Putin is allowed to stay in power for two more not necessarily consecutive terms. The same exception applies for former President Medvedev. This reform was criticised by the Venice Commission as an “ad hominem constitutional amendment”.⁴¹

b) Concentration of Power on the Federal Level

As already stated, Article 1 of the 1993 Constitution confirms that Russia is a federal State. The relationship between the Federation and its constituent entities is further detailed by a series of Articles of the 1993 Constitution⁴² and several Federal Laws.⁴³ However, since 2000, the federal organisation of the Russian Federation is being reduced.⁴⁴

On 13 May 2000, President Putin decreed the creation of federal districts (or federal okrugs).⁴⁵ The districts arrange the constituent entities of the Russian Federation in groups each headed by a “Plenipotentiary Representative of the President of the Russian Federation” who is part of the presidential administration. The districts are not prescribed by the Constitution and have only the Presidential Decree as a legal basis. The currently eight districts serve, according to the preamble of the decree, “to ensure the exercise of presidential powers, to increase effectiveness of federal organs, and to improve the control over the implementation of their decisions”. The creation of the federal districts is a means of extending presidential power to the regional level without the participation of the federal ministries and constituent entities of the Russian Federation. Furthermore, it allows to coordinate the activities of the federal organs under the auspices of the President.

The most important reform concerns the Federation Council, the upper house of the Russian Parliament (Federal Assembly) representing the constituent entities of the Russian Federation. By the Federal Law of 5 August 2000,⁴⁶ the heads of the highest executive body of State power (execute heads of the constituent entities) lost their *ex officio* seat in the Federation Council and were obliged to send a representative assuming these duties. This loss of direct contact with the federal level in Moscow was remedied by the possibility to convene with the President in the recreated advisory organ of the State Council of the

⁴¹ Venice Commission, Interim Opinion on Constitutional Amendments and the Procedure for their Adoption, 23 March 2021, CDL-AD(2021)005, pp. 13 et seq.

⁴² Art. 3, 5, 8, 10, 11, 65 to 68, 70 to 74, and 76 to 78 of the 1993 Constitution.

⁴³ Most importantly Federal Law no. 184-FZ of 6 October 1999 “On General Principles of the Organisation of Legislative (Representative) and Executive Bodies of State Powers of Constituent Entities of the Russian Federation”; replaced (partially only from 1 January 2023) by Federal Law no. 414-FZ of 21 December 2021 “On General Principles of the Organisation of Public Authority Within the Constituent Entities of the Russian Federation”.

⁴⁴ An analysis of the Russian regional democracy in general is provided by Congress of local and regional authorities, Report no. CG37(2019)11final of 30 October 2019, pp. 51 et seq.

⁴⁵ Presidential Decree no. 849 of 13 May 2000 “On the Plenipotentiary Representatives of the President of the Russian Federation in Federal Districts”.

⁴⁶ Federal Law no. 113-FZ of 5 August 2000 “On the Procedure for Forming the Federation Council of the Federal Assembly of the Russian Federation”; replaced by Federal Law no. 229-FZ of 3 December 2012 “On the Procedure for Forming the Federation Council of the Federal Assembly of the Russian Federation”; replaced by Federal Law no. 439-FZ of 22 December 2020 “On the Procedure for Forming the Federation Council of the Federal Assembly of the Russian Federation”.

Russian Federation.⁴⁷ The State Council was enshrined in the Constitution by the 2020 constitutional amendments⁴⁸ and is now regulated by the Federal Law no. 394-FZ of 8 December 2020 “On the State Council of the Russian Federation”.

The President’s influence in the upper house was further strengthened by his/her right, introduced in 2014, to nominate “Representatives of the Russian Federation” to the Federation Council making up maximum 10 percent of the total of the members of the Federation Council – so 17 members.⁴⁹ With the constitutional amendment of 2020, the number was increased to 30 members, of which up to seven can be appointed for life.⁵⁰

The most noticeable strengthening of the constituent entities of the Russian Federation was the possibility for the entities to reintroduce the direct election of the head of the highest executive body in 2012,⁵¹ previously replaced by an approval procedure by the respective legislative assemblies of candidates nominated by the President from 2004 to 2012.⁵² Today, the majority of the Russian Federation’s constituent entities make use of this possibility. However, a so-called “municipal filter” leads to a restriction of the eligibility of potential independent and opposition party candidates.⁵³ A nation-wide lowering of the “municipal filter” to 5 per cent was discussed in the State Duma in 2019,⁵⁴ but not implemented. In addition, there is a “presidential filter” meaning that the executive heads cease their

⁴⁷ Presidential Decree no. 1602 of 1 September 2000 “On the State Council of the Russian Federation”.

⁴⁸ Art. 83 (e.5) of the Constitution, as amended by Federal Constitutional Law no. 1-FKZ of 14 March 2020 “On Enhancement of Regulations concerning Specific Questions of Organisation and Functioning of Public Authority” (approved by referendum on 1 July 2020).

⁴⁹ Art. 95 (2) of the Constitution, as amended by Federal Constitutional Law no. 11-FKZ of 21 July 2014 “On Amendments to the Constitution of the Russian Federation”.

⁵⁰ Art. 95 (2) (b) of the Constitution, as amended by Federal Constitutional Law of 14 March 2020, no. 1-FKZ “On Enhancement of Regulations concerning Specific Questions of Organisation and Functioning of Public Authority” (approved by referendum on 1 July 2020).

⁵¹ Federal Law no. 40-FZ of 2 May 2012 “On Amendments to the Federal Law ‘On General Principles of the Organisation of Legislative (Representative) and Executive Bodies of State Powers of Constituent Entities of the Russian Federation’ and to the Federal Law ‘On Basic Guarantees of Voting Rights and the Right to Participate in Referendums of Citizens of the Russian Federation’” amending Art. 18 (3) of the Federal Law no. 184-FZ of 6 October 1999 “On General Principles of the Organisation of Legislative (Representative) and Executive Bodies of State Powers of Constituent Entities of the Russian Federation”, replaced today by Art. 22, 23, 24 of the Federal Law no. 414-FZ of 21 December 2021 “On General Principles of the Organisation of Public Authority within the Constituent Entities of the Russian Federation”.

⁵² See Federal Law no. 159-FZ of 11 December 2004 “On Amendments to the Federal Law ‘On General Principles of the Organisation of Legislative (Representative) and Executive Bodies of State Powers of Constituent Entities of the Russian Federation’ and to the Federal Law ‘On Basic Guarantees of Voting Rights and the Right to Participate in Referendums of Citizens of the Russian Federation’”; under the presidency of Yeltsin direct elections of the executive heads of the constituent entities were possible in some entities and since 1995 in all entities; for an overview see “How the Legislative Bases for the Election of Heads of the Constituent Entities Changed” (Russian), <https://tass.ru/info/12514329>.

⁵³ It imposes an approval rate from 5 to 10 per cent of the members of the respective legislative assembly who represent at least 75 per cent of the municipal entities to be eligible for executive head of a constituent entity of the Russian Federation; see in detail S. Solovov/V. Mayorov/A. Petrov, Legal Construction of the ‘Municipal Filter’ for Developing Local Self-Government in Russia, in: *Journal of Advanced Research in Law and Economics*, Volume IX (2018), pp. 1771–1775.

⁵⁴ See <https://www.interfax.ru/russia/657669>.

functions in case of a simple “loss of confidence of the President of the Russian Federation”.⁵⁵

The constitutional amendments of 2020 further change the image of federalism in Russia. The competences of the Federation (Article 71) and the joint competences of the Federation and its constituent entities (Article 72 of the Constitution) are expanded. The “organisation of public authority” has become a purely federal competence (Article 71 (r) of the Constitution) with the consequence that municipal and regional civil servants will be integrated in federal structures.⁵⁶

The amendments also create the new term of a “unified system of public authority in the Russian Federation”⁵⁷ encompassing all levels of government – federal, regional and local. Article 132 (3) of the Constitution prescribes that these authorities “shall cooperate to most efficiently resolve tasks in the interests of the population inhabiting the relevant territory”.⁵⁸ The President is tasked with coordinating and ensuring the functioning of these organs (Article 80 (2) of the Constitution, Article 1 (2) of the Law). To this aim, the President is vested with broad powers. They include even the right not to apply acts contradicting federal legislation, fundamental rights, or international law (Article 2 (5) of the Law), as well as the right to impose sanctions against the executive head of the constituent entity of the Russian Federation up to his/her removal from office (Article 29 of the Law). In addition, the term limit for the executive heads has been abolished.⁵⁹ The creation of the “unified system of public authority in the Russian Federation” is an extremely important change making sure that what is done on the lowest level of the hierarchy is compatible with what is done on the highest level.

The Russian State structure is thus characterised by a trend towards centralisation, with the President of the Russian Federation at its centre. Russian and foreign media and academics, as well as President Putin himself, use the term “vertical of power” (вертикаль власти) – with the president at the top – to characterise the desired form of administration.

The Venice Commission regards the 2020 introduction of a federal competence for “organisation of public authority” (Article 71 (r) of the Constitution) and the presidential competence regarding the coordination of the public authorities as “seriously curtail[ing]

⁵⁵ Art. 19 (1) (r) of the Federal Law no. 184-FZ of 6 October 1999 “On General Principles of the Organisation of Legislative (Representative) and Executive Bodies of State Powers of Constituent Entities of the Russian Federation”; replaced by Art. 28 (1) (3) of the Law no. 414-FZ of 21 December 2021 “On Common Principles of the Organisation of Public Authority within the Constituent Entities of the Russian Federation”.

⁵⁶ See Venice Commission, Opinion on Constitutional Amendments and the Procedure for their Adoption, 21 March 2021, CDL-AD(2021)005, p. 24 (hereinafter VC 2021 Opinion on the Constitutional Amendments).

⁵⁷ Art. 80 (2), Art. 132 (3) of the Constitution, Art. 1 (1)-(5) of the Federal Law no. 414-FZ of 21 December 2021 “On Common Principles of the Organisation of Public Authority within the Constituent Entities of the Russian Federation”.

⁵⁸ The translation is taken from VC 2021 Opinion on the Constitutional Amendments, pp. 13 et seq.

⁵⁹ Art. 18 (5) of the Federal Law no. 184-FZ of 6 October 1999 “On General Principles of the Organisation of Legislative (Representative) and Executive Bodies of State Powers of Constituent Entities of the Russian Federation” has no equivalent in the Federal Law no. 414-FZ of 21 December 2021 “On Common Principles of the Organisation of Public Authority within the Constituent Entities of the Russian Federation”, see especially Art. 20 (2) of the 2021 Law.

regional and local autonomy”.⁶⁰ Federalism in the Russian Constitution as an essential basis for checks and balances in the Russian legal system⁶¹ is weakened and becomes increasingly focused on the President – with the trend having started already in 2000.

A substantial gain in power by the President can also be noticed on the federal level itself. The President becomes the key figure especially in the area of law enforcement with all intelligence and special forces being under his direct authority – leaving the Ministry of the Interior, itself since 2020 under the direct authority of the President, with ‘ordinary’ law enforcement agencies such as the police and the investigative department.

According to the OSCE human dimension commitments political pluralism is of decisive importance.⁶² It can be achieved through broad participation, transparency,⁶³ and also, but in accordance to the respective constitutional traditions, through federalism and strong regional and local governments.⁶⁴ These structural components of a democratic society are a basis for the implementation of the other OSCE human dimension commitments.

The Rapporteur notes with concern that a concentration of power in the hands of the President of the Russian Federation is detrimental to the control mechanisms that ensure the rule of law and compliance with OSCE human dimension commitments. As will become visible in the report, this is the case particularly with regard to the law enforcement practice.

3) Institutional Guardians of Human Rights and Civil Society in Russia

Human rights are extensively codified in the Russian Constitution.⁶⁵ Several State institutions either on the constitutional or on the sub-constitutional level are responsible for their protection.

a) Constitutional Court

The Constitutional Court’s tasks are described in the Constitution as follows:

“The Constitutional Court of the Russian Federation is the supreme judicial body of constitutional control in the Russian Federation, which exercises judicial power through constitutional proceedings in order to protect the foundations of the constitutional order, fundamental human and civil rights and freedoms, and to ensure the supremacy and direct application of the Constitution of the Russian Federation throughout the territory of the Russian Federation.” (Article 125 (1))

⁶⁰ See VC 2021 Opinion on the Constitutional Amendments, pp. 24 et seq.

⁶¹ VC 2021 Opinion on the Constitutional Amendments, p. 24.

⁶² Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 5-29 June 1990 (hereinafter Copenhagen 1990), Charter of Paris for a New Europe, Meeting of the Heads of State or Government of the participating States of the CSCE, 19-21 November 1990 (hereinafter Paris 1990).

⁶³ Document of the Sixteenth Meeting of the Ministerial Council of the OSCE, 4-5 December 2008.

⁶⁴ Document of the Helsinki Summit of the CSCE, 9-10 July 1992, para. 53 (hereinafter Helsinki 1992).

⁶⁵ Chapter 2 of the Constitution, Art. 17-64.

The status of the Court within the constitutional system was fundamentally changed by the 2020 constitutional reform. Based on the 2020 amendments the President has not only the power “to submit candidates for the Chairman of the Constitutional Court of the Russian Federation, the Deputy Chairman of the Constitutional Court of the Russian Federation and judges of the Constitutional Court of the Russian Federation to the Federation Council” (Article 83 (e)), but can also “submit to the Council of Federation a proposal to terminate, in accordance with federal constitutional law, the powers of the Chairman of the Constitutional Court of the Russian Federation, the Deputy Chairman of the Constitutional Court of the Russian Federation, and judges of the Constitutional Court of the Russian Federation” (Article 83 (e.3)). The Constitution thus provides for direct interference by the head of the executive in the exercise of constitutional jurisdiction. Furthermore, in 2020 the number of judges was reduced from 19 to 11 (Article 125 (1)).

Another noteworthy reform – introduced after the constitutional reform – was the prohibition of publishing dissenting and concurring opinions. It is not only no longer possible to attach them to the judgements, but even the judges themselves are not allowed to publicly refer to them; it is a – probably unique – specific limitation of freedom of expression for constitutional court judges.⁶⁶

In the first years after its establishment the Constitutional Court had played an important role in protecting human rights and had made important rulings, for instance on the suspension of the death penalty in Russia.⁶⁷ But even before the fundamental reform in 2020 its role in human rights protection had diminished considerably.

While the Constitutional Court had to decide on some of the most human-rights-restrictive laws adopted in the 2010s, such as the Law on “Foreign Agents”⁶⁸ and the Law “prohibiting the promotion of non-traditional sexual relations”,⁶⁹ it never declared any of them incompatible with the Constitution. At most it called for some details to be changed,⁷⁰ but, importantly, confirmed the new legislative approaches as such. The Constitutional Court’s reasoning has thus been used in international forums by the Russian representatives to

⁶⁶ Art. 76 of the Federal Constitutional Law no. 1-FKZ of 21 June 1994 “On the Constitutional Court of the Russian Federation”, as amended by Federal Constitutional Law no. 5-FKZ of 9 June 2020 “On Amendments to the Federal Constitutional Law no. 1-FKZ of 21 June 1994 ‘On the Constitutional Court of the Russian Federation’”: “A dissenting opinion or opinion of a judge shall be attached to the protocol of a meeting of the Constitutional Court of the Russian Federation and kept together with it. A judge of the Constitutional Court of the Russian Federation shall not have the right to publish a dissenting opinion or opinion in any form or to refer to it publicly.”

⁶⁷ Constitutional Court, decision no. 1344-O-R of 19 November 2009.

⁶⁸ See Constitutional Court, decision no. 10-P of 8 April 2014 (with one dissenting opinion); see also Constitutional Court, decision no. 1738-O of 18 July 2017 (on the complaint of the Levada Centre against the registration as a foreign agent which was declared inadmissible; with one dissenting opinion); the foreign-agent legislation is explained in detail below.

⁶⁹ Constitutional Court, decision no. 24-P of 23 September 2014; the legislation on “Propaganda of Non-Traditional Sexual Relationships” is explained in detail below.

⁷⁰ In its decision on the “Foreign-Agent-Law” (Constitutional Court, decision no. 10-P of 8 April 2014) the Court was mainly concerned about the amount of the minimum fines to be paid; see the summary in ECtHR, *Ecodefence and others v. Russia*, 14 June 2022, app. no. 9988/13 et al., para. 36 et seq.

justify the Russian position on “homosexual propaganda”⁷¹ and “foreign agents”,⁷² both issues at the centre of international criticism.

Furthermore, the Constitutional Court was instrumental in creating a mechanism to verify the compatibility of European Court of Human Rights rulings with the Russian Constitution before their implementation⁷³ contrary to Russia’s obligations under international law.⁷⁴ In the Yukos case⁷⁵ as well as in the case of Anchugov and Gladkov,⁷⁶ it argued that the Strasbourg Court ruling could not be implemented.

b) Ombudsman⁷⁷

The function of the ombudsman is foreseen in the Constitution (Article 103). According to the Law on the Ombudsman⁷⁸ his or her role is “to provide guarantees of State protection of the rights and freedoms of citizens and their observance and respect by state bodies, local government bodies and officials.”⁷⁹

The appointment and dismissal of the Ombudsman by the Duma is regulated in Article 103 of the Constitution. This provision was amended in the 2020 reform to require that the Ombudsman be a Russian citizen without dual citizenship or permanent residence in another country. It was also added that the Ombudsman must not open an account or deposit

⁷¹ See UN Human Rights Committee, Eighth report submitted by the Russian Federation under article 40 of the Covenant, due in 2019, 8 April 2019, UN Doc. CCPR/C/RUS/8, paras. 374-376: “[The] constitutional and legal intent [of the legislation] is to defend constitutionally significant values such as the family and childhood and to prevent harm to the health of minors and their moral and spiritual development. It does not entail interference in individual autonomy, including sexual self-determination. The purpose of the provision is not to prohibit or officially stigmatize non-traditional sexual relations and it does not hinder public discussion on the legal status of sexual minorities or the use by their representatives of all legal means of expressing their opinion on these issues and defending their rights and interests, including by organising and holding public events. The only acts that can be deemed unlawful are public acts intended to disseminate information promoting non-traditional sexual relations among minors or imposing such relations on them, including as a result of the circumstances in which the act was committed. This has allowed for a balance to be reached between the rights of sexual minorities and the rights of minors.”

⁷² UN Human Rights Committee, Replies of the Russian Federation to the List of Issues in Relation to its Eighth Periodic Report, 16 December 2020, UN Doc. CCPR/C/RUS/RQ/8, para. 124: “The requirement for a foreign agent to apply for inclusion on the applicable register before engaging in political activity is intended simply to ensure greater transparency and openness in the activities of such organisations. This obligation in itself does not violate the right the rights of such non-profit organisations.”

⁷³ Constitutional Court, decision no. 21-P of 14 July 2015.

⁷⁴ Venice Commission, Opinion on Draft Amendments to the Constitution (As Signed by the President of the Russian Federation on 14 March 2020) Related to the Execution in the Russian Federation of Decisions by the European Court of Human Rights, 18 June 2020, CDL-AD (2020)009 (hereinafter VC 2020 Opinion on Execution of ECtHR Decisions)

⁷⁵ Constitutional Court, decision no. 1-P of 19 January 2017 (with one dissenting and one concurring opinion).

⁷⁶ Constitutional Court, decision of the Russian Federation no. 12-P of 19 April 2016 (on the non-execution of Anchugov and Gladkov v. Russia (prisoners' voting rights), with two dissenting and one concurring opinion).

⁷⁷ In Russian: Уполномоченный по правам человека.

⁷⁸ Federal Constitutional Law no. 1- FKZ of 26 February 1997 “On the Human Rights Ombudsman in the Russian Federation”.

⁷⁹ Art. 1 of Federal Constitutional Law no. 1-FKZ of 26 February 1997 “On the Human Rights Ombudsman in the Russian Federation”.

money in banks outside the Russian Federation, a prohibition that reflects the restrictive position of the “Foreign-Agent” legislation.⁸⁰

There are ombudspersons on the federal level and on the regional level. They have quite comprehensive powers, especially the right to turn to each State organ with concrete complaints.⁸¹ There are different assessments of the effectiveness of the federal and regional ombudsmen’s work in the present situation in Russia. The role of the ombudsman on the federal level is described in the OSCE November 2018 Report on Chechnya where it is said “she does indeed have far-reaching powers, which, however, seem limited in practice”, but this statement is made with reference to the context in Chechnya.⁸² The Ombudsman’s Report for the year 2021 published on the official website provides a comprehensive overview over the Ombudsman’s activities including in the field of civil and political rights. By way of example, Part 2.4. of the report covers freedom of expression and protection of journalists. It mentions the arrests of journalists during mass demonstrations in the beginning of the year 2021 as follows:

“In communications on violations of the rights of journalists on the territory of the Russian Federation of the Russian Federation, it has been reported that journalists have been detained by the Russian law enforcement authorities in connection with their professional activities, that obstacles have been erected to the search for information, that journalists were denied access to information, were not allowed to attend public meetings of government bodies, and that rules on picketing were violated. Most of the complaints concerned the detention of journalists covering public events in January-February 2021. According to estimates by the Union of Journalists of Russia, more than 100 media representatives were detained and sentenced to imprisonment during unauthorised actions on 23-31 January and 2 February 2021; in addition, cases of unlawful demands for documents and the use of physical force are reported. We have continuously monitored the situation and taken measures to protect citizens' rights.”⁸³

The report continues highlighting one case in which a journalist’s conviction to an arrest of four respectively ten days was reviewed and terminated on the initiative of the prosecutor’s office as several facts of the case had not been correctly assessed.⁸⁴ There is, however, no further comment on the detention of more than 100 media representatives. This seems to be exemplary – human rights problems are mentioned, even providing statistics, but serious counter-measures were not taken.

According to the Ombudsman’s recent newsletters the focus of her work is on social rights such as social benefits, family reunification, care for seriously ill people, and the alleviation

⁸⁰ See below.

⁸¹ See for a comprehensive description the OSCE November 2018 Report , p. 31.

⁸² OSCE November 2018 Report, p. 32; e.g. she supported the opening of a procedure in a case of abduction, but without success (OSCE November 2018 Report p. 15); she also supported transferring a case out of Chechnya, but also without success, (OSCE November 2018 Report p. 25).

⁸³ Ombudsman of the Russian Federation, Annual Report of the Ombudsman for the Year 2021, <https://ombudsmanrf.org/documents/ezhegodnye-doklady>, p. 132.

⁸⁴ Ombudsman of the Russian Federation, Annual Report of the Ombudsman for the Year 2021, <https://ombudsmanrf.org/documents/ezhegodnye-doklady>, p. 133.

of the fate of prisoners; in 2022 it was much centered on humanitarian help in Donbass region.⁸⁵

The Rapporteur's conclusion is therefore that in the human rights crisis studied in the present report the federal Ombudsman does not play a visible role. The Rapporteur was told that on the regional level it might be different. There are (few) examples of ombudsmen directly addressing urgent problems.⁸⁶

c) Presidential Council on the Development of Civil Society and Human Rights

According to the Russian Constitution (Article 80 (2)) the Russian President is the "guarantor of human rights and freedoms". The attribution of this responsibility to the President is in line with the vertical power structure – whatever competence is given to other State organs, the President must have the final word and be on the top of the hierarchical pyramid.

In this context it is worth mentioning the Presidential Council on the development of civil society and human rights which is an advisory body. It was established to assist the head of State in implementing his/her constitutional mandate to safeguard and protect human and civil rights and freedoms, to inform the President of the Russian Federation about the situation on the ground, to assist the development of civil society institutions, and to prepare proposals to the President on issues within the Council's competence.⁸⁷ Several standing commissions of the Council deal with political and civil rights issues.⁸⁸

The Council may adopt "expert opinions", if they are supported by at least half of the Council's members. If this quorum is not reached, members may also adopt statements "on behalf of the Council". In the past some of the Council's expert opinions were critical of new restrictive laws and were taken up by international monitoring bodies, such as the expert opinion on the reform of Article 20.1 of the Code of Administrative Offences (hereinafter CAO) concerning a sanction for the dissemination of "indecent" information in the internet⁸⁹ which was cited by UN Special Rapporteur David Kaye in his assessment.⁹⁰

⁸⁵ See Ombudsman of the Russian Federation, Newsletter of the Ombudsman, https://eng.ombudsmanrf.org/news/we_did_it.

⁸⁶ See e.g. Perm: "Statement by the Regional Ombudsman P. Mikov in connection with a lawsuit filed by the Prosecutor General's Office with the Supreme Court to liquidate 'Memorial'" (Russian), <https://ombudsman.perm.ru/news/2021/11/12/9044/?ysclid=l7akmdw1k9136610351>; Ekaterinburg: T. Merzlyakova in an interview with Kommersant-Ural, "Russia Is a Special Country that Has Never Lived up to the Law" (Russian), <https://www.kommersant.ru/doc/5127613>.

⁸⁷ <http://www.president-sovet.ru/about/mission/>.

⁸⁸ Standing Commission 2 on Personal Rights, <http://www.president-sovet.ru/about/permanent/1064/about/>; Standing Commission 3 on Political Rights, <http://www.president-sovet.ru/about/permanent/1046/about/>; Standing Commission 7 on Human Rights in the Field of Information, <http://www.president-sovet.ru/about/permanent/1058/about/>.

⁸⁹ Expert Opinion to the law "On Amendments to the Federal Law "On Information, Information Technologies and Information Protection Information Protection" and the Law "On the Introduction of Amendments to Article 20.1 of the Code of the Russian Federation On Administrative Violations" adopted by the State Duma (Russian), http://www.presidentsovet.ru/docs/expert_conclusions/ekspertnoe_zaklyuchenie_na_zakon_o_vnesenii_izmeneniya_v_fz_ob_informatsii_informatsionnykh_tekhnolo/.

⁹⁰ UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Letter, 1 May 2019, OL RUS 4/2019.

After 24 February 2022, the Council raised the issue of sending conscripts instead of soldiers under contract to fight in Donbass. The Military Prosecutor's Office was instructed to check these facts with the effect that some soldiers were returned to Russia.⁹¹ Other recent examples for the topics the Council deals with were the opening of clinics for homeless people and vaccinating them against COVID-19, the problem of "Gulag children" (return of repressed children to their parents), stopping the construction of buildings in environmentally sensitive areas, helping children with serious illnesses purchase of rare and expensive medicines by the State.⁹²

It is also important to mention that the Presidential Council made a critical analysis of the "foreign-agent" legislation,⁹³ even if not the whole Council signed up to it, but only some of its commissions. The analysis was submitted to the State Duma through the Presidential Administration; according to information provided many recommendations were ignored by lawmakers, some were taken into account.⁹⁴ Other statements were made by individual members, e.g., on soldiers who wanted to annul their contract, but were detained in Donbass,⁹⁵ or also on the consequences of the war in Ukraine.⁹⁶ There is also the possibility – even without being provided for by law – that members of the Council send amicus curiae opinions to the Supreme and Constitutional courts on important matters.

⁹¹ See the statement of Peskov: "In connection with the facts of the presence of a number of conscripts in units of the Armed Forces which are involved in a special military operation in Ukraine, material have been sent to the Chief Military Prosecutor's Office on the order of the Russian President to check and legally assess the actions and punish the officials responsible for the failure to comply with this order", see "Putin Orders Military Prosecutor's Office to Look into Situation with Sending Conscripts to Ukraine" (Russian), <https://tass.ru/politika/14013917>.

⁹² Some of the topics were taken up by President Putin in the Meeting of the Council for Civil Society and Human Rights Development on 21 December 2021, <http://www.kremlin.ru/events/president/news/67331>; e.g. M. Achmedova regarding hospitals and vaccinations for homeless people; "Gulag children": the Council opposed to the Project on the Federal Law no. 988493-7 "On Amendment of Article 13 of the Law of the Russian Federation 'On Rehabilitation of Victims of Political Repressions'" (currently at the stage of the third reading), <https://sozd.duma.gov.ru/bill/988493-7>; "State Duma considers in first reading bills on 'Gulag children'" (Russian), <https://www.memo.ru/ru-ru/projects/pravo-vernutsya-domoj/news/494>; environment: "Shies" Eco-Technopark in the Arkhangelsk region, where a large landfill is planned for the disposal, recycling and treatment of waste from the Moscow region was taken under the monitoring of the Council, 26 November 2018, http://www.president-sovet.ru/presscenter/news/soveto_po_pravam_cheloveka_vzyl_pod_kontrol_situatsiyu_so_stroitelstvom_ekotekhnoparka_shies_v_arkha/; influenced the Presidential Decree no. 16 of 5 January 2021 "On the Establishment of the Circle of Kindness Fund to Support Children with Severe Life-Threatening and Chronic Illnesses, including Rare (Orphan) Illnesses, <https://www.garant.ru/products/ipo/prime/doc/400068476/>; e.g. http://www.president-sovet.ru/presscenter/news/fond_krug_dobra_odobril_zakupku_trekh_preparatov_dlya_detey_so_sma/.

⁹³ See on this initiative: "Expert Opinion on the Draft Federal Law 'On the Control of Activities of Persons under Foreign Influence'" (Russian), http://www.president-sovet.ru/members/blogs/post/ekspertnoe_zaklyuchenie_na_proekt_federalnogo_zakona_o_kontrole_zadeyatelnostyu lits_nakhodyashchikh/.

⁹⁴ The Rapporteur could not verify the relevant changes.

⁹⁵ "In Pre-Trial Detention and Pits'. Members of Putin's Human Rights Council Denounce Unlawful Detention of Military Conscientious Objectors in Donbas" (Russian), <https://www.bbc.com/russian/news-62350702>.

⁹⁶ "Basic Rights Should not be Subject to Additional Restrictions" (Russian), <https://memohrc.org/ru/monitorings/osnovnye-prava-ne-dolzny-podvergatsya-dopolnitelnym-ogranicheniyam>: "We, the members of the Presidential Council for the Development of Civil Society and Human Rights, do not make political assessments or proposals. But we do note that at least hundreds of Russian and Ukrainian citizens have already died, and that many social and individual rights of citizens and human beings have been jeopardised by all the recent events." This statement was made on 7 March 2022 by 12 out of 47 members.

The effectiveness of the work of the Presidential Council is controversial. As a consultative body its authority as an institution mostly depends on the authority of its members and the president. The change in the composition of the Council by Presidential Decree in 2019⁹⁷ was seen as a “purge”;⁹⁸ some human rights defenders left as they saw the Council as a legitimisation of repressive State policy; others nevertheless stayed.

d) Public Oversight Committees⁹⁹

The Public Oversight Committees established in 2008 have the task of monitoring the situation in penal institutions and preventing torture and inhuman treatment.¹⁰⁰ They were modelled on the "Visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment" (national preventive mechanism) under Article 3 of the Optional Protocol to the Convention against Torture,¹⁰¹ but differ from them in important aspects. Committee members visit places of detention, receive complaints from detained persons and may hold (non-confidential) interviews with them. They can make non-binding recommendations to the authorities.

The Public Oversight Committees operate on a sub-federal level and are formed by the Civil Chamber.¹⁰² The system and the criteria for selection and appointment of the members are, however, not transparent and inclusive.¹⁰³ Furthermore, the members are not paid or reimbursed for their expenses. These factors limit the effectiveness of Public Oversight Committees and their ability to protect the rights of people in detention.¹⁰⁴

With the entry into force of the reform law on “Foreign Agents”¹⁰⁵ those qualified as “persons under foreign influence” are prohibited from being members of monitoring commissions. Since more or less all relevant independent NGOs are now so labelled, it is to be expected that the last independent members will also be excluded from the Public Oversight Committees, thus reducing their influence on human rights protection.

⁹⁷ Presidential Decree no. 512 of 21 October 2019 “On the Change in the Composition of the Presidential Council for Civil Society and Human”.

⁹⁸ “Human Rights Activists call the Changes in the HRC a big Blow and a Demolition” (Russian), <https://www.interfax.ru/russia/681208>.

⁹⁹ In Russian: Общественные наблюдательные комиссии (ОНК).

¹⁰⁰ See Federal Law no. 76-FZ of 10 June 2008 “On Public Monitoring of Human Rights in Places of Enforced Detention and on Assistance to Persons Held in Places of Enforced Detention”.

¹⁰¹ The Russian Federation has not ratified the Optional Protocol.

¹⁰² In Russian: Общественная палата.

¹⁰³ In 2016, the new composition of the Public Oversight Committee of Moscow caused a wide public discussion as many active members of the Committee (e.g. a representative of Memorial) were not elected; see “The Committee's ‘Debate’” (Russian), <https://polit.ru/article/2016/10/24/onk/>. According to information given during interviews, in the present, there are very few active human rights activists on the Committees, more representatives of state-associated initiatives, former civil servants, or representatives of “traditional” religious organisations. But the situation is regionally different.

¹⁰⁴ See Citizens’ Watch, “An Overview of Torture Prevention Systems in Russia, Lithuania, Sweden and Norway” (Russian), <https://citwatch.org/obzor-nezavisimyh-mehanizmov-predotvrashheniya-pytok-v-mestah-prinuditel-nogo-soderzhaniya-v-rossii-litve-shveczii-i-norvegii/>, p. 10.

¹⁰⁵ See below.

e) Interaction between Constitutional and International Law

The Russian Constitution of 1993 was very open towards international law. Article 15 (4) of the Constitution integrates international law in the Russian legal order and grants “universally-recognised norms of international law and international treaties and agreements” a rank above ordinary law. Article 17 (1), 69 (1) of the Constitution specifically refer to internationally recognised human and specifically minority rights. The participation in interstate associations was only restricted in case of a “limitation of the rights and freedoms of man and citizen [or a contradiction to] the principles of the constitutional system of the Russian Federation” (Article 79 of the Constitution).

Even though Article 15 (4), 17 (1), 69 (1) of the Constitution were not amended,¹⁰⁶ the Constitutional Amendments of 2020¹⁰⁷ challenged this openness. The new version of Article 79 of the Constitution states that “decisions of interstate bodies adopted on the basis of provisions of international treaties of the Russian Federation in their interpretation contradicting the Constitution of the Russian Federation shall not be enforceable in the Russian Federation.” The legislator then introduced similar provisions in several laws including laws on vulnerable groups, ecological questions, defence, extremism, and terrorism.¹⁰⁸ The competence to review the constitutionality of the aforementioned decisions of interstate bodies now explicitly lies with the Constitutional Court (Article 125 (5.1) (6) of the Constitution). The Venice Commission found these reforms alarming.¹⁰⁹

The overview of State institutions charged with protecting human rights shows that good approaches have not been followed up. As the authorities feared that these institutions could substantially criticise human rights violations and influence policy, the rules of procedure and the staffing of the competent institutions were changed. As a result, they do not seem to be developing their full capacity for effective human rights protection at present, but rather prioritise uncontroversial topics in the social sphere. They are thus not a counterweight in the current crisis.

II) Freedom of Association – Legislation and practice

1) Constitutional Guarantee of Freedom of Association

The constitutional guarantee of freedom of association, Article 30 of the Russian Constitution of 1993, reads as follows:

¹⁰⁶ The Chapters 1, 2 and 9 of the Russian Constitution cannot be amended, see Art. 135 (1), (2) of the Constitution.

¹⁰⁷ Federal Constitutional Law no. 1-FKZ of 14 March 2020 “On Enhancement of Regulations Concerning Specific Questions of Organisation and Functioning of Public Authority” (approved by referendum on 01 July 2020).

¹⁰⁸ Federal Law no. 429-FZ of 8 December 2020 “On Amendments to Certain Legislative Acts of the Russian Federation”.

¹⁰⁹ A detailed analysis of the amendments to Art. 79, 125 of the Russian Constitution and of the previous jurisdiction of the Constitutional Court is provided by VC 2020 Opinion on Execution of ECtHR Decisions.

- “1. Everyone shall have the right to association, including the right to create trade unions for the protection of his or her interests. The freedom of activity of public association shall be guaranteed.
2. No one may be compelled to join any association and remain in it.”

The provision has never been amended. Restrictions are possible on the basis of the general clause contained in Article 55 of the Russian Constitution, which reads as follows:

- “1. The listing in the Constitution of the Russian Federation of the fundamental rights and freedoms shall not be interpreted as a rejection or derogation of other universally recognised human rights and freedoms.
2. In the Russian Federation no laws shall be adopted cancelling or derogating human rights and freedoms.
3. The rights and freedoms of man and citizen may be limited by the federal law only to such an extent to which it is necessary for the protection of the fundamental principles of the constitutional system, morality, health, the rights and lawful interests of other people, for ensuring defence of the country and security of the State.”

In recent years several restrictive measures on freedom of association were enacted on the basis of new legislation. The most important laws are the legislative acts on “foreign agents” and on “undesirable organisations”.

All these legislative acts will be analysed in the following chapters.

2) “Foreign-Agent” Legislation

a) Starting Point of the “Foreign-Agent” Legislation

The foreign-agent legislation is the centrepiece of the Russian legislation on the status and activities of civil society organisations. It has been the object of several thorough international expert analyses between its entry into force in 2012 and 2021;¹¹⁰ the last

¹¹⁰ There are three reports of the Venice Commission, the first one in 2014: Venice Commission, Opinion on Federal Law no. 121-FZ on Non-Commercial Organisations (“Law on Foreign Agents”), on Federal Laws no. 18-FZ and no. 147-FZ and on Federal Law no. 190-FZ on Making Amendments to the Criminal Code (“Law on Treason”), 27 June 2014, CDL-AD(2014)025 (hereinafter VC 2014 Opinion on Foreign-Agent-Legislation); the second one in 2016: Venice Commission, Opinion on Federal Law no. 129-FZ (Federal Law on Undesirable Activities of Foreign and International Non-Governmental Organisations), 13 June 2016, CDL-AD(2016)020 (hereinafter VC 2016 Opinion on Foreign-Agent-Legislation), and the third one in 2021: Venice Commission, Opinion on the Compatibility with International Human Rights Standards of a Series of Bills Introduced by the Russian State Duma Between 10 and 23 November 2020 to Amend Laws Affecting “Foreign Agents”, 6 July 2021, CDL-AD(2021)027 (hereinafter VC 2021 Opinion on Foreign-Agent-Legislation); there are two analyses by the Council of Europe Expert Council on NGO Law, Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Russian Legislation Affecting NGOs, 19 February 2021, CONF/EXP(2021)1, at <https://rm.coe.int/expert-council-conf-exp-2021-1-opinion-amendments-to-russian-legislati/1680a17b75> and <https://www.coe.int/fr/web/ingo/expert-council-on-ngo-law-country-study-on-ngo-legislation-in-the-russian-federation>; there are three analyses by the European Commissioner of Human Rights: Council of Europe Commissioner for Human Rights, Opinion of the Commissioner for Human Rights on the Legislation of the Russian Federation on Non-Commercial Organisations in Light of Council of Europe Standards, CommDH(2013)15, 15 July 2013, para. 57 (hereinafter Commissioner 2013 Opinion on Foreign-

amendments in 2022 have been reviewed internally by Russian experts,¹¹¹ but not yet by international experts. It is therefore not necessary to add another expert report on this comprehensive legislation adopted before 2022, but rather to summarise the main tendencies in the development of the law, to dwell on the latest developments and to reflect on the consequences for civil society in Russia.

In 1995 the Law “On Non-Commercial Organisations” (NCO Act) was adopted.¹¹² It provided a general regulatory framework for the activities of non-profit organisations.¹¹³ In 2012, it was substantially changed by the adoption of the so-called “Foreign Agents Act”¹¹⁴ which introduced a series of changes to other laws¹¹⁵ as well.

Since 2012, this legislation on “foreign agents” has been repeatedly reformed at short intervals.¹¹⁶ The last comprehensive reform was undertaken in July 2022 and will enter into force on 1 December 2022.¹¹⁷ It consolidated the former legislative acts under the title “On the control of the activities of persons under foreign influence” and broadened the original concept of “foreign agent”¹¹⁸ replacing it by “persons under foreign influence”.¹¹⁹

In the present, the “foreign agent” legislation is not only the decisive instrument regulating and restricting all NGO activities in Russia, but it has also become an instrument for regulating and restricting media activities¹²⁰ and political and social activities of individuals.

The basic concept, as developed in 2012, did not directly prohibit certain socio-social activities considered to be “political”, nor did it prohibit foreign funding of such activities.

Agent-Legislation); Council of Europe Commissioner for Human Rights, Statement, 13 July 2017, <https://www.coe.int/en/web/commissioner/-/the-russian-federation-s-law-on-foreign-agents-contravenes-human-rights> (hereinafter Commissioner 2017 Opinion on Foreign-Agent-Legislation); Council of Europe Commissioner for Human Rights, Statement, 7 December 2020, <https://www.coe.int/en/web/commissioner/-/commissioner-for-human-rights-calls-on-the-state-duma-to-refrain-from-adopting-legislation-which-violates-the-rights-of-ngos-and-civil-society-activis> (hereinafter Commissioner 2020 Opinion on Foreign-Agent-Legislation); and there Council of Europe Commissioner for Human Rights, Third party intervention, 5 July 2017, CommDH(2017)22 (intervention in ECtHR, 14 July 2022, Case of Ecodefence and others v. Russia, app. nos. 9988/13 et al).

¹¹¹ The Rapporteur was given two draft analyses that have not yet been published.

¹¹² Federal Law no. 7-FZ of 12 January 1996 "On Non-Commercial Organisations" (hereinafter NCO Act)

¹¹³ Changes to the law were seen critically by the international community already in 2006; see UN Human Rights Committee, Concluding Observations on the sixth periodic report of the Russian Federation, 24 November 2009, UN Doc. CCPR/C/RUS/CO/6, para. 26.

¹¹⁴ Law no. 121-FZ of 13 July 2012 “On Entering Amendments to Individual Legislative Acts of the Russian Federation in the Part Regulating the Activities of Non-Commercial Organisations Performing the Functions of a Foreign Agent” (hereinafter “Foreign Agents Act”).

¹¹⁵ The Law on Public Associations, The Criminal Code, the Code on Administrative Offences, and the Law on the Laundering of Crime Proceeds to Finance Terrorism.

¹¹⁶ Federal Law no. 121-FZ of 20 July 2012; Federal Law no. 305-FZ of 14 October 2014; Federal Law no. 304 FZ of 3 November 2015; Federal Law no. 327-FZ of 25 November 2017; Federal Law No. 426-FZ of 2 December 2019; Federal Law no. 481-FZ of 30 December 2020; Federal Law no. 525-FZ of 30 December 2020; Federal Law no. 255-FZ of 14 July 2022.

¹¹⁷ Federal Law 255-FZ of 14 July 2022 "On the Control of Activities of Persons under Foreign Influence".

¹¹⁸ In Russian: Иностраннй агент.

¹¹⁹ In Russian: “находящихся под иностранным влиянием”; it includes “persons getting support from abroad and/or being otherwise under foreign influence”.

¹²⁰ Restrictions on the media under the foreign-agent-legislation will be considered below.

However, a distinction was introduced between two types of NGOs: NGOs that do not receive funding from foreign sources and NGOs that do receive funding from foreign sources. While the former were privileged and their activities were supported and facilitated, the latter were hindered in their activities to such an extent that their work became very difficult or even impossible.

According to the 2012 legislation this aim was achieved by the following indirect means:

First, there is an element of stigmatisation in the choice of the term "foreign agent". Due to experiences in Soviet/Russian history, the perception of "foreign agents" as "enemies" is widespread in Russia,¹²¹ at least unconsciously, and thus stigmatises activities that should actually be supportive and helpful to society.

Secondly, and closely related to the first point, NGO's classified as "foreign agents" are obliged to label all their publications and communications in order to make their potential "dangerousness" clear; even the size of the labels has been specified by law.

Thirdly, the granting of "foreign agent" status is fraught with very negative consequences, as NGOs classified as "foreign agents" have to comply with burdensome administrative, accounting and reporting obligations, with severe penalties always looming in case of errors or omissions.

Fourthly, their radius of action is significantly narrowed, as many activities such as support for election campaigns or cooperation with political parties are prohibited for foreign agents.

And fifthly, "foreign agents" are under intense scrutiny by the authorities; the law provides for both scheduled and unscheduled inspections by the Ministry of Justice.

Therefore, it is decisive which NGOs are considered to be "foreign agents" and – according to the 2012 version of the law – have to file an application with the Ministry of Justice to be included on the respective register.

The definition of "foreign agent" has been amended several times. In 2012 it was defined as follows.

“(...) a Russian non-commercial organisation receiving funds and other property from foreign States, their governmental bodies, international and foreign organisations, foreign nationals, stateless persons or persons authorised by [any of the above], or Russian legal entities receiving funds and other property from the above-mentioned sources (...) ('foreign sources') and which engages in political activity, including political activity carried out in the interests of foreign providers of funds, in the territory of the Russian Federation.”¹²²

¹²¹ See VC 2021 Opinion on Foreign-Agent-Legislation, para. 46; see also Commissioner 2020 Opinion on Foreign-Agent-Legislation, para. 57: “The use of the term ‘foreign agent’ (inostranniy agent) is of particular concern to the organisations affected by the implementation of the Law on Foreign Agents, since it has usually been associated in the Russian historical context with the notion of a ‘foreign spy’ and/or a ‘traitor’ and thus carries with it a connotation of ostracism or stigma.”

¹²² Art. 2 (6) of the NCO Act.

The definition thus comprised two components: receipt of foreign funds and participation in political activities.

In 2012 “political activity” was defined as follows:

“A non-commercial organisation, except for a political party, is considered to carry out political activity if, regardless of its statutory goals and purposes, it participates (including financially) in the organisation and implementation of political actions in order to influence State authorities’ decision-making process that affect State policy and public opinion.”¹²³

Several activities were, however, excluded from this broad notion of “political activity”:

“science, culture, the arts, healthcare, the prevention of diseases and the protection of health, social security, the protection of motherhood and childhood, the social support of disabled persons, the promotion of a healthy lifestyle, physical well-being and sports, the protection of flora and fauna, charitable activities, and the assistance of charities and voluntary organisations.”¹²⁴

Already this first version of the “Foreign Agents” Act contains vague terms that are open to narrower or broader interpretation. It is important to note that there is no minimum threshold for funding, there is no requirement for the NGO to act in the interest of a foreign principal – which might have to be proven – and there is no restriction of the law’s application with a view to the source of foreign funding, be it by a private individual, by an institution or by a State.

The Russian authorities’ main argument for adopting the law was the need for transparency. According to the government’s explanation in the dialogue with the Venice Commission, the law represented an “improvement” and served to “protect human and civil rights and freedoms, as well as the interests of society and the State protected by law”, but without specifying what these were.¹²⁵ Further, they argued that the law did not prohibit or restrict to engage in free debate and public activities,¹²⁶ and that similar laws had been adopted elsewhere.¹²⁷ The Russian Constitutional Court upheld the law with minor modifications.¹²⁸

The non-registration of an organisation as “foreign agent” despite fulfilling the conditions according to the law is punishable with fines of up to 300,000 roubles or up to two years deprivation of liberty.¹²⁹ More generally, the fulfillment of all the obligations under the law is secured on the basis of the Criminal Code (CC) as well as the Code of Administrative Offences (CAO). The submission of incorrect information,¹³⁰ the organisation of events

¹²³ Emphasis added.

¹²⁴ Art. 6 (2) of the NCO Act.

¹²⁵ VC 2021 Opinion Foreign-Agent-Legislation, para. 44, Fn. 107.

¹²⁶ The Russian opinion is quoted in ECtHR, *Ecodefence and others v. Russia*, 14 June 2022, app. nos. 9988/13 et al., para. 79.

¹²⁷ See ECtHR, *Ecodefence and others v. Russia*, 14 June 2022, app. nos. 9988/13 et al., para. 114.

¹²⁸ JConstitutional Court, decision no. 10-P of 8 April 2014.

¹²⁹ See Art. 330.1 CC.

¹³⁰ See Art. 19.7.5-2 CAO.

without registration¹³¹ as well as the failure to label publications correctly¹³² is sanctioned by administrative fines.¹³³

b) Reforms between 2012 and 2021

The basic 2012 legislation on “foreign agents” was subsequently constantly amended. As a rule, the reform laws changed detailed regulations in a whole series of laws such as the Law on Associations, the Criminal Code and the Code of Administrative Offences. This made the system very complex and difficult to assess in its entirety.

While in the beginning the focus of the foreign-agent legislation was more on the exercise of “freedom of association” as only NGOs were targeted, for example the Golos Association (2013) or Memorial (2014), due to the changes it became also very relevant for the exercise of “freedom of expression”. Thus, in 2017 the definition of “foreign agent” was extended to include also the mass media, both Russian and foreign. Since then mass media outlets as, for example, Voice of America (2017), Radio Liberty (2017), TV Rain (Dozhd) (2021), Meduza (2021) and Rosbalt (2021) were declared foreign agents.

Since 2019 the law applies to individual persons if they “disseminate information to an unspecified number of people and receive funding from abroad.” It thus mainly targets bloggers and journalists, not only those who live in Russia, but also those who live abroad, but publish in Russia.¹³⁴ Bloggers and journalists declared as foreign agents are, for example, Lyudmila Savitskaya (2020), Denis Kamalyagin (2020), Yulia Apukhtina (2021), Taisiya Bekbulatova (2021) and Yuri Dud (2022).

As of 2020, even non-registered associations can be classified as “foreign agents”.¹³⁵ This also applies to foreigners intending to carry out activities linked to the performance of the functions of a foreign agent after their arrival.¹³⁶ The reform of 2020 creates a new designation, the “foreign agent by affiliation”. Although they do not have the same obligations as “foreign agents”, in elections the affiliation has to be clearly shown, even on the ballots.¹³⁷ Finally, in 2022 commercial companies are included as well.¹³⁸

While in the original version of the law precondition for the qualification as “foreign agent” is the receipt of money from foreign sources, according to the 2020 version of the law the money can also come from Russian legal entities, whose beneficial owners are foreign citizens or stateless persons.¹³⁹ The actual receipt of the money is no longer necessary, but it

¹³¹ See Art. 19.34 (1) CAO.

¹³² See Art. 19.34 (2) CAO.

¹³³ Art. 19.7.5-2 CAO: fine of between 100,000 roubles and 300,000 roubles; Art. 19.34 (1), (2) CAO: fine of between 300,000 roubles and 500,000 roubles.

¹³⁴ See VC 2021 Opinion Foreign-Agent-Legislation, para. 17.

¹³⁵ See VC 2021 Opinion Foreign-Agent-Legislation, para. 37, fn. 75.

¹³⁶ See VC 2021 Opinion Foreign-Agent-Legislation, para. 37, fn. 87.

¹³⁷ See VC 2021 Opinion Foreign-Agent-Legislation para. 37, fn. 94.

¹³⁸ See Art. 1 (2) of the Federal Law 255-FZ of 14 July 2022 "On the Control of Activities of Persons under Foreign Influence" according to which legal entities can be recognised as foreign agents regardless of their legal form.

¹³⁹ See VC 2021 Opinion Foreign-Agent-Legislation, para. 36.

is deemed sufficient to intend to receive money from foreign sources. In the 2020 reform the receipt of money is replaced by the receipt of “organisational and methodological support”.¹⁴⁰ Furthermore, the collection of specific information, not classified as “State secrets”, is another way of becoming registered as “foreign agent”. The list of information has been drawn up by an order of the Federal Security Service.¹⁴¹ It is very broad and contains very general information on defence issues such as the conditions of military service, public procurement in the military sector, compliance by Russian military officials, but also information on the conclusion, termination and compliance with international treaties.¹⁴²

Finally, in the 2022 reform, the link between “foreign agents” and money transfer is abandoned and replaced by some kind of influence from abroad.¹⁴³

However, the legislative reforms not only change the aspect of receiving “foreign funds” as a prerequisite for being classified as a “foreign agent”, but also broaden the concept of “political activity”. In the 2016 reform it is clarified what is meant by “participation (including financially) in the organisation and implementation of political actions”. It is explained that this relates to the engagement “in activities in the fields of statehood, the protection of the Russian constitutional system, federalism, the protection of the Russian Federation’s sovereignty and territorial integrity, the rule of law, public security, national security and defence, external policy, the Russian Federation’s social, economic and national development, the development of the political system, the structure of State and local authorities, [or] human rights, ...”.¹⁴⁴

The 2016 reform further specifies the ways in which such political activity can be carried out, e.g. by organising demonstrations, submitting public petitions or conducting opinion polls and publishing the results, or by funding such activities.¹⁴⁵ Since then organisations such as Sova (2016), the Yuri Levada Analytical Center (2016) and Sphere (2016) were declared “foreign agents”.

Here, too, the 2022 reform brings a major change that reverses the rule and the exception: everything is considered “political” unless proven otherwise.¹⁴⁶

¹⁴⁰ See VC 2021 Opinion Foreign-Agent-Legislation, para. 37, Fn. 78.

¹⁴¹ Federal Security Service, Order no. 379 of 28 September 2021 “On Approval of the List of Information in the Field of Military, Military-technical Activities of the Russian Federation which, if Obtained by a Foreign State, its State Bodies, International or Foreign Organisation, Foreign Nationals or Stateless Persons may be Used Against the Security of the Russian Federation.”

¹⁴² For more details on the information see “FSB Approves List of Information that can be Recognised as a ‘Foreign Agent’ for Collecting it” (Russian), <https://www.svoboda.org/a/fsb-utverdila-spisok-svedeniy-za-sbor-kotoryh-mogut-priznatj-inoagentom/31487309.html>.

¹⁴³ See below.

¹⁴⁴ Art. 2.6 of the Federal Law no. 7-FZ of 12 January 1996 “On Non-Commercial Organisations” – amended in 2016 by Federal Law no 179-FZ of 2 June 2016 “On Amendments to Art. 8 of the Federal Law ‘On Public Associations’ and Art. 2 of the Federal Law ‘On Non-Commercial Organisations’”.

¹⁴⁵ Art. 2.6 of the Federal Law no. 7-FZ of 12 January 1996 “On Non-Commercial Organisations” – change 2022 by Federal Law no. 255-FZ of 14 July 2022 “On the Control of Activities of Persons under Foreign Influence”.

¹⁴⁶ See below.

But not only is the term "foreign agent" extended to all civil society actors;¹⁴⁷ in addition, the initiative to assess qualification as a "foreign agent" is transferred from those concerned to the Ministry of Justice. With the 2014 reform the Ministry of Justice has the power to add NGO's to the register of "foreign agents" if it considers that an organisation meets the criteria set out in the Act without waiting for an application to be made.¹⁴⁸ While recourse to courts is open, courts are not involved in deciding on the fulfilment of the preconditions for registration.¹⁴⁹

Another focus of the reform legislation is to increase the administrative and bureaucratic burdens. The duties linked to registering, auditing and reporting as well as the labelling obligations for all material used are becoming so complicated and cumbersome that they are ultimately almost impossible to fulfil.

At the same time, direct control and interference with civil society activities increases with each reform step. The intervals at which reports have to be rendered to the Ministry of Justice get shorter; first biannual or annual reports are required, then reports on "political activities" are due two times per year. First, it is necessary to hand in support documents on events and report on their implementation. Then the material has to be provided ex ante so that the Ministry of Justice can decide whether a specific program may be implemented or not. What is understood under "control" is thus close to classical censorship. In case of non-compliance liquidation is possible. Furthermore, unplanned inspections are possible. Here, the authorities' power was also enlarged in 2014 and once again in 2020. Since 2014, the reason for such unplanned inspections can be that "the activities do not correspond to the statutory aims and tasks of its activities". Since 2020 such inspections may last of up to 45 days.

Furthermore, the restrictions on the activities of those declared "foreign agents" get more important with each reform step. Right from the beginning, taking part in campaigning cooperating with political parties and giving donations and taking part in specific forms of monitoring is prohibited. With the next reform step "foreign agents" are excluded from the category of "providers of socially useful services". They are banned from registering in residential areas, from holding or financing assemblies and, since 2022, even from teaching

¹⁴⁷ The list of foreign agents includes organisations and individuals from different areas, e.g. 28 social and education projects and initiatives, 19 research institutions or academics, 32 environmental protection organisations or activists, 15 from the field HIV Prevention and Drug Addiction Care and 9 ethnic organisations and individuals for the support of indigenous people.

¹⁴⁸ Art. 32 (7) of the NCO Act introduced through Federal Law no. 147-FZ of 4 June 2014 "On Amending Article 32 of the Federal Law 'On Non-Commercial Organisations'".

¹⁴⁹ See on this point the criticism of the UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, 28 April 2015, UN Doc. CCPR/C/RUS/CO/7, para. 22: "The Committee notes with concern that the definition of "political activity" in the law is very broadly construed and allows the authorities to register as foreign agents, without their consent or a court decision, non-governmental organisations (NGOs) conducting diverse activities related to public life."

in State institutions.¹⁵⁰ The last reform of 2022 is the most comprehensive one in this context as well.¹⁵¹

Last but not least, the sanctions for failure to comply with the obligations imposed on "foreign agents" are considerably tightened. To quote just one example: On 30 December 2020 the maximum penalty for "maliciously avoiding the obligation to submit documents required for registering an organisation as a 'foreign agent'" was extended to five years imprisonment.¹⁵²

c) Reform after 24 February 2022

The latest reform of the "foreign agent" legislation has not yet entered into force. It was adopted together with other major reforms of the legislation on civil society activities on 14 July 2022, almost four months after the beginning of the war against Ukraine. It is foreseen to enter into force on 1 December 2022. As already mentioned, this reform law has consolidated the former legislative acts under the title "On the control of the activities of persons under foreign influence" and changed the starting point for the restrictive measures as foreign financing is no longer required. It is sufficient to "receive support and/or otherwise be under foreign influence",¹⁵³ a term that is much vaguer and broader than the reference to funding. Although the terms used such as "foreign influence" and "support" are defined in the law, they leave a very broad margin for interpretation. Thus "foreign influence" means "provision of support and/or influencing someone through coercion, persuasion or other means";¹⁵⁴ "support" is defined as "provision of money or other assets, but also organisational, methodological, scientific or technical assistance provided in other forms".¹⁵⁵ Unlike before this reform, "political activity" is no longer a *conditio sine qua non* for the application of the law, but other activities such as collection and distribution of information material are included as well. The activities covered by the law are defined in the following way:

"The types of activities specified in Part 1 of Article 1 of this Federal Law shall mean political activities, purposeful collection of information in the field of military and military-technical activities of the Russian Federation, distribution of messages and material intended for an unlimited number of persons and (or) participation in the creation of such messages and material, and other types of activities specified in this Article."

¹⁵⁰ See on all those changes the summaries of the reform legislation in ECtHR, *Ecodefence and others v. Russia*, 14 June 2022, app. nos. 9988/13 et al., para. 33 et seq. and VC 2020 Opinion Foreign-Agent-Legislation, para. 36 et seq.

¹⁵¹ See below.

¹⁵² Federal Law no. 525-FZ of 30 December 2020 "Amending Article 330.1 of the Criminal Code of the Russian Federation".

¹⁵³ Art. 1 (1) of the Federal Law no. 255-FZ of 14 July 2022 "On the Control of Activities of Persons under Foreign Influence".

¹⁵⁴ Art. 2 (1) of the Federal Law no. 255-FZ of 14 July 2022 "On the Control of Activities of Persons under Foreign Influence".

¹⁵⁵ Art. 2 (2) of the Federal Law no. 255-FZ of 14 July 2022 "On the Control of Activities of Persons under Foreign Influence".

The third form of activity seems to clearly target bloggers.

The definition of “political activity” is upheld, but the exceptions for science, culture, art etc are no longer valid “if the respective activities contradict national interests of the Russian Federation, the foundations of the public order of the Russian Federation or other values protected by the Constitution of the Russian Federation.”¹⁵⁶ That would mean in practice that an individual or an organisation trying to challenge their “foreign agent” status would be required to prove that their activity, besides being on the “non-political” list, does not contravene Russia's national interests, public law and order, and other constitutionally-protected values.

The law is applied to a broad range of activities, including raising issues of public interest and other standard journalistic practices.¹⁵⁷

The law unifies the existing registers of “foreign agents”. At the same time, it establishes a separate register of persons “affiliated” with a “foreign agent” by including anyone who is in any way connected (or was connected) with organisations and/or individuals carrying such a status.¹⁵⁸ This is very far-reaching. Persons affiliated with foreign agents can be their founders or those working there, but also those who are paid by them for “political work”.¹⁵⁹ It seems that a paid lecture given for an organisation qualified as foreign agent would be sufficient for being included into the register of “persons affiliated with foreign agents”. That makes foreign agents “toxic” – contacts with them can have serious negative consequences. Although the “foreign-agent” regime itself is not applied immediately to the “persons affiliated”, in case of a repetitious contact it is applied to them as well. As it is also sufficient to have had contact in the past, the law applies retroactively, and that even if the cooperation with an organisation qualified as “foreign agent” took place before the qualification. While it is not yet clear, if the law will be applied in that way, it creates a worrying legal uncertainty.¹⁶⁰

This is particularly so in view of the new restrictions introduced. It is worth enumerating them. For “persons under foreign influence” it is not allowed:

- to take public offices, to sit on election or referendum commissions;
- to have access to State secrets;
- to be involved in any commissions or committees, any consultative, advisory, expert and other bodies formed by public authorities;
- to nominate candidates to public monitoring commissions;

¹⁵⁶ Art. 4 (4) of the Federal Law no. 255-FZ of 14 July 2022 “On the Control of Activities of Persons under Foreign Influence”.

¹⁵⁷ Art. 4 (4) of the Federal Law no. 255-FZ of 14 July 2022 “On the Control of Activities of Persons under Foreign Influence”.

¹⁵⁸ Art. 6 of the Federal Law no. 255-FZ of 14 July 2022 “On the Control of Activities of Persons under Foreign Influence”..

¹⁵⁹ Art. 6 (1), (2), (3) of the Federal Law no. 255-FZ of 14 July 2022 “On the Control of Activities of Persons under Foreign Influence”.

¹⁶⁰ The wording of the relevant part of Art. 6 reads as follows: “A natural person who is affiliated with a foreign agent is understood to be an individual: (...) engaging (or having engaged) in political activity and receiving (or having received) funds and/or other assets from foreign agents, including through intermediaries, to carry out political activity.”

- to participate in independent anti-corruption review of bills and effective legal acts;
- to be involved in nominating candidates, in making lists of candidates, in the election of registered candidates, in initiating or holding a referendum, or to be engaged in any way in election or referendum campaigns;
- to make contributions to the electoral funds of candidates, registered candidates, electoral associations, and to referendum funds;
- to transfer or receive funds or other property for organising and holding a public event;
- to act as organiser of a public event;
- to make contributions to any political party, to sign agreements with any political party, its regional branches and other structural subdivisions;
- to engage in educational activities involving minors and/or to teach at State or municipal educational organisations;
- to produce information intended for minors;
- to participate in the procurement of goods and services for public and municipal needs and in the selection of service providers;
- to apply a simplified taxation system;
- to apply simplified methods of accounting and financial reporting;
- to invest in business entities of strategic importance for national defence and security;
- to operate critical information infrastructure and to engage in activities to ensure the security of critical information infrastructure;
- to be involved as experts in a State environmental review or to participate in organising or conducting a State environmental review.¹⁶¹

The prohibitions are so comprehensive that they render participation in State affairs and public life more or less impossible. Many of the prohibitions directly touch upon election rights. An important new focus is teaching activities. For those working in science being declared to be “under foreign influence” can be considered as “academic death”.

There are also additional duties placed on those registered: they have to disclose their status every time they come in contact with educational organisations or other organisations and authorities and also to the founders, members, beneficiaries and employees.

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”.

Even foreigners living outside Russia have to register themselves “if they want to act as a foreign agent after their stay in Russia”.¹⁶² The duty to register also applies to foreign journalists.¹⁶³

¹⁶¹ The enumeration of what is forbidden comprises 18 different activities; see Art. 11 of the Federal Law no. 255-FZ of 14 July 2022 “On the Control of Activities of Persons under Foreign Influence”.

¹⁶² Art. 7 (2) of the Federal Law no. 255-FZ of 14 July 2022 “On the Control of Activities of Persons under Foreign Influence”.

¹⁶³ Art. 7 (4) of the Federal Law no. 255-FZ of 14 July 2022 “On the Control of Activities of Persons under Foreign Influence”.

As the new law has not yet entered into force, it is not yet clear, how it will be applied. Right now, it seems that the entry into force of this law is being prepared. Many laws have to be amended and the respective registers set up.

The practical significance of the legislation on “foreign agents” cannot be overestimated. It had and still has a decisive influence on civil society in the Russian Federation. It can be understood as one of the major tools for curbing civil society activities both of associations and individuals and for bringing them under control of the authorities. While already the first version of the law was very restrictive, it still allowed NGOs to continue their work if they avoided getting foreign funding. But after eight reforms, a constant broadening of the applicability of the concept of “foreign agent”, a deepening of the control and supervision system and a progressive exclusion of those targeted by the law from social and political life the crackdown on the NGO community seems to be completed.

Many NGOs had to cease their activities, either because they had no more funding or because they were not able to pay the high fines that had been imposed on them. Among them are very famous NGOs that had started their activities in Russia in the early 1990s and shaped public life for many years. Others were dissolved by the authorities such as International Memorial and Human Rights Center Memorial in March 2022.¹⁶⁴ Some of the persons engaged in civil society activities emigrated and continued their work abroad, others gave up, while a few NGOs continue to function in Russia. The legislation has created a climate of distrust, fear and hostility¹⁶⁵ and had a dissuasive effect to engage in political activity.

The effects can be seen on the basis of statistics. As of mid-August 2022 81 organisations were registered as “foreign agents”, among them eight public associations.¹⁶⁶ Between 2017-2021 229 cases were brought to court for non-inclusion in the register or violation of labeling rules and issued 158 indictments, imposing fines in the total amount of 36,245,500 roubles (467,617 USD); the average fine increased from 190,000 roubles to 350,000 roubles.¹⁶⁷ Around 100 NGOs decided to self-dissolve and reorganise. 16 research centers and three academics were declared “foreign agents”.¹⁶⁸

For the application and effects of the legislation in individual cases the judgement of the ECtHR in the case of *Ecodefence and others v. Russia* provides ample evidence.¹⁶⁹ The individual cases illustrate the loss for civil society. The organisations that were closed down by the authorities or had to close down after intrusive measures of the authorities all fulfilled valuable tasks for society as a whole, be it by protecting vulnerable groups, giving legal aid, fighting for the protection of the environment or safeguarding the rights of

¹⁶⁴ See Council of Europe Human Rights Commissioner, Statement, 29 December 2021 <https://www.coe.int/en/web/commissioner/-/the-liquidation-of-memorial-ngos-is-a-harsh-blow-to-human-rights-protection-in-russia>.

¹⁶⁵ Venice Commission, Opinion on the Compatibility with International Human Rights Standards of a Series of Bills Introduced by the Russian State Duma Between 10 and 23 November 2020 to Amend Laws Affecting “Foreign Agents”, 6 July 2021, CDL-AD(2021)027, para. 50.

¹⁶⁶ See <http://unro.minjust.ru/NKOForeignAgent.aspx>; <https://inoteka.io/ino/foreign-agents-en>.

¹⁶⁷ “Information on the human rights situation in Russia for the OSCE’s Moscow Mechanism”, <https://reports.ovdinfo.org/information-human-rights-situation-russia-osces-moscow-mechanism#5-1-1>.

¹⁶⁸ See <https://inoteka.io/ino/foreign-agents-en>.

¹⁶⁹ See the annex to ECtHR, *Ecodefence and others v. Russia*, 14 June 2022, app. no. 9988/13 et al.

detainees; the spectrum of their activities is extremely broad.¹⁷⁰ The negative consequences for women, ethnic minorities, indigenous people, non-citizens as well as for other vulnerable persons are taken up by the UN human rights bodies such as the Committee on the Elimination of Discrimination against Women,¹⁷¹ Committee on the Elimination of Racial Discrimination,¹⁷² and the Committee against Torture.¹⁷³ The UN Special Rapporteur on the Situation of Human Rights Defenders wrote that “far too often the ‘foreign agents’ law is used to punish journalists and human rights defenders for doing the valuable work of monitoring human rights abuses.”¹⁷⁴

That would, however, not mean that there were no more NGOs in Russia. On the contrary, those who are loyal to the government and active in spheres not linked to any specific interests of the authorities or outspokenly pro-government can continue their work without hindrance.¹⁷⁵ Examples would be “Women for health”¹⁷⁶ and the National Council for Associations of Children and young people,¹⁷⁷ the latter of which explicitly declares in its self-description that its aim is to implement government policy.

d) Evaluation

“Non-governmental organisations (NGOs) can perform a vital role in the promotion of human rights, democracy and the rule of law. They are an integral component of a strong civil society. We pledge ourselves to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental.”¹⁷⁸

¹⁷⁰ See the explanation on the missions of the different organisations in the appendix to ECtHR, *Ecodefence and others v. Russia*, 14 June 2022, app. nos. 9988/13 et al.

¹⁷¹ UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the eighth periodic report of the Russian Federation, 20 November 2015, UN Doc. CEDAW/C/RUS/CO/8, para. 16: “The Committee calls upon the State party to review the legislation requiring non-commercial organisations that receive foreign funding to register as ‘foreign agents’ and to ensure an environment in which women’s associations and non-governmental organisations working on gender equality and women’s empowerment may freely operate and raise funds.”

¹⁷² UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the Twenty-Third and Twenty-Fourth Periodic Reports of the Russian Federation, 20 September 2017, UN Doc. CERD/C/RUS/CO/23-24, paras. 11-12.

¹⁷³ UN Committee against Torture, Concluding Observations on the Sixth Periodic Report of the RF, 28 August 2018, UN Doc. CAT/C/RUS/CO/6, para. 28.

¹⁷⁴ UN Office of the United Nations High Commissioner for Human Rights, Press Release, 31 August 2021, <https://www.ohchr.org/en/press-releases/2021/08/russia-free-semyon-simonov-and-stop-criminalising-human-rights-defenders>.

¹⁷⁵ See Civic Chamber, 2021 Report on the Status Quo of the Russian Civil Society in Russia (Russian), 10 December 2021, http://cmokhv.ru/media/cms_page_media/2022/2/21/oprf2021.pdf.

¹⁷⁶ “Business Breakfast on ‘Civil Society and Business: Why it Is Important to Work Together’” (Russian), <https://womenforhealth.ru/news/delovoy-zavtrak-grazhdanskoe-obshchestvo-i-biznes-pochemu-vazhno-rabotat-vmeste/>.

¹⁷⁷ “On the National Council” (Russian), <http://youthrussia.ru/news/o-nacionalnom-sovete>.

¹⁷⁸ Document of the Sixth Summit of Heads of State or Government of the OSCE, 18-19 November 1999 (hereinafter *Istanbul 1999*), para. 27; see also in particular *Copenhagen 1990*: “the participating States recognise that [...] active involvement of persons, groups, organisations and institutions, will be essential to ensure continuing progress towards their shared objectives” and “the right of association will be guaranteed. [...] These rights will exclude any prior control.”

The compatibility of the Russian foreign-agent legislation with international human rights standards was assessed throughout a decade by various international bodies; without exception both regional and universal human rights bodies came to the conclusion that the legislation was not compatible with basic human rights and should be fundamentally changed or repealed. The Venice Commission undertook three detailed studies where it explicitly advised to clarify the vague concepts, to restrict the discretion of the administration, to abandon the notion of “foreign agent” and to stop the special regime of registering and reporting.¹⁷⁹ The CoE Commissioner for Human Rights repeatedly criticised the law itself¹⁸⁰ as well as its application in individual cases.¹⁸¹ The European Court of Human Rights unanimously found a violation of Article 11 ECHR in the joint applications of 61 different NGOs in the judgement *Ecodefence and others v. Russia*.¹⁸² The UN human rights bodies also requested it be thoroughly reviewed or repealed.¹⁸³ The concerns of individual Russian NGOs were discussed at these fora as early as 2013.¹⁸⁴ In so far as media outlets and journalists are qualified as “foreign agents”, the OSCE Media Freedom Representative also voices great concern.¹⁸⁵

Some of the reactions of the international community were immediate,¹⁸⁶ others were slow. The latter is true for the European Court of Human Rights. While the first applications were lodged already in 2013,¹⁸⁷ the judgement was handed down only on 14 June 2022, almost ten years later, a few days after the Russian Federation had declared not to be bound any longer by the Court’s judgements.¹⁸⁸ This was a problem of wrongly qualifying the case as a

¹⁷⁹ VC 2014 Opinion on Foreign-Agent-Legislation; VC 2016 Opinion on Foreign-Agent-Legislation, VC 2021 Opinion on Foreign-Agent-Legislation.

¹⁸⁰ Commissioner 2013 Opinion on Foreign-Agent-Legislation; Commissioner 2017 Opinion on Foreign-Agent-Legislation; Commissioner 2020 Opinion on Foreign-Agent-Legislation.

¹⁸¹ See the Council of Europe Human Rights Commissioner’s Letter to the Russian authorities in the case of International Memorial and Memorial Human Rights Center at <https://www.coe.int/en/web/commissioner/-/commissioner-urges-the-russian-general-prosecutor-to-discontinue-the-liquidation-proceedings-of-memorial-human-rights-ngos>; see also the Council of Europe Human Rights Commissioner’s statement in the case of All Russia Movement for Human Rights at <https://www.coe.int/en/web/commissioner/-/the-commissioner-urges-the-authorities-of-the-russian-federation-to-discontinue-the-liquidation-proceedings-against-the-all-russia-movement-for-human->.

¹⁸² ECtHR, *Ecodefence and others v. Russia*, 14 June 2022, app. nos. 9988/13 et al.

¹⁸³ UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the eighth periodic report of the Russian Federation, 20 November 2015, UN Doc. CEDAW/C/RUS/CO/8; Committee on the Elimination of Racial Discrimination, Concluding Observations on the Twenty-Third and Twenty-Fourth Periodic Reports of the Russian Federation, 20 September 2017, UN Doc. CERD/C/RUS/CO/23-24; UN Committee against Torture, Concluding Observations on the Sixth Periodic Report of the RF, 28 August 2018, UN Doc. CAT/C/RUS/CO/6.

¹⁸⁴ Office of the UN High Commissioner for Human Rights, Press Release, 6 June 2013, <https://www.ohchr.org/en/press-releases/2013/06/un-rights-experts-seek-assurances-russian-ngos-will-not-face-reprisals>.

¹⁸⁵ See e.g. OSCE Representative on Freedom of the Media, Press Release, 4 October 2021, <https://www.osce.org/representative-on-freedom-of-media/499633>.

¹⁸⁶ The first reaction of an international body, the UN Special Rapporteurs on Freedom of Association, Human Rights Defenders and Freedom of Expression was even before the new law was adopted in 2012: Office of the UN High Commissioner for Human Rights, Press Release, 12 July 2012, <https://www.ohchr.org/en/press-releases/2012/07/russias-draft-law-non-commercial-organizations-detrimental-civil-society-un>.

¹⁸⁷ See e.g. Golos Fund, Citizens Watch, Civic Assistance Committee and others.

¹⁸⁸ Federal Law no. 183-FZ of 11 June 2022 “On Amendments to Certain Legislative Acts of the Russian Federation and the Annulment of Certain Provisions of Legislative Acts of the Russian Federation”.

category-IV-case¹⁸⁹ and thus as a case of minor importance. But it is doubtful if an earlier judgement could have changed the situation. The multitude of critical assessments by international bodies did not influence the Russian law-maker to reverse the basic concepts of the law, but, on the contrary, the more the legislation was criticised, the more it was expanded and developed further.¹⁹⁰

From the very outset, the ideas behind this legislation have been incompatible with international human standards and thus with Russia's OSCE commitments. As stated in Article 19 ICCPR freedom of expression has to be guaranteed "regardless of frontiers". In the Document of the Copenhagen Conference on the Human Dimension of the CSCE is stated: "The participating States ... will ... encourage, facilitate and, where appropriate, support practical co-operative endeavors and sharing of information, ideas and expertise among themselves and by direct contact and co-operation between individuals, groups and organisations" in areas such as constitutional law, journalism, independent media.¹⁹¹ The foreign-agent legislation, however tries to re-establish walls and to hinder any form of international cooperation. It is incompatible with basic rule-of-law principles as the terms used in the law – such as "being under foreign influence" in the reform law of 2022 – are so broad and vague that they give an almost unlimited discretion to the authorities. Even an email from a foreign colleague on a constitutional issue picked up in a public speech can theoretically be enough for classifying a person as "under foreign influence", with drastic consequences for one's social life and professional career. The barely concealed intention of the legislation is to expose NGOs engaged in political activity to the constant threat of administrative and criminal liability and thus to give up.¹⁹² This is exactly the opposite of what the OSCE seeks: to strengthen the capacity of NGOs to make their full contribution to the further development of civil society.¹⁹³

3) "Undesirable Organisations"-Legislation

a) Definition, Law and Practice

The term "undesirable organisation" was introduced in Russian legislation in 2015¹⁹⁴ in the new Article 3.1 of the Federal Law no. 272-FZ of 28 December 2012 "On Measures to Influence Persons Involved in Violations of Fundamental Human Rights and Freedoms, the Rights and Freedoms of Citizens of the Russian Federation". Under Article 3.1 (1) "the

¹⁸⁹ See the Court's priority policy at https://www.echr.coe.int/documents/priority_policy_eng.pdf. The qualification as a "normal" Art. 10 case was wrong – it should have been qualified under category II as a case having an impact on the effectiveness of the Convention system as such; in the meantime the Court has developed a new "impact strategy" which would have allowed to deal with such a case in a very short period of time; see R. Spano, *Cour européenne des droits de l'homme: une nouvelle stratégie pour une nouvelle décennie*, in: *Recueil Dalloz*, 22 July 2021, no. 26, pp. 1388-1391.

¹⁹⁰ One of the interview-partners called the law a "cancer" in the Russian legislation as provisions about foreign agents were introduced in a multitude of laws.

¹⁹¹ Copenhagen 1990, para. 26.

¹⁹² On the consequences for civil society activists and human rights defenders see Council of Europe Commissioner for Human rights, *Support Russian and Belorussian Civil Societies and Human Rights Defenders*, 31 August 2022, <https://www.coe.int/en/web/commissioner/-/support-russian-and-belarusian-civil-societies-and-human-rights-defenders>.

¹⁹³ Istanbul 1999, para. 27.

¹⁹⁴ Federal Law no. 129-FZ of 23 May 2015 "On Amendments to Certain Legislative Acts of the Russian Federation".

activities of a foreign or international non-governmental organisation posing a threat to the foundations of the constitutional order of the Russian Federation, the defence capacity of the country or the security of the State may be declared undesirable in the Russian Federation.” The decision is taken by the Prosecutor General together with the Ministry of Foreign Affairs (Article 3 (4, 5) of the 2012 Law). Since 2015 the definition of an “undesirable organisation” was extended two times to include organisations participating in election campaigns¹⁹⁵ and “if information has been received in relation to the organisation about its provision of intermediary services in carrying out transactions with funds and (or) other property” belonging to another undesirable organisations.¹⁹⁶

Organisations declared “undesirable” face severe consequences under Article 3.1 (3) of the 2012 Law. They have to close existing branches and cannot create new branches in Russia (1), are banned from cooperating with banks and other financial organisations (2), from storing and disseminating their material including via Internet¹⁹⁷ (3), from conducting projects in Russia (4) and from creating or participating in Russian moral persons (5). Since 2021 even the participation for Russian citizens and Russian moral persons in activities of “undesirable organisations” abroad is forbidden (6).¹⁹⁸

As of August 2022, more than 60 organisations are declared “undesirable”, especially U.S. and Western European organisations.¹⁹⁹ The legislation is used to cut off international support for Russian oppositional movements and thus silence criticism. Recent additions include political NGOs criticising the Russian war of aggression against Ukraine such as the Heinrich Böll Foundation (2022), election-monitoring NGOs such as the European Network of Election Monitoring Organisations (2021), investigative journalism outlets such as The Insider (2022), Bellingcat (2022), Proekt (2021) and organisations related to Russian politicians living abroad such as Open Russia (2017) and other organisations related to Mikhail Khodorkovsky, Free Russia Foundation (2019), and the WOT Foundation (2022) that was sponsored Boris Nemzov.²⁰⁰ The broad wording of the legislation also allows to target Russian-based NGOs under the pretext of mere contact with foreign NGOs. An example is the self-dissolution of the defence organisation Kommanda 29 or Team 29²⁰¹ in July 2021 after a website blocking and allegations of being identical with the Czech NGO Freedom of

¹⁹⁵ Federal Law no. 555-FZ of 27 December 2018 “On Amendments to Art. 3.1 of the Federal Law ‘On Measures to Influence Persons Involved in Violations of Fundamental Human Rights and Freedoms, the Rights and Freedoms of Citizens of the Russian Federation’”.

¹⁹⁶ Federal Law no. 230-FZ of 28 June 2020 “On Amendments to Art. 6 of the Federal Law ‘On Combating the Legalisation (Laundering) of Proceeds of Crime and the Financing of Terrorism’ and Art. 3.1 of the Federal Law ‘On Measures to Apply to Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation’”.

¹⁹⁷ Art. 15.3 of the Federal Law no. 149-FZ of 27 July 2006 “On Information, Information Technology and Information Protection” provides for the possibility of website-blocking in case of dissemination of information material, see below.

¹⁹⁸ Introduced by the Federal Law no. 230-FZ of 28 June 2021 “On Amendments to Art. 6 of the Federal Law ‘On Combating the Legalisation (Laundering) of Proceeds of Crime and the Financing of Terrorism’ and Art. 3.1 of the Federal Law ‘On Measures to Apply to Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation’”.

¹⁹⁹ A comprehensive list is published at the website of the Russian Ministry of Justice, <http://minjust.ru/ru/activity/nko/unwanted>.

²⁰⁰ See <https://inoteka.io/ino/foreign-agents>.

²⁰¹ The name refers to Art. 29 of the Russian Constitution protecting freedom of expression.

Information Society by Roskomnadzor and the Prosecutor General,²⁰² denied by Kommanda 29. Leading members have been declared “foreign agents” shortly after.²⁰³

The legislation not only targets “undesirable organisations” themselves, but also contact with “undesirable organisations”. In their current, very broad version laid down in 2021,²⁰⁴ Article 20.33 CAO and Article 284.1 CC punish “participation in activities” of undesirable organisations with up to 2 years of imprisonment. Subject to immediate criminal responsibility and even harsher punishments are “the provision or collection of funds or financial services knowingly intended to support activities” and “organisation of activities” of “undesirable organisations”. Since July 2022²⁰⁵, the offences do not have to be committed on the territory of the Russian Federation. According to the note to Article 284.1 CC, voluntarily ceasing the respective deed exonerates the perpetrator from criminal responsibility. Article 26 (9) of the Law on entry to and departure from the Russian Federation²⁰⁶ bans foreigners from “participating in activities” of an “undesirable organisation” from entering Russia.

These provisions are often used to persecute former members of “undesirable organisations”. For instance, opposition politician Vladimir Kara-Murza, already in pre-trial detention on charges under Article 207.3 CC,²⁰⁷ was charged under Article 284.1 CC for allegedly organising a conference of Free Russia Foundation in Moscow.²⁰⁸ He had previously renounced his vice-presidency of the organisation in Russia to avoid criminal responsibility on grounds of this very provision. A verdict has already been reached for Andrey Pivovarov, former head of Otrklytaya Rossiya, self-disbanded in May 2021, who was sentenced to 4 years of imprisonment. The court was convinced that Pivovarov continued to work for the UK-based organisation Open Russia, already declared “undesirable” in 2017, based on several Facebook posts criticising the FSB and condoning opposition protests.²⁰⁹

²⁰² “‘Kommanda 29’ Announces Closure” (Russian), <https://ovd.news/express-news/2021/07/18/komanda-29-zayavila-o-zakrytii>; “‘A Planned Assault Along Many Fronts’: Russia’s Komanda 29 Shatters, Saying It’s Too ‘Dangerous’ To Continue”, <https://www.rferl.org/a/31367262.html>.

²⁰³ “Ministry of Justice Lists Lawyer Pavlov and Kommanda 29 Lawyers as Foreign Media Agents” (Russian), <https://tass.ru/obschestvo/12865623?>.

²⁰⁴ Federal Law no. 129-FZ of 23 May 2015 “On Amendments to Certain Legislative Acts of the Russian Federation” introduced criminal and administrative responsibility only for “leading the activity on the territory of the Russian Federation” of an undesirable organisation and “participating in such an activity”. The responsibility was enormously extended by the Federal Law no. 292-FZ of 1 July 2021 “On Amendments to Art. 284.1 of the Criminal Code of the Russian Federation”.

²⁰⁵ Federal Law no. 260-FZ of 14 July 2022 “On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation”.

²⁰⁶ Federal Law no. 114-FZ of 15 August 1996 “On Departure from the Russian Federation and Entry to the Russian Federation”.

²⁰⁷ “Russia Opens Criminal Case Against Activist Vladimir Kara-Murza for Spreading Disinformation, Lawyer Says”, <https://www.forbes.com/sites/madelinehalpert/2022/04/22/russia-opens-criminal-case-against-activist-vladimir-kara-murza-for-spreading-disinformation-lawyer-says/?sh=5eca7c037ea4>.

²⁰⁸ “Vladimir Kara-Murza Charged Under ‘Undesirable Organisation’ Article” (Russian), <https://ovd.news/express-news/2022/08/04/vladimiru-kara-murze-predyavili-obvinenie-po-state-o-nezhelatelnoy>; “Criminal Case opened Against Kara-Murza for Action in Support of Political Prisoners” (Russian), <https://www.svoboda.org/a/ugolovnoe-delo-protiv-kara-murzy-vozbudili-za-aktsiyu-v-podderzhku-politzekov/31973441.html>.

²⁰⁹ “Kremlin Critic Pivovarov Sentenced to 4 Years in Prison for ‘Undesirable’ Activity” <https://www.themoscowtimes.com/2022/07/15/kremlin-critic-pivovarov-sentenced-to-4-years-in-prison-for-undesirable-activity-a78313>.

b) Evaluation

The participating States “express their commitment to [...] ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organisations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups”.²¹⁰ They “recognise the important role of non-governmental organisations, including political parties, trade unions, human rights organisations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.”²¹¹

Even before its adoption, the OSCE viewed the 2015 Law on “undesirable organisations” with concern. The OSCE Representative on Freedom of the Media Dunja Mijatović called upon President Putin to veto the law.²¹² The Permanent Commission on the Development of NGOs of the Council of Europe also advised against the adoption of the law as it considered it “unconstitutional, superfluous, and leading to confusion” in March 2015.²¹³ The UN Human Rights Committee raised concerns in April 2015.²¹⁴

The Russian Federation justified the adoption of the law with the concern to “safeguard domestic interests of the Russian Federation”²¹⁵. But, while sanctions for associations for non-compliance with State regulations are *per se* legitimate,²¹⁶ restrictions to freedom of association “must be precise, certain and foreseeable, in particular in the case of provisions that grant discretion to State authorities. [...] Any restriction on the right to freedom of association and on the rights of associations, including sanctions, must be necessary in a democratic society and, thus, proportional to their legitimate aim.”²¹⁷

The legislation on “undesirable organisations” has been thoroughly analysed by the Venice Commission in 2016.²¹⁸ The Venice Commission criticised the law and the provisions of the

²¹⁰ Copenhagen 1990, para. 10.3.

²¹¹ Copenhagen 1990, para. 30.

²¹² OSCE Representative on Freedom of the Media, Press Release, 20 May 2015, <https://www.osce.org/fom/159081>.

²¹³ Presidential Council for the Development of Civil Society and Human Rights, Expert Opinion of the Presidential Council for the Development of Civil Society and Human Rights regarding the Federal Law Project No. 662902-6, “On Amendments to Several Legislative Acts of the Russian Federation”, http://www.president-sovet.ru/docs/expert_conclusions/ekspertnoe_zaklyuchenie_soveta_na_zakonoproekt_o_nezhelatelnnykh_organizatsiyakh/, press release at http://www.presidentsovet.ru/presscenter/news/chleny_spch_schitayut_chno_zakonoproekt_o_nezhelatelnnykh_organizatsiyakh_protivorechit_konstitutsii/.

²¹⁴ UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, 28 April 2015, UN Doc. CCPR/C/RUS/CO/7.

²¹⁵ UN Human Rights Committee, Eighth report submitted by the Russian Federation under Art. 40 of the Covenant, due in 2019, 8 April 2019, UN Doc. CCPR/C/RUS/8, para. 329.

²¹⁶ OSCE/Venice Commission, Joint Guidelines on Freedom of Association, OSCE/ODIHR Legis-Nr. GDL-FOASS/263/214, para. 235. (hereinafter Joint Guidelines on Freedom of Association)

²¹⁷ Joint Guidelines on Freedom of Association, paras. 34, 35.

²¹⁸ VC 2016 Opinion on Foreign-Agent-Legislation.

Criminal Code (hereinafter: CC) for their vague wording and lack of clarity²¹⁹ as well as for the automatic applicability of the legal consequences from the moment of declaring an organisation “undesirable”. Similar concerns regarding the uncertain scope of applicability were raised by the High Commissioner for Human Rights.²²⁰

The Rapporteur shares the concerns regarding the lack of clarity of the legislation. With the extension of criminal responsibility to any form of participation in activities of an “undesirable organisations” and with the extraterritorial applicability of the criminal law provisions the legislation deviates even further from international standards. The individual cases where the law was applied show its increased potential for arbitrariness, especially with regard to organised political dissent.

III) Freedom of Expression – Legislation and Practice

1) Constitutional Guarantee of Freedom of Expression

The constitutional guarantee of freedom of expression, Article 29 of the Russian Constitution of 1993, reads as follows:

- “1. Everyone shall be guaranteed the freedom of ideas and speech.
2. The propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned.
3. No one may be forced to express his views and convictions or to reject them.
4. Everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal way. The list of data comprising State secrets shall be determined by a federal law.
5. The freedom of mass communication shall be guaranteed. Censorship shall be banned.”

The provision has never been amended. Restrictions are possible on the basis of Article 55 of the Constitution.²²¹

In recent years several restrictive measures on freedom of expression were enacted on the basis of new legislation. The most important laws are the legislative acts concerning “fake news”, “extremism”, “historical remembrance”, “terrorism” and “State secrets”, “propaganda of non-traditional sexual relationships”, and the “protection of religious feelings”. Concerning “slander” and “defamation” the practice is relevant as well.

²¹⁹ The Venice Commission stresses in particular that the law does not specify the term “non-governmental organisation”, sparsely used in Russian legislation, creates vague and broad criteria for undesirable organisations and allows the imposition of severe consequences without a court order.

²²⁰ UN Office of the United Nations High Commissioner for Human Rights, Opening Statement to the 29th Session of the Human Rights Council by the High Commissioner for Human Rights, 15 June 2015, <https://www.ohchr.org/en/statements/2015/06/opening-statement-29th-session-human-rights-council-high-commissioner-human?LangID=E&NewsID=16074>.

²²¹ See above.

All these legislative acts will be analysed in the following chapters.

2) “Fake news”-Legislation

a) “Fake news” Related to COVID-19

COVID-19 was a trigger point for increased restrictions on many basic human rights in order to avoid contacts and infections. The necessity of restrictions on freedom of expression is, however, not obvious.²²²

Federal Law no. 27-FZ supplemented Article 13.5 CAO with new provisions on administrative offences.²²³ It entered into force on 18 March 2019 before the COVID-19 pandemic started. However, during the COVID-19 pandemic the provision was used as legal basis for sanctioning the spreading what was considered “false information”. The new provisions introduced administrative offences for “disseminating knowingly unreliable information of public significance under the guise of reliable information, endangering the life and (or) health of citizens, property, threat of mass violation of public order and (or) public security or threat of interference with the functioning or disruption of infrastructure in the mass media and through information and telecommunication networks”.²²⁴

In the early days of the pandemic, Agora International monitored 170 cases under Article 13.15 CAO which led in 46 cases to fines in the amount of more than one million roubles in comparison to only 13 cases under the same provision in the pre-pandemic era.²²⁵ On 19 June 2020 a Moscow court fined Echo of Moscow with 200,000 roubles and the head of its website with 60,000 roubles for distributing unreliable information because of an interview with a scientist about COVID-19 statistics which were not in accordance with the official sources.²²⁶

But “fake news” about COVID-19 are not only sanctioned as “administrative offence”, but also as “crime”. The outbreak of the pandemic led to the adoption of two new criminal laws concerning “fake news”.²²⁷ Law no. 100-FZ supplemented the Russian Criminal Code with Article 207.1 and Article 207.2. According to Article 207.1 CC the “public dissemination under the guise of reliable information of knowingly false information about circumstances that poses a threat to the life and security of citizens or on measures taken to ensure the security of the population and territories” should be punished. Similarly, Article 207.2 CC

²²² COVID-19-regulations restricting freedom of assembly will be treated below.

²²³ See *inter alia* parts (9) to (11) added to Art. 13.15 CAO .

²²⁴ Federal Law no. 27-FZ of 18 March 2019 “On Amendments to the Code of Administrative Offences of the Russian Federation”.

²²⁵ “The Fake News ‘Infodemic’: The Fight Against the Coronavirus as a Threat to Free Speech”, https://agora.legal/fs/a_delo2doc/196_file__ENG_final.pdf, p. 7

²²⁶ “‘Ekho Moskvyy’ and the Station’s Chief Editor are fined 260,000 roubles under the Fakes Act because of an Interview with Political Analyst Solovyy” (Russian), <https://novayagazeta.ru/news/2020/06/19/162425-eho-moskvyy-i-glavreda-sayta-radiostantsii-oshtrafovali-na-260-tysyach-rublej-za-intervyu-s-politologom-soloviem>.

²²⁷ Federal Law no. 100-FZ of 1 April 2020 “About Modification of the Criminal Code of the Russian Federation and Art. 31 and 151 of the Criminal Procedure Code of the Russian Federation”; Federal Law no. 99-FZ of 1 April 2020 (as amended on 30 December 2021) “On Amendments to the Code of Administrative Offences of the Russian Federation”.

states that the “public dissemination under the guise of reliable information of knowingly false socially significant information, which resulted in negligent infliction of harm to human health” should be punished. A violation of those provisions leads to harsh punishments.²²⁸

In regard to the terms “knowingly false information” and “under the guise of reliable information”, the Supreme Court of the Russian Federation issued a general note of interpretation.²²⁹ “Knowingly false” is an information which does not correspond to reality and which the distributor is aware of. That indicates that intention is required which has to be proven by State authorities. An information is disseminated “under the guise of reliable information” if the forms and methods of presentation indicate a true information. Responsible for the determination whether an information is false is the Prosecutor General of the Russian Federation and his or her deputies.

Agora International monitored 42 cases of criminal prosecution in the phase from the date of entry into force of Article 207.1 CC on 1 April 2020 to 10 June 2020. 17 out of those 42 cases were criminal prosecutions because of statements from “public critics of the authorities” like activists, journalist and bloggers. Agora states that Article 207.1 CC therefore “has become a useful tool of repression”.²³⁰

On 1 April 2020, Law no. 99-FZ amending the Russian Code of Administrative Offences (hereinafter: CAO) entered into force supplementing, *inter alia*, Article 13.15 CAO with parts 10.1 and 10.2. They introduced similar provisions as in the CC into the CAO focussing on the dissemination of “unreliable information” in mass media and fines for legal entities from 1 million to 3 respectively 5 million roubles and the possibility to confiscate the subject matter of the administrative offence.

b) “Fake News” Related to the Military

aa) “Fake News” Related to the Russian Armed Forces

On 24 February 2022, the day when the war of aggression started, Roskomnadzor published a statement threatening mass media and other information sources with fines according to Article 13.15 CAO and website blocking orders according to Article 15.3 of the Law on Information if they do not use only information obtained from official Russian sources and intentionally spread false information about the “special operation in connection with the situation in the Luhansk People's Republic and the Donetsk People's Republic”.²³¹ Thus, in

²²⁸ It can be sanctioned with fines from 300,000 to 700,000 roubles or by compulsory labour for up to 360 hours, by corrective labour for a term of up to one year or imprisonment for up to three years respectively in regard to Art. 207.2 CC with fines from 700,000 to two million roubles, correctional labour for a term up to two years, by compulsory labour or imprisonment for a term of up to five years.

²²⁹ Supreme Court, Review of Selected Issues of Judicial Practice Related to the Application of Legislation and Measures to Counter the Spread of New Coronavirus Infection (COVID-19) in the Russian Federation no. 2, 30 April 2020.

²³⁰ “The Fake News ‘Infodemic’: The Fight Against the Coronavirus as a Threat to Free Speech”, https://agora.legal/fs/a_delo2doc/196_file__ENG_final.pdf, p. 5.

²³¹ “To the Attention Media and Other Information Resources” (Russian), <https://rkn.gov.ru/news/rsoc/news/74084.htm>.

the first period after 24 February 2022 the pre-existing provision of the Code on Administrative Offences was used for what was from then on considered “fake news”.

In February and March 2022 Roskomnadzor sent several notices with a request from the Prosecutor General’s Office to Russian²³² and foreign²³³ mass media outlets in order to block access to or remove articles spreading allegedly false information about the shelling of Ukrainian cities by the Russian Armed Forces, the death of Ukrainian civilians, as well as material in which the “special operation” is called an “attack, an invasion, or a declaration of war”.

Shortly thereafter, on 4 March 2022, Article 207.3 CC was introduced penalising the “public dissemination of knowingly false information about the use of the Russian Armed Forces as well as the execution of powers by State bodies of the Russian Federation. Since then, it is criminally prohibited to use the word “war” instead of the officially-approved term “special military operation”.²³⁴

The provision provides for severe fines from 700,000 roubles to 5 million roubles, corrective labour for a term of up to one year or compulsory labour for a term of up to five years. In particularly severe cases the sanction can lead to imprisonment from five to ten years with prohibition to hold certain positions or engage in certain activities for a term of up to five years.²³⁵ If the offence committed entails “grave consequences”, a term which is not defined in the CC, imprisonment of up to 15 years is possible. This is a particularly severe sanction as under Russian law enforcement practice a mere charge under an especially grave article is sufficient grounds to keep a person in pre-trial detention.²³⁶

The number of cases under Article 207.3 CC varies depending on the source. As of 14 June 2022 NGOs counted at least 59 cases.²³⁷ Most likely, the number of cases has risen to more than 100 to date.²³⁸

²³² Ekho Moskvyy, InoSMI, Media Zone, The New Times, Dozhd, Svobodnaya Pressa, Krym.Realii, Nowaya Gaseta, Zhurnalist, and Lenizdat, see https://t.me/rkn_tg/194; OSCE Representative on Freedom of the Media, Press Release, 27 February 2022, <https://www.osce.org/representative-on-freedom-of-media/513064>.

²³³ E.g. Meduza, Voice of America, BBC Russian Service, Deutsche Welle, Radio Liberty and others, see “Many Readers in Russia Unable to Access Meduza’s Website. Official Block Unconfirmed as yet”, <https://meduza.io/en/news/2022/03/04/many-readers-in-russia-unable-to-access-meduza-s-website-official-block-unconfirmed-as-yet>.

²³⁴ Art. 20.3.3 CAO; under Article 280.3 CC, the maximum punishment is five years of imprisonment.

²³⁵ Federal Law no. 32-FZ of 4 March 2022 “On Amendments to the Criminal Code of the Russian Federation and Art. 31 and 151 of the Criminal Procedure Code of the Russian Federation” as amended through Federal Law no. 63-FZ of 25 March 2022 “On Amendments to the Criminal Code of the Russian Federation and Art. 150 and 151 of the Criminal Procedure Code of the Russian Federation” extending the criminal responsibility not only to false statements against Russian Armed Forces but also against Russian state bodies.

²³⁶ Art. 108 of the Federal Law no. 174-FZ of 18 December (with amendments and additions from 25 July 2022) “Criminal Procedure Code of the Russian Federation”.

²³⁷ “‘Knowingly False’. It Has Been Three Months Since the Law on ‘Fakes’ About the Russian Army Came Into Force. How and Against Whom Is It Used?”, <https://ovdinfo.org/articles/2022/06/29/knowingly-false-it-has-been-three-months-law-fakes-about-russian-army-came-force>; other sources given to the Rapporteur calculated 84 cases and 78 cases but do not exactly mention on which date they refer.

²³⁸ Interview with Galina Arapova, Lawyer and chairperson of Mass Media Defence Centre, 19 August 2022.

Among the accused and convicted persons are strikingly many journalists, opposition politicians and human rights activists who did not follow the State-imposed narrative about the war. For example, local councillor in Moscow, Alexey Gorinov was sentenced to seven years in prison;²³⁹ women human rights defender and editor-in-chief of the news media outlet Fortanga.org Isabella Evloeva is accused in three cases.²⁴⁰ Accusations were also made against the journalists Marina Ovsyannikova, Alexandra Bayasitova, Mikhail Afanasyev and Sergei Mikhailov²⁴¹ as well as against artist and musician Aleksandra (Sasha) Skochilenko.²⁴²

Until now, there is no known case about the application of Article 207.3 (3) CC which would allow an imprisonment of up to 15 years.²⁴³

bb) Discreditation of the Russian Armed Forces

On the same day when Article 207.3 CC was introduced, two other norms entered into force punishing the “discreditation” of the Russian Armed Forces. Article 20.3.3 CAO punishes “public actions aimed at discrediting the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, maintain international peace and security, or the execution of powers by governmental bodies of the Russian Federation for these purposes”.²⁴⁴ The provision applies for every anti-war opinion, pacifist slogan like “no to war”, wearing yellow and blue ribbons or clothes or saying a sermon condemning violence.²⁴⁵

Article 20.3.3 CAO is not a criminal norm, but is part of the Code of Administrative Offences. Nevertheless, the sanctions are harsh.²⁴⁶ What is more, a repeated violation within one year – for example a second blogpost – can amount to a criminal offence severely punished.²⁴⁷

²³⁹ Sentence of the Meshchansky District Court of Moscow of 8 July 2022 no. 01-0719/2022; “Moscow councillor jailed for seven years after criticising Ukraine war”, <https://www.theguardian.com/world/2022/jul/08/moscow-councillor-jailed-seven-years-criticising-ukraine-war-alexei-gorinov>.

²⁴⁰ <https://www.frontlinedefenders.org/en/profile/isabella-evloeva>; “Journalist Isabella Yevloyeva Faces 3rd Criminal Case for ‘Fake’ Reporting about Russian Army”, <https://cpj.org/2022/08/journalist-isabella-yevloyeva-faces-3rd-criminal-case-for-fake-reporting-about-russian-army/>; OSCE Representative on Freedom of the Media, Press Release, 15 August 2022, at <https://www.osce.org/representative-on-freedom-of-media/524175>.

²⁴¹ OSCE Representative on Freedom of the Media, Press Release, 14 April 2022, at <https://www.osce.org/representative-on-freedom-of-media/515967>; OSCE Representative on Freedom of the Media, Press Release, 15 August 2022, at <https://www.osce.org/representative-on-freedom-of-media/524175>.

²⁴² “Artist Sasha Skochilenko Transferred Back to Pre-Trial Detention Centre” (Russian), <https://ovd.news/express-news/2022/08/09/hudozhnicu-sashu-skochilenko-pereveli-obratno-v-sizo>; “A Russian woman is jailed for replacing store price tags with anti-war messages”, <https://www.npr.org/2022/04/14/1092862792/russian-woman-jailed-ukraine-protest-price-tags?t=1661866539001>.

²⁴³ ‘Knowingly False’. It Has Been Three Months Since the Law on ‘Fakes’ About the Russian Army Came Into Force. How and Against Whom Is It Used?’, <https://ovdinfo.org/articles/2022/06/29/knowingly-false-it-has-been-three-months-law-fakes-about-russian-army-came-force>.

²⁴⁴ Federal Law no. 31-FZ of 4 March 2022 (rev. of 14 July 2022) “On Amendments to the Code of Administrative Offences of the Russian Federation”.

²⁴⁵ See for an extended list “No to war. How Russian authorities are suppressing anti-war protests”, <https://reports.ovdinfo.org/no-to-war-en#1>.

²⁴⁶ Violations against Art. 20.3.3 CAO can be fined with 30,000 respectively in severe cases up to 100,000 roubles for individuals and up to one million roubles for legal entities.

More than 3,000 court decisions were issued for violations of Article 20.3.3 CAO with an average fine of 34,000 roubles;²⁴⁸ for example, recently against rock musician Yury Shevchuk for the amount of 50,000 roubles.²⁴⁹

Until now, not many cases have dealt with the application of Article 280.3 CC. The first case was established in Amur Oblast against a resident of Blagoveshchensk who made 10 posts on social networks criticising the war against Ukraine between 1 April and 6 May 2022 after having been fined on the basis of Article 20.3.3 CAO already in another case.²⁵⁰

cc) Calls for Sanctions Against Russia

Shortly after the war began and in connection with the defamation legislation protecting Russian Armed Forces, Article 20.3.4 CAO was introduced.²⁵¹ It provides for fines from 30,000 up to 500,000 roubles if a Russian citizen calls for restrictive measures by foreign States or international institutions or organisations against the Russian Federation. This includes calls for the introduction or extension of political or economic sanctions. On the same day, Article 284.2 CC was introduced which punishes the same act under criminal law with a fine up to 500,000 roubles or restrictions of freedom for a term of up to three years, compulsory labour for a term of up to three years, detention for a maximum term of six months as well as imprisonment for up to three years imposed along with a monetary fine.²⁵²

c) Evaluation

“(…) in accordance with the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and their relevant international commitments concerning seeking, receiving and imparting information of all kinds, [the participating States] will ensure that individuals can freely choose their sources of information. In this

²⁴⁷ See Art. 280.3 CC; the penalty can then be a fine of up to one million roubles, compulsory labour or imprisonment up to five years with deprivation of the right to hold certain offices or to engage in certain activities for the same period; see Federal Law no. 32-FZ of 4 March 2022 “On Amendments to the Criminal Code of the Russian Federation and Articles 31 and 151 of the Code of Criminal Procedure of the Russian Federation” as amended through Federal Law no. 63-FZ of 25 March 2022 “On Amendments to the Criminal Code of the Russian Federation and Art. 150 and 151 of the Criminal Procedure Code of the Russian Federation” extending the criminal responsibility not only to the discreditation of Russian Armed Forces but also of Russian State bodies.

²⁴⁸ According to sources given to the Rapporteur.

²⁴⁹ “A Court in Ufa Fined Yury Shevchuk 50,000 Roubles for ‘Discrediting’ the Army” (Russian), <https://www.idelreal.org/a/31990831.html>.

²⁵⁰ “A Resident of Blagoveshchensk has been Prosecuted for Discrediting the Russian Army” (Russian), <https://ovd.news/express-news/2022/05/18/na-zhitelya-blagoveshchenska-zaveli-ugolovnoe-delo-o-diskreditacii-armii>; see for more cases “Antiwar Prosecutions: An OVD-InfoGuide”, <https://ovd.news/news/2022/04/07/antiwar-prosecutions-ovd-info-guide>.

²⁵¹ Federal Law no. 31-FZ of 4 March 2022 “On Amendments to the Code of Administrative Offences of the Russian Federation”.

²⁵² Federal Law no. 32-FZ of 4 March 2022 “On Amendments to the Criminal Code of the Russian Federation and Articles 31 and 151 of the Code of Criminal Procedure of the Russian Federation”.

context they will (...) allow individuals, institutions and organisations (...) to obtain, possess, reproduce and distribute information material of all kinds.”²⁵³

The fact that the Russian State authorities determine which information corresponds to reality leads to a monopolisation of the truth. This was most clearly expressed in the statement of Roskomnadzor on 24 February 2022. It goes without saying, that prosecutors rely most likely on official State sources as manifestation of the objective reliability of information.²⁵⁴ Therefore, the suspect has no chance of proving his or her innocence as reality is defined by the Russian State. This, in particular, “pose[s] a risk of undue restriction on the work of journalists and of self-censorship for media actors trying to inform the public” and acting as watchdogs over State activities.²⁵⁵

Due to the vague and broad notions used in Article 207.1/2/3 CC and Article 280.3 it is difficult to predict which acts trigger criminal liability.²⁵⁶ It is also difficult to differentiate between Article 207.3 CC and Article 280.3 CC. It seems that any negative comments, regardless if true or not, could fall under Article 280.3 CC. Every unreliable information could be at the same time a discreditation of the Russian Armed Forces.²⁵⁷ This grants the Russian authorities a huge discretionary power. Taking this in connection with the severe sanctions it must be concluded that such restrictions suppress freedom of expression offline and online completely. Such restrictions reducing freedom of expression to zero do not meet the standards envisaged in Article 19 (3) ICCPR and Article 10 (2) ECHR as they are neither necessary nor proportionate and lead to a huge chilling effect.²⁵⁸ While more intense restrictions of freedom of expression may be possible in times of war, this does not apply to Russia as it has not invoked the emergency clauses foreseen in the Constitution²⁵⁹ and in international human rights treaties.²⁶⁰

Therefore, the Rapporteur notes – in line with the OSCE representative – that the “fake news” legislation, the prohibition to discredit the Russian Armed Forces as well as calls for sanctions against Russia are instrumentalised and politically motivated by the Russian

²⁵³ Concluding Document of the Vienna Meeting 1986 of the CSCE, 4 November 1986 - 19 January 1989, Principles, para. 34 (hereinafter Vienna 1989).

²⁵⁴ “Knowingly False’. It Has Been Three Months Since the Law on ‘Fakes’ About the Russian Army Came Into Force. How and Against Whom Is It Used?”, <https://ovdinfo.org/articles/2022/06/29/knowingly-false-it-has-been-three-months-law-fakes-about-russian-army-came-force>.

²⁵⁵ OSCE Representative on Freedom of the Media, Press Release, 31 March 2020, <https://www.osce.org/representative-on-freedom-of-media/449455>; OSCE Representative on Freedom of the Media, Press Release, 24 February 2022, <https://www.osce.org/representative-on-freedom-of-media/512950>.

²⁵⁶ Office of the UN High Commissioner for Human Rights, Oral Update on Global Human Rights Developments and the Activities of the UN Human Rights Office, 13 June 2022, at <https://www.ohchr.org/en/statements/2022/06/oral-update-global-human-rights-developments-and-activities-un-human-rights>.

²⁵⁷ “Knowingly False’. It Has Been Three Months Since the Law on ‘Fakes’ About the Russian Army Came Into Force. How and Against Whom Is It Used?”, <https://ovdinfo.org/articles/2022/06/29/knowingly-false-it-has-been-three-months-law-fakes-about-russian-army-came-force>.

²⁵⁸ See Report to the UN Human Rights Committee, UN Doc. A/HRC/44/49, 23 April 2020, para. 49; UN Special Rapporteur on the Promotion and Protection of the Right to freedom of Opinion and Expression, Letter, 1 May 2019, OL RUS 4/2019.

²⁵⁹ See the regulation on the state of emergency (черезвычайное положение) in Art. 56 of the Constitution that can be introduced by the President (Art. 88 of the Constitution), and the regulation on the state of war (военное положение) in Art. 87 (2), (3) of the Constitution that can also be introduced by the President.

²⁶⁰ Art. 15 ECHR; Art. 4 ICCPR.

authorities to silence dissenting voices.²⁶¹ The current legislation led to a “total information blackout on the war” not allowing civil society any space for freedom of expression.²⁶²

3) Legislation on Extremism and Historical Remembrance

a) Definition, Law and Practice

The Federal Law on Extremism²⁶³ was adopted on 25 July 2002, with the aim of defining extremism and extremist activities and providing the authorities of the Russian Federation with a tool for the detection, prevention and suppression of extremist activities. In particular, the Extremism Law empowers prosecutors to take preventive and corrective measures aimed at combating the activities listed in the Law as being “extremist”.²⁶⁴ It also regulates restrictions of professional activities²⁶⁵ as well as the preconditions for dissolving organisations considered to be “extremist”.²⁶⁶ The Law is applicable both to organisations – public, religious and other – and to individuals.

In addition, it sets out the institutional framework for the persecution of extremism. According to Article 4 of the Law on Extremism the President “determines the main direction of State policy in the area of countering extremist activity” and also distributes the competencies under his supervision.²⁶⁷ The President can also create bodies that mix federal and other administrations. Apart from the general law enforcement agencies, the Centre for Combating Extremism of the Ministry of Interior Affairs of the Russian Federation (“Centre E”) is specialised in the field of extremism.

The Law on Extremism is part of a very complex regulation mechanism as it has to be read together with provisions of the Criminal Code, the Code of Administrative Offences, the Law on the Federal Security Service (FSB) as well as media and information-related legislation which are being constantly changed; the Law on Extremism was amended 19 times since its adoption in 2002.

Sanctions against civil society activities are not taken under the Law on Extremism, but under the Criminal Code and the Code of Administrative Offences. The most relevant

²⁶¹ As already pointed out by OSCE Representative on Freedom of the Media, Press Release, 15 August 2022, <https://www.osce.org/representative-on-freedom-of-media/524175>.

²⁶² Office of the UN High Commissioner for Human Rights, Press Release, 12 March 2022, <https://www.ohchr.org/en/press-releases/2022/03/russia-un-experts-alarmed-choking-information-clampdown>; Council of Europe Commissioner for Human Rights, Statement, 7 March 2022, <https://www.coe.int/en/web/commissioner/-/russian-authorities-should-stop-the-unprecedented-crackdown-on-freedoms-of-expression-assembly-and-association-in-the-country>.

²⁶³ Federal Law no. 114-FZ of 25 July 2002 “On Counteracting Extremist Activity” (hereinafter Law on Extremism).

²⁶⁴ Venice Commission, Opinion on the Federal Law on Combating Extremist Activity of the Russian Federation, CDL-AD(2012)016-e, para. 5 (hereinafter VC 2012 Opinion on the Law on Extremism).

²⁶⁵ Art. 15 (2) of the Law on Extremism.

²⁶⁶ Art. 6, 7 and 9 of the Law on Extremism.

²⁶⁷ See Federal Law no. 179-FZ of 28 June 2014 “On Amendments to Certain Legislative Acts of the Russian Federation” specifying the competence distribution on the federal level and replacing the old provision only making a general reference to the federal State organs.

provisions in this context are Article 280 (1) CC²⁶⁸ and Article 282 CC,²⁶⁹ but also the more specific provisions Article 280.1 CC,²⁷⁰ Article 20.29 CAO,²⁷¹ Article 282.1 and 282.2 CC.²⁷² In those provisions “extremism” is not necessarily mentioned; yet they form part of the “extremism legislation”.

The main problem of the legislation is the broad understanding of “extremism”. Unlike in international law²⁷³ there is no abstract definition of extremism.²⁷⁴ Article 1 of the Law on Extremism only draws up a long list of extremist activities:

- 1) the activity of public and religious associations or any other organisations, or of mass media, or natural persons to plan, organise, prepare and perform the acts aimed at:
 - the forcible change of the foundations of the constitutional system and the violation of the integrity of the Russian Federation;
 - the subversion of the security of the Russian Federation;
 - the seizure or acquisition of peremptory powers;
 - the creation of illegal military formations;
 - the exercise of terrorist activity;
 - the excitation of racial, national or religious strife, and also social hatred associated with violence or calls for violence;
 - the abasement of national dignity;
 - the making of mass disturbances, ruffian-like acts, and acts of vandalism for the reasons of ideological, political, racial, national or religious hatred or hostility toward any social group;
 - the propaganda of the exclusiveness, superiority or deficiency of individuals on the basis of their attitude to religion, social, racial, national, religious or linguistic identity;

²⁶⁸ “Public appeals to engage in extremist activity”; Art. 280 (2) CC imposes a more serious punishment for an action committed via mass media, also applies to the extended responsibility. A 2014 Amendment further included a commission via internet in the qualification norm (Federal Law no. 179-FZ of 28 June 2014 “On Amendments to Several Laws of the Russian Federation”).

²⁶⁹ “Incitement to hatred or enmity as well as disparagement of human dignity”.

²⁷⁰ “Public calls to engage in activities aimed against the territorial integrity of the Russian Federation”.

²⁷¹ “Manufacturing and dissemination of extremist material”.

²⁷² “Organisation of an extremist association” and “organisation of activities of an extremist organisation”, the latter including “participating in activities” of an extremist organisation in general.

²⁷³ See the Shanghai Convention on Combating Terrorism, Separatism and Extremism (hereinafter Shanghai Convention). It defines extremism as “an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security, including organisation, for the above purposes, of illegal armed formations and participation in them, criminally prosecuted in conformity with the national laws of the Parties.”

²⁷⁴ Definitions are only provided for “extremist organisation” and “extremist material”: An extremist organisation is defined as “a public or a religious association, or any other organisation, in relation to which a court of law has adopted the decision that took legal effect on the grounds provided by the present Federal Law concerning the liquidation or the prohibition of its activity in connection with extremism in its functioning.” Extremist material” are defined as “documents intended for publication or information on other carriers which call for extremist activity or warranting or justifying the need for such activity, including the works by the leaders of the National-Socialist Worker's Party of Germany and the Fascist Party of Italy, publications substantiating or justifying national and/or racial superiority, or justifying the practice of committing military or other crimes aimed at the full or partial destruction of any ethnic, social, national or religious group.”

- 2) the propaganda and public show of nazi attributes or symbolics or the attributes or symbolism similar to nazi attributes or symbolics to the extent of blending;
- 3) public calls for the said activity or for the performance of the said acts;
- 4) the financing of the said activity or any other encouragement of its exercise or the performance of the said acts, including by the extension of financial resources for the exercise of the said activity, the supply of real estate, educational facilities, printing and publishing facilities and the material and technical base, telephone, fax and other communications, information services and other material and technical facilities.²⁷⁵

The list has been constantly changed. In 2012²⁷⁶ the “public display of symbolism of an extremist organisation” was included.²⁷⁷ The most important change came about in 2020²⁷⁸. While in the 2002 version of the law the “forcible change of the foundations of the constitutional order” and “the violation of the territorial integrity of the Russian Federation” were two elements of one alternative of extremism, in 2020 they were separated defining “violation of the territorial integrity of the Russian Federation” as such as “extremism” without including the element of “forcible change”. Thus, all calls for separatism are defined as “extremist” and thus criminalised.

While some of the alternatives require the use of force or violence, others do not.

The general understanding of extremism is thus very vague. Yet, some aspects of the criminal provisions on the basis of which extremist activities are sanctioned have been defined by the Supreme Court in a Resolution of the Plenary “On Judicial Practice in Criminal Proceedings on Charges of Extremist Crimes”.²⁷⁹ This resolution was, however, also amended many times and does not provide much clarity.

aa) Prohibition of Public Appeals to Engage in Extremist Activity

As explained above, one of the central criminal provisions in the context of the “extremism legislation” is Article 280 CC prohibiting “public appeals to engage in extremist activity”. It creates an offence that criminalizes abstract endangerment – successful incitement to extremist activities is not required.²⁸⁰ The current version of the law, amended most recently in 2014, provides for a penalty of up to 4 years of imprisonment, in case of the fulfilment of the qualification in Article 280 (2) CC up to 5 years of imprisonment.

²⁷⁵ Art. 1 of the Federal Law no. 114-FZ of 25 July 2002 “Law on Extremism”.

²⁷⁶ Federal Law no. 255-FZ of 25 December 2012 “On Amendments to Art. 20.3 of the Code of Administrative Offences and Art. 1 of the Federal Law ‘On counteracting extremist activities’”.

²⁷⁷ The legislation regarding the display of symbolism was broadened by Art. 4 of the Federal Law no. 236-FZ of 21 July 2014 “On Amendments to Certain Legislative Acts of the Russian Federation regarding Symbolism of Non-Commercial Organisations” and Art. 2 of the Federal Law no. 421-FZ of 2 December 2019 “On Amendments to Art. 6 of the Federal Law ‘On eternalisation of the Victory of the Soviet people in the Great Patriotic War 1941-1945’ and Art. 1 of the Federal Law ‘On counteracting extremist activities’”.

²⁷⁸ Federal Law no. 299-FZ of 31 July 2020 “On an Amendment to Art. 1 of the Federal Law ‘On counteracting extremist activity’”.

²⁷⁹ Resolution of the Plenary of the Supreme Court no. 11 of 28 June 2011 “On Judicial Practice in Criminal Proceedings on Charges of Extremist Crimes”.

²⁸⁰ Resolution of the Plenary of the Supreme Court no. 11 of 28.06.2011 “On Judicial Practice in Criminal Proceedings on Charges of Extremist Crimes”, paras. 4 (4), 6.1.

It was used for sanctioning calls for violence against State officials in different contexts and in different settings, e.g. in April 2022 for an appeal in the social media to execute the President of the Russian Federation and Duma deputies,²⁸¹ in August 2022 for allegedly commenting on YouTube shootings at the FSB building with the words “cut the KGB-Agents”,²⁸² in July 2022 for placing a video in the Telegram Channel #НЕТВОЙНЕ (“no war”) with a negative assessment of police activities with indices of calls for violence against employees of the Ministry of the Interior.²⁸³ There is also information on persecution on the basis of Article 280 CC for anti-war or pro-Ukrainian-Army posts.²⁸⁴ Article 280 CC was also applied in the case of Boris Stomakhin where a prison sentence and three-year ban on practising journalism was applied for promoting extremism in the context of Chechen conflict. The European Court of Human Rights found a violation of Article 10 ECHR in this case.²⁸⁵

bb) Actions Aimed at Incitement to Hatred or Enmity

Another important provision for sentencing extremist activities is Article 282 CC, which, in its current version,²⁸⁶ punishes “actions aimed at inciting hatred or enmity, as well as at disparagement of a person or a group of persons on the grounds of gender, race, nationality, language, origin, attitude to religion, as well as membership of any social group, committed publicly, including through the media or information and telecommunications networks, including the Internet”.²⁸⁷ Extremism is thus not mentioned in the provision itself. Article 282 CC also constitutes an abstract endangerment offence.²⁸⁸

²⁸¹ “Kuzbass resident who called on social media to shoot the country's top officials received 2.5 years in penal colony” (Russian), <https://www.kommersant.ru/doc/5328996>.

²⁸² “Voronezh activist sentenced to two years in a penal colony over VKontakte post” (Russian), <https://ovd.news/express-news/2022/08/23/voronezhskogo-aktivista-prigovorili-k-dvum-godam-kolonii-poseleniya-iz-za>.

²⁸³ “Russia’s Kirill Martyushev declared terrorist and extremist over anti-war posts”, <https://novayagazeta.eu/articles/2022/07/13/russias-kirill-martyushev-declared-terrorist-and-extremist-over-anti-war-posts-news>.

²⁸⁴ “The Police Raided the Home of a Local Man in Tver Region. He was detained” (Russian), <https://ovd.news/express-news/2022/05/08/v-tverskoy-oblasti-proshel-obysk-u-mestnogo-zhitelya-ego-zaderzhali> (it is said that he is reproached of anti-war posts); “Activist prosecuted for extremism in Tomsk for posting on VK” (Russian), <https://www.sibreal.org/a/v-tomske-na-aktivista-zaveli-ugolovnoe-delo-ob-ekstremizme-za-post-v-vk/31953490.html>.

²⁸⁵ ECtHR, *Stomakhin v. Russia*, 9 May 2018, app. no. 52273/07.

²⁸⁶ It was introduced in 2007: Federal Law no. 211-FZ of 24 July 2007 “On Amendments to Certain Laws of the Russian Federation in regard to Consolidation of State Regulations in the field of Counteracting Extremism”. The administrative offence is punishable with fines up to 20,000 roubles or administrative arrest up to 15 days. A repeated violation within one year after the administrative offence engages criminal responsibility entailing a fine of up to 50,000 roubles or imprisonment up to five years, for commission within a group up to six years.

²⁸⁷ The Supreme Court lists examples for “publicity” such as “speaking at meetings, rallies, distributing leaflets, posters, placing relevant information in magazines, brochures, books, websites, forums or blogs, sending mass e-mails and other similar actions, including those intended to make the information available to others”.

²⁸⁸ Resolution of the Plenary of the Supreme Court no. 11 of 28 June 2011 “On Judicial Practice in Criminal Proceedings on Charges of Extremist Crimes”, para. 7 (4).

In 2018, the legislation was liberalised insofar as the criminal provision can only be applied after a prior administrative sanction.²⁸⁹ This, however, does not apply for the qualification of Article 282 CC.

While the Supreme Court still refers to Article 3, 4 of the Declaration on freedom of Speech of the Council of Europe of 12 February 2004 and the jurisdiction of the European Court of Human Rights regarding the criticism of public officials,²⁹⁰ the practical application does not reflect these standards. As the notion of “incitement to hatred or enmity” is very broad, critical or exaggerated statements in a harsh tone, taken literally, can be seen to fall under the provision.

According to the study “Russia. Crimes against History”²⁹¹ “this provision was “widely used by the authorities to stifle dissent, and to silence journalists and civil society activists.” Between 2012 and 2017, more than 1,500 individuals were convicted under this provision.²⁹² Some of the criminal cases concerned statements about history. One example is Rafis Kashapov, a Tatar activist and head of the local branch of the Tatar Civic Centre, who was sentenced to a suspended prison term of eighteen months for six publications he posted on a popular Internet blog on the “so-called Tatar-Mongolian yoke”.²⁹³ The provision is also used for critique of the annexation of Crimea by Tatars.²⁹⁴ Since January 2022 the ex-photographer of Alexei Navalny has been detained for comments beginning with “Glory to Ukraine”, “Down with the power of Chekists”, “Good morning to everyone down with Putin”. A psychologist-linguist expert concluded that there were elements of incitement of hate and terrorist actions towards the Ministry of Interior Affairs, the FSB, “United Russia” party members, and calls for an attempt on the life of Putin.²⁹⁵

cc) Extremist Activities Directed Against the Territorial Integrity of the Russian Federation

Article 20.3.2 CAO and Article 280.1 CC are more specific provisions punishing “public calls for actions aimed at violating the territorial integrity of the Russian Federation”. The criminal offence (Article 280.1 CC) was introduced in December 2013²⁹⁶ – only a short time before the annexation of Crimea by the Russian Federation in March 2014; the administrative

²⁸⁹ See the introduction of Art. 20.3.1 CAO by the Federal Law no. 521-FZ of 27.12.2018 “On Amendments to the Code of Administrative Offences of the Russian Federation”.

²⁹⁰ Resolution of the Plenary of the Supreme Court no. 11 of 28 June 2011 “On Judicial Practice in Criminal Proceedings on Charges of Extremist Crimes”, para. 7 (3).

²⁹¹ “Russia: ‘Crimes against History’”, https://www.fidh.org/IMG/pdf/russie-_pad-uk-web.pdf, p. 14.

²⁹² Official statistical data by the Judicial Department of the Supreme Court of Russia, <http://www.cdep.ru/index.php?id=79>.

²⁹³ Kashapov had referred to the forcible conversion of Muslims to Christianity, criticised Moscow’s chauvinist policy *vis-à-vis* ethnic minorities, and described the “so-called Tatar-Mongolian yoke” (referring to the Mongol invasion of Russia in the 13th century) as a “State lie” and a “monstrous myth.”, see “Russia: ‘Crimes against History’”, https://www.fidh.org/IMG/pdf/russie-_pad-uk-web.pdf, pp. 14 et seq.

²⁹⁴ “Urgent action. Tatar activist charged for instigating hatred”, <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR4600012015ENGLISH.pdf>.

²⁹⁵ “Ex-photographer of Navalny’s campaign headquarters granted extension of arrest in news commentary case” (Russian), <https://ovd.news/express-news/2022/06/23/eks-fotografu-shtaba-navalnogo-utverdili-prodlenie-aresta-po-delu-o>.

²⁹⁶ Art. 1 of the Federal Law no. 433-FZ of 28 December 2013 “On Amendments to the Criminal Code of the Russian Federation”.

offence (Article 20.3.2 CAO) was created in 2020.²⁹⁷ An administrative sanction is the precondition for criminal persecution, so prosecution is possible in two steps, making, however, the first step less time-consuming.²⁹⁸

According to the Supreme Court the aim of the public call need not be “to induce certain persons to commit specific criminal acts”;²⁹⁹ a follow-up dangerous for State and society is thus not necessary. Under the Code of Administrative Procedure, a fine is possible, under the Criminal Code the sentence can be up to 4 years of imprisonment, for a communication via mass media or the Internet up to 5 years.

The first case decided was the case of Daria Poljudova, an activist of the “Left Front” who tried to organise a “march for the federalisation of Kuban” saying that ethnical Ukrainians call for an integration of Kuban in the South-Western part of Russia (including Sochi) to Ukraine. The argument of the defence that this was ironical failed. She was sentenced to 2 years of imprisonment on the basis of Article 280.1 CC.³⁰⁰ The case of the opposition politician from Bashkir Ayrat Dilmukhametov on charges of calling for separatism for running as “President of the Republic of Bashkortostan of the new 4th Republic” was judged by the European Court of Human Rights which found the pretrial detention excessive and thus in violation of the Convention.³⁰¹

dd) Dissemination of Extremist Material

Legislation on extremism also covers the dissemination of extremist material. A new definition of what constitutes “extremist material” was introduced in the Law on Extremism in 2021.³⁰² The rather vague provision defines extremist material as “documents or information on other mediums destined for dissemination or public demonstration, calling for pursue in an extremist activity or justifying the necessity to pursue such an activity”.

Dissemination of extremist material by mass media and via “public communication networks” may lead to the cessation of the media company's activities.³⁰³ In addition, administrative sanctions are foreseen.³⁰⁴ The provision applies, however, only to material

²⁹⁷ Federal Law no. 420-FZ of 8 December 2020 “On Amendments to the Code of Administrative Offences of the Russian Federation”.

²⁹⁸ “Is It Dangerous to Call Crimea Ukrainian After the New Law of the RF” (Russian), <https://www.dw.com/ru/опасно-ли-называть-крым-украинским-после-принятия-закона-об-отчуждении-территорий-рф/a-54270009>.

²⁹⁹ Resolution of the Plenary of the Supreme Court no. 11 of 28 June 2011 “On Judicial Practice in Criminal Proceedings on Charges of Extremist Crimes”, para. 7 (3).

³⁰⁰ “Organiser of March for Federalisation of Kuban Jailed for Two Years”, <https://meduza.io/news/2015/12/21/organizatora-marsha-za-federalizatsiyu-kubani-posadili-na-dva-goda>.

³⁰¹ ECtHR, Dilmukhametov and others v. Russia, 9 June 2022, app. nos. 50711/19 et al.

³⁰² Federal Law no. 280-FZ of 1 July 2021 “On Amendments to Art. 6 of the Federal Law On Eternalisation of the Victory of the Soviet People in the Great Patriotic War 1941-1945 and Art. 1 of the Federal Law On Counteracting Extremist Activities”.

³⁰³ Art. 11 of the Law on Extremism, if applicable after a warning (Art. 8 of the Law on Extremism).

³⁰⁴ The administrative sanction (Art. 20.29 CAO) was introduced in 2007 (Art. 6 of the Federal Law no. 211-FZ of 24 July 2007 “On Amendments to Certain Laws of the Russian Federation in regard to Consolidation of State Regulations in the field of Counteracting Extremism”).

included in the list of extremist material created in 2002.³⁰⁵ Thus, a previous court ruling is necessary in order to engage administrative responsibility. While no special provision in the Criminal Code exists in regard of the dissemination of extremist material, Article 280 and 282 CC are nevertheless applicable.³⁰⁶

In July 2022 a new law created a data base of extremist material containing the relevant court decisions.³⁰⁷

Even though the provision on the dissemination of extremist material are not limited to mass media, mass media are certainly the primary addressees of this legislation.³⁰⁸

ee) Sanctions for Extremist Organisations

In addition to administrative and criminal sanctions the Law on Extremism sets out a procedure for closing down organisations considered to be extremist.³⁰⁹ A first warning³¹⁰ of the Prosecutor General can be followed up by a written warning possibly indicating a time-frame for compliance.³¹¹ If the warning is not observed or a violation is repeated within 12 months the organisation can be liquidated or forbidden by a court at the initiative of the Prosecutor General.

The consequences of such a liquidation are far-reaching. Those who are found to have engaged in extremist activities are banned from creating another organisation during a period of 10 years. Out-standers are obliged to distance themselves from the organisation; otherwise, they may be considered extremist themselves. These rules were introduced in 2014.³¹²

Here again, the changes introduced in July 2022, are the most intrusive ones creating a “unified register of information on persons affiliated to the activities of an extremist or terrorist organisation”. Even though the law clarifies that this provision (only) addresses issues of electoral law, the mere existence of such a register raises concerns with regard to its possible abuse. For belonging to an extremist organisation, “involvement” with an extremist or terrorist organisation established by a court is sufficient.

³⁰⁵ Art. 13 of the Law on Extremism.

³⁰⁶ The Supreme Court prescribes to differentiate between the administrative and criminal responsibility based on the perpetrator’s motives (Resolution of the Plenary of the Supreme Court no. 11 of 28 June 2011 “On Judicial Practice in Criminal Proceedings on Charges of Extremist Crimes”, para. 8 (4)).

³⁰⁷ Art. 13 (8-10) of the Law on Extremism; see Federal Law no. 303-FZ of 14 July 2022.

³⁰⁸ See below on the individual application of the law to mass media.

³⁰⁹ Art. 6, 7 and 9 of the Law on Extremism.

³¹⁰ Art. 6 of the Law on Extremism; precondition: “sufficient evidence confirmed in advance for the preparation of unlawful activities.”

³¹¹ Art. 7 of the Law on Extremism; precondition: “evidence of extremism in the activities of the organisation or a branch of the organisation”.

³¹² Art. 15 (2, 3) of the Law on Extremism, introduced by Art. 6 of the Federal Law no. 505-FZ of 31 December 2014 “On Amendments to Certain Legislative Acts of the Russian Federation”.

Furthermore, 282.1 CC punishes the creation and participation in extremist organisations. The definition of an “extremist organisation” was comparatively narrow in 2002,³¹³ but broadened in 2007³¹⁴ so that it suffices for being qualified as “extremist” to prepare or commit any “extremist” crime listed in the Criminal Code – including the legislation on fake news, fake news on Armed Forces and other problematic criminal legislation³¹⁵ – with a particular motivation.

Those who were active in an organisation classified as “extremist” are criminally responsible under Article 282.2 CC, a provision that was also amended several times.³¹⁶

The dissemination of information regarding *inter alia* extremist organisations is punished without mentioning that the organisation has been liquidated or their activity has been forbidden.³¹⁷

Furthermore, criminal and administrative legislation also punishes the use of attributes and symbols of an extremist organisation.³¹⁸ Here again, the 2022 reform introduced harsher sentences.³¹⁹ Interestingly, due to the very broad wording of the administrative offence, a clarifying note was added to Article 20.3 CAO in 2020³²⁰ that the provision does not apply to cases “where a negative attitude towards national socialist and extremist ideology is formed and where there is a lack of indicators of propaganda or justification of national socialist and extremist ideology”.

The legislation on extremism has been used in many cases since the adoption of the Law on Extremism and the respective provisions of criminal and administrative responsibility in 2002. Some organisations banned under this law were also banned in other countries (such as National Socialist Association, Hizb ut-Tahrir). Yet, practice here shows as well that the

³¹³ See above.

³¹⁴ Art. 4 of the Federal Law no. 211-FZ of 24 July 2007 “On Amendments to Certain Laws of the Russian Federation in regard to Consolidation of State Regulations in the field of Counteracting Extremism”. The definition now encompasses “offences committed on grounds of political, ideological, racial, national or religious hatred or enmity or on grounds of hatred or enmity towards any social group provided for in the relevant articles of the Special Part of the present Code and in Art. 63 (1) (e), of the Code.”

³¹⁵ See below.

³¹⁶ It punishes the organisation of activities and the participation in activities of an organisation that was liquidated or whose activities were prohibited by a court decision. The most important amendment was to also include in the provision the “incitement, recruitment or other involvement of another person in the activities of an extremist organisation” in 2014 (Art. 2 (17) of the Federal Law no. 130-FZ of 5 May 2014 “On Amendments to Certain Legislative Acts of the Russian Federation”).

³¹⁷ See Art. 13.15 (2) CAO.

³¹⁸ Art. 20.3 (1) CAO and Art. 282.4 (1) CC punish “propaganda or public display of [...] attributes or symbols of extremist organisations” and also other attributes and symbols banned by Federal legislation. The respective paragraph 2 of the provisions punish “manufacture or sale for the purpose of propaganda or acquisition for the purpose of sale or propaganda” of these attributes and symbolism.

³¹⁹ Criminal responsibility for a repeated action has been introduced in July 2022 leading to an increase of the maximum punishment for a repeated violation from 2000 roubles or 15 days of administrative arrest to an imprisonment of 4 years and fines up to 1 Million roubles; see Federal Law no. 260-FZ of 14 July 2022 “On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation”.

³²⁰ Federal Law no. 31-FZ of 1 March 2020 “On Amendments to Art. 20.3 of the Code of Administrative Offences of the Russian Federation.

relevant provisions are more and more used to target potential or real political opponents. In 2010 the Moscow City Court³²¹ declared “People’s Will Army” as extremist organisation. Its aim was to adopt legislative acts establishing the direct responsibility of the President and the Federal Assembly of Russia for their activities. According to information from CPJ (Committee to Protect Journalists), in 2015 the Russian authorities arrested the journalist Sokolov – after having published an investigative report about the alleged embezzlement of government funds – on the ground of being linked to “People’s Will Army”.³²² In 2014 there was a wave of recognition of Ukrainian nationalist organisations as “extremist” following the annexation of Crimea.³²³ The persecution of Jehovah’s Witnesses and its 395 organisations in Russia under the extremist legislation was considered to violate Article 9, 10 and 11 ECHR.³²⁴ Alexei Navalny’s organisations “Anti-Corruption Foundation”, “Foundation of Civil Rights Protection” and the movement “Navalny’s Staff” were 2019 declared “foreign agents” by the Ministry of Justice and in 2021 designated as an extremist organisation and liquidated by the Moscow City Court.³²⁵ Feminist activists were punished by a 15-days arrest for using symbols created by Navalny’s movement for “Smart Voting” even though they are not ‘official’ symbols.³²⁶ On 28 March 2022, Meta was declared an extremist organisation as it had “long been in breach of Russian legislation on countering extremist activity, and Meta’s corporate policy is directed against the interests of Russia and its citizens, endangering public safety, the lives and health of citizens and the security of the State.” The reasons were, *inter alia*, that Facebook and Instagram did not block calls to mass events on 17-19 September 2021 and that discriminatory and extremist information regarding appeals to kill Russian citizens during the war in Ukraine persisted.³²⁷ It was considered to be an “intended omission.” On 10 June 2022 the All-Tatar Public Centre was shut down because of being extremist.³²⁸

b) Historical Remembrance-Legislation

aa) Prohibition of the Rehabilitation of Nazism

Although memory laws have been in place in Russia since 1995,³²⁹ a regime of sanctions has only recently been introduced, with a tightening of laws and practice in recent years.³³⁰

³²¹ Moscow City Court decision 19 October 2010, no. 3-283/2010.

³²² “Aleksander Sokolov was imprisoned in Russia”, <https://cpj.org/data/people/aleksandr-sokolov/>.

³²³ Supreme Court, decision no. AKPI14-1292S of 17 November 2014; it concerned the Right Sector, Ukrainian National Assembly – Ukrainian People’s Self-Defence, Ukrainian Insurgent Army, Tryzub, and Brotherhood.

³²⁴ ECtHR, Taganrog LRO and others v. Russia, 7 June 2022, app. nos. 32401/10 et al.

³²⁵ This judgement was confirmed by the 1st Appellate Court on 4 August 2021. Already on 19 April 2021 the Moscow City Court declared material regarding the Anti-Corruption Foundation and Navalny’s Staff a “state secret”; “FBK added to list of extremists and terrorists”, <https://www.vedomosti.ru/politics/news/2021/08/10/881520-fbk-vnesli-v-spisok-ekstremistov-i-terroristov>.

³²⁶ “The Sign is Relative Whereas the Term is Real” (Russian), <https://novayagazeta.ru/articles/2022/02/09/znak-usloynyi-srok-realnyi>.

³²⁷ “The Decision Recognising Meta Platforms Inc. as an Extremist Organisation Has Been Published” (Russian), <https://www.advgazeta.ru/novosti/opublikovano-reshenie-o-priznanii-meta-platforms-inc-ekstremistskoy-organizatsiy/>.

³²⁸ “Tatarstan’s Supreme Court Shuts Down All-Tatar Public Center, Labels It Extremist”, <https://www.rferl.org/a/tatarstan-shuts-center-ngo-crackdown-extremist/31892844.html>.

³²⁹ See Federal Law no. 32-FZ of 13 March 1995 “On days of military glory (victory days) of Russia”.

The most severe provision in today's legislation that can be described as a "memory law" is Article 354.1 of the Criminal Code. Introduced in 2014,³³¹ the provision is officially named "Rehabilitation of Nazism" and punishes in its current version³³² in Article 354.1 (1, 3) several deeds:

- 1) Public "denial of the facts established by [the Nuremberg Tribunal], approval of the crimes established by this verdict".
- 2) Public "dissemination of knowingly false information about the activities of the USSR during the Second World War and about veterans of the Great Patriotic War".
- 3) "Dissemination of information expressing clear disrespect for society on military glory days and memorable dates in Russia related to the defence of the Fatherland".
- 4) "Desecration of symbols of Russian military glory, insulting the memory of defenders of the Fatherland or humiliating the honour and dignity of a veteran of the Great Patriotic War, committed in public".

Alternatives (2) and (4) include qualifications for a commission "by a group of persons, a group of persons by prior conspiracy or an organised group", by use of mass media or Internet and – in case of Article 354.1 (1) – also the fabrication of evidence. The punishment goes up to 3 years for Article 354.1 (1, 3) and up to 5 years for the qualifications. The terms used in those laws are very vague.

Between 2014 and 2019 the provision was restrictively applied,³³³ but since 2020 cases increased.³³⁴ Sentences were issued for Hitler, Goebbels, Wehrmacht soldiers and Russian collaborator pictures on a website commemorating World War II veterans,³³⁵ or for publishing a video comparing 9 May decorations and residential buildings where it is demanded that police do not wear St. George ribbon.³³⁶ A harsh sentence imposing 4 years of prison was issued against 19-year-old student Matvei Yuferov which for urinating on a veteran portrait on Izmailov Boulevard in Moscow and posting it on Instagram Story. The

³³⁰ "Russia: 'Crimes against history'", https://www.fidh.org/IMG/pdf/russie-_pad-uk-web.pdf, p. 47 para. 134.

³³¹ Federal Law no. 128-FZ of 5 May 2014 "On Amendments to Certain Legislative Acts of the Russian Federation".

³³² Art. 354.1 (3) CC, the reference to veterans in Art. 354.1 (1), the extension of the qualification in Art. 354.1 (2) to deeds committed "by a group of persons, a group of persons by prior conspiracy or an organised group" and on the Internet, the extension of Art. 354.1 (3) to include "insulting the memory of defenders of the homeland or degrading the honour and dignity of a veteran of the Great Patriotic War" as well as increased sanctions were introduced by Federal Law no. 59-FZ of 5 April 2021 "On Amendments to Article 354.1 of the Criminal Code of the Russian Federation".

³³³ Only 25 were convicted under this article according to the official statistics, <http://www.cdep.ru/index.php?id=79>.

³³⁴ "Sanctions for 'Rehabilitation of Nazism'", https://www.sova-center.ru/en/misuse/reports-analyses/2022/04/d46193/#_Toc101560778; "Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2020", <https://www.sova-center.ru/en/misuse/reports-analyses/2021/04/d44077/>; see for an extensive case study "Russia: 'Crimes Against History'", https://www.fidh.org/IMG/pdf/russie-_pad-uk-web.pdf, pp. 9 et seq.

³³⁵ "Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2021", https://www.sova-center.ru/en/misuse/reports-analyses/2022/04/d46193/#_Toc101560778.

³³⁶ "Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2021", https://www.sova-center.ru/en/misuse/reports-analyses/2022/04/d46193/#_Toc101560778; "Kemerovo Blogger Charged with Rehabilitation of Nazism and Insulting a Law Enforcement Officer" (Russian), <https://ovd.news/express-news/2021/02/28/kemerovskomu-blogeru-predyavili-obvinenie-po-statyam-o-reabilitacii-nacizma>.

accused. said for his defence that he was drunk and regrets what he did; he was a first time offender.³³⁷

bb) Prohibition of the Use of Nazi Symbols

The provisions applicable to most cases are Article 20.3 CAO and, in the future, most likely Article 282.4 CC, already mentioned above. These provisions punish *inter alia* propaganda or display of Nazi attributes or symbolism or similar attributes and symbolism, its “manufacture or sale for the purpose of propaganda or acquisition for the purpose of sale or propaganda”. The provisions regarding the general ban on Nazi symbolism were upheld by the Constitutional Court in 2014 indicating that the mere use of Nazi symbolism can “cause suffering for people whose relatives died during the Great Patriotic War”.³³⁸ The Note introduced in 2020 stated that Article 20.3 CAO does not apply for the use of Nazi symbolism if it contributes to form a negative attitude towards the ideology of Nazism.

In practice, the provision is not applied coherently since its amendment requires that the use of Nazi symbolism propagates Nazism. While Sergei Korablin was fined a thousand roubles for posting on his VKontakte page an episode of the South Park animated series, in which one of the characters comes to school on Halloween in a Hitler costume with the swastika on his shoulder,³³⁹ the police refused to open a case against a teacher who did a World War II amateur play in school.³⁴⁰ However, the provision is constantly applied if the use of Nazi symbols serves to criticise the government.³⁴¹

cc) Prohibition of a Comparison between Soviet Union and Nazi Germany

In April 2022, a new provision was introduced in Article 13.48 CAO.³⁴² This provision penalises³⁴³ the equation of “the objectives, decisions and actions of the leadership of the USSR, the command and troops of the USSR with the objectives, decisions and actions of the leadership of Nazi Germany and the Axis [...] as well as denial of the decisive role of the Soviet people in the defeat of Nazi Germany and the Soviet humanitarian mission in the

³³⁷ “Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2021”, https://www.sova-center.ru/en/misuse/reports-analyses/2022/04/d46193/#_Toc101560778; “Harshes Sentence in History: Student Sentenced for Insulting Veterans” (Russian), <https://www.gazeta.ru/social/2021/12/24/14352787.shtml>.

³³⁸ “Constitutional Court Upholds Ban on Display of Nazi Symbols” (Russian), <https://www.sova-center.ru/misuse/news/lawmaking/2014/11/d30736/>.

³³⁹ “Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2020”, <https://www.sova-center.ru/en/misuse/reports-analyses/2021/04/d44077/>; <https://www.svoboda.org/a/30997365.html>.

³⁴⁰ “Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2020”, <https://www.sova-center.ru/en/misuse/reports-analyses/2021/04/d44077/>.

³⁴¹ See “Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2020”, <https://www.sova-center.ru/en/misuse/reports-analyses/2021/04/d44077/>.

³⁴² Federal Law no. 103-FZ of 16 April 2022 “On Amendments to the Code of Administrative Offences”.

³⁴³ The sanctions foreseen is a fine up to 2,000 roubles, or, for repeated violations, 5,000 roubles or administrative arrest of up to 15 days.

liberation of the European countries" in the media or the Internet. Here, as well, the vague nature of the law is criticized.³⁴⁴

The provision was already applied several times. For example, opposition politician Kirill Suvorov was sentenced because of replacing the "SS" in KPSS (KPSU) by the SS Runes³⁴⁵. In another case a book on the Katyn massacre was banned by a Kaliningrad Court on the basis of various memory laws.³⁴⁶ According to expert information which were given to the Rapporteur in an interview, the provision could also apply for content covering the consequences of the Ribbentrop-Molotov-Pact including the invasion of Poland by Nazi Germany and the USSR as well as the occupation of the Baltic countries in 1940 by the Soviet Union, mass rape and other cases of inhumane treatment of German women and civil population by Red Army soldiers and Soviet war crimes in general.

Russia's historical remembrance legislation is deeply linked with the extremism legislation as shown by several laws³⁴⁷ and the extensive use of provisions of the extremist legislation by law enforcement agencies.

Since 2020, Russia's memory policy has a constitutional status.³⁴⁸ The newly introduced Article 67.1 (1-3) of the Constitution states:

- "1. The Russian Federation is the legal successor of the USSR on its territory, as well as the legal successor of the USSR in respect of membership in international organisations and their bodies, participation in international treaties, as well as in respect of obligations and assets of the USSR outside the territory of the Russian Federation provided for in international treaties.
2. The Russian Federation, united by a thousand years of history, and preserving the memory of its ancestors, who transmitted to us their ideals and faith in God, and also the continuity in the development of the Russian State, recognises the historically established State unity.
3. The Russian Federation honours the memory of the defenders of the Fatherland and ensures the protection of historical truth. The degradation of the significance of the exploits of the people in defending the Fatherland is not allowed."

³⁴⁴ See "President Signs Bill on Responsibility for Identifying Actions of USSR and Nazi Germany" (Russian), <https://www.sova-center.ru/misuse/news/lawmaking/2022/04/d46133/>.

³⁴⁵ "Kirill Suvorov, Advisor to the Head of Krasnoselsky District of Moscow, jailed for 15 days" (Russian), <https://ovd.news/express-news/2022/07/27/sovetnika-glavy-krasnoselskogo-okruga-moskvy-kirilla-suvorova-arestovali-na>; "Moscow politician arrested for 15 days over post" (Russian), <https://ovd.news/express-news/2022/08/11/moskovskogo-politika-arestovali-na-15-sutok-iz-za-posta-za-kotoryy-uzhe>.

³⁴⁶ "Court Bans Electronic Version of Book on Katyn Tragedy in Kaliningrad" (Russian), <https://www.sova-center.ru/misuse/news/persecution/2022/07/d46657/>; "Book on the Katyn tragedy banned due to 'identification of actions of the USSR and Nazi Germany'" (Russian), <https://roskomsvoboda.org/post/katyn-przewodnik-block/>.

³⁴⁷ See Federal Law no. 421-FZ of 2 December 2019 "On Amendments to Art. 6 of the Federal Law 'On eternalisation of the Victory of the Soviet people in the Great Patriotic War 1941-1945' and Art. 1 of the Federal Law 'On counteracting extremist activities'"; Federal Law no. 280-FZ of 1 July 2021 "On Amendments to Art. 6 of the Federal Law On Eternalisation of the Victory of the Soviet people in the Great Patriotic War 1941-1945 and Art. 1 of the Federal Law 'On Counteracting Extremist Activities'".

³⁴⁸ Federal Constitutional Law no. 1-FKZ of 14 March 2020 "On Enhancement of Regulations Concerning Specific Questions of Organisation and Functioning of Public Authority" (approved by referendum on 1 July 2020).

c) Evaluation

“The Ministerial Council [...] calls for continued efforts by political representatives, including parliamentarians, strongly to reject and condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Christians, Jews, Muslims and members of other religions, as well as violent manifestations of extremism associated with aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression”³⁴⁹

The OSCE commitments mention the necessity to combat extremism at various occasions. They also refer to general international obligations including regulations on freedom of expression including the Shanghai Convention. The Convention defines extremism as “an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security, including organisation, for the above purposes, of illegal armed formations and participation in them, criminally prosecuted in conformity with the national laws of the Parties.” Although the definition “shall not affect [...] any national law of the Parties” it is indicative of a narrow understanding of “extremism” that includes an element of violence.³⁵⁰ This is also highlighted in the Madrid Decision of 2007 calling to respect freedom of expression when combating “violent extremism” by the Contracting Parties.³⁵¹

The Supreme Court of the Russian Federation regards the introduction of the legislation on extremism as the fulfilment of a constitutional duty and particularly stresses international obligations and the importance of the observation of international human rights.³⁵² The Court adapted its resolution in 2018³⁵³ prescribing a more precise distinction between extremist and non-extremist crimes. This initiative was well perceived by the OSCE Representative on Freedom of the Media³⁵⁴ and the Venice Commission³⁵⁵. Nevertheless, the lack of clarity remains, which carries the risk of arbitrary application. This point has been raised by the OSCE Representative on Freedom of the Media³⁵⁶, the UN Human Rights Commissioner³⁵⁷, the Committee on the Elimination of Racial Discrimination³⁵⁸ as well as the

³⁴⁹ Decision no. 10/70 on Tolerance and Non-Discrimination: Promoting Mutual respect and Understanding, Madrid 2007.

³⁵⁰ See VC 2012 Opinion on the Law on Extremism, para. 31.

³⁵¹ Madrid 2007.

³⁵² See Resolution of the Plenary of the Supreme Court no. 11 of 28 June 2011 “On Judicial Practice in Criminal Proceedings on Charges of Extremist Crimes”.

³⁵³ See Resolution of the Plenary of the Supreme Court no. 32 of 20 September 2018 “On Judicial Practice in Criminal Proceedings on Charges of Extremist Crimes”.

³⁵⁴ OSCE Representative on Freedom of the Media, Press Release, 26 August 2018, at <https://www.osce.org/representative-on-freedom-of-media/397511>.

³⁵⁵ VC 2012 Opinion on the Law on Extremism, para. 67 et seq.

³⁵⁶ OSCE Representative on Freedom of the Media, Press Release, 23 November 2017, at <https://www.osce.org/fom/358456>; OSCE Representative on Freedom of the Media, Communiqué, 7 October 2014, no. 6/2014; OSCE Representative on Freedom of the Media, Press Release, 25 June 2014, at <https://www.osce.org/fom/120175>.

³⁵⁷ Office of the UN High Commissioner for Human Rights, Statement, 8 March 2017, <https://www.ohchr.org/en/statements/2017/03/high-commissioner-human-rights-activities-his-office-and-recent-human-rights?LangID=E&NewsID=21316>; UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, 28 April 2015, UN Doc. CCPR/C/RUS/CO/7; UN Human

Venice Commission³⁵⁹ and constitutes the foremost problem of the entire Russian extremism legislation. The lack of clarity and the broad spectrum of activities of individuals and associations that could potentially be qualified as “extremist” create the possibility of abuse. The reality of this danger is clearly shown by the cases decided under the relevant provisions. A multitude of provisions allow Russian State authorities to persecute activists belonging to ethnic minorities within the Russian Federation and to effectively punish political dissent. Harsher punishments and an extensive application of the entire array of extremist legislation since 2021³⁶⁰ and especially since the start of the Russian war against Ukraine on 24 February 2022 have a significant chilling effect on Russian civil society as a whole.

A particular concern is the historical memory laws, especially with regard to the role of the USSR in the Second World War as well as Article 354.1 of the Criminal Code punishing the “glorification of Nazism”. Already in 2013, during the adoption procedure, the OSCE Representative on Freedom of the Media Dunja Mijatović criticized that Article 354.1 of the Criminal Code uses “vague language” and goes “beyond the mere banning of the glorification of Nazism. A narrow application of such a law might lead to its abuse and suppress political and critical speech on issues of history and eventually affect freedom of the media”.³⁶¹ The Representative also raised concerns regarding a chilling effect especially for the academic and public debate on historical issues.

The introduction of Article 13.48 CAO in April 2022 deepens the concern. The ban of an equation of Soviet and Nazi regimes for the period of the Second World War is in direct contradiction to the OSCE Vilnius Declaration of 2009 that notes that “two major totalitarian regimes, Nazi and Stalinist, [...] brought about genocide, violations of human rights and freedoms, war crimes and crimes against humanity”.³⁶² The provision of Article 13.48 CAO makes it impossible to have an open discussion about the role of the Soviet Union, in particular during the period between 1 September 1939 and 22 June 1941 – the period that includes the events in Katyn from 3 April to 11 May 1940.³⁶³

Rights Committee, Concluding Observations on the sixth periodic report of the Russian Federation, 24 November 2009, UN Doc. CCPR/C/RUS/CO/6; UN Human Rights Committee, Concluding Observations of the Human Rights Committee: the Russian Federation, 1 December 2003, UN Doc. CCPR/CO/79/RUS.

³⁵⁸ UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the Twenty-Third and Twenty-Fourth Periodic Reports of the Russian Federation, 20 September 2017, UN Doc CERD/C/RUS/CO/23-24, at https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/CERD_C_RUS_CO_23-24_28705_E.pdf; UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the Twenty-Third and Twenty-Fourth Periodic Reports of the Russian Federation, 17 April 2013, UN Doc CERD/C/RUS/CO/20-22; UN, Committee on the Elimination of Racial Discrimination, Concluding Observations on the Twenty-Third and Twenty-Fourth Periodic Reports of the Russian Federation, 20 August 2008, UN Doc CERD/C/RUS/CO/19.

³⁵⁹ Specifically on the Law on Extremism VC 2012 Opinion on the Law on Extremism.

³⁶⁰ “Convictions for Extremism have Doubled in Russia in a Year” (Russian), <https://www.sibreal.org/a/v-rossii-vdvoe-za-god-vyroslo-chislo-osuzhdennyh-za-ekstremizm-/31814281.html>.

³⁶¹ OSCE Representative on Freedom of the Media, Press Release, 26 June 2013, at <https://www.osce.org/fom/103121>.

³⁶² Resolution on Divided Europe Reunited: Promoting Human Rights and Civil Liberties in the OSCE Region in the 21st Century of the OSCE, 29 June - 3 July 2009, AS (09) D 1 E, para. 3, see also paras. 10, 17.

³⁶³ “Russia: ‘Crimes Against History’”, https://www.fidh.org/IMG/pdf/russie-_pad-uk-web.pdf, p. 19, para. 53, p. 35 para. 96, p. 58, para 174, at p. 19, para. 53, p. 35 para. 96, p. 58, para 174.

4) Legislation on Terrorism

a) Definition, Law and Practice

Terrorism is defined by Article 3 of the Federal Law no. 35-FZ of 6 March 2006 “On Counteracting Terrorism” (Law on Terrorism) as for the major part containing an element of violence.³⁶⁴ Even though measures under this Law are extensive,³⁶⁵ the Russian legislation on terrorism therefore concerns the civil society mainly insofar as “justification” and “propaganda” of terrorism are concerned.

Article 3 (2) (e) of the Law on Terrorism qualifies “propaganda for terrorism, dissemination of material or information calling for terrorist activities or justifying the need for such activities” as being by itself a terrorist activity. Article 1 (1) of the Law on Extremism qualifies “public justification of terrorism and other terrorist activities” as extremist activities. Article 205.2 CC establishes criminal responsibility for these acts in addition to the legislation on extremism. “Public calls for terrorist activities, public justification of terrorism or propaganda of terrorism” is punished by up to 5 years of imprisonment by Article 205.2 (1) CC. Article 205.1 (2) CC contains a qualification for actions committed via mass media or Internet being punished by imprisonment of up to 7 years. Notes under Article 205.2 CC clarify the meaning of the incriminated actions. Public justification of terrorism is “a public statement recognising the ideology and practices of terrorism as correct and in need of support and emulation”. Propaganda of terrorism is “the dissemination of material and/or information aimed at forming in a person an ideology of terrorism, a belief in its appeal or a perception that terrorist activities are permissible”.

The application of the provision shows that criminal courts tend to impose severe penalties, often in regard to political cases against journalists³⁶⁶ or critics of the government³⁶⁷ implying a misuse of the anti-terrorism legislation.³⁶⁸ Prison sentences of five years and two

³⁶⁴ VC 2012 Opinion on the Law on Extremism, para. 34.

³⁶⁵ Especially the broad presidential powers under Art. 4 of the Law on Terrorism and the possibility to use Armed Forces are worth mentioning.

³⁶⁶ In July 2020, journalist Svetlana Prokopyeva was sentenced to 500,000 roubles fine for commenting on a suicide bombing in Archangelsk in 2018 (killing only the bomber, a 17-year old boy, and injuring FSB officers) that government officials are partly responsible, see OSCE Representative on Freedom of the Media, Press Release, 4 October 2019, <https://www.osce.org/representative-on-freedom-of-media/434678>; OSCE Representative on Freedom of the Media, Press Release, 17 March 2020, <https://www.osce.org/representative-on-freedom-of-media/448645>; OSCE Representative on Freedom of the Media, Press Release, 6 July 2020, at <https://www.osce.org/representative-on-freedom-of-media/456553>.

³⁶⁷ Ex-photographer of Navalny is being detained since January 2022 for anti-war comments considered as justification of terrorism, see “The Arrest of a Kazan Activist Was Prolonged for Three More Months in a Justification of Terrorism Case” (Russian), <https://ovd.news/express-news/2022/08/12/kazanskomu-aktivistu-na-tri-mesyaca-prodlili-arest-po-delu-ob-opravdanii>.

³⁶⁸ See Council of Europe Commissioner for Human Rights, Press Release, 19 February 2019, <https://www.coe.int/en/web/commissioner/-/russian-federation-misuse-of-anti-terrorism-legislation-limits-media-freedom-and-freedom-of-expression>; Council of Europe Commissioner for Human Rights, Letter, 13 February 2019, CommHR/DM/sf 007-2019; Letter of Council of Europe Commissioner for Human Rights, 12 July 2019, CommHR/DM/sf 027-2019.

months or six years for calling a bomber a “hero”³⁶⁹ respectively reposting a picture on VKontakte by Daria Polyudova, the leader of the “Left Resistance”, showing militant Shamil Basaev with an inscription calling for resistance³⁷⁰ seem hardly to comply with the proportionality requirement in freedom-of-expression cases regardless of whether the reasons for the conviction may have been reasonable.

b) Evaluation

“We are convinced that respect of human rights and fundamental freedoms is an important element of ensuring peace and stability and prevention of terrorism. We acknowledge that effective prevention of and fight against terrorism require the involvement of civil society in our countries.”³⁷¹

The OSCE commitments clearly condemn terrorism and call upon prevention and repression of terrorism – with special regard to the use of the Internet for terrorist purposes. However, OSCE commitments stress at multiple occasions that international law, human rights and the rule of law³⁷² have to be observed while combating terrorism.

In particular, the UN Human Rights Committee stresses that “[s]uch offences as ‘encouragement of terrorism’ and ‘extremist activity’ as well as offences of ‘praising’, ‘glorifying’, or ‘justifying’ terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression. Excessive restrictions on access to information must also be avoided. The media play a crucial role in informing the public about acts of terrorism. Its capacity to operate should not be unduly restricted. In this regard, journalists should not be penalised for carrying out their legitimate activities.”³⁷³ The Joint Declaration on Freedom of Expression and Responses to Conflict Situations³⁷⁴ with participation of the OSCE reiterates the call for States to “refrain from applying restrictions relating to ‘terrorism’ in an unduly broad manner. Criminal responsibility for expression relating to terrorism should be limited to those who incite others to terrorism; vague concepts such as ‘glorifying’, ‘justifying’ or ‘encouraging’ terrorism should not be used.”

³⁶⁹ “Court Sentences Kaluga Resident to Five Years and Two Months in Prison for Comments on FSB Bombing” (Russian), <https://ovd.news/express-news/2020/03/05/sud-prigovoril-zhitelya-kalugi-k-pyati-godam-i-dvum-mesyacam-kolonii-za>.

³⁷⁰ “Left-Wing Activist Darya Polyudova, Charged with Inciting Separatism and Justifying Terrorism, is a Political Prisoner, Memorial says” (Russian), https://memohrc.org/en/news_old/left-wing-activist-darya-polyudova-charged-inciting-separatism-and-justifying-terrorism; “Leader of ‘Left Resistance’ Polyudova Got Six Years for Appeals to Terrorism” (Russian), <https://www.kommersant.ru/doc/4837535>; “Activist Daria Polyudova got Six Years Pleading Guilty to Appeals to Terrorism” (Russian), <https://www.bbc.com/russian/news-57307593>.

³⁷¹ Ministerial Statement on Preventing and Combating Terrorism of the OSCE, 7 December 2004, MC(12).JOUR/2 (hereinafter Sofia 2004).

³⁷² *Inter alia* Charter on Preventing and Combating Terrorism, 7 December 2002, MC(10).JOUR/2 (hereinafter Porto 2002).

³⁷³ UN Human Rights Committee, General comment no. 34, 12 September 2011, UN Doc. CCPR/C/GC/34, para. 46.

³⁷⁴ Joint Declaration on Freedom of Expression and Responses to Conflict Situations of 4 May 2015, para. 3 (b), <https://www.osce.org/files/f/documents/a/0/154846.pdf>.

The Russian Federation already violates these norms by including the vague notion of “justification” or “propaganda” of terrorism in its criminal legislation. The concern even deepens with regard to the application in individual cases. The Russian Federation assumes a very broad understanding of these acts as a basis for prosecution. Already minor actions like re-posts of social media posts expressing concern for the perpetrator of a terrorist act are seen as justifying terrorism and punished severely. The case of the journalist Svetlana Prokopyeva is of particular interest in this regard. The UN Human Rights Committee sees curtailing journalist work as excessive with regard to the chilling effect on freedom of expression, freedom of information, and freedom of media. Furthermore, a Joint Declaration with participation of the OSCE of 2016³⁷⁵ specifically addresses everyone’s “right to criticise the manner in which States and politicians respond” to violence and terrorism. In this regard it is also deeply concerning that the Russian legislation is used to further incriminate criticism regarding the ongoing Russian war of aggression against Ukraine.

The Rapporteur shares the finding of the International Federation of Human Rights³⁷⁶ that the Russian legislation is incompatible with freedom of expression as outlined in Article 19 of the Covenant on Civil and Political Rights and Article 10 of the European Convention of Human Rights.

5) Legislation on State Secrets and Treason

a) Definition, Law and Practice

A growing concern regarding the civil society in Russia is the legislation regarding high treason and State secrets. What constitutes a State secret is defined by Article 5 of the Law on State Secrets.³⁷⁷ A list of information constituting State secrets was adopted by the Presidential Decree of 30 November 1995³⁷⁸. The definitions are broad and heavily sanctioned under Russian criminal law.

The most important and most severe provision is “high treason”, regulated by Article 275 of the Criminal Code. This provision was broadened several times, most importantly by the Federal Law no. 190-FZ of 14 November 2012 “On Amendments to the Criminal Code of the Russian Federation and article 151 of the Criminal Procedure Code”. This law expanded “high treason” to “the provision of financial, material and technical, consulting or other assistance to a foreign State, international or foreign organisation or their representatives, aimed against the security of the Russian Federation” and criminalised the disclosure of State secrets obtained through studies. Today’s wording of Article 275 CC reads as follows: “High treason, that is committed by a citizen of the Russian Federation acts of espionage, the disclosure to a foreign State, an international or foreign organisation or their representatives of information constituting a State secret entrusted to the person or made

³⁷⁵ Idem.

³⁷⁶ “Russia: ‘Crimes Against History’”, https://www.fidh.org/IMG/pdf/russie-_pad-uk-web.pdf, p. 48.

³⁷⁷ Law of the Russian Federation no. 5485-1 of 21 July 1993 “On State Secrets”.

³⁷⁸ Presidential Decree no. 1203 of 30 November 1995 “On Approval of a List of Information Constituting a State Secret”; interestingly Presidential Decree no. 273 of 28 May 2015 “On Amending the List of Information Constituting State Secrets Approved by Presidential Decree no. 1203 of 30 November 1995” places “information revealing losses in war time and in peace time during the conduction of special operations” under secrecy.

known to him in the course of service, work, study or in other cases provided for by Russian law, defection to the enemy³⁷⁹ or the provision of financial, material and technical, consulting or other assistance to a foreign State, international or foreign organisation or their representatives, aimed against the security of the Russian Federation”. The maximum punishment for high treason is imprisonment of 20 years.

The Novaya Gazeta speaks of a “hunt on researchers” as 30 scientists were subjected to criminal proceedings and severe sentences were issued, e. g. seven years for sending a demo-version of a rocket aerodynamics program to China,³⁸⁰ or 20 years for sending a remote control to China not knowing that it is protected by a State secret and bringing a SD-card with a thesis abroad³⁸¹ – especially after the 2012 amendments.³⁸² Also journalists are subjected to criminal proceedings under the very broad legislation. Treason cases are dealt with in camera. This has the effect that there will be criminal proceedings against everyone who comments on a treason case. An example is the case of former journalist and Roskosmos adviser Ivan Safranov, who was charged for allegedly giving information on Russian-African co-operation to a Czech intelligence service and for transmitting information on activities of Armed Forces in Syria,³⁸³ where his lawyers were prosecuted.³⁸⁴

Article 276 of the Criminal Code punishes espionage as a deed of a foreigner or a stateless person. Article 283 of the Criminal Code punishes “the disclosure of State secrets entrusted to the person or made known to him in the course of service, work, study or in other cases provided for by Russian law”. In difference to Article 275 of the Criminal Code the addressee is not a foreign State, an international or foreign organisation or their representatives.

But criminal liability sets in even earlier. Article 283.1 of the Criminal Code, introduced in 2012, punishes already the mere fact of obtaining information constituting a State secret in

³⁷⁹ This variant was introduced by Federal Law no. 260-FZ of 14 July 2022 “On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation”.

³⁸⁰ “‘Memorial’ Recognised the Famous Scientist Vladimir Lapygin to Be a Political Prisoner” (Russian), <https://memohrc.org/ru/news/memorial-priznal-izvestnogo-uchyonogo-vladimira-lapygina-politzaklyuchyonnym>; “Scientist Lapygin Sentenced for High Treason Was Released on Parole” (Russian), <https://tass.ru/obschestvo/8702055>.

³⁸¹ “The Proof is Dust” (Russian), <https://novayagazeta.ru/articles/2021/08/16/dokazatelstva-pyl>.

³⁸² “The FSB conducts a ‘hunt on researchers’” (Russian), <https://novayagazeta.ru/articles/2020/11/27/88134-berut-lyudey-s-opytom-lomayut-zhizni-otnimayut-rabotu-i-zdorovie>. E.g. three scientists from Novosibirsk, Alexander Shipluk, Anatoly Maslov, Dmitry Kolker, were arrested on separate treason charges within 30 days. Dmitry Kolker was arrested on 30 June 2022 for giving a lecture in front of Chinese students in 2018 even though the lecture was held in Russian for the accompanying FSB agent to understand it and was previously screened by the university, “It Only Took You Two Days to Kill a Man” (Russian), <https://meduza.io/feature/2022/07/04/vam-hvatilo-dva-dnya-chtoby-ubit-cheloveka>;

“In Novosibirsk, the Director of the RAN Institute Was Arrested on High Treason Charges. This is the Third Case in 40 Days” (Russian), <https://meduza.io/news/2022/08/05/v-novosibirske-po-delu-o-gosudarstvennoy-izmene-arestovan-direktor-instituta-ran-aleksandr-shipluk-eto-tretiy-takoy-sluchay-za-40-dney>.

³⁸³ “Statement in Support of Ivan Safranov” (Russian), <https://www.kommersant.ru/doc/4406986>.

³⁸⁴ “Lawyer Ivan Pavlov has left Russia” (Russian), <https://ovd.news/express-news/2021/09/07/advokat-ivan-pavlov-pokinul-rossiyu>; “The FSB has Detained the Head of the Team 29 Project Ivan Pavlov. The IT Specialist of the Project was Searched” (Russian), <https://ovd.news/express-news/2021/04/30/fsb-zaderzhala-glavu-komandy-29-ivana-pavlova-k-it-specialistu-proekta>; “Disciplinary Proceedings Initiated Against Lawyer Ivan Safranov Following a Complaint by the FSB” (Russian), <https://ovd.news/express-news/2021/11/22/protiv-advokata-ivana-safronova-vozbudili-disciplinarnoe-proizvodstvo-po>.

any unlawful way with up to four years of imprisonment. If the deed is committed *inter alia* by a group of persons or “linked with the dissemination of the information constituting a State secret or with the transfer of carriers of such information outside the Russian Federation” the maximum punishment is increased to 8 years of imprisonment.

The broad application of the law is exemplified by two cases: Gennady Nefedov who had already a conviction for assault was sentenced to five years in prison for posting a photo online of an object in Moscow protected by State secret, while his companions got a much milder punishment;³⁸⁵ a government engineer working for Gostekhnadzor from Bryansk was sentenced to three years imprisonment for a talk with a border guard allegedly because of getting information on the border patrol order.³⁸⁶

Even information not protected as a State secret is de facto restricted by the “foreign-agents” legislation as the mere fact of collecting information on a particular subject deemed sensitive by the FSB³⁸⁷ can lead to the qualification of an individual as a “foreign agent”.³⁸⁸

Federal Law no. 260-FZ, adopted on 14 July 2022,³⁸⁹ once more changed the entire legislation on State security. Espionage was broadened to include “the transfer, collection, theft or storage for the purpose of transferring to the enemy³⁹⁰ of information which may be used against the Armed Forces of the Russian Federation, other troops, military formations and bodies of the Russian Federation, committed in conditions of armed conflict, hostilities or other activities involving weapons and military equipment involving the Russian Federation”. Journalistic work on the Internet regarding armed conflicts with Russian involvement is therefore heavily under risk regarding foreign (Article 276 of the Criminal Code) and domestic journalists (Article 275 of the Criminal Code which refers to “espionage”).

The newly introduced Article 275.1 of the Criminal Code is even more restrictive. It targets the “establishment and maintenance by a citizen of the Russian Federation of cooperation relations on a confidential basis with a representative of a foreign State, international or foreign organisation in order to assist them in activities knowingly directed against the security of the Russian Federation”. The punishment is imprisonment of up to 8 years. The

³⁸⁵ “Supreme Court Upholds Conviction of Moscow Digger in State Secrets Case” (Russian), <https://www.interfax.ru/russia/557895>; “Moscow Digger Sentenced to five Years in Prison for Revealing State Secrets” (Russian), <https://ria.ru/20170411/1491976789.html>; “Supreme Court Affirms Verdict on Moscow Diggers Convicted of Illegally Obtaining Classified Information” (Russian), <https://zona.media/news/2017/11/04/digg>.

³⁸⁶ “An Engineer from Bryansk Is Exempted from a Real Term for Revealing State Secrets” (Russian), <https://ovd.news/express-news/2017/12/20/bryanskogo-inzhenera-osvobodili-ot-realnogo-nakazaniya-za-razglashenie>; “Bryansk Region Resident Accused of Obtaining State Secrets by Talking to Border Guard” (Russian), <https://ovd.news/express-news/2017/07/27/zhitelya-bryanskoy-oblasti-obvinili-v-poluchenii-gostayny-iz-za-besedy-s>.

³⁸⁷ See Federal Security Service, Order no. 379 of 28 September 2021 “On Approval of the List of Information in the Field of Military, Military-Technical Activities of the Russian Federation which, if Obtained by a Foreign State, its State Bodies, International or Foreign Organisation, Foreign Nationals or Stateless Persons May Be Used Against the Security of the Russian Federation”.

³⁸⁸ See above.

³⁸⁹ Federal Law no. 260-FZ of 14 July 2022 “On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation”.

³⁹⁰ The notion of “enemy” is included in the Note to Art. 276 CC.

initial version of the law³⁹¹ as it was proposed in the Duma only targeted the confidential cooperation with “special services” of the respective bodies. The Note to Article 275.1 brings further insecurity as it grants dispensation from criminal liability in case the perpetrator, among other conditions, “did not commit any actions to implement the task given to him/her”. Article 275.1 of the Criminal Code itself, however, does not include special tasks given to the perpetrator as a condition for criminal liability.

Another new provision is Article 280.4 of the Criminal Code criminalising – similarly to the legislation on extremism and terrorism – “public calls for activities directed against the security of the Russian Federation or for obstructing the exercise by the authorities and their officials of their authority to ensure the security of the Russian Federation”. The punishment in Article 280.4 (1) of the Criminal Code is up to four years, in qualified cases even much harsher.³⁹²

Article 283.2 of the Criminal Code is also a new provision aimed at the protection of State secrets. It punishes “departure from the Russian Federation of a citizen of the Russian Federation admitted or formerly admitted to State secrets, whose right to leave the Russian Federation is knowingly restricted in accordance with the legislation of the Russian Federation on State secrets”. While Article 24 of the Law on State Secrets and Article 15 (1) of the Federal Law “On departure from and entrance to the Russian Federation”³⁹³ already allowed travel restrictions for persons admitted to State secrets, a violation now constitutes a criminal offence punishable with up to 3 years of imprisonment. Criminal or even administrative sanctions were previously non-existent.

The provision also punishes “illegal removal or transfer of media containing information constituting a State secret outside the territory of the Russian Federation in the absence of indications of offences under articles 226.1, 275, 276 and 283.1 of this Code” with up to four years of imprisonment. Members of Russian civil society consider this amendment to be a liberalisation, as in practice, offenders in similar cases were persecuted under Article 275 of the Criminal Code.³⁹⁴ However, as this provision explicitly cites Article 275 as *lex specialis*, the effect of this provision will depend on the law enforcement practice.

³⁹¹ See <https://sozd.duma.gov.ru/bill/130406-8>.

³⁹² In case of a commission *inter alia* by a “group of persons by prior agreement” or via Internet the punishment is up to six years of imprisonment. In case of a commission by an organised group the punishment is up to seven years of imprisonment. A note clarifies that “activities directed against the security of the Russian Federation” are offences punished by Art. 189, 200.1, 209, 210, 222 - 223.1, 226, 226.1, 229.1, 274.1, 275 - 276, 281, 283, 283.1, 284.1, 290, 291, 322, 322.1, 323, 332, 338, 355 - 357, 359 CC; these provisions include high treason, espionage, confidential cooperation with representatives with foreign countries or foreign or international organisations, the cooperation with an undesirable organisation, unlawful crossing of the border of the Russian Federation including leaving the Russian Federation, and desertion.

³⁹³ Federal Law no. 114-FZ of 15 August 1996 “On departure from the Russian Federation and entrance to the Russian Federation”.

³⁹⁴ E.g. for the case of Alexey Vorobyov see “The Proof is Dust” (Russian), <https://novayagazeta.ru/articles/2021/08/16/dokazatelstva-pyl>.

b) Evaluation

“We reaffirm the importance of (...) the free flow of information as well as the public’s access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for (...) unimpeded transborder and intra-State flow of information (...)”³⁹⁵

The OSCE commitments as well as Article 19 (1) ICCPR and Article 10 (1) ECHR, to which the OSCE commitments refer, protect freedom of expression “regardless of frontiers”. Restrictions are only permitted if they are provided by law³⁹⁶ and also observe the proportionality of the aim of the law³⁹⁷ – the aims including also national security as noted in Article 19 (3) (b) ICCPR.

The Venice Commission already in 2014 analysed the legislation on State secrets of the Russian Federation having also regard to OSCE commitments.³⁹⁸ The Commission held that the legislation in its 2014 version is incompatible with international standards as under the broad and vague wording of the provisions “almost any conversation between Russian citizens and representatives of foreign organisations” as well as the mere access to information by “journalists, researchers and human rights defenders” in particular is punishable by up to 20 years of imprisonment. The Rapporteur shares the assessment that the legislation has already been excessive before the reforms of 14 July 2022.

The excessive nature of the legislation will be exacerbated by the reforms of 14 July 2022. Especially the extension of espionage under Article 276 and therefore of “high treason” under Article 275 of the Criminal Code to information “that can be used against the Armed Forces of the Russian Federation” makes journalistic work during the ongoing war of the Russian Federation against Ukraine impossible: In the digital era, any publicly available information can be accessed from almost any point in the world – including Ukraine. The scope of the amendment is uncertain – also reports on general activities of the President, being the Commander in chief of the Russian Armed Forces, can be seen as potentially causing a threat for the Armed Forces. The risk of abuse in order to further silence criticism is enormous.

Furthermore, the Rapporteur condemns in particular the introduction Article 275.1 of the Criminal Code criminalising “co-operation” with representatives of foreign States, foreign and international organisations. As the wording of Article 275.1 of the Criminal code is very vague, a potential broad application of the norm in the law enforcement practice can lead to the incrimination of any participation of civil society in any international context involving officials or even public servants in general from abroad. Thus, contact with this very OSCE expert mission – if not disclosed publicly or to Russian authorities – potentially endangers Russian civil society interlocutors regardless of their place of residence. Any international monitoring operation – even by organisations the Russian Federation is a member State of, such as the OSCE – can fall under the application of the norm. Should this norm indeed receive such an application, this would constitute a direct violation of Article 9 (4) of the UN

³⁹⁵ Istanbul 1999.

³⁹⁶ Vienna 1989.

³⁹⁷ Copenhagen 1990.

³⁹⁸ VC 2014 Opinion on Foreign-Agent-Legislation, pp. 24 et seq.

Declaration on Human Rights Defenders³⁹⁹ enshrining everyone’s right, “individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms”.

As the cases of individual application have shown, “vague and overbroad”⁴⁰⁰ terms of the State security legislation are used to target journalists and researchers in particular.⁴⁰¹ An important chilling effect is also present for civil society in general⁴⁰² – especially following the 2022 reform. The UN Human Rights Committee condemns invoking treason and national security laws “to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information”⁴⁰³ as a violation of Article 19 ICCPR.

6) Legislation on “Propaganda of Non-Traditional Sexual Relationships”

The LGBTQI+ community in Russia is under constant pressure because it does not conform to the officially propagated "family values". The conditions for the life of LGBTQI+ individuals differ from region to region.⁴⁰⁴ However, some common trends can be identified.

a) Definition, Law and Practice

On 29 June 2013 Article 14 of the Federal Law no. 124-FZ of 24 July 1998 “On the Main Guarantees of the Rights of the Child in the Russian Federation” was amended.⁴⁰⁵ It introduced the term “information promoting non-traditional sexual relationships”. The provision states that the Government authorities should take measures to protect children

³⁹⁹ UN General Assembly Resolution no. A/RES/53/144, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.

⁴⁰⁰For Art. 275 CC, see “Russia: ‘Crimes Against History’”, https://www.fidh.org/IMG/pdf/russie-_pad-uk-web.pdf, p. 48.

⁴⁰¹ The UN Human Rights Committee already criticised this in 2003, see UN Human Rights Committee, Concluding Observations of the Human Rights Committee: the Russian Federation, 1 December 2003, UN Doc. CCPR/CO/79/RUS, para. 21.

⁴⁰² See i.e. UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of the Russian Federation, adopted by the Committee at its Forty-Ninth Session (29 October-23 November 2012), 11 November 2012, UN Doc CAT/C/RUS/CO/5, para. 12.

⁴⁰³ UN Human Rights Committee, General comment no. 34, 12 September 2011, UN Doc. CCPR/C/GC/34, para. 30.

⁴⁰⁴ See for a comprehensive analysis of the disastrous situation of the LGBTQI+ community in Chechnya: OSCE Rapporteur’s Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation, 2018.

⁴⁰⁵ Federal Law no. 135-FZ of 29 June 2013 “On Amendments of the Federal Law on the Protection of Children from Information Harmful to Their Health and Development and Certain Legislative Acts of the Russian Federation to Protect Children from Information Promoting Denial of Traditional Family Values” (hereinafter Law on Propaganda of Non-Traditional Sexual Relationships).

against such information. Similar provisions already existed at the regional level.⁴⁰⁶ Additionally, it introduced Article 6.21 (1) to the CAO which states:

“The promoting of non-traditional sexual relationships among minors, expressed in the dissemination of information aimed at creating in minors a non-traditional sexual orientation, promoting the attractiveness of non-traditional sexual relationships, creating a distorted image of the social equivalence of traditional and non-traditional sexual relationships, or imposing information about non-traditional sexual relationships, arousing interest in such relationships, if these activities do not contain acts punishable under criminal law,- shall be subject to the imposition of an administrative fine, ranging from 4,000 to 5,000 roubles for citizens; from 40,000 to 50,000 roubles for officials; and, for legal entities, a fine ranging from 800,000 to 1,000,000 roubles or an administrative suspension of their activities for up to 90 days.” If the offence is committed through individuals can be fined up to 100,000 roubles according to Article 6.21 (2) CAO.”

The Russian Constitutional Court declared the provision of the CAO for constitutional as it intends to protect constitutionally significant values such as the family and childhood. It should safeguard the health of minors and their moral and spiritual development. The Court argued that the necessary balance between the rights of minors and the rights of sexual minorities could be reached as only public actions are deemed to be unlawful which were intended to disseminate such information.⁴⁰⁷

The prohibition to “propagate non-traditional relationships”, however, is broadly applied as the Russian authorities consider nearly everything connected with gender and LGBTQI+ as propaganda. This affects, in particular, assemblies and associations in support of the LGBTQI+ community. Assemblies and pickets get frequently banned or dissolved and are not sufficiently protected by the State against counter-demonstrators. Furthermore, the registration of an association dealing with LGBTQI+ rights is difficult to receive, which leads to violations of international human rights standards.⁴⁰⁸

On 18 July 2022 a new draft law was proposed which prohibits the dissemination of information denying family values and propagating non-traditional sexual relationships *inter alia* in the internet and in cinema.⁴⁰⁹

b) Evaluation

“(…) [T]he OSCE should continue to raise awareness and develop measures to counter

⁴⁰⁶ See for an already existing legal analysis Venice Commission, Opinion on the Issue of the Prohibition of so-called “Propaganda of Homosexuality” in the light of recent Legislation in some Member States of the Council of Europe, 18 June 2013, CDL-AD(2013)022.

⁴⁰⁷ Constitutional Court of the Russian Federation, decision no. 24-P of 23 September 2014.

⁴⁰⁸ See the cases UN Human Rights Committee, Alekseev v. Russia, 25 October 2013, Communication No. 1873/2009 and ECtHR, Bayev and others v. Russia, 20 June 2017, app. nos. 67667/09 et al; ECtHR, Alekseyev v. Russia, 21 October 2010, app. nos. 4916/07 et al.; ECtHR, Zhdanov and others v. Russia, 16 July 2019, app. nos. 12200/08 et al.; ECtHR, Berkman v. Russia, 1 December 2020, app. no. 46712/15.

⁴⁰⁹ Draft Federal Law no. 165975-8 “On Amendments to Certain Legislative Acts of the Russian Federation Relating to the Prohibition of Information Promoting Non-Traditional Sexual Relations”.

prejudice, intolerance and discrimination, while respecting human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to *inter alia* race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status (...)."⁴¹⁰

Under OSCE human dimension commitments not only the law in itself but also its broad and arbitrary application is troubling. The legislative ban on the promotion of homosexuality or non-traditional sexual relationships among minors effectively bans all available means of public communication and expression of LGBTQI+ rights. Therefore, it contributes to fomenting prejudices, intolerance and discrimination in the society and hampers the realisation of human rights of LGBTQI+ individuals.

The European Court of Human Rights found that the law in question violates freedom of expression and constitutes a discrimination. It states that the law does "(...) not serve to advance the legitimate aim of the protection of morals, and that such measures are likely to be counterproductive in achieving the declared legitimate aims of the protection of health and the protection of rights of others. Given the vagueness of the terminology used and the potentially unlimited scope of their application, these provisions are open to abuse in individual cases, (...) Above all, by adopting such laws the authorities reinforce stigma and prejudice and encourage homophobia, which is incompatible with the notions of equality, pluralism and tolerance inherent in a democratic society."⁴¹¹

The Law is also constantly criticised by the United Nations treaty bodies as it "exacerbate[s] the negative stereotypes against LGBTQI+ individuals and represents a disproportionate restriction of their rights under the Covenant (...)."⁴¹² This is in particular true as serious concerns were raised to such interferences on the ground of public morality.⁴¹³

The Rapporteur notes with great concern the developments in Russia in this area. The new draft law of July 2022 bans any form of life from the public sphere that does not correspond to the officially propagated family values.

7) Legislation on the Protection of Religious Feelings

a) Definition, Law and Practice

The adoption of the Law on Propaganda of Non-Traditional Sexual Relationships (see above) coincided with a reform of Article 148 of the Criminal Code and Article 5.26 of the Code of Administrative Offences.⁴¹⁴

⁴¹⁰ Thirteenth Meeting of the Ministerial Council of the OSCE, 5-6 December 2005, MC13EW66, para. 4.

⁴¹¹ ECtHR, Bayev and others v. Russia, 20 June 2017, app. nos. 67667/09 et al., para. 83.

⁴¹² UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, 28 April 2015, UN Doc. CCPR/C/RUS/CO/7, para 10.

⁴¹³ UN General Assembly, Report of the Special Rapporteur on the Promotion and Protection of the Right to freedom of Opinion and Expression, Irene Khan, 30 July 2021, UN Doc A/76/258, para. 28.

⁴¹⁴ Federal Law no. 136-FZ of 29 June 2013 "On Amendments to Art. 148 of the Criminal Code of the Russian Federation and Certain Legislative Acts of the Russian Federation Aiming at Counteracting Insults to Religious Convictions and Feelings of Citizens".

While Article 5.26 (2) CAO punishes *inter alia* “intentional public desecration of [...] objects of religious veneration” (including churches), Article 148 (1) of the Criminal Code punishes “public actions expressing an obvious disrespect for society committed for the purpose of insulting religious feelings of believers” in general. The punishment is serious.⁴¹⁵

The following examples illustrate that the legal provisions are applied in practice to any form of mockery about religion and lead to very harsh sentences. Two years and three months suspended sentence are given for the posting of a video on Pokémon in church,⁴¹⁶ a fine of 15,000 roubles for a gay couple kissing in front of a church in the outskirts of St. Petersburg,⁴¹⁷ ten months imprisonment for a photo on the imitation of oral sex in front of the St. Basil Cathedral on the Red Square;⁴¹⁸ a condemnation to compulsory labour for photos of women in front of churches or with icons (partially or completely) naked.

b) Evaluation

“The Ministerial Council [...] undertakes to endeavour to prevent and protect against attacks directed at any religious group, whether on persons or on places of worship or religious objects”⁴¹⁹

OSCE commitments allow restrictions of human rights in order to protect attacks on religious groups. The Russian Federation also stresses that the behaviour criminalised by Article 148 of the Criminal Code “poses a danger to public order, since it violates the traditional and religious norms established by society over many centuries and its ethical standards, is contrary to morality, has serious consequences and is clearly antisocial.”⁴²⁰ While the protection of public order and morals is a legitimate aim, the Russian Federation has, nevertheless, has to respect the “notions of equality, pluralism and tolerance inherent in a democratic society”.⁴²¹ The legislation and the practical application have always to take into account the value of freedom of expression and not to defend what is understood as “religious feelings” in a one-sided manner. Similar concerns have been raised by the European Court of Human Rights for the “Pussy Riot Case” of 2011, a case that was decided before Article 148 of the Criminal Code entered into force.⁴²²

⁴¹⁵ It can be *inter alia* a fine of up to 300,000 roubles and imprisonment of up to one year. Article 148 (2) contains a qualification if the deed is committed in “places specifically designated for religious services, other religious rites and ceremonies” allowing a punishment of up to 500,000 Roubles or imprisonment of up to three years.

⁴¹⁶ “Russian blogger gets 3.5-year suspended sentence for ‘catching Pokemon’ in church”, <https://tass.com/society/945404>.

⁴¹⁷ “Court Rules on Offence Against Religious Feelings” (Russian), <https://comingoutspb.com/news/sud-vynes-reshenie-po-delu-ob-oskorblenii-chuvstv-veruyushchikh/>.

⁴¹⁸ “Sentence Handed Down in Moscow in Case of Photo with Simulated Oral Sex in Front of a Church” (Russian), <https://ovd.news/express-news/2021/10/29/v-moskve-vynesli-prigovor-po-delu-o-fotografii-s-imitaciy-oralnogo-seksa-na>.

⁴¹⁹ Porto 2002.

⁴²⁰ UN Human Rights Committee, Eighth report submitted by the Russian Federation under article 40 of the Covenant, due in 2019, 8 April 2019, UN Doc. CCPR/C/RUS/8, para. 286.

⁴²¹ ECHR, Bayev and others v. Russia, 20 June 2017, app. no. 67667/09, para. 83.

⁴²² See ECtHR, Mariya Alekhina and others v. Russia, 17 July 2018, app. no. 38004/12.

The application of Article 148 (1) of the Criminal Code, as shown above, often shows a lack of consideration of freedom of expression. The provision is used extensively against persons who criticise, albeit sometimes through the use of graphic means, the Orthodox Church's approach to sexual orientation and sexuality in general. Even though in some cases the defendants' behaviour might shock (even if this can hardly be said for most of the aforementioned cases) or cause a negative reaction, the fundamental character of freedom of expression and the exceptional nature of restrictions have to be observed. Russian legal practice, however, systematically sees the combination of nudity or so-called "non-traditional" sexual orientations with ecclesiastic objects and symbols as a criminal action; criminal persecution in this area therefore has a clear gender bias. Criminal persecution for participation in a public debate on conservative values in Russia, publicly and successfully promoted by the Orthodox Church, the biggest religious organisation in Russia, is excessive.

For being criminalised, it might be sufficient to show the picture of a church in a different context. Thus, the "traditional and religious norms established by society over many centuries and its ethical standards" are enforced by criminal law far beyond what religious norms protect. The principle of proportionality is not applied in protecting freedom of expression.

8) Legislation on Slander and Defamation

a) Definition, Law and Practice

The Russian Law contains several defamation laws. Article 5.61 CAO as general defamation provision penalises insults with a fine of up to 200,000 roubles.⁴²³ In 2012 libel and slander were re-criminalised through the introduction of Article 128.1 CC allowing sanctions of up to 500,000 roubles and one million roubles or imprisonment up to one year if the act is committed through mass media or the internet.⁴²⁴

The Federal Law of 18 March 2019 supplemented, *inter alia*, Article 20.1 with parts (3)-(5) CAO. It introduces new administrative offences for disseminating in information and telecommunication networks, including the Internet, information "in an indecent form offending human dignity and public morals, or showing clear disrespect for society, the State, official State symbols of the Russian Federation, the Constitution of the Russian Federation or the bodies exercising State power". Violations can be fined with 30,000 roubles up to 300,000 roubles or administrative arrest for a period of up to fifteen days.⁴²⁵

⁴²³ Introduced by Federal Law no. 420-FZ of 7 December 2011 "On Amendments to the Criminal Code of the Russian Federation and Certain Legislative Acts of the Russian Federation".

⁴²⁴ Federal Law no. 141-FZ of 28 July 2012 "On Amendments to the Criminal Code of the Russian Federation and Certain Legislative Acts of the Russian Federation"; latest revision of Art. 128.1 CC through Federal Law no. 538-FZ of 30 December 2020 "On Amending Article 128.1 of the Criminal Code of the Russian Federation"; additionally, the CC foresees further provision criminalizing defamations, insults and slander, e. g. Art. 298.1, 319 CC.

⁴²⁵ Federal Law no. 28-FZ of 18 March 2019 "On Amendments to the Code of Administrative Offences of the Russian Federation".

b) Evaluation

The participating States reaffirm that everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards.⁴²⁶

The UN Human Rights Committee raised its concerns about the re-criminalisation of libel and slander in 2012 because the “laws appear to be incompatible with the Covenant, as the necessity of the imposed restrictions and the proportionality of the response appear not to meet the strict requirements of article 19 (3) of the Covenant.”⁴²⁷ It noted that imprisonment should never be an appropriate penalty for defamation. Even if the 2012 introduced criminal provision was rarely used against journalists and activists, it cannot be denied that its mere existence could lead to a chilling effect on freedom of expression.⁴²⁸ This is particularly true in regard to the latest amendments in 2019. In fact, due to its broad wording it could lead to a chilling effect in regard to every criticism directed against the government or State authorities. It could also serve as a ground to prosecute journalists and critics of the State authorities.⁴²⁹

IV) Mass Media and Internet – Legislation and Practice

“[The participating States] further recognise that independent media are essential to free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.”⁴³⁰

1) Constitutional Guarantees

The constitutional guarantee of pluralism and freedom of mass communication, enshrined in Article 13 para. 1 and 2 and Article 29 para. 5 of the Russian Constitution of 1993, reads as follows:

Article 13 para. 1 and 2:

- “1. In the Russian Federation ideological diversity shall be recognised.
2. No ideology may be established as State or obligatory one.”

Article 29 para. 5:

⁴²⁶ Copenhagen 1990, para. 9.1.

⁴²⁷ UN Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation, 28 April 2015, UN Doc. CCPR/C/RUS/CO/7; on the re-criminalisation also OSCE Representative on Freedom of the Media, Press Release, 12 July 2012, <https://www.osce.org/fom/92106>.

⁴²⁸ “Information on the human rights situation in Russia for the OSCE’s Moscow Mechanism”, <https://reports.ovdinfo.org/information-human-rights-situation-russia-osces-moscow-mechanism#3-6>.

⁴²⁹ For example, OSCE Representative on Freedom of the Media, Press Release, 27 August 2003, <https://www.osce.org/fom/55559> under the old libel provision.

⁴³⁰ Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 26.

“5. The freedom of mass communication shall be guaranteed. Censorship shall be banned.”

The provisions have never been amended.⁴³¹

Restrictions are possible as foreseen under Article 55 of the Constitution.⁴³²

2) Legislation on Mass Media

a) Definition, Law and Practice

The Russian mass media landscape is mainly regulated by the Law on Mass Media which was adopted on 27 December 1991.⁴³³ The Law on Mass Media, drafted during the *glasnost* era, was seen as clearly “democratic” and as a cornerstone fostering media freedom.⁴³⁴ Article 1 explicitly states that no other restrictions shall be imposed than those foreseen in the legislation on mass media and, therefore, reflects Article 29 (5) of the Russian Constitution. However, since its adoption it has undergone several changes culminating in a mosaic with strong repressive elements.

According to Article 2 Law on Mass Media⁴³⁵ the term “mass medium” is rather broad including traditional mass media such as newspapers, television and radio channels as well as network publications like Internet websites. The definition also applies to individual journalists. However, the public opinion is still mainly shaped by television as 67 per cent of the respondents of a survey conducted by the Yuri Levada Analytical Centre in April 2022 get their local and international news from television compared to 39 per cent from social networks and 32 per cent from internet media. However, the trust in the media varies widely as 52 per cent trust the most in television compared to 17 per cent each in social networks and internet media.⁴³⁶

According to Article 8 Law on Mass Media, mass media outlets have to register with Roskomnadzor, the main body responsible for the execution of mass media, mass communication and information technology and communication regulations.⁴³⁷ Registration is a prerequisite for getting a licence to broadcast. According to Article 7 Law on Mass Media organisations whose activities are forbidden in the Russian Federation as well as citizens of a

⁴³¹ See above on the specific procedure for amendment under Article 135 of the Constitution.

⁴³² See above.

⁴³³ Federal Law no. 2124-I of 27 December 1991 “On Mass Media” (hereinafter Law on Mass Media).

⁴³⁴ Council of Europe Commissioner for Human Rights, Report, 20 April 2005, CommDH(2005)2, paras. 416, 417.

⁴³⁵ As amended through no. 142-FZ Federal Law of 14 June 2011 “On Introducing Amendments to Certain Legislative Acts of the Russian Federation in Connection with the Improvement of Legal Regulation of the Mass Media”.

⁴³⁶ “Internet, Social Networks and Blocking”, <https://www.levada.ru/en/2022/05/27/internet-social-networks-and-blocking/>.

⁴³⁷ In Russian: Федеральный орган исполнительной власти, осуществляющий функции по контролю и надзору в сфере средств массовой информации, массовых коммуникаций, информационных технологий и связи (the word-to-word translation is “Federal Executive Body responsible for monitoring and supervising the mass media, mass communication, information technology and communications”).

foreign State are not allowed to found a mass media outlet.⁴³⁸ Currently, 151,422 media outlets are registered.⁴³⁹

The mere number of mass media should not distract from the fact that the situation of the media and journalists in Russia has deteriorated over the last twenty years.⁴⁴⁰ This development can be subdivided in three phases.

aa) Increase of State Influence over Traditional Mass Media

The first phase is characterised by an increased State Influence over traditional mass media without legal basis.

In the early 2000s television channels were the most influential media. In order to shape public opinion, the Russian State increased its influence over the television landscape through different means leading to the result that nowadays the Russian State owns or controls almost all federal television channels.⁴⁴¹

For example, the NTV channel formerly owned by Vladimir Gusinskiy was purchased by Gazprom in 2001 when it was one of the most popular channels in Russia.⁴⁴² In 2002 TV 6, an independent federal TV channel, was first put into liquidation after its bankruptcy and then restructured and renamed (TVS). TVS was finally closed on the grounds of “bad management and financial crisis” in June 2003.⁴⁴³

The Rapporteur got information about the foundation of State-controlled media holdings and agencies uniting local newspaper and TV channels since 2010.⁴⁴⁴ They are fully funded and controlled by regional governments, who have decisive influence on the published content. Former independent media outlets were pushed into those holdings with financial incentives.

bb) Limitation of Foreign Influence in the Mass Media Sector

The second phase, starting from 2014, is characterised by the endeavours of the Russian State to limit foreign Influence in the media sector.

Thus, Federal Law no. 343-FZ established the requirement of government approval for foreigners investing in publications of “strategic importance”, i.e. publications with a specific

⁴³⁸ In particular the activities of “undesirable organisations” and “extremist organisations”, see above.

⁴³⁹ See <https://rkn.gov.ru/mass-communications/reestr/media/> (as of 24 August 2022).

⁴⁴⁰ Since 2010 Russia deteriorated in rank in the Press Freedom Index compiled by Reporters without Borders from rank 140 to rank 155 out of 180 states in 2022, see <https://rsf.org/en/index?year=2022>.

⁴⁴¹ “Who Owns the Media in Russia: the Leading Holdings”, https://www.bbc.com/russian/russia/2014/07/140711_russia_media_holdings.amp; Russian Media Landscape - 2021, <https://www.levada.ru/2021/08/05/rossijskij-medialandshaft-2021/>.

⁴⁴² See ECtHR, *Gusinskiy v. Russia*, 10 May 2004, app. no. 70276/01.

⁴⁴³ Council of Europe Commissioner for Human Rights, Report, 20 April 2005, CommDH(2005)2, para. 427.

⁴⁴⁴ E.g. Don-Media in the Rostov region or RIA in the Voronezh region.

circulation volume.⁴⁴⁵ On 14 October 2014 Article 19.1 of the Law on Mass Media was amended limiting direct or indirect foreign participation in Russian media to 20 per cent.⁴⁴⁶ As a result, the former foreign co-owners of the independent newspaper *Vedomosti* had to sell their shares.⁴⁴⁷ Six years later, on 1 July 2021, Article 19.1 Law on Mass Media was again amended introducing the obligation that shareholders of media outlets who exceed the maximum amount of 20 per cent have to alienate their surplus shares.⁴⁴⁸ The same amendment made it impossible for foreign States, international organisations, foreign legal entities, for a Russian legal entity with foreign participation as well as foreign citizens to act as a founder or to be in the editorial office or to act as editor of a mass media outlet.

On 21 July 2014 Article 14.1 of the Law on Advertising was introduced.⁴⁴⁹ It forbids advertisement on paid TV channels. This prohibition does not apply to Pay-TV channels which distribute at least 75 per cent “national products” and if the content is in Russian language (in the event the product is intended for the Russian mass media), produced by a Russian citizen or by organisation registered in Russia or on request of Russian mass media, and Russian investments into its production constitute no less than 50 per cent. Recently, the distribution of foreign periodical print publications without permission by Roskomnadzor was prohibited. Violations can be fined according to Article 13.21 CAO with 1,000 to 30,000 roubles with confiscation of the foreign periodical.⁴⁵⁰

In November 2017 Federal Law no. 327-FZ introduced a separate register requirement for foreign mass media.⁴⁵¹ The Law amended Article 6 (3) and (4) of the Law on Mass Media using the term ‘foreign mass media’. For mass media registered in a foreign State and receiving funds or other property from foreign States the Law on “Foreign Agents” should apply. As a consequence, they have the legal status of “foreign agents” and the respective duties and obligations apply to them.⁴⁵²

The Law on foreign mass media was amended on 2 December 2019.⁴⁵³ It broadened the definition in Article 6 (7) of “foreign mass media performing functions as a ‘foreign agent’” so as to include any (also natural) person who “gets funds or other property from foreign States and their organs, international and foreign organisations, foreign citizens, stateless

⁴⁴⁵ Federal Law no. 343-FZ of 5 February 2014 “On Amendments to the Law on the Procedure for Foreign Investment in Business Entities of Strategic Importance for National Defense and State Security”.

⁴⁴⁶ Federal Law no. 305-FZ of 14 October 2014 “On Amendments to the Russian Federation Law on Mass Media”.

⁴⁴⁷ “‘Vedomosti,’ one of Russia’s Most Respected Independent Newspapers, is Reportedly Losing its Foreign Owners”, <https://meduza.io/en/news/2015/11/13/vedomosti-one-of-russia-s-most-respected-independent-newspapers-is-reportedly-losing-its-foreign-owners>.

⁴⁴⁸ Federal Law no. 263-FZ of 1 July 2021 “On Amendments to the Russian Federation Law on Mass Media”.

⁴⁴⁹ Federal Law no. 270-FZ of 21 July 2014 “On Amending Article 14 of the Federal Law ‘On Advertising’” as amended through Federal Law no. 5-FZ of 3 February 2015 “On Amending Article 14 of the Federal Law on Advertising”.

⁴⁵⁰ Federal no. 143-FZ Law of 17 June 2019 “On Amendments to Article 13.21 of the Code of Administrative Offences of the Russian Federation”.

⁴⁵¹ Federal Law no. 327-FZ of 25 November 2017 “On Amendments to Articles 10.4 and 15.3 of the Federal Law ‘On Information, Information Technologies and Information Protection’ and Article 6 of the Russian Federation Law ‘On Mass Media’”.

⁴⁵² On the foreign agent legislation see above.

⁴⁵³ Federal Law no. 426-FZ of 2 December 2019 “On Amendments to the Federal Law ‘On Mass Media’ and the Federal Law ‘On Information, Information Technologies and Information Protection’”.

persons or persons mandated by them, foreign agent media, Russian legal entities created by foreign agent media, Russian legal entities that are getting funds or other property from aforementioned sources, or Russian legal entities created by those foreign media.”

Since 2017 47 independent mass media outlets have been declared “foreign mass media” and therefore “foreign agents”, e. g. TV Rain/Dozhd, Radio Liberty, the newspaper “Novaya Gazeta” as well as the news website Meduza. Since the amendment of the definition of a “foreign agent” in 2019, 123 individual journalists have been declared as “foreign agents”.⁴⁵⁴

Additionally, according to the new Article 25.1 (1)-(3) of the Law on Mass Media, foreign mass media outlets not registered on Russian territory are obliged to create a Russian legal entity within one month of the declaration of the status as a “foreign agent”. Article 25.1 (8)-(10), 27 (7) of the Law on Mass Media and Article 7 of the Federal Law no. 149-FZ of 27 July 2006 “On Information, Information Technologies and Information protection” (hereinafter Law on Information) impose different obligations to indicate the classification of a foreign mass media as “foreign agent” and the content distributed by them as stemming from a “foreign agent”. If mass media outlets do not comply with this labelling requirement, they can be fined up to 50,000 roubles under Article 13.15 (2.4) CAO.⁴⁵⁵ If foreign mass media outlets do not comply with the procedure regulating their activities defined in the Law on Non-Commercial Organisations, they can be fined up to 5 million roubles according to Article 19.34.1 CAO.⁴⁵⁶ On the same grounds and if they were previously held liable based on the CAO, they can be sanctioned with up to 300,000 roubles or imprisonment up to two years according to Article 330.1 (2) CC.

On 12 January 2021, Roskomnadzor sent first notices for not labelling their articles as produced by a “foreign agent” to the media outlets Radio Free Europe/Radio Liberty, Current Time TV, and the regional news websites Sibir.Realii and Idel.Realii.⁴⁵⁷

At the same time, Law no. 426-FZ amended the Law on Information by supplementing Article 10.7 of the Law on Information with the prohibition to disseminate material without indicating that the material stem from foreign mass media performing the function of a “foreign agent”. Article 15.9 of the Law on Information was supplemented accordingly with a procedure for restricting access to products of these media outlets.

The new Law on “Foreign Agents” entering into force on 1 December 2022 will abolish the Laws on Foreign Mass Media.⁴⁵⁸ Instead of having different registers for different types of

⁴⁵⁴ See for an extended list: <https://data.ovdinfo.org/agents/>.

⁴⁵⁵ Federal Law of no. 102-FZ 30 April 2021 “On Amendments to the Code of Administrative Offences of the Russian Federation”.

⁴⁵⁶ Federal Law no. 443-FZ of 16 December 2019 “On Amendments to the Code of Administrative Offences of the Russian Federation”.

⁴⁵⁷ “Russian Regulator Announces Fines for RFE/RL Outlets under Expanded Foreign Agent Law” <https://cpj.org/2021/01/russian-regulator-announces-fines-for-rfe-rl-outlets-under-expanded-foreign-agent-law/>; “Russian Watchdog Takes First Step toward Punishing RFE/RL under ‘Foreign Agents’ Law”, <https://www.rferl.org/a/russia-radio-free-europe-radio-liberty-foreign-agents-law/31043799.html>; “Administrative Offence Protocols were Filed For Mass Media Foreign Agents” (Russian), https://rkn.gov.ru/news/rsoc/news73270.htm?utm_source=cpj.org&utm_medium=referral&utm_campaign=cpj.oor&utm_referrer=cpj.org.

⁴⁵⁸ Federal Law of 14 July 2022 no. 255-FZ “On the Control of Activities of Persons under Foreign Influence”.

“foreign agents”, it establishes one single registry. However, the severe consequences of being classified as a “foreign agent” will still apply to foreign mass media outlets which are listed in the registry.⁴⁵⁹

cc) Suppression of Independent Mass Media through Content-Related Pressure

In the third phase, the Russian State focussed on content-related restrictions. Those developments were already depicted above.⁴⁶⁰ This part will focus on the amendments to the Law on Mass Media adopted in this context.

According to Article 16 of the Law on Mass Media the activities of a mass media outlet may be suspended or terminated by court decision if the mass media outlet violated Article 4 of the Law on Mass Media repeatedly within twelve months.⁴⁶¹ Roskomnadzor has to inform the mass media outlet in form of written warnings about the violation.

Article 4 of the Law on Mass Media was constantly amended during the last twenty years allowing the suspension or termination of activities of mass media outlets on broad and vague terms, *inter alia*:⁴⁶²

- The dissemination of extremist material⁴⁶³ and distribution of material containing public appeals to carry out terrorist activities or publicly justifying terrorism (Article 4 (1)).⁴⁶⁴
- The dissemination of material containing “obscene language” (Article 4 (1)).⁴⁶⁵ The same Law introduced Article 13.21 CAO which provides for fines up to 100,000 roubles for mass media products containing obscene foul language.
- The dissemination of material and information of organisations, associations or individuals which are listed as “foreign agents” without labelling them as “foreign agents” in the mass media or in information and telecommunication networks (Article 4 (9)).⁴⁶⁶

⁴⁵⁹ On the foreign agent legislation see above.

⁴⁶⁰ See above under freedom of expression.

⁴⁶¹ Additionally, Art. 16.1 Law on Mass Media introduced on 4 July 2003 provides for the suspension of a mass medium for violating the legislation of the Russian Federation on elections and referendums, see Federal Law no. 94-FZ of 4 July 2003 “On Amendments and Additions to Certain Legislative Acts of the Russian Federation in Connection with the Adoption of the Federal Act on Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in Referendums”.

⁴⁶² As to the legal evaluation of the grounds, see above on freedom of expression.

⁴⁶³ Introduced in Art. 4 (1) Law on Mass Media through Federal Law no. 153-FZ of 27 July 2006 “On the Introduction of Amendments to Certain Legislative Acts of the Russian Federation in Connection with the Adoption of the Federal Law “On Ratification of the Council of Europe Convention on the Prevention of Terrorism” and the Federal Law ‘On Counteracting Terrorism’”; on extremism see above.

⁴⁶⁴ Federal Law no. 153-FZ of 27 July 2006 “On the Introduction of Amendments to Certain Legislative Acts of the Russian Federation in Connection with the Adoption of the Federal Law ‘On Ratification of the Council of Europe Convention on the Prevention of Terrorism’ and the Federal Law ‘On Counteracting Terrorism’”.

⁴⁶⁵ Federal Law no. 34-FZ of 5 April 2013 “On Amending Article 4 of the Russian Federation Law on Mass Media and Article 13.21 of the Russian Federation Code of Administrative Offences”.

⁴⁶⁶ Federal Law no. 481-FZ of 30 December 2020 “On Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Establishment of Additional Measures Against Threats to National Security”.

Additionally, to the grounds mentioned in the Law on Mass Media, Article 16 (4) of the Law on Mass Media refers to the procedure in the Federal Law on Combating Extremist Activities for terminating activities of a media outlet.⁴⁶⁷ Article 8 and 11 of the Law on Combating Extremist Activities foresee a similar procedure with warnings which can lead to the termination of activities if the media outlet does not comply with the prohibition to disseminate extremist material or if they engage themselves in extremist activities.⁴⁶⁸

Based on those grounds, Roskomnadzor sent two warnings within one year to Novaya Gazeta on 10 October 2014 as well as on 21 July 2015.⁴⁶⁹ The first warning was based on an article allegedly including “extremist material”, the latter case concerned the use of foul language. On 1 February 2019, the activities of the regional newspaper Novye Kolyesa Igorya Rudnikova in Kaliningrad were terminated through decision of the Kaliningrad Regional Court after the newspaper received two warnings from Roskomnadzor.⁴⁷⁰ The newspaper acted as medium of the local opposition in Kaliningrad and reported about shortcomings of the local government.

After the war started, repressions against mass media reached a peak. The increased pressure against independent media was triggered in particular by the fear of criminal prosecution after the introduction of the “fake news” and discreditation legislation in regard to the Armed Forces which made a coverage of the war impossible.⁴⁷¹

Therefore, on 28 March 2022, the Novaya Gazeta announced to cease operation after it had already received two warnings within one year.⁴⁷² The Novaya Gazeta Europe relocated and continued its work from Riga with 57 employees and three based in Berlin. Other media were blocked, like the websites of TV Rain (Doshd / Дождь) on 1 March 2022 and the radio station Echo of Moscow after receiving a blocking order of the Prosecutor General because both media posted content calling for extremist activities and violence as well as posting knowingly false information about the “special military operation”.⁴⁷³ After this, Echo of Moscow was closed down by the State-affiliated media company Gazprom-Media. TV Rain decided to cease operations in Russia and moved to Riga where it continues its work on

⁴⁶⁷ Federal Law no. 112-FZ of 25 July 2002 “On Amendments and Additions to Legislative Acts of the Russian Federation in Connection with the Adoption of the Federal Act on Combating Extremist Activities”.

⁴⁶⁸ On extremism see above.

⁴⁶⁹ “Vedomosti.ru: Roskomnadzor Issued a Second Warning to ‘Novaya Gazeta’” (Russian), <https://rkn.gov.ru/press/publications/news33674.htm>; Roskomnadzor filed a lawsuit seeking to invalidate Novaya Gazeta's registration as a media outlet with the Basmany District Court of Moscow on 26 July 2022, Novaya Gazeta announced to appeal against those warnings, “‘Novaya Gazeta’ is being closed down the old-fashioned way” (Russian), <https://www.kommersant.ru/doc/5482255>.

⁴⁷⁰ OSCE Representative on Freedom of the Media, Press Release, 4 February 2019, at <https://www.osce.org/representative-on-freedom-of-media/410726>.

⁴⁷¹ For further examples and the legal bases see above.

⁴⁷² “RKN Issued a Second Warning to ‘Novaya Gazeta’ for Mentioning a Foreign Agent NGO Without Labelling” (Russian) <https://tass.ru/politika/14204289?>; OSCE Representative on Freedom of the Media, Twitter Statement, 28 March 2022, at https://twitter.com/OSCE_RFoM/status/1508476184358752266.

⁴⁷³ <https://t.me/genprocrf/1721>; <https://twitter.com/tvrain/status/1498713892628824065>; <https://twitter.com/tvrain/status/1549037747532623873>; “Prosecutor General Demanded Limiting the Access to ‘Dozhd’ and ‘Ekho Moskv’” (Russian), <https://tass.ru/obschestvo/13921819?>; OSCE Representative on Freedom of the Media, Press Release, 3 March 2022, <https://www.osce.org/representative-on-freedom-of-media/513334>.

particular via YouTube, which is still accessible in Russia.⁴⁷⁴ Chief-editor of the independent news website Holod, Taisia Bekbulatova, who is also declared as an individual “foreign agent” since 2021, moved to Tbilisi when the “fake news” legislation was adopted.⁴⁷⁵

On 14 July 2022 Article 3.4 of the Federal Law of 28 December 2012 no. 272-FZ⁴⁷⁶ was supplemented.⁴⁷⁷ It assigns the competence to the Prosecutor General to ban the activities of a foreign mass media outlet registered in the territory of a foreign State and disseminating its products in the Russian Federation if the activities of a Russian mass media outlet was banned or restricted in a foreign State before. The ban could not only encompass the dissemination of material but also the termination of the accreditation of correspondents, the closure of existing offices, a ban on opening offices or the termination of registration or broadcasting licenses as well as freezing money transactions.

Even before the Law entered into force, on 3 February 2022, the Russian Ministry of Foreign Affairs’ announced retaliatory measures against the German media outlet Deutsche Welle, *inter alia*, the closure of its offices, the revocation of the accreditation of all employees as well as the termination of its satellite and other broadcasting.⁴⁷⁸ The Russian authorities decided to take this step after the German Commission for Admission and Supervision (ZAK) denied Russian Today (RT DE) the license to broadcast in Germany.

On 14 July 2022 Article 56.2 of the Law on Mass Media was also supplemented.⁴⁷⁹ It assigns the competence to the Prosecutor General and his or her deputies to suspend the activities of any mass media outlet for three months without a court decision. A suspension includes that the editorial board, the editor-in-chief, journalists, the publisher and the distributor of the media outlet shall not be entitled to carry out their activities. If repeated violations occur, the complete closure of the mass media outlet is possible. The grounds on which the Prosecutor General can base his order are manifold. They reach from unreliable information in regard to the Russian Armed Forces or State bodies performing their powers outside the Russian territory, information showing clear disrespect to the society, the State, official State symbols, the Constitution or bodies exercising State power, information discrediting the Russian Armed Forces to information containing calls for organising unauthorised public events or participation therein, the mass violations of public order or public security, or calls for imposing sanctions on the Russian Federation.

⁴⁷⁴ “Russian independent TV Rain Relaunches from Abroad”, <https://www.reuters.com/business/media-telecom/russian-independent-tv-rain-announces-relaunch-abroad-2022-07-18/>; “Proposed Russian Legislation Threatens 15 Years in Prison for Fake Information about Ukraine Invasion”, <https://cpj.org/2022/03/proposed-russian-legislation-threatens-15-years-in-prison-for-fake-information-about-ukraine-invasion/>; OSCE Representative on Freedom of the Media, Statement, 3 March 2022, at <https://www.osce.org/representative-on-freedom-of-media/513334>.

⁴⁷⁵ “Censor Yourself or Don’t Work At All. Why Squeezed Russian Journalists Are Fleeing in Droves”, <https://cpj.org/2022/03/censor-yourself-or-dont-work-at-all-why-squeezed-russian-journalists-are-fleeing-in-droves/>.

⁴⁷⁶ Federal Law no. 272-FZ of 28 December 2012 “On Measures to Influence Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation”.

⁴⁷⁷ Federal Law no. 277-FZ of 14 July 2022 “On Amendments to Certain Legislative Acts of the Russian Federation”.

⁴⁷⁸ OSCE Representative on Freedom of the Media, Press Release, 4 February 2022, at <https://www.osce.org/representative-on-freedom-of-media/511438>.

⁴⁷⁹ Federal Law no. 277-FZ of 14 July 2022 “On Amendments to Certain Legislative Acts of the Russian Federation”.

As consequence of the massive blocking of news websites and social media, Telegram has become a platform widely used in Russia by independent media outlets to broadcast news. However, the financing of independent media is becoming more and more of a problem. On 22 August 2022, news project TJournal announced it will have to stop operating due to financial difficulties caused by its blocking by Roskomnadzor.⁴⁸⁰

b) Evaluation

“[The participating States] further recognise that independent media are essential to free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.”⁴⁸¹

The Rapporteur recalls the summary of the developments in the last twenty years culminating in the repressive actions taken in connection to the war by the OSCE Representative on the Freedom of the Media of 19 May 2022:

“(…) in our midst – in the region where we committed ourselves to approach security as a shared concept inclusive of human rights and media freedom – a frightening information black hole has opened. With an information infrastructure completely under control of the government and no room for other news than the State-controlled one, the people in the Russian Federation are left completely deprived from some of their most fundamental rights: their freedom to seek and receive information of all kinds, and their freedom to share their opinions and to express themselves.”⁴⁸²

This assessment represents the preliminary endpoint to a development which was characterised by take-overs of independent mass media through State-owned or -controlled companies and associations as well as repressions against independent mass media. The limitation of foreign influence in the mass media sector since 2014 further restricted the public’s right of access to information from foreign news and information services and hinders the cross-border flow of information which OSCE member States “consider to be an essential component of any democratic, free and open society”⁴⁸³.

⁴⁸⁰ “The History of TJ Ends” (Russian), <https://tjournal.ru/team/714914-istoriya-tj-zavershaetsya>.

⁴⁸¹ Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE 1991, 4 October 1991, para. 26. This general evaluation is spelled out in more detail in the following provisions of the document also with a view to the exchange with foreign countries: “[The participating States] consider that the print and broadcast media in their territory should enjoy unrestricted access to foreign news and information services. The public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards.” (idem, 26.1).

⁴⁸² OSCE Representative on Freedom of the Media, Regular Report to the Permanent Council, 19 May 2022, FOM.GAL/3/22/Rev.1/Corr.1*), p. 4, https://www.osce.org/files/f/documents/f/b/518631_1.pdf; also OSCE Representative on Freedom of the Media, Press Release, 15 July 2022, at <https://www.osce.org/representative-on-freedom-of-media/522880>.

⁴⁸³ OSCE Representative on Freedom of the Media, Press Release, 16 April 2019, at <https://www.osce.org/representative-on-freedom-of-media/417365>.

In this regard, the Rapporteur reminds of the Joint Statement of the UN, ACHR, ItACHR and the OSCE where they noted that access blocking and bans of media outlets because of disinformation could lead to disproportionate restrictions of freedom of expression. This is particularly true if the Russian Federation uses (as has been seen in the above analysis) the shutdown of Russian State-owned media abroad as a pretext to close independent media outlets in Russia. She recalls that “[p]romoting access to diverse and verifiable information, including ensuring access to free, independent and pluralistic media, is a more effective response to disinformation.”⁴⁸⁴

The restrictions imposed, in particular following the beginning of the war, led to a crackdown of the remaining independent media in Russia bringing about a “State monopoly on information in the Russian Federation”.⁴⁸⁵ International institutions condemned the restrictions on freedom of expression and media freedom, and ordered immediate measures, but were not successful.⁴⁸⁶ Many independent media outlets had to cease operations and, those journalists who could afford to go abroad⁴⁸⁷ relocated in Georgia, Latvia, Lithuania, Germany, Poland, and a few other countries in the EU and now work from there. The independent journalists who remain in the Russian Federation lead courageous lives, try to work like “partisans” and provide information to their colleagues in exile.

3) Legislation on Internet

a) Definition, Law and Practice

The Russian Government perceives the internet as a threat to national sovereignty and to the security of citizens, society and the State as western influence, computer attacks from the territory of foreign States and terrorist and extremist content on the internet are increasing. The discomfort is amplified as transnational (Western) companies and foreign States restrict, *inter alia*, access to Russian media and, therefore, impose on internet users, “[f]or political reasons, a distorted view of historical facts, as well as of events taking place in the Russian Federation and in the world (...)”.⁴⁸⁸ Therefore the National Security Strategy sets up guidelines aiming at ensuring information security through limiting foreign influence on the (Russian) internet and monitoring Russian internet users.

⁴⁸⁴ Joint Statement on the Invasion of Ukraine and the Importance of Freedom of Expression and Information, 2 May 2022, at <https://www.osce.org/representative-on-freedom-of-media/517107>.

⁴⁸⁵ See OSCE Representative on Freedom of the Media, Press Release, 3 March 2022, at <https://www.osce.org/representative-on-freedom-of-media/513334>.

⁴⁸⁶ ECtHR granted interim measures claiming that the Russian Federation should refrain from “actions and decisions aimed at full blocking and termination of the activities of Novaya Gazeta, and from other actions that in the current circumstances could deprive Novaya Gazeta of the enjoyment of its rights guaranteed by Art. 10 of the Convention”, ECtHR, ANO RID Novaya Gazeta and others v. Russia, 10 March 2022, app. no. 11884/22.

⁴⁸⁷ “The Project” calculates that at least 504 journalists have left Russia over the last year, most of them after the beginning of the war of aggression, “Novy Mir. A Guide to Russian Media in the Times of Total Censorship”, <https://www.proekt.media/en/guide-en/russian-media-after-war-en/>.

⁴⁸⁸ Decree of the President of the Russian Federation no. 400 of 2 July 2021 “On the National Security Strategy of the Russian Federation”, paras. 48-57; see also Decree of the President of the Russian Federation no. Pr-1895 of 9 September 2000; Decree of the President of the Russian Federation no 646 of 5 December 2016.

In 2017 Article 10.4 of the Law on Information was supplemented requiring news aggregators, like search engines, who disseminate news in Russian language, which have more than one million daily users, to proof the accuracy and legality of the information provided and to stop them from being disseminated if they are unreliable or unlawful. Additionally, Article 10.4 (12) requires that only a Russian legal entity or individual may be the owner of a search engine. Violations of these obligations are penalised under Article 13.32 CAO including fines of up to one million roubles.⁴⁸⁹

In response to perceived increasing external and internal extremist threats especially through the internet, on 1 May 2019, the Law on the “Sovereign Internet” introduced internet surveillance measures.⁴⁹⁰ The law provides for a national internet traffic system which allows the controlling of Russian web traffic and data. It also provides for the development of a national Domain Name System (DNS). In addition, Roskomnadzor was given more powers in monitoring internet control, the management of public communication networks, and in regard to access restrictions to information deemed illegal under Russian Law.

On 12 February 2020 the Russian Government issued a decree allowing Roskomnadzor to slow down the traffic on popular internet platforms if a platform disseminates content which poses a threat to the countries’ security or is prohibited under Russian law,⁴⁹¹ it used the competence the first time against Twitter.⁴⁹²

The fact that foreign influence via internet is perceived as a threat to Russian interests became all the more visible when the so-called “Law on Landing” entered into force on 1 July 2021.⁴⁹³ It targets exclusively foreign natural and legal persons carrying out internet activities on the Russian territory. According to Article 5 they have to register at Roskomnadzor, which is also responsible for the enforcement of these obligations. Foreign persons have to establish a Russian legal entity. The law includes in Article 9 coercive measures to safeguard the fulfilment of the obligations reaching from bans on the distribution of advertising of the foreign entity, a ban on search engines to the complete restriction of access to the information resource.

Since the beginning of the war, the repressive measures against Western internet platforms have increased. On 25 February 2022 Roskomnadzor announced that it will start to restrict partially access to Facebook,⁴⁹⁴ and blocked it almost completely until 4 March 2022.⁴⁹⁵ At

⁴⁸⁹ Federal Law no. 208-FZ of 23 June 2016 "On Amendments to the Federal Law 'On Information, Information Technologies and Information Protection' and the Code of Administrative Offences of the Russian Federation" as amended through Federal Law no. 327-FZ of 25 November 2017 "On Amendments to Articles 10.4 and 15.3 of the Federal Law 'On Information, Information Technologies and Information Protection' and Article 6 of the Russian Federation Law 'On Mass Media'".

⁴⁹⁰ Federal Law no. 90-FZ of 1 May 2019 "On Amendments to the Federal Law on Information, Information Technology and Information Protection".

⁴⁹¹ Decree of the Government of the Russian Federation no. 127 of 12 February 2020 "On Approval of the Rules for Centralised Management of the Public Telecommunications Network".

⁴⁹² "Russia slows down Twitter over 'banned content'", <https://www.bbc.com/news/world-europe-56344304>.

⁴⁹³ Federal Law no. 236-FZ of 1 July 2021 "On the Activities of Foreign Persons in the Information and Telecommunication Network Internet".

⁴⁹⁴ OSCE Representative on Freedom of the Media, Press Release, 27 February 2022, <https://www.osce.org/representative-on-freedom-of-media/513064>.

this time Russian internet users also mentioned difficulties in accessing Twitter and Instagram.⁴⁹⁶ The blocking was justified as a countermeasure in reaction to discriminatory behaviour of Facebook against Russian media since October 2020 as Facebook restricted access for its part to, *inter alia*, RIA Novosti news agency, Russia Today, Lenta.ru and Gazeta.ru.⁴⁹⁷ The actions against Meta culminated in the classification of Meta as an extremist organisation on 28 March 2022 banning the activities of Facebook and Instagram on the Russian territory.⁴⁹⁸ On 20 August 2022 Roskomnadzor announced that it had taken coercive measures against TikTok Pte. Ltd., Telegram Messenger, Inc., Zoom Video Communications, Inc., Discord, Inc. and Pinterest, Inc. in the form of informing Internet search engines of the companies' violations of Russian law as they did not comply with the procedure to remove prohibited content established by the Law on Landing.⁴⁹⁹

b) Evaluation

“Participating States should take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression, as enshrined in the Universal Declaration of Human Rights, and to foster access to the Internet both in homes and in schools (...).”⁵⁰⁰

In addition, there is a commitment to “ensure the basic conditions for (...) unimpeded transborder and intra-State flow of information (...).”⁵⁰¹

The recent legislation concerning the internet⁵⁰² as well as the actions taken against foreign internet platforms are contrary to these OSCE commitments. Instead of safeguarding the function of the internet, and in particular social network sites as important means for communication and information, as an open and public forum for freedom of opinion and expression, the recent developments create an internet environment controlled by the Russian State. Internet surveillance mechanisms as well as shutting down foreign internet platforms violate the right of individuals to seek, receive and impart information, isolating

⁴⁹⁵ The blocking was based on Federal Law no. 272-FZ of 28 December 2012 "On Measures to Influence Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation".

⁴⁹⁶ OSCE Representative on Freedom of the Media, Press Release, 27 February 2022, <https://www.osce.org/representative-on-freedom-of-media/513064>.

⁴⁹⁷ <https://rkn.gov.ru/news/rsoc/news74156.htm>.

⁴⁹⁸ Tverskoy District Court of Moscow, decision no. 02-2473/2022 of 28 March 2022, published by https://mediapravo.com/wp-content/uploads/Delo-02-2473_2022.-Motivirovannoe-reshenie.-dokument-obezlichennaya-kopiya.pdf; see also above.

⁴⁹⁹ “Roskomnadzor takes Action Against a Number of Foreign IT Companies” (Russian), <https://rkn.gov.ru/news/rsoc/news74460.htm>.

⁵⁰⁰ Sofia 2004, para. 1.

⁵⁰¹ Istanbul 1999, para. 26.

⁵⁰² See for further developments, not mentioned in this report: OSCE Representative on Freedom of the Media, Press Release, 14 July 2015, <https://www.osce.org/fom/172561>; OSCE Representative on Freedom of the Media, Press Release, 23 April 2014, <https://www.osce.org/fom/117950>; OSCE Representative on Freedom of the Media, Press Release, 20 December 2013, <https://www.osce.org/fom/109885>; OSCE Representative on Freedom of the Media, Press Release, 10 July 2012, <https://www.osce.org/fom/92023>.

them from international sources and hampering the free flow of information.⁵⁰³ This conclusion is highlighted by Article 19 ICCPR which guarantees the right to freedom of expression including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers.

4) Website Blocking

a) Definition, Law and Practice

Since 2012 several amendments to the Law on Information have been adopted allowing in particular access restrictions on websites. The procedure foreseen in the main provisions (Article 15 et seq. of the Law on Information) varies widely. Some provisions do require prior notice of the owner of a website, whereas other provisions allow immediate restriction of a website even without a court order.

In July 2012 Article 15.1 of the Law on Information was supplemented creating a registry based at Roskomnadzor for websites containing information whose dissemination is prohibited by law.⁵⁰⁴ Prohibited information include, for example, pornographic material of minors, information on how narcotic drugs were manufactured and used, and information about how to commit suicide. If a website is “blacklisted” the owner of the website has to remove the prohibited content upon notice. If he or she does not follow the order, access to the website can be restricted.

However, since its introduction in December 2013,⁵⁰⁵ Article 15.3 of the Law on Information is the centrepiece for website blocking measures. It allows Roskomnadzor upon order of the Prosecutor General or his or her deputies to immediately order the blocking of websites without court order. The procedure set out in Article 15.3 of the Law on Information is unique as contrary to Article 15.1 of the Law on Information a prior notice to the website owner is not necessarily required.⁵⁰⁶ Therefore, it is impossible for the owner of a website to provide evidence to circumvent the blocking. Furthermore, Roskomnadzor has the discretion to define the procedure based on the severity of the infringing content. The range of measures ranges from a notice to the website owner to remove a specific content to the sending of an order directly to the telecommunication service to immediately block a website. The time-frame for the access blocking is also determined by Roskomnadzor.

The grounds contained in the provision are very broad. Access restrictions are possible, *inter alia*, for websites with information containing calls for mass disorders, extremist activities and participation in public mass events held in violation of the established procedure as well

⁵⁰³ See OSCE Representative on Freedom of the Media, Press Release, 14 February 2019, <https://www.osce.org/representative-on-freedom-of-media/411464>.

⁵⁰⁴ Federal Law no. 139-FZ of 28 July 2012 “On Amendments to the Federal Law on the Protection of Children from Information Harmful to their Health and Development and Certain Legislative Acts of the Russian Federation on Restricting Access to Illegal Information on the Internet”.

⁵⁰⁵ Federal Law no. 398-FZ of 28 December 2013 “On Amendments to the Federal Law on Information, Information Technologies and the Protection of Information”.

⁵⁰⁶ Art. 15.1 (13) of the Law on Information explicitly states that the procedure set in Art. 15.1 of the law should not apply to the information mentioned in Art. 15.3 of the law.

as for websites containing material of illegal organisations, e.g. undesirable and extremist organisations. This list of grounds was supplemented in recent years.

Shortly after the entry into force of Federal Law no. 398-FZ Roskomnadzor issued the first blocking orders to the media outlets of the Daily Journal (Ezhednevny Zhurnal), Grani.ru and Kasparov.ru on 14 March 2014.⁵⁰⁷ Roskomnadzor justified its blocking stating that articles and publications published on Daily Journal and Grani.ru about the Bolotnaya square protests of 6 May 2012 called for the participation in illegal mass events. Kasparov.ru called in one of the articles on the Crimean population to resist the Russian annexation of Crimea.

On 18 March 2019 the “fake news” laws as well as defamation laws were adopted.⁵⁰⁸ Article 15.3 of the Law on Information was amended in line with the prohibition of the dissemination of “knowingly unreliable information of public significance” so as to include removal and access restrictions for violations of Article 13.15 (9)-(11) CAO.⁵⁰⁹

On this basis several websites were blocked during the COVID-19 pandemic. For example, on 29 April 2020, Roskomnadzor restricted access to the medical news platform Vademecum upon order of the Prosecutor General. Vademecum published an article about the procedure for settling payments for the provision of medical care to patients affected with COVID-19 and others diseases, who are hospitalised in Moscow, and cited a letter of the Moscow City Insurance Fund allegedly spreading intentional false information.⁵¹⁰

On 18 March 2019, Article 15.1-1 was added to the Law on Information. It corresponds to the introduction of administrative offences in Article 20.1 (3)-(5) CAO sanctioning the dissemination of information “in an indecent form offending human dignity and public morals, clear disrespect for society, the State, official State symbols of the Russian Federation, the Constitution of the Russian Federation or the bodies exercising State power”.⁵¹¹ After receiving an order from the Prosecutor General or his or her deputies Roskomnadzor should notify the hosting provider who is then obliged to inform the owner of the website. The latter has to delete the respective content within one day. If he or she refuses, or if he or she does not act, the telecommunication service provider has to delete the content or to restrict access to the website.

On 30 December 2021 Article 15.3 of the Law on Information was once again extended allowing access restrictions for websites containing false reports of acts of terrorism and information justifying extremist activities as well as terrorist activities.⁵¹²

⁵⁰⁷ See ECtHR, *OOO Flavus and others v. Russia*, 23 June 2020, app. nos. 12468/15 et al., para. 7; see also the unverified list of blocked websites by Sova, “Resources in the Registry of Websites Blocked under the Lugovoi Law” (Russian), <https://www.сова-center.ru/racism-xenophobia/docs/2014/10/d30228/>.

⁵⁰⁸ See above.

⁵⁰⁹ Federal Law no. 31-FZ of 18 March 2019 “On Amendments to Art. 15.3 of the Federal Law on Information, Information Technology and Information Protection”.

⁵¹⁰ OSCE Representative on Freedom of the Media, Press Release, 2 May 2020, at <https://www.osce.org/representative-on-freedom-of-media/451324>.

⁵¹¹ Federal Law, no. 30-FZ of 18 March 2019 “On Amendments to the Federal Law on Information, Information Technology and Information Protection”.

⁵¹² Federal Law no. 441-FZ of 30 December 2021 “On Amending Article 15.3 of the Federal Law ‘On Information, Information Technologies and Information Security’ and Articles 3 and 5 of the Federal Law ‘On Amending Certain Legislative Acts of the Russian Federation’”.

The Law of 14 July 2022 allowed access restrictions based on Article 15.3 of the Law on Information for “false information about the Russian Armed Forces of the Russian Federation or the performance by State bodies of their powers outside the Russian territory”.⁵¹³ The same is true for the “discreditation of Russian Armed Forces and State agencies exercising its functions outside the territory of the Russian Federation” as well as for websites containing “calls for imposing sanctions against the Russian Federation”.

But even before the adoption of this law, the access to 3,000 websites were restricted in the period between the start of the war on 24 February 2022 and 5 May 2022,⁵¹⁴ including Russian and Ukrainian news websites like Current Time (part of RFE/RL), DOXA, The Village, Gordon, Correspondent.Net, Ukrainskaya Pravda, TSN, 24TV, Segodnya, Ukrinform, Leviy Bereg, Fakty, Zaxid.net, Zerkalo Nedeli, Censor.net, Vesti.ua and others.⁵¹⁵ As of 23 August 2022, more than 7,000 websites were blocked because of allegedly false information about the war.⁵¹⁶

The same law of 14 July 2022 supplemented Article 15.3-2 to the Law on Information providing for permanent access restrictions through Roskomnadzor based on an order from the Prosecutor General or his or her deputies for websites which repeatedly contained information listed in Arts. 15.1, 15.1-1, 15.3 or 15.3-1 Law on Information.⁵¹⁷

In 2014 Article 15.4 and Article 15.5 of the Law on Information were supplemented broadening the grounds on which access restricting measures could be taken. However, the procedure is different from the one envisaged in Article 15.3 requiring prior notice of a violation and a court decision or a decision of an authorised federal executive body.

Article 15.4 was introduced with the so-called “Law on Bloggers”, which introduced several obligations for “bloggers” with more than 3,000 daily users, *inter alia*, to verify the accuracy and reliability of information posted. In addition, the Law introduced a new category of websites (“organiser of the distribution of information”) requiring to store information of internet user activities for six months on Russian territory and provide the information to law enforcement agencies.⁵¹⁸ Article 13.31 CAO stipulates administrative fines if the “organisers” do not comply with these obligations after a first warning was issued. This law

⁵¹³ Federal Law no. 277-FZ of 14 July 2022 “On Amendments to Certain Legislative Acts of the Russian Federation”.

⁵¹⁴ “Internet blocks as a tool of political censorship”, <https://reports.ovdinfo.org/internet-blocks-tool-political-censorship#1>.

⁵¹⁵ OSCE Representative on Freedom of the Media, Press Release, 3 March 2022, <https://www.osce.org/representative-on-freedom-of-media/513334>; “The Project” estimates that at least 95 information resources were blocked after the beginning of the war of aggression, “Novy Mir. A Guide to Russian Media in the Times of Total Censorship”, <https://www.proekt.media/en/guide-en/russian-media-after-war-en/>.

⁵¹⁶ “About 7,000 Internet resources have been blocked during six months of military censorship. The big overview” (Russian), <https://roskomsvoboda.org/post/polgoda-voyennoi-cenzury/>.

⁵¹⁷ Federal Law no. 277-FZ of 14 July 2022 “On Amendments to Certain Legislative Acts of the Russian Federation”.

⁵¹⁸ Federal Law no. 97-FZ of 5 May 2014 „On Amendments to the Federal Law On Information, Information Technologies and Information Protection and Certain Legislative Acts of the Russian Federation on Streamlining“.

imposes high burdens on internet users as it equates bloggers in regard to their obligations with mass media.⁵¹⁹

Article 15.5 allows Roskomnadzor to restrict access to websites not complying with the obligations in Article 18, 22 and 23 of the Federal Law of 27 July 2006 no. 152-FZ “On Personal Data”, e. g. to store personal data of Russian nationals inside of Russia.⁵²⁰ For these purposes a register with websites violating the personal data law is established. Additionally, a law on the “right to be forgotten” entered into force on 1 January 2016 and broadened the possibilities to remove content.⁵²¹ It allows Russian citizens to file a de-listing application if links about them are inaccurate, out of date, or irrelevant because of subsequent events or actions taken. However, the provision does not foresee an exception for information which is in the public interest.

Roskomnadzor restricted access to LinkedIn because it failed to comply with the data protection law in 2016.⁵²² The “right to be forgotten” has been used by public officials to remove online content addressing their misconduct and/or corruption.⁵²³

If hosting service providers do not comply with an access restriction order they can be fined up to eight million roubles according to Article 13.41 CAO.⁵²⁴ On 27 January 2021, in connection with the 2021 protests, the social networking sites Facebook, Instagram, Twitter, TikTok, VKontakte, Odnoklassniki and YouTube were fined for not removing calls to minors to participate in unauthorised rallies.⁵²⁵ On 18 July 2022 Google LLC was fined 21 billion roubles by Court ruling as the company did not restrict access on YouTube to a whole range of prohibited content, in particular, “fake news” about the “special military operation” in Ukraine discrediting the Russian Armed Forces and material promoting extremism and terrorism.⁵²⁶

b) Evaluation

“(…) in accordance with the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and their relevant international commitments

⁵¹⁹ OSCE Representative on Freedom of the Media, Press Release, 23 April 2014, <https://www.osce.org/fom/117950>.

⁵²⁰ Federal Law no. 242-FZ of 21 July 2014 „On Amendments to Certain Legislative Acts of the Russian Federation in Part Clarifying the Procedure for Processing Personal Data in Information and Telecommunication Networks“.

⁵²¹ Federal Law no. 264-FZ of 13 July 2015 “On Amendments to the Federal Law ‘On Information, Information Technologies and Data Protection’ and Art. 29 and 402 of the Civil Procedure Code of the Russian Federation”.

⁵²² “LinkedIn blocked by Russian authorities”, <https://www.bbc.com/news/technology-38014501>; „Russia blocks access to LinkedIn over Foreign Held Data“, <https://www.theguardian.com/world/2016/nov/17/russia-blocks-access-to-linkedin-over-foreign-held-data>.

⁵²³ “Information on the human rights situation in Russia for the OSCE’s Moscow Mechanism”, <https://reports.ovdinfo.org/information-human-rights-situation-russia-osces-moscow-mechanism#3-7>.

⁵²⁴ Introduced into the CAO through Federal Law no. 511-FZ of 30 December 2020 "On Amendments to the Code of Administrative Offences of the Russian Federation".

⁵²⁵ “Russia to Fine Social Media Giants For Keeping Up Pro-Navalny Videos”, <https://www.themoscowtimes.com/2021/01/27/russia-to-fine-social-media-giants-for-keeping-up-pro-navalny-videos-a72756>.

⁵²⁶ https://t.me/rkn_tg/282.

concerning seeking, receiving and imparting information of all kinds, [the participating States] will ensure that individuals can freely choose their sources of information. In this context they will (...) allow individuals, institutions and organisations (...) to obtain, possess, reproduce and distribute information material of all kinds.”⁵²⁷

Website blockings affect many rights and freedoms in particular freedom of expression and freedom to receive information as well as media freedom. According to international human rights standards an interference is justified only if it meets very specific conditions.

Restrictions have to meet the legality standard, meaning they must be “prescribed by law”. For this requirement it is not sufficient that a law is formally enacted. The law must also be sufficiently clear, accessible and foreseeable. Additionally, any restriction must pursue a legitimate aim and has to be proportionate.

The extension of the grounds allowing access restriction measures in the last years and the procedure envisaged in Article 15.3 on the Law on Information requiring no prior notice and no court order are unlikely to meet those standards.

The European Court of Human Rights has already stated that Article 15.1 and Article 15.3 of the Law on Information do not meet the standards stipulated in Article 10 (2) ECHR. They are not “sufficiently foreseeable” and their application “carries a risk of content being blocked arbitrarily and excessively”⁵²⁸ as they do not provide “safeguards capable of protecting individuals from excessive and arbitrary effects of blocking measures”.⁵²⁹ Furthermore, the legal grounds for access restrictions are too vague and broad⁵³⁰ and no effective judicial review is established.⁵³¹ This is particularly true if they lead to collateral blockings of other websites sharing the same IP-address.

Furthermore, according to Article 19 ICCPR, entire website blockings with limited or no due process, no notification of the website owner and without prior court decision are contrary to international freedom of expression standards.⁵³² The same is true under OSCE human dimension commitments which explicitly refer to the ICCPR.

In regard to the recent developments in legislation and practice in Russia, it is also regrettable that the Law on Information assigns broad discretionary powers to Roskomnadzor and thus prepares the ground for arbitrary application.⁵³³ These powers are

⁵²⁷ Vienna 1989, para. 34.

⁵²⁸ ECtHR, *Kharitonov v. Russia*, 25 March 2020, app. no. 10795/14, paras. 38, 42, 46; ECtHR, *Engels v. Russia*, 23 June 2020, app. no. 61919/16, para. 34; ECtHR, *OOO Flava and others v. Russia*, 23 June 2020, app. nos. 12468/15 et al., para. 44.

⁵²⁹ ECtHR, *Kharitonov v. Russia*, 25 March 2020, app. no. 10795/14, paras. 38, 42, 46; ECtHR, *Engels v. Russia*, 23 June 2020, app. no. 61919/16, para. 34.

⁵³⁰ See e.g. the legal analysis of the term “extremist activities” or “false information”, see above; see also OSCE Representative on Freedom of the Media, Press Release, 20 December 2013, <https://www.osce.org/fom/109885>.

⁵³¹ ECtHR, *Kablis v. Russia*, 30 April 2019, app. nos. 48310/16, 59663/17, paras. 96, 97.

⁵³² See UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Annual Report to HRC, 13 April 2021, A/HRC/47/25.

⁵³³ UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Letter, 1 May 2019, OL RUS 4/2019; OSCE Representative on Freedom of the Media, Press Release, 19 March 2019, at <https://www.osce.org/representative-on-freedom-of-media/414770>.

increasingly used to restrict access to websites of mass media, bloggers and journalists, in particular, after the war started. However, the foundations for excessive website blockings were established long time before.

In conclusion, the application of the Russian legislation in this field leads to a disproportionate restriction of freedom of expression online as well as the right to seek, receive and impart information.⁵³⁴

V) Freedom of Assembly – Legislation and Practice

1) Constitutional Guarantee of Freedom of Assembly

The right to freedom of assembly is enshrined in Article 31 of the Constitution of the Russian Federation, according to which: “Citizens of the Russian Federation shall have the right to assemble peacefully, without weapons, hold rallies, meetings and demonstrations, marches and pickets.” The right to freedom of assembly is subject only to restrictions expressly stipulated in Article 55(3) of the Constitution.

From 1991 until 2004, demonstrations in the Russian Federation were governed by the Decree of the Presidium of Supreme Soviet of 1988, affirmed and adjusted by the 1992 and 1993 presidential decrees.⁵³⁵ In 2004, the Federal Law “On Assemblies, Rallies, Demonstrations, Marches and Picketing” (hereinafter “Law on Assemblies”) was adopted.⁵³⁶ Since then, this law has been amended thirteen times. The following overview and analysis feature key moments in the development of the Russian legislation and practice concerning the freedom of assembly.

2) Definition, Law and Practice

a) Main Features of the 2004 Law on Assemblies

The Law on Assemblies, in its original wording, is based on the notification procedure for public events and does not formally require prior authorisation by the authorities. The organisers are required to submit the notification on holding a public event no earlier than 15 days and no later than ten days before holding the public event (three days before holding collective pickets).⁵³⁷ The single-person pickets are not subject to the notification procedure.⁵³⁸

⁵³⁴ OSCE Representative on Freedom of the Media, Press Release, 26 January 2018, at <https://www.osce.org/fom/368161>.

⁵³⁵ Council of Europe Commissioner for Human Rights, Letter, 21 July 2011, CommDH(2011)31, CommHR/TH/sf 081-2010, para. 2 (hereinafter “2011 Memorandum”).

⁵³⁶ Federal Law no. 54-FZ of 19 June 2004 “On Assemblies, Rallies, Demonstrations, Marches and Picketing”.

⁵³⁷ Art. 7 (1) of the Law on Assemblies.

⁵³⁸ Art. 7 (1) of the Law on Assemblies.

The Law on Assemblies also does not contain any specific provision governing spontaneous assemblies⁵³⁹ – this situation has persisted in the legal regulation of the Russian Federation until today.

While formally, there is no authorisation required, the law foresees that within three days from the receipt of the notification, the authorities are required to deliver to the organisers a “well-motivated” proposal to alter the place or time of holding a public event.⁵⁴⁰ The organisers are then obliged to react to this proposal at latest three days before the event and indicate whether they accept or reject it.⁵⁴¹ The Law on Assemblies then stipulates in Article 5 (5) that the organisers do not have the right to hold a public assembly either when notification is submitted outside of the foreseen timeframe or when “no agreement was reached with the executive authority or the constituent entity of the Russian Federation or local self-government body on the change of the place or time of holding the public event upon its reasoned proposal.”⁵⁴²

When in 2009, the Constitutional Court of the Russian Federation reviewed Article 5 (5) of the Law on Assemblies, it made clear that this provision does not confer on the authorities the right to prohibit the public event; the authorities only have the right to propose changing the place and/or time and such a proposal must be motivated.⁵⁴³ According to the Court, the exhaustive list of the relevant reasons justifying such a proposal “would unreasonably limit the discretion of public authorities in the performance of their constitutional duties.”⁵⁴⁴ Nevertheless, the Court held that the alternative place and/or time should correspond to the event’s social and political objectives.⁵⁴⁵ In case of failure of reaching an agreement on the change of the event’s date or time, the organisers may have recourse to the courts of general jurisdiction (Article 19 of the Law on Assembly), which would review the legality of actions of the public authorities.⁵⁴⁶

b) The 2012-2014 Amendments

The amendments introduced by the Federal Law no. 65-FZ of 8 June 2012⁵⁴⁷ brought major changes to the existing regulation of the right to freedom of assembly in the Russian Federation. These changes can be grouped into several clusters.

First, the 2012 amendments enlarged the scope of persons prohibited from organising public events.⁵⁴⁸

⁵³⁹ Venice Commission, Opinion on the Federal Law No 54-FZ of 19 June 2004 on Assemblies, Meetings, Demonstrations, Marches and Picketing of the Russian Federation, 20 March 2012, CDL-AD(2012)007, para. 36 (hereinafter “VC 2012 Opinion on the Law on Assemblies”).

⁵⁴⁰ Art. 12 (1) (2) of the Law on Assemblies.

⁵⁴¹ Art. 5 (4) (2) of the Law on Assemblies.

⁵⁴² Art. 5 (5) of the Law on Assemblies.

⁵⁴³ Constitutional Court, decision no. 484-OP of 2 April 2009, para. 2.1.

⁵⁴⁴ *Idem*.

⁵⁴⁵ *Idem*.

⁵⁴⁶ *Idem*, para. 2.2; VC 2012 Opinion on the Law on Assemblies, para. 20.

⁵⁴⁷ Federal Law no. 65-FZ of 8 June 2012 “On Amendments to the Code of Administrative Offences of the Russian Federation and the Federal Law ‘On Assemblies, Meetings, Rallies, Marches and Picketing’”.

Second, this law established new duties for the organisers of public assemblies, including taking measures to prevent that the number of participants exceeds the number stipulated in the notification if such excess entails the threat to public order and/or public safety, the safety of participants or risks to damage the property.⁵⁴⁹ Moreover, if the organisers fail to meet their duties stipulated by the law, they bear civil liability for any damage caused during the public event by other participants.⁵⁵⁰ The Constitutional Court of the Russian Federation found this latter provision unconstitutional.⁵⁵¹

Third, under the new provisions, the authorities can now refuse to agree to holding public events in two situations: either in cases when the organiser is a person not allowed to organise the event under the law, or when the venue of the event is defined as an area, where holding of assemblies is prohibited.⁵⁵²

Fourth, according to the new amendment, notification is still not required for single-person pickets; but the local authorities can determine a minimum distance between the single-pickers, which cannot be more than 50 metres.⁵⁵³ The sum of the single-person pickets “united by a single concept and overall organisation” can be declared a public event by the courts⁵⁵⁴ and therefore become ex post the subject of a notification requirement.

Fifth, the 2012 amendments introduce the power of the local authorities to determine additional venues where the holding of public events is prohibited, including when such events disrupt the functioning of vital public utilities, transport or social infrastructure or hinder the movements of pedestrians and/or vehicles.⁵⁵⁵

⁵⁴⁸ This included the persons convicted for the crimes against State security and constitutional order and persons convicted two or more times for the stipulated administrative offences (related to the holding of assemblies) during the time when the execution of the sentence is pending, Art. 5 (2) (1.1) Law on Assemblies (as amended on 8 June 2012).

⁵⁴⁹ Art. 5 (4) (7.1) of the Law on Assemblies (as amended on 8 June 2012). According to a later judgement of the Constitutional Court, the mandatory condition of the administrative liability of the organiser in this scenario is that that “person is directly at fault for the anticipated number of public event participants being exceeded.” Constitutional Court, decision no. 4-P of 14 February 2013; see also Venice Commission, Extracts of the Judgment of the Constitutional Court of the Russian Federation of 14 February 2013 Relating to the Amendments to the Law on Assembly, CDL-REF(2012)012, 12 (hereinafter “VC 2013 Extracts”); see on the duties of organisers already in the original text of the law, VC 2012 Opinion on the Law on Assemblies, para. 41.

⁵⁵⁰ Article 5 (6) of the Law on Assemblies (as amended on 8 June 2012).

⁵⁵¹ VC 2013 Extracts, p. 13.

⁵⁵² Art. 12 (3) of the Law on Assemblies (as amended on 8 June 2012).

⁵⁵³ Art. 7 (1.1) of the Law on Assemblies (as amended on 8 June 2012).

⁵⁵⁴ Art. 7 (1.1) of the Law on Assemblies (as amended on 8 June 2012).

⁵⁵⁵ Art. 8 (2.2) of the Law on Assemblies (as amended on 8 June 2012). The issue of exclusion of certain venues by law was already discussed by VC 2012 Opinion on the Law on Assemblies, para. 34. In 2019 and 2020, the Constitutional Court invalidated local bans on public events in front of buildings of municipal and sub-federal authorities and condemned general bans on assemblies in public places, respectively. See “Russia’s Constitutional Court and Freedom of Assembly”, <https://reports.ovdinfo.org/russias-constitutional-court-and-freedom-assembly#>.

Next, the new law introduced the power of the local authorities to define “specially designated locations” (the so-called “Hyde parks”⁵⁵⁶) which in certain situations may be exempted from the notification requirement.⁵⁵⁷ The law states that when determining such places the objectives of public events, accessibility of the location, compliance with sanitary norms and the like should be taken into account.⁵⁵⁸ As a rule, public events should be held in these areas; holding the events outside of the specifically designated areas is possible only after the agreement with the authorities.⁵⁵⁹ Nevertheless, the law specifies that the authorities can refuse to agree to holding the public assemblies only in the two situations motioned above.⁵⁶⁰ In 2013, the Constitutional Court found the amendment concerning the specially designated places unconstitutional to the extent that it did not establish clear statutory criteria for the local authorities “guaranteeing observance of equal legal conditions for citizens’ exercise of their rights to freedom of peaceful assembly.”⁵⁶¹

In practice, however, according to information provided by human rights NGOs, the specially designated locations are frequently in remote locations without good transport connections and subject to various information requirements (and therefore falling short of the no-notification-procedure, which was originally promoted as the advantage of this concept).⁵⁶² Similarly, the Federal Ombudsman in 2017 said that “[t]he problem is that people are not given the platforms they want for their rallies, but others that are in such remote places that the meaning of the action is lost.”⁵⁶³

Generally, the authorities have applied the Law on Assemblies as amended in a manner that implies authorisation rather than notification procedure.⁵⁶⁴ This was attested, for example,

⁵⁵⁶ “Putin Proposed to Create an Analogue of ‘Hyde Park’” (Russian), <https://www.kommersant.ru/doc/1873572>.

⁵⁵⁷ Art. 8 (1.1) of the Law on Assemblies (as amended on 8 June 2012).

⁵⁵⁸ Art.8 (1.2) of the Law on Assemblies (as amended on 8 June 2012).

⁵⁵⁹ Art.8 (2.1) of the Law on Assemblies (as amended on 8 June 2012).

⁵⁶⁰ Art.8 (2.1) of the Law on Assemblies (as amended on 8 June 2012).

⁵⁶¹ VC 2013 Extracts, p. 15.

⁵⁶² “Russia: No place for protest”, <https://www.amnesty.org/en/documents/eur46/4328/2021/en/>, p. 10; see also “Roadmap of the Ombudsman. Interview with Alexander Shishlov in the Newspaper ‘St Petersburg Vedomosti’” (Russian), https://ombudsmanspb.ru/news/dorozhnaja_karta_ombudsmena_intervju_aleksandra_sh/; broadly; “Special Venues for Rallies: From Idea to Implementation” (Russian), <https://reports.ovdinfo.org/specialnye-ploshchadki-dlya-mitingov#1>.

⁵⁶³ “The Law Does Not Prohibit Children from Going to Rallies” (Russian), <https://www.kommersant.ru/doc/3372715>.

⁵⁶⁴ “Russia: No place for protest”, <https://www.amnesty.org/en/documents/eur46/4328/2021/en/>, pp. 7-10; see also broadly, “The Art of the Ban: How Russian Authorities Refuse Permission for Rallies and Other Protests”, <https://reports.ovdinfo.org/art-ban#1>. In fact, in 2018, the Supreme Court ruled that the authorities’ proposal for alteration of the public event must not be “arbitrary, unmotivated and must contain specific data demonstrating the obvious impossibility of holding this event at the declared place and/or at the declared time due to the need to protect the public interests” (this excludes the inconvenience resulting from the change of traffic routes or movements of pedestrians if the safety conditions are met). Resolution of the Plenary of the Supreme Court no. 28 of 26 June 2018, “On Certain Issues Arising for the Courts When Considering Administrative Cases and Cases of Administrative Offences, Cases Relating to the Application of the Legislation on Public Events”, para. 12. The Court also held that when proposing alteration of the event “the public authorities must offer a specific place and (or) time for the declared public event, ensuring the possibility of achieving legitimate goals of the event and corresponding to its social and political significance.” *Idem*, para. 13.

by the Ombudsman of St. Petersburg who in 2016 admitted that the authorities that “are required to approve the notifications for public events, time and time again reject them on made-up pretexts.”⁵⁶⁵ According to the Federal Ombudsman in 2017, “[d]espite the fact that federal legislation declares the notification procedure for holding public events, the de facto process of choosing the place and time of the event takes on a permissive nature only with the approval of the executive authority of the subject of the Russian Federation or the local government body.”⁵⁶⁶

The Federal Law no. 65-FZ of 8 June 2012 also introduced changes to the CAO. In particular, the fines for the offences of violating the rules governing public assemblies were significantly increased⁵⁶⁷, a new offence was created⁵⁶⁸ and community service was introduced as a possible sanction⁵⁶⁹.

In 2014, the regime on the public assemblies was further restricted, particularly regarding the sanctions. The law introduced as a sanction administrative detention for the administrative offence of violating the rules governing public assemblies.⁵⁷⁰ It also stipulated that the repeated violation of the rules governing the public events may entail new administrative liability.⁵⁷¹

The sanction of administrative detention has been applied with respect to the civil society activists’ involvement in unauthorised public events. As an illustration, in 2018, the human rights activist Lev Ponomarev was convicted for violating the rules governing protests and sentenced to 25 days of administrative detention for posting information about an unauthorised rally aimed to be of peaceful nature.⁵⁷²

Most significantly, under the 2014 amendments, a person can be held criminally liable if that person has committed more than two administrative offences concerning the violation of

⁵⁶⁵ “Roadmap of the Ombudsman. Interview with Alexander Shishlov in the Newspaper ‘St Petersburg Vedomosti’” (Russian), https://ombudsmanspb.ru/news/dorozhnaja_karta_ombudsmena_intervju_aleksandra_sh/.

⁵⁶⁶ “Report on the Activities of the Ombudsman of the Russian Federation for 2016” (Russian), <https://rg.ru/documents/2017/05/17/doklad-dok.html>.

⁵⁶⁷ Art. 1 (3), (6) of the Federal Law no. 65-FZ of 8 June 2012. The Constitutional Court of the Russian Federation demanded that the legislator “make the necessary amendments to the legal regulation of the minimum scales of fines” for the relevant administrative offences. VC 3013 Extracts, p. 17.

⁵⁶⁸ Art. 1 (7), (8) of the Federal Law no. 65-FZ of 8 June 2012 created Art. 20.2.2 CAO (Organisation of a mass simultaneous presence and/or movement of citizens in public places resulting in a breach of public order) and amended Art. 20.2 CAO (Violation of the established procedure for organising or holding assemblies, rallies, demonstrations, marches and picketing).

⁵⁶⁹ Art. 1 (4) of the Federal Law no. 65-FZ of 8 June 2012. According to the Constitutional Court of the Russian Federation the administrative sanction of the community service for the specified offences of may be applied only when the acts “caused damage to human health or the property of a physical individual or corporate entity or the onset of other similar consequences.” Extracts, p. 19.

⁵⁷⁰ See Art. 3 (4), (5) of the Federal Law no. 258-FZ of 21 July 2014 “On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Enhancement of the Legislation on Public Events”.

⁵⁷¹ Art. 20.2 (8), Art. 20.2.2 (4), Art. 19.3 (6) CAO; see Art. 3 (3)-(5) of the Federal Law no. 258-FZ of 21 July 2014.

⁵⁷² Council of Europe Commissioner for Human Rights, Commissioner Calls Upon the Russian Authorities to Release Lev Ponomarev, Statement, 6 December 2018, <https://www.coe.int/en/web/commissioner/-/commissioner-calls-upon-the-russian-authorities-to-release-lev-ponomarev>.

the rules on public events within six months.⁵⁷³ A new provision of the Criminal Code – Article 212.1 – entails the possibility of a prison sentence of up to five years and a fine up to 1 million roubles.⁵⁷⁴ In 2017, the Constitutional Court found this provision constitutional, but required the fulfilment of firm criteria, including the infliction or an “actual threat” of inflicting damage to health, property, environment, public order and safety.⁵⁷⁵

In 2014, the Federal Ombudsman called on the lawmakers to “carefully consider all possible negative consequences of the tightening of liability for infringements” of the rules governing holding of public events.⁵⁷⁶ The Federal Ombudsman claimed that while it was possible to understand the reasoning of the deputies to increase the safety of public events, “in an effort to protect the country from potential upheaval, the initiators of the bill in this version risk achieving the exact opposite effect. The proposed toughening of liability, up to criminal liability, can be described as disproportionate to possible acts.”⁵⁷⁷ The Ombudsman also added that “[p]rohibitions, tightening, and restrictions, persistent struggle with the symptoms rather than with the causes of social ills, always, in the end, lead only to the deepening and sharpening of social problems, radicalisation of protest movements and their derailment from the realm of legality.”⁵⁷⁸ Both, the head of the Presidential Council for Civil Society and Human Rights (in 2016) and the Federal Ombudsman (in 2017) have argued that Article 212.1 should be removed from the Criminal Code.⁵⁷⁹

Nevertheless, the article has been applied in practice. In 2015, the first-ever prosecution and conviction under this article concerned the Moscow activist Ildar Dadin (therefore, Article 212.1 of the Criminal Code is known as “Dadin Article”).⁵⁸⁰ In 2017 the above-mentioned judgement of the Constitutional Court ruled in his favour; ultimately, he was released. Nevertheless, other cases followed.

For example, in October 2019, the Moscow Court of Appeal upheld the criminal sentence of a four-year prison term for the activist Konstantin Kotov for repeated violations of the rules governing public assemblies (in connection with the election-related protests in Moscow in

⁵⁷³ Art. 1 of the Federal Law no. 258-FZ of 21 July 2014.

⁵⁷⁴ Art. 1 of the Federal Law no. 258-FZ of 21 July 2014 The new Article of the Criminal Code is 212.1 (Repeated violation of the established procedure for organising or conducting an assembly, rally, demonstration, march or picket).

⁵⁷⁵ The person can be criminally liable if the violation entailed infliction or the actual threat of inflicting the damage to citizens’ health, property, environment, public order and safety or other values protected by the Constitution; the committed act must have been intentional; the person concerned must have committed at least three administrative offences under Art. 20.2 CAO within the past 180 days and there must have been at least three valid judgements before a new violation of the rules on public events. Constitutional Court of the Russian Federation, decision no. 2-P of 10 February 2017, para. 1 of the operative part of the judgement.

⁵⁷⁶ “Pamfilova Called for an Analysis of the Consequences of the Draft Law Increasing Punishments for Violation of Rules on Assemblies” (Russian), http://www.president-sovet.ru/presscenter/press/pamfilova_prizvala_proanalizirovat_negativnye_posledstviya_zakonoproekta_ob_uzhestochenii_nakazaniya/.

⁵⁷⁷ *Idem.*

⁵⁷⁸ *Idem.*

⁵⁷⁹ “Moskalkova Called for the Abolition of the Article on Violations of Holding Rallies” (Russian), <https://ria.ru/20170227/1488805872.html>; “The Head of the Presidential Human Rights Council Proposed to Remove from the Criminal Code an Article on Repeated Violations at Rallies” (Russian), <https://www.interfax.ru/russia/491985>.

⁵⁸⁰ “Ildar Dadin: Russian Activist Jail Term Quashed”, <https://www.bbc.com/news/world-europe-39050949>.

2019).⁵⁸¹ His sentence was then reduced to a one-and-a-half-year prison term that was served in full.⁵⁸² In 2021, an environmental activist Vyacheslav Yegorov was convicted to 15 months in prison under the same article, which he served.⁵⁸³ In 2020, the Moscow lawmaker Yulia Galyamina was sentenced to two-year sentence on probation under Article 212.1 of the Criminal Code.⁵⁸⁴

Noteworthy, other provisions of the Criminal Code have been used in the context of public protests, notably Article 318 of the Criminal Code (use of violence against public officials).⁵⁸⁵ A survey of the *Novaya Gazeta* has shown that the conduct in political cases under this provision is punished harsher than that in non-political cases.⁵⁸⁶

Questions are also raised regarding the procedural guarantees in judicial proceedings concerning the administrative and criminal liability of protesters.⁵⁸⁷

Regarding the evolution of the legislation, further amendments to the Law on Assemblies have been adopted. For example, under the amendment of 2016 (Federal Law no. 61-FZ of 9 March 2016), the solo picketers with “rapidly erected constructions” became subject of the notification requirement.⁵⁸⁸ From then on, only single picketers without such constructions were not required to submit a notification.

c) The 2020 Amendments

Two laws of December 2020 further restrict the freedom of assembly in the Russian Federation. First, the Federal Law no. 497-FZ of 30 December 2020 modified the previous

⁵⁸¹ “Russia Is Still Penalizing Peaceful Protesters” <https://www.hrw.org/news/2019/10/14/russia-still-penalizing-peaceful-protesters>; “Russia: No place for protest”, <https://www.amnesty.org/en/documents/eur46/4328/2021/en/>, p. 13.

⁵⁸² *Idem*. See also Constitutional Court of the Russian Federation, decision no. 7-O of 27 January 2020; Andrey Borovikov was sentenced to 400 hours of compulsory labour under the same article. See “Russia: Navalny Supporter Faces Three Years in Jail over Sharing of Rammstein Video”, <https://www.amnesty.org/en/latest/press-release/2021/04/russia-navalny-supporter-faces-three-years-in-jail-over-sharing-of-rammstein-video/>; “The Criminal Prosecution of Arkhangelsk Activist Andrei Borovikov Is Politically Motivated and Unlawful”, https://memohrc.org/en/news_old/criminal-prosecution-arkhangelsk-activist-andrei-borovikov-politically-motivated-and.

⁵⁸³ “Russian Environmental Activist Released!” (Russian), <https://eurasia.amnesty.org/2022/08/08/rossijskij-ekoaktivist-vyacheslav-egorov-vyshel-na-svobodu/>; “Russia Is Still Penalizing Peaceful Protesters”, <https://www.hrw.org/news/2019/10/14/russia-still-penalizing-peaceful-protesters>.

⁵⁸⁴ “Moscow Lawmaker Yulia Galyamina Sentenced to Two Years Probation”, <https://meduza.io/en/news/2020/12/23/moscow-lawmaker-yulia-galyamina-sentenced-to-two-years-probation>.

⁵⁸⁵ “Memorial Considers Olga Bendas, A Person Involved in the ‘Palace Case’ as a Political Prisoner” (Russian), https://memohrc.org/ru/news_old/memorial-schitaet-politzaklyuchyonnoy-figurantku-dvorcovogo-dela-olgu-bendas/; “Memorial: Ilya Pershin, A Participant in the St. Petersburg Rally in Support of Alexei Navalny, Is a Political Prisoner” (Russian), https://memohrc.org/ru/news_old/memorial-uchastnik-peterburgskoy-akcii-v-podderzhku-alekseya-navalnogo-ilya-pershin/; “‘Memorial’ Considers the Man Sentenced for Kicking a FSB Car as a Political Prisoner” (Russian), https://memohrc.org/ru/news_old/memorial-schitaet-osuzhdyonnogo-za-pinkipo-mashine-fsb-politzaklyuchyonnym. (The last case was charged under Art. 167(2) CC).

⁵⁸⁶ “‘If You Come Near Me, I’ll Stick a Pitchfork in Your Throat’” (Russian), <https://novyagazeta.ru/articles/2020/02/13/83892-ya-tebya-zarublyu-musor>.

⁵⁸⁷ See below.

⁵⁸⁸ Art. 7 (1.1) of the Law on Assemblies (as amended on 9 March 2016)..

wording concerning the change of the date and time of the public event. While before, the law was ambiguous regarding the consequences of the rejection of the authorities' proposal, the new law explicitly states that there are only two options. The organiser must inform the authorities in writing at the latest three days before holding a public assembly about accepting the authorities' proposal or rejecting it and cancelling the event under such conditions.⁵⁸⁹

This law also explicitly states that the organiser of the public event does not have the right to hold the event in case of failure to submit the notice within the stipulated time frame, in case of non-acceptance of the authorities' proposal to change the place and/or time of the assembly (previous wording referred to failure to reach agreement on such proposal).⁵⁹⁰ This also applies to the recall of authorisation by the authorities⁵⁹¹ or when the authorities inform the organiser about the impossibility of holding a public event due to a emergency situation, terrorist act or "real threat" of their occurrence.⁵⁹²

The 2020 amendments also allow for the ex-post recognition by court decision of the acts of picketing – in which several persons participate in turn – as a public event⁵⁹³ (and thus requiring prior notification). They also expand the list of places, where the holding of public events is prohibited by law⁵⁹⁴ and specify the duties and prohibitions of journalists covering the public event.⁵⁹⁵

Significantly, the second law of December 2020 (Federal Law no. 541-FZ of 30 December 2020) introduced several funding-related obligations for the organisers of public events. It prohibits funding from certain organisations, notably foreign States, NGOs, international organisations, Russian citizens or entities labelled as "foreign agents", and anonymous donations.⁵⁹⁶

The same law also introduces new rather burdensome financial duties for organisers. Especially, the organisers of public events with the participation of more than 500 people must have a specific account in the Russian bank for fundraising.⁵⁹⁷ The funds received from persons excluded from fundraising must be transferred back to them or the federal budget

⁵⁸⁹ Art. 5 (4) (2) of the Law on Assemblies (as amended on 30 December 2020).

⁵⁹⁰ Art. 5 (5) of the Law on Assemblies (as amended on 30 December 2020).

⁵⁹¹ Art. 5 (5) in connection with Art. 12 (4) (5) of the Law on Assemblies (as amended on 30 December 2020).

⁵⁹² Art. 5 (5) in connection with Art. 12 (7) of the Law on Assemblies (as amended on 30 December 2020).

⁵⁹³ Art. 7 (1.1) of the Law on Assemblies (as amended on 30 December 2020). A similar provision on recognition by the court decision as a public event was also introduced with respect to "mass simultaneous presence and (or) movement of citizens in public spaces, aimed at expressing and forming opinions, making demands on various issues of the country's political, economic, social and cultural life and foreign policy issues.", Art. 7 (1.2) of the Law on Assemblies.

⁵⁹⁴ Art. 8 (2) (3) of the Law on Assemblies (as amended on 30 December 2020).

⁵⁹⁵ See Art. 6 (5), Art. 6 (6), Art. 6(7) of the Law on Assemblies (as amended on 30 December 2020).

⁵⁹⁶ The list includes foreign States or organisations, international organisations or movements, foreign citizens or stateless persons (with the exception of persons residing in the Russian Federation), citizens of the Russian Federation under the age of 16, foreign agents (Russian non-commercial organisations, unregistered public associations and natural persons), anonymous donors and legal entities registered less than a year prior to the transfer. Art. 11 (3) Law on Assemblies (as amended on 30 December 2020).

⁵⁹⁷ Art. 11 (4) of the Law on Assemblies (as amended on 30 December 2020).

(in the case of anonymous donors).⁵⁹⁸ The funds can only be used for the event and any remaining sums must be returned to donors in proportion to their donations within 10 days after the event.⁵⁹⁹ The organisers must submit the report on spending to the authorities after the event.⁶⁰⁰ Violation of these rules may entail liability under the Russian legislation.⁶⁰¹

d) Impact of the COVID-19 Regulations

In the context of the fight against the COVID-19 pandemic, the Russian local authorities took several restrictive measures. On 10 March 2020, the Mayor of Moscow issued a decree banning mass public assemblies of more than 5,000 people.⁶⁰² Other regions soon followed.⁶⁰³ The restrictions on public events have expanded even to the single-person pickets that normally require no prior notification.⁶⁰⁴ According to Amnesty International, while the ban on public protests has been strictly enforced, other mass events (including the concert commemorating Russia's annexation of Crimea in March 2021) have taken place.⁶⁰⁵

In April 2021, the Supreme Court issued a statement, in which it clarified that the newly-introduced crime under Article 207.1 CC ("public dissemination of deliberately false information about the circumstances that pose a threat to the life and safety of citizens") also applies to public assemblies.⁶⁰⁶

A prominent feature of the authorities' response to the protests that have taken place during the validity of the ban on public assemblies (including after the return and arrest of the opposition politician Alexey Navalny in January 2021) was the opening of a criminal cases under the newly amended Article 236 (1) CC (violation of sanitary and epidemiological rules) known as "sanitarnoe delo".⁶⁰⁷ In January-February 2021, several persons (including opposition politicians) were arrested in connection with a criminal investigation under this

⁵⁹⁸ Art. 11 (9) of the Law on Assemblies (as amended on 30 December 2020).

⁵⁹⁹ Art. 11 (10) of the Law on Assemblies (as amended on 30 December 2020).

⁶⁰⁰ Art. 11 (11) of the Law on Assemblies (as amended on 30 December 2020).

⁶⁰¹ Art. 11 (13) of the Law on Assemblies (as amended on 30 December 2020).

⁶⁰² Mayor of Moscow, Decree no. 17-UM of 10 March 2020 "On Amendments to the Decree of the Mayor of Moscow of 5 March 2020, no. 12-UM".

⁶⁰³ "Freedom of Assembly in Russia During the Pandemic: What Happened from March 10 to April 22, 2020", <https://reports.ovdinfo.org/freedom-assembly-russia-during-pandemic#1>.

⁶⁰⁴ "Russia: No place for protest", <https://www.amnesty.org/en/documents/eur46/4328/2021/en/>, pp. 11-12.

⁶⁰⁵ "Russia: Activists Detained under Absurd 'Sanitary Charges' for Social Media Posts in Support of Public Protest", <https://www.amnesty.org/en/documents/eur46/4027/2021/en/>; See e.g. "Dying for a Dose of Putin? With Sagging Rating, Russian President Holds Mask-Optional Rally", <https://www.rferl.org/a/russian-putin-holds-mask-optional-rally/31159976.html>.

⁶⁰⁶ Supreme Court, Review of Certain Issues of Judicial Practice Related to the Application of Legislation and Measures to Counteract the Spread in the Territory of the Russian Federation of Novel Coronavirus Infection (COVID-19) no. 1, 21 April 2020, at <http://www.supcourt.ru/files/28856/>; for an in-depth analysis of the Art. 207.1 CC see above.

⁶⁰⁷ "Russia: Activists Detained under Absurd 'Sanitary Charges' for Social Media Posts in Support of Public Protest", <https://www.amnesty.org/en/documents/eur46/4027/2021/en/>; "Sanitization of the Protest: How Art. 236 of the Criminal Code Became an Instrument of Political Pressure", <https://reports.ovdinfo.org/how-article-236-criminal-code-became-instrument-political-pressure#1>.

article for social media posts calling for public protests (which was seen by the authorities as the incitement to commit the crime under Article 236 (1) CC).⁶⁰⁸

While other restrictions in connection with the COVID-19 have been gradually lifted,⁶⁰⁹ the ban on public assemblies remained in place. Thus, on 14 May 2022, the mayor of Moscow announced the lifting of the requirement of wearing a mask in Moscow as of 15 May 2022.⁶¹⁰ The ban on public assemblies, however, remained in force.⁶¹¹

e) Developments after 24 February 2022

Regarding the legal framework governing freedom of assembly in the Russian Federation at the beginning of anti-war protests, two features are relevant. First, as mentioned above, Russian legislation does not recognize the concept of a spontaneous assembly. Therefore, any public assembly is subject to prior notification. Second, the COVID-19 total bans on public assemblies have continued to be in force, for example, in Moscow, St Petersburg and other cities. In addition, in some cities, the COVID-19 ban on public events, which had been previously lifted, was re-introduced.⁶¹²

Attempts to get authorisation for anti-war protests were not met with success by reference to the COVID-19 regulations.⁶¹³

Against the background of these regulations and practice, the authorities have dispersed the anti-war protests regardless of their peaceful nature.⁶¹⁴

OVD-info reports that in the period from 24 February 2014 to 12 April 2014, the Russian courts ordered 960 arrests relating to protests.⁶¹⁵ In terms of offences, the protesters were held liable under Article 20.2 CAO (for participating in a not-allowed protest) and a newly-created Article 20.3.3 CAO (for discrediting the Russian Armed Forces).⁶¹⁶ It is not common that they were charged under both articles.⁶¹⁷

⁶⁰⁸ Idem.

⁶⁰⁹ "Return to Normal Life. Education, Theaters, Cinemas and Children's Entertainment Centers" (Russian), <https://www.sobyanin.ru/otmena-ogranicheniy-obrazovanie-i-detskie-tsentry>.

⁶¹⁰ "You Can Take Off Your Masks. We Cancel Covid Restrictions for Citizens and Businesses" (Russian), https://www.sobyanin.ru/mozhno-snyat-maski?utm_source=tg&utm_medium=post&utm_campaign=1403221.

⁶¹¹ "Moscow Mayor Cancels Mandatory Masks But Ban on Public Gatherings Remains", <https://www.rferl.org/a/moscow-end-mandatory-masks/31752548.html>; see https://t.me/rian_ru/150583; https://t.me/rian_ru/150638.

⁶¹² "The Protests Are Fought with a Virus" (Russian), <https://www.kommersant.ru/doc/5238194>.

⁶¹³ See e.g. "Astrakhan Authorities Refused to Hold an Anti-War Rally to Protesters" (Russian), <https://www.kavkazr.com/a/vlasti-astrahani-otkazali-aktivistam-v-provedenii-antivoennogo-mitinga/31730168.html>.

⁶¹⁴ See below.

⁶¹⁵ "No to war. How Russian authorities are suppressing anti-war protests", <https://reports.ovdinfo.org/no-to-war-en>. See below.

⁶¹⁶ Idem, pp. 42-43.

⁶¹⁷ Idem and see pp. 32-35.

Currently, the State Duma is considering a bill which would once again amend the Law on Assemblies and fundamentally expand the scope of venues where the holding of public events would be prohibited.⁶¹⁸ This would include, among others, the buildings of *public authorities* and territories directly adjacent to them, railway, bus stations, airports, ports, educational buildings.⁶¹⁹ The bill also empowers the local authorities to determine the venues, where holding of public event is prohibited if it is required due to “historical, cultural or other objective particularities of the subject of the Russian Federation.”⁶²⁰

3) Evaluation

“The participating States reaffirm that (...) everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards.”⁶²¹

The preceding overview of the legislation and practice of the Russian Federation on peaceful assembly shows a clear line of gradual tightening of this right in Russia. The subsequent amendments to the Law on Assemblies, as well as higher sanctions for offences concerning the violation of the rules governing public assemblies, have led up to the point when in 2020, the Council of Europe Commissioner for Human Rights flatly called on “the Russian authorities to overhaul legislation and practice governing freedom of assembly and of expression, including in the context of the pandemic, in order to align them with European human rights standards.”⁶²² The Rapporteur shares this position. The legislation, as it stands today, does not offer sufficient guarantees for the unimpeded exercise of this right.

The right of peaceful assembly is enshrined in Article 21 ICCPR, Article 11 ECHR, and is embedded within the OSCE Human Dimension Commitments. The OSCE/ODIHR and Venice Commission have published Guidelines on Freedom of Peaceful Assembly, which reflect the applicable international standards in this area.⁶²³

Noteworthy, already the starting point of the Law on Assemblies adopted in 2004 (which, as pointed out by the Venice Commission, did and still does not reflect in its title the reference to “freedom of assembly”⁶²⁴) was not without problems. This was highlighted by the Venice Commission, as well as by the successive Council of Europe Commissioners for Human Rights.

The Venice Commission thoroughly reviewed the law prior to its significant amendments in June 2012. A central point of its criticism was the regulation of the notification procedure in

⁶¹⁸ Art. 6 of the Federal Law Project No. 140449-8 “On Amendments to Certain Legislative Acts of the Russian Federation.”

⁶¹⁹ *Idem.*

⁶²⁰ *Idem.*

⁶²¹ Copenhagen 1990, para. 9.2.; see also Paris 1990 and Sixteenth Meeting of the Ministerial Council of the OSCE, 4-5 December 2008.

⁶²² *Idem.*

⁶²³ OSCE/ODIHR, Guidelines on Freedom of Peaceful Assembly, 15 July 2020, CDL-AD(2019)017Rev (hereinafter “Guidelines”).

⁶²⁴ VC 2012 Opinion on the Law on Assemblies, para. 9.

connection with the authorities' motivated proposal to change the date or time of public event. After an in-depth analysis⁶²⁵, the Commission concluded that under the wording of the law the organisers simply face two options: either to accept the proposal of the authorities or to give up the event as such (as the latter "will then be de facto prohibited"⁶²⁶). Therefore, the notification procedure under the 2004 Assembly Law "is in substance a request for permission."⁶²⁷

The Commission also criticised other elements of the law, including the too broad discretion it confers on the authorities,⁶²⁸ a potentially ineffective judicial review⁶²⁹ and the lack of a legally-mandated possibility of holding spontaneous assemblies.⁶³⁰ In the Venice Commission's view, the Law on Assemblies "does not sufficiently safeguard against the risks of an excessive use of discretionary power or even arbitrariness or abuse."⁶³¹

The new amendments introduced in June 2012 attracted widespread criticism not only by international human rights monitoring bodies and experts, but also by the Russian national human rights institutions.⁶³²

In 2013, the Venice Commission reviewed the Law on Assemblies, amended in 2012. It criticised several elements of this newly amended law, including the blanket ban on certain persons to organise public events and blanket ban on certain locations,⁶³³ duties of the organisers concerning the number of participants⁶³⁴, the regulation of specially designated places,⁶³⁵ and the newly-introduced power of the authorities to refuse to agree to holding public event.⁶³⁶ For the Council of Europe Commissioner for Human Rights, "[t]he

⁶²⁵ VC 2012 Opinion on the Law on Assemblies, paras. 21-22.

⁶²⁶ *Idem*.

⁶²⁷ *Idem*, para. 30.

⁶²⁸ *Idem*.

⁶²⁹ As the courts would not be able to review the matter before the date of the public event. *Idem*.

⁶³⁰ Venice Commission Opinion 2012, para. 37; similarly, "where notification is given for more than one assembly at the same time, they should be facilitated as far as possible." Venice Commission Opinion 2012, para. 39.

⁶³¹ VC 2012 Opinion on the Law on Assemblies, para. 30.

⁶³² See above, see also "Presidential Council for Civil Society and Human Rights of the RF Proposed that the State Duma Return the Bill on Rallies to the First Reading, 'RBK'" (Russian), http://www.president-sovet.ru/presscenter/press/spch_pri_prezidente_rf_predlozhit_gosdume_vernut_zakonoproekt_o_mitingakh_v_i_chtenie_rbk/.

⁶³³ Venice Commission, Opinion on Federal Law no 65-FZ of 8 June 2012 of the Russian Federation Amending Federal Law no 54-FZ of 19 June 2004 on Assemblies, Meetings, Demonstrations, Marches and Picketing and the Code of Administrative Offences', 11 March 2013, CDL-AD(2013)003, paras. 16-19, para. 41 (hereinafter VC 2013 Opinion on the Law on Assemblies).

⁶³⁴ *Idem*, paras. 21-24.

⁶³⁵ According to the Commission, the law does not stipulate that the discretion of the authorities "must be exercised with due respect for the essential principles of 'presumption in favour of holding assemblies', 'proportionality' and 'non-discrimination'". *Idem*, para. 43. Accordingly, the current regulation of the specially designated places "will hinder rather than facilitate the exercise of the right to freedom of assembly and is therefore incompatible with international standards." *Idem*, para. 44.

⁶³⁶ *Idem*, paras. 45, 46. The Commission also criticised the power of the courts to retrospectively declare "the sum of the single picketers 'united by a single concept and overall organisation'" as a public event and resulting in the administrative liability of the organisers and participants for failure to meet the relevant regulations.

notification procedure – which was already prone to restrictive interpretations in the past – is becoming in practice a de facto obligation to seek authorisation for holding of public events.”⁶³⁷

The Venice Commission also recommended that the sanctions introduced by the 2012 law “be revised and drastically lowered.”⁶³⁸ Similarly, the UN Human Rights Committee was “concerned about the strong deterrent effect on the right to peaceful assembly of the new restrictions ..., which imposes high administrative sanctions on organisers of assemblies who were previously been convicted of similar administrative offences.”⁶³⁹ Similar positions were taken by an array of international bodies regarding the 2014 amendments.⁶⁴⁰

In 2017, the Council of Europe Commissioner for Human Rights concluded, “the 2012 and 2014 amendments weaken the guarantees contained in Article 31 of the Russian Constitution and the 2004 Law on Assemblies and raise serious concerns in light of international human rights standards”⁶⁴¹ and recommended that “the legal framework on public assemblies in the Russian Federation be thoroughly revised.”⁶⁴²

Restrictions on the right to freedom of assembly in the context of the COVID-19 pandemic were applied not only in the Russian Federation, but globally. Nevertheless, in this context, the Commissioner for Human Rights stressed that these restrictions “must not be used to unduly limit human rights and freedoms.”⁶⁴³ This is even more true when after two years

Ibid, para. 30. Such an offence will be “incompatible with the requirement of legality of any interference with the right to freedom of free expression as well as of assembly.” Idem, para. 31.

⁶³⁷ Council of Europe, Commissioner for Human Rights, Follow-Up Memorandum of the Commissioner for Human Rights on Freedom of Assembly in the Russian Federation, 5 September 2017, ComDH(2017)25, para. 31. “By introducing additional restrictions and duties for organisers of events and participants, and by conferring wider discretion to the authorities, the 2012 amendments considerably undermined the existing balance of interests. In the absence of an explicit reference to the presumption in favour of holding public events, such a shift affects the very essence of the Russian legal framework, in that it tends to transform a system of notification to one where authorisation must be sought.” Idem, para. 16.

⁶³⁸ VC 2013 Opinion on the Law on Assemblies, para. 55.

⁶³⁹ UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, 28 April 2015, UN Doc CCPR/C/RUS/CO/7, para. 21.

⁶⁴⁰ UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, 28 April 2015, UN Doc CCPR/C/RUS/CO/7, para. 21; Council of Europe Commissioner for Human Rights, Follow-Up Memorandum of the Commissioner for Human Rights on Freedom of Assembly in the Russian Federation, 5 September 2017, ComDH(2017)25, para. 29.

⁶⁴¹ Council of Europe Commissioner for Human Rights, Follow-Up Memorandum of the Commissioner for Human Rights on Freedom of Assembly in the Russian Federation, 5 September 2017, ComDH(2017)25, para. 15.

⁶⁴² Idem, para. 32, see for specific recommendations paras. 33, 34: inclusion of the explicit “presumption in favour of holding public events”; incorporation of the principles of proportionality and non-discrimination; establish “procedures to ensure that freedom of assembly is practically enjoyed and not subject to undue bureaucratic regulation;” inclusion of specific provisions on “spontaneous and simultaneous assemblies” and “a clear and prompt procedure for solving any disagreements between the organisers of public events and the authorities.” Idem para. 33. According to the Commissioner, “blanket bans on venues for holding public events or persons wishing to hold them should be avoided”; sanctions should be decreased “to comply with the principles of proportionality and necessity.” Idem para. 34.

⁶⁴³ Council of Europe Commissioner for Human Rights, Statement, 23 June 2020, <https://www.coe.int/en/web/commissioner/-/commissioner-calls-on-russian-authorities-to-overhaul-legislation-and-practice-governing-freedom-of-assembly-and-of-expression>.

since the beginning of the pandemic, the restrictions are being lifted in almost all other aspects of life, including activities of similar “mass” character. The continued total bans on public assemblies issued by the local authorities seem to be disproportionate and arbitrary restrictions of the right to peaceful assembly.

The amendments of 30 December 2020 represent the continuation of the previous practice of limiting the right to peaceful assembly. Today, under the text of the law, the organisers have only two options: either to accept the authorities’ proposal to alter the event or to cancel it. Nothing is left from the idea of a notification procedure. The financial duties of the organisers are too burdensome and open the organisers up to further administrative sanctions. If the bill, which is currently under consideration and, among other things, foresees the ban on public events near the buildings of public authorities, is adopted, it will further drastically restrict the exercise of this right in the Russian Federation.

The Rapporteur subscribes to the above-mentioned views of the Venice Commission and other international bodies regarding the subsequent changes of the legislation in this area. In this connection, it must be stressed that according to the European Court of Human Rights, “States must not only safeguard the right to assemble peacefully but also refrain from unreasonable restrictions upon that right.”⁶⁴⁴ According to General Comment No. 37, “State parties have certain positive duties to facilitate peaceful assemblies and to make it possible for participants to achieve their objectives.”⁶⁴⁵

The European Court of Human Rights also held that “the right to freedom of assembly, includes the right to choose the time, place and modalities of the assembly, within the limits established in paragraph 2 of Article 11.”⁶⁴⁶ The Guidelines also stress the “presumption in favour of (peaceful) assemblies”, from which follows that “that the relevant public authorities should remove all unnecessary legal and practical obstacles to the right to freedom of assembly.”⁶⁴⁷ The spontaneous assemblies should equally be facilitated under international standards.⁶⁴⁸ “Any penalties imposed must be necessary and proportionate”.⁶⁴⁹

In light of the above-mentioned, it follows that the current legislation of the Russian Federation on the right to freedom of peaceful assembly and its implementation in practice is incompatible with the OSCE commitments and international standards in this area.

⁶⁴⁴ ECtHR, *Oya Ataman v. Turkey*, 5 December 2006, app. no. 74552/01, para. 36; see also Guidelines, para. 75.

⁶⁴⁵ UN Human Rights Committee, General Comment no. 37, 17 September 2020, UN Doc Res CPR/C/GC/37, para. 24 (hereinafter “General Comment no. 37”).

⁶⁴⁶ ECtHR, *Sáska v. Hungary*, 27 November 2012, app. no. 58050/08, para. 21.

⁶⁴⁷ Guidelines, para. 76.

⁶⁴⁸ ECtHR, *Bukta and others v. Hungary*, 17 July 2007, app. no. 25691/04, para. 36; General Comment no. 37, para. 14; Guidelines, paras. 79, 114; see also Council of Europe Commissioner for Human Rights, Letter, 21 July 2011, CommDH(2011)31, CommHR/TH/sf 081-2010, para. 37.

⁶⁴⁹ Guidelines, para. 222. “Penalties imposed for conduct occurring in the context of an assembly must be necessary and proportionate, since unnecessary or disproportionately harsh sanctions for behaviour during assemblies could inhibit the holding of such events and have a chilling effect that may prevent participants from attending. Such sanctions may constitute an indirect violation of the freedom of peaceful assembly.” *Idem*, para. 36.

VI) Summary and Conclusions on Legislative Reforms

The Russian legislation relevant for the radius of action of civil society and analysed in the preceding chapter show three particularities.

First, the amount of reform legislation is staggering, with new laws being passed and amended at extremely short intervals. Whatever law is passed is implemented almost immediately. While neither freedom of expression nor freedom of association or assembly are absolute rights, restrictions should be kept to a minimum according to international standards. They should have a legitimate purpose and be necessary in a democratic society. On the contrary, Russian legislation is obsessed with restricting these rights more and more. These restrictions start from different approaches, but often overlap. Instead of establishing simple, easily understandable and generally acceptable legal rules for the exercise of fundamental freedoms, the authorities in Russia have created an overly complex system. On the surface, the multiplicity of rules may seem to increase legal certainty – and Russia has justified them on this basis before various human rights bodies – but in reality they have the exact opposite effect. Due to the constant change and complexity of the regulations, it is difficult to know which law is applicable in a specific case. In addition, the laws on "foreign agents", "State secrets", "extremism", "terrorism", "homosexual propaganda" and "war speech" use extremely vague and broad terms for which it is impossible to predict how they will be interpreted. Therefore, Russian legislation in this area is clearly incompatible with the rule of law. On the contrary, the multitude of detailed provisions gives the authorities wide discretionary powers and thus provides the basis for arbitrariness.

Second, legislative activity in this area is not constant, but accelerates after 2012, after 2014, after 2019 and after February 2022, which can be seen as a direct response to social and political developments in the country. Whenever there were mass protests, especially but not exclusively by the youth, new restrictive laws followed. The first reforms were a response to the demonstrations related to the parliamentary elections in 2011 and the presidential elections in 2012. After the annexation of Crimea, new restrictive laws were deemed necessary, especially in the area of "extremism" and "foreign agents". In 2019, demonstrations were linked to Alexei Navalny, and again in early 2021. A new round of restrictions was therefore deemed necessary. The latest – and now most restrictive – package of laws was passed after the invasion of Ukraine. The legislative packages in March 2022 and July 2022 were quick reactions to the – albeit brief – anti-war demonstrations after 24 February 2022. The legislative reform as a whole thus did not follow a master plan, but was mainly reactive.

Third, even though there are many different laws, they all go in the same direction and increasingly restrict civil society's room for manoeuvre. Since the starting point is the fear – explicitly expressed by the Russian President – that a "fifth column" could change (and weaken) the Russian State from within, the reforms are mainly aimed at cutting off Russian NGOs from their foreign partners. This is the essence of the law on "foreign agents", which is the most widespread and intensively used tool in the fight against civil society. The idea of "re-russification" of civil society is implemented through increased bureaucratisation. This betrays a specific understanding of civil society. It is not seen as something that grows from below and is built on the free initiative of critically thinking people, which must be protected by the State. Rather, the vision of the Russian bureaucracy is to create and direct their own

civil society, define its priorities and ensure that nothing is derailed. Ultimately, it is about integrating civil society into the vertical of power.

As a consequence of the legislative reforms taken mainly after 2012 and once more reinforced after 24 February 2022 it is difficult for Russian civil society to survive.

C) Identification of Actions Taken by the Russian Government Leading to the Current Human Rights and Fundamental Freedoms Situation in the Country

In accordance with the Joint Statement of OSCE, not only the legal situation but also the practice is to be examined. As shown above, reform laws that restrict civil society's scope of action are implemented quickly and efficiently. However, not all measures directed against civil society can be characterised as law enforcement; there are also other measures taken by the Government (or, more generally, the authorities) that are relevant to the status quo of civil society in Russia. The most important aspects are summarised in the following section.

I) Propaganda

Government actions against civil society in Russia can be seen in light of the statements of President Putin. In a speech delivered in a meeting on socioeconomic support for regions via videoconference on 16 March 2022 he called civil society activists a “fifth column”, “traitors” and “scum”:

“Yes, of course, they will back the so-called fifth column, national traitors – those who make money here in our country but live over there, and “live” not in the geographical sense of the word but in their minds, in their servile mentality. I do not in the least condemn those who have villas in Miami or the French Riviera, who cannot do without foie gras, oysters or freedom as they call it. That is not the problem, not at all. The problem, again, is that many of these people are, essentially, over there in their minds and not here with our people and with Russia. In their opinion – in their opinion! – it is a sign of belonging to the superior caste, the superior race. People like this would sell their own mothers just to be allowed to sit on the entry bench of the superior caste. They want to be just like them and imitate them in everything. But they forget or just completely fail to see that even if this so-called superior caste needs them, it needs them as expendable raw material to inflict maximum damage on our people.

The collective West is trying to divide our society using, to its own advantage, combat losses and the socioeconomic consequences of the sanctions, and to provoke civil unrest in Russia and use its fifth column in an attempt to achieve this goal. As I mentioned earlier, their goal is to destroy Russia.

But any nation, and even more so the Russian people, will always be able to distinguish true patriots from scum and traitors and will simply spit them out like an insect in their mouth, spit them onto the pavement. I am convinced that a natural

and necessary self-detoxification of society like this would strengthen our country, our solidarity and cohesion and our readiness to respond to any challenge.⁶⁵⁰

The words used take up stereotypes of Soviet propaganda such as the idea of the “fifth column” and de-humanise those considered to be enemies with comparisons to insects.

The rhetoric is similar in speeches on the war denigrating the Ukrainian people and stigmatizing them as “neo-Nazis and ultra-nationalists” or calling the government a “pro-Nazi Kiev regime”, repeatedly reproaching them with “genocide” on the people living in Donbass.⁶⁵¹ Comparisons to Nazism are frequent in statements on Western countries as well.⁶⁵² Building up specific narratives about what happened in the past or what happens in present times are also part of the war-rhetoric.⁶⁵³

Putin’s propaganda is directed towards some ideal of “masculine patriotism”⁶⁵⁴ centered on the rhetoric of war, weapons, physical strength, fighting, the greatness and historical mission of the Russian State and a traditionalist conception of the roles of men and women in society.⁶⁵⁵ Gender sensitivity is openly discredited in his speeches⁶⁵⁶ and linked to decadence.⁶⁵⁷ This negative stance is closely connected to the conception of LGBTQI+ rights; LGBTQI+ positions are ridiculed and contrasted to what is understood as “Russian values”.⁶⁵⁸

II) Pressure in Opinion Formation

As explained above, various legal acts are based on a “one-truth policy” considering visions and statements not identical with the version published by the Government, especially the

⁶⁵⁰ “Meeting on Socioeconomic Support for Regions”, <http://en.kremlin.ru/events/president/news/67996>.

⁶⁵¹ See the speech held by Putin on 18 March 2022 in Luzhniki celebrating the anniversary of the annexation of Crimea, “Concert Marking the Anniversary of Crimea’s Reunification with Russia”, <http://en.kremlin.ru/events/president/transcripts/speeches/68016>.

⁶⁵² Idem: “In its attempts to “cancel” Russia, the West tore off its mask of decency and began to act crudely showing its true colours. One cannot help but remember the anti-Semitic Nazi pogroms in Germany in the 1930s, and then pogroms perpetrated by their henchmen in many European countries that joined the Nazi aggression against our country during the Great Patriotic War.”

⁶⁵³ See e.g. the allusion to the production of biological or atomic weapons in Ukraine before the war, “Meeting on Socioeconomic Support for Regions”, <http://en.kremlin.ru/events/president/news/67996>.

⁶⁵⁴ The expression was used by Leonid Volkov in the interview for this report. A similar idea is to link the present-day ideal of masculinity to the Russian “muzhik” of the 19 century, see: W. Engelking, *The Roots and Guises of Legal Populism in Russia*. in: *The Narodniki, Statism and Legalism of Soviet Law and the Political Theology of Ivan Ilyin*, Intersentia, pp. 319 et seq.

⁶⁵⁵ Critics see this ideal as an expression of “gender inequality, exploitation of women, and state repression against those whose way of life, self-identification, and actions do not conform with narrow patriarchal norms”; see “Russia’s Feminists Are in the Streets Protesting Putin’s War”, <https://transversal.at/transversal/0422/feminist-anti-war-resistance/en>.

⁶⁵⁶ “Putin is confident that Russian society is protected from Western gender ‘obscurantism’” (Russian), https://tass.ru/obschestvo/13283543?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com.

⁶⁵⁷ See his speech on 16 March 2022 (footnote above): “I do not in the least condemn those who have villas in Miami or the French Riviera, who cannot make do without foie gras, oysters or gender freedom as they call it.”

⁶⁵⁸ See above.

Ministry of Defence, to be “disinformation” or “fake news”.⁶⁵⁹ But even without such laws – and in the beginning of the war they did not yet exist – there are other means to exert pressure in opinion formation.⁶⁶⁰

Thus, in educational institutions there were calls for following the official version of the necessity of a “special military operation”, e.g. by organising special programs for children⁶⁶¹ or rallies for students.⁶⁶² The Rectors’ Union issued an appeal “to support our country, our army, which is defending our security, to support our president, who made, perhaps, the most difficult decision in his life, a hard-won, but necessary decision”.⁶⁶³

There are also reports on direct or indirect pressure, for example forced dismissals⁶⁶⁴ or threatening phone calls against those who did not follow the official line.⁶⁶⁵ In the area of culture, concerts and events were banned. Allegedly, a list was drawn up with musical performers whose performances in Russia were considered undesirable.⁶⁶⁶ It was reported

⁶⁵⁹ See above.

⁶⁶⁰ There is a comprehensive documentation “No to War. How Russian authorities are suppressing anti-war protests”, <https://reports.ovdinfo.org/no-to-war-en#1>. Many of the examples are taken out of this compilation.

⁶⁶¹ See the recommendations for schools for conducting lessons for students from grades 7-11 about the war on Ukraine. These lessons were supposed to convey the official point of view of the government about the reasons for the “special military operation”, as well as to condemn anti-war rallies to the children. The training manual sent to teachers quotes the speech of President Vladimir Putin and emphasizes that there is not a war, but a “special military operation”, which is a “forced measure” taken to “save people” and “deter nationalists who oppress the Russian-speaking population of Ukraine”; “‘Our Actions are Self-Defence’. How School Teachers Have to Justify the Invasion in Ukraine - methodology” (Russian), <https://zona.media/article/2022/02/28/propaganda-lessons>.

⁶⁶² See, for example, the decree of St. Petersburg State University of Aerospace Instrumentation (SUAI), published on 1 March 2022, calling to take “measures to prevent crimes and other anti-social activities of students” and “to ensure the educational work aimed at the formation of students all-Russian civil identity, patriotism, civic responsibility, a sense of pride in the history of Russia, the preservation of historical memory, respect for the memory of defenders of the Fatherland and the exploits of Heroes of the Fatherland”; https://docs.guap.ru/rasp_guap_15-15-22.pdf; there are also reports on the gathering of students for rallies on the war; see the reports of the students’ magazine Doxa: <https://t.me/doxajournal/11183>; <https://t.me/doxajournal/11722>.

⁶⁶³ “Letter of the Russian Union of Rectors” (Russian), <https://rsr-online.ru/news/2022/3/4/obrashenie-rossijskogo-soyuz-rektorov/>; The appeal is signed by more than 260 heads of universities (in total, there are about 700 rectors in the union).

⁶⁶⁴ Insofar as university professors are concerned, the following names were provided to the Rapporteur: Tatyana Novikova, Nail Fatkullin, Dmintry Rudakov Anatoly Kanev, Andrey Lavrukhin, Sergey Levitsky, Tatyana Tairova-Yakovleva, Denis Grekov, Roman Melnichenko; all cases are based on information documented in newspaper reports.

⁶⁶⁵ See, e.g. the case of the comedians Denis Chuzhoy, Mikhail Shats and Danila Poperechniy, who signed an open letter against the war, “Russian Comedians who Signed an Anti-War Letter Told about Threats. They Were Told to ‘Be Afraid’” (Russian), <https://meduza.io/news/2022/03/01/rossiyskie-komiki-podpisavshie-anti-voennoe-pismo-rasskazali-ob-ugrozah-im-posovetovali-schemitsya>.

⁶⁶⁶ “Not only ‘DDT’ and Manizha. ‘Fontanka’ publishes a list of banned music performers” (Russian), <https://www.fontanka.ru/2022/07/07/71472080/>.

that concert organisers began to insert in contracts with artists a clause stating that statements about the war with Ukraine or politics are prohibited during performances.⁶⁶⁷

Musicians complain themselves about being blacklisted.⁶⁶⁸ 'GLAVCLUB', a concert venue in Moscow issued a statement that they had to cancel concerts of three artists because of the pressure – based on phone calls and inspections – from the authorities.⁶⁶⁹ In total, there are at least 17 music bands, musicians and even a scientist whose events were cancelled or disrupted because of their anti-war statements, interestingly including Anna Netrebko who had for some time also not been welcome in Western European countries.⁶⁷⁰ A concert with songs of the Ukrainian composer Valentin Silvestrov was disrupted by the police.⁶⁷¹

Pressure is not necessarily only directed against those speaking out against Government politics or the war, but also against those remaining silent. In this context, the initiative of Duma deputies united in the Group for Research on Anti-Russian Activities (GRAD),⁶⁷² is worth mentioning. They argue that members of juries for films or books should be exchanged if they do not voice a clear “pro-special-military-operation” position.⁶⁷³

III) Use of Criminal Law for “Other Purposes”

Silencing opponents by instigating criminal cases against them is well documented in Russian cases before the European Court of Human Rights. One of the most important and obvious case was *Gusinsky v. Russia*⁶⁷⁴ where the accusation of tax evasion was dropped at the very moment Gusinsky agreed – under pressure in prison – to sell his media holding. This is an important case in the context of obtaining a state monopoly in the media market.⁶⁷⁵ The cases against Alexei Navalny where the Court found violations of Article 18 ECHR are notorious.⁶⁷⁶ The November 2018 OSCE Report on Chechnya mentions cases of possessing/planting drugs on the journalist Zhalaudi Geriev and the human rights activist Ruslan Kutaev.⁶⁷⁷ Similarly, Ilja Jashin, Chairman of the Council of Deputies of Krasnoselsky and actively protesting against the war, was sentenced to 15 days of detention for

⁶⁶⁷ “Promoters included the ban of political expression in the contracts with performers. What punishments impend on performers breaching the agreement” (Russian), https://www.rbc.ru/technology_and_media/18/07/2022/62d148df9a7947724236c581.

⁶⁶⁸ <https://t.me/ovdinfo/11266>.

⁶⁶⁹ <https://t.me/ovdinfo/10832>.

⁶⁷⁰ <https://airtable.com/shriuzfgrB91yuD7P/tblZN9hRIKZ2PnjQd>.

⁶⁷¹ <https://t.me/ovdinfo/7708>

⁶⁷² In Russian: группа по расследованию антироссийских действий (ГРАД).

⁶⁷³ “In the State Duma, there were appeals to reconsider the mechanisms on the formation of expert councils of the Cinema Foundation and the Jury of ‘Bolshaya Kniga’” <https://portal-kultura.ru/articles/news/343976-v-gd-prizvali-peresmotret-mekhanizmy-formirovaniya-ekspertnykh-sovetov-fonda-kino-i-zhyuri-bolshoy-k/>.

⁶⁷⁴ See ECtHR, *Gusinskiy v. Russia*, 10 May 2004, app. no. 70276/01.

⁶⁷⁵ See above.

⁶⁷⁶ ECtHR [GC], *Navalnyy v. Russia*, 15 November 2018, app. nos. 29580/12 et al.; ECtHR, *Navalnyy v. Russia*, 9 April 2019, app. no. 43734/14.

⁶⁷⁷ OSCE November 2018 Report on Chechnya, p. 25.

disobeying a police officer, only later he was also accused of discrediting the Russian Army.⁶⁷⁸

There are reports that similar methods are being used against political scientist Yuri Pivovarov and historian Yuri Dmitriev. The former was first charged and then acquitted for negligence after a fire had destroyed a library, but then once more persecuted because of fraud; the procedures were understood to be politically motivated.⁶⁷⁹ Yuri Dmitriev was internationally renowned for having uncovered mass graves from Stalin's Great Terror at Sandarmokh. He was arrested in 2016 on charges of sexual misconduct and production of child pornography; by now he has been sentenced to 13 years of imprisonment. Both in Russia⁶⁸⁰ and internationally⁶⁸¹ it is assumed that the charges were fabricated.

IV) Use of Violence against Civil Society Activists and Media

Physical violence is another means to make non-governmental organisations, human rights defenders, journalists and researchers abandon their activities. Especially after 24 February 2022, many cases of violence were reported during anti-war protests, also involving well-known people. One – out of many – examples would be the case of Grigory Yudin, political scientist and sociologist, Senior Researcher Higher School of Economics. On 24 February 2022, he was arrested during an anti-war protest in Moscow and severely beaten in a police van, until he lost consciousness.⁶⁸² Many more cases have been documented by human rights organisations who claim that the degree of violence has considerably increased⁶⁸³ – many interviewees drew a parallel to the violent suppression of protest in Belarus.

Violence was also used against media workers while covering anti-war rallies. Journalists from Novaya Gazeta, Radio Free Europe/Radio Liberty, Interfax, Pskovskaya Guerniya, Telegraph, Dozhd were detained in several Russian cities including Moscow, St. Petersburg, Belgorod and Pskov.⁶⁸⁴

⁶⁷⁸ "A criminal case was opened against Ilya Yashin for fake news on the Russian Army" (Russian), <https://novayagazeta.eu/articles/2022/07/12/protiv-ili-iashina-vozbudili-delo-o-feikakh-pro-rossiiskuiu-armiiu-news>.

⁶⁷⁹ See "Russia: 'Crimes against History'", https://www.fidh.org/IMG/pdf/russie-_pad-uk-web.pdf, p. 28.

⁶⁸⁰ "More than 600 Rights Defenders, Historians and Public Figures Signed Declaration Supporting the Historian Yuri Dmitriyev" (Russian), <https://novayagazeta.ru/news/2020/10/05/164698-bolee-pravozaschitnikov-istorikov-i-obschestvennyh-deyateley-podpisali-zayavlenie-v-podderzhku-istorika-yuriya-dmitrieva>.

⁶⁸¹ Council of Europe Commissioner for Human Rights, Statement, 30 September 2020, at <https://www.coe.int/en/web/commissioner/-/the-russian-authorities-should-end-continuous-judicial-harassment-of-human-rights-defenders>.

⁶⁸² "In Moscow, during an anti-war rally the researcher Grigory Yudin was detained and beaten" (Russian), <https://polit.ru/news/2022/02/25/police/>; "During Anti-War Actions all across Russia more than One Thousand People Were Detained. Among Them is the Sociologist Grigory Yudin. He was brought to OVD unconscious" (Russian), <https://meduza.io/news/2022/02/24/na-antivoennyh-aktsiyah-po-vsey-rossii-zaderzhali-bolshe-tysyachi-chelovek-sredi-nih-sotsiolog-grigoriy-yudin-ego-dostavili-v-ovd-bez-soznaniya>.

⁶⁸³ "No to war. How Russian authorities are suppressing anti-war protests", <https://reports.ovdinfo.org/no-to-war-en#1>.

⁶⁸⁴ See OSCE Representative on Freedom of the Media, Report, 27 February 2022, <https://www.osce.org/representative-on-freedom-of-media/513064> who said that the continued obstruction of free flow of information and safety of journalists pose serious restrictions to media freedom in Russia.

Not always, however, is the State directly responsible for the use of violence. There are also cases of vandalism and physical attacks on activists by private people. OVD has recorded many cases such as the following: letters ‘Z’ and ‘V’ were written on the apartment doors of the house of an employee of Memorial and of the administrator of the “Protest MSU” Telegram channel. There were also physical attacks with colour on Dmitry Muratov, editor-in-chief of Novaya Gazeta.⁶⁸⁵

Violence against protesters has an important gender dimension.⁶⁸⁶ Russian legislation is not gender-neutral, but contains some special protective provisions linked to the reproductive functions of women. While women were not in the majority in mass protests in Russia in the recent past, they did visibly participate.⁶⁸⁷ The percentage of women arrested is generally lower than that of men.⁶⁸⁸ They are also attacked physically, but much less than men.⁶⁸⁹ But they are in an especially vulnerable position, especially if they are detained alone.⁶⁹⁰ Sexualized violence is a relatively new phenomenon, more noticeable since February 2022.⁶⁹¹ There are also reports on comments of police officers that are based on gender stereotypes.⁶⁹²

⁶⁸⁵ See the “No to War. How Russian authorities are suppressing anti-war protests”, <https://reports.ovdinfo.org/no-to-war-en#1>. Many of the examples are taken out of this compilation.

⁶⁸⁶ See the comprehensive overview “Violation of the right to peaceful assembly for women and girls in Russia from 2010 to 2020”, prepared by OVD-Info in 2020 in connection with the UN Special Rapporteur on freedom of peaceful assembly and association’s request for contributions to his report about women and protest, see also S. Karkkila, Gender aspects of violations of the right to freedom of assembly in Russia: first observations and quantitative data, 20 April 2021 <https://blogs.helsinki.fi/developmentofrussianlaw/2021/04/20/gender-aspects-of-violations-of-the-right-to-freedom-of-assembly-in-russia-first-observations-and-quantitative-data/>; Older women and freedom of assembly in Russia, <https://reports.ovdinfo.org/older-women-and-freedom-assembly-russia#1>.

⁶⁸⁷ According to numbers given by an interviewee in the second action “Freedom to Navalny” on 31 January 2021 there were 24.68% of women; in the fourth action “Freedom to Navalny” on 21 April 2021 there were 30.65% of women, in the anti-war protests from 24 February until 17 March 2022 there were 44.38% of women.

⁶⁸⁸ According to numbers given by an interviewee, since 2015, 413 men and 55 women were criminally prosecuted in relation to manifestations at public events.

⁶⁸⁹ According to information provided to the Rapporteur the ratio is 90 vs. 10 per cent; see, however, “Moscow police beat and torture women after anti-war protests”, <https://en.zona.media/article/2022/03/12/brateevo>.

⁶⁹⁰ See “Undressing in front of cameras, sexism, and pressure: What women face being detained at political rallies (Russian)”, <https://ovdinfo.org/articles/2021/12/10/razdevaniya-pod-kamerami-seksizm-i-davlenie-schem-stalkivayutsya-zhenshchiny>.

⁶⁹¹ See, by way of examples, the following cases: In St. Petersburg, two women arrested during an anti-war protest were forced to undress. “They told me to take off my underwear, to squat several times, and to spread my buttocks,” said one of the arrested women to her defenders, see details at <https://t.me/ovdinfo/13897>; in Nizhny Novgorod, several persons arrested during a protest were detained at a police station overnight, forced to strip down and to squat naked, see details at “‘They forced them to undress and to squat’: how they treated detainees” (Russian), <https://ovdinfo.org/stories/2022/03/17/zastavlyali-razdevatsya-i-prisedat-kak-obrashchalis-s-zaderzhannymi>; a female protester detained at Brateevo Police Department in Moscow was forced to strip and was hit several times with a plastic water bottle. The officer who hit her said, “Putin is on our side. You are enemies of the people... I can ‘kill’ you and get away with it,” see details at “‘Putin is on our side’” (Russian), <https://novayagazeta.ru/articles/2022/03/07/putin-na-nashei-storone-18>.

⁶⁹² See, by way of example, the following description of a policeman’s interaction with a woman detained in Moscow during the mass arrests in the summer of 2019: “One of the law enforcement officers noticed a ring on Zinaida’s finger and started reprimanding her, supposedly saying that she is a married woman who is not to go to protests (!) and that her husband must beat her with a belt for that. Zina did not even know how

On the basis of the data and reports available, it is, however, not possible to estimate if such practices are wide-spread or systematically used to deter women from taking part in protests.

It has to be noted that there are some special gender-oriented methods for the persecution of men as well. As men between the age of 18 and 27 are subject to military service, the threat of being drafted if expelled from university is an additional means of pressure.

V) Violent Dispersal of Peaceful Demonstrations

Another means of suppressing civil society is to disrupt and disperse peaceful assemblies.

As outlined above, the legislation on freedom of peaceful assembly does not offer sufficient guarantees for the unimpeded exercise of this right – mainly due to the de facto authorization procedure, the impossibility of holding lawful spontaneous assemblies, and the total local bans on public assemblies due to COVID-19.

According to the European Court of Human Rights, “an unlawful situation does not justify an infringement of freedom of assembly.”⁶⁹³ Equally, the OSCE/ODIHR and Venice Commission Guidelines state that “the failure to notify should not render the assembly unlawful and must not by itself lead to restrictions on participants or dissolution of a peaceful assembly.”⁶⁹⁴ Even more so, “the presumption in favour of (peaceful) assemblies includes an obligation of tolerance and restraint towards peaceful assemblies in situations where legal or administrative procedures and formalities have not been followed.”⁶⁹⁵

These standards were not followed in Russian practice as shown by reports of international monitoring bodies. For example, in 2015, the UN Human Rights Committee expressed “concern about consistent reports of arbitrary restrictions on the exercise of freedom of peaceful assembly, including violent and unjustified dispersal of protesters by law enforcement officers, arbitrary detentions and imposition of harsh fines and prison sentences for the expression of political views.”⁶⁹⁶ In 2017, the Commissioner for Human Rights noted “a sharp response by the authorities against certain unauthorized but mostly

to answer such an insulting comment”; “‘They Rove About’: How Random Passerbies Can Become Extremists” (Russian), <https://www.ridus.ru/news/305150>.

⁶⁹³ ECtHR, *Oya Ataman v. Turkey*, 5 December 2006, app. no. 74552/01, para. 39.

⁶⁹⁴ OSCE/ODIHR, *Guidelines on Freedom of Peaceful Assembly* (3rd edn, 15 July 2020) CDL-AD(2019)017Rev (“Guidelines on Freedom of Assembly”) para. 112. “In other words, the absence of prior notification and the ensuing ‘unlawfulness’ of the event, which the authorities consider to be an assembly, do not give carte blanche to the authorities; the domestic authorities’ reaction to a public event remains restricted by the proportionality and necessity requirements of Article 11 of the Convention.” ECtHR, *Novikova and others v. Russia*, 26 April 2016, app nos 25501/07, 57569/11, 80153/12, 5790/13 and 35015/13, para. 163.

⁶⁹⁵ *Guidelines on Freedom of Assembly*, para. 21.

⁶⁹⁶ UN Human Rights Committee, *Concluding Observations on the seventh periodic report of the Russian Federation*, 28 April 2015, UN Doc. CCPR/C/RUS/CO/7, para. 21.

peaceful public protests.”⁶⁹⁷ The Commissioner stressed that, “arrests and criminal responsibility of individuals in the context of peaceful assemblies should be avoided.”⁶⁹⁸

In 2019, the Council of Europe Commissioner for Human Rights raised the issues concerning the dispersal of the protests in Moscow on 27 July 2019, which were a response to alleged irregularities during Moscow local elections. The Commissioner criticised that “the police and other law enforcement agencies employed force in this context.”⁶⁹⁹ Referring to the official data, the Commissioner stated that over a thousand persons were arrested during that assembly and pointed to specific instances of protesters being seriously injured as a result of force used by law enforcement officials.⁷⁰⁰

Regarding the 2021 protests after the return of Alexei Navalny to Russia, the Commissioner for Human Rights claimed that “[t]he detention of more than 5.000 demonstrators and of dozens of journalists during the large-scale protests that had remained predominantly peaceful, and the subsequent arrests of some of them based on hasty judicial proceedings fly in the face of Russia’s obligations to uphold freedom of expression, media freedom and freedom of assembly.”⁷⁰¹

According to the official response of the Russian Federation to the joint inquiry by the special procedures of the UN Human Rights Council, in the course of the protests on 23 and 31 January and 2 February 2021 “17.600 people were detained in the constituent entities of the Russian Federation.”⁷⁰²

Concerning the anti-war rallies, the UN Special Rapporteurs stated that “[t]he widespread allegations of the indiscriminate use of force and mass arrests of protesters by the authorities is deeply alarming. The primary responsibility of authorities when policing assemblies is to protect peaceful protesters and to facilitate the exercise of the right to freedom of peaceful assembly.”⁷⁰³

⁶⁹⁷ Council of Europe Commissioner for Human Rights, Follow-Up Memorandum of the Commissioner for Human Rights on Freedom of Assembly in the Russian Federation, 5 September 2017, ComDH(2017)25, para. 22 (“2017 Opinion of the Commissioner of Human Rights”). See also UN Office of the High Commissioner for Human Rights, Russian Federation: “Immediately Release Detained Peaceful Protesters”, Press Release, 29 March 2017, <https://www.ohchr.org/en/press-releases/2017/03/russian-federation-immediately-release-detained-peaceful-protesters>.

⁶⁹⁸ 2017 Opinion of the Commissioner of Human Rights, para. 34.

⁶⁹⁹ Council of Europe Commissioner for Human Rights, Letter, 2 August 2019, CommHR/DM/sf 028-2019.

⁷⁰⁰ *Idem*.

⁷⁰¹ Council of Europe Commissioner for Human Rights, Statement, 1 February 2021, <https://www.coe.int/en/web/commissioner/-/russian-federation-freedom-of-expression-and-the-right-to-peaceful-assembly-must-be-respected>. See Council of Europe Commissioner for Human Rights, Letter, 5 February 2021, CommHR/DM/sf 003-2021 (hereinafter 2021 Letter of the Commissioner for Human Rights).

⁷⁰² Information from the Russian Federation in Response to the Joint Enquiry by Special Procedures of the Human Rights Council Concerning Alleged Violations of the Civil Rights of Participants in the Mass Unauthorized Events in Moscow and Other Major Russian Cities on 23 and 31 and 2 February 2021, 20 April 2021, AL RUS 2/2021, 4.

⁷⁰³ Office of the UN High Commissioner for Human Rights, Press Release, 12 March 2022, <https://www.ohchr.org/en/press-releases/2022/03/russia-un-experts-alarmed-choking-information-clampdown>.

According to OVD-Info, between 24 February and 17 August 2022, there were “at least 16.437 detentions related to anti-war protests.”⁷⁰⁴

Serious questions have also been raised regarding reports of conditions of detentions of protesters⁷⁰⁵ and the conduct of administrative proceedings concerning detained protesters, especially the guarantees of fairness, impartiality and access to legal aid.⁷⁰⁶ In 2014, even the then Federal Ombudsman stated that “the virtual absence of the adversarial nature of administrative proceedings...creates conditions for a kind of ‘conveyor-belt’ condemnations of persons detained for violating the order of holding public events, among whom there may be many citizens who accidentally fall into the ‘hot’ hand of the police.”⁷⁰⁷

VI) Lack of Protection and Ineffectiveness of the Investigation in Free-Speech Related Crimes Against Civil Society Activists and Media

Murders, physical attacks as well as intimidations against civil society activists like opposition politicians and human rights activists as well as media and journalists are well-known in Russia. Those means are not used to silence voices raised against governmental policy creating a climate of fear. The Russian State implicitly supports this development through its lack of protection and its ineffectiveness of investigation in freedom-of-speech related cases.

The problem in most cases of violence against civil society activists is that police refuse to investigate the attacks, vandalism and threats. NGOs have established a table with an overview over all non-investigated cases in the last years.⁷⁰⁸ In an interview, the Rapporteur was told that when lawyers bring cases of inhuman treatment and torture related to freedom of expression to the police, the complaints are merely interpreted as “public information”; therefore, it is not considered necessary to initiate preliminary proceedings.

In other cases, investigations are conducted but they do not suffice international standards. This is in particular true for murders and physical attacks against civil society activists over the last two decades. Russia holds the 10th place on the 2021 Global Impunity Index

⁷⁰⁴ “This number, in addition to street detentions, includes 138 detentions for anti-war posts in social networks, 118 detentions for anti-war symbolics and 62 detentions after anti-war protests.” see “Summary of Anti-War Repressions. Six Months of War”, <https://data.ovdinfo.org/summary-anti-war-repressions-six-months-war#1>; Between 24 February and 13 March 2022, “at least 14.906 people were detained at anti-war rallies in 155 cities of Russia.” see “No to war. How Russian authorities are suppressing anti-war protests”, <https://reports.ovdinfo.org/no-to-war-en#1>, p. 25; see also Joint Communication of the UN Special Procedures to the Russian Federation, 28 March 2022, AL RUS 3/2022.

⁷⁰⁵ “No to war. How Russian authorities are suppressing anti-war protests”, <https://reports.ovdinfo.org/no-to-war-en#1>, pp. 28-31; 2021 Letter of the Commissioner for Human Rights.

⁷⁰⁶ 2017 Opinion of the Commissioner of Human Rights, paras. 26-28; “Russia: No place for protest”, <https://www.amnesty.org/en/documents/eur46/4328/2021/en/>, pp.15-16.

⁷⁰⁷ “Pamfilova Called for an Analysis of the Consequences of the Draft Law Increasing Punishments for Violation of Rules on Assemblies” (Russian), http://www.president-sovet.ru/presscenter/press/pamfilova_prizvala_proanalizirovat_negativnye_posledstviya_zakonoproekta_ob_uzhestochenii_nakazaniya/. See also “The Head of the Presidential Council on Human Rights Said that the Law on Rallies Needs to Be Changed” (Russian), <https://www.rbc.ru/society/03/04/2017/58e175969a7947a58ebee3f>.

⁷⁰⁸ The Rapporteur was given a table with 43 cases of police violence, 27 cases of attacks by third persons, 4 cases of vandalism, and 6 cases of threats, all not investigated by the police.

according to the NGO Committee to Protect Journalists (CPJ), which calculates the number of unsolved journalist murders as a percentage of each country's population.⁷⁰⁹ Between 1992 and 2021, at least 58 journalists were killed in Russia in connection to their work.⁷¹⁰

On 7 October 2006, Anna Politkovskaya, a journalist at the *Novaya Gazeta* was murdered in Moscow. She was known for her critical coverage of the Chechen conflict. In 2009 human rights activist Natalija Estemirova was first abducted and then killed during her investigations of kidnappings, torture and extrajudicial killings in Chechnya. The ECtHR noted in both cases that the following criminal investigations could not be considered as effective in regard to their promptness, reasonable expeditions and the underlying evidence.⁷¹¹

Gadzhimurad Kamalov, founder of the independent weekly newspaper *Chernovik*, was shot on 15 December 2011 in Dagestan. On 9 July 2013, Akhmednabi Akhmednabiyev, deputy editor of the independent news outlet *Novoye Delo*, was also shot from a car in Semender, the capital of Dagestan. The relatives of both victims filed a complaint to the ECtHR, *inter alia*, claiming that the State had failed to carry out an effective investigation into their deaths. The complaints were combined and communicated on 8 October 2021.⁷¹² The UN Human Rights Committee raised its concerns about the "limited progress in investigating serious past and ongoing human rights violations" in the North Caucasus region.⁷¹³

On 27 February 2015, famous and well-known opposition politician Boris Nemtsov was murdered at the Bolshoy Moskvoretsky Bridge in Moscow. At this time, he was an active critic of the Russian government organising rallies and writing reports on the military intervention in Eastern Ukraine. Even if the murderers of Boris Nemtsov were convicted, not all aspects of the murder were revealed, in particular, the instigators and organisers of the murder. Several international bodies condemned the assassination and called for effective investigations.⁷¹⁴ Boris Nemtsov's daughter filed an application in front of the ECtHR claiming that the investigations conducted into the assassination were not effective.⁷¹⁵

⁷⁰⁹ "Killers of Journalists Still Get Away with Murder", <https://cpj.org/reports/2021/10/killers-of-journalists-still-get-away-with-murder/>.

⁷¹⁰ https://cpj.org/data/location/?cc_fips=RS&start_year=1992&end_year=2022&report-builder-type=year&motiveConfirmed%5B%5D=Confirmed; see for further examples not mentioned in this report: OSCE Representative on Freedom of the Media, Press Release, 4 August 2014, <https://www.osce.org/fom/122219>; OSCE Representative on Freedom of the Media, Press Release, 7 December 2012, <https://www.osce.org/fom/97988>.

⁷¹¹ ECtHR, *Mazepa and others v. Russia*, 17 July 2018, app. no. 15086/07, paras. 69-84; ECtHR, *Estemirova v. Russia*, 31 August 2021, app. no. 42705/11, paras. 68-72. Additionally, the lack of protection and the ineffective investigations were repeatedly condemned by international bodies mentioning both cases, e.g. UN Committee against Torture, Concluding Observations on the Sixth Periodic Report of the Russian Federation, 25 August 2018, UN Doc. CAT/C/RUS/CO/6, para. 28; UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, 28 April 2015, UN Doc. CCPR/C/RUS/CO/7, para. 18; UN Human Rights Committee, Concluding Observations on the sixth periodic report of the Russian Federation, 24 November 2009, UN Doc. CCPR/C/RUS/CO/6, para. 16.

⁷¹² ECtHR, *Akhmednabiyev and Kamalov v. Russia*, app. nos. 34358/16, 58535/16 (communicated).

⁷¹³ UN Human Rights Committee, Concluding Observations on the Seventh Periodic Report of the Russian Federation, 28 April 2015, UN Doc. CCPR/C/RUS/CO/7.

⁷¹⁴ OSCE Parliamentary Assembly Special Rapporteur, *The Nemtsov Murder and Rule of Law in Russia*, updated on 30 July 2020, <https://www.oscepa.org/en/documents/officers-of-the-assembly/margareta-cederfelt-sweden/3971-the-nemtsov-murder-and-rule-of-law-in-russia-report-by-osce-pa-vice-president-margareta-cederfelt-20-february-2020/file>; Rapporteur for the Parliamentary Assembly of the Council of Europe (PACE),

Recently, on 7 April 2022, Nobel Peace Prize winner Dimitry Muratov and founder of the Novaya Gazeta was attacked with paint.⁷¹⁶ According to the Novaya Gazeta, Russian authorities failed to investigate the case properly.⁷¹⁷ This incident is one of many against the physical integrity of journalists.⁷¹⁸

VII) Summary and Conclusions on Government Actions

The authorities' actions against civil society show that the ultimate goal is to create a monolithic society based on a certain pre-modern understanding of Russian-ness. Those who oppose it are seen as nails sticking out of the wall; they must be hammered into the wall and disappear. The President's speeches about a "fifth column" and "insects to be spat out" reveal an attitude of deep-seated hatred. The main strategy of the Russian authorities is based on intimidation. Persecution is not hidden, but visible for all especially when it is directed against public figures. The main aim seems to be to get people to give up or leave the country.

For society activists this creates a dilemma. None of the options – leaving, giving up, going to prison – is acceptable. Many have already left. But continuing the work from outside the country is not easy. They do not only have the “normal” difficulties refugees face, but they might be cut off from the flow of information, lose contacts with their colleagues remaining in the country because for the latter it is too dangerous to continue working together, and their legitimacy might be doubted. Those in prison may be considered as role models and “heroes”; yet, in reality they may also be forgotten. Nevertheless, giving up does not seem to be an acceptable option for many. In addition, it is not easy for them to find a job in the official labour market. Therefore, many try to continue their activities, even in the very limited framework they have left.

Shedding light on the murder of Boris Nemtsov, 7 June 2019, Doc. 14902, <https://pace.coe.int/en/files/27722/html>.

⁷¹⁵ ECtHR, *Nemtsova v. Russia*, app. no. 43146/15 (communicated).

⁷¹⁶ https://t.me/novaya_europe/43; “Russian Journalist Dmitry Muratov Attacked with Paint”, <https://cpj.org/2022/04/russian-journalist-dmitry-muratov-attacked-with-paint/>.

⁷¹⁷ “Painted with one colour” (Russian), <https://novayagazeta.ru/articles/2022/07/06/odnoi-kraskoi-mazany>.

⁷¹⁸ OSCE Representative on Freedom of the Media, Press Release, 7 February 2020, <https://www.osce.org/representative-on-freedom-of-media/445666>; OSCE Representative on Freedom of the Media, Press Release, 16 April 2018, <https://www.osce.org/representative-on-freedom-of-media/377914>; OSCE Representative on Freedom of the Media, Press Release, 22 December 2017, <https://www.osce.org/fom/363926>; OSCE Representative on Freedom of the Media, Press Release, 23 October 2017, <https://www.osce.org/representative-on-freedom-of-media/351796>; OSCE Representative on Freedom of the Media, Press Release, 26 May 2016, <https://www.osce.org/fom/243026>; OSCE Representative on Freedom of the Media, Press Release, 30 March 2016, <https://www.osce.org/fom/230601>; OSCE Representative on Freedom of the Media, Press Release, 10 March 2016, <https://www.osce.org/fom/226776>; OSCE Representative on Freedom of the Media, Press Release, 18 September 2014, <https://www.osce.org/fom/123712>; OSCE Representative on Freedom of the Media, Press Release, 30 August 2014, <https://www.osce.org/fom/123072>; OSCE Representative on Freedom of the Media, Press Release, 27 August 2014, at <https://www.osce.org/fom/122997>; OSCE Representative on Freedom of the Media, Press Release, 21 August 2014, at <https://www.osce.org/fom/122907>; OSCE Representative on Freedom of the Media, Press Release, 24 October 2013, at <https://www.osce.org/fom/107416>; OSCE Representative on Freedom of the Media, Press Release, 22 October 2013, <https://www.osce.org/fom/107321>; OSCE Representative on Freedom of the Media, Press Release, 29 May 2012, <https://www.osce.org/fom/90884>.

For the society as a whole the effects are detrimental. The climate of hatred against a specific part of the population closely linked to the international interaction with colleagues and organisations creates a cleavage in society, mistrust and paranoia. As legal norms are vague and open there is no guarantee not to be targeted. Already in the present and still more in the future, Russian society as a whole will be isolated from the outside world. This has also enormous consequences for advances in science as progress depends on exchange in a globalised world. Brain drain is already tangible. As the persecution is directed against those engaged in doing solidarity work, vulnerable groups are particularly affected. This concerns above all ethnic minorities, detainees and women as stated by the UN human rights committees such as the Committee against Torture,⁷¹⁹ the Committee against the Discrimination of Women,⁷²⁰ and the Committee against Racial Discrimination.⁷²¹ The situation is particularly worrying for women, as the problem of "domestic violence" is not taken seriously by the State and women are not adequately protected.⁷²² This becomes even worse the more society is militarised because of the war.

D) Interrelation between the Development of Civil Society in Russia and International Peace and Security

The Russian legislation which increasingly restricts the basic civil freedoms, freedom of expression, freedom of association and freedom of assembly, has to be seen in the context of domestic and foreign policy. Three factors are especially relevant:

First, the country was almost permanently at war since the beginning of the century. The Second Chechen War started in August 1999 and lasted until April 2009.⁷²³ The Georgian five-days-war was short, but had long-lasting consequences for the region.⁷²⁴ Russian military intervention in Syria began in September 2015.⁷²⁵ The Russian-Ukrainian war started in 2014; on 24 February 2022 a full-scale intervention began. These are not wars far away, but wars in the Russia itself or in the immediate neighbourhood.

⁷¹⁹ UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of the Russian Federation, adopted by the Committee at its Forty-Ninth Session (29 October-23 November 2012), 11 November 2012, UN Doc. CAT/C/RUS/CO/5, para. 12.

⁷²⁰ UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the eighth periodic report of the Russian Federation, 20 November 2015, UN Doc. CEDAW/C/RUS/CO/8, para. 16.

⁷²¹ UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the Twenty-Third and Twenty-Fourth Periodic Reports of the Russian Federation, 20 September 2017, UN Doc. CERD/C/RUS/CO/23-24, paras. 11-12.

⁷²² See ECtHR, *Volodina and others v. Russia*, 9 July 2019, app. no. 41261/17; ECtHR, *Tunika and others v. Russia*, 14 December 2021, app. nos. 55974/16 et al.; Convention on Preventing and Combating Violence against Women and Domestic Violence, adopted on 11 May 2011, entered into force 1 August 2014, CETS no. 210.

⁷²³ "The Second Chechen War", <https://reliefweb.int/report/russian-federation/second-chechen-war>.

⁷²⁴ See Independent International Fact-Finding Mission on the Conflict in Georgia, Report, press release at <https://reliefweb.int/report/georgia/report-independent-international-fact-finding-mission-conflict-georgia>.

⁷²⁵ M. Kaim, O. Tamminga, *Russia's Military Intervention in Syria*, in: German Institute for International and Security Affairs Comments, November 2015, at https://www.swp-berlin.org/publications/products/comments/2015C48_kim_tga.pdf.

Second, during the last two decades there was almost constant tension and unrest in society. Hostage takings in the Moscow Musical Theatre⁷²⁶ and in Beslan⁷²⁷ shocked the whole country. Prominent political opponents were jailed or left the country (such as Khodorkovsky⁷²⁸ and Navalny⁷²⁹). Political murders (Anna Politkovskaya,⁷³⁰ Estemirova,⁷³¹ Nemtsov⁷³²) were never satisfactorily solved. Mass demonstrations in the context of parliamentary and presidential elections in 2011 and 2012 were violently quelled;⁷³³ they resumed several times, most visibly in January and February 2019 in the context of Navalny's arrest⁷³⁴ and once more after 24 February 2022 in the context of the aggression against Ukraine.

Third, the geopolitical sphere was unstable, especially in Eastern Europe. The so-called "colour"-revolutions in Georgia (2003 – "Rose Revolution"), Ukraine (2004-2005 – "Orange Revolution"; 2013-2014 – Maidan) and Kirghizstan (2010) were perceived as a threat in Russia.

Repression on the inside and war on the outside are connected to each other as if in a communicating tube. The Russian example shows this very clearly. To start a war with another country, the elite must be sure that there will be no two-front war (with one front inside and one front outside the country). Therefore, restrictive measures are considered necessary in order not to be disturbed during the preparation for war or after it has started. This explains the wave of repressive measures in Russia immediately before, but, above all, after 24 February 2022.

The basis for all international human rights control systems is the idea of an alarm bell ringing when the human rights situation in a country considerably deteriorates. After World War II and the holocaust a general consensus has emerged that how human rights are dealt with inside a country cannot be left to the country alone.⁷³⁵ International control is necessary to avoid a relapse into a dictatorial system endangering peace and security for all.⁷³⁶

The insight into the necessity of international human rights control is therefore based on three premises. First, oppression of civil society may, at some point in time, lead to aggression against others. Second, to avoid that from happening, an alarm system has to be installed. The third premise would be that something can be done to avoid that from

⁷²⁶ ECtHR, *Stomakhin v. Russia*, 8 October 2018, app. no. 52273/07.

⁷²⁷ ECtHR, *Togayeva and others v. Russia*, 18 September 2017, app. no. 26562/07

⁷²⁸ ECtHR, *Khodorkovsky and Lebedev v. Russia*, 25 October 2013, app. nos. 11082/06, 13772/05.

⁷²⁹ ECtHR, *Navalnyy v. Russia*, 15 November 2018, app. no. 29580/12.

⁷³⁰ ECtHR, *Mazepa and others v. Russia*, 17 October 2018, app. no. 15086/07.

⁷³¹ ECtHR, *Estemirova v. Russia*, 17 January 2022, app. no. 42705/11.

⁷³² ECtHR, *Nemtsov v. Russia*, 15 December 2014, app. no. 1774/11.

⁷³³ ECtHR, *Frumkin v. Russia*, 6 June 2016, app. no. 74568/12.

⁷³⁴ 3637 people detained at public events, 4974 cases of violation of the procedure for holding public events in 2019; see T. Chernikova, D. Shedov, Russian civil society for freedom of assembly and the ECtHR Judgment implementation, <https://www.einnetwork.org/ein-voices/2020/12/18/russian-civil-society-for-freedom-of-assembly-and-the-ecthr-judgment-implementation>.

⁷³⁵ Helsinki 1992, para. 13.

⁷³⁶ Helsinki 1992, para. 7.

happening. However, there is no satisfactory answer to the question of what to do when the alarm bell rings.

This has been situation with Russia for the last twenty years. It was bound by many international treaties under the UN system, was a member of the Council of Europe and the OSCE. All these institutions have a system for monitoring human rights. Their alarm bells were ringing constantly. But there was no reaction that would have substantially improved the situation. Since all systems of co-operation and supervision are based on goodwill, they cannot work if there is a lack of goodwill.

The Russian “foreign-agent” legislation is a good example of this. It was heavily criticised in all international forums. But in vain. Each new reform has been even more repressive. No change can be expected in the near future.

But the CSCE also started to work under very unfavourable conditions. During the Cold War in the 1970s, there was no real hope that the situation could change quickly. Nevertheless, politicians from East and West began to build trust and prepare for co-operation wherever possible. This must also be a guiding idea for today, even if co-operation is only possible at the lowest level. On this level, at least, it should continue.

E) Recommendations

Over the last thirty years the Russian Federation has been a part of and in intense dialogue with the international community. It has been the addressee of numerous recommendations on the improvement of the human rights situation in the country. Many concrete recommendations call upon Russia to release political prisoners or to repeal repressive laws.

It must be noted, however, that in recent years the Russian Federation has not only failed to follow these recommendations, but on the contrary has reacted in such a way that the situation has worsened. This has been clearly stated by the respective supervisory bodies at numerous occasions.

That does not mean that the recommendations were wrong. On the contrary, they were all adequate and important. The Rapporteur therefore endorses these recommendations fully, but does not repeat them, but rather wants to concentrate on short-time and long-term recommendations in view of the current situation.

I) Recommendations to the Russian Federation

- The Russian Federation is recommended to remain a participating State of the OSCE and to fulfil its commitments in a co-operative spirit, especially those under the Human Dimension of the OSCE.
- The Russian Federation is recommended to uphold the provisions of the Russian Constitution which unconditionally guarantee freedom of expression, assembly and association and allow restrictions only insofar as they are necessary "to protect the fundamental principles of the constitutional system, morality, health, the rights and lawful interests of other people, to guarantee national defence and the security of the State". The Constitution does not allow "the enactment of laws which abrogate or impair human rights and freedoms" and gives priority to international human rights standards.
- The authorities of the Russian Federation should be aware that they cannot credibly refer to the protection of human rights if they shy away from defending their position before international legal forums. The Russian Federation is therefore recommended to co-operate with UN treaty bodies and submit reports to them when required to do so under international law, and also to continue participating actively in mechanisms of the Human Rights Council including the Universal Periodic Review and to co-operate with special procedure mandate holders. The Russian Federation should also allow country visits if this is provided for under monitoring mechanisms.
- In relation to the legislation on the so-called "foreign agents", it is recommended that the Presidential Council on the Development of Civil Society and Human Rights carry

out a critical assessment of the short- and long-term consequences for civil society in Russia in the light of the provisions of the Russian Constitution and the international standards by which the Russian Federation is bound. This should be done before the new law enters into force on 1 December 2022. The Council's report should be published and publicly discussed.

- The Russian Federation is recommended to preserve the legacy of its co-operation with the Council of Europe. As the Russian Federation itself has accepted to be bound by the judgements of the European Court of Human Rights until 16 March 2022, it should fully implement them and use them to identify the most important issues for Russia's future human rights policy.
- The Russian Federation is recommended – when reforming its legislation – to think not only about the short-term, but also about the long-term consequences of policies aimed at suppressing civil society.

II) Recommendation to the OSCE

- The OSCE is recommended to continue to co-operate with the Russian Federation following up on the legacy of the CSCE dating back to the 1970s.
- The OSCE is recommended to develop a short-term and a long-term strategy for the follow-up on the reports adopted under the Moscow mechanism.
- The OSCE is recommended to take all possible measures not to isolate Russian civil society from the world outside Russia and to provide it with reliable information in every possible way.
- The OSCE is recommended to develop a concerted strategy to support journalists, human rights defenders, lawyers and journalists who have had to flee Russia because of political persecution. It is not only necessary to provide them with a safe haven, but also to enable them to continue their work. In particular, there should be a strategy for supporting – including financially – media outlets that work to implement OSCE standards.
- The OSCE is recommended to continue monitoring the development of Russian civil society and the human rights situation in the Russian Federation, in particular with regard to the consequences of the implementation of laws adopted after 24 February 2022.

III) Recommendation to the International Community

- The UN Human Rights Council is recommended to appoint a Special Rapporteur on the Russian Federation.
- The European Court of Human Rights is recommended to filter the pending cases against the Russian Federation and to identify – on the basis of the newly developed

“impact-assessment-mechanism” – those cases where judgements should be adopted, even if the Russian Federation has declared that it is not bound by them, as they still are very important for civil society.

- The human rights monitoring bodies working on the universal and regional level are recommended to develop a “red-line-mechanism”, i.e. a follow-up procedure for human rights violations that are classified as "serious" in the same way by all monitoring bodies. In this context, the risk that serious violations within a State could endanger peace and security should be taken into account.



Univ.-Prof. Dr. DDr. h.c. Angelika Nußberger
University of Cologne
Germany

Universität zu Köln
Rechtswissenschaftliche Fakultät

Klosterstr. 79d • 50931 Köln
Tel. +49 221 470 5575
Fax +49 761 470 5582
angelika.nussberger@uni-koeln.de

His Excellency
Ambassador Alexander Lukashevich
Permanent Representative
of the Russian Federation to the OSCE
Erzherzog Karl Str. 182
1220 Vienna
Austria

cc Mr. Matteo Mecacci
Director of the Office of
Democratic Institutions and Human Rights (ODIHR)

cc: Representatives of 38 invoking Participating States

18.08.2022

Your Excellency,

As you are aware, paragraph 12 of the OSCE's Moscow Document was invoked in respect of the Russian Federation on 28 July 2022 by 38 OSCE participating States. With letter of 9 August 2022, they have appointed me as Rapporteur.

The mandate has been defined as follows:

- *To assess the state of Russia's adherence, in law and in practice, to its OSCE Human Dimension commitments and to identify actions taken by the Russian Government over recent years that have led to the current human rights and fundamental freedoms situation in the country.*
- *To assess ramifications of such developments on Russian civil society, on free media, on the rule of law, and on the ability of democratic processes and institutions to function in Russia, as well as on achieving the OSCE's goal of comprehensive security.*



I will undertake this mission in full independence and impartiality, based on the rules of the Moscow mechanism.

As the Russian Federation has decided not to appoint a second expert, I am obliged to carry out the mission as a single rapporteur during the period from 18 August to 31 August 2022.

According to paragraph 6 of the OSCE's Moscow Document the State concerned has to cooperate fully and facilitate the work of the mission of experts.

For this purpose, I ask you for your support in identifying relevant institutions, officials and members of the civil society who are knowledgeable about the questions asked. As the mission has to be completed within two weeks I will send you requests for meetings I consider to be important in separate e-mails and would ask you to forward them to the persons concerned.

For the purpose of the mission it would be recommendable to visit Russia, to speak directly with State representatives and representatives of the civil society and to collect information on the spot. Therefore, I would ask you to arrange a country visit in the shortest interval possible and to guarantee my personal security. Alternatively, it would be possible to arrange zoom meetings.

I would ask you to respond to my letter as soon as possible, preferably until tomorrow, Friday 19 August 2022, at 5 pm.

I thank you for your understanding. May I ask you to confirm the receipt of this letter.

Please accept, Excellency, the assurances of my highest consideration.


Angelika Nubberger

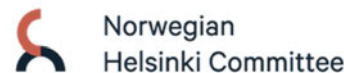
Universität zu Köln
Rechtswissenschaftliche Fakultät

Klosterstr. 79d • 50931 Köln
Tel. +49 221 470 5575
Fax +49 761 470 5582
angelika.nussberger@uni-koeln.de



TAB P

TAB Q



9 February 2021

AI Index: EUR 46/3665/2021

Joint statement: Russian Federation: Ensure safety of two Chechen men arbitrarily detained and forcibly transferred to Chechnya

We, the undersigned, express our grave concern over reports that two Chechen men were arbitrarily detained by the police in the Russian city of Nizhny Novgorod and forcibly transferred to Chechnya. The Russian authorities should immediately establish their whereabouts, ensure their safety and secure their release unless they are charged with internationally recognisable criminal offence. The men are at grave risk of torture and other ill-treatment and there is a risk to their lives.

On 4 February, the Russian LGBT Network reported that Nizhny Novgorod special purpose police unit (OMON) had detained Salekh Magamadov and Ismail Isaev at their residence. The police informed a lawyer working with the LGBT Network, who was seeking to establish the two men's whereabouts, that the men had been taken by car to the police station of Gudermes district, Republic of Chechnya.

On 6 February, police questioned the men at Gudermes district police station, without informing them about the grounds of their detention and not allowing the lawyer to talk to them. [The lawyer said that Magamadov and Isaev looked exhausted and intimidated]. The men were nominally released after the questioning but immediately re-arrested and taken to a police station in Sernovodsk district. The men were "pushed" to refuse legal aid, prompting the LGBT Network to send a new lawyer to Chechnya. At time of writing, the police have refused to disclose the grounds for Magamadov's and Isaev's detention or any other circumstances of the case. They have also refused to accept a petition challenging their abduction. On 7 February the aid of the head of the Chechen Republic and the minister of information and press announced that Magamadov and Isaev confessed to being complicit with a member of an illegal armed group. The current whereabouts of the men are unknown. We have grave concerns that Salekh Magamadov and Ismail Isaev signed or agreed to false statements under torture and face criminal prosecution on a fabricated case.

In April 2020, Salekh Magamadov and Ismail Isaev were arbitrary detained by the Chechen police and held at the premises of the patrol police regiment named after Akhmad Kadyrov. There, according to their account, they were tortured and otherwise ill-treated for moderating independent youth Telegram channel "Osai Nakh 95" that contained many posts critical of the Chechen authorities. They were released after a humiliating video with their "apologies" had been published on the Internet. In July 2020, the LGBT

Network helped Salekh Magamadov and Ismail Isaev leave Chechnya and move to Nizhny Novgorod due to ongoing concerns over their safety.

The Chechen Republic is an enclave in Russia, where crimes under international law and serious human rights violations, including mass arbitrary detentions, torture and other ill-treatment, and extrajudicial killings are being committed on a regular basis. The Russian authorities are ultimately responsible for the violence and intimidation against critics and opponents of Chechnya's leadership, including physical attacks, torture, kidnappings, enforced disappearances, and extrajudicial killings. Prominent cases last year include attacks on human rights lawyer Marina Dubrovina and investigative journalist Elena Milashina in Grozny in February, killings of exiled bloggers Imran Aliev in France and Mamikhan Umarov in Austria, an attempted murder on blogger Tumsu Abdurakhmanov in Sweden and the torture and enforced disappearance of moderator of Telegram channel 1Adat Salman Tepsurkaev.

We call upon the Russian authorities to take immediate steps to ensure the safety of Salekh Magamadov and Ismail Isaev, in particular to confirm their whereabouts and secure their immediate release. If there is credible evidence to charge them with an internationally recognised criminal offence, they should be in the custody of Russian not Chechen authorities and must be provided with full legal due process protection according to international law on the rights and protection of detainees and fair trial standards.

Amnesty International

Centre for Conflict Analysis and Prevention

Civic Assistance

Civil Rights Defenders

Committee Against Torture

Human Rights Centre "Memorial"

Human Rights Watch

Norwegian Helsinki Committee

TAB R

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State Within A State: Autocracy And Lawlessness In Chechnya

© Aleksander Jerzy Szczerbuk 📅 August 13, 2022 💬 No Comments



On the 25th of February 2022, the world observed the fragmentary footage of Ramazan Kadyrov, the head of the Chechen Republic, delivering a speech to approximately 12,000 servicemen in the centre of Grozny. In this propaganda video, which involved the demonstration of heavy weaponry and armaments, the leader confirmed the preparedness of his soldiers to participate in the Ukrainian war on the Russian side.

“Cruelty, abuse, terror”. Those were the words used by various actors in the international community when describing the “Kadyrovtsy”, the paramilitary group originating from the North Caucasus. Primarily established for the protection of the head of the Chechen Republic, in recent years they have performed military operations in Syria, Lebanon, and China.

Responsible for numerous atrocities and human rights violations including torture, rape, and murder, their involvement and role in the Russian offensive has mainly served to spread fear among the masses rather than direct military action. Untrained and inexperienced, these forces have been exposed to a well equipped Ukrainian military.

During the First Chechen War, the formation successfully fought for Chechnya’s independence against the newly established Russian Federation. In 1995, the founder of the “Kadyrovtsy”, Akhmad Kadyrov, father of Ramzan Kadyrov, issued a famous declaration urging his comrades to wage jihad against Russia. However, in the Second Chechen War, Kadyrov fought on the

Russian side, and was appointed as the president of the Chechen Republic, formally commencing Chechnya's pro Moscow policy.

At present, the relationship between the Russian central government and Chechnya is ambiguous.

For Russia, regional stabilisation is part and parcel of its North Caucasus policy. Chechnya still constitutes a part of the Russian Federation, eradicating any threats to Russia's unity and ensuring stability in the area. During Kadyrov's term in office, the strength and scale of insurgency significantly diminished, leading to the point that in December 2017, the Federal Security Service (FSB) announced the complete annihilation of Chechen guerrillas. According to Alexander Bortnikov, the head of the FSB between 2011 to 2017, the number of crimes related to terrorism and extremism decreased by almost ten times, and the conviction of more than 9000 people.

Ramazan Kadyrov remains one of Putin's most loyal allies, and has helped him keep a tight grip on Chechen society, by developing a cult like following for Putin through massive parades on his birthdays for example, but also by constantly emphasizing the value of territorial integrity with Russia, while trying to integrate Chechen nationalism with Russian patriotism. However, this policy has been received with protests at the regional level because it seeks to corroborate the historical narrative about the Chechen wars and prior colonisation championed by Russia. For instance, the regime no longer commemorates the victims of the Stalinist heinous deportations, which exiled approximately 30% of the Chechen population between 1944 to 1952.

On its part, the Russian central government rarely interferes with the internal affairs of the republic. Hence, Chechnya's leadership controls the republic with an iron fist often involving human rights abuses, and general impunity. Because of the nature of its relationship with the Russian federal government, Chechnya is the only republic that avoided the process of the recentralisation and verticalization of powers, maintaining the scope of its autonomy and competencies. Such arrangements have allowed it to conduct its own foreign policy and foreign economic relations, while simultaneously enjoying enormous subsidies from the Kremlin.

Regional scholars agree that Chechnya is, essentially, a privately owned statelet rather than a territory subservient to Moscow. The imposition of a compulsory dress code for women, or stringent restrictions on alcohol consumption constitutes only a fraction of the legal changes that have been implemented. In fact, it is the application of Sharia Law that considerably alarms the community of international human rights organisations.

"Sharia Law trumps Russian Laws in Chechnya" declared Kadyrov in an interview conducted in 2010 for "Le Figaro" newspaper. In theory, the Russian Constitution overrules regional legislation. However, in practice, enforcing the Constitution is an entirely different matter. Legislative divergences between Moscow and Grozny are most apparent when it comes to issues of polygamy and child marriage. The Russian Constitution sets out the minimum age of 18 years old and does not permit polygamous marriages, whereas Kadyrov has repeatedly advocated for different legislation on these issues.

In 2015, Yelena Milashina, a Russian journalist, investigated the case of 17 year old Luiza Goilabiyeva being allegedly forced into a marriage, reportedly to Nazhud Guchigov, the 57 year old police chief of Nozhai Yurt district, as his second wife. Despite campaigns raising concerns about the illegality of a minor entering into a polygamous marriage, Ramzan Kadyrov downplayed the situation, while sending death threats to Ms Milashina and consequently forcing her to flee the country in February 2022.

The Chechen regime regularly violates the fundamental liberties and freedoms of its citizens, with forced disappearances, public humiliations, and torture widespread practices. Between 1999 and 2017 alone, approximately 3,000 people went missing, and prominent human rights advocates, such as Zarema Sadulayeva and Natalya Estemirova are alleged to have been murdered.

In 2017, Kadyrov began an anti LGBT crackdown, during which hundreds of people who had not previously publicly revealed their sexual orientation were arrested, tortured, and/or murdered. The second wave began in late 2018 and continued through 2019 when multiple cases of persecution were being reported to the international community.

“It is like walking a minefield, always looking over your shoulder and waiting for them to take you away,” said one of Chechnya’s inhabitants in the Human Rights Watch report. In his opinion, the fear this anti LGBT campaign generated was far greater than the terror unleashed during the Chechen Wars.

Incremental tyranny annihilates all forms of resistance or disagreement, increasing the litany of harshly punishable conduct. Furthermore, Chechnya is engulfed by collective punishment. “Our custom is that a brother answers for his brother”, said Kadyrov. The regime tracks down the relatives, friends, or co workers of Chechens who participated in the insurgency or criticised Kadyrov, even abroad. In 2014, after clashes between the police and jihadist militants in Grozny, where 14 policemen were killed, Kadyrov retaliated by issuing an order to torch and raze their houses. As a result, eight buildings were burnt down, and local activists claim that four of the houses did not belong to any of the murdered insurgents.

In reality, the accountability for Ramzan Kadyrov arises only in relation to the President of Russia, Vladimir Putin. Neither the international community nor judicial or legislative power within the republic could interfere with the dictatorial decision making process. Ruling with an iron fist extirpated most forms of checks and balances without regard to the outcry of the international and local communities. Hence, the plague of ongoing impunity has had irrevocable consequences due to the constant terrorisation and multiple abductions of citizens.

Unfortunately, for the sake of regional stability, Vladimir Putin is happy to turn a blind eye to the situation in Chechnya. Especially, in times of war and being aware of the propaganda value of Kadyrov’s soldiers, it is implausible to observe any possibility for Russian central authorities to rein in the lawlessness in Chechnya.

Even if Kadyrov oversteps his boundaries, Putin’s hands are tied in the light of the Ukrainian War. Potential conflict between Kadyrov and Putin could not only result in the attenuation of the Russian military power in Ukraine, but potentially bring about the destabilisation of Chechnya or even recrudescence of Islamist hostilities.

The standard of human rights protection in Chechnya is abysmal. A handful of human rights advocates are not capable of freely conducting their investigative functions, especially under constant threat of being falsely incarcerated in Chechnya’s confining facilities. The international community continues to closely monitor the situation in the republic, nevertheless, domestic political arrangements between Chechnyan leadership and the Russian federation have ensured that the republic is protect from any serious direct scrutiny.

The story of Amin Dzhabrailov, a Chechen national, exemplifies how international organisations can help the victims of the Chechen regime. Having been tortured with electric shocks, humiliated, and beaten solely for his homosexual orientation, Amin received a plane ticket to Canada and managed to escape the country permanently in 2017.

By June 2022, the Rainbow Railroad organisation had received more than 6,000 requests from people living in constant fear for their safety all over the world. The policy of becoming a refugee requires not only funds but also the willingness of the potential host state to accept migrants. The most popular destination for the Chechen anti purge refugees is the United States, and therefore the local activists are pleading to the Biden administration to intervene in the LGBTQ rights protection abroad, and publicly condemn the human rights violations committed by Russian and Chechen authorities.

Aleksander Jerzy Szczerbuk

Aleksander Szczerbuk is a correspondent intern at the Organization for World Peace. Currently, he is a student in the International and European Law course in the Hague, the Netherlands. Believing that conflict resolution requires the proper comprehension of its causes and nature, he seeks to explore the multilayered nature of human rights and the early development.

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URGENT ACTION

TWO FAMILY MEMBERS DISAPPEARED IN CHECHNYA

On 4 February, 20-year-old Salekh Magamadov and 17-year-old Ismail Isaev were abducted by police in Central Russia and taken to Chechnya. They had fled Chechnya in 2020, following their arbitrary detention and reported torture for exercising their right to freedom of expression, and fearing further reprisals, including in connection with their real or perceived sexual orientation and gender identity. Their whereabouts are currently unknown. They are victims of enforced disappearance, and their physical and mental integrity and their lives are at risk.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

**Prosecutor General
Igor Viktorovich Krasnov**
Prosecutor General's Office
Ul. Bolshaya Dmitrovka, 15a
Moscow GSP-3, 125993, Russian Federation
Fax: +7 (495) 987-58-41
Twitter: @Genproc

Online form: <https://epp.genproc.gov.ru/web/gprf/internet-reception/personal-receptionrequest>

Dear Prosecutor General,

I am gravely concerned about the enforced disappearance of **Salekh Magamadov** of 20 years of age and **Ismail Isaev** who is 17 years old. According to the Russian LGBT Network, they were apprehended by police at a flat in Nizhnii Novgorod, in an abduction-style operation, on 4 February 2020, and forcibly transferred to Gudermes, Chechnya. Their lawyer was denied access to his clients and any information on the relevant criminal proceedings. They were unlawfully questioned without their lawyer or family members' presence, despite one of them being a minor, then nominally released and immediately arrested and taken away, first to the village of Sernovodskoe and then to an unknown location. The reason for their arrest, their fate and whereabouts remain unknown to their lawyers and family members. They are at risk of torture and other ill-treatment and their lives may be at risk.

Salekh Magamadov and Ismail Isaev had already suffered unlawful deprivation of liberty and torture and other ill-treatment at the hands of the Chechen authorities. On 30 March 2020, they were arbitrarily detained by the Chechen police and unlawfully held prisoners until May, for exercising their right to freedom of expression.

In the light of the above, I urge you to:

- **Take immediate steps to establish and disclose the whereabouts of Salekh Magamadov and Ismail Isaev, and ensure they are not tortured or otherwise ill-treated;**
- **Ensure that they are immediately released unless promptly charged with a recognisable criminal offence, in which case they should have an immediate and unimpeded access to a lawyer of their choice;**
- **Ensure their human rights are fully respected, in accordance with Russia's obligations under international law, including the Convention on the Rights of the Child.**

Yours sincerely,

ADDITIONAL INFORMATION

Twenty-year-old Salekh Magamadov and 17-year-old Ismail Isaev have long been targeted by the Chechen authorities. According to media reports, in 2019, at the age of 16, Ismail Isaev faced violence and persecution for his real or perceived sexual orientation and gender identity. He was captured by the police, beaten and held at a secret location for seven days and released for ransom. On 30 March 2020, Ismail Isaev and Salekh Magamadov, were arbitrarily detained by the Chechen police and held at the premises of the patrol police regiment. There, according to their account, they were tortured and otherwise ill-treated in retaliation for moderating a youth Telegram channel "Osal Nakh 95" which contained posts critical of the Chechen authorities and traditions. They were released in May after a video with their forced "apologies" had been published on the Internet. Fearing further reprisals, including in connection with their real or perceived sexual orientation and gender identity, they fled Chechnya in July 2020. The Russian LGBT Network helped Salekh Magamadov and Ismail Isaev move to Nizhnii Novgorod, in Central Russia, due to ongoing concerns over their safety.

On 4 February, the LGBT Network reported that police detained Salekh Magamadov and Ismail Isaev at the flat in Nizhnii Novgorod where they were staying. One of them managed to quickly call the LGBT Network while the flat was being raided, and the LGBT Network immediately sent them a lawyer. The lawyer discovered an empty flat and evidence of the violent raid. He eventually managed to get confirmation from the local police that Salekh Magamadov and Ismail Isaev had been apprehended by the police, and that they were taken by car to Gudermes, in Chechnya. The police did not disclose any other circumstances of the case.

Upon arrival in Gudermes in the afternoon of 6 February, Salekh Magamadov and Ismail Isaev were questioned at the local police station. Their lawyer was not allowed access to his clients nor was he provided with the details of the case. They were released at around 8pm but immediately re-arrested as soon as they left the police compound, without any explanations, and taken by car to the village of Sernovodskoe, around 90km away, also in Chechnya. Their father and the lawyer followed them. In Sernovodskoe, the lawyer was once again not allowed to see his clients, nor was he allowed into the police station. According to the lawyer, at around 11pm, a senior Chechen official arrived at the police station and, together with police officers, forced his clients' father to give up any attempts to see them, despite being the legal guardian of the underaged Ismail Isaev, or to have the lawyer represent them. Following this, the LGBT Network sent another lawyer to Chechnya.

When the new lawyer arrived the next day, 7 February, the police did not allow him to see his clients and refused to accept his formal complaint. A local commanding police officer told the lawyer that Salekh Magamadov and Ismail Isaev were being questioned by another agency, the Investigation Committee for the Chechen Republic, but refused to disclose the grounds for their detention or share any case file materials. Since then, their whereabouts has been unknown, to their lawyer and their father. On 8 February, the European Court of Human Rights requested that the Russian authorities take urgent steps to ensure that Salekh Magamadov and Ismail Isaev are provided with immediate and unimpeded access to the lawyer of their choice and to their family members, and are immediately examined by an independent health professional.

Over the years, human rights defenders have documented widespread human rights violations in Chechnya, including mass arbitrary detentions, torture and other ill-treatment, and extrajudicial killings. Those who criticise the Chechen authorities, including in social media, face severe reprisals. In September 2020, 19-year-old Salman Tepsurkaev, moderator of a popular Telegram channel "1ADAT", was abducted from Krasnodar region in southern Russia by men presumed to be Chechen law enforcement officials and taken to a secret location in Chechnya. His fate and whereabouts have remained unknown since, despite a criminal investigation having been nominally opened into Salman Tepsurkaev's enforced disappearance, in late November 2020.

PREFERRED LANGUAGE TO ADDRESS TARGET: Russian.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 15 April 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Salekh Magamadov and Ismail Isaev (Amnesty has not been able to confirm their preferred pronouns)

[REDACTED]
Human Rights First
3680 Wilshire Blvd. Ste. P04-414
Los Angeles, CA 90010
Telephone: 646-376-0806
Email: [REDACTED]
Pro Bono counsel for Respondent

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
SAN DIEGO IMMIGRATION COURT
SAN DIEGO, CALIFORNIA**

In the Matters of:)
)
)
[REDACTED])
[REDACTED])
)
In Removal Proceedings _____)

File No. [REDACTED]
[REDACTED]

Immigration Judge: [REDACTED] **Individual Hearing:** [REDACTED] at 1:00PM

PROOF OF SERVICE

I, Reema Ghabra, hereby certify that on [REDACTED], I filed the foregoing **PRE-HEARING BRIEF AND SUPPLEMENTAL DOCUMENTS IN SUPPORT OF RESPONDENTS' I-589 APPLICATION FOR ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE CONVENTION AGAINST TORTURE, TAB A THROUGH S**, and any attached documents via ECAS, which will complete service on opposing counsel in the Department of Homeland Security. *See* IMMIGRATION COURT PRACTICE MANUEL, Chapter 3.2(a)(1).

[REDACTED]

[REDACTED]