

## **Human Rights Violations inside the Russian Federation: A Catalyst and Consequence of Russia's Aggression**

**April 2023**

### **I. Introduction**

The Jacob Blaustein Institute for the Advancement of Human Rights has repeatedly expressed alarm about the catastrophic consequences of Russia's February 2022 invasion of Ukraine and its reported commission of widespread and systematic human rights violations and war crimes since then. JBI has [appealed](#) to States to act individually and collectively, including through the United Nations, to document, verify, and amplify reports about egregious abuses and mobilize collective responses to the crisis, take action to hold accountable and deter future harmful actions by the individuals and entities most responsible for violations, and ensure those affected by the conflict receive assistance. Our appeals have stressed that it is imperative Russia's unprovoked invasion and its gross violations of international human rights and humanitarian law be brought to an end, and perpetrators be held accountable, if the hard-fought international legal architecture established in the wake of World War II is to be maintained.

This briefing paper describes a separate but closely related crisis: the escalation of patterns of human rights violations occurring inside Russia, which significantly predate Russia's invasion of Ukraine but have accelerated sharply since. These violations, which have been carried out pursuant to official laws and policies, by and at the direction of authorities across many components of the Russian state, reflect a concerted campaign of repression by the Russian government directed against its perceived domestic opponents for the apparent purpose of silencing dissent and effectively closing civic space within Russia. This repression has entailed widespread violations of the rights to freedom of expression, freedom of assembly and association, arbitrary deprivation of liberty and denial of the right to due process and use by the authorities of excessive force and torture and cruel, inhuman and degrading treatment against people in detention, among others.

As a consequence of this repression, Russia's civil society, independent media, and political opposition have been dramatically weakened; the number of political prisoners and wrongly detained individuals has increased; and many who have not been detained for having expressed opposition to the war or for having engaged in political dissent, human rights advocacy, or independent journalism have been compelled to flee the country or curtail their work.

Russia's domestic repression has also been both a catalyst of and a consequence of its aggression against Ukraine. Its effect has been to deprive the Russian population of accurate information about the conflict and to largely eliminate Russian citizens' ability to understand, debate, or express opposition to the war in Ukraine or engage in other political dissent. Russia's domestic repression is thus closely linked to its actions in Ukraine, including its commission of aggression, war crimes, and crimes against humanity.

This briefing paper concludes with recommendations to governments regarding additional essential measures they should take, individually and collectively, including at the United Nations, to ensure that documentation of rights violations inside Russia continues; compel Russian authorities to curb this domestic repression and hold perpetrators of serious violations accountable; and provide protection and redress to human rights defenders, journalists, and others who have been affected by these violations.

### **II. Domestic Repression in Russia Predating its February 2022 Invasion of Ukraine**

Following the fall of the Soviet Union in 1991, many hoped that the Russian Federation would demonstrate its commitment to respect the civil and political rights of its people. Famed Russian Nobel Laureate and human rights defender Andrei Sakharov asserted that the observation of these rights, along with "the openness of society" are "the most important conditions for international trust and security."<sup>1</sup>

After 1991, civil and political rights were generally respected in Russia to a substantially greater extent than during the Soviet era. However, the decade leading up to Russia's February 2022 invasion of Ukraine saw a troubling erosion in respect for civil and political rights and a gradually diminishing tolerance of criticism of the government, evisceration of civic space, and erosion of the independence of key institutions. These patterns of repression and human rights violations escalated over time, with the renowned Memorial Human Rights Centre deeming 2021 "the worst year in the history of independent Russia."<sup>2</sup> Some Russian human rights advocates have noted that these trends and the adoption and arbitrary implementation of increasingly regressive legislation "provided the opportunity" for Russia to unleash and wage a war of aggression against Ukraine in February 2022.<sup>3</sup>

#### **A. Media freedom undermined by arbitrary application of the Law "On Information"**

Laws enacted in Russia over the past decade provided authorities with a legislative framework that restricted public information in advance of the 2022 invasion of Ukraine and then allowed for unlimited blocking of Internet sites and domains thereafter. From 2020-2022, the Duma adopted 84 amendments to the 2006 law "On Information"<sup>4</sup> and the Russian government expanded the authority of the Roskomnadzor (RKN, the Federal Service for Supervision of Communications, Information Technology, and Mass Media) to censor online media.<sup>5</sup> Among the many organizations whose websites have been blocked in Russia by court order on request of the RKN is OVD-Info, which documents arbitrary arrest and detention in Russia.<sup>6</sup>

#### **B. Freedom of association, media freedom, and human rights and anti-corruption work curtailed through the arbitrary application of "foreign agents" laws**

Vague legislation first adopted in Russia in 2012 as an amendment to the law "On Non-Commercial Organizations,"<sup>7</sup> commonly known as the "foreign agents law," and other related laws were broadened, made more repressive, and arbitrarily applied by authorities to punish the work of Russian and international civil society organizations during the decade leading up to February 2022, as were other administrative measures allowing for civil society organizations to be designated as "undesirable."<sup>8</sup>

Under this law, individuals who are listed as "foreign agents" are forced to label all communications with large disclaimers identifying themselves as such, and to submit reports on their activities, expenses, and funding sources to the government; they face a constant threat of enormous fines, and in the case of NGOs, subsequent liquidation, for failure to comply with the requirements. Individuals associated with listed organizations, including the heads of such organizations, also face potential criminal prosecution should authorities deem their organizations to have "repeatedly" failed to comply with the law's reporting and disclosure requirements. This has resulted in "foreign agent" designations being used to stigmatize NGOs and media outlets as well as individuals associated with them, seriously impeding their ability to function.

Russian authorities began to seek to use the "foreign agents" law to curb the work of the renowned human rights organizations International Memorial and Memorial Human Rights Centre shortly after its first introduction. In 2013, Russian prosecutors undertook a wave of inspections across Russian NGOs, resulting in Memorial Human Rights Centre being designated as a "foreign agent" in 2014 and International Memorial being designated as a "foreign agent" in 2016, reportedly as retaliation for its criticism of Russia's invasion of Crimea, and several of Memorial's regional-level organizations in Russia met the same fate in subsequent years. In 2019, both organizations were subjected to administrative charges and fined for failing to properly label their materials pursuant to the law's requirements. In November 2021, Russian prosecutors sought for Memorial Human Rights Centre and International Memorial to be liquidated as a result of their alleged repeated violations of the "foreign agent" law. The Russian Supreme Court ordered the two organizations closed in December 2021. Similarly, Alexei Navalny's Anti-Corruption Foundation was declared a "foreign agent" in October 2019 for receiving small donations from individuals in the U.S. and Spain. By February 2022, as a result of these and other actions, the ability of human rights organizations and independent media to operate in Russia had been severely curtailed.

### **C. Public dissent and political opposition curtailed through arbitrary detention**

Russian authorities had impeded peaceful public dissent for years prior to 2022, but their repression escalated significantly in the years immediately preceding it. Dozens of anti-corruption protesters in Moscow in 2019 received summonses to the military prosecutor's office.<sup>9</sup> In 2021 alone, Russian authorities brought 17,123 cases of "violation of assembly rules" under article 20.2 of the Code of Administrative Offenses (CAO), with the vast majority of those charged (15,601 persons) being punished; many were fined but also more than 2,000 were subjected to administrative arrest.<sup>10</sup>

In 2021, Russian authorities also escalated the practice of using dozens of articles of the Criminal Code, including those prohibiting offenses like hooliganism and drug possession, as a basis for fabricating criminal charges against political dissidents and members of religious minorities. At year-end 2021, Memorial Human Rights Centre identified 83 political prisoners detained in Russia for "general" (not religious) reasons, reflecting the highest annual increase in this figure since 2015.<sup>11</sup> Nearly half of the newly detained political prisoners in Russia in 2021 were targeted because they worked for or had expressed support for prominent political opposition figure and anti-corruption campaigner Alexei Navalny, himself a political prisoner, and his team.

Memorial Human Rights Centre has identified the Russian government's treatment of Navalny since 2020 as marking "the beginning of a new turn in the Russian government's repressive policy towards the opposition."<sup>12</sup> Navalny was charged with several administrative and criminal offenses by Russian authorities between 2013 and 2021. Russian government agents allegedly attempted to assassinate him in a nerve-agent poisoning attack in August 2020, into which Russian authorities have refused to open an investigation. Following his return to Russia in 2021, Navalny was detained, sentenced to 2.5 years imprisonment on the grounds that he had violated the terms of his parole (he had been serving a suspended sentence for fraud) by failing to appear at a court hearing while he was recuperating from the poisoning attack in Germany. His sentence was considerably extended in 2022, as described below.

In April 2021, Navalny's Anti-Corruption Foundation was designated an "extremist organization" for having sought to "destabilize" Russia; thereafter, it was liquidated. These developments resulted in many of Navalny's associates and the Anti-Corruption Foundation's staff, like those of other organizations seeking to share negative information about and air critical views of the Russian government, being forced to flee Russia under threat of criminal prosecution and political persecution.

### **III. Human rights violations in Russia since its February 2022 aggression against Ukraine**

Since Russia's February 24, 2022, invasion of Ukraine, Russian authorities have dramatically increased their enforcement of the above-mentioned laws against human rights organizations and defenders, media outlets and journalists, and political dissidents. Further, Russian authorities put forward harsher interpretations of existing laws and Russia's legislature approved new amendments to them further restricting freedoms and criminalizing dissent once the 2022 war began. The intensified repression resulting from the application of these laws within Russia gave Russia's authorities "the opportunity to continue" the aggressive war against Ukraine.<sup>13</sup>

#### **A. Peaceful protesters arbitrarily detained, with some subjected to torture and ill-treatment**

Following the February 2022 invasion of Ukraine, Russian authorities have routinely and arbitrarily charged peaceful protesters with administrative offenses, accusing them of disobeying lawful police orders, violating COVID-19 restrictions, or violating procedures for holding public events.<sup>14</sup> Between February 24, 2022, and December 16, 2022, civil society organizations identified more than 19,400 people detained for peaceful protests, including mass assemblies and single pickets, in 226 Russian cities. This figure included 133 journalists and at least 544 minors.<sup>15</sup>

Allegations have emerged of Russian security forces torturing and subjecting persons detained during anti-war protests. In a March 2022 incident captured on video, police harassed and humiliated girls detained in the Brateevo police station in Moscow.<sup>16</sup>

Russian authorities also employed a tactic of detaining individuals they anticipated would participate in protests through “preventive” detentions on public holidays, with one organization reporting 141 such cases in which people were preemptively apprehended since February 2022.<sup>17</sup>

## **B. Attacks on dissent, online and offline**

Immediately following its invasion of Ukraine, Russian authorities began vigorously punishing expressions of anti-war sentiment. The Russian Duma supplemented pre-existing legal provisions,<sup>18</sup> with new articles of the Criminal Code and the Code of Administrative Offences (CAO), which entered into force within a week of the invasion of Ukraine, criminalizing “dissemination of deliberately false information” about Russian forces’ activities.<sup>19</sup>

Russian authorities also escalated their repressive censorship campaign, which was made possible by the recently enacted laws and aggressive practices of the Roskomnadzor (RKN). On February 28, 2022, the RKN blocked the websites of several other news organizations for sharing information deviating from the official government narrative on the “special operation.”<sup>20</sup> Thereafter, it continued to censor the websites of organizations that had shared “unreliable socially significant information about the special military operation,” and Russian prosecutors expanded their censorship of OVD-Info by asking the Russian social network Vkontakte to block its online page there.<sup>4</sup>

In the year following the invasion, between February 24, 2022, and February 15, 2023, Russian authorities charged more than 18,000 people under Article 20.2 of the CAO (“Violation of the established order of organizing or holding meetings, rallies, demonstrations, marches or pickets”) and detained more than 19,500 people for expressing anti-war sentiment,<sup>21</sup> and Russian prosecutors had opened 5,846 cases under the new article on discrediting the Russian military.<sup>22</sup> By March 23, 2023, a total of 528 people had been criminally prosecuted for anti-war activities, including cases of alleged “repeated discreditation” (39 persons); “public calls for terrorism or extremism” and “actions aimed at inciting hatred” (52 people already sentenced; 13 imprisoned); and “vandalism” (44 persons); “spreading fakes about the Russian army” (154 persons) and “discrediting the Russian army” (66 persons).<sup>23</sup>

This persecution targeted even benign expressions of opposition: Russian citizens have been charged and fined for wearing clothing or holding signs saying “No to war” or “Peace,” or even holding blank white sheets of paper; displaying Ukrainian flags; posting photos or commenting on or “liking” anti-war posts on social media; or sharing “information on war deaths or reports of alleged war crimes in Ukraine, or having anti-war conversations in public places (*e.g.*, shopping centers).<sup>24</sup> Similarly, Russian citizens have been prosecuted for “fakes,” *i.e.*, knowingly disseminating false information, in cases where they shared information about the killing of civilians by Russian forces or other war crimes like shelling of civilian targets in Ukraine; for sharing information about losses suffered by the Russian military; and for describing the operation in Ukraine as a “war” rather than a “special military operation.”<sup>25</sup> In a particularly chilling trend, in several cases Russian authorities have sought to punish children for expressing opposition to the war, or to punish parents for their children’s actions, including in the case of Alexei Moskalev, a business owner who was arrested and allegedly tortured after police were alerted by his daughter’s school that she had made a pro-Ukraine drawing. Moskalev fled after being placed under house arrest pending his trial, which resulted in his conviction and sentence to two years’ imprisonment for “discrediting the armed forces,” and authorities placed his daughter in an orphanage.<sup>26</sup>

Emblematic cases of imprisonment or escalated repression of current political prisoners for dissent since February 2022 include:

- Ilya Yashin, a former member of a municipal council in Moscow, who was charged with disseminating knowingly false information and sentenced to 8.5 years’ imprisonment for repeating allegations that Russian forces had committed war crimes in Bucha, Ukraine.<sup>27</sup>
- Aleksei Gorinov, also a member of a municipal council in Moscow, who was sentenced to 6 years and 11 months’ imprisonment for knowingly disseminating false information after he stated at a

council meeting that district holidays should be suspended so long as children were dying in Ukraine.<sup>28</sup>

- Aleksandra “Sasha” Skochilenko, an artist, who was charged with knowingly disseminating false information for replacing several price tags with tags containing information about Russia’s bombing of a theater in Mariupol in Ukraine and stating that Russian conscripts were being sent to fight in Ukraine at a St. Petersburg supermarket in April 2022. She has been in pretrial detention for over a year and faces up to ten years’ imprisonment.<sup>29</sup>
- Alexei Navalny, who was convicted of additional charges of fraud, contempt of court, insulting a judge, and others in March 2022. He is now serving a nine-year prison sentence in a maximum-security penal colony and has repeatedly condemned the war in Ukraine during public hearings and online. Navalny has repeatedly been sent to solitary confinement in so-called “punishment cells” for minor or fabricated infractions of prison rules. In 2022, authorities filed additional criminal charges against him on charges of “creating an extremist group” and holding unsanctioned rallies that carry long prison terms. In April 2023, Navalny’s associates alleged that prison authorities were denying him medical care and alleged that he may be being poisoned after he experienced rapid and alarming weight loss (nearly 18 pounds over two weeks, most of it spent in a punishment cell), and also that he had been assaulted by prison guards and could be charged with another offense carrying a five-year term for disobeying their instructions.<sup>30</sup>
- Vladimir Kara-Murza, a prominent Russian opposition activist who is also a U.K. dual national and U.S. permanent resident, and who was sentenced to 25 years’ imprisonment on April 10, 2023, following his conviction for treason, spreading false information about the Russian army, and being affiliated with an “undesirable organization.” The false information charge was based on a speech he made to the Arizona House of Representatives in March 2022, in which he denounced Russian forces “dropping cluster bombs on residential areas, mothers’ homes, hospitals, and schools” in Ukraine. Among the acts on which the treason charge was based were speeches he had made in Lisbon, Oslo, and to the U.S. Helsinki Committee in Washington, D.C., in which he had questioned the legitimacy of Russia’s upcoming presidential elections, accused Russia of engaging in state terror and politically motivated murders, and claimed that Russia had imposed an “information iron curtain” on its citizens.<sup>31</sup> Kara-Murza has already survived two poisoning attempts allegedly ordered by the Kremlin that have compromised his health. He was a leading proponent of the adoption by the U.S. of the Magnitsky Act authorizing the imposition of targeted sanctions against human rights violators. In his final statement at trial, he told the court, “I’ve been surprised by the extent to which my trial, in its secrecy and its contempt for legal norms, has surpassed even the ‘trials’ of Soviet dissidents in the 1960s and ’70s.” He also compared it to the Stalinist show trials of the 1930s.<sup>32</sup>

### **C. Attacks on media freedom**

Since February 2022, Russian authorities have almost completely shuttered independent media throughout the country. All sources of independent information in Russia have been either blocked, shut down, or forced out of the country.<sup>33</sup> More than 9,000 websites and more than 208,000 web resources have been blocked for spreading “fakes” about the war, and dozens of journalists have been prosecuted.<sup>34</sup>

Specific cases include:

- On March 5, 2022, Russian authorities designated Important Stories, The Insider, and the International Association of Investigative Journalists (OCCRP) as “undesirable organizations,” effectively banning their activities in Russia and exposing people who collaborate with or cite them to potential criminal liability.<sup>35</sup>
- In August 2022, the independent media outlets Journalists’ and Media Workers’ Union, Novaya Rasskaz-Gazeta, Odintsovo-Info, and Vechernie Vedomosti were fined for disseminating false information; subsequently, Russian authorities shut down and revoked the licenses of the Dozhd television channel, Echo of Moscow radio station, and Novaya Gazeta newspaper.<sup>36</sup>

- Russian journalist Maria Ponomarenko was convicted in February 2023 of disseminating false information for writing about Russian forces' bombing of a theater in Mariupol on a Telegram channel; she was sentenced to six years' imprisonment and prohibited from engaging in journalism for five years after completing her sentence.<sup>37</sup>
- In an escalation that sent shock waves through the international journalism community, Russian authorities arrested and detained American journalist Evan Gershkovich on espionage charges on March 29, 2023. Gershkovich, a reporter for The Wall Street Journal who was reportedly investigating military-industrial activities in Ekaterinburg at the time of his detention, faces up to 20 years' imprisonment.<sup>38</sup> A judge denied Gershkovich's appeal for release from pre-trial detention on April 17, 2023. The U.S. Government has made a formal designation that Gershkovich is "wrongfully detained."<sup>39</sup>

#### **D. Attacks on Russian civil society**

In 2022, Russian authorities expanded and continued the established patterns of repression that were used against human rights defenders, journalists, and civil society organizations from 2012 to 2021.

Emblematic cases include:

- In 2022, Russian authorities continued to take retaliatory action against International Memorial and Memorial HRC, notwithstanding their prior liquidation by court order. Russian authorities searched Memorial's offices and seized hard drives of their computers in March 2022 and filed a civil action to seize Memorial's office and the personal assets of its Director in September.
- Russian authorities also brought criminal charges against human rights defenders who are associated with Memorial and its chapters, in what appears to be an ongoing effort to ensure Memorial will not be able to resume its work. For example, on February 24, the day of the Russian invasion of Ukraine, human rights defender Bahrom Khamroev was arrested on charges of justification of terrorism under circumstances suggesting his arrest was pretextual and undertaken by the authorities for the real purpose of searching Memorial HRC's offices, as he sometimes cooperated with its employees.<sup>40</sup> Similarly, human rights defender Yekaterina Yanshina, who had cooperated with Memorial HRC, was detained by Belarusian authorities in Minsk in early January 2023 and sentenced to 15 days imprisonment on hooliganism charges for attempting to monitor a court hearing in the case of the detained human rights defenders from Viasna, the renowned Belarusian organization and 2022 Nobel Peace Prize Laureate.<sup>41</sup>
- In late 2022, Russian authorities targeted another venerable Russian civil society organization, Moscow Helsinki Group, for closure.<sup>42</sup> On January 25, 2023, it was dissolved by court order after prosecutors alleged that the group lacked the registration required to carry out its activities, as it was only authorized to operate in Moscow.<sup>43</sup>
- In early 2023, the Russian government also declared the U.S.-based Andrei Sakharov Foundation an "undesirable" organization.<sup>44</sup> Russia's Prosecutor-General's Office announced the decision on January 23, saying that the activities of the foundation, created in 1989 to preserve the legacy of renowned Nobel Peace Laureate Andrei Sakharov, posed a "threat to the basic constitutional structure and security" of Russia.

Russian authorities also escalated their application of "foreign agent" and "undesirable organizations" since the invasion of Ukraine; 168 people and organizations were designated as "foreign agents" in 2022 alone, representing a third of all entities that are listed. On January 27, 2023, the list contained 536 people and organizations.<sup>45</sup> As of December 2022, 18% of organizations that had been designated as "foreign agents" had been criminally prosecuted for failing to adhere to its reporting and other requirements. Russian authorities also designated 22 organizations as "undesirable" in 2022, generally on account of their anti-war work.

Russian authorities had also aggressively interpreted the “foreign agents” law in enforcement actions aimed at chilling labeled individuals’ and organizations’ offline and online speech. In December 2022, a Russian court upheld an administrative enforcement action against and fined a blogger who prosecutors alleged had violated the laws in a May 2022 social media post by failing to include a “foreign agent” label in the required font (a size twice as large as that of the main text). The Court upheld the charge despite the fact that it was not possible for users to use different font sizes on the relevant social media platform, and the blogger had instead written the “foreign agent” label in all caps.<sup>46</sup> This application of the law means that henceforth, all individuals and entities deemed “foreign agents” are effectively prohibited from using any social media outlets, given the threat of significant fines and potential subsequent criminal prosecution that they would face if they were to do so.

In a particularly troubling development, a new law that entered into force on December 2022 on “Control over the activities of entities and persons under foreign influence,” together with several additional amendments to the “foreign agents” law that entered into force in 2022, has significantly expanded the category of people affected by the laws and the potential repercussions that those designated as “foreign agents” will face.<sup>47</sup> As a result of these legal changes, as of December 2022:

- Individuals and entities may now be designated as “foreign agents” not only if they received foreign funding, as before, but also if they simply had any contact with a foreigner, a foreign organization, or an international organization.
- A vaguely defined category of “affiliated persons” may be listed alongside entities that are included on the “foreign agents” register, which can be interpreted to include individuals who are or were members of listed organizations or that are in any way connected with them.<sup>48</sup>
- Individuals included on the new “foreign agents” List are now required to disclose far more information than in the past, including their individual tax numbers and their sources of funding, expenses, and income. Moreover, they are required to publicly disclose this information, not merely to send it in reports to the Ministry of Justice.
- Listed individuals and organizations cannot use existing simplified taxation system, which will result in being compelled to pay taxes at a rate of 20% instead of 6%.<sup>49</sup>
- Listed individuals and organizations are now prohibited from carrying out educational activities related to minors.<sup>50</sup>
- Individuals or organizations that had previously managed to provide sufficient evidence to be removed from the list or had been liquidated have been included on the new list and have no opportunity to seek their removal.

As a consequence of the enhanced risk that designation as a “foreign agent” will result in eventual criminal prosecution, many human rights defenders with that designation have left Russia.<sup>51</sup>

#### **IV. Conclusions and Recommendations**

These patterns of repression of human rights defenders, civil society organizations, independent media, opposition figures, and individual protesters in Russia preceding and following Russia’s February 2022 invasion of Ukraine reflect a campaign that is being carried out deliberately, pursuant to official laws and policies intended to stifle all opposition to the government, and by many components of the government. Their combined effect has been to substantially restrict the rights to freedom of expression and association and to effectively prohibit expressions of dissent. The consequences for the thousands of people who have been arbitrarily detained, some for potentially very lengthy terms, and for those suffering torture or ill-treatment in detention, have been especially serious.

Moreover, Russia's commission of systematic human rights violations has had serious negative impacts on Russian society as a whole and created conditions that facilitated Russian leaders' ability to direct aggressive military action abroad. Russian authorities were substantially aided in their ability to launch the February 2022 invasion of Ukraine and have been able to continue since that time by the near elimination of independent media and many prominent human rights organizations in Russia and the resulting absence of widespread public opposition to its military campaign. The very narrow information environment that was available to Russian citizens prior to February 2022, and which has been dramatically narrowed since then, has made it difficult, if not impossible, for Russian citizens to understand the facts about Russia's aggression in Ukraine or express opposition to it.

### *Recommendations*

All governments should appreciate the significant consequences of Russia's domestic repression and take measures, individually and collectively, including at the United Nations, to respond to it:

- (1) *Support independent monitors documenting rights violations committed by Russia and amplify their findings*
  - a. The UN Human Rights Council in a landmark decision in October 2022 created the mandate of the Special Rapporteur on Human Rights in Russia, an independent monitor. The new rapporteur will present her first reports to the Human Rights Council and UN General Assembly in September and October 2023. States should ensure that this expert receives sufficient financial and other support to carry out her work and should amplify her findings and recommendations.
  - b. States should ensure that other independent mechanisms engaged in documenting human rights violations committed by Russian actors abroad, particularly the Commission of Inquiry on Ukraine and the UN Human Rights Monitoring Mission in Ukraine, are able to continue their work, as they are playing a critical role in providing objective, impartial accounts of conflict-related violations that rebut Russia's false narratives and misinformation about the invasion of Ukraine. Instead, these independent mechanisms create an objective factual record justifying the need to hold Russian authorities, including at a senior level, accountable for atrocity crimes.
  - c. States should support and provide financial assistance for independent human rights monitors and journalists reporting on human rights concerns in Russia, particularly those who have been forced to flee the country, to ensure that they are able to continue their work abroad.
- (2) *Hold Russia accountable at international organizations for its systematic rights violations*
  - a. States should regularly express their serious concern about the scope and severity of Russia's repressive campaign and should encourage the UN Secretary-General, High Commissioner for Human Rights, and independent UN human rights experts to regularly call on Russia to immediately release political prisoners and wrongly detained persons, revise and cease their arbitrary application of repressive laws prohibiting dissent and censoring media, and allow civil society and independent media to operate freely.
  - b. States should oppose Russian initiatives to regain membership on the UN Human Rights Council. In April 2022, the UN General Assembly suspended Russia from membership on the UN Human Rights Council, citing its commission of gross human rights violations in Ukraine. Russia has announced it will once again seek membership on the 47-member body in elections that will take place at the General Assembly in October 2023. States should encourage other members of the Eastern European Group to challenge Russia's candidacy and vote in favor of other candidates. States should similarly oppose efforts by Russia to obtain positions on other United Nations bodies concerned with human rights issues.



(3) *Take steps to hold Russian perpetrators of serious human rights violations accountable*

- a. Several States, including the U.S., EU, UK, Canada, and Australia, have adopted so called “Magnitsky-style” targeted sanctions regimes that allow for the imposition of financial sanctions and travel restrictions against individuals credibly alleged to have committed serious human rights violations or engaged in corruption. These and other governments should designate additional Russian government officials who are responsible for the arbitrary arrest and prosecution of human rights defenders, journalists, and dissenters and for repression of independent civil society and media.

(4) *Provide protection and redress to Russian human rights defenders, journalists, and other victims of its repression*

- a. States should ensure that their diplomatic representatives inside Russia actively seek to assess the detention conditions of and monitor judicial proceedings concerning Russian political prisoners and other wrongly detained individuals, particularly Vladimir Kara-Murza and Alexei Navalny, who have allegedly been denied medical attention and are at serious risk of harm.
- b. States should engage in concerted efforts to secure the release of foreign nationals wrongly detained by Russian authorities, including American journalist Evan Gershkovich.
- c. States should take measures to protect Russian human rights defenders, journalists, and dissidents at risk of suffering politically motivated reprisals, including by providing humanitarian visas and offering asylum and other assistance to those who have fled.

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<sup>1</sup> *Andrei Sakharov from Exile*, International League for Human Rights, 1983,

<https://history.aip.org/exhibits/sakharov/from-exile.html>.

<sup>2</sup> Memorial Human Rights Centre, “Political prisoners and political repression in Russia in 2021,”

<https://memopzk.org/wp-content/uploads/2022/11/04-political-prisoners-and-political-repression-in-russia-in-2021.pdf> at 99. Memorial was one of the recipients of the 2022 Nobel Peace Prize.

<sup>3</sup> Aug. 2022 NGO Report, at para 112.

<sup>4</sup> Federal Law No. 149-FZ of July 27, 2006 “On Information, Informational Technologies, and the Protection of Information”

<sup>5</sup> May 2022, NGO Report, para 1., p. 4.

<sup>6</sup> August 2022 NGO Report to the Human Rights Committee at para 4.

<sup>7</sup> Federal Act No. 121-FZ of 20 July 2012 (entered into force 21 November 2012) “On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of the Activities of Non-Commercial Organizations Acting as Foreign Agents”

<sup>8</sup> Article 284.1 of the Russian Criminal Code (“Carrying out activities of an undesirable organization on the territory of the Russian Federation”) allows the Prosecutor General’s Office to extrajudicially determine that a foreign or international non-governmental organization is “undesirable” if it poses a threat to the foundations of the constitutional order, defense capability or security of the Russian Federation. This provision was adopted in 2015 but not applied in practice until 2019. See Memorial Human Rights Centre, Political prisoners and political repression in Russia in 2021, <https://memopzk.org/wp-content/uploads/2022/11/04-political-prisoners-and-political-repression-in-russia-in-2021.pdf> at 40.

<sup>9</sup> May 2022 NGO Report, at para 61.

<sup>10</sup> See also OVD-Info, How Authorities Use Cameras and Facial Recognition against Protesters (Jan 17, 2022) available at <https://english.ovdinfo.org/how-authorities-use-cameras-and-facial-recognition-against-protesters#2>

<sup>11</sup> Memorial Human Rights Centre, “Political prisoners and political repression in Russia in 2021,”

<https://memopzk.org/wp-content/uploads/2022/11/04-political-prisoners-and-political-repression-in-russia-in-2021.pdf> at 12

<sup>12</sup> Memorial Human Rights Centre, “Political prisoners and political repression in Russia in 2021,”

<https://memopzk.org/wp-content/uploads/2022/11/04-political-prisoners-and-political-repression-in-russia-in-2021.pdf> at 14

<sup>13</sup> Aug 2022 NGO Report, at para 112.

- <sup>14</sup> Russian Federation: Political protests and dissidence in the context of the Ukraine invasion, Austrian Red Cross/ACCORD, May 2022, *available at* [https://www.ecoi.net/en/file/local/2073690/ACCORD-2022-05-Russian\\_Federation\\_Protesters\\_and\\_Dissidents.pdf](https://www.ecoi.net/en/file/local/2073690/ACCORD-2022-05-Russian_Federation_Protesters_and_Dissidents.pdf)
- <sup>15</sup> OVD-Info documented 19,428 detentions for anti-war stances in Russia and Crimea. OVD-Info, Anti-War Repressions Summary. Nine Months of War | November 2022, English site *available at* <https://english.ovdinfo.org/anti-war-repressions-summary-nine-months-war#2> (last accessed Dec 30, 2022), hereinafter “OVD-Info Summary (Nov).”
- <sup>16</sup> BBC video available on YouTube here: [BBC video](#); *See also*, [MediaZona](#).
- <sup>17</sup> OVD-Info, Repressions in Russia in 2022, OVD-Info overview, *available at* <https://english.ovdinfo.org/repressions-russia-2022#3>.
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- <sup>19</sup> Article 207.3 (“Public dissemination of deliberately false information about the use of the Russian armed forces or government authorities’ activities outside Russia”) and Article 280.3 (“Repeat discreditation of the use of the Russian armed forces or government authorities’ activities outside Russia”).
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- <sup>25</sup> Aug 2022 coalition report to HRCtee at para 18
- <sup>26</sup> OVD-Info, The Moskalevs’ story, March 4, 2023, *available at* <https://en.ovdinfo.org/moskalevs-story>; OVD-Info, The father — to jail, his daughter — orphanage, January 3, 2023, *available at* <https://en.ovdinfo.org/father-jail-his-daughter-orphanage>.
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- <sup>32</sup> <https://www.washingtonpost.com/opinions/2023/04/10/vladimir-kara-murza-final-statement-court/>
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- <sup>34</sup> May 2022 NGO Report, at paras 17-18.
- <sup>35</sup> May 2022 NGO Report at para 17. *See also* para 2 (“from February 24 to May 5, ...more than 3,000 sites were subjected to ‘military censorship’” and, given this does not include websites blocked for other reasons, this number is “much more than in the same four months of 2021.”)
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- <sup>41</sup> <https://www.rferl.org/a/belarus-yanshina-memorial-ativist-repatriated-russia/32233614.html>

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