### Political Prisoners and Political Repression in Russia in 2024



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### Introduction

In 2024, the nature and scale of political repression in Russia were determined to a significant degree by the full-scale war against Ukraine, now ongoing for nearly three years, and the regime's desire for control over both Russian citizens and the inhabitants of Ukraine's occupied territories. Repression based on the criminal law became a key element in this control.



### 1.1. Assessment of the scale of repression in Russia in 2024

As of 31 December 2024, our lists of political prisoners included 803 individuals. This is an accurate estimate of only the lower limit of the level of repression. The lists do not reflect the real picture because of our limited resources, shortage of information for analysis, and the large numbers of politically motivated cases. The number of individuals imprisoned based on criminal cases that bear clear signs of political motivation and illegality is much greater.

As of 9 December 2024, OVD-Info, according to its methods, <u>counted</u> 1,407 such people, but even this number is obviously incomplete.

At the end of 2024, the project, **Political Prisoners Support. Memorial**, held data on <u>2,834 people</u>. This number includes both those already recognised as political prisoners and those whose imprisonment evidenced clear signs of political motivation and illegality. However, even this is far from everyone who suffered from the repression.

According to the <u>Centre for Civil Liberties</u>, Russia has detained at least 7,000 Ukrainian civilian hostages, and criminal cases have been opened against only a small portion of them. The remainder are being detained illegally not only in terms of international law but also from the standpoint of Russian law (see <u>Chapter 4.4</u>). Unfortunately, we do not know most of their names.

Ukrainian prisoners of war are not political prisoners merely because of their captivity. Interning prisoners of war is accepted practice under international law, although the conditions in which Ukrainian prisoners of war are being held in Russia wholly violate the standards laid down by international law. However, we already know of dozens of captives who have been prosecuted and are in Russian remand prisons and penal colonies. Those who have been charged for the very fact of participating in military actions are unquestionably political prisoners (see <u>Chapter 4.3</u>). Moreover, it cannot be said that those accused of war crimes, like the hundreds of Ukrainian civilians accused of espionage and terrorism (see <u>Chapters 4.1, 4.2</u>), are being prosecuted justifiably. Case materials in most instances are classified, and confessions given more than likely under torture cannot be trusted, nor can the Russian investigation and trial. Therefore, these individuals, too, can be considered imprisoned with clear signs of political motivation.

Since the onset of the full-scale war, at least 792 people have been <u>charged</u> with <u>treason</u>, <u>espionage</u>, and <u>collusion with foreigners</u> (see <u>Chapter 3.6</u>). In 2024, at least 359 of these were sentenced to terms of imprisonment under these laws. In most instances, we know nothing about their cases, but there are substantial reasons for assuming political motivation and illegality in their regard.

According to our data, at least 168 individuals<sup>[1]</sup> have been imprisoned on charges of sabotage (see <u>Chapter 3.5</u>). Most often, the details of these cases are unknown as well. The numbers of those prosecuted on charges of terrorism are even higher, although Russian law enforcement agencies interpret this concept arbitrarily and broadly. In many instances, there is very little if any information at all on the cases.

<sup>&</sup>lt;sup>1</sup> Henceforth, statistics cited are as of 31 December 2024, unless otherwise stated.

Thousands of serving and mobilised soldiers have been charged under the criminal law for evading military service in wartime (see <u>Chapter 3.7</u>). In most instances, we do not know the motives of those charged, nor the punishments given them, nor whether they were ultimately imprisoned or sent off to war. It is indisputable, though, that if not for the war, they would not have been subjected to criminal prosecution.

These are only the largest and most obvious categories of victims of politically motivated imprisonment that have precipitated out of the usual statistics.

Summing up, we can say that in 2024, in Russia and the occupied territories of Ukraine, the total number of people whose imprisonment bears clear signs of political motivation and illegality was at least 10,000.

### 1.2. Lists of political prisoners in 2024: their composition and dynamics

Memorial has been keeping lists of Russian political prisoners since 2009. In adding individuals to the lists, we draw on the <u>Definition of a Political Prisoner</u> developed by human rights activists from a number of countries on the basis of the corresponding resolution of the Parliamentary Association of the Council of Europe [PACE].

Over the course of 2024, the number of people on the political prisoner lists that the project, **Political Prisoners Support. Memorial**, has continued to maintain since Memorial was closed down in Russia has increased from 636 to 803.

	As of 31.12.2021	As of 31.12.2022	As of 31.12.2023	As of 31.12.2024	Added in 2024	Removed in 2024
Total political prisoners	426	513	636	803	299	132
Comprehensive list	83	122	213	386	247	74
Religious list	343	391	423	417	52	58

#### Table 1. Increase in Memorial's political prisoner lists over the last four years

Source: Political Prisoners Support. Memorial

In 2024, 247 people (203 men and 43 women), of whom only about a third - 80 - were imprisoned in 2024, were added to the comprehensive list of political prisoners. 188 people (76%) recognised as political prisoners in 2024 are being prosecuted over Russia's full-scale war against Ukraine (65 of them are citizens of Ukraine, 12 are natives of Crimea, and at least five were born or have relatives in Ukraine). At least 14 new political prisoners were imprisoned and added to the list based on accusations of being connected to Aleksei Navalny-related structures. Appearing on the list was one other person sentenced to life imprisonment.

As of the end of 2024, there were 44 women on the comprehensive list of political prisoners. Despite the fact that the percentages of women and men did not change very much over three years (in 2022, 9.84% women; in 2023, 11.7%; in 2024, 11.4%), their number did grow in proportion to the list and in the last three years increased multifold: there were 11 women on the list at the end of 2022; at the end of 2023 there were already 26; and at the end of 2024, 44. As a result of two exchanges, 18 women recognised as political prisoners were released, six of them having been given sentences of from five to nine and a half years' in a penal colony, and the 12 others (Ukrainian war prisoners) threatened with even harsher sentences.

The articles of the Criminal Code of the Russian Federation [**CC RF**] under which political prisoners are most often prosecuted, based on data as of 31 December 2024 are:

- Art.207.3 CC RF (dissemination of information known to be false about the Russian army) 71 individuals;
- Art. 205.2 CC RF (calls to engage in terrorism or justification of terrorism) 54 individuals;
- Art. 205.5 CC RF (organisation of and participation in the activity of a terrorist organisation) – 36 individuals;
- Art. 205.3 CC RF (training for the purpose of conducting terrorist activity) 31 individuals;
- Art. 278 CC RF (violent seizure or violent retention of power) 28 individuals;
- Art. 282.1 CC RF (organisation of and participation in an extremist group) 27 individuals;
- Art. 205 CC RF (terrorist act) 27 individuals;
- Art. 208 CC RF (participation in an illegal armed group) 24 individuals;
- Art.280.3 CC RF (discreditation of the use of the Russian armed forces) a total of 23 individuals;
- Art. 275 and Art. 275.1 CC RF (treason and collusion with foreigners) 21 individuals;
- Art. 282 CC RF (incitement of hatred or enmity) 20 individuals;
- Art. 280 CC RF (calls to engage in extremism) 16 individuals;
- Art. 354.1 CC RF (rehabilitation of Nazism) 18 individuals;
- Art. 318 CC RF (use of violence against a representative of authority) 16 individuals;
- Art. 205.4 CC RF (organisation of and participation in a terrorist group) 15 individuals.

It should be noted that the project, **Political Prisoners Support. Memorial**, automatically includes on its general list political prisoners incarcerated under laws on 'fake news' about the military and 'discrediting' the army, as well as those accused under extremist laws for their connection to structures related to Aleksei Navalny. In all remaining instances, inclusion is preceded by an extended process of selection and study of information by the project's staff on the specific case and, after the dossier on the case is ready, by study and approval by the project's Council.

In 2024, 74 individuals were removed from the comprehensive list: 26 (16 citizens of Ukraine and 10 citizens of Russia) had been released as the result of a prisoner exchange (see <u>Chapter 2.3</u>); 43 individuals had served out their sentence, been sentenced to fines or a suspended sentence, or were paroled, or were released from pre-trial detention pending trial; four individuals died; and one more went to war against Ukraine and died there.

As of 31 December 2024, there were 417 individuals on the list of political prisoners prosecuted for their religious convictions. Over the preceding year, 47 Jehovah's Witnesses and five others imprisoned for their religion were added. This list, unlike the basic one, shortened a little over the previous year; however, as before, the main groups included were those charged under terrorist laws for alleged participation in Hizb-ut-Tahrir (229 individuals) and Jehovah's Witnesses prosecuted under extremist laws (159 individuals). In 2024, 58 individuals were removed from the religious list.

We note that in January 2024, Hizb-ut-Tahrir was <u>designated</u> a terrorist organisation in Great Britain. Home Secretary Cleverly, who introduced the resolution on the designation in Parliament, called Hizb-ut-Tahrir an anti-Semitic organisation that actively encouraged and spread terrorist propaganda. British officials cited the fact that after the attack by the Hamas terrorist group against Israel on 7 October 2023, a report appeared on the Hizb-ut-Tahrir website in which Hamas participants were called heroes and Hizb-ut-Tahrir supporters celebrated and praised the attacks on Israel. These developments caused us to temporarily stop including those imprisoned on charges of participation in Hizb-ut-Tahrir on the political prisoner lists and to conduct additional analysis of the prosecutions in these cases. Main events and trends in political repression in 2024



### 2.1. Aleksei Navalny's murder in a penal colony

On 16 February 2024, Russia's Federal Penitentiary System Administration for Yamalo-Nenets Autonomous region <u>reported</u> the death of opposition leader <u>Aleksei Navalny</u>. He died in Polar Wolf Penal Colony No. 3, in the settlement of Kharp, where he had been transported in late 2023. Since the moment of his return to Russia in 2021, Navalny had been held in intolerable conditions of custody for three years. We consider what happened to him to be premeditated murder.

#### 2.1.1. The prehistory of the prosecutions of Aleksei Navalny for public and political activity

Aleksei Navalny became popular in the early 2000s as an organiser of political debates, a blogger, and the author of investigations into corruption and embezzlement in Russian state-owned companies. In 2011, he founded the Anti-Corruption Foundation, which the Russian regime subsequently designated an 'extremist organisation.' When he became a leader of the Russian opposition, Navalny began to be systematically persecuted by the Russian regime. Pressure also began to be applied to his relatives and colleagues and to other individuals who supported the activities of the Anti-Corruption.

In 2013, Navalny participated in the Moscow mayoral elections and took second place, receiving 27.24% of the votes, according to official data. In 2018, he ran for Russian president and created a network of regional headquarters within the framework of his campaign. He was barred from the elections — formally because of his previous conviction in the Kirovles case<sup>[1]</sup>.

On 20 August 2020, an attempt was made on Aleksei Navalny's life when he was poisoned with a Novichok-class neuroparalytic substance as he was flying from Tomsk to Moscow. After Navalny fell into a coma, he was taken to Charité, a German clinic, where he underwent several months of treatment and rehabilitation. As the result of a joint investigation, *The Insider*, Bellingcat, CNN, and Der Spiegel <u>concluded</u> that FSB agents had been involved in the attempt on the opposition leader's life and named those agents.

<sup>&</sup>lt;sup>1</sup> The Kirovles case was opened against Aleksei Navalny and his colleague Petr Ofitserov in May 2011. In April 2012 it was closed, but after the events on Bolotnaya Square in May of that year the prosecution was revived. Navalny and Ofitserov were accused of stealing 10,000 cubic metres of timber belonging to Kirovles. The accusation was based on statements by Kirovles's former director, Vyacheslav Opalev, whose firing had been brought about by Navalny. In June 2013, Navalny was sentenced to serve five years and Ofitserov to serve four years, both in a general regime penal colony. Both were taken into custody, but the next day were released on their own recognizance until the case's hearing by the appellate court. In October 2013, Navalny and Ofitserov were given suspended sentences of five and four years, respectively.

On 17 January 2021, Navalny returned to Russia where he was detained at Moscow's Sheremetyevo airport and the next day was taken into custody. This provoked a wave of protests all over Russia. Navalny was accused of failing to carry out the requirements stemming from his suspended sentence in the Yves Rocher case<sup>[2]</sup>, according to which he was supposed to report twice a month to an office of the Federal Penitentiary Service. Meanwhile, for the last five months of the probation period in the case, which ended in December 2020, Navalny had had to be in Germany and could not report to the Federal Penitentiary Service office. In early February 2021, Moscow's Simonovsky district court changed his suspended sentence to real time, assigning him, taking into consideration time spent under house arrest, to two years and eight months in a general regime penal colony. In addition, in February 2021, Moscow's Babushkinsky district court fined Navalny 850,000 roubles in an absurd case involving 'slander of a veteran.'<sup>[3]</sup>

In June 2021, Moscow City Court <u>designated</u> Navalny's Anti-Corruption Foundation and political headquarters 'extremist' and banned them from Russian territory. As a result, the opposition leader himself and many of his colleagues became defendants in criminal prosecutions for involvement in an 'extremist group.'

In March 2022, Navalny was sentenced to nine years in a strict regime penal colony in a no less absurd fraud case<sup>[4]</sup>. Moscow's Lefortovsky district court <u>ruled</u> that he had spent donations to the Anti-Corruption Foundation on his personal needs.

In August 2023, Moscow City Court <u>found</u> Navalny guilty of creating an extremist group (the Anti-Corruption Foundation)<sup>[5]</sup>. Taken together with his previous sentences, Navalny was sentenced to 19 years in a special regime penal colony and also a fine of 500,000 roubles, three years' probation, and a 10-year ban on publishing on the internet after his release.

<sup>&</sup>lt;sup>2</sup> The Yves Rocher case was opened in 2012 against brothers Aleksei and Oleg Navalny. Oleg Navalny was charged with having, while an employee of Pochta Rossii, convinced Yves Rocher East and the Mnogoprofilnaya Processing Company (MPK) – Pochta Rossii clients – to use the services of his private company OAO Main Subscription Agency in delivering shipments. The investigative authorities considered the profit he received while conducting this business to be stolen money. According to the investigative authorities, Aleksei Navalny's guilt consisted in the fact that he had registered the Mnogoprofilnaya Processing Company in his own name. The court ignored the fact that Yves Rocher East and MPK had used those services voluntarily, had brought no claims, and had renewed their contracts because they found them advantageous for their business. In 2014, Oleg Navalny was sentence to three years and six months' imprisonment, was taken into custody in the courtroom, and served his punishment in full in a general regime penal colony; Aleksei Navalny was given a suspended sentence of three years and six months with a five-year probationary period. In 2017 the probationary period was extended after administrative sanctions were imposed on the opposition leader for his participation in a rally.

<sup>&</sup>lt;sup>3</sup> Judge Vera Akimova ruled Navalny had slandered Ignat Artemenko, a 94-year-old participant in the Great Patriotic War who had been filmed in a propaganda video supporting the passage of amendments to the Constitution. Navalny called the participants in this video 'venal sycophants,' 'a disgrace to the country,' and 'traitors.'

<sup>&</sup>lt;sup>4</sup> Navalny was convicted under **Art.159**, **Part 4**, **CC RF** ('major fraud'). The politician was accused of allegedly spending more than 356m roubles donated to the Anti-Corruption Foundation for 'the acquisition of personal property and items of material value and payment of expenses (including foreign leisure travel).'

<sup>&</sup>lt;sup>5</sup> The opposition leader was accused of forming an extremist group using his official position (Art. 282.1, Part 3, CC RF), financing extremism using his official position (Art. 282.3, Part 2, CC RF), forming a nonprofit organisation that infringes on the individual and rights of citizens (Art. 239, Part 2, CC RF), public calls to engage in extremism (Art. 280, Part 1, CC RF), public desecration of symbols of military glory (Art. 354.1, Part 3, CC RF), and involving minors in illegal activity (Art. 151.2, Part 2, CC RF). Daniel Kholodny, technical director of the Navalny LIVE YouTube channel, was convicted in this case and sentenced to eight years in a general regime penal colony.

In December 2023, Navalny was <u>informed</u> that cases had been opened against him for vandalism for motives of political hatred (**Art.214**, **Part 2**, **CC RF**). The impetus for this is not known. This case <u>was</u> the fourteenth opened against the opposition leader.

#### 2.1.2. Increased pressure on Aleksei Navalny

In March 2021, Aleksei Navalny was transported to Penal Colony No. 2 in Pokrov, Vladimir region. There he was subjected to constant psychological and physical <u>pressure</u> from penal colony staff and prisoners collaborating with them. His cellmates were required to watch the opposition leader and forbidden to associate with him, and for a long time institution staff would <u>wake</u> Navalny up in the night, not letting him sleep.

In addition, using a hidden camera, the institution's administration <u>recorded</u> video and audio of all the opposition leader's meetings with his lawyers, which by law are supposed to be confidential.

The opposition leader's health deteriorated in the penal colony. The pains in his back and leg became more acute, but he did not receive the necessary medical assistance. In late March 2021, Navalny <u>declared</u> a hunger strike, demanding that independent doctors be allowed to examine him. He maintained the strike for 23 days, in which time he lost 15 kilos. Ultimately, civilian doctors were <u>allowed</u> to see him.

In June 2022, the opposition leader was <u>transported</u> to strict regime Penal Colony No. 6 in Melekhovo, Vladimir region. On 15 August, he was <u>sent</u> to a punishment cell for the first time. After that, Navalny was basically never let out of the punishment cell. He spent a total of approximately 300 days in the cell's torturous conditions. The opposition leader was sent to the punishment cell <u>27 times</u>. The reasons given were <u>refusal</u> to wash the fence, <u>addressing</u> a guard by his first name without patronymic, an unbuttoned top <u>button</u> on his uniform, <u>utterance</u> of the word 'fuck' in conversation with a cellmate, and also <u>introducing himself</u> incorrectly. Navalny was put in a punishment cell even when he had a high temperature. As a result of being constantly in the punishment cell, Navalny's back pain was <u>exacerbated</u>, and his vision <u>deteriorated</u>.

In September 2022, the opposition leader was <u>transferred</u> to strict detention conditions; after that he was held in a locked cell rather than a barracks. In November of the same year, Navalny was <u>placed</u> for a year in a single-space facility (EPKT), that is, a prison inside the penal colony for malignant offenders. As a result, he was also deprived of the possibility of extended visits with his family. However, even before being put in the EPKT, Navalny had been denied visits and been restricted in his communication with relatives by both <u>telephone</u> and <u>correspondence</u>.

Furthermore, penal colony personnel used <u>physical force</u> against Navalny, <u>put a person</u> with serious hygiene problems in his cell with him, <u>destroyed food</u> purchased for Navalny right in front of him, and <u>failed to issue</u> him winter footwear. In autumn 2024, <u>Meduza published</u> correspondence from Penal Colony No. 6 staff implying that they were purposely creating intolerable conditions for the opposition leader. Navalny submitted several dozen complaints to the institution's directors, but they were all <u>rejected</u>. On 11 December 2023, the politician <u>went missing</u> from Penal Colony No. 6 in Melekhovo, and on 25 December he was found to be in Polar Wolf Penal Colony No. 3 in Kharp, Yamalo-Nenet autonomous region. This colony is above the Arctic Circle and difficult to reach<sup>[6]</sup>.

Former prisoners <u>told</u> journalists that they were systematically tortured at Polar Wolf. According to one of them, a prisoner died at the facility in 2022 because of the abuse<sup>[7]</sup>.

In Kharp, as in Penal Colony No. 6 in Melekhovo, Navalny was kept in a single-space facility. On 9 January 2024, he was put in a <u>punishment</u> cell at that penal colony for the first time — for a week. Once again, the reason was that he had 'introduced himself incorrectly.' At the time of his death, the opposition leader <u>had been put</u> in a punishment cell for the fourth time in Kharp and the twenty-seventh time since he had been imprisoned.

## 2.1.3. Circumstances of death and funeral of Aleksei Navalny

On 12 February, Navalny was permitted to meet with his mother. After her visit with her son, Liudmila Navalnaya <u>wrote</u> that he had been '*cheerful and bubbling with life*.' On 15 February, the opposition leader <u>took part</u> in a session of the Vladimir Regional Court by video link and spoke vigorously.

The next day, 16 February, Russia's Federal Penitentiary Service administration for Yamalo-Nenet autonomous region <u>disseminated</u> the report of Aleksei Navalny's death at Polar Wolf Penal Colony No. 3. It said that the politician had felt unwell during his walk and lost consciousness 'almost *immediately*.' The emergency crew that arrived took 'all essential measures to revive him,' but they were not effective. As a result, doctors pronounced Navalny dead at 14:17 local time, the announcement said. The report of the opposition leader's death appeared in the media only at 14:20 Moscow time, two hours after his supposed time of death.

*Mediazona* journalists <u>studied</u> the recordings from the web cameras on the one above-ground road leading from Kharp and came to the conclusion that on the night before 17 February, shortly before Navalny's mother arrived in the colony after the report of his death, a convoy of the Federal Penitentiary Service took the opposition leader's body from the facility. When Liudmila Navalnaya arrived at the penal colony, she was <u>issued</u> a certificate which said that her son had died on 16 February at 14:17 local time. The document also indicated that Navalny's body had been collected by Investigative Committee investigators in order to conduct certain 'examinations.'

Over the following week, law enforcement officials refused not only to surrender but even to <u>show</u> Liudmila Navalnaya Aleksei's body. She <u>was not able</u> to gain access to the Salekhard

<sup>&</sup>lt;sup>6</sup> You can travel from Moscow to Kharp by rail in approximately two full days, or else take a plane as far as Salekhard and continue on across the Ob River – over ice in winter, by ferry in summer, or by helicopter between seasons.

<sup>&</sup>lt;sup>7</sup> A former prisoner told the magazine *Kholod* about the death in July 2022 of another prisoner, Bakhrombek Sharifov, at Polar Wolf Penal Colony No. 3 because of torture.

morgue until 22 February. There she was finally shown the body and also issued the medical report about his death, which referred to the 'natural' causes of her son's death. Meanwhile, Investigator Aleksandr Voropaev tried to intimidate Liudmila Navalnaya and threatened her to make her agree to a secret funeral without a public ceremony.

In this framework, there arose public demands that law enforcement authorities release Navalny's body to his relatives. Video appeals in this vein were <u>recorded</u> by several dozen well-known musicians, actors, activists, businessmen, and journalists. More than 90,000 people sent appeals to the Investigative Committee demanding that Navalny's body be released to his relatives.

As a result, on 24 February, Aleksei Navalny's body was finally <u>turned over</u> to his mother. The family decided to bury the opposition leader at the Borisovskoe cemetery in Moscow.

The opposition leader's associates were unable to find a hall in which to hold a farewell ceremony because all the funeral companies <u>refused</u> to cooperate with them. People close to Navalny also had trouble getting his body moved from the morgue to the church for the funeral and then to the cemetery because funeral companies also <u>refused</u> to offer Navalny's family a hearse.

Eventually, the politician's funeral took place in Moscow on 1 March 2024. His funeral was held at the Church of the Icon of the Mother of God in Maryino, after which his body was taken to the Borisovskoe cemetery. According to <u>estimates</u> by the White Counter project, 16,500 people came to bid farewell to Aleksei Navalny that day.

#### 2.1.4. Possible causes of death

In July 2024, the Investigative Committee <u>refused</u> to open a criminal investigation into the opposition leader's death<sup>[8]</sup>. The decision on the refusal to open a case described, among other things, a version of what happened to Navalny on 16 February 2024.

According to Investigator Aleksandr Varapaev, Navalny 'experienced a dramatic deterioration in his health' during his walk. At the time, the staff on duty took Navalny to Section No. 4 of the EPKT. There the opposition leader's condition worsened even more drastically, 'about which A. V. Lisiuk, head of Medical Unit No. 7 at Russia's Federal Health Agency Clinic No. 11 of the Federal Penitentiary Service, was informed.' Lisiuk summoned the emergency team and then, together with physiatrist Dr. R. A. Vergelis, 'performed resuscitation procedures' on Navalny. When the emergency doctors arrived, they pronounced the politician dead.

The statement also said that Navalny died because of 'a combination of diseases: high blood pressure with vascular and organ damage and diffuse myocardial fibrosis, complicated by the development of brain edema, ventricular fibrillation, and pulmonary edema.' Cardiologist Aleksei Erlikh, who had followed Navalny's condition during his 2021 hunger strike, <u>called</u> this formulation a 'flight of fantasy,' and critical care physician Aleksandr Polupan, who took part in saving Aleksei Navalny's life in Omsk after his poisoning with Novichok, called it a <u>lie</u>.

<sup>&</sup>lt;sup>8</sup> A month later, in August 2024, the Prosecutor's Office of the Yamalo-Nenets autonomous region <u>designated</u> the Investigative Committee's order refusing to open a criminal case illegal and sent the materials to the Investigative Committee for the Yamalo-Nenet autonomous region.

According to Yulia Navalnaya, the opposition leader's widow, the statement's author, Investigator Aleksandr Varapaev, hid what in fact happened to her husband on 16 February 2024. 'We know very well that when Aleksei began to feel unwell he was taken not to the infirmary but back to his punishment cell. That he died there, alone. That he was already unconscious when they took him to the infirmary. That in the last minutes before his death he complained of a sharp pain in his stomach,' Navalnaya said.

Later, The Insider journalists reported they had <u>obtained</u> access to an earlier version of the refusal to open a case. The publication asserts that originally the text spoke about how, after returning from his walk, Navalny 'lay down on the floor, after which he began to complain of acute abdominal pain, he began to have reflex ejection of his stomach contents, convulsions began, and he lost consciousness, which was immediately reported to the correctional institution's medical workers.' Later, this part of the text disappeared from the published document, the journalists noted. The Insider also obtained access to a list of 'items taken from Navalny,' among which were 'samples of vomit.'

In a conversation with the publication, critical care physician Aleksandr Polupan noted that the symptoms described in the document's original version speak to the opposition leader's poisoning: 'The official cause of death—cardiac arrhythmia—could in no way explain the symptoms we see in the statement: acute abdominal pain, vomiting, and convulsions. Symptoms like this can hardly be explained by anything other than poisoning. The brief interval between the abdominal pain and the convulsions speaks in favour of this possibly being, for example, an organophosphorus substance (Novichok belongs to this class of substances as well), only as a result of internal rather than dermal administration.'

Soon after the news of Aleksei Navalny's death, his team reported that there had been moves to exchange the opposition leader for Russian agents imprisoned in the United States. According to the head of the Anti-Corruption Foundation, <u>Maria Pevchikh</u>, 24 hours before the politician's death, his colleagues had received confirmation that the agreement was in its final stages.

A month after Navalny's death, this information was <u>confirmed</u> by Vladimir Putin. 'By the way, I will tell you something that will surprise you. A few days before Mr. Navalny departed from this life, several colleagues, not administration officials, told me that there was an idea of exchanging Mr. Navalny for people who were in prison in Western countries. You can believe me or not. Before the person talking to me could finish his sentence, I said, "I agree". Unfortunately, though, what happened, happened,' he said at a press conference.

Aleksei Navalny's relatives, colleagues, and supporters, as well as many Western politicians, including former U. S. President Joe Biden, said Vladimir Putin was responsible for the opposition leader's death. The project, **Political Prisoners Support. Memorial**, also considers what happened to be premeditated murder, responsibility for which rests with Vladimir Putin, his close advisors, and the crime's immediate perpetrators.

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Even after his death, Aleksei Navalny remains on the list of terrorists and extremists, to which he was added in the winter of 2022. At Rosfinmonitoring [the Federal Agency for Financial Monitoring], journalists were <u>told</u> that there was no reason to remove him from the list. The Russian state is actively prosecuting anyone connected in any way with the opposition leader and the Anti-Corruption Foundation. The repression has even affected the priests who <u>planned</u> to conduct or <u>did conduct</u> the funeral for him, as well as the physicians who publicly <u>demanded</u> that his death be investigated. Dozens of criminal cases have been opened against the opposition leader's colleagues, and Navalny's widow Yulia has been arrested in absentia for 'participation in an extremist group.' Journalists are being held on remand for reporting on the activities of the Anti-Corruption Foundation, as are dozens of activists and ordinary people who sent the Anti-Corruption Foundation money. Even the lawyers who rendered Navalny professional services have been designated members of an 'extremist group' (for more about prosecutions in cases involving participation in organisations related to Aleksei Navalny, see <u>Chapter 3.8</u>).

### 2.2. Deaths of other political prisoners and murders in custody

Aleksei Navalny's death in early 2024 stunned Russian society and provoked outrage all over the world. However, his death was no exception. On the contrary, in that year a terrible trend became evident: more and more people imprisoned for political reasons died in captivity. Simultaneously, the regular murders of individuals suspected primarily of committing terroristic and sabotage-related crimes continued.

## 2.2.1. Creation of a list of deceased victims of political repression

After the tragic <u>death</u> in a Birobidzhan remand prison of pianist *Pavel Kushnir*, who had declared a hunger strike in protest against the fabrication of his criminal case, we began to keep <u>a list of victims of the current political repression who have died in captivity</u>. This decision came out of the necessity of perpetuating the memory of political prisoners and other victims of politically motivated imprisonment; moreover, the list became especially relevant as the number of deaths rose over the course of the year.

Of course, this list did not include all victims of repression who died at the hands of the Russian state. During the second half of 2024, our project added those individuals who died in prison (or because of this imprisonment, but soon after release), and also:

- either had been included on <u>our lists</u> during their lifetime,
- or their prosecution bore very probable signs of political motivation and a serious violation of the law.

At the same time, we think it important to remember that there are entire categories of victims of Russia's leadership who we could not include on our list for various reasons.

First, those who died in places of detention for people who were arrested and prisoners of war during armed conflicts inside Russia and outside its borders since 1992, including:

- Ukrainian prisoners of war<sup>[9]</sup>; including <u>53 captives</u> who died on the night of 28-29 July 2022 in a penal colony in Elenovka (Olenivka) as the result of an explosion. The Russian authorities asserted that the barracks were destroyed by a HIMARS<sup>[10]</sup> strike from the Ukrainian side; based on the results of its investigation, the UN <u>deemed</u> this version without merit. Overall, as the Media Initiative for Human Rights, citing the Coordinating Headquarters on Treatment of Prisoners of War, <u>reported</u>, by the end of 2024 one could speak of the death in Russian captivity of no fewer than 184 citizens of Ukraine, including 169 prisoners of war and 15 civilian captives.
- Victims of violent disappearances. Human rights activists estimate the number of such victims in the North Caucasus alone at 8,000 (you can learn about the fate of 332 of them on the <u>Memory Project</u> website). Some of them were recognised as political prisoners while alive.

Also not on our list are individuals at liberty who have been victims of political murders concerning which there are serious grounds to suspect state involvement. Nor did we include individuals who died as a result of human rights violations in places of detention if there was no obvious political motive in their criminal cases.

Separately, we believe it important to mention those suspected of violating Russian criminal legislation who died in custody. There is more detail about them in the last part of this chapter (see <u>Chapter 2.2.3</u>).

Even considering the above exceptions, the new list included 35 individuals. Of those included, two died before 2010 (Sergei Magnitsky and Rim Shaigalimov in 2009), and from 2010 to 2019 the same number died (Vasily Aleksanyan in 2011 and Evgeny Afanasiev in 2015); however, since 2020 victims of politically motivated prosecutions began to die in places of detention, or immediately after their release, much more often:

- 2020 5 individuals;
- 2021 1 individual;
- 2022 4 individuals;
- 2023 7 individuals; the Ukrainian <u>Viktor Demchenko</u> died on 31 December 2023, but his death became known only a month and a half later;
- 2024 17 individuals.

If in 2020 the death of three of the five victims of political repression on our list could be explained by the coronavirus epidemic, then what has been happening in recent years in places of

<sup>&</sup>lt;sup>9</sup> This refers to prisoners of war, who are not subject to criminal prosecution. If an unjustified criminal prosecution takes place, then in the event of the person's death, we include them specifically on the list of deceased victims of current political repression.

<sup>&</sup>lt;sup>10</sup> High Mobility Artillery Rocket System.

detention has clearly had other causes. We believe that these deaths are primarily connected with the sharp increase in the number of people imprisoned for political motives since 24 February 2022, especially citizens of Ukraine. However, we can mention other factors, too:

- an increase in the duration of terms of imprisonment;
- the increasing frequency with which persons subject to politically motivated prosecutions are remanded in custody, including those seriously ill;
- the absence of effective public oversight over places of detention since the definitive purges of the Public Oversight Commission and the Presidential Human Rights Council, the rout of independent media and human rights institutions, and the refusal to carry out the decisions of the European Court of Human Rights;
- the general political course, which is utterly hostile to the idea of human rights and the humane treatment of incarcerated people;
- the likely deterioration in the quality of medical assistance in places of detention, which had already aroused valid criticism.

At the same time, because of Russia's increased isolation from European states, we do not have statistical data that would allow us to talk about any change in mortality rates in places of detention in the 2020s. As the BBC <u>noted</u>, the last time Russia reported information about prisoner mortality to the Council of Europe, from which at the present time it is excluded, was for 2020. According to that information, 'in Russia in 2020, 2,400 of the 479,000 prisoners died behind bars... The mortality rate in Russia's prisons in 2020 was nearly twice that in the countries of the Council of Europe: 50.1 and 28.6 deaths per 10,000 prisoners, respectively.'

Russia's Federal Penitentiary Service <u>ceased</u> publishing monthly information on the number of prisoners in places of detention starting in November 2022, in the context of their mass recruitment for the war against Ukraine. As Anna Karetnikova, an analyst with our project, notes, the isolated statistics that have appeared since then basically have no significance for research and are chaotic in nature. We know the number of individuals in correctional penal colonies stabilised at approximately 250,000, but we cannot assess the rise or fall in mortality among them on the basis of information about <u>the rise in mortality</u> from cardiovascular diseases, for example, since there is no data on deaths for other reasons. Moreover, even this figure, published in the journal <u>Nauchnye trudy</u> [Scientific Works] of the Federal Research Institute of the Federal Penitentiary Service, is relative and based on an unknown number of prisoners actually held in places of detention.

#### 2.2.2. Deaths of victims of political repression: histories and causes

Of the 17 instances known to us of deaths of individuals prosecuted for political reasons in 2024, the probable cause of death is known for 14:

• Four probably committed suicide;

- Three died as the consequence of torture;
- One died in remand prison during a hunger strike;
- another four died presumably due to illness in penal colonies and remand prisons;
- another two Jehovah's Witnesses died because of their imprisonment but after their release.

The tragic death of Aleksei Navalny was described in detail in the preceding chapter (see <u>Chapter 2.1</u>), and described in the relevant chapters are the deaths of <u>Minniyar Baiguskarov</u> and <u>Rifat Dautov</u>, defendants in the Baimak protests case (see <u>Chapter 2.5</u>), as well as the death of <u>Andrei Kotov</u>, accused of organising tourist trips for LGTQ+ people, which the Federal Penitentiary Service pronounced a suicide (see <u>Chapter 2.4</u>). Here we briefly describe the deaths of the remaining 13 individuals who died in 2024.

On 5 April 2024, <u>Aleksandr Demidenko</u>, a volunteer who helped Ukrainian refugees, died in Belgorod Remand Prison No. 3. He had been accused of illegal possession of firearms (Art.222, Part1, CC RF), and, according to his defence, a case was being readied against him for treason (Art.275 CC RF). After his arrest on 1 November 2023, Demidenko was evidently tortured; bruises were found on his body after his death. The Federal Penitentiary Service stated he had committed suicide.

On 23 May 2024, <u>Tatiana Plachkova</u>, an entrepreneur from Melitopol, Zaporizhzhia region, Ukraine, died on remand. Her death certificate stated she had had pneumonia and pulmonary and cerebral edema. She and her husband had been detained by Russian law enforcement officers on the night of 25-26 September 2023 and taken into custody on a charge of espionage (Art. 276 CC RF).

On 10 June 2024, local resident <u>Aleksandr Perov</u> died in St. Petersburg's Mariinskaya Hospital under unknown circumstances. In 2023, he had set fire to the entrance of a military recruitment office at the direction of scammers. Originally, Perov had been charged with destroying property by means of arson (Art.167, Part2, CC RF), but later he was charged with a terrorist act (Art.205 CC RF).

The next day, 11 June 2024, <u>Igor Pokusin</u>, a seriously ill 63-year-old activist from Abakan, died. Even though he had had hip and knee replacements and metal hardware had been inserted in his ankle and a stent in his heart, he was accused of attempting to join the Ukrainian armed forces and fight in Ukrainian aviation against Russia. Pokusin was taken into custody on 8 December 2022 and sentenced to eight years and one month in a strict regime penal colony on a charge of preparing to commit treason (Art.30, Part1, Art.275 CC RF).

On 20 July 2024, <u>Kirill Buzmakov</u>, a defendant in a fabricated case against Stavropol bikers, who had been accused of preparing to commit a terrorist act (Art.30, Part1[a], Art.205, Part2, CC RF) and possession of a firearm (Art.222, Part1, CC RF), died. He had been seriously ill with a malignant tumour, which, according to other defendants in the case, had developed as the result of a broken jaw. The broken jaw, as Buzmakov told his 'accomplices,' was one of the consequences of the torture to which he had been subjected during his investigation. Buzmakov received no treatment in the remand prison where he was held from 8 October 2022 to 27 March 2024, when he was released and placed under house arrest. Later, he was operated on in a civilian hospital, but that did not lead to recovery.

On 22 July 2024, Aleksandr Ishchenko, one of those accused in the case of the 24 Azov regiment soldiers, died on remand. According to the official version, he died of natural causes. However, Azov deputy commander Svyatoslav Palamar published the <u>conclusion</u> of a Ukrainian forensic medical expert which stated that the cause of death was shock, numerous broken ribs, and a contusion of the ribcage that he incurred as a result of 'contact with a blunt object.'

On 27 July 2024, musician and writer <u>Pavel Kushnir</u> died during a hunger strike he had begun to protest against the fabricated criminal case against him for justification of terrorism (Art. 205.2, Part 2, CC RF). The grounds for opening the criminal <u>case</u> were clips on his YouTube channel, to which five people subscribed. Only after his death did human rights activists learn of this criminal case.

On 10 October 2024, we learned about the death in prison of Ukrainian journalist and human rights activist <u>Viktoria Roshchina</u>. According to the official version, she died on 19 September 2024 while she was being transported to Moscow from Remand Prison No. 2 in Taganrog, which is well known as a place of torture of Ukrainian citizens. Roshchina had disappeared after passing through Russian border control on 3 August 2023, while on a work trip during which she hoped to enter the occupied territory via Russia. Russian security bodies did not confirm Roshchina's detention until April 2024. We do not know whether a criminal case was opened against her. As of early March 2025, her body had not been returned to the Ukrainian authorities.

On 3 March 2025, journalists from the Ukrainian media Slidstvo.Info, Suspilne, and Grati, together with Reporters Without Borders, released an investigatory film, '<u>Vika's Last Assignment</u>'. In the film, a woman who had shared a cell with Roshchina for a while in the Taganrog remand prison said she had seen a knife wound and several weals on her body and had heard stories about the electroshock torture to which the journalist was subjected in Melitopol. Later, according to her former cellmate, Roshchina began refusing food, quickly lost weight, 'weighed less than 30 kilos,' and could not always move because of exhaustion.

In November 2024, we learned of the death of Jehovah's Witnesses <u>Viktor Lapitsky</u> and <u>Aleksandr</u> L<u>ubin</u> – Lapitsky while being held under house arrest, and Lubin a month after he was sentenced to a fine. We have reason to believe they died of illnesses exacerbated by the absence of medical care during their criminal investigation. In 2021, Lubin spent about a month and a half on remand, from which he was <u>released</u> under a ban on specific actions after an inquiry from the European Court of Human Rights. At that moment, the believer was 65 years old, had a significant disability and required continuous humidified oxygen, to which he did not have access in solitary confinement.

On 4 December 2024, after an exchange of bodies, we learned of the death of *Evgeny Matveev*, the mayor of Dniprorudne in Ukraine's Zaporizhzhia region, who had been detained on 13 March 2022 by Russian soldiers who had occupied the town. We do not know whether a criminal case was opened against him or on what grounds the Russian authorities held him. Before the body exchange there had been no information of any kind about him.

On 17 December 2024, environmentalist and human rights activist <u>Vladimir Kazantsev</u> died of cardiovascular disease in Penal Colony No. 11 in Chelyabinsk region. On 19 October 2022, he had been sentenced to four years in a general regime penal colony on a charge of major fraud (Art.159, Part 3, CC RF) and preparing to commit fraud on an especially large scale (Art. 30, Part 1, CC RF in conjunction with Art. 4 and Art.159 CC RF). Chelyabinsk activists and journalists asserted the political nature of his prosecution.

On 18 December 2024, <u>Roman Shvedov</u>, an anarchist from Rostov region, committed suicide five hours after he was sentenced to 16 years' imprisonment. He had been arrested on 30 September 2022 and accused of setting fire to the local government building in Zimovnikovsky district, Rostov region, which the investigative authorities classified as a terrorist act entailing significant damage (Art. 205, Part 2 [c], CC RF). We know that in March 2023 Shvedov was depressed and rejected assistance from human rights organisations, believing he could not be helped, and called on them to help other political prisoners.

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From early 2025 to mid-April, at least three victims of politically motivated prosecutions died while in places of detention: one before their likely arrest, one under house arrest, and one after their release.

On 10 February, we <u>learned</u> of the death in the Dimitrovgrad prison of 60-year-old Crimean Tatar **Rustem Virati**, who had been sentenced to eight years' imprisonment on a charge of belonging to the Noman Çelebicihan Battalion. According to the <u>head of the Mejlis of the Crimean Tatar</u> <u>people</u>, 'after his arrest, Rustem Virati was subjected to torture many times and was badly beaten.'

On 20 March, *Valery Bailo*, a 67-year-old Jehovah's Witness from Krasnodar region, died in hospital. The Jehovah's Witnesses' Legal Situation in Russia website <u>writes</u>: '...in the remand prison, the sole tooth he had for chewing food became inflamed. Prison food caused problems with his digestion, therefore he ate very little, mainly drank water.' The believer's lawyer, Sergei Yanovsky, also <u>spoke about</u> how his client suffered from acute abdominal pains, but the remand prison administration offered no help for more than six months. 'He seems to have died of inanition and starvation,' the lawyer suggested.

In addition, on 6 February in Petersburg, during a search, presumably in a case related to financing the Ukrainian armed forces, the bard *Vadim Stroikin* fell out of a window and <u>died</u>. Fontanka <u>wrote</u> that he went to the kitchen for a drink of water and committed suicide.

Also, on 10 January 2025, four months after his release, *Sergei Nevorotin*, a trainer from Bezhetsk, <u>died</u> of cancer in Tver region. Nevorotin had been sentenced to six years' penal colony on a charge of 'fake news' about the military (Art. 207.3, Part 2 [e], CC RF) and imprisoned from August 2023 to 4 September 2024, when he was released from punishment because he suffered from end-stage cancer.

On 2 April, we <u>learned</u> about the death of Ekaterinburger <u>Vasily Raskov</u>, who had been charged with treason (Art. 275 CC RF). Before this, on 20 February, he had been transferred from remand prison to house arrest in connection with his health. According to the investigative authorities, Raskov had <u>handed over</u> certain military-technical information to Ukraine's Security Service.

#### 2.2.3. 'Liquidation' of suspects and defendants at the time of arrest

In 2024, some of those whose prosecutions bore signs of illegality and political motivation died while being detained by law enforcement officers. We believe it is important to stipulate that without a detailed investigation we cannot say that the given detainees did not offer armed resistance or that during their arrest law enforcement officers violated current legislation.

Most of those assaulted by law enforcement officers at the time of arrest were suspected of terrorist acts and sabotage. The number of such people outside the North Caucasus, where it has traditionally been high since the 1990s, remains relatively small. The situation in the Caucasus is not being examined in this chapter because of the extreme difficulty of assessing the legality of the actions of law enforcement personnel given the desultory ongoing military conflict there. You can read in more detail about this conflict in the Memorial <u>bulletins</u>, which come out every three months.

Analogously, we cannot speak with the necessary accuracy and detail about the situation in the occupied territories of Ukraine or about the widespread extrajudicial executions there because of the shortage of information and the ongoing military actions. According to calculations by the independent media *Agentsvo*, since the beginning of the full-scale invasion, the FSB alone has killed no fewer than <u>four inhabitants of Ukraine</u> in custody in the occupied territories; moreover, this number does not include the deaths of local inhabitants during <u>armed clashes</u> or kidnappings and <u>extrajudicial executions</u> by Russian soldiers to which even individuals collaborating with the Russian authorities have been subjected.

According to Agentsvo, since February 2022, 12 individuals (including one citizen of Belarus) who were accused of sabotage and terrorist activities in support of Ukraine were killed while being detained by FSB officers: seven individuals in 2022, two in 2023, and three in 2024. In 2024, according to OVD-Info, at least four individuals in Russia and another in the occupied part of Ukraine's Zaporizhzhia region died while being detained. They had all been accused of preparing to carry out terrorist acts and collaborating with the Ukrainian special services. In one instance, law enforcement officers reported that the person they had been trying to detain was blown up by their own explosive device. The remaining suspects were shot allegedly upon rendering armed resistance to the special forces' soldiers. Their deaths are <u>described</u> in more detail in the OVD-Info report devoted to 'wartime repression' in 2024.

### 2.3. Prisoner exchanges

Prisoner exchanges were one <u>instrument</u> of interaction between Warsaw Pact countries, primarily the Soviet Union and GDR, and the countries of the West. For the Soviet Union and NATO countries, they were a way to obtain the <u>release</u> of especially valuable spies and other detainees, but sometimes they also included the release of political prisoners, moreover not only in the Soviet Union. An example of this kind of exchange was the release in 1976 of the Soviet dissident **Vladimir Bukovsky** in exchange for **Luis Corvalan**, the leader of the Chilean Communist Party, both of whom had been recognised as prisoners of conscience by Amnesty International.

For a long time after the end of the Cold War, the issue of prisoner exchanges between Russia and the countries of the West was considered to be a purely historical phenomenon. However, beginning in <u>2010</u>, these kinds of exchanges, which primarily affected people accused of espionage on both sides, as well as, probably, citizens of NATO countries who had been <u>illegally</u> <u>arrested</u>, became a regular occurrence. What was new in 2024 was that during these exchanges political prisoners were released who had Russian citizenship.

After the start of Russia's war against Ukraine in 2014, exchanges also took place between, on the one hand, Russia and the Donetsk People's Republic [DPR] and the Luhansk People's Republic [LPR] which were under its control, and Ukraine, on the other. The most famous of these exchanges was the <u>7 September 2019</u> exchange under the '35 for 35' formula. As a result of these kinds of exchanges and the release of prisoners of war and detained civilians, Ukraine returned <u>3,459 people</u> in the years 2014-2021.

After the start of the full-scale invasion on 24 February 2022, the number of Ukrainians who fell directly into Russian captivity or were arrested by occupation authorities rose sharply; also, the Ukrainian army actively captured Russian soldiers. The first exchange of war prisoners took place five days later, on <u>1 March 2022</u>, and by the end of March 2022 they had become regular and <u>organised</u> in nature.

## 2.3.1 The 1 August 2024 prisoner exchange between Russia and Western countries

In late July 2024, news began to appear from various regions about the disappearance of wellknown political prisoners or their sudden transport. While this aroused great public attention, many political prisoner support groups were not sharing information about what was happening and were demonstrating surprising passivity. On 1 August 2024, it became clear that this was related to a major prisoner exchange. Not included in this exchange was *Aleksei Navalny*, who had died on 16 February 2024, and whose release had been under discussion since January 2022. According to <u>several media outlets</u>, Navalny's release had been largely agreed upon by the middle of February 2024, along with that of such prominent political prisoners as *Aleksei Gorinov* and *Ivan Safronov*.

The <u>15 individuals</u>, 10 of whom had been previously recognised as political prisoners by our project, released from Russian penal colonies as a result of the prisoner exchange involving Russia, Belarus, the United States, Germany, Poland, and Slovenia were:

1. <u>Vladimir Kara-Murza</u>, politician and journalist, sentenced to 25 years' imprisonment on charges of treason, dissemination of 'fake news' about the military, and participation in the activities of an 'undesirable' organisation.

- 2. <u>Alsu Kurmasheva</u>, a journalist sentenced to six years and six months of imprisonment on a charge of disseminating 'fake news' on the use of the Russian army for distributing a book, No War. 40 Stories of Russians Who Spoke Out Against the Invasion of Ukraine.
- 3. <u>Kevin Lik</u>, a high schooler at the time of his arrest, a citizen of Russia and Germany. Sentenced to four years in a penal colony on a fabricated charge of treason.
- 4. <u>Oleg Orlov</u>, human rights activist, cochair of Memorial, sentenced to two years and six months of imprisonment for publishing a translation of his antiwar and anti-Putin article on Facebook.
- 5. <u>Vadim Ostanin</u>, former deputy in the Biisk city duma, former coordinator of the Navalny headquarters in Barnaul. Sentenced to nine years' imprisonment on a charge of involvement in the 'extremist group' of Navalny supporters.
- 6. <u>Andrei Pivovarov</u>, politician, sentenced to four years in a penal colony on a charge of organising the activities of Open Russia.
- 7. <u>Aleksandra Skochilenko</u>, artist. Sentenced to seven years in a penal colony for replacing price tags in a store with antiwar flyers.
- 8. <u>Ksenia Fadeeva</u>, former deputy in the Tomsk city duma, former coordinator of Navalny headquarters in Tomsk. Sentenced to nine years' imprisonment on a charge of involvement in the 'extremist group' of Navalny supporters.
- 9. <u>Liliya Chanysheva</u>, former coordinator of Navalny headquarters in Ufa. Sentenced to nine years and six months of imprisonment in the same case.
- 10. <u>Ilya Yashin</u>, politician, sentenced to eight years and six months of imprisonment for a video on YouTube in which he talked about the mass murders of civilians in Bucha.

Released along with them were:

- 1. <u>Demuri (Dmitry) Voronin</u>, businessman, political scientist, citizen of Russia and Germany. In Russia, he was sentenced to 13 years and three months in a penal colony for treason. According to the prosecution, it was through him that journalist Ivan Safronov passed on 'secret' information; according to our assessment, he is innocent at least in terms of this episode.
- 2. <u>Evan Gershkovich</u>, journalist, U.S. citizen. In Russia, he had been sentenced to 16 years in a penal colony in an espionage case.
- 3. <u>German Moizhes</u>, citizen of Russia and Germany. Held on remand since May 2024 in a treason case.
- 4. <u>Paul Whelan</u>, former marine, U.S. citizen. In Russia, sentenced to 16 years in a penal colony in an espionage case.
- 5. <u>Patrick Schoebel</u>, citizen of Germany. Held on remand since February 2024 on a charge of drug trafficking. On inspection, Pulkovo airport staff discovered that he had a bag of marijuana gummies.

In <u>turn</u>, returned to Russia were not only four Russian secret service officers, one person accused of illegal military-industrial export from the United States to Russia and two defendants in a fraud case, but also <u>FSB hitman</u> *Vadim Krasikov*, who shot Zelimkhan Khangoshvili, a former Chechen field commander and officer in the Georgian special services, in Berlin on 23 August 2019.

The sixteenth person released within the framework of the exchange was German citizen **Rico Krieger**. In Belarus, he had been sentenced to death on six charges, among them commission of a terrorist act and the formation of an extremist group. Krieger was probably the victim of a provocation. Aleksandr Lukashenko pardoned Krieger on the eve of the exchange.

During this exchange not a single Belarusian political prisoner was formally released, even though Belarus's leadership was one of the participants in the exchange process. Meanwhile, since July 2024 there have been regular mass amnesties of political prisoners in that country, with 217 people <u>released</u> in 2024. We do not know whether the exchange was a factor in these pardons and we cannot rule that out. Another five citizens of Ukraine were released by Belarusian authorities as the result of another exchange, which will be discussed below (see <u>Chapter 2.3.2</u>).

## 2.3.2. Prisoner exchanges between Russia and Ukraine in 2024

In 2024, prisoner exchanges between Russia and Ukraine became more widespread than in the preceding two years (see Table 2). This is confirmed by data from <u>both</u> sides, which at the same time <u>diverge</u> in their assessments of the number released during the series of exchanges and, in fact, the number of exchanges. If data from the Russian Defence Ministry contains <u>information</u> on 30 exchanges, then the Ukrainian Coordinating Headquarters on the Treatment of Prisoners shows that by the end of 2024 there had been nearly twice as many -59.

Number of captives returned per year	To Ukraine	To Russia
2022	513	636
2023	122	213
2024	391	423
Total, 2022-2024	3956	2441

Table 2. Return	of Russian a	nd Ukrainian	captives.	2022-2024
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Source: Reports of the Ukrainian State Security Service of the Ministry of Defence and the Russian Ministry of Defence.

In and of themselves, these exchanges, like the <u>return</u> of Ukrainian children taken to Russian territory, the exchanges of the <u>bodies of dead soldiers</u>, and Russia's handover of Ukrainian citizens – such as <u>Metropolitan</u> *Ionafan* of the Ukrainian Orthodox Church of the Moscow Patriarchate and the pro-Russian <u>politician</u> *Viktor Medvedchuk* – for the most part fall outside the framework of our report. However, we must note that in 2024 the inclusion on the exchange lists of Ukrainian citizens who had become defendants in politically motivated criminal cases in Russia and the occupied territories became systemic. As a result, in 2024, the Russian authorities released 16 Ukrainian citizens whom our project has recognised as political prisoners.

On 28 June 2024, five citizens of Ukraine were released from Russian places of detention (including some in occupied Ukrainian territories) and five from Belarusian places of detention. Among them were Nariman Dzhelyal, vice-chair of the Mejlis of the Crimean Tatar people, who had been sentenced to 17 years in a strict regime penal colony on a fabricated <u>charge of sabotage</u> against a gas pipeline in Crimea. As Ukrainian President Volodymyr Zelenskyy noted, the nine remaining released Ukrainians were 'Olena Pekh and <u>Valeriy Matyushenko</u> – civilians who had been held captive since 2017-2018. <u>Bohdan Geleta</u> and <u>Ivan Levitsky</u> – priests in the Ukrainian Greek-Catholic church who were seized in Berdyansk for resisting the occupiers. Five other civilians who were seized on the territory of Belarus and imprisoned: <u>Nikolai Shvets</u>, <u>Natalya Zakharenko</u>. <u>Pavel Kuprienko</u>, <u>Liudmila Goncharenko</u>, and <u>Ekaterina Bryukhanova</u>' (cited from a <u>translation</u> into Russian by Current Time with references to its materials about those released).

On 13 September 2024, 49 Ukrainian citizens, including 23 women, were released from Russian remand prisons as the result of an exchange. They <u>included</u> 14 women whom we have recognised as political prisoners: Crimean Tatar *Leniie Umerova*, <u>charged</u> with espionage and in custody since 3 December 2022; nine <u>accused</u> of serving in the Ukrainian Azov regiment; and four defendants in two cases related to participation in the Aidar Battalion.

During the '95 for 95' exchange on 18 October 2024, Ukrainian human rights activist Maksym Butkevych was released, having been sentenced to 13 years in a strict regime penal colony on a fabricated <u>charge</u> of war crimes he had allegedly committed.

# 2.4. Prosecutions of LGBTQ+ people2.4.1. Ban on the 'LGBT movement' in Russia

On 30 November 2023, the Russian Supreme Court designated the nonexistent 'International LGBT movement' an extremist organisation and banned its activity in the country. The hearing was held behind closed doors and the court's ruling was not made public. However, in January 2024, the Saratov publication *Svobodnye novosti* <u>received</u> a copy of the ruling. It was part of one of the administrative offence cases and was presented to the participants in the trial.

The Supreme Court ruling said that 'the LGBT (lesbians, gays, bisexuals, and transgender people) international social movement' appeared in the 1960s of the twentieth century in the United States 'as a part of the policy to restrict the birthrate along with other proposed encouragement of

nontraditional familial relationships.' Since then, 'movement' participants, in the court's opinion, 'effectively propagandised an ideology of the destruction of the traditional values of the family and marriage by achieving a complete moral equivalence between nontraditional and traditional sexual relations,' and also by 'legalising homosexual marriages and the opportunity for homosexual couples to adopt and raise children.'

Supporters of the 'movement' appeared in Russia because of 'foreign political pressure,' the goal of which was 'the elimination of moral judgment that traditionally accompanies unnatural sexual relations,' the document says.

'The Movement does not possess registration or a unitary structure on the territory of the Russian Federation; it consists of various unregistered organisations, including international nongovernmental organisations, communities, and groups that include people of nontraditional sexual orientation – lesbians, gays, bisexuals, and transgender people (transsexuals[11], cross dressers[12], drag queens/drag kings[13]), gender queer people, asexuals, pansexuals, and also individual activists and participants who are not such but who carry out activities in the interests of the Movement,' the Supreme Court believes.

Legislators concluded that the 'movement' has spread to more than 60 Russian regions, and has 281 members. They 'not only distribute materials in support of the LGBT movement and are active participants but also receive centralised financing, including from foreign organisations,' the ruling says.

One propaganda 'instrument,' in the opinion of the Russian Supreme Court, is 'applying LGBT symbols to children's toys, clothing, and various accessories,' as well as publishing literature that 'propagandizes nontraditional sexual relations between minors' and 'holding actions near schools and children's libraries.'

To sum up, in the Supreme Court's opinion, the 'International LGBT Public Movement' 'threatens the demographic situation in the country, promotes the creation of conditions for society's self-destruction and the weakening of family ties and inflicts harm on people's moral health.'

The project, **Political Prisoners Support. Memorial**, considers the Supreme Court ruling unlawful. It violates the individual's human rights in several spheres, as set forth in detail in the <u>expert conclusion</u> of seven human rights organisations prepared for the Supreme Court hearing.

As noted in Memorial's <u>statement</u>, 'no such legal entity as an "International LGBT social movement" exists. There are numerous LGBT organisations and activists [...] In Russia it will become even more dangerous not only for LGBT activists but also for homosexual, bisexual, and transgender people. Any public statement in this sphere could become "involvement in the activity of an extremist organisation" or "public calls to engage in extremism." This is the usual practice of the Russian authorities: create a risk of prosecution for an indefinitely broad range of actions to instil fear in everyone.'

<sup>&</sup>lt;sup>11</sup> The practice of wearing clothing and accessories that are traditionally considered to be items in the wardrobe of people of the opposite sex.

<sup>&</sup>lt;sup>12</sup> Men who perform in a female guise, usually vivid and grotesque.

<sup>&</sup>lt;sup>13</sup> Women who perform in a male guise.

Immediately after the Supreme Court ruling, prosecutions began in Russia for 'the display of LGBT symbols' (**Art. 20.3 CAO RF**). Grounds for drawing up these charges, as a rule, have been photographs of rainbow flags or the wearing of any attributes with the colours of the rainbow. Upon repeated 'display of the symbols,' Russians could face a criminal charge under **Art. 282.4 CC RF**. This law provides for fines up to 600,000 roubles or up to four years' imprisonment.

The prosecution of Russians has also continued under the law on propaganda of nontraditional sexual relations and sex change (**Art. 6.21 CAO**). Police charges have been brought under this law, for example, for publication of a video showing two young women kissing in a café, or as the result of raids at entertainment venues.

#### 2.4.2. Raids by law enforcement officers on entertainment venues and resulting criminal prosecutions

Law enforcement raids on Russian bars and clubs became regular back in late 2023, after the 'LGBT movement' was designated extremist. Up until March 2024, police brought administrative-law charges against attendees.

On 9 March, officers from OMON [special purpose police] and the Interior Ministry conducted a raid at Pose, an Orenburg club. The participants in the event going on there, some of whom were in their underwear, were forced to lie down on the floor and others to stand up against the wall. People were asked on camera what they were doing at the 'faggoty club.' On 20 March, Orenburg central district court <u>remanded</u> the club's manager, **Diana Kamilyanova**, and art director **Aleksandr Klimov** in custody. A few weeks later, the club's owner, **Vyacheslav Khasanov**, was also taken into custody. All three were charged under **Art. 282.2**, **Part 1**, **CC RF** ('organisation of *the activities of an extremist organisation*'). Memorial has <u>recognised</u> them as political prisoners. The case against Kamilyanova, Klimov, and Khasanov was the first in Russia for organisation of an 'extremist group' since the 'International LGBT movement' was designated extremist.

According to the <u>We Can Explain</u> project, as of 14 January 2025 there have been at least 32 police raids on Russian bars, clubs, and cultural spaces since the Supreme Court's ruling. According to the project, **Political Prisoners Support. Memorial**, at least 10 individuals have been charged in criminal cases following raids in Orenburg, Chita, Voronezh, and Kirov. All of them have been accused of organising the activities of an extremist organisation (**Art. 282.2, Part 1, CC RF**). We know the pre-trial conditions set for five of them.

Moreover, in many instances, the people in the clubs that were raided have reported violence, threats, and humiliation by law enforcement officers. One explosive story was the <u>raid by Na-tional Guards</u> on a party at Tipografiya, a Tula cultural centre, on the night of 17-18 February.

#### 2.4.3. Other criminal prosecutions for belonging to the 'LGBT movement'

In 2024, according to calculations by the project, **Political Prisoners Support. Memorial**, at least 13 individuals have been prosecuted in criminal cases connected with supposedly belonging to the 'LGBT movement.'

In May, law enforcement officers <u>arrived</u> to search the home of <u>Artem Fokin</u>, president of Irida, a Samara queer organisation. The investigative actions were related to a criminal investigation into belonging to an extremist group (Art. 282.1 CC RF). Fokin's status and current location are unknown. In July he was <u>added</u> to Rosfinmonitoring's list of terrorists and extremists.

In August, law enforcement officers in Ulyanovsk region <u>arrested</u> Ilya Zhuravlev, a doctor and former head of a dialysis centre in Inz. In early September, he was <u>remanded in custody</u> and soon after was added to the Rosfinmonitoring register. Zhuravlev was accused of participating in the activity of an extremist organisation (Art. 282.2, Part 2, CC RF) and compelling an individual to commit acts of a sexual nature (Art. 133, Part 1, CC RF). The FSB press release <u>said</u> that the doctor, 'being an adherent of Satanism, promoted among his staff the idea of homosexual relations as a way to commune with devil worship.' Zhuravlev also allegedly said that 'it is essential to accept this cult in order to achieve financial well-being and career growth.' Why the man might be charged under the law on compelling actions of a sexual nature is unknown.

In Moscow, in late November, Andrei Kotov, owner of the Man Travel tourist agency, was <u>arrested</u> and then <u>remanded in custody</u>. A criminal case was opened against him for organising and participating in the activities of an extremist organisation (Art.282.2, Parts 1 and 2, CC RF). According to the investigative authorities, Kotov organised tours for gays. He himself denied his involvement in the 'LGBT movement.' At the hearing to select his pre-trial conditions, Kotov recounted that, during the search, law enforcement officers beat and used a taser on him.

On 5 December, Kotov was <u>sent</u> to a punishment cell at Vodnik Remand Prison No. 5 for 15 days. His girlfriend said that it had been impossible to get him warm clothing or food. Also, according to her, the medications he needs to take daily were not passed on to him.

On 29 December, Kotov was <u>found</u> dead in his cell. The investigator says that he committed suicide.

When people in any way connected (even supposedly) to LGBTQ+ land in places of detention, they often fall into the <u>'bitch'</u> caste. They are often subjected to humiliation by their cellmates and detention centre staff.

## 2.4.4. Other consequences of tougher state rhetoric regarding LGBTQ+

In the context of what is happening, many queer people have been forced to leave Russia. Yan Dvorkin, director of the T Centre, which helps nonbinary and transgender people, <u>told</u> the magazine *Kholod* that in the first few days after the Supreme Court ruling they received 12 inquiries an hour for help with emigration.

The queer heroes of a New Tab <u>text</u> recounted how designating the 'LGBT movement' extremist affected their daily life: some were banned from kissing in places where no one had paid any attention before; some from visiting restaurants in unusual clothing. Some began to fear for their safety.

According to <u>Sergei Katsuba</u>, a graduate student at Dublin University College Law School who is the author of a report on violent crimes on the grounds of homophobia, between 2010 and 2023, 1,281 crimes were committed in Russia on the basis of hatred for LGBTQ+ people. 1,053 have been injured, including 405 who died.

Katsuba notes that the first outbreak of attacks on queer people began in 2013. That year, 'propaganda of nontraditional sexual relations' was banned at the federal level. At that time, 100 cases<sup>[14]</sup> went to trial on attacks that mentioned the victims' 'nontraditional sexual orientation.' That same year, there were 83 victims, 45 of whom died. The author of the research cites 2014 as the peak of these crimes: 34 people died as the result of 138 attacks. A rise in the level of violence against queer people in 2014 was also <u>reported</u> by Human Rights Watch.

Up until 2022, the number of crimes of this kind had been dropping steadily, Katsuba notes. In 2023, however, including in the context of the designation of the 'international LGBT movement' as extremist, he thinks there may have been a new surge (Katsuba does not yet have data for 2024).

### 2.5. The 'Baimak case'

#### 2.5.1. Protest in Baimak

According to various estimates, 2,000-10,000 residents of Bashkortostan converged on Baimak on 17 January 2024, to show their support for activist <u>Fail Alsynov</u> (Alchinov), charged with inciting interethnic strife, when a verdict was expected in his trial. Also gathered near the courthouse were many armed law enforcement officers. News about Alsynov's prison term — four years' imprisonment, even more than the prosecutor had requested — led to outrage among those gathered outside the courthouse and clashes broke out when the police attempted to disperse

<sup>&</sup>lt;sup>14</sup> As opposed to 57 cases in 2012.

them. Participants in the gathering threw snowballs and other objects at the police officers, who used tear gas and flash bang grenades. Some 20-40 civilians sought medical assistance, while initially seven law enforcement officers were said to have suffered from the actions of the protesters. Subsequently, this number rose in the case materials to 52 police casualties.

As a matter of fact, no protesters were arrested on the day of the protests. However, as documents show, the first criminal case for riot (**Art.212 CC RF**) was opened the day the gathering was dispersed, 17 January 2024, and the second, for use of force against law enforcement officers (**Art.318 CC RF**), two days later.

The arrests began in the weeks following the events. Participants in the gathering were arrested at home and at work. Most were charged with administrative-law violations such as failure to obey the lawful demand of a police officer (**Art.19.3**, **Part1**, **CAO RF**) or on violating 'rally' legislation (**Art.20.2 CAO RF**). Between 17 and 25 January 2024, the courts of the Republic of Bashkortostan <u>heard</u> 103 cases on administrative offences connected with the Baimak protests. Many defendants were initially jailed on the administrative-law charge for a few days, after which they were presented with criminal charges and remanded in custody. The last known arrest in a criminal case was made on 28 April 2024.

## 2.5.2. The essence of the charges and the number charged

Dozens of Bashkortostan residents were charged in the 'Baimak case.' The investigative authorities indicate in their documents that at least 72 people were charged in the case, and a group of 33 investigators was created for the investigation. However, *Mediazona* writes that they were able to identify 76 defendants (establishing a precise number of accused was complicated by the fact that people close to some of them decided not to make this information known). According to our calculations, at least 81 individuals have been remanded in custody. This case was the largest in scale in modern Russia, exceeding in number those accused in the so-called '<u>Case of</u> the Ingush opposition.'

Those charged — at least 79 men and at least three women — are between the ages of 22 and 62. The overwhelming majority of defendants over the entire course of the investigation were held on remand. These were mainly construction workers, rotation workers, farmers, herdsmen, woodworkers, and drivers; also among the accused were teachers and health care workers. Many of the men have several children, are the sole breadwinner in the family, and are supporting elderly parents. After their arrests, the families found themselves in a very difficult position, almost without means for existence. In the beginning, the detainees' interests were represented by court-appointed lawyers. During this period, many of the accused confessed; however, a significant portion of defendants are not pleading guilty. Later, fundraising was organised for legal assistance, and private lawyers were brought in to defend the accused.

All the defendants have been charged under the law on riot: the majority on participation in riots (Art. 212, Part 2, CC RF); and at least four on their organisation (Art. 212, Part 1, CC RF). In the view

of the investigative authorities, the riots were planned. The indictments say that 'Ruslan Gabbasov, permanently residing in the Republic of Lithuania, [Yulai] Ayupov, [Ilyas] Baiguskarov, [Artur] Mukhametov, and unidentified persons, acting out of motives of political hatred for Russia's existing state structure and wishing to destabilize the sociopolitical situation in the Russian Federation, [...] united in an organised group for the purpose of organising riots in Baimak district on the pretext of support for Alchinov on the day his verdict was issued.' According to the investigative authorities, between 15 and 17 January 2024, these individuals '[published] calls on the YouTube channel under their control as well as on public channels on Telegram messenger to residents of Baimak and other nearby districts of the Republic of Bashkortostan to gather on 17.01.2024 for an unsanctioned rally at the Baimak district court of the Republic of Bashkortostan.' After the verdict was read against Alsynov, the investigative authorities allege, these individuals 'were supposed, by their behaviour and words, to provoke the participants in the unsanctioned rally to participate in riots, use force against representatives of the state, and also provide leadership for the crowd's actions.'

Some defendants in the case are accused of using nonlethal force against a representative of the state (Art. 318, Part1, CC RF) and at least one of using violence against a police officer threatening life and health (Art. 318, Part 2, CC RF). In the investigative authorities' opinion, the violence was expressed in terms of snowballs and sticks thrown at law enforcement officers or in their direction, in blows inflicted on police officers, and in barring their movement. The indictments contain fairly typical wordings. Here is one of them: '...acting in conjunction with other participants in the riots, being near the courthouse, on 17.01.24, between 09:54 and 16:30, aware that the police officers and the soldiers of the National Guard in uniform were representatives of the state and performing their official duties to safeguard public order and ensure public safety at the place of conduct of an unsanctioned rally, ignoring their lawful demands to cease their illegal actions, and accompanying their actions with violence, they threw in the direction of the police and National Guard, as well as at official means of transport, objects found on the spot: each from one to six pieces of ice, frozen snow, sticks, stones, and other objects, presenting a danger to those around them, and smoke bombs with tear gas, or else inflicted multiple blows with their hands and feet on various body parts of representatives of the state, and also built barricades out of lumps of compressed snow...'

## 2.5.3. Violence against, and deaths of, detainees

We know of two deaths that occurred in direct connection with the arrests.

On the evening of 26 January 2024, we <u>learned</u> of the death of <u>Rifat Dautov</u>, a 37-year-old resident of Yumaguzino. According to relatives, he had not been a participant in the protests. On 25 January, law enforcement officers arrested Dautov and took him away, and the next day his relatives were summoned to Ufa to identify his body. Subsequently, pro-regime channels spread information about alcohol poisoning, although Dautov's relatives and friends pointed out that he did not drink alcohol. *Idel.Realii* <u>writes</u> that independent expert analysis was subsequently conducted at the lawyer's request. It showed that death ensued as a result of internal haemorrhaging following beatings. 'The total number of positively differentiated signs of independent
*traumatic impact was at least* 48,' the total area of '*trauma from blows*' was at least 30% of the surface of the dead man's body, and considering the thicknesses of the haematomas, internal haemorrhaging totalled at least 5.19 litres. Based on this, the specialist concluded that Dautov had been beaten in the interval between his arrest and his arrival at the Baimak district police department.

In mid-February 2024, Meleuz resident *Miniyar Baiguskarov* died. According to reports, Baiguskarov committed suicide because of intimidation by law enforcement officers. On condition of anonymity, one of his relatives <u>said</u> that shortly before his suicide, Baiguskarov had also been beaten by the police officers to whom he had reported for questioning. The police officers had demanded that Baiguskarov sign a statement.

Also seriously beaten was at least one other arrestee. On 22 January 2024, **Dima Davletkildin** who had been remanded in custody was <u>hospitalised</u>. The Federal Penitentiary Service admitted that Davletkildin arrived at the remand prison with haematomas, contusions and bruises, and after that the doctors determined that he had a transverse fracture of his spine in the lumbar region. Nevertheless, after brief treatment he was returned to custody.

## 2.5.4. Verdicts and characteristics of judicial proceedings

At the end of January 2025, 10 verdicts were issued. Nine men were convicted and sentenced to terms ranging from four and a half to eight and a half years in general regime penal colonies. One woman was sentenced to four years' imprisonment, deferred until her children reached the age of 14. All those convicted were judged guilty of participation in riots (Art.212, Part 2, CC RF) and use of violence against representatives of the state (Art.318 CC RF). The cases of the remaining defendants are under investigation.

The first verdict was issued by Leninsky district court in Orsk, Orenburg region, against *Ilshat Ulyabaev*, a farmer. On 16 July 2024, he was sentenced to five years' imprisonment in a general regime penal colony. Ilshat Ulyabaev admitted his guilt. Lawyers believe that it was because he did so that his case was investigated first.

On 5 December 2024, Central district court in Tolyatti, Samara region, issued verdicts against *Khalid Ishkuvatov*, *Ilfat Ishmuratov*, and *Zakir Kulmukhametov*. Ishkuvatov was sentenced to five and half years' imprisonment in a general regime penal colony and Ishmuratov and Kulmukhametov were both sentenced to serve four and half years in a penal colony.

On 24 December 2024, Ustinovsky district court in Izhevsk sentenced **Ilnar Asylguzhin**, Aigiz **Ishmurzin**, and **Rafil Utyabaev** to eight and a half years' imprisonment apiece, **Fanur Khazhin** to six years,' and **Fangiz Sharifgaleev** to five and a half years' imprisonment. People who know the defendants reported that the state prosecution had requested 10 years' imprisonment for each of the accused. As far as can be judged, the maximum sentences were given to those who did not admit their guilt and who refused to give evidence.

On 16 January 2025, in Leninsky district court in Izhevsk, the state prosecution demanded that another six defendants in the 'Baimak case' – Aitugan Malabaev, Viliur Karachurin, Danis Uzyanbaev, Azat Mirzin, Fatikh Akhmetshin, and Vener Yaubasarov – be sentenced to seven years' imprisonment each in a general regime penal colony<sup>[15]</sup>.

On 27 January 2025, Promyshlenny district court in Samara sentenced *Minziya Adigamova* to four years in a general regime penal colony. The court ruled to defer the woman's punishment because her children had not reached the age of 14. Adigamova is presumed to be the only defendant in the case under house arrest. After the sentence was announced, she was released under travel restricions.

Specific approaches were used in investigating the criminal cases. Thus, the criminal cases were sent to courts in different regions for the judicial hearings, and their defendants were divided into groups and transferred to remand prisons in different cities. The defendants have been tried in Tolyatti, Samara, Izhevsk, Orenburg, and Orsk, despite the general rule under the Criminal Procedure Code of the Russian Federation [CPC RF] that a criminal case should be tried in a court near where the crime was allegedly committed (Art. 32, Part1, CPC RF). However, the jurisdiction may be changed if there are circumstances that might cast doubt on the court's objectivity and impartiality in ruling on the case (Art. 35, Part1 [c], CPC RF). The prosecutor's office considered the possibility of the community putting pressure on the court to be just such a circumstance.

However, even in other regions every effort was made to keep the trials as closed as possible. Thus, on 5 September 2024, we <u>learned</u> that Judge Elena Nikotina of Leninsky district court in Izhevsk <u>had decided</u> to hold the trial of one from the group of defendants behind closed doors, agreeing with the prosecutor's office's arguments that 'the defendants could influence the course and outcome of the judicial hearings in the Republic of Bashkortostan, including by means of putting pressure on trial participants for the purpose of distorting evidence and avoiding the defendants being convicted in this case, as has been confirmed by the results of the operational investigatory activity of the Russian FSB.' Judge Nikolai Zlobin of Ustinovsky district court in Izhevsk also closed the trial to the public in the case of five defendants.

In addition, 'classified witnesses,' including both police officers and unidentified persons, figured in trials that have taken place. This practice had been applied previously in investigations into politically motivated cases. The practice has been criticised many times by lawyers and human rights activists as violating the rights of defendants to a defence and undermining the adversarial nature of the proceedings.

<sup>&</sup>lt;sup>15</sup> On 7 February, Karachurin and Malabaev were each sentenced to five years' imprisonment; the other defendants received four and a half years each.

### 2.6. Prosecution of minors on charges related to the Ukrainian armed forces

Collecting and systematising information about prosecutions of adolescents in politically motivated cases is complicated, on the one hand, by the legislative ban on making information about minors public without the consent of their legal representatives and, on the other hand, by parents' reluctance to turn to human rights activists and independent media for fear of attracting unwanted attention to their children's prosecution. Nonetheless, despite the dearth of public information, in 2024 it was impossible not to note how much more intensively adolescents had begun to be prosecuted in cases related to Russia's war against Ukraine.

The allegations in many of these cases as set forth by the investigative authorities and the courts are similar. Adolescents were offered monetary reward by handlers from Ukraine or persons acting in Ukraine's interests to commit arson against the railway infrastructure, especially relay cabinets and communications towers. Law enforcement agencies usually do not find, and cannot bring charges against, the sabotage's presumed organisers.

# 2.6.1. Statistics on criminal prosecutions of minors on charges of terrorism and crimes against the state

In 2024, according to <u>extrem.ishukshin.ru</u>, which has tracked the changes in the Rosfinmonitoring list since August 2018, 166 minors were added to the list of physical persons against whom there is information of involvement in extremist activity or terrorism: 156 adolescent males and 10 adolescent females. Of these, there are 141 individuals (133 male and 8 female) with an asterisk, which indicates their alleged involvement in terrorist crimes or acts of sabotage. The number of adolescents accused under terrorism laws rose nearly threefold compared with 2023.

	2020	2021	2022	2023	2024		
Total adolescents added	24	29	27	52	166		
of these, 'terrorists'	18	11	17	50	141		
of these, 'extremists'	6	18	10	2	25		

Table 3. Number of minors added to	the Rosfinmonitoring list 2021-2024
Table 5. Number of minors added to	the Rosininonitoring list, 2021 2024

Source: extrem.ishukshin.ru

According to the <u>Legal Department of the Russian Supreme Court</u>, 12 minors were convicted under 'terrorist' laws in the first half of 2024:

- five were convicted on charges of acts of terrorism (Art. 205 CC RF);
- three on charges of training for the purpose of carrying out terrorist activity (Art. 205.3 CC RF);
- three on charges of participating in the activity of an extremist organisation (Art. 205.5, Part 2, CC RF);
- one on a charge of failure to report a crime (Art. 205.6 CC RF)

All these, except the one convicted under the lighter law on 'misprision,' were sentenced to real terms of imprisonment.

Thirteen minors were convicted on charges related to 'Crimes against the foundations of the constitutional order and security of the state' (Arts. 275-284.3 CC RF). This section of the Criminal Code of the Russian Federation deals with the offences of treason, sabotage, calls to engage in extremism, inciting hatred, and others. The Legal Department did not detail how many individuals had been convicted under which specific laws from this section.

#### Table 4. Punishments issued in the first half of 2024 against minors for offences against the constitutional order and for terrorism

	Total convict- ed	5-8 years' penal colony	3-5 years' penal colony	1-2 years' penal colony	pended	Compulsory non-custodial full-time work	•
crimes against the constitutional order	13	2	3	0	5	1	2
terrorism laws	11	3	4	1	0	0	0

Source: Legal Department statistics.

*Mediazona* <u>calculated</u> that more verdicts were handed down against adolescents in what are most likely politically motivated cases<sup>[16]</sup> in the first half of 2024 than in all of 2023.

As of 6 November 2024, OVD-Info had <u>counted</u> 50 minors (of the 134 individuals known to this project) detained for arson connected with the war since the beginning of the year. Thirty-seven of these were charged with arson against the railway system, 12 with arson of communications facilities, and another 10 with arson of military planes and helicopters.

According to our project's information, as of 31 December 2024, at least 56 adolescents aged 14-17 had been remanded in custody<sup>[17]</sup> on charges of terrorism or sabotage. Fourteen have already been sentenced.

<sup>&</sup>lt;sup>16</sup> *Mediazona* counted verdicts on charges of treason, sabotage, disruption of transport, terrorist acts, and justification of terrorism.

<sup>&</sup>lt;sup>17</sup> Including those already convicted but still under investigation and on trial.

#### 2.6.2. The harshest verdicts against minors

The maximum term to which minors (or defendants who were minors at the time of the crime's commission) were sentenced in cases connected with Russia's war against Ukraine war in 2024 was eight years' imprisonment.

One such sentence was <u>given</u> in June at a trial in Ufa to 17-year-old <u>Aleksei Krioni</u>, who allegedly for a reward, on orders from his handler from Ukraine, and together with three young men aged 20-22, set fire to a relay cabinet on a railway in Bashkiria (Art. 281, Part 1, CC RF). Damage from the arson was assessed at 350,000 roubles. The defendants paid in part for the damage incurred during the investigation and trial. The youth's accomplices were given terms of 11-12 years in a strict regime penal colony.

In October, a military court in Chita declared <u>18-year-old Kirill Shekhter</u> guilty on charges of sabotage (Art. 281, Part 2, CC RF) and terrorist acts (Art. 205, Part 2, CC RF) for setting fires on railways in Siberia and sentenced him to eight years' penal colony. In April 2023, when Shekhter was <u>added</u> to the Rosfinmonitoring list, he was 17. With him on the defendants' bench were 12 other young men; however, they were on trial for actions committed as minors. They were given sentences of ranging from four to 23 years of imprisonment.

Eighteen-year-old <u>Anton D</u> did not commit arson, but he was sentenced to eight years in a penal colony on charges of treason (Art.275 CC RF), participating in the activities of a terrorist organisation (Art.205.5, Part2, CC RF), preparing for a terrorist act (Art.30, Part1, CC RF and Art.205, Part1, CC RF), and for a giving a report known to be false of a terrorist act (Art.207, Part3, CC RF). According to the <u>prosecution</u>, while still a minor, Anton, 'experiencing dissatisfaction with the current regime and the policy of the Russian Federation,' joined the Free Russia Legion, pasted up 'flyers with bad language about the Russian Federation president and good language about Navalny,' drew antiwar graffiti on walls of buildings, and allegedly planned to set fire to a military recruitment office.

## 2.6.3. Examples of politically motivated prosecutions of adolescents

#### The prosecution of Arseny Turbin

On 20 June 2024, when he was 15 years old, <u>Arseny Turbin</u>, a schoolboy from Orel region, was sentenced to five years in a correctional penal colony for participating in the activity of a terrorist organisation (Art. 205.5, Part 2, CC RF). That same day, our project recognised Arseny as a political prisoner and the case received wide publicity.

In June 2023, Turbin had put flyers criticising Vladimir Putin in apartment building mailboxes and posted photographs and videos of this process on his Telegram channel, which had five subscribers. According to the prosecution, he sent an application for admission to the Free Russia Legion and distributed flyers at his handlers' instruction. Turbin did not admit his guilt at the trial and stated he had not joined the Legion and had found the flyers himself on the internet, printed them out, and distributed them, guided by his own convictions. His mother also <u>insists</u> that the adolescent did not send the Legion an application for admission because it required attaching copies of documents, and he was worried the documents might become accessible to third parties. The youth said the same thing at his interrogation, but FSB officers <u>falsified</u> his statements.

In October 2024, Turbin <u>informed</u> his mother that a cellmate was beating him in Moscow's Remand Prison No. 5 and he feared for his life. After public disclosure, his cellmate was moved to another cell. His mother said that in his two and a half months on remand, her son had lost 17 kilos and the institution's staff had not conducted a medical examination. In November, Turbin was <u>placed</u> in a punishment cell twice.

Also in November, Turbin's sentence was upheld on appeal, after which he was transported to a correctional penal colony in Perm region.

#### The prosecution of Eva Bagrova

On 26 December 2024, in a school in St. Petersburg, at the 'Inspector's Information about Cases of Minors' stand, photographs <u>appeared</u> of Denis Kapustin, founder of the Russian Volunteer Corps, which is fighting on the side of the Ukrainian armed forces, and of a participant in that entity, Aleksei Levkin, inscribed 'Distinguished Hero of Russia.' The next day, law enforcement officers arrested 16-year-old eighth grader <u>Eva Bagrova</u>. Bagrova was charged with justifying terrorism (Art. 205.2, Part1, CC RF) and was held in a special detention centre overnight. On 29 December, the court <u>remanded</u> the high schooler in custody.

#### 2.7. New prosecutions of political prisoners and other methods of increasing punishments during the prosecution

Opening new criminal cases against those already serving sentences is a long-standing practice, and not only against political prisoners. Prisoners are subjected to new prosecutions when staff of correctional institutions 'are filling the quota' for exposing crimes in those institutions or want to retaliate against specific people for complaints of violence or conditions of custody. New cases against political prisoners specifically can be opened not only at the initiative of penal colony personnel but also on 'order' from regional and federal authorities.

The most common charges brought against both political and 'regular' prisoners to lengthen their sentences are for violence against an employee of the Federal Penitentiary Service (Art.321, Part2, CC RF) or for justifying terrorism in conversation with cellmates (Art.205.2, Part1, CC RF). In the former instance, the accusation can be the result of a provocation and/or be based exclusively on the statements of the victim and their colleagues; in the latter, the charge is often based on statements made by prisoners who are being threatened by the institution's administration, or who are attempting to obtain privileges.

In the last two years, instances of new charges against political prisoners serving a sentence have increased noticeably. This creates a system of unpredictability, when the victim of a politically motivated prosecution cannot know whether their sentence is final or how long it will be until they are released.

The same concerns the drastic increasing of sentences on appeal at the demand of the prosecutor's office. This was practiced before, too, but became more common in 2024.

Other ways of applying consistent pressure on victims of politically motivated prosecutions include:

- opening one new case after another at brief intervals;
- increasing the sentence being served on the pretext of the prisoner's violation of discipline.

Below we examine instances that characterize these trends most vividly.

### 2.7.1. New criminal prosecutions of political prisoners

#### The second prosecution of Zarema Musaeva

In November 2024, we learned that a case had been opened on a charge of violence against a penal colony employee (Art.321, Part 2, CC RF), which provides for a further five years' imprisonment, against <u>Zarema Musaeva</u>, the mother of Chechen activists who is serving a nearly five-year sentence. According to the investigative authorities, Musaeva struck a Federal Penitentiary Service employee and ripped off their shoulder strap. Musaeva maintains her innocence of the charge.

Musaeva could have been released in March 2025, after serving her sentence, but in late 2024 she was <u>remanded in custody</u> on a new charge and since then her term of custody has been extended.

Chechen law enforcement officers took Zarema Musaeva, the mother of activists Ibragim, Baisangur, and Abubakar Yangulbaev, from her home in Nizhny Novgorod in January 2022. They also tried to arrest Musaeva's husband, former federal judge Saidi Yangulbaev, but could not do so because of his immunity as a judge. A criminal case was opened against Musaeva for the use of life-threatening violence against a police officer (Art.318, Part2, CC RF). According to the investigative authorities, Musaeva scratched the police officer's cheek while he was writing up an administrative charge. She was also accused of fraud (Art. 159, Part 3, CC RF) in a criminal case opened in Chechnya in 2019 against another woman. We wrote in detail about the base-lessness of the charges against Zarema Musaeva and the reasons why the Chechen leadership is holding her hostage in our 2023 report (p. 129).

In July 2023, the court sentenced Musaeva to five and a half years in a general regime penal colony. Her sentence was reduced on appeal to five years and changed the type of correctional institution to a less restrictive one - a low security penal colony. In cassation, her term was reduced by a further three months, to four years and nine months.

Zarema Musaeva has diabetes, and in the penal colony her health has deteriorated badly. She can barely move. While the prison authorities constantly increase her doses of medicine, they are not rendering her the necessary treatment.

#### The second prosecution of Maria Ponomarenko

In November 2023, we learned that a new charge had been brought against <u>Maria Ponomarenko</u>, a journalist for *RusNews* from Barnaul serving a six-year sentence for an antiwar post, for violence against a penal colony employee (Art. 321, Part 2, CC RF). According to the prosecution, Ponomarenko refused to attend a disciplinary commission, so penal colony staff took her there by force. After this, the journalist allegedly attacked them. Ponomarenko denies her guilt.

In January 2024, the case went to trial, and the proceedings continued for all of 2024. In March 2025, Ponomarenko was <u>sentenced</u> to one year and 10 months in a penal colony; she was also assigned compulsory outpatient treatment. Effectively, Ponomarenko's sentence was increased by a month.

During the trial, the journalist <u>spoke</u> of the unhygienic conditions in the penal colony and about how prisoners' rights were being violated — how they were not being rendered medical assistance, how they were being beaten and tortured — and named the specific penal colony staff responsible for this. According to her, the supervising prosecutor knew about what was going on in the correctional institution but had taken no action to stop the abuses. Previously, Ponomarenko had not been issued warm clothing and footwear for a long time; when she finally was, the footwear was two sizes too small. She was also sent to a punishment cell numerous times and moved to a unit with stricter custodial conditions<sup>[18]</sup>.

Maria Ponomarenko had been arrested and remanded in custody in April 2022 on a charge of spreading 'fake news' about the Russian army from the motive of hatred (**Art.207.3, Part2 [e]**, **CC RF**). The journalist's criminal prosecution was based on a post, dated 17 March 2022, on the *There Is No Censorship* Telegram channel in which Ponomarenko talked about Russia's military strike on the dramatic theatre in Mariupol and the many casualties among the civilians who had taken shelter there. In February 2023, she was <u>sentenced</u> on this charge to six years in a general regime penal colony.

<sup>&</sup>lt;sup>18</sup> In March 2025, Ponomarenko's lawyer Dmitry Shipunov said his defendant was on the brink of suicide. Her letters, <u>published</u> by *RusNews*, also speak of her despair.

#### The second prosecution of Aleksei Gorinov

In September 2023, we <u>learned</u> that a new criminal case had been opened against former Moscow municipal deputy <u>Aleksei Gorinov</u>, then serving a nearly seven-year sentence in a general regime penal colony on a charge of 'fake news about the military.' In the new case, Gorinov was accused of justifying terrorism (Art. 205.2, Part1, CC RF) in conversations with other prisoners.

According to <u>Gorinov</u>, prisoners were planted in his prison hospital ward who provoked him into conversations about the war in Ukraine. All the conversations were recorded by hidden microphones. The investigative authorities <u>considered</u> it a crime that, when asked about the bombing of the Crimean Bridge, the political prisoner replied, 'Well, they blew it up. There's a war going on,' and also said that the Azov regiment was working with the Ukrainian army.

In late November 2024, a court <u>sentenced</u> Gorinov to three years in a penal colony, a term which, taken together with the time remaining to be served from his first sentence, amounted to a five-year prison term. Effectively, the court increased his sentence by about a year, at the same time making his conditions more severe: his remaining sentence is to be served in a strict regime penal colony.

Gorinov became the first well-known person convicted on a charge of 'fake news' about the Russian army to receive a custodial sentence. In July 2022, he was sentenced to serve seven years in a general regime penal colony because, at a session of the Council of Municipal Deputies, he said that children's holidays should not be celebrated as long as children were dying because of the war against Ukraine. The deputy was deemed guilty of spreading 'fake news' about the war by a group of individuals using his official position, motivated by hatred (Art. 207.3, Part 2 [a, b, e], CC RF). On appeal, his sentence was reduced by one month.

In the penal colony, Gorinov was placed in a punishment cell several times and was registered as an escape risk; he was forced to clear snow when he had a high temperature, was not rendered necessary medical assistance (Gorinov is missing a portion of his lung and has often been ill in the penal colony), and was kept in a cold cell without hot water, a blanket, or a mattress.

#### The second prosecution of Azat Miftakhov

On 4 September 2023, the anarchist <u>Azat Miftakhov</u>, a graduate student in the School of Mechanics and Mathematics at Moscow State University who had fully served a sentence for an attack on a United Russia office, was detained as he exited the penal colony. That same day he was charged with justifying terrorism (Art. 205.2, Part 1, CC RF). According to the prosecution, in conversations with other prisoners, Miftakhov had tried to justify the action of 17-year-old anarchist Mikhail Zhlobitsky, who had blown himself up at the entrance to the FSB building in Arkhangelsk in 2018.

On 28 March 2024, a court <u>sentenced</u> the mathematician to four years' imprisonment, two and a half of which he was to serve in a cell-type prison and the rest in a strict regime penal colony. Miftakhov maintained his innocence of the charge and declared in court that he viewed the new criminal case as retaliation and ongoing persecution for his civic position and activities as an anarchist.

Miftakhov had been detained in relation to his first prosecution in February 2019. Law enforcement officers had tortured him brutally and threatened him with rape if he did not admit he had made an explosive device allegedly found in woods near Balashikha, outside Moscow. To end the torture, the anarchist opened his own veins and was taken to the hospital. Law enforcement officers did not succeed getting Miftakhov remanded in custody in this case, but he was charged with hooliganism by prior conspiracy (**Art. 213, Part 2, CC RF**) over the attack on the United Russia office on 31 January 2018, during which a window was broken and a smoke bomb was tossed inside. The prosecution was built on statements by a classified witness who said he recognised Miftakhov by his eyebrows, even though the person who attacked the United Russia office was wearing a mask. In January 2021, Miftakhov was sentenced to six years in a general regime penal colony. The court of cassation reduced his sentence by three months.

#### The second prosecution of Nikita Zhuravel

In October 2024, <u>Nikita Zhuravel</u>, a university student from Volgograd who was serving a sentence for burning a Quran, was <u>charged</u> with treason (Art. 275 CC RF). According to the investigative authorities, the young man had initiated contact with a representative of the Ukrainian Security Service and sent him a video of a train carrying military equipment. In November 2024, Zhuravel was <u>sentenced</u> for this second conviction to 13.5 years in a penal colony — which amounted, together with the unserved part of his first sentence, to 14 years.

In his first prosecution, Zhuravel had been detained and remanded in custody in May 2023 (see <u>Chapter 3.12.1</u>). In February 2024, he had been <u>sentenced</u> to three and a half years in a penal colony.

#### The second prosecution of Andrei Petrauskas

<u>Andrei Petrauskas</u>, a 23-year-old resident of Krasnoyarsk, had been remanded in custody in October 2022 on a charge of attempting to set fire to a military recruitment office. In August 2023, a court found Petrauskas guilty of committing a terrorist act (**Art.205, Part1, CC RF**) and sentenced him to 10 years' imprisonment with the first two and a half years to be served in a cell-type prison and the remainder in a strict regime penal colony.

Less than a year after his first conviction, Petrauskas was charged with making public calls to engage in terrorism (Art.205.2, Part1, CC RF). The investigative authorities claimed that in a conversation with his cellmates Petrauskas had sought to justify the Artpodgotovka movement<sup>[19]</sup> and the Free Russia Legion. On 14 November 2024, a court sentenced Petrauskas to two and a half years' imprisonment. Adding up the various sentences, the total term came to nine years. Effectively, the court <u>added</u> one year and two months to his first sentence.

<sup>&</sup>lt;sup>19</sup> The Artpodgotovka movement was designated extremist in 2017; in 2020 a group, created by Vyacheslav Maltsev from among the participants in the Artpodgotovka movement, was designated terrorist.

#### The prosecution of Aleksandr Shestun

In February 2024, we learned that <u>Aleksandr Shestun</u>, the former head of Serpukhovsky district, Moscow region, who was serving a term in politically motivated cases, had been <u>charged</u> in a new case — this time for use of force against a penal colony employee (**Art.321, CC RF**). Federal Penitentiary Service officers said Shestun struck Major Makarov twice with a chair.

On 9 October 2024, a term of another year and a half in a penal colony was effectively <u>added</u> on this charge to the politician's two previous sentences: his term increased from 15.5 to 17 years in a strict regime penal colony.

Shestun reported serious conditions multiple times, connected, in part, with diseases of the <u>intestines</u> and <u>heart</u>, and also the failure to render medical assistance.

Aleksandr Shestun was head of Serpukhovsky district, Moscow region, from 2003 until his arrest in 2018. In April 2018, the politician published an open appeal to Vladimir Putin with an audio recording of threats from high officials in the presidential administration, the FSB, and the staff of Moscow region Governor Andrei Vorobiev. The audio recorded threats to bring charges against Shestun if he refused to write a letter of resignation. Shestun had actively criticised the administrative reform of Moscow region and spoken out against the Lesnaya landfill in Serpukhovsky district. He had also stated his intention to run again for the post of district head in the September 2018 elections.

On 13 June 2018, Shestun was arrested and the next day taken into custody on a charge of exceeding his official powers (Art. 286, Part 3 [c], CC RF). Later the charge was dropped for lack of evidence. In August, Shestun was charged with fraud (Art. 159, Part 4, CC RF) and the legalisation of property acquired by illegal means (Art. 174.1, Part 4 [b], CC RF), and later also with illegal participation in business activity (Art. 289 CC RF) and accepting bribes in a particularly large amount (Art. 290, Part 6, CC RF). On 21 December 2020, Shestun was sentenced to 15 years in a strict regime penal colony and fined 49.5m roubles. A court also ruled in favour of a civil suit brought against Shestun by the administration of Serpukhovsky municipal district to the amount of 64.5m roubles. The property of Shestun and his family was confiscated, and in 2023 his elderly mother, wife, and four children were evicted from their only dwelling.

After analysing the circumstances of the case in detail, Memorial <u>verified</u> 'the groundlessness, at minimum, of a significant portion of the charges against him and the evidence on which they are based.'

In August 2022, a further six months in a strict regime penal colony were added to Shestun's sentence on charges of making threats against the court (Art.296, Part1, CC RF) and contempt of court (Art.297, Part2, CC RF), as well as insulting staff of the General Prosecutor's Office (Art.319 CC RF).

# 2.7.2. The opening of a series of criminal investigations against a single person

#### The prosecution of Sergei Veselov

At the beginning of 2024, <u>Sergei Veselov</u>, a blogger from Ivanovo region, was already a defendant in three criminal cases, although he remained at liberty:

- for vandalism (Art. 214, Part 1, CC RF) over a 'No War' inscription on the building of the Shuya municipal administration building and for repeatedly 'discrediting' the army (Art. 280.3, Part 1, CC RF) in antiwar videos on YouTube;
- for insulting a judge (Art. 297, Part 2, CC RF) for a video, 'What's Happening with the Russian Judicial System?' which he posted on his YouTube channel, in which the blogger called the judge, who chose his pre-trial conditions on the charge of discrediting the army, a 'prize cretin.' In 2023, Veselov was sentenced in this case to 300 hours' compulsory work in his free time;
- for repeatedly 'discrediting' the army for his video, 'Don't Confuse Germans with Hitlerites or Russians with Putinites.'<sup>[20]</sup>

In January 2024, Veselov was charged with making calls to engage in terrorism (**Art.205.2**, **Part2**, **CC RF**), and this time he was <u>remanded in custody</u>. The prosecution was based on a repost of the '*Irpin declaration*' by Russians fighting on the side of Ukraine that the blogger posted on his Telegram channel in September 2022.

In April 2024, Veselev was also <u>charged</u> with collusion with a foreign state (Art.275.1 CC RF). According to the investigative authorities, he had passed on to his 'Ukrainian handlers' information about the disposition of military sites and transport infrastructure in Vladimir region.

On 17 May 2024, Veselov was <u>sentenced</u> to two years and one month in a low security penal colony for his video, 'Don't Confuse Germans with Hitlerites or Russians with Putinites.' In August, a verdict was issued in the case that been the first to be brought against him: on the vandalism charge, the blogger was released from punishment because the statute of limitations had expired; for one of the episodes of 'discrediting' the army he was acquitted; and for the two other episodes he was <u>fined</u> 350,000 roubles.

In a remand prison in April 2024, one of Veselov's cellmates beat him up and <u>poured</u> boiling water on him. Veselov received burns over 5% of his body. After a public outcry, his cellmate was moved. In May, the blogger was <u>sent</u> to a punishment cell for 10 days because of a conflict with another cellmate.

In November 2024, Veselov was transported to a low security penal colony to serve the sentence handed down in his third prosecution. In the penal colony, Veselov, an elderly man, was sub-

<sup>&</sup>lt;sup>20</sup> In this case he had also originally been charged with rehabilitating Nazism (Art. 354.1 CC RF), which the investigation eventually dropped.

jected to pressure by the colony's administration. <u>According</u> to his mother, from 19 November 2024 to 19 January 2025, he was held continuously in the colony's punishment cell, or in the isolation cell at the Ivanovo remand prison where he had been taken from the penal colony to review the materials of the case.

In February 2025, Veselov was <u>sentenced</u> to seven years in a general regime penal colony on the charges of making calls to engage in terrorism and collusion with a foreign state. Together with his previous uncompleted punishments, he was to serve a total of eight years in a penal colony.

#### The new prosecutions of Roman Tiurin

In 2024, Omsk region resident **<u>Roman Tiurin</u>** was issued four verdicts:

- on 9 February, four years in a penal colony on a charge of justifying terrorism (**Art. 205.2**, **Part 2**, **CC RF**). The details of this case are not known. As follows from the court's <u>ruling</u> in Tiurin's third case, he was taken into custody that same day;
- on 27 May, combined with the first verdict, to six years in a general regime penal colony on a charge of distributing 'fake news' about the Russian army for motives of political hatred (Art. 207.3, Part 2 [e], CC RF). The conviction was based on Tiurin's antiwar posts on Odnoklassniki;
- on 3 October, combined with the first two sentences, to a total of six years and three months in a general regime penal colony on a charge of repeatedly 'discrediting' the army (Art.280.3, Part1, CC RF). The conviction was based on a post about looting by Russian soldiers in occupied Energodar;
- on 18 November, the total term of imprisonment <u>came</u> to six and a half years, with almost five years' probation on release on charges of making public calls against the security of the state using the internet (Art. 280.4, Part 2 [c], CC RF) and repeated display of extremist symbols (Art. 282.4, Part 1, CC RF). We know that the grounds for this case was a video on Odnoklassniki.

## 2.7.3. The toughening of sentences on appeal and in re-trials

#### The prosecution of Oleg Orlov

<u>Oleg Orlov</u> is a well-known Russian human rights activist, a cofounder of Memorial, and for many years chair of the Memorial Human Rights Centre. In 2022, he participated in several antiwar single-person pickets in Moscow, after each of which he was detained by police officers. For his picketing, Orlov was twice convicted under administrative law for 'discrediting' the army (Art. 20.3.3, Part 1, CAO RF).

On 14 November 2022, the human rights activist <u>published</u> on Facebook a translation of his article 'They Wanted Fascism. And They Got It.' In the article, Orlov condemned the war against Ukraine and stated that the country had slid into fascist totalitarianism. For this text, in March 2023 a criminal case was opened against Orlov on a charge of repeated 'discreditation' (Art. 280.3, Part 1, CC RF).

On 11 October 2023, Orlov was fined 150,000 roubles. The prosecutor's office protested this ruling, stating that the court had not considered the motive of 'political hatred': 'ideological hostility toward traditional Russian spiritual, moral and patriotic values.' In December 2023, a court set aside the verdict and returned the case to the prosecutor's office for review.

On 27 February 2024, 70-year-old Oleg Orlov was sentenced to two and a half years in a penal colony. After the sentence was announced, the human rights activist was taken into custody.

On 1 August 2024, Orlov was freed as part of an international prisoner exchange (see <u>Chapter</u> <u>2.3.1</u>).

#### The prosecution of Boris Kagarlitsky

Sociologist, political commentator, and politician <u>Boris Kagarlitsky</u> was charged with the criminal offence of justifying terrorism on the internet (Art. 205.2, Part 2, CC RF) in July 2023. The prosecution was based on a video on the *Rabkor* YouTube channel posted on 18 October 2022, 10 days after the bombing of the Crimean Bridge, in which Kagarlitsky analysed the event and its aftermath.

On 25 July 2023, law enforcement officers conducted a search at Kagarlitsky's home in Moscow, arrested him, and transported him to Syktyvkar. The next day he was remanded in custody.

On 12 December 2023, Boris Kagarlitsky was fined 600,000 roubles and released from custody. The prosecutor's office protested this ruling, considering the sentence 'extremely light.'

On 13 February 2024, the appellate court changed the fine to a term of five years in a general regime penal colony, although Kagarlitsky stated that he had paid the fine.

#### The prosecution of Yury Kokhovets

Moscow resident <u>Yury Kokhovets</u> was tried on a charge of distributing 'fake news' about the Russian army for motives of political hatred (**Art.207.3**, **Part2** [e], CC RF)<sup>[21]</sup>. The case was opened on the basis of Kokhovets' participation in a street survey by Radio Svoboda in which he spoke negatively about the war.

On 22 April 2024, a court sentenced the Muscovite to a five-year custodial term of compulsory work in a correctional centre. The court's ruling suited Kokhovets, and his defence lawyer told the media he had no plans to appeal it; however, the prosecutor's office protested the verdict.

On 17 September 2024, the appeal court changed the sentence to five years in a general regime penal colony. Kokhovets was taken into custody in the courtroom.

<sup>21</sup> Originally, he was accused 'simply' of distributing 'fake news' about the Russian army (Art. 207.3, Part 2 [e], CC RF), but later the charge was made more severe.

#### The prosecution of Liliya Chanysheva

Liliya Chanysheva headed up Aleksei Navalny's headquarters in Ufa before the headquarters were designated an 'extremist organisation' and disbanded. On 9 November 2021, she was arrested on a charge of organising an extremist group (Art. 282.1, Part1, CC RF). Later, other and more serious charges were brought against Chanysheva: creating an extremist group using her official position (Art. 282.1, Part3, CC RF), making public calls to engage in extremism (Art. 280, Part1, CC RF), and participating in the activities of a nonprofit organisation that attacks the persons and rights of citizens (Art. 239, Part3, CC RF).

In June 2023, the activist was sentenced to seven and a half years in a general regime penal colony and fined 400,000 roubles. The sentence was confirmed on appeal, but the prosecutor's office, considering the punishment too mild, obtained a new appellate hearing in cassation.

On 9 April 2024, at a second appeal, the court increased her term of imprisonment to nine and a half years.

On 1 August 2024, Liliya Chanysheva was freed as part of an international prisoner exchange (see <u>Chapter 2.3.1</u>).

#### The prosecution of Andrei Prikazchikov

On 17 November 2022, <u>Andrei Prikazchikov</u>, a major in the FSB border troops in reserve from Orenburg, reported on his Odnokolassniki page that a criminal case had been opened against him for spreading 'fake news' about the army (Art.207.3, Part1, CC RF). The criminal charge was based on a post he had made about Russian missile strikes on Kryvyi Rih. For another post on social media, he was also charged with 'discrediting' the army (Art.280.3, Part1, CC RF).

On 8 February 2024, Prikazchikov was fined 250,000 roubles. On 16 April 2024, on appeal the charge of spreading 'fake news' was made more serious, the court ruling that Prikazchikov had spread the news for a motive of political hatred (**Art. 207.3**, **Part 2** [e], **CC RF**) and the penalty was changed from a fine to three years' compulsory work in custody. On the charge of 'discrediting' the army, Prikazchikov was fined 100,000 roubles.

### 2.7.4. Increasing a penalty while it is being served

#### The prosecution of Svetlana Marina

On 1 March 2024, the court <u>sentenced</u> Kirov programmer and civic activist <u>Svetlana Marina</u> to one and a half years of compulsory work in custody on a charge of discrediting the Russian army (Art. 280.3 CC RF) (for more detail about her case, see <u>Chapter 3.1.3</u>). In late April, the sentence went into effect, and Marina was sent to serve her punishment in a correctional centre in Kirovo-Chepetsk, where she began to work as a cleaner. In her letters, published

by her <u>support group</u>, Marina reported that, unlike other prisoners, she was forbidden to use a smartphone with internet access or to leave the territory of the dormitory, was not allowed to go home on weekends, and had all her letters read by an officer of the Federal Penitentiary Service before they were sent. Marina was regularly fined for being late coming from the store where she went to fetch work clothes and medicine, for not greeting personnel of the correctional centre, for not presenting her identity card for inspection, and for baking yeasted buns (yeast is forbidden in the correctional centre).

In November 2024, the correctional centre sent a request to court that her form of punishment be changed. On 22 November, Kirovo-Chepetsky district court satisfied the request and transferred Marina to a low-security penal colony for 11 and a half months.

### 2.8. Criminal prosecutions for voluntary surrender and persuasion to surrender

In 2024 we learned of the first trials under the law on voluntary capitulation (Art.352.1 CC RF), which was added to the Criminal Code in 2024.

A feature of this law is the possibility of a maximally broad interpretation of the concept 'voluntary.' According to Supreme Court Plenum <u>resolution</u> No. 11, dated 18 May 2023, a soldier 'even finding himself . . . completely surrounded, must offer decisive resistance to the enemy, avoiding capture; in battle he is obliged to carry out his soldier's duty with honour,' and a soldier can end up in captivity without committing a crime only if 'because of his physical condition he is unable to avoid capture . . . including as the result of serious injury or concussion.' This may lead to the prosecution of soldiers who, for example, decided to surrender because that was the only way to save their life.

As of July, Mediazona had <u>counted</u> four criminal cases under this law that had gone to trial. One of them was specifically against a soldier who had returned from Ukrainian captivity. **Roman Ivanishin**, a mobilised resident of Sakhalin, was charged with planning a voluntary surrender (**Art.30**, **Part1**, **CC RF** in conjunction with **Art.352.1 CC RF**) and voluntary surrender (**Art.352.1 CC RF**) – evidently this is a matter of two attempts, one of which was successful – as well as deserting during mobilisation (**Art.330**, **Part3**, **CC RF**). The details of the charges are not known; however, Kommersant <u>notes</u> that Ivanishin was taken prisoner in June 2023, and in early January 2024, as the result of a prisoner exchange, he returned to Russia, where he was remanded in custody.

More unexpected was the use of this law against those who, according to the investigative authorities, tried to persuade others to surrender. In these instances, the authorities clarify the charge with the help of additional laws from the general section of the Criminal Code: on organising a crime (Art. 33, Part 3, CC RF) or incitement to commit a crime (Art. 33, Part 4, CC RF). The responsibility of the organiser and inciter of the crime (according to Art. 34, Part 3, CC RF) falls under the same criminal law as the crime itself.

For example, Ukrainian native and Novgorod region resident <u>Petr Opalnik</u> was sentenced to eight years in a general regime penal colony. According to the investigative authorities, he collaborated with Ukrainian intelligence and 'tried to persuade a mobilised participant in the special military operation to surrender and also proposed surrendering military equipment for a reward.' He was charged with collusion with a foreign state (Art. 275.1 CC RF) and of attempting to organize voluntary surrender (Art. 30, Part 3, CC RF in conjunction with Art. 33, Part 3, CC RF and Art. 352.1 CC RF). It may have been the case that his appeal to the I Want to Live project<sup>[22]</sup> was considered 'collaboration with Ukrainian intelligence.'

Sentences in similar cases were issued against *Ilya Usoyan* from Saratov region and *Vladimir Erofeev* from Bryansk region. Both were accused of trying to persuade their friends to surrender. <u>Usoyan</u> was given three and a half years in a general regime penal colony and <u>Erofeev</u> was given three years, also in a general regime penal colony.

<sup>22</sup> A Ukrainian government project with support from the Ukrainian Defence Ministry and the Main Intelligence Administration helping Russian soldiers to surrender.

Other forms of political repression in 2024



#### 3.1. Prosecutions under the laws on 'fake news' about the military, 'discrediting the army,' and calling for actions that would endanger state security

#### 3.1.1. Changes in the use of criminal offences relating to 'wartime'

In March 2022, just a week into Russia's full-scale invasion of Ukraine, amendments to the Russian Federation's administrative and criminal codes were swiftly introduced to put a stop to any anti-war protests. Articles were added to the Code of Administrative Offences imposing a penalty for 'discrediting the use of the armed forces of the Russian Federation' (Art. 20.3.3 CAO RF) and establishing liability for calling for sanctions against the Russian Federation (Art. 20.3.4 CAO RF).

Three new articles were added to the Criminal Code. Two of these, for repeatedly 'discrediting the Russian army' (Art. 280.3, Part 1, CC RF)<sup>[1]</sup> and for repeatedly calling for the imposition of sanctions (Art. 284.2 CC RF), apply where a person has already been prosecuted within the year under the relevant administrative articles mentioned above. The third article introduced into the Criminal Code dealt with the dissemination of information known to be false about the Russian armed forces (Art. 207.3 CC RF), also often referred to as the law on 'fake news' about the army.

In July 2022, an article on calling for actions that would endanger the security of the state was added to the Criminal Code (Art. 280.4 CC RF), with a penalty of up to seven years' imprisonment.

The project, **Political Prisoners Support. Memorial**, believes that punishments for both 'discrediting' the use of the Russian army and for disseminating 'fake news' about it are contrary to the Russian Constitution and basic principles of law. Such punishments violate the constitutional rights to freedom of thought, speech, and the dissemination of information (**Art.29**, **Constitution RF**), and similar rights enshrined in international acts (**Art.10 European Convention on Human Rights**; **Art.19 International Covenant on Civil and Political Rights**). Theoretically, the imposition of martial law might allow the state to legally enforce military censorship. On 19 October 2022, Vladimir Putin declared just such a regime in the occupied regions of Ukraine, which he considers to be Russian. In regions that are legally a part of Russia, however, martial law has not yet been introduced and, even if it were, this would not automatically restrict freedom of

<sup>1</sup> Art. 280.3, Part 1, CC RF is rarely applied and does not presuppose previous administrative offences. This will be discussed in more detail below.

expression. For that, a special law would need to be passed.

The project, **Political Prisoners Support. Memorial**, recognises those imprisoned under the laws on 'fake news' and 'discrediting' the army as political prisoners.

The wording of the article that criminalises calling for actions that would endanger the security of the state is exceptionally broad and vague, violating the principle of legal certainty and allowing for arbitrary and expansive interpretation.

For three years now, extensive use has been made of the laws relating to 'fake news,' 'discrediting' the army, and calling for actions that would endanger the security of the state, all of which are aimed at suppressing any criticism of the war against Ukraine. These laws have played a key role in the prosecution of those opposed to the war and are now among the most widely used tools of political repression. Meanwhile, not a single person is yet known to have been convicted for repeatedly calling for the imposition of sanctions.

The law on 'fake news' about the military was used extensively from the moment of its adoption — it was in 2022 that the highest number of charges for that offence was recorded. Initiating criminal proceedings for repeatedly 'discrediting' the army has required a prior court ruling under the relevant administrative law, and so new proceedings involving this law peaked in 2023, somewhat later than for cases involving 'fake news.' The year 2023 also saw increasing use of the law on calling for actions that would endanger the security of the state.

In 2024, there was a slight drop in the number of new prosecutions based on these three laws. However, it is worth noting that there is a delay in updating the data, and the final figures for the past year will probably be higher.

Table 5. Number of individuals charged in a given year under Art. 203.3 CC RF and Art. 280.3 CC RF

	2022	2023	2024	Total for 2022-2024
207.3	166	107	46	319
280.3	46	95	54	195
280.4	6	26	11	43

Source: Political Prisoners Support. Memorial

A fifth of those prosecuted on political grounds where criminal proceedings were opened in 2022 and 2023 were charged under the laws on disseminating 'fake news,' 'discrediting' the army, or calling for actions that would endanger the security of the state. In 2024, not only was there a reduction in the number of people charged with these offences, but their share in the total volume of political repression fell. According to the project, **Political Prisoners Support**. **Memorial**, in 2022-2024 alone, around one in six criminal prosecutions on political grounds involved **Art.s 207.3**, **280.3**, or **280.4 of the Russian Criminal Code**.



#### Figure 1. Proportion of individuals charged under Arts. 207.3, 280.3, and 280.4 CC RF among all politically motivated prosecutions (new defendants by year, as a %)

Source: Political Prisoners Support. Memorial

Taking as a whole the practice of applying 'wartime' laws, the following conclusions can be drawn. The laws on 'fake news' and discrediting the army became an essential tool of repression and were widely employed to suppress anti-war protests. Both the number of legal proceedings brought and their share in the total volume of prosecutions peaked in 2022 and 2023. In 2024, they appear to have been used somewhat less frequently. However, in terms of the number of convictions, 2024 may still surpass 2023.

While the scale of prosecutions under the 'new' laws is diminishing, punishments are increasing in severity. The 'weightier' Part2 of the article on 'fake news' has seen wider use, and the proportion of sentences involving imprisonment is on the rise.

Important factors that have allowed the state to increase the severity of punishments include vaguely worded provisions and established practice whereby the similar actions by defendants might arbitrarily be treated differently.

The likely reduction in the scale of repression targeting anti-war protests can be explained in two ways (these explanations are not mutually exclusive). On the one hand, the actual number of anti-war demonstrations may have fallen. On the other hand, this could be a conscious policy regarding repression whereby the focus is on the severity of the punitive measures, rather than the scale on which they are applied. As such, the priority is not so much the number of convictions as the severity and exemplary nature of the punishments.

#### Socio-demographic profile of prosecuted individuals

Women are more likely to have charges brought under the law on 'fake news' about the army (Art.207.3 CC RF) than in the average 'political' case. According to the project, Political Prisoners Support. Memorial, the proportion of women charged under the said law is higher than the proportion in politically motivated prosecutions (27% versus 17%). The reason for this is not entirely clear. The proportion of women charged under the other two laws is closer to the average. Of those charged for calling for actions that would endanger the security of the state (Art.280.4 CC RF) 21% are women, while under the law on discrediting the army (Art.280.3 CC RF), women account for 20% of prosecutions.

Fewer teenagers and individuals under 30 are charged with spreading 'fake news' and discrediting the army than in politically motivated prosecutions in general, and more 30- to 60-year-olds. This may be because criminal proceedings are most often brought for comments on VKontakte, a social network not so popular among young people these days.

	Under 18	18-21	21-30	30-60	Over 60
Art. 207.3 CC RF	2%	3%	16%	70%	9%
Art. 280.3 CC RF	0%	2%	7%	77%	14%
All politically motivated prosecutions	6%	9%	20%	57%	8%

Table 6. Age distribution of people charged in 2022-2024

Source: Political Prisoners Support. Memorial

On the other hand, young people are better represented among those charged with calling for actions that would endanger the security of the state (**Art. 280.4 CC RF**). Almost two thirds (64%) of people tried under that law are under 30, whereas this age group accounts for 35% of those charged in politically motivated criminal proceedings. Here, however, the proportions may not be representative because of the relatively small number of defendants involved.

### 3.1.2. Prosecutions under the law on 'fake news' about the military

**Art. 207.3 CC RF** penalises the 'public dissemination of information known to be false under the guise of credible reports... about the use of the armed forces of the Russian Federation.' At the time of its drafting, the law was probably intended to be applied where someone gives a version of events that diverges from the official line. This scenario has perhaps been seen by the authorities as more dangerous than statements that were merely critical of the war and so called for the

immediate filing of criminal proceedings (whereas under the law on repeatedly 'discrediting' the army, a criminal case may only be brought after a person has been held liable for a similar act in administrative-law proceedings).

Indeed, in most criminal prosecutions for 'fake news' about the army, the charge is premised on the fact that the accused has reported information that conflicts with the official position of the Russian authorities, usually the Ministry of Defence. Many cases have been opened in connection with the reporting of events in Bucha; the shelling of civilian facilities in other cities of Ukraine, including Mariupol and Kramatorsk; civilian casualties among Ukrainians; losses among members of the Russian armed forces; and so on. Defendants in these cases published such information both in their own name and in the form of quotes/reposts from Ukrainian or Russian independent media and opposition websites. The great majority of such cases involved posts and comments on social media (most often VKontakte) or other online platforms. However, legal proceedings have been brought for offline statements, too. For instance, teachers are known to have been prosecuted for criticising the war in the classroom.

It is also now established practice for statements that cannot possibly be construed as 'information known to be false' to be interpreted as 'fake news.' In fact, the law on 'fake news' can be invoked for any anti-war statement if the investigative authorities should, for whatever reason, take the view that a person should immediately be held criminally liable without first facing administrative charges. A clear example of this is the case of Nadezhda Buyanova.

#### The prosecution of Nadezhda Buyanova

<u>Nadezhda Buyanova</u>, from Lviv, worked as a paediatrician in Moscow. She was 67 years old when the criminal case was opened. Buyanova was charged with speaking out about the war during a doctor's appointment, uttering the phrase: 'Any Russian soldier is a legitimate target for Ukraine.' She was sentenced to five and a half years in a general regime penal colony. The verdict was passed despite the lack of plausible evidence<sup>[2]</sup> other than the testimony of Anastasia Akinshina, who brought her child to the appointment and allegedly heard Buyanova make unfavourable comments about her ex-husband, who died in Russia's war against Ukraine.

It is telling in this case that Buyanova was not even being accused of reporting information that could theoretically be interpreted as 'known to be false'; she was simply voicing her opinion about Ukraine's right to defence. However, the incident drew much attention, and it seems that a prosecution under administrative law for 'discrediting' the army was deemed insufficient. As a result, she was charged with the criminal offence of dissemination of 'fake news.'

Art.207.3 of the Criminal Code of the Russian Federation consists of three parts. Part1 (the most lenient) originally carried a sentence of up to three years' imprisonment, but in 2023 the upper limit was raised to five years. Part2 applies where one of five aggravating factors is pres-

<sup>2</sup> Testimony allegedly based on the words of a seven-year-old child cannot be relied upon for a variety of reasons. Most notably, Akinshina initially said that her son had not been present during the conversation. She later altered her testimony, and the case then additionally featured 'the testimony of the boy' as a second witness allegedly present during the conversation.

ent and imposes a maximum penalty of 10 years. **Part 3** presupposes that the dissemination of the 'fake news' had serious consequences — the maximum punishment is up to 15 years. **Part 3** has not yet been used.

When bringing charges, the choice between **Part1** and **Part2** is largely arbitrary. **Part2 [e]** is the clause most commonly used (featuring in over 90% of charges under **Art. 207.3**, **Part2**, **CC RF**). It operates on the basis that the 'fake news' was disseminated, 'for reasons of political, ideological, racial, national or religious hatred or enmity, or out of hatred or enmity towards a particular social group.'

To make **Part2 [e]** applicable, investigative authorities rely on linguistic expertise to detect 'hatred' in almost any negative utterance, and the courts accept this kind of reasoning. The case of *Andrei Kurshin* demonstrates this very well.

#### The prosecution of Andrei Kurshin

<u>Andrei Kurshin</u>, an engineer at a defence company, volunteered to take part in military operations in Ukraine in 2014-2015 on the side of Russian-controlled separatists. As the administrator of a popular Telegram channel, he crowdfunded for the Russian army from the start of the full-scale invasion. Yet at the same time, Kurshin considered the full-scale invasion a mistake and condemned certain actions by the Russian army as war crimes. It was for such posts that, in August 2024, he was sentenced to six and a half years in a general regime penal colony on a charge of disseminating 'fake news' motivated by hatred (Art. 207.3, Part 2 [d], CC RF).

In court, Kurshin appealed to the fact that he had taken part in combat operations as a 'DPR soldier,' and that he had remained in contact with his fellow soldiers and could not feel hatred towards them. However, these arguments were not accepted by the court.

As the article on 'fake news' about the military came to be applied more widely, so **Part 2** (the more punitive part) of that article saw increasing use. Whereas in 2022, over half the sentences for 'fake news' were handed down under **Part 1**, by the first half of 2024, these accounted for less than a quarter.

	2022		2023		First half of 2024		Total for 2022 - First half of 2024	
	Quan- tity	Share	Quan- tity	Share	Quan- tity	Share	Quan- tity	Share
Part 1	8	57%	31	48%	9	23%	48	40%
Part 2	6	43%	34	52%	31	77%	71	60%
Total	14	100%	65	100%	40	100%	119	100%

#### Table 7. Sentences under Art. 207.3 CC RF

Source: Judicial Department of the Supreme Court of the Russian Federation

It is not uncommon for a case to be opened initially under **Part1** of the article on 'fake news' about the military, and then for the charge to be subsequently reclassified under **Part2**. This is exactly what happened in the case of <u>Yury Kokhovets</u>, who was sentenced to five years in a general regime penal colony for participating in a street survey for Radio Liberty (see <u>Chapter 2.7.3</u>). Kokhovets was initially charged under **Art. 207.3**, **Part1**, **CC RF**, but the charge was then reclassified to **Art. 207.3**, **Part2** [e], **CC RF**. An expert assessment supplied the grounds for invoking **Part2** [e]. Specifically, experts found Kokhovets' comments that Russia has an undemocratic system, that all the power lies with one person, and that Russia started the present conflict, to be motivated by political hatred.

Changes in the way the article on 'fake news' was applied not only led to a greater use of **Part 2** but, at the same time, meant that harsher sentences were handed down under both parts of the article. Whereas in 2022, most of those convicted were not imprisoned — even under **Part 2** — in 2024, when **Part 2** was applied, they had barely any chance of remaining at liberty.

	2022	2023	First half of 2024	Total for 2022 – First half of 2024
Proportion of those imprisoned among those convicted under Part 1	0%	6%	0%	5%
Proportion of those imprisoned among those convicted under Part 2	33%	82%	94%	83%

Table 8. Proportion of those imprisoned among those convicted under Art. 207.3 CC RF

Source: Judicial Department of the Supreme Court of the Russian Federation

An important point to note about the application of the law on 'fake news' is its widespread use against public figures, generally people who left Russia, but also Ukrainian citizens. In these circumstances, trials are held in absentia. In 2024, the following individuals were convicted in absentia for disseminating 'fake news' about the army: the journalists *Maria Gessen*, *Dmitry Gordon* (Ukraine), *Mikhail Zygar* and *Dmitry Kolezev*; the politicians *Leonid Gozman*, *Dmitry Gudkov* and *Ilya Ponomarev*; the political scientist *Abbas Gallyamov*; the filmmaker *Aleksandr Rodnyansky* (Ukraine); the economist *Konstantin Sonin*; and the social activists *Mark Feigin* and *Liusya Shtein*.

#### 3.1.3. Prosecutions under the law on discrediting the use of the Russian armed forces

The article of the Criminal Code on discrediting the use of the Russian army (Art. 280.3 CC RF) is comprised of two parts. Under Part 1, a person who has discredited the Russian armed forces or other militarised bodies may be tried if they have been held administratively liable on similar grounds in the previous year. As with the article on 'fake news,' in 2023 the maximum penalty under Part 1 was toughened from three to five years' imprisonment.

Most of those held criminally liable for repeatedly discrediting the Russian army (**Art.280.3**, **Part1**, **CC RF**) and for the offence of spreading 'fake news' about the military were prosecuted for posting online, primarily on social media. However, administrative and criminal laws on discrediting are widely invoked in other situations, too. For instance, they have been used to charge people for talking to acquaintances in their apartments or in smoking rooms at work; for leafleting, staging single pickets, or putting stickers on cars or posters up in the office; shouting in a bar, at a public transport stop, or in a courthouse; and for ripping 'Z' symbols off other people's cars.

**Part 2** does not require a prior administrative violation. It is applied in situations where the discrediting has had severe consequences (death, damage to health or property, disturbing the peace, or disruption to transport or public amenities, etc.). Legal proceedings under **Art.280.3**, **Part 2**, **CC RF** are initiated in situations where, say, a protest becomes more aggressive. For instance, people have been charged with this offence for damaging and destroying pro-war banners and for fighting with people taking part in the war.

The maximum penalty under **Part2** is up to seven years' imprisonment. **Part2** of the article on discrediting the army is applied much less often than **Part1**; instances of its use are in the single digits.

	2022		2023		kirct halt of 2024		Total for 2022 – First half of 2024	
	Quan- tity	Share	Quan- tity	Share	Quan- tity	Share	Quan- tity	Share
Part 1	3	100%	47	94%	28	97%	78	95%
Part 2	0	0%	3	6%	1	3%	4	5%
Total	3	100%	50	100%	29	100%	82	100%

#### Table 9. Sentences under Art. 280.3 CC RF

Source: Judicial Department of the Supreme Court of the Russian Federation

One example of the use of Art. 280.3, Part 2, CC RF on discrediting the army is the case of Sergei Krasiuk.

#### The prosecution of Sergei Krasiuk

<u>Sergei Krasiuk</u>, an engineer at a defence company based in Moscow region, inscribed the following phrases on the key fobs for lockers used to store staff mobile phones: 'Glory to Ukraine,' 'Ukraine will be victorious,' and 'Putin is a crook.' The company's head of security gave orders to lock the doors and evacuate all the factory's employees. The evacuation resulted in 50 minutes of downtime for the factory and 237,000 roubles' worth of damages. Even though compensation for the damage was paid in full, and despite the fact the prosecutor was seeking a year in a penal colony, the court sentenced Krasiuk to three years' imprisonment in a general regime penal colony.

Even under the 'not aggravated' **Part1** of the article on discrediting the Russian army, individuals are sentenced to imprisonment more often than under **Part1** of the article on 'fake news' about the Russian army. Whereas 5% of those charged under **Art.207.3**, **Part1**, **CC RF** since the article's inception were sent to a penal colony, under **Art.280.3**, **Part1**, **CC RF**, that figure is 12%.

Table 10. Proportion of those imprisoned among those convicted under Art. 280.3 CC RF

	Total for 2022 - First half of 2024
Proportion of those imprisoned among those convicted under Part 1	12%
Proportion of those imprisoned among those convicted under Part 2	75%

Source: Judicial Department of the Supreme Court of the Russian Federation

It is fair to assume that individuals charged with repeated discrediting of the Russian army (Art. 280.3, Part 1, CC RF) can often be regarded as stauncher and more steadfast opponents of the war, or 'repeat offenders' who have already undergone administrative punishment but have not altered their stance. One individual who has displayed a willingness to stand by their views in this way is *Svetlana Marina*, an activist from Kirov.

#### The prosecution of Svetlana Marina

<u>Svetlana Marina</u> was first fined on 19 May 2023 for the administrative-law offence of discrediting the army (Art.20.3.3 CAO RF), for having shared a post about a rally in memory of Boris Nemtsov. The post featured the phrase 'the occupied territories.' In summer 2023, she was fined again, charged with the same administrative-law offence for comments she had made about Vladlen Tatarsky<sup>[3]</sup>, describing him as 'a thug and a murderer.' Just after the appeal, Marina recorded a video in which she said that her opinion of Tatarsky would not change and that she regarded him as 'a criminal and a robber.' Criminal proceedings on repeatedly discrediting the army (**Art. 280.3**, **Part1**, **CC RF**) were opened in connection with this video. She was sentenced to a custodial sentence of 18 months' compulsory work, which during her stay in the correctional centre was changed to imprisonment in a low security penal colony (for more details, see <u>Chapter 2.7.4</u>).

# 3.1.4. Prosecutions under the law on calling for actions that would endanger the security of the state

People are generally charged with calling for actions that would endanger the security of the state (Art. 280.4 CC RF) when they have done something deemed more 'dangerous' than simply criticising Russia's invasion. In most cases, the grounds for bringing a criminal case under Art. 280.4 CC RF will include posts on social media or elsewhere online that encourage people to donate to the Ukrainian army, join the Free Russia Legion or the Russian Volunteer Corps, evade mobilisation, or, if serving in the Russian army, abandon their post.

More often than not, criminal proceedings are initiated under Art.280.4, Part 2, CC RF, which can be applied where one of five aggravating factors is present. Specifically, Part 2 comes into play where the call to action has been posted online (Art.280.4, Part 2 [c], CC RF). Otherwise, the authorities use Part 3, which applies where actions are supposed to have been carried out by an organised group.

	Total for	Total for 2022-2024			
	Number of people	Overall proportion under this Art.			
Part 1	0	0%			
Part 2	23	56%			
Part 3	18	44%			
Total	41	100%			

Source: Political Prisoners Support. Memorial

3 Vladlen Tatarsky is the pseudonym of Maksim Fomin, who from 2014 took part in Russia's war against Ukraine and served as a Russian war correspondent, blogger, and propagandist. He was blown up during an evening performance at a café in St. Petersburg on 2 April 2023. In 2024, Nadezhda Rossinskaya and Nikolai Romaniuk were among those remanded in custody on charges of calling for actions that would endanger the security of the state.

Belgorod resident <u>Nadezhda Rossinskaya</u> is the founder of the Army of Beauties volunteer initiative, which has assisted Ukrainian refugees. She is suspected of calling for donations to be made to the Ukrainian armed forces. Rossinskaya has been held on remand since February 2024 and has been included in the official register of terrorists and extremists. She was charged with both calling for actions that would endanger the security of the state (Art.280.4, Part2, CC RF) and with aiding terrorist activities (Art.205.1, Part4, CC RF). It then emerged in early 2025 that she was facing a new charge of treason (Art.275 CC RF).

Nikolai Romaniuk is pastor of the Holy Trinity Church of Christians of Evangelical Faith, near Moscow. He was charged with having delivered an anti-war sermon in September 2022 in which he called on worshippers not to take part in the fighting: "I would put it like this: when you are offered a drug, when you are offered a bottle of alcohol or served with a summons to send you off into combat – it's the same sin, the same drug, and the same Satan…" Romaniuk was remanded in custody in October 2024.

### 3.2. Prosecutions under the law on justification or propaganda of terrorism, or making calls for people to engage in terrorism

3.2.1. The growing number of politically motivated prosecutions for making calls to engage in terrorism, propaganda and justification of terrorism, and particular features of these prosecutions

The law on making calls to engage in terrorism and its justification (**Art.205.2 CC RF**) was used for the purposes of political repression even before Russia's full-scale invasion of Ukraine began. It should be noted that this article, unlike those dealing with the dissemination of 'fake news' and the 'discrediting' of the Russian armed forces, is not regarded by the project, **Political Prisoners Support. Memorial**, as intrinsically unlawful. Accordingly, those convicted and sentenced to imprisonment on charges under this law are not automatically recognised as political prisoners. To establish whether the prosecution is unfounded and politically motivated, it is necessary to study the files in each individual case. Unfortunately, details of legal proceedings are often unavailable, so that there are significant gaps in our knowledge of political prosecutions under this law.

Art.205.2 CC RF consists of two parts. Part1 provides for a penalty of up to five years' imprisonment for making public calls to engage in terrorism, or for justification or propaganda of terrorism. Part2 covers liability for the same acts, where they are carried out using mass media or the internet. The punishment for an offence under Part2 is up to seven years' imprisonment.

For the most part, calls to engage in terrorism and justification of terrorism are discovered by law enforcement agencies to have occurred online. Hence, almost 90% of propaganda of terrorism cases are brought under **Art.205.2**, **Part 2**, **CC RF**. This proportion has been maintained for many years now, remaining unchanged even after the start of the full-scale war.

Existing law enforcement practices allow the authorities to actively use the law on making calls to engage in terrorism to prosecute those who express disagreement with their actions. Criminal cases are often brought in the absence of any 'justification' of terrorism or 'call' to engage in terrorism at all. At other times, the authorities employ an extremely broad interpretation of the concepts of 'propaganda' and 'justification' such that an emotional remark against the authorities or even against Vladimir Putin himself is seen, unequivocally, as incitement to violence or reprisals. Moreover, Russian law enforcement and judicial bodies will often define certain actions as 'terrorism,' when they are no such thing. Take, for example, strikes by the Ukrainian armed forces on Russian facilities used for military purposes. This practice by the authorities makes it possible to bring a charge of justification of terrorism not only against those who express public approval of such actions by the Ukrainian armed forces, but also against those who merely speak of these actions being justified and acceptable in a military conflict. Another group of cases involves the prosecution of individuals who have expressed sympathy for the Russian Volunteer Corps or the Free Russia Legion, which are fighting for Ukraine and are designated as terrorist organisations in Russia.

One example of this extremely broad interpretation of the concepts of 'calls,' 'justification,' and 'terrorism' is the case of Aleksandr Byvshev.

#### The prosecution of Aleksandr Byvshev

Aleksandr Byvshev is a poet, school teacher, and resident of Orel region. After the start of Russia's full-scale invasion of Ukraine, he wrote and posted a poem on his Facebook page that included the line: 'Where is your Russian Stauffenberg?' For this, he was charged with justification of terrorism. He was further accused of disseminating 'fake news' about the Russian army, motivated by hatred (Art. 207.3, Part 2 [e], CC RF).

On 19 March 2024, Byvshev was sentenced to seven years in a general regime penal colony. On appeal, his prison term was reduced to six years and 10 months.

The number of people charged with making politically motivated calls to engage in terrorism has increased markedly since the start of the invasion, reaching a peak in 2024. Note that the data for 2024 is as yet incomplete.

#### Table 12. Number of people charged on political grounds in the respective year under Art. 205.2 CC RF

	2022	2023	2024	Total for 2022-2024	
205.2	101	135	153	389	

Source: Political Prisoners Support. Memorial

The role played by **Art. 205.2 CC RF** in the system of political repression has increased substantially since the start of the full-scale war. Whereas in 2022, 10% of victims of politically motivated prosecution were charged with making calls to engage in terrorism or justification of terrorism, in 2023-2024 the proportion of such defendants was one-and-a-half times greater.

#### Figure 2. Proportion of individuals charged under Art. 205.2 CC RF among politically motivated prosecutions (new defendants by year, as a %)



Source: Political Prisoners Support. Memorial

Since 2022, the law on making calls for terrorism and justification of terrorism has been widely used to suppress anti-war statements. According to OVD-Info, around 60% of politically motivated prosecutions under the law on propaganda of terrorism are criminal cases involving opponents of the war in Ukraine.

Table 13. Proportion of individuals charged under Art.205.2 CC RF in connection with their anti-war position from among known victims of politically motivated prosecutions under this Art.

	2022	2023	2024	всего за 2022-2024
205.2	55%	63%	60%	60%

Source: OVD-Info

Until 2022, the proportion of women charged with making calls to engage in terrorism and justification of terrorism was markedly lower than those featuring in politically motivated prosecutions as a whole, but by 2024 the two were almost on a par.

Table 14. The proportion of women held criminally liable under Art. 205.2 CC RF

	2018-2021	2022-2024
Art. 205.2	9%	18%
All politically motivated prosecutions	15%	17%

Source: Political Prisoners Support. Memorial

A significant feature of the application of the article on making calls to engage in terrorism is the inclusion of suspects and defendants in Rosfinmonitoring's list of 'extremists and terrorists.' Individuals who end up on the list have severe restrictions placed on their financial transactions. The measure is effectively a form of extrajudicial punishment, resulting in serious economic hardship for the defendants and their relatives.

## 3.2.2. Prosecutions for supporting people wrongly accused of terrorism

It is worth highlighting the now common practice of using **Art.205.2 CC RF** to prosecute activists, human rights defenders and others who question the validity of terrorism charges in specific cases. A clear example of this is the case of **Sergei Udaltsov**.

#### The prosecution of Sergei Udaltsov

<u>Sergei Udaltsov</u> is a politician, Left Front co-ordinator, and leading member of the 2011-2013 protest movement. In January 2024, he was arrested and charged with justification of terrorism on the internet (Art. 205.2, Part 2, CC RF). The charges were based on posts in support of members of a Marxist circle from Ufa who had been remanded in custody in 2022 <u>for involvement</u> with a terrorist group.

It should be emphasised that Udaltsov had been charged with a criminal offence and remanded in custody even before the members of the Marxist circle were put on trial. What is more, they still had not been sentenced at the time of writing this report. So even posting in defence of people who have not been found guilty may qualify as justification of terrorism. Such an approach makes any public scrutiny or open discussion of cases involving terrorism charges all but impossible.

Another telling example of how the state fights any criticism of criminal cases with the use of 'terrorism' legislation is the charge against **Sergei Davidis**.

#### The prosecution of Sergei Davidis

<u>Sergei Davidis</u> heads the project, Political Prisoners Support. Memorial. In August 2024, a criminal case was filed against him for justification of terrorism on the internet (Art. 205.2, Part 2, CC RF). The pretext for the criminal prosecution was a repost on Davidis' personal Facebook page of <u>news</u> that prisoners of war from Ukraine's Azov regiment had been designated as political prisoners. In November 2024, Davidis was added to Rosfinmonitoring's list of 'extremists and terrorists.'

### 3.2.3. High-profile prosecutions in 2024 on charges of propaganda of terrorism

In 2024, the courts handed down several high-profile convictions for propaganda and justification of terrorism, and investigative bodies instituted proceedings against public figures.

#### The prosecution of Berkovich and Petriychuk

The most headline-grabbing conviction involving justification of terrorism was probably the court ruling in the case of <u>Evgeniya Berkovich</u> and <u>Svetlana Petriychuk</u>. The director and playwright were charged with propaganda of terrorism in connection with their play *Finist the Bright Falcon* about Russian women recruited by Islamic State [IS or ISIL], an organisation banned in Russia. In fact, the play has the exact opposite meaning; it depicts the protagonists being deceived by militants and facing terrible consequences as a result. The play opened in 2020 and, in 2022, it received the Golden Mask award in several categories.

Despite a huge public outcry, and notwithstanding the obvious absurdity of the charge, on 8 July 2024 both defendants were sentenced to six years' imprisonment. On 25 December, their sentences were slightly reduced on appeal, with Petriychuk's sentence reduced to five years and 10 months, and that of Berkovich to five years and seven months.

#### The prosecution of Nadezhda Kevorkova

May 2024 saw the arrest of the journalist Nadezhda Kevorkova. Criminal proceedings were initiated based on content posted on her personal Telegram channel in 2018 and 2021. One of the posts consisted of a piece of writing by Orkhan Dzhemal in which he discussed how unlawful repression serves to radicalise young people in the Caucasus. The second post related to the Taliban movement.

Russian officials have maintained relations with Taliban representatives since the movement took power in Afghanistan. In July 2024, at the very same time that Kevorkova was in pretrial detention, Vladimir Putin <u>announced</u> at an international summit that he considered the Taliban

an ally of Russia in the fight against terrorism. The Russian authorities later passed a law allowing certain organisations to be temporarily excluded from the list of terrorist organisations. This followed shortly after a number of official statements on the need to 'decriminalise' the Taliban<sup>[4]</sup>.

In 2025, Nadezhda Kevorkova was fined 600,000 roubles and released from custody.

The court ruling in the case of <u>Boris Kagarlitsky</u> produced a strikingly harsh sentence, his fine having been replaced by five years in a penal colony (see <u>Chapter 2.7.3</u>).

The law on the justification of terrorism has proved to be a convenient tool for fabricating new cases against political prisoners who are already in penal colonies, namely, Azat Miftakhov and Aleksei Gorinov (see Chapter 2.7.1).

Over the course of 2024, investigative bodies brought criminal proceedings for propaganda of terrorism against various public figures, including the politicians *Gennady Gudkov*, *Leonid Volkov*, *Garri Kasparov*, and *Ilya Ponomarev*; and the journalists *Tatyana Lazareva* and *Evgeniya Chirikova*.

### 3.3. Prosecutions on charges of repeated display of prohibited symbols

In July 2022, a series of amendments were introduced into the Criminal Code of the Russian Federation that expand the scope of politically motivated prosecutions. In particular, **Art.282.4 CC RF** was added, which establishes liability for repeated public display of Nazi emblems or symbols, as well as symbols of extremist organisations. Under this law, individuals who have been convicted under the analogous administrative law (**Art.20.3 CAO RF**) within the preceding year are liable to face criminal prosecution.

Art.282.4 CC RF consists of two parts. Part1 imposes a punishment for displaying forbidden symbols, with a maximum penalty of up to four years' imprisonment. Part2 establishes liability for the manufacture or distribution of such symbols for the purpose of promoting them. The maximum prison term under the second part is also four years. To date, there has been no known use of the second part of this article.

In our view, the standard practice of applying the law concerning the display prohibited symbols has significant weak points from a legal perspective. Even in cases that involve actual Nazi symbols, the courts often do not investigate whether there was intent to promote them, instead applying a formalistic approach and issuing convictions based solely on the fact that they were displayed. Designating negatively viewed or even non-existent groups as 'extreme' or 'terrorist' turns this regulation into an instrument of illegal repression. Introducing criminal liability for

<sup>4</sup> On 1 April 2025, the Prosecutor General's Office requested that the Taliban be removed from the list of terrorist organisations. On 18 April, the organisation was temporarily taken off the list.

the display of prohibited symbols significantly worsens the negative consequences of enforcing this law. We believe this legislative measure does not serve to defend the public from genuine threats. Instead, it is primarily aimed at suppressing public discussion and the expression of opinions that differ from official positions on socially significant issues.

At present, several common scenarios can be identified in which Art. 282.4 CC RF is applied:

- Accusations against Russian government officials and their supporters of fascism or Nazism. Any attempt to highlight analogies between the policies of the country's leadership and Nazism carries the risk of accusations of using prohibited symbols. For example, the following, and many more, have served as grounds for criminal prosecution: images of Vladimir Putin depicted as Adolf Hitler or wearing a Nazi cap; a comparison of the singer Shaman to a member of the Hitler Youth; and the use of the Z symbol in a manner resembling a swastika;
- Pro-Ukraine statements. Criminal cases have been opened, for example, for use of the slogan *Glory* to *Ukraine* (Slava Ukraine) and the username SlavaUkraine14 in an online game;
- Use of the white-blue-white flag<sup>[5]</sup>.

Criminal prosecution may extend to other groups as well. After the 'international LGBT social movement' was designated an 'extremist organisation,' law enforcement agencies repeatedly prosecuted individuals under administrative law for displaying the rainbow flag. In turn, anyone held administratively liable faces the threat of criminal proceedings in the event of a repeat violation within a year.

Mentioning Aleksei Navalny's name, displaying pictures of him, or displaying the logo of the Anti-Corruption Foundation entails the same threat.

The law against repeated display of prohibited symbols is also used for targeted prosecution of dissidents. This application of the law can be seen in the cases of *Aleksei Sokolov* and *Vasily Slonov*.

#### The prosecution of Aleksei Sokolov

<u>Aleksei Sokolov</u> is a human rights activist from Ekaterinburg. He heads the organisation Pravovaya osnova (Legal Basis) and has long been involved in the defence of prisoners' rights. A criminal case was initiated against him for the repeated display of the Facebook<sup>[6]</sup> logo on websites with which he is affiliated. Sokolov was arrested in July 2024, and in January 2025 was released under travel restrictions.

<sup>5</sup> The white-blue-white flag has emerged as a symbol of the Russian anti-war movement since the start of the full-scale invasion — a version of the Russian tricolour with 'the blood washed away'. The Free Russia Legion has adopted this flag, alongside its own emblem. After the Legion was designated a 'terrorist organisation,' law enforcement and courts began systematically interpreting the white-blue-white flag as a symbol of the group, the display of which is prohibited in Russia.

<sup>6</sup> Meta Platforms, Inc. is an American multinational holding company that owns Facebook, Instagram, and WhatsApp. In March 2022, Tverskoi district court in Moscow, acting on a lawsuit filed by the Prosecutor General's Office, designated Meta an extremist organisation.

#### The prosecution of Vasily Slonov

<u>Vasily Slonov</u> is an artist living in Krasnoyarsk. In September 2024, he was sentenced to one year of compulsory full-time work (not in custody) on charges of repeated display of prohibited symbols (**Art. 282.4**, **Part 1 CC RF**). He was convicted over a toy he had made — a white roly-poly doll with blue eight-pointed stars painted on its 'arms' that allegedly symbolised the banned AUE movement (a Russian abbreviation variously deciphered as 'Prisoners' One Code' or 'Prisoners' Criminal Unity')<sup>[7]</sup>. A picture of the doll had been posted on the artist's VKontakte page.

One thing the cases of Sokolov and Slonov have in common is that both defendants had long-standing conflicts with the authorities. In his work defending prisoner rights, Sokolov repeatedly criticised the Sverdlov region branch of the Federal Penitentiary Service, which, according to the investigative authorities, showed the institution in a negative light. As for Slonov, his art has been a source of irritation for government officials for decades. His exhibitions have been shut down by law enforcement agencies and attacked by the pro-government SERB movement, while his artwork has been assessed for extremism. Slonov was even summoned to the FSB for a conversation. The law on 'repeated display of prohibited symbols' allowed authorities to prosecute both Sokolov and Slonov, virtually without any evidence of a crime having been committed, forcing them to cease their activities, at least temporarily.

According to the project, **Political Prisoners Support. Memorial**, 16 politically motivated criminal cases have been observed in the two and a half years since the law on repeated display of prohibited symbols went into effect. Most of these were initiated in 2024.

	2022	2023	2024	Total
Part 1	2	5	9	16
Part 2	0	0	0	0

#### Table 15. Number of individuals convicted on political grounds under Art. 282.4 CC RF, by year

Source: Political Prisoners Support. Memorial

However, there are strong grounds to believe that the true scale and trends of prosecutions under **Art. 282.4 CC RF** differ from what the data reported by human rights activists indicates. Data from the Judicial Department of the Supreme Court of the Russian Federation shows a significantly higher number of convictions. Moreover, the number of individuals convicted in the first half of 2024 alone was higher than the total for all of 2023. Many cases have been initiated regarding AUE symbols, including prisoners' tattoos. According to data from the Sova Centre, 19 individuals were convicted over AUE symbols in 2024, and 12 cases specifically involved tattoos.

<sup>7</sup> AUE is a criminal subculture whose members strive to live by the rules of the criminal world. They use criminal slang, sometimes form local groups, and provide financial support to prisoners. In 2020, the Russian Supreme Court designated AUE an 'extremist organisation,' even though the subculture's adherents do not belong to any single unified organisation.
	2022	2023	First half of 2024	Total: 2022 through - first half of 2024
Part 1	0	40	53	93
Part 2	0	0	0	0

Table 16. Number of individuals convicted under Art. 282.4 CC RF

Source: Judicial Department of the Supreme Court of the Russian Federation

### 3.4. Prosecutions under other articles of the Criminal Code that criminalise speech

This section is devoted to prosecutions brought under a number of articles of the Criminal Code: for calls to engage in extremism, calls to violate territorial integrity, violations of territorial integrity, and incitement of hatred and enmity. These laws were introduced at different times and establish various grounds for criminal proceedings. What they have in common is that they are actively used for political repression, and court decisions associated with them primarily involve charges of 'incorrect' speech.

# 3.4.1. Politically motivated charges of making calls to engage in extremism or incitement of hatred, including for anti-war positions

The laws prohibiting calls to engage in extremism (Art.280 CC RF) and incitement of hatred or enmity (Art.282 CC RF) have a long history of use in politically motivated prosecutions that dates back to the 2000s. Since 2014, and especially since the start of the full-scale invasion, they have also been used to prosecute individuals for anti-war speech. Those suspected or accused on such charges are added to Rosfinmonitoring's list of 'extremists and terrorists.'

A law against making public calls to engage in activities aimed at violating Russia's territorial integrity (**Art. 280.1 CC RF**) has existed since 2013. Cases of its application are isolated. In 2020, a law prohibiting violating Russia's territorial integrity (**Art. 280.2 CC RF**) was also introduced. To date, no charges have been brought under this article. It is quite likely that the 'separatist'

articles will remain largely unused as well, since the Supreme Court's ruling designating the Anti-Russian Separatist Movement an extremist organisation and the Free Nations of Post-Russia Forum a terrorist organisation enables the use of the more severe 'extremist' and 'terrorist' articles against supporters of independence for any Russian regions (see <u>Chapter 3.10.3</u>).

The number of individuals charged under the four criminal articles listed above, whose prosecution the project, **Political Prisoners Support. Memorial**, has deemed politically motivated<sup>[8]</sup>, remained stable throughout 2022-2023. The decline in the number of cases in 2024 should be interpreted with caution, as the 2024 data has not yet been finalised.

Fable 17. Number of individuals charged on political grounds under Art. 280 CC RF, Art. 28	2
CC RF, Art. 280.1 CC RF, Art. 280.2 CC RF, by year	

	2022	2023	2024	Total
Art. 280	35	32	24	91
Art. 282	17	21	15	53
Art. 280.1	0	0	0	0
Art. 280.2	0	0	0	0
Total	52	53	39	144

Source: Political Prisoners Support. Memorial

Politically motivated prosecutions on charges of making calls to engage in extremism or incitement of hatred accounted for around 5-7% of all politically motivated prosecutions, a figure that did not change significantly from 2022 to 2024.

### Figure 3. Percentage of all individuals prosecuted on political grounds who were charged under Art. 280 CC RF and Art. 282 CC RF (new defendants by year)



Source: Political Prisoners Support. Memorial

<sup>8</sup> Memorial does not consider every prosecution on such charges to be unlawful or politically motivated by default. At the same time, the circumstances surrounding most of these cases are unknown, and the number of politically motivated prosecutions on charges of incitement to hatred or calls to extremism may be significantly higher than assumed.

According to data from OVD-Info, anti-war speech accounts for more than half of the criminal prosecutions on charges of making calls to engage in extremism or incitement of hatred of which the human rights activists are aware. However, it is important to acknowledge that most of the details of these cases are unknown. Therefore, the percentage of prosecutions under these articles brought for anti-war positions is likely best considered a minimum, and the true figure may in fact be higher.

The laws in question have been used to prosecute anti-war speech to varying degrees. In more than 60% of cases, criminal proceedings under **Art. 280 CC RF**, for calls to engage in extremism, were initiated in response to an anti-war stance. However, in prosecutions for incitement of hatred or enmity (**Art. 282 CC RF**) anti-war speech was documented in less than half of all cases.

Table 18. Percentage of all politically motivated prosecutions under Art. 280 CC RF and Art. 282 CC RF where an anti-war position was the reason for prosecution

	Total
Art. 280	64%
Art. 282	37%
Average under Art. 280 and Art. 282	54%

Source: OVD-Info

Russian law enforcement agencies had already developed effective methods for using these laws to suppress various kinds of dissent in years past. Since the start of the full-scale war in Ukraine, they have met no obstacles applying them to prosecute opponents of the invasion.

# 3.4.2. Prosecutions on charges of making calls to engage in extremism

The law criminalising calls to extremism (Art.280 CC RF) consists of two parts. Art.280, Part1, CC RF is typically used for calls to extremism made offline, while Art.280, Part2, CC RF provides for liability for the same acts when committed using mass media or the internet. According to the project, Political Prisoners Support. Memorial, more than 90% of politically motivated criminal cases on charges of calls to extremism in 2022-2024 were brought under the second part of the article.

Similar figures can be found in the statistics from the Judicial Department of the Supreme Court of the Russian Federation, which provides information on all verdicts under this article, not just those that were politically motivated. Of all verdicts handed down on charges of making calls to extremism between 2022 and mid-2024, 93% were brought under **Art.280**, **Part 2**, **CC RF**.

Table 19. Sentences under Art. 280 CC RF

	2020		2021		2022		2023		First h 2024	half of	2022 - half of	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Part 1	20	11%	30	10%	22	6%	25	8%	7	6%	54	7%
Part 2	164	89%	277	90%	334	94%	281	92%	118	94%	733	93%
Total	184	100%	307	100%	356	100%	306	100%	125	100%	787	100%

Source: Judicial Department of the Supreme Court of the Russian Federation

In most instances, the basis for criminal prosecution on charges of making calls to extremism (Art.280 CC RF) has been a statement made online, usually on social media. In 2024, politically motivated cases under this law were mostly initiated for emotionally charged comments about Russian military service personnel involved in combat in Ukraine, members of the security forces, the FSB, state officials, military commissars, and other representatives of the authorities. Calls for regime change have also been classified as extremist. Charges of making calls to engage in extremism offline have been brought for distributing leaflets with similar content or for writing messages on the walls of stairwells such as 'Overthrow Putin! Stop the war!'

Often, those accused of making calls to engage in extremism are simultaneously prosecuted on other charges, such as justification of terrorism (Art.205.2 CC RF) or disseminating information known to be false about the deployment of the Russian armed forces (Art.207.3 CC RF). A charge of spreading 'fake news' was added to the charge of making calls to engage in extremism in the case against Evgeniya Maiboroda.

#### The prosecution of Evgeniya Maiboroda

*Evgeniya Maiboroda* is a pensioner and a resident of Shakhty, in Rostov region. She was 72 at the time of her sentencing. A criminal case was brought against her for two reposts she made online. One referenced civilian deaths in Mariupol, and the other was a video in which a girl standing in front of a swastika said she was going to 'slaughter Russians.' The pensioner explained that she shared the video when she was in an emotional state after learning that her cousin in Dnipro had been injured in the shelling there. In January 2024, she was sentenced to five and a half years in a general regime penal colony. She has been added to the official list of 'terrorists and extremists.'

### 3.4.3. Prosecutions on charges of incitement of hatred or enmity

The law criminalising incitement of hatred or enmity (Art.282 CC RF) consists of two parts. Part1 provides for the initiation of a criminal case if a person has been held liable under administrative law for similar actions within the past year (Art.20.3.1 CAO RF). Part2, which is more severe, is intended to be applied if the actions inciting hatred are accompanied by threats of violence, involve the use of an official position, or are carried out by an organised group.

	Т	Total				
	No. of individuals	% of all prosecutions under Art.				
Part 1	12	24%				
Part 2	38	76%				
Total	50	100%				

#### Table 20. New prosecutions under Art. 282 CC RF

Source: Political Prisoners Support. Memorial

Current enforcement practice allows the article on incitement of hatred or enmity (Art. 282 CC RF) to be applied in the instance of virtually any negative comment made about anyone. In 2024, criminal cases under this article were initiated over social media comments and posts that criticised the invasion of Ukraine or expressed negative views about the actions of individuals, including Russian military personnel, government officials, security officials, leadership of the Russian Federation, civilians who support the war, and judges.

The law against incitement of hatred or enmity is interpreted extremely broadly when applied. This includes the more severe **Part2** of the law, under which cases are initiated three times more frequently than the first. While a charge under **Part1** requires that the individual have been already subject to administrative liability for incitement of hatred or enmity, **Part2** provides a way around that barrier on fabricated grounds.

An illustrative example of this approach is the case of Aleksandr Nesterenko, accused of incitement of hatred or enmity accompanied by threats of violence (Art. 282, Part 2 [a], CC RF).

#### The prosecution of Aleksandr Nesterenko

<u>Aleksandr Nesterenko</u> is an associate professor in the Department of Philosophy at Bauman Moscow State Technical University. In September 2024, he was remanded in custody on a charge of inciting hatred against 'Russians' as a group, for posting four patriotic Ukrainian songs on VKontakte. The songs have not been designated as extremist material by the Russian Federation and are widely available on various online platforms. Nesterenko did not draw any particular attention to these songs among the 319 songs shared on his page and did not comment on them.

Another example of a prosecution on trumped-up charges is the case of Usman Baratov.

#### The prosecution of Usman Baratov

<u>Usman Baratov</u> is a Russian citizen originally from Uzbekistan. He serves as president of the Uzbek community organisation Vatandosh. He posted a meme about the rising price of eggs, which was interpreted as an insult to Russian military service personnel. The meme depicted a chicken saying, 'Screw you – no eggs. Bring the roosters back from the front.' This plays on the idea that the war and the labour shortage in civilian sectors are driving inflation.

The case was based on a linguistic expert analysis that concluded: 'The word "rooster" can be used as slang to describe a person. In certain phrases, it can have a pejorative meaning, with origins in prison slang, where it is used to refer to passive homosexuals.' Nothing in Baratov's post or its context suggests that he ascribed this or any other offensive meaning to the word 'rooster.'

In August 2024, Baratov was found guilty of incitement of hatred as part of an organised group (Art.282, Part2 [v], CC RF) and sentenced to four years in a general regime penal colony. His assertion that his assistant failed to delete the post from his page for a month was likely sufficient to qualify the act as a 'crime.' There is no information about charges against anyone else in this case.

The article on incitement of hatred is a sort of multi-purpose tool that can be applied in various situations – particularly to strengthen control over the cultural sphere. In 2024, the article was used to bring criminal cases and trials took place of the singer <u>Eduard Sharlot</u>, rappers <u>Islam</u> <u>Zakirov</u> and <u>Sherafgan Sharipov</u>, and actress <u>Yana Troyanova</u>.

# 3.5. Prosecutions on charges of arson and sabotage

3.5.1. Arson attacks targeting military recruitment offices, railway infrastructure, and other facilities during the full-scale war against Ukraine

Since the start of the full-scale invasion in Ukraine, acts damaging military recruitment offices, government buildings, railway infrastructure, and similar targets have become increasingly

common. According to <u>data</u> from the human rights media project Avtozak LIVE, more than 600 such incidents have been recorded since the start of the war<sup>[9]</sup>. It is important to clarify from the outset that the motives behind these acts vary widely.

In most cases, these were arson attacks. Some attacks involved firecrackers or other explosive devices, and a green antiseptic dye ('zelyonka') has been used at polling stations.

According to Avtozak LIVE, in nearly 60% of cases, the facility targeted was a military recruitment office or part of the railway infrastructure. Less frequent arson targets were other government-run facilities, such as law enforcement buildings, polling places, post offices, and cell phone towers.

Figure 4 shows the total number of attacks by month, highlighting those targeting military recruitment offices and railway infrastructure. Incidents involving other types of facilities are shown only at their peak levels; during other periods, such incidents either did not occur or were isolated incidents.



#### Figure 4. Number of arson incidents and other attacks by month, 2022-2024

(Source: Avtozak LIVE)

<sup>9</sup> This figure includes not only acts that were committed but also acts that law enforcement agencies claim were being planned.

Since February 2022, there have been several sharp spikes in attacks. At the same time, the motives of those involved in most of these attacks changed as well.

- After mobilisation was announced at the end of September 2022, the number of arson attacks on military recruitment offices skyrocketed. These acts were typically carried out in protest against the war and mobilisation. More details about these attacks can be found in previous years' reports (see Chapter 2.6.1 in the <u>2022 report</u> on repression and Chapters 2.3.1 and 2.3.2 in the <u>2023 report</u>).
- Throughout 2023, the number of sabotage incidents targeting railway facilities increased. Law enforcement agencies frequently reported arresting suspects who had defaced infrastructure for monetary rewards promised by anonymous handlers via Telegram. The defendants were often young, sometimes even teenagers.
- In July 2023, the number of arson attacks on military recruitment offices rose again, reaching a peak in August. Many of the arsonists detained claimed that telephone scammers had tricked them out of money and then posed ase law enforcement officers, promising to return the money in exchange for carrying out some act. The victims were usually told that committing arson would assist in a law enforcement operation to apprehend criminals. Many of the detainees were older individuals.
- The next wave of attacks coincided with the presidential elections in Russia in March 2024. There were various incidents at polling places, including arson and the pouring of green antiseptic dye into ballot boxes. Those detained frequently stated that they had acted under the influence of scammers.
- The most recent wave to date was in December 2024. That month's attacks targeted sites where incidents had previously been rare or were entirely unprecedented. The arson attacks targeted banks, post offices, police stations, police vehicles, and other objects and facilities. These attacks vary in nature and lack any clear precipitating event. They are most likely also linked to phone scams.

We can see that the goals and behaviour of arsonists have changed significantly over these three years. While attackers often had blatant anti-war stances in 2022, the motives behind later attacks were less clear. The profile of the 'typical' arsonist has shifted; notably, there has been an increase in elderly people among the attackers. Attacks increasingly occurred in broad daylight, and in some cases the perpetrators made no attempt to flee afterwards.

In a <u>study</u> of attacks carried out at the prompting of scammers, Mediazona concludes that 'by 2024, arson attacks orchestrated by phone scammers had all but overtaken those with an anti-war motive.'

# 3.5.2. Legal classification of arson and other attacks on property related to Russia's war against Ukraine

Law enforcement agencies have demonstrated a lack of a coherent strategy in responding to arson and other attacks. In instances that are similar in nature, criminal proceedings have been initiated under different articles of the Criminal Code. The following articles have typically been applied:

- rendering means of transportation or communication inoperable (Art.267, Part1, CC RF) punishable by up to one year's imprisonment;
- intentional destruction of or damage to property (Art.167 CC RF) punishable by up to five years' imprisonment;
- disorderly conduct (Art. 213 CC RF) punishable by up to eight years' imprisonment;
- terrorist act (Art. 205 CC RF) punishable by up to 20 years' imprisonment;
- sabotage (Art. 281 CC RF) punishable by up to 20 years' imprisonment.

The classification of specific attacks has often depended on factors unrelated to the incidents themselves. Sometimes the classification has depended on which agency investigated the attack. The FSB has typically initiated terrorism charges, while the Interior Ministry and the Investigative Committee have applied less serious charges in similar situations. It could also depend on the region where the act took place. As *Mediazona* noted in 2023, Krasnodar and Rostov regions were more likely to classify arson as a terrorist act.

Nevertheless, the percentage of arson cases classified as terrorism has gradually increased. As with prosecutions for other anti-war protests, law enforcement tends to impose exemplary harsh punishments.

In many cases, the classification of attacks became more severe over the course of the investigation. This is what happened in the case of **Bogdan Abdurakhmanov** and **Boris Goncharenko**.

#### The prosecution of Abdurakhmanov and Goncharenko

<u>Bogdan Abdurakhmanov</u> and <u>Boris Goncharenko</u> are residents of Krasnodar region. They were accused of throwing three Molotov cocktails at the entrance of a military recruitment office on the night of 6 October 2022 in the town of Goryachi Kliuch in Krasnodar region. The fire was extinguished by a guard and seconded military service personnel before firefighters arrived. The damage amounted to 7,482 roubles. Initially, Abdurakhmanov and Goncharenko were charged with attempted arson (Art.30, Part3, CC RF in conjunction with Art.167, Part2, CC RF). However, the case caught the attention of the FSB, and the defendants were charged with committing a terrorist act as part of a group by prior conspiracy that resulted in significant damage (Art.205, Part2 [a, c], CC RF). In January 2025, the court sentenced Abdurakhmanov to 13 years' impris-

onment and Goncharenko to 12 years. In both cases, the first four and a half years of their sentences are to be served in a cell-type prison and the remainder in a strict regime penal colony.

In most cases, the classification of war-related arson as a terrorist act appears unfounded. A terrorist act must involve instilling fear in the general population and aims to influence authorities. In most instances of arson targeting military recruitment offices and other facilities, the acts have not had these characteristics or objectives. As a rule, no intention to commit a terrorist act has been established during investigations or trials, nor has it been proven that the general population felt intimidated by the defendants' actions. The state is using disproportionately severe charges to intimidate opponents of the war.

Moreover, classifying arson as a terrorist act enables the state to charge individuals with justifying terrorism if they speak out in favour of such actions or in any way align themselves with the arsonists.

The systematic use of terrorism charges against 'anti-war arsonists' appears all the more politically motivated given the ample grounds that exist to suspect the involvement of the intelligence services in the planning and execution of such attacks. It is extremely difficult to assess the scale of these acts of provocation, but in certain cases the fact that a provocation was involved is evident.

#### The prosecution of Mikhail Balabanov

Mikhail Balabanov is a resident of Kazan who graduated from an aviation technical college and worked as a salesman. He was 20 years old at the time of the alleged events. According to the prosecution, Balabanov held anti-war views and was looking for a way to leave Russia to avoid being drafted. In November 2022, Balabanov attempted to call a Ukrainian hotline called I Want to Live but was unable to get through. That same night, he was in contact with a Telegram user with the handle 'I Want to Live.' At the user's request, Balabanov provided his passport information and recorded a video expressing his willingness to cooperate with the Ukrainian State Security Service. According to the investigative authorities, Balabanov travelled to the city of Nevinnomyssk on the instructions of this user, where he rented a flat, photographed various facilities, and prepared Molotov cocktails. When he went to the military recruitment office to take more pictures, he was detained by FSB officers. Video footage in the case shows that Balabanov had been under surveillance since at least as far back as his arrival in Nevinnomyssk. What led the intelligence services to Balabanov before he photographed various sites has not been communicated during the trial. Moreover, there is a variety of additional evidence that is difficult to explain in any way other than as a provocation by the FSB. In May 2024, Balabanov was found guilty of preparing a terrorist act (Art. 30, Part1, CC RF in conjunction with Art. 205, Part1, CC RF) and was sentenced to four years and six months' imprisonment with the first two years to be served in a cell-type prison.

The rise in convictions on charges of terrorism and sabotage that court statistics shows is most likely related to prosecutions over arson attacks targeting buildings and transportation infrastructure.

	2022	2023	First half of 2024
Art. 205	45	73	54
Art. 281	1	12	15

#### Table 21. Number of convictions under Art. 205 CC RF and Art. 281 CC RF

Source: Judicial Department of the Supreme Court of the Russian Federation

At the same time, the authorities have found still harsher methods of punishing those accused of arson or preparing arson — namely, by charging them with multiple serious, or especially serious, offences in addition to terrorism. *Ilya Baburin* is an example of someone charged in this way. He was charged with six crimes, four of which were linked to unrealised plans to set fire to a military recruitment office.

#### The prosecution of Ilya Baburin

Ilya Baburin is a programmer from Novosibirsk. He was 22 years old at the time of his detention in September 2022. He was initially charged with attempting to organize a terrorist act (Art. 30, Part 3, CC RF and Art. 205.1, Part 4, CC RF). The act in question was arson targeted at a military recruitment office. A year after his arrest, a criminal case was opened against him for setting fire to music school. He has emphatically denied committing this act, and the case contains no credible evidence of his guilt. Moreover, Baburin was additionally charged with treason (Art. 275 CC RF). According to the FSB, he was planning the arson attack in order to assist Azov. Later, investigative authorities concluded that Baburin himself was a member of Azov and added to the case charges of participating in a terrorist organisation (Art. 205.5, Part 2, CC RF) and participating in an illegal armed group (Art. 208, Part 2, CC RF). According to investigative authorities, Baburin's plans to commit arson targeting the military recruitment office and the alleged arson targeting the music school constituted treason and participation in Azov. As a result, five criminal charges were brought against him for the same alleged acts, instead of two. On 20 May 2024, Baburin was sentenced to 25 years' imprisonment, with the first five years to be served in a cell-type prison and the remainder in a strict regime penal colony.

As attacks resulting from phone scams have increased, prosecutions for the more serious offences have become less frequent and arsonists have begun receiving lighter sentences. As <u>noted</u> in a study by *Mediazona* on attacks influenced by scammers, terrorism laws were applied in 55% of anti-war arson cases, and in 21% of arson cases influenced by phone scammers. On average, punishments for victims of scammers have also been less severe than those for other anti-war activists. However, it is unwarranted to charge even one out of five such arsonists with committing a terrorist attack — both from a legal perspective and in terms of common sense.

An act of terrorism requires direct intent. The perpetrator must be seeking to destabilise the authorities and influence their decision-making. The victims of scams harbour no such intent; on the contrary, they often believe they are helping the authorities.

According to *Mediazona*, the FSB Directorate for St. Petersburg and Leningrad region is particularly notable for a hardline approach. Of the 28 terrorism-related criminal cases brought against victims of scammers, this FSB directorate investigated 10 of them. One such case involved 67-year-old <u>Zhumagul Kurbanova</u>, sentenced to 10 years' imprisonment in February 2024. Scammers first persuaded her to take out a loan, and then to set fire to a military recruitment office. In January 2025, another ten-year sentence was passed down to 76-year-old St. Petersburg resident <u>Galina Ivanova</u>. She, too, was first defrauded, then tried to set fire to a van parked outside a military recruitment office.

### 3.6. Prosecutions on charges of providing military assistance to Ukraine or attempting to join the Ukrainian armed forces

### 3.6.1. Changes in legislation on treason and espionage and its application since the onset of the full-scale war against Ukraine

The full-scale invasion has resulted in a sharp increase in prosecutions on charges of alleged assistance to Ukraine. The Criminal Code articles on treason (Art. 275 CC RF) and espionage (Art. 276 CC RF) have been used more frequently in such prosecutions. A series of amendments have been made to adapt these laws for use against any form of assistance to Ukraine, a process that remains ongoing.

#### Timeline of changes to legislation

July 2022. The law prohibiting treason (Art. 275 CC RF) was amended to add 'going over to the enemy's side in an armed conflict.' The law prohibiting espionage (Art. 276 CC RF) was amended to include language about gathering and transmitting to the enemy information 'that could be used against the Russian armed forces.' In addition, an article was introduced to the Criminal Code criminalising collusion with a foreign state or with an international or foreign organisation (Art. 275.1 CC RF). In the media, this is sometimes referred to as 'treason lite.' The article criminalises collusion with foreigners when conducted 'for the purpose of assisting them in activities knowingly directed against the security of the Russian Federation.' The maximum sentence under this article is eight years' imprisonment.

April 2023. The penalty for treason was increased to life imprisonment.

**December 2024.** Amendments were made to the article on treason, stipulating that 'going over to the enemy's side' now includes not only joining the Ukrainian army, but also participating 'in the activities of an enemy's authorities, institutions, enterprises, or organisations knowingly directed against the security of the Russian Federation.' A new law was introduced that criminalises aiding the enemy in activities knowingly directed against the security of Russia (**Art. 276.1 CC RF**). The law allows for the prosecution of foreign nationals and stateless persons. Moreover, unlike in espionage cases (**Art. 276 CC RF**), law enforcement agencies are not required to prove that defendants gathered classified information that constitutes a state secret. The maximum sentence under the new law is 15 years' imprisonment.

Taken together, the following can be said about the amendments to the Criminal Code:

- The legislation has become increasingly repressive in nature. The grounds for criminal liability have been broadened, and penalties have become harsher;
- The definition of what constitutes a crime has become even broader and more arbitrary;
- The clear aim of the changes to the articles and their enforcement has been to facilitate their use as tools of political repression.

Significant changes have also been observed in how the provisions of the Criminal Code on state security are used.

As Department One observed in the most comprehensive <u>report</u> on the subject, 'until 2022, nearly all treason cases involved state secrets. People were charged either with "espionage" – when someone without a security clearance allegedly obtains state secrets – or with "disclosure of state secrets", when someone entrusted with a state secret passes it on to someone else.'

According to Department One, most treason charges since the start of the war have concerned either 'going over to the enemy's side,' or providing the enemy with some sort of assistance. Cases involving state secrets now account for only around 30% of all treason charges.

The article of the Criminal Code on preparing for or attempting a crime (**Art. 30 CC RF**) has come to play a notable role in criminal cases involving treason. According to data from the project, **Political Prisoners Support. Memorial**, approximately 20% of cases of state treason during the full-scale war involved 'preparing for a crime.' No such cases are known to have been initiated before 2022. There is substantial reason to believe that acts of provocation took place, with the FSB aware of crimes being 'planned' because agents had been supervising them from the outset. Acts of provocation will be covered in more detail below.

In its study, Department One also notes that, prior to 2022, cases of treason and espionage were handled primarily in Moscow, with nearly one in every three such cases tried there. Since the start of the full-scale invasion in Ukraine, only about 10% have been tried in Moscow. Espionage and treason cases are actively prosecuted in the occupied territories, as well as in areas near the front and in other Russian regions bordering Ukraine, such as Rostov, Belgorod, Kursk, Voronezh, Bryansk, and Krasnodar.

Moreover, Department One stated that trials have started proceeding more quickly. The average trial length has decreased more than threefold between 2022 and 2024.

Overall, the new definitions of treason and espionage, as well as a greater willingness interpret these concepts more broadly, have made it possible to bring charges and convictions for these crimes on a much larger scale and in a far wider range of situations than before.

### 3.6.2. Charges of treason and espionage for alleged cooperation with the Ukrainian army, and the scale of such charges

Since the start of the full-scale war, most treason charges have been linked to allegations of some form of cooperation with Ukrainian intelligence services, the Ukrainian armed forces, or related organisations. These charges have taken the following forms:

- participating in combat operations of the Ukrainian armed forces;
- intent to join the Free Russia Legion, the Russian Volunteer Corps, the Azov Brigade, or other units of the Ukrainian armed forces;
- passing on information about troop deployment or movement, military or transport infrastructure, defence industry facilities, or energy facilities;
- transferring funds to Ukrainian foundations or other organisations;
- arson attacks against military recruitment offices, military equipment or warehouses, transportation infrastructure, government buildings, and similar structures on the instructions of Ukrainian intelligence services;
- carrying out other tasks for Ukrainian intelligence services, such as distributing leaflets;
- inciting participation in the war on the side of Ukraine.

Espionage charges have been brought against foreigners and dual citizens. In most cases, these are Ukrainian citizens, often residing in the occupied territories. The charges are typically for passing on information about troop deployments, military facilities, defence industry facilities, and similar matters (see <u>Chapter 4.2.1</u> for details).

One characteristic of criminal cases on treason and espionage is their lack of transparency. The state classifies information about who is prosecuted and what charges are brought. According to the aforementioned study by Department One, the number of trials on charges related to state security is likely concealed as well.

Department One asserts that treason and espionage case numbers are under-reported in the data published by the Judicial Department of the Supreme Court of the Russian Federation and on court websites.

Even so, a sharp increase in the number of people convicted for treason is evident. Noting that the 2024 data covers the first six months of the year only, it is clear that the number of sentences has increased by an order of magnitude compared to the pre-war period.

#### Table 22. Number of convictions under Art. 275 CC RF

	2021	2022	2023	First half of 2024
Judicial Department of the Supreme Court of the Russian Federation	8	16	38	52
Court of first instance case files	7	14	58	90
Department One	11	18	70	102

Source: Department One

The situation is similar regarding trials for espionage. There has been rapid growth in the number of convictions, and little to no official information about the cases.

#### Table 23. Number of convictions under Art. 276 CC RF

	2021	2022	2023	First half of 2024
Judicial Department of the Supreme Court of the Russian Federation	2	1	9	18
Court of first instance case files	2	0	39	27
Department One	3	0	45	55

Source: Department One

The example of prosecutions for providing financial assistance to Ukrainian organisations illustrate how prosecutions for treason have unfolded. It is unknown how many criminal cases were initiated in 2022 on charges of sending funds to Ukrainian foundations. At first, Russians suspected of sending funds were merely subjected to <u>inspections</u> and seizures of equipment. Some of those suspected managed to <u>leave</u> Russia. The FSB also <u>issued warnings</u> to Russian citizens in July and August of 2022 over transferring funds to Ukrainian organisations.

Criminal charges of treason for providing financial assistance to Ukrainian foundations has been routine since 2023, with 12-year prison sentences for transferring just a few hundred roubles becoming typical. Criminal cases have also been initiated for donations made in the early days of the full-scale war. *Nina Slobodchikova* was subjected to one such prosecution.

#### The prosecution of Nina Slobodchikova

<u>Nina Slobodchikova</u> is an IT consultant living in Moscow. Several of Nina's relatives, including her mother, live in Ukraine. Nina was charged with treason (Art.275 CC RF) for sending 5,000 roubles to a Ukrainian blogger. In April 2024, she was sentenced to 12 years in a general regime penal colony.

### 3.6.3. Prosecutions on charges of participating in an illegal armed group and participating in the activities of a terrorist organisation for alleged cooperation with the Ukrainian army

Before the full-scale invasion of Ukraine, the law against participating in the activities of a terrorist organisation (**Art. 205.5, Part 2, CC RF**) was used primarily to prosecute Muslims, including members of the Hizb ut-Tahrir party (see <u>Chapter 3.11.1</u>), as well as those involved in other organisations, some of which are in fact terrorist organisations. This situation changed when the war began. The law prohibiting participating in the activities of a terrorist organisation has increasingly been used to bring charges for cooperating with certain units of the Ukrainian armed forces and other Ukrainian military bodies.

Initially, the law against participating in an illegal armed group (Art.208, Part 2, CC RF) was used for the same purpose. However, as the list of organisations designated as terrorist grew<sup>[10]</sup>, the need to apply the law against illegal armed groups declined, and the law prohibiting participation in the activities of a terrorist organisation began to be used much more frequently.

Art.	2021	2022	2023	Total
Art. 205.5, Part 2	54	57	56	167
Art. 208, Part 2	30	15	4	49
Total	84	72	60	216

Table 24. Number of individuals charged on politically motivated grounds under Art. 205.5, Part 2, CC RF and Art. 208, Part 2, CC RF

Source: Political Prisoners Support. Memorial

The Judicial Department's data show the same trend: an increase in the number of convictions for participating in the activities of a terrorist organisation, and a decrease in convictions for participating in an illegal armed group.

<sup>10</sup> By the end of 2024, this list included 59 entities, among them: the Azov Brigade, the Crimean-Tatar volunteer Noman Çelebicihan Battalion, the Free Russia Legion, Aidar Battalion, the Russian Volunteer Corps, the Georgian National Legion, the Dnipro-1 Regiment, and the Donbas 46th Separate Assault Battalion.

Table 25. Number of individuals convicted under Art. 205.5, Part 2, CC RF and Art. 208, Part 2, CC RF

Art.	2022	2023	First half of 2024	Total
Art. 205.5, Part 2	91	148	63	302
Art. 208, Part 2	82	77	21	180

Source: Judicial Department of the Supreme Court of the Russian Federation

Between 2022-2024, charges of participating in the activities of a terrorist organisation were primarily brought for involvement with the following military bodies:

- Free Russia Legion;
- Russian Volunteer Corps;
- Azov Brigade;
- Aidar Battalion.

Those charged have included Russian citizens and Ukrainian prisoners of war.

Since the start of the full-scale invasion, the group whose members have most often been charged with participating in an illegal armed group has been the Crimean-Tatar volunteer Noman Çelebicihan Battalion.

To be charged with participating in the activities of a terrorist organisation or illegal armed group, individuals need not even commit a crime or take up arms. A significant number of those convicted under Art. 205.5, Part 2, CC RF were accused of having contacts within Ukrainian organisations and carrying out tasks on their behalf. The cases of Fyodor Konovalov and Kristina Liubashenko are demonstrative here.

#### The prosecution of Fyodor Konovalov

**Fyodor Konovalov** lives in St. Petersburg and worked as a janitor at the Shostakovich Philharmonic. According to the Philharmonic's director, Konovalov has had a disability since childhood associated with a psychiatric diagnosis. He was charged with offences under three articles of the Criminal Code, including for participating in the activities of a terrorist organisation (**Art. 205.5**, **Part 2**, **CC RF**) for creating and distributing flyers for the Free Russia Legion and the Russian Volunteer Corps. He was sentenced to 11 years' imprisonment, with the first three years to be served in a cell-type prison and the remainder in a strict regime penal colony.

#### The case of Kristina Liubashenko

<u>Kristina Liubashenko</u> is a Ukrainian citizen from Kyiv who has been living as a refugee in Geneva, Switzerland, since March 2022. She trained as an accountant and economist and is divorced with two young daughters. According to the investigative authorities and the court, she travelled to Moscow

in May 2023 on the instructions of a man named Vitaly Yurchenko. While in Moscow, she played audio recordings of anti-war content through speakers placed in the windows of an apartment and a hotel room and released balloons with pieces of blue and white fabric attached to them. She was found guilty of participating in the activities of the Free Russia Legion (Art. 205.5, Part 2, CC RF) and of disseminating 'fake news' about the Russian army, motivated by hatred as part of a group (Art. 207.3, Part 2, [b, e] CC RF). She was sentenced to 12 years in a general regime penal colony.

Previously, charges of participation in a terrorist organisation or an illegal armed group were brought almost exclusively against men. While in 2018-2021, women made up only 1% of those charged, the war brought about significant changes. Although the percentage of defendants charged under these articles who are women remains significantly lower than in politically motivated prosecutions overall, it is no longer an extremely small number: approximately one in twelve defendants is a woman.

### Table 26. Percentage of those charged under Art. 205.5, Part 2, CC RF and Art. 208, Part 2, CC RF who were women

	<b>Art. 205.5, Part 2</b> <b>and Art. 208, Part 2</b> 2018-2021	· · · · · · · · · · · · · · · · · · ·	All politically moti- vated prosecutions 2022-2024
Percentage women	less than 1%	8%	17%

Source: Political Prisoners Support. Memorial

The age ranges of those accused of participating in terrorist organisations and illegal armed groups has also changed markedly since the start of the war. Those prosecuted on these charges are now significantly younger than in the past. More than half of them were under 30. Today, the typical person charged under Art.205.5, Part 2, CC RF and Art.208, Part 2, CC RF is younger on average than the typical person prosecuted on political grounds.

This is likely because earlier, most of the politically motivated prosecutions on charges of participating in a terrorist organisation tracked by Memorial involved alleged members of Hizb ut-Tahrir, a group with many middle-aged and older members. Now, however, such charges are more often brought against young people accused of attempting to join the Ukrainian army.

	<b>Art. 205.5, Part 2</b> <b>and Art. 208, Part 2</b> 2018-2021	<b>Art. 205.5, Part 2</b> <b>and Art. 208, Part 2</b> 2022-2024	All politically moti- vated prosecutions 2022-2024	
under 18	1%	7%	6%	
18-21	1%	11%	9%	
21-30	24%	34%	20%	
30-60	73%	46%	57%	
over 60	1%	2%	8%	

#### Table 27. Age ranges of those charged under Art. 205.5, Part 2, CC RF and Art. 208, Part 2, CC RF

Source: Political Prisoners Support. Memorial

# 3.6.4. Prosecutions on charges of collusion with a foreign state

At the present time, Memorial is aware of 42 charges of collusion with a foreign state or organisation (Art. 275.1 CC RF). The number of criminal cases on such charges is increasing rapidly.

2022	2023	2024	2022-2024 tota
4	12	26	42

Source: Political Prisoners Support. Memorial

As with cases involving treason, trials on charges of 'collusion with foreigners' take place behind closed doors, and the details of the charges are often unknown. When information about such cases has become public, they have typically involved allegations of cooperation with Ukrainian intelligence services or the Free Russia Legion, or attempts to establish contact with US or European intelligence services.

As a result of vague wording and expansive interpretations, the law prohibiting collusion with a foreign state or organisation allows for the criminalisation of virtually any contact with foreigners. It flagrantly violates the principle of legal certainty, leaving Russians entirely unable to determine what type of contact, and with whom, is legal. The case of **Robert Shonov** is a striking example of the criminalisation of legal activities through the application of **Art.275.1 CC RF**.

#### The prosecution of Robert Shonov

**Robert Shonov** is a former employee of the US Consulate General in Vladivostok. Later, he worked for a company that provided contractual services to the US Consulate in Moscow. Shonov had compiled reviews of publications from Russian media sources, and, according to the FSB, 'carried out assignments... to collect information on the progress of the special military operation, the mobilisation process in Russian regions, critical issues and their influence on protest activity ahead of the 2024 Russian presidential election.' In November 2024, he was sentenced to four years and ten months in a general regime penal colony.

Another high-profile 2024 case on charges of 'collusion with foreigners' was the trial of **Nika Novak**, a journalist from the Transbaikal region, who appears to have been charged with working for foreign media.

#### The prosecution of Nika Novak

<u>Nika Novak</u> is a journalist living in Chita. She was found guilty of collusion with a foreign state or organisation (Art.275.1, CC RF) and sentenced to four years in a general regime penal colony. Her trial took place behind closed doors. Novak was likely charged because of her work with *Sibir.Realii*, an online media project of the Russian service of *Radio Free Europe/Radio Liberty*.

### 3.6.5. Acts of provocation by Russian intelligence services in prosecutions for 'assisting the Ukrainian armed forces'

One of the factors driving the rise in treason and espionage prosecutions is provocation by the intelligence services. There is ample evidence suggesting that FSB agents have been fabricating criminal cases in this way.

Department One has even <u>said</u> that in the case of *Ivan Tolpygin*, the act of provocation was explicitly stated in the court verdict. Tolpygin's interlocutor, who presented himself as *a representative of Ukraine*, had in fact been acting from the outset as part of an FSB sting operation. In 2024, <u>Vsevolod Kulikov</u> and <u>Uralbai Abishev</u> were convicted of treason, and Memorial believes there is evidence of provocation in their cases as well.

Sibir.Realii <u>reported</u> on fake websites, purporting to belong to the Free Russia Legion and the Russian Volunteer Corps, that appeared higher in Yandex search results than the organisations' official sites and redirected users to fake Telegram channels. These sites encourage visitors to join the organisations and fight for Ukraine. They are most likely tools of Russian intelligence services.

There are also other ways to fabricate the pretext for a criminal prosecution. One can of these can be seen in the case of *Polina Evtushenko*.

#### The prosecution of Polina Evtushenko

<u>Polina Evtushenko</u> lives in Tolyatti in Samara region with her young child. She was charged with offences under six articles of the Criminal Code, including preparing to commit treason (Art. 30, Part 1, CC RF in conjunction with Art. 275 CC RF). The charge was based in part on audio recordings made by a provocateur who became acquainted with Evtushenko and went on several dates with her. During these dates, he prompted conversations about the war and the Free Russia Legion, which he recorded. Evtushenko's case is currently pending in court.

# 3.7. Prosecutions for refusing to serve in the Russian army

In 2024, the number of cases initiated against those who refused to serve in the army or take part in the Russian invasion of Ukraine continued to rise. Such 'refuseniks,' as formerly, were prosecuted on charges of failure to comply with an order (Art. 332 CC RF), unauthorised abandonment of a unit (Art. 337 CC RF), and desertion (Art. 338 CC RF). These individuals were also subjected to torture in illegal prisons and were forcibly dispatched to combat zones.

# 3.7.1. Record number of prosecutions of those refusing to serve in the military

*Mediazona* has <u>recorded</u> a total of 15,902 criminal cases filed with the courts between the start of the full-scale invasion up until the end of 2024. The majority of these – 14,182 to be precise – were filed under charges relating to abandonment of a unit. 1,037 cases were filed on charges of failure to comply with an order, while 683 cases were initiated on charges of desertion.

In 2024, 10,308 criminal cases for refusing to serve in the military were filed with the Russian military courts. This is practically double the number recorded in 2023, in which 5,517 cases were filed, amounting to almost 65% of all such criminal cases initiated during the full-scale war against Ukraine.

In July 2024, investigators referred a record 1,076 new criminal cases to the courts. In August and September of that year, the number of cases declined, while in October, more than 1,000 cases were again transferred to the courts.

Most cases examined by the courts in July related to refusing to serve in the military, resulting in 900 judgments being delivered in this month alone. On average, 39 sentences were handed down per day.

By the end of 2024, military courts had issued verdicts in 13,897 cases of unauthorised abandonment of a unit, desertion, and refusal to participate in combat operations, while in another 175 cases another verdict was issued, resulting in cases being transferred to another jurisdiction, dropped, returned to the prosecutor, etc.

As *Mediazona* <u>learned</u>, already in 2024, at least 2,150 soldiers from the DPR and another 700 from the LPR were wanted for unauthorised abandonment of their units. This is half of all men wanted in the DPR and LPR in all criminal cases<sup>[11]</sup>. It should be noted that, according to international law, residents of an occupied territory may not be compelled to serve in the armed forces

<sup>11</sup> In the DPR there are a total of 3,741 men wanted in criminal cases and 1,851 – in LPR.

of the army of the occupying state, and even 'pressure or propaganda in favour of voluntary enlistment in the army is prohibited' (Art.51 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949).

The 'Go by the Forest' [Idite lesom] project, which assists people to avoid military service in the Russian army, <u>reported</u> at the end of 2024 that it had helped 5,353 deserters since the start of its work, with the project aiding at least 1,439 of those wanting to hide in Russia or leave the country. In 2024, the project helped 843 individuals desert, its founder Grigory Sverdlin <u>stated</u>.

The total number of deserters from the Russian army is unknown, as the Ministry of Defence does not disclose this data. The number of criminal prosecutions against this group do not reflect exact figures either, since prosecutions do not take place in all cases.

## 3.7.2. Those refusing to serve in the military on Memorial's list of political prisoners

There is still no information about the majority of those charged and convicted for refusing to fight against Ukraine. At the same time, when we learn details of a specific instance of a prosecution of this kind from the media, or from the accused and their relatives directly, we consider the possibility of recognising the individual as a political prisoner.

Although refusing to participate in military operations can be motivated in various ways, most often such a refusal derives from a firm pacifist position, or because the individual clearly disagrees with the war of aggression against Ukraine and is ready to speak out publicly against it. Currently, Memorial's list of political prisoners includes eight people imprisoned for refusing to serve in the Russian army, all of whom cited their convictions as motivation for their decision.

In particular, three of the eight individuals refused to fight for religious reasons.

- Pentecostal Christian <u>Maksim Makushin</u>, who had served in the navy for a decade but refused to take part in the 'special operation,' was sentenced in 2023 to two years and eight months in a penal colony. He has been serving his sentence since January 2024.
- In 2023, mobilised Christian Baptist <u>Vyacheslav Reznichenko</u> was <u>sentenced</u> to two years and six months in a penal colony. In November 2024, the sentence was changed to compulsory work in a correctional centre.
- In 2023, Pentecostal Christian <u>Andrei Kapatsyna</u> was sentenced to two years and 10 months in a penal colony. Since September 2022, he has been held at a military unit, to which he was taken after attending an assembly point to say his employer had included his name on the reserve list. He has been officially detained since August or September 2023.

All these sentences were handed down on grounds of refusing to participate in military operations (Art.332, Part 2.1, CC RF). This article is used as the basis for prosecuting those who openly refuse to carry out orders, with punishments being more lenient that those given for unauthorised abandonment of a unit (Art.337 CC RF) or desertion (Art.338 CC RF).

Some of those convicted for failure to comply with an order have already served their sentences. For example, in October 2024, *Dmitry Vasilets* was <u>released</u> from a penal colony as one of the first known soldiers who, after several months of participation in military operations, publicly stated his values had changed and he was no longer prepared to kill others, even if this meant having to serve a prison sentence. Having been granted leave, he refused to return to the front. In April 2023, Vasilets was sentenced to two years and two months in a penal colony, with a subsequent appeal resulting in a three-month reduction in his sentence.

More severe punishments are imposed on those who abandon their duty station. As such, mobilised soldier <u>Vladislav Krenik</u>, who submitted a request to his superior not to fight owing to his pacifist beliefs – and who went home without permission – was sentenced to five years in a penal colony for being 'AWOL' during the mobilisation period (**Art. 337, Part 5, CC RF**). Meanwhile, in attempting to flee to Kazakhstan, former major in the Federal Guard Service of the Russian Federation [FSO] <u>Mihail Zhilin</u> was sentenced to six years and six months in a strict regime penal colony on grounds of desertion during mobilisation (**Art. 338, Part 3, CC RF**) and illegally crossing the border (**Art. 332, Part 1, CC RF**).

# 3.7.3. New criminal prosecutions for refusing to serve in the military

The prosecutions of those sentenced to imprisonment for refusing to fight reflect a trend observed in several cases of political prisoners (see <u>Chapter 2.7.1</u>) whereby new criminal charges, which in many instances are of a more serious nature, are brought against some of those refusing to serve in the military.

#### The prosecution of Viktor Pokusin

In April 2023, former warrant officer <u>Victor Pokusin</u> was <u>sentenced</u> to one year of probation for unauthorised abandonment of a unit (**Art. 337 CC RF**). In June 2023, he again failed to show up for duty and travelled to another region, where he was detained five days later. In court, Pokusin said he had continued to serve in the army after his sentence, but on a reduced salary, which worsened his financial problems. In September 2023, he was sentenced to six years in a general regime penal colony for desertion during mobilisation (**Art. 338 CC RF**).

In July 2024, a new criminal case was brought against Pokusin, this time on charges of collusion with a foreign state (**Art. 275.1 CC RF**). The details of the charges are unknown. In August, Pokusin was sentenced to seven years in a general regime penal colony and stripped of his military rank.

#### The prosecution of Denis Narolsky

In September 2022, Crimean resident <u>Denis Narolsky</u> was mobilised into the Russian army. That same month, he left his military unit in Sevastopol to avoid being sent to the front. In January 2023, Narolsky was <u>detained</u> on charges of desertion (**Art. 338 CC RF**), and on 30 March the same year he was sentenced to nine years in a strict regime penal colony.

After the verdict, it became known that, on account of correspondence on his telephone, a criminal case was opened against Narolsky on a charge of treason (**Art. 275 CC RF**). In his testimony during the investigation, Narolsky said he wanted to leave Crimea and was looking for an opportunity to enter Ukraine to visit a former conscripted colleague who lived in Dnipro. Narolsky admitted he had studied exit routes through Lithuania, Latvia and Poland, and corresponded about this with various agencies, including the Ukrainian State Security Service.

In October 2024, the Southern District Military Court <u>convicted</u> Narolsky of treason (Art.275 CC RF). As a result of cumulative sentences, he was sentenced to 18 years' imprisonment.

# 3.7.4. The forced return of 'refuseniks' to the front

A significant portion of sentences handed down to those convicted of refusing to serve in the military are suspended, which allows for soldiers to be sent back to the front, *Mediazona* noted. As *Vazhnye* istorii [Important Stories] revealed, in the first half of 2024, 40% of those convicted on charges of desertion, unauthorised abandonment of a unit, and failure to comply with a military order<sup>[12]</sup>, received suspended sentences. However, this accounts for just 22% of total sentences handed down during that period. At the time of writing, data for the second half of 2024 was unavailable.

Some of those sentenced to terms of imprisonment are also sent back to the front after being sentenced. In such cases, the former military personnel are again recruited into the army from penal colonies.

In May, it came to light that *Marsel Kandarov*, a serviceman from Bashkortostan who had been <u>sentenced</u> to three years in a penal colony, had disappeared from the colony. According to <u>information</u> from human rights activists, he is once again participating in the Russian invasion of Ukraine.

*Vazhnye istorii* also <u>reported</u> on cases in which commanders forgave deserters if they voluntarily returned to their units. As human rights activist Artem Klyga explained to the publication, often once soldiers have left their unit and become more cognisant of the possible consequences of doing so, i.e. criminal prosecution and being forced to flee Russia without the possibility of returning, they end up changing their mind.

<sup>12</sup> Of those whose sentence is known.

# 3.7.5. Extrajudicial violence against those who refuse to fight

The Russian army still employs extrajudicial methods of forcing servicemen to participate in combat operations, and 'refuseniks' are <u>still</u> sent to 'pits,' basements, or other illegal prisons. By the autumn of 2024, ASTRA, a journalism project, had succeeded in <u>uncovering</u> at least 20 such facilities, most of which are in the occupied territories of Ukraine, as well as a further facility in Nizhny Novgorod region. As of the end of 2023, ASTRA was aware of 16 places of illegal detention used by Russian military personnel (see <u>Memorial's report</u> on politically motivated prosecutions in 2023, p.90).

It should be noted that people are placed in such places of detention not only for refusing to fight, but also for other offences (insubordination, alcohol consumption, etc.). In <u>January</u>, *Aleksandr Shpilevoi* ended up in the 'hole' because he appealed to Vladimir Putin with a request to end the Russian invasion of Ukraine. In July, a soldier named *Artem Sharipov*, who had read out an appeal by soldiers about how commanders were sending service personnel into combat on crutches, was <u>sent</u> to a similar type of basement facility. However, the military authorities use illegal prisons mostly as a tool to combat desertion.

One such place of detention for 'refuseniks' is in the village of Zaitsevo in the LPR. Its existence came to light in 2022. Then, following a string of reports in the media, the facility temporarily <u>ceased operations</u>. However, in 2023 people began to be sent there once again. In 2024, reports surfaced in the media about the disappearance of military personnel who were being held in Zaitsevo. In June, ASTRA <u>reported</u> that more than 20 soldiers from this prison were sent to the front lines, after which they disappeared. The wife of one such soldier was sent a photo of her dead husband while, at the time of going to press, the families of the other missing soldiers still hadn't received any news of their loved ones' fate or whereabouts. That same month, it was <u>reported</u> that another soldier had gone missing after having spent a week in Zaitsevo.

In the village of Rassypnoye (LNR) there is at least one more illegal place of detention for 'refuseniks' and other offenders. In January 2024, ASTRA <u>reported</u> that one of the soldiers held there had died. Fellow soldiers told a relation of the deceased that he had been severely beaten. The death notice cited the cause of death as 'blunt combined trauma to the chest and abdomen with multiple rib fractures and damage to internal organs' along with 'traumatic shock.' The authorities informed his relatives he had died under fire.

Another similar illegal place of detention is in Makiivka, DPR. Soldiers who had escaped from there <u>recounted</u> how every time they went to the toilet, a huge weight was tied to their feet to stop them escaping, they were fed only canned stewed meat (tushonka), and were allowed to bathe once a week under strict supervision. The men had ended up there for having refused to carry out combat missions over issues with salary payments and poor treatment from their superiors.

The illegal prisons mentioned above are concentrated mainly in the occupied territories of Ukraine, within the combat zone. However, extrajudicial deprivation of liberty is a practice also employed in barracks in military towns in internationally recognised Russian territory.

As Verstka <u>learned</u>, 'refuseniks' could be held in such locations for months and then returned to the combat zone without any criminal charges being brought. During this time, they were not allowed outside nor granted leave to visit their family, in addition to which they were poorly fed and beaten.

In May 2024, 'refuseniks' held in one such military camp in Ekaterinburg were <u>hauled away</u> by the military and forced to participate in the Russian invasion of Ukraine, even though criminal cases against some of them were already being heard in the courts. Relatives of the men said that the criminal cases against them had most likely been dropped. In other regions, those who still refused to go to war were tied up, forcibly taken to the combat zone, and assigned to assault brigades.

### 3.8. Prosecutions related to organisations founded by Aleksei Navalny

Throughout 2024, following the death of Aleksei Navalny, prosecutions of his supporters and others the security services considered connected with the organisations he created continued. As in 2022 and 2023, the repressive measures against them were based primarily on charges of participation in, or financing of, 'extremist' organisations and groups.

### 3.8.1. Prosecutions for involvement in Navalny's organisations

Mass prosecutions of Navalny's supporters began following a ruling by Moscow City Court on 9 June 2021 which designated the Anti-Corruption Foundation, the Citizens' Rights Defence Foundation, and the 'Navalny Headquarters' public movement as 'extremist organisations.' However, involvement in Navalny's structures could only be formally criminalised after this ruling had entered into force (Art. 282.2 CC RF).

The investigative authorities circumvented this restriction by making the main instrument of repression in November – December 2021 a <u>criminal case</u> concerning an 'extremist group' that was allegedly created no later than 2014 (**Art. 282.1 CC RF**). This made it possible to prosecute even those associates of Navalny – as well as activists from regional headquarters – who had ceased their activities after 9 June 2021. The 'catch-all' nature of the mechanism lead to it being used to prosecute people accused of collaborating with the Anti-Corruption Foundation or 'Navalny Headquarters' after 2021.

At least 44 individuals have been prosecuted in this case. We do not know of any new defendants since August 2024. Fourteen individuals were given custodial sentences varying in length, including Aleksei Navalny – who died in custody – as well as Vadim Ostanin, Ksenia Fadeeva, and Liliya Chanysheva, all of whom who were released on 1 August 2024 as part of an international prisoner exchange (see <u>Chapter 2.3</u>). Rustem Muliukov was released on 12 November 2024, on grounds of ill health. Five more individuals are awaiting trial in custody, while three have been given suspended sentences. Twenty-two individuals currently not in Russia are wanted, most of whom have been arrested in absentia.

In 2024, sentences were also handed down on criminal charges to those accused of participating in Navalny's 'underground headquarters,' which we covered in detail in last year's report. **Sergei Streknyov**, a worker from Rybinsk, was charged with participating in an 'extremist' group (**Art.282.1, Part2, CC RF**) and vandalism motivated by political hatred (**Art.214, Part2, CC RF**). On 22 February 2024, he was sentenced to three years and six months in a general regime penal colony. On 14 March 2024, the same punishment was handed down to Moscow students **Alina Olekhnovich** and **Ivan Trofimov**, who were charged only with participation in an extremist group. Another student, **Ivan Perevozchikov**, a resident of Udmurtia, was sentenced on 26 August 2024, on the same charges as **Streknyov**, to two years and six months in a general regime penal colony. A much more severe punishment was imposed on **Aleksei Malyarevsky** who, on 4 April 2024, was found guilty by Dolgoprudny city court in Moscow region of not only participating in an 'extremist' group, but also of financing the Anti-Corruption Foundation (**Art.282.3, Part1, CC RF**), leading to him being <u>sentenced</u> to seven years in a general regime penal colony.

At the end of 2023, all five defendants in the Navalny 'underground headquarters' cases had their charges on participation in an 'extremist' organisation (**Art. 282.2, Part 2, CC RF**) amended to participation in an 'extremist' group (**Art. 282.1, Part 2, CC RF**). The first of these two articles has become practically obsolete – at present it is barely ever invoked. In 2024, there were very few existing or new criminal cases initiated for <u>participation in 'extremist' organisations</u>. However, a former member of the Nizhny Novgorod branch of the Yabloko party, <u>Mikhail Sharygin</u>, was <u>convicted</u>, it is believed, of participating in an 'extremist' organisation. He was arrested on 13 February 2024, and on 15 February he was detained on charges of participating in the activities of 'Navalny Headquarters,' participation which allegedly consisted of reposting their publications on social media and offering to join or support them<sup>[13]</sup>.

On 19 June 2024, Petushinsky district court in Vladimir region began hearing the case against Aleksei Navalny's <u>lawyers</u> who had been arrested a year earlier. The verdicts in the cases of *Vadim Kobzev*, *Aleksei Liptser* and *Igor Sergunin* were issued in January 2025, while this report was being drawn up. Kobzev was sentenced to five years and six months, Liptser to five years, and Sergunin to three years and six months in a penal colony. They were also banned from practising law for three years after their release. Two other lawyers who had worked for Navalny, *Aleksandr Fedolov* and *Olga Mikhailova*, who are based abroad, were, as expected, placed on the wanted list on 2 February 2024, and on 15 February – the day before their client's death – they were <u>arrested</u> in absentia.

The pressure on Aleksei Navalny's associates located abroad also continued. On 29 January 2024, Moscow's Basmanny district court <u>remanded in custody</u>, <u>in absentia</u>, the head of the Anti-Corruption Foundation <u>Maria Pevchikh</u>, the host of the YouTube channel 'Popular Politics'

<sup>13</sup> On 13 February 2025, Sharygin was <u>sentenced</u> to three years in a general regime penal colony.

Dmitry Nizovtsev, Navalny's former press secretary Kira Yarmysh, and the head of the Anti-Corruption Foundation's polling service Anna Biriukova. Pevchikh is charged with organising an 'extremist' group (Art. 282.1, Part 1, CC RF), vandalism (Art. 214, Part 2, CC RF) and dissemination of fake news about the Russian army by a group of persons on grounds of hatred (Art. 207.3, Part 2 [b, e], CC RF). Meanwhile, Yarmysh and Nizovtsev were charged with participation in an 'extremist' group (Art. 282.1, Part 2, CC RF) and distribution of fake news about the military, while Biriukova was charged with justification of terrorism (Art. 205.2, Part 2, CC RF) and participation in an extremist group.

On 27 March 2024, it became known that **Sergei Boiko**, a deputy in the Novosibirsk City Council of Deputies of its seventh convocation had been charged with using his official position to organise an extremist group (**Art. 282.1, Part 3, CC RF**), and on 16 August 2024, **Nina Volokhonskaya**, a producer of the YouTube channel Navalny LIVE, was <u>remanded in custody in absentia</u> on charges of participating in an 'extremist' group. On 9 July 2024 in Moscow's Basmanny district court, Judge Elena Lenskaya <u>ruled in favour</u> of the remanding in custody in absentia of **Yulia Navalnaya**, widow of the deceased politician. Navalnaya was also accused of participating in an extremist group, probably because she had begun engaging in social and political activities after the death of her husband.

The prosecution of <u>Irina Chernikova</u>, a resident of the city of Obninsk in Kaluga region, may be connected to her publishing links to online resources of the Anti-Corruption Foundation. At the end of February 2024, <u>it was reported</u> she had been detained in connection with a charge of participating in an 'extremist' organisation (Art.282.2, Part2, CC RF), owing to the fact she had published links to resources of Navalny's organisations and the Vesna movement – which is also designated 'extremist' – on her social media pages. The information was partially incorrect: Chernikova was already outside Russia at the beginning of 2023, when a criminal case was opened against her for repeated discrediting of the Russian army (Art.280.3, Part1, CC RF). In January 2025, Chernikova was added to the Rosfinmonitoring list of extremists, which suggests that a case against her for extremism had indeed been brought.

## 3.8.2. Prosecution of journalists for ties to the Anti-Corruption Foundation

While in 2021 and 2022, only political activists were prosecuted in the case of Aleksei Navalny's extremist group, Aleksei Navalny's lawyers were then added to the list of defendants in 2023, and in 2024 the security forces began to remand journalists in custody who had allegedly worked with the Anti-Corruption Foundation. In the first half of 2024, five journalists accused of participating in extremist groups (Art. 282.1, Part 2, CC RF) were detained and then sent remanded in custody:

• SOTA Vision journalist Antonina Favorskaya (Kravtsova) was detained on 17 March 2024 after visiting Navalny's grave and being jailed for ten days; on 27 March 2024 criminal charges were brought against her. She had covered the trials of political prisoners, including Aleksei Navalny, travelled to the village of Kharp, where he had been serving his sentence, and reported from the Borisovskoe Cemetery, where Navalny is buried.

- On the same day, *RusNews* employee *Olga Komleva*, who wrote about the protests in Baimak, was also detained. She was a volunteer at Navalny's Ufa headquarters before it was declared an 'extremist' organisation. On 11 July 2024, she was also <u>charged</u> with disseminating fake news about the army by a group of persons motivated by political hatred (Art. 207.3, Part 2 [b, e], CC RF).
- On 27 April 2024, it became known that *Konstantin Gabov*, a freelance journalist who worked with Reuters, Deutsche Welle and Radio Liberty, had been detained in Moscow, and that *Sergei Karelin*, a videographer who worked with the Associated Press and Deutsche Welle, had been detained in Murmansk region. They were also remanded in custody.
- Another SOTA Vision journalist, Artem Kriger (nephew of political prisoner and civil society activist Mikhail Kriger), was remanded in custody on 18 June 2024.

### 3.8.3. Prosecutions for financing the Anti-Corruption Foundation

A campaign of repression relating to the making of donations to the Anti-Corruption Foundation and other Navalny structures designated 'extremist' (Art. 282.3, Part1 CC RF) continued in 2024.

While in 2022, three individuals were known to have been prosecuted, in 2023 there were another 10, and in 2024 11 more were prosecuted. This data is likely incomplete; the actual number of people prosecuted on these grounds in different regions of Russia may be greater than the figures suggest. In addition to their being accused of organising the activities of an extremist group or participating in an extremist group (**Art.282.1 CC RF**), Aleksei Navalny, Leonid Volkov, Ivan Zhdanov, Daniel Kholodny and Aleksei Malyarevsky were also accused of financing the Anti-Corruption Foundation.

In all cases known to us, criminal cases were initiated for small scale donations (the minimum known grounds for prosecution is a donation of <u>300 roubles</u>) – most of which were made in 2021 – and of which law enforcement agencies became aware because of a <u>technical glitch</u> in the Stripe service.

As of the end of 2024, at least 29 people had been <u>charged</u> with financing extremist activities (Art.282.3, Part1, CC RF) for donations made to the Anti-Corruption Foundation, five of whom were also charged under Article 282 (Art.282.1 CC RF), i.e. for participating in an extremist group. Of the 24 individuals prosecuted solely for financing extremism, at the end of the year three were under house arrest, four more were awaiting trial having received a written court summons, as well as either a travel ban, or a ban on carrying out certain activities, and two had been sentenced to terms of imprisonment. Meanwhile, another two had been given a suspended sentence, while eleven are believed to have been given large fines, and a further two had been charged with treason.

Of the nine individuals whose prosecutions began in 2023, eight were sentenced in 2024, with two receiving suspended sentences and the rest given fines. Suspended sentences were handed down to:

- Nizhny Novgorod civil activist *Gleb Kalinychev*, who was in a pre-trial detention facility from 6 September 2023 to 12 August 2024, and received a suspended prison sentence of four years;
- A worker and activist from Irkutsk, *Aleksei Kamkin*, who was under house arrest since 6 September 2023, received a suspended sentence of three years.

*Ilya Startsev*, a US citizen from Orel, was fined 400,000 roubles, while *Anton Kovrik*, an activist from Omsk, *Vyacheslav Gertsberg*, a resident of Syktyvkar, and *Anton Ziderer*, an employee of an aircraft repair company from St. Petersburg, were fined 300,000 roubles. Startsev and Kovrik had been in custody since 6 September 2023. Apparently, Krasnoyarsk resident Andrei Novokreschennykh and Tiumen entrepreneur Vitaly Samoilik also received fines, but the exact sums are not known to us. Samoilik was remanded in custody in 2023 and placed under house arrest on 15 March 2024.

The trial of a corresponding member of the Russian Academy of Sciences, <u>Sergei Abramov</u>, began in April 2024 in Pereslavl-Zalessky in Yaroslavl region, but the hearings were repeatedly postponed and the verdict is not expected until sometime in 2025.

In 2024, the pattern of new prosecutions for making donations to the Anti-Corruption Foundation changed. In our estimation, the authorities appear to have stepped up their campaign to convict people on such charges, while at the same time we see harsher punishments being handed down. What is also new is that a disproportionate number of new defendants (three out of the 11 individuals in question) are doctors who were not charged until the autumn of 2024. This may be linked to the beginning of systematic <u>prosecution</u> of medical workers for having expressed solidarity with previously arrested colleagues. Among those accused of financing the Anti-Corruption Foundation, *Ivan Tishchenko*, a surgeon from Moscow, was the first in such a case to be sentenced to a term of imprisonment.

The following six individuals were imprisoned in 2024 and recognised as political prisoners:

- Opposition figure and lawyer from Vologda, *Evgeny Molotov*, was held on remand from 24 January to 19 April 2024, when he was transferred to house arrest. On 29 July 2024, he was sentenced to a fine of 600,000 roubles, but owing to the fact he had spent time in pre-trial detention and under house arrest, it was reduced to 400,000 roubles.
- On 22 August 2024, civil society activists from Moscow, Viktor Levakov, and Konstantin Kotov, were detained and placed under house arrest. In January 2025, Kotov was able to leave Russia for Lithuania and remanded in custody in absentia. At the end of February 2025, Viktor Levakov was <u>sentenced</u> to three and a half years in a penal colony.
- On 27 September 2024, cardiac surgeon *Ivan Tishchenko* was placed under house arrest. On 24 December 2024, he was sentenced to four years' imprisonment and taken into custody.
- A vlogger from Orel, *Kirill Dolzhikov*, was remanded in custody on 3 October 2024, and transferred to house arrest on 18 October 2024. It is presumed he subsequently fled from the investigative authorities; he was placed on the wanted list on 22 October 2024.
- On 28 December 2024, *Valery Ledkov*, an expert on the folklore of the Ob-Ugric peoples from Khanty-Mansiysk, was placed under house arrest. His son, *Konstantin Ledkov*, had previously also been imprisoned in a politically motivated criminal case.

In addition, our project knows of several criminal cases brought under **Art.282.3**, **Part 1**, **CC RF** in 2024, none of which has yet resulted in imprisonment. Two individuals were sentenced to fines of 300,000 and 140,000 roubles; two others were banned from certain activities pending trial, while one individual was placed under travel restrictions pending trial.

# 3.9. Prosecution under the 'foreign agent' legislation

The transformation of the legislation on 'foreign agents' and its application in practice clearly demonstrates the evolution of the prosecution of dissidents in Russia. Initially the authorities designated as 'foreign agents' NGOs that, in their opinion, were engaged in political activity (this concept was interpreted extremely broadly) and had foreign funding. However, the 'foreign agent' status can today be given to any critic of the authorities, or to someone they simply deem 'objectionable' for any reason at all.

In 2024, the Ministry of Justice justified decisions to designate individuals and organisations as 'foreign agents' by employing the following wording: 'spoke out against the special military operation in Ukraine,' 'disseminated false information about decisions made by the public authorities of the Russian Federation and the policies they pursue,' 'made negative statements about citizens of the Russian Federation,' 'participated as a respondent on information platforms hosted by foreign media,' 'took part in anti-Russian actions abroad.'

Being designated a 'foreign agent' is an extrajudicial, closed procedure. Although a person or organisation that has been given this status can appeal the Ministry of Justice's decision in court and thereby view the justifications and evidence behind the decision, the decision itself does not require the presentation of evidence, and comes into force immediately from the moment the new 'foreign agent' is included in the register.

At the same time, the sanctions imposed on 'foreign agents' are becoming increasingly serious and at present are very similar to those that usually require a court decision. In particular, they include a ban on certain professions, a ban on selling advertising space on media resources, and a ban on being elected to office. In December 2024, a law came into force according to which 'foreign agents' will not be able to receive royalties for their creative work, or income from the sale and lease of real estate or vehicles, dividends or interest on deposits. As such, the right of citizens to dispose of their property is gravely limited.

In addition, being designated a 'foreign agent' places a person at permanent risk of prosecution under administrative (Art.19.34 CAO RF) and criminal (Art.330.1 CC RF) law.

There was a sharp rise in the number of 'foreign agents' before the war in 2021, and this trend continued in 2022 and 2023. In 2024, there was a decline in the rate of new 'foreign agents' being entered into the register. Last year, the total number of 'foreign agents' reached 686.

Figure 5. Replenishment of the register of foreign agents (Source: Russian Federation Ministry of Justice)



Of the 164 entities designated as 'foreign agents' in 2024, 126 were individuals. The register continued to include journalists, bloggers, public figures, as well as independent media and internet resources.

Despite the decrease in the number of new 'foreign agents,' 2024 marked a year of increased repression against them. As OVD-Info <u>reported</u>, last year one and a half times more administrative-law cases were brought for violation of procedures regulating the activities of a foreign agent (Art. 19.34 CAO RF) than in 2023.

There has also been a notable increase in the number of people prosecuted under the criminal article for the evasion of duties of a foreign agent (Art. 330.1 CC RF). In particular, criminal cases were opened against journalist Aleksandr Nevzorov, rapper Oksimiron (Miron Fyodorov), journalist Bogdan Bakaleiko, founder of Department One human rights project Ivan Pavlov, journalist Andrei Zakharov, singer Monetochka (Elizaveta Gyrdymova), journalist Tatyana Felgenhauer, rapper Alisher Morgenstern, head of the Pskov branch of the Yabloko party Lev Shlosberg, blogger Ilya Varlamov, former editor-in-chief of Republic Dmitry Kolezev, editor-in-chief of Vazhnye istorii Alesya Marokhovskaya, and editor-in-chief of Mediazona Sergei Smirnov.

It's believed that the first person to be prosecuted for the criminal offence of evasion of the duties of a foreign agent (**Art.330.1. CC RF**) was <u>Laurent Vinatier</u>, a French citizen and political scientist with a PhD in philosophy, who is an advisor on Russia and Eurasia at the Swiss

non-governmental organisation Centre for Humanitarian Dialogue. On 6 June 2024, Vinatier was detained by FSB and Investigative Committee officers in a café in central Moscow. He was accused of failing to independently apply to be included in the register of 'foreign agents,' while gathering information on the military and military-technical activities of the Russian Federation. On 14 October 2024, he was sentenced to serve three years in a general regime penal colony.

### 3.10. Prohibition of civil society and political organisations and prosecution for involvement in them

The banning of organisations by designating them as 'undesirable,' 'extremist,' and 'terrorist' occupies a special place in the repressive system of modern Russia. In so doing, the Russian authorities are endeavouring to simplify the use of instruments of political repression and thereby facilitate their application in practice. The ability to prosecute a person not for specific actions, but rather for their real or perceived involvement in a group, contributes to this simplification.

Branding an organisation as 'undesirable' is an extrajudicial, closed procedure, just like recognising people and organisations as 'foreign agents' (see <u>Chapter 3.9</u>). However, such a designation constitutes sufficient grounds for holding someone administratively and criminally liable for actions that do not pose any public danger, for example, for doing an interview with an 'undesirable' media outlet.

The designation of an organisation as 'extremist' or 'terrorist' occurs on the basis of a court ruling. However, such proceedings are usually held in camera, and individuals who may be prosecuted in the future based on such a designation are banned from participating. It can therefore be said that this practice opens up even greater opportunities for arbitrariness.

#### 3.10.1. 'Undesirable organisations'

The legislation on 'undesirable organisations' is an important extrajudicial instrument for restricting freedom of speech and civic and political activity that is objectionable to the Russian authorities. However, as a tool for the politically motivated prosecution of specific citizens, it has so far been applied on a limited scale. This situation is perhaps changing, and in 2025 we should expect to see an increase in the number of criminal cases for participation in the activities of 'undesirable organisations.'

Since the start of Russia's full-scale war against Ukraine, the rate of designation of organisations as 'undesirable' has increased significantly. 2024 was another record year, with the designation of 65 new 'undesirable organisations.'

2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
4	3	4	4	4	12	18	23	58	65	195

#### Table 29. Number of organisations designated 'undesirable' annually

Source: Russian Ministry of Justice

In 2024 there were several groups of organisations that the Russian Prosecutor General's Office was especially keen to label as 'undesirable':

- Russian opposition and anti-war organisations, including local migrant organisations. In 2024 the following were pronounced 'undesirable': Russian Anti-War Committee, Boris Nemtsov Foundation for Freedom, Democratic Community of Russian-Speakers in Finland, Anti-war Community of Antalya.
- Independent media. In 2024, the following were designated 'undesirable': Radio Free Europe/Radio Liberty, SOTA media, The Moscow Times, Belsat.
- Western foundations and research organisations. In 2024 the following were designated 'undesirable': GlobalGiving Foundation Inc., Freedom House Inc., Carnegie Endowment for International Peace, German Society for East European Studies, Konrad Adenauer Foundation, Clooney Foundation for Justice, Friedrich Naumann Foundation for Freedom, Polish Open Dialogue Foundation.
- Various Ukrainian organisations. The following, for example, were declared 'undesirable': Come Back Alive International Charitable Foundation, Centre for Civil Liberties, the Human Rights Information Centre, ZMINA Human Rights Centre, and Crimean Tatar Resource Centre.
- Human rights organisations, including the UK-registered international organisation Article 19, Russland hinter Gittern ('Russia Behind Bars,' an organisation continuing in Europe the work of the Russian human rights organisation Russia Behind Bars), the American Federation of the Anarchist Black Cross, and the International Religious Freedom or Belief Alliance (IRFBA).

In 2024, the authorities more frequently brought charges under administrative law for participation in the activities of an 'undesirable' organisation (Art. 20.33 CAO RF). If, according to <u>media</u> estimates, in 2022 and 2023 the number of such instances remained more or less the same, i.e. 58 and 55 respectively, in the first half of 2024 alone 101 individuals were prosecuted under administrative law for this offence.

In particular, many *Meduza* journalists were fined, as were several contributors to the publication. Similarly, administrative-law charges were also brought for participation in Radio Liberty programmes.

Those subject to administrative liability for cooperation with an 'undesirable organisation' are at risk of criminal prosecution under the relevant article (Art. 284.1, Part 1, CC RF), for repeated similar 'violations.'

Until now, the criminal law on cooperation with an 'undesirable organisation' (Art. 284.1 CC RF) has been little used. According to the data at our disposal, the number of criminal cases initiated during a year, as a rule, did not exceed more than 10.

#### Table 30. Number of those charged under Art. 284.1 of the Criminal Code of the Russian Federation

2020	2021	2022	2023	2024	In total	
1	1	5	11	8	28	

Source: Political Prisoners Support. Memorial

Statistics from the Judicial Department of the Supreme Court of the Russian Federation paint a similar picture: convictions handed down for carrying out the activities of 'undesirable organisations' have so far been few in number.

#### Table 31. Number of those charged under Art. 284.1 of the Criminal Code of the Russian Federation

2020	2021	2022	2023	First half 2024	Total in 2022 – First half of 2024
2	1	3	7	2	15

Source: Judicial Department of the Supreme Court of the Russian Federation

It is worth noting that most cases brought under **Art.284.1 CC RF** are related to the activities of religious organisations (see <u>Chapter 3.11</u>).

Among the high-profile criminal cases initiated on a charge of carrying out the activities of an 'undesirable organisation,' the case of *Kirill Martynov* is worth highlighting. Martynov was prosecuted for his work as a contributor to Novaya Gazeta Europe and Free University. In November 2024, Martynov was remanded in custody in absentia.

The prosecution of <u>Grigory Melkonyants</u> continues. The co-chair of the Golos movement stands accused of collaborating with the European Network of Election Monitoring Organisations (ENEMO). Melkonyants was detained and remanded in custody in August 2023. His trial began in September 2024.

### 3.10.2. 'Extremist organisations'

Throughout its entire existence, the Ministry of Justice of the Russian Federation has included 117 organisations on the List of public and religious associations and other organisations in respect of which a court decision on liquidation or prohibition of activities has entered into legal force, and excluded one. In recent years, the list has mainly included structures disliked by the authorities, whose activities do not pose any public danger. After the start of the full-scale war in Ukraine, there was no marked change in the list's growth rate.

#### Table 32. The number of organisations added to the List of 'extremist organisations'

2021	2022	2023	2024
10	12	3	13

Source: Russian Federation Ministry of Justice

In 2024, the following organisations were included in the List:

- The so-called 'International LGBT Social Movement' (following a court ruling which took place in 2023; see our 2023 report for more details);
- Various 'Citizens of the USSR' organisations<sup>[14]</sup>: the Executive Committee of the Council of People's Deputies of Krasnoyarsk region, the People's Council of Citizens of the USSR/RSFSR of Amur region, the People's Council of the RSFSR/USSR of Kemerovo region, the Presidium of the Supreme Soviet of the USSR;
- The 'I/We Furgal' movement<sup>[15]</sup>;
- The Anti-Russian Separatist Movement (including 55 'structural divisions,' which are in fact various unrelated organisations, largely related to regional or national issues);
- three groups of Ukrainian entrepreneurs (this made it possible to seize their assets in Russia);
- The Omsk Civic Association (an independent media project that covered events and repression in the region);
- The Ethnic National Association (a network organisation of a national-socialist tendency);
- The Yanarish Tatar Halyk Party (a Tatar nationalist organisation).

In 2024, the practice of recognising non-existent organisations as 'extremist' continued. This practice effectively makes it possible to criminalise certain ideas and views and subsequently prosecute those who express them. Obvious examples of this approach are the decisions to ban the Anti-Russian Separatist Movement and the I/We Furgal movement, while the designation of the so-called 'International LGBT Movement' as 'extremist' even allows people to be prosecuted for their own private life (see <u>Chapter 2.4</u>).

Ukrainian entrepreneurs and their relatives have become a new type of 'extremist' association. For example, the Prosecutor General's Office filed lawsuits in court in 2023-2024 with the aim of seizing Russian assets from Ukrainian businessmen. As a result, in 2024 the Ministry of Justice added three such groups to the list of 'extremist' organisations:

• Former President of Ukraine **Petro Poroshenko**, his son **Aleksei Poroshenko**, former CEO of the Lipetsk Roshen factory **Oleg Kazakov**;

<sup>14</sup> Associations of individuals who do not recognise the collapse of the Soviet Union or the modern Russian state, and who set up their own 'Soviet' quasi-state structures.

<sup>15</sup> The slogan under which residents of Khabarovsk region protested in 2020 against the arrest of Governor Sergei Furgal. No single organisation with this name exists.
- Ukraine's former minister of transport and communications *Konstantin Efimenko* and his sister *Elizaveta Andreeva*, who had assets in Russia;
- Certain individuals connected with the confectionery factory Konti-Rus in Kursk: Boris Kolesnikov, Rinat Akhmetov, Tatyana Akhmetova-Aidarova, Sergei Kiy, Yury Chertkov, Renat, Raisa and Elmira Taktashev.

Another precedent-setting case that opens up great opportunities for the confiscation of property from 'undesirables' was the designation of journalist *Aleksandr Nevzorov* and his wife *Lidiya* as an 'extremist association.' The corresponding decision was made by the Oktyabrsky district court in St. Petersburg in July 2024. Based on this decision, Nevzorov's property was confiscated, including his family's land, car, share in a company, and real estate. An attempt to challenge the decision in the city court was unsuccessful.

As a rule, prosecution for involvement in an organisation that has already been designated as 'extremist' is carried out under **Art.282.2 of the Criminal Code**. We have information on 66 instances of prosecution under this article in 2024, all of which appear politically motivated. Criminal cases under this article were primarily brought against Jehovah's Witnesses (see <u>Chapter 3.11.2</u>).

### 3.10.3. 'Terrorist organisations'

Along with the list of 'extremist organisations' maintained by the Ministry of Justice, <u>Russia has</u> <u>a Unified Federal List of Organisations, including foreign and international organisations, des-</u><u>ignated as 'terrorist' in accordance with Russian Federation legislation</u>. As of the end of 2024, the list included 60 organisations, including 10 new names added in the course of the year.

In 2024, the list included:

- structures directly participating in military activities on the side of Ukraine (the Georgian National Legion, the Dnepr-1 Battalion, the Donbass 46th Separate Assault Battalion, and a 'terrorist group' created by staff of the Main Intelligence Directorate of the Ministry of Defence of Ukraine and operating in the city of Energodar in Zaporizhzhia region);
- Islamist groups, two of which were allegedly created in penal colonies (Jamaat, Islamic Bakkiya and Ahlu al-Sunna wa'l-Jamaat);
- The Russian structural division of the international AUM Shinrikyo terrorist group;
- The Vanguard of the People's Will Concept group ['ANV Kontseptsiya'];
- The Free States of Post-Russia Forum and its 'structural subdivisions' (172 organisations).

Cases involving the designation of organisations as 'terrorist' can be classified into two types. In the first type, it is assumed that, because of the criminal trials of a group of people, the said group has been designated a 'terrorist organisation.' For example, Vanguard of the People's Will was <u>banned</u> following the trial of one of the defendants in the 'Tiumen case.'

In the second type of such cases, existing structures are designated as 'terrorist organisations' by separate court decisions taken in the course of administrative proceedings, with the aim of further criminal prosecution of their participants. Examples of such court decisions include the

designation of Ukrainian military units, as well as the Free States of Post-Russia Forum and its 172 'structural subdivisions' as 'terrorist.'

The Supreme Court ruled on the Free States of Post-Russia Forum in November 2024. The 'structural divisions' of this organisation, as the prosecutor's office characterised them, partially coincide with the 'structural divisions' of the Anti-Russian Separatist Movement, which has been designated as an 'extremist organisation.' At the same time, the Free States of Post-Russia Forum, unlike the Anti-Russian Separatist Movement, continues to exist, regularly holding various events, and has its own website. It is not entirely clear how real its 172 'structural divisions' are. According to OVD-Info, most of them probably do not exist, while some have nothing to do with the Forum, and others (for example Belgorod People's Republic and Kursk People's Republic) are Ukrainian memes. In any case, this ruling opens up the possibility for the criminal prosecution of members of the Forum and other activists who can be linked to its 'structural divisions' for the offence of organising and participating in the activities of a terrorist organisation (Art.205.5 CC RF).

### 3.11. Prosecution in connection with the exercise of the right to freedom of religion and religious affiliation

'Conveyor belt' prosecution of representatives of individual religious movements is an integral feature of political repression in the Russian Federation. Although the various currents of such repression are broad, the mechanisms at play in these types of prosecution are similar. Firstly, an organisation is criminalised by being designated as 'terrorist,' 'extremist,' or 'undesirable,' following which criminal cases are opened against its members on formal grounds of involvement in the given organisation. In some cases, individuals who have had nothing to do with such an organisation are also subject to prosecution. This type of repression can easily be scaled up and applied across different regions. In the case of Hizb ut-Tahrir members and Jehovah's Witnesses, the number of individuals prosecuted runs into the hundreds.

The Islamic organisation Hizb ut-Tahrir was criminalised more than 20 years ago, and throughout this time the authorities have expanded and intensified prosecutions for involvement in it. Currently, its members (as well as individuals accused of membership without cause) are found guilty of the offences of organising the activities of a 'terrorist organisation' and participating in it (Art. 205.5 CC RF) and are sentenced to terms of imprisonment of at least ten years. The Jehovah's Witnesses faith was declared an 'extremist organisation' in 2017. Believers of this denomination are sentenced to terms in a penal colony of up to eight years (Art. 282.2 CC RF).

Since 2020, the Prosecutor General's Office has begun to actively designate various religious organisations as 'undesirable,' which has opened up the possibility for the security services to

prosecute their followers under both administrative (Art.20.3.3 CAO RF) and criminal (Art.284.1 CC RF) law for involvement in an 'undesirable organisation.' Since then, not only has the number of people imprisoned for their religious beliefs been growing, there has also been an increase in the number of religious organisations banned in Russia.

The elderly and people with disabilities are particularly liable to become victims of criminal prosecutions in connection with religion (after all, no action other than preaching and participation in meetings is required to become a 'criminal'). For example, according to <u>statistics from the</u> <u>Jehovah's Witnesses</u>, 28% of believers of this denomination are over 60 years old. When such individuals end up in detention facilities, in which it is extremely difficult to access medical care, they become extremely vulnerable.

Another issue is that Russian security services actively use involvement in religious organisations banned in Russia to prosecute residents of the occupied territories of Ukraine, even though these organisations operate legally in Ukraine. Criminal prosecutions of alleged members of Hizb ut-Tahrir have served as the basis for political repression in annexed Crimea. Jehovah's Witnesses also point out that Crimea and Sevastopol have become regions in which lengthy prison terms are imposed more often. In the territories added to the Russian Constitution in 2022, criminal prosecutions for religious affiliation are also being brought, although there is little information available about them.

## 3.11.1. Prosecutions for involvement in Hizb ut-Tahrir

- The Sunni political party Hizb ut-Tahrir al-Islami was founded in 1953 by Taqiuddin al-Nabhani, a judge of the Sharia Court of Appeals in Jerusalem. The organisation's goal is to promote the return of Muslims to the Islamic way of life based on Sharia law, and to spread the Islamic faith throughout the world through jihad. According to the party's philosophy, this is possible with the re-establishment of the Caliphate (a theocratic state uniting all Islamic countries). The timing of the re-establishment of the Caliphate is not known, and the place that will become the 'point of dissemination of the Islamic call' is also unknown. Until the restoration of the Caliphate, the organisation renounces violent methods of struggle and is only engaged in disseminating its ideas among Muslims. If an Islamic state emerges, it is expected to wage wars as a 'practical method of recruitment.'

In 2003, Russia's Supreme Court banned Hizb ut-Tahrir and declared it a terrorist organisation, citing its 'militant Islamist propaganda combined with intolerance towards other religions' as grounds for doing so. The ruling makes no mention of terrorist attacks, assaults, or crimes of violence. In this regard, the project, **Political Prisoners Support**. **Memorial**, considers this decision of the Supreme Court to be unfounded, and even more so the extremely harsh repression against the members of this organisation in Russia, and in the occupied territories of Ukraine. In all the cases known to us, the defendants have been accused solely of studying the philosophy of political Islam, participating in meetings, and agitating other people to join them. As of early 2025, at least 276 individuals are serving prison sentences for involvement in Hizb ut-Tahrir. There are 32 individuals held on remand who have not yet been convicted, while two more accused are under house arrest. According to the list maintained by the project, **Political Prisoners Support. Memorial**, in comparison with the <u>start of 2024</u> this number has increased by only four individuals, while the number of new defendants in cases related to Hizb ut-Tahrir and the number of those released after serving their sentences is approximately equal.

In 2024, Russian security forces detained at least 16 people on charges of involvement in Hizb ut-Tahrir, 10 of them in annexed Crimea. The former imam of the mosque, *Remzi Kurtnezirov*, who suffers from a number of serious illnesses, was <u>placed</u> under house arrest, while the rest of the detainees were remanded in custody. Of those arrested, <u>four were women</u> from Tatarstan. Previously, women were rarely prosecuted in Hizb ut-Tahrir cases and were remanded in custody even less often<sup>[16]</sup>.

Sentences in cases of involvement in Hizb ut-Tahrir were handed down to at least five defendants. One these, <u>Khaidarali Ashurov</u> from Rostov-on-Don, was found guilty of preparing to participate in a 'terrorist organisation' (Art. 30, Part 1, CC RF in conjunction with Art. 205.5, Part 2, CC RF). Ashurov was sentenced to seven years' imprisonment, while all others found guilty in 2024 of having committed an offence of this kind received sentences ranging from 11 to 18 years.

Two persons already serving long sentences received new ones. **Raisa Mavliutov** from Kazan had his terms of imprisonment <u>increased</u> from 23 to 27 years, having been accused of persuading a cellmate to join Hizb ut-Tahrir (**Art.205.1**, **Part1.1**, **CC RF**). Another Kazan resident, **Azat Gataullin**, previously sentenced to 19 years, was also <u>given</u> a second sentence on charges of 'assisting terrorist activity' (**Art.205.1**, **Part1.1**, **CC RF**) and 'justifying terrorism' (**Art.205.2**, **Part2**, **CC RF**). In this case, we do not know what the revised punishment entailed.

Of those imprisoned following convictions in Hizb ut-Tahrir cases, many are elderly (at least 11 held on remand and in penal colonies are aged 60 and older) and/or suffer from serious illnesses. Below is a list of some of the cases in which convicted persons were suffering from critical health issues in detention facilities:

- In March, **Tofik Abdulgaziev** was hospitalised in intensive care. When he was transferred to the intensive care unit, it was discovered that he had lost 38 kilos. 'He has hallucinations, is suffering from complete depletion of the body, and his legs periodically fail,' <u>wrote</u> Crimean Tatar activist Lutfiye Zudiyeva. He was <u>diagnosed</u> with tuberculosis and a number of other illnesses, including heart and lung disease. However, the court refused to release Abdulgaziev on grounds of his ill health.
- In May, **Rustem Seitmemetov** <u>suffered</u> a myocardial infarction and heart surgery, after which he was recognised as having a serious disability.
- In October, it <u>became known</u> that <u>Amet Suleimanov</u>, who needed a heart valve replacement, had been removed from the queue for this operation. He was not granted a release on health grounds either.

<sup>16</sup> Two defendants are known to have served their sentences: Anna Drozdovskaya, detained in 2004, and Alla Bespalova, detained in 2017.

• In September, Yashar Shikametov was brought to the cassation hearing in his case 'on a gurney.' According to his lawyer, 'he can barely move. He said that he had major issues with his spine, liver, kidneys, and a host of other ailments. During his time [in custody] he became totally disabled.'

Aleksandr Sizikov, who is from Crimea and is completely blind, was under house arrest until his sentence came into force. On 14 September 2024, the day after the verdict was upheld on appeal, Sizikov, who is of Muslim faith, was taken into custody. In the Simferopol remand prison he was denied a medical examination and in December he was <u>transferred</u>, as became known later, to Krasnoyarsk region. Sizikov has a serious disability, having completely lost his eyesight because of a road accident in 2009, in addition to which he had his spleen removed.

Many of those convicted in Hizb ut-Tahrir cases are subjected to systematic intimidation and bad treatment in penal colonies, being placed in strict conditions of detention, punishment cells and cell-type facilities. Since his arrival in Penal Colony No. 1 in Tula region in the autumn of 2022, *Server Zekiryaev* has been subjected to such punishments. In March, it became known that the cell where he is being held 'smells of ammonia and carbon dioxide from the sewer.' Crimean Solidarity <u>wrote</u>: 'Because of this, his health deteriorated. Server complained of vomiting foam after eating and training, bitterness in the throat, and constant dizziness.' As of October 2024, he <u>continued</u> to be held in the same torturous conditions.

### 3.11.2. Prosecution of Jehovah's Witnesses

The history of Jehovah's Witnesses began with the founding of the Bible Scholars group by Charles Russell in the second half of the 19th century in the United States. His followers were united by an understanding of Christianity that differed from the canonical one. In particular, they denied the concept of the Holy Trinity and discussed a specific date for the end of the world. Their current name appeared in 1931.

In the USSR, the organisation was illegal, and its followers were subjected to mass repression during the Stalin period. Jehovah's Witnesses were registered in Russia in 1991, but in the 2000s government pressure against them resumed. In 2004, at the initiative of the prosecutor's office, the Moscow community of Jehovah's Witnesses was liquidated. In 2009, a decision was made to designate the organisation of Jehovah's Witnesses in Taganrog (Rostov region) as 'extremist.'

In April 2017, the Supreme Court of Russia designated the Administrative Centre of Jehovah's Witnesses an 'extremist organisation' and liquidated it along with 395 regional branches. Since then, Jehovah's Witnesses have been prosecuted – in the overwhelming majority of cases – for the offence of organising the activities of an 'extremist organisation' or participating in such activities (**Art. 282.2 CC RF**). Sometimes they are also charged with financing 'extremist activities' (**Art. 282.3, Part 1, CC RF**), the basis for which can be any donation or collection of donations for the needs of the community, for example, payment for a video conference on Zoom.

In 2022, the European Court of Human Rights ruled that in prosecuting Jehovah's Witnesses, Russia is violating the rights to freedom of conscience, expression, asso-

ciation, as well as personal security and respect for private property. The project, **Political Prisoners Support. Memorial**, recognises as political prisoners those who are deprived of liberty on charges of involvement in communities of this denomination.

As of 28 December 2024, according to Memorial, at least 137 individuals convicted of involvement in the Jehovah's Witnesses' faith were serving sentences in penal colonies or correctional centres. Of those against whom criminal proceedings are under way, 18 are in custody and nine are under house arrest.

The total number of individuals imprisoned for involvement in the Jehovah's Witnesses faith has increased by approximately 10% since <u>17 January 2024</u>. While the number of people sentenced to terms of imprisonment or forced labour has increased (even though more than 10 individuals served their sentences in 2024), the number of those awaiting the outcomes of legal proceedings on remand or under house arrest has decreased.

According to our data, more than 120 individuals were convicted in 2024, of whom at least 35 received terms of imprisonment ranging from two and a half to eight years.

Statistics from the Jehovah's Witnesses' website <u>The Legal Situation in Russia</u> are similar to ours<sup>[17]</sup>: 'Sentences were handed down against 116 believers. Forty-three of them (37%) were sentenced to imprisonment, with 24 (56%) receiving sentences of over five years... "The overall numbers and severity of prison sentences are rising. To put it simply, throughout the year they imprisoned fewer people, but punishments were harsher,' Yaroslav Sivulsky, a representative from the European Association of Jehovah's Witnesses commented on the statistics.'

Appeals have yielded both harsher and lighter sentences. In their original trial at first instance, Nikolai Polevodov, Stanislav Kim and Vitaly Zhuk from Khabarovsk <u>received</u> terms of imprisonment of more than eight years, however, subsequently, their punishments were reduced to suspended sentences and the terms were reduced. By contrast, Yury Gerashchenko and Sergei Parfenovich, from Crimea, were initially given suspended sentences of six years, but on appeal these suspended sentences were <u>amended</u> to terms of imprisonment. In December, Sergei Gobozev from Udmurtia had his fine <u>replaced</u> with six years in a general regime penal colony.

The case of <u>Dmitry Barmakin</u> from Vladivostok is unique. Over the course of more than two years, the courts have issued various judgments in his case, ranging from acquittal to eight years in a general regime penal colony. The acquittal handed down in 2021 was overturned in 2022. In 2023, Barmakin was sentenced to eight years in a penal colony, but this sentence was also overturned on appeal and he was released from custody. Subsequently, the cassation court overturned the decision of the appellate court, and at a second appeal hearing in 2024 the court nevertheless upheld the sentence of eight years in a general regime penal colony.

<sup>17</sup> The data is slightly divergent which is partly because the Jehovah's Witness website, 'The Legal Situation in Russia,' includes in its statistics only those who - even after a criminal case has been opened - continue to call themselves believers of this denomination. Their statistics do not include those who renounce their faith during interrogation, who left the country and were placed on the wanted list, as well as random defendants (for example, relatives of believers who themselves do not belong to a denomination). The project, **Political Prisoners Support. Memorial**, in turn, seeks to gather statistics on all those suffering persecution at the hands of the authorities because these authorities consider them Jehovah's Witnesses. At the same time, not all names of accused persons and circumstances of the cases become public and can be considered by Memorial. Indeed, information about some cases may be more accurate and complete as provided by the Jehovah's Witnesses' website.

In turn, the acquittal handed down in 2024 to his fellow believer from Kabardino-Balkaria, *Kirill Gushchin*, was <u>upheld</u> on appeal and cassation, even though the prosecutor's office sought to overturn it. According to data from the Jehovah's Witnesses' <u>Legal Situation in Russia</u> website, this is the second acquittal that was not overturned in subsequent instances (the first was also issued in Kabardino-Balkaria).

At least nine individuals were sentenced to two to two and a half years' compulsory work in custody. The Jehovah's Witnesses' <u>Legal Situation in Russia</u> website notes that 68-year-old <u>Tatyana Piskareva</u>, from Orel, was <u>sentenced</u> to compulsory work in custody, even though, in the criminal law, this type of punishment cannot be assigned to people who have reached retirement age (Art.53, Part7, CC RF).

In 2024, approximately 50 people faced new prosecutions on charges of involvement in the Jehovah's Witnesses. At least 21 of these were remanded in custody (four were subsequently transferred to house arrest) and four more were immediately placed under house arrest pending trial.

After serving his sentence in the autumn of 2021, *Dmitry Terebilov* was again <u>remanded in custody</u> without being released. Subsequently, in 2023, a new criminal case was opened against him on a charge of involvement in 'extremist activity' (Art. 282.2, Part 1.1, CC RF) for having engaged in conversations about the Bible with cellmates.

Like many other political prisoners, Jehovah's Witnesses are subject to pressure in penal colonies. *Rinat Kiramov* from Astrakhan region, who is serving a seven-year sentence, <u>reported</u> that in April he was tortured at the Medical and Correctional Facility No. 3 in Tula region where he faced demands to name his fellow believers. The pretext for transferring Kiramov to this institution was suspicion of tuberculosis, which was never subsequently confirmed. The violence Kiramov suffered was inflicted by other prisoners, according to his lawyer who is quoted on the Jehovah's Witnesses' Legal Situation in Russia website as saying: 'The believer was beaten for several days and also tortured with a taser and water boarding. From 20-24 April inclusive, he was deprived of sleep and allowed to eat only once a day.' His wife noticed the marks from the beating to which he had been subjected while she was there on a short visit.

## 3.11.3. Prosecution of other religious communities

The year 2024 has been marked by a wave of criminal cases against followers of Falun Gong<sup>[18]</sup>. In 2020, the Russian Prosecutor General's Office designated seven organisations associated with Falun Gong as 'undesirable,' <u>stating</u> that 'the activities of these organisations pose a threat to the security of the Russian Federation.' The first known conviction for involvement in an 'undesirable organisation' (**Art. 284.1 CC RF**) against a follower of this movement was <u>handed down</u> in 2023.

<sup>18</sup> Falun Gong or Falun Da Fa is a religious movement founded by Li Hongzhi in 1992 in China. Based on traditional Chinese qigong gymnastics, the movement also incorporates features of various religions common in Asia. Falun Gong followers strive for spiritual and physical perfection, practice meditation and gymnastics, and try to lead a moral life. Since 1999, the movement has been criminalised in China and its followers have been subject to mass persecution in the country ever since.

Based on information from open sources, at least seven individuals in five regions were subject to criminal prosecution in 2024. Six of these defendants were remanded in custody pending trial while one, **Oksana Shchetkina** from Pyatigorsk (Stavropol region), was <u>under house arrest</u> until the verdict. In November, Shchetkina was <u>sentenced</u> to two years in a general regime penal colony. Another sentence – 400 hours of compulsory work in their free time – was <u>handed</u> <u>down</u> in Mordovia to 64-year-old <u>Ildar Maksinyaev</u>. Before the verdict, he spent more than two months in pre-trial detention.

In addition, in 2024, supporters of the AllatRa<sup>[19]</sup> movement were actively prosecuted. The Prosecutor General's Office designated this organisation as 'undesirable' in 2023, <u>noting</u>: 'Activists of the AllatRa International Movement on the territory of the Russian Federation receive instructions from Ukrainian supervisors about the need to establish contacts with representatives of opposition forces and carry out unified coordinated actions to discredit the policies of federal and regional authorities. Since the beginning of the special military operation, this non-governmental organisation has been disseminating information known to be false that discredits the armed forces of the Russian Federation.'

At least one criminal case related to AllatRa was <u>opened</u> in Omsk on a charge of participation in the activities of an 'undesirable organisation' (Art. 284.1, Part 1, CC RF). At least two other individuals in <u>Moscow region</u> and <u>Moscow city</u> were accused of financing an 'undesirable organisation' (Art. 284.1, Part 2, CC RF), namely, for collecting money for AllatRa. In Saratov region, searches were <u>conducted</u> at the homes of suspected followers of the movement on suspicion of organising the activities of an 'undesirable organisation' (Art. 284.1, Part 3, CC RF).

Prosecutions of representatives of the New Generation Evangelical Christian Church, that began in 2022, continued in 2024<sup>[20]</sup>. In particular, in Prokopyevsk (Kemerovo region), **Sergei Mikhalyov** was <u>sentenced</u> to one year of compulsory work in custody. **Oleg Sharin**, who was <u>fined</u> in 2022 under administrative law (**Art. 20.33 CAO RF**) for participating in the New Generation International Conference of Churches, was subsequently <u>convicted</u> of repeated participation in an 'undesirable organisation' (**Art. 284.1, Part 1, CC RF**). It is not known what punishment Sharin was given. In Barnaul, **Aleksei Moiseev** was <u>given a suspended sentence</u> of one and a half years.

The most severe sentences for involvement in the New Generation Church were handed down as early as 2023 to former pastors of this church, **Nikolai Ulitin** from Krasnodar region, and **Stanislav Yugov** from Chelyabinsk region. Both were sentenced to three and a half years in a general regime penal colony. In 2024, the project, **Political Prisoners Support. Memorial**, <u>recognised</u> them as political prisoners.

<sup>19</sup> The AllatRa religious movement was founded in Ukraine in 2011. It is characterised by a mixture of various religions, esoteric and philosophical views, based on the assumption that people are spiritually united and that the boundaries dividing them are artificial. In addition, followers of this religion are known to believe in a number of conspiracy theories and myths.

<sup>20</sup> The New Generation Church is a religious organisation founded in Riga by Aleksei Ledyaev, who previously served as a pastor in a Pentecostal church but was dismissed for deviating from the standards of worship. Pentecostalism, in turn, is one of the Protestant movements that originated in the 19th century in the USA. It is based on the idea of a spiritual experience identical to that experienced by the apostles on the 50th day after the resurrection of Christ. In 2021, the Russian Prosecutor General's Office designated four organisations from Latvia and Ukraine associated with New Generation as 'undesirable.'

Believers from this denomination also continue to be actively prosecuted under administrative law, which subsequently creates a legal basis for criminal prosecution.

In 2022, two Ukrainian religious organisations led by Vladimir Muntyan – the Vozrozhdenie ['Rebirth'] Spiritual Centre<sup>[21]</sup> and the Vozrozhdenie Charitable Foundation – were added to the list of 'undesirable' organisations. In December 2024, a verdict was <u>issued</u> in Moscow in the trials of three defendants – <u>Mikhail Koval</u>, I. Nagornova and N. Ukhova – on charges of organising the activities of Vozrozhdenie (Art. 284.1, Part 3, CC RF). No information is currently available about the sentences they were given. It is known that after his arrest in 2023, Koval was <u>remanded in</u> <u>custody</u>, while Ukhova and Nagornova were placed under house arrest. SOTA journalists attended the first hearing in this case (the trial was later closed to the public), where they <u>learned</u> that 'according to the investigation, Muntyan maintains close relations with Ukrainian President Volodymyr Zelenskyy...,' 'sent money collected from church supporters to equip and arm the Ukrainian armed forces,' and that 'according to the investigation...Russian cells [of Vozrozhdenie] are being used to form a protest electorate.'

Repressive measures against followers of Said Nursi, whom the Russian authorities consider to be part of a single organisation known as 'Nurdzhular,' continued<sup>[22]</sup>. In 2024, *Zurab Dzhabrailov* was <u>convicted</u> in Moscow and sentenced to six years in a general regime penal colony on charges of organising the activities of a Nurdzhular cell (Art. 282.2, Part 1, CC RF), while *Dzheikhun Rustamov* was sentenced to two years and nine months in a general regime penal colony for participation in this cell (Art. 282.2, Part 2, CC RF).

For many years, repressive measures have also been directed against followers of Tablighi Jamaat<sup>[23]</sup>. In 2024, two followers of this movement were <u>convicted</u> in Sakhalin. *Orunbek Orozbaev* was sentenced to six years in a penal colony as organiser of the cell, while a second defendant, whose name is probably *Makmalbek Mazhitov*, was sentenced to two and a half years for being a participant.

In 2024 the list of 'undesirable organisations' included:

• The Finnish International Russian Radio & Television organisation, as well as its 'affiliated American and Canadian structures' Great Commission Media Ministries, which are engaged in Christian missionary work;

<sup>21</sup> The Vozrozhdenie ['Rebirth'] Centre was founded by Vladimir Muntyan in 1997. The All-Ukrainian Union of Churches of the Christian Evangelical Faith considers Muntyan's activities inconsistent with the Gospel teachings and close to occult practices.

<sup>22</sup> Bediuzzaman Said Nursi (1877-1960) was a Turkish theologian and the author of the Risale-i Nur ('Treatise of Light') series of books. In 2007, the Koptevsky district court in Moscow banned 14 Russian translations of Nursi's works. In 2008, the Supreme Court banned the Nurdzhular religious association, calling it a 'clearly structured international religious association' whose main goal is 'the creation of a worldwide Islamic state (caliphate).' Memorial considers there is no reason to ban Nursi's books, insofar as they do not contain calls for violence or a change of the state system but focus rather on moral issues, and Nurdzhular is not an organisation, but a word that is used to collectively describe the followers of Risale-i Nur worldwide.

<sup>23</sup> Tablighi Jamaat is an international Islamic religious movement founded in the Indo-Pakistan region in the 1920s as a response to Western Christian missionary initiatives. The principal aim of the founders was the conversion of 'nominal Muslims' to Islam – those who consider themselves Muslims but do not fully perform religious rituals. The movement's preachers periodically travel to other regions and countries and explain the values of the Koran and Islamic rituals on the streets there. In 2009, the Supreme Court of Russia designated Tablighi Jamaat an 'extremist organisation'. Neither the Supreme Court's decision nor the materials from Russian criminal cases known to Memorial contain any specific facts indicating extremist or any violent activity by the organisation.

• The United States-based Satanic Temple – which is more of an anti-religious than a religious organisation – and promotes the values of secular humanism and secularism.

In 2024, the Church of Scientology in St. Petersburg was <u>designated</u> an 'extremist organisation.'<sup>[24]</sup> A representative of the Church of Scientology insisted that the organisation had already ceased operations in 2022, when it was legally dissolved. Earlier in 2023, the former head of the St. Petersburg Church of Scientology, *Ivan Matsitsky*, was sentenced to six and a half years' imprisonment, but was released in the courtroom, with the time he had already spent on remand and under house arrest having counted towards serving his sentence. Meanwhile, four other Scientologists were given large fines. All defendants were found guilty of the creation of an extremist group (Art.282.1, Part1, CC RF), incitement of hatred by an organised group (Art.282, Part 2[c], CC RF) and illegal business (Art.272 CC RF). The sentences in this case <u>constituted</u> the basis of the claim to designate the organisation as 'extremist.'

Memorial <u>believes</u> that Scientologists have been prosecuted for peacefully exercising their right to freedom of conscience and association. The investigative authorities consider that the internal restrictions imposed on believers seen to have violated the ethics of the Church of Scientology constitute violations of human dignity; activities based on Ron Hubbard's books, that have been recognised as 'extremist,' are extremism; and the unofficial provision of paid services is illegal entrepreneurship (at the same time, the state does not give Scientologists the opportunity to register a legal entity).

# 3.12. Prosecutions for 'attacks on the sacred'

According to the project, **Political Prisoners Support. Memorial**, of the three articles of the Russian Criminal Code<sup>[25]</sup> that can broadly be considered to criminalise 'attacks on the sacred,' most prosecutions in 2024 (71%) were brought for the offence of 'rehabilitation of Nazism' (**Art.354.1 CC RF**). This continued the trend seen in 2023, when 74% of such prosecutions were also initiated for this offence.

While there has been no marked rise in the overall number of prosecutions of this kind, there are signs of harsher enforcement. For instance, according to our data, there were nearly three times as many convictions in 2024 for the offence of 'offending religious feelings' (Art. 148 CC RF) compared to 2023 – and nearly half of these (45%) resulted in actual imprisonment.

<sup>24</sup> The Church of Scientology was founded by American science fiction writer Lafayette Ronald Hubbard in 1954 in the United States, based on the idea that a person is a spiritual being who lives more than one life. Ron Hubbard's books are banned in Russia.

<sup>25</sup> These are: **Art. 148 CC RF** ('Offending religious feelings'), **Art. 354.1 CC RF** ('Rehabilitation of Nazism'), and **Art. 329 CC RF** ('Desecration of the state coat of arms or flag of the Russian Federation'). These laws are used to uphold the 'traditional values' on which the Russian authorities seek to base their ideology.

The number of convictions for 'rehabilitation of Nazism' (Art.354.1 CC RF) rose by 50% compared with the previous year. In 70% of these cases, the sentence was imprisonment.

Convictions for the offence of 'desecrating state symbols' (Art. 329 CC RF) also doubled in 2024. In all such cases known to us, the sentence provided for imprisonment.

Some of the individuals prosecuted in the cases described below may warrant public criticism for their actions. However, in most listed cases, the severity of criminal punishment appears to be disproportionate to the offence.

## 3.12.1. Prosecutions for offending believers' feelings

According to the project '**Political Prisoners Support. Memorial**,' in 2024 at least 22 individuals were prosecuted for offending believers' feelings (**Art. 148 CC RF**)<sup>[26]</sup>.

#### The burning of sacred texts

One of the most high-profile convictions for this offence in 2024 was that of Volgograd student <u>Nikita Zhuravel</u>. On 27 February, Ruslan Dandaev, a judge at the Visaitovsky district court in Grozny, sentenced Zhuravel to three and a half years in a general regime penal colony for burning a copy of the Quran. In addition to the charge of offending believers' feelings, Zuravel was also prosecuted for hooliganism motivated by religious hatred (Art. 213, Part 2, CC RF).

Zhuravel, who was 19 at the time, was detained in Volgograd on 20 May 2023. The following day, the Investigative Committee of the Russian Federation <u>announced</u> that the case would be transferred to Chechnya in <u>violation</u> of the principle of territorial jurisdiction. A week later, Zhuravel was taken to a remand prison in Grozny, where he was subsequently beaten in a widely publicised incident by Adam Kadyrov, the 15-year-old son of Ramzan Kadyrov<sup>[27]</sup>.

In October 2024, it emerged that a new case had been brought against Zhuravel on a charge of treason (Art. 275 CC RF). On 25 November 2024, Volgograd Regional Court sentenced him to 13 years and six months in a strict regime penal colony (see <u>Chapter 2.7</u>).

Another case involving the burning of a sacred text took place in Novoaleksandrovsk, Stavropol region. On 2 May 2024, three local young men, 20-year-old *Danila Zharikhin*, 21-year-old *Dmitry Sobenin*, and 17-year-old *Yury M.*, burned a copy of the New Testament on a barbecue grill. They filmed the act and posted the video online. The next day, all three were <u>detained</u>, and the governor of Stavropol region, Vladimir Vladimirov, <u>published</u> a video of their public

<sup>26</sup> In 2023, there were at least 20 such prosecutions.

<sup>27</sup> A video of the assault was published on social media. Two weeks later, Adam Kadyrov was awarded the <u>Order of Kadyrov</u>, the highest honour of the Chechen Republic.

apologies on his Telegram channel. The young men were charged with offending believers' feelings (Art.148, Part1, CC RF) and hooliganism (Art.213, Part2, CC RF). On 4 May, they were remanded in custody.

On 5 September 2024, Judge Dmitry Karpenko of the Novoaleksandrovsk district court in Stavropol region sentenced Zharikhin to two years and two months in a general regime penal colony and Sobenin to two years in a general regime colony. Yury M. received a suspended sentence of 20 months.

#### Artistic expression and performances

In 2024, participants in two photoshoots at cemeteries in Russia were prosecuted for 'offending believers' feelings.' One case took place in May at a cemetery in the village of Bogatoe, Samara region. The model *Olesya Kargina* published photos and videos on her Telegram channel in which she posed nude in front of her former partner's grave. On 2 December, Bogatovsky district court of Samara region <u>sentenced</u> Kargina to 360 hours of compulsory work in her free time for offending believers' feelings in places designated for religious rites and ceremonies (**Art.148**, **Part 2, CC RF**). Kargina said the photoshoot was done 'just for herself,' while the complaint had been filed by a classmate's mother.

A second photoshoot took place on 17 June at the Bolsheokhtinskoe Cemetery in St. Petersburg. While artist Anna Panteleeva posed topless in a BDSM costume, three others who also took part were Sergei Evstiukhin, Kristina Rozhkova, and Yaroslava Gumennaya. All four were initially charged with desecrating burial sites committed by a group (Art. 244, Part 2 [a], CC RF) and remanded in custody<sup>[28]</sup>. Two months later, Panteleeva, Rozhkova and Evstiukhin were transferred to house arrest, while Gumennaya was released under travel restrictions. In December 2024, it was <u>reported</u> that all four had also been charged with offending believers' feelings in places designated for religious rites (Art.148, Part 2, CC RF). Their case was submitted to the Krasnogvardeisky district court in St. Petersburg on 19 December.

Other examples of criminal prosecution for offending believers' feelings for various forms of expression include:

- **Sofya Burger**, a resident of Krasnodar region, was <u>sentenced</u> to 440 hours of compulsory work in her free time for dancing in a cemetery in March 2023.
- **Darya Krichker**, a tattoo artist from St. Petersburg, <u>received</u> 60 hours of compulsory work in her free time for tattooing a client with an image titled 'Jesus in the Moment of Orgasm' and posting a photo online.
- **Yegor Kholtov** (real surname Zakharov), an artist, was prosecuted for graffiti considered offensive to believers' feelings. One depicted a woman resembling the Virgin Mary holding a beer bottle instead of a baby. Another showed a grotesque family portrait with halos round their heads and a quote from Vladimir Putin: 'We'll go to heaven, and they'll just die.' He also created graffiti using Church Slavonic script reading 'We don't give a fuck' [S nami pokh - with a play on the phrase 'God is with us'] and 'I'll crap myself' [Srus - with

<sup>28</sup> Panteleeva was remanded in custody on 19 June; the others on 20 June.

a play on the old word 'Rus' for Russia] In July 2024, a magistrate in court section No. 2 in the Zheleznodorozhny district in Ulyanovsk <u>fined</u> Kholtov 100,000 roubles.

- **Sofi Noskova-Avramovich**, owner of the St. Petersburg bar S'aint, was <u>fined</u> 30,000 roubles for the bar's decor, which included neon crosses and menu items with prayers and images of saints. According to *Kommersant*, one visitor claimed to have suffered 'moral anguish' as a result.
- Law enforcement officials also saw a reference to a biblical image in a Halloween performance by blogger *Yury Kravtsov*, held in a Volgodonsk restaurant in November 2023. In a Halloween show, Kravtsov appeared attached to a wooden cross and suspended in the air. On 19 February 2024, Judge Olga Snytko, sitting in court section No. 5 in Volgodonsk district, Rostov region, <u>fined</u> Kravtsov 80,000 roubles.

#### Statements deemed to offend believers' feelings

In January 2024, the authorities opened a criminal <u>investigation</u> against **Dmitry Fomintsev**, editor-in-chief of the Urals-based outlet *Tochka News*, on a charge of offending believers' feelings. According to Fomintsev, the investigation was initiated in response to complaints about posts on his Telegram channel in which he criticised Metropolitan Evgeny (Kulberg) of Ekaterinburg and Verkhoturye. These posts were published in the spring and summer of 2023. In summer 2024, Fomintsev was placed on the wanted <u>list</u>.

In September 2024, Maikop City Court <u>handed</u> a two-year suspended sentence to blogger **Sofiya Angel-Barokko** from Adygea on charges of offending believers' feelings (**Art.148**, **Part1**, **CC RF**) and making public calls to engage in extremism (**Art.280**, **Part2**, **CC RF**). The charges were brought in relation to videos on her YouTube channel Goddess Tiamat, which is devoted to themes of magic and esotericism.

## 3.12.2. Prosecutions for desecration of symbols of military glory

According to the project, **Political Prisoners Support. Memorial**, in 2024 at least 68 individuals were prosecuted for the offence of rehabilitating Nazism (**Art. 354.1, CC RF**)<sup>[29]</sup>. In nearly 90% of these cases, individuals were charged specifically with desecration of symbols of military glory (**Art. 354.1, Parts 3 & 4, CC RF**).

At least 43 individuals were prosecuted in 2024 for various acts carried out near war memorials. These included, among other things, <u>preparing</u> food using an Eternal Flame, <u>lighting cigarettes</u> from it, throwing snow into it, <u>warming</u> their hands over it, or <u>sculpting</u> a phallus from snow beside the memorial.

<sup>29</sup> According to the project, **Political Prisoners Support. Memorial**, at least 66 people were prosecuted under **Art. 354.1 CC RF** in 2023.

One of the most high-profile prosecutions of 2024 was that of blogger <u>Alyona Agafonova</u> from Samara. On 5 April, Volgograd Regional Court <u>convicted</u> her and sentenced the blogger to 10 months' compulsory work in custody for an Instagram story published in 2023. In the video, Agafonova appeared to tickle the breast of the Motherland Calls statue in Volgograd with her finger. The clip attracted attention after being shared by pro-government blogger Aleksandr Talipov from occupied Crimea.

The authorities opened a criminal investigation against Agafonova in July 2023 for desecrating symbols of military glory (**Art. 354.1, Part 4, CC RF**). She subsequently left the Russian Federation but returned in February 2024. On 8 February, she was detained at a Moscow airport and the following day was <u>remanded</u> in custody by the Central district court in Volgograd. She remained in detention until the sentence entered into force.

On 29 January 2024, the Supreme Court of occupied Crimea <u>convicted Aleksandr Tiurenko</u>, a resident of Bakhchysarai, and sentenced him to two years in a general regime penal colony for urinating on a sculpture featuring the letters Z and V which formed part of a memorial alley dedicated to Russia's war against Ukraine. During the incident, he reportedly remarked, '*That*'s *supposed to be a monument*? What utter rubbish.' Tiurenko was convicted on charges of vandal-ism motivated by social hatred (Art.214, Part 2, CC RF) and desecration of symbols of military glory (Art.354.1, Part 4, CC RF).

On 7 June, the 2nd Western District Military Court <u>convicted</u> Nikita Chernichkin, an animal rights activist from Ryazan, of desecrating symbols of military glory (Art. 354.1, Part4, CC RF), disseminating 'fake news' about the Russian army motivated by hatred (Art. 207.3, Part2 [d], CC RF), and justifying terrorism online (Art. 205.2, Part2, CC RF). He was sentenced to six years in a general regime penal colony. According to the Telegram channel Ostorozhno, Novosti, Chernichkin's prosecution was based on an 'insulting comment' he had posted on VKontakte about Nikita Samoilov, a Russian soldier killed near Kyiv.

On 5 December 2024, <u>Vladimir Yarotsky</u>, a resident of Krasnodar, was <u>convicted</u> and sentenced to 18 months in a general regime colony. He was taken into custody in the courtroom. His conviction was based on a cartoon depicting an artist painting a portrait of Vladimir Putin, in which the portrait resembled a penis wrapped in the St George ribbon. However, on 20 March 2024, a court of appeal <u>overturned</u> the conviction and sent the case for a retrial.

The project, **Political Prisoners Support. Memorial**, considers that charges of desecrating symbols of military glory (**Art. 354.1**, **Parts 3 & 4**, **CC RF**) are used by the Russian authorities as means of propaganda and repression. The law's provisions violate the principle of legal certainty and are incompatible with both the Constitution of the Russian Federation and the European Convention on Human Rights and Fundamental Freedoms. They should be rescinded.

### 3.12.3. Prosecutions combining charges of insulting believers' feelings and rehabilitation of Nazism

In 2024, there were several instances in which individuals were prosecuted on charges of both insulting believers' feelings (Art.148 CC RF) and rehabilitation of Nazism (Art.354.1 CC RF).

In April 2024, the priest of a Greek Catholic parish in Omsk, *Igor Maksimov*, was prosecuted on charges of both insulting believers' feelings and rehabilitation of Nazism. Maksimov was <u>accused</u> of having displayed, in the church refectory, an '*image styled as an icon, featuring what the au-thorities called "Ukrainian Nazi collaborators – Banderites" against the background of the Holy Virgin.*' <u>According</u> to the Omsk FSB, the image included depictions of Stepan Bandera, leader of the Ukrainian nationalist movement, Roman Shukhevych, Commander-in-Chief of the Ukrainian Insurgent Army, and Cardinal Josyf Slipyj. Additionally, Maksimov allegedly 'spread among his congregation ideas of the superiority of one religion over another, and of the superiority of the Ukrainian people over the Russian.' On 24 April, he was placed under house arrest.

On 27 December, Samara Regional Court <u>convicted</u> singer <u>Eduard Sharlot</u> and sentenced him to five and a half years in a low security penal colony on charges of desecrating symbols of military glory (Art. 354.1, Part 4, CC RF) and insulting believers' feelings (Art. 148, Part 1, CC RF). The prosecution was based on a series of videos recorded in 2023 while Sharlot was abroad. In the footage, he tore up a St George's ribbon and his military ID, burned his Russian passport, and performed a parody of the song 'Victory Day.' In the autumn of 2023, Sharlot returned to Russia and was arrested at St. Petersburg airport. He was thereafter remanded in custody.

## 3.12.4. Prosecutions for desecration of state symbols

According to data gathered by the project, **Political Prisoners Support. Memorial**, in 2024 at least seven prosecutions<sup>[30]</sup> were initiated under the law criminalising desecration of state symbols (**Art. 329 CC RF**), one of which was subsequently dropped.

On 5 April 2024, the 2nd Eastern District Military Court <u>convicted</u> Irkutsk resident <u>Aleksandr</u> <u>Skvortsov</u> of desecrating the state emblem of the Russian Federation (Art. 329 CC RF), rehabilitating Nazism online (Art. 354.1, Part 2 [c], CC RF), and justifying terrorism online (Art. 205.2, Part 2, CC RF). He was sentenced to four years in a general regime penal colony. The case concerned an incident in which Skvortsov tore a Russian flag from the wall of an Olympic Reserve sports school. According to the court ruling, he committed the act 'motivated by hostility towards the Russian

<sup>30</sup> The same number as in 2023.

Federation and its official state symbols.' The court also found that he had published comments on Telegram channels that 'rehabilitated Nazism' and 'contained public justification of terrorism.'

On 8 June 2024, the Military Court of Appeal upheld the conviction of <u>Dmitry Aritkulov</u>, a resident of Anadyr. In October 2023, the 1st Eastern District Military Court had sentenced him to five and a half years in a general regime penal colony on charges of justifying terrorism (Art.205.2, Part 2, CC RF), making calls to engage in extremism online (Art.280, Part 2, CC RF), and desecrating the state emblem of the Russian Federation (Art.329 CC RF). Aritkulov had been in custody since 18 December 2022.

The prosecution was <u>based</u> on a comment Aritkulov posted on Telegram in November 2022 in which he proposed a 'new coat of arms for Rashka' (a derogatory term for Russia) featuring a mop, a sledgehammer, and a rake. In the same message, he wished Ukraine success in the war and wrote: 'Death to the occupiers, freedom to the peoples! Greetings from Chukotka!'

On 26 June, Khimki City Court in Moscow region <u>convicted</u> *Mikhail Ishchenko*, a resident of Kaluga region, of desecrating the Russian state emblem, hooliganism motivated by political and ideological hatred (Art.213, Part1[b], CC RF), and preparing to participate in military operations on the territory of a foreign state (Art.30, Part1, CC RF in conjunction with Art.208, Part3, CC RF). He was sentenced to 10 years' imprisonment, with the first two years to be served in a cell-type prison and the remainder in a strict regime penal colony. According to the prosecution, on 24 September 2023, while intoxicated Ishchenko had set fire to a Russian state flag at the entrance of a sports complex in Khimki. He was also accused of intending to take part in the war on the Ukrainian side.

# 3.13. Prosecutions of lawyers and human rights defenders

In 2024, the Russian authorities continued, and intensified, the pressure against lawyers and human rights defenders. Such repressive measures are especially dangerous, as they obstruct the defence of individuals harmed by the actions, or lack of action, of the state. Many members of the human rights community and legal profession were forced into exile; others have been imprisoned.

There are strong grounds to assert that these prosecutions have been directly linked to the professional activities of the lawyers and human rights defenders, which is a flagrant violation of international human rights standards.

This chapter does not aim to list every instance of repression. Rather, it aims to illustrate the scale of the assault on the work of human rights defenders in Russia by highlighting some of the most striking and illustrative examples.

## 3.13.1. Prosecutions of members and staff of Memorial

In 2021, a court ordered the liquidation of Memorial Human Rights Centre. The subsequent prosecution of the organisation's members and staff continued into 2024.

#### The prosecution of Oleg Orlov

On 27 February 2024, Golovinsky district court in Moscow sentenced <u>Oleg Orlov</u>, co-chair of the Memorial Human Rights Centre, to two and a half years in a general regime penal colony on a charge of repeated discrediting of the Russian army (Art. 280.3, Part1, CC RF). Orlov was also banned from administering websites for two and a half years following his release. Orlov was taken into custody in the courtroom.

Orlov's prosecution had begun in spring 2022 when he was arrested seven times for holding single-person anti-war protests in Moscow. He was twice charged with the administrative-law offence of discrediting the army (Art. 20.3.3, Part1, CAO RF).

On 21 March 2023, searches were conducted at the homes of Orlov and eight other Memorial members. All were questioned and released with the legal status of witnesses. However, later that same day, a criminal case was opened against Orlov for a Facebook post published on 14 November 2022, in which the human rights defender shared a Russian translation of his <u>article</u>, 'They Wanted Fascism. They Got It,' <u>written</u> for the French media outlet *Mediapart*.

On 11 October 2023, Orlov was fined 150,000 roubles. Both the defence and the prosecution appealed the decision. On 14 December 2023, Judge Svetlana Kupriyanova sitting in Moscow City Court overturned the verdict of the court of first instance and returned the case to the prosecutor's office to establish the motive of the offence. Following a new trial, Orlov was sentenced to a term of imprisonment.

On 1 August 2024, the human rights defender was released as part of an international prisoner exchange (see <u>Chapter 2.3</u>).

#### Prosecutions of the staff of Perm Memorial

On 4 April 2024, Industrial district court in Perm gave a suspended <u>sentence</u> of three years to Aleksandr Chernyshov, head of the Perm Centre for Historical Memory, on a charge of smuggling articles of cultural value (Art. 30, Part 3, CC RF in conjunction with Art.226.1, Part 2 [c], CC RF). He was accused of attempting, together with the former director of Perm Memorial Robert Latypov, to 'take out of Russia and remove to Germany documents belonging to Memorial which are of cultural and historical value.'

The criminal case had become <u>public knowledge</u> in March 2023. On 11 March, Chernyshov was detained and questioned; on 12 March, searches were conducted at the Centre for Historical Memory. On 5 May, Chernyshov was again detained at Sheremetyevo airport and this time he was jailed for 15 days on a charge of petty hooliganism (**Art. 20.1 CAO RF**). After serving this term, Chernyshov was detained again, this time on a criminal charge. He was transferred to Perm and remanded in custody, where he remained for just under a year before sentencing.

Robert Latypov was later declared <u>wanted</u> and, in April 2024, was remanded in custody in <u>absentia</u>.

#### The prosecution of Bakhrom Khamroev

In February 2024, <u>Bakhrom Khamroev</u>, a former member of the Memorial Human Rights Centre and head of Yordam, a foundation providing social support for migrants, reported being assaulted in Prison No. 2 in Vladimir, known as Vladimir Central. According to his <u>wife</u>, the assault was triggered by Khamroev's complaints about the conditions of his detention. In response to Khamroev's demand that his written complaints be accepted, a prison officer used abusive language. When Khamroev told him such language was unacceptable, the officer brutally beat him. Zukhra Khamroeva said her husband was beaten on the legs, kidneys, groin, back, and head. He lost consciousness from a blow to the head.

Muslim inmates who demanded an end to the abuse against Khamroev were also beaten. Later, Khamroev's lawyer was denied access to his client several times. According to Khamroev's wife, this was done to prevent the lawyer seeing the injuries he had sustained.

Khamroev's wife also reported that the penal colony's medical staff refused to document the beating; however, an investigator eventually did so. The human rights defender filed a complaint with the Investigative Committee. After that, a copy of the Quran and medication that had been confiscated from Khamroev were returned to him.

Bakhrom Khamroev's criminal prosecution began in 2022, before the decision to liquidate Memorial Human Rights Centre had entered into force. At that time, Khamroev was still a member of the organisation. On 24 February, his apartment was searched as part of an investigation into making public calls to engage in terrorism on the internet (**Art.205.2**, **Part2**, **CC RF**). The charges were based on six posts on the Khamroev's personal Facebook page, which the investigators claimed were connected to the Islamist party Hizb ut-Tahrir. The next day, Khamroev was remanded in custody. In October 2022, he was additionally charged with organising the activities of a terrorist organisation (**Art.205.5**, **Part1**, **CC RF**), also in relation to Hizb ut-Tahrir. The court later reduced the charge to participation in the activities of a terrorist organisation (**Art.205.5**, **Part2**, **CC RF**).

According to the investigative authorities, evidence of Khamroev's involvement with Hizb ut-Tahrir included 'providing legal representation to supporters of the terrorist organisation before law enforcement bodies, in courts, including at the European Court of Human Rights.' Khamroev was also alleged to have secured the involvement of certain individuals in the organisation 'who were wanted for committing terrorist and extremist offences.' On 23 May 2023, the Second Western District Military Court sentenced Bakhrom Khamroev to 14 years' imprisonment, with the first three years to be served in a cell-type prison and the remainder in a strict regime penal colony. On 10 October, a court of appeal reduced this sentence by three months.

## 3.13.2. Other prosecutions of human rights defenders

#### The prosecution of Tatyana Kotlyar

In 2024, *Tatyana Kotlyar*, head of the For Human Rights movement in Kaluga region, was sentenced in the seventh criminal case to be opened against her.

On 18 March, a magistrate in Obninsk <u>fined</u> Kotlyar 450,000 roubles in a case concerning the alleged fictitious registration of foreign nationals (**Art. 322.2, CC RF**). She was also banned from registering people at her residence. The prosecution had requested a sentence of 18 months in a low security penal colony, arguing that fines and bans '*do not contribute to her correction*.' On 14 May, Obninsk City Court <u>reduced</u> the fine by 20,000 roubles on appeal.

According to the prosecution, since 2009 Kotlyar had registered over 10,500 people who had experience of migration at two of her apartments. The human rights defender <u>explained</u> to OVD-Info that she helps both foreign nationals and Russian citizens in difficult circumstances: 'These are not necessarily migrants – they could be someone born in Kaluga region who lost their home, or a former prisoner who was released and has nowhere to live. Because they lack a residence stamp in their passport, their rights are constantly violated.'

The first criminal case against Tatyana Kotlyar was initiated in 2015, when she was fined 150,000 roubles and amnestied. Two years later, she was again fined 150,000 roubles but was <u>exempted</u> from paying it on account of the statute of limitations. In 2019, one of the criminal cases against her was <u>dismissed</u>. In 2022, she was sentenced to a fine of 340,000 roubles, and in 2023 to a <u>fine</u> of 650,000. In July 2022, the European Court of Human Rights <u>awarded</u> her 6,000 euros in compensation for the criminal prosecutions<sup>[31]</sup>.

#### The prosecution of Natalya Guseva

On 6 February 2024, Zlatoust City Court in Chelyabinsk region <u>fined</u> human rights defender and Golos coordinator **Natalya Guseva** 700,000 roubles on a charge of disseminating 'fake news' about the Russian army (**Art. 207.3**, **Part 1**, **CC RF**). The investigation against her was launched in June 2023 for posts Guseva made on the Odnoklassniki social media site about war crimes committed by the Russian army in Mariupol and Kharkiv.

<sup>31</sup> However, Russia refused to implement the ruling of the European Court of Human Rights that was issued after 15 March 2022.

An expert <u>review</u> concluded that the posts included claims that the Russian president had ordered a bomb to be dropped on the Mariupol Drama Theatre in revenge for the city's residents 'digging trenches to escape the Russian tanks in 2014.'

In July, Guseva's home was <u>searched</u> as part of a new investigation into repeated 'discrediting' of the Russian army (Art.280.3, Part1, CC RF). Once again, the reason for the prosecution was her anti-war posts on social media.

#### The case of Gregory Vinter

On 18 January 2024, Cherepovets City Court in Vologda region sentenced human rights defender and long-time coordinator of the Vologda branch of the For Human Rights movement *Gregory Vinter* to three years in a general regime penal colony. Vinter was convicted of disseminating 'fake news' about the Russian army motivated by hatred (Art. 207.3, Part 2 [e], CC RF).

The case against him had been opened in the autumn of 2022. Vinter was charged for comments he made about the shelling of the Mariupol Drama Theatre and crimes committed by the Russian army in Bucha.

### 3.13.3. Prosecution of lawyers

In 2024, the Russian authorities continued to exert pressure on lawyers handling politically motivated and other high-profile cases. One of the most prominent prosecutions of the year was the trial of Aleksei Navalny's former lawyers *Vadim Kobzev*, *Igor Sergunin*, and *Aleksei Liptser*. The three lawyers spent all of 2024 on remand: the lawyers were remanded in custody in October 2023 on a charge of participation in an extremist group (Art. 282.1, Part 2, CC RF) for passing letters written by Navalny during his imprisonment to the outside world (see <u>Chapter 3.8.1</u>).

Below, we explore further instances of prosecutions of lawyers that reflect broader repressive trends.

#### The prosecution of Marat Ashimov

On 27 March 2024, a criminal investigation was initiated against Marat Ashimov, a lawyer from Mordovia, on charges of attempted fraud (**Art.30**, **Part3**, **CC RF** in conjunction with **Art.159**, **Part2**, **CC RF**). On 29 March Ashimov was placed under <u>house arrest</u>; on 21 May he was remanded in <u>custody</u>. In September, he was <u>released</u> pending trial under restrictions on certain activities.

According to the investigative authorities, Ashimov promised a convicted fraudster, A. Astapov, to arrange his early parole by corrupt means, requesting 200,000 roubles in return. Astapov reported Ashimov's 'criminal intentions' to the FSB, after which, under the supervision of law enforcement officers, he met the lawyer and handed over the money. Ashimov was arrested immediately after the transaction.

The lawyer himself explained that during his first meeting with Astapov they had discussed early parole and Astapov had repeatedly asked Ashimov to use his connections in the law enforcement system to 'resolve the matter.' Ashimov replied that he would provide legal assistance but would act strictly within the framework of the law. He did not guarantee the release of his client. Ashimov requested 200,000 roubles as a legitimate legal fee for his work. As <u>noted</u> by the Memorial Human Rights Defence Centre, the conversation that took place between Ashimov and Astapov at the time of the money payment was recorded by Ashimov. This recording is part of the case materials and corroborates the lawyer's account.

IslamNews <u>reported</u> that Ashimov specialised in defending the rights of Muslims. For example, he defended the right of Muslim women to wear headscarves in educational institutions and worked to overturn decisions banning Muslim literature.

#### The prosecution of Timur Idalov

On 28 November 2024, Khimki City Court in Moscow region <u>sentenced</u> the lawyer <u>Timur Idalov</u> to one year and 11 months of compulsory work in custody for threatening to kill a prosecutor (Art. 296, Part 2, CC RF). He was kept in custody until the sentence took effect, <u>contrary</u> to the norms of the Code of Criminal Procedure.

Idalov was convicted for an incident that occurred during a trial at Nikulinsky district court in Moscow on 2 October 2022, when he allegedly threatened the prosecutor by saying: 'What, are you Commissar Cattani? You know they shot him.' According to Idalov, he said this phrase in an emotional outburst and had no intention of threatening his opponent.

On 12 April 2023, Idalov's home was searched; he was remanded in custody the following day. On 5 July 2023 he was released pending trial under restrictions on certain activities. On 11 July 2024, Idalov flew to Chechnya because of his mother's ill health, informing the appropriate authorities about the trip. However, during his stay in Chechnya, he fell ill and was hospitalised, which caused him to miss a hearing in Moscow in his case. On 15 July an arrest warrant was issued for Idalov and he was <u>remanded in custody</u> in absentia.

At the end of October 2024, immediately after being discharged from hospital in Nalchik, Idalov was detained and taken into custody. He requested that his case be heard in Chechnya, but this request was denied. He was sent to Moscow where he was again placed in custody. Idalov was released from custody at the end of December 2024 under obligation to report to the penitentiary service inspectorate to be sent to undergo compulsory work<sup>[32]</sup>.

Idalov considers his prosecution retaliation by law enforcement authorities for his professional work. Some media <u>speculated</u> that the prosecution could have been initiated because Idalov had assisted former Wagner PMC [Private Military Company] commander Andrei Medvedev, who fled to Norway and later exposed extrajudicial killings by Wagner fighters in an interview <u>with</u> *The Insider*. Idalov had previously worked with Lev Ponomarev's NGO, For Human Rights, specialising in terrorism-related cases.

<sup>32</sup> On 18 February 2025, Moscow City Court released Idalov from punishment on account of the expiration of the statute of limitations.

#### The prosecution of Dmitry Talantov

On 28 November, Zavyalovsky district court in the Republic of Udmurtia sentenced the lawyer and former president of the Udmurtia Bar Association <u>Dmitry Talantov</u> to seven years in a general regime penal colony. Talantov was convicted of disseminating 'fake news' about the armed forces motivated by hatred (Art. 207.3, Part 2 [e], CC RF) and of inciting hatred using his professional position (Art. 282, Part 2 [b], CC RF). He was also banned from administering websites for four years.

Talantov was convicted for a Facebook post published in April 2022 in which he described the actions of the Russian armed forces in Bucha, Irpin, and Mariupol as 'extremely Nazi practices.'

Dmitry Talantov was detained and remanded in custody on 28 June 2022. In January 2023, he was removed from his post as president of the Udmurtia Bar Association, which he had headed since 2002. Talantov had been one of the defence lawyers acting for *Ivan Safronov*, the journalist and former adviser to the head of Roscosmos who was convicted of treason.

### 3.14. Prosecutions for treason and espionage not directly related to Russia's war against Ukraine

In 2024, criminal prosecutions for treason, collusion with foreigners, and espionage did not only target Ukrainians and Russians who supported Ukraine in the war. This chapter of the report considers instances where scientists and others were prosecuted for allegedly passing classified information to foreign nationals.

### 3.14.1. Prosecutions of scientists

According to the <u>Russian Service of the BBC</u>, over the past six years, more than a dozen physicists have been sentenced for treason (**Art.275**, **CC RF**). The media outlet notes that prosecutions began to increase markedly from 2018, when Vladimir Putin started <u>talking about</u> Russia's 'fantastic' hypersonic weapons.

Interest on the part of the security services in scientific research intensified further following the start of Russia's full-scale invasion of Ukraine, <u>writes</u> T-*Invariant*. One trigger was an anti-war <u>appeal</u> addressed to the Russian authorities and published in February 2022 which was signed by several thousand people over the following two years. According to T-*Invariant*, throughout 2023 and 2024, scientists who signed the appeal were summoned for questioning and 'prophylactic conversations' with the FSB. Although no criminal proceedings followed, some lost their jobs and others were forced to leave the country.

In 2024, the FSB continued to pursue staff of the Institute of Theoretical and Applied Mechanics of the Siberian Branch of the Russian Academy of Sciences in Novosibirsk, along with affiliated researchers.

On 18 April 2024, St. Petersburg City Court sentenced 76-year-old physicist <u>Aleksandr Kuranov</u><sup>[33]</sup> to seven years in a strict regime penal colony and a fine of 100,000 roubles on charges of treason (**Art. 275, CC RF**). The former head of the Research Institute for Hypersonic Systems was accused of passing classified information abroad about unspecified Russian scientific developments. Kuranov received a sentence below the statutory minimum for treason. He entered a plea bargain and, <u>according</u> to *Kommersant*, gave evidence against another scientist charged with treason, <u>Anatoly Maslov</u>. Kuranov's trial was concluded in two hearings.

On 21 May 2024, 77-year-old <u>Anatoly Maslov</u>, reportedly implicated by testimony by Kuranov, was convicted in St. Petersburg City Court. Maslov, a chief researcher at the Institute of Theoretical and Applied Mechanics in Novosibirsk, was sentenced to 14 years in a strict regime penal colony. He was accused of passing classified information about research to German intelligence. He denied the charges. While held on remand, Maslov suffered a heart attack.

Maslov's research focused on aero-gas dynamics. He was detained and remanded in custody in July 2022. In August that year, his colleague <u>Aleksandr Shipliuk</u>, the Institute's director, was also arrested and remanded in custody.

On 3 September 2024, Moscow City Court sentenced Shipliuk to 15 years' imprisonment and fined him 500,000 roubles on charges of treason. The details of the charges remain unknown. According to Kommersant, he may have been accused of passing classified information to foreigners at an international conference held seven years earlier.

*Kommersant* describes Shipliuk as a leading expert in high-speed aero-gas dynamics and experimental methods for researching gas flows. Much of his work focused on developing experimental infrastructure and methodologies in aerophysics research. He also researched the experimental aerothermodynamics of hypersonic aircraft powered by air-jet engines.

Sentences have yet to be handed down in the cases of two other researchers from the Institute of Theoretical and Applied Mechanics: <u>Valery Zvegintsev</u>, founder of the High-Speed Aero-Gas Dynamics Laboratory, and researcher <u>Vladislav Galkin</u>. Galkin has been on remand since April 2023. Zvegintsev is the only one of the four placed under house arrest, a measure imposed in May 2023.

Members of the Russian Academy of Sciences <u>believe</u> the prosecutions of Zvegintsev and Galkin may have been prompted by an article in which they proposed a method for designing high-speed axisymmetric air intakes. The article was published in the Iranian Journal of Applied and Computational Mechanics.

On 5 June 2024, Tomsk Regional Court sentenced <u>Anton Klimkin</u>, a researcher at the V.E. Zuev Institute of Atmospheric Optics, to two and a half years in a general regime penal colony on

<sup>33</sup> The physicist was detained and remanded in custody in August 2021. Prior to his arrest, he had overseen the development of hypersonic systems. According to the human rights project, Department One, Kuranov participated in the development of the Ajax aircraft. Interfax <u>reported</u> that in this role he had interacted with representatives of China and the United States.

a charge of collusion with foreign nationals (**Art. 275.1**, **CC RF**). The penalty was below the statutory minimum and, <u>according</u> to Klimkin's relatives, the reduced sentence followed a confession, which his lawyer persuaded him to make after he had spent more than 18 months in custody. The exact nature of the allegations against Klimkin remains unclear.

Klimkin was a researcher in the laboratory for atmospheric absorption spectroscopy, studying the operation of lidars — directional laser locators used to detect and process information about distant objects. He was arrested at work in September 2023. His postgraduate student Zhang Shuo, a young scientist from China, was detained alongside him. Under Klimkin's supervision, Zhang had been working on a dissertation entitled 'Lidar-Based Hardware and Software Systems for Spatial Mapping of Aerosol Plumes.' He did not go on to defend his thesis but left Russia.

In 2024, verdicts also entered into force in the cases of two employees of the Zhukovsky Central Aerohydrodynamic Institute (TsAGI): <u>Valery Golubkin</u> and his superior <u>Anatoly Gubanov</u>.

Moscow City Court convicted Gubanov on 27 October 2023 on a charge of passing classified information to a European country while working on the HEXAFLY-INT (High-Speed Experimental Fly Vehicles) international project to develop a hypersonic civil aircraft. The 66-year-old physicist was sentenced to 12 years in a strict regime penal colony.

Valery Golubkin had participated in the same project on Gubanov's invitation. According to the human rights group, Department One, acting on his superior's instructions Golubkin had passed two reports to Dutch colleagues. Three separate commissions had previously confirmed that the reports contained no state secrets and could be published and shared internationally. Nonetheless, in June 2023 the 77-year-old was sentenced to 12 years in a strict regime penal colony, having been found guilty of passing classified information about the hypersonic aircraft to the Netherlands.

Department One lawyer Evgeny Smirnov <u>stated</u> that none of the scientists convicted of treason in recent years had been involved in defence-related work. 'Scientists study physical processes,' he told the BBC. 'A line of research might focus on how certain metals deform at hypersonic speeds, or where zones of turbulence might arise. This isn't about "making a missile" – it's about studying physics. Their findings could later be used by anyone, including military institutes in weapons development. But those charged with treason are the authors of basic research – those engaged in fundamental science.'

## 3.14.2. Other prosecutions for treason and espionage

On 19 July 2024, Sverdlovsk Regional Court sentenced Wall Street Journal journalist **Evan Gershkovich** to 16 years in a strict regime penal colony on charges of espionage (**Art. 276, CC RF**). According to the investigative authorities, Gershkovich had allegedly been gathering information in Sverdlovsk region about the operations of Uralvagonzavod, a defence enterprise, on the instructions of the CIA and was detained 'while attempting to obtain classified information.' President Putin's press secretary, Dmitry Peskov, claimed that Gershkovich had been 'caught *red-handed.*' On 1 August 2024, Gershkovich was released as part of a prisoner exchange between Russia, the United States, and several EU countries (see <u>Chapter 2.3</u>).

In March 2024, it emerged that 53-year-old South Korean national <u>Baek Won-soon</u> was being prosecuted. The South Korean newspaper Yonhap <u>described</u> him as a missionary working with a South Korean humanitarian foundation. Before his arrest, Baek had been living in Vladivostok, where he assisted North Korean defectors. Since February 2024, he has been held in Moscow's Lefortovo remand prison on espionage charges. A source cited by TASS <u>claimed</u> Baek had received 'information constituting a state secret' from an unnamed individual, which he allegedly intended to pass to foreign intelligence services. He denies the charges. His wife was also arrested in Vladivostok but was later released and she returned to South Korea.

On 3 June 2024, Pskov Regional Court sentenced <u>Anton Zaitsev</u>, a resident of Pechory, to three and a half years in a general regime penal colony for collusion with foreign nationals (Art. 275.1, CC RF). According to the prosecution, from December 2022 onwards Zaitsev had tried to contact the Latvian embassy in Moscow to offer information about the location of Russian armed forces and FSB units in Pskov region. In return, he was allegedly hoping to obtain Latvian citizenship. Zaitsev pleaded guilty.

Another individual charged with treason in 2024 was Perm-based photographer <u>Grigory</u> <u>Skvortsov</u>. Skvotsov disappeared in late November 2023; on 4 December it emerged he had been remanded in custody. The fact that Skvortsov had been charged with treason only became <u>public</u> a month and a half later, and the details of the accusation surfaced in August 2024. At that time, it was <u>revealed</u> he had been accused of passing a copy of the book Soviet 'Secret Bunkers': Urban Special Fortifications of the 1930s–1960s, by historians Dmitry Yurkov and Sergei Poletaev, to an American journalist. The book is publicly available.

On 8 September 2023, Yaroslavl Regional Court sentenced businessman <u>Rovshan Namazov</u> to 13 years in a strict regime penal colony on charges of treason. In early December 2023, the First Court of Appeal of General Jurisdiction overturned the sentence and ordered a retrial. <u>According</u> to *Mediazona*, this was the first time in at least five years that a conviction for treason had been overturned. On 12 December 2024, Yaroslavl Regional Court handed down a new sentence, but the court's press office declined to disclose details to journalists. As *Mediazona* discovered, Namazov had been selling Avito engines for military equipment, as well as valves and pumps, via the Avito online marketplace. Some of the items were still in factory packaging of the kind in which they are typically kept in warehouse storage. The earliest advert *Mediazona* found was dated January 2021; the most recent was posted on 24 January 2022, just three weeks before his arrest.

# 3.15. Other politically motivated prosecutions

Most politically motivated prosecutions in 2024 were either linked to the war against Ukraine or were part of other large-scale and ongoing repressive campaigns (such as the attacks on Navalny's organisations or the prosecutions of those involved in protests in Baimak). At the same time, defendants in politically motivated criminal cases that were usually initiated several years ago and now appear to have been isolated instances of repression, remain imprisoned. This chapter describes the development of these cases and the fate of those charged and convicted in them.

### 3.15.1. Prosecutions for protests and activism

#### The prosecutions of Left Resistance activists

In 2024, the prosecution of activists involved in the <u>Left Resistance</u> movement continued. In January 2024, it <u>became known</u> that <u>Daria Poliudova</u>, <u>sentenced</u> to nine years' imprisonment on charges of creating an extremist group (Art. 282.1, Part 1, CC RF) and justifying terrorism on the internet (Art. 205.2, Part 2, CC RF), had been placed in a punishment cell in Penal Colony No. 4 in Kabardino-Balkaria. In addition, Poliudova told her lawyer she had been <u>assaulted</u> by a cellmate for criticising Putin. Later, Poliudova, a political prisoner, was <u>transferred</u> to Penal Colony No. 8 in the village of Vasilievskoe in Kostroma region.

On 20 March 2024, Moscow's Meshchansky district court found Tomsk opposition activist and *RusNews* journalist *Igor Kuznetsov*, who was being held in custody in connection with the case of the Telegram channel <u>What is to be Done!</u>, guilty of participating in the 'extremist group' Left Resistance (Art.282.1, Part2, CC RF). Kuznetsov was <u>given</u> a three-year suspended sentence. The journalist was also <u>given additional punishments</u> in the form of one year's probation to follow his suspended sentence, with a four-year ban on administering websites and online resources, working in the media, or organising public events. According to the prosecution, Kuznetsov's crime consisted of administering the Left Resistance page on VKontakte and organising an unauthorised rally in Tomsk in September 2019 with the aim of 'promoting the ideology of the group.' The prosecution had requested four and a half years' imprisonment for Kuznetsov and appealed the sentence as too lenient. However, on 26 August, Moscow City Court <u>upheld the sentence</u>. Nonetheless, the journalist was not released, as on 5 April 2024, he had been sentenced to six years in prison in the case of the Telegram channel, <u>What is to be Done!</u>

In November 2024 Sergei Kirsanov, another defendant in the Left Resistance case, was released. On 10 October 2023 he had been <u>acquitted</u> by Moscow's Tverskoi district court of a charge of participating in an extremist group (Art. 282.1, Part 2, CC RF) on the grounds that he was not mentally competent and ordered to undergo compulsory treatment in a psychiatric hospital. On 11 April 2024, Moscow City Court heard the appeal of Alena Krylova, another defendant in the Left Resistance case accused of participating in an extremist group, and made minor changes to her sentence. In 2023, Krylova had been <u>sentenced</u> to two years' imprisonment in a general regime penal colony with six months' probation after her sentence. Krylova, an activist and former press secretary of the For Human Rights movement, denied involvement in Left Resistance. According to Krylova, she participated in the movement's pickets and, at Poliudova's request, submitted applications to the authorities for permission to hold them. After the criminal case was initiated, Krylova was placed under a travel ban but managed to leave Russia. On 4 June 2023, she was detained in Kyrgyzstan, remanded in custody in Bishkek, and then released. However, she later ended up in Russia under unclear circumstances. Krylova's actions, like those of the other defendants in the Left Resistance case, do not constitute a crime, and the designation of this organisation as an extremist group is <u>unlawful, unfounded and illegitimate</u>.

#### The prosecution of the Telegram channel What is to be Done!

On 5 April 2024, Butyrsky district court in Moscow <u>handed down verdicts</u> in the case of the <u>par-ticipants and administrators</u> of the Telegram channel What is to be Done! As a result, *Igor Nagibin* was sentenced to eight years' imprisonment with a fine of 15,000 roubles; *Dmitry Chebanov* was given seven years and six months; *Vyacheslav Abramov* and *Ildar Sadriev* each received six years and six months; *Nikita Kreshchuk*, *Aleksei Kurlov*, *Igor Kuznetsov*, *Dmitry Lamanov*, *Aleksei Yanochkin* were sentenced to six years each; *Zhanna Chernova* received five years and two months; and *Maria Platonova* was given five years and two months but the sentence was delayed for the duration of her pregnancy and until her child reaches the age of 14, and in the meantime she was released from house arrest. Abramov and Sadriev were ordered to serve their sentences in a strict regime colony, while all the others were sentenced to terms in general regime colonies. All except Chernova were banned from publishing material online for two years after their release.

All defendants were found guilty of inciting riots (Art. 212, Part 1.1, CC RF) and inciting hatred by an organised group (Art. 282, Part 2 [c], CC RF). Nagibin was additionally found guilty of illegal possession of explosives (Art. 222.1, Part 1, CC RF) on the grounds that, during a search of his home in 2021, gunpowder for a hunting rifle was found. Abramov was also initially charged with possession of a significant quantity of drugs (Art. 228 CC RF), but the charge was later dropped.

According to the prosecution, 'a group of at least 11 people from seven regions of Russia created a network of Telegram channels on which they posted materials and propaganda as part of a campaign to organise riots in Russia during the voting days from 17 to 19 September 2021.' Chebanov, and then the other defendants who joined him (who became chat administrators), incited hatred and enmity towards the social group of 'representatives of state authorities' through their posts. There is evidence in the case of police provocation of the defendants and the prosecution was most likely brought to intimidate potential participants in protests against falsification of the 2021 election results.

All the defendants, except Platonova who was placed under house arrest, were held in custody since their arrests in various cities in 2021.

Despite the fact that the prosecution <u>demanded</u> longer terms of imprisonment, on 21 November Moscow City Court <u>upheld</u> the sentences on appeal.

#### The prosecution of Ketevan Kharaidze

In 2024, the retrial of a former municipal deputy in the district assembly of Moscow's Tverskoi district, <u>Ketevan Kharaidze</u>, began. She had been detained on the night of 18 June 2021 and held on remand, after which she was transferred to house arrest on 12 July 2021. Kharaidze was charged with fraud on an especially large scale (Art.159, Part 4, CC RF).

According to the charges, Kharaidze, as a municipal deputy, allegedly threatened to disrupt construction of an elite residential complex in Tverskoi district, taking advantage of a conflict between local residents and a development company, and told a representative of the developer that she could resolve the dispute for 15m roubles.

On 12 December 2022, Moscow's Tverskoi district court sentenced Kharaidze to four years in a general regime penal colony and a fine of 700,000 roubles, as well as a payment of 5m roubles to the victim. Kharaidze was taken into custody after the verdict was announced.

On 22 March 2024, the Second Cassation Court of General Jurisdiction <u>overturned</u> the appeal court's ruling to uphold the sentence and returned the case to Moscow City Court.

On 6 May 2024, Moscow City Court, having reconsidered the defence's appeals, <u>overturned</u> the verdict and returned the case to Tverskoi district court for a retrial. On 18 June 2024, Kharaidze was released from <u>custody</u> and placed under house arrest. Court hearings in the case continue.

Kharaidze and her defence insist that the case against her is politically motivated and linked to her public activities and fight against illegal construction in Moscow.

#### The prosecution of the Ingush opposition

On 21 June 2024, the Fifth Court of Cassation of General Jurisdiction <u>upheld</u> on appeal the verdicts in the case of seven leaders of the <u>Ingush opposition</u>.

The criminal proceedings were initiated in connection with the mass protests that took place in Ingushetia in March 2019 against the agreement to transfer part of the republic's territory to Chechnya. On 15 December 2021, Kislovodsk City Court sentenced the leaders of the protest movement to long terms of imprisonment in a general regime colony. The chair of the Council of Teips of the Ingush People, *Malsaga Uzhakhov*, and a member of the Council, *Akhmed Barakhoev*, as well as the chair of the Ingush branch of the Russian Red Cross, *Musa Malsagov*, were sentenced to nine years' imprisonment. They were all found guilty of creating an extremist group (Art. 282.1, Part 1, CC RF). In addition, Uzhakhov was charged with creating a non-profit organisation whose activities were aimed at inciting citizens to commit illegal acts (Art. 239, Part 2, CC RF); Barakhoev was charged with participation in such an organisation (Art. 239, Part 3, CC RF).

The former deputy director of the republic's Memorial Complex for Victims of Repression Zarifa Sautieva was sentenced to seven and a half years' imprisonment, while Ismail Nalgiev, a member of the civil society organisation Ingushetia's Choice and of the Ingush Committee for National Unity, Bagaudin Khautiev, head of the Council of Youth Organisations of Ingushetia, and Barakh Chemurziev, chair of the civil society association Support for Ingushetia, were all sentenced to eight years' imprisonment. All these defendants were found guilty of participating in an extremist group (Art. 282.1, Part 2, CC RF); Khautiev was also charged with organising violence dangerous to the life and health of a representative of the authorities (Art. 33, Part 3, in conjunction with Art. 318, Part 2, CC RF). The case of the eighth participant in the trial, co-chair of the World Congress of the Ingush People and former minister of internal affairs of Ingushetia, *Akhmed Pogorov*, was to be heard in a separate proceeding. The criminal case against him has been pending in Nalchik City Court since May 2023.

On 12 September 2024, the European Court of Human Rights found that Russia had violated Sautieva's right not to be subjected to torture (**Art.3 European Convention on Human Rights**) on the grounds that the <u>conditions of her transfer</u> from the remand prison to the offices of the investigative authorities were inadequate.

Most of the defendants in this case had been held on remand since 2019 (Pogorov since February 2021) and have been recognised as political prisoners by the project, **Political Prisoners Support**. **Memorial**. At the end of December, Sautieva was <u>released</u> from the penal colony after serving her sentence (thanks to the time she spent on remand – one day on remand counts as a day and a half in a general regime penal colony – she actually spent five and a half years behind bars rather than seven and a half). In February 2025, Bagaudin Khautiev and Barakh Chemurziev were released.

#### The prosecution of performance artist Pavel Krisevich

On 11 March 2024, Moscow City Court <u>upheld</u> for a second time the sentence handed down to Moscow performance artist <u>Pavel Krisevich</u>, namely five years in a general regime penal colony on charges of hooliganism, using objects as weapons (Art. 213, Part 2, CC RF).

Krisevich had been prosecuted for a performance on Red Square in June 2021 in which, using a pistol firing blanks, he had fired two shots into the air and one shot at his head to draw attention to the problems of political prisoners in Russia.

Krisevich had been held on remand since since 11 June 2021 and he was released after serving his sentence on 24 January 2025. The project, **Political Prisoners Support. Memorial**, <u>recognised</u> Pavel Krichevich as a political prisoner.

### 3.15.2. Prosecution of bloggers and journalists

In 2024, politically motivated persecutions of bloggers and journalists continued. Of these, we highlight the following cases.

## The prosecution of bloggers and journalists of the online publication Rosderzhava

The criminal prosecution of staff of the online publication <u>Rosderzhava</u> began in July 2020 when <u>Yan Katelevsky</u> and <u>Aleksandr Dorogov</u> were detained and remanded in custody. For several years they had been investigating corruption in the Main Department of the Ministry of Internal Affairs

for Moscow region and had strongly criticised police abuses. On 17 November 2023, Liuberetsky City Court <u>sentenced</u> Katelevsky to nine years and six months and Dorogov to 10 years and six months in a strict regime colony.

The court found both bloggers guilty of extortion with the aim of obtaining property on a large scale (Art.163, Part3 [b], CC RF). According to the prosecution, the two men had demanded 1.5m roubles from a traffic police inspector in return for not publishing articles about him. Dorogov was also found guilty of extortion by a group of persons by prior conspiracy (Art.163, Part2 [a], CC RF) on the grounds that together with other 'unidentified persons' he had demanded 100,000 roubles from the director of a shop in return for not publishing a video with information about the sale of unlabelled goods. The two were also convicted of the offence of insulting a representative of the authorities (Art.319 CC RF).

On 11 June 2024, Moscow Regional Court <u>upheld</u> the sentences on appeal.

Katelevsky was sent to <u>Penal Colony No. 6</u> in Vladimir region; Dorogov was sent to <u>Penal Colony</u> <u>No. 5</u> in Tambov region.

There are grounds to believe that evidence against the two bloggers was fabricated and that they were in fact prosecuted for their civil society activity and criticism of officials. The project, **Political Prisoners Support. Memorial**, <u>recognised</u> Dorogov and Katelevsky as political prisoners.

## The prosecution of bloggers of the YouTube channel Ne bud inertnym ['Don't be Inert']

Maksim Lavrentiev and Sergei Kamensky, activists of the civil society movement Don't Be Inert and authors of the <u>YouTube-channel</u> of the same name, who also cooperated with Rosderzhava, were <u>sentenced</u> on 16 August 2024 to nine and five years' imprisonment respectively in a general regime penal colony. The Central district court in Kemerovo found them both guilty of 'hooliganism committed by a group of persons by prior conspiracy with the use of objects as weapons' (Art. 213, Part 2, CC RF) and incitement to hatred and enmity as part of an organised group against 'the social group of law enforcement officers' (Art. 282, Part 2 [c], CC RF).

The bloggers were charged with hooliganism over a <u>conflict</u> which arose in April 2020 with a driver (a pensioner of the Ministry of Internal Affairs) while they were out seeking to combat parking violations. According to the prosecution, Lavrentiev and Kamensky sprayed pepper gas from a canister in the direction of the driver and his female companion. The charge of incitement to hatred and enmity was based on videos on the YouTube channel Don't be Inert about violations by law enforcement officers. The investigative authorities considered the videos were intended to discredit, undermine the authority of, and 'form a negative image of the social group of law enforcement officers.' According to the investigative authorities, these actions were committed by an 'organised group' created by and consisting of Lavrentiev, Kamensky and another defendant, Aleksei Sadovin (who was given a three-year suspended sentence on this charge).

In addition, Lavrentiev was found guilty of using violence dangerous to life and health against a representative of the authorities (**Art. 318**, **Part 2**, **CC RF**) for using pepper spray during a conflict with an <u>officer of the Kemerovo FSB</u> over a parking violation.

Lavrentiev had been remanded in custody since his arrest on 26 June 2020; Kamensky had been under house arrest but was taken into custody in the courtroom after the verdict was pronounced on 16 August 2024. Sadovin has been under travel restrictions since 26 June 2020.

None of the defendants pleaded guilty. They claimed that they had used the pepper spray in self-defence and that the videos were aimed at publicising violations of the law. The project, **Po-litical Prisoners Support. Memorial**, <u>recognised</u> Lavrentiev and Kamensky as political prisoners.

#### The prosecution of journalist Abdulmumin Gadzhiev

In 2024, an appeal against the sentence of <u>Abdulmumin Gadzhiev</u>, editor of the religion department of the Dagestani newspaper Chernovik, was heard. On 12 September 2023, the Southern District Military Court had sentenced him to 17 years' imprisonment on charges of participating in the activities of a terrorist organisation (Art. 205.5, Part 2, CC RF) and organising the financing of terrorism (Art. 33, Part 3, CC RF in conjunction with Art. 205.1, Part 1, CC RF and Art. 205.1, Part 4, CC RF). The court considered Gadzhiev a participant in the Islamic State terrorist organisation on the basis of his publications about the activities of the Ansar Islamic charitable fund for children, run by the preacher Abu Umar Sasitlinsky. The Russian security forces believed, without evidence, that Sasitlinsky was the organiser of financing for terrorists by raising funds under the pretext of building mosques and helping poor Muslims. Together with Gadzhiev, two other defendants were also charged: the lawyer Abubakar Rizvanov and Kemal Tambiev. The project, Political Prisoners Support. Memorial, recognised all three as political prisoners.

On 1 November 2024, the Military Court of Appeal <u>reduced</u> Gadzhiev's sentence to 16 years and 10 months.

Imprisoned since 14 June 2019, Gadzhiev was convicted for his professional activities as a journalist. Furthermore, he is yet another victim of the repressive campaign by the Russian authorities against Muslims they consider 'unreliable.' This campaign, which has been going on for many years, has involved fabricating cases on charges of extremism or terrorism.

#### New prosecution of Askhabali Alibekov

On 19 February 2024, Askhabali Alibekov, a former military serviceman and author of the <u>Wild</u> <u>Paratrooper</u> YouTube channel, was detained once again. This is already his fourth criminal prosecution. In November 2023 he had been released from the penal colony where he had served a sentence for <u>repeated discrediting</u> of the Russian army (Art. 280.3, Part1, CC RF). Prior to that, he had been <u>convicted</u> on charges of abuse of power with violence (Art. 286, Part3 [a], CC RF) and disruption of the activities of a correctional institution (Art. 321 CC RF). We recognised Alibekov as a political prisoner.

The new criminal case was based on a charge of using violence, not dangerous to life and health, against a representative of the authorities (Art. 318, Part 1, CC RF). According to the investigative authorities, on 20 February 2024 Alibekov, while at the railway station in Kazan, struck two blows against the leg of a police officer. The blogger had travelled to Kazan to work as an observer

during the Russian presidential election. He pleaded partially guilty, pointing out that the police officers beat him at the time of his arrest, twisted his arms, handcuffed his wrists roughly and, in a stressful state, he could have unintentionally struck one of the police officers.

On 9 October 2024, Kazan's Vakhitovsky district court <u>found Alibekov guilty</u> and sentenced him to two years and four months in a strict regime penal colony. On 29 November 2024, the Supreme Court of the Republic of Tatarstan reduced the <u>sentence</u> to two years' imprisonment.

The real reason for Alibekov's detention was his anti-war speeches. The fact that police used violence against him at the time of his arrest was objectively confirmed by medical documents. At the same time, the prosecution provided no convincing evidence that the blogger deliberately struck the police officer. The project, **Political Prisoners Support. Memorial**, again <u>recognised</u> Alibekov as a political prisoner.

### 3.15.3 Other unlawful charges of terrorism

In 2024, charges of particularly serious terrorist offences continued to be brought against dissidents and opponents of the Russian authorities as a tool of political repression, regardless of their actual views and beliefs. In this chapter, we present the most typical examples of such prosecutions.

#### The prosecution of the 'Tiumen case'

In 2024, the prosecution of defendants in the 'Tiumen case' continued. In April the trial of anarchists *Nikita Oleinik*, *Deniz Aidyn*, *Yury Neznamov*, *Danila Chertykov* began in the Central District Military Court.

The case of another defendant, *Kirill Brik*, who had made a plea bargain, was heard under a special procedure and on 16 May he was <u>sentenced</u> to eight years' imprisonment, a fine of 600,000 roubles and one year of probation after serving his term of incarceration. The <u>case</u> of <u>Roman Paklin</u> was also heard in separate court proceedings. In 2023 Paklin had been transferred to a psychiatric hospital and the investigation into his case suspended. In 2024 he was <u>declared mentally incompetent</u>, but a subsequent examination showed he was healthy and in his right mind.

Nikita Oleinik was charged with creating a terrorist group (Art.205.4, Part1, CC RF), while all the other defendants were charged with participation in the group (Art.205.4, Part2, CC RF). In addition, the anarchists were charged with crimes as part of an organised group, namely preparation to commit a terrorist act (Art.30, Part1, CC RF in conjunction with Art.205, Part2 [a], CC RF), illegal manufacture of explosives and explosive devices (Art.223.1, Part3, CC RF), and illegal storage, transportation and carrying of explosives and explosive devices (Art.222.1, Part4, CC RF).

In addition, Aidyn was charged with intentional infliction of serious harm to health out of motives of hooliganism with the use of objects as weapons (Art. 111, Part 2 [e, i], CC RF) in connection with

a street brawl unrelated to the main case and Chertykov was charged with illegal sale of potent substances (Art. 234, Part 1, CC RF) on the basis of empty medicine ampoules found in his flat.

According to the prosecution, the anarchists allegedly belonged to a terrorist group called 'Vanguard of the People's Will,' whose goal was 'the subsequent establishment of a society without centralised power on the territory of the Russian Federation.' Achievement of this goal was supposed to involve, on the territories of Surgut, Tiumen and Ekaterinburg, 'explosions at government buildings, railway infrastructure, with the use of weapons against representatives of the current authorities of the Russian Federation.' In early October it became known that on the basis of the sentence imposed on Brik, the Vanguard of the People's Will group had been included in the <u>federal list of terrorist organisations</u>.

The defendants in the Tiumen case, who were detained in late August 2022, <u>claimed</u> they had been subjected to severe torture as a result of which they were forced to confess (subsequently, all but Brik withdrew their confessions). The political motive of the prosecution is clear. The prosecutors constantly emphasise the anarchist beliefs of the defendants and their critical attitude towards the current government, while the evidence presented by the investigative authorities is <u>inconclusive</u>.

#### Nationalist 'terrorist group' in Ufa

On 16 April 2024, the Central District Military Court in Ekaterinburg <u>sentenced</u> four residents of Bashkortostan charged in the <u>'terrorist group case</u>' to long terms of imprisonment. *Ruslan Bogdanov* was sentenced to 18 years while *Danila Khakimov* and *Ilya Lugovoi* were both sentenced to 16 years. All three were ordered to spend the first five years of their sentences in a cell-type prison and the rest of their terms in a strict regime penal colony. *Nikita Kolomiiko* was sentenced to nine years in a general regime colony.

All four were found guilty of training for the purpose of terrorist activity (Art. 205.3 CC RF) and preparation of a terrorist act by a group of persons (Art. 30, Part1, CC RF in conjunction with Art. 205, Part2 [a], CC RF). In addition, Bogdanov was charged with creation of a terrorist group (Art. 205.4, Part1, CC RF), while Khakimov, Lugovoi and Kolomiiko were charged with participation in the group (Art. 205.4, Part2, CC RF). Bogdanov was also found guilty of illegal manufacture of explosives and explosive devices (Art. 223.1, Part1, CC RF), as well as their illegal acquisition, transport and storage (Art. 222.1, Part1, CC RF). The charge against another defendant, *Matvei Lezhnyov*, of failing to report a crime was dropped (Art. 205.6 CC RF).

All the defendants were detained in 2021. According to the prosecution, the 'terrorist group' was formed in 2019 by nationalist-minded young people (four of whom were minors at the time, and one was barely 18 years old) with the aim of 'carrying out a joint violent seizure of power in violation of the Constitution of the Russian Federation by attacking law enforcement officers, military personnel, police buildings, offices of the United Russia party and other state institutions.' The FSB allegedly found a 'cache' with explosive components and an improvised explosive device near a construction site.

This <u>criminal case</u>, reminiscent of the <u>Network case</u>, was most likely the result of a sting operation by law enforcement agents. There are clear indications of political motivation and violations of the law by the authorities. It should be noted that one of the active members of the group, Anton Petrov, on whose testimony the prosecution was largely based, was cleared of all criminal charges on account of his 'voluntary cessation of the commission of crimes and their timely reporting to law enforcement agencies' (addenda to Art. 205, Art. 205.3 and Art. 205.4, CC RF). Petrov may conceivably have been a police provocateur embedded in the group. Only audio recordings of meetings of the accused at which he was present were given as evidence in the case. Petrov also showed initiative and was the one who started the manufacture of explosives.

#### The Marxist circle in Ufa

In January 2024 the trial began in the Central District Military Court in the case of the 'Marxist circle in Ufa.' Five left-wing activists - *Pavel Matisov*, *Dmitry Chuvilin*, *Yury Efremov*, *Aleksei Dmitriev* and *Rinat Burkeev* - were charged with making preparations for the violent seizure of power (Art. 30, Part1, CC RF in conjunction with Art. 278 CC RF), preparations for the theft of weapons, component parts, ammunition, explosives and explosive devices (Art. 30, Part1, CC RF in conjunction with Art. 226, Part 4 [a], CC RF), public calls to engage in terrorism on the internet (Art. 205.2, Part2, CC RF) and undergoing training to carry out terrorist activities (Art. 205.3 CC RF).

In addition, Pavel Matisov, a former participant in the fighting in 2014 on the side of the LPR, was charged with creation of a terrorist group (Art. 205.4, Part1, CC RF), inducement, recruitment or other involvement of a person in the commission of a violent seizure of power (Art. 205.1, Part1, CC RF), as well as the illegal acquisition and storage of explosives or explosive devices (Art. 222.1, Part1, CC RF). Burkeev, Dmitriev, Efimov and Dmitry Chuvilin, a deputy of the Legislative Assembly of the Republic of Bashkortostan, were also charged with participation in a terrorist group (Art. 205.4, Part 2, CC RF).

According to the prosecution, the members of the circle, studying the works of Karl Marx, Friedrich Engels and Vladimir Lenin, <u>planned</u> a violent seizure of power, attacks on law enforcement officers and military units, seizure of military weapons and commission of terrorist acts.

The main witness in the case was a <u>provocateur</u> introduced into the group by the law enforcement agencies who incited the members of the group to make statements about a possible seizure of military units and police stations in order to obtain weapons and recorded such conversations on a Dictaphone. He also wrote a statement to the FSB in the Republic of Bashkortostan about his readiness to 'co-operate with law enforcement agencies in order to prevent threats to the security of the Russian Federation from members of the Marxist Circle in Ufa.' In February 2024, Bashkortostan opposition Telegram channels <u>wrote</u> that the same person was present during the events in Baimak on 17 January 2024 (see <u>Chapter 2.5</u>) among the protesters and most of the time hid his face behind a balaclava. This scheme involving the introduction of an agent into a group who does not merely testify later as a secret witness, but initiates and organises certain actions and incites these actions to fabricate the occurrence of a crime, makes the trial of the members of the Ufa Marxist circle similar to that in the <u>New Greatness case</u>. The group's participants did not undertake any concrete actions, apart from conversations, recording videos at events they held, and trips into the countryside.

## The prosecution for 'preparations to conduct a terrorist attack' in the case of a market in Simferopol

On 6 November 2024, the Military Court of Appeal upheld the conviction of <u>four residents of</u> <u>Crimea</u> accused of preparing a terrorist attack at the Privoz wholesale market in Simferopol and distributing leaflets in several cities on the peninsula calling for the return of Crimea to Ukraine and the killing of Putin and Kadyrov for the 'salvation of Russia.'

On 16 June 2023, the Southern District Military Court handed down terms of imprisonment to Andrei Kulevich (seven years and six months), Nikolai Lagutin (seven years), and Valentin Khoroshaev (seven years and three months), with each of them to serve the first four years of their sentences in a cell-type prison and the remainder in a strict regime penal colony. In addition, each was fined 250,000 roubles and ordered to serve one year's probation on release. The defendants were found guilty of a number of crimes 'committed by a group of persons by prior conspiracy,' namely: preparation for a terrorist attack (Art.30, Part1, CC RF in conjunction with Art.205, Part2 [a], CC RF), illegal possession of firearms and ammunition (Art.222, Part2, CC RF, as amended in 2014), illegal possession of explosives and explosive devices (Art.222.1, Part2, CC RF), and illegal manufacture of explosive devices by a group of persons by prior agreement (Art.223.1, Part2, CC RF). They were also convicted on charges of making public calls to engage in terrorism (Art.205.2, Part1, CC RF). Another defendant, Daniil Reshetnichenko, was sentenced to two years in a low security penal colony on the sole charge of making public calls to engage in terrorism.

The FSB detained the young men in various cities of Crimea in June 2020. All the defendants maintained their innocence of the charges and claimed that the material evidence in the case phones with correspondence about their intention to commit a terrorist attack, explosives, explosive devices, a pistol with ammunition, and leaflets – had been planted on them during a search. The investigative authorities refused to investigate allegations of torture of the accused. No convincing evidence of preparations for a terrorist attack was presented. The defendants' guilt was based on the above-mentioned items which FSB officers allegedly found in their homes. Moreover, the searches were conducted with violations of legal procedure, and the defendants and their family members were not allowed to monitor the actions of the security forces. The taking of biological samples from the accused and the comparison of these samples with those from the seized items were conducted without the presence of lawyers, and the court refused to conduct a forensic examination. As in many other similar cases, the court accepted the testimony of FSB operatives and classified witnesses as evidence. These witnesses placed particular emphasis on the political views of the young people, their strong opposition to the annexation of Crimea, their participation in protests and statements in support of Ukraine, and their critical attitude towards the Russian authorities. It is noteworthy that among the witnesses (passers-by who 'accidentally saw' leaflets on the street late at night) was one Aleksandr Pirogov, who in 2014 had helped the FSB fabricate charges against film director Oleg Sentsov.

We consider the case against Kulievich, Lagutin, Khoroshaev and Reshetnichenko to be fabricated. The case is one further example of the prosecution of residents of Crimea who disagree with Russia's occupation of the peninsula. We have <u>recognised</u> all those involved in the case as political prisoners.

#### The prosecution of the Nizhnevartovsk Jamaat

In 2024, the <u>criminal prosecution of six Muslims</u>, residents of Nizhnevartovsk, continued. On 27 December 2023, the Central District Military Court sentenced Natika Dzhabieva to 19 years' imprisonment, *Eduard Amirov* to 12 years, *Albert Ilyasov* to 13 years, and *Ilmir Khamitov* to 14 years. Each of the defendants was ordered to serve the first seven years of their sentence in a cell-type prison and the remainder in a strict regime penal colony. In addition, each defendant was fined 250,000 roubles and ordered to serve one year's probation on release.

Dzhabieva was found guilty of organising a terrorist group (Art. 205.4, Part 1, CC RF) and participating in a terrorist organisation (Art. 205.5, Part 1, CC RF), while the others were found guilty of participating in a terrorist group (Art. 205.4, Part 1, CC RF) and a terrorist organisation (Art. 205.5, Part 2, CC RF). All defendants were also found guilty of aiding terrorist activities (Art. 205.1, Part 1, CC RF, as amended in 2016), making public calls to engage in terrorism (Art. 205.2, Part 1, CC RF), preparation for a terrorist attack by an organised group (Art. 30, Part 1, CC RF in conjunction with Art. 205, Part 2 [a], CC RF), illegal acquisition, sale, storage and carrying of explosive devices by an organised group (Art. 222.1, Part 3, CC RF, as amended in 2014) as well as firearms and ammunition (Art. 222, Part 3, CC RF, as amended in 2014). In addition, Dzhabiev and Khamitov were charged with attempting to illegally sell large quantities of drugs (Art. 30, Part 3, CC RF in conjunction with Art. 228.1, Part 4 [d], CC RF). The fifth defendant, Robert Khabibullin, was found mentally incompetent by the court and ordered to undergo compulsory psychiatric treatment.

The verdict was appealed, and during 2024 the defendants familiarised themselves with the case materials. The court proceedings for the appeal have yet to begin.

In addition, in 2024, in the Central District Military Court the trial continued of a sixth defendant, *Ilkin Melikov*, whose case was separated from the main proceedings and who was charged, like most of the other defendants, with participating in the activities of a terrorist organisation (Art. 205.5, Part 2, CC RF), aiding terrorist activities (Art. 205.1, Part 1, CC RF), making public calls to engage in terrorism (Art. 205.2, Part 1, CC RF), preparation for a terrorist attack by an organised group (Art. 30, Part 1, CC RF in conjunction with Art. 205, Part 2 [a], CC RF), illegal acquisition, sale, storage and carrying of explosive devices by an organised group (Art. 222.1, Part 3, CC RF), as well as firearms and ammunition (Art. 222, Part 3, CC RF).

The first to be detained, in April 2019, was Natik Dzhabiev, followed by Amirov, Ilyasov and Khamitov in <u>September of the same year</u>, and Khabibullin in <u>March 2020</u>. Melikov, who managed to flee Russia, was remanded in custody in absentia and placed on the wanted list. After the Georgian authorities refused to grant Melikov asylum, unknown individuals in plain clothes <u>kidnapped him</u> in Tbilisi in April 2022 and took him to Russia, after which he was sent to a remand prison in Nizhnevartovsk.

According to the verdict, Natik Dzhabiev, as a supporter of Islamic State, at an unspecified time created a terrorist group called the Nizhnevartovsk Jamaat in Nizhnevartovsk, which in 2015 became a structural sub-unit of Islamic State. Dzhabiev recruited the other defendants to this 'jamaat' — these were people he knew from his place of work and from attending the mosque. During searches of some of the defendants' homes, weapons, ammunition, explosives, an Islamic State flag and Islamic literature were allegedly found. According to the indictment, drugs were also seized from Dzhabiev, Khamitov and Khabibullin.
According to the FSB, the goal of the Nizhnevartovsk Jamaat was to carry out terrorist activities in Nizhnevartovsk, including recruitment of new members to IS to send to Syria, preparing and carrying out terrorist attacks, propaganda, justification and financing of terrorism. In addition, in order to 'improve relations between members of the Nizhnevartovsk Jamaat, ease tensions' and 'create the conditions for persuading individuals to participate in terrorist activities,' Dzhabiev, Khamitov and Khabibullin, according to the investigative authorities, obtained drugs for subsequent sale to members of the 'jamaat.'

Dzhabiev, Khamitov, Ilyasov, Khabibullin and Amirov claimed they were tortured and forced to make confessions (which later they all recanted). Melikov denied his guilt from the time of his first interrogation. According to the defendants, the items found in their possession were planted by the security forces.

The case file contains testimony from a great many secret witnesses whose credibility cannot be verified. There are no forensic reports confirming that the items allegedly seized from the defendants actually belonged to them, and the searches were conducted with violations. The notion that the Muslims used drugs to recruit their co-religionists to the 'jamaat' seems absurd and is not supported by any evidence other than the testimony of 'secret witnesses.'

The materials of the criminal case indicate strongly that the charges are based on falsification of evidence of the alleged crimes and that the defendants are being prosecuted for their religious beliefs. The case file contains no video or audio recordings, billing records, or weapons with fingerprints that would substantiate the allegations against the defendants. At the same time, there is ample evidence of the defendants' innocence and the extremely low likelihood of their commitment to a violent ideology.

## 3.16. Prosecutions of members of the elite and of politicians at regional level

Memorial's annual reports for 2021 and 2022 noted first the escalation, and then the subsiding, of a campaign targeting members of the political elite - mainly through anti-corruption criminal prosecutions that bore clear signs of political motivation. The intensification of such repression in 2021 was evidently part of a broader purge of the social and political sphere in preparation for the full-scale invasion of Ukraine. The decline in the activities of the security services in 2022 was probably linked to the leadership's desire to consolidate the ruling class in the face of military defeats and the pressure of sanctions. The continuation of the war defined both the main trends and the <u>scale</u> of the prosecutions of elites in the past year. Criminal cases were initiated against at least <u>110 individuals</u>.

# 3.16.1. Main trends in the prosecution of members of the elite

The armed <u>mutiny</u> organised by the founder of the Wagner PMC, Evgeny Prigozhin, on 23–24 June 2023, was triggered by his conflict with the leadership of the Ministry of Defence of the Russian Federation, by the logistical and command problems of the Russian armed forces, and by accusations of corruption against the Ministry from both opposition figures and supporters of the war. The mutiny led to 'purges' among the military leadership and associated officials.

On 12 May 2024, Sergei Shoigu was not reappointed as minister of defence. Following this, the crackdown within the Ministry, which began with the arrest of his deputy *Timur Ivanov* on 24 April 2024, took on an unprecedented character and continued throughout the year. Criminal cases were initiated against at least <u>28 high-ranking military officials</u> and top managers connected to the Ministry of Defence; a number of others lost their posts <u>without criminal charges</u> being filed. As journalist Andrei Pertsev commented to our project, this was accompanied by a campaign against Shoigu's associates who were not formally connected to the Ministry. Pertsev considers the arrests of former minister of energy <u>Aleksandr Samarin</u> and former Moscow region deputy prime minister <u>Ilya Bronshtein</u> to be part of this campaign.

Our 2023 report <u>noted</u> that 'the authorities still apparently appear to be searching for a strategy that could effectively suppress protest sentiments' (p. 9) among supporters of the continuation of military action. This may explain the initiation in May 2024 of a criminal case against Major General *Ivan Popov*, who was popular among both military and civilian supporters of the war against Ukraine. Popov was charged with large-scale fraud (**Art.159**, **Part4**, **CC RF**) and forgery related to employment (**Art.292**, **Part2**, **CC RF**). Formally, the case against him and the late Lieutenant General Oleg Tsokov, who was killed on 11 July 2023, concerns the theft of metal structures intended for the construction of defensive fortifications in the occupied Zaporizhzhia region of Ukraine. However, many journalists and political analysts considered the prosecution linked to Popov's public comments and his <u>conflict</u> with the Ministry's leadership in July 2023, a situation many likened to that of Evgeny Prigozhin. Popov was remanded in custody but later released and placed under house arrest.

A new trend has been the use of official ideology as a tool for resolving intra-elite conflicts at the regional level. For example, the attacks on the governor of Samara region, Dmitry Azarov, included publications by Aleksandr Khinshtein 'exposing' employees of the Samara region Ministry of Youth Policy as representatives of 'the international LGBT movement.' These publications called for criminal and administrative-law <u>prosecutions</u> against them. The criminal case in neighbouring Ulyanovsk region against *Ilya Zhuravlyov*, director of the Nephroline network of dialysis centres, for involvement in the activities of the 'extremist LGBT organisation' (Art. 282.2, Part 2, CC RF), may also be linked to conflicts within low-level elites or, at the very least, a desire to collect <u>compromising</u> material against them.

The prosecution of Petrozavodsk city council member and former FSB officer *Timur Zornyakov* and his assistant *Evgeny Napolov* on a charge of unlawful collection of state secrets by a group of persons (Art. 283.1, Part 2, CC RF) <u>exemplifies</u> the use of spy mania, that has been inculcated in

society, in departmental or regional elite conflicts. This case recalls the high-profile prosecution of the former Inter RAO top executive <u>Karina Tsurkan</u> for espionage (Art. 276, CC RF) in 2018.

However, not all criminal prosecutions of members of the elite are related to nationwide political campaigns or large-scale intra-elite conflicts. As Pertsev notes, 'Criminal cases against regional officials are opened almost daily. Both members of outgoing teams – for example, of former Kursk region governor Aleksei Smirnov – and those of strong administrations that belong to major clans are prosecuted (for example, several prosecutions were brought against officials in Tiumen region). As a result, the positions of regional officials have become undesirable – few are willing to become governors, and the authorities in Kurgan region have not been able to appoint a mayor of the regional capital for a year.'

Such prosecutions are also initiated in the occupied territories of Ukraine against local residents who collaborate with Russian authorities, and in some instances hold high-ranking posts in Russian administrations. A notable example is the first criminal case against <u>senior officials</u> (rather than, as is usually the case, <u>military personnel</u>) on a charge of large-scale looting (**Art. 356.1**, **Part4 [b]**, **CC RF**) The defendants, who were remanded in custody, were former deputy prime minister and minister of industry and trade of the DPR *Vladimir Rushchak*<sup>[34]</sup>, his assistant *Sergei Goloshchapov*, and *Maksim Soldatov*, head of the state-owned trading house Vtormet.

# 3.16.2. Prosecution of opposition regional politicians

In 2024, prosecutions of members of the 'systemic' opposition continued. The number of new such cases was relatively low because of the preceding years of purges of registered opposition political parties and the consolidation of authoritarian rule, which have all but eliminated opportunities for dissent within the Russian political system. Moreover, the legislation on 'foreign agents' has been used, without the use of criminal prosecutions, to strip opposition figures of their mandates, as has been the case with the Astrakhan socialist *Oleg Shein* (excluded from A Just Russia after being designated a foreign agent), Yabloko's *Boris Vishnevsky* from St. Petersburg, and *Viktor Vorobyov*, a libertarian elected to the State Council of the Komi Republic from the Communist Party of the Russian Federation [CPRF].

The CPRF, following the removal of the mandate from CPRF deputy *Valery Rashkin*, who had shown a willingness to cooperate with the non-systemic opposition in the late 2010s, following his criminal prosecution for killing a moose (Art. 258, Part 2, CC RF), and the party's virtual-ly unconditional support for the aggression against Ukraine, became even less oppositional. However, even within the pro-war consensus, expressing independent views has remained dangerous for members of the party. On 18 October 2024, CPRF deputy in the Bryansk regional legislature *Konstantin Pavlov*, his brother *Pavel Pavlov*, and father and son *Aleksandr Fomin* and

<sup>34</sup> Until 2014, Vladimir Rushchak headed the National Accreditation Agency of Ukraine, after which he moved to Russia and was appointed head of the Federal Accreditation Service for the Central Federal District.

**Roman Fomin** were <u>convicted</u> of large-scale fraud (**Art.159**, **Part4**, **CC RF**) and sentenced to terms ranging from four to six years in a general regime penal colony. Pavlov's supporters, who had not publicly condemned the war, believe that the sentence could have been motivated not only by Pavlov's criticism of the regional authorities but also by the part he played in securing the release from military service of <u>several dozen</u> Bryansk region residents who had been illegally mobilised.

Another significant case was that of *Aleksandr Gliskov*, a former candidate for governor of Krasnoyarsk region from the Liberal Democratic Party of Russia [LDPR]. After performing relatively well in the September 2023 elections, he was remanded in custody in November 2023 on charges of receiving a large bribe and extortion (Art. 290, Part 6, CC RF). According to media reports, he was one of the last public political figures in the region who sought to criticise the regional authorities while remaining loyal to the federal government. On 2 October 2024, he was <u>sentenced</u> to 10 years in a strict regime penal colony and fined 10m roubles.

The trial of former LDPR governor of Khabarovsk region, *Sergei Furgal*, previously convicted on <u>fabricated</u> charges of organising contract killings and sentenced to 22 years in a strict regime penal colony and recognised by Memorial as a political prisoner, continued throughout 2024 in Moscow's Babushkinsky district court. He and a group of former business associates are accused of several crimes in a <u>second</u>, 'economic' prosecution which, like the first, may be politically motivated.

Yabloko stands apart from other political parties. While it remains officially registered, it has not held any seats in the State Duma for over 20 years. It is also the only registered party in Russia that adheres to a liberal ideology. This marginal status, along with its representatives' public anti-war views and ideological incompatibility with the authoritarian regime, could not but impact the form of repression faced by its most prominent figures. Unlike members of the CPRF and LDPR, former deputy of Pskov Regional Assembly *Lev Shlosberg* was <u>charged</u> on 2 October 2024, not with an economic offence, but with failing to fulfil the obligations of a 'foreign agent' (**Art. 330.1, Part 2, CC RF**).

This was the latest stage in a period of sustained pressure against Shlosberg and Yabloko's Pskov branch which has continued practically unabated since he was barred from regional and federal elections in 2021, along with several other candidates, on the grounds of a fabricated 'involvement in an extremist organisation' (see Chapter 2.5 of our 2021 report). This pressure included <u>searches</u> of the party's regional office and Shlosberg's <u>detention</u> at the airport in November 2024.

## 3.17. Criminal prosecutions beyond the scope of the current project but with evidence of unlawfulness and political motivation

In concluding our description of the various repressive campaigns of 2024, we note that some were effectively outside the scope of our project. These are criminal prosecutions of a kind that it is much more difficult to recognise the defendants as political prisoners, although many such prosecutions would appear to have been politically motivated and some could theoretically be recognised as political prisoners if we had access to the case materials.

In the last quarter of 2024, the project, **Political Prisoners Support. Memorial**, began work on expanding the <u>list of other victims</u> of politically motivated prosecutions, whom we are unable to recognise as political prisoners for various reasons. At the same time, we primarily included in this list individuals prosecuted on charges of treason or espionage, as well as Ukrainians charged with participating in terrorist organisations, rather than the individuals discussed below. We endeavour to explain the reasons for this.

# 3.17.1. Prosecutions of individuals accused of participating in the AUE

A striking example of such 'quasi-political' cases, which are difficult to analyse, are criminal cases brought on charges of participation in an extremist organisation (Art. 282.2 CC RF) and, less frequently, its financing (Art. 282.3, Part 1, CC RF) against participants in the so-called AUE (a Russian abbreviation variously deciphered as 'Prisoners' One Code' or 'Prisoners' Criminal Unity').

Designation of the AUE as an extremist organisation by the Russian Supreme Court on 17 August 2020 was the <u>first example</u> of the banning of a non-religious subculture arbitrarily declared an 'international movement' in the absence of any structure, organisation or leadership. Criminal cases against those who spread the ideas of the 'movement' were <u>initiated</u> even before its formal ban. The ban on the non-existent 'AUE movement' in 2020 was a precursor to subsequent bans on the equally non-existent <u>'Anti-Russian Separatist Movement'</u>, <u>'LGBT Movement'</u> and several other 'organisations.'

As far as can be judged from the reports of the press services of law enforcement agencies, criminal charges of 'participation in the AUE' or 'financing the AUE' are mainly brought against prisoners who adhere to criminal 'attitudes' and participate in informal self-organisation in

places of detention, including the collection of funds for the 'common fund' – often for the everyday needs of prisoners. People in this category almost never contact our project to ask to be recognised as political prisoners. At the same time, we cannot automatically include them in the list of political prisoners without analysing the charges against them, as we cannot rule out that they committed socially dangerous acts that were unlawfully declared 'extremist activity.' At the same time, it is clear to us that such criminal cases are aimed at suppressing resistance by prisoners to the violation of their rights, which intensified sharply after the <u>protests</u> of 9 April 2020 in Penal Colony No. 15 in Angarsk, Irkutsk region.

According to estimates by the Sova Research Centre, which monitors prosecutions on charges related to the AUE, Russian courts handed down at least 41 sentences against at least 99 individuals in <u>2024</u>. Information on criminal cases for <u>2021–2022</u> and <u>2023</u> is also available on the Sova website.

### 3.17.2. Prosecutions for making preparation for school shootings and participation in 'Columbine'

Our annual reports for 2021 and 2022 noted that law enforcement agencies were making great efforts to detain potential participants in 'school shootings' – attacks on schools and other educational institutions. Such attacks, which began in Russia in 2014 and have become widespread since 2018, are undoubtedly one of the most dangerous types of crime and must be prevented. Unfortunately, the activities of law enforcement agencies regarding these crimes appear to be accompanied by excessive criminal prosecutions of minors and are being artificially politicised.

After the Supreme Court of the Russian Federation <u>designated</u> the <u>non-existent</u> 'Columbine' movement<sup>[35]</sup> as terrorist on 2 February 2022, teenagers and other social media users began to be detained on charges of preparing attacks, not all of which appear to us to be legitimate. Furthermore, criminal cases were initiated against these individuals on charges of participation in a terrorist organisation. The exact number of persons involved in such cases is practically <u>impossible</u> to determine but, according to reports by the FSB and other law enforcement agencies, hundreds of people were convicted on charges of terrorism in 2022-2024.

One such example was the prosecution and conviction of 18-year-old *Karina Garipova*, a resident of Sterlitamak in the Republic of Bashkortostan, on 19 March 2024. Garipova was <u>sentenced</u> to five years and six months in a general regime penal colony on charges of organising the activities of a non-existent terrorist 'organisation' (Art. 205.5, Part1, CC RF) and propaganda for, or justification of, its activities (Art. 205.2 CC RF).

The mass murder at Columbine High School in the U.S. state of Colorado on 20 April 1999 <u>led</u> to a wave of 'copycat' attacks on educational institutions in the U.S. and other countries. The word 'Columbine' became a generic term for such attacks.

In most cases, however, not only are the actions for which the teenagers were incriminated unknown, but so their <u>last names</u>, which makes it extremely difficult for the media and human rights defenders to analyse the cases. The bill on preventing school shootings being drafted by the State Duma, according to deputies, <u>contains</u> a proposal 'to consign to oblivion persons who carry out mass shootings in schools, colleges, social institutions... to introduce restrictions on the dissemination of details of their biographies, motives for the crime, methods and reasons for its commission,' which could further limit the information available to the public about such criminal cases.

# 3.17.3. Prosecutions for participation in neo-Nazi and jihadist organisations

It is also difficult to analyse prosecutions brought on charges of participation in the activities of organisations and informal associations that pose a clear public danger, in particular neo-Nazi organisations. For example, the project, **Political Prisoners Support. Memorial**, has virtually no information about the numerous defendants in cases brought against members of the neo-Nazi organisation 'Maniacs. Cult of Murder' [MKU], which was designated a terrorist organisation by the Supreme Court of the Russian Federation on 16 January 2023. Even before that, in 2021 and 2022, the FSB reported the detention of hundreds of alleged MKU members, deliberately mixing them up with supporters of the non-existent organisation 'Columbine' and accusing both groups of having ties to Ukraine.

There are serious doubts about the existence of the MKU as a unified entity, let alone as a 'Ukrainian terrorist organisation' (as described by Russian security forces), rather than some vague brand or subculture. Apparently, some of those prosecuted in criminal cases for participation in the MKU <u>did not consider</u> themselves members of this organisation and may not have committed or planned to commit any crimes motivated by national or racial hatred. At the same time, it is clear that at least some of those accused of participating in such groups did commit crimes against the person against the backdrop of the <u>resurgence</u> of neo-Nazi street activity in recent years. Moreover, we are aware of criminal prosecutions for 'preparation of terrorist acts' brought against supporters of the MKU in democratic countries, such as the <u>USA</u>.

In 2024, the threat also intensified from terrorists with radical Islamist views, primarily supporters of Islamic State, who carried out several major terrorist attacks in Russian cities. Unlike charges of involvement in Hizb ut-Tahrir al-Islami, Tablighi Jamaat and other fundamentalist but peaceful organisations, cases dealing with cells of Islamic terrorist groups are very difficult to analyse. The project, **Political Prisoners Support. Memorial**, recognises as political prisoners only those who have been charged with participating in unquestionably dangerous organisations when their innocence has been proven beyond any reasonable doubt. In recent years, including 2024, such recognitions have been made in very few cases, even though some of these cases appear to be completely or partially fabricated.

# 3.17.4. Prosecution of participants in trash streams

Another example of a repressive campaign that is difficult to track is the prosecution of participants in controversial video broadcasts on the internet, accompanied by shocking and provocative behaviour, known as <u>trash streams</u>. Such broadcasts are indeed often accompanied by violations of the law ranging from petty hooliganism (Art.20.1 CAO RF) to torture (Art.117 CC RF) and even <u>more serious</u> crimes. However, in a number of cases there is a political component to the prosecution of trash streamers. This conclusion can be drawn from the fact that the director of the Safe Internet League, Ekaterina Mizulina, deliberately collects reports denouncing streamers who publish pro-Ukrainian content or allegedly insult religious and patriotic feelings.

Our project, as a rule, examines criminal cases against streamers accused of anti-war statements, even where they are expressed in a rude or offensive manner, or other clearly 'political' actions. However, in some cases, the public outcry surrounding the actions of trash streamers leads to a disproportionately harsh response from law enforcement agencies. This is because the security forces perceive the fight against controversial bloggers as being desired by <u>high-ranking Russian government officials</u>. The resultant prosecutions may therefore be politically motivated.

For example, the beating of trash streamers *Maksim* and *Aleksei Moskalev*, known as the 'Orlov Ogres,' by an acquaintance of theirs in August 2024 led not only to charges of hooliganism (Art. 213, Part 2, CC RF) and one of them being remanded in custody and the other sent to a psychiatric hospital, but also to less justified actions by the law enforcement agencies. Along with the Moskalevs, blogger *Ekaterina Tolstykh* ('McTolstiyKotik'), who filmed the attack on camera, was <u>taken into custody</u> and charged without evidence of organising the attack. The popular video blogger *Aleksei Savkin*, or 'Khikkan,' who did not even take part in the conflict, was groundlessly <u>accused</u> of 'Ukrainian nationalism,' <u>detained</u> and later deported. The victim in the case, *Vera Egorenkova* ('Golubka'), was charged with desecrating symbols of military glory (Art. 354.1, Part 4, CC RF) for a two-second clip from a live stream in which she spat towards an image of the Volgograd monument to the Motherland. Pending trial, she was banned from undertaking certain actions. Politically motivated prosecutions of Ukrainians



## 4.1. Main features of prosecutions of Ukrainians during the full-scale war

### 4.1.1. The development of a system of politically motivated repression targeting residents of occupied Ukrainian territories

The Russian authorities began carrying out political repression in Crimea using Russian laws after the annexation of the peninsula in March 2014. Since the Russian government initially denied an occupation was taking place, it also refused to comply with the obligations of an occupying power stipulated by international law.

Under international law, occupying powers are required to preserve the criminal legislation and judicial system of the occupied country (Art. 64 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949). Limited legislative authority is granted to occupying powers to amend laws that threaten security or impede the implementation of international humanitarian law, as well as to ensure more effective administration of the occupied territory. Nevertheless, Crimean residents began facing prosecution for participating in organisations banned in Russia but legal in Ukraine, primarily religious groups such as Hizb ut-Tahrir and Jehovah's Witnesses (see <u>Chapter 3.11</u>).

Russia also began transferring both political and non-political prisoners from Crimea to Russia for trial or to serve their sentences, in violation of **Art.76 of the Geneva Convention** cited above.

Moreover, since 2014 Crimeans have been subjected to pressure to obtain Russian citizenship. In addition to facing severe restrictions on their rights and opportunities without a Russian passport, residents of Crimea were considered Russian citizens by default unless they formally renounced their Russian citizenship in writing within one month after the 'referendum.' This can pose problems for prisoners, for example, in that they are denied visits from Ukrainian diplomats.

These legal aspects of political repression not only persisted in Crimea and Sevastopol through 2024, but they also spread throughout the territories Russia declared annexed in 2022. The large-scale issuance of Russian citizenship in the occupied territories has given the authorities formal grounds to charge individuals who are not obliged to be loyal to the Russian state with treason (Art. 275 CC RF) (see <u>Chapter 4.2.1</u>). There are more grounds for accusing a Russian national of treason than there are for accusing a foreign national of espionage (Art. 276 CC RF). For example, before the introduction in December 2024 of the criminal offence of assisting the enemy (Art. 276.1 CC RF), individuals without Russian citizenship were not forbidden from financially

supporting or attempting to join the Ukrainian army, whereas Russian citizens could already be sentenced to life imprisonment for such actions under existing legislation.

Repression in the self-proclaimed DPR and LPR unfolded somewhat differently between 2014 and 2022. The exclusion of these territories from the framework of international law created conditions for large-scale terror by the 'authorities' of these 'republics' against civilians suspected of disloyalty. Human Rights Watch documented this in their 2014 report <u>'Ukraine: Rebel Forces Detain, Torture Civilians</u>'. In its 2019 report on human rights conditions in Ukraine, the Office of the UN High Commissioner for Human Rights highlighted the issues of arbitrary detention and incommunicado imprisonment in the DPR and LPR. Ukrainian journalist *Stanislav Aseev* was held in the Izolyatsia [Isolation] prison in Donetsk in 2017-2019 on charges of espionage. After his release, he <u>spoke out</u> about torture, humiliation, and sexual violence inflicted on prisoners.

Although the political regime in annexed Crimea was harsher than in most Russian regions, it paled in comparison to the situation in the so-called 'people's republics,' which were not formally subject even to the Russian legal system. Much less information has emerged about repression in these territories, and victims have had far fewer opportunities to appeal against the actions of local self-appointed security forces.

However, two years after the start of the full-scale invasion, the differences have become less pronounced. After the four Ukrainian regions were incorporated into the Russian Constitution in the autumn of 2022<sup>[1]</sup>, the process of integrating their 'law-enforcement' and 'judicial' systems into Russian state institutions began in those areas controlled by the Russian army. At the same time, many individuals detained in mainland Ukraine have been transferred to Crimea, where they are held in remand prisons or put on trial. Conditions in the Simferopol remand prison have grown harsher, while information about detainees has become significantly more limited. In Crimea itself, the search for 'spies and saboteurs,' as well as for residents simply disloyal to the Russian authorities, has intensified. Repressive practices on the peninsula have grown more brutal, with months-long detention of individuals without charge becoming standard practice (see <u>Chapter 4.1.3</u>).

In complete disregard for the rule of law, Russian authorities in the occupied territories have abducted civilians en masse and held them alongside prisoners of war without charge (see <u>Chapter 4.4</u>).

The next section examines in greater detail the most egregious practices of politically motivated prosecution of Ukrainians in 2024.

<sup>1</sup> On 30 September, Vladimir Putin signed agreements with the pro-Russian 'leaders' of Ukraine's occupied territories to annex four regions: the DPR and LPR (within the borders of Donetsk and Luhansk regions), Kherson, and Zaporizhzhia. The Russian army did not fully control any of these regions at the time, and to this day it does not.

### 4.1.2. Judgments by 'courts' in the DPR and LPR and prosecutions initiated in these regions

According to the Criminal Code of the Russian Federation, the criminality and liability to punishment of an act are determined by the criminal laws in effect at the time when the act was committed (Art. 9, Part 1, CC RF). Furthermore, criminal laws establishing the criminality of an act do not take effect retroactively (Art. 10, Part 1, CC RF). Nevertheless, many Ukrainian prisoners of war have been accused of acts that were not criminalised under Russian legislation when they were committed.

For instance, the Russian Supreme Court designated the Azov Brigade a terrorist organisation on 2 August 2022, and the Aidar Battalion was added to the list of terrorist organisations in December 2023. All defendants in the 'Case of 24' involving Azov members and the 'Case of 18' involving Aidar members (see <u>Chapter 4.3</u> for details on these cases) were taken captive in the spring of 2022, and many had left their units before the start of the full-scale war. Russia did not officially recognise the sovereignty of the DPR until 21 February 2022. However, according to the charges in these cases, members of Azov and Aidar had 'seized power' years earlier in territories supposedly belonging to the unrecognised republic.

Russian law enforcement was able to circumvent these chronological constraints once the annexation of the DPR by Russia was announced, and a similar approach was taken following the annexation of the LPR. New legislation introduced alongside the annexation established that criminal investigations by the 'law-enforcement bodies' of the 'people's republics' were to continue in accordance with the Russian Code of Criminal Procedure, and that these prosecutions would be reviewed by Russian courts. It was in the DPR, under the criminal legislation of this quasi-republic, that a significant number of cases were initiated against Ukrainian prisoners of war. Among the latter were those captured before 2022, for example, <u>Sergei Skidan</u>, who was detained in the DPR in 2020 on charges of serving in the Aidar Battalion and sentenced by a Russian court in 2024 to 18 years' imprisonment.

Under Federal Law No. FZ-395, which sets out the procedure for synchronising criminal law in the occupied regions with Russia<sup>[2]</sup>, 'crimes committed before 30 September 2022 against the interests of the Donetsk People's Republic... are considered to have been committed against the interests of the Russian Federation' (FZ-395, Art.2, Part 3). Moreover, 'court decisions enacted into law in the territories of the Donetsk People's Republic, the Luhansk People's Republic, Zaporizhzhia region, and Kherson region before 30 September 2022 shall have the same legal force (including for the purposes of enforcing criminal sentences) as court decisions issued in territories of the Russian Federation' (FZ-395, Art.8, Part1). It follows, then, that members of the Ukrainian military, whose

<sup>2</sup> Federal Law No. FZ-395 'On the Application of the Provisions of the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation in the Territories of the Donetsk People's Republic, Luhansk People's Republic, Zaporizhzhia region, and Kherson region,' dated 31 July 2023.

prosecutions were initiated in the so-called 'people's republics,' are now being prosecuted in Russia on charges of participating in activities of a terrorist organisation, activities that allegedly took place at a time when the unlawful and unfounded decisions designating the organisation in question as 'terrorist' had not yet been issued by Russian courts, and these actions were therefore not considered criminal in Russia.

Several criminal cases against civilians living in the occupied territories were initiated in the DPR and LPR before 2022, on charges of acting against the interests of these so-called 'republics.' After the annexation of these formations by Russia, however, the cases were transferred to Russian courts, typically the Southern Military District Court in Rostov-on-Dov, which handed down harsh sentences under articles of the Russian Criminal Code. The only arguably positive aspect of these trials has been that, once in a Russian courtroom, the defendants have had what is often their first opportunity in years to tell the media and human rights activists about the torture they endured.

- In October 2024, the Southern Military District Court in Rostov-on-Don <u>sentenced</u> 40-year-old Ukrainian citizen *Dmytro Kozhukhov* to five and a half years' imprisonment. Kozhukhov was found guilty of aiding and abetting a terrorist group (Art.33, Part5, CC RF and Art.205.4, Part2, CC RF). According to the security forces, on 2 October 2016, at the Maryinka checkpoint in the DPR, Kozhukhov agreed with a member of a terrorist group created by officers of the Ukrainian Security Service' that he would pass information about facilities in Donetsk region and promised to disclose the locations of Donetsk military deployments. According to the prosecution, Kozhukhov photographed a hotel where DPR soldiers were staying and sent the pictures to 'a member of a terrorist organisation.' In court, Kozhukhov stated that he was tortured with electric shocks by officers from the organised crime department the day he was detained, 11 June 2021.
- In November, the same court <u>sentenced</u> Ukrainian citizen <u>Serhiy Kuris</u> to 16 years in a strict regime penal colony on charges of espionage (Art.276 CC RF), undergoing training for terrorist activity (Art.205.3 CC RF), and participating in a terrorist group (Art.205.4, Part2, CC RF). Before his arrest, Kuris lived in Kharkiv and had travelled to occupied Donetsk, where his family lived and a security firm he ran was located. In September 2019, Kuris was detained by officers of the 'organised crime department' of the DPR while out for a walk with his family. Kuris <u>described</u> the torture he endured, for several days he was beaten and subjected to electric shocks, suspended on a rack, and had cigarette butts put out on his body.
- In December, those detained in the DPR in 2018-2019 were <u>sentenced</u> on charges of participating in a terrorist group (Art. 205.4, Part 2, CC RF) and other crimes. Several of the defendants were charged with attempting to assassinate the founder of the Donetsk prison known for torture, Izolyatsia. Sergei Gruzinov was sentenced to 20 years' imprisonment, Viktor Shidlovsky to 22 years, and Nataliya Vlasova to 18 years. Russians Maksim Voron and Gia Kapanadze were also charged in this case and were sentenced to five and a half and six years, respectively, in a general regime penal colony. Vlasova has described the horrific torture she endured in Izolyatsia, including rape.

### 4.1.3. Detention prior to formal charges

Since the start of the full-scale invasion of Ukraine, residents of the occupied territories have routinely been held in detention for long periods of time without no court decision or formal charges. Several examples illustrate this pattern of treatment.

### The case of Irina Gorobtsova

In May 2022, Russian security forces abducted Kherson resident <u>Irina Gorobtsova</u>. During the occupation, Gorobtsova had volunteered, attended pro-Ukrainian rallies, and written posts on social media in support of the Ukrainian military. In June, in response to inquiries from Gorobtsova's father's, the Russian FSB <u>responded</u> by stating that 'the person in question had obstructed the special military operation,' and therefore 'a decision regarding her case' would be made 'after the end of the operation.' It later emerged that she was held initially at Simferopol's Pre-Trial Detention Centre No. 1 and then at the city's Pre-Trial Detention Centre No. 2. In autumn 2022, her family <u>received</u> a letter from her via the Zonatelekom service, sent from Detention Centre No. 1. In 2023, Gorobtsova's lawyer stated that no criminal proceedings had been initiated against her.

In August 2024, a court in the Russian-occupied part of Kherson region <u>sentenced</u> Gorobtsova to ten years and six months in a general regime penal colony on charges of espionage (**Art.276 CC RF**). <u>According</u> to the Russian Prosecutor General's Office, she had been collecting information on the Russian military 'from February 2022 to March 2023.' How this could have occurred, given that Gorobtsova had already been in custody for ten months by March 2023, as confirmed by multiple sources, is yet to be explained.

### The case of Leonid Popov

In November 2024, it <u>emerged</u> that a criminal case had been opened against 24-year-old Melitopol resident <u>Leonid Popov</u> on charges of espionage (Art.276 CC RF). Popov's mother said that he went missing in April 2023. Three months later, he contacted her from a hospital, where he had been admitted suffering from severe exhaustion. He told her that he had been deprived of food and drink and had been brutally beaten. According to his mother, Popov spent three months in detention at the military headquarters in occupied Melitopol. In August, the Russian Investigative Committee contacted Popov's father to inform him that his son was being released. As his father was taking him home from the hospital, military personnel arrived, placed a bag over Popov's head, and took him away again. His father reported the abduction, and investigative authorities opened a criminal case.

In December, Popov's father was shown a photograph of his son holding up a sheet of paper with the message: 'Everything is fine! I decline to disclose my whereabouts.' According to activists, as of November Popov was being held in Detention Centre No. 1 in Donetsk.

# 4.1.4. Torture of Ukrainian prisoners of war and civilian hostages

Torture has long accompanied political repression, both within Russia and in the territories it occupies. In this chapter we focus, not on the use of violence against individual defendants in criminal cases, but on the systematic use of torture against whole groups of people, namely prisoners of war and civilian hostages, who are often detained together.

Large numbers of Ukrainian prisoners of war and so-called 'civilian prisoners of war' are held in inhumane conditions. <u>According</u> to the UN, Russia has not established a single specialised camp for prisoners of war but instead holds all of them in penal institutions — remand prisons and penal colonies — including in the occupied territories of Ukraine.

In March 2023, the UN Human Rights Monitoring Mission in Ukraine <u>published</u> a report on the treatment of Russian prisoners of war in Ukraine and Ukrainian prisoners of war in Russia. According to the UN's findings, both sides employed executions of those who surrendered, as well as torture in the initial stages following capture, but subsequent treatment of prisoners differed markedly. The Mission notes that Ukraine provided the UN with 'unrestricted, confidential access to official places of internment of Russian prisoners of war,' and the human rights monitors noted only isolated complaints of harsh conditions in detainment facilities. Russia, in contrast, did not provide such access, and the UN interviewed freed Ukrainian prisoners of war who reported regular and systematic violence. 'The number of documented cases of torture and ill-treatment during internment in penal facilities is shocking – over 84% of Ukrainian prisoners of war endured this hell,' Bogner said<sup>[3]</sup>. 'Staff at penal institutions in Russia and the territories under its control subjected prisoners of war to so-called "welcome beatings" upon arrival, regularly beat them, and tortured them with electric shocks during cell inspections or exercise time in the yard. Former prisoners of war reported fearing their weekly showers, which inevitably ended in beatings and humiliation, often of a sexual nature'.

In August 2024, the head of the UN Human Rights Monitoring Mission in Ukraine, Danielle Bell, stated in an <u>interview</u> with the Dutch media organisation NOS that 95% of Ukrainian prisoners of war had experienced torture, including in detention facilities, and <u>noted</u> that 'the torture is widespread and systematic'.

Detention Centre No. 2 in Taganrog, Rostov region, has become one of the most notorious for torturing Ukrainians. <u>Freed Ukrainian prisoners of war</u> have testified to violent torture in this centre, as has <u>Aleksandr Maksimchuk</u>, an Azov soldier sentenced to 20 years' imprisonment. According to <u>accounts</u> from Ukrainians who were held at Detention Centre No. 2 in Taganrog, prisoners were tortured with electric shocks, asphyxiation, suspension upside down, and systematic beatings with clubs and iron bars, as well as fists and feet. Those held there said that prisoners were starved. They were fed once a day, given cabbage broth in a metal cup with a quarter slice of black or white bread.

<sup>3</sup> Matilda Bogner, then head of the UN Human Rights Monitoring Mission in Ukraine.

Access for defence lawyers to the remand centre was blocked almost immediately after Ukrainians began being sent there. Lawyers are only able to enter the centre with investigators, and they cannot speak with their clients in private. By the time a public monitoring commission was <u>granted access</u> to the facility in autumn 2024, for the first time in two years, most of the Ukrainians had already been transferred out.

## 4.2. Criminal prosecution of residents of occupied territories

### 4.2.1. Prosecutions for espionage and treason

Residents of the occupied territories of Ukraine are being prosecuted for assisting the Ukrainian armed forces and Ukrainian intelligence services. <u>According</u> to OVD-Info, a human rights project, at least 123 individuals were detained in 2024 for allegedly assisting the Ukrainian army, at least 17 of whom were residents of occupied Ukrainian territories (including Crimea and Sevastopol).

OVD-Info reports that at least 115 individuals were convicted on charges of assisting the Ukrainian army in 2024, of whom 30 were residents of occupied Ukrainian territories.

The actual number of those detained and convicted may be significantly higher, as information on treason and espionage cases is limited, with very little information about prosecutions coming from these regions.

As in the territory of the Russian Federation, defendants in such cases are typically charged with gathering intelligence about the Russian army and the movement of equipment, collaborating with Ukraine's Security Service, or attempting to acquire weapons or spare parts for military equipment on behalf of Ukraine. Residents of occupied Ukrainian territories have also been prosecuted for providing financial assistance to Ukraine.

### The prosecution of Liudmila Kolesnikova

<u>Liudmila Kolesnikova</u> is a Crimean resident and dual Ukrainian-Russian citizen. She has been living in Ireland since 2022 with temporary protected status. In June 2024, she travelled to Crimea to see her dying mother and attend her funeral. After the funeral, Kolesnikova was detained and jailed for an administrative-law offence for 12 days. She was then released. However, by July she could no longer be contacted. It later emerged that she had been held at Detention Centre No. 2 in Simferopol for three months; she was formally charged with treason only in October (Art. 275 CC RF). In a letter to a human rights activist, Kolesnikova <u>wrote</u> that she had been accused of providing financial assistance to Ukraine amounting to 25 euros. She said that two years earlier she had purchased through Diia, the Ukrainian government's services platform,

two postage stamp NFTs<sup>[4]</sup> featuring the 'Russian warship' meme. Part of the funds from the sales of these stamps was used to purchase drones in Ukraine. However, this version of events cannot be confirmed: *Mediazona* has <u>pointed out</u> that there are no NFT stamps available for sale on the Diia app and it is unlikely Kolesnikova could have provided an accurate account of the circumstances of a classified case in a censored letter.

Those charged with espionage and treason are typically sentenced to long terms of imprisonment. Espionage charges are often brought against residents of occupied territories who do not hide their pro-Ukrainian views.

### The prosecution of Oksana Hladkykh

Zaporizhzhia resident <u>Oksana Hladkykh</u> was detained on 24 November 2023. In January that year her name and picture had been posted on a Telegram channel called Zhduny of Zaporizhzhia region<sup>[5]</sup>, and prior to that, she had once <u>yelled</u> at Russian soldiers: '*Get out of our country*! What are you doing here?' Hladkykh lost 13 kilograms during the months she was in detention. She was transferred between places of detention with a bag over her head. In June, Russian-controlled Zaporizhzhia regional court sentenced her to 14 years in a general regime penal colony on a charge of treason (**Art. 275 CC RF**). Hladkykh said that she obtained Russian citizenship so her children could attend school without difficulty, a decision she now regrets.

### The prosecution of Yulia Koveshnikova

<u>Yulia Koveshnikova</u> is a Ukrainian living in Melitopol. Her husband serves in the Ukrainian armed forces. Koveshnikova remained in occupied territory and did not hide her pro-Ukrainian stance, speaking out openly on social media and volunteering, including helping search for missing Ukrainian soldiers. In April 2023, she was abducted. Those close to her did not know her whereabouts for eight months. They later learned Koveshnikova had been detained in various unofficial detention centres, or 'cellars,' in Melitopol, where she was kept with a bag over her head, before being transferred to pre-trial detention centres in Mariupol and Crimea.

In June 2024, Zaporizhzhia regional court, under the control of the occupying powers, sentenced her to 13 years in a general regime penal colony on a charge of espionage (**Art. 276 CC RF**). Officially, her detention dated from 11 December 2023, the day she was formally charged.

<sup>4</sup> A non-fungible token (NFT) is a digital asset that represents a unique item stored on the Internet. It can be a picture, video, or audio file.

<sup>5</sup> A term used by Russian authorities and their supporters to refer to residents of the occupied territories who want ['are waiting for'] their communities to return to Ukrainian control. Ukrainians, on the other hand, use the term 'zhduny' to refer to residents of territories controlled by Ukraine who wish to be a part of Russia.

## 4.2.2. Charges of terrorism and sabotage

In 2024, Ukrainian citizens and residents of occupied Ukrainian territories continued to be prosecuted on charges of participating in bombings and arson attacks on buildings of the occupation administration and other Russian-controlled facilities, and on charges of attempted assassination of Russian military personnel and officials.

Many of those prosecuted have reported that they were beaten, tortured with electric shocks, and deprived of food and drink, tactics used by law enforcement agencies to extract confessions. Several individuals were abducted, with their families unaware of their whereabouts for months. Moreover, in many cases it is impossible to obtain sufficient information to verify the validity of the charges.

Below are examples of cases in which residents of occupied territories were charged with terrorism offences.

### The case of Irina Navalnaya

In October 2024, Mariupol resident <u>Irina Navalnaya</u> was <u>sentenced</u> to eight years' imprisonment for attempting to commit an act of terrorism (Art. 30, Part 3, CC RF and Art. 205, Part 1, CC RF) and illegal possession of explosives (Art. 222.1, Part 1, CC RF).

In May 2022, Navalnaya and her family left Mariupol and travelled across Russia and the Baltic states to unoccupied Ukraine. During filtration, when Navalnaya was leaving occupied Ukraine to enter Russia, she was mocked and had a gun held to her head because of her surname. At the end of August that year, Navalnaya decided to return to Mariupol to visit her grandmother, who had remained there. On 27 September she was stopped by security forces as she was cycling to the beach, and her documents were checked. It later emerged that she had been detained on suspicion of preparing a terrorist act on the final day of the 'referendum' on the DPR's annexation by Russia. Her family learned of this from a RIA Novosti report, which claimed Navalnaya had <u>confessed</u> to being recruited by the Ukrainian Security Services. She allegedly confessed to having agreed, in exchange for a payment, to retrieve an explosive device from a partially destroyed building, plant it near a government building and remotely detonate it. Her family believes law enforcement agencies took an interest in Navalnaya because of her surname. Moreover, Navalnaya had worked for the Ukrainian police before the Russian invasion and her stepfather had been one of the defenders of Azovstal. It later emerged Navalnaya had been tortured while in a remand prison in Donetsk.

### The prosecution of Yaroslav Zhuk

In June 2024, the Southern Military District Court <u>sentenced</u> Ukrainian national <u>Yaroslav Zhuk</u> to 14 years' imprisonment on a charge of international terrorism (Art. 361, Part 1, CC RF). Zhuk is to spend the first four years of his sentence in a cell-type prison and the remainder in a strict regime penal colony. The prosecution claimed that on 17 June 2022, Zhuk planted an explosive device at the entrance to a building belonging to the occupation authorities in Zaporizhzhia

region. According to law enforcement agencies, he intended to detonate the device as an official was leaving the building. Zhuk has <u>described</u> being tortured. He was beaten and held for approximately two weeks in a basement with a bag over his head. Every thirty minutes, he was given electric shocks and beaten with blunt objects, and the soles of his feet were burned.

# 4.2.3. Charges of participating in the Crimean Tatar Noman Çelebicihan Battalion

The Noman Çelebicihan Battalion is an organisation composed primarily of Crimean Tatars established in 2015 with the goal of liberating Crimea. At that time, the leaders of the Mejlis of the Crimean Tatar People declared a civil blockade of Crimea and Battalion members monitored cargo at the administrative border with Crimea. That same year, the Ukrainian government banned the supply of all goods and services to the peninsula except humanitarian aid. In January 2016, members of the civil society organisation Asker, formed from the Noman Çelebicihan Battalion, patrolled Ukraine's borders alongside Ukrainian official border patrols.

In 2022, the Russian Supreme Court designated the Çelebicihan Battalion a 'terrorist' organisation.

According to the <u>Crimean Tatar Resource Centre</u>, since 2014 Russian security forces have detained 50 Ukrainian citizens for participating in the Çelebicihan Battalion, with 31 of them detained in the occupied part of Kherson region and 19 in annexed Crimea.

Between 2022 and 2023, courts under Russian control in the occupied territories issued at least 15 verdicts in cases related to participation in the Battalion. Several people from Kherson region were charged with participating in the Battalion between 2016 and 2017. Defendants in such criminal cases are usually charged with participating in illegal armed groups (Art. 208 CC RF). For a defendant to be charged with participation in a terrorist organisation (Art. 205.5, Part 2, CC RF), the alleged actions must have been committed after 2022.

The activities of the Noman Çelebicihan Battalion are not illegal. Although the Battalion's creation was never formalised in legislation, it has not been banned in Ukraine. Memorial maintains that the Battalion's activities do not conflict with Russia's interests; what does conflict with those interests is the waging of a war of aggression and the occupation of foreign territory.

The overwhelming majority of those charged with participating in the Çelebicihan Battalion are Crimean Tatars. Prosecutions for participation in the Battalion have become yet another 'conveyer belt' method of exerting pressure on this ethnic group. In a similar way, prosecutions for participation in the Islamic party Hizb ut-Tahrir have been initiated en masse in annexed Crimea.

Most recent arrests have taken place in the occupied territory of Kherson region, where it is difficult to monitor repression for lack of data and restricted access to information. Detentions are often reported by official Russian and pro-Russian sources, such as <u>TASS</u> or the <u>Oper Slil</u> Telegram channel, which do not name detainees.

In August 2024, a 55-year-old man was sentenced to three years and two months' imprisonment in a penal colony in Henichesk. The Crimean Tatar Resource Centre <u>believes</u> the man concerned

is *Hennadiy Osmak*, former chief editor of the local website Novy vizit [New Visit]. He likely <u>left</u> the occupied territory after the start of the full-scale invasion, but when he travelled to Henichesk in 2024 he was detained on the basis of a denunciation.

In October 202 4, <u>Nariman Derman</u>, a 57-year-old resident of the occupied part of Kherson region, was <u>sentenced</u> to three and a half years' imprisonment. Derman suffers from epilepsy and has a serious disability.

# 4.2.4. Other political repression in the occupied territories<sup>[6]</sup>

Residents of Ukraine's occupied territories have been prosecuted for their speech, including speech against the Russian invasion. In particular, residents of the occupied areas of Donetsk, Luhansk, Zaporizhzhia, and Kherson regions have been charged with justifying terrorism (Art. 205.2, Part 2, CC RF).

- In March, journalists <u>reported</u> on a criminal case against <u>Oleksandr Plysiuk</u>, a resident of the occupied part of Zaporizhzhia region. The grounds for prosecution were a photograph he took of himself in front of graffiti reading '*death to Putin*' in Ukrainian. Plysi-uk posted the picture on VKontakte back in 2017, and his profile has not been updated since 2019.
- In June it <u>emerged</u> that 35-year-old *Kirill Prikhodko* had been detained in occupied Melitopol. The criminal prosecution was triggered by a comment left on a picture posted to a social media page of the politician Vladimir Zhirinovsky, who died in 2022. The comment read '*Putin is next*.'
- In April, a criminal case for justifying terrorism (Art. 205.2, Part 2, CC RF) was <u>initiated</u> against *Tatyana* B., a resident of the occupied part of Kherson region. The prosecution was initiated for a comment she left on the Telegram channel Ukraine 'Now: news, war, russia,' under a post about the Free Russia Legion's raid in Kursk region. Several days later, another case was <u>initiated</u> against Tatyana on charges of making public calls to engage in extremism (Art. 280, Part 2, CC RF). The reason for this charge was a comment about the shelling of Belgorod region.

Since the start of the full-scale war, religious persecution has also spread to the occupied parts of Donetsk, Luhansk, Zaporizhzhia, and Kherson regions, as was earlier the case in Crimea and Sevastopol. As happened previously in Russia and Crimea, Jehovah's Witnesses have been subjected to repression.

<sup>6</sup> This chapter does not address prosecutions for speech or religious views in Crimea and Sevastopol. That aspect of repression is covered in the relevant chapters examining broader trends across Russia, as the monitoring of politically motivated prosecutions in Crimea is more developed and has been underway for a longer time than in other occupied Ukrainian territories. Moreover, the application of Russian legislation and the imposition of Russian law enforcement practices are not in any sense new developments in Crimea in 2024.

In January 2024, security forces conducted <u>searches</u> at a Jehovah's Witnesses meeting place in occupied Mariupol. During the searches, 20,000 copies of religious literature were seized, along with 'official documents containing information about the organisation's involvement in financing Ukrainian armed groups.<sup>[7]</sup>

In April, Jehovah's Witnesses in the LPR were arrested, and according to <u>TASS</u>, a criminal case was brought against them on charges of making public calls to engage in extremist activity (Art. 280 CC RF). No details about the case are available.

# 4.3. Criminal prosecutions of Ukrainian prisoners of war

Russian authorities have prosecuted dozens of Ukrainian prisoners of war. These charges fall into two categories:

- charges for committing war crimes violating the laws and customs of war (such as the intentional killing of civilians);
- charges based solely on military service and acts of combat carried out during the war in accordance with international law and civil and professional duty.

Prosecution under the first category can be brought if there is credible evidence of a crime. However, in many cases of this kind there is insufficient information to conclude whether the charges are justified. Typically, state authorities or state-controlled media report only the fact of conviction and offer little more than a summary of the investigative authorities' version of events. Given the isolation of prisoners of war, the numerous reports of torture being used against them, and the general lack of independence of Russian courts from the repressive apparatus, information from the authorities should be regarded with scepticism.

<u>Maksim Butkevych</u><sup>[8]</sup> was charged with firing a grenade launcher into a residential building on 4 June 2022 in Severodonetsk, Luhansk region, wounding three civilians. According to the 'Supreme Court of the LPR,' he acted deliberately, having seen people through an entrance window and specifically choosing ammunition with a fragmented warhead. However, according to <u>Grati</u>, Butkevych's unit was not deployed to Donbas until at least 14 June, before that time his correspondence with colleagues establishes he was in Kyiv and Kyiv region. The only proof of his guilt was his confession, which he later <u>said</u> was obtained after the 'LPR investigative authorities' used torture and threats to force him to sign an interrogation report and state what they demanded during a filmed investigative reenactment.

<sup>7</sup> This is particularly far-fetched, given that Jehovah's Witnesses categorically <u>refuse</u> to participate in any wars.

<sup>8</sup> Butkevych was sentenced to 13 years in a strict regime penal colony but he was released in October 2024 as part of a prisoner exchange.

In several criminal cases against prisoners of war, there are simply no charges of violating the laws and customs of war, not even fabricated ones. The only charges are for military service in specific units of the Ukrainian army, military training, or participation in combat missions.

Such prosecutions violate international law. 'Combatants – essentially, members of the armed forces excluding medical and religious personnel – have the right to participate in hostilities; so, when they are in the hands of the enemy (i.e. POWs), they cannot be prosecuted just for having fought for their state. However, they are not immune from prosecution for certain acts, including violations of IHL [international humanitarian law], especially serious ones amounting to war crimes.' – as <u>stated</u> by the International Committee of the Red Cross. Ravina Shamdasani, a spokesperson for the UN Human Rights Office, <u>expressed</u> a similar opinion.

Acts that constitute war crimes are listed in Article 8 of the <u>Rome Statute</u>. Participating in military hostilities, including as a member of a unit banned in enemy territories, does not constitute a war crime.

At the end of 2024, Memorial's list of political prisoners included 40 Ukrainian service personnel who have been taken prisoner, in some cases during filtration, since the start of the full-scale invasion and who have been charged with crimes based solely on their military service. One of them is a woman. The actual number of Ukrainian prisoners is significantly higher, and Memorial continues working to update the list and make it as accurate as possible.

In a previous prisoner exchange, 13 women and two men were released who had been charged with a criminal offence solely for their military service (see <u>Chapter 2.3.2</u>). One of the prisoners of war on trial, <u>Aleksandr Ishchenko</u>, <u>died</u> in July 2024 in a remand prison in Rostov (see <u>Chapter 2.2.2</u>).

It is important to mention two group prosecutions against Ukrainian prisoners of war: the <u>'Case</u> of 24,' involving members of the Azov Brigade (with 12 individuals currently held in Russian custody) and the <u>'Case of 18,' involving members of the Aidar Battalion</u> (with 16 individuals currently in custody). The defendants in the 'Case of 24' were <u>sentenced</u> on 26 March 2025 to terms of imprisonment ranging from 13 to 23 years. The defendants released in the prisoner exchange had been sentenced in absentia. The trial in the 'Case of 18' Aidar Battalion members has been held in camera since October 2024. As grounds for hearing the trial in camera, the prosecutor cited the significant public interest the trial had generated, noting that 'there is reason to believe that the safety of those participating in the trial, and their close relatives, is at risk.'

The criminal prosecution of Ukrainian prisoners of war in Russia solely for their military service is incompatible with both the rule of law and common sense:

1. Equating military service with terrorism. The formal basis for such charges is usually membership in a military unit that has been designated a terrorist organisation by Russia or, if the case was initiated before the annexation of the LPR or DPR, by these so-called 'republics.' For example, in the 'Case of 24' and the 'Case of 18,' investigative authorities classified soldiers' membership in the Azov Brigade or Aidar Battalion as participating in a terrorist organisation (Art. 205.5, Part 2, CC RF); if the accused held any position of command, they were charged with organising the activities of a terrorist organisation (Art. 205.5, Part 1, CC RF). Moreover, those charged include not only individuals with direct combat roles, but also medics, cooks, and facilities' managers. Receiving military training as a member of a 'terrorist' unit is also classified as the criminal offence of participation in terrorist training (Art. 205.3 CC RF).

Even if a unit has not been designated as terrorist by a Russian court, its members are in no way protected from terrorism charges. In cases concerning participation in the <u>Dnipro-1</u> and <u>Donbas</u> battalions, prisoners of war were charged with participating in a terrorist organisation (**Art.205.4**, **Part2**, **CC RF**). According to established law enforcement practice in Russia, this law is applied even in the absence of a provisional court ruling banning an organisation. In many instances, the law against participating in a terrorist organisation has also been used to charge prisoners of war from the Azov Brigade and Aidar Battalion.

Russian authorities have frequently declared military activity compliant with international law to be terrorism. For example, <u>Aleksandr Liubas</u> was found guilty of attempting to carry out an act of terrorism as part of an organised group (Art.30, Part3, CC RF in conjunction with Art.205, Part2[a], CC RF). According to the prosecution, Liubas and his fellow soldiers from Ukraine's Main Directorate of Intelligence entered the waters adjacent to Crimea on a jet ski, where they attempted to land before being captured. According to the <u>court</u> that sentenced Liubas to 20 years' imprisonment, the goal of this 'criminal' group was to place a Ukrainian flag on Crimean soil and carry out 'an armed attack on Russian military personnel,' neither of which violates the laws or customs of war.

- 2. Charges against Ukrainian soldiers of seizing power in Ukrainian regions. The law prohibiting violent seizure of power (**Art.278 CC RF**) was used to charge defendants in both the 'Case of 24' (involving soldiers from the Azov Brigade) and the 'Case of 18' (involving soldiers from the Aidar Battalion). The investigative authorities created an alternative picture of reality that is promoted by Russian propaganda. According to this propaganda, Ukraine's Donetsk region has been part of the 'Donetsk People's Republic' since 2014, while Ukraine's legitimate government is 'temporarily occupying' those parts not under the control of the 'DPR authorities.' It is evident that the actual violent seizure of power was accomplished by those combatants who, with Russian support, proclaimed the DPR in 2014<sup>[9]</sup>, not by the Ukrainian army that was defending Ukrainian cities.
- 3. Retroactive application of criminal law (see <u>Chapter 4.1</u>).

## 4.4. Civilian hostages

The largest group of individuals unlawfully imprisoned on political grounds in Russia and the occupied territories of Ukraine are <u>Ukrainian civilian hostages</u>. These are Ukrainian civilians whom Russian soldiers, intelligence agents, and police officers have detained without formal charges since the start of the full-scale invasion by the Russian military in February 2022. In response

<sup>9</sup> On 6 April 2014, participants in pro-Russian rallies began seizing municipal buildings and police stations in Donetsk, Luhansk, Kharkiv, and other cities. Separatists took control of Donetsk and Luhansk, declared the 'Donetsk and Luhansk People's Republics,' and began military operations against the Ukrainian army. Later, they held 'referendums' on the independence of the parts of Donetsk and Luhansk regions under separatist control.

to inquiries from lawyers regarding the locations of these detained civilian hostages and the reasons for their detention, Russian authorities typically provide no substantive responses. At times they <u>have said</u> that the civilians are 'being detained for interfering with the special military operation,' even though there is no basis for such detention under Russian law.

While various criminal cases have subsequently been initiated in Russia against some of these civilian hostages, most remain in detention without any charges being brought, or even without formal legal grounds for their detention.

It is difficult to estimate how many hostages there are because, as the Ukrainian authorities explain, many people in the occupied regions have been declared missing. They may have died during the occupation, or they may have been taken hostage. According to <u>Dmytro Lubinets</u>, Ukraine's Parliamentary Commissioner for Human Rights, Russia may be holding up to 28,000 Ukrainian civilian hostages, though reliable data exists for only approximately <u>1,700 of them</u>. Among <u>other</u> estimates, the Ukrainian human rights organisation Centre for Civil Liberties, which received the Nobel Peace Prize in 2022, gives a figure of <u>7,000 for the number of civilian</u> <u>hostages</u>. We consider this the most reliable estimate and use it in our work. It should be noted, however, that at least <u>373 additional individuals</u> were likely imprisoned by the authorities of the LPR and DPR between 2014 and 2022.

In October 2024, Parliamentary Commissioner Lubinets <u>said</u> the Ukrainian authorities had been able to return 168 'civilian prisoners' from Russian captivity.

Civilian hostages are typically held in the same facilities as prisoners of war, effectively beyond the oversight of any Ukrainian, Russian, or international human rights defenders and, moreover, with no possibility of visits by lawyers. According to those released, 'civilian prisoners' are subjected to torture and detained in inhumane conditions, much like prisoners of war. According to information from November 2024, *Dmytro Khyliuk*, a journalist with the UNIAN news agency, was being held at Penal Colony No. 7 in Vladimir region which had been converted into a camp for prisoners of war. A person who shared a cell with Khyliuk described the brutal treatment of prisoners in the colony. Prisoners were forced to walk naked in the prison exercise yard in sub-zero temperatures, dogs were frequently set on them during inspections by prison guards or security forces, they were forced to sing the Russian national anthem, and they were deprived of food. According to his cellmate, Khyliuk weighed no more than 45 kilogrammes in prison. Khyliuk, along with his father Vasyl, was detained on 3 March 2022 by Russian troops in Kyiv region. Vasyl Khyliuk was later released, while his son was sent to an unknown location.

There have been several known deaths of civilian hostages, including Dniprorudne mayor **Yevhen** *Matveyev* and journalist Viktoria Roshchina (see <u>Chapter 2.2.2</u>).

## 4.5. Criminal prosecutions of Ukrainian citizens and/or those originally from Ukraine living within the internationally recognised borders of Russia

We continue to observe a trend noted in our <u>2023 report</u> (p. 97) that since the start of the fullscale war, Ukrainian citizens and/or people originally from Ukraine have been subjected to particular levels of pressure. When Ukrainians living in Russia become targets of politically motivated prosecutions, they face a higher risk of receiving more severe charges and punishments than other individuals in similar politically motivated cases.

For example, two Russians accused of enticement to surrender (see <u>Chapter 2.8</u>) were sentenced to three and three and a half years in a penal colony, while Petro Opalnyk, who holds Ukrainian citizenship, was sentenced to eight years. In addition to charges of attempting a voluntary surrender (Art. 30, Part 3, CC RF and Art. 33, Part 3, CC RF in conjunction with Art. 352.1 CC RF), Opalnyk was charged with collusion with a foreign state (Art. 275.1 CC RF).

As outlined in <u>Chapter 3.5.2</u>, sentences in cases involving arson against buildings and railway infrastructure can vary significantly depending on how the investigative authorities classify the arson attack. When defendants are charged with terrorism (**Art. 205 CC RF**) they are often sentenced to approximately 10 to 15 years' imprisonment. At the same time, the FSB has ways of making charges even more severe, for example, by fabricating charges of preparation for another arson attack, or by classifying some correspondence as treason (**Art. 275 CC RF**) participation in a terrorist organisation (**Art. 205.5 CC RF**), or a similar criminal act. In such instances, prison terms may exceed 20 years. Ukrainians are among those who have been handed extremely long sentences on arson charges. The harshest sentence in a case of arson against a military recruitment office was handed down to Ukrainian native *Ivan Nedilsky*.

### The prosecution of Ivan Nedilsky

*Ivan Nedilsky*, born in Ukraine's Ternopil region, was sentenced in April 2024 to 26 years' imprisonment for treason (Art. 275 CC RF), vandalism motivated by political hatred (Art. 214, Part 2, CC RF), participation in a terrorist organisation (Art. 205.4, Part 2, CC RF), two counts of attempting a terrorist act (Art. 30, Part 3, CC RF and Art. 205, Part 2, CC RF), and two counts of committing a terrorist act (Art. 205, Part 2, CC RF). The court of appeal reduced his sentence to 25 and a half years. Media reported that the case against Nedilsky was linked to arson attacks against two military recruitment offices in July and September 2022 in Moscow region.

Ukrainian citizen <u>Serhiy Karmazin</u> was detained in 2023 for suspected arson against two railway relay cabinets in Moscow region. In March 2024, he was sentenced to 25 years' imprisonment, with the first six years to be served in a cell-type prison, and a fine of 700,000 roubles. He was found guilty on a total of eight criminal charges: sabotage (Art.281, Part2, CC RF), espionage (Art.276 CC RF), undergoing training in sabotage (Art.281.2 CC RF) and terrorist activities (Art.205.3 CC RF), preparing for the manufacture of explosives (Art.30, Part1, CC RF in conjunction with Art.223.1, Part3, CC RF), participating in a sabotage organisation (Art.281.3 CC RF) and a terrorist organisation (Art.205.4, Part2, CC RF), and preparing a terrorist act (Art.30, Part1, CC RF in conjunction with Art.205, Part2[a] CC RF). During the year that the investigation and trial lasted, Karmazin was not allowed access to a lawyer provided by human rights activists.

It also appears that the intelligence agencies are more biased against Ukrainians and search more thoroughly for real or fabricated signs of disloyalty on their part.

### The prosecution of Valentina Tagirova

Valentina Tagirova, a hairdresser from Donetsk, is being held in a pre-trial detention centre in Samara region on a charge of preparing a terrorist act for purchasing acetone. Tagirova <u>believes</u> she is a victim of an FSB provocation. For the first six months following her arrest in the spring of 2023 she was <u>held</u> in a solitary cell at the pre-trial detention centre at Penal Colony No. 15 in Samara. She was only transferred to a shared cell in November of that year. Tagirova had moved to Russia with her daughter in February 2022, after the start of the Russian invasion in Ukraine. After her arrest, her daughter was <u>taken</u> to an orphanage, where she stayed until her grandfather took her back to Donetsk.

### The prosecution of Eduard Cherevan

In December 2024, <u>Eduard Cherevan</u>, a Ukrainian citizen and native of Luhansk region who had been living in Rostov-on-Don since 2014, was sentenced to 14 years in a penal colony, with the first five years to be served in a cell-type prison, on a charge of participation in a terrorist organisation (Art. 205.5, Part 2, CC RF). According to the Russian investigative authorities, Cherevan joined the Azov Brigade in the autumn of 2016 while on Ukrainian territory, and he later participated in the "March of the Nation" by Ukrainian nationalists on 14 October 2016 in Kyiv.' In 2022, Cherevan allegedly continued his participation in the Azov Brigade after its designation as a 'terrorist organisation' in Russia, and 'conducted information gathering and propaganda work among residents of Rostov-on-Don, aimed at recruiting new members to the organisation.' New repressive legislation introduced in 2024



The continuous tightening of legislation used for purposes of political repression, which began in the second half of 2020 and intensified after 24 February 2022, continued in 2024. First and foremost, the Criminal Code of the Russian Federation underwent changes: new offences were added and penalties for existing offences were increased in severity. Important changes were also made to other laws.

## 5.1. New repressive norms of the Criminal Code of the Russian Federation

One of the first laws adopted in 2024 was **Federal Law No. 11-FZ** of 14 February 2024, which significantly expanded the list of offences of the Criminal Code of the Russian Federation for which punishments such as deprivation of special, military or honorary titles, class ranks and state awards (**Art.48 CC RF**) and confiscation of property (**Art.104.1 CC RF**) are possible. The expansion primarily affected offences most frequently used to prosecute anti-war activists and journalists, as was explicitly stated on the <u>website</u> of the State Duma. In particular, this concerned the offences of dissemination of 'fake news' about the Russian army (**Art.207.3 CC RF**), and confiscation of property also became possible for '*activities directed against the security of the Russian Federation*,' which is understood to mean a wide range of crimes, for example treason (**Art.275 CC RF**), sabotage (**Art.281 CC RF**), participation in an undesirable organisation (**Art.284.1 CC RF**), desertion (**Art.338 CC RF**), and others.

**Federal Law No. 11-FZ** also toughened **Art. 280.4 CC RF** ('Making public calls for activities directed against the security of the state') by adding such features as committing the crime 'for selfish motives or for hire' and 'on grounds of political, ideological, racial, national or religious hatred or enmity, or on grounds of hatred or enmity towards any social group.'

On 8 August 2024, **Art. 284.1 CC RF**, which contradicts Russian and international law and establishes liability for participation in an 'undesirable' organisation, was <u>expanded</u>. The Ministry of Justice was given the power to declare 'undesirable' not only NGOs, but also any foreign organisations, including those founded or participated in by states, 'with the exception of international intergovernmental organisations of which the Russian Federation is a member.'

The same day, **Federal Law No. 218-FZ** of 8 August 2024 was signed, making 'public demonstration, including in the mass media or information and telecommunications networks (including the internet)' of any intentional crime an aggravating circumstance (**Art. 63, Part1[t], CC RF**) and <u>increased</u> the penalties for a number of crimes against the person in the event of such demonstration. The Code of Administrative Offences of the Russian Federation was also correspondingly <u>toughened</u>. Formally, **Federal Law No. 218-FZ** is aimed at combating trash streams, but it has clear repressive potential and, as shown in <u>Chapter 3.17.4</u>, may lead to inappropriate toughening of penalties for bloggers who publish scandalous content. As part of the campaign against immigrants, on 9 November 2024not only were penalties under **Art. 322.1 CC RF** and **Art. 322.3 CC RF**, which establish liability for various violations of the law in the field of migration and are themselves legitimate, made more <u>severe</u> but a new aggravating circumstance was <u>added</u> for any crimes committed 'by a person illegally present on the territory of the Russian Federation' (**Art. 63, Part1[u], CC RF**). This provision can be considered discriminatory since it makes liability for unlawful acts dependent on the migration status of the accused.

On 30 November 2024, the Criminal Code of the Russian Federation was <u>supplemented</u> with a new Art.272.1 CC RF ('Illegal use and (or) transfer, collection and (or) storage of computer information containing personal data, as well as the creation and (or) ensuring the functioning of information resources intended for its illegal storage and (or) distribution'). According to <u>Evgeny</u> <u>Smirnov</u>, a lawyer with the human rights organisation Department One, this article could be applied to 'anyone who works with computer information containing personal data obtained through unlawful access. This refers to various databases that are now easily accessible. This punitive 'club' can also be used against researchers and journalists. If, in the course of their work, a researcher sends information from Russia to another country, the punishment can be up to eight years' imprisonment.'

Finally, on 28 December 2024, **Art.276.1 CC RF** was <u>introduced</u> into the Criminal Code of the Russian Federation, providing for punishment in the form of imprisonment for a term of 10 to 15 years for 'providing financial, material, technical, consultative or other assistance by a foreign citizen or a stateless person to an enemy in activities deliberately directed against the security of the Russian Federation (in the absence of evidence of a crime provided for in Article 276 of this Code).' At the same time, in an addendum to the article on treason (**Art.275 CC RF**), the terms 'enemy' and 'defection to the enemy' were made more specific. Such a defection was deemed to include, among other things, 'voluntary participation in the activities of the authorities, institutions, enterprises or organisations of the enemy, knowingly directed against the security of the Russian Federation,' which could potentially lead to a <u>sharp increase</u> in the number of criminal prosecutions. In addition, those sentenced to life imprisonment on terrorism charges were deprived of the right to parole, and the punishment for armed rebellion (**Art.279 CC RF**) was amended to include life imprisonment.

## 5.2. Other legislative changes affecting the situation of victims of repression

Other codes and laws have also undergone amendments to allow for the expansion of political repression. These repressive innovations have been <u>diverse in nature</u>, but for the purposes of our report we limit ourselves to a brief overview of those directly or indirectly related to the situation of defendants, and those convicted, in politically motivated cases.

First and foremost, this concerns legislation on 'foreign agents,' which was tightened throughout 2024 and will obviously <u>continue</u> to be tightened in 2025. Federal Law No. 255-FZ 'On Oversight of the Activities of Persons under Foreign Influence' of 14 July 2022, adopted with the aim of systematising the 'legal' basis for the prosecution of individuals and organisations declared 'foreign agents,' has since been amended twice in 2022 and 2023, and three times in 2024. Among the new provisions introduced in 2024 are a ban on 'foreign agents' participating in elections at all levels, which also allows for the removal of elected deputies from office, and a ban on advertising by 'foreign agents.' While the former contributes to an increase in criminal prosecutions only indirectly, providing a convenient way to destroy the remnants of political competition, the latter, according to <u>lawyers</u>, creates risks of administrative-law proceedings under Art.19.34 CAO RF ('Violation of the procedure for the activities of a foreign agent') and of criminal proceedings under Art.330.1 CC RF ('Evasion of obligations under the legislation of the Russian Federation on foreign agents').

The large-scale recruitment of prisoners to take part in the war against Ukraine in 2022 and 2023 has obviously led to the exhaustion of this conscription contingent, which is why **Feder-al Law No. 64-FZ** of 23 March 2024 was <u>introduced</u> into the Criminal Procedure Code of the Russian Federation **Art.28.2 CPC RF** ('Termination of criminal prosecution in connection with conscription into military service during mobilisation or wartime, or the conclusion of a contract for military service during mobilisation, martial law or wartime, as well as in connection with military service during the specified periods or time'), legalising recruitment into the army prior to sentencing at the stage of preliminary inquiry or investigation. In turn, a list of offences for which accused persons cannot join the army was introduced into the Criminal Code, and it was determined that those already serving sentences for crimes in the case of military service are formally <u>considered convicted</u> and serving a suspended sentence.

This new 'legal norm' not only exacerbated the collapse of the legal system and grossly violated the rights of victims of crimes committed both by those <u>entering</u> military service for the first time and by <u>veterans</u> of combat operations. It also became an incentive to fabricate criminal cases against vulnerable groups of the population with the aim of <u>sending</u> them to the 'special military operation' and a means to force military personnel who refused to participate in combat operations to return to the combat zone. Subsequently, on 2 October 2024, not only suspects and convicts, but also defendants were <u>allowed</u> to sign contracts with the Russian Ministry of Defence.

It should be noted that the recruitment of prisoners in pre-trial detention centres and penal colonies in 2024 reached such proportions that even those convicted for opposing the war were offered to join the Russian army. An absurd example was the <u>attempt</u> to persuade 70-year-old human rights activist Oleg Orlov to go to war. There are known instances of political prisoners being forced to join the army by pressure from the investigative authorities, such as the opposition blogger from Kuzbass, *Mikhail Alferov*, who was <u>killed</u> at the front. In some cases, the security services appear to be deliberately spreading information about the desire of victims of politically motivated prosecutions to participate in the aggression against Ukraine in order to reduce public solidarity with them. This applies to the cases of anarchist <u>Ruslan Sidika</u> and <u>Aleksandr Matkheev</u>, a resident of Irkutsk region with mental disabilities.

Laws signed by Putin on <u>8 August 2024</u> that, without a court decision, allow military personnel to be <u>placed under</u> 'disciplinary imprisonment' and foreigners to be <u>expelled</u> from the country can also be used for purposes of political repression without the formal use of the criminal law.

The first law effectively legalised secret prisons for military personnel who refuse to participate in combat operations. The second allowed Interior Ministry officials to independently decide on the expulsion of foreign citizens, including on such politically motivated charges as 'LGBT propaganda' (Art. 6.21 CAO RF) or illegal missionary activity (Art. 5.26, Part 5, CAO RF). Foreigners subject to expulsion may in fact be detained in Temporary Detention Centres (TsVSIG). While the law formally limited the period of detention in a Temporary Detention Centre to <u>48 hours</u>, this may be extended by a judge's decision.

The tightening of federal and regional laws not directly related to the criminal law, primarily the Code of Administrative Offences of the Russian Federation and its regional counterparts, regularly creates preconditions for the further criminalisation of acts prohibited under them. We cannot rule out that such innovations in 2024, such as the ban on propaganda for 'refusal to have children,' <u>added</u> to **Art. 6.21 CAO RF**, or the norms prohibiting incitement to abortion that have <u>appeared</u> in the legislation of a number of regions, will not lead to criminal repression in the future. For example, the system of repression against LGBTQ+ people was first <u>established</u> by regional laws banning 'propaganda of non-traditional sexual relations,' which began to be adopted at the regional level as early as 2006. In 2013, such 'propaganda' was banned at the federal level, and in 2024, the situation further developed such that there were criminal prosecutions for participation in the 'extremist LGBT organisation' (see <u>Chapter 2.4</u>).

Results of the project's work in 2024



The project, **Political Prisoners Support. Memorial**, receives at least ten messages from members of the public every day. These can be requests for help or, conversely, offers of help, requests for a person to be recognised as a political prisoner, questions about the whereabouts of a suspect or defendant in a politically motivated prosecution, or information about his or her new location and address.

In responding to these requests, we have come to understand that the most important tasks for the project, in addition to maintaining lists of political prisoners and providing assistance to those deprived of liberty for political reasons, are to gather and disseminate information about all those deprived of liberty on politically motivated charges, as well as collecting and disseminating up-to-date information about ways to help political prisoners, and supporting and promoting public solidarity with them.

Below we describe the main areas of the project's work in 2024.

### List of victims of political repression

For lack of resources and information, we are constantly faced with the fact that our lists of political prisoners are incomplete. The number of people we recognise as political prisoners inevitably lags behind the real scale of political repression. Therefore, in 2024, we decided to expand and update on a daily basis the list of <u>'Other Victims of Political Repression</u>' on our website. This includes people we cannot add, or have not yet been able to add, to the lists of political prisoners for lack of information or incomplete compliance with the criteria.

Until August, this was the shortest list, with 149 individuals. However, by the end of the year the list, after we started consistently working to expand it, contained 542 names. In this way, we have sought to provide readers with as much information as possible about criminal prosecutions we believe to be politically motivated. This helps draw attention to the individuals involved in these cases, and we update addresses for letters, contact details for assistance and other important information. Our goal for 2025 is to make this information as complete and up-to-date as possible so that information about every person deprived of liberty on politically motivated and unlawful grounds is promptly posted on our website.

### Direct assistance to political prisoners and their families

The project, **Political Prisoners Support. Memorial**, provides legal and humanitarian assistance to victims of repression and their families. Most of this assistance is funded through donations. In 2024, the project raised 19m roubles for these purposes.

Thanks to individual donations and institutional donors, 118 individuals received legal assistance in 2024, and another 159 received humanitarian assistance.

We are in constant contact with other human rights organisations and, in some cases, refer victims of politically motivated prosecutions and their loved ones to other projects or organisations that are better placed to provide more effective assistance.

### Aiding the creation of support groups for political prisoners

In 2024, there was a growing demand from thousands of people who wanted to show solidarity with the victims of political repression and contribute to their support. We saw evidence of this demand daily.

In response, project staff organised and conducted training on how to set up and run support groups for political prisoners and fundraising. The target groups for these activities were both activists who were already helping political prisoners and those who just planning to begin. As a result of the training, we created a <u>Guide on Organising a Support Group for Political Prisoners</u>.

To make it easier for our readers to follow the fate of political prisoners, we created and constantly update two thematic folders on Telegram. In one, we collected <u>Telegram channels of</u> <u>human rights organisations and media outlets writing about political prisoners</u>, and in the other we brought together existing <u>Telegram channels of support groups for political prisoners</u>. By the end of December 2024, the second folder already contained 97 support group channels.

### Strategy for the release of political prisoners

In 2024, the project, Pervy reis [First Flight], brought together lawyers, human rights defenders and activists to create a roadmap for the release and rehabilitation of political prisoners. In October, this <u>document</u> was presented to the general public. Our project, **Political Prisoners Support. Memorial**, also participated in developing the roadmap.

### Writing letters to political prisoners

Writing letters is one of the easiest ways to support political prisoners. Both former political prisoners and those still in prison have repeatedly spoken about their important role. Every week, we publish on social media new addresses of prisoners and a schedule of upcoming letter-writing events taking place around the world. We have also created <u>advice for writing letters</u> containing answers to the most frequently asked questions.

Our goal is to become a kind of 'hub' for solidarity with the imprisoned victims of political repression in Russia, and in 2024 we have made progress towards this goal.

## Conclusion



In conclusion, we highlight the most important trends in political repression in Russia in 2024.

## An unprecedented number of deaths among those prosecuted on politically motivated charges

2024 has been perhaps the most tragic year in the post-Soviet history of political repression in Russia. The death in prison of Aleksei Navalny, for which the authorities made no attempt to present a plausible explanation, was a severe shock to civil society. However, Navalny's death was one of at least 17 deaths of victims of politically motivated prosecutions in 2024, a figure almost three times more than in 2023.

People died in pre-trial detention centres, penal colonies and also following release but because of their imprisonment. At least four of the deceased were Ukrainians. The presumed causes in known cases were severe beatings and torture, serious illnesses in the absence of medical care, suicide against a backdrop of despair resulting from unjustified prosecution and very long prison terms, and hunger strikes. In some cases, there were more than one cause, for example:

- <u>Kirill Buzmakov</u>, a resident of Stavropol, began to suffer from a serious illness after being tortured. He received no treatment in the remand prison for about 18 months, until his illness had developed to such an extent that transfer to house arrest and surgery were no longer of any help.
- In Bashkortostan, <u>Minnigar Baiguskarov</u> committed suicide after returning from an interrogation in connection with the Baimak case. His relatives said he had been beaten by security forces during the interrogation.
- Belgorod volunteer <u>Aleksandr Demidenko</u> was kidnapped and tortured by Kadyrov's men in 2023, who forced him to confess to espionage on video. He was then jailed on trumped-up charges of possessing a grenade. However, according to his defence lawyer the authorities were intended to charge him with the much more serious offence of treason, possibly based on the video. He died in April 2024. The Federal Penitentiary Service claim he committed suicide.

## Changes in the legal basis for prosecutions for anti-war statements

In 2022 the authorities introduced a system of military censorship. Since then, the criminal offences of 'repeated discrediting' of the Russian army and dissemination of 'fake news' about the military have provided the basis for prosecutions for anti-war statements. The largest number of prosecutions for offences related to 'fake news' were initiated in 2022, while in 2023 this number began to decline. On the contrary, more prosecutions were initiated for the offence of 'discrediting the army' in 2023 than in 2022. This is because a charge for this criminal offence requires a previous conviction under administrative law, so the peak of new prosecutions came later than those for 'fake news.' In 2024, the number of new cases for both types of offence decreased by about half. The share of new prosecutions for these offences as a proportion of all new politically motivated prosecutions also decreased. In 2024 the charges used most frequently to prosecute anti-war statements, <u>according</u> to OVD-Info, were those of propaganda and justification of terrorism. In 2024 at least 70 new cases were opened on these charges specifically related to anti-war statements, while there were 51 cases related to 'fake news' about the military and 45 related to 'repeated discrediting' of the army.

While politically motivated prosecutions on charges of justifying terrorism are not exclusively related to anti-war statements, according to Memorial the number of politically motivated prosecutions for this offence is increasing: there were 153 new cases in 2024, compared to 135 in 2023 and 101 in 2022.

The levelling off of prosecutions on charges of 'fake news' about the military and 'discrediting the army' is often linked to the consequences of previous repression. Public anti-war protests have been suppressed, and people who oppose the war prefer not to express themselves either online or even in private conversations. However, this does not explain the continuing increase in prosecutions on charges of justifying terrorism. Most criminal cases of this kind are also brought in relation to posts and comments on social media. Nor can it be argued that this charge is more serious. Formally, the maximum penalty for justifying terrorism is seven years' imprisonment, while for the offence of spreading 'fake news about the Russian army motivated by hatred,' the maximum penalty is ten years.

There may be several reasons why the authorities have shifted their emphasis to the charge of justifying terrorism in their fight against anti-war and pro-Ukrainian statements.

Firstly, charges of discrediting the army or military fake news are more often used in instances of moral condemnation of the actions of the Russian armed forces or for sharing information about war crimes they have committed. The charge of justification of terrorism, on the other hand, is used as a rule in cases of approval of the actions of the Ukrainian army (for example, the shelling of military and dual-use facilities on Russian territory, the bombing of the Crimean Bridge, etc.), positive attitudes towards Russian volunteer units fighting on the side of Ukraine, arson attacks on military recruitment offices, attempts on the lives of Russian military personnel or propagandists and, finally, statements that Vladimir Putin must be killed. The authorities may consider such sentiments as more dangerous to themselves and therefore regard combating them as a priority.

Secondly, there is a consensus in the human rights community that charges of 'fake news' and discrediting the army are wholly unlawful and serve to underpin military censorship. Memorial automatically recognises individuals imprisoned under these laws as political prisoners. Prosecution under these laws by default means prosecution for anti-war views. Meanwhile, statements that have become grounds for charges of propaganda of terrorism are not necessarily related to Russia's war against Ukraine and, moreover, may actually approve actions that constitute terrorism, not only in the view of Russian law enforcement agencies, but also from the perspective of international law. In such cases, assessments that the prosecution is politically motivated and that statements in question are anti-war in nature depend on information about the substance of the prosecution being available, which is not always the case. For this reason, some government repression is not taken into account or noticed by human rights defenders or by the international community.

### Repression is becoming more severe and unpredictable

Even regarding laws for which the number of new prosecutions has decreased, the severity of punishments has increased. For example, in 2022, one in three people convicted of 'fake news' about the Russian army (under Art. 207.3, Part 2, CC RF) was sentenced to a term of imprisonment, while in 2024 almost all those convicted of this offence were sentenced to imprisonment. Overall, OVD-Info notes that the number of new instances of repression in 2024 decreased by 12% compared to 2023, but the total number of instances of imprisonment in prosecutions categorised as politically motivated increased by 25%.

At the same time, the passing of a sentence does not provide certainty about the fate of the convicted person. It has become much more common for a punishment to be increased in severity on appeal and for new charges to be brought against political prisoners already serving a sentence in a penal colony. Even before a sentence has been handed down, a thorough investigation of the defendant in a politically motivated prosecution may also make possible the bringing of new and often more serious charges.

### Long-established practice enables the security forces to respond quickly with repressive measures even in instances of unexpected protests

Russian security forces honed their methods of suppressing street protests and their use of subsequent repressive criminal legislation in dozens of cases against participants in mass demonstrations in Moscow in 2012, 2017 and 2019, in Ingushetia in 2019, in a number of different regions in 2021, and in Dagestan in 2022. The mass protest in Baimak (Bashkortostan) over the sentencing of Bashkir activist *Fail Alsynov* was probably not expected by the authorities, but their response to the popular gathering outside the court was fairly typical: the use of force to disperse the crowd and the subsequent prosecution of some of the demonstrators on charges of participating in riots (despite the absence of riots) and using violence against police officers, even in cases where it was a matter of self-defence or slight contact with police equipment.

The 'Baimak case' was the most largescale of all prosecutions in modern Russian history following a single protest in one locality. More than 80 individuals were prosecuted on criminal charges. Distinctive features of this repressive campaign included instances of severe beatings of detainees, after which one person died, most likely from his injuries, and another committed suicide on returning home. To make it more difficult for people in Bashkortostan to show solidarity with those arrested in the 'Baimak case,' their trials were held in other regions and often behind closed doors.

## Increasingly, restrictions limit not only public protests but also personal life

By early 2024, Russian legislation contained eight pairs of administrative and criminal offences that relate to one and the same action and can be used as tools of political repression. In such pairs of offences, the Russian Code of Administrative Offences provides for liability 'for a first offence' (or for first offences), while the Russian Criminal Code provides corresponding liability for repeated commission of the same action. This system, tested in relation to repeated violations of the rules governing the holding public events (Art. 212.1 CC RF), gradually spread to prosecutions for repeated discrediting of the Russian army (Art. 280.3 CC RF), repeated display of prohibited symbols (Art. 282.4 CC RF), repeated cooperation with an undesirable organisation (Art. 284.1 CC RF), repeated failure to fulfil the duties of a foreign agent (Art. 330.1 CC RF), and others. Given the statistics for administrative-law offences, there are thousands of 'candidates for criminal prosecution' under such laws.

The range of prohibited actions is expanding at an even more rapid pace. Whereas previously it was prohibited to display the emblems of Aleksei Navalny's organisations, in 2024 prosecutions began of those who published his portrait or name. Virtually all media outlets that cover events from a perspective other than that of state propaganda are considered 'undesirable organisations.' As a result, reposting almost any material found online can be punishable under the relevant law. It is today impossible to remember the number of existing and fictitious organisations designated as extremist or terrorist, making it easy to make accidental reference to one of them. Not only is it forbidden to publish the white-blue-white flag of the Russian anti-war movement, but also the logos of Facebook and Instagram. It is forbidden to depict prison tattoos anywhere <u>even</u> as a joke, to name your <u>Wi-Fi network</u> after a 'banned' slogan, to <u>decorate a bar</u> in a style that does not suit religious fundamentalists, or to play <u>heavy metal music</u>.

## Belonging to the LGBTQ+ community has been effectively criminalised

The systematic introduction of prohibitions no longer applies exclusively to political views but is rapidly encroaching on people's personal lives. This is most dramatically evident in the prosecutions of LGBTQ+ people. In 2024, criminal prosecutions began on charges of involvement in a fictitious 'international LGBT movement.' One of these cases ended with the death of the accused on remand. As a rule, those prosecuted are not activists or public figures. Managers of entertainment venues where LGBTQ+ parties are held are often prosecuted, and <u>Andrei Kotov</u>, who died on remand, ran a private business organising tours exclusively for men.

In 2024, at least 13 individuals were prosecuted on criminal charges of involvement in the 'LGBT movement.' There is every reason to believe that, as with the prosecutions of those involved with other banned organisations, law enforcement agencies will continue to follow the same pattern of 'exposing cells' in Russia's regions.

Meanwhile, violence by private citizens against LGBTQ+ people has already become widespread. During raids on clubs the authorities consider to be 'promoting non-traditional values,' attendees are beaten, tortured and humiliated by both law enforcement officers and their voluntary assistants from pro-government and pro-war groups.

## Well-known cases are just the tip of the iceberg of political repression

The case of pianist <u>Pavel Kushnir</u> became widely known among journalists and human rights activists only after he had died in a Birobidzhan remand prison following a two-month hunger strike. He had been remanded in custody on charges of making calls to engage in terrorism for anti-war and anti-fascist videos on his personal YouTube channel. Despite the fact that Kushnir was well known in academic music circles and had been interviewed by local media when he moved to Birobidzhan, the fact that he had been remanded in custody went almost unnoticed. This well illustrates how the real scale of political repression may be significantly greater than that which is publicly known.

If Kushnir's case attracted little information, even though it was possible to obtain information about the charges against him and there were no disagreements about them among the human rights community, what can be said about the huge wave of prosecutions for treason and espionage, arson and sabotage, the number of which exceeds many times over the number of prosecutions for the peaceful exercise of political rights?

In April 2025, the project, **Political Prisoners Support. Memorial**, published a list of imprisoned individuals whose prosecution bore signs of political motivation and unlawfulness. This list includes persons recognised as political prisoners, those who cannot be recognised as political prisoners for various reasons, and a significant number of individuals whose prosecutions await review and consideration by Memorial. This database contains almost 3,200 people, almost three and a half times more than the total number of political prisoners on the general and religious lists combined. However, this estimate is clearly an underestimate.

Many prosecutions that are highly likely to be politically motivated and/or related to Russia's war against Ukraine can be analysed in terms of several indirect indicators but, most importantly, in terms of their dynamics. If we shift focus from obvious prosecutions for peaceful anti-war statements to these indicators, it is impossible to speak of a reduction in the scale of repression or a slowdown in its growth.

For example, the names of 166 teenagers prosecuted on charges of terrorism or extremism were added to the Rosfinmonitoring list for 2024, which was three times more than in 2023. For the offence of sabotage, a charge that previously had almost never been used, nine convictions were handed down in 2023, and 10 in the first half of 2024 alone. The number of convictions on charges related to acts of terrorism rose sharply from 13 in 2022 to 43 in 2023. In the first six months of 2024, there were 27 such convictions, and it is likely that the statistics for the whole of 2024 will again show an overall increase.

Terrorism charges of this kind are often used to prosecute individuals accused of committing or planning to commit minor incidents of arson. They are also used against individuals persuaded

to commit arson by telephone 'pranksters.' According to official data, there were twice as many convictions for espionage in the first half of 2024 as in the whole of 2023, and 37% more convictions for treason. According to data gathered by our project, in 2024 there were more than twice the number of politically motivated prosecutions initiated on a charge of 'collusion with a foreign state or foreign organisation' than in 2023.

In addition, during all three years of full-scale war, the number of criminal cases against 'refuseniks' – Russian military personnel who fled the front or refused to go there – grew rapidly. Nearly 16,000 such cases have been <u>filed</u> in the courts since the start of mobilisation, with more than 10,000 in 2024 alone. In September 2023, courts <u>handed down</u> approximately 100 convictions to 'refuseniks' each week, while in July 2024 a record was set with 900 sentences that month. By the time this report was completed, the first conviction for voluntary surrender had been handed down: *Roman Ivanishin* was sentenced to 15 years' imprisonment.

Finally, it is not yet possible to give an accurate estimate of how many thousands of residents of the occupied territories of Ukraine are being held by Russian security forces, with or without charges. The isolation of such hostages makes it impossible to obtain complete and reliable information. In the occupied territories, political terror complies even less with the norms of Russian law than on the internationally recognised territory of Russia. For example, in the occupied territories the abduction of individuals and their prolonged unofficial detention without charge has become widespread.

Overall, three years of full-scale war have given rise to a practice of systematic prosecution that serves the war effort. The state not only suppresses overt dissent, but also proactively uses provocations to identify individuals who might potentially be disloyal, exercises strict oversight over many areas of the life of society, including private life, and strives to implement measures of demonstrative cruelty.



### Independent human rights project, 'Political Prisoners Support. Memorial'

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Translation by Rights in Russia.

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