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To: Benedict Rogers, Deputy Chair of the Conservative Party Human Rights Commission

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Please find below overview of the situation with human rights in Russia, in the context of your inquiry into this issue.

Freedom of expression, including online

1. During Vladimir Putin's third presidential term, a number of laws were adopted in Russia, drastically curtailing the freedom of expression both in real life and online. That said, the crackdown on freedom of expression took one of the two principal forms: formal restrictions on distribution of various information and the extensive application of the so-called "anti-extremism articles" of Russia's Criminal Code (mostly articles 280 and 282). The ambiguous and extensive content of these articles makes it possible to hold people accountable for expressing their opinions on political, social and cultural issues (and this includes the use of strong and/or foul language in expressing the opinion, the person's penchant for nationalistic rhetoric, or any other expressed opinion, which can be deemed by the court as "expressing hatred or animosity"). In addition to the Criminal Code articles with punishment for the expression of "extremist views," Russia's criminal legislation now includes the provisions that make it possible to hold citizens criminally liable for expression of differing views on results of the Second World War (article 345.1, "Exoneration of Nazism") and for the calls to carry out "activities aimed at violation of Russia's territorial integrity" (article 280.1 of the Criminal Code), which may include, among others, the disavowal of Russia's annexation of Crimea and Sevastopol. In particular, article 280.1 of the Russian Criminal Code was used to bring the Crimean Tatar activist Suleyman Kadyrov to court and to give him a two-year suspended sentence over a Facebook post that contained the assertion that "Crimea is Ukraine"¹.
2. While the existence of different categories of prohibited information allows the authorities to block its online distribution (on the basis of a court decision in regards to the "extremist information" and without a court's order (extrajudicial blocking) in regards to the information that contains calls for "civil unrest," calls for "pursuit of extremist activities," calls for participation in protest rallies unapproved by the authorities, as well as any information distributed by organizations deemed "objectionable"²), the criminal liability envisioned by the "anti-extremism" articles of the Criminal Code (articles 280 and 282) as well as the articles on "exoneration of Nazism" (article 345.1) and "denial of Russia's territorial integrity" (article 280.1), enables the creation of self-censorship, when people become wary of expressing their opinions, because they realize the virtual impossibility of avoiding the criminal liability for their words should the law enforcement officials make such arbitrary decision, as the court will confirm any verdict that the government will demand.
3. In blocking the distribution of information, the Russian regime makes sure that the users cannot bypass the online blocks. Amendments to the Law on Information, which came in force on November 1, 2017, specify that the instruments for bypassing such blocks (VPN services, for example) should also be blocked, while the search engines should remove information about these instruments from the search results.

Freedom of assembly

4. The Law on Meetings, Rallies, Demonstrations, Marches and Picketing limits the constitutionally guaranteed right for peaceful assembly, meetings, rallies, demonstrations, marches and picketing (article 31) through the requirement for submission of preliminary notification of intent to organize a relevant activity, which has to be submitted no earlier than 15 and no later than 10 days prior to the

¹ <https://meduza.io/news/2018/03/01/krymskotatarskiy-aktivist-poluchil-dva-goda-uslovno-za-post-v-feysbuke-on-nazval-krym-ukrainskim>

² article 15.3 of the Law on Information

rally. By implication of the Law on Rallies (article 15), the failure to approve the rally with the local self-governance body causes it to be declared unlawful, and this has all kinds of consequences, including the possibility of forceful dispersion of the rally and holding its participants administratively and criminally liable. The records show that in majority of the cases the local self-governance bodies refuse to approve a rally if it's initiated by the opposition. In the best-case scenario, the local self-governance body offers the organizers a chance to hold the rally in a different, often hard-to-reach and removed location, far away from the city center. In the worst-case scenario, the organizers simply receive a refusal without the offers of alternative venue for the rally (like it happened in St. Petersburg in regards to the rally that was planned by Alexey Navalny's supporters for October 7, 2017, on Vladimir Putin's birthday³).

5. Considering that the greater part of the opposition rallies fail to gain approval from the public authorities, the police views them as unlawful and uses brute force for their dispersal. This is what happened during the protest rallies of March 26, 2017, which were unapproved in the majority of cities. The rallies brought between 32,359 and 92,861 people to the streets, and at least 1,666 of those were arrested (other sources cite a number of 1,805 people), with over 1,000 of those arrested in Moscow alone⁴. The police used brutal force and roughed up the detainees. According to the advocacy groups, in the process of detaining the rally participants, delivering them to the police precincts and keeping them in custody until the court hearings, the police created inhuman conditions for the detained. Based on results of these detentions, many participants of March 26 rallies were arrested for several days, however the court hearings fell short of standards of fair and unbiased justice: the courts routinely ignored the arguments of the defence, while the evidence presented by police was taken at face value. Nine of those detained in Moscow had faced a greater wrath of the authorities, as they became the subjects of criminal procedures for inflicting non-life and health threatening injuries to the policemen (the so called "March 26 case"). As of April 2018, seven of those were given sentences, ranging from 1.5 years to 3 years and eight months. The verdicts against the rally participants are routinely based on contradictory evidence of the police, which initiated the criminal proceedings. Moreover, the court hearings themselves violate numerous norms, and the defendants were not ensured their right to fair judicial defence⁵.

Freedom of the press

6. After ruining the private mass media controlled by the Russian oligarchs, the Russian regime continued its offensive against the freedom of press by enacting a number of laws that restrict the media freedoms. The first such law came in the form of amendments to the Law on Mass Media, which prohibited foreign citizens and organizations from owning Russian media (Russian Federation Law from December 27, 1991, №2124-1 "On Mass Media and Communications," article 7, article 19.1). The adoption of these amendments to the Law on Mass Media led to the change in ownership of such prominent Russian publications as Vedomosti business daily (one of the owners was the Finnish company Sanoma Corp) and Russian edition of the Forbes magazine (owned by the Axel Springer publishing house). The said amendments allowed the regime to replace the owners in the aforementioned publications, "drawing them nearer" to the Russian state, and giving itself an opportunity to control the editorial processes in the media using punitive measures against their now Russian owners. One example of the Russian regime's actions against independent media outlets through influencing their owners was the case of Russia's largest online media Lenta.Ru, which provided active coverage of the conflict in Ukraine. With the help of this media's owner Alexander Mamut⁶, the regime replaced its journalists and changed its editorial policy from independent to pro-regime. The regime used the same method of dismissing the journalists by the orders of media owner

³ <http://www.fontanka.ru/2017/09/29/020/> (the date of notification submission was April 3, 2018).

⁴ Dmitry Krepkin - 1.5 yrs of imprisonment (<https://zona.media/news/2017/12/07/krepkin-prigovor>), Stanislav Zimovets - 2.5 yrs of imprisonment (<https://zona.media/news/2017/07/19/zim-prigovor>), Alexey Politkov - 1.5 yrs of imprisonment, Yuri Kulyi - 8 months of imprisonment (<https://zona.media/online/2017/05/18/kulyi>) Alexander Shpakov - 1 yr and 6 months of imprisonment (<https://zona.media/online/2017/05/24/shpakov>), Andrey Kosykh - 3 yrs and 8 months of imprisonment (<https://zona.media/news/2017/10/04/ms>), Dmitry Borisov - 1 yr of imprisonment (<https://zona.media/news/2018/02/22/borisov-prigovor>).

⁵ <https://zona.media/article/2017/06/05/26-03-po-naznacheniyu>

⁶ Owner of Afisha-Rambler-SUP company, which controls Lenta.Ru

to intervene in the work of another independent outlet, the RBC holding, after it published an investigation about the life and work of Vladimir Putin's alleged daughter Ekaterina Tikhonova and her husband, Russian billionaire Kirill Shamalov. At a meeting with remaining journalists, the new RBC management told them that it's important for the Russian media to understand, which lines not to cross, and that it's wrong of them to think "that anything and everything can be written"⁷.

7. Violence against the journalists continues as well. One of the latest cases involves the editor-in-chief of Kaliningrad newspaper *Novye Kolesa* (New Wheels) Igor Rudnikov. His paper is one of the few independent mass media in the Kaliningrad Region, and it has regularly published investigations into the activities of federal and regional officials. After surviving an attempt on his life in 2016 (he received three knife wounds, the mastermind was never identified, while one of the perpetrators was a former policeman), Igor Rudnikov was arrested in November 2017 on allegations of extorting money from the head of the local directorate of the Investigative Committee. Rudnikov himself claims that the indictment is false and he is being framed. According to some of the sources, the police used violence in the process of Rudnikov's detention (he was brought to court with a broken arm).
8. After bringing the principal Russian mass media under its essentially full control, the regime turned its gaze to the foreign media broadcasting on the Russian territory. This led to the enactment of a new law, which made it possible to declare foreign media "foreign agents." Such media, according to amendments to the Law on Mass Media, have to submit quarterly reports on their activities to the Russian government agencies, and specify on their websites that they perform the functions of a "foreign agent." The Russian parliament is currently discussing further suggestions, such as blocking access to the websites of foreign media that refuse to register as a foreign agent.

Freedom of religion or belief

9. Restrictions on the freedom of religion and assault on the secular identity of the Russian state began after the infamous Pussy Riot trial, when the young women who performed an art stunt at Moscow's Christ the Savior Cathedral were declared guilty of hooliganism with "extremist rationale" (hatred towards a religious group). Following the trial, new laws were enacted in Russia, introducing criminal responsibility for "insulting religious feelings" (article 148 of the Criminal Code), and the Russian regime's overall policy acquired a pronounced pro-church bend. This was reflected both in the introduction at a national level of such school subject as the "foundations of Orthodox Christian culture," and in the policy of patronage adopted by the Russian regime towards the Russian Orthodox Church, and in the reciprocal approval given by the clerical establishment of the Russian Orthodox Church to the actions and decisions of the Russian regime. The Russian Patriarch Kirill has spoken regularly in support of Vladimir Putin's actions and against the "Western values." In its turn, the Russian regime guarantees the Church the most favoured treatment on such issues as the transfer of state property to the Church on pro bono basis. The best-known case, which provoked large scale protests in St. Petersburg was the transfer of the St. Isaac's Cathedral and the authorities' intention to close the museum that it houses. The Kremlin also continues engaging the Church in the educational policy and implementation of its political decisions.
10. The latest example when the "insulting religious feelings" article of the Criminal Code was used is the case of blogger Ruslan Sokolovsky, who was given a suspended sentence of three and a half years for the videos he shot at some church in Yekaterinburg, denying existence of God and making critical statements against Patriarch Kirill. In addition to personal prosecution, the Russian regime continues to actively combat non-traditional religious organizations. The Supreme Court of Russia declared the activities of Jehovah's Witnesses church extremist, banning this organization on the Russian territory and confiscating all of its property. In both cases (the verdict against Ruslan Sokolovsky and the ban of Jehovah's Witnesses), the punitive measures were unofficially initiated by the Russian Orthodox Church.

Space for civil society

11. One of the principal instruments of a functioning civil society, the non-government organizations, remain in a difficult position. After first stepping up its control over non-government organizations, the Russian regime subsequently introduced the notion of a "foreign agent" into the Russian legislation, defining it as an organization financed from abroad and "pursuing political aims." Such organizations

⁷ <https://meduza.io/feature/2016/07/08/esli-kto-to-schitaet-chto-mozhno-pryamo-voobsche-vse-eto-ne-tak>

were obligated to submit extra reports to the government agencies, and all of the information they distributed had to be marked with the “foreign agent” identifier. Failure to comply with the requirements means that the “foreign agent” is liable to be shut down. In practice, this meant that the status of “foreign agents” was given to both political and non-political organizations, while the “foreign financing” could mean anything, from an international grant to a one-time donation made by a foreign citizen. The campaign against “foreign agents” that raged across all of Russia resulted in termination of activities of various human rights advocacy groups, including those that defended the rights of LGBT community and HIV-positive people, as well as other organizations, whose activities had nothing to do with politics, but that were deemed foreign agents nonetheless.

12. Last year, in addition to the “foreign agents” provision, regulation on “objectionable organizations” was introduced into the Russian legislation. This concerns organizations whose activities are declared “objectionable” by the Prosecutor General and his deputies. The criteria that an organization has to fit in order to be deemed “objectionable” are left intentionally abstract, while the consequences of such declaration of “objectionability” both for the organization and for the private persons working for it can be very serious. The organization’s branches on the territory of Russia are to be shut down, its bank accounts are to be blocked, the organization itself loses the right to engage in any activities, including information work, while the private persons, who take part in managing the “objectionable” organization in Russia, can face administrative and criminal responsibility (with a maximum sentence of up to 6 years imprisonment⁸). One of the first organizations to receive the status of “objectionable” was Mikhail Khodorkovsky’s Open Russia, whose website in Russia is blocked.

The use of State propaganda

13. The conduct of propaganda is one of the decisive factors that contribute to the high level of support enjoyed by the Russian regime. The repressive measures against independent media, including foreign ones (see items 6-7) seek to minimize the Russian citizens’ ability to receive information that differs from official propaganda. The numbers also speak of the importance of propaganda for the acting Russian regime. Despite the continuing stagnation of the Russian economy, in 2017, the federal budget allocated over 75 bln rubles (~\$1.4 bln) for the maintenance of the main propaganda outlets such as the Russia Today International News Agency (RIA Novosti agency and RT tv channel) and the state TV and Radio Broadcasting Holding/VGTRK (Rossiya, Rossiya-24 and other TV channels), the government information agency TASS and Russia’s principal TV channel, Channel One. In the first three months of 2018 alone, the amount of budgetary funds allocated to the state-run media amounted to 122 bln rubles (~\$2 bln).
14. The state essentially controls all of the TV channels, with the sole exception of TV Rain, which is only available to cable TV subscribers and unknown to the majority of Russian TV viewers. Public opinion polls show that television remains the principal source of information for the overwhelming (69%) majority of Russian citizens⁹. In addition to that, the state-run TV channels often withhold information about different incidents, have no coverage of the independent opposition’s activities and provide their viewers with no opportunity to discover an alternative view of a problem. The information is often fed to the viewers as an established truth. The television is regularly used to discredit the foreign and domestic opponents of the regime.

Torture

15. Despite the absence of official statistics, it can be said that Russia has one of Europe’s most violence-prone law enforcement agencies. According to Gerald Staberock, the Secretary-General of the World Organization Against Torture, torture in Russia happens “quite often”¹⁰. That said, the police violence against detainees often goes unpunished as the persons responsible for such violent acts either avoid any responsibility or are given minimal sentences. One of the best known cases of torture on the part of the law enforcement agencies was the recent beating of political activist Ildar Dadin who is held in a penal colony. He relayed that 10 to 12 prison colony employees beat him with their feet, suspended him from the ceiling using handcuffs, and threatened him with rape and murder¹¹. Another indicator of police violence is people’s death at police precincts. Despite the public outcry over the terrible killing

⁸ Article 284.1 of the Criminal Code

⁹ <https://wciom.ru/index.php?id=236&uid=116341>

¹⁰ <https://www.kommersant.ru/doc/3466775>

¹¹ <https://meduza.io/en/feature/2016/11/01/10-12-people-would-beat-me-all-at-once-kicking-me>

of a man who was held in police custody in the city of Kazan, people continue to die at police stations all across Russia. One of the most recent cases was Rustam Klychev's death at a police station in St. Petersburg, which happened on February 21, 2018. Before he died, Rustam published a video story on social media, telling everyone that he was beaten. The police claim that he committed suicide.

16. Another category of torture in Russia concerns the beatings and extrajudicial executions of the North Caucasus residents. The authorities of Chechnya, Ingushetia and Dagestan engage in extrajudicial killings of alleged terrorists. On the other hand, the republican authorities, particularly in Chechnya, persecute the staff of human rights organizations, working in the North Caucasus republics, beating them, destroying their property and squeezing them out of the region. One of the most recent cases of violence against human rights advocates was the assault on the head of Memorial Human Rights Center's Dagestan branch Sirazhudin Datsiev. The killings of gays in Chechnya also received a wide coverage

Surveillance and anti-terrorism laws

17. During Vladimir Putin's third term, under the pretext of anti-terrorism fight, a number of laws restricting human rights were put in force. One of the best known was the so called "law of Yarovaya," enacted in July 2016. The principal innovations, envisioned by this law, are the mobile operators' obligation to store information about all instances of information transfer for one year, while the content of such information exchanges (messages, photo, video) has to be stored for a year after the transmission of information was completed. In addition to this, the information operators have to provide both this information and the encryption keys on request from the state. Despite the fact that the said law's provisions regarding the six-month storage of users' information will only come in force on July 2018, the law's regulations regarding the information operators' obligation to provide the encryption keys have already been used to block the Telegram messenger app in Russia. The grounds for blocking was found in the extrajudicial demand of the Russian FSB that the messenger provide the agency with encryption keys and algorithms for deciphering users' messages. The law of Yarovaya also restricted the missionary activities of various religious organization, and raised the prison sentences both for the acts of terrorism, and for the "failure to report a terrorist crime" (maximum sentence of one year in prison).
18. The fight against "extremism" is similarly used for aforementioned extrajudicial blockings of websites (item 2) and criminal prosecution for expressed opinions (items 1, 2).

Right to fair trial

19. It is generally agreed that the Russian judicial system is dependent on the executive branch. This results both in the clear prosecutorial bias (in 2015, non-guilty verdicts accounted for 0.16% of the total number, and in 2016 — for 0.6%), and in the overall pro-government position taken by courts on administrative and civil cases. Earlier, prior to the constitutional reform of 2014 and abolishment of the Supreme Arbitration Court, which was Russia's highest arbitrage for commercial disputes, the Russian entrepreneurs said that the system of arbitration (commercial) courts demonstrated relative independence in disputes with the state. Today, even this branch of the judicial system is subject to considerable influence on the part of the government and state-owned companies, and often pronounces judgments whose illegality and absurdity is obvious to the majority of lawyers (one example of this is the re-nationalization of Bashneft Oil Company). The story of Russian opposition leader Alexey Navalny's legal prosecution is exemplary in this regard: he was given a suspended sentence twice, and twice the European Human Rights Court declared the Russian verdicts inconsistent with the European Convention for the Protection of Human Rights and Fundamental Freedoms. Looking at other high-profile cases such as the bribe case of former Minister of Economic Development Alexey Ulyukaev, the public opinion is indisposed to trust the court hearings, believing that the formal process hides some other motives of persecution, unknown to the public.

Right to free and fair elections

20. Elections in Russia cannot be deemed either free or fair, both in the context of the current electoral legislation, which aims to restrict opportunities for political participation in elections, and in the context of electoral practices accompanied by large scale ballot stuffing. On the federal level, the regime has installed additional barriers to running in elections in the form of restrictions on eligibility for public office, not envisioned in the constitution (such as the ban on standing for election, applied to persons with convictions, even if they served their term and their conviction has expired, as well as to persons

with a double citizenship or a permanent resident status in a foreign state), and of requirements for short-notice collection of large amounts of signatures. Considering that Russia's judicial system is neither free nor independent of the executive branch, the regime actively utilizes the courts to prevent independent candidates from running in the elections. This is what happened to the leader of the Russian opposition Alexey Navalny who was given two suspended sentence verdicts made under conditions that precluded his right to a fair court hearing, as was confirmed by the European Human Rights Court. Despite the Court's ruling that the verdict violated the European Convention, the Russian authorities repeatedly gave Navalny a suspended sentence, essentially copying word for word the first verdict, recalled on the basis of the EHRC's decision. As a result, the list of Vladimir Putin's opponents in the presidential elections of March 2018 was compiled by the Presidential Administration itself, and all of his "opponents" essentially carried out fictitious activities, without serious campaigning for the voters' voices. That being said, even in the course of such elections, free from actual competition and held in the patently favorable conditions for Vladimir Putin, the regime resorted to numerous falsifications, such as forcing the government employees to take part in the voting procedure, stuffing the ballot boxes and allowing the same people to vote several times¹², while the state-controlled television provided preferential treatment for the acting President and ran a smear campaign against the other candidates.

21. The citizens eligibility for elections is also actively restricted at regional and local levels. For example, to stand for office of a regional governor, the candidate has to overcome the so called "municipal filter," gaining a certain number of votes from the deputies of municipal councils, the majority of which is controlled by the governing party (United Russia). In connection with this, the regime candidates have an opportunity to determine the list of their competitors at almost all of gubernatorial elections. On the municipal level, the regime is engaged in abolishment of direct elections of mayors, which are replaced with "competitive" selection of candidates, who are de facto designated by the relevant region's governor.
22. In addition to complicating participation in elections as a candidate, the Russian regime obstructs the establishment and activities of independent political parties. According to the Russian legislation, in order to take part in the elections, a political party has to be registered by the Justice Ministry. To receive the right to take part in the elections, a political party has to register its branches in no less than half of Russia's regions (that's 43 offices or more) within the six months of its registration. If the organization fails to do this, its registration is annulled. Using this norm (the absence of registration of offices in 43 regions of Russia, which was delayed by the local officials), the regime annulled the registration of Alexey Navalny's political party (Party of Progress). All of Navalny's subsequent attempts to establish a political party were suppressed by the state.

The inquiry is also interested to receive evidence of Russia's conduct in eastern Ukraine and Crimea

23. Following Crimea's annexation, the Russian authorities began a campaign of persecution against the Crimean Tatar population, and also squeezing out the local proponents of the "Ukrainian Crimea." The activities of the Mejlis of the Crimean Tatar People were among the first ones to be banned in Crimea. There were reports that the relatives of the Crimean Tatar and pro-Ukrainian activists were kidnapped by the police and beaten, and many of them faced criminal prosecution under the so-called "extremist" articles of the Criminal Code (item 1), whereby some of the cases were opened retroactively, accusing people of actions taken when Crimea was not yet subject to the Russian legislation. According to the Novaya Gazeta's information, altogether six Crimean Tatar activists were killed, 18 kidnapped and 25 accused of terrorism since Crimea was annexed in 2014. One of such retroactive cases was used against the deputy Mejlis chairman Akhtem Chygoz, who was sentenced to eight years in prison under the Russian laws, when he was declared guilty of organizing mass protests on February 26, 2014, when Crimea was still subject to Ukrainian legislation. In 2015 and 2016, two activists from Maidan were given prison sentences for allegedly causing bodily harm to the soldiers of the Berkut unit during Maidan protests in Kiev on February 18, 2014. The guilty verdicts were based on Russian legislation that wasn't enacted in Crimea until after March 18, 2014. Additionally, the activities of Crimean Tatar organizations and their activists who remain in Crimea are subject to greater attention of the law enforcement agencies. UN reports that since the moment of Crimea's annexation,

¹² <https://www.reuters.com/article/us-russia-election-carousel-insight/identical-twins-and-carousels-russias-fairground-election-idUSKBN1GX1TC>

there have been approximately 150 searches in private houses, enterprises, cafes, bars, restaurants, schools, libraries, mosques and Islamic schools. Such searches were usually justified by the need to retrieve firearms, drugs or extremist literature banned by the Russian legislation. One of the most recent cases of Crimean Tatar population's persecution was imposition of administrative liability against 81 Crimean Tatar activists who held single-person protests at different parts of Crimea. Because the Russian legislation does not require preliminary approval for holding single-person protests, the Russian law enforcement agencies qualified the protests held in different Crimean cities as a single mass street protest¹³.

¹³ <https://meduza.io/feature/2017/12/18/krymskih-tatar-oshtrafovali-za-odinochnye-pikety-v-raznyh-gorodah-sudy-reshili-cto-eto-byla-odna-aktsiya>