THE KREMLIN’S POLITICAL PRISONERS
Advancing a Political Agenda
By Crushing Dissent

PREPARED BY
PERSEUS STRATEGIES

WITH SUPPORT FROM
MEMORIAL HUMAN RIGHTS CENTRE
Cover Photos

Top Row (from left):

Igor Rudnikov: opposition politician and independent journalist; detained since November 1, 2017 on fabricated extortion charges.

Yuri Dmitriev: renowned historian known for exposing Soviet-era executions and mass graves; detained from December 2016 to January 2018, and since June 2018, falsely accused of sexual crimes.

Emir-Usein Kuku: human rights activist; detained since February 2016 on false terrorism charges relating to his involvement with a non-violent Islamist organization.

Middle Row (from left):

Dennis Christensen: Danish citizen and Jehovah’s Witness leader; sentenced to six years’ imprisonment in February 2019 for organizing Jehovah’s Witness activities after the religion was banned as “extremist.”

Anastasia Shevchenko: human rights activist; detained since January 2019 (under house arrest) for her continued involvement with the civic organization Open Russia, which prosecutors apparently believe is banned because a British NGO with the same name was designated as “undesirable” in 2017.

Oleg Sentsov: Ukrainian film director and activist; convicted on false terrorism and weapons charges and sentenced to 20 years’ imprisonment in August 2015.

Bottom Row (from left):

Petr Parpulov: convicted of treason and sentenced to 12 years’ imprisonment in January 2016 for sharing alleged “state secrets” that were publicly available.

Alexey Pichugin: the Kremlin’s longest serving political prisoner, detained since June 19, 2003 in connection to the Yukos case; convicted on fabricated murder charges in 2005 and 2007, currently serving a life sentence.

Oyub Titiev: head of the Grozny representative office of Memorial Human Rights Centre; convicted on fabricated drug charges and sentenced to four years’ imprisonment in March 2019.

Photos used with permission of Memorial Human Rights Centre.
The Kremlin’s Political Prisoners: Advancing a Political Agenda By Crushing Dissent

Report Commissioned By

Prepared By

With Support From

Copyright © 2019 Perseus Strategies
# Table of Contents

I. Executive Summary ................................................................................. 1

II. Background on Political Prisoners in Russia ........................................ 5
   A. Repressive Laws ............................................................................. 9
   B. Increasing Persecution .................................................................. 15
   C. A Controlled Judiciary .................................................................. 16
   D. Lack of Due Process ..................................................................... 17
   E. Mistreatment of Detainees ............................................................. 18
   F. Harsh Prison Conditions ................................................................. 19

III. Process for Identifying Political Prisoners .......................................... 21

IV. Illustrative Cases of Commonly Targeted Groups ................................ 25
   A. Political Opponents ....................................................................... 25
      1. Alexey Pichugin ....................................................................... 26
      2. Alexey Navalny ........................................................................ 27
      3. Yan Sidorov and Vladislav Mordasov ..................................... 30
   B. Ukrainian Activists/Citizens .......................................................... 31
      1. Oleg Sentsov ............................................................................ 32
      2. Vladimir Balukh ...................................................................... 33
   C. Civil Society Activists .................................................................. 35
      1. Anastasia Shevchenko ............................................................... 36
      2. Oyub Titiev .............................................................................. 38
   D. Journalists .................................................................................... 40
      1. Zhalaudi Geriev ....................................................................... 41
      2. Igor Rudnikov ......................................................................... 43
   E. Religious Minorities ...................................................................... 44
      1. Dennis Christensen ................................................................... 46
      2. Ivan Matsitsky ......................................................................... 48
   F. Ethnic Minorities: Crimean Tatars .................................................. 50
   G. Alleged Spies ................................................................................ 52
      1. Svyatoslav Bobyshev ................................................................. 53
      2. Petr Parpulov .......................................................................... 54
   H. LGBT Persons in Chechnya ............................................................. 55

V. Key Domestic Laws Used to Persecute Political Prisoners ................. 57
   A. Criminal Code Provisions Used to Persecute Political Prisoners ... 57
      1. Drug Crimes ............................................................................. 57
      2. Murder ..................................................................................... 59
      3. Weapons Crimes ..................................................................... 60
4. Sexual Crimes......................................................................................62
5. Property/Financial Crimes.................................................................63
6. Expression Crimes.............................................................................65
7. Association/Assembly Crimes.............................................................72
8. Disorder Crimes ................................................................................76
9. Crimes Against the State .................................................................78
10. Regulatory Crimes ...........................................................................84

B. Administrative Code Provisions Used to Persecute Political Prisoners..................................................................................85
1. Expression Offenses...........................................................................86
2. Association/Assembly Offenses.........................................................90
3. Disorder Offenses.............................................................................92
4. Regulatory Offenses..........................................................................93

C. Other Problematic/Commonly Misused Provisions...........................94

VI. International Law Analysis ................................................................97
A. The Kremlin’s Political Prisoners Are Being Detained for Exercising Their Fundamental Rights and Freedoms.................................98
1. Freedom of Expression......................................................................98
2. Freedom of Association.................................................................106
3. Freedom of Assembly .................................................................111
4. Freedom of Religion and Belief ......................................................114
5. Right to Political Participation .......................................................116

B. The Kremlin is Violating Political Prisoners’ Due Process Rights.................................................................117
1. Right to a Fair Trial ..........................................................................117
2. Right Against Self-Incrimination.......................................................119
3. Right to Counsel ..............................................................................120
4. Right to the Presumption of Innocence ..........................................121
5. Right to the Presumption of Bail....................................................123

C. The Kremlin is Subjecting Political Prisoners to Arbitrary Detention..................................................................................126

D. Political Prisoners Are Routinely Subjected to Torture and Cruel, Inhuman or Degrading Treatment..................................................127

E. The Kremlin Cannot Invoke Its Sovereignty to Justify These Violations................................................................................129

VII. The Perpetrators – Command and Line Responsibility.................132
A. Command Responsibility ..................................................................132
B. Line Responsibility ..........................................................................142
1. Judges ..........................................................................................142
2. Prosecutors ..................................................................................145
VIII. The Response to the Kremlin’s Political Prisoners ........................................... 148
   A. International Response ......................................................................................... 148
      1. Select Public Statements and Condemnations ................................................. 148
         a. UN Bodies and Experts .............................................................................. 148
         b. Regional Bodies/Organizations .................................................................... 155
         c. Individual Countries .................................................................................... 163
         d. Civil Society .................................................................................................... 173
      2. Specific Actions: Legislation and Sanctions .................................................... 185
   B. Domestic Response from Media, Civil Society Groups and Political Parties ................................................................. 191
      1. Collecting and Disseminating Information ......................................................... 192
      2. Public Statements ............................................................................................ 197
      3. Protests and Civil Disobedience ...................................................................... 201
      4. Advocacy .......................................................................................................... 203
   C. The Kremlin’s Response to Advocacy Regarding Its Political Prisoners .......... 204
      1. Response to Advocacy Within Russia and Russia-Occupied Crimea ............. 204
      2. Response to Advocacy by Activists Abroad ..................................................... 208
      3. Response to Advocacy by the International Community .................................. 212
         a. Denying There Is a Problem ......................................................................... 212
         b. Ignoring Unfavorable Decisions .................................................................. 214
         c. Attacking/Retaliating .................................................................................... 217
         d. Invoking Sovereignty .................................................................................... 220
      4. A New Approach for Further Exploration ....................................................... 222

IX. Exceptions to the Rule: Pardons, Amnesties and Other Early Releases ......... 224
   A. Releases Under the USSR .................................................................................... 224
   B. Releases Under the Russian Federation .............................................................. 229
   C. Releases Under President Putin .......................................................................... 230
      1. Parole ................................................................................................................. 231
      2. Pardons and Prisoner Swaps ............................................................................ 233
      3. Overturning the Conviction on Appeal ............................................................... 238
      4. Reducing the Criminal Sentence on Appeal ..................................................... 239
      5. Amnesty ............................................................................................................. 240
      6. Critically Poor Health ........................................................................................ 242
      7. Reduction or Change in the Method of Restraint or Punishment ..................... 243
      8. Termination of Criminal Proceedings ............................................................... 245
9. Sentencing to Time Served or Issuing a Punishment That Does Not Result in Detention ........................................246

X. Recommendations ........................................................................................................................................248
   A. Targeted Financial Sanctions and Travel Bans on Perpetrators ................................................248
   B. Joint Actions Across Multilateral Institutions .................................................................................248
   C. Highlighting the Plight of the Kremlin’s Political Prisoners .........................................................249
   D. Joint Civil Society Efforts ....................................................................................................................250
   E. Media Engagement ...............................................................................................................................251

Appendix 1: Full List of the Kremlin’s Political Prisoners (as of March 25, 2019) .........................................................252

Credits ......................................................................................................................................................282
I. EXECUTIVE SUMMARY

Decades after Boris Yeltsin freed the last Soviet-era political prisoners, the widespread detention of activists, regime opponents, and disfavored minorities is once again being practiced under the leadership of President Vladimir Putin. Since he first became President in 2000, and especially since his formal return to the Kremlin in 2012, the Kremlin has engaged in a wide-ranging crackdown on civil society, political opponents, critical voices, unpopular minorities, and anyone else it views unfavorably or as a threat. Moreover, this persecution is only increasing. In its February 2015 list, Memorial Human Rights Centre – one of Russia’s oldest and largest human rights organizations – identified 46 political prisoners in the country. As of March 25, 2019, however, its list contained 236 individuals (including many in Russia-occupied Crimea). These numbers, however, reflect only cases that have been carefully reviewed and vetted and that conform to a rigorous definition of “political prisoner”; the true number is undoubtedly much higher.

Some of these prisoners have been accused of crimes they simply did not commit – murder, sexual abuse, espionage, treason, or possession of drugs or weapons. The majority, however, were charged for engaging in activities that are clearly protected under international law. These latter cases are enabled by an ever-increasing array of laws specifically designed to criminalize acts of everyday life and, therefore, allow the authorities to arrest, detain, and imprison anyone they want. For example, Russia’s Criminal Code contains notoriously vague prohibitions on, e.g., extremism, separatism, defamation, insulting religious feelings, terrorism, hooliganism, and mass riots. The Code of Administrative Offenses is also used to harass and punish NGOs and activists. While administrative punishments are less severe – for instance, fines and administrative arrest up to 30 days – there are also fewer procedural protections, making it easier for the Government to secure convictions.

While anyone in Russia or Russia-occupied Crimea can become a victim of politically-motivated prosecution, certain groups are more frequently targeted. Political opponents, civil society activists, and journalists are at particular risk. Since the invasion of Crimea in 2014, Ukrainian activists and citizens are also increasingly persecuted. Religious and ethnic minorities – in particular, Jehovah’s Witnesses, certain Muslim groups, and Crimean Tatars – are charged with, among other crimes, extremism. In an effort to sow fear and discourage dissent, prosecutors are also increasingly bringing baseless treason and espionage charges, casting
political opponents as “enemies of the state.” And in Chechnya, a state-initiated “pogrom” against LGBT persons has resulted in the arbitrary detention of suspected homosexuals.

The Kremlin’s arrest, trial, conviction, sentencing, and imprisonment of political prisoners violates the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the OSCE Charter of Paris, and the Russian Constitution. In particular, by detaining and prosecuting individuals simply for gathering in public, expressing themselves online, or associating with the “wrong” organizations, the Kremlin is violating their rights to freedom of expression, association, and assembly. In addition, by punishing those engaged in the political process or political activism, the Kremlin is violating their right to political participation. Moreover, political prisoners are routinely denied basic due process rights, including access to counsel, the presumption of innocence, the presumption of bail, and a fair trial. By imposing pretrial detention as the rule, rather than an individualized exception, the Government is further violating the right to the presumption of bail. The widespread use of torture to coerce confessions violates both the right against self-incrimination and the right to freedom from torture. Finally, the Kremlin is violating the right to freedom of religion by imprisoning believers simply for exercising and practicing their faith.

Despite an increasingly hostile environment, a number of activists, politicians, political parties, NGOs, media outlets, and professionals within Russia and Russia-occupied Crimea continue advocacy on behalf of the Kremlin’s political prisoners. In addition to providing a steady stream of reliable information to the international community, these individuals and organizations make public statements, protest, and engage in courageous acts of civil disobedience, often risking imprisonment themselves. Several of these organizations also provide legal, financial, and emotional support to political prisoners and their families.

Internationally, United Nations bodies and experts, regional organizations, European and North American countries, and civil society groups have consistently called for the release of the Kremlin’s political prisoners. The European Union and Parliament, Parliamentary Assembly of the Council of Europe, and Organization for Security and Co-operation in Europe have been particularly outspoken, as have the US, Canada, the UK, Germany, and Ukraine. Exiled Russian dissidents have created or currently lead prominent human rights organizations advocating for
political prisoners, such as Free Russia Foundation, Open Russia, Boris Nemtsov Foundation for Freedom, and Human Rights Foundation. Though diverse in their approaches and ideologies, these organizations all play a key role advocating for the release of the Kremlin’s political prisoners. The European Court of Human Rights, for its part, has repeatedly held that the Kremlin unlawfully arrested, detained, and convicted activists and political opponents.

One of the most promising developments has been the enactment of “Magnitsky” laws in an increasing number of countries throughout the world. Named after Sergei Magnitsky, a Russian accountant and whistleblower who died after being tortured in a Moscow prison, Magnitsky laws allow targeted sanctions (usually travel bans and asset freezes) to be imposed on individuals responsible for serious human rights abuses abroad. While several countries have sanctioned key Russian officials responsible for Magnitsky’s detention, torture, and death, there has not yet been a sustained effort to sanction the officials responsible for the persecution of political prisoners more broadly. This must change. Unless serious consequences are imposed on these officials, the Kremlin will continue to believe it can act with total impunity.

The Kremlin’s response to domestic and international advocacy regarding its political prisoners is one of denial, intransigence, and reprisal. Activists within Russia and Russia-controlled territories who speak out face harassment by authorities and may themselves be arrested and detained. Lawyers representing political prisoners have been intimidated by authorities, had their license to practice revoked, and even been jailed. Organizations advocating for political prisoners have been labeled “foreign agents” and fined. Separately, activists and dissidents living abroad have been poisoned, charged and convicted on fabricated charges in absentia, and pursued through abusive Red Notices requested by the Kremlin from the international police organization INTERPOL. In the international arena, despite overwhelming evidence to the contrary, the Kremlin continues to deny that it has any political prisoners. It also ignores unfavorable decisions by the European Court of Human Rights, retaliates against countries that criticize it, and consistently invokes its sovereignty to shield its actions and laws from scrutiny despite provisions in numerous multilateral treaties stating that human rights violations cannot be considered solely an internal affair.

While countless government officials are complicit in the Kremlin’s persecution of political prisoners, there is a smaller group of key individuals
who bear particular responsibility. This includes high-level officials liable under the principle of command responsibility, such as President Vladimir Putin, FSB Director Alexander Bortnikov, Security Council Secretary Nikolai Patrushev, Prosecutor General Yuri Chaika, Federal Penitentiary Service Director Gennady Kornienko, Minister of Justice Aleksandr Konovalov, Minister of Internal Affairs Vladimir Kolokoltsev, and Investigative Committee Chairman Alexander Bastrykin. There is also a group of judges, prosecutors, and investigators who have been involved in multiple political prisoner cases.

Finally, although the Kremlin has been remarkably resistant to outside pressure to release political prisoners, a sporadic but significant pattern of pardons, amnesties, and other early releases demonstrates that dedicated advocacy can have tangible results. It is hoped that this report can contribute to and support such advocacy, and help secure the release of all of the Kremlin’s political prisoners.
II. Background on Political Prisoners in Russia

The Russian and Soviet governments have a long history of detaining and persecuting political prisoners. Under Joseph Stalin, the USSR’s infamous gulag system of forced labor camps held millions of prisoners in brutal conditions. Alongside average citizens, many of the country’s educated professionals and intellectuals were eventually detained, including writer Aleksandr Solzhenitsyn, who later documented the horrors of the gulag system in *The Gulag Archipelago*. While the camps declined in importance after Stalin’s passing, they were used from the late 1960s through the 1980s to hold some of the country’s most prominent political prisoners.1

In the late 1980s and 1990s, there was hope that the country might break with its dark past. After assuming leadership in 1985, Mikhail Gorbachev instituted the policies of glasnost and perestroika – colloquially, openness and reform – that included a professed commitment to freedom of expression and religion and the release of many political prisoners and political opponents from jail and exile.2 Boris Yeltsin, elected as the first President of the newly created Russian Federation in 1991, released the last political prisoners,3 oversaw numerous amnesties,4 and issued thousands of pardons annually.5 His presidency marked the only period in modern Russian history when the country did not have any recognized political prisoners.

When Vladimir Putin became President in 2000, however, it quickly became clear that he did not share his predecessors’ interest in reform. A month after Putin took office, Vladimir Gusinsky, a media mogul described

then as “the sole oligarch to oppose . . . Putin publicly and consistently,” he was arrested and accused of stealing $10 million of state property. He was called “the first political prisoner of Putin’s Russia” and the European Court of Human Rights later held that his detention was politically motivated. At the time, Gusinsky’s detention was described as a “defining moment” for Putin, which proved to be a prescient description. Over the course of his first two terms in office (2000 to 2008), Putin moved to repress dissent and destroy the opposition. This was exemplified by the prosecution of the Yukos Oil Company and its CEO Mikhail Khodorkovsky, who not only spoke out against Putin but was also funding opposition political parties and civil society organizations. The “Yukos Affair” included political persecution of Khodorkovsky’s business and civil society partners Platon Lebedev and Leonid Nevzlin and dozens of Yukos employees, including Alexey Pichugin, now the Kremlin’s longest serving political prisoner. Other notable examples from this time include the arbitrary detention of civilians in Chechnya, the prosecution of journalists and

9 Russia Turns Against Irreverent Oligarch, supra note 7; see also Stephen Mulvey, Analysis: Is the Kremlin Against Free Speech?, BBC NEWS, June 14, 2000, available at http://news.bbc.co.uk/2/hi/europe/790511.stm (“Media-Most’s general director, Jan Zamani, commented: ‘The first political prisoner has appeared in the era of Vladimir Putin.’”).
11 Russia Turns Against Irreverent Oligarch, supra note 7.
scientists (such as Igor Sutyagin) for espionage, and the arrest of Garry Kasparov during a “dissenters’ march” in Moscow. More generally, the Kremlin increasingly cracked down on NGOs, protests, and dissent.

From 2008 to 2012, Dmitry Medvedev formally served as President, though it was widely understood that Putin, who was then Prime Minister, remained the “real ruler.” During this time, the “climate of growing ‘disappearances’, and extrajudicial executions.”); and REPORT 2001, AMNESTY INT’L., 2001, at 198, available at https://www.amnesty.org/download/Documents/POL100012001ENGLISH.PDF (“Russian federal forces were responsible for gross human rights violations against the civilian population of Chechnya . . . . [T]here were widespread reports of torture, incommunicado detention and summary executions.”).


9 REPORT 2008: THE STATE OF THE WORLD’S HUMAN RIGHTS, AMNESTY INT’L., 2008, at 249, available at https://www.amnesty.org/download/Documents/POL100012008ENGLISH.PDF (“In November opposition leader Garry Kasparov was sentenced to five days’ administrative detention after he had participated in a ‘dissenters’ march’ in Moscow a week before the Duma elections. Amnesty International considered him a prisoner of conscience and called for his immediate release.”).

10 Id., at 247–49 (“The Russian authorities were increasingly intolerant of dissent or criticism . . . . A crackdown on civil and political rights was evident throughout the year . . . . Activists and political opponents of the government were also subjected to administrative detention . . . . Criminal charges . . . were taken out selectively against human rights defenders and independent journalists . . . . In the months prior to the State Duma elections, the authorities became more restrictive of public expressions of dissent. Scores of people, including journalists and monitors, were briefly detained prior to, during and following demonstrations and many were convicted of violations of the Administrative Code in trials which did not always meet international standards of fair trial . . . . Police used excessive force on a number of occasions in order to break up demonstrations organized by opposition parties and antigovernment activists.”); REPORT 2007, AMNESTY INT’L, 2007, Part 2, at 216–17, available at https://www.amnesty.org/download/Documents/POL100012007ENGLISH.PDF (“Human rights defenders and independent civil society came under increasing pressure. The authorities clamped down on the peaceful exercise of the rights to freedom of expression and assembly . . . . Many bans on demonstrations did not appear to be legitimate or proportionate restrictions of freedom of assembly. Peaceful protesters were detained despite informing the authorities of their intention to demonstrate as required in law.”); and REPORT 2006, THE STATE OF THE WORLD’S HUMAN RIGHTS, AMNESTY INT’L, 2006, at 216–17, available at https://www.amnesty.org/download/Documents/POL100012006ENGLISH.PDF (“The climate of hostility towards some NGOs grew . . . . Human rights defenders, activists and independent journalists working on human rights issues . . . were harassed, prosecuted and in some cases subjected to arbitrary detention and ‘disappearance’. In some cases the prosecution of activists under anti-extremism and anti-racial hatred laws amounted to a violation of the right to the peaceful exercise of freedom of expression.”).

intolerance towards independent views” continued. Peaceful protestors were arrested and prosecuted, including opposition leader and former Deputy Prime Minister Boris Nemtsov, who, ironically, was subjected to administrative arrest for participating in a rally calling for freedom of assembly. In addition, thousands of protestors were arrested during the peaceful demonstrations following the December 2011 parliamentary elections. In other high profile cases, Mikhail Khodorkovsky and Platon Lebedev were tried and convicted for a second time in proceedings that were “deeply flawed and politically motivated,” and whistleblower Sergei Magnitsky was imprisoned and killed. NGOs were also targeted with baseless accusations, and legal attacks against religious minorities began to increase.

---


Upon Putin’s formal return to the presidency in 2012, the Kremlin “unleashed an unprecedented crackdown” on civil society, dissenting voices, and regime opponents, which has continued unabated for the past six years. Key aspects of this persecution are discussed below.

A. Repressive Laws

Under Putin’s leadership, the Kremlin has engaged in a systematic campaign of legal reform that has enabled it to more effectively target and punish its opponents. Specifically, the Government has created new crimes and offenses, broadened existing ones (at times, to the point of absurdity), and consistently increased the severity of punishments.
For example, since 2012, the following offenses and crimes have been added to the Criminal Code and Code of Administrative Offenses: mass simultaneous presence in public causing a violation of public order;\(^\text{29}\) criminal defamation\(^\text{30}\) (decriminalized in 2011; recriminalized in 2012\(^\text{31}\)); illegal receipt of a state secret;\(^\text{32}\) insulting the religious feelings of believers (as a criminal offense);\(^\text{33}\) promotion of “non-traditional” sexual relations among minors;\(^\text{34}\) public calls for actions violating Russia’s territorial integrity;\(^\text{35}\) deliberate dissemination of false information regarding the


\(^{34}\) Federal Law on Amendments to Article 5 of the Federal Law on Protecting Children from Information Harmful to Their Health and Development and Certain Legislative Acts of the Russian Federation in Order to Protect Children from Information that Promotes Denial of Traditional Family Values, No. 135-FZ, June 29, 2013, at Art. 3(2)(b), \url{available at http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=148269&dст=100019&fld=134&REFFIELD=134&REFDST=1000001167&REFDOC=317659&REFBASE=LAW&stat=refcode%3D19827%3Bdстident%3D100019%3Bindex%3D1797#2lxq1190w0} (adding Administrative Code Article 6.21) [in Russian].

USSR’s activities during World War II; public desecration of the symbols of Russia’s military glory; spreading information about Russia’s military or memorial commemorative dates that is “disrespectful of society”; recruiting someone for an extremist community; training a person for mass riot; financing an extremist community; repeated violation of the procedures for holding public events; recruiting a person for mass riot;
illegal missionary activities; dissemination of inaccurate information; and disrespecting society, the state, state bodies, official state symbols, or the Constitution.

Two laws deserve a more detailed discussion. First, in July 2012, the now-famous Foreign Agent Law came into effect; it requires organizations to register as “foreign agents” with the Ministry of Justice if they receive any foreign funding and engage in broadly-defined “political activity.” It also created the new criminal offense of “malicious” failure to comply with the law’s requirements. Subsequent amendments gave the Ministry of Justice the authority to unilaterally designate organizations as “foreign agents” without their consent, and expanded the definition of “political activity” so that “almost any advocacy or research activity by an independent group constitutes political activity if it is aimed at somehow influencing the government or public opinion,” including “legal or policy analysis, monitoring the work of government institutions, public opinion


48 Id., at Art. 3(2) (adding Criminal Code Article 330.1).

surveys, research, and petitioning government officials.” Second, the 2015 Undesirable Organizations Law allows the Prosecutor General to designate a foreign or international NGO as “undesirable” and ban its activities if it poses a threat to Russia’s defense, security, or constitutional system (a standard that an expert with Human Rights Watch called “deliberately vague”). This law also created the new administrative offense of involvement in the activities of an undesirable organization, and a new criminal offense for repeated involvement with such organizations.

In addition to creating new crimes and offenses, the Government has also expanded the scope of existing ones. For example, in 2012, the definition of “treason” was significantly expanded – so much so that, according to one Russian organization, it now applies “to anyone who helps a foreigner” and in 2014, the definition of “terrorism” was broadened. Also in 2014, two offenses commonly used to punish anti-government speech – public calls for extremist activity and actions inciting hatred or enmity – were amended to explicitly apply to internet posts.

Finally, both administrative and criminal punishments have been increased, in some cases quite significantly. When defamation was recriminalized in 2012, offenses that were previously punishable with an

---

56 Federal Law No. 130-FZ, supra note 39, at Art. 2(9) (amending Criminal Code Article 205(1)).
administrative fine of up to 2,000 rubles\textsuperscript{58} (US $30\textsuperscript{59}) could now be punished with a criminal fine of up to 500,000 rubles (US $7,692)\textsuperscript{60} – an extraordinary amount given that the per capita, average monthly income at that time was about 20,702 rubles\textsuperscript{61} (US $318). Similarly, in 2013, insulting religious feelings was changed from an administrative offense with a maximum fine of 1,000 rubles\textsuperscript{62} (US $15) to a criminal offense punishable by up to three years’ imprisonment (if committed in a place of religious worship).\textsuperscript{63} A February 2014 law increased the penalty for several offenses – public calls for extremist activities, incitement to hatred or enmity, and creating or participating in an extremist community\textsuperscript{64} – and in some cases, the maximum prison term was doubled.\textsuperscript{65} The punishment for mass riot was also increased from four to 10 years in prison to eight to 15 years.\textsuperscript{66} The Code of Administrative Offenses was also amended to allow for administrative arrest (in some cases, up to 20 days) as a punishment for offenses where no form of detention was previously allowed.\textsuperscript{67}

\textsuperscript{58} CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, Dec. 30, 2001 (as amended on August 3, 2012), at Art. 5.60(1), available at http://www.consultant.ru/cons/cgi/online.cgi?md=8A89711331F136D65FE5ABED1A4850D1&req=doc&base=LAW&n=131375&dst=3274&fld=134&REFFIELD=134&REFDST=100039&REFDOC=133284&REFBASE=LAW&stat=refcode%3D10677%3Bdstident%3D513274%3Bindex%3D61#igcypsmz1 [in Russian].

\textsuperscript{59} All conversions assume an exchange rate of $1 = 65 rubles.

\textsuperscript{60} Federal Law No. 141-FZ, supra note 30, at Art. 1(2).


\textsuperscript{62} CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, Dec. 30, 2001 (as amended on June 29, 2013), at Art. 5.26(2), available at http://www.consultant.ru/cons/cgi/online.cgi?md=DE40DC74D924EC262A131D793676EB28&req=doc&base=LAW&n=148345&dst=100261&fld=134&REFFIELD=134&REFDST=100024&REFDOC=148270&REFBASE=LAW&stat=refcode%3D10677%3Bdstident%3D100261%3Bindex%3D43#2q83cj5gz6w [in Russian].

\textsuperscript{63} Federal Law No. 136-FZ, supra note 33, at Art. 1 (amending Criminal Code Article 148) [in Russian].


\textsuperscript{65} Id., at Art. 1(4)(b) (increasing the maximum prison time under Criminal Code Article 282.2(2) – participating in the activities of an extremist organization – from two years to four years).

\textsuperscript{66} Federal Law No. 130-FZ, supra note 39, at Art. 2(16)(a) (amending Criminal Code Article 212(1)).

\textsuperscript{67} Federal Law No. 258-FZ, supra note 42, at Art. 3(4)(a) (amending Administrative Code Article 20.2(2) to allow for administrative arrest up to 10 days), (4)(b) (amending Administrative Code Article 20.2(3) to allow for administrative arrest up to 15 days), (4)(c) (amending Administrative
B. Increasing Persecution

The trend over the past several years is clear – the Kremlin is detaining an increasing number of political prisoners, and they are receiving increasingly harsh sentences. In the past four years alone, the number of documented political prisoners has increased by approximately 400%:

![Graph showing increasing numbers of political and religious prisoners.]

Source: Political prisoner lists by Memorial Human Rights Centre.

As this table indicates, there has been a dramatic increase in religious persecution, with Jehovah’s Witnesses and members of certain Muslim groups particularly at risk.

At the same time, there has been a steady increase in the average length of the criminal sentences imposed on political prisoners:

Code Article 20.2(4) to allow for administrative arrest up to 20 days), (4)(d) (amending Administrative Code Article 20.2(6) to allow for administrative arrest up to 15 days), (5)(a) (amending Administrative Code Article 20.2.2(1) to allow for administrative arrest up to 15 days), (5)(b) (amending Administrative Code Article 20.2.2(2) to allow for administrative arrest up to 20 days).

68 As discussed in more detail in Section III (“Process for Identifying Political Prisoners”), Memorial HRC’s lists of political prisoners are necessarily incomplete. However, as Memorial HRC has explained, the lists are nonetheless useful for identifying overall trends, such as increases in overall numbers. See SERGEI DAVIDIS, RUSSIAN POLITICAL PRISONERS IN THE YEAR OF 2018: THE SITUATION AND ITS TRENDS, at 2, available at https://www.osce.org/odihr/397598?download=true (“Most likely the total number of political prisoners exceeds the lists . . . by 2–3 times. Nevertheless, these lists provide us with an opportunity of getting an idea about what the situation is like, its trends and the changes happening within it. . . . In the recent years we have observed that the number of political prisoners has been steadily on the rise.”).
The Average Imprisonment Sentence in Political Prisoner Cases (Years)

<table>
<thead>
<tr>
<th>Year</th>
<th>Politically Motivated</th>
<th>Religious Persecution</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>5.3</td>
<td>6.6</td>
</tr>
<tr>
<td>2017</td>
<td>6.2</td>
<td>8.6</td>
</tr>
<tr>
<td>2018</td>
<td>6.8</td>
<td>9.1</td>
</tr>
</tbody>
</table>

Source: SERGEI DAVIDIS, RUSSIAN POLITICAL PRISONERS IN THE YEAR OF 2018: THE SITUATION AND ITS TRENDS.69

Of course, some political prisoners receive much longer sentences – for example, Alexey Pichugin (life imprisonment),70 Rinat Nurlygayanov (24 years),71 and Oleg Sentsov (20 years).72

C. A Controlled Judiciary

It is widely recognized that Russia’s judiciary “lacks independence from the executive branch.”73 This has particularly serious implications for political prisoners, whose prosecutions are driven by the executive. As political scientist Maria Popova has explained, “Russia’s politically pliable judiciary is an effective instrument for suppressing political opposition. The Kremlin has already used it to threaten, jail, or force into exile numerous political opponents: from credible competitors to far-fetched ones, from declared oppositionists to potential ones, from dissidents with high name recognition to the regular citizen protester.”74 In high profile cases, “legal outcomes . . . are entirely predictable if one knows the preferences of the political sovereign: the Kremlin always wins.”75 But even if the Kremlin’s preference is unclear in a given case, “lower-level

---

69 Available at https://www.osce.org/odihr/397598?download=true.
75 Id., at 68.
political actors, the prosecution, and judges try to guess the politically correct outcome.”\textsuperscript{76} Political influence on the judiciary is facilitated through both the hiring process – the President nominates judges to the highest courts and appoints other federal judges\textsuperscript{77} – and the promotion process, as career advancement within the judiciary “is effectively tied to compliance with Kremlin preferences,”\textsuperscript{78} and several judges have been dismissed for not following the prosecution’s instructions.\textsuperscript{79}

\section*{D. Lack of Due Process}

Criminal defendants in Russia (and Russia-occupied Crimea) – especially those who oppose or are perceived as threatening to the authorities – are not afforded basic due process protections.\textsuperscript{80} For example, the “presumption of innocence is not consistently respected in practice,” the defense is not given equal access to case materials, and defense lawyers “sometimes face insurmountable difficulties” in representing their clients.\textsuperscript{81} Moreover, “judges order pretrial detention as a rule rather than an exception,” and in some cases, an accused is held in pretrial detention longer than the maximum sentence they might receive if convicted.\textsuperscript{82} Russia also has an extraordinarily low acquittal rate – according to government statistics, it was 0.3% in 2017.\textsuperscript{83}

\begin{itemize}
  \item \textsuperscript{76} \textit{Id.}
  \item \textsuperscript{78} Freedom in the World 2018: Russia, supra note 73.
  \item \textsuperscript{80} Freedom in the World 2018: Russia, supra note 73 (“[A]ccess to due process is not guaranteed, particularly for those who oppose or are perceived as threatening to authorities.”).
  \item \textsuperscript{81} Report of the Special Rapporteur on the Independence of Judges and Lawyers, \textit{supra} note 79, at ¶¶ 45, 47, 79.
  \item \textsuperscript{82} \textit{Id.}, at ¶¶ 41–42.
  \item \textsuperscript{83} \textit{Russian Courts Acquit 0.3\% of People at Trials in 2017, Moscow Times, Feb. 21, 2018, available at} https://www.themoscowtimes.com/2018/02/21/russian-courts-acquit-03-people-trials-2017-a60592.
\end{itemize}
E. Mistreatment of Detainees

Abuse of detainees by government officials is “widespread and systematic,” including for the purpose of extracting confessions. In August 2018, Meduza reported 56 documented cases of torture up to that point in that year alone. These included beatings, electric shock, rape, suffocation, stress positions, waterboarding, and deprivation of food, water, sleep, and access to a bathroom. In six cases, the victims died (either from torture or suicide). While valuable, such reporting is almost certainly not exhaustive – victims are afraid to report mistreatment, and even when they do, authorities often refuse to open a criminal investigation. As a result, perpetrators are rarely held accountable: for example, while the FSB is one of the worst perpetrators of torture, reporters did not find a single sentence imposed on an FSB officer for torture from 2011 to 2017. More generally, even where perpetrators are found to have mistreated a detainee, they often


87 Id.

88 Id.

89 Id. (“[I]t’s impossible to say how many people are tortured in Russia – there are no reliable statistics here. Victims are afraid to come forward, and the authorities often refuse to open criminal investigations, even when people speak up.”); Alesya Marokhovskaya & Irina Dolinina, The Low Price of Torture in Russia, OCCRP, Oct. 9, 2018, available at https://www.occrp.org/en/investigations/8715-the-low-price-of-torture-in-russia; and Concluding Observations on the Sixth Periodic Report, supra note 85, at ¶ 14 (“[T]he Committee remains concerned at consistent and numerous reports indicating the lack of prompt, impartial and effective investigation into allegations of torture or ill-treatment . . . .”).

90 Here Are all the Reported Torture Cases, supra note 86 (“[M]any of the most shocking cases have involved agents in the Federal Security Service.”).

91 The Low Price of Torture in Russia, supra note 89 (“One group that is not complained about much are the various branches of Russian intelligence. The data show no sentences handed out to FSB officers at all.”).
avoid any real punishment, instead receiving a suspended sentence or a temporary ban on holding certain positions.\footnote{Id.}

The torture of detainees by Russian authorities received worldwide condemnation in July 2018, when \textit{Novaya Gazeta} published leaked bodycam footage of an inmate being tortured by guards in a prison colony.\footnote{Is Russia Generally Being Tried for Torture? Often? What Time Frame Do These People Get?, MEDUZA, July 26, 2018, \textit{available at} \url{https://meduza.io/cards/v-rossii-voobsche-sudyat-za-pytki-chasto-kakie-sroki-poluchayut-etl-yu}} The video showed the guards beating the inmate until he passed out; he was then reanimated with a bucket of cold water and the torture continued.\footnote{Video Leaks Showing Russian Prison Guards Torturing an Inmate in Yaroslavl, MEDUZA, July 20, 2018, \textit{available at} \url{https://meduza.io/en/feature/2018/07/20/video-leaks-showing-russian-prison-guards-torturing-an-inmate-in-yaroslavl}.} When the beatings initially occurred, the authorities refused to investigate – the inspector who reviewed the video said he “did not see any abuses of authority.”\footnote{Outcry in Russia Over Video of Brutal Prison Torture, supra note 94.} However, after the video was publicly released, 17 prison staff were suspended and eight were arrested on criminal charges.\footnote{Outcry in Russia Over Video of Brutal Prison Torture, supra note 94.} After the video’s release, the inmate’s lawyer received death threats and fled Russia\footnote{Id.} – though authorities claimed they did not know why she left.\footnote{Committee Against Torture Examines Russian Federation’s Report, U.N. HIGH COMM’R FOR HUMAN RIGHTS, July 6, 2018, \textit{available at} \url{https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23412&LangID=E}.}

\section*{F. Harsh Prison Conditions}

Conditions in Russian prisons and detention centers are “often harsh and life threatening.”\footnote{RUSSIA 2017 HUMAN RIGHTS REPORT, \textit{supra} note 84, at 7.} Overcrowding, limited access to health care, food shortages, and inadequate sanitation are common problems.\footnote{Id.} Potable water is, at times, rationed.\footnote{Id., at 8.} Inmates are not given adequate clothing despite sub-freezing temperatures, and violence between inmates

\begin{footnotesize}
\begin{itemize}
    \item \footnote{Id.}
    \item \footnote{Outcry in Russia Over Video of Brutal Prison Torture, supra note 94.}
    \item \footnote{RUSSIA 2017 HUMAN RIGHTS REPORT, \textit{supra} note 84, at 7.}
    \item \footnote{Id.}
    \item \footnote{Id., at 8.}
    \item \footnote{Inmates In Russia’s Far East Launch Hunger Strike To Protest Prison Conditions, RADIO FREE EUROPE / RADIO LIBERTY, Dec. 7, 2018, \textit{available at} \url{https://www.rferl.org/a/inmates-russia-far-east-hunger-strike-protest-prison-conditions/29642987.html}.}
\end{itemize}
\end{footnotesize}
frequently goes unpunished, and is sometimes even encouraged by the authorities.\footnote{RUSSIA 2017 HUMAN RIGHTS REPORT, \textit{supra} note 84, at 8.} In a widely circulated 2013 letter written during her detention in a penal colony, Pussy Riot member Nadezhda Tolokonnikova detailed forced labor up 17 hours a day, beatings, and denial of food and water as punishment.\footnote{Jailed Pussy Riot Member Starts Hunger Strike In Russia, \textit{Radio Free Europe / Radio Liberty}, Sept. 23, 2013, \textit{available at} https://www.rferl.org/a/russia-pussy-riot-hunger-strike/25114546.html.} Given these poor conditions, an extended sentence in a Russian prison can be a \textit{de facto} death sentence; the mortality rate in Russian penal institutions is twice the average among Council of Europe member states.\footnote{\textsc{Annual Penal Statistics SPACE I – Prison Populations Survey 2015, Council of Europe, updated Apr. 25, 2017, at 114–15 tbl. 13, available at http://wp.unil.ch/space/files/2017/04/SPACE_I_2015_FinalReport_161215_REV170425.pdf (inmate mortality rate in Russia is 61.1 per 10,000; the mean is 31, and the median is 27.2).} Conditions can be especially difficult during transport to remote detention centers. “Convicted prisoners are packed into tiny spaces on trains with no ventilation, no natural light, little water, and infrequent access to toilets.”\footnote{Russia: Prisoner Transport Conditions Evoke GULAG Era Legacy, \textit{Amnesty Int’l}, Oct. 25, 2017, \textit{available at} https://www.amnesty.org/en/latest/news/2017/10/russia-prisoner-transport-conditions-evoke-gulag-era-legacy/ (quoting Denis Krivosheev, Deputy Director for Europe and Central Asia at Amnesty International); \textit{see generally} PRISONER TRANSPORTATION IN RUSSIA: TRAVELLING INTO THE UNKNOWN, \textit{Amnesty Int’l}, 2017, \textit{available at} https://www.amnesty.org/download/Documents/EUR4668782017ENGLISH.PDF.} Moreover, transport can last weeks at a time.\footnote{Id.}
III. **PROCESS FOR IDENTIFYING POLITICAL PRISONERS**

There is no universally-accepted definition of the term “political prisoner.”[^1] In fact, even the term itself is disputed, with some human rights organizations avoiding it due to its perceived lack of objectivity.[^2] In an attempt to address this ambiguity, the Parliamentary Assembly of the Council of Europe (PACE) adopted a specific definition in a 2012 resolution based on earlier work by independent experts regarding political prisoners in Armenia and Azerbaijan.[^3] Memorial Human Rights Centre (Memorial HRC), one of Russia’s oldest and largest human rights organizations,[^4] subsequently promulgated a more detailed definition with explanatory guidelines that “further develop and refine” the criteria in the PACE Resolution.[^5] This definition and its guidelines were developed in collaboration with human rights defenders in Azerbaijan, Belarus, Georgia, Lithuania, Poland, Russia, and Ukraine.[^6]

According to Memorial HRC, an individual is a political prisoner if he or she is deprived of liberty and at least one of the following applies:[^7]

1. the person is deprived of liberty solely because of their political, religious, or other convictions;
2. the person is deprived of liberty in connection with the non-violent exercise of their rights and freedoms under the International Covenant on Civil and Political Rights (ICCPR) or European Convention on Human Rights;
3. the deprivation of liberty was applied solely because of non-violent activities aimed at protecting human rights and fundamental freedoms; or

[^1]: "Explainer: What Defines A Political Prisoner?", Radio Free Europe / Radio Liberty, Jan. 23, 2013, available at https://www.rferl.org/a/explainer-political-prisoners/24881810.html ("There is no single standard for what makes a political prisoner, however, and international bodies and state governments are not always in agreement.").
[^2]: Id.
[^6]: Id.
[^7]: Id.
(4) there are political motives for the prosecution and (a) there was a violation of the right to a fair trial or other rights and freedoms enshrined in the ICCPR or European Convention on Human Rights; (b) the deprivation of liberty was based on falsified evidence; (c) the duration or conditions of the deprivation of liberty are clearly disproportionate to the offense; or (d) the person was deprived of freedom selectively in comparison with others.

However, even if a person qualifies under this definition, Memorial HRC will not recognize an individual as a political prisoner if the individual (1) committed a violent offense against another, except in cases of necessary defense or extreme necessity, (2) committed a crime against an individual or property motivated by hatred, or (3) has called for violent acts on the basis of nationality, ethnicity, race, religion, or other grounds. 8

As of March 25, 2019, there were 236 political prisoners on Memorial HRC’s list, which included 182 imprisoned for their religion and 54 imprisoned on political grounds. 9 The complete list is provided in Appendix 1.

As Memorial HRC itself acknowledges, its list of political prisoners is incomplete. 10 The need to thoroughly vet each case prevents immediate recognition of potentially deserving candidates, and this is especially difficult where case documents are classified (e.g., in treason and espionage cases). 11 In addition, although persons detained pursuant to administrative convictions can technically qualify as political prisoners, in practice Memorial HRC does not include these persons on their list because the sheer number of people under administrative arrest and their short period of detention makes it difficult to fully review each case in a timely manner. 12

8 Id.
10 Id. (“Our list of political prisoners is not complete.”).
11 Id. (“We strive to ensure that our position of recognition of a prisoner to political prisoners is convincingly substantiated and as objective as possible. In this regard, the study of any case of deprivation of liberty, in which there is probably a political motive, requires documents and a certain time. The collection of materials on the case in itself often takes a lot of time, especially in cases where the investigation and the court are classified.”).
12 Email from Memorial HRC Representative to Perseus Strategies, Jan. 2, 2019 (on file with author).
As a result, Memorial HRC estimates that the actual number of political prisoners held by the Kremlin is two to three times the number in its list. 13

This report relies on Memorial HRC’s list as the authoritative list of the Kremlin’s political prisoners for several reasons. First, each case is thoroughly vetted by a universally respected Russian human rights organization, which allows for broad acceptance. Second, the list uses a clear and narrow definition of “political prisoner.” And third, this list is used and cited by a wide array of organizations, governments, and bodies, including the European Parliament, 14 US State Department, 15 US Helsinki Commission, 16 UK Foreign and Commonwealth Office, 17 and Norwegian

---

13 SERGEI DAVIDIS, RUSSIAN POLITICAL PRISONERS IN THE YEAR OF 2018: THE SITUATION AND ITS TRENDS, at 2, available at https://www.osce.org/odihr/397598?download=true (“Most likely the total number of political prisoners exceeds the lists of those who are kept on the records at the Memorial Human Rights Advocacy Center by 2–3 times.”).

14 Resolution on Russia, Notably the Case of Ukrainian Political Prisoner Oleg Sentsov, EUR. PARL., adopted June 14, 2018, available at http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2018-0259&language=EN&ring=P8-RC-2018-0288 (“[W]hereas the number of political prisoners in Russia has increased significantly in recent years; whereas the Human Rights Centre Memorial . . . published a list on 29 May 2018 with the names of 158 political prisoners . . . .”).

15 RUSSIA 2017 HUMAN RIGHTS REPORT, US DEP’T OF STATE, Apr. 20, 2018, at 15, available at https://www.state.gov/documents/organization/277455.pdf (“As of October, the Memorial Human Rights Center’s updated list of political prisoners included 117 names, including 70 individuals wrongfully imprisoned for their exercise of religious freedom.”).


Helsinki Committee.\textsuperscript{18} Independent Russian media\textsuperscript{19} and other human rights organizations in Russia\textsuperscript{20} also rely on Memorial HRC’s list.


IV. ILLUSTRATIVE CASES OF COMMONLY TARGETED GROUPS

Armed with an array of repressive laws that criminalize acts of everyday life, and willing to fabricate evidence and charges, the Kremlin can arrest, detain, and imprison anyone it views as a threat. However, certain groups are more frequently targeted than others. This section will discuss some of the most commonly targeted groups, providing specific examples of political prisoners in each category. These groups include political opponents, Ukrainian activists/citizens, civil society activists, journalists, religious minorities, ethnic minorities, alleged spies, and LGBT persons.

A. Political Opponents

As might be expected, political opponents are routinely targeted for persecution. This includes not just opposition candidates, but also anyone who supports them or dares to criticize those in power. Even being associated with opposition leaders, however indirectly, can lead to arrest or imprisonment. Freedom House, for example, recently noted: “Opinion politicians and activists are frequently targeted with fabricated criminal cases and other forms of administrative harassment apparently designed to prevent their participation in the political process.”1 Amnesty International has similarly reported that “protest leaders and political activists supporting critical voices faced harassment, administrative and criminal proceedings and physical violence.”2 In particular, during the lead-up to the March 2018 presidential election, the Government engaged in a “fierce crackdown” against political activists.3 The examples that follow include some individuals who have been released but are subject to reimprisonment at a moment’s notice.

---

1. Alexey Pichugin

Alexey Pichugin is the Kremlin’s longest serving political prisoner. At the time of his arrest, Pichugin was a mid-level security manager at Yukos, then one of Russia’s biggest and fastest-growing oil companies. Although he was never himself political, Yukos’ CEO Mikhail Khodorkovsky was publicly critical of Putin’s government and was actively funding opposition parties. In what was widely seen as politically-motivated retaliation, a number of Yukos leaders and employees were arrested and charged with various crimes, and Yukos itself was broken up and sold to state-controlled Russian energy firms.

Pichugin was convicted of multiple counts of murder and attempted murder (Criminal Code Article 105), as well as robbery (Article 162), in two trials marred by blatant due process violations. There was no non-hearsay evidence introduced in his trials that linked Pichugin to the underlying crimes – only the statements of jailhouse “confessors” who claimed that they had been told by third parties that Pichugin was behind the crimes. In the first trial, the judge closed the proceedings to the public and prevented the defense from cross-examining the key witness against him – one of the Kremlin’s confessors who at one point stated that his future was now in “in the hands of the President of Russia.” In the second trial, the state developed “expert” reports without participation of the defense, and the court did not allow the defense to introduce an expert report exonerating Pichugin or to cross-examine Pichugin’s four co-defendants.

---

(all of whom had originally implicated him but later recanted, explaining that investigators had provided them Pichugin’s name). In addition, Pichugin was arrested without a warrant; interrogated without and denied access to counsel; given limited access to case materials and time to prepare a defense; held in extended pretrial detention; drugged by interrogators; and publicly denounced by government officials before he had been convicted. Confirming the political nature of the charges against him, Pichugin was also repeatedly pressured to falsely implicate Khodorkovsky and Khodorkovsky’s partner, Leonid Nevzlin, in criminal activity.

The European Court of Human Rights ruled, in two separate cases, that Pichugin’s convictions violated his right to a fair trial. In addition, leading organizations, such as the Raoul Wallenberg Centre for Human Rights and the Lantos Foundation, have recognized Pichugin as a prisoner of conscience.

2. Alexey Navalny

Former political prisoner Alexey Navalny is an anti-corruption activist and one of Russia’s leading political opposition figures. He has been called “the only credible opposition

---

candidate” to Putin. Navalny has been jailed more than ten times since 2011 in what is clearly retaliation for his political activity.

In July 2013, for example, Navalny was convicted of large-scale embezzlement (Criminal Code Article 160(4)) relating to his involvement with the state-owned timber company Kirovles. However, as the European Court of Human Rights later explained, Navalny was convicted for “regular commercial middleman activities.” That is, “the acts described as criminal fell entirely outside the scope of the provision under which [he was] convicted” and “the criminal law was arbitrarily and unforeseeably construed to [his] detriment.” The Court further stated it was “obvious” that there was “a link between [Navalny’s] public activities and the Investigative Committee’s decision to press charges against him” and concluded that his conviction violated his right to fair trial.

In December 2014, Navalny and his brother Oleg were convicted of money laundering (Article 174.1(2)) and fraud (Article 159.4, since repealed) relating to business activities they conducted with two companies, MPK and Yves Rocher Vostok. Both were sentenced to 3.5 years’ imprisonment, though Alexey’s sentence was suspended. The European Court of Human Rights later ruled that “the decisions reached by the domestic courts . . . were arbitrary and manifestly unreasonable” and violated their right to a fair trial. Both Alexey and Oleg were designated as political prisoners due to their detention in this case (although Alexey

---

17 Id., at ¶ 115.
18 Id.
19 Id., at ¶¶ 119–20.
21 Id.
22 Id., at ¶¶ 83, 85.
was not sentenced to prison, he was held in pretrial detention, allowing him to qualify as a political prisoner\(^{24}\).

Navalny also spent a significant portion of 2017 and 2018 – the lead up to the recent presidential election, and its aftermath – in jail\(^{25}\).

In November 2018, the European Court of Human Rights ruled on a series of applications filed by Navalny concerning his arrest at seven different public events for disobeying a lawful order (Administrative Code Article 19(3)) and violating the procedures for public gatherings (Administrative Code Article 20(2)).\(^{26}\) The Court held that these arrests violated his right to liberty and security of person; the related administrative proceedings violated his right to a fair trial (with one exception); and Navalny’s right to freedom of assembly had also been violated.\(^{27}\) In a rare move, the Court further held that some of the arrests were aimed specifically at suppressing political pluralism.\(^{28}\)

The criminal cases against Navalny are “widely seen as a tool to keep him from running for office.”\(^{29}\) Navalny had been allowed to run in the 2013 Moscow mayoral election and secured a surprising 27% of the vote, nearly forcing a runoff with the Kremlin-backed candidate.\(^{30}\) Determined to prevent a similar grassroots campaign, officials barred Navalny from running in the 2018 presidential election, ostensibly due to his embezzlement conviction – after the European Court of Human Rights ruled that he had not received a fair trial, he was retried and convicted in 2017 on the same charges and same evidence in a similarly flawed trial.\(^{31}\)

\(^{24}\) Navalnyye v. Russia, supra note 20, at ¶ 25.


\(^{27}\) Id., at Holding.

\(^{28}\) Id., at ¶¶ 174–76.


\(^{31}\) Nataliya Vasilyeva and Vladimir Isachenkov, Court Bars Russian Opposition Leader From Presidential Race, AP NEWS, Feb. 8, 2017, available at
Moreover, “authorities systematically interfered with [Navalny’s] presidential campaign” by searching his offices and seizing campaign materials and refusing to investigate attacks against campaign offices or meetings. His campaign manager, Leonid Volkov, has been repeatedly arrested and detained. His brother’s prison sentence was also seen as an “attempt to limit Navalny’s activities.” In 2017, the European Parliament condemned “the constant efforts to silence Alexei Navalny” and his exclusion from “the political arena, [which] further constrains political pluralism in Russia.”

3. Yan Sidorov and Vladislav Mordasov

On November 5, 2017, Yan Sidorov and Vladislav Mordasov attempted to hold a protest demanding the resignation of the regional government. In preparation, they had made two posters and about 30 flyers and purchased a megaphone. However, soon before they began protesting, they were arrested. They were subsequently charged with attempting to organize and participate in mass riots (Criminal Code Article 212) – punishable by up to 15 years’ imprisonment – and have been detained ever since.


34 Freedom in the World 2018: Russia, supra note 1.


37 Id.

38 Id.

39 Id.
During their detention, their rights have been egregiously violated. Both were repeatedly interrogated without a lawyer present, tortured, and forced to confess. Mordasov, in particular, was struck on the head, stomach, kidneys, and lower abdomen, and investigators twice put a gas mask on his head, suffocating him. Amnesty International has recognized both men as prisoners of conscience.

B. Ukrainian Activists/Citizens

Since the Kremlin illegally invaded and annexed the Crimean Peninsula in 2014, it has worked actively to silence anyone speaking out or demonstrating support for Ukraine. Amnesty International has reported on the Russian Security Services’ “campaign to intimidate critics of the peninsula’s occupation,” which has included “intimidation, harassment and criminal prosecution.” Moreover, “[t]he few lawyers willing to take up cases in defence of critical voices in Crimea face[] harassment by the Russian authorities.” Human Rights Watch similarly noted that “Russia . . . continues to perpetrate grave human rights violations against people [in Crimea] expressing pro-Ukrainian views.”

42 Public Statement, supra note 40.
43 THE STATE OF THE WORLD’S HUMAN RIGHTS, supra note 2, at 376, 379.
44 Id., at 379.
1. **Oleg Sentsov**

Oleg Sentsov is a Ukrainian film director and outspoken Putin critic who was convicted in August 2015 of organizing a terrorist community (Criminal Code Article 205.4(1)), terrorist acts (Article 205), and possession of weapons and explosives (Article 222). Sentsov was accused of creating a Crimean branch of the Right Sector, a Ukrainian nationalist group banned in Russia, and helping it commit arson attacks on pro-Kremlin organizations in Crimea.

Sentsov’s rights have been violated throughout his arrest, detention, conviction, and imprisonment. Upon his initial detention on the night of May 10, 2014, he was beaten, strangled with a plastic bag, and threatened with rape and murder if he did not confess to committing terrorist acts. He was denied access to counsel for the first 17 days of his detention, transferred to Moscow against his will, and investigated and tried there despite being a Ukrainian citizen. He was again tortured, and even appeared in a court hearing with visible bruising. His trial was widely condemned – Amnesty called it “an extremely cynical show trial” and PEN International described it as “grossly unfair.” The evidence against Sentsov was extremely weak – the key prosecution witness recanted his prior testimony implicating Sentsov, stating that it had been given under torture, and several significant allegations against Sentsov were not confirmed.

---

48 Sentsov Oleg G., supra note 46.
50 Sentsov Oleg G., supra note 46.
51 Oleg Sentsov, PEN AMERICA, accessed Jan 24, 2019, available at https://pen.org/advocacy-case/oleg-sentsov/ (“During a trial hearing on August 25, 2015, Sentsov said he was tortured in an unsuccessful attempt to extract a confession. He had visible bruises on his body.”).
52 We Stand with Oleg Sentsov, supra note 49.
54 Oleg Sentsov, supra note 51.
supported by any evidence at all.\textsuperscript{55} Even the Right Sector itself denies that Sentsov was involved with it.\textsuperscript{56} Despite this, he was convicted and sentenced to 20 years’ imprisonment.\textsuperscript{57}

Sentsov captured the world’s attention in 2018 after engaging in an extended hunger strike demanding that the Kremlin release all Ukrainian political prisoners.\textsuperscript{58} After 145 days, he was forced to end it due to threats of forced feeding by the authorities.\textsuperscript{59}

The Kremlin’s treatment of Sentsov has been universally condemned. The US State Department called his conviction a “clear miscarriage of justice,” noting that he was “targeted by authorities because of [his] opposition to Russia’s attempted annexation of Crimea.”\textsuperscript{60} The European Parliament awarded Sentsov its 2018 Sakharov Prize for Freedom of Thought, “expressing its solidarity with him and his cause.”\textsuperscript{61} In its 2018 Concluding Observations, the UN Committee Against Torture insisted that Russia “should take immediate measures to put an end to the practice of torture in Crimea, including for the purpose of pressuring, punishing and/or extracting confessions from political opponents and activists such as Oleg Sentsov.”\textsuperscript{62}

2. \textbf{Vladimir Balukh}

Vladimir Balukh is a Ukrainian farmer who was convicted of illegal possession of ammunition (Criminal Code Article 222(1)) and disrupting the activities of a detention center (Article 321(2)).\textsuperscript{63} In reality, he is being punished for his outspoken pro-Ukraine activism.

\begin{itemize}
\item \textsuperscript{55} Sentsov Oleg G., supra note 46.
\item \textsuperscript{56} Oleg Sentsov, supra note 51 (“He is also accused of founding a Crimean branch of a banned Ukrainian nationalist group called Right Sector, which the group, as well as Sentsov, refutes.”).
\item \textsuperscript{57} Sentsov Oleg G., supra note 46.
\item \textsuperscript{58} Oleg Sentsov, supra note 51.
\item \textsuperscript{59} Id.
\item \textsuperscript{63} Balukh Vladimir Grigorievich, MEMORIAL HUMAN RIGHTS CTR., accessed Jan. 15, 2019, available at https://memohrc.org/ru/defendants/baluh-vladimir-grigorevich [in Russian] and Jailed, Hunger-Striking Ukrainian on Trial Again in Russian-Controlled Crimea, RADIO FREE EUROPE /
\end{itemize}
Balukh, who lives in Crimea, was known for opposing the Russian occupation. He had refused Russian citizenship and drawn the attention of local authorities by hanging a Ukrainian flag on his home and participating in pro-Ukrainian actions.\textsuperscript{64} In November 2016, he hung another sign on his house praising the “Heavenly Hundred,”\textsuperscript{65} a reference to the protestors killed by government forces in Kyiv just before Russia-friendly President Viktor Yanukovych was ousted in 2014.\textsuperscript{66} The chairman of the village council and his assistants demanded that he remove the sign and threatened that they would someday “find” weapons or drugs on him.\textsuperscript{67} Soon thereafter, FSB officials searched his house and “found” ammunition.\textsuperscript{68} Balukh was arrested, charged with possession of illegal ammunition, and placed in pretrial detention.\textsuperscript{69} He was convicted in January 2018 (on retrial) and sentenced to three years and five months in prison.\textsuperscript{70} In July 2018, Balukh was sentenced to an additional three years for disrupting the activities of a detention center – he had allegedly struck an officer there.\textsuperscript{71}

The allegations against Balukh are meritless. As Memorial HRC has explained: “It seems highly unlikely that a well-known regional activist who is subject to constant pressure from law enforcement officials and local government officials, [and] whose house was searched twice in 2015, would store ammunition.”\textsuperscript{72} Furthermore, neither Balukh’s nor his wife’s fingerprints were found on the ammunition allegedly discovered in his home.\textsuperscript{73} In addition, confirming the political nature of the case, the officials who searched his home tore down the Ukrainian flag hanging on it.\textsuperscript{74}

\textsuperscript{64} Balukh Vladimir Grigorievich, supra note 63.
\textsuperscript{65} Id.
\textsuperscript{66} Jailed, Hunger-Striking Ukrainian On Trial Again, supra note 63.
\textsuperscript{67} Balukh Vladimir Grigorievich, supra note 63.
\textsuperscript{68} Id.
\textsuperscript{69} Id.
\textsuperscript{70} Id.
\textsuperscript{71} Id.
\textsuperscript{72} Id.
\textsuperscript{73} Id.
Regarding the conviction for disrupting the activities of a detention center, Balukh insists that the officer hit him first on the left shoulder, and he reflexively jerked his elbow back, which hit the officer.\textsuperscript{75} Balukh’s lawyer has explained that video recordings of the incident support Balukh’s description of the events.\textsuperscript{76}

Balukh’s detention has been criticized by the European Union, which called him an “illegally-detained Ukrainian citizen,”\textsuperscript{77} and the US State Department, which listed him as one of the “Ukrainians unjustly imprisoned.”\textsuperscript{78} The UK’s Minister of State for Europe and the Americas also called for Balukh’s release, saying that “[n]o one should be imprisoned for opposing the illegal annexation of Crimea.”\textsuperscript{79} The UN General Assembly also adopted a resolution in December 2018 “expressing deep concern about the ongoing arbitrary detentions and arrests by the Russian Federation of Ukrainian citizens, including Volodymyr Balukh.”\textsuperscript{80}

C. Civil Society Activists

The Kremlin’s “relentless campaign against nongovernmental organizations”\textsuperscript{81} is well-documented.\textsuperscript{82} The Foreign Agent Law and the Undesirable Organizations Law, in particular, give government officials broad authority to harass, impede the work of, and even shut down

\begin{footnotesize}
\begin{enumerate}
\item Balukh Vladimir Grigorievich, supra note 63.
\item Id.
\item Freedom in the World 2018: Russia, supra note 1.
\end{enumerate}
\end{footnotesize}
For example, at least 31 organizations designated as “foreign agents” have shut down. However, the Kremlin is not just targeting organizations – it is also imprisoning their employees and members. Examples of this are discussed below.

1. Anastasia Shevchenko

Anastasia Shevchenko is an activist with the Open Russia movement and one of the Kremlin’s newest political prisoners (designated as such on February 8, 2019). She was the first person to be charged under Criminal Code Article 284.1.

Founded by outspoken Kremlin critic Mikhail Khodorkovsky, Open Russia seeks to promote democratic values and the rule of law in Russia. A British NGO with the same name was banned as an “undesirable” organization by the Russian Prosecutor General’s Office in 2017, and prosecutors in Russia have improperly used this to bring administrative charges against anyone involved with the Russian organization. However, under Criminal Code Article 284.1, repeated involvement with an undesirable organization is a criminal offense punishable by two to six

---

83 Id.
84 Russia: Government vs. Rights Groups, supra note 82.
87 Russia: First Criminal Case Under “Undesirable Organizations” Law, supra note 85.
years’ imprisonment. Shevchenko had previously been administratively sanctioned for her involvement with Open Russia on January 19 and July 6, 2018, so for the third alleged offense, officials charged her under Article 284.1. She is currently under house arrest. In a particularly cruel move, the authorities initially denied Shevchenko’s requests to visit her hospitalized daughter, and she was finally allowed to visit mere hours before her daughter died.

Shevchenko’s arrest came amidst an intensifying crackdown on Open Russia. On January 17, 2019, Liya Milushkina, an Open Russia Coordinator, and her husband were arrested on fabricated drug charges. On January 18, Yana Antonova, another Open Russia coordinator, was charged with an administrative offense for “participation in the activities of an undesirable organization” – she had posted a video about the shortage of schools in the region. On January 21, police raided the homes of six Open Russia activists (including Shevchenko). As of February 2019, 53 Open Russia activists across the country had been charged with administrative offenses for “participation in the activities of an undesirable organization.”

The European Union condemned Shevchenko’s arrest, noting its “strong concern over the use of this legislation to criminalise the actions of civil society and human rights defenders in Russia.” It reiterated: “We expect that the charges will be dropped immediately and Ms Shevchenko’s house arrest will be brought to an end.” The US called for her immediate release, noting that “[t]he charges against Ms. Shevchenko demonstrate that

---

93 Shevchenko Anastasia Nukzarievna, supra note 88.
94 Id.
96 Russia: First Criminal Case Under “Undesirable Organizations” Law, supra note 85.
97 Id.
98 Id.
101 Id.
the Russian Federation is now willing to use the law’s most repressive provisions in its efforts to exert pressure on independent civil society and punish those citizens who seek to maintain connections with organizations in other participating States.”

Amnesty International has designated her as a prisoner of conscience.

2. **Oyub Titiev**

Oyub Titiev is the head of the Grozny representative office of Memorial HRC. He was convicted in March 2019 on fabricated drug charges (Criminal Code Article 228(2)) and sentenced to four years in prison. According to authorities, marijuana was found during a search of Titiev’s car. However, Titiev insists that the drugs were planted – he is an observant Muslim.

There have been numerous irregularities and rights violations throughout Titiev’s detention. First, he was held incommunicado and denied access to his lawyer for the first seven hours of his detention. During that time, he was pressured to confess – investigators even threatened his family – and officials took biological samples from his hands. Later that same day, armed men arrived at Titiev’s home looking for his brother and son. When they could not find them, the armed men forced his female relatives to leave the house, locked the door, and

---


105 Id.

106 Id.


109 Titiev Oyub Salmanovich, supra note 104.

110 Id.
confiscated the keys. After this incident, the family fled from the Chechen Republic.

Suspiciously, all 15 video cameras located between the area where Titiev was stopped and the local police station were offline the day of his arrest. Moreover, several weeks into his detention, officials brought in an alleged witness (a man who claimed he had seen Titiev use drugs) to make an official identification. However, the alleged witness could not pick Titiev out of the group of people shown to him. This result was reflected in the protocol drawn up by investigators. However, the next day, the investigators claimed that the officer who had written the protocol mistakenly wrote that the witness failed to identify Titiev, and they “corrected” it to reflect a positive identification. The “witness” also began insisting that he had correctly identified Titiev.

In addition, Ramzan Kadyrov, Head of the Chechen Republic, made several prejudicial statements regarding Titiev before he was convicted. In one speech, while he did not refer to Titiev by name, Kadyrov noted that “one drug addict” was caught by the Ministry of Internal Affairs and that the UN and the US State Department had called for his release (clearly referring to Titiev). In another interview, Kadyrov stated that Titiev’s son

111 Id.
112 Oyub Titiev Detained and Facing Criminal Investigation, supra note 108.
116 Id.
117 Id.
118 Id.
was a “drug addict” and that there were witnesses who had seen Titiev use drugs.¹²⁰

Hugh Williamson, the Europe and Central Asia Director at Human Rights Watch, explained that “Titiev’s arrest is a clear signal that authorities . . . are trying to force Memorial out of Chechnya.”¹²¹ The UN Special Rapporteur on Human Rights Defenders similarly noted that there are “strong reasons to believe” that Titiev’s arrest and detention “are motivated by his peaceful human rights activities.”¹²² Numerous other individuals, organizations, bodies, and countries have denounced the charges as fabricated, including Frontline Defenders, the European Parliament, the UK, the US, and the Council of Europe Commissioner for Human Rights.¹²³ Amnesty International has recognized Titiev as a prisoner of conscience.¹²⁴

D. Journalists

A series of laws, enacted since 2012, has significantly expanded the Government’s ability to criminally prosecute independent journalists.¹²⁵

¹²¹ Russia: Rights Defender Arbitrarily Arrested in Chechnya, supra note 107.
And government officials are not afraid to use them – in fact, “[c]riminal prosecutions of critical journalists and bloggers are rife.” 126 Journalists face “huge pressure – legal, physical and economic” – to refrain from covering critical viewpoints. 127 The Government also uses restrictive laws to punish coverage of and limit publicly-available information about anti-government protests. 128 Journalists who refuse to censor their writing may find themselves imprisoned on politically-motivated charges. 129

1. Zhalaudi Geriev

Zhalaudi Geriev is a journalist with the Caucasian Knot, an independent news website widely-known for reporting on abuses by Chechen authorities. 130 He is currently serving a three-year prison term on fabricated drug charges (Criminal Code Article 228(2)). 131

According to the prosecution, police came across Geriev in a cemetery on April 16, 2016 and, when they searched his backpack, they found marijuana. 132 In reality, Geriev was forcibly brought there. Earlier that day, he had been on a bus to Grozny, when three armed men entered, forcibly dragged him off and into a car, tied his hands with wire, and drove him to a forest. 133 There, they questioned him about his work and threatened him. 134 Another man eventually arrived, placed a plastic bag over Geriev’s head to suffocate him, and left with Geriev’s backpack. 135 The remaining kidnappers took Geriev to a cemetery, where they forced him to sign a confession stating that the drugs planted in his backpack belonged to him. 136 He was then taken into police

126 Id., at 12.
127 Id., at 13.
128 Id.
129 Id., at 12.
131 Geriev Zhalaudi Nasrudinovich, supra note 130.
132 Id.
133 Russia: Journalist Punished for Chechnya Reporting, supra note 130.
134 Id.
135 Id.
136 Id.
Although Geriev recanted at trial and explained that his confession was made under duress, the court refused to take this into consideration. He was convicted and sentenced to three years’ imprisonment.

There are several aspects of this case that demonstrate that the charges are fabricated. First, on the day Geriev was arrested, he had a plane ticket from Grozny to Moscow (he was planning to attend a journalism seminar there). In fact, the airline confirmed that he had purchased a ticket and had even checked in online. Despite having clear plans to fly to Moscow, the prosecution claimed that he went instead to a rural cemetery to use drugs. Moreover, Geriev allegedly did so without any matches, lighters, cigarettes, or other paraphernalia needed to smoke or otherwise ingest the marijuana.

In addition, the arresting officers could not explain why, after they allegedly came across Geriev at the cemetery, they searched his backpack. When asked about this, one officer replied that Geriev had a beard, which is an administrative offense (this, of course, is not true), and that this gave them grounds for a search. Also, the two witnesses who testified that they saw the drugs removed from Geriev’s backpack are “full-time witnesses” – they have served as witnesses in more than 15 criminal cases under nearly identical circumstances. In fact, in all of the indictments that rely on these two witnesses, their testimonies coincided word-for-word.

It is widely recognized that Geriev was imprisoned in retaliation for his reporting. Tanya Lokshina, Russia Program Director at Human Rights Watch, said there is “no doubt that Geriev is being punished for his work as a journalist,” and Memorial HRC stated that it is “confident that Zhalaudi Geriev has suffered for his professional activities as a journalist.”

137 Id.
138 Id.
139 Id.
140 Geriev Zhalaudi Nasrudinovich, supra note 130.
141 Id.
142 Id.
143 Id.
145 Id.
146 Russia: Journalist Punished for Chechnya Reporting, supra note 130.
147 Geriev Zhalaudi Nasrudinovich, supra note 130.
Similarly, “PEN International, PEN Moscow and St. Petersburg PEN believe the charges against Zhalaudi Geriev to be connected to his reporting on corruption and other abuses by the Chechen authorities.” Finally, the Norwegian Helsinki Committee and International Federation for Human Rights (FIDH) “consider the criminal prosecution and sentencing of Mr. Zhalaudi Guriev to be connected with his professional journalistic work.”

2. Igor Rudnikov

Igor Rudnikov is a prominent opposition politician in the Kaliningrad region and was the editor of Noviye Kolyosa, a now-closed independent newspaper renowned for its investigative journalism, particularly on government corruption. Rudnikov has been in custody since November 1, 2017, awaiting trial on extortion charges (Criminal Code Article 163(3)).

In 2017, Noviye Kolyosa published a story questioning how Viktor Ledenyov, a member of the powerful Investigative Committee (which answers directly to Vladimir Putin), had acquired a lakeside luxury home. Soon thereafter, Rudnikov was arrested by the FSB – it was alleged that he tried to extort $50,000 from Ledenyov in exchange for ending the negative reporting about him. The arresting officials forced handcuffs on Rudnikov so violently that they broke his arm, and they later beat him so badly that he had cracked ribs and a severe concussion and lost consciousness. In a video, members of the FSB can be heard telling their

---

148 RUSSIA’S STRIDENT STIFLING OF FREE SPEECH, supra note 125, at 13.
151 Did the Trump Administration Help Russia Silence a Putin Critic?, supra note 150.
154 Did the Trump Administration Help Russia Silence a Putin Critic?, supra note 150.
superior that they had given Rudnikov a “good beating.” Yet the violence against him was never investigated.

The charges against Rudnikov are highly implausible. As another opposition politician in Kaliningrad explained: “Only an idiot would try and blackmail a general in the Investigative Committee. It would be like attempting to blackmail Putin himself and hoping he would pay up. And Igor Rudnikov is certainly no idiot.” Similarly, Memorial HRC noted: “It is difficult to imagine a situation in which an opposition MP and a journalist who was persecuted in connection with his public activities would extort money from the head of the regional administration of the [Investigative Committee].”

Leading experts and organizations have connected Rudnikov’s detention to his reporting. The OSCE Representative on Freedom of the Media stated that “there are reasons to believe that Igor Rudnikov’s detention is related to his journalistic work,” and Reporters Without Borders has described the charges as “clearly trumped-up” and “an act of political revenge.”

E. Religious Minorities

The Kremlin “views independent religious activity as a major threat to social and political stability.” Because of this, freedom of religion in Russia is “respected unevenly,” with government officials harassing “nontraditional” groups. This persecution is only getting worse – in 2017, the US Commission on International Religious Freedom (USCIRF)

---

156 Rudnikov Igor Petrovich, supra note 150 (noting “the absence of an investigation into the beating of a journalist during his arrest”).
157 Did the Trump Administration Help Russia Silence a Putin Critic?, supra note 150.
158 Rudnikov Igor Petrovich, supra note 150.
160 RSF Asks UN to Look at Case of Russian Editor Held for Past Year, supra note 155.
163 Freedom in the World 2018: Russia, supra note 1.
designated Russia as a “country of particular concern” for the first time.\textsuperscript{164} In fact, USCIRF noted that “Russia represents a unique case” because “it is the sole state to have . . . continually intensified its repression of religious freedom since USCIRF commenced monitoring it.”\textsuperscript{165}

Russia’s extremism laws are frequently used against religious minorities,\textsuperscript{166} and numerous religious texts have been added to the Federal List of Extremist Material, “including many with no apparent connections to militancy.”\textsuperscript{167} Religious minorities – and Muslims in particular – are often targeted out of “the need of the security services to stay relevant by fabricating cases when actual crimes are lacking.”\textsuperscript{168} Charges of unauthorized missionary activity are also common,\textsuperscript{169} and the broad definition of “missionary activity” and the lack of an independent judiciary mean that “any religious speech or activity not explicitly sanctioned by the authorities now has the potential to be criminalized, depending on the whims of local law enforcement and prosecutors.”\textsuperscript{170} Registration procedures are also used to selectively shut down disfavored religious organizations – for example, after the Kremlin required all religious groups in occupied Crimea to re-register under Russian law, only 365 of the over 1,300 groups that had legal status under Ukrainian law were re-registered.\textsuperscript{171}

\begin{footnotesize}
\begin{enumerate}
\item\textsuperscript{164} \textit{ANNUAL REPORT 2017: RUSSIA, supra} note 162, at 1.
\item\textsuperscript{165} \textit{Id}.
\item\textsuperscript{166} \textit{RUSSIA 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT, U.S. DEP’T OF STATE}, at 10, \textit{available at} https://www.state.gov/documents/organization/281196.pdf (“Authorities continued to detain and fine members of minority religious groups and minority religious organizations for alleged extremism.”).
\item\textsuperscript{167} \textit{ANNUAL REPORT 2017: RUSSIA, supra} note 162, at 3.
\item\textsuperscript{168} \textit{Id}.
\item\textsuperscript{169} \textit{RUSSIA 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT, supra} note 166, at 1 (“The government prosecuted individuals of many denominations for unauthorized missionary activity . . . .”).
\item\textsuperscript{170} \textit{ANNUAL REPORT 2017: RUSSIA, supra} note 162, at 6.
\item\textsuperscript{171} \textit{Id}., at 7–8.
\end{enumerate}
\end{footnotesize}
1. Dennis Christensen

Dennis Christensen is a Danish citizen and Jehovah’s Witness who was sentenced to six years’ imprisonment on extremism charges (Criminal Code Article 282.2) in February 2019.172 His case has come to represent the ongoing persecution of Jehovah’s Witnesses in Russia.

In April 2017, the Russian Supreme Court ruled that the Administrative Center of Jehovah’s Witnesses – the head office of the religion in Russia – was an extremist organization, effectively banning all Jehovah’s Witnesses’ activities in the country.173 A lower court had previously banned the local chapter of Jehovah’s Witnesses to which Christensen belonged.174 Christensen was arrested in May 2017 during a police raid on a Jehovah’s Witness service and charged with organizing the activities of an extremist organization.175 His allegedly unlawful actions included giving a sermon, discussing a religious publication, organizing worshipers to help with the upkeep of the building, and persuading other people to attend services.176 After spending 20 months in pretrial detention, he was convicted in February 2019 and sentenced to six years in prison.177

Christensen’s conviction and the 2017 Supreme Court ruling are only recent high-profile examples of the long-standing persecution of Jehovah’s Witnesses in Russia. By some accounts, the Government has treated them as violent fundamentalists since at least 2004.178 Beginning in 2007, local courts started banning local Jehovah’s Witness organizations as extremist and numerous pieces of Jehovah’s Witness literature were placed on the Federal List of Extremist Materials.179 Forum 18, a news service

---

173 Id.
174 Id.
175 Id.
176 Id.
177 Id.
focused on freedom of religion, has documented more than 120 Jehovah’s Witnesses in Russia who are under criminal investigation, on trial, or serving a criminal sentence on extremism-related charges. Those that are detained have been recognized as political prisoners. Some of these individuals have been brutally tortured to force them to disclose information about their meetings and leadership.

Christensen’s conviction, and the persecution of Jehovah’s Witnesses more generally, have been widely criticized. Michelle Bachelet, the UN High Commissioner for Human Rights, declared: “The harsh sentence imposed on Christensen . . . effectively criminalizes the right to freedom of religion . . . for Jehovah’s Witnesses in Russia.” The co-rapporteurs of the Parliamentary Assembly of the Council of Europe that monitor Russia said that “Christensen’s conviction and imprisonment for nothing more than peacefully practising his faith is an unacceptable violation of the right to freedom of religion.” In July 2018, the European Union expressed concern about “reports of continued systematic persecution of Jehovah’s Witnesses in Russia, including police raids of private homes, intimidation, arbitrary detentions and criminal prosecution.” In September, six UN Special Procedures relayed their “concern at the arrest and detention of members of the Jehovah’s Witnesses religious minority on the basis of legislation on counter-extremism, and at the raids against their homes.” The UK Foreign Office said that the Supreme Court’s 2017 ruling “effectively criminalizes the peaceful worship of religion.”

of 175,000 Russian citizens and contravenes the right to religious freedom.”
Amnesty International has designated “Dennis Christensen and all Jehovah’s Witnesses deprived of right to liberty solely in connection with the peaceful exercise of their right to religion” as prisoners of conscience.

2. Ivan Matsitsky

Ivan Matsitsky is the spiritual leader of the Church of Scientology of St. Petersburg. He has been detained since June 2017, facing criminal charges relating to his involvement with Scientology.

On June 6, 2017, the FSB and riot police searched the St. Petersburg Church of Scientology, as well as the apartments of some of its parishioners. Five individuals who performed administrative functions in the church, including Matsitsky, were arrested and charged with creating an extremist community (Criminal Code Article 282.1(1)), degrading the human dignity of church members (Article 282(2)(c)), and illegal business activities (Article 171(2)). The extremism charge was based on a prior court ruling that certain works by L. Ron Hubbard (the founder of Scientology) were extremist. The human dignity charge was based on sanctions issued against parishioners who violated the church’s ethical rules; however, as Memorial HRC has pointed out, such practices are common in many religions. Finally, by offering paid courses and programs without registering as a legal entity, the defendants allegedly engaged in illegal business activities. However, the group had repeatedly

191 Id.
192 Id.
193 Id.
194 Id.
tried to register but was denied each time, and the European Court of Human Rights held that those denials violated the group’s right to freedom of religion. In fact, Matsitsky and two of the other St. Petersburg Scientologists currently facing charges were applicants in that case before European Court of Human Rights.196

Like Jehovah’s Witnesses, Scientologists in Russia have faced long-standing persecution. For example, courts in Russia banned local Scientology organizations in 2007, 2008, and 2009.197 More recently, in November 2015, the Moscow City Court banned the activities of the Moscow Scientology branch,198 and this decision was upheld by the Supreme Court in 2016.199

Matsitsky has been recognized as prisoner of conscience by the US Commission on International Religious Freedom, with Vice Chair Kristina Arriaga describing his case as “emblematic of the Russian government’s complete disregard for religious freedom.” 200 More generally, the European Court of Human Rights has ruled, in at least three cases, that government officials violated the rights of Scientologists by refusing to grant them legal recognition.201

201 Church of Scientology Moscow v. Russia, App. 18147/02, Eur. Ct. H.R., Apr. 5, 2007, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-80038%22]} (denial of re-registration
F. Ethnic Minorities: Crimean Tatars

The Crimean Tatars are “a Muslim ethnic minority indigenous to the Crimean Peninsula.” They have been among the most vocal critics of the Russian occupation of Crimea, and as a result, the Russian authorities have “relentlessly persecuted” them. This has included harassment, intimidation, threats, intrusive and unlawful searches, physical attacks, and enforced disappearances. Russian authorities have also banned Tatar media and organizations that criticized the occupation, including the Mejlis, the Tatar’s self-governing body. Crimean Tatars are also frequently subjected to baseless criminal charges resulting in arbitrary detention – usually separatism, for criticizing Russia’s actions in Crimea; extremism, for political activity; or terrorism, for associating with the religious/political organization Hizb ut-Tahrir al Islami (Hizb ut-Tahrir).

Emir-USEin Kuku, for example, is a Tatar human rights activist and Chair of the Crimean Contact Group, which monitors human rights violations, provides legal assistance, and reports politically-motivated enforced disappearances. On the morning of February 11, 2016, investigators and armed officials smashed down the front door of his home, conducted a five-hour search, and arrested him. He was charged with participating in a terrorist organization (Criminal Code Article 205.5(2))

204 Crimea: Persecution of Crimean Tatars Intensifies, supra note 202.
205 Id.
206 Id.
207 Id.
209 Crimean Tatar: Never Silent in the Face of Injustice, supra note 203.
and preparing for the violent seizure of power (Article 278) due to his alleged involvement with Hizb ut-Tahrir, and has been detained ever since.\textsuperscript{210}

Kuku denies any involvement with Hizb ut-Tahrir.\textsuperscript{211} However, even if he were involved with the group, the charges against him fail to allege any criminal action beyond mere association. As Memorial HRC has explained, Kuku is “not charged with preparing any terrorist act or voicing terrorist threats: just finding and convincing new supporters, holding meetings with [the] reading and discussing [of Hizb ut-Tahrir] literature, and discussing the international situation.”\textsuperscript{212} Nor is Kuku accused of taking any specific actions in order to violently seize power (such as collecting weapons).\textsuperscript{213} When an FSB operative was asked in court what preparations Kuku had made to seize power, the operative simply replied that, once Hizb ut-Tahrir has convinced 50\% of the population to follow it, it will immediately seize power.\textsuperscript{214}

Kuku’s detention and prosecution are clearly related to his human rights work. In July 2018, four UN Special Procedures expressed “[s]erious concern . . . over the ongoing detention of Mr. Kuku and the charges he is facing for reasons seemingly linked to his peaceful and legitimate work in defence of human rights.”\textsuperscript{215} They also expressed concern about “the use of counter-terrorism legislation to criminalise Mr. Kuku’s work in defence of human rights in Crimea.”\textsuperscript{216} The Director of Amnesty International Ukraine described Kuku as “a brave human rights defender who has already spent three years in prison for standing up for the rights of Crimean Tatars.”\textsuperscript{217} The US State Department has recognized Kuku as a political


\textsuperscript{211} Crimean Tatar: Never Silent in the Face of Injustice, supra note 203.

\textsuperscript{212} Yalta Case on Membership in a Banned Hizb ut-Tahrir, supra note 210.

\textsuperscript{213} Id.


\textsuperscript{216} Id.

prisoner and demanded his release.\textsuperscript{218} Amnesty International has also designated Kuku as a prisoner of conscience.\textsuperscript{219}

\textbf{G. Alleged Spies}

According to Memorial HRC, the Kremlin has a “conscious state policy” to create “an atmosphere of wartime in society,” with an accompanying search for “enemies of the state.”\textsuperscript{220} This is reflected in the “sharp increase” in “spy” charges – treason, espionage, etc. – brought over the past few years.\textsuperscript{221} Team 29, an association of independent lawyers and journalists in Russia, recently published an exhaustive analysis of such cases, which explained in detail why such prosecutions are problematic.\textsuperscript{222}

First, jury trials were abolished in treason and espionage cases in 2008.\textsuperscript{223} This may have contributed to the increase in such charges because investigators “are sure that a professional judge – unlike jurors – will always be on the side of the prosecution.”\textsuperscript{224} Second, court sessions are closed to the public, depriving the public of oversight.\textsuperscript{225} Third, charges are sometimes based on classified documents that are not made available to the defense\textsuperscript{226} (though a 2017 ruling by the Constitutional Court may change this\textsuperscript{227}). Fourth, the criminal provisions on treason and espionage were amended and broadened in 2012.\textsuperscript{228} A former prosecutorial investigator, commenting on the amendments, said that now “virtually anything” could be interpreted as treason.\textsuperscript{229} And fifth, once a person is charged with treason or espionage, their conviction is a foregone conclusion – going back to 1997, Team 29 found only one case involving treason or espionage charges

\begin{thebibliography}{99}
\bibitem{219} Crimea: YouTube Must Not Cooperate with Russia’s Persecution of Activists, supra note 217.
\bibitem{221} Id.
\bibitem{223} Id., at 5.
\bibitem{225} The History of High Treason, supra note 222, at 4.
\bibitem{226} Id., at 15.
\bibitem{227} Id., at 20 (“The Constitutional Court made another ruling in 2017 . . . that a party to a criminal case is entitled to review the elements of the case file that constitute a state secret.”).
\bibitem{228} Id., at 21–24.
\bibitem{229} Spy Mania 2.0, supra note 224.
\end{thebibliography}
that ended in an acquittal (although two other cases were discontinued before they went to trial).\footnote{The History of High Treason, supra note 222, at 4.}

1. \textbf{Svyatoslav Bobyshev}

Svyatoslav Bobyshev is a professor and scientist at Baltic State Technical University.\footnote{Bobyshev Svyatoslav Vasilyevich, MEMORIAL HUMAN RIGHTS CTR., accessed Feb. 5, 2019, available at https://memohrc.org/ru/defendants/bobyshev-svyatoslav-vasilevich [in Russian].} He was arrested in March 2010 and charged with treason (Criminal Code Article 275) for allegedly selling information about the Bulava missile system to China during an academic collaboration with a Chinese polytechnic institute.\footnote{Id.} The information, which was included in a report prepared by Bobyshev and others, was not secret at the time it was shared, but was declared secret retroactively.\footnote{Id.} Despite this, he was convicted and sentenced to 12 years’ imprisonment.\footnote{Id.} As Bobyshev’s lawyer pointed out, the prosecution’s claim that a professional like Bobyshev would sell state secrets and risk an extended prison term for only $7,000 defies common sense: “Considering the scope of the charges and the severity of the punishment, the compensation that the researchers allegedly received for allegedly transferring classified information is astonishing.”\footnote{Moscow’s Spy Ring, TEAM 29, accessed Feb. 19, 2019, available at https://spy.team29.org/agents/}. Moreover, the chairman of the department in which Bobyshev worked said that his research did not involve any information that could lead to his arrest.\footnote{Alexandra Taranova, 2 Scientists Held in Murky Spy Case, MOSCOW TIMES, Sept. 21, 2010, available at https://www.themoscowtimes.com/2010/09/21/2-scientists-held-in-murky-spy-case-a1622.} Bobyshev’s co-defendant in the treason case, Yevgeny Afanasyev (also a professor at Baltic State Technical University), died in prison in 2015.\footnote{Russian Professor Convicted of Treason Dies in Prison, RADIO FREE EUROPE / RADIO LIBERTY, Apr. 15, 2015, available at https://www.rferl.org/a/russian-professor-convicted-of-treason-dies-in-prison/26957328.html.}
2. Petr Parpulov

Petr Parpulov is an air traffic controller who was convicted of treason (Criminal Code Article 275) in 2016 and sentenced to 12 years in prison. He allegedly shared state secrets with individuals in Georgia, who then shared them with the Georgian Government. However, the information he is accused of sharing with relatives there was publicly available – it was even on the website of the Russian Ministry of Defense’s official newspaper. Thus, he had no reason to believe that the information constituted a state secret. At trial, the secrecy of the information was established by reference to a secret Ministry of Defense decree that the defense was not allowed to review. In addition, the court did not demonstrate any motive for Parpulov to share the “state secrets.” The real purpose of his conviction appears to be “to create the image of a Russia besieged by enemies.”

239 Id.
240 Id.
242 Id.
In April 2017, Novaya Gazeta made a shocking report – “[t]he Chechen authorities were arresting and killing gay men.”\textsuperscript{244} This was apparently retaliation for attempts to hold gay pride parades in four cities in Russia’s predominantly Muslim North Caucasus region, of which Chechnya is a part (a Moscow-based rights group had filed permit applications for the parades).\textsuperscript{245} Subsequent reporting confirmed that Chechnya’s law enforcement and security officials “rounded up dozens of men on suspicion of being gay, held them in unofficial detention facilities for days, [and] humiliated, starved, and tortured them.”\textsuperscript{246} Several reportedly died as a result.\textsuperscript{247} While the Chechen authorities flatly denied this mistreatment, even claiming that there are no gay persons in Chechnya,\textsuperscript{248} it is clear that the roundups were sanctioned by the authorities.\textsuperscript{249} In fact, Chechen officials, including two high-level ones, visited the detention facilities and humiliated the detainees.\textsuperscript{250}

In December 2018, a new wave of anti-LGBT persecution was reported.\textsuperscript{251} About 40 people – both men and women – were detained, and at least two died after being tortured.\textsuperscript{252} The police were reportedly working

\textsuperscript{245} \textit{Chechen Authorities Arresting and Killing Gay Men}, supra note 244.
\textsuperscript{246} “\textsc{They Have Long Arms and They Can Find Me}”: \textsc{Anti-Gay Purge by Local Authorities in Russia’s Chechen Republic}, \textsc{Human Rights Watch}, May 2017, at 1, available at https://www.hrw.org/sites/default/files/report_pdf/chechnya0517_web.pdf.
\textsuperscript{247} Id.
\textsuperscript{248} \textit{Chechen Authorities Arresting and Killing Gay Men}, supra note 244 (“A spokesman for Chechnya’s leader, Ramzan Kadyrov, denied the report in a statement to Interfax on Saturday, calling the article ‘absolute lies and disinformation.’”).
\textsuperscript{249} \textsc{They Have Long Arms and They Can Find Me}, supra note 246, at 1.
\textsuperscript{250} Id., at 2.
\textsuperscript{252} Id.
to prevent victims from leaving the region, including by seizing their travel documents.\(^{253}\) Again, Chechen authorities denied the reporting as “complete lies.”\(^{254}\)

While persons detained solely because of their sexual orientation qualify as political prisoners,\(^{255}\) in practice the victims of LGBT persecution in Chechnya have not been designated as such. This is due primarily to a lack of information: the Chechen authorities have worked actively to prevent victims from leaving the region or otherwise accessing justice, including by threatening to initiate criminal proceedings against them or their close relatives.\(^{256}\) Also, many of the victims themselves do not want to be publicly identified. Homophobia in Chechnya is “intense and rampant” and honor killings by family members can occur.\(^{257}\) In fact, several victims of the LGBT persecution in Chechnya told Human Rights Watch that they would not feel safe filing a complaint even while living abroad.\(^{258}\)

Although no LGBT Chechens are currently designated as political prisoners, they are included in this report in recognition of their ongoing repression and the fact that, even if their identities are unknown, their persecution and detention are unlawful, and they must be released.


\(^{256}\) Deaths and Detentions in ‘New Wave of Persecution’ in Chechnya, supra note 251.

\(^{257}\) THEY HAVE LONG ARMS AND THEY CAN FIND ME, supra note 246, at 1–2.

\(^{258}\) Id., at 33.
V. **Key Domestic Laws Used to Persecute Political Prisoners**

Memorial HRC describes the Kremlin’s political prisoners as “victims of purposeful state lawlessness.” Indeed, Government officials deliberately misuse the Criminal Code and Code of Administrative Offenses to harass, intimidate, prosecute, and imprison political prisoners. They do so in several distinct ways. First, fabricated charges are brought for actions that simply did not occur. Alexey Pichugin, who was convicted of several murders that he did not commit, is a well-known example of this phenomenon. Second, individuals are prosecuted for actions that are widely protected under international human rights law, such as posting on social media (see, e.g., the discussion of Rafis Kashapov, Danis Safargali, and Vitaly Shishkin, below). And third, even where a person’s actions may legitimately be sanctioned, disproportionately harsh punishments are used to punish and intimidate activists (for example, the prison term given to Vladimir Podrezov, discussed below). Russian authorities use a broad array of specific laws to target opponents; these laws are discussed in detail below.

A. **Criminal Code Provisions Used to Persecute Political Prisoners**

1. **Drug Crimes**

   Article 228 prohibits the acquisition, storage, transportation, manufacture, or processing of illegal drugs, and carries a maximum punishment of three years’ imprisonment (15 years, if done on an especially large scale). Several current political prisoners have been charged with and/or convicted of fabricated drug offenses. Oyub Titiev, head of the Grozny representative office of Memorial HRC, was convicted for

---


4 *Criminal Code of the Russian Federation, supra* note 2, at Art. 228(1), (3).
marijuana allegedly found in his car during a traffic stop. Titiev, however, insists that the drugs were planted by the police, and Amnesty International described the charges as “clearly fabricated.” Mikhail Savostin, an outspoken political activist, was arrested in April 2018 during a traffic stop after police allegedly found a bag of marijuana. Memorial HRC has said that it believes the evidence against him “is falsified in order to [force him to] voluntarily cease his public activities.” Vladimir Prisich was convicted in May 2017 for allegedly having half a kilogram of marijuana in his truck; he was sentenced to three years in prison. The drug charges were brought only after the FSB tried, but failed, to implicate him in espionage. Zhalaudi Geriev, a journalist for the Caucasian Knot, an independent news website known for reporting on abuses by Chechen authorities, was sentenced in 2016 to three years on what Human Rights Watch called “dubious drug charges.” In June 2016, Andrey Kolomiets was convicted of possession of hashish (and other charges).

Former political prisoners (i.e., individuals recognized as political prisoners before their release) Sergey Reznikov and Ruslan Kutaev were also convicted on false drug charges. In April 2017, Reznikov, a prominent opposition activist, was sentenced to three years’ imprisonment for possessing cocaine; he insists the drugs were planted. In 2014, Kutaev publicly criticized an order by Chechen leader Ramzan Kadyrov; two days later, he was arrested for possession of heroin. He was later convicted and

---

6 Id.
9 Id.
11 Id.
sentenced to four years in prison. Human Rights Watch described the charges against Kutaev as “politically motivated” and said that there is “no doubt that Kutaev is being punished for his activism.”

2. Murder

Article 105 prohibits murder and allows for six to 15 years’ imprisonment. Where there are aggravating circumstances – e.g., murder of more than one person or extreme cruelty – the perpetrator can be given life imprisonment. Several political prisoners have been framed for murder. Alexey Pichugin was convicted in 2005 and 2007 on multiple counts of murder and attempted murder. In reality, his only crime was refusing to falsely implicate prominent Putin critics Mikhail Khodorkovsky and Leonid Nevzlin in criminal activity (at the time of his arrest, Pichugin worked at Yukos, an oil company formerly controlled by Khodorkovsky and Nevzlin). The European Court of Human Rights issued separate decisions finding that each of Pichugin’s trials was unfair.

Rasul Kudaev was sentenced to life imprisonment in 2014 on a variety of charges, including murder, for his alleged role in a series of attacks on government institutions in the city of Nalchik in 2005. However, the witnesses who originally implicated him recanted at trial, explaining that they had given their prior testimony under torture, and several other witnesses provided Kudaev an alibi throughout the day of the attacks.

16 Id.
17 Id.
18 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 105(1).
19 Id., at Art. 105(2).
24 Id.
Mykola Karpyuk and Stanislav Klykh were both convicted in May 2016 of several charges, including murder and attempted murder, for allegedly fighting against Russian forces during the First Chechen War. However, after a thorough review of the facts and the charges against them, Memorial HRC concluded that they were, in fact, innocent and that their convictions were based on falsified evidence of their involvement in the hostilities in Chechnya. Their persecution is likely related to the Kremlin’s ongoing anti-Ukraine campaign.

In an earlier high-profile case, former political prisoner Daniil Konstantinov was arrested on murder charges in March 2012. Konstantinov, a nationalist politician, lawyer and human rights activist, was held in pretrial detention for over two years despite the fact that he had “a cast iron alibi” – several witnesses placed him at his mother’s birthday party at the time of the killing. In October 2014, he was convicted of hooliganism, not murder, but was immediately amnestied. He fled Russia soon thereafter, and received political asylum in Lithuania.

3. Weapons Crimes

Several provisions relating to weapons have been used against political prisoners. Article 222 punishes the illegal acquisition, transfer, sale, storage, transportation, or carrying of firearms or ammunition with up to four years’ imprisonment. Article 222.1 prohibits the same acts for

---

27 Id.
31 Id.
33 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 222(1).
explosives, with a maximum of five years’ imprisonment. Article 223 and Article 223.1 further criminalize the illegal manufacture of firearms/ammunition and explosives, providing for three to five years and three to six years in prison, respectively. All of these articles allow for greater punishment where violations are committed as a part of a conspiracy or organized group.

Vladimir Balukh, discussed above in Section IV(B), was convicted in 2018 of illegal possession of firearms and ammunition under Article 222. It appears that this contraband was planted and that the criminal prosecution was a direct result of his pro-Ukraine activism. He was sentenced to three years and five months in prison. Oleg Sentsov, also discussed in Section IV(B), was sentenced in 2015 to 20 years’ imprisonment on various charges, including unlawful acquisition and storage of weapons under Article 222. He was likely also targeted due to his pro-Ukraine activism and his (peaceful) resistance to the occupation of Crimea. Memorial HRC further noted his case is “[o]bviously . . . part of a political campaign to create a tangible and primitive image of the enemy”: that is, Ukrainian nationalists and terrorists from the Right Sector (a far-right Ukrainian political party).

Four additional political prisoners – Alexander Orshulevich, Igor Ivanov, Alexander Mamaev, and Nikolai Sentsov – are currently facing weapons (and other) charges relating to their alleged involvement with Baltic Avant-Garde of Russian Resistance (BARS), a nationalist/opposition group that has participated in anti-Putin actions. The weapons charges are specifically for illegal possession of firearms and ammunition (Article 222) and explosive devices (Article 222.1). While Nikolai Sentsov admits

34 Id., at Art. 222.1(1).
35 Id., at Arts. 223(1), 223.1(1).
36 Id., at Arts. 222(2)–(3), 222.1(2)–(3), 223(2)–(3), 223.1(2)–(3).
38 Id.
39 Id.
42 Sentsov Oleg G., supra note 40.
44 Id.
having certain weapons, they were inoperative and used for reenactments only.45 The others – a rocket-propelled grenade, etc. – were planted during a search of his house.46 An additional political prisoner – Gleb Shabliy – was sentenced to five years’ imprisonment under Articles 222.1 and 223.1 for an explosive device allegedly found in the safe of the office where he worked.47 However, according to Memorial HRC, “[t]here is reason to believe” the case was fabricated, the explosive device was planted, and the initial guilty plea was made under torture by the FSB.48 In reality, Shabliy was targeted because he was a reserve officer with the Ukrainian armed forces.49

4.

Sexual Crimes

Under Article 132, violent acts of a sexual nature are punishable by three to six years in prison (eight to 15 years, if committed against a minor).50 Article 135 prohibits depraved actions with a minor below 16 and allows for up to three years’ imprisonment.51 Article 242.2 punishes child pornography with three to 10 years’ imprisonment.52

Political prisoner Yuri Dmitriev is a renowned historian who has worked for decades to uncover Soviet-era executions and mass graves.53 He is also the chairman of the Karelian branch of the Russian Historical, Educational, and Human Rights Society Memorial (which is related to, but legally distinct from, Memorial HRC).54 In December 2016, Dmitriev was arrested and subsequently charged under Articles 132, 135, and 242.2, relating to nine photographs he took of his adopted daughter.55 She was malnourished when Dmitriev and his wife took her in, and the photos documented the child’s health and development to avoid any issues with

46 Id.
48 Id.
49 Id.
50 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 132(1), (3).
51 Id., at Art. 135(1).
52 Id., at Art. 242.2(1).
55 Id.
Moreover, each photograph had a note about the child’s height, weight, and general health. Dmitriev was acquitted of the sexual offenses in April 2018. A higher court overturned the acquittal and sent the case back for retrial; in June 2018, additional criminal charges were filed against Dmitriev, this time under Article 132(4)(b) (violent acts of a sexual nature committed against a person under fourteen). His prosecution comes amidst the Government’s efforts to rehabilitate the image of Soviet-era Russia. Putin himself said in June 2017 that the “excessive demonisation” of Stalin is a “means of attacking the Soviet Union and Russia.” Memorial HRC has stated that, in its opinion, Dmitriev’s prosecution is a direct result of his work highlighting the victims of Stalinist repression.

5. Property/Financial Crimes

*Article 163* penalizes extortion with up to four years’ imprisonment, and up to 15 years if committed in order to obtain property on a large scale. Igor Rudnikov, a well-known opposition politician and editor of an independent newspaper, was arrested in November 2017 for allegedly extorting money from a member of the Investigative Committee in the Kaliningrad region. Because he is charged with extortion “to obtain property on a large scale,” he faces up to 15 years in prison if convicted.

*Article 171* prohibits illegal business activities, and allows for up to five years’ imprisonment if committed by an organized group or for large-

---

56 *Gulag Grave Hunter Unearths Uncomfortable Truths in Russia*, supra note 53.
57 *Id.*
59 Dmitriev Yuri Alekseevich, supra note 54.
60 *Gulag Grave Hunter Unearths Uncomfortable Truths in Russia*, supra note 53.
61 Dmitriev Yuri Alekseevich, supra note 54 (“We have reason to believe that he became disliked by virtue of his professional activities (recalling the memory of the victims of Stalinist repression), his independent political views, and attracting the international community to the annual International Memorial Days for the Victims of Great Terror at the Sandarmoch International Cemetery.”).
65 Rudnikov Igor Petrovich, supra note 63.
scale income generation. 66 Five Scientologists in St. Petersburg (all recognized by Memorial HRC as political prisoners67) are currently facing charges of illegal business activities for providing paid courses and programs without being legally registered.68 However, as mentioned above, the St. Petersburg Church of Scientology had repeatedly tried to register as a legal entity with the government – at least six times – but was denied each time,69 and the European Court of Human Rights ruled that these denials violated the European Convention on Human Rights.70

Former political prisoners Mikhail Khodorkovsky and Platon Lebedev71 were convicted in 2005 and 2010 of a variety of trumped-up financial crimes: fraud (Article 159), embezzlement (Article 160), pecuniary damage (Article 165), tax evasion (Articles 198 and 199), and money laundering (Article 174.1).72 During their detention, Amnesty International declared the two businessmen to be prisoners of conscience73 and the US government described the case as a “failure” to respect the rule of law.74

In December 2014, Alexey and Oleg Navalny were convicted of money laundering (Article 174.1(2)) and fraud (Article 159.4, since

---

66 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 171(1)–(2).
67 All were recognized as political prisoners, but one of them – Galina Shurinova – was released on bail in June 2018 and therefore is no longer considered a political prisoner. St. Petersburg Scientology Case, MEMORIAL HUMAN RIGHTS CTR., accessed Jan. 15, 2019, available at https://memohrc.org/ru/special-projects/delo-peterburgskih-saentologov [in Russian].
68 Id.
70 Id., at ¶ 48 (finding a violation of Article 9 of the Convention, interpreted in the light of Article 11).
Both were sentenced to 3.5 years’ imprisonment, though Alexey’s sentence was suspended. Memorial HRC noted that “[t]he circumstances of the prosecution and sentencing . . . allow us to say that Oleg Navalny was de facto taken hostage solely in connection with the public activities of his brother.”

6. Expression Crimes

Article 128.1 criminalizes defamation – that is, the dissemination of knowingly false information discrediting the honor or dignity of another person or undermining his or her reputation. The punishment is a fine of up to 500,000 rubles (US $7,692); if slander is contained in a public speech, a publicly displayed work, or in the media, the fine can go up to 1,000,000 rubles (US $15,384).

This overbroad provision is used to silence critical voices. In October 2018, government officials informed opposition leader Alexey Navalny (through his lawyer) that he would be charged under this provision relating to a 2016 report in which Navalny’s organization accused Pavel Karpov, an Interior Ministry investigator, of playing a role in the death of Sergei Magnitsky. However, it is widely recognized that Karpov did just that, and consequently he has been subjected to Magnitsky sanctions by several countries, including the US, Canada, and Estonia. Going further back, Mikhail Anshakov, President of the Society for Consumer Rights Protection, was fined 100,000 rubles (US $1,538) in 2013 for stating during an interview that Christ the Savior Cathedral in Moscow had been turned

---

76 Id.
78 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 128.1(1).
79 Id., at Art. 128.1(1)–(2).
into a “business center.”  

More generally, this provision has been used against journalists for criticizing regional elites.

Article 148 prohibits, among other things, public acts expressing “obvious disrespect for society” or that “insult religious feelings”; as a practical matter, it is used to prosecute perceived blasphemy. These acts are punishable by up to one year in prison, while committing such acts in a place of worship is punishable by up to three years’ imprisonment. Because the law does not define “religious feelings” or describe what constitutes “insulting” them, it allows “prosecutors and courts tremendous discretion to target critical speech.”

In May 2017, former political prisoner Ruslan Sokolovsky, a popular video-blogger, was convicted of seven counts under Article 148, all relating to videos he had posted on his YouTube channel. One of the videos – perhaps the most well-known – depicted him playing Pokémon Go in a church. He was given a suspended sentence of three years (reduced to two years and three months on appeal). That same month, a woman was convicted of blasphemy and fined 15,000 rubles (US $230) for publishing photos showing her lighting a cigarette from a candle in an

---


83 Business: Kalinichenko Stanislav Yuryevich, MEMORIAL HUMAN RIGHTS CTR., accessed Jan. 15, 2019, available at https://memohrc.org/ru/special-projects/delo-kalinichenko-stanislav-yurevich (noting that, in the Kemerovo Region, there have been “numerous lawsuits against journalists filed in recent years by representatives of the regional elite” under a variety of criminal provisions, including Article 128.1) [in Russian].

84 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 148(1).

85 Id., at Art. 148(1).

86 Id., at Art. 148(2).


89 Id.

90 Id.
Orthodox church.¹ In 2016, there were several problematic blasphemy convictions: Konstantin Kazantsev and Rustem Shaydullin were sentenced to 230 hours of mandatory labor for placing a homemade scarecrow with an insulting inscription on a cross; Sergei Lazarov was convicted for sharing online an article (written by another) that used strong language to critique the image of Christ the Pantocrator; and Anton Simakov was sentenced to mandatory mental health treatment for posting a video online of him using Christian symbols in a voodoo ritual.² In addition, anarchist Dmitry Litvin was prosecuted for blasphemy in 2018;³ he allegedly posted a photo on his social media account of him making a profane gesture at a church.⁴

Article 280 prohibits public appeals for extremist activities, and allows for imprisonment up to four years (five years, if done through the mass media or internet).⁵ The definition of “extremist activities” under Russian law is incredibly broad and includes: “stirring up” social, racial, ethnic or religious discord; propaganda on the superiority or deficiency of certain groups; violating someone’s human rights or lawful interests in connection with their social, racial, ethnic, religious, or linguistic affiliation; mass dissemination of “extremist” material; and false accusations of “extremism” against a public official.⁶

Article 280 is “used to prosecute and sometimes imprison opposition activists who are involved in public demonstrations,”⁷ and is also commonly used to “prosecute citizens for expressing ‘undesirable’ opinions,” especially on the internet.⁸ For example, in 2016, former

---

⁴ USCIRF 2018 ANNUAL REPORT, supra note 87, at 76.
⁵ CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 280(1)–(2).
political prisoner Andrei Bubeev\(^9\) was convicted under *Article 280* for sharing a cartoon on social media saying Russia needed to be “squeezed out” of Ukraine, as though from a toothpaste tube, along with text saying that the only slogan should be that “Russia should not exist.”\(^{100}\) He was sentenced to two years and three months in a prison colony.\(^{101}\) In 2015, former political prisoner Daria Polyudova was convicted on the basis of two social media posts.\(^{102}\) The first was a picture of her holding a poster that said, “No war in Ukraine but a revolution in Russia!” but did not advocate for violence.\(^{103}\) The second one discussed how Russians needed to follow Ukraine’s Maidan activists and take to the streets in order to bring down the Government; again, there was no specific call for violence.\(^{104}\)

*Article 280.1* prohibits separatism (i.e., public calls for actions violating Russia’s territorial integrity) and carries a maximum punishment of four years in prison (five years, if done using the mass media or internet).\(^{105}\) This provision has been used to penalize discussion regarding the illegal annexation of the Crimean Peninsula. For example, in September 2017, Ilmi Umerov was sentenced to two years under this provision after he decried the annexation of Crimea during a television interview\(^{106}\) (though he was pardoned soon after his conviction\(^{107}\)). In 2015, former political prisoner Rafis Kashapov was sentenced to three years in prison under *Article 280.1* (and *Article 282* for posting messages on social media criticizing the annexation of Crimea and aggression in eastern Ukraine.\(^{108}\)

Former political prisoners Daria Polyudova and Andrei Bubeev, mentioned


\(^{101}\) Id.


\(^{104}\) Id.

\(^{105}\) *Criminal Code of the Russian Federation*, supra note 2, at Art. 280.1(1)–(2).


\(^{107}\) Id. (noting his pardon).

above, were also convicted under Article 280.1 – Polyudova for reposting an article on social media, and Bubeev for making pro-Ukraine statements.\footnote{Polyudova Darya Vladimirovna, supra note 102 and Memorial Considers Tver Resident Andrei Bubeyev a Political Prisoner, supra note 99.}

\textit{Article 282} proscribes incitement of hatred or enmity and allows for imprisonment between two and five years.\footnote{Criminal Code of the Russian Federation, supra note 2, at Art. 282(1).} The Supreme Court clarified in 2011 that this provision applies to statements vindicating and/or affirming the necessity of genocide, mass repressions, deportations and other illegal actions, including the use of violence in a discriminatory manner (\textit{i.e.}, against certain protected groups).\footnote{Supreme Court Resolution on Judicial Practice Relating to Criminal Cases on Crimes of Extremist Nature, No. 11, June 28, 2011, at ¶ 7, available at http://supcourt.ru/Show_pdf.php?Id=7315 [in Russian]; see also Dmitriyevskiy v. Russia, App. No. 42168/06, Eur. Ct. H.R., Oct. 3, 2017, at ¶ 53, available at http://www.cironlus.org/wp-content/uploads/2017/12/CASE-OF-DMITRIYEVSKIY-v.-RUSSIA.pdf (discussing the Resolution).} Criticism of political organizations, ideological and religious associations, political, ideological and religious convictions, or national and religious customs is not prohibited.\footnote{Id.} In 2018, the Court further ruled that merely liking or reposting material on the internet does not alone constitute a crime; a person’s “actual motives” must be considered.\footnote{Lyubov Chizhova et al., Only A Few ‘Likes’ for Putin’s Softening of Controversial Meme Law, Radio Free Europe / Radio Liberty, Oct. 5, 2018, available at https://www.rferl.org/a/russia-putin-meme-laws-softening-critics-stifling-dissent-freedom-speech/29527682.html.} In December 2018, \textit{Article 282}(1) was amended such that it applies only to a person’s second offense within one year: the first offense will be administratively (not criminally) punished.\footnote{Halya Coynash, Russia ‘Decriminalizes’ Pro-Ukraine Social Media Reposts in Occupied Crimea. But Only the First, Kharkiv Human Rights Prot. Group, Jan. 2, 2019, available at http://khpg.org/en/index.php?id=1546123219.}

Like \textit{Article 280} (public appeals for extremist activities), \textit{Article 282} is routinely used to target and punish critical or opposition speech. In 2017, political prisoner Danis Safargali, a leader in the Tatar national movement, was convicted for posting on social media about Russia, the media, the Orthodox Church, foreign policy, and Vladimir Putin,\footnote{Safargali Danis Vildanovich, Memorial Human Rights Ctr., accessed Jan. 18, 2019, available at https://memohrc.org/ru/defendants/safargali-danis-vildanovich [in Russian] and In Tatarstan, the Investigation of the Criminal Case of the Leader of the Movement “Altyn Urda,” SOVA CTR. FOR INFO. & ANALYSIS, Jan. 26, 2017, available at https://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/01/d36237/#_utmz__1__=1 [in Russian].} even though none
of the posts called for violence or represented a significant public danger.\textsuperscript{116} That same year, former political prisoner Ruslan Sokolovsky was convicted under \textit{Article 282} based on two videos he posted to YouTube that criticized Muslims and the Russian Orthodox Church.\textsuperscript{117} While the videos contained foul language and disparaging statements, they did not call for violence.\textsuperscript{118} In 2015, former political prisoner Vitaly Shishkin, an opposition Russian nationalist, was sentenced to four years in prison under \textit{Article 282} (and one other charge) for posting a series of videos online;\textsuperscript{119} while the videos made nationalistic statements, none of them called for violence or incited hatred against a particular ethnic or religious group.\textsuperscript{120}

\textit{Article 319} prohibits insulting a government official and carries a fine of up to 40,000 rubles (US $615), and can also be punished with compulsory work.\textsuperscript{121} Former political prisoner Sergei Reznik was convicted under this provision in November 2013 for a series of blog posts accusing a judge of corruption and nepotism.\textsuperscript{122} He was sentenced (on this, and other charges) to 18 months in prison.\textsuperscript{123} In January 2015, just a few months before he was due to be released, he was convicted of additional crimes, including two more counts under \textit{Article 319}, for allegedly insulting a Deputy Prosecutor and a deputy department head in the Ministry of Internal Affairs.\textsuperscript{124} This time, he was given three years in prison.\textsuperscript{125}

\textsuperscript{116} In Tatarstan, the Investigation of the Criminal Case of the Leader of the Movement “Altyn Urda,” supra note 115 (analyzing some of the posts and explaining why they do not fall under \textit{Article 282}).


\textsuperscript{121} CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 319.


\textsuperscript{123} Id.

\textsuperscript{124} Reznik Sergey Eduardovich, supra note 122.

\textsuperscript{125} Id.
alleged insults included calling the Deputy Prosecutor a “feathered donkey,” “urban crocodile,” “tractor driver,” and “scoundrel.”

Political prisoner Vladimir Balukh was convicted under Article 319 in June 2016 for allegedly using “foul, insulting language” when speaking with an officer involved in searching his home. He was sentenced to 320 hours of compulsory work. Anecdotally, prosecutions for insulting the police are “frequently used against activists.”

Article 354.1 criminalizes “rehabilitation of Nazism,” i.e., public denial of facts established by the Nuremberg Tribunal, approval of those crimes, or deliberate dissemination of false information regarding the USSR’s activities during World War II. Such acts are punishable by up to three years in prison (up to five years, if done through the media). Furthermore, publicly desecrating the symbols of Russia’s military glory, or spreading information about Russia’s military or memorial commemorative dates that is “clearly disrespectful of society,” is punishable by correctional work for up to one year.

In 2016, Vladimir Luzgin was convicted under Article 354.1 for posting an article on the social network Vkontakte, stating that the Soviet Union and Germany “actively collaborated” and “attacked Poland together,

---

126 Id.
128 Crimean Farmer and Political Prisoner Vladimir Balukh Has Been on Hunger Strike for 104 Days, supra note 127.
130 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 354.1(1), (3).
131 Id., at Art. 354.1(1)–(2).
133 The article he reposted is available at http://zapretno.info/statya-15-faktov-pro-banderovtsev-ili/ [in Russian].
unleashing World War II.”¹³⁴ He was fined 200,000 rubles (US $3,076).¹³⁵ His case is currently pending before the European Court of Human Rights.¹³⁶ At least nine other people have been convicted under this article.¹³⁷

7. Association/Assembly Crimes

Article 282.1 prohibits creating, leading, recruiting people for, or participating in an extremist community, with punishment ranging from two to 10 years’ imprisonment.¹³⁸ Article 282.2 is similar; it prohibits organizing or participating in an extremist organization after a court has liquidated it or banned its activities due to extremist activity, and carries similar penalties.¹³⁹ Article 282.3 criminalizes knowingly financing extremist activities and allows for three to eight years’ imprisonment.¹⁴⁰

Several political prisoners have been charged and convicted under Article 282.2 for associating with Right Sector, a Ukrainian nationalist organization that was banned by the Russian Supreme Court in November 2014. For example, Roman Ternovsky was sentenced to 27 months’ imprisonment in June 2018 for a variety of activities with the organization,¹⁴¹ and in May, Nikolai (Mikola) Dadeu was sentenced to 18 months for providing funds to it.¹⁴² Denis Bakholdin was convicted and

¹³⁵ OFFLINE AND ON ALL FRONT, supra note 87, at 70.
¹³⁸ CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 282.1(1), (1.1), (2).
¹³⁹ Id., at Art. 282.2(1), (2).
¹⁴⁰ Id., at Art. 282.3(1).
sentenced to three years and six months in prison\textsuperscript{143} and Alexander Shumkov was sentenced to four years’ imprisonment,\textsuperscript{144} both in December 2018.

Authorities have also used these extremism provisions to persecute religious minorities. As of February 27, 2019, at least 78 Jehovah’s Witnesses were facing criminal charges under \textit{Article 282.2} or \textit{282.3}, although some were not recognized as political prisoners because they were not detained.\textsuperscript{145} The charges are based on their involvement with the religion after the Supreme Court’s April 2017 decision declaring the Administrative Center of Jehovah’s Witnesses in Russia to be an extremist organization.\textsuperscript{146} Five Scientology leaders in St. Petersburg (all recognized as political prisoners) are currently facing charges under \textit{Article 282.1}\textsuperscript{147} based on, among other things, a similar (lower court) ruling that certain Scientology texts are extremist because, \textit{e.g.}, they strive to form an isolated social group that sits in opposition and views itself as superior to the rest of the world.\textsuperscript{148} However, as the SOVA Center has pointed out, this would apply to almost any religion.\textsuperscript{149} Many people have been convicted under these provisions for being associated with the religious and political organization Hizb ut-Tahrir, which was banned by the Russian Supreme Court in 2003.\textsuperscript{150} In the Hizb ut-Tahrir cases, the only activities imputed to the accused were religious classes, political discussions, tea drinking, and reading and storing religious literature.\textsuperscript{151} Since the Supreme Court ruled

\begin{footnotesize}
\begin{enumerate}
\item List of Persecuted on Charges of Belonging to Jehovah’s Witnesses (Updated), \textit{MEMORIAL HUMAN RIGHTS CTR.}, \textit{accessed Feb. 27, 2019, available at} \url{https://memohrc.org/ru/special-projects/spisok-presleduemyih-po-obvineniyu-v-prinadlezhnosti-k-svidetelyam-iegovy} [in Russian].
\item Id.
\item Id.
\end{enumerate}
\end{footnotesize}
in 2008 that the religious association Nurdzhular, based on the teachings of Turkish Islamic scholar Said Nursi, was extremist, several followers have been prosecuted under Articles 282 and 282.2. Followers of the international Islamic movement Tablighi Jamaat have been similarly prosecuted.\footnote{152}{Makhachkala Case Followers Said Nursi, MEMORIAL HUMAN RIGHTS CTR., accessed Jan. 19, 2019, available at https://memohrc.org/ru/special-projects/mahachkalinskoe-delo-posledovateley-saida-nursi [in Russian] and Kim Evgeniy Lvovich, MEMORIAL HUMAN RIGHTS CTR., accessed Jan. 19, 2019, available at https://memohrc.org/ru/defendants/kim-evgeniy-lvovich [in Russian].}

\textit{Article 284.1} imposes criminal penalties for repeated participation in the activities of an “undesirable” foreign NGO. Specifically, if a person has already been administratively sanctioned for such activities twice in one year, the third offense is a crime and is punishable with imprisonment between two and six years.\footnote{154}{Moscow Business “Tablighi Jamaat,” MEMORIAL HUMAN RIGHTS CTR., accessed Feb. 27, 2019, available at https://memohrc.org/ru/special-projects/moskovskoe-delo-tabligi-dzhamaat (eight followers convicted under Article 282.2 were recognized as political prisoners) [in Russian].} Anastasia Shevchenko, a Coordinator with Mikhail Khodorkovsky’s Open Russia movement, became the first person charged under this provision in January 2019\footnote{155}{Russia: First Criminal Case under “Undesirable Organizations” Law Marks a New Level of Repression, AMNESTY INT’L, Jan. 21, 2019, available at https://www.amnesty.org/en/latest/news/2019/01/russia-the-first-criminal-case-under-the-undesirable-organizations-law-marks-a-new-level-of-repression/.} (she is currently under house arrest\footnote{156}{Russian Court Orders House Arrest for Activist Charged Under ‘Undesirable’ Law, RADIO FREE EUROPE / RADIO LIBERTY, Jan. 23, 2019, available at https://www.rferl.org/a/russian-court-orders-house-arrest-for-activist-charged-under-undesirable-law/29726932.html.}). \textit{Article 284.1} is particularly troubling in light of the administrative convictions that have occurred for participating in the activities of an “undesirable” NGO (which can serve as predicate offenses for \textit{Article 284.1}). For example, at least 10 organizations have been administratively sanctioned for “participating” in the activities of an

8. Disorder Crimes

Article 212 prohibits organizing, recruiting persons for, participation in, public calls for, or training others for mass riots, with punishment ranging from three to 15 years’ imprisonment.\textsuperscript{165}

Several political prisoners are facing charges for mass riots. Yan Sidorov and Vladislav Mordasov, for example, are accused of attempting to organize and participate in a mass riot on November 5, 2017. However, all they did was plan to organize a small picket demanding the resignation of the regional government.\textsuperscript{166} They had made two posters and about 30 flyers and purchased a megaphone.\textsuperscript{167} According to Memorial HRC, the “notion that riots could begin as a result of the holding of an ordinary picket with quite ordinary demands is absurd.”\textsuperscript{168} In June 2018, two other political prisoners – Ali Asanov and Mustafa Degermendzhi – were each sentenced to 4.5 years in prison under Article 212 for their involvement in clashes between the participants of pro-Russian and pro-Ukrainian rallies in Simferopol on February 26, 2014.\textsuperscript{169} Going further back, a number of former political prisoners were prosecuted under Article 212 for their participation in the May 2012 Bolotnaya Square protest.\textsuperscript{170}

Article 213 makes “hooliganism” – that is, a gross violation of the public order showing a clear disrespect for society – punishable by up to five years’ imprisonment.\textsuperscript{171} However, it must be committed with a weapon or with a discriminatory motive (\textit{i.e.}, targeting a specific, protected group).\textsuperscript{172} Memorial HRC has described this provision as a “universal tool for politically motivated prosecution” because it can be “applied to virtually any actions.”\textsuperscript{173}

\textsuperscript{165} \textsc{Criminal Code of the Russian Federation, supra} note 2, at Art. 212(1)–(4).
\textsuperscript{167} Id.
\textsuperscript{168} Id.
\textsuperscript{171} \textsc{Criminal Code of the Russian Federation, supra} note 2, at Art. 213(1).
\textsuperscript{172} There is a third, less common, category: hooliganism committed by means of public transport. \textit{Id.}, at Art. 213(1)(c).
In 2012, three members of Pussy Riot – all recognized as prisoners of conscience by Amnesty International\(^{174}\) – were convicted of hooliganism motivated by religious hatred for their anti-Putin performance in a Moscow cathedral.\(^{175}\) They were sentenced to two years in prison\(^{176}\) (though one was later released on probation, and the two others given amnesty in 2013\(^{177}\)). In June 2015, three former political prisoners – Oleg Savvin, Mikhail Feldman, and Dmitry Fonarev – were convicted of hooliganism and sentenced to over a year in prison for placing a German flag on an FSB building.\(^{178}\)

*Article 214* punishes vandalism with a fine of up to 40,000 rubles (US $615).\(^{179}\) If committed by a group or with discriminatory intent, however, it can be punished with imprisonment for up to three years.\(^{180}\) In September 2015, former political prisoner Vladimir Podrezov was convicted of vandalism for allegedly repainting a yellow star on the spire of a tall building in blue and hanging a Ukrainian flag on it.\(^{181}\) Completely disproportionate to the underlying conduct, he was then sentenced to two years’ imprisonment (though his sentence was later commuted after he had been imprisoned for 16 months).\(^{182}\)

*Article 321* prohibits disrupting the work of a detention center (i.e., using violence or threats against another detainee or prison official) and allows for up to five years’ imprisonment.\(^{183}\) This article is used against already-detained persons to punish them for making a complaint, or simply

---


\(^{176}\) *Id.*


\(^{179}\) *Id.*

\(^{180}\) *Id.*, at Art. 214(2).


\(^{183}\) *Id.*
to prolong their detention.\textsuperscript{184} For example, in July 2018, political prisoner Vladimir Balukh, who was already serving a sentence on fabricated weapons charges, was convicted under Article 321 for getting into a fight with a prison official, despite the fact that CCTV footage clearly showed that the prison official started the fight.\textsuperscript{185} He was sentenced to an additional three years’ imprisonment.\textsuperscript{186}

9. Crimes Against the State

The Criminal Code contains several articles relating to terrorism that are misapplied to political dissenters. Article 205 punishes acts of terrorism with 10 to 15 years’ imprisonment;\textsuperscript{187} if these acts are committed by an organized group, the sentence increases to 12 to 20 years.\textsuperscript{188} Article 205.1 prohibits recruiting or training others for terrorist activity (5 to 15 years), aiding terrorism (10 to 20 years), and organizing terrorism (up to life imprisonment).\textsuperscript{189} Article 205.2 prohibits public calls for or justification of terrorism (two to five years).\textsuperscript{190} If these acts are committed via mass media or the internet, the sentence is increased (five to seven years).\textsuperscript{191} Article 205.3 bans training for terrorist activities (15 to 20 years),\textsuperscript{192} and Article 205.4 prohibits creating (15 to 20 years) or participating in (five to 10 years) a terrorist community.\textsuperscript{193} Finally, Article 205.5 criminalizes organizing the

\begin{itemize}
\item \textsuperscript{186} Halya Coynash, Crimean Jailed for a Ukrainian Flag Sentenced to Three More Years for Refusing to Be Broken, KHARKIV HUMAN RIGHTS PROT. GROUP, July 6, 2018, available at http://khpg.org/en/index.php?id=1530793368.
\item \textsuperscript{187} CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 205(1). An “act of terror” is defined to include the threat or use of explosions, arson, or other acts that frighten the population and create a risk of death, significant property damage, or other serious consequences, in order to destabilize or influence the decisions of the authorities or international organizations. \textit{Id.}
\item \textsuperscript{188} Id., at Art. 205(2).
\item \textsuperscript{189} Id., at Art. 205.1(1), (3)–(4).
\item \textsuperscript{190} Id., at Art. 205.2(1).
\item \textsuperscript{191} Id., at Art. 205.2(2).
\item \textsuperscript{192} Id., at Art. 205.3.
\item \textsuperscript{193} Id., at Art. 205.4(1)–(2).
\end{itemize}
activities of a terrorist organization (15 to 20 years) and participating in a terrorist organization (10 to 20 years).\textsuperscript{194}

These terrorism provisions are often used against non-violent political activists based on fabricated cases.\textsuperscript{195} In August 2015, political prisoner Oleg Sentsov, a Ukrainian activist and filmmaker, was sentenced to 20 years’ imprisonment for, among other things, committing a terrorist act (\textit{Article 205(2)(a)}) and organizing a terrorist community (\textit{Article 205.4}).\textsuperscript{196} He was accused of creating a branch of the alleged terrorist group Right Sector and leading it in committing an arson attack in Crimea.\textsuperscript{197} He was also allegedly planning a series of explosions.\textsuperscript{198} Sentsov’s case is currently pending before the European Court of Human Rights.\textsuperscript{199} In December 2016, blogger and former political prisoner Alexey Kungurov was sentenced to 2.5 years’ imprisonment under \textit{Article 205.2(1)} (public justification of terrorism) for a blog post titled \textit{Who are Putin’s Falcons Actually Bombing}, in which he criticized Russian military operations in Syria.\textsuperscript{200} Memorial HRC designated him as a political prisoner and noted “he is being persecuted solely for criticizing Russian foreign policy.”\textsuperscript{201} Human Rights Watch described his conviction as “a case of officials attempting to shut down public debate on an important foreign policy issue under the pretext of ‘combating terrorism’” and “part and parcel of Russia’s ongoing crackdown on free speech, especially online.”\textsuperscript{202}

\textsuperscript{194} \textit{Id.}, at Art. 205.5(1)–(2).


\textsuperscript{196} Sentsov Oleg G., \textit{supra} note 40.

\textsuperscript{197} \textit{Id.}

\textsuperscript{198} \textit{Id.}


Kungurov’s blog post dates back to 2015. In 2016, \textit{Article 205.2(2)} was amended: public calls for terrorism committed via the Internet are now punished by a minimum of 5 years’ imprisonment.


\textsuperscript{202} Yulia Gorbunova, \textit{Crossing the Red Line}, \textit{supra} note 200.
Terrorism charges are also frequently brought against members of Hizb ut-Tahrir, an Islamist organization designated as “terrorist” by the Russian Supreme Court in 2003.\textsuperscript{203} It appears that such individuals are being prosecuted solely for their membership in the group, studying literature, and holding and attending meetings. For example, six men in Yalta are currently detained and facing charges under Article 205.5(2) (participation in the activities of a terrorist organization) for their involvement with Hizb ut-Tahrir.\textsuperscript{204} However, they “are not charged with preparing any terrorist act or voicing terrorist threats: just finding and convincing new supporters, holding meetings with reading and discussing of [Hizb ut-Tahrir] literature and discussing international politics.”\textsuperscript{205} There are many similar cases in other parts of Russia and Russia-occupied Crimea.\textsuperscript{206}


\textsuperscript{205} Id.; see also Misuse of Anti-Extremism in May 2018, SOVA CTR. FOR INFO. & ANALYSIS, June 14, 2018, available at https://www.sova-center.ru/en/misuse/news-releases/2018/06/d39544/ (“We believe that the radical ideology of Hizb ut-Tahrir gives no grounds for banning the party as terrorist, and that accusing its members of advocating terrorism only on the basis of their party activities (holding meetings, reading literature, etc.) and prosecuting them under anti-terrorist articles is inappropriate.”).

Article 275 criminalizes treason and allows for 12 to 20 years’ imprisonment.\textsuperscript{207} Article 276 prohibits espionage and allows for 10 to 20 years’ imprisonment.\textsuperscript{208} Both of these crimes are defined extremely broadly. Treason covers (1) sharing state secrets with a foreign state, an international or foreign organization, or their representatives, and (2) providing financial, logistical, consulting, or other assistance to a foreign state, an international or foreign organization, or their representatives in activities directed against Russia’s security. Espionage includes (1) transferring, collecting, stealing, or storing state secrets for the purpose of transferring them to a foreign state, an international or foreign organization, or their representatives, and (2) transferring or collecting other information on the instructions of foreign intelligence, or a person acting in their interest, for use against Russia’s security. The reference, in both, to “state secrets” is particularly problematic because the definition of “state secret” is quite vague: “protected information in the sphere of . . . military, foreign policy, economic, intelligence, counter-intelligence and crime detection operations, the spread of which might be prejudicial to the security of the Russian Federation.”\textsuperscript{209} Treason and espionage charges are increasingly used as part of a deliberate state policy to prove that there are “enemies of the state” and create “an atmosphere of wartime.”\textsuperscript{210} These charges are particularly prone to abuse because defendants are tried by a judge (instead of a jury), court sessions are closed to the public, and charges are often based on classified materials that are not available to the defense.\textsuperscript{211} In fact, the number of convictions for high treason has tripled since 2014.\textsuperscript{212}

Several political prisoners were convicted of treason for sharing information that was already publicly available. For example, Svyatoslav Bobyshev, a professor at a technical university, is currently serving a 12-year sentence for allegedly giving information about a certain missile

\textsuperscript{207} CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 275.
\textsuperscript{208} Id., at Art. 276.
\textsuperscript{212} Vera Chelishcheva, Spy Mania 2.0: The Rise in ‘Crimes Against the State ’ in Russia, THE GUARDIAN, Feb. 24, 2016, available at https://www.theguardian.com/world/2016/feb/24/spy-mania-rise-in-crimes-against-state-treason-russia-ukraine (noting that the number of sentences for high treason has tripled since 2014).
system to China during an academic collaboration in 2009. However, the “secret” information was not secret at the time he handed it over, but rather was classified as “secret” retroactively. Gennady Kravtsov, a lead designer in an IT company, was convicted for sharing information about the Tselina-1 spacecraft. However, the characteristics of this spacecraft can be found on the internet, and detailed information about it was declassified by its designer in the early 2000s. Vladimir Lapygin, a professor, was convicted of providing to China software relating to the aerodynamic properties of certain aircraft. However, numerous experts have explained that the software contained publicly-available information and could not be considered a state secret. Petr Parpulov was sentenced to 12 years’ imprisonment for sharing allegedly secret information with persons in Georgia in 2010. However, he learned the information from public sources: it was even published on a newspaper’s website.

Espionage charges are frequently equally baseless. Former political prisoner Yekaterina Kharebava was convicted of espionage in 2014 and sentenced to six years’ imprisonment for sending a text message to a friend in Georgia; the message simply noted that she saw a train moving Russian military equipment towards Georgia. The message was sent in 2008, but she was not arrested or charged until 2013. She was pardoned in March 2017.

Article 278 prohibits actions aimed at the violent seizure of power or violent change of the constitutional order, and allows for imprisonment between 12 and 20 years. This provision has principally been used

214 Id.
216 Id.
218 Id.
220 Id.
222 Id.
224 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 278.
against members (or alleged members) of Hizb ut-Tahrir because it asserts that secular governments should be replaced by Islamic ones. However, no violent acts, or even calls for violent acts, have been alleged against Hizb ut-Tahrir members charged under Article 278. For example, the indictment against two Hizb ut-Tahrir members in Chelyabinsk alleges only that they read together, discussed religious/political texts, talked with the general public, and hosted tea parties. They did not possess firearms, weapons, or explosives, and did not take any action to acquire them.

Article 318 prohibits the use or threat of violence against a public official in connection with his or her official duties and carries a maximum punishment of five years in prison. The use of violence that is dangerous to the health or life of an official is punishable by up to 10 years’ imprisonment. This provision is commonly used against peaceful protestors. For example, several of the March 2017 anti-corruption protestors were charged and convicted under Article 318, including Dmitri Krepkin, Alexey Politikov, Zimovets Stanislav, and Alexander Shpakov. They were sentenced to 18 months, 18 months, 30 months, and 18 months of prison time, respectively (and were recognized as political prisoners). In another case, political prisoner Mikhail Tsakunov was convicted under Article 318 for allegedly punching a police officer in the face during anti-

225 Bakhchisarai Case of Membership in the Banned Hizb Ut-Tahrir, supra note 206; Yalta Case of Membership in the Banned Hizb ut-Tahrir, supra note 205; Ufa Case of Twenty-Six, supra note 206; Chelyabinsk Case, supra note 151; Ufa Case, supra note 151; and The Moscow Case of Membership in the Banned “Hizb ut-Tahrir,” supra note 151.

226 Bakhchisarai Case of Membership in the Banned Hizb Ut-Tahrir, supra note 206.

227 Id. (“[N]o specific action of the accused is described that would lead to the seizure of power in Russia or Ukraine, [and] there are no indications of the relevant (specific) plans.”); Yalta Case of Membership in the Banned Hizb ut-Tahrir, supra note 205 (“No plans to seize power in Russia or Ukraine at these meetings were voiced.”); and Ufa Case, supra note 151 (“This group not only did not have firearms or . . . weapons, explosives, but also did not take any action with a view to their acquisition or theft.”).

228 Chelyabinsk Case, supra note 151.

229 Id.

230 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 318(1).

231 Id., at Art. 318(2).


233 Id.
Putin protests in May 2018. However, publicly available video footage of his arrest demonstrates that this never happened; in fact, the video shows that the officers were wearing helmets. This provision is also used against detainees who complain about beatings by prison officials.

10. Regulatory Crimes

Article 212.1 imposes criminal liability for repeated violation of the authorization procedures for public meetings, rallies, or demonstrations. Specifically, if a person has been administratively sanctioned for violating the authorization procedures three times within 180 days, the fourth violation is a crime and can be punished with up to five years’ imprisonment. The Constitutional Court later interpreted this provision to apply only to unauthorized assemblies that were not peaceful or carried a substantial risk of causing harm.

Ildar Dadin was the first person convicted under Article 212.1 in December 2015; he was sentenced to three years in prison. However, the Supreme Court overturned his conviction on appeal because two of the

---

238 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 212.1.
239 Id.
underlying administrative convictions against him had not come into force at the time the criminal charges were brought.\textsuperscript{242}

In January 2019, charges under \textit{Article 212.1} were initiated against Vyacheslav Egorov, an environmental activist who had been administratively sanctioned three times in 2018 for participating in peaceful protests.\textsuperscript{243} Prosecutors claim, for the fourth alleged offense, that he organized an unsanctioned rally at a courthouse.\textsuperscript{244} In reality, he simply attempted to attend, and encouraged others to attend, a court hearing involving two politicians (Gennady and Dmitry Gudkov).\textsuperscript{245} However, when he arrived at the court the morning of the hearing, there was a crowd of people gathered outside who could not get in.\textsuperscript{246} This, according to prosecutors, constituted an illegal “rally,” and in clear violation of the Constitutional Court’s interpretation, he was subsequently charged under \textit{Article 212.1}.\textsuperscript{247}

\textbf{B. Administrative Code Provisions Used to Persecute Political Prisoners}

The Code of Administrative Offenses allows for a variety of punishments, including administrative arrest for up to 30 days.\textsuperscript{248} Although persons under administrative arrest can technically qualify as political prisoners, as a practical matter, Memorial HRC does not include such persons on their list because the sheer number of people under administrative arrest and their short period of detention make it difficult to fully vet each case.\textsuperscript{249}

Nevertheless, it is important to include administrative offenses in a discussion on political prisoners for several reasons. First, political prisoners are often charged under both the Criminal Code and the Code of Administrative Offenses. Indeed, because defendants’ procedural rights are

\textsuperscript{242} Taking Some Human Rights Back, supra note 240.
\textsuperscript{244} Id.
\textsuperscript{245} Id.
\textsuperscript{246} Id.
\textsuperscript{247} Id.
\textsuperscript{248} CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, supra note 3, at Art. 3.9(1).
\textsuperscript{249} Email from Memorial HRC Representative to Perseus Strategies, Jan. 2, 2019 (on file with author).
“significantly less well protected” in administrative proceedings, administrative charges offer a quicker and easier way to send a message to regime opponents. Second, some of the criminal offenses discussed above are predicated on repeated administrative violations (for example, Criminal Code Articles 212.1 and 284.1). Finally, and more generally, understanding how government officials misuse the Code of Administrative Offenses provides a more complete picture of the harassment and persecution that activists, human rights defenders, and political prisoners face in Russia (and Russia-occupied Crimea).

1. Expression Offenses

Article 5.26 of the Code of Administrative Offenses prohibits, among other things, damaging or desecrating religious items and objects, implementing religious activities without specifying the organization’s full name, and carrying out missionary activities in violation of law (specifically, in violation of Articles 24.1 and 24.2 of the Federal Law on Freedom of Conscience and Religious Associations).

In September 2018, Igor Markov was fined 15,000 rubles (US $230) for desecration for sharing eight atheist memes. In September 2017, musician Daniil Sukachev was fined 30,000 rubles (US $461) for desecrating religious items; he had posted a video created by someone else on social media, which showed Orthodox worship with music and various effects added in (e.g., flames and smoke). The Jehovah’s Witness community in Khabarovsk was fined in November 2016 for implementing religious activities without specifying the organization’s name because its name was not displayed on its building. Another Jehovah’s Witness group was fined 30,000 rubles for not using its full name: the sign on the building read “Jehovah’s Witnesses’ Kingdom Hall” instead of its legal

250 A RIGHT, NOT A CRIME: VIOLATIONS OF THE RIGHT TO FREEDOM OF ASSEMBLY IN RUSSIA, AMNESTY INT’L, 2014, at 22, available at https://amnesty.org.pl/wp-content/uploads/2016/01/4347_Russia-A-RIGHT-not-a-crime_2014.pdf. In particular, there is no automatic right to free legal representation, the police officers who initiated the administrative proceedings are not required to be present, and courts “routinely” deny defense motions to call witnesses and present evidence on material issues. Id.
251 CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, supra note 3, at Art. 5.26(2)–(5).
252 Misuse of Anti-Extremism in October 2018, supra note 93.
253 Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2017, supra note 149.
Several minority religious groups have been sanctioned for illegal missionary activities. For example, in October 2016, Hare Krishna devotee Andrei Puchkov held a street procession in Tver involving music, chanting, and dancing. He had submitted prior notification to the local authorities and there were no issues during the event. However, a few weeks after, he was charged with illegal missionary activity. An expert report, relied upon by prosecutors, made the troubling assertion that all Hare Krishna events are missionary acts. Thus, Puchkov was convicted and fined 5,000 rubles (US $76), despite the fact that video footage of the event, shown to the court, showed that the participants were only singing, not discussing the religion with the public or distributing literature. In August 2016, a Baptist preacher was fined 5,000 rubles for missionary activities. He was giving a sermon in a prayer hall, but there was a playground outside and, according to prosecutors, children using the playground might have been able to hear the sermon and access religious literature.

Article 6.21 prohibits “propaganda of non-traditional sexual relations among minors” and allows for a fine of 4,000 to 5,000 rubles (US $61 to $76) (on individuals). Where this is done using mass media, including the internet, the fine is increased to 50,000 to 100,000 rubles (US $769 to $1,538). This provision has been used to punish any reporting on LGBT issues. For example, in 2014, the editor of a newspaper was fined 50,000 rubles after publishing an article on the firing of a gay teacher. In 2017, an activist was fined that same amount for reposting news articles on

256 Id.
257 Id.
258 Id.
259 Id.
260 Id.
261 Id.
262 CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, supra note 3, at Art. 6.21(1).
263 Id., at Art. 6.21(2).
Facebook that discussed, among other things, Ireland’s same sex marriage referendum and an LGBTI exhibition in St Petersburg.\(^{265}\)

*Article 13.15* was amended in March 2019 to prohibit the dissemination of deliberately inaccurate information.\(^{266}\) The baseline punishment is a fine of 30,000 to 100,000 rubles (US $461 to $1,538) on individuals, and 200,000 to 500,000 rubles (US $3,076 to 7,692) on organizations, with higher fines in certain specific circumstances.\(^{267}\) Critics allege that this provision will “increase control over the Internet and stifle dissent.”\(^{268}\)

*Article 20.1* was amended in March 2019 to prohibit disseminating information expressing “clear disrespect” for society, the state, state bodies, official state symbols, or the Constitution.\(^{269}\) Violations can be punished with a fine of 30,000 to 100,000 rubles (US $461 to $1,538), while repeated violations are punishable with a fine of 100,000 to 200,000 rubles (US $1,538 to $3,076) or administrative arrest for up to 15 days.\(^{270}\)

*Article 20.3* outlaws propaganda or public demonstration of Nazi or extremist paraphernalia or symbols; violations can be punished with administrative arrest for up to 15 days.\(^{271}\)

On December 7, 2018, human rights lawyer Emil Kurbedinov was sentenced to five days’ administrative arrest for publicly disseminating an extremist symbol.\(^{272}\) The charge related to a photo of a Hizb ut-Tahrir rally

---


270 Id., at Art. 20.1(4) (added by Federal Law No. 28-FZ, Mar. 18, 2019).

271 Id., at Art. 20.3(1).

he posted on Facebook in 2013, in which the organization’s flags were visible.\textsuperscript{273} Other activists have been sanctioned under \textit{Article 20.3} for using Nazi symbols as an artistic device to denounce opponents.\textsuperscript{274} This provision has also been used against those posting historical photos on social media showing the Nazi occupation of Russia during World War II.\textsuperscript{275} Political activist Vitold Filippov was convicted of Nazi propaganda in 2012 simply for liking a picture on social media; the picture was a still shot from the movie \textit{American History X} showing a character’s swastika tattoo.\textsuperscript{276}

\textit{Article 20.29} prohibits mass distribution of extremist materials, as well as their production or storage for mass distribution, and allows individuals to be fined 1,000 to 3,000 rubles (US $15 to $46) or administratively arrested for up to 15 days.\textsuperscript{277} Legal entities can be fined up to 1,000,000 rubles (US $15,384) or have their activities suspended for up to 90 days (and also have their equipment confiscated).\textsuperscript{278} As of January 19, 2019, the Federal List of Extremist Materials contained 4,811 entries,\textsuperscript{279} so few people would understand exactly what is banned and what is not.

Members of disfavored religions are routinely targeted under this provision, particularly Muslims and Jehovah’s Witnesses.\textsuperscript{280} In some cases, charges under \textit{Article 20.29} are clearly political. In 2017, a viral image of Putin wearing makeup was added to the Federal List of Extremist Materials. Activist Gennady Makarov was given five days of administrative arrest for posting this image on social media (alongside a discussion of the fact that it had been banned).\textsuperscript{281} In 2013, a district court banned a video criticizing the United Russia political party, and a separate court fined opposition activist

\begin{thebibliography}{99}
\bibitem{273} Id.
\bibitem{275} Id.
\bibitem{277} CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, supra note 3, at Art. 20.29.
\bibitem{278} Id.
\bibitem{280} Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2017, supra note 149 (in 2017, several communities of Jehovah’s Witnesses and at least six individual members were fined under Article 20.29) and Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2016, supra note 92 (in 2016, at least 16 Muslims and at least 18 Jehovah’s Witnesses were fined under Article 20.29).
\bibitem{281} Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2017, supra note 149.
\end{thebibliography}
Andrei Teslenko 1,000 rubles (US $15) under Article 20.29 for posting that video on social media.282

2. Association/Assembly Offenses

Article 20.2.2 prohibits “mass simultaneous presence and/or movement of citizens in a public place” that, among other things, causes a breach of public order or impedes pedestrian or vehicular traffic.283 It also prohibits public calls for such meetings.284 Violators can be fined 10,000 to 20,000 rubles (US $153 to $307) or administratively arrested for up to 15 days.285 If harm to health or property results, the punishment is increased – up to 300,000 rubles (US $4,615), or 20 days.286 Lawmakers enacted this provision in 2012 to target “protest walks.”287 However, as civil society has pointed out, this provision could apply to the most routine gatherings – birthday parties, shopping trips, and even metro journeys.288

In March 2017, Alexey Navalny was fined 20,000 rubles (US $307) under Article 20.2.2 after organizing a rally in downtown Moscow.289 In 2016, two music students were arrested under this provision for a street performance in St. Petersburg.290

Under Article 20.28, participating in the activities of a public or religious association that was suspended is punishable by a fine of up to 1,000 rubles (US $15); organizing such activities is punishable by a fine of up to 2,000 rubles (US $30).291 Participating in or organizing the activities

283 CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, supra note 3, at Art. 20.2.2(1).
284 Id.
285 Id.
286 Id., at Art. 20.2.2(2).
288 Id.
289 Opposition Figure Navalny Fined $350 for Unauthorized Rally in Downtown Moscow, RUSSIAN NEWS AGENCY, Mar. 27, 2017, available at http://tass.com/politics/937744.
291 CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, supra note 3, at Art. 20.28(1).
of a non-profit that was suspended as a “foreign agent” carries a heightened penalty – a fine of 3,000 to 5,000 rubles (US $46 to $76) for participants and 30,000 to 50,000 rubles (US $461 to $769) for organizers.292

Since the Supreme Court banned Jehovah’s Witness organizations as “extremist” in 2017, several individual members have been prosecuted under Article 20.28.293 One leader was fined for giving a short television interview about the Supreme Court proceedings to liquidate all Jehovah’s Witness organizations.294 Similarly, after authorities in Russia-occupied Crimea declared that the Crimea Tatar Mejlis was an “extremist” organization in 2016, several of its members (including Ilmi Umerov) were fined under 20.28 after holding private meetings.295

Article 20.3.1, added in December 2018, was enacted to make the first offense of inciting hatred or enmity an administrative, rather than criminal, offense. This provision provides for administrative arrest for up to 15 days or a fine of 10,000 to 20,000 rubles (US $153 to $307).296

Article 20.33 prohibits participating in the activities of an NGO that was declared “undesirable.”297 The punishment is a fine of up to 15,000 rubles (US $230) for individuals, and up to 100,000 rubles (US $1,538) for legal entities.298 Several individuals and organizations have been sanctioned under Article 20.33 for posting links to “undesirable” organizations.299 For example, two academic institutions were fined in 2016 because they had links to “undesirable” American foundations on their own websites (in the section listing research grants and fellowship opportunities).300

292 Id., at Art. 20.28(2).
294 Id.
295 Id.
296 Code of the Russian Federation on Administrative Offenses, supra note 3, at Art. 20.3.1.
297 Id., at Art. 20.33.
298 Id.
299 Russia: Punished Over Hyperlinks, supra note 157.
300 Id.
3. Disorder Offenses

*Article 19.3* prohibits disobeying a lawful order from a police officer, military officer, or similar government official, and allows for administrative arrest for up to 15 days. Repeated violations by someone at a public gathering can be punished with up to 30 days. *Article 19.3* is often used against protestors, and in many such cases, “courts accept police testimony without question and without giving equal consideration to contrary evidence presented by the defence.”

A number of former political prisoners have been convicted for disobeying a lawful order, including Ildar Dadin, Konstantin Saltykov, and Evgeny Vitishko. Alexey Navalny was convicted of disobeying police orders during a protest of the verdicts in the Bolotnaya Square case, even though the court’s account of Navalny’s actions was contradicted by video footage. In a more recent example, lawyer Mikhail Benyash, who represents peaceful protestors who have been arrested, was himself arrested.

301 CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, supra note 3, at Art. 19.3(1).

302 Id., at Art. 19.3(6).

303 A RIGHT, NOT A CRIME, supra note 250, at 26 (“[M]any of those arrested during street protest are routinely accused of violating police’s legitimate orders (Article 19.3 of the Code of Administrative Offences) – often unjustly, on the sole basis of police’s reports which misrepresent the facts . . . and sentenced to up to 15 days of detention (the current maximum under this Article).”); see also Russia: Hundreds Detained in Anti-Corruption Protests, ARTICLE 19, June 13, 2017, available at https://www.article19.org/resources/russia-hundreds-detained-in-anti-corruption-protests/ (noting that participants in the June 2017 anti-corruption protests were charged under Article 19.3).

304 A RIGHT, NOT A CRIME, supra note 250, at 27 and Butkevich v. Russia, App. No. 5865/07, Eur. Ct. H.R., Feb. 13, 2018, at ¶ 102, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:%22%22001-180832%22} (“The Court has previously examined applications in respect of Russia concerning administrative proceedings against people charged with breaching rules of conduct of public events or with failing to obey police orders to disperse. In those proceedings the trial courts had accepted the submissions of the police readily and unequivocally and had denied the applicants any possibility of adducing any proof to the contrary.”).


under Article 19.3 during a pension-reform protest in September 2018.\(^{307}\) He was sentenced to 14 days’ administrative arrest.\(^{308}\)

**Article 20.1** provides for up to 15 days of administrative arrest for disorderly conduct (i.e., violation of the public order, expressing obvious disrespect for society, accompanied by swearing in public places, insulting harassment, or destruction or damage to property).\(^{309}\) Both Articles 19.3 and 20.1 are used when police “detain people first and then decide back at the station what to charge them with.”\(^{310}\) **Article 20.1** has specifically been used against political prisoners, including Nikolai Dadeu and Vyacheslav Shashmin.\(^{311}\) In another case, the rapper Husky was given 12 days’ administrative arrest for disorderly conduct for an improvised performance on the roof of a car.\(^{312}\)

### 4. Regulatory Offenses

**Article 20.2** penalizes the failure to follow the procedures for holding a public event.\(^{313}\) For example, failure to file a notice of the event is punishable by up to 10 days of administrative arrest (20 days, if harm to a person or property results).\(^{314}\) In addition, participation in an unauthorized public event that causes harm to health or property, or that interferes with pedestrian or vehicular traffic (which will often be the case, at least to some degree), is punishable with up to 15 days’ administrative arrest.

---


\(^{309}\) CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, supra note 3, at Art. 20.1(1).

\(^{310}\) A Guide to Political Persecution in Russia, supra note 287.


\(^{314}\) CODE OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENSES, supra note 3, at Art. 20.2(2), (4).
If someone commits repeated violations of Article 20.2, they can be fined up to 300,000 rubles (US $4,615) or subject to administrative arrest for up to 30 days and can also be punished under Criminal Code Article 212.1. A new subsection, added in 2018, makes involving a minor in an unauthorized public event punishable with a fine of 30,000 to 50,000 rubles (US $461 to $769) or administrative arrest for up to 15 days.

Protestors and protest organizers are commonly accused of violating Article 20.2. In December 2018, Lev Ponomarev, Executive Director of For Human Rights, was convicted of “organizing” an unauthorized rally because he reposted on Facebook a public call encouraging people to attend a peaceful rally in Moscow. He was given 16 days’ administrative arrest because he had repeatedly violated Article 20.2. In May 2018, Alexey Navalny was arrested while protesting Putin’s inauguration and was given 30 days’ administrative arrest for repeated violations. In October 2016, activist Roman Roslovtsev was convicted for carrying a poster that read: “I’m not afraid of 212.1”; he was sentenced to 20 days’ administrative arrest for repeated violations of Article 20.2. This provision has also frequently been used against public displays of religion, especially minority religions.

C. Other Problematic / Commonly Misused Provisions

Criminal Code Article 110.2 prohibits disseminating information about methods of suicide or calling for persons to commit suicide, and allows for imprisonment between five and 10 years (up to 15 years if done

315 Id., at Art. 20.2(6), (6.1).
316 Id., at Art. 20.2(8).
317 Id., at Art. 20.2(1.1).
319 Id.
through public speaking, the media, or the internet). While this provision has not yet been used against political prisoners, several warnings have been issued to the media simply for reporting on suicides in detention facilities. Given that political prisoners engage in hunger strikes to protest their unlawful detention – Oleg Sentsov and Oleksandr Kolchenko are recent examples of this – this provision could be used to restrict information about political prisoners.

Proposed Criminal Code Article 284.2 would make it a criminal offense for any Russian citizen to “intentionally enable foreign states, unions of foreign states, or international organizations to impose restrictive measures on Russian persons and public entities.” This new crime would be punishable by up to three years in prison. Commenting on the proposal, State Duma Deputy Speaker Andrei Isayev, a member of President Putin’s United Russia party, said that Vladimir Kara-Murza, a prominent opposition activist who has successfully advocated for Magnitsky legislation in several Western countries, would be indicted under the new provision. In May 2018, the State Duma unanimously passed the bill on the first reading.

Articles 97 to 100 of the Criminal Procedure Code allow a court to impose pretrial detention on a criminal suspect. However, Article 108(1) explains that pretrial detention can be imposed only “if it is impossible to

323 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 2, at Art. 110.2(1)–(2).
324 TABLE ILLUSTRATING LEGISLATIVE CRACKDOWN, supra note 160, at 21.
327 Id.
328 Id.
apply a different, milder measure of restriction.”331 Despite this limitation, activists, human rights defenders, and political prisoners are routinely subjected to pretrial detention. For example, as of February 27, 2019, at least 22 Jehovah’s Witnesses were in custody in pretrial detention, and another 26 were under house arrest, pending trial on extremism charges.332 Four political prisoners in the “New Greatness” case have been in pretrial detention since March 15, 2018.333 Political prisoners Alexander Mamaev, Alexander Orshulevich, and Nikolay Sentsov have been in pretrial detention since May 27, 2017, facing charges relating to their alleged involvement with Baltic Avant-Garde of Russian Resistance.334 Alexey Pichugin’s unlawful pretrial detention was determined by the European Court of Human Rights to have violated international law.335 Numerous other political prisoners were kept, or are currently in, pretrial detention.336

331 Id., at Art. 108(1).
332 List of Persecuted on Charges of Belonging to Jehovah's Witnesses, supra note 145.
334 The BARS Case, supra note 43.
VI. INTERNATIONAL LAW ANALYSIS

The Russian Federation’s Constitution, Criminal Procedure Code, and Code of Administrative Offenses all explicitly state that Russia’s international law obligations supersede any conflicting domestic law. Under Article 15(4) of the Constitution: “[i]f an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied.” Article 1(3) of the Criminal Procedure Code and Article 1.1(2) of the Code of Administrative Offenses reiterate this. The Criminal Code similarly states that it is “based on the Constitution of the Russian Federation and the generally recognized principles and norms of international law.” While a 2015 Constitutional Court decision and 2015 statute (discussed in more detail in Section VIII(C)(3)(d)) purportedly allow the Kremlin to ignore decisions by international human rights bodies and courts, they did not alter the incorporation of international treaties into domestic law, and regardless, the decision and statute violate bedrock principles of international law (as discussed in Section VI(E)).

As set forth below, by arresting, prosecuting, convicting, sentencing, and imprisoning political prisoners, the Kremlin is violating three key multilateral human rights treaties to which the Russian Federation is a state party – the International Covenant on Civil and Political Rights,  

---


2 **CRIMINAL PROCEDURE CODE OF THE RUSSIAN FEDERATION**, No. 174-FZ, Dec. 18, 2001, at Art. 1(3), available at http://www.consultant.ru/cons/cgi/online.cgi?base=LAW&n=315093&dst=4294967295&cacheid=D86B0A02D63B9BA7F053B756AE5E4DE7&mode=rubr&req=doc&md=D43CE2FA3ABA16B94B1DB5428935C05#02592976047238946 (“If an international treaty of the Russian Federation establishes other the rules than those provided for by this Code, the rules of the international treaty shall apply.”) [in Russian].


European Convention on Human Rights, and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment – and therefore its own Constitution and domestic law as well.

A. **The Kremlin’s Political Prisoners Are Being Detained for Exercising Their Fundamental Rights and Freedoms**

1. **Freedom of Expression**

   Article 19(2) of the ICCPR provides that “[e]veryone shall have the right to freedom of expression,” which includes the “freedom to seek, receive and impart information and ideas of all kinds . . . either orally, in writing or in print, in the form of art, or through any other media of his choice.” The European Convention on Human Rights also protects this right. Restrictions on the freedom of expression must be necessary for a legitimate purpose, and the principle of proportionality must be respected not only in the law that allows the restriction, but also by the administrative and judicial authorities in applying it. Several of the laws that the Kremlin uses to persecute political prisoners violate the right to freedom of expression.

   **Criminal Code Article 128.1** criminalizes defamation. As a threshold matter, criminal defamation laws are disfavored, if not completely prohibited, under international law. In a joint 2002 statement, the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, and the OAS Special Rapporteur on Freedom of Expression explained that “[c]riminal defamation is not a

---


7 *ICCPR*, supra note 4, at Art. 19(2).

8 *European Convention on Human Rights*, supra note 5, at Art 10(1).


98
justifiable restriction on freedom of expression; all criminal defamation laws should be abolished.”

The UN Human Rights Committee, the treaty body that oversees state compliance with the ICCPR, has similarly insisted that “[s]tates parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases.”

The Kremlin’s use of criminal defamation in specific cases also violates international law. Article 128.1 is routinely used against those who criticize government officials or other public figures. Alexey Navalny, for example, is currently being criminally investigated for defaming Interior Ministry investigator Pavel Karpov. But as the Human Rights Committee has explained, “all public figures, including those exercising the highest political authority . . . are legitimately subject to criticism” and “the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.”

Newly added subsections (3), (4), and (5) of Administrative Code Article 20.1 – which prohibit disseminating information expressing “clear disrespect” for society, the state, state bodies, official state symbols, or the Constitution – are also invalid. As the UN Special Rapporteur on Freedom of Opinion and Expression has explained, defamation laws “may not be used to protect abstract or subjective notions or concepts, such as the State, national symbols, national identity, [or] cultures.”

Criminal Code Article 148 prohibits “public actions expressing disrespect for society and committed in order to insult the religious feelings of believers”; in practice, it is often used to prosecute blasphemy. Administrative Code Article 5.26 similarly prohibits desecration of religious

---


11 General Comment No. 34, supra note 9, at ¶ 47.


13 General Comment No. 34, supra note 9, at ¶ 38.

objects or symbols. It is widely recognized that blasphemy laws violate the right to freedom of expression. The Human Rights Committee, for example, has expressly stated that, “Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [ICCPR].”  

The UN Special Rapporteur on Freedom of Opinion and Expression – together with the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression, and the African Commission’s Special Rapporteur on Freedom of Expression and Access to Information – similarly noted in 2008: “The concept of ‘defamation of religions’ does not accord with international standards regarding defamation” and that restrictions on freedom of expression “should never be used to protect particular institutions, or abstract notions, concepts or beliefs, including religious ones.”

Criminal Code Article 280 prohibits public appeals for “extremist” activities. Administrative Code Articles 20.29 and 20.3 prohibit mass distribution of “extremist materials” and public demonstration of “extremist paraphernalia or symbols,” respectively. To be permissible, a law restricting expression must be “formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly.” However, the definition of “extremism” under Russian law is notoriously vague – in fact, in General Comment 34, the Human Rights Committee specifically cited Russia’s prohibition on “extremist activity” as an example of a vague law that could “lead to unnecessary or disproportionate interference with freedom of expression.”

The European Commission for Democracy Through Law (Venice Commission), after a thorough analysis of Russia’s extremism laws, found that the “broad and imprecise wording” of terms such as “extremism,” “extremist actions,” “extremist

---

15 General Comment No. 34, supra note 9, at ¶ 48. There is an exception that is not relevant here – speech that falls under ICCPR Art. 20(2) (advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence). See id.


17 General Comment No. 34, supra note 9, at ¶ 25.

18 Id., at ¶ 46 (including footnote 109).

19 The Venice Commission “is the Council of Europe’s advisory body on constitutional matters” and “provide[s] legal advice to its member states . . . to bring their legal and institutional structures into line with European standards.” Venice Commission, COUNCIL OF EUROPE, accessed Apr. 1, 2019, available at https://www.venice.coe.int/WebForms/pages/?p=01_Presentation&lang=EN.
organisations,” and “extremist materials” “gives too wide discretion in its interpretation and application, thus leading to arbitrariness.”

In addition, Article 280 is used to punish clearly protected expression. Former political prisoner Daria Polyudova, for example, was convicted for two social media posts calling for “revolution in Russia” and protests to bring down the government, though neither called for violence. The Johannesburg Principles on National Security, Freedom of Expression, and Access to Information—which were endorsed by the UN Special Rapporteur on Freedom of Opinion and Expression and have been regularly referenced by the UN Human Rights Council—specifically recognize that calling for a peaceful change of the government is protected speech.

Criminal Code Article 280.1—separatism—is used, in practice, to punish discussion of the Kremlin’s illegal annexation of the Crimean Peninsula. Former political prisoner Rafis Kashapov, for example, was convicted for social media posts criticizing the annexation of Crimea and aggression in eastern Ukraine. Andrei Bubeev, another former political prisoner, was convicted for reposting an article by Boris Stomakhin entitled “Crimea is Ukraine!” The article argued that the return of Crimea to Ukraine should be a unifying idea for Russians who have anti-imperial views and that the return of Crimea will only be possible if the Russian Federation is dissolved (an inevitable outcome, in Stomakhin’s view). These convictions violate international law. The Human Rights Committee has explained that right to freedom of expression includes political

24 Johannesburg Principles, supra note 22, at Principle 7(a)(i).
discourse and commentary on public affairs, and the Venice Commission has stated that “advocacy of the right to self-determination of peoples or peacefully advocating a different territorial arrangement within a country are generally not considered to be criminal actions, and may on the contrary be seen as a legitimate expression of a person’s views.”

*Criminal Code Article 282* proscribes incitement of hatred or enmity and is routinely used to target speech critical of the government. Political prisoner Danis Safargali was convicted for posting on social media about Russia, the media, the Orthodox Church, foreign policy, and Vladimir Putin; political prisoner Vitaly Shishkin for making nationalistic statements (though he did not incite violence, or even mention any ethnic groups other than Russians); and former political prisoner Ruslan Sokolovsky for two videos he posted to YouTube that criticized Muslims and the Russian Orthodox Church. Under international law, the fact that speech is critical of the government is never sufficient grounds for punishment. Since October 2017, the European Court of Human Rights has ruled – in at least three separate cases – that a conviction under *Article 282* violated the accused’s right to freedom of expression.

*Criminal Code Article 319* – insulting a government official – is facially invalid. As noted above, “the mere fact that forms of expression

---

27 *General Comment No. 34, supra* note 9, at ¶ 11.
32 *General Comment No. 34, supra* note 9, at ¶¶ 38 (“States parties should not prohibit criticism of institutions, such as the army or the administration.”), 42 (“The penalization of a media outlet, publishers or journalist solely for being critical of the government . . . can never be considered to be a necessary restriction of freedom of expression.”), 43 (“It is also inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government.”).

102
are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.”

Despite this, political prisoner Vladimir Balukh was convicted for using “foul, insulting language” when speaking with an officer and former political prisoner Sergei Reznik was convicted under this provision in November 2013 and January 2015 for blog posts accusing a judge of corruption and nepotism and calling a Deputy Prosecutor, e.g., “feathered donkey,” “urban crocodile,” “tractor driver,” and “scoundrel.” In 2016, the European Court of Human Rights held that the conviction of a Russian newspaper editor for insulting a local mayor (by accusing him of corruption) violated the editor’s right to freedom of expression.

Criminal Code Article 354.1 prohibits, among other things, spreading information about Russia’s military or memorial commemorative dates that is “disrespectful of society” or disseminating false information regarding the USSR’s activities during World War II. While laws punishing the denial of the Holocaust or other “clearly established historical facts” are permissible under international law, the Kremlin uses Article 354.1 to punish opinions about Russia’s history. Vladimir Luzgin was convicted for posting an article stating that the Soviet Union and Germany “actively collaborated” and “attacked Poland together, unleashing World War II.” This is impermissible: “Laws that penalize the expression of opinions about historical facts are incompatible with the obligations that the [ICCPR] imposes on States parties in relation to the respect for freedom of opinion and expression.”

---

34 General Comment No. 34, supra note 9, at ¶ 38.
40 General Comment No. 34, supra note 9, at ¶ 49.
correct,” it would be protected under international law even if it was mistaken – the ICCPR “does not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events.” The Human Rights Committee further noted during its 2015 review of Russia that Article 354.1 “appear[s] to be incompatible with” the ICCPR because it “create[s] a substantial chilling effect on freedom of speech and expression of dissenting political opinions.”

The Kremlin uses Criminal Code Article 213 and Administrative Code Article 20.1 – both relating to “hooliganism” – to punish expressive acts and non-dangerous speech. Three members of Pussy Riot, for example, were convicted in 2012 of criminal hooliganism motivated by religious hatred for their anti-Putin performance in a Moscow cathedral. However, the European Court of Human Rights later held that their performance did not constitute incitement to religious hatred and that the criminal sentences imposed violated their right to freedom of expression. Former political prisoners Oleg Savvin, Mikhail Feldman, and Dmitry Fonarev were also convicted of criminal hooliganism for placing a German flag on an FSB building. In 2015, the Human Rights Committee held that Philippe Kostenko’s administrative punishment for hooliganism – he had allegedly used “foul language” in public – violated his right to freedom of expression.

Article 214 – prohibiting vandalism – has been used to criminalize expressive acts. Former political prisoner Vladimir Podrezov was

---

42 General Comment No. 34, supra note 9, at ¶ 49.
sentenced to over two years’ imprisonment for allegedly repainting a yellow star on the spire of a tall building in blue and hanging a Ukrainian flag on it (his sentence was later commuted after approximately 16 months in prison). However, such expressive acts cannot be punished with harsh sentences such as imprisonment. In Murat Vural v. Turkey, the European Court of Human Rights considered an application from a man who had been sentenced to 13 years in prison for pouring paint on several statues of Mustafa Kemal Atatürk, the first President of Turkey. Vural undertook this act of civil disobedience to protest the Ministry of Education’s decision not to appoint him as a teacher. On review, the Court began by noting that the European Convention on Human Rights “protects not only the substance of the ideas and information expressed, but also the form in which they are conveyed,” and that “there is little scope under Article 10 § 2 of the Convention for restrictions on political speech.” While the Court acknowledged “the applicant’s acts involved a physical attack on property,” it held that these actions were not “of a gravity justifying a custodial sentence.” Thus, the Court concluded that the prison term was “grossly disproportionate” and not necessary in a democratic society and violated his right to freedom of expression. For these same reasons, the Kremlin violated Vladimir Podrezov’s right to freedom of expression by imprisoning him for relatively harmless actions that were clearly a form of political protest.

A number of political prisoners have been prosecuted under Criminal Code Articles 275 and 276 – treason and espionage – for sharing information that was already publicly available. These include Svyatoslav Bobyshev, Gennady Kravtsov, Vladimir Lapygin, Petr Parpulov, and Yekaterina Kharebava. However, the Human Rights Committee has

---

51 Id., at ¶ 20.
52 Id., at ¶ 44, 52.
53 Id., at ¶ 66.
54 Id., at ¶ 68.
55 Bobyshev Svyatoslav Vasilevich, MEMORIAL HUMAN RIGHTS Ctr., accessed Jan. 19, 2019, available at https://memohrc.org/ru/defendants/bobyshev-svyatoslav-vasilevich (the “secret” information he handed over was not secret at the time when he handed it over, but rather was classified as secret retroactively) [in Russian]; Kravtsov Gennady Nikolaevich, MEMORIAL HUMAN RIGHTS Ctr., accessed Jan. 19, 2019, available at https://memohrc.org/ru/defendants/kravcov-
explicitly stated that treason and other national security laws cannot be used “to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information.” Given that these political prisoners shared information that was already publicly available, their actions could not have harmed national security. The Johannesburg Principles further state that “[o]nce information has been made generally available . . . any justification for trying to stop further publication will be overridden by the public’s right to know.”

2. Freedom of Association

Both the ICCPR and the European Convention on Human Rights protect the right to freedom of association. Any restriction on this right must be necessary in a democratic society and prescribed by a law that is sufficiently clear to allow individuals and associations to ensure that their activities comply with the restriction. “A restriction that is too general in nature is not permissible . . .” In addition, “dissolution of an association shall always be a measure of last resort” and can only be used in the most serious cases, “such as when an association has engaged in conduct that creates an imminent threat of violence or other grave violation of the law, and shall never be used to address minor infractions.”

---

56 General Comment No. 34, supra note 9, at ¶ 30.
57 Johannesburg Principles, supra note 22, at Principle 17.
58 ICCPR, supra note 4, at Art. 22(1) and European Convention on Human Rights, supra note 5, at Art. 11(1).
60 OPINION ON THE FEDERAL LAW ON COMBATING EXTREMIST ACTIVITY, supra note 20, at ¶ 64.
61 GUIDELINES ON FREEDOM OF ASSOCIATION, supra note 59, at ¶ 35.
of vague laws to ban disfavored organizations, punish their members, and criminalize mere association violates international law.

*Criminal Code Articles 282.1, 281.2, and 282.3* prohibit various forms of involvement with an “extremist community” or “extremist organization.” As discussed earlier, and as the Venice Commission has noted, the definition of “extremism” and related terms is vague and gives authorities “too wide discretion in . . . interpretation and application, thus leading to arbitrariness.”62 This is evident in the prosecutions that have taken place so far. For example, several political prisoners have been charged and/or convicted under *Article 282.2* for associating with Right Sector, a Ukrainian nationalist organization that was banned as extremist by the Russian Supreme Court in November 2014. However, Memorial HRC has explained that the Supreme Court’s decision banning Right Sector “does not hold water, and the decision is based on . . . unverified facts.”63 Numerous Jehovah’s Witnesses are currently being prosecuted under *Articles 282.2* and *282.3* as a result of the Supreme Court’s April 2017 decision declaring the Administrative Center of Jehovah’s Witnesses in Russia to be an extremist organization.64 The Supreme Court’s decision was based primarily on prior lower court decisions banning local Jehovah’s Witness organizations as extremist and adding religious materials published by Jehovah’s Witnesses to the federal list of extremist materials.65 However, Memorial HRC insists that all these prior decisions were “groundless,”66 and the United States Commission on International Religious Freedom asked the Kremlin to “re-examine recent court rulings deeming publications of the Jehovah’s Witnesses . . . extremist.”67 Similarly, although Scientologists and followers of Said Nursi have been prosecuted for associating with their “extremist” groups, the banning of Scientology books “took place with gross procedural violations”68 and the

---

64 A copy of the Supreme Court’s decision in Russian, along with a summary in English, is available at https://globalfreedomofexpression.columbia.edu/cases/ministry-justice-v-jehovahs-witnesses-management-center-russia/.
66 Id.
European Court of Human Rights held in 2018 that the ban on Said Nursi books as extremist violated the European Convention on Human Rights.69

Criminal Code Article 284.1 and Administrative Code Article 20.33 punish participation in the activities of an NGO that has been designated as “undesirable” by the Prosecutor General’s Office. The grounds on which an NGO may be declared “undesirable” are vague70 – so vague, in fact, that the Venice Commission declared that they do not constitute restrictions “prescribed by law.”71 Exacerbating this, the Prosecutor General’s Office is not required to explain the reasons why it declares a given organization “undesirable” (nor does it do so in practice). It is also not clear what actions constitute “participation in the activities” of a prohibited NGO. The lack of specified criteria “could qualify virtually any action as falling under the scope of this law.”72 In addition, the Kremlin has clearly targeted human rights and democracy-promoting organizations under this law. The current list of 15 “undesirable” organizations includes the National Endowment for Democracy, Open Society Foundations, National Democratic Institute for International Affairs, International Republican Institute, Institute of Modern Russia, Open Russia, and the European Platform for Democratic Elections.73 However, as the OSCE has pointed out, “associations should not be treated differently for reasons such as imparting information or ideas that contest the established order or advocate for a change of the constitution or legislation, [or] for defending human rights.”74


74 GUIDELINES ON FREEDOM OF ASSOCIATION, supra note 59, at ¶ 127; see also id. at ¶ 89 (“Associations are entitled to promote changes to the law or to the constitutional order so long as they do so by employing peaceful means . . . .”).
Criminal Code Article 278 prohibits actions aimed at the violent seizure of power and has been used primarily against members (or alleged members) of Hizb ut-Tahrir. While members of this organization support the creation of a worldwide caliphate, “it has never practiced or advocated violence on the Russian territory in order to achieve this theoretical goal.”

Many charges under Article 278 are based solely on alleged membership or involvement with Hizb ut-Tahrir – as Memorial HRC has explained, in all the cases, “not a single concrete action of the accused is described that would lead to the seizure of power in Russia or Ukraine.” For example, the indictment against two Hizb ut-Tahrir members in Chelyabinsk alleged only that they read together, discussed religious/political texts, talked with the general public, and hosted tea parties.

Criminal Code Article 330.1 – malicious failure to register an NGO as a “foreign agent” – suffers from some of the same defects described above. NGOs are required to register as a foreign agent when they receive funding from abroad and participate in “political activities.” However, according to the Venice Commission, “it is difficult for [NGOs] to know which specific actions on their part could be qualified as ‘political activities’” and therefore “the restrictions on the freedom of association cannot be

---

76 Bakhchisarai Case of Membership in the Banned Hizb Ut-Tahrir, MEMORIAL HUMAN RIGHTS CTR., accessed Jan. 19, 2019, available at https://memohrc.org/ru/special-projects/bahchisarayskoe-delo-o-chlenstve-v-zapreshchyonnoy-hizb-ut-tahrir [in Russian]; see also Yalta Case of Membership in the Banned Hizb Ut-Tahrir, MEMORIAL HUMAN RIGHTS CTR., accessed Jan. 19, 2019, available at https://memohrc.org/ru/special-projects/yaltinskoe-delo-o-chlenstve-v-zapreshchyonnoy-hizb-ut-tahrir (“No plans to seize power in Russia or Ukraine at these meetings were voiced.”) [in Russian] and Ufa Case, MEMORIAL HUMAN RIGHTS CTR., accessed Jan. 19, 2019, available at https://memohrc.org/ru/special-projects/ufimskoe-delo (“This group not only did not have firearms or . . . weapons, explosives, but also did not take any action with a view to their acquisition or theft.”) [in Russian].
considered to be ‘prescribed by law.’” Moreover, like the Undesirable Organizations Law, the Foreign Agent Law is used to target human rights organizations. Finally, Article 330.1 allows for up to two years’ imprisonment for failing to register as a foreign agent. As the Council of Europe’s Commissioner for Human Rights has argued, imprisonment as a punishment for even deliberate non-registration as a foreign agent is neither proportional to the offense, nor necessary in a democratic society.

Administrative Code Article 20.28 prohibits organizing or participating in the activities of a public or religious association that was suspended under any one of several laws. The grounds for suspension are incredibly broad and include extremist activity or violating the Constitution or any other Russian law. Jehovah’s Witnesses have been prosecuted under Article 20.28 simply for holding religious services, as have members of the Crimean Tatar Mejlis (including Ilmi Umerov) simply


81 Third Party Intervention by the Council of Europe Commissioner for Human Rights, supra note 80, at ¶ 21 (“[I]t is striking that human rights defenders constituted the largest single category of NCO registered as foreign agents (44, or 30%).”).

82 Id., at ¶ 36.


85 Federal Law on Public Associations, supra note 83, at Art. 42.

for holding private meetings. The suspension of an organization is usually a temporary, interim measure, pending a final ban on an organization. Once a ban has come into force, members can be criminally (rather than just administratively) prosecuted.

3. Freedom of Assembly

Article 21 of the ICCPR and Article 11(1) of the European Convention on Human Rights protect the right to peaceful assembly. The Kremlin is violating this right by misusing the law to punish peaceful public gatherings.

Administrative Code Article 20.2 punishes the failure to follow the procedures for holding a public event. Criminal Code Article 212.1 imposes criminal penalties for repeated violations. The European Court of Human Rights has ruled in several cases that government officials in Russia violated the right to freedom of assembly by arresting peaceful protestors under Article 20.2 simply because their demonstration was “unauthorized.” The Court explained that “the staging of a demonstration without prior authorisation, does not necessarily justify an interference with a person’s right to freedom of assembly” and that “where demonstrators do not engage in acts of violence the Court has required that the public authorities show a certain degree of tolerance towards peaceful gatherings if the freedom of assembly guaranteed by Article 11 of the Convention is not to be deprived of all substance.” Despite this, the Kremlin continues to arrest and detain peaceful protestors – in May 2018, Alexey Navalny was

---


88 ICCPR, supra note 4, at Art. 21 and European Convention on Human Rights, supra note 5, at Art. 11(1).


90 Kasparov v. Russia, App. No. 51988/07, supra note 89, at ¶ 29.
arrested while protesting Putin’s inauguration and sentenced to 30 days’ administrative arrest for violating Article 20.2.\textsuperscript{91}

The Venice Commission has also noted that Administrative Code Article 20.2 allows for fines up to 300,000 rubles to be imposed on individuals and that this constitutes 14.5 times the average monthly salary in Russia.\textsuperscript{92} Such fines are “excessive for administrative offences with no violence involved” and “will undoubtedly have a considerable chilling effect on potential organisers and participants in peaceful public events.”\textsuperscript{93}

\textit{Criminal Code Article 318} – the use or threat of violence against a public official – is frequently used against protestors in questionable prosecutions. For example, political prisoner Mikhail Tsakunov was convicted for allegedly punching a police officer in the face during anti-Putin protests in May 2018; however, as Amnesty International has noted, “the charges against him contravene publicly available video footage.”\textsuperscript{94}

By criminalizing the act of protesting through fabricated charges, the Government is violating the right to freedom of assembly.

\textit{Administrative Code Article 19.3} (disobeying a lawful order) and \textit{Article 20.1} (disorderly conduct) are both used in a similar manner. They are employed when police “detain people first and then decide back at the station what to charge them with.”\textsuperscript{95} Russian opposition leader and former Deputy Prime Minister Boris Nemtsov was arrested twice under Article 19.3 while at peaceful opposition rallies in Moscow. The first arrest, in December 2010, occurred during a demonstration in support of the freedom of assembly; the second, in February 2014, happened while he was demonstrating in support of the political prisoners convicted as part of the “Bolotnaya Square case.”\textsuperscript{96} In the first instance, he was jailed for 15 days;

\begin{footnotesize}


\textsuperscript{93} Id., at ¶ 54.


\end{footnotesize}
Governments, parliamentarians, and NGOs in Europe and North America condemned Nemtsov’s politically motivated arrests, and the European Court of Human Rights ruled that, during the 2010 demonstration, Nemtsov was “was arrested . . . without having received any orders or having disobeyed them” and therefore his “arbitrary arrest and detention” violated the European Convention on Human Rights. Participants in unauthorized demonstrations are also charged under Article 19.3 when they fail to disperse following police orders. But, as mentioned above, “the staging of a demonstration without prior authorisation, does not necessarily justify an interference with a person’s right to freedom of assembly,” and the European Court of Human Rights has found violations of the right to freedom of assembly where peaceful protestors were arrested under Article 19.3 in such situations.

Administrative Code Article 20.2.2 – mass simultaneous presence and/or movement of citizens in a public place – could apply to almost any public gathering. While liability under this provision requires some sort of harm, the types of harms recognized are so broad as to be limitless – for example, harm to greenery or interference with the movement of pedestrians or vehicles. The Venice Commission, noting that Article 20.2.2 punishes the “almost inevitable consequences of a mass presence of people,” found that it “amounts to a disproportionate interference with the

---


99 Nemtsov v. Russia, supra note 96, at ¶ 76, Holding.

100 Kasparov v. Russia, App. No. 51988/07, supra note 89, at ¶ 29.

101 Navalnyy and Yashin v. Russia, App. No. 76204/11, Eur. Ct. H.R., Dec. 4, 2014, at ¶ 70, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:%22%22001-148286%22} ("The applicants were found guilty of having disobeyed a lawful order of the police on account of their failure to stop the march following instructions to do so. They were punished with fifteen days’ administrative detention under Article 19.3 of the Code of Administrative Offences.") and Kasparov v. Russia, App. No. 51988/07, supra note 83, at ¶ 31 (noting that “the applicants’ march was dispersed and the applicants were arrested and sentenced to five days’ administrative detention without any assessment of the disturbance they had caused, merely because they had marched without authorisation and had allegedly ignored the police’s orders to stop").
right to freedom of assembly.” Moreover, it appears that even just two people can constitute a “mass simultaneous presence,” as two music students were arrested under this provision in 2016 for a street performance in St. Petersburg.

4. Freedom of Religion and Belief

Article 18(1) of the ICCPR and Article 9 of the European Convention on Human Rights guarantee the right to freedom of religion. This right includes “the freedom to prepare and distribute religious texts or publications” and to “solicit and receive voluntary financial and other contributions from individuals and institutions.” Restrictions on the freedom to manifest religion must be prescribed by law and be necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others. The Kremlin is violating political prisoners’ right to freedom of religion by punishing peaceful religious activities.

Members of minority religions are routinely targeted under Criminal Code Articles 282.1 and 282.2 and Administrative Code Article 20.29, all relating to extremism. The allegedly wrongful behavior is often nothing more than holding or attending a religious service, distributing religious materials, or helping to finance the religious community. Former political prisoner Evgeny Kim, for example, who was a follower of the banned Islamic scholar Said Nursi, was charged with extremism.

102 OPINION ON FEDERAL LAW NO. 65-FZ, supra note 92, at ¶ 57.
104 ICCPR, supra note 4, at Art. 18(1) and European Convention on Human Rights, supra note 5, at Art. 9.
107 ICCPR, supra note 4, at Art. 18(3) and European Convention on Human Rights, supra note 5, at Art. 9(2).
“exclusively [for] participation in religious meetings, their conduct, [and] the collective reading of the Nursi books.” The international community has repeatedly expressed concern over the Kremlin’s use of extremism laws for such activities. In a 2012 resolution, the Parliamentary Assembly of the Council of Europe called for the Kremlin to “refrain from applying the law on extremist activities against all religious communities” and the Human Rights Committee expressed concern in 2015 “about numerous reports indicating that the law is increasingly used to curtail . . . freedom of religion, targeting, inter alia, Jehovah’s Witnesses.”

Charges under Criminal Code Articles 205 to 205.5 (relating to terrorism) and Article 278 (violent seizure of power) are principally brought against members of Hizb ut-Tahrir, with little basis. For example, six political prisoners in Yalta are currently facing terrorism charges simply for their involvement with Hizb ut-Tahrir – they “are not charged with preparing any terrorist act or voicing terrorist threats: just finding and convincing new supporters, holding meetings with [the] reading and discussing of [Hizb ut-Tahrir] literature and discussing international politics.” Similarly, three other political prisoners involved with Hizb ut-Tahrir are accused of preparing for a violent seizure of power even though, in the indictment, “not a single concrete action . . . is described that would lead to the seizure of power in Russia.”

Several legal provisions – particularly Criminal Code Articles 205.5 and 282.2, and Administrative Code Article 20.28 – prohibit involvement with organizations that have been banned (for any one of a number of reasons). Despite the requirement that “withdrawing the legal personality status of a religious or belief organization . . . should be a matter of last resort” and imposed only for “grave and repeated violations endangering public order,” the Government has banned religious organizations (and entire religions) with little (or no) evidence to support the ban. In 2010, the

---


112 Yalta Case of Membership in the Banned Hizb ut-Tahrir, supra note 76.

113 Bakhchisarai Case of Membership in the Banned Hizb Ut-Tahrir, supra note 76.

114 GUIDELINES ON THE LEGAL PERSONALITY OF RELIGIOUS OR BELIEF COMMUNITIES, supra note 106, at ¶ 33.
European Court of Human Rights held that the domestic courts “did not adduce ‘relevant and sufficient’ reasons” to dissolve the Moscow branch of Jehovah’s Witnesses, and therefore the dissolution violated the members’ right to freedom of religion. In 2018, the European Court of Human Rights held that the designation of several books by Said Nursi as “extremist” – which served as the basis for a later ban on the organization Nurdzhular (based on Nursi’s teachings) – was improper because, again, the domestic courts did not provide “relevant and sufficient” reasons.

Finally, the prohibition on “illegal missionary activities” in Administrative Code Article 5.26 violates international law. The right to freedom of religion includes the right to distribute religious texts or publications and to try and convince others of one’s religious beliefs.

5. Right to Political Participation

Article 25(a) of the ICCPR guarantees the right to take part in the conduct of public affairs. This right requires “a free press and other media able to comment on public issues without censorship” and “full enjoyment and respect for” the rights to freedom of expression, association, and assembly. More specifically, individuals must be free to engage in political activity, debate public affairs, hold peaceful demonstrations and meetings, criticize and oppose, and publish political material.

As should already be clear, the Kremlin routinely punishes individuals for engaging in precisely these activities. Journalists (Igor Rudnikov), peaceful protestors (Zimovets Stanislav), political activists (Mikhail Savostin), and individuals discussing sensitive issues (Rafis

117 Ibragim Ibragimov v. Russia, App. No. 1413/08, supra note 69, at ¶¶ 110, 123.
118 General Comment No. 22, supra note 105, at ¶ 4.
119 See, e.g., Kokkinakis v. Greece, App. No 14307/88, Eur. Ct. H.R., May 25, 1993, at ¶ 31, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:[%222001-57827%22]} (“According to Article 9 (art. 9), freedom to manifest one’s religion . . . includes in principle the right to try to convince one’s neighbour, for example through ‘teaching’ . . . ”).
120 ICCPR, supra note 4, at Art. 25(a).
122 Id.
Kashapov) or criticizing the government (Danis Safargali) have been charged and prosecuted. In November 2018, the European Court of Human Rights held that it was “beyond reasonable doubt” that Alexey Navalny was arrested twice specifically to suppress political pluralism.123

**B. The Kremlin is Violating Political Prisoners’ Due Process Rights**

1. **Right to a Fair Trial**

   Article 14 of the ICCPR and Article 6 of the European Convention on Human Rights guarantee the right to a fair trial.124 However, political prisoners are frequently convicted in unfair trials marred by serious due process violations.

   For example, Alexey Pichugin, the Kremlin’s longest-serving political prisoner, is currently imprisoned despite the fact that the European Court of Human Rights held that both of his trials were fundamentally unfair. Pichugin was convicted in 2005 on four counts of murder and attempted murder.125 This conviction was based primarily on the testimony of one witness – “Mr. K” – a serial killer selected by the Kremlin who, in 2003, suddenly “recalled” Pichugin’s involvement in the crimes (to which Mr. K now confessed), despite having been interrogated multiple times before and never mentioning those crimes or Pichugin. In fact, the European Court of Human Rights described Mr. K’s testimony as the “decisive evidence against” Pichugin.126 At trial, Mr. K refused to answer cross-examination questions relating to the circumstances in which the alleged offenses had been committed.127 He did not invoke his right against self-incrimination, nor provide any other reason for this refusal – he just stated that “he did not wish to reply to the questions.”128 When Pichugin’s defense counsel asked the trial judge to remind Mr. K that he had a legal obligation to answer the questions, the judge replied that Mr. K was entitled

---

126 Id., at ¶ 200.
127 Id., at ¶ 201.
128 Id., at ¶ 203.
not to answer (but did not give an explanation or refer to any legal authority supporting this contention).\textsuperscript{129} Furthermore, the judge prohibited the defense from asking Mr. K about his criminal record, why he had not implicated Pichugin during prior interrogations, and whether prosecutors had pressured him to change his testimony,\textsuperscript{130} saying that the defense was “not allowed to cast doubts on witness statements” and that the jury did not need to know Mr. K’s motivation for testifying.\textsuperscript{131} After analyzing these events, the European Court of Human Rights held that the judge violated the principle of “equality of arms,” which ensures each side’s right to present its evidence, and therefore Pichugin’s right to a fair trial.\textsuperscript{132}

Pichugin was tried and convicted for three additional murders and three additional attempted murders in 2007.\textsuperscript{133} During that trial, when the defense attempted to introduce an expert report that rebutted the prosecution’s evidence, the court refused to admit the defense report into evidence and similarly refused a defense request that an independent expert be appointed.\textsuperscript{134} The European Court of Human Rights held that this selective and “unfair taking and examination of evidence” violated Pichugin’s right to fair trial.\textsuperscript{135}

Leading human rights organizations have highlighted the unfair trials of numerous other current political prisoners, including Oleg Sentsov, Oleksandr Kolchenko, Rasul Kudaev, Stanislav Klykh, Mykola Karpyuk, and Zhalaudi Geriev, to name some high-profile examples.\textsuperscript{136}

\begin{footnotesize}
\begin{itemize}
\item[129] Id., at ¶ 204.
\item[130] Id., at ¶ 210.
\item[131] Id.
\item[132] Id., at ¶¶ 212–13.
\item[134] Id., at ¶¶ 22–23.
\item[135] Id., at Holding ¶ 2.
\end{itemize}
\end{footnotesize}
2. Right Against Self-Incrimination

Article 14(3) of the ICCPR and Article 6 of the European Convention on Human Rights protect the right against self-incrimination.\(^{137}\) Government officials are prohibited from exerting “any direct or indirect physical or undue psychological pressure . . . with a view to obtaining a confession of guilt.”\(^{138}\) This includes, of course, torture and cruel, inhuman, or degrading treatment.\(^{139}\) However, such treatment is systemically used against political prisoners to force them to confess.

Rasul Kudaev, for example, signed a confession only after being beaten so badly that, according to Amnesty International, “he hardly look[ed] like the same person.”\(^{140}\) Vladislav Mordasov confessed after being tortured twice – he was beaten on the head, stomach, kidneys, and lower abdomen, and interrogators also put a gas mask on him twice, cutting off his air supply.\(^{141}\) Fellow political prisoners Zhalaudi Geriev, Nikolai Karpyuk, Stanislav Klykh, Roman Maryan, and Vladimir Prisich (and many others) also confessed after being mistreated/tortured.\(^{142}\)

\(^{137}\) ICCPR, supra note 4, at Art. 14(3)(g) and European Convention on Human Rights, supra note 5, at Art. 6. Although Article 6 of the European Convention does not explicitly mention this right, the European Court of Human Rights has explained that “the right to silence and the right not to incriminate oneself are generally recognised international standards which lie at the heart of the notion of a fair procedure under Article 6.” Saunders v. United Kingdom, App. No. 19187/91, Eur. Ct. H.R., Dec. 17, 1998, at ¶ 68, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-58009%22]}.


\(^{139}\) Id. (“A fortiori, it is unacceptable to treat an accused person in a manner contrary to article 7 of the Covenant in order to extract a confession.”).


3. **Right to Counsel**

Both the ICCPR and the European Convention on Human Rights guarantee the right to counsel in criminal cases.\(^{143}\) This requires that an accused be given prompt access to counsel and that lawyers are able to represent their clients “without restrictions, influence, pressure or undue interference from any quarter.”\(^ {144}\) Defense counsel must also be given “adequate time and facilities” to prepare the defense.\(^ {145}\)

Violations of the right to counsel in Russia (and Russia-occupied Crimea) are rampant. In August 2018, the UN Committee Against Torture expressed “regret[] that legal counsels are reportedly often denied access to their clients in detention,”\(^ {146}\) and in 2014, the Special Rapporteur on the Independence of Judges and Lawyers noted that “[l]awyers sometimes face insurmountable difficulties in their attempts to meet their clients in private.”\(^ {147}\) As a result, “in too many trials, lawyers have only a cosmetic role to play.”\(^ {148}\)

This is especially true in cases involving political prisoners. For example, upon being taken into custody, Oyub Titiev was initially held *incommunicado* for six hours by the Ministry of Internal Affairs and was not allowed to see a lawyer, and during this time, police officials took samples from his skin and nails.\(^ {149}\) Oleg Sentsov was denied access to his Russian lawyer for five days after being transferred from Ukraine (Crimea)

---


\(^{144}\) *General Comment No. 32*, *supra* note 138, at ¶ 34.


\(^{148}\) *Id.*, at ¶ 79.

Svetlana Sidorkina, one Russia’s leading human rights lawyers, has been “officially barred from seeing [her] clients” in two political prisoner cases (involving Stanislav Zimovets and Dmitry Buchenkov). Alexey Pichugin was repeatedly interrogated outside the presence of counsel, his lawyers’ requests to have access to him were repeatedly denied, and his lawyers were given limited access to and time to review the case materials (at one point, they were even prohibited from making copies). In the lead up to his first trial, the defense was allowed to study the case materials, which consisted of over 7,000 documents, for only a few hours per day in a poorly lit room.

In addition, the European Court of Human Rights has ruled, in two cases involving former political prisoners, that the Government violated the accused’s right to counsel by breaching lawyer-client confidentiality and failing to ensure legal assistance at the initial stages of police questioning.

4. Right to the Presumption of Innocence

Article 14(2) of the ICCPR and Article 6(2) of the European Convention on Human Rights enshrine the right to the presumption of innocence. This “imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt, and requires that persons accused of a criminal act must be treated in

153 Id., at 8.
154 Khodorkovskiy and Lebedev v. Russia, App. No. 11082/06, Eur. Ct. H.R., July 25, 2013, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-122697%22]} (“Holds that there has been a violation of Article 6 § 1 of the Convention, taken in conjunction with Article 6 § 3 (c) and (d) on account of the breach of the lawyer-client confidentiality . . . .”) and Shishkin v. Russia, App. No. 18280/04, Eur. Ct. H.R., July 7, 2011, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-105531%22]} (“Holds that there has been a violation of Article 6 § 3 (c) of the Convention on account of lack of legal assistance at the initial stages of police questioning . . . .”).
155 ICCPR, supra note 4, at Art. 14(2) and European Convention on Human Rights, supra note 5, at Art. 6(2).
accordance with this principle.”

In particular, public authorities must “refrain from prejudging the outcome of a trial, e.g., by abstaining from making public statements affirming the guilt of the accused.”

As a general point, and as noted by the Special Rapporteur on the Independence of Judges and Lawyers, the “extremely low acquittal rate” for criminal offenses in Russia “would suggest that the presumption of innocence is not consistently respected in practice.”

Political prisoners in particular are almost never acquitted at trial – one expert noted “it would [be] a miracle if one or two of them are acquitted. But even this is highly unlikely.” For example, as explained in a prior section, treason charges are increasingly being used in politically motivated prosecutions – the number of convictions for high treason has tripled since 2014.

But as documented by Team 29 in its 2018 report, there has been only one case since 1997 involving treason or espionage charges that ended in an acquittal.

Government officials also violate the presumption of innocence by declaring that political prisoners are guilty before they have been tried in a court of law. In 2017, the European Court of Human Rights held that both the prosecutor and the investigator violated Alexey Pichugin’s presumption of innocence by stating that he was guilty in television interviews. The Court noted that these officials “unequivocally implicated [Pichugin] in several assassinations” and that their statements “could not but have encouraged the public to believe [him] guilty before he had been proved guilty according to law.”

Similarly, Ramzan Kadyrov, Head of the Chechen Republic, made several statements regarding Oyub Titiiev’s guilt (for drug offenses). In one speech, while he did not refer to Titiiev by name, Kadyrov noted that “one drug addict” was caught by the Ministry of Internal Affairs and that the UN

156 General Comment No. 32, supra note 138, at ¶ 30.
157 Id., at ¶ 30.
158 REPORT OF THE SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS, supra note 147, at ¶ 45.
159 Email from Russian Human Rights Lawyer to Perseus Strategies, Feb. 3, 2019 (on file with author).
162 Pichugin v. Russia 2017, supra note 133, at ¶ 41.
and the US State Department had called for his release\textsuperscript{163} (clearly referring to Titiev). In another interview, Kadyrov stated that Titiev’s son was a “drug addict” and that there were witnesses who had seen Titiev use drugs.\textsuperscript{164}

5. Right to the Presumption of Bail

International law contains a presumption against pretrial detention. Article 9(3) of the ICCPR states: “[i]t shall not be the general rule that persons awaiting trial shall be detained in custody.”\textsuperscript{165} The Human Rights Committee, interpreting this provision, has explained that “[d]etention pending trial must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime.”\textsuperscript{166} Pretrial detention cannot be based solely on the severity of the charges or the potential sentence an accused could receive.\textsuperscript{167} The European Convention on Human Rights enshrines a similar standard.\textsuperscript{168}

The Kremlin’s overuse of pretrial detention is a long-standing and well-documented problem. In 2014, after a visit to Russia, the Special Rapporteur on the Independence of Judges and Lawyers wrote that she was “highly concerned about reports that judges order pretrial detention as a rule rather than an exception,” and that “[c]ases of prolonged pretrial detention


\textsuperscript{165} ICCPR, supra note 4, at Art. 9(3).


\textsuperscript{167} Id., at ¶ 38 (“Neither should pretrial detention be ordered for a period based on the potential sentence for the crime charged, rather than on a determination of necessity.”).

\textsuperscript{168} GUIDE ON ARTICLE 5 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS, EUROPEAN COURT OF HUMAN RIGHTS, 2018, at ¶¶ 195 (“The Convention case-law has developed four basic acceptable reasons for refusing bail: (a) the risk that the accused will fail to appear for trial; (b) the risk that the accused, if released, would take action to prejudice the administration of justice, or (c) commit further offences, or (d) cause public disorder. Those risks must be duly substantiated, and the authorities’ reasoning on those points cannot be abstract, general or stereotyped.”) (citations omitted), 196 (“The danger of absconding cannot be gauged solely on the basis of the severity of the sentence risked.”), available at https://www.echr.coe.int/Documents/Guide_Art_5_ENG.pdf.
are not uncommon, and in some instances persons are held in pretrial detention for longer than the maximum sentence they could receive.”

In 2015, the Human Rights Committee noted “with particular concern” the criminal charges brought against the Bolotnaya Square demonstrators and the “lengthy pretrial detention exceeding, in some cases, a year.”

In 2016, the European Court of Human Rights observed “it has delivered more than 110 judgments against Russia in which a violation of Article 5 § 3 on account of the excessive length of [pretrial] detention was found” and that there were “approximately 700 applications raising an issue under Article 5 § 3 of the Convention . . . currently pending before the Court.”

The Court also highlighted that, according the Government’s own data, “domestic courts grant approximately 90% of all the initial applications for remand in custody lodged by prosecuting authorities” and 93% of the applications for the extension of pre-trial detention.

As a result, the Court concluded “for many years numerous cases have demonstrated that an excessive length of pre-trial detention in Russia reveals a structural problem.”

This structural problem is evident in specific political prisoner cases. Alexey Pichugin, for example, was kept in pretrial detention for nearly a year before his case was committed for trial. During this time, he repeatedly challenged his pretrial detention, but each time, the court denied his request, with little reasoning beyond the severity of the charges.

Considering this, the European Court of Human Rights held that the Government had violated Pichugin’s right to the presumption of bail under Article 5(3), stating that “the Court considers that by failing to address specific facts or consider alternative ‘preventive measures’ and by relying essentially on the gravity of the charges, the authorities extended the applicant’s detention on grounds which . . . cannot be regarded as ‘sufficient’ for the entire period of detention.”

The Court further noted that it has “frequently found a violation of Article 5 § 3 of the Convention in Russian cases where the domestic courts extended an applicant’s detention beyond the period the authorities estimated was necessary.”

---

169 REPORT OF THE SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS, supra note 147, at ¶¶ 41–42.
172 Id., at ¶ 76.
173 Id., at ¶ 80.
174 Pichugin v. Russia 2012, supra note 125, at ¶¶ 7 (he was arrested on June 19, 2003), 44 (case was committed for trial on June 11, 2004).
175 Id., at ¶¶ 13–33.
176 Id., at ¶ 142; see also id., at ¶ 143 (finding a violation of Article 5(3)).
detention relying essentially on the gravity of the charges and using stereotyped formulae without addressing specific facts or considering alternative preventive measures.”

In addition, as of February 27, 2019, at least 22 Jehovah’s Witnesses were in custody in pretrial detention, and another 26 were under house arrest, pending trial on extremism charges. Four political prisoners in the “New Greatness” case have been in pretrial detention since March 15, 2018. Political prisoners Alexander Mamaev, Alexander Orshulevich, and Nikolay Sentsov have been in pretrial detention since May 27, 2017, facing charges relating to their alleged involvement with the Baltic Avant-Garde of the Russian Resistance. Numerous other political prisoners were kept or are currently in pretrial detention. Alleged members of Hizb ut-Tahrir are subjected to particularly long pretrial detention. The defendants in the “Ufa Case of 26,” for example, were detained from February 2015 until their trial began in May 2017. Similarly, the defendants in the “Kazan Case 8” were detained from October 2014 until their trial began in August 2017.

---

177 Id., at ¶ 141.
178 List of Persecuted on Charges of Belonging to Jehovah’s Witnesses (Updated), supra note 65.
179 The Case of “New Greatness,” supra note 142 (Ruslan Kostylenkov, Petr Karamzin, Vyacheslav Kryukov, and Dmitry Poletaev have been in custody since March 15, 2018).
183 Kazan Case 8 on the Membership of the Banned “Hizb ut-Tahrir,” supra note 108.
C. The Kremlin is Subjecting Political Prisoners to Arbitrary Detention

Article 9 of the ICCPR and Article 5 of the European Convention on Human Rights guarantee the right to liberty and security, which includes the right to freedom from arbitrary detention. The 1990 OSCE Charter of Paris similarly states that “no one will be subject to arbitrary arrest or detention.” The Kremlin is subjecting political prisoners to arbitrary detention in several different ways.

First, as explained above, political prisoners are routinely arrested, detained, and imprisoned for engaging in activities protected under international law. As the UN Human Rights Committee has explained, “Arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the [ICCPR] is arbitrary.” Second, political prisoners are convicted in sham trials marred by egregious due process violations, and “[i]mprisonment after a manifestly unfair trial is arbitrary.” Third, political prisoners are often targeted and detained for discriminatory reasons—i.e., based on their ethnicity, nationality, religion, political activity, human rights advocacy, or occupation. But the Human Rights Committee has emphasized that “[a]rrest or detention on discriminatory grounds . . . is . . . in principle arbitrary.” Finally, the widespread practice of imposing pretrial detention without making an individualized determination of its necessity or considering alternatives to custody violates the prohibition on arbitrary detention.

184 ICCPR, supra note 4, at Art. 9(1); European Convention on Human Rights, supra note 5, at Art. 5; and A v. United Kingdom, App. No 3455/05, Eur. Ct. H.R., Feb. 19, 2009, at ¶ 162, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-91403%22]} (noting that Article 5 of the European Convention on Human Rights protects “the individual against arbitrary interference by the State with his or her right to liberty”).
187 Id.
188 Id.
D. Political Prisoners Are Routinely Subjected to Torture and Cruel, Inhuman or Degrading Treatment

Both the ICCPR and the European Convention on Human Rights prohibit torture and inhuman or degrading treatment (with the ICCPR also prohibiting cruel treatment). The Russian Federation is also a party to the Convention Against Torture. These treaties require the Kremlin to “ensure that its competent authorities proceed to a prompt and impartial investigation” of any allegations of torture or other mistreatment. Despite this, many of the Kremlin’s political prisoners have been subjected to unlawful mistreatment and Government officials have failed to meaningfully investigate.

Vladislav Mordasov, for example, was beaten on the head, stomach, kidneys, and lower abdomen, and interrogators also put a gas mask on him twice, cutting off his air supply. Rasul Kudaev was beaten severely. Photos from before and after his detention “are so different from each other, he hardly looks like the same person.” FSB officials beat Oleg Sentsov with batons, suffocated him with a plastic bag, and threatened to rape and kill him. During Igor Rudnikov’s arrest, the officials forced handcuffs on him so aggressively that they broke his arm, and they also beat him as they dragged him into the police vehicle. Rudnikov’s treatment was never investigated even though FSB officials can be heard in a video telling

190 ICCPR, supra note 4, at Art. 7 and European Convention on Human Rights, supra note 5, at Art. 3.
192 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 U.N.T.S. 85, entered into force June 26, 1987, at Art. 12, available at https://treaties.un.org/doc/Treaties/1987/06/19870626%2002-38%20AM/Ch_IV_9p.pdf; see also id., at Art. 16(1) (the obligation to investigate in Article 12 applies to other forms of cruel, inhuman or degrading treatment or punishment) and General Comment No. 20 on Article 7: Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. HUMAN RIGHTS COMMITTEE, U.N. Doc. HRI/GEN/1/Rev.1, Mar. 10, 1992, at ¶ 14, available at https://www.refworld.org/docid/453883f80.html (“Complaints must be investigated promptly and impartially by competent authorities so as to make the remedy effective.”).
193 Mordasov Vladislav Evgenievich, supra note 141.
194 Torture in Russia, supra note 140.
a superior they gave him a “good beating.” 197 Zhalaudi Geriev, Ruslan Kostylev, Nikolai Karpyuk, Stanislav Klykh, and Vladimir Prisich were also tortured. 198

Government officials have also forcibly administered drugs to political prisoners, which violates the prohibition on torture and inhuman or degrading treatment. 199 During his initial detention in FSB custody, Alexey Pichugin was repeatedly administered unlabeled medications that caused him to sleep almost constantly. 200 During one interrogation, after Pichugin refused to confess, FSB agents offered him a cup of coffee, which he drank. 201 Shortly afterwards, Pichugin lost feeling in his legs and felt a pounding in his head. 202 He has no memory of the next several hours. 203 After he was returned to his cell that evening, he discovered two injection marks—one between the thumb and forefinger of his right hand, and the other at the inside joint of his left elbow. 204 Furthermore, the Government failed to investigate Pichugin’s complaints that illegal interrogation methods were being used; as the Rapporteur for the Parliamentary Assembly of the Council of Europe noted, “despite specific requests of the defence lawyers, tests were not carried out in good time that could have established whether or not Mr Pichugin had been injected with psychotropic drugs.” 205

198 Geriev Zhalaudi Nasrudinovich, supra note 142 (Zhalaudi Geriev confessed after being beaten, threatened with death, and suffocated); The Case of “New Greatness,” supra note 142 (“The allegations that Ruslan Kostylev confessed under torture have been confirmed by several sources.”); Karpyuk Nikolay Andronovich, supra note 142 (“Both [Karpyuk and Klykh] claim that confessions . . . were obtained by the investigation with the use of torture.”); Maryan Roman Evgenievich, supra note 142 (Roman Maryan “later recanted confessions and state[d] that he gave them under pressure”); and Prisich Vladimir Sergeevich, supra note 142 (Vladimir Prisich stated that he signed the confession “after torture and blackmail”).
199 Komarovski v. Turkmenistan, Communication No. 1450/2006, U.N. Doc. CCPR/C/93/D/1450/2006, U.N. HUMAN RIGHTS COMMITTEE, adopted July 24, 2008, at ¶ 7.6, available at http://www.worldcourts.com/hrc/eng/decisions/2008.07.24_Komarovski_v_Turkmenistan.htm (finding a violation of ICCPR Article 7 where “the author’s specific allegations that he was subjected to severe beatings and intimidation with the purpose of coercing him to confess, and that he was administered unidentified substances against his free will for the same purposes, have not been rebutted by the State party”).
201 Id.
202 Id.
203 Id.
204 Id.
205 The Circumstances Surrounding the Arrest and Prosecution of Leading Yukos Executives, Rapporteur of the Parl. Assembly of the Council of Europe, Nov. 29, 2004, at ¶
The European Court of Human Rights has held, in several cases, that the Government treated political prisoners in a manner violating Article 3 of the European Convention on Human Rights.206

E. The Kremlin Cannot Invoke Its Sovereignty to Justify These Violations

The Kremlin frequently invokes its sovereignty when criticized regarding its political prisoners (discussed in more detail in Section VIII(C)). However, as set forth in the Vienna Convention on the Law of Treaties (to which Russia is a state party), a state cannot “invoke the provisions of its internal law as justification for its failure to perform a treaty.”207 Moreover, the Kremlin itself has repeatedly rejected the argument that human rights are an internal matter. During the 1991 meeting of the Conference on the Human Dimension of the CSCE – held in Moscow – the participating states, including the USSR, agreed as follows:208

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the

206 Yaroslav Belousov v. Russia, App. No. 2653/13, Eur. Ct. H.R., Oct. 4, 2016, at Holding ¶¶ 4–6, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:[%222001-166937%22] (finding a violation of article 3 due to the “failure to provide the applicant with the adequate medical assistance,” the “conditions of transfer to and from the court-house,” and “on account of confinement in a glass cabin in hearing room no. 338 of the Moscow City Court”) and Mariya Alekhina v. Russia, App. No. 38004/12, Eur. Ct. H.R., July 17, 2018, at ¶ 149, available at https://hudoc.echr.coe.int/eng#{%22itemid%22:[%222001-184666%22] (“The Court notes that the applicants’ trial was closely followed by national and international media and they were permanently exposed to public view in a glass dock that was surrounded by armed police, with a guard dog next to it. The above elements are sufficient for the Court to conclude that the conditions in the courtroom at the Khamovnicheskiy District Court attained the minimum level of severity and amounted to degrading treatment in breach of Article 3 of the Convention.”).
human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. They express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction.

The Kremlin reiterated this position in 1993 upon the adoption of the Vienna Declaration and Programme of Action, even criticizing its own prior use of sovereignty to avoid human rights obligations.\(^{209}\)

The final document has confirmed that every individual belongs to the human family in general and its neither the property nor an instrument of the State and that human rights are therefore not the internal affair of any one country. In the past it was precisely our country, the former Soviet Union, which initiated the sad tendency to evade control or criticism by invoking sovereignty and non-interference in internal affairs. We spread this cunning idea throughout the world, pressing it on many. Unfortunately our resourceful disciples are still numerous and active. We therefore feel a special responsibility and are particularly satisfied that we have been able to record, in the final document, that the defence of all human rights is a subject of legitimate concern to the international community and that, notwithstanding the specific circumstances of different States, every one of them has a responsibility, notwithstanding those specific circumstances, to promote and defend all human rights and fundamental freedoms.

Thus, not only is the Kremlin’s reliance on sovereignty wrong as a matter of international law, this position directly contradicts its own statements on the protection of human rights.

Moreover, as a practical matter, the Kremlin is detaining political prisoners from several other countries. Among the current political prisoners are 26 Ukrainian citizens (ignoring the forcible change of Ukrainians to Russian citizenship, which was clearly unlawful), as well as citizens of Denmark (Dennis Christensen), Kazakhstan (Bekzod Bakirov), Tajikistan (Sukhrob Ironov, Akmalchon Numonchonov, Alisher Husenov, and Naimdzhon Khodjayev), Kyrgyzstan (Islambek Kamchybekov, Gazybek Kubatov, and Suyunduk Kanybek), and Poland (Andrzej Onischuk). Thus, the Kremlin’s detention of political prisoners is clearly a matter of international concern.

---


211 Laura Bingham and Natasha Arnpriester, Russia’s Mass Naturalization of Crimeans Has Had Very Unnatural Effects, OPEN SOCIETY FOUNDATIONS, June 14, 2018, available at https://www.opensocietyfoundations.org/voices/russia-s-mass-naturalization-crimeans-has-had-very-unnatural-effects (“Automatic and unconsented naturalization of an entire population is a flagrant violation of international humanitarian and human rights law.”).

212 A profile of each of the individuals listed is available at: An Up-To-Date List of Persons Illegally Deprived of Their Liberty in Connection With the Exercise of the Right to Freedom of Religion, supra note 210.
VII. **THE PERPETRATORS – COMMAND AND LINE RESPONSIBILITY**

A. **Command Responsibility**

Although many officials in the Russian Government are involved in the persecution of political prisoners, there are several who, under the principle of command responsibility, may bear direct responsibility for the crimes committed under their authority.

**Vladimir Putin** has served as **President of the Russian Federation** since 2012, a position he previously held from 2000 to 2008. Between terms, he served as Prime Minister, though it was widely understood that he was still the “real ruler” during this time.

As President, Putin oversees several of the key bodies used to persecute political prisoners, including the FSB; Security Council; Investigative Committee; and Ministries of Justice and Internal Affairs. Furthermore, Putin’s influence extends beyond his legal authority. From the very beginning of his presidency, he has worked to consolidate power in the executive branch, although command responsibility is traditionally used in the context of armed conflicts, international courts have also used it to impute responsibility for serious crimes committed by civilian authorities. See Prosecutor v. Kayishema, Case No. ICTR-95-I-T, Int’l Crim. Trib. for Rwanda, May 21, 1999, at ¶ 216, available at http://www.worldcourts.com/ictr/eng/decisions/1999.05.21_Prosecutor_v_Kayishema_1.pdf (“[T]he Chamber accepts the submission made by the Prosecution that a civilian in a position of authority may be liable under the doctrine of command responsibility.”) and Prosecutor v. Delalic, Case No. IT-96-21-T, Int’l Crim. Trib. for the Former Yugoslavia, Nov. 16, 1998, at ¶ 363, available at http://www.icj.org/x/cases/mucic/tjug/en/981116_judg_en.pdf (command responsibility “extends not only to military commanders but also to individuals in non-military positions of superior authority”).

---

7 Id.
and specifically in his own hands. In practice, Putin dominates the Russian Government, exercising a controlling influence over the security forces, the judiciary, the legislature, and most major media outlets. He has created and overseen an environment in Russia in which a crackdown on opponents, activists, and critics is encouraged.

The number of political prisoners detained by the Kremlin has increased significantly under Putin’s rule. For example, in February 2015, Memorial HRC identified 46 political prisoners, but as of March 25, 2019, there were 236. Given Putin’s unparalleled control and influence, this persecution could not occur without his direction and approval.

Alexander Bortnikov has served as Director of the Federal Security Service (FSB) since 2008. He is also Chairman of the National Anti-Terrorism Committee and a permanent member of the Security Council of the Russian Federation.

The successor to the Soviet-era KGB, the FSB is an executive body with the mandate to protect the national security of the Russian Federation. The FSB is directly involved in investigating, arresting, detaining, and interrogating political prisoners. Detainees frequently report torture and ill-treatment by FSB agents.

---


10 LIST OF INDIVIDUALS RECOGNIZED AS POLITICAL PRISONERS BY THE HUMAN RIGHTS CENTER “MEMORIAL” AS OF 12 FEBRUARY 2015, MEMORIAL HUMAN RIGHTS CTR. (on file with author).


agents, which occurs with near-total impunity. The FSB has also played a role in promulgating some of the overbroad national security laws used to prosecute political prisoners.

Bortnikov has already been sanctioned by a number of countries and bodies for his role in the crisis in Ukraine, including the EU, the UK, Canada, Switzerland, Australia, Liechtenstein, and Ukraine. Montenegro, Canada, Switzerland, Australia, Liechtenstein, and Ukraine.

---


18 Alesya Marokhovskaya & Irina Dolińska, The Low Price of Torture in Russia, OCCRP, Oct. 9, 2018, available at https://www.occrp.org/en/investigations/8715 (noting that there were “no sentences handed out to FSB officers at all” for committing torture).


Albania, and Norway, following the EU sanctions, have pledged to sanction him as well.\textsuperscript{21} He has not yet been sanctioned by the US.

\textbf{Nikolai Patrushev} has served as Secretary of the Security Council of the Russian Federation since 2008.\textsuperscript{22} He served as Director of the FSB from 1999 to 2008.\textsuperscript{23}

The Security Council of the Russian Federation is a special consultative body that advises the Presidency on national security issues and assists in formulating state security policy.\textsuperscript{24} Its primary functions include identifying and addressing security threats and preparing legal acts relating to national security.\textsuperscript{25} As described earlier, national

---


\textsuperscript{24} \textit{About Security Council, President of Russia, accessed Feb. 6, 2019, available at http://en.kremlin.ru/structure/security-council.}

security laws – terrorism, treason, espionage, etc. – are often applied in political prisoner cases.

Patrushev has been sanctioned by a number of countries and entities for his role in the crisis in Ukraine, including the EU, Canada, Switzerland, Australia, Liechtenstein, the UK, and the US. Montenegro, Albania, Norway, Norway, and Ukraine, following the EU sanctions, have pledged to sanction him as well.

Yuri Chaika has served as the Prosecutor General of the Russian Federation since 2006. He is also a member of the Security Council of the Russian Federation and, from 1999 to 2006, he served as Minister of Justice.

As the Prosecutor General, Chaika is the head of the entire prosecution system. Russian prosecutors play a key role in prosecuting political prisoners. In fact the Prosecutor’s office has been called the “least reformed institution in the Russian Federation.” In specific cases involving political prisoners, prosecutors have used clearly fabricated evidence, withheld evidence, and then attempted to prosecute the defendants through clearly politically motivated convictions.


27 Decision (CFSP) 2015/1524, supra note 21 (sanctioning Patrushev) and Press Release, supra note 21 (noting that Montenegro, Albania, Liechtenstein, Norway, and Ukraine aligned themselves with Council Decision (CFSP) 2015/1524 and “will ensure that their national policies conform to this Council Decision”).


29 Id.


case materials from the defense,\textsuperscript{33} used confessions resulting from torture as evidence,\textsuperscript{34} and requested pretrial detention with no basis to do so.\textsuperscript{35} The Prosecutor General’s Office has also designated several NGOs as “undesirable,”\textsuperscript{36} thereby prohibiting their activities and leading to possible administrative and criminal liability for their employees.

While Chaika has not yet been sanctioned, in 2018, four US Senators recommended that he be sanctioned for acts of significant corruption under the Countering America’s Adversaries Through Sanctions Act.\textsuperscript{37}

\begin{figure}
\centering
\includegraphics[width=0.3\textwidth]{gennady-kornienko.png}
\caption{Gennady Kornienko}
\end{figure}

Gennady Kornienko has served as Director of the Federal Penitentiary Service (FSIN) since 2012.\textsuperscript{38}

The FSIN is responsible for running, supervising, and monitoring the prison system.\textsuperscript{39} This is supposed to include “ensuring the protection of the rights, freedoms and legitimate interests of convicts and persons in custody.”\textsuperscript{40}


\textsuperscript{35} \textit{Pichugin v. Russia}, App. No. 38623/03, Eur. Ct. H.R., Oct. 23, 2012, at ¶¶ 8–9, available at https://hudoc.echr.coe.int/eng#%7B%22itemid%22%5B%22001-114074%22%5D%7D (noting that the prosecutor asked the court to remand Pichugin in custody but refused to submit materials demonstrating a reasonable suspicion against him).


\textsuperscript{40} Id.
However, the FSIN’s prison system is notorious for its gulag-like brutality and inhumane conditions.\(^41\) Physical abuse by prison guards is “systemic,”\(^42\) and political prisoners are singled out for “particularly harsh conditions” and punished with solitary confinement and stays in psychiatric units.\(^43\) Prison guards have repeatedly been accused of threatening, abusing, and torturing prisoners,\(^44\) and are rarely held accountable.\(^45\) In some instances, prisoners are “disappeared” within in the prison system, and neither their family nor counsel is told where they have been taken.\(^46\)

Aleksandr Konovalov has served as Minister of Justice of the Russian Federation since 2008.\(^47\) He is also a member of the Security Council of the Russian Federation.\(^48\)

The Ministry of Justice is responsible for drafting proposed laws, overseeing the activities of non-profit and religious organizations, and ensuring that courts comply with standard operating


\(^{43}\) *Id.*, at 9, 14.


\(^{46}\) Russian Federation 2017/2018, AMNESTY INT’L, accessed Feb. 6, 2019, available at https://www.amnesty.org/en/countries/europe-and-central-asia/russian-federation/report-russian-federation/ (“The conditions during prisoner transports amounted to torture and other ill-treatment, and in many instances, to enforced disappearance . . . . During [Il’dar Dadin’s month-long] transfer, the authorities refused to provide any information on his whereabouts to his family and lawyers until after his arrival at the colony.”).


\(^{48}\) *Id.*
procedures. It also coordinates and monitors the activities of the Federal Penitentiary Service.

The Ministry of Justice has drafted many of the restrictive laws used to persecute political prisoners. For example, the Ministry helped write the 2016 amendments to the Foreign Agent Law, which included an extremely broad definition of “political activity,” and drafted amendments “tightening criminal responsibility” for extremism. It has also attacked civil society and religious groups: the Ministry unilaterally designated numerous organizations as “foreign agents,” and it initiated the proceedings that liquidated the Administrative Center of Jehovah’s Witnesses due to alleged “extremism.” In addition, and as discussed earlier, prosecutions involving political prisoners routinely involve egregious due process violations, so the Ministry is clearly failing to supervise the courts adequately.


Vladimir Kolokoltsev has served as Minister of Internal Affairs (alternately, the Minister of the Interior) of the Russian Federation since 2012. The Ministry of Internal Affairs oversees the work of law enforcement. It is also in charge of combating extremism.

As detailed in prior sections, police are among the most frequent perpetrators of abuse against political prisoners. Among other violations, officers plant evidence, arrest and detain individuals with no basis to do so, deprive detainees of their right to counsel, and use torture to coerce confessions.

Kolokoltsev is sanctioned under the US Ukraine-related sanctions. The EU has not yet sanctioned him.

Alexander Bastrykin has served as Chairman of the Investigative Committee of the Russian Federation since 2011. Bastrykin is also a member of the Presidium of the Anti-Corruption Council and the National Anti-Terrorism Committee.

The Investigative Committee has primary responsibility for criminal investigations, and Bastrykin is well-known for using it to persecute opposition figures. In

56 Id.
59 Id.

140
fact, the Investigative Committee has been described as the place “where criminal cases against members of the Russian opposition are usually concocted.” 62 For example, Bastrykin controlled the unlawful investigations in the Yukos cases.63 However, the Investigative Committee frequently refuses to bring charges against public authorities or law enforcement officials that commit torture or other violations.64 Bastrykin also prevented a meaningful investigation into the 2015 assassination of Russian opposition leader Boris Nemtsov, who was assassinated, by gunshots to the back, as he walked across a bridge near the Kremlin. Bastrykin refused to classify it as a political crime, refused to allow the questioning of key persons of interest, and blocked attempts by his subordinates to indict a potential organizer.65 As result, while five people – all of them linked to the Kremlin-backed Head of the Chechen Republic, Ramzan Kadyrov – have been convicted for carrying out the assassination, the organizers and masterminds remain unidentified and at large.66

Bastrykin and Alleged Litvinenko Killers, RADIO FREE EUROPE / RADIO LIBERTY, Jan. 10, 2017, available at https://www.rferl.org/a/russia-bastrykin-lugovoi-magnitsky-sanctions/28222295.html (“Bastrykin is the head of the federal Investigative Committee, the Russian analogue to the FBI that has directed numerous politically charged criminal cases against opponents of Russian President Vladimir Putin.”); and Briefing on Individuals Unjustly Imprisoned by Russia, U.S. DEP’T OF STATE, June 18, 2018, available at https://www.state.gov/r/pa/prs/ps/2018/06/283307.htm (noting Bastrykin has “been involved in some of these politically motivated prosecutions and persecutions”).


64 Marc Bennetts, Torture and Abuse by Police Is the Norm in Russian Prisons, NEWSWEEK, Mar. 29, 2016, available at https://www.newsweek.com/2016/04/08/russia-police-custody-torture-abuse-441489.html (noting several cases in which the Investigative Committee refused to bring criminal charges against authorities).


Bastrykin is sanctioned under the 2012 US Magnitsky Act and similar legislation in Canada, Estonia, Latvia, Lithuania, and Ukraine. He has not been sanctioned by the UK or the EU, though 57 members of the European Parliament called for him to be sanctioned in a 2016 joint letter.

B. Line Responsibility

The Kremlin’s persecution of political prisoners depends on the willing participation of countless judges, prosecutors, and investigators. However, a smaller number have demonstrated a particular commitment to victimizing political prisoners through repeated involvement in such cases. The following individuals were identified as being involved in multiple cases.

1. Judges

Vladimir Kobzev is a judge with the Krasnodar Regional Court (as of 2017). He has presided over several cases involving political prisoners and alleged threats to national security. For example, he sentenced former political prisoners Marina Dzhandzhgava and Annik Kesyan to 12 and eight years in prison respectively for treason, although

---

68 Consolidated Canadian Autonomous Sanctions List, supra note 20 (search for “Bastrykin”).
72 Annex to the Decision of the National Security and Defense Council of Ukraine, supra note 20 (Bastrykin is entry 3).
74 Memorial HRC compiled a list of prosecutors, investigators, and judges in each political prisoner case (where they could be identified). The full list is available upon request from government and multilateral institution sanctions agencies.
they had simply sent text messages indicating they saw military equipment on a railway. In similar cases (also involving text messages), he sentenced former political prisoner Oksana Sevastidi to seven years’ imprisonment for treason and former political prisoner Ekaterina Kharebava to six years for espionage. Judge Kobzev also sentenced former political prisoner Petr Parpulov to 12 years in prison for treason for sharing information that was already publicly available, including on the official website of the Defense Ministry’s newspaper (Krasnaya Zvezda).

Artur Karpov is a judge with the Basmanny District Court (Moscow) (as of 2016). He has been involved in several political prisoner cases, frequently subjecting the accused to pretrial detention or house arrest. This includes current/former political prisoners Igor Rudnikov, Nadiya Savchenko, several Bolotnaya square demonstrators, Sergey Udaltsov, and Alexey Navalny. Judge Karpov also helped deny justice to the family of Sergei Magnitsky; he dismissed several appeals challenging the lack of

---

76 Id.
78 Parpulov Petr Ivanovich, MEMORIAL HUMAN RIGHTS CTR., accessed Feb. 14, 2019, available at https://memohrc.org/ru/defendants/parpulov-petr-ivanovich [in Russian] and Memorial Recognizes Three More Sochi Residents, supra note 75 (“All the above cases, except that of Inga Tutisani, were conducted by one and the same FSB investigator Roman Troyan, and the convictions in the cases were handed down by one and the same judge of Krasnodar Regional Court, Vladimir Kobzev.”).
an investigation into Magnitsky’s death.\textsuperscript{85} In addition, Judge Karpov dismissed the complaints of some of the Yukos defendants against the unlawful actions of the investigators.\textsuperscript{86} Although he has not yet been sanctioned, he was listed as a candidate for targeted sanctions in a 2016 joint letter by 57 Members of the European Parliament.\textsuperscript{87}

Nataliya Mushnikova is a judge with the Moscow City Court (as of March 2019)\textsuperscript{88} and was formerly a judge with the Basmanny District Court (Moscow). She has helped the Kremlin detain political prisoners. She ordered or extended the pretrial detention of Nadiya Savchenko\textsuperscript{89} and several of the Bolotnaya Square demonstrators\textsuperscript{90} and Yukos defendants (including the extremely ill Vasily Alexanyan, who died after the Kremlin ignored injunctions from the European Court of Human Rights to provide medical treatment).\textsuperscript{91} Judge Mushnikova also helped cover up Sergei Magnitsky’s death by denying Magnitsky’s mother’s request for an independent medical examination of his body.\textsuperscript{92} She also upheld, in Alexey Pichugin’s case, the investigator’s refusal to conduct a medical examination regarding his complaints that psychotropic substances were used on him.\textsuperscript{93}


\textsuperscript{86} \textit{List of Public Officials}, supra note 63, at 24.

\textsuperscript{87} Letter from MEPs to Federica Mogherini, supra note 73.


\textsuperscript{89} \textit{Faces of the Russian Kangaroo Court}, supra note 81.


\textsuperscript{92} \textit{Submission of Alleged Candidates}, supra note 85, at 102.

Nataliya Olikhver is a judge of the Moscow City Court (as of March 2019). She presided over Alexey Pichugin’s flawed, closed-door trial (on the first set of charges) and sentenced him to 20 years’ imprisonment. The European Court of Human Rights held that Judge Olikhver violated Pichugin’s right to a fair trial by conducting the trial in secret and by restricting the defense’s questioning of the key witness against him. Judge Olikhver also upheld a court ruling extending the pretrial detention of Nadiya Savchenko. Throughout her career, Judge Olikhver has “unhesitatingly followed the instructions of her superiors.”

2. Prosecutors

Natalya Poklonskaya was appointed as the prosecutor of the Republic of Crimea by Vladimir Putin in May 2014. She left this post in 2016 after she was elected to the Russian Duma, but during those two years, she actively persecuted Ukrainian political prisoners. She issued the arrest warrant for Oleg Sentsov, prosecuted the case against Alexander Kostenko, brought charges against Andrei Kolomiets, investigated the case against Mykola Semena, initiated the proceedings,...
that banned the Crimean Tatar Mejlis, and helped persecute several of the Mejlis’ leaders. Poklonskaya was included in the US and EU Ukraine-related sanctions.

3. Investigators

Timofey Grachev is a Senior Investigator of the Investigative Committee of the Russian Federation (in the Investigation Department of the Directorate to Investigate Crimes Involving the Use of Prohibited Means and Methods of Warfare) (as of 2016). He has been linked to the fabrication of evidence during Nadiya Savchenko’s pre-trial investigation and has “become famous for his participation in the investigation” of the Bolotnaya Square demonstrators. He was listed as a candidate for targeted sanctions in the 2016 joint letter by 57 Members of the European Parliament.

Roman Troyan is an FSB investigator (as of 2014) who has been involved in several national security cases. He investigated former political prisoners Marina Dzhandzhgava, Annik Kesyan, Oksana Sevastidi, Ekaterina Kharebava, and Petr Parpulov, all of whom were convicted of treason or espionage.

Salavat Karimov is an Advisor to Prosecutor General Yuri Chaika (as of March 2019) and was formerly a Senior Investigator in the Prosecutor General’s Office.

106 Letter from MEPs to Federica Mogherini, supra note 73.
107 Id.
108 Id.
109 Id.
110 Memorial Recognizes Three More Sochi Residents, supra note 75 (“All the above cases, except that of Inga Tutisani, were conducted by one and the same FSB investigator Roman Troyan . . . .”).
As Senior investigator, Karimov was known as the “Oligarch Killer” for his role in politically-motivated cases against prominent businessmen.\textsuperscript{112} For example, he coordinated the unlawful criminal prosecution of the Yukos defendants on fabricated charges, including former political prisoners Mikhail Khodorkovsky and Platon Lebedev and current political prisoner Alexey Pichugin.\textsuperscript{113} He also personally opened criminal cases against Leonid Nevzlin.\textsuperscript{114} Karimov was also involved in the torture of Yukos lawyer Vasily Alexanyan – Karimov promised him life-saving antiretroviral medication if he would only testify against his friends and colleagues.\textsuperscript{115}

Karimov actively persecuted former media tycoon and outspoken Putin critic Vladimir Gusinsky. Karimov twice tried to prosecute Gusinsky for fraud, and during Gusinsky’s brief detention in a Moscow prison, Gusinsky was dubbed “the first political prisoner of Putin’s Russia.”\textsuperscript{116} Gusinsky ultimately fled from Russia, and though he was detained in Spain and Greece, both countries declined to extradite him, finding that the accusations against him were politically motivated.\textsuperscript{117}

Karimov also investigated businessman Boris Berezovsky for alleged embezzlement.\textsuperscript{118} Berezovsky fled to the UK, where he was given political asylum.\textsuperscript{119}

\textsuperscript{112} Id.
\textsuperscript{113} List of Public Officials, supra note 63, at 11–12.
\textsuperscript{114} Id.
\textsuperscript{118} Karimov, Salavat, supra note 111.
\textsuperscript{119} Id.
The international community has spoken out consistently and forcefully regarding the Kremlin’s political prisoners. However, it has – so far – taken only limited action to compel their release or otherwise hold Putin or other perpetrators to account.

A. International Response

1. Select Public Statements and Condemnations

A wide array of UN bodies and experts, regional bodies and organizations, individual countries, and civil society groups have reported on the Kremlin’s political prisoners and highlighted both groups of cases and individual cases. Below is a brief survey of such statements.

a. UN Bodies and Experts

General Assembly: In December 2018, the UN General Assembly adopted a resolution expressing concern that “torture has reportedly been used by the Russian authorities [in occupied-Crimea] to extract false confessions for politically motivated prosecutions, including in the case of Oleg Sentsov.”¹ The resolution also noted that there were “ongoing arbitrary detentions and arrests by the Russian Federation of Ukrainian citizens, including Volodymyr Balukh and Emir-Usein Kuku.”² Prior resolutions similarly noted “politically motivated prosecutions” and “arbitrary detentions” by Russian authorities in occupied-Crimea.³

Office of the UN High Commissioner for Human Rights (OHCHR): In February 2019, High Commissioner Michelle Bachelet expressed concern about the conviction of political prisoner Dennis Christensen, saying that “The harsh sentence imposed on Christensen . . . effectively

² Id.
criminalises the right to freedom of religion or belief for Jehovah’s Witnesses in Russia – in contravention of the State’s obligations under the International Covenant on Civil and Political Rights.” In 2017, the OHCHR noted that Russian authorities in Crimea “frequently violated” due process rights and that charges of extremism, terrorism, and territorial integrity violations are “commonly applied against political opponents.” The OHCHR also highlighted the case of a Crimean Tatar man sentenced to one year and three months in prison for “publicly inciting hatred or enmity” for publishing pro-Ukraine posts on Facebook. It further called on the Kremlin to “[s]top applying legislation on extremism, terrorism and separatism to criminalize free speech and peaceful conduct, and release all persons arrested and charged for expressing dissenting views.” During a visit to Russia in 2011, Navi Pillay, then High Commissioner for Human Rights, noted that “Russia currently has the highest number of cases pending before the European Court of Human Rights,” which she described as “a clear indication of endemic problems within Russia’s own legal system.” One of the cases that was pending before the European Court of Human Rights at that time was that of Alexey Pichugin, who would go on to become the Kremlin’s longest-serving political prisoner.

**Human Rights Committee:** In its 2015 Concluding Observations on Russia, the Human Rights Committee – the treaty body overseeing state compliance with the ICCPR – expressed concern about “consistent reports of arbitrary restrictions on the exercise of freedom of peaceful assembly, including . . . arbitrary detentions and imposition of . . . prison sentences for

---


6 Id., at ¶ 160.

7 Id., at ¶ 226(m).


the expression of political views.” It further noted the prosecution of members of Pussy Riot for hooliganism; the criminal charges brought against demonstrators; and the increasing use of extremism laws to “curtail freedom of expression, including political dissent, and freedom of religion.” The Committee also pointed out problematic legal provisions, including Criminal Code Articles 280.1 (public calls for action aimed at violating the territorial integrity of the State) and 212.1 (repeated participation in unauthorized public gatherings), and the Foreign Agent and Undesirable Organizations Laws. In addition, the Committee also noted allegations that the legal proceedings against Oleg Sentsov failed to meet the minimum guarantees provided in ICCPR Articles 9 and 14.

Committee Against Torture: In August 2018, the Committee Against Torture – the treaty body overseeing state compliance with the Convention Against Torture – denounced the “arbitrary detention . . . of human rights defenders, lawyers, journalists and political opponents” in Russia and the “consistent reports that provisions of the Criminal Code on combating terrorism are often used against civil activists.” The Committee specifically expressed concern about “the arrest and detention of Oyub Titiyev . . . on allegedly false drug charges” and the use of torture to “obtain false confession for politically motivated prosecutions, including in the case of Oleg Sentsov.” The Committee also noted that “law enforcement uses involuntary placement in a psychiatric institution as a form of harassment and punishment of political opponents and activists,” specifically highlighting the involuntary hospitalization of Ilmi Umerov in 2016. Finally, the Committee decried the fact that the Foreign Agent Law and the Undesirable Organizations Law are “used as a means of administrative harassment against human rights organizations, forcing them to reduce and eventually cease their activities.”

12 Id., at ¶ 19(c), 20–21.
13 Id., at ¶¶ 20–22.
14 Id., at ¶ 23(d).
16 Id., at ¶¶ 46, 48(b).
17 Id., at ¶ 40.
18 Id., at ¶ 28.
Multiple Special Procedures: A variety of Special Procedures – thematic experts appointed by the UN Human Rights Council – have issued numerous joint statements, urgent appeals, and allegation letters concerning the Kremlin’s political prisoners. In March 2019, two Special Procedures called on Russian authorities to “drop all criminal charges against [Oyub] Titiev and to release him immediately,” noting that “the charges “appear[] to be motivated by his peaceful human rights activities.” In September 2018, six Special Procedures relayed their “concern at the arrest and detention of members of the Jehovah’s Witnesses religious minority on the basis of legislation on counter-extremism,” reiterating their “concerns at the use of Article 282 of the Criminal Code (participating, organizing or financing an ‘extremist’ organization) to persecute individuals for their peaceful worship.” In August, three Special Procedures noted that they were concerned that Oleg Sentsov was “detained because of his political expression.” They further highlighted allegations that the legal proceedings against him “did not comply with international standards on due process and fair trial,” and called for his release. On July 26, 2018,

20 Allegation Letter from Working Group on Arbitrary Detention et al. to Russia, AL RUS 19/2018, Sept. 14, 2018, at 4, available at https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24004; see also Allegation Letter from Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression et al. to Russia, AL RUS 6/2015, Nov. 11, 2015, at 3, available at https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=17733 (“The fact that four [Jehovah’s Witness] ministers were sentenced to five years’ imprisonment for conducting peaceful religious services is a matter of serious concern.”).
22 Id.; see also Urgent Appeal from Working Group on Arbitrary Detention et al. to Russia, UA RUS 16/2018, July 25, 2018, at 2, available at https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23960 (“We reiterate our concern at the conviction of Mr. Sentsov, which represents a criminalization of the legitimate exercise of his right to freedom of expression through the use of counter-terrorism legislation and following legal procedures that appear to violate the standards of due process and fair trial.”) and Allegation Letter from Working Group on Arbitrary Detention et al. to Russia, AL RUS 8/2017, Oct. 17, 2017, at 2, available at https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23374 (“We express grave concern at the arrest and conviction of Mr. Sentsov which appear to represent a criminalization of his exercise of the right to freedom of expression through the use of counter-terrorism legislation and following legal procedures that appear to violate the standards of due process and fair trial.”).
five Special Procedures asked about political prisoners Anastasia Terentyeva, Ivan Matsitsky, and Konstancia Esaulkova, noting that their extended terms of pre-trial detention “appear to violate the rights to due process and fair trial.”

That same month, four Special Procedures inquired about Emir Usein Kuku because his detention and the charges against him were “seemingly linked to his peaceful and legitimate work in defence of human rights.” They also expressed concern “over the use of counter-terrorism legislation to criminalise Mr. Kuku’s work in defence of human rights in Crimea.”

In a separate communication, six Special Procedures conveyed serious concern about the arrest and detention of probable political prisoner Server Mustafayev “for reasons seemingly linked to his peaceful and legitimate work in the defence of human rights.”

Prior years are similar: the Special Procedures issued numerous joint communications regarding the Kremlin’s political prisoners.

Working Group on Arbitrary Detention: The UN Working Group on Arbitrary Detention has considered only a handful of cases from Russia, but several have involved political prisoners and/or serious rights violations in criminal prosecutions. In 1999, the Working Group held that prisoner of conscience Grigory Pasko, a military reporter, was arbitrarily detained on

---


25 Id.


charges of espionage and disclosing state secrets. The charges stemmed from his reporting on the failure of Russian authorities to process radioactive waste material resulting from the breakage of old nuclear submarines, and he was therefore being prosecuted for activity (that is, disseminating information on environmental protection) protected under both domestic and international law. The Working Group further held that Pasko did not receive a fair trial because the court stripped two of his lawyers of their power of attorney, and information obtained in an illegal manner was used as evidence against him. In a 2013 opinion, the Working Group found that activist Denis Matveyev’s detention was arbitrary because his conviction for possession and sale of drugs was the result of police entrapment intended to “punish [him] for his human rights activities.”

Most recently, in 2016, the Working Group determined that the detention of Alexandr Klykov was arbitrary and in violation of international law because his confession of murder was obtained through torture. The Working Group further noted that he was assigned a public defender “who acted against [his] rights and interests” and that Klykov was denied access to his attorney of choice. As of March 2019, the Working Group is also considering a petition challenging the detention of Alexey Pichugin.

Special Rapporteur on Human Rights Defenders: In January 2018, the Special Rapporteur on Human Rights Defenders noted that he had “strong reasons to believe” that the arrest and detention of Oyub Titiev were “motivated by his peaceful human rights activities and aim[ed] at deterring Mr. Titiev from exercising his legitimate rights to freedom of expression and freedom of association.” In a 2017 report, the Special Rapporteur

31 Id., at ¶ 5, 7(a).
32 Id., at ¶ 7(b).
35 Id., at ¶ 79.
37 Urgent Appeal from Special Rapporteur on the Situation of Human Rights Defenders to Russia, UA RUS 1/2018, Jan. 10, 2018, at 2, available at
expressed “concern . . . for the continued persecution of defenders in the
course of their activities . . . through their arbitrary arrest and detention.”

He highlighted the case of Valentina Cherevatenko, the first person charged
under Criminal Code Article 330.1 for “malicious evasion” of the
requirements of the Foreign Agent Law, and explained that the conviction
of former political prisoner Sergey Nikiforov for bribery and fraud
“appears to be solely aimed at silencing the human right defender and
preventing him from defending the legitimate rights of the Evenki
indigenous community.” In 2016, the Special Rapporteur expressed
“[e]xtreme concern . . . for the continued persecution of defenders in the
course of their work . . . through their arbitrary arrest and detention [and]
their judicial harassment and criminalization.”

He also expressed concern that “the arrest, detention and charges against [activist Konstantin] Golava
aim at silencing his criticism.” In 2015, the Special Rapporteur noted
“concern regarding the detention of human rights defenders [in Russia],
including their ill treatment and denial of access to family and lawyers.”

Special Rapporteur on Peaceful Assembly and Association: In 2017, the Special Rapporteur on Peaceful Assembly and Association noted
“the continued persecution of defenders [in Russia] in the course of their
activities . . . through arbitrary arrests and detention.” He also expressed
concern that the conviction of former political prisoner Sergey Nikiforov

38 Michel Forst, REPORT OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS

39 Id., at 561. The case against Ms. Cherevatenko was later dismissed. See Case History: Valentina Cherevatenko, FRONT LINE DEFENDERS, accessed Nov. 17, 2018, available at

40 “Memorial” Recognized Political Leader of the Evenki Community Sergei Nikiforov, MEMORIAL

41 REPORT OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS:
ADDENDUM, supra note 38, at ¶ 565.

42 Michel Forst, REPORT OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS

43 Id., at ¶ 443.

44 Michel Forst, REPORT OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS

45 REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND
was related to his public opposition to a mining project. In addition, the Special Rapporteur denounced the “unprecedented criminal charges” brought against Valentina Cherevatenko.

Special Rapporteur on the Independence of Judges and Lawyers: Gabriela Knaul, then the Special Rapporteur on the Independence of Judges and Lawyers, conducted a country visit to Russia in 2013. Her resulting report highlighted numerous flaws in the legal system that facilitate the detention of political prisoners. For example, she noted “many reported attempts by State authorities and private actors alike to exercise control over the judicial system”; that “judges order pretrial detention as a rule rather than an exception” and that in some cases, defendants are held in “pretrial detention for longer than the maximum sentence they could receive”; and the “extremely low acquittal rate . . . which would suggest that the presumption of innocence is not consistently respected in practice.” She also expressed concern that defense lawyers are not given equal access to case materials and evidence and are given “very limited time” to examine evidence; investigators are “unlikely” to share exculpatory evidence with the defense; “[i]n most cases, judges condone or directly participate in such violations of lawyers’ rights”; and that lawyers “in politically sensitive cases are also particularly vulnerable to pressure and regularly face security threats.”

b. Regional Bodies/Organizations

European Union: The EU has consistently entreated the Kremlin to release its political prisoners. When Oyub Titiev was arrested in January 2018, the EU called for the Kremlin to “release him swiftly.” After over 1,000 people were detained by police during May 2018 protests against Putin’s inauguration, the EU insisted that the Kremlin “release without delay [the] peaceful demonstrators and journalists.” A few weeks later,

46 Id., at ¶ 483.
47 Id., at ¶ 485.
49 Id., at ¶¶ 47–48, 79, 82.
the spokesperson mentioned Oleg Sentsov, Vladimir Balukh, and Server Mustafayev by name and demanded that “all illegally detained Ukrainian citizens . . . be released without delay.”\textsuperscript{52} In a July 2018 statement, the EU noted that it was “deeply concerned by the reports of continued systematic persecution of Jehovah’s Witnesses in Russia, including . . . arbitrary detentions and criminal prosecution.”\textsuperscript{53} In September, the EU said that it “expects the Russian authorities . . . to release without delay the peaceful demonstrators and the journalists” arrested during the nationwide pension protests.\textsuperscript{54} And in October, the spokesperson announced that the “European Union stands in solidarity with Oleg Sentsov and . . . expects his immediate release, along with all illegally detained Ukrainian citizens in Russia and on the Crimean peninsula.”\textsuperscript{55} Going further back, during a meeting with the Russian Government in 2003, EU officials insisted that the Yukos defendants – who included then political prisoners Alexey Pichugin, Platon Lebedev, and Mikhail Khodorkovsky\textsuperscript{56} – be given a fair chance to defend themselves.\textsuperscript{57}


\textsuperscript{56} Memorial’s Full List Of Political Prisoners In Russia, KHODORKOVSKY.COM, Nov. 4, 2013, available at https://www.khodorkovsky.com/memorials-full-list-of-political-prisoners-in-russia/.

European Parliament: The European Parliament has been particularly vocal and has adopted numerous resolutions regarding the Kremlin’s political prisoners. The most recent, adopted on March 12, 2019, cites to Memorial HRC’s list of political prisoners and “Calls on Russia to immediately release political prisoners, including foreign citizens, and journalists.”58 In a June 2018 resolution, the European Parliament noted that “the number of political prisoners in Russia has increased significantly in recent years” and demanded the “unconditional[] release [of] Oleg Sentsov and all other illegally detained Ukrainian citizens,” as well as “all other political prisoners.” 59 The resolution further expressed “deep concern” that “many” Ukrainian political prisoners have been “seriously tortured”; insisted that “Russian authorities cease the intimidation and harassment of the Human Rights Centre Memorial”; and decried the fact that the Kremlin “fails to implement the judgments delivered” by the European Court of Human Rights. 60 Finally, the resolution called for European member states to “consider targeted measures against the individuals responsible for the detention and trial of the political prisoners,” and for the leadership of the European Union to “raise these issues in different formats and meetings with Russia.”61

Numerous prior resolutions similarly called for targeted sanctions against Russian officials involved in persecuting political prisoners.62 In
fact, the European Parliament has recommended the creation of a Europe-
wide analogue of the US Magnitsky list. Other resolutions expressed
concern over “fabricated criminal charges,” politically-motivated
sentences, and the fact that “the law is being used as a political
instrument” in Russia. Several resolutions noted the persecution of
individuals connected to Yukos. One resolution noted the “extremely

0446&language=EN&ring=P8-RC-2016-1261 (“Calls on the Council to adopt a series of targeted
sanctions to punish those responsible for the mistreatment of Ildar Dadin and other human rights
activists . . . .”); and Resolution on Russia, in Particular the Cases of Eston Kohver, Oleg Sentsov
and Olexandr Kolchenko, EUR. PARL., adopted Sept. 10, 2015, available at
0314&language=EN&ring=P8-RC-2015-0845 (“Calls on the Council to establish a common EU
list of the officials responsible for the abduction, illegal detention and sentencing of Eston Kohver,
Nadiya Savchenko, Oleg Sentsov and Olexandr Kolchenko, to impose and implement an EU-wide
visa ban on these officials, and to freeze any financial assets that they, or their immediate family,
may hold within the European Union . . . .”).

63 Recommendation to the Council on Establishing Common Visa Restrictions for Russian Officials
Involved in the Sergei Magnitsky Case, EUR. PARL., adopted Apr. 2, 2014, available at
0258 (requesting the Council “(a) to establish a common EU list of officials responsible for the
death of Sergei Magnitsky, for the subsequent judicial cover-up and for the ongoing and continuing
harassment of his mother and widow; (b) to impose and implement an EU-wide visa ban on these
officials and to freeze any financial assets that they, or their immediate family, may hold within the
European Union; [and] (c) to allow for regular revision of the proposed visa ban list . . . .”) and
Resolution on the Rule of Law in Russia, EUR. PARL., adopted June 13, 2013, available at
0284%2B0%2BDOC%2BXML%2BV0%2F%2FEN&language=EN (asking the Council and
Commission “to implement an EU-wide visa ban and to freeze the financial assets in the EU of all
officials involved in the death of Magnitsky . . . and of other serious human rights violators in
Russia”).

64 Resolution on Russia, the Case of Oyub Titiiev and the Human Rights Centre Memorial, EUR.
PARL., adopted Feb. 8, 2018, available at
0034+0+DOC+XML+V0//EN&language=EN; see also Resolution on Russia: Sentencing of
Demonstrators Involved in the Bolotnaya Square Events, EUR. PARL., adopted Mar. 13, 2014,
0253&language=EN&ring=P7-RC-2014-0245 (noting “politically motivated charges” against the
Bolotnaya Square demonstrators) and Resolution on Political Use of Justice in Russia, EUR. PARL.,
0352&language=EN (noting “the recent upsurge in the politically motivated intimidation and
prosecution of opposition activists in the Russian Federation”).

65 Resolution on Russia, the Arrest of Alexei Navalny and Other Protestors, EUR. PARL., adopted
Apr. 6, 2017, available at
0125.

66 Resolution on Russia, in Particular the Case of Alexei Navalny, EUR. PARL., adopted Jan. 15,
serious situation regarding the rule of law and justice in Russia, as highlighted by the Russian authorities’ alarming attitude towards . . . persons accused in the Yukos affair and all the abuses committed during legal proceedings." 67 Another expressed regret that “recent moves by the Russian authorities against Yukos . . . were such as to arouse strong suspicion of political interference in the judicial process,” 68 and yet another decried the “increased political control of the judiciary, as exemplified by the Yukos case.” 69

Parliamentary Assembly of the Council of Europe (PACE): In June 2018, PACE adopted a resolution calling for the Kremlin to “release without further delay all Ukrainians detained in the Russian Federation and in Crimea on politically motivated or fabricated charges.” 70 PACE members have also made written declarations on this issue, 71 as well as regarding the pre-trial detention of religious minorities facing extremism charges. 72 In addition, PACE’s Committee on Legal Affairs and Human Rights issued a

report in October 2018 encouraging national parliaments to consider passing Magnitsky laws.\(^{73}\)

In 2004, that same Committee appointed a former German Minister of Justice as a Rapporteur to investigate the arrest and prosecution of Yukos officials. Her report, written after two fact-finding visits to Moscow, documented “numerous procedural shortcomings” in the investigation and prosecution of Khodorkovsky, Lebedev, and Pichugin, and further noted Pichugin’s “plausible” allegations of torture.\(^{74}\) The report concluded that “the interest of the State’s action in these cases goes beyond the mere pursuit of criminal justice, to include such elements as to weaken an outspoken political opponent, to intimidate other wealthy individuals and to regain control of strategic economic assets.”\(^{75}\) Relying on that report, PACE adopted a resolution which noted that “serious procedural violations committed by different law-enforcement agencies against Mr Khodorkovsky, Mr Lebedev and Mr Pichugin . . . have been corroborated during fact-finding visits” and reiterated several of the report’s key findings, including that Pichugin was held in an FSB-controlled prison; proceedings in Pichugin’s case were held in camera even though only a small portion of the case file was classified; and there was repeated interference with the right to counsel.\(^{76}\) PACE subsequently issued a series of resolutions condemning the politically-motivated cases against Pichugin and others affiliated with Yukos.\(^{77}\) On April 24, 2017, during free debate before the

\(^{73}\) SERGEI MAGNITSKY AND BEYOND – FIGHTING IMPUNITY BY TARGETED SANCTIONS, PACE COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS, Oct. 30, 2018, at ¶ 36, available at http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmNvbmcveGlzL1hSZWYvWDJILURXLWV4dH1uYXNwP2ZpbGVpZDoyNTA1MyZsYW5nPUVO&xsl=aHR0cDovL3NlbnRpdGlvbi1QZG1tcGFvZ3luLmNvbXBvcnplbnRzLWV4dHlwZS5uYWJsZS5kb2JqZWN0XmFjaGUvbWFsZXRvcC1pZGVzaWduZXJzaW9u


\(^{75}\) Id., at Summary.


\(^{77}\) Id., at ¶ 7; Resolution 1685 on Allegations of Politically Motivated Abuses of the Criminal Justice System in Council of Europe Member States, PRL. ASSEMBLY OF THE COUNCIL OF EUROPE, adopted Sept. 30, 2009, at ¶ 4.3.8, available at http://assembly.coe.int/nw/xml/XRef/Xref-
full Assembly, French Representative Pierre Yves Le Borgn – himself an appointed PACE Rapporteur regarding the enforcement of judgments by the European Court of Human Rights – called out Pichugin’s case, describing the Kremlin’s treatment of him as “tantamount to moral torture” and insisting that “There can be no place for such inhumanity in our community of law.”

Organization for Security and Co-operation in Europe (OSCE): During its annual sessions, the OSCE Parliamentary Assembly has adopted several resolutions concerning the Kremlin’s political prisoners. In 2018, for example, it adopted a Resolution on Violations of Human Rights and Fundamental Freedoms in the Russian Federation, which asked the Kremlin to “release unconditionally all human rights defenders and other persons detained for peacefully exercising their rights to freedom of expression, assembly and association.” The resolution also called for the repeal of the Undesirable Organizations Law and Foreign Agent Law, and an end to the “excessive use” of extremism laws. Another resolution from that same year demanded that the Kremlin release “Ukrainian citizens, who have been unlawfully detained or imprisoned under the fabricated charges,” specifically mentioning Oleg Sentsov, Oleksandr Kolchenko, Vladimir Balukh, Emir Usein Kuku, and several others. Prior resolutions and declarations have requested the release of “Ukrainian citizens who are illegally detained,” noted that the Kremlin “continue[s] to abuse the

80 Id., at ¶¶ 31, 34.
81 Resolution on Ongoing Violations of Human Rights and Fundamental Freedoms in the Autonomous Republic of Crimea and the City of Sevastopol (Ukraine), OSCE PARL. ASSEMBLY, adopted July 2018, at ¶ 27(k), in BERLIN DECLARATION AND RESOLUTIONS, supra note 79.
Interpol system by seeking the arrest of opponents on politically motivated charges.” and called for targeted sanctions on individuals responsible for gross human rights violations against people seeking to expose illegal activity by Russian officials.

OSCE thematic experts have also spoken out. For instance, the Representative on Freedom of the Media has called for the release of political prisoners Igor Rudnikov, Oleg Sentsov, and Mykola Semena, and the Representative for Democratic Institutions and Human Rights has highlighted the detention of Jehovah’s Witnesses and called for Nadiya Savchenko to be released.


Press Release, ODHIR Director Link and OSCE Chairperson’s Personal Representative Gabriel Concerned over Jehovah’s Witness Ban in Russia, OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS, Apr. 25, 2017, available at https://www.osce.org/odihr/313561 and Press Release, OSCE Human Rights Chief Raises Concerns over Savchenko Verdict, Calling for Release,
c. Individual Countries

In recent years, a number of mostly Western countries have acknowledged that the Kremlin keeps political prisoners and publicly demanded their release. For example, several countries have made broad statements about the Kremlin’s political prisoners and blanket calls for their release.

On June 18, 2018, the US State Department said in a press release that it was “deeply concerned by the growing number of individuals . . . identified by credible human rights organizations as political and religious prisoners held by the Government of the Russian Federation,” and called for the Kremlin to “release all those identified as political or religious prisoners immediately and cease its use of the legal system to suppress dissent and peaceful religious practice.” 87 In addition, the State Department’s annual human rights report on Russia has consistently highlighted political prisoners as a problem, and cited Memorial HRC’s list of political prisoners. 88 The State Department’s 2018 human rights report on Russia specifically discussed the sentences imposed on the Kremlin’s political prisoners, noting that Alexey Pichugin “has been imprisoned since 2003 with a life sentence.” 89 Canadian officials have similarly called for the Kremlin to release “all political prisoners.” 90 The UK has also noted

90 Tweet by Canada Minister of Foreign Affairs Chrystia Freeland (@cafreeland), TWITTER, July 12, 2018, 11:28 am, available at https://twitter.com/cafreeland/status/1017475871714762752 (“Today marks the 60th day of Ukrainian filmmaker Oleg #Sentsov’s hunger strike. We remain very concerned about his condition. #Russia must free him and all political prisoners. #SaveOlegSentsov #FreeSentsov”); Tweet by Foreign Policy CAN (@CanadaFP), TWITTER, June 4, 2018, 6:08 pm, available at https://twitter.com/CanadaFP/status/100380581045784064 (“We call on #Russia to release without delay all political prisoners”); Statement by Minister of Foreign Affairs on Fourth Anniversary of Illegal Annexation of Crimea, GLOBAL AFFAIRS CANADA, Mar. 16, 2018, available at https://www.canada.ca/en/global-affairs/news/2018/03/statement-by-minister-of-foreign-affairs-on-fourth-anniversary-of-illegal-annexation-of-crimea.html (“We call for the release of all political prisoners held by Russia . . . .”); and Canada Deeply Concerned by
that prior prisoner amnesties did not include political prisoners, and cited Memorial HRC’s list of political prisoners in its human rights reports.

Specific political prisoners, as well as specific groups, have also attracted significant attention. For example, several countries have spoken out regarding prisoners connected to Yukos, and in particular, Alexey Pichugin, Platon Lebedev, and Mikhail Khodorkovsky. During Khodorkovsky’s imprisonment, the UK “consistently raised concerns about the flaws in the Russian judicial process highlighted by Mr Khodorkovsky’s case,” and several of the UK’s annual human right reports highlighted the detention of Khodorkovsky and Lebedev. Canada’s Foreign Affairs Minister similarly noted that Khodorkovsky’s second conviction in 2010...

---

Human Rights Violations in Crimea, GLOBAL AFFAIRS CANADA, Sept. 26, 2017, available at https://www.canada.ca/en/global-affairs/news/2017/09/canada_deeply_concernedbyhumanrightsviolationsincrimea.html (“We call for the release of all political prisoners that it holds, including Oleg Sentsov, Mykola Semena and all those others who have bravely spoken out against Russia’s actions in Crimea.”).


sent a “worrying signal” about the rule of law in Russia, and in June 2018, the US State Department spokesperson tweeted: “We call on #Russia to finally release Aleksey #Pichugin, in jail since 2003 on a life sentence. #FreePichugin.”

The conviction and sentencing of members of Pussy Riot in 2012 also sparked international outrage. German Chancellor Angela Merkel said that the sentence was “out of line with the European values of the rule of law and democracy.” Ruprecht Polenz, then Chairman of Germany’s Bundestag Foreign Affairs Committee (CDU), was more blunt: “This was Putin’s trial. It is Putin’s judgement. And it is a judgement, that makes a mockery of justice and rule of law.” Similarly, the US State Department expressed dismay, noting that it was “concerned about both the verdict and the disproportionate sentences . . . and the negative impact on freedom of expression in Russia,” and the White House expressed its “concerns about the way these young women were treated by the Russian judicial system.” Latvian Foreign Minister Edgars Rinkēvičs tweeted that the trial was “clear evidence that Russia is sliding back to the USSR.”

A number of countries have expressed concern about the detention of peaceful protestors. After hundreds of demonstrators, including opposition leader Alexey Navalny, were arrested during anti-Putin protests on May 5, 2018, the US, Latvia, the UK, and Lithuania condemned the arrests and called on the Kremlin to release them. Sweden’s Minister of

---


98 Id.


102 Tweet by U.S. State Dep’t Spokesperson Heather Nauert (@statedeptspox), TWITTER, May 5, 2018, 11:31 am, available at https://twitter.com/statedeptspox/status/992834229863141376; Tweet by Latvia Minister of Foreign Affairs Edgars Rinkēvičs (@edgarsrinkevics), TWITTER, May 5,
Foreign Affairs similarly declared that “The arrests of over 1,000 demonstrators, journalists and bystanders is yet another failure by Russia to respect freedom of expression, association and peaceful assembly” and demanded that the “[p]eaceful protesters must be released without delay.”

When hundreds were arrested during the March 2017 anti-corruption protests, including several that were later recognized as political prisoners, Germany, Canada, the US, and Lithuania spoke out. The UK’s Foreign Office asserted that “Russian citizens were exercising their fundamental rights to freedom of expression, association and peaceful assembly” and called on the Kremlin “to release citizens detained during peaceful demonstrations, and to comply with its international commitments.”

---


The Kremlin’s detention of Ukrainian citizens has also drawn vociferous criticism. For example, the UK has repeatedly called for the release of the Kremlin’s Ukrainian political prisoners and also commented on specific cases: it decried the conviction of Nadiya Savchenko in 2016 as “deeply flawed,” and her detention as “illegal [and] politically motivated.” The US has also consistently demanded the release of the Kremlin’s Ukrainian political prisoners, including


110 Press Statement, Crimea Is Ukraine, U.S. DEP’T OF STATE, Feb. 27, 2019, available at https://www.state.gov/secretary/remarks/2019/02/289749.htm (“The United States calls on Russia to release all of the Ukrainians, including members of the Crimean Tatar community, it has imprisoned in retaliation for their peaceful dissent. This includes Oleh Sentsov, Oleksandr Kolchenko, Volodymyr Balukh, Ruslan Zeytullayev, and approximately 70 others.”); EU, US Call on Russia to Release Ukrainian Political Prisoners, UKRINFORM, accessed Dec. 19, 2018, available at https://www.ukrinform.net/rubric-politics/2534789-eu-us-call-on-russia-to-release-ukrainian-political-prisoners.html (“The chair of the US delegation [to the OSCE] called on Russia to release Oleg Sentsov and other Ukrainian political prisoners held by the Russian Federation.”); United
States Mission to the OSCE, Closing Statement at the 2017 Human Dimension Implementation Meeting, Sept. 22, 2017, at 2, available at https://www.osce.org/odihr/345621?download=true (decrying the “show trials of ethnic Ukrainian and Crimean Tatar prisoners” and calling for the release of all those prosecuted for opposing Russia’s occupation of Crimea); Tweet by U.S. Dep’t of State (@StateDep’t), TWITTER, Oct. 23, 2018, 5:44 am, available at https://twitter.com/StateDep’t/status/1054715104611233794 (“On the sidelines of the #Ukraine FM’s visit FM #Czaputowicz announced that this year’s #ProDignitateHumana award will receive Oleg Sentsov. The director in the Russian prison recalled the fate of political prisoners in #Russia and occupied #Crimea. #FreeSentsov”).

113 Tweet by Poland Ministry of Foreign Affairs (@PolandMFA), TWITTER, Oct. 23, 2018, 5:44 am, available at https://twitter.com/PolandMFA/status/1054715104611233794 (“On the sidelines of the #Ukraine FM’s visit FM #Czaputowicz announced that this year’s #ProDignitateHumana award will receive Oleg Sentsov. The director in the Russian prison recalled the fate of political prisoners in #Russia and occupied #Crimea. #FreeSentsov”) and Tweet by Poland Ministry of Foreign Affairs (@PolandMFA), TWITTER, Sept. 24, 2018, 9:51 am, available at https://twitter.com/PolandMFA/status/1044268004689793024 (“FM #Czaputowicz among numerous people supporting Ukrainian director Oleg Sentsov, unjustly held in Russia.”).

114 Tweet by Lithuania MFA (@LithuaniaMFA), TWITTER, Oct. 8, 2015, 3:11 am, available at https://twitter.com/LithuaniaMFA/status/652063816755347456 (“Stand #UnitedForUkraine – urge #Russia to release illegally detained #Ukrainians. #FreeSavchenko #LetMyPeopleGo”) and Tweet by Lithuania Ministry of Foreign Affairs Linas Antanas Linkevičius (@LinkeviciusL), TWITTER, Aug. 20, 2018, 4:04 am, available at https://twitter.com/LinkeviciusL/status/1031497112108851200 (“Tomorrow marks 100 days of O. Sentsov’s hunger strike in Russian prison. Oleg is on the verge of life and death. We call on #Russia once again to immediately release the illegally detained, innocent man and the rest of #Ukraine’s political prisoners. #FreeSentsov #SaveOlegSentsov”).


116 Tweet by Sweden Minister for Foreign Affairs Margot Wallström (@margotwallstrom), TWITTER, Aug. 9, 2018, 6:22 am, available at https://twitter.com/margotwallstrom/status/1027545747582005248 (“Deeply concerning reports on Oleg Sentsov’s deteriorating health condition. His detention violates international law and is based on a legal process which did not meet elementary standards of justice. We call on Russia to release him & other illegally detained Ukrainian citizens.”).

Finland and Latvia have variously raised the cases of Ukrainian political prisoners, especially Oleg Sentsov. Lithuania and Poland have gone further, with their parliaments adopting resolutions calling for the prisoners’ release. Twenty-six additional countries (as members of the European Union) signed onto a June 2018 letter asking the UN Secretary General to help free the Kremlin’s Ukrainian political prisoners.

As might be expected, Ukraine has been particularly outspoken on this issue. For example, on March 1, 2018, Ukraine’s parliament released a list of more than 50 Ukrainians being detained by the Kremlin – including Oleg Sentsov, Oleksandr Kolchenko, Vladimir Balukh, and Stanislav Klykh – and appealed to the international community to help secure their release. In May, the Ukrainian Minister for Foreign Affairs called out the Kremlin at the UN Security Council, noting that “the phenomenon of political prisoners has become the sad reality in the Russia-occupied

118 Tweet by Finland Ministry for Foreign Affairs (@Ulkoministerio), TWITTER, Aug. 13, 2018, 5:23 am, available at https://twitter.com/Ulkoministerio/status/102898042150063744 (“FM #Soini: Health of Ukrainian film director Oleg #Sentsov in prison is deteriorating rapidly. We expect #Russia to provide him with medical treatment and to release all illegally detained Ukrainian citizens. #FreeSentsov”).

119 Tweet by Latvia Minister of Foreign Affairs Edgars Rinkēvičs (@edgarsrinkevics), TWITTER, Aug. 16, 2018, 12:27 am, available at https://twitter.com/edgarsrinkevics/status/102999314426448901 (“I call on Russia for immediate and unconditional release of unlawfully convicted Ukrainian film director Oleg Sentsov. His hunger strike lasting more than 90 days causes deep concerns for his health #FreeSentsov”); Tweet by Latvia Minister of Foreign Affairs Edgars Rinkēvičs (@edgarsrinkevics), TWITTER, Sept. 29, 2018, 8:04 am, available at https://twitter.com/edgarsrinkevics/status/1046053075746770944 (“This picture speaks more than thousand words, addressing #UNGA73 I urged Russia to immediately release Oleg Sentsov and other political prisoners #freeolegsentsov”); and Tweet by Latvia Minister of Foreign Affairs Edgars Rinkēvičs (@edgarsrinkevics), TWITTER, Oct. 25, 2018, 3:01 am, available at https://twitter.com/edgarsrinkevics/status/1055398930417152002 (“Congratulations to Oleg #Sentsov who was awarded Sakharov Prize! He is a symbol of the resistance against oppression and intimidation. I renew my call on Russia to free him immediately #freeolegsentsov”).


121 Ukraine, 37 Other Countries Call On UN Secretary-General To Help Free Sentsov, UKRINFORM, June 15, 2018, available at https://www.ukrinform.net/rubric-society/2481017-ukraine-37-other-countries-call-on-un-secretarygeneral-to-help-free-sentsov.html (the additional countries are: Turkey, Georgia, Moldova, Australia, Iceland, Liechtenstein, Switzerland, Austria, Italy, Belgium, Bulgaria, Croatia, Luxembourg, Cyprus, Malta, Czechia, Netherlands, Denmark, Portugal, Romania, Slovakia, Slovenia, Greece, Spain, Hungary, and Ireland).

Crimea.”

That same month, Ukrainian President Petro Poroshenko demanded “the immediate release of Ukrainian servicemen, Ukrainian activists and volunteers retained in the occupied territory and political prisoners illegally retained in the occupied Crimea and prisons of the Russian Federation.” During Russia’s 2018 Universal Periodic Review before the UN Human Rights Council, Ukraine made a recommendation to “[i]mmediately release Ukrainian citizens who have been unlawfully detained or sentenced.” In August, the Embassy of Ukraine to the UK warned that Oleg Sentsov would “become another victim of [a] Stalin kind regime,” Ukraine’s Permanent Mission to the UN called on the Secretary-General and the OHCHR to address “the plight of all those unlawfully detained,” and the Government stated to the OSCE that “[t]he list of Ukrainian political prisoners, unlawfully held by the Russian authorities, contains more than 70 names and it is constantly growing. These individuals have never perpetrated any crime and were imprisoned on bogus charges, on the basis of false ‘confessions’ obtained under torture, fake witnesses, planted ammunition.”

The case of opposition leader and former political prisoner Alexey Navalny has received significant attention. During Navalny’s 2013 trial on corruption charges, Latvian Foreign Minister Edgars Rinkēvičs noted that it showed that “politically motivated justice is well established in Russia” and insisted that the “Council of Europe [and] OSCE should not be silent

---


on this.” When Navalny was convicted in a separate trial in December 2014, Germany’s Human Rights Commissioner stated that the “court ruling is a further blow against Russia’s critical civil society.” When Navalny was convicted during a February 2017 retrial, the UK’s Foreign Office remarked that the “judgement once again raises questions about the selective application of the rule of law in Russia” and “reflects a worrying trend in Russia where the space for public debate and legitimate opposition is shrinking ever further,” and Germany’s Foreign Office took note of the conviction “with concern.”

The Kremlin’s targeting of Memorial HRC and related organizations has been widely criticized. When Russia tried to liquidate the Russian Historical and Educational Society Memorial in 2014, the UK Foreign Office urged against this action, and Canada’s Minister of Foreign Affairs retweeted a statement that “Russia without Memorial is no Russia that I recognise, but something scary and dark and horrible.” After the International Historical, Educational, Charitable and Human Rights Society Memorial (the international legal entity uniting all the other Memorial organizations and legal entities) was declared to be a “foreign agent” in October 2016, the Germany Foreign Office called the decision “incomprehensible,” and the UK said this was a “clear example[] of the rapidly shrinking space for civil society in Russia.” In January 2018, the arrest and detention of Oyub Titiev, head of Memorial HRC’s Grozny

---


135 Tweet by German Foreign Office (@GermanyDiplo), TWITTER, Dec. 21, 2016, 3:02 am, available at https://twitter.com/GermanyDiplo/status/81152728039294976.

office, was condemned by Sweden, the US, the UK, and Lithuania, with the UK noting that “significant doubts have been raised about the legitimacy” of the allegations against him and the US calling them “baseless drug charges.”

Political prisoners detained because of their religion have been also highlighted. The US Commission on International Religious Freedom has declared several of the Kremlin’s current and former political prisoners to be prisoners of conscience, including Dennis Christensen (Jehovah’s Witness), Ivan Matsitsky (Scientologist), and Bagir Kazikhanov (Muslim). US State Department Spokesperson Heather Nauert also called for the release of the detained Jehovah’s Witnesses and “all the other 100+ religious prisoners, many held on baseless extremism charges.”

---

137 Tweet by Sweden Minister for Foreign Affairs Margot Wallström (@margotwallstrom), TWITTER, Jan. 11, 2018, 5:17 am, available at https://twitter.com/margotwallstrom/status/951442913069805568 (“Following with great concern reports on the detention of Russian human rights activist Oyub Titiev (Memorial Organization) in Chechnya.”); Press Statement, The Detention of Oyub Titiev of Russian NGO “Memorial,” U.S. STATE DEP’T SPOKESPERSON HEATHER NAUERT, Jan. 10, 2018, available at https://www.state.gov/r/pa/prs/ps/2018/01/276951.htm (“We are troubled by the news that the head of the local Chechen branch office of the Russian human rights NGO Memorial, Oyub Titiev, has been arrested . . . . We call on Chechen authorities to immediately release Mr. Titiev . . . .”); Press Release, Minister for Europe’s Statement on Human Rights in Russia Following the Arrest of Oyub Titiev, U.K. FOREIGN & COMMONWEALTH OFFICE, Jan. 18, 2018, available at https://www.gov.uk/government/news/minister-for-europe-statement-on-human-rights-in-russia (“The decision of the Chechen authorities to charge Oyub Titiev, the Director of Russian human rights NGO Memorial’s office in Chechnya, and remand him in custody until 9 March, is extremely concerning.”); Tweet by Lithuania MFA (@LithuaniaMFA), TWITTER, Jan. 9, 2018, 11:47 pm, available at https://twitter.com/LithuaniaMFA/status/95099744856231042 (“Another attack vs leading Russia’s HumanRights NGO @hrc_memorial aiming to put human rights behind bars in #Chechnya”); and Tweet by Lithuania Minister of Foreign Affairs Linas Linkevicius (@LinkeviciusL), TWITTER, June 27, 2018, 11:52 pm, available at https://twitter.com/LinkeviciusL/status/1012227221677903872 (“We call on Russia to immediately release illegally detained prominent #Memorial’s representatives Oyub Titiev and Yuri Dmitriev. @MemorialMoscow”).


139 Tweet by U.S. State Dep’t Spokesperson Heather Nauert (@statedeptspox), TWITTER, June 21, 2018, 11:10 am, available at https://twitter.com/statedeptspox/status/1009861134525063171; see also Tweet by U.S. Dep’t of State (@StateDept), TWITTER, Jan. 10, 2018, 8:08 am, available at https://twitter.com/StateDept/status/951123498294005761 (“We are troubled by the news that the head of the local Chechen branch office of Russia's NGO @hrc_memorial, Oyub Titiev, has been arrested.”).


Germany’s Foreign Office noted the ban on Jehovah’s Witnesses “makes the peaceful enjoyment of the right to freedom of religion and thought a criminal offence” and “opened the floodgates to the criminal prosecution of members of this religious group.” The UK said that the ban “criminalizes the peaceful worship of 175,000 Russian citizens and contravenes the right to religious freedom.”

**d. Civil Society**

Human rights organizations have played a leading role in raising awareness about the Kremlin’s political prisoners.

*Free Russia Foundation:* Since its establishment, Free Russia Foundation (FRF) has been advocating for the release of the Kremlin’s Ukrainian political prisoners, including Nadiya Savchenko, Roman Sushchenko, Oleg Sentsov, and the Crimean Tatars, among others. Advocating for political prisoners is explicitly part of FRF’s core work, and its other projects are closely related to political prisoners. For example, its Political Opposition Program supports Russia’s political opposition – a commonly targeted group whose members often become political prisoners. FRF also “offers emergency assistance to journalists, civil activists, [and] minorities suffering harassment by Putin’s regime,” and it has provided legal and financial assistance to many of the Kremlin’s political prisoners. FRF has repeatedly spoken out regarding problematic and repressive laws, political prisoners generally, and individual

---

142 Tweet by German Foreign Office (@GermanyDiplo), TWITTER, July 19, 2017, 7:45 am, available at https://twitter.com/GermanyDiplo/status/887684706325512193.


144 *Programs,* FREE RUSSIA FOUNDATION, accessed Jan. 11, 2019, available at http://www.4freerussia.org/140/ (under the Rule of Law project, Free Russia Foundation advocates for political prisoners by “actively campaigning for their release by generating international media attention and briefing federal agencies, lawmakers and the NGO community”).

145 *Id.*


148 Tweet by Free Russia (@4freerussia_org), TWITTER, Aug. 21, 2018, 11:53 am, available at https://twitter.com/4freerussia_org/status/1031977488354824192 ("Free Russia Foundation and
political prisoners. It also works to raise awareness of the Kremlin’s political prisoners among Western audiences. Natalia Arno, President of the Free Russia Foundation, recently wrote: “Convicting political opponents on manufactured charges and bogus evidence is one of the hallmarks of Putin’s regime.”

**Boris Nemtsov Foundation for Freedom:** The Boris Nemtsov Foundation for Freedom honors the work and activism of Boris Nemtsov, who was one of Russia’s most prominent opposition politicians and leaders – and an outspoken critic of Putin – until his murder in 2015. Created by his daughter, the Foundation engages in a wide range of advocacy relating to human rights and the rule of law, such as monitoring political persecution, promoting EU–Russia dialogue, and highlighting the work of specific human rights defenders (through the Boris Nemtsov Prize

---

Free Russia House in Kyiv joins many other organizations around the world in the call for the immediate release . . . political prisoners in Russia.”); Tweet by Free Russia (@4freerussia_org), TWITTER, July 4, 2018, 7:01 am, available at https://twitter.com/4freerussia_org/status/1014509397152854016 (“There are more than 156 political prisoners in Russia today – a higher number than in the late period of the Soviet Union. The issue should be raised by the U.S. administration at the upcoming summit on July 16.”); Tweet by Free Russia (@4freerussia_org), TWITTER, Mar. 30, 2017, 6:35 am, available at https://twitter.com/4freerussia_org/status/847442250875363330 (“We have over 100 political prisoners in Russia.”) (quoting Vladimir Kara-Murza); and Tweet by Free Russia (@4freerussia_org), TWITTER, Sept. 17, 2018, 12:43 pm, available at https://twitter.com/4freerussia_org/status/1041774545575784453 (“Free Russia Foundation joins those who voice support for releasing . . . Ukrainian political prisoners in Russia”).


The Foundation’s Chairman, Vladimir Kara-Murza, is currently one of the most outspoken voices internationally regarding the Kremlin’s political prisoners – he has written extensively on this issue, given testimony before international bodies and parliaments in Europe and North America, and advocated for Magnitsky laws throughout the world. He has also led the international efforts to commemorate Boris Nemtsov, including with street designations in Washington DC and Vilnius, and the naming of a square after him near the Russian embassy in Kyiv.

**Human Rights Foundation:** The Human Rights Foundation (HRF) has frequently spoken out against the Kremlin, including its repressive

---

laws, and the detention of protestors, and specific political prisoners. HRF also produces the annual Oslo Freedom Forum, a human-rights conference which has featured leading dissident voices such as Garry Kasparov, Vladimir Kara-Murza, and Zhanna Nemtsova, and former political prisoners Nadezhda Tolokonnikova, Maria Alyokhina, and Mikhail Khodorkovsky. In addition, HRF awarded its 2014 Václav Havel International Prize for Creative Dissent to Pussy Riot (soon after two of its members were released from prison). Garry Kasparov, the Human Rights Foundation’s Chairman and a former prisoner of


conscience, has repeatedly spoken about political prisoners generally, as well as specific individuals. A June 2017 side event at the Parliamentary Assembly of the Council of Europe featured Kasparov, who used Alexey Pichugin’s case to highlight how the Kremlin “is making a mockery of European courts and concepts of justice by repeatedly ignoring decisions against it.” In March 2018, the Human Rights Foundation also organized the inaugural PutinCon, a unique conference offering a comprehensive review of Putin and his reach; one session explored Russia’s police state and political assassinations by the Kremlin. Kasparov has long advocated for human rights and the rule of law in Russia, including by starting the United Civil Front movement, aimed at protecting electoral democracy, and Other Russia, an opposition coalition.

---


165 Tweet by Garry Kasparov (@Kasparov63), TWITTER, June 27, 2017, 3:40 am, available at https://twitter.com/kasparov63/status/879650693354844161 (“Alexey Pichugin is Putin’s political prisoner for 14 yrs & Russia ignores EU court decisions.”); Tweet by Garry Kasparov (@Kasparov63), TWITTER, Nov. 2, 2016, 8:59 am, available at https://twitter.com/kasparov63/status/793844869705981952 (“Kremlin shuts down Amnesty International office. Awkward to have them around when you’re turning a whole country into political prisoners.”); Tweet by Garry Kasparov (@Kasparov63), TWITTER, Dec. 8, 2015, 11:02 am, available at https://twitter.com/kasparov63/status/6743009313173504 (“Mark Dec 7 as date of Putin’s Russia’s first official political prisoner, Ildar Dadin. No criminal pretext, no more charades. 3 yr sentence.”); Tweet by Garry Kasparov (@Kasparov63), TWITTER, Feb. 13, 2015, 10:30 am, available at https://twitter.com/kasparov63/status/566303230374251520 (“Putin still keeping Nadiya Savchenko hostage.”); Tweet by Garry Kasparov (@Kasparov63), TWITTER, Jan. 26, 2015, 8:40 am, available at https://twitter.com/Kasparov63/status/559752661663494145 (“For political prisoners in Putin’s Russia, the time before the trial is often deadly. Profile of her. #FreeSavchenko”); Tweet by Garry Kasparov (@Kasparov63), TWITTER, Feb. 24, 2014, 2:21 am, available at https://twitter.com/kasparov63/status/437895082188873728 (“7 Russians just sentenced to 2.5 to 4 years for attending Bolotnaya Square protest, the latest members of Putin’s political prisoner list.”); Tweet by Garry Kasparov (@Kasparov63), TWITTER, Dec. 22, 2013, 9:24 am, available at https://twitter.com/Kasparov63/status/14180867615284224 (“Do not forget that many of Khodorkovsky’s YUKOS colleagues are still in jail, along with many other political prisoners. This is no ‘thaw.’”); and Tweet by Garry Kasparov (@Kasparov63), TWITTER, July 18, 2013, 11:57 am, available at https://twitter.com/Kasparov63/status/357937305488588801 (“My full support for my colleague @navalny, the newest political prisoner of Putin’s regime.”).


Lantos Foundation for Human Rights and Justice: The Lantos Foundation – named after US politician and human rights advocate Tom Lantos – works on a variety of human rights issues, including religious freedom, the rule of law, and corporate responsibility. It has condemned the “show trial” of Mikhail Khodorkovsky, the “outrageous persecution” of Jehovah’s Witnesses, the Kremlin’s abuse of INTERPOL and the December 2018 arrest of veteran human rights campaigner Lev Ponomarev. The Foundation also produced a documentary film on Mikhail Khodorkovsky and featured Khodorkovsky as the inaugural speaker of the now-annual Lantos Rule of Law Lecture. Dr. Katrina Lantos Swett, President of the Lantos Foundation, has written about the Kremlin’s recently enacted repressive laws, given testimony about the

172 Tweet by Lantos Foundation (@LantosFndn), TWITTER, June 22, 2018, 9:55 am, available at https://twitter.com/LantosFndn/status/1010204860720041987; see also Tweet by Lantos Foundation (@LantosFndn), TWITTER, July 17, 2017, 11:07 am, available at https://twitter.com/LantosFndn/status/887010950687096834 (“We condemn Russia’s outrageous decision to ban an entire religion – Jehovah’s Witnesses.”).
173 Tweet by Lantos Foundation (@LantosFndn), TWITTER, May 28, 2013, 12:13 pm, available at https://twitter.com/LantosFndn/status/339459371903881216 (“We urge Interpol not to become embroiled in Russia’s latest attempt to make a mockery of international justice.”) (quoting Katrina Lantos Swett).
Kremlin’s political prisoners at Congressional hearings, and noted that “Alexei Pichugin . . . is undeniably a prisoner of conscience.”

**Open Russia Movement:** Founded by Mikhail Khodorkovsky in 2014 after his release from prison, today’s Open Russia is a civil society organization operating in Russia which aims to promote democracy and support for the rule of law at the grassroots level. Committed to “defend[ing] the rights of political prisoners,” Open Russia provides legal assistance to political prisoners and their families. It has also partnered with opposition politician Alexey Navalny to assist families who struggle to visit relatives detained far from their homes.

**openDemocracy:** Through its project “oDR” focusing on the post-Soviet space, openDemocracy has regularly published articles, petitions, and updates on the Kremlin’s political prisoners, with a particular focus on the treatment of Ukrainian citizens.


183 Id.


Raoul Wallenberg Centre for Human Rights: The Raoul Wallenberg Centre for Human Rights is a unique international consortium of parliamentarians, scholars, jurists, human rights defenders, NGOs, and students united in the pursuit of justice, inspired by and anchored in Raoul Wallenberg’s humanitarian legacy – how one person with the compassion to care and the courage to act can confront evil, prevail, and transform history. As part of its mission and mandate, the Centre mobilizes international advocacy on behalf of political prisoners throughout the world, and the Centre has worked specifically on the case of Alexey Pichugin. The Centre has recognized Pichugin as a prisoner of conscience, and the Centre’s Chair, Irwin Cotler (former Minister of Justice and Attorney General of Canada, and longtime parliamentarian), joined former Ministers of Justice from Israel and Germany to call on other organizations to recognize Pichugin as a prisoner of conscience. Cotler has also written on the need for advocacy to help political prisoners, including passing legislation that allows for sanctions against those who persecute political prisoners. Indeed, Cotler has been recognized as one of the foremost advocates for human rights in general and political prisoners in particular, having been named by Maclean’s – Canada’s national newsmagazine – as “counsel for the oppressed,” and having drafted and introduced Canada’s first Magnitsky sanctions bill. The Wallenberg Centre later spearheaded the bill’s unanimous passage in the Canadian Parliament and encouraged the Government’s implementation of targeted sanctions against rights abusers.

Amnesty International: Amnesty International has designated several of the Kremlin’s political prisoners (both current and former) as

“prisoners of conscience,”189 including Alexey Navalny,190 Oyub Titiev,191 Ildar Dadin,192 and members of Pussy Riot.193 The organization has also drawn attention to the Kremlin’s political prisoners in each of its last three annual reports on Russia.194 In addition, it has issued urgent appeals calling for specific action on behalf of, e.g., Oyub Titiev,195 Ildar Dadin,196 Stanislav Klykh,197 and Mykola Karpyuk.198 Further back, Amnesty International noted that “there is a significant political context to the arrest and prosecution of . . . individuals associated with” the Yukos oil company, and it wrote letters to Russia’s Ministry of Justice and Procurator General expressing concerns about “the closed nature of court proceedings, in particular in the case of Aleksei Pichugin . . . alleged shortcomings in medical care in the cases of Platon Pichugin and Svetlana Bakhmina, allegations concerning the ill-treatment of Aleksei Pichugin and


198 Id.
Svetlana Bakhmina while in detention, and the detention of Aleksei Pichugin in Lefortovo, a detention facility under the jurisdiction of the Federal Security Service (FSB).”

Human Rights Watch: Human Rights Watch has highlighted the Kremlin’s political prisoners and the misuse of criminal legislation against opponents in its annual reports on Russia. It has also raised the issue with UN bodies, including the Human Rights Committee, Committee Against Torture, and Human Rights Council. In addition, it has published in-depth reporting on the Kremlin’s assault on freedom of expression and


201 SUBMISSION TO THE UNITED NATIONS COMMITTEE AGAINST TORTURE ON RUSSIA, HUMAN RIGHTS WATCH, July 2018, available at https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fCSS%2fRUS%2fB1648&Lang=en (noting, e.g., Oleg Sentsov, Oyub Titiev, and Oleksander Kolchenko); CONCERNS AND RECOMMENDATIONS ON RUSSIA, HUMAN RIGHTS WATCH, May 2014, available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT_CCPR_ICO_RUS_17_516_E.pdf (submission to the U.N. Human Rights Committee noting, e.g., a “crackdown on civil society”; that “authorities have harassed, intimidated, and in several cases imprisoned political activists”; the conviction of Bolotnaya Square protestors; and the “expanded legal definition of the crime of treason”); and RUSSIA, HUMAN RIGHTS WATCH & INT’L PARTNERSHIP FOR HUMAN RIGHTS, Oct. 2017, available at https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRRussianFederationStakeholdersInfoS30.aspx (click on link next to “HRW – Human Rights Watch”) (submission for the Universal Periodic Review noting, e.g., that laws “have been used to imprison people on politically motivated prosecutions”; the conviction of Bolotnaya Square protestors; the imprisonment of Ildar Dadin; that police “arbitrarily detained hundreds of peaceful protesters” and were “detaining Navalny’s campaigners on groundless administrative charges”; and prosecution of critics under anti-extremism laws).


Front Line Defenders: Front Line Defenders publishes updated case files on persecuted human rights defenders throughout the world, including some of the Kremlin’s political prisoners,\footnote{#Russian Federation, FRONT LINE DEFENDERS, accessed Dec. 19, 2018, available at https://www.frontlinedefenders.org/en/location/russian-federation.} and its annual reports have consistently highlighted political prisoners. Its 2018 report, for example, noted that Oyub Titiev was arrested on “fabricated charges . . . in an attempt to destroy his reputation and to paralyse the work of [Memorial HRC] in Chechnya.”\footnote{GLOBAL ANALYSIS 2018, FRONT LINE DEFENDERS, 2019, at 23, available at https://www.frontlinedefenders.org/sites/default/files/global_analysis_2018.pdf.} Its 2017 report pointed out that human rights defenders in Russia-occupied Crimea “faced numerous police raids, interrogations and
arrests,” while its 2016 report explained that “authorities fined and jailed peaceful protesters for violating restrictive public assembly laws.”

*International Federation for Human Rights (FIDH):* sFIDH regularly issues press releases, statements, and urgent appeals concerning the Kremlin’s political prisoners.

*Freedom House:* In its annual reports on Russia, Freedom House has highlighted specific political prisoners, as well as numerous issues relating to political prisoners. For example, its 2018 report noted “widespread speculation” that journalist Aleksandr Sokolov was convicted of extremism because of his reports on mismanagement in state corporations, and that librarian Natalya Sharina was convicted of inciting hatred because her library contained “extremist” books. In addition, the report emphasized that arrests of journalists are common; unsanctioned protests are punished with arrests and prison sentences; opposition politicians and activists are frequently targeted with fabricated criminal cases; and the vague extremism laws allow authorities to crack down on any speech, organization, or activity that lacks official support. Freedom House also noted that the Russian Supreme Court “rejected a finding by the [European Court of Human Rights] that Aleksey Pichugin . . . had not received a fair trial.”

*Human Rights First:* Human Rights First has repeatedly highlighted political prisoners and pressed US officials to raise them in discussions with the Kremlin. For example, in July 2018, in the lead-up to President Trump’s meeting with Putin in Helsinki, it explained that the Kremlin “imprisons over 150 individuals on political or religious grounds as a means to suppress

---


212 Id.

dissent and peaceful religious practice.” Human Rights First specifically noted that Oleg Sentsov was convicted on “charges widely believed to be groundless,” Alexey Navalny was convicted “on trumped-up charges of embezzlement,” Ildar Dadin was imprisoned “after being arrested for engaging in one-man protests,” 94 people were imprisoned during the prior year for the “pretextual charge” of “extremist” speech, and thousands were arbitrarily arrested for participating in unsanctioned protests. In June 2018, Human Rights First called for the congressional delegation to Russia to “prioritize discussions concerning the Russian government’s continued suppression of non-governmental organizations and the political opposition . . . and the cases of political prisoners held by Russian authorities.” In 2017, it made similar requests of US officials visiting Russia.

2. Specific Actions: Legislation and Sanctions

Beyond statements and condemnation, the international response to the Kremlin’s political prisoners has consisted of legislation and sanctions. The legislation and sanctions are often modeled on the US Magnitsky and Global Magnitsky Acts, which allow for travel bans and/or asset freezes.

**United States:** In 2012, the US enacted the Magnitsky Act, named after Russian accountant Sergei Magnitsky, who died after being tortured in a Moscow prison. The Act initially mandated the US President to identify those responsible for Magnitsky’s detention, abuse, or death or other gross human rights violations in Russia; individuals listed

---


215 Id.


under the Magnitsky Act are subjected to asset freezes and rendered ineligible for US visas. The 2016 Global Magnitsky Act builds on this and allows the US President to designate for sanctions (1) any foreign person (or entity) responsible for extrajudicial killings, torture, or other gross human rights violations against individuals seeking to expose illegal activity by government officials or obtain, exercise, defend, or promote human rights and freedoms, and (2) any foreign government official engaged in “acts of significant corruption.” The sanctions available under the Global Magnitsky Act are the same as those under the original Magnitsky Act – asset freezes and inadmissibility into the US. In 2017, President Trump issued Executive Order 13818, which “markedly enlarges the range of sanctionable conduct and persons” under the Global Magnitsky Act.

The US has sanctioned dozens of human rights abusers under the Magnitsky and Global Magnitsky Acts. In Russia, this includes (but is not

---

220 Magnitsky Act, supra note 218, at §§ 404–406.
222 Id., at § 1263(b).
limited to) judges, prison officials, and law enforcement officials involved in Sergei Magnitsky’s persecution and death. For example:

- Judge Alexey Krivoruchko, who extended Magnitsky’s detention and refused to consider Magnitsky’s applications about “unbearable conditions” and the denial of medical care;
- Judge Igor Alisov, who served as a judge in Magnitsky’s posthumous trial and helped cover up the fraud that Magnitsky had discovered;
- Oleg Logunov, Interior Ministry, who directed the case against Magnitsky, authorized his arrest and prolonged detention, appointed officers with conflicts of interest on the investigative team, and refused to remove them;
- Dmitry Komnov, head of the Butyrka detention center, who denied an application from Magnitsky’s lawyers regarding his medical condition and ignored requests for a medical examination; and
- Alexander Bastrykin, Head of the Investigative Committee, who found no link between the acts of officials and Magnitsky’s death in custody.

---


227 SUBMISSION OF ALLEGED CANDIDATES, supra note 225, at 109.

228 Id., at 104.

229 Id., at 41.

230 Id., at 127.

231 Id., at 83.
The Global Magnitsky Act has not yet been used against Kremlin officials involved in persecuting political prisoners, though the son of Prosecutor General Yuri Chaika was sanctioned for corruption.232

European Union: On December 10, 2018, the European Ministers of Foreign Affairs “unanimously approved the Dutch proposal for the E.U.-wide Magnitsky Act.”233 As of March 2019, preliminary discussions on implementation were ongoing at the Council working group level.234 On March 14, 2019, the European Parliament called on the Council to “swiftly establish an autonomous, flexible and reactive EU-wide sanctions regime that would allow for the targeting of any individual . . . responsible for or involved in grave human rights violations,” which “should symbolically carry Sergei Magnitsky’s name.”235

UK: The UK has enacted two pieces of legislation with “Magnitsky elements” in them.236 The Proceeds of Crime Act, 2002, as amended in 2017,237 allows for the recovery of property obtained through “unlawful conduct,”238 which includes conduct abroad that constitutes, or is connected with, a gross human rights abuse or violation.239 “Gross human rights abuse or violation,” in turn, means torture or cruel, inhuman or degrading treatment committed by a government official against a person seeking to expose illegal activity by a public official or to obtain, exercise, defend or promote human rights and fundamental freedoms.240

---


235 Id.


239 Id., at § 241(2A)(a)–(b).

240 Id., at § 241A(1)–(4).
The Sanctions and Anti-Money Laundering Act, 2018 empowers the Secretary of State and the Treasury to make sanctions regulations for a wide variety of purposes, including to further a foreign policy objective; provide accountability for, or be a deterrent to, gross violations of human rights; promote compliance with international human rights law and respect for human rights; and promote respect for democracy, the rule of law, and good governance.\textsuperscript{241} The regulations can impose financial and immigration sanctions on specific persons.\textsuperscript{242}

Neither of these laws has been used to specifically target Russian officials involved in persecuting political prisoners, although in September 2018, Andrew Mitchell, British Member of Parliament, read out the names of 30 Russians linked to Sergei Magnitsky’s death – all of whom had been sanctioned by the US – and inquired whether they would be sanctioned.\textsuperscript{243}

\textit{Netherlands:} In April 2018, the Dutch Parliament passed a motion demanding EU- and national-level Magnitsky Acts.\textsuperscript{244} The motion gave a five-month deadline at the EU level, after which the Netherlands would proceed at the national level (though it has not yet done so).\textsuperscript{245} In November, the Netherlands hosted a meeting with officials from all 28 EU member states to discuss its proposal for an EU Magnitsky Act,\textsuperscript{246} which was unanimously approved.\textsuperscript{247} In 2011, the Dutch Parliament also adopted a resolution calling for sanctions against those involved in Magnitsky’s death.\textsuperscript{248}

\textsuperscript{242} Id., at §§ 1(5)(a)–(b), 11.
\textsuperscript{245} Id.
\textsuperscript{247} The Magnitsky Law Is Taking Over the European Union, supra note 233.
Canada: In 2017, Canada enacted the Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law), which allows targeted sanctions to be imposed on foreign nationals responsible for, or complicit in, acts of significant corruption or gross human rights violations committed against those seeking to expose illegal activity by public officials or to obtain, exercise, defend, or promote human rights. In November 2017, the Government sanctioned 30 Russian officials involved in Sergei Magnitsky’s case. In late 2018, Canada established a new Sanctions Policy and Operations Coordination Division within Global Affairs Canada intended to, among other things, improve the country’s capacity to effectively apply sanctions as an instrument of Canada’s foreign policy.

Ukraine: In December 2017, Ukraine’s Parliament introduced a bill that would allow the Government to impose entry bans and asset freezes on human rights abusers. One of the co-authors of the bill described it as a “Ukrainian Magnitsky Act.”

Latvia: Latvia’s Saeima adopted a resolution in 2018 asking the Government to ban the entry of 49 Russians involved in the death of Sergei Magnitsky or who benefited from the fraud he uncovered. Several weeks later, the Minister of Foreign Affairs banned those individuals.
Lithuania: In 2017, Lithuania enacted “Magnitsky Amendments” to the Law on the Legal Status of Aliens. The amendments provide for an entry ban on foreign nationals who have committed a “serious crime” that violates “universal human rights and freedoms” or have engaged in corruption or money laundering.\(^{257}\) The Government later sanctioned 49 Russians, including Alexander Bastrykin.\(^{258}\)

Estonia: In 2016, Estonia introduced amendments to the Obligation to Leave and Prohibition on Entry Act.\(^{259}\) The amendments allow the Government to prohibit entry of a foreigner if he or she has participated in or contributed to a violation of human rights in a foreign state which has resulted in the death of a person, serious injury, an unjustified conviction for political reasons, or any other serious consequence.\(^{260}\) The Government subsequently banned the entry of a number of foreign nationals, including Russian officials involved in Sergei Magnitsky’s case.\(^{261}\)

B. Domestic Response from Media, Civil Society Groups and Political Parties

Despite an increasingly hostile environment, activists, human rights defenders, civil society groups, media, professionals, and even some political parties in Russia and Russia-occupied Crimea have advocated tirelessly on behalf of the increasing number of political prisoners. Their varied forms of activism are discussed below.


259 Estonia Becomes First European Nation to Introduce a ‘Magnitsky Law,’ EU-OCS, Dec. 12, 2016, available at https://eu-oecs.com/estonia-becomes-first-european-nation-to-introduce-a-magnitsky-law/ (quoting Estonian President Kersti Kaljulaid: “The act was elaborated to consider the recommendations of the European Parliament and the OSCE Parliamentary Assembly regarding the refusal of a visa to those persons who are guilty of violating the human rights of Sergei Magnitsky and causing his death, which could be imposed in future similar situations.”).


1. Collecting and Disseminating Information

In the face of the Kremlin’s persistent claim that it has no political prisoners, a key component of domestic advocacy has been collecting and sharing information on political prisoners. Although most of the media in Russia is state controlled, and therefore unlikely to raise the issue, there are a limited number of independent journalists and outlets within Russia that report on political prisoners and arbitrary detentions. Perhaps most notably, Novaya Gazeta, a newspaper Mikhail Gorbachev helped launch in 1993, has consistently reported on human rights violations generally, and politically-motivated detentions specifically, despite the fact that several of its journalists and correspondents have been murdered. In addition to publishing its own reporting on political prisoners and related issues, the newspaper has served as a platform for rights activists to

---


263 Freedom in the World 2018: Russia, supra note 211 (“The government controls, directly or through state-owned companies and friendly business magnates, all of the national television networks and many radio and print outlets, as well as most of the media advertising market.”).


publish op-eds and even for political prisoners to publish letters from prison. Other outlets frequently commenting on the Kremlin’s political prisoners (and related issues) include The Moscow Times, Vedomosti, Vedomosti, and Memorial Human Rights Group: Russia’s Political Prisoner Numbers on the Rise, Says Memorial Rights Group. 

---


Colta, RBC (sold in 2017 to a Putin-connected Russian magnate, worrying proponents of independent journalism), TV Rain, MediaZona, and Echo of Moscow. Meduza, another independent


Several civil society organizations have helped document and highlight political prisoner cases. Memorial HRC, the Union of Solidarity with Political Prisoners, and OVD-Info, for example, collect and compile information on the facts of a given case, the charges alleged, the conditions of detention, the legal proceedings, and any mistreatment or due process violations. Memorial HRC and the Union of Solidarity with Political Prisoners also compile updated and vetted lists of the Kremlin’s political prisoners that can be used to coordinate advocacy and analyze trends. For example, based on Memorial HRC’s data, the European Parliament noted in 2018 that “the number of political prisoners in Russia has increased significantly in recent years.” Other organizations have reported on certain categories of political prisoners. The SOVA Center for Information and Analysis issues reports on individuals charged under extremism or blasphemy laws; Team 29 has reported on those prosecuted as spies (i.e., for treason, espionage, or disclosing state secrets); and Article 20 has


279 Current List of Political Prisoners, supra note 278 and Alphabetical List of Political Prisoners, supra note 278.

280 Resolution on Russia, Notably the Case of Ukrainian Political Prisoner Oleg Sentsov, supra note 59 (“[W]hereas the number of political prisoners in Russia has increased significantly in recent years; whereas the Human Rights Centre Memorial . . . published a list on 29 May 2018 with the names of 158 political prisoners . . . .”); see also RUSSIA 2016 HUMAN RIGHTS REPORT, supra note 88, at 16 (“As of October 31, the Memorial Human Rights Center’s updated list of political prisoners included 102 names, more than double the 50 individuals the organization listed in 2015.”).


reported on prosecutions that violate the right to freedom of assembly and association.\(^{283}\)

Domestic organizations have also published numerous reports relating to political prisoners. The Moscow Helsinki Group, for example, has issued reports on the prosecution of human rights defenders, newly enacted legislation, freedom of peaceful assembly, and the shrinking space for civil society.\(^{284}\) Memorial HRC has similarly written reports on restrictions on peaceful assembly and speech, the misuse of terrorism laws, and trends in political persecution.\(^{285}\) OVD-Info has published on, among other topics, extrajudicial persecution, administrative and criminal prosecution, and misuse of Administrative Code Article 20.2.\(^{286}\) Agora has written about violence and intimidation of activists, journalists and politicians; censorship and internet freedom; and government surveillance of opponents.\(^{287}\)

In addition, several groups engage with the international and regional human rights bodies, providing key information so that they fully understand the extent of the Kremlin’s repression. During Russia’s 2018 Universal Periodic Review, several domestic groups – including Citizens’ Watch, the Russian LGBT Network, and the SOVA Center – submitted shadow reports discussing the persecution of political prisoners.\(^{288}\) These


organizations, and others, have also highlighted restrictive laws and political prisoners during the UN treaty body reporting process\textsuperscript{289} and the OSCE’s Human Dimension Implementation Meeting.\textsuperscript{290}

2. Public Statements

Despite the serious risks involved, domestic activists frequently speak out regarding the Kremlin’s political prisoners. For example, in advance of the 2018 World Cup, activists from Russia signed onto an open letter calling on world leaders to boycott the event and for the release of the Kremlin’s Ukrainian political prisoners.\textsuperscript{291} In October 2018, activist Lev Ponomarev posted on Facebook about rallies in support of arrested teen activists (and was given 16 days’ administrative arrest as a result).\textsuperscript{292} Organizations such as Memorial HRC, the Union of Solidarity with Political Prisoners, the Moscow Helsinki Group, OVD-Info, and For Human Rights have called for the release of political prisoners,\textsuperscript{293} marked


\textsuperscript{291} An Appeal to the Representatives of Countries Who Are Expected to Travel to the World Cup Football Games in Russia, Open Democracy, June 6, 2018, available at https://www.opendemocracy.net/od-russia/open-letter-in-support-of-ukrainian-political-prisoners.


important anniversaries related to political prisoners, and issued updates on specific cases.

Political prisoners in particular often speak out, both during and after their detention. For example, soon after his release, prisoner of conscience Ildar Dadin gave several interviews describing the torture he endured at a remote penal colony, adding, “I refuse to give up the struggle, and abandon those political prisoners who remain behind bars.” Despite being imprisoned, Oleg Sentsov has repeatedly published letters in the media, most recently thanking “those who still . . . continue to support me and, most importantly, other Ukrainian political prisoners” and stating: “They’re not giving up and I’m not either.” Dmitry Buchenchkov gave an

---


interview while detained for his participation in the Bolotnaya Square protest.\textsuperscript{300}

Several political parties\textsuperscript{301} and individual politicians have also spoken out. The United Democratic Party “Yabloko” and its representatives have frequently spoken out on behalf of individual political prisoners, including Oyub Titiev,\textsuperscript{302} Oleg Sentsov,\textsuperscript{303} and Yuri Dmitriev,\textsuperscript{304} and called for the release of political prisoners.\textsuperscript{305} In December 2018, Emilia Slabunova, Chair of the Yabloko party, slammed the Moscow City Court’s decision upholding the detention of Lev Ponomarev, stating: “The court decision is a shame . . . . This arbitrary rule is a demonstration that human rights and freedoms in our country are not upheld.”\textsuperscript{306} Grigory Yavlinsky, Chairman of the Federal Political Committee of Yabloko, has called on Putin to amnesty all political prisoners.\textsuperscript{307} Mikhail Kasyanov, a former Prime Minister of Russia and current Chair of the registered People’s Freedom Party (PARNAS), has repeatedly issued public statements on the detention and mistreatment of political prisoners, including Ildar Dadin.\textsuperscript{308}

On the party’s website, he harshly criticized the February 2017 conviction of Alexey Navalny, calling it “a political decision and absolutely unjust.”\textsuperscript{309}


\textsuperscript{303} Vladimir Putin Through his Administration Refuses to Grant a Pardon to Oleg Sentsov Upon Yabloko’s Request, YABLOKO, Nov. 1, 2018, available at http://eng.yabloko.ru/?p=20528.

\textsuperscript{304} \textit{“The Current Political System is a Step Away from Becoming a Political Mechanism of Terror,”} YABLOKO, Oct. 29, 2018, available at http://eng.yabloko.ru/?p=20494.

\textsuperscript{305} Id.


\textsuperscript{308} \textit{See, e.g.}, Dadin’s Sentence is Canceled, PARNAS, Feb. 22, 2017, available at https://parnasparty.ru/publications/343 [in Russian].

On Twitter, PARNAS slammed the recent detention of Lev Ponomarev, calling it illegal and politically motivated and demanding his immediate release. Leonid Gozman, former co-chair of the Just Cause Party and President of the Union of Right Forces (SPS), has published news articles criticizing the courts for not upholding the rule of law and called the Sentsov case an example of “lawlessness and fantastic cruelty.”

Former political prisoner Alexey Navalny, head of the unregistered Russia of the Future Party, has repeatedly criticized the Kremlin for holding political prisoners and called for their release. In a sarcastic open letter to Putin in 2018, he called on the Kremlin to “shock everybody by releasing [Oleg Sentsov] and all 64 Ukrainian political prisoners.”

Boris Nemtsov, a former Deputy Prime Minister, co-chair of PARNAS, and leading opposition figure, advocated on behalf of the Kremlin’s political prisoners both domestically and on the international stage in public speeches, media appearances, and meetings with policymakers. He played a key role in the passage of the US Magnitsky Act; in fact, Senator John McCain, one of the law’s main sponsors, said that

---

314 Navalny has been attempting to register a political party since 2012, but authorities have repeatedly refused these requests on technicalities. See Russia’s Justice Ministry Again Refuses to Register Alexey Navalny’s Opposition Political Party, MEDUZA, Aug. 27, 2018, available at https://meduza.io/en/news/2018/08/27/russia-s-justice-ministry-again-refuses-to-register-alexey-navalny-s-opposition-political-party.
“without Boris Nemtsov, we would not have had the Magnitsky Act.”³¹⁷ In February 2012, Nemtsov personally handed then President Dmitry Medvedev a list of 37 political prisoners and demanded their release.³¹⁸ As a result of that meeting, Sergei Mokhnatkin, a long-serving political prisoner arrested for attending a Moscow opposition rally, was pardoned and released in April 2012.³¹⁹

### 3. Protests and Civil Disobedience

Russian activists have risked fines and imprisonment (and worse) by protesting and demonstrating in support of the Kremlin’s political prisoners. In 2016, Ildar Dadin was sentenced to three years in prison for repeatedly holding political signs in public, including some that supported political prisoners (though the Supreme Court later quashed his conviction).³²⁰ In June 2018, Dmitry Kalinychev was sanctioned three times for picketing alone in support of detained political prisoners; for the last offense, he spent 25 days in jail.³²¹ In July 2018, two activists were arrested for holding posters demanding the release of political prisoner Oyub Titiev.³²² In August 2018, politician Leonid Gozman and activist Sergei Sharov-Delaunay were detained while holding a banner marking the 50th anniversary of the 1968 Red Square Demonstration, in which several


protestors were convicted on politically-motivated charges.\textsuperscript{323} Anna Krasovitskaya was also arrested at the event for holding a placard supporting Oleg Sentsov.\textsuperscript{324}

In more dramatic advocacy, four members of the rock band Pussy Riot, dressed as policemen, ran onto the field during the 2018 World Cup Final in Moscow to demand, among other things, the release of all political prisoners.\textsuperscript{325} They were sentenced to 15 days in jail.\textsuperscript{326} There have also been several large-scale marches, most notably in Moscow, in which thousands of demonstrators demanded the release of political prisoners.\textsuperscript{327} For example, in August 2018, protestors in several cities participated in the “Mother’s March” demanding the release of Maria Dubovik and Anna Pavlikova, two teenage girls charged with extremism in the “New Greatness” case.\textsuperscript{328} Further back, there were large protests when opposition leader Alexey Navalny was convicted of fraud in December 2014\textsuperscript{329} and when several Bolotnaya Square protestors were sentenced in February

\begin{footnotes}
\item[324] Id.  
\item[329] Brian Ries & Christopher Miller, Thousands Protest in Moscow After Opposition Leader’s Guilty Verdict, \textsc{Mashable}, Dec. 30, 2014, available at https://mashable.com/2014/12/30/moscow-protests/#nuZTo0Yqiqk (“A massive crowd of protestors gathered in Moscow’s Manezhka Square on Tuesday following the guilty verdict of anti-corruption crusader Alexei Navalny.”).  
\end{footnotes}
4. Advocacy

Russian civil society also provides much-needed support directly to political prisoners (and potential political prisoners). For example, a group of organizations, including Memorial HRC, Moscow Helsinki Group, Agora, and Human Rights Network, established a “rapid response” center to protect human rights defenders and respond to incidents of persecution. Civil society also provides essential legal support. Given that lawyers defending political prisoners have been arrested themselves, had their homes and offices raided, and been accused of official misconduct, it is essential to have lawyers who will not be deterred by government intimidation. Memorial HRC, Agora, and Public Verdict Foundation, in particular, have assisted political prisoners in their cases. A coalition of organizations has also held a regular series of “charity evenings” to raise money to help political prisoners pay for legal

---

332 About Us, SOS-HRD.ORG, accessed Feb. 8, 2019, available at http://sos-hrd.org/about#XF2h6M9Kg0o.
334 Id.
Legal assistance is essential not only to mount a strong defense and object to any procedural irregularities during trial, but also to appeal the case in the event of a conviction and, if domestic remedies fail, to take the cases to the UN Human Rights Committee or European Court of Human Rights.

C. The Kremlin’s Response to Advocacy Regarding Its Political Prisoners

While the Kremlin’s response to advocacy on behalf of its political prisoners is consistently hostile, its specific response depends on the person or organization being addressed. As set forth below, the Kremlin responds to, and retaliates against, domestic actors, activists abroad, and the international community in different ways.

1. Response to Advocacy Within Russia and Russia-Occupied Crimea

Russian activists calling for the release of political prisoners are themselves punished for exercising their fundamental rights. In July 2018, for example, two activists in Moscow held up posters demanding the release of political prisoner Oyub Titiev; they were arrested a few minutes later for holding an “illegal demonstration.” That same month, four members of Pussy Riot were sentenced to 15 days in jail for running onto the field during the 2018 World Cup Final in Moscow to demand, among other things, the release of all political prisoners. The prior month, Dmitry Kalinychev

FACEBOOK, Dec. 23, 2018, available at
https://www.facebook.com/sergei.davidis/posts/2074151739307210?__tn__=C-R [in Russian].


https://memohrc.org/ru/content/zashchita-prav-cheloveka-s-ispolzovaniem-mezhdunarodnyh-mehanizmov [in Russian].


Emily Stewart, Pussy Riot Says It’s Behind World Cup Protesters, Vox, July 15, 2018, available at https://www.vox.com/world/2018/7/15/17573668/what-is-pussy-riot-world-cup-mbappe and World Cup Protesters Learn Their Fate in Russian Court, CBS NEWS, July 17, 2018,
was administratively sanctioned three times for single-person pickets in support of detained political prisoners; the last time was deemed a repeated offense, and he was jailed for 25 days. In a similar case in 2016, Ildar Dadin was sentenced to three years in prison for repeatedly holding solitary protests, including in support of political prisoners.

Government officials have also intimidated and harassed lawyers representing political prisoners. In September 2018, lawyer Mikhail Benyash traveled to a protest against pension reform in Krasnodar in the North Caucasus region to provide legal assistance to its participants. As Benyash was talking to a client, two plainclothes police officers grabbed him, forced him into a car, stole his phone, beat him, and then drove him to the police station. Soon thereafter, he was sentenced to 14 days’ administrative arrest for disobeying a police officer and violating the rules for public events. The day he was due to be released, he was re-arrested on charges of obstructing justice (relating to an earlier court appearance when he interrupted the judge) and assaulting a police officer (for allegedly hitting an officer during his original arrest). He was kept in pretrial detention on these criminal charges for nearly two months, but eventually released on bail.


345 Judicial Harassment of Mikhail Benyash, supra note 344.

346 Judicial Harassment of Mikhail Benyash, supra note 205.

347 Russia: Defense Lawyer Arrested, Beaten, supra note 205.

348 Judicial Harassment of Mikhail Benyash, supra note 344.
Yulia Gorbunova, a Russia researcher with Human Rights Watch, has insisted that Benyash’s arrest was “without a doubt retaliation for his work as an outspoken defense lawyer.”

There are numerous other recent examples of lawyers being targeted. In January 2017, officials arrested lawyer Emil Kurbedinov in Russia-occupied Crimea during a “routine” traffic stop. Kurbedinov, who represents persecuted Crimean Tatars, was taken to court and convicted of publicly distributing “extremist materials” – a reference to a social media post about the banned religious organization Hizb ut-Tahrir. He was sentenced to 10 days’ administrative arrest. In December 2018, Kurbedinov was arrested and sentenced to five days’ arrest on the same charges for the same post made on a different social media site. After his release on December 25, the Ministry of Justice asked the Crimean Bar Association to expel him due to his “extremist activities.” In January 2017, FSB officials intercepted and detained lawyer Nikolai Polozov for several hours while he was en route to a hearing for a client – a Crimean Tatar being prosecuted on fabricated charges. A criminal inquiry was also opened against Polozov based on his Facebook posts, in what he believes is retaliation for defending Crimean Tatar leaders (though he was never formally charged). In another case, a judge accused lawyers Marina Dubrovina and Dokka Itslaev, who represent political prisoners Nikolai Karpyuk and Stanislav Klykh, of actions that “challenge the honour and injure the dignity of an advocate.” They had done nothing but represent the interests of their client. If this accusation is upheld, they could lose their right to practice law. In 2014, after lawyer Mark Feygin

349 Id.
350 *Russia: Defense Lawyer Arrested, Beaten, supra* note 205.
352 Id.
353 Id.
354 Id.
355 Id.
356 Id.
357 *Crimea: Defense Lawyers Harassed, supra* note 351.
359 Id.
360 Id.
tweeted about his client (and then political prisoner) Nadiya Savchenko, authorities tried to initiate a criminal case against him for extremism (they he was not formally charged). The Ministry of Justice also urged the Moscow Bar Association to audit and discipline him. In April 2018, Feygin’s law license was revoked because, in his words, the Russian Bar Association “bowed before the Kremlin.”

Organizations advocating for political prisoners have also been targets of the Kremlin’s general crackdown on human rights organizations. For example, in 2014, the Government designated Memorial HRC – the most prominent organization working within Russia on political prisoners – as a “foreign agent.” This designation triggers reporting requirements and potential civil and criminal liability. The organization challenged this designation in court, but lost. Memorial HRC was fined 300,000 rubles (about US $4,615) in 2016 for violating the law because it did not put the “foreign agent” label on its website posts regarding political prisoners. Government officials have also targeted those working with Memorial HRC (or related organizations). Oyub Titiev, the head of Memorial HRC’s Grozny office, was convicted in March 2019 on

---

363 Id.
366 Current List of Political Prisoners, supra note 278 (“On July 21, 2014, the Ministry of Justice of the Russian Federation included the Interregional Public Organization Memorial Human Rights Centre in the ‘register of non-profit organizations acting as a foreign agent.’”).
fabricated drug possession charges. Yuri Dmitriev, chairman of the Karelian branch of the Russian Historical, Educational and Human Rights Society Memorial (which is related to, but legally distinct from, Memorial HRC), has been detained (off and on) on various false charges since 2016.

2. **Response to Advocacy by Activists Abroad**

The Kremlin uses a variety of means to retaliate against and silence activists living abroad who speak out regarding its political prisoners. Most troubling, the Kremlin has tried to murder several of them. Vladimir Kara-Murza, who has been actively pushing for Magnitsky laws around the world, has been poisoned twice while in Russia in retaliation for his opposition to the Putin regime. Both times, in May 2015 and February 2017, he was left in a coma and on life support, and doctors estimated his chance of survival at five percent. In a floor speech in the US Senate after the second poisoning, the late Senator John McCain called Kara-Murza “one of the most passionate and effective advocates for passage of the Magnitsky Act” and said that “Vladimir has once again paid the price for . . . placing the interests of the Russian people before his own self-interest.” Luzius Wilhaber, former president of the European Court of Human Rights, became violently ill after a trip to Moscow in October 2006; he had previously angered the Kremlin by upholding complaints from Chechen human rights activists. In June 2006, Irwin Cotler, then a Canadian Member of Parliament, visited Moscow as part of an official Canadian delegation and fell extremely ill, which he later described as a

---

373 Id.
deliberate poisoning. Cotler had previously represented prisoners of conscience Andrei Sakharov, Natan Sharansky, and Alexander Nikitin. Activist and former political prisoner Mikhail Khodorkovsky recently stated that he has received information about an assassination attempt ordered against him. Such brutal treatment fits into the Kremlin’s larger pattern of “increasingly targeting dissidents and renegade spies for death by poison.” High-profile examples of this include security officer Alexander Litvinenko, former spy Sergei Skripal, journalist and human rights activist Anna Politkovskaya (poisoned and later shot to death), Ukrainian politician Viktor Yushchenko, and whistleblower Alexander Perepilichny.

Another common tactic used by the Kremlin is initiating sham criminal proceedings in absentia and then using INTERPOL in an attempt to have the target arrested abroad, either through Red Notices or Diffusion Notices. The former is initiated through an application by a member

377 Id.
385 A Brief History of Attempted Russian Assassinations by Poison, supra note 380.
country based on a valid national arrest warrant; if INTERPOL accepts the application, its General Secretariat issues a worldwide request to locate and provisionally arrest the person pending extradition. The latter is a less formal alert issued directly by a country to other countries; it does not require pre-approval by INTERPOL.

In 2015, for example, former political prisoner Mikhail Khodorkovsky was charged with being the organizer behind some of the manufactured crimes for which Alexey Pichugin has been held in prison, and the Prosecutor General’s Office then tried to get an INTERPOL Red Notice issued against him based on that charge. Bill Browder, who was a “key force” behind the US Magnitsky Act, has twice been convicted in absentia for fraud and tax evasion and sentenced to nine years’ imprisonment each time. The day before the November 2018 meeting on the Netherlands’ proposal for an EU Magnitsky Act, the Kremlin accused Browder of murdering Sergei Magnitsky himself. Based on these charges and convictions, the Kremlin has repeatedly tried to get a Red Notice issued against Browder, most recently in December 2018. However, INTERPOL has rejected these requests as politically motivated. The Kremlin has also bypassed INTERPOL’s Secretariat by...
issuing diffusion notices directly to INTERPOL member countries.\textsuperscript{396} One such diffusion notice led Spanish authorities to briefly arrest Browder in May 2018.\textsuperscript{397} In a clear case of retaliation, the Kremlin also issued a diffusion notice against Browder the day before Canada’s Magnitsky Act became law.\textsuperscript{398} In another case, Nikita Kulachenkov, who worked with Alexey Navalny’s Anti-Corruption Foundation, was charged with stealing a poster that was stuck to a wall in a small town outside Moscow.\textsuperscript{399} It was one of many such posters, which generally stay up until people take them or they are destroyed by the rain.\textsuperscript{400} Kulachenkov fled to Lithuania, where he was granted asylum.\textsuperscript{401} However, when he traveled to Cyprus to visit family, he was arrested pursuant to a diffusion notice sent out by the Kremlin asking for his extradition back to Russia.\textsuperscript{402} He spent three weeks in a Cyprus prison before he was able to get it resolved.\textsuperscript{403}

The Kremlin’s abuse of INTERPOL was the subject of worldwide debate during the November 2018 election of INTERPOL’s new President, when it was widely expected that Russian Alexander Prokopchuk, an Interior Ministry official, would win.\textsuperscript{404} However, after an international outcry,\textsuperscript{405} South Korean Kim Jong Jong Yang beat Prokopchuk.\textsuperscript{406}

\textsuperscript{396} How Russia Tries to Catch Its ‘Criminals’ by Abusing Interpol, supra note 386.

\textsuperscript{397} How Russia Persecutes Its Dissidents Using U.S. Courts, supra note 386.


\textsuperscript{399} Chris Harris, Russia is Using Interpol to Target Putin’s Political Rivals, Says NGO, EURONEWS, Mar. 17, 2018, available at https://www.euronews.com/2018/03/17/russia-is-using-interpol-to-target-putin-s-political-rivals-says-ngo.


\textsuperscript{401} Russia is Using Interpol to Target Putin’s Political Rivals, supra note 399.

\textsuperscript{402} Nikita Kulachenkov, supra note 400.

\textsuperscript{403} Id.


\textsuperscript{406} Interpol Elects South Korean Kim Jong Yang President over Russian Front-Runner, supra note 404.
Beyond these extreme measures, the Kremlin has banned Irwin Cotler (discussed above), who proposed Canada’s Magnitsky legislation, and Raynell Andreychuk, who later reintroduced it, from entering Russia. Vladimir Kara-Murza was banned from entering the Russian embassy in the US (despite being a Russian citizen) and had his Russian media credentials officially revoked.

3. Response to Advocacy by the International Community

The Kremlin has four common responses when foreign countries or international organizations criticize it for its political prisoners: it (1) denies there is a problem; (2) ignores unfavorable decisions; (3) attacks and retaliates; and/or (4) invokes its sovereignty.

a. Denying There Is a Problem

Despite the overwhelming evidence and an international consensus to the contrary, the Kremlin continues to deny that it has any political prisoners. Putin himself has repeatedly insisted that there are no political prisoners in Russia, and the Government reported to the UN in September 2018: “There are no ‘political prisoners’ in the Russian Federation.”

The Kremlin also denies that its laws – which have been repeatedly criticized by numerous human rights bodies – are incompatible with its obligations under international law. For example, during Russia’s 2018


409 Fraud Case Against Putin Opponent Navalny Falters, supra note 262 (“Asked during a presidential phone-in in Moscow about the Navalny case and the Pussy Riot trial, [Putin] said there were no political prisoners in Russia and nobody was prosecuted for their politics.”) and Putin Defends Russia’s Human Rights Record, supra note 262 (“President Vladimir Putin on Monday defended his country’s human rights record, claiming that Russia has no political prisoners . . . .”).

Universal Periodic Review, Sweden recommended that the Kremlin “[e]nd the practice of using the broad and vague anti-extremism and counter-terrorism legislation to pursue politically motivated charges.” 411 In response, the Kremlin stated that these laws “do[] not contradict the international obligations of the Russian Federation.” 412 Norway asked the Kremlin to repeal laws and regulations that “limit the legitimate exercise of the rights to freedom of expression, association and belief.” 413 The Russian Government answered that “Russian legislation . . . is consistent with Russia’s obligations under the key international human rights treaties.” 414 Canada demanded that the Foreign Agent Law and the Undesirable Organizations Law be revised or repealed; 415 the Kremlin again asserted that these laws “compli[ed] with [its] international obligations.” 416 Slovenia and New Zealand suggested bringing “legislation governing public assemblies and its enforcement into conformity with international human rights standards”; the Kremlin insisted this was “already implemented.” 417 Despite the well-documented persecution of religious minorities, the Government also refused to amend its laws relating to religious freedom and belief because, it claimed, its laws are “consistent with [its] international obligations.” 418

The Kremlin made several other blatantly false claims during its recent Universal Periodic Review. For example, it insisted that “[n]either Russian legislation nor law enforcement practices create a restrictive environment for the activities of NGOs and civil society institutions, including those engaged in human rights activities.” 419 Inexplicably, the Government argued that the recent ban on Jehovah’s Witnesses does not

---

411 REPORT OF THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW, supra note 125, at ¶ 147.66.
412 POSITION ON THE RECOMMENDATIONS, supra note 410 (response to Recommendation 147.66).
413 REPORT OF THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW supra note 125, at ¶ 147.156.
414 POSITION ON THE RECOMMENDATIONS, supra note 410 (response to Recommendation 147.156).
415 REPORT OF THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW supra note 125, at ¶ 147.64.
416 POSITION ON THE RECOMMENDATIONS, supra note 410 (response to Recommendation 147.64).
417 Id. (response to Recommendations 147.164 and 147.176).
418 Id. (response to Recommendation 147.202).
419 Id. (response to Recommendation 147.196); see also id. (response to Recommendation 147.178: “Neither national legislation nor law enforcement practice restricts the activities of civil society institutions in the territory of the Russian Federation”; response to Recommendation 147.180: “The legislation does not contain any restrictions on the work of activists and human rights defenders, they are free to carry out their activities”; response to Recommendation 147.181: “The recommendation to review the legal provisions is not accepted, since currently, it does not contain any restrictions on the activities of civil society.”).
restrict their right to freedom of religion. Finally, the Kremlin claimed that “There are no offences in the Russian Federation that allow detaining persons only on political grounds – despite the many vague legal provisions that allow precisely this.

The Kremlin also consistently denies that it mistreats political prisoners. For example, in 2018, when the UN Committee Against Torture asked about the torture of Sergei Magnitsky, the Russian Government insisted that “[t]he criminal investigation into Sergei Magnitsky’s death had not revealed any evidence of unlawful acts or torture by prison officials.” However, it is widely accepted based on the evidence that Magnitsky was indeed tortured and murdered; former President Dmitry Medvedev’s own Human Rights Council concluded that Magnitsky was beaten by eight guards with rubber batons on the last day of his life. The Committee also asked about Ildar Dadin’s allegations of torture (allegations that Amnesty International’s Russia Director called “credible”); the Kremlin explained that this “had been officially investigated, and the allegations had not been confirmed.” In response to Oleg Sentsov’s claim that he was beaten for 24 hours in an attempt to force a confession (again deemed “credible” by Amnesty International), the Government suggested that his bruises were self-inflicted.

b. Ignoring Unfavorable Decisions

Various human rights bodies have found that the Kremlin’s imprisonment and mistreatment of political prisoners violates Russia’s obligations under international law. However, the Kremlin often simply ignores decisions against it. For example, the European Court of Human

420 Id. (response to Recommendation 147.200).
421 POSITION ON THE RECOMMENDATIONS, supra note 410 (response to Recommendation 147.174).
423 Magnitsky Act, supra note 218, at § 402(a)(8).
425 Summary Record of the 1661st Meeting, supra note 422, at ¶ 18.
Rights declared that both of Alexey Pichugin’s criminal trials violated his right to a fair trial under the European Convention on Human Rights because he was denied a public hearing, the opportunity to challenge statements against him, the presumption of innocence, and the right to introduce key expert evidence.\textsuperscript{428} The Court twice insisted that “that the most appropriate form of redress would . . . be trial de novo or the reopening of the proceedings.”\textsuperscript{429} Despite this, more than six years after the first decision by the European Court of Human Rights, Pichugin has not been given a new, fair trial and he remains imprisoned as a result of his original convictions. Pierre-Yves Le Borgn’, the PACE Rapporteur on the implementation of judgments of the European Court of Human Rights, specifically noted in 2017 that “Russian authorities have still not remedied the human rights violations found by the Court” in Pichugin’s case; he further called on the Russian Government “to ensure that Mr Pichugin . . . [is] granted a new trial in compliance with Article 6 of the Convention.” \textsuperscript{430} 

In another high-profile case, the Kremlin ignored two decisions by the European Court of Human Rights concerning Alexey Navalny, Putin’s “most vocal contemporary political opponent.”\textsuperscript{431} The first related to Navalny’s 2013 conviction of embezzlement from a state-owned timber company,\textsuperscript{432} which was “widely seen as a means of silencing him.”\textsuperscript{433} In 2016, the European Court of Human Rights declared Navalny’s conviction unlawful because his trial was fundamentally unfair.\textsuperscript{434} The Court noted

\textsuperscript{429} Pichugin v. Russia 2012, supra note 9, at ¶ 219 and Pichugin v. Russia 2017, supra note 428, at ¶ 47.
\textsuperscript{434} Navalny v. Russia, supra note 432, at ¶¶ 115 (‘‘[T]he criminal law was arbitrarily and unforeseeably construed to the detriment of the applicants, leading to a manifestly unreasonable outcome of the trial.’’), 116 (‘‘[T]he domestic courts have failed, by a long margin, to ensure a fair hearing in the applicants’ criminal case, and may be taken as suggesting that they did not even care
that he was convicted of fostering “regular commercial middleman activities” and that there was an “obvious” link between his anti-corruption advocacy and the decision to press charges against him. Despite this, the Government refused to vacate Navalny’s conviction. Rather, he was retried on the same charges, using the same evidence, and was convicted again and given the exact same five-year suspended sentence. The second case related to Navalny’s conviction on money laundering and fraud charges in 2014, which was also “widely considered to be politically motivated.” In October 2017, the European Court of Human Rights unanimously found that he was not given a fair trial, explaining that “the decisions reached by the domestic courts . . . were arbitrary and manifestly unreasonable,” and that “judicial examination of this case was flawed with arbitrariness.” Notwithstanding this forceful denunciation, Russia’s Supreme Court upheld Navalny’s convictions in April 2018. The Supreme Court also upheld a ban, predicated on his convictions, on his competing in the 2018 presidential election.

The Kremlin also delayed compliance with the European Court of Human Rights’ interim measures regarding Vasily Aleksanyan, former head of Yukos’ legal department. At that time, Aleksanyan was detained on trumped-up allegations of embezzlement based simply on his role as a Yukos lawyer on transactions that were targeted in the Kremlin’s campaign about appearances.”), 120 (“[T]he criminal proceedings . . . constituted a violation of their right to a fair hearing under Article 6 § 1 of the Convention.”).  

[435] Id., at ¶ 115.  
[436] Id., at ¶ 119.  
[440] Navalnyye v. Russia, supra note 438, at Holding (“Holds, unanimously, that there has been a violation of Article 6 § 1 of the Convention on account of the lack of fair hearing.”).  
[441] Id., at ¶¶ 83–84.  
against Yukos. On November 27, 2007, the European Court of Human Rights indicated that, as an interim measure, Russia should immediately provide in-patient treatment for Aleksanyan at a specialized hospital because of his serious medical conditions, including AIDS.\textsuperscript{444} This interim measure was reiterated in December 2007 and January 2008.\textsuperscript{445} However, the Government did not transfer him to a hospital until February 8, 2008\textsuperscript{446} (and even then, it was not clear that the hospital was a “specialist” hospital capable of treating Aleksanyan’s serious issues\textsuperscript{447}). The European Court of Human Rights condemned this delay, noting that “for over two months the Government continuously refused to implement the interim measure, thus putting the applicant’s health and even life in danger”\textsuperscript{448} and that “non-implementation of the measure is fully attributable to the authorities’ reluctance to cooperate with the Court.”\textsuperscript{449} The Court held this to be a violation of Russia’s obligations under Article 34 of the European Convention on Human Rights.\textsuperscript{450} Aleksanyan was eventually released from prison in 2009 and died thereafter.\textsuperscript{451} Activists have attributed Aleksanyan’s death to the mistreatment he suffered during his lengthy pretrial detention, including the denial of medical care, which was held hostage by the Kremlin in an effort to extract favorable testimony from him.\textsuperscript{452}

c. Attacking / Retaliating

The Kremlin also attacks those who dare to criticize its treatment of political prisoners. In June 2018, the Kremlin dismissed US calls to release its political prisoners as a “finely honed propaganda strategy” and insisted that “the American establishment ha[s] no moral right to blame Russia and demand that someone be released” because of its “relentless hunt on


\textsuperscript{445} Id., at ¶ 230.

\textsuperscript{446} Id.

\textsuperscript{447} Id (“The Court leaves open the question whether Hospital no. 60 can be considered a ‘specialist institution’ in view of the recent developments in the applicant’s medical condition.”).

\textsuperscript{448} Id.

\textsuperscript{449} Id.

\textsuperscript{450} Id., at ¶ 232.


\textsuperscript{452} Jailed Former Yukos Executive Dies of AIDS, REUTERS, Oct. 4, 2011, available at https://www.reuters.com/article/idUSL5E7L40BP201111004 (“‘He would still be alive if he hadn’t spent a long time in solitary confinement and had received medical treatment in time,’ veteran Russian rights activist Lev Ponomaryov told radio station Ekho Moskvy on Tuesday.”).
Russian citizens,” a reference to those convicted in the US of terrorism and smuggling charges.453 Similarly, in 2010, when Mikhail Khodorkovsky was convicted on financial charges widely recognized as politically motivated, the Kremlin “lashed out at U.S. and European governments over Western criticism of the conviction.”454 The Kremlin has also opposed the work of the UN Special Rapporteur on Human Rights Defenders – who has repeatedly expressed concern about politically-motivated arrests and detention by Russian authorities455 – by attempting to weaken its mandate and calling for its abolition.456 In addition, high-level Russian officials have criticized the European Court of Human Rights,457 which has repeatedly issued judgments against Russia in political cases.458 – Putin himself stated that the Court “does not regulate legal relations, does not

457 Andriy Osavoliyk, Russia’s Ignoring of European Court of Human Rights Decisions, OPEN DIALOGUE FOUNDATION, Feb. 5, 2016, available at https://en.odfoundation.eu/a/7280,russia-s-ignoring-of-european-court-of-human-rights-decisions (quoting statements by Alexey Kravtsov, Chairman of the Commercial Arbitration Tribunal of the city of Moscow: “Russian people don’t want to fulfil the ECHR’s decisions, including with regard to the Yukos case.”); Alexander Bastrykin, Head of Russia’s Investigative Committee: “The ECHR, from my point of view, hyperbolises excessively and, I would even say . . . without sufficient grounds, absolutises the significance of international law when examining concrete cases it is charged with dealing with.”; Alexey Pushkov, Head of the State Duma Committee for International Affairs: “It is perfectly realistic to limit ECHR decisions on the territory of the [Russian Federation] to those that do not contradict our legislation.”).
protect rights, but simply executes some kind of political function.”

More generally, the Government has dismissed calls for the release of its political prisoners as “western propaganda.”

The Government’s response to the adoption of Magnitsky-style laws has been especially aggressive. After Lithuania enacted one in 2017, Russia’s Foreign Ministry called it an “openly Russophobic action[]” and insisted that “Lithuania . . . has secured for itself the most unseemly place in the anti-Russian hysteria unleashed in the West.” Russia’s Foreign Ministry also said that Ukraine’s planned Magnitsky List demonstrates “an inquisition-like approach to justice, which is based on the principle of collective punishment for non-existent crimes.” The Russian Embassy in Ottawa denounced Canada’s Magnitsky law as an “[i]rrational act sponsored by fugitive fraudster and tax evader [Bill Browder] and Russia-haters.” The Kremlin has also consistently responded to sanctions in kind: after the US, Latvia, Lithuania, Estonia, and Canada separately imposed sanctions on Russian officials connected to the Sergei Magnitsky case, the Kremlin imposed travel restrictions on nationals of those countries. In 2012, after passage of the Magnitsky Act in the US, the Kremlin banned Americans from adopting Russian children.

459 Russia’s Ignoring of European Court of Human Rights Decisions, supra note 457.
460 Russia Has Said the U.S. Government Has “No Moral Right” to Demand Jehovah’s Witnesses Release, supra note 453.
d. Invoking Sovereignty

Russia’s Constitution explicitly provides for the supremacy of international law over domestic law. It states that “international treaties and agreements of the Russian Federation shall be a component part of its legal system” and that, if a treaty “fixes other rules than those envisaged by law, the rules of the international agreement shall be applied.” The Criminal Procedure Code and the Code of Administrative Offenses contain similar provisions.

Despite these provisions, the Kremlin frequently invokes its sovereignty when other countries demand the release of its political prisoners. For example, after the US State Department called on the Kremlin to do so in June 2018, the Russian Embassy in Washington DC reiterated that Moscow “rejects any attempts of meddling” in its internal affairs. When Canada’s Minister of Foreign Affairs called for Oleg Sentsov to be released in August 2018, the Russian Embassy in Ottawa replied that “[f]oreign attempts to press law enforcement and judicial systems of another country are blatant interference in domestic affairs.” Earlier, when Canada sanctioned officials involved in Sergei Magnitsky’s case in 2010, the Russian Foreign Ministry called it “an attempt to . . . interfere in the internal affairs of another state.” Russia’s Foreign Minister also suggested the original US Magnitsky Act was “an attempt to meddle in our internal affairs.”

470 Tweet by Russia in Canada (@RussianEmbassyC), TWITTER, Aug. 21, 2018, 1:04 pm, available at https://twitter.com/RussianEmbassyC/status/1031995380202795008.
The Kremlin also reflexively retreats to its claimed sovereignty when its repressive legislation is criticized. During Russia’s 2018 Universal Periodic Review, Spain recommended that Russia repeal the Foreign Agent Law. As the Government rejected this recommendation, noting that Russia’s Constitutional Court had examined the law and held that it does not violate the Russian Constitution. As noted, however, the Russian Constitution expressly provides that international treaties must be applied where any conflict exists between such treaties and domestic law. In this respect, the Kremlin’s response is contrary to the terms of the Russian Constitution itself, which embodies the well-established principle that a country’s domestic law cannot be used to justify a violation of its obligations under an international treaty.

Russia’s sovereignty has also been invoked to justify noncompliance with the decisions of international human rights bodies. On July 14, 2015, the Constitutional Court, emphasizing Russia’s sovereignty, ruled that where a decision by the European Court of Human Rights conflicts with the Russian Constitution, the Constitution takes precedence and Russia does not have to implement the decision. This ruling ignores Russia’s obligations pursuant to the European Convention on Human Rights. Yet later that year, Russia’s Parliament codified this ruling and gave the Court explicit statutory authority to review decisions by international bodies and international courts for compliance with Russia’s Constitution. Since then, the Constitutional Court has declared at least two decisions by the European Court of Human Rights – including, notably,

---

473 REPORT OF THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW, supra note 125, at ¶ 147.61.
474 POSITION ON THE RECOMMENDATIONS, supra note 410 (response to Recommendation 147.61).
476 Lauri Mälksoo, Russia’s Constitutional Court Defies the European Court of Human Rights, 12 EUR. CONST. L. REV. 377, 381 (2016).
477 Ruling of the Constitutional Court of July 14, 2015, Rossiiskaia Gazeta [Ros. Gaz.] July 27, 2015, at ¶ 5.3, available at https://rg.ru/2015/07/27/ks-dok.html [in Russian]; see also Russia’s Constitutional Court Defies the European Court of Human Rights, supra note 476, at 383 (“[T]he Court repeated that if interpretation of the Convention by the Strasbourg Court would lead to a direct collision with the Russian Constitution, such a judgment cannot be enforced in Russia.”).
478 Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 221, entered into force Sept. 3, 1953, at Art. 46(1) (“The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.”).
the Yukos decision – in conflict with Russia’s Constitution and, therefore, unenforceable domestically.480

4. A New Approach for Further Exploration

Despite the very troubling responses described above, the Kremlin has indicated, at least indirectly, some willingness to engage constructively on the situation of its political prisoners. During its 2018 Universal Periodic Review, the Kremlin accepted a recommendation to “[p]revent . . . trials based on dubious charges of human rights defenders, journalists, political actors and civil society.”481 It also accepted several recommendations to reform and liberalize criminal laws generally and laws relating to freedom of expression specifically. 482 Of particular importance, the Kremlin accepted recommendations to reform and improve the judicial system and to ensure the right to a fair trial.483 The Kremlin also agreed to investigate cases of torture484 and threats and attacks against civil society, journalists,


481 POSITION ON THE RECOMMENDATIONS, supra note 410 (accepting Recommendation 147.171).

482 REPORT OF THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW, supra note 125, at ¶¶ 147.137 (“Continue its efforts to upgrade its judicial system”), 147.138 (“Continue implementing reforms of the judicial system and of the administration of justice”), 147.139 (“Continue improving the judicial system with the aim of ensuring the transparency of the courts and the access of all citizens to justice”), 147.140 (“Continue efforts to strengthen the proper functioning of the judicial system and ensure the right to a fair trial”), 147.141 (“Respect the right to a fair trial and ensure effective remedies for alleged violations of due process”), 147.142 (“Continue the ongoing judicial system reform and strengthening of measures for the promotion of public confidence in the judicial system and openness to justice”); see also POSITION ON THE RECOMMENDATIONS, supra note 410 (accepting Recommendations 147.137–142).

483 REPORT OF THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW, supra note 125, at ¶¶ 147.110 (“Ensure that all investigations into cases of abductions, unlawful detentions, torture and other ill-treatment, as well as killings, are conducted thoroughly and effectively”), 147.113 (“Investigate allegations of torture and inhuman treatment in custody in a transparent manner and bring those responsible to justice”), 147.133 (“Ensure that public detention monitoring committees
and human rights defenders, and to bring the perpetrators to justice. Finally, the Government promised to ensure that religious groups are not subjected to discrimination and to guarantee freedom of expression, assembly, and association.

Although it is reasonable to question the Kremlin’s sincerity in making these commitments, given its poor record thus far, these commitments nonetheless provide a foundation on which to hold the Kremlin accountable going forward. Not only is the Kremlin flagrantly violating its obligations under international law, it is also failing to meet the commitments it explicitly made to the international community.
IX. EXCEPTIONS TO THE RULE: PARDONS, AMNESTIES AND OTHER EARLY RELEASES

Russian and Soviet governments have a long history of detaining political prisoners to punish perceived enemies, intimidate the opposition, and quash dissent. However, there is also a sporadic but cumulatively significant pattern of clemency – that is, pardons, amnesties, and other early releases of political prisoners. An analysis of this pattern reveals that social, political, and economic pressure can, in certain cases, have tangible effects. This section will briefly review political prisoner releases under the USSR and then provide more recent examples, indicating where possible the circumstances that may have contributed to each release.

A. Releases Under the USSR

Under Joseph Stalin, the USSR’s infamous gulag system of forced labor camps held millions of prisoners in brutal conditions. The camps eventually included many of the country’s most educated professionals and intellectuals, who were imprisoned for offenses ranging from petty street crimes to political dissent. Though restructuring the camps and adjusting prisoners’ statuses had been discussed for years – particularly as the camps became a massive social and economic liability – it was only Stalin’s death in 1953 that allowed real change to occur. Within months of his passing, the new Ministry of Internal Affairs and State Security initiated a massive amnesty in which 1.5 million gulag prisoners were released – an estimated 60% of the camps’ combined population.

The gulag system never returned to the size of the Stalin era, though hundreds of prominent political prisoners were held in the camps from the late 1960s through the 1980s. After assuming leadership in 1985, Mikhail

1 Memorial HRC published its first list of political prisoners in 2013. Thus, when discussing “political prisoners” under the USSR, this report is referring to individuals understood to be political prisoner at that time.
4 Id., at 67.
Gorbachev instituted important reforms, including releasing numerous political prisoners and opponents (both from prison and from exile).⁶

This reform process was hardly inevitable and followed repeated domestic and international appeals for the release of political prisoners and other persecuted groups. Previous amnesties, such as those in 1977 and 1985, had generally applied to non-political prisoners.⁷ Separately, there were several high-profile prisoner swaps. Perhaps most famously, Vladimir Bukovsky, who was serving a seven-year prison sentence for “anti-Soviet agitation and propaganda,” was exchanged in December 1976 for Chilean Communist Party leader Luis Corvalán, who had been imprisoned by the regime of Augusto Pinochet.⁸ Bukovsky was flown in handcuffs aboard a special KGB plane from Moscow to Zurich’s Kloten Airport, where the exchange occurred.⁹ This exchange had been negotiated by the Ford administration; US Ambassador Nathaniel Davis helped coordinate the release of both prisoners at the Zurich airport.¹⁰ In another example, five prominent dissidents were released to the US in 1979 in exchange for two Soviet spies.¹¹ That deal was negotiated by US National Security Advisor Zbigniew Brzezinski, his deputy, and Soviet Ambassador Anatoliy Dobrynin.¹²

One of the strongest and most sustained international campaigns during these years focused on the plight of the Soviet refuseniks – residents of the USSR (mostly Jews) who were denied exit visas for years and even decades, typically on “national security” grounds.¹³ In retaliation for even

---

⁹ Id.
¹² Id.
applying to emigrate, refuseniks were persecuted and threatened, and many were fired from their jobs. The US responded with the 1974 Jackson–Vanik Amendment, making favorable trade policies with Communist countries contingent on free emigration policies for those countries’ citizens. Nonetheless, over the next decade, large numbers remained unable to leave the USSR. Among the most prominent refuseniks was Anatoly Shcharansky (Natan Sharansky), who had applied for an exit visa in 1973 but was denied because he allegedly was in “possession of state secrets” – an absurd claim given that the Moscow Institute of Physics and Technology, where he worked, was an open institute and several of his colleagues there had received exit visas. Sharansky was subsequently fired from his job in 1975, charged with “treason” and “espionage” in 1977, and sentenced to 13 years in prison and hard-labor camps.

In February 1986, Andrey Sakharov – who had been under house arrest and exile in Gorky since 1980 – appealed in a letter to Gorbachev for a general amnesty for USSR prisoners of conscience. The “father of the Soviet hydrogen bomb,” Sakharov had received the Nobel Peace Prize in 1975 for his human rights activism and his criticism of the nuclear arms race but was banned by Soviet authorities from receiving the prize. He went on a hunger strike on three occasions to demand that his wife, Yelena Bonner – a prominent activist in her own right who was detained alongside Sakharov in 1984 – be permitted to travel to the West for critical medical treatment. Consequently, the couple was held incommunicado for

14 Id.
months and Sakharov was force-fed in a hospital. His decades of activism were later immortalized in the eponymous prize of the European Parliament.

Also in February 1986, following a meeting between Gorbachev and US President Ronald Reagan, Natan Sharansky was swapped for a Czech couple detained by the US for espionage. This was thought to be the first release of a political prisoner under Gorbachev. That same year, Reagan appealed to Gorbachev to review the cases of 25 political prisoners, with particular emphasis on Yuri Orlov, the founding chairman of the Moscow Helsinki Group. Around the same time, activist Larisa Bogoraz and others launched a campaign to free all political prisoners, advocating in particular on behalf of her detained husband, Anatoloy Marchenko. Ultimately, Orlov was released in October, just before Reagan left for a summit with Gorbachev in Reykjavik, though Marchenko died in prison. Nonetheless, the advocacy directed at the release of these prominent individuals and their fellow political prisoners and dissidents may have motivated the extraordinary waves of releases that began just a few months later.

In February 1987, over 40 political prisoners were unexpectedly released from prison pursuant to a decree of the Presidium of the USSR

22 Dana Priest, Family Receives Wire Allegedly from Sakharov, WASHINGTON POST, June 27, 1984, available at https://www.washingtonpost.com/archive/politics/1984/06/27/family-receives-wire-allegedly-from-sakharov/3c0d8b9a-50c4-4213-a64c-40c7fb587292/?utm_term=.1fbece1f6a1c.


26 Natan (Anatoly) Sharansky, supra note 25.


29 Trump Should Ask Putin to Release Russian Political Prisoners, supra note 27.
Supreme Council. The freed prisoners were those serving time for “anti-Soviet agitation and propaganda” and were required to sign statements upon their release that they would not engage in further “harmful” activities. By the end of the month, more than 100 had been freed. Just weeks earlier, Gorbachev had personally called Sakharov to release him from exile and invite him to return to Moscow. An amnesty declared in June 1987—in honor of the 70th anniversary of the Bolshevik Revolution—became the first amnesty to specifically cover political crimes. Contemporary accounts speculated that the releases were calculated not only to assure the broader world that the USSR was committed to reform and liberalization and to increase its credibility with the West, but also to win the support of the USSR’s intelligentsia.

In 1988, following talks with West German Chancellor Helmut Kohl, Gorbachev promised the release of all “whom the West considers to be political prisoners” by the year’s end. This commitment may have been the result of western demands that political prisoners be freed as a precondition toward drawing down conventional military forces in Europe and West Germany’s willingness to improve trade with the USSR. The release of Vazif Meilanov in December 1988 was said to mark the end of the Soviet political prisoners, as he was the last known to be serving a sentence for anti-Soviet actions (Article 70 of the Soviet Criminal Code), though activists insisted that other political prisoners were still detained.

34 Soviets Set First Amnesty for Political Prisoners, supra note 7.
35 See, e.g., Gorbachev Reinforces Reform Image by Freeing Dissidents, supra note 30.
36 Kohl Says Soviets Promise Release of Political Prisoners, supra note 32.
37 Id.
B. Releases Under the Russian Federation

The collapse of the USSR and the creation of the Russian Federation in 1991 marked the beginning of a new era. Boris Yeltsin, elected president that year, finally released the last Soviet political prisoners through a decree in February 1992. Various amnesties in the following years resulted in the release of tens of thousands of additional prisoners. Yeltsin also issued thousands of pardons annually, which were presented to him by the Pardons Commission, a body of volunteers appointed by the president.

Nonetheless, there was no sustained effort by authorities in the new Russian Federation to give a transparent and comprehensive accounting of the rights abuses committed under Soviet leadership – including of the estimated millions of victims who were disappeared during and after Stalin’s regime and are presumed to have been murdered. In September 1991, Yeltsin agreed to open access to decades’ worth of Soviet archives in what was cited as an attempt to discredit the former USSR and bolster his new government. But despite a promising start, researchers complained that many of the most important archives were never opened to the public – including military intelligence and defense archives – and that even the archives originally opened were quickly restricted or closed entirely. As such, the true number of victims remains unknown, and their families have never received closure regarding their missing relatives.

One of the most well-known examples of this is Swedish diplomat Raoul Wallenberg, who in 1944 led the Swedish effort in Nazi-controlled Hungary to save tens of thousands of Jews from concentration camps by

---

44 Id.
providing them with passports and establishing safe houses.\textsuperscript{46} However, the Soviet forces that entered Hungary in January 1945 arrested Wallenberg, and he was never seen again.\textsuperscript{47} More than a decade after his disappearance, Soviet authorities claimed he died in custody in 1947, though other detainees claimed for years to have seen him in other prisons.\textsuperscript{48} The results of an investigation by a joint Soviet–Swedish working group with a mandate to look into Wallenberg’s disappearance were inconclusive.\textsuperscript{49} Wallenberg has been honored as one of the “Righteous Among the Nations” by Yad Vashem\textsuperscript{50} and is an honorary citizen of the United States, Canada, Israel, and Australia.\textsuperscript{51} His name is memorialized in the title of numerous institutions, awards, and memorials around the world.

After Yeltsin – whose time in power was defined by grave economic difficulties and corruption, but also by political pluralism, media freedom, and democratic elections – resigned in 1999, Vladimir Putin became President and immediately took steps to consolidate power.\textsuperscript{52} Under his leadership – and particularly since 2012 – the number of repressive laws governing Russia has expanded. The number of political prisoners has correspondingly and steadily increased.

\textbf{C. Releases Under President Putin}

Today, most of the Kremlin’s political prisoners are released only after serving their criminal sentences in full.\textsuperscript{53} While there are notable exceptions, it is difficult to determine exactly what led to these early releases. For example, public attention is often cited as a contributing factor when a given prisoner is freed\textsuperscript{54} or when a victim of a politically-motivated

\textsuperscript{46} \textit{About Raoul Wallenberg}, RAOUl WAlLENBERG INst., accessed Feb. 27, 2019, available at https://rwi.lu.se/about/about-raoul-wallenberg/.


\textsuperscript{48} \textit{Id.}

\textsuperscript{49} Raoul Wallenberg – A Man Who Made A Difference, supra note 45.

\textsuperscript{50} Raoul Wallenberg, supra note 47.

\textsuperscript{51} Raoul Wallenberg – A Man Who Made A Difference, supra note 45.


\textsuperscript{53} Memorial Publishes Lists of Political Prisoners in Russia, MEMORIAL HUMAN RIGHTS CTR., Oct. 30, 2018, available at https://memohrc.org/en/news_old/memorial-publishes-lists-political-prisoners-russia (“Most of the released prisoners fully served the unjust and unjustified punishment imposed on them by the court.”).

\textsuperscript{54} \textit{Id.} (“It is very likely that the solidarity campaigns in support of D. Borisov and K. Saltykov also hastened their release. Public attention played a role in the fate of other political prisoners too.”).
prosecution avoids jail time. Nonetheless, there are many high-profile cases in which domestic and international attention seems to have had no effect. Oleg Sentsov received unprecedented international attention through his 145-day hunger strike; however, he remains imprisoned today. Alexey Pichugin, infamous for being the Kremlin’s longest-serving political prisoner, is also still in prison more than 15 years after his warrantless arrest. Oleg Navalny, the brother of one of Russia’s leading political opposition figures, was freed only after serving 3.5 year sentence in full.

Nevertheless, it is possible to at least identify some commonalities and conditions that seem to correlate with early releases. Examples of early releases are discussed below, organized by the legal basis for their release.

1. Parole

Russia’s Criminal Code allows a convicted person to be released on parole if a court finds that serving the full sentence is not necessary to ensure their rehabilitation. Parole may be applied only after a person has served at least six months of their sentence and no less than one-third of the full sentence for a minor to medium-severity crime, half for a severe crime, and two-thirds for a particularly severe crime.

Yevgeny Vitishko is a Russian environmental activist who was convicted in 2012 of intentional damage to property compounded by

---

55 For example, Valentina Cherevatenko, a veteran activist and chair of several human rights organizations, became the first person charged under Criminal Code Article 330.1 in 2017. International condemnation of the charges against her was immediate, and the case was closed only days later – ostensibly owing to the “absence of the elements of the crime” – though Cherevatenko was not informed of the decision and discovered it weeks later. See NGO Head First Russian Charged Under ‘Foreign Agent’ Law, RADIO FREE EUROPE / RADIO LIBERTY, June 2, 2017, available at https://www.rferl.org/a/ngo-head-first-russian-charged-foreign-agent-law/28525273.html and Urgent Action, Russia Drops Case Against Rights Defender, AMNESTY INT’L, Aug. 8, 2017, available at https://www.amnesty.org/download/Documents/EUR4668952017ENGLISH.pdf (“She also told us that according to reliable sources, international support played a big and important role in the outcome of her case.”).


58 Id., at Art. 79(3)–(4).
“hooliganism” (Criminal Code Article 167(2))\(^{59}\) for taking down two sections of a fence built around a governor’s dacha and spray-painting criticism on it.\(^{60}\) He was initially given a suspended three-year sentence, but in December 2013, this was converted into imprisonment.\(^{61}\) Vitishko was designated as a political prisoner by Memorial HRC and a prisoner of conscience by Amnesty International, which also noted multiple fair trial violations.\(^{62}\) In October 2015, Putin said he would ask the Prosecutor General’s office to look into the case,\(^{63}\) and Vitishko was released on parole in December 2015.\(^{64}\)

Putin’s request to the Prosecutor General’s office to review Vitishko’s detention was made after he met with members of the Presidential Council on Civil Society Development and Human Rights.\(^{65}\) Diplomatic pressure on Vitishko’s behalf was also rising at that time – for example, Latvia, which then held the EU presidency, sent an appeal to the Kremlin urging Vitishko’s release.\(^{66}\)

Alexey Polikhovich, Stepan Zimin, and Alexandr Margolin were convicted in 2014 of participating in a mass riot (Article 212(2)) and violence against a government official (Article 318(1)) for their alleged involvement in the Bolotnaya Square protests.\(^{67}\) They were each sentenced to 3.5 years’ imprisonment.\(^{68}\) Memorial HRC designated all three as

\(^{61}\) Id.
\(^{62}\) Id.
\(^{66}\) Putin to Re-Examine Case of Imprisoned Environmentalist Vitishko, supra note 63.
\(^{67}\) Id.
\(^{68}\) Id.
political prisoners, and Amnesty International designated Polikhovich and Zimin as prisoners of conscience.\textsuperscript{69} Zimin was granted parole in June 2015,\textsuperscript{70} Polikhovich in October 2015,\textsuperscript{71} and Margolin in January 2016.\textsuperscript{72} This may have been the result of the attention to their cases – Amnesty International, for example, called the imprisonment of the Bolotnaya Square protestors “a hideous injustice.”\textsuperscript{73} Russia’s High Commissioner for Human Rights also personally advocated for their release on parole.\textsuperscript{74}

2. Pardons and Prisoner Swaps

The right to petition for a pardon is enshrined in Russia’s Constitution, which states: “Everyone convicted for a crime shall have the right to appeal against the judgement . . . as well as to ask for pardon or a mitigation of punishment.”\textsuperscript{75} The right to issue a pardon is the prerogative of the Presidency.\textsuperscript{76} Although Putin signed thousands of pardons in his first year as president – through a process facilitated by the Yeltsin-era Pardons Commission, which was undercut and decentralized in 2001\textsuperscript{77} – he issues pardons much more sparingly today.

Pardons are also the formal legal mechanism through which prisoner swaps occur. Though seen as a Cold War legacy, the tradition of swapping

\textsuperscript{74} REPORT 2015, HIGH COMM’R FOR HUMAN RIGHTS IN THE RUSSIAN FEDERATION, 2016, at 56, available at http://eng.ombudsmanrf.org/www/upload/files/Report_2015_Sample.pdf (“With the assistance of the High Commissioner Alexey Polikhovich . . . was released on parole . . . . [T]he same court ruled to release on parole another participant in the Bolotnaya Square case Alexander Margolin, whose destiny has been in the sight of the High Commissioner as well.”).
\textsuperscript{77} Pardons Turn Rare in Putin’s Russia, supra note 42.
prisoners detained in Russia for Russian prisoners detained abroad has continued into recent years. In fact, Team 29 has reported that 12 persons accused of treason or espionage were swapped with other countries over the past two decades.  

**Mikhail Khodorkovsky** was convicted of a variety of financial crimes in 2005 and 2010. Following two reductions of his sentence on appeal, he was due to be released in August 2014, but was pardoned in December 2013. The case against Khodorkovsky and his company Yukos was widely understood as an attempt to silence a political rival – not only did Yukos’ size threaten the power of state-owned entities, but Khodorkovsky and his partners, including Leonid Nevzlin, had started funding opposition political parties and speaking out against Putin. Khodorkovsky’s case garnered an enormous amount of international criticism and he was named a prisoner of conscience by Amnesty International in 2011. 

---


German Chancellor Angela Merkel and former German Foreign Minister Hans-Dietrich Genscher played a key role negotiating Khodorkovsky’s release.\textsuperscript{86} Other contributing factors likely included the little time remaining on Khodorkovsky’s sentence, his mother’s fading health (cited in his pardon application), and the then upcoming Sochi Olympics, which were held in February 2014.\textsuperscript{87}

Marina Dzhandzhgava, Annik Kesyan, and Oksana Sevastidi were each convicted of treason (Article 275) for sending text messages to Georgian acquaintances that mentioned the movement of military equipment around Sochi shortly before the Russia–Georgia War in 2008.\textsuperscript{88} The text messages sent by the women contained only information that was publicly available, and the women had no reason to believe it was classified. Nonetheless, they were sentenced to 12, eight, and seven years in prison, respectively.\textsuperscript{89} Memorial HRC recognized all three women as political prisoners,\textsuperscript{90} and they were pardoned by Putin in 2017 – four to five years early – for “humanitarian reasons.”\textsuperscript{91}


\textsuperscript{90} Id. and Memorial Recognizes Oksana Sevastidi, Convicted for Sending a Text Message, as a Political Prisoner, supra note 88.

Ivan Pavlov of Team 29, who helped represent the women, explained that he worked hard to demonstrate to the public that their convictions were absurd. 92 This appears to have had an impact. For example, in December 2016, a pro-Kremlin media network asked Putin in his annual press conference if he thought the seven-year sentence against Sevastidi was “too harsh.” 93 He promised to look into the case, and not long after, she was pardoned. Pavlov has also suggested that then US President Barack Obama’s pardon of Chelsea Manning may have also played a role by serving as an example for other world leaders. 94 Pavlov has insisted, however, that “humanitarian reasons” had nothing to do with the pardons: “It was just an attempt to correct a mistake that had made the authorities look stupid, funny. The authorities can look brutal, they can look fierce, they can be accused of terrible crimes and [they] will tolerate that. But [they] will not tolerate it when people look at [them] and smile.” 95

Akhtem Chiygoz and Ilmi Umerov are deputy chairmen of the Mejlis, the self-governing body of the Crimean Tatars. In 2017, they were both convicted on criminal charges. Chiygoz was convicted of organizing mass riots (Article 212(1)) 96 for calling for protests against the March 2014 referendum, which was used to justify the annexation of Crimea, 97 and Umerov was convicted of separatism (Article 280.1(2)) for stating during an interview that Crimea should be returned to Ukraine. 98 Memorial HRC named both men political prisoners 99 and Amnesty International declared both to be prisoners of conscience. 100 They were sentenced to eight years

92 Id.
94 This Lawyer Helped Free Four Russian Women Jailed Over Text Messages, supra note 91.
95 Id.
100 Russia: Released Crimean Tatar Leaders Should be Free to Return Home and Speak Out, AMNESTY INT’L, Oct. 27, 2017, available at

236
and two years in prison, respectively. However, they were pardoned and released in October 2017 after Turkish President Recep Erdogan intervened.

Both men thanked the EU, the US, PACE, international organizations, and the presidents of Turkey and Ukraine for their efforts to secure their release. In speculating why the men were released, another Tatar leader suggested that Putin wanted “to preserve close ties with Erdogan, as not so many world leaders shake hands with the Russian president these days,” and that Putin was also hoping to get Crimea-related sanctions lifted. A Russia analyst based in Poland wrote that the pardons may have been an attempt to demonstrate that Russia was not politically persecuting Crimeans, and also speculated that the releases were timed to keep the peace in advance of the 2018 presidential election.

Igor Sutyagin was a military researcher based at the Institute for US and Canada Studies at the Russian Academy of Sciences. In 2004, he was convicted on multiple counts of treason (Article 275) for allegedly providing information to a UK consultancy firm and was sentenced to 15 years in prison. Sutyagin was recognized as a prisoner of conscience by Amnesty International. He was released and sent to the UK in July 2010.
as one of four “spies” traded for 10 Russian sleeper agents that had been arrested by the US.  

Contemporary accounts suggest the spy swap was negotiated to blunt the political crisis that would otherwise have been caused by the discovery of the Russian sleeper agents and to avoid undermining attempts to strengthen the US–Russia bilateral relationship under the US “reset” policy.

3. Overturning the Conviction on Appeal

Political prisoners are, in rare instances, able to get their convictions overturned on appeal.  

**Ildar Dadin** is an opposition activist who, in December 2015, became the first person convicted under Criminal Code Article 212.1 for repeated violations of the procedures for holding public assemblies. He was sentenced to three years’ imprisonment (later reduced to 2.5 years), and was named a prisoner of conscience by Amnesty International and by the European Union, which called for his “immediate and unconditional release” in November 2016.  

Dadin challenged the constitutionality of Article 212.1 on appeal, and although the Constitutional Court did not strike Article 212.1 down, it interpreted the provision such that a person can be

---

113 Id.  
charged only after the predicate administrative convictions have come into force.\textsuperscript{116} However, Dadin was charged under Article 212.1 before two of the three prior administrative convictions had come into force,\textsuperscript{117} so the Constitutional Court ordered his conviction be reviewed, and soon thereafter, the Supreme Court quashed Dadin’s conviction and dismissed the case against him.\textsuperscript{118}

Dadin and his wife believe that his conviction was quashed, not because of the stated legal technicality, but rather because his case had become “a cause célèbre for international human rights organizations.”\textsuperscript{119} His wife said his release may have occurred so that he “would not be an eye sore . . . because he ha[ḍ] become the main political prisoner, at least for the international community. And Russian authorities are trying to demonstrate by all means that there are no political prisoners in Russia.”\textsuperscript{120}

4. Reducing the Criminal Sentence on Appeal

\textbf{Inga Tutisani}, a resident of Sochi, was convicted of treason (Article 275) in 2014 for sending two text messages in 2009 about the movement of Russian Navy ships in the Black Sea to a friend in Georgia.\textsuperscript{121} She was sentenced to six years in prison,\textsuperscript{122} and was recognized as a political prisoner by Memorial HRC.\textsuperscript{123} Though Tutisani was convicted on similar charges as Dzhandzhgava, Kesyan, and Sevastidi (described above), she was not pardoned. Instead, the Supreme Court significantly reduced her sentence in November 2017, and she was released a few days later.\textsuperscript{124}

After her initial conviction, her case – like those of Dzhandzhgava, Kesyan, and Sevastidi – was taken up by Team 29 lawyer Ivan Pavlov in

\textsuperscript{117} Id.
\textsuperscript{118} Id.
\textsuperscript{120} \textit{Prisoner of Conscience Ildar Dadin Has Been Freed!}, supra note 114.
\textsuperscript{122} Id.
\textsuperscript{123} Id.
partnership with Memorial HRC. The media pressure, combined with the legal advocacy in her case, may have contributed to her release.

Aleksei Sokolov, a human rights defender and the founder of anti-torture organization Legal Basis, was convicted in May 2010 of theft (Article 158(4)) and aggravated robbery (Article 161(3)) for events that had allegedly occurred in 2001 and 2004. Though Sokolov’s case predated Memorial HRC’s list, Amnesty International said that it believed he might be a prisoner of conscience and launched an urgent action appeal on his behalf. Sokolov was sentenced to five years in a high-security penal colony, but his sentence was reduced to three years on appeal, and he was released on parole in July 2011.

Before his arrest, Sokolov was already well-known inside Russia and internationally for his anti-torture work. His detention was criticized by a number of rights groups, both inside and outside of Russia. The US State Department devoted two paragraphs to his case in its 2010 Human Rights Report.

5. **Amnesty**

The power to issue a general prison amnesty falls under the authority of the State Duma, the lower house of the Federal Assembly. However, the President can initiate or promote a bill to issue an amnesty, and the Duma appears to broadly defer to his lead.

---

125 *This Lawyer Helped Free Four Russian Women贾iled Over Text Messages*, supra note 91.
129 *Demand A Fair Appeal For Aleksei Sokolov*, supra note 127.
132 CONSTITUTION OF THE RUSSIAN FEDERATION, supra note 75, Art. 103 (“The jurisdiction of the State Duma includes . . . proclamation of amnesty”) and CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 57, at Art. 84 (“Amnesty is declared by the State Duma of the Federal Assembly of the Russian Federation in respect of an individually unspecified circle of persons.”).
There have been two prison amnesties in recent years – in 2013 and 2015 – though there have been numerous calls for additional ones. The 2015 amnesty was issued to mark the 70th anniversary of the Allies’ victory over Germany in World War II. Though it was reported by a state official that up to 400,000 prisoners could be included, only a few thousand were actually released and rights activists condemned the amnesty as a “farce.”

The 2013 amnesty, which marked the 20th anniversary of Russia’s constitution, was far more significant. Championed by Putin, it was passed hastily by the Duma without making the text public before the vote. At the time, estimates on how many prisoners would be eligible varied wildly – some were as low as 1,500, others as high as 25,000. Specific categories were targeted for release – pregnant women, mothers of young children, the elderly, war veterans, and those convicted of minor crimes, hooliganism, or participating in mass protests. However, anyone convicted of inciting mass riots or attacking the police did not qualify. Two members of Pussy Riot and 30 Greenpeace activists were released under the amnesty.

The 2013 amnesty was widely viewed as an attempt to improve Russia’s reputation in advance of the 2014 Sochi Olympics, which had brought unwanted attention to Russia’s repressive laws and criminalization of dissent. The detention of the Pussy Riot members and Greenpeace activists was a key human rights story in 2013. This amnesty was seen as an attempt to address some of the concerns raised by the international community.

---

136 Kremlin’s Prison Amnesty Benefits Only Few, supra note 133.
138 Amnesty Bill in Russia Could Free Activists, supra note 133.
140 Amnesty Bill in Russia Could Free Activists, supra note 133.
141 Id.
142 Id.
143 Id.
144 Amnesty Bill in Russia Could Free Activists, supra note 133; Russian Amnesties, N.Y. TIMES, Dec. 19, 2013, available at https://www.nytimes.com/2013/12/20/opinion/russian-amnesties.html; and Media Briefing, Behind the Smokescreen of Olympic Celebrations: Key Human Rights
activists, in particular, had drawn condemnation from the West. Thus, the amnesty allowed Putin to reduce political pressure in the lead up to the Olympics, while avoiding any type of actual legal or political reform. As the Director of Amnesty International UK explained, “The recent amnesty should be treated not as a benign act of clemency, but as a politically expedient move in the run up to the Sochi Olympics.” Similarly, both members of Pussy Riot denounced their own release as a publicity stunt.

6. Critically Poor Health

Under the Code of Criminal Procedure, a court can change a measure of restraint – e.g., from pretrial detention to a less restrictive measure – when there are changes in a person’s health condition or a person develops a serious disease. Similarly, the Criminal Code allows a court to release a person from criminal punishment if they develop a serious illness.

Vasily Aleksanyan, a former vice-president of Yukos, was arrested in April 2006 and charged as an accomplice to money laundering (Article 174.1(4)) and embezzlement (Article 160). Diagnosed with AIDS in November 2006, he was held in inhumane prison conditions and


Russian Amnesties, supra note 144 (“Unless followed by a strengthening of the rule of law, these amnesties are mostly an imperial gesture, not a sign that justice has been served.”).

Behind the Smokescreen of Olympic Celebrations, supra note 144.

Id.

CRIMINAL PROCEDURE CODE OF THE RUSSIAN FEDERATION, supra note 111, at Art. 110(1) (preventive measure can be changed when the grounds listed in Articles 97 and 99 have changed), (1.1) (the measure of restraint in the form of taking into custody shall be changed for a milder one if a person develops a “serious disease”); see also id., at Art. 99 (when selecting a measure of restraint, the court must consider a person’s “health condition”).

CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 57, at Art. 81(2).


denied medical treatment, including critical antiretroviral medication, reported for refusing to testify against Mikhail Khodorkovsky. Aleksanyan was held in pre-trial detention for more than two years, during which he contracted tuberculosis, developed cancer, and began to go blind. Presumably due to his failing health, he was released on bail in January 2009. Prosecutors dropped the case against him in June 2010, after the statute of limitations on the charges had expired. He died in October 2011, and Russian activists called his death “practically murder.”

Aleksanyan’s plight drew strong international outrage due to his rapidly-failing health. The European Court of Human Rights also issued interim measures regarding Aleksanyan in November 2007, requiring the Government to secure in-patient treatment for him in a specialized hospital, and further ruled in December 2008 that he must be released. Each of these orders was ignored by the Kremlin. In early 2008, Mikhail Khodorkovsky initiated a hunger strike to call attention to Aleksanyan’s case.

7. Reduction or Change in the Method of Restraint or Punishment

Article 110 of the Code of Criminal Procedure allows a court to change the method of restraint in certain circumstances. Article 80 of the Criminal Code also provides that, where a person’s behavior so warrants, a

---

154 Letter to President Vladimir Putin, supra note 152.
158 Remembering Vasily Alexanyan, supra note 153.
159 Aleksanyan’s Death ‘Practically Murder,’ supra note 156.
161 Id., at ¶ 240.
163 CRIMINAL PROCEDURE CODE OF THE RUSSIAN FEDERATION, supra note 111, at Art. 110.
court can replace an unserved part of a sentence with a milder form of punishment, such as a fine, restriction of liberty, or corrective labor.\textsuperscript{164}

The Crew of the Arctic Sunrise was a group of 30 individuals – 28 environmental activists and two journalists – detained by Russian authorities and charged with piracy (Article 227) in connection with their protest of a Gazprom-owned oil rig in the Pechora Sea.\textsuperscript{165} Two of the activists had attempted to scale the rig on September 18, 2013 and were detained that day.\textsuperscript{166} The other 28 were detained the following day and their ship was seized.\textsuperscript{167} At the time of the detention and seizure, the ship was located in Russia’s exclusive economic zone, though in international waters.\textsuperscript{168} All 30 were held in pretrial detention,\textsuperscript{169} and Memorial HRC included them in its inaugural list of political prisoners.\textsuperscript{170}

In late October 2013, the charges were reduced to hooliganism by an organized group (Article 213).\textsuperscript{171} By November 22, 2013, all but one of the activists had been released on bail.\textsuperscript{172} The International Tribunal for the Law of the Sea had also ordered the release of the ship and crew on bail at the request of the Netherlands, where the Arctic Sunrise was registered, but the Kremlin said it would not honor the order.\textsuperscript{173} All 30 defendants were ultimately released in the December 2013 amnesty.

The detention of the “Arctic 30,” as they became known, caused a diplomatic crisis between Russia and the West, as 26 of the detainees were foreign citizens of 18 different countries.\textsuperscript{174} Though Putin had made it very clear that the Kremlin considered its ability to develop in the Arctic as key to its national security, the charges against the crew were considered by

\textsuperscript{164} \textit{Criminal Code of the Russian Federation, supra} note 57, at Arts. 44, 80(1), (3).
\textsuperscript{166} Id.
\textsuperscript{167} Id.
\textsuperscript{169} \textit{Activists Feel Powerful Wrath, supra} note 165.
\textsuperscript{170} \textit{Memorial’s Full List Of Political Prisoners in Russia, Khodorkovsky.com}, Nov. 4, 2013, \textit{available at} https://www.khodorkovsky.com/memorials-full-list-of-political-prisoners-in-russia/.
\textsuperscript{171} \textit{Activists Feel Powerful Wrath, supra} note 165.
\textsuperscript{173} Id.
\textsuperscript{174} Id. and \textit{Activists Feel Powerful Wrath, supra} note 165.
many to be disproportionate and political. Even though the upcoming amnesty would have freed them anyway – may have been connected to the intense international outrage. In fact, there was a “last-minute amendment” to the amnesty bill that allowed the activists to benefit.

8. Termination of Criminal Proceedings

The Code of Criminal Procedure allows a criminal case or criminal prosecution to be terminated for a number of reasons, including due to lack of evidence, expiration of the statute of limitations, or death of the accused.

Svetlana Davydova is an activist and mother of seven who was accused of treason (Article 275) for calling the Ukrainian Embassy in Moscow in April 2014 to warn them that Russian troops might be deployed to Ukraine. Davydova had apparently grown suspicious after seeing a military-intelligence base by her home near Moscow clearing out and overhearing a soldier’s phone conversation during a taxi ride. In January 2015, she became the first person arrested under the 2012 amendments to Article 275, which broadened the definition of treason. She was released from pre-trial detention in February, and in March, the charges against her were dropped due to lack of evidence.

Though Davydova, whose stint in pre-trial detention lasted only about two weeks, was never listed as a political prisoner, international attention and criticism of her case was immediate and widespread. Newspaper Novaya Gazeta started a petition for her release, which garnered more than 20,000 signatures, including from prominent figures such as the

175 Activists Feel Powerful Wrath, supra note 165.
179 Id.
180 Id.
181 Id.
widow of Aleksandr Solzhenitsyn. Her case quickly became “a cause célèbre for the country’s liberals and independent media outlets,” as it was clear that “she was not a credible threat to state security.” The “public outrage over the case, legal work, and the shocking revelations concerning Davydova’s living conditions inside the investigative detention facility” have been cited as the reasons that her case did not go to trial. Ivan Pavlov, Team 29’s leader, said he believes that the charges were dropped as the “result of a political decision.”

9. **Sentencing to Time Served or Issuing a Punishment That Does Not Result in Detention**

Where an accused is held in pretrial detention, a court can effectively order their release by sentencing them to probation – that is, by issuing a suspended sentence. Also, given the widespread overuse of pretrial detention (in some cases, for periods longer the maximum punishment that could be imposed if they were convicted), courts can sentence someone to time served. This may become increasingly common after the 2018 amendments to Criminal Code Article 72, which provide that, in certain circumstances, each day spent in pretrial detention can count as 1.5 or two days of one’s sentence upon conviction.

**Ruslan Sokolovsky**, a student and blogger, was charged with inciting religious hatred (Article 282) and insulting religious feelings (Article 148(2)) for posting videos mocking Christianity and Islam and for

---


184 Why Was a Mother of Seven Arrested in Russia for Treason?, supra note 178.


186 Id.

187 CRIMINAL CODE OF THE RUSSIAN FEDERATION, supra note 57, at Art. 73(1), (3).


filming himself playing the popular game Pokémon Go in a church. In May 2017, he was convicted on all counts and given a 3.5 year suspended sentence, subsequently reduced to two years and three months. Sokolovsky was declared a political prisoner by Memorial HRC and a prisoner of conscience by Amnesty.

His case was covered and criticized widely by the international media, and after he received the suspended sentence, Sokolovsky thanked reporters for covering his case, saying that if they had not done so, “I would probably have been sent to prison.”

X. RECOMMENDATIONS

This report is the first to synthesize, summarize, and analyze the Kremlin’s approach to crushing real and imagined dissent through the arbitrary detention of political prisoners. In addition to examining the response to this phenomenon of repression, this report also reviews the variety of ways that the Kremlin has resolved past cases. There is no single proven pathway to securing the release of the Kremlin’s political prisoners. But there is a wide variety of actions that can be undertaken to highlight the plight of the Kremlin’s political prisoners and to apply serious pressure to secure their release.

A. Targeted Financial Sanctions and Travel Bans on Perpetrators

Vladimir Putin’s strong and emotional reaction to the global sanctions imposed under the various Magnitsky Acts demonstrates unequivocally that the Kremlin is especially sensitive to actions that impose real consequences on those responsible for gross human rights abuses. This report highlights eight perpetrators with potential command responsibility and eight judges, prosecutors, and investigators with potential line responsibility for persecuting political prisoners, each of whom would be an appropriate subject to investigate to determine if it is appropriate to impose such sanctions.

**Recommendation 1:** Individual countries and multilateral institutions should investigate and potentially impose, if appropriate, targeted financial sanctions (e.g., asset freezes) and travel bans on the 16 perpetrators identified in this report. If such sanctions were to be imposed, it would be most effective to have strong coordination between sanctions offices across relevant jurisdictions so that they impose sanctions at the same time or very close in time.

B. Joint Actions Across Multilateral Institutions

While undoubtedly less effective than the imposition of sanctions, the Kremlin is also sensitive to criticism, especially when it is multilateral. There is a wide array of multilateral venues where resolutions and actions focused on the Kremlin’s political prisoners could be undertaken, if the political will can be generated to support these activities.
**Recommendation 2:** Like-minded governments around the world should work collaboratively to apply pressure on the Kremlin to free its political prisoners in all venues where action can be undertaken. Examples of such venues and potential approaches include:

- *Organization for Security and Co-operation in Europe (OSCE)* – joint statement by like-minded governments on relevant agenda items at annual Human Dimension Implementation Meetings.
- *Parliamentary Assembly of the Council of Europe (PACE)* – adoption of a resolution on Russia human rights with a special focus on political prisoners, working with PACE co-rapporteurs on the Monitoring Committee for the Russian Federation.
- *European Parliament* – adoption of a resolution on Russia human rights with a special focus on political prisoners.
- *UN General Assembly* – adoption of a resolution on Russia human rights with a special focus on political prisoners.
- *UN Human Rights Council* – joint statement by governments on the Kremlin’s political prisoners in response to a relevant agenda item; adoption of a resolution on Russia human rights with a special focus on political prisoners; and the creation of a new UN Special Rapporteur on the Situation of Human Rights in the Russian Federation.

**C. Highlighting the Plight of the Kremlin’s Political Prisoners**

Although pressure from international and regional bodies is essential, it can only be applied at specific times during periodic meetings. Therefore, it is also important for individual governments to speak out repeatedly regarding the Kremlin’s political prisoners to demonstrate a consistent and sustained concern.

**Recommendation 3:** National governments should frequently and consistently highlight the Kremlin’s political prisoners. Examples of potential actions include:

- Statements by high-level government officials (e.g., President, Prime Minister, Minister of Foreign Affairs, parliamentarians), including when a political prisoner is arrested, charged, convicted, sentenced, tortured, or released; when Memorial HRC recognizes someone as a political prisoner; or when a repressive law is enacted or amended.
• Legislative resolutions condemning the Kremlin’s detention of political prisoners, urging the application of targeted sanctions, and calling for their release.
• Hearings before legislatures or relevant Ministries providing a platform for former political prisoners, advocates, and family members of current political prisoners to give testimony.
• Making political prisoners a priority in bilateral relationships with the Kremlin, and raising the issue in every meeting with relevant Kremlin officials. This should include not only calls for release, but also demands that detainees be afforded their due process rights (including access to counsel) and held in conditions meeting minimum standards required by international law.
• Recognizing that the Kremlin’s treatment of its own people (and those residing in the occupied territories) is indicative of how it will behave in its foreign policy more generally, governments should link their overall policy toward Russia with the Kremlin’s readiness to address the problem of political prisoners.

D. Joint Civil Society Efforts

Many organizations advocate on behalf of the Kremlin’s political prisoners around the world; however, their efforts have had only limited success. In light of the Kremlin’s resistance to such advocacy, a common and coordinated strategy on political prisoners is urgently needed.

Recommendation 4: On February 21, 2019, twelve civil society organizations in Russia, the US, Canada, Ukraine, Germany, and Estonia – including the commissioners of this report – announced the launch of the Coalition to Free the Kremlin’s Political Prisoners. The Coalition seeks to organize and coordinate collective action among its members in order to have a greater impact. Civil society organizations should join the Coalition (RussiaNGOcoalition@gmail.com) and help create a global movement to free the Kremlin’s political prisoners. The Coalition is facilitated by Vladimir Kara-Murza, Chairman, Boris Nemtsov Foundation for Freedom; David J. Kramer, former Assistant Secretary of State for Democracy, Human Rights, and Labor, US Department of State and current Senior Fellow, Václav Havel Program on Human Rights and Diplomacy, Florida International University; Natalia Arno, President of Free Russia Foundation; and Oleksandra Matviichuk, Center for Civil Liberties and Euromaidan SOS.
E. *Media Engagement*

The media’s power to effect change was demonstrated in 2018, when *Novaya Gazeta* published the now-infamous video of a Russian inmate being tortured by prison guards. The resulting worldwide outrage forced a serious response – 17 prison staff were suspended, and eight were arrested on criminal charges. The media thus has a critical role to play in advocating for the Kremlin’s political prisoners.

**Recommendation 5:** Civil society organizations and government officials should engage with the media and share information about the Kremlin’s political prisoners. This should include press conferences with political prisoners’ family members, lawyers, or other advocates. In addition, media outlets should write frequently about the Kremlin’s political prisoners (and related issues), and publish op-eds by political prisoners, their family members, and advocates.

The greatest fear of any political prisoner is to be forgotten. This report has sought to focus attention on the plight of the Kremlin’s political prisoners so that their names and their stories are known throughout the world. It will undoubtedly be difficult to secure the liberation of all of the Kremlin’s political prisoners. But for the prisoners, their families, and the Russian people, failure is not an option. As Nelson Mandela said, “It always seems impossible until it is done.”
APPENDIX 1: Full List of the Kremlin’s Political Prisoners (as of March 25, 2019)
(Source: Memorial Human Rights Centre)

Part 1: Politically Motivated Persecution

<table>
<thead>
<tr>
<th>Name (last, first)</th>
<th>Criminal Code Article</th>
<th>Detained Since</th>
<th>Sentence</th>
</tr>
</thead>
</table>
| 1) Balukh, Vladimir | – 222(1): Illegal storage and carrying of firearms and ammunition  
– 321(2): Disorganization of the activities of a penal colony | December 8, 2016 (partially in custody, partially under house arrest) | Sentenced on July 5, 2018 to 5 years in a general regime colony |
| 2) Bakholdin, Denis | 282.2(2): Participation in the activities of an extremist organization | March 9, 2017 | Sentenced on December 24, 2018 to 3 years and 6 months in a penal colony |
| 3) Bobyshev, Svyatoslav | 275: Treason | March 16, 2010 | Sentenced on June 20, 2012 to 12 years in a strict regime colony |
| 4) Gavrilov, Sergey | – 282.1(1): Creating and leading an extremist community  
<p>| 5) Geriev, Zhalaudi | 228(2): Illegal storage and transportation of narcotic drugs on a large scale | April 16, 2016 | Sentenced on September 5, 2016 to 3 years in a penal colony |
| 6) Dmitriev, Oleg | 205(2): Preparation for a terrorist act by a group of persons by prior agreement | November 2, 2017 | Sentenced on January 22, 2019 to 8 years in a strict regime colony, with restriction of liberty for 1 year |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Charges</th>
<th>Date of Incarceration/Resolution</th>
<th>Status</th>
</tr>
</thead>
</table>
| 7)  | Dmitriev, Yuri         | – 132(4): Violent acts of a sexual nature against a person under the age of fourteen  
– 135(3): Depraved acts without the use of violence against a person obviously under twelve years of age  
– 222(1): Illegal storage of the main parts of firearms  
– 242.2: Use of a minor who is under the age of fourteen to make pornographic materials | June 27, 2018 (he was also in custody from December 13, 2016 to January 27, 2018) | Awaiting trial |
| 8)  | Dubovik, Maria         | – 282.1(1): Creating and leading an extremist community  
| 9)  | Egorov, Vyacheslav     | 212.1: Repeated violation of the established procedure for organizing or holding a meeting, rally, demonstration, procession or picketing | February 2, 2019 (house arrest) | Awaiting Trial |
| 10) | Zimovets, Stanislav    | 318(1): Use of violence against a representative of the authorities | April 1, 2017 | Sentenced on July 20, 2017 to 2 years and 6 months in a penal colony |
| 11) | Zlomnov, Pavel         | – 205.2(1): Public justification of terrorism or propaganda of terrorism  
– 222(2): Illegal acquisition, transfer, sale, storage, transportation or carrying of weapons, their main parts, or ammunition, committed by an organized group | January 31, 2018 | Awaiting Trial |
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Charges</th>
<th>Dates</th>
<th>Status</th>
</tr>
</thead>
</table>
| 12) | Ivanov, Igor  | - 205.2(1): Public calls for terrorist activities  
- 205.4(2): Participation in the activities of a terrorist community  
- 222(3): Illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, their main parts, or ammunition, committed by an organized group  
- 222.1(3): Illegal acquisition, transfer, sale, storage, transportation or carrying of explosives or explosive devices, committed by an organized group  
- 280(1): Public calls for extremist activities | May 27, 2017                                               | Awaiting Trial                       |
| 13) | Ivanov, Oleg  | 205(2): Preparation for a terrorist act by a group of persons by prior agreement                | November 2, 2017                          | Awaiting Trial                  |
| 14) | Karamzin, Petr| - 282.1(1): Creating and leading an extremist community  
- 282.1(2): Participation in an extremist community | March 15, 2018                              | Awaiting Trial                  |
| 15) | Karpyuk, Nikolay | - 102: Deliberate murder of two or more persons in connection with their official duty, committed by prior agreement by a group of persons  
- 102: Attempted murder of two or more persons in connection with their official duty, committed by prior agreement by a group of persons  
- 209(1): Creating a stable armed group in order to attack citizens and organizations, as well as directing such a group | March 17, 2014                          | Sentenced on May 26, 2016 to 22 years and 6 months in a penal colony |
| 16) | Klykh, Stanislav | - 102: Deliberate murder of two or more persons in connection with their official duty, committed by prior agreement by a group of persons  
- 209(2): Participation in a stable armed group and in its attacks | August 8, 2014                              | Sentenced in May 2016 to 20 years in a strict regime colony |
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Charges</th>
<th>Date</th>
<th>Sentence</th>
</tr>
</thead>
</table>
| 17)  | Kolomiets, Andrey | - 105(2): Attempted murder of two persons in connection with the exercise of their work activities, committed in a generally dangerous manner, based on political and ideological hatred  
- 228(2): Illegal acquisition, storage, or transportation without sale of plants containing narcotic drugs or psychotropic substances, on a large scale | May 15, 2015 | Sentenced on June 10, 2016 to 10 years in a strict regime colony |
| 18)  | Kolchenko, Aleksandr | - 205(2): Terrorist act committed by an organized group  
- 205.4(2): Participation in a terrorist community | May 16, 2014 | Sentenced on August 25, 2015 to 10 years in a strict regime colony |
| 19)  | Kostylenkov, Ruslan | - 282.1(1): Creating and leading an extremist community  
- 282.1(2): Participation in an extremist community | March 15, 2018 | Awaiting Trial |
| 20)  | Kravtsov, Gennady | 275: Treason                                                                                     | May 27, 2014 | Sentenced on September 21, 2015 to 14 years in a strict regime colony (reduced on appeal to 6 years) |
| 21)  | Kryukov, Vyacheslav | - 282.1(1): Creating and leading an extremist community  
- 282.1(2): Participation in an extremist community | March 15, 2018 | Awaiting Trial |
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Crimes</th>
<th>Date of Sentence</th>
<th>Sentence</th>
</tr>
</thead>
</table>
| 22) | Kudaev, Rasul  | – 105(2): Killing of two or more persons in a generally dangerous way, organized by a group, for mercenary motives, coupled with banditry  
– 166(4): Wrongful seizure of cars without the purpose of theft, committed by an organized group, with the use of violence endangering life and health, as well as with the threat of using such violence  
– 205(3): Terrorist act with the use of firearms, committed by an organized group  
– 209(2): Participation in a gang created for the purpose of attacking citizens and organizations, and in its attacks  
– 210(2): Participation in a criminal community  
– 222(3): Illegal acquisition, transfer, storage, transportation and carrying of firearms, their main parts, ammunition, explosives and explosive devices, committed by an organized group  
– 226(4): Attempt to steal firearms and ammunition committed by an organized group, with the use of violence dangerous to life and health, as well as with the threat of such violence  
– 226(4): Theft of firearms and ammunition, perpetrated by an organized group, with the use of violence endangering life and health, as well as the threat of such violence  
– 279: Active participation in an armed rebellion in order to forcibly change the constitutional order of the Russian Federation and violate the territorial integrity of the Russian Federation  
– 317: Infringement on the life of a law enforcement officer | October 23, 2005 | Sentenced on December 23, 2014 to life imprisonment in a special regime colony |
<p>| 23) | Lapygin, Vladimir | 275: Treason                                                                   | May 13, 2015 (house arrest until September 6, 2016; after that, in custody) | Sentenced on September 6, 2016 to 7 years in a strict regime colony |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Charges</th>
<th>Date of Arrest</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>24)</td>
<td>Litvinov, Sergey</td>
<td>162(3): Robbery committed with illegal entry into a dwelling, premises or other storage or on a large scale</td>
<td>August 22, 2014</td>
<td>Sentenced on April 20, 2016 to 8.5 years in a strict regime colony</td>
</tr>
<tr>
<td>25)</td>
<td>Mamaev, Aleksandr</td>
<td>- 205.2(1): Public calls for terrorist activities</td>
<td>May 27, 2017</td>
<td>Awaiting Trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 205.4(2): Participation in the activities of a terrorist community</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 222(3): Illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, their main parts, or ammunition, committed by an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 222.1(3): Illegal acquisition, transfer, sale, storage, transportation or carrying of explosives or explosive devices committed by an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 280(1): Public calls for extremist activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26)</td>
<td>Maryan, Roman</td>
<td>212(2): Preparation for participation in mass riots</td>
<td>October 29, 2017</td>
<td>Sentenced on August 27, 2018 to 3 years and 2 months in a penal colony</td>
</tr>
<tr>
<td>27)</td>
<td>Miloserdov, Pyotr</td>
<td>- 282(2): Incitement of hatred and enmity, as well as the humiliation of the dignity of a group of people, based on nationality, committed by an organized group</td>
<td>January 24, 2018</td>
<td>Awaiting Trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 282(2): Incitement of hatred and enmity, as well as humiliation of the dignity of a group of people, based on membership in particular social group, committed by an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 282.1(1): Organization of an extremist community</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28)</td>
<td>Miftakhov, Azat</td>
<td>- 213(2): Hooliganism by a group of persons by prior conspiracy</td>
<td>February 1, 2019</td>
<td>Awaiting Trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 223.1(1): Illegal manufacturing of explosives and explosive devices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29)</td>
<td>Mordasov, Vladislav</td>
<td>- 212(1): Attempt to organize mass riots</td>
<td>November 5, 2017</td>
<td>Awaiting Trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 212(2): Attempt to participate in mass riots</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Offence Details</td>
<td>Date</td>
<td>Sentence Details</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>30</td>
<td>Ozerov, Sergey</td>
<td>205(2): Preparation for a terrorist act by a group of persons by prior agreement</td>
<td>November 2, 2017</td>
<td>Sentenced on January 22, 2019 to 8 years in a penal colony, with restriction of liberty for 1 year</td>
</tr>
</tbody>
</table>
| 31 | Orshulevich, Aleksandr| - 205.2(1): Public calls for terrorist activities  
- 205.4(1): Organization of a terrorist community  
- 222(3): Illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, their main parts, or ammunition, committed by an organized group  
- 222.1(3): Illegal acquisition, transfer, sale, storage, transportation or carrying of explosives or explosive devices committed by an organized group  
- 280(1): Public calls for extremist activities | May 27, 2017                  | Awaiting Trial                                                                 |
| 32 | Pavlikova, Anna       | - 282.1(1): Creating and leading an extremist community  
- 282.1(2): Participation in an extremist community | March 15, 2018 (in custody until August 16, 2018, then transferred to house arrest) | Awaiting Trial                                                                 |
| 33 | Parpulov, Petr        | 275: Treason                                                                     | March 4, 2014               | Sentenced on January 22, 2016 to 12 years in a penal colony                      |
| 34 | Pichugin, Alexey      | - 105(2): Murder  
- 116(2): Robbery                                                                 | June 19, 2003               | First conviction: Sentenced on March 30, 2005 to 20 years in a penal colony  
Second conviction: Sentenced on August 6, 2007 to life imprisonment |
| 35 | Poletaev, Dmitry      | - 282.1(1): Creating and leading an extremist community  
- 282.1(2): Participation in an extremist community | March 15, 2018              | Awaiting Trial                                                                 |
<p>| 36 | Prisich, Vladimir     | 228(2): Illegal possession of narcotic drugs on a large scale                   | August 13, 2016             | Sentenced on May 18, 2017 to 3 years in a general regime colony                  |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Charges</th>
<th>Date of Arrest/Decision</th>
<th>Status</th>
</tr>
</thead>
</table>
| 37  | Rebrovsky, Pavel| – 282.1(1): Creating and leading an extremist community  
| 38  | Roshchin, Maksim| – 282.1(1): Creating and leading an extremist community  
| 39  | Rudnikov, Igor  | 163(3): Extortion by a group of persons by prior collusion on a large scale | November 1, 2017       | Awaiting Trial    |
| 40  | Savostin, Mikhail| 228(2): Illegal acquisition, storage, transportation,  
manufacture, or processing without a purpose of selling narcotic drugs, psychotropic substances, or their analogues in a significant amount | April 6, 2018           | Awaiting Trial    |
| 41  | Sentsov, Nikolay| – 205.2(1): Public calls for terrorist activities  
– 205.4(2): Participation in the activities of a terrorist community  
– 222(3): Illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, their main parts, or ammunition, committed by an organized group  
– 222.1(3): Illegal acquisition, transfer, sale, storage, transportation or carrying of explosives or explosive devices, committed by an organized group  
– 280(1): Public calls for extremist activities | September 27, 2017       | Awaiting Trial    |
| 42  | Sentsov, Oleg   | – 205(2): Terrorist act committed by an organized group  
– 205(2): Preparation for a terrorist act  
– 205.4(1): Organization of a terrorist community  
– 222(3): Illegal acquisition and storage of weapons and explosives  
– 222(3): Attempt to illegally purchase weapons and explosives | May 11, 2014             | Sentenced on August 25, 2015 to 20 years in a strict regime colony |
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Charges</th>
<th>Date of Offense</th>
<th>Sentence/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>43)</td>
<td>Sidorov, Yan</td>
<td>- 212(1): Attempt to organize mass riots</td>
<td>November 5, 2017</td>
<td>Awaiting Trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 212(2): Attempt to participate in mass riots</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44)</td>
<td>Smyshlyaev, Maxim</td>
<td>205.1(3): Aiding in the preparation of an act of terrorism</td>
<td>April 22, 2016</td>
<td>Sentenced on April 22, 2014 to 10 years in a strict regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45)</td>
<td>Staroverov, Yury</td>
<td>318(1): Use of violence not dangerous to life or health against a representative of the authorities</td>
<td>February 10, 2016</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46)</td>
<td>Ternovsky, Roman</td>
<td>282.2(2): Participating in the activities of an extremist organization</td>
<td>October 12, 2017</td>
<td>Sentenced on June 28, 2018 to 2 years and 3 months in a general regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>47)</td>
<td>Titiev, Oyub</td>
<td>228(2): Illegal acquisition and possession of drugs, committed on a large scale</td>
<td>January 9, 2018</td>
<td>Sentenced on March 18, 2019 to 4 years in a penal colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>48)</td>
<td>Tretyakov, Dmitry</td>
<td>280(2): Public appeals for extremist activity using the Internet</td>
<td>March 14, 2018</td>
<td>Awaiting Trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>49)</td>
<td>Tsakunov, Mikhail</td>
<td>318(2): Use of violence dangerous to life or health against a representative of the authorities</td>
<td>May 5, 2018</td>
<td>Awaiting Trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50)</td>
<td>Shabliy, Gleb</td>
<td>- 222.1(1): Illegal acquisition and storage of explosives and an explosive device</td>
<td>November 15, 2016</td>
<td>Sentenced on October 23, 2017 to 5 years in a general regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 223.1(1): Illegal manufacturing of an explosive device</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51)</td>
<td>Shatrovsky, Vyacheslav</td>
<td>318(1): Use of violence, not dangerous to life or health, against a representative of the authorities</td>
<td>November 5, 2017</td>
<td>Sentenced on May 24, 2018 to 3 years in a penal colony (reduced to 2 years and 9 months on appeal)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52)</td>
<td>Shamshin, Vyacheslav</td>
<td>212(2): Attempt to participate in mass riots</td>
<td>November 5, 2017</td>
<td>Awaiting Trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(transferred to house arrest on November 10, 2017)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>53)</td>
<td>Shevchenko, Anastasia</td>
<td>284.1: Carrying out the activities of an undesirable NGO</td>
<td>January 23, 2019</td>
<td>Awaiting Trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(house arrest)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54)</td>
<td>Shumkov, Alexander</td>
<td>282.2(2): Participation in the activities of an extremist organization</td>
<td>September 6, 2017</td>
<td>Sentenced on December 4, 2018 to 4 years in a general regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Part 2: Religious Persecution

<table>
<thead>
<tr>
<th>Name (last, first)</th>
<th>Criminal Code Article</th>
<th>Detained Since</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Abdrahimov, Ural</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 9, 2017</td>
<td>Sentenced on February 21, 2019 to 15 years in a strict regime colony</td>
</tr>
<tr>
<td>2) Abiltarov, Rustem</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization – 278: Preparation for the violent seizure of power by an organized group by prior agreement</td>
<td>May 12, 2016</td>
<td>Sentenced on December 24, 2018 to 9 years in a strict regime colony, with 1 year of restriction of freedom</td>
</tr>
<tr>
<td>3) Abseitov, Zevri</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization – 278: Preparation for the violent seizure of power by an organized group by prior agreement</td>
<td>May 12, 2016</td>
<td>Sentenced on December 24, 2018 to 9 years in a strict regime colony, with 1 year of restriction of freedom</td>
</tr>
<tr>
<td>4) Adiev, Azat</td>
<td>– 150(4): Involvement of a minor in the commission of a particularly serious crime – 205.5(1): Organization of the activities of a terrorist organization – 282.2(1): Organization of the activities of an extremist organization</td>
<td>October 14, 2014</td>
<td>Sentenced on December 8, 2017 to 19 years in a penal colony</td>
</tr>
<tr>
<td>5) Aydarbekov, Aydar</td>
<td>205.5(1): Organization of the activities of a terrorist organization</td>
<td>September 6, 2016</td>
<td>Sentenced on December 11, 2017 to 16 years in a penal colony</td>
</tr>
<tr>
<td>6) Akopov, Alexander</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>December 9, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>7) Aliyev, Muslim</td>
<td>– 205.5(1): Organization of the activities of a terrorist organization – 278: Preparation for the violent seizure of power</td>
<td>February 11, 2016</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Charges</td>
<td>Date of Action</td>
</tr>
<tr>
<td>-----</td>
<td>------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 8)  | Aliyev, Sahib    | – 171(2): Illegal entrepreneurship in an organized group with extra large-scale income generation  
– 282(2): The humiliation of human dignity as part of an organized group  
| 9)  | Alimov, Refat    | – 205.5(2): Participation in the activities of a terrorist organization  
– 278: Preparation for the violent seizure of power | April 18, 2016                                                                                | Awaiting trial    |
| 10) | Alushkin, Vladimir | 282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities | July 15, 2018 (transferred to house arrest on January 14, 2019)                        | Awaiting trial    |
| 11) | Asylov, Ruslan   | – 205.5(2): Participation in the activities of a terrorist organization  
– 282.2(2): Participation in the activities of an extremist organization | February 25, 2014                                                                             | Sentenced on June 10, 2015 to 6 years and 4 months in a penal colony |
| 12) | Akhmetov, Radik  | – 205.5(1): Organizing a terrorist organization  
– 278: Preparation for the violent seizure of power, as well as a violent change of the constitutional order | February 4, 2015                                                                             | Sentenced on July 30, 2018 to 21 years in a maximum security prison, a fine of 600,000 rubles, and restriction of liberty for 1 year and 6 months |
| 13) | Akhmetshin, Fanis | – 205.5(2): Participation in the activities of a terrorist organization  
– 278: Preparation for actions aimed at the violent seizure of power, as well as a violent change of the constitutional order | February 4, 2015                                                                             | Sentenced on July 30, 2018 to 11 years in a strict regime colony, a fine of 400,000 rubles, and restriction of liberty for 1 year |
| 14) | Akhtakhanov, Tagir | – 205(2): Preparing for a terrorist act as part of an organized group  
– 222(3): Storing of weapons as part of an organized group  
– 223(3): Production of weapons as part of an organized group | November 27, 2013                                                                             | Sentenced on April 22, 2016 to 11 years in a strict regime colony |
<table>
<thead>
<tr>
<th>No.</th>
<th>Defendant</th>
<th>Charge(s)</th>
<th>Date of Accusation</th>
<th>Date of Sentence / Trial Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Bazhenov, Konstantin</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>June 12, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>16</td>
<td>Bakirov, Bekzod</td>
<td>282.2(2): Participation in the activities of an extremist organization</td>
<td>December 22, 2016</td>
<td>Sentenced on September 17, 2018 to 4 years in a penal colony</td>
</tr>
<tr>
<td>17</td>
<td>Balakadashev, Inyal</td>
<td>– 205(2): Preparation for a terrorist act as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 11 years in a strict regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 222(3): Storage of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 223(3): Production of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Balakadashev, Numagomed</td>
<td>– 205(2): Preparation for a terrorist act as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 11 years in a strict regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 222(3): Storage of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 223(3): Production of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Barmakin, Dmitry</td>
<td>282.2(1): Organization of the activity of a religious organization that was liquidated due to extremist activity</td>
<td>May 17, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>20</td>
<td>Battalov, Ilshat</td>
<td>205.5(1): Organization of the activities of a terrorist organization</td>
<td>March 2016</td>
<td>Sentenced on February 2, 2018 to 17 years in a strict regime colony</td>
</tr>
<tr>
<td>21</td>
<td>Bekirov, Enver</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 11, 2016</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 278: Preparation for the violent seizure of power</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Britvin, Sergey</td>
<td>282.2(2): Participation in the activities of a religious organization that was liquidated due to extremist activities</td>
<td>July 22, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>23</td>
<td>Budenchuk, Alexey</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>June 12, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>24</td>
<td>Vaitov, Rustem</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>January 23, 2015</td>
<td>Sentenced on September 7, 2016 to 5 years in a penal colony</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Charges</td>
<td>Date</td>
<td>Sentence</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>25)</td>
<td>Valiakhmetov, Radik</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>August 2, 2017</td>
<td>Sentenced on February 21, 2019 to 13 years in a strict regime colony</td>
</tr>
<tr>
<td>26)</td>
<td>Valiullin, Albert</td>
<td>– 205.5(1): Organization of the activities of a terrorist organization</td>
<td>October 14, 2014</td>
<td>Sentenced on December 8, 2017 to 18 years in a strict regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 282.2(1): Organization of the activities of an extremist organization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27)</td>
<td>Vakhitov, Linar</td>
<td>– 205.5(1): Organizing a terrorist organization</td>
<td>February 4, 2015</td>
<td>Sentenced on July 30, 2018 to 22 years in a maximum security prison, a fine of 700,000 rubles, and restriction of freedom for 1 year and 6 months</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 278: Preparation for the violent seizure of power, as well as a violent change of the constitutional order</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28)</td>
<td>Velitov, Mahmud</td>
<td>205.2(1): Public appeals for terrorist activities or public justification of terrorism</td>
<td>April 28, 2017 (also under house arrest from July 11, 2016 to February 21, 2017)</td>
<td>Sentenced on August 1, 2017 to 3 years in a penal colony</td>
</tr>
<tr>
<td>29)</td>
<td>Vilitkevich, Anatoly</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>April 10, 2018 (transferred to house arrest on June 22, 2018)</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>30)</td>
<td>Gabdulin, Rustam</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 25, 2014</td>
<td>Sentenced on June 10, 2015 to 5 years and 2 months in a penal colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 282.2(2): Participation in the activities of a religious organization that was liquidated due to extremist activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31)</td>
<td>Gadiev, Timur</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>April 19, 2017</td>
<td>Sentenced on February 21, 2019 to 13 years in a maximum security colony</td>
</tr>
<tr>
<td>32)</td>
<td>Galiev, Ural</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 9, 2017</td>
<td>Sentenced on February 21, 2019 to 11 years in a penal colony</td>
</tr>
<tr>
<td>33)</td>
<td>Galimkhanov, Rustam</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 25, 2014</td>
<td>Sentenced on June 10, 2015 to 5 years and 2 months in a penal colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 282.2(2): Participation in the activities of an extremist organization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Charges</td>
<td>Date</td>
<td>Sentence</td>
</tr>
<tr>
<td>-----</td>
<td>------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 34  | Galiullin, Rinat | – 205.1(1): Declination and involvement of persons in a crime under Article 278  
– 205.5(2): Participation in the activities of a terrorist organization  
– 278: Preparation for actions aimed at the violent seizure of power, as well as a violent change in the constitutional order  
– 282.2(1): Organization of the activities of an extremist organization | July 31, 2012    | Sentenced in November 2013 to 6 years and 6 months in a strict regime colony, a fine of 150,000 rubles, and 1 year of restriction of liberty (his sentence was later reduced to 5 years)  
– Sentenced on August 17, 2018 to 8 years in a strict regime colony |
| 35  | Gallyamov, Rustem| – 205.5(1): Organizing a terrorist organization  
– 278: Preparation for the violent seizure of power, as well as a violent change of the constitutional order | February 4, 2015  | Sentenced on July 30, 2018 to 22 years in a maximum security prison, a fine of 700,000 rubles, and restriction of freedom for 1 year and 6 months |
| 36  | Gataullin, Ramil | 205.5(2): Participation in the activities of a terrorist organization | March 2016        | Sentenced on January 26, 2018 to 7 years in a penal colony |
| 37  | Gimaletdinov, Ilgiz| – 205.5(2): Participation in the activities of a terrorist organization  
– 278: Preparation for the violent seizure of power, as well as violent change of the constitutional order | February 4, 2015  | Sentenced on July 30, 2018 to 14 years in a maximum security prison, a fine of 450,000 rubles, and restriction of liberty for 1 year |
| 38  | Girfanov, Rishat | 205.5(2): Participation in the activities of a terrorist organization | September 30, 2015| Sentenced on August 3, 2016 to 8 years in a penal colony |
| 39  | Davletbaev, Vadim| 205.5(2): Participation in the activities of a terrorist organization | April 19, 2017    | Sentenced on February 21, 2019 to 12 years in a penal colony |
| 40  | Davletshin, Ruzim| – 205.1(1): Financing terrorist activities  
– 205.5(1): Organization of the activities of a terrorist organization  
– 282.2(1): Organization of the activities of an extremist organization | October 14, 2014  | Sentenced on December 8, 2017 to 18 years and 6 months in a strict regime colony |
<p>| 41  | Ziyavdin, Dapaev | 282.2(1): Organizing the activity of a banned religious association | March 14, 2016    | Sentenced on November 7, 2017 to 4 years in a penal colony |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Charges</th>
<th>Date</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>42)</td>
<td>Dzhepparov, Arsen</td>
<td>205.5(2): Participation in the activities of a terrorist organization; 278: Preparation for the violent seizure of power</td>
<td>April 18, 2016</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>43)</td>
<td>Jumaev, Akhmet</td>
<td>282.2(2): Participation in the activities of an extremist organization</td>
<td>December 22, 2016</td>
<td>Sentenced on September 17, 2018 to 4 years in a penal colony</td>
</tr>
<tr>
<td>44)</td>
<td>Dindarov, Marat</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>March 2016</td>
<td>Sentenced on December 28, 2017 to 7 years in a penal colony</td>
</tr>
<tr>
<td>45)</td>
<td>Erkin, Sergey</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>May 30, 2018 (transferred to house arrest on October 5, 2018)</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>47)</td>
<td>Zhuk, Vitaly</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>November 10, 2018 (transferred to house arrest on January 14, 2019)</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>48)</td>
<td>Zagitdinov, Denis</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>September 30, 2015</td>
<td>Sentenced on August 3, 2016 to 8 years in a penal colony</td>
</tr>
<tr>
<td>49)</td>
<td>Zainullin, Ruslan</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 9, 2017</td>
<td>Sentenced on February 21, 2019 to 15 years in a penal colony</td>
</tr>
<tr>
<td>50)</td>
<td>Zaripov, Radik</td>
<td>205.5(1): Organization of the activities of a terrorist organization; 282.2(1): Organization of the activities of an extremist organization</td>
<td>October 14, 2014</td>
<td>Sentenced on December 8, 2017 to 16 years in a special regime colony</td>
</tr>
<tr>
<td>51)</td>
<td>Zeytullaev, Ruslan</td>
<td>205.5(1): Organization of the activities of a terrorist organization</td>
<td>January 23, 2015</td>
<td>Sentenced on April 26, 2017 to 12 years in a penal colony (later increased to 15 years)</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Charges</td>
<td>Date of Conviction</td>
<td>Sentence</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>--------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 52) | Zinnatov, Ilnar       | - 205.1(1): Declination to terrorist activities  
- 205.5(1): Organization of the activities of a terrorist organization | June 6, 2017       | Sentenced on March 13, 2019 to 19 years in a strict regime colony with restriction of liberty for 1 year and 6 months |
| 53) | Zyablov, Evgeny       | 282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities | May 30, 2018       | Awaiting trial                                                         |
| 54) | Ibatullin, Raynur     | - 205.1(1): Financing terrorist activities  
- 205.5(1): Organization of the activities of a terrorist organization | May 19, 2015       | Sentenced on April 5, 2017 to 17 years in a strict regime colony         |
| 55) | Imangulov, Radik      | 205.5(2): Participation in the activities of a terrorist organization                     | March 1, 2017      | Sentenced on December 11, 2017 to 11 years in a penal colony            |
| 56) | Inamov, Azizbek       | - 205.1(1): Inclination of persons to commit a crime under Article 278  
- 278: Preparation for the violent seizure of power or a change in the constitutional system  
- 282.2(1): Organization of the activities of an extremist organization | November 7, 2012   | Sentenced on June 30, 2014 to 11 years in a strict regime colony and a fine of 200,000 thousand rubles |
| 57) | Ironov, Sukhrob       | 205.5(1): Organization of the activities of a terrorist organization                     | October 19, 2015   | Sentenced on June 15, 2017 to 17 years in a penal colony               |
| 58) | Ismailov, Shamil      | - 278: Preparation for the violent seizure of power or a change in the constitutional system  
- 282.2(1): Organization of the activities of an extremist organization | June 13, 2013      | Sentenced on June 30, 2014 to 8 years in a strict regime colony, a fine of 100,000 rubles, and 2 years of restriction of freedom |
<p>| 60) | Kaltuev, Suhrab       | 282.2(1): Organization of the activity of a banned religious association                 | November 7, 2017   | Sentenced on November 7, 2017 to 3 years in a penal colony             |
| 61) | Kamchybekov, Islambek | 282.2(1): Organization of the activities of an extremist organization                  | December 22, 2016  | Sentenced on September 17, 2018 to 6.5 years in a penal colony         |
| 62) | Karimov, Ilham        | 282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activity | May 27, 2018       | Awaiting trial                                                         |</p>
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Offenses</th>
<th>Date</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>63</td>
<td>Kayumov, Azamat</td>
<td>205.5(1): Organizing a terrorist organization</td>
<td>February 4, 2015</td>
<td>Sentenced on July 30, 2018 to 20 in a strict regime colony, a fine of 600,000 rubles, and restriction of freedom for 1 year and 6 months</td>
</tr>
<tr>
<td>64</td>
<td>Kim, Evgeny</td>
<td>282(1): Incitement of hatred or hostility, as well as the humiliation of human dignity, 282.2(1): Organization of the activity of a banned religious association</td>
<td>December 27, 2015</td>
<td>Sentenced on June 19, 2017 to 3 years and 9 months in a general regime colony, with restriction of liberty for 1 year</td>
</tr>
<tr>
<td>65</td>
<td>Kim, Stanislav</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activity</td>
<td>November 10, 2018 (transferred to house arrest on January 14, 2019)</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>66</td>
<td>Klimov, Sergey</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>June 4, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>67</td>
<td>Kozhamkulov, Shakir</td>
<td>282.2(1): Organization of the activities of an extremist organization</td>
<td>December 22, 2016</td>
<td>Sentenced on September 17, 2018 to 6.5 years in a penal colony</td>
</tr>
<tr>
<td>68</td>
<td>Kornev, Aleksander</td>
<td>205.5(2): Participation in the activities of a terrorist organization, 278: Preparation for the violent seizure of power, as well as a violent change of the constitutional order</td>
<td>February 4, 2015</td>
<td>Sentenced on July 30, 2018 to 13 years in a strict regime colony, a fine of 400,000 rubles, and restriction of freedom for 1 year</td>
</tr>
<tr>
<td>69</td>
<td>Korobeynikov, Vladimir</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activity, 282.3(1): Financing extremist activities</td>
<td>October 9, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>70</td>
<td>Christensen, Dennis</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activity</td>
<td>May 25, 2017</td>
<td>Sentenced on February 6, 2019 to 6 years in a general regime colony</td>
</tr>
<tr>
<td>71</td>
<td>Kubatov, Gazybek</td>
<td>282.2(2): Participation in the activities of an extremist organization</td>
<td>December 22, 2016</td>
<td>Sentenced on September 17, 2018 to 4 years in a penal colony</td>
</tr>
<tr>
<td>72</td>
<td>Kuku, Emir-Usein</td>
<td>205.5(2): Participation in the activities of a terrorist organization, 278: Preparation for the violent seizure of power</td>
<td>February 11, 2016</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Charge</td>
<td>Sentence Date</td>
<td>Sentence Details</td>
</tr>
<tr>
<td>---</td>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 73| Kulagin, Evgeny      | 278: Preparation for actions aimed at the violent seizure of power, as well as a violent change in the constitutional order  
282.2(1): Organization of the activities of an extremist organization | August 26, 2013 | Sentenced on April 9, 2015 to 7 years in a strict regime colony                                                     |
| 74| Kulyasov, Vladimir   | 282.2(2): Participation in the activities of a religious organization that was liquidated due to extremist activities | July 15, 2018 (house arrest) | Awaiting trial                                                                                                      |
| 75| Kunakbayev, Danil    | 205.5(2): Participation in the activities of a terrorist organization                      | September 30, 2015 | Sentenced on August 3, 2016 to 8 years in a penal colony                                                           |
| 76| Kurbanov, Saypula    | 278: Preparation for the violent seizure of power or a change in the constitutional system  
282.2(1): Organization of the activities of an extremist organization | November 7, 2012 | Sentenced on June 30, 2014 to 8 years in a strict regime colony, 2 years of restriction of liberty, and a fine of 150,000 rubles |
| 77| Kurbonov, Mirzobakhovaddin | 205.5(1): Organization of the activities of a terrorist organization | October 22, 2015 | Sentenced on June 15, 2017 to 16 years in a penal colony                                                            |
| 78| Kutluyarov, Gazim    | 205.5(2): Participation in the activities of a terrorist organization  
282.2(2): Participation in the activities of an extremist organization | February 25, 2014 | Sentenced on June 10, 2015 to 6 years and 4 months in a penal colony                                               |
| 79| Kuchkov, Victor      | 282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activity | September 17, 2018 (house arrest) | Awaiting trial                                                                                                      |
| 80| Latypov, Rustem      | 205.5(2): Participation in the activities of a terrorist organization  
278: Preparation for the violent seizure of power, as well as a violent change of the constitutional order | February 4, 2015 | Sentenced on July 30, 2018 to 8 years in a strict regime colony, a fine of 400,000 rubles, and restriction of liberty for 1 year |
<p>| 81| Levchuk, Vadim       | 282.2(2): Participation in the activities of a religious organization that was liquidated due to extremist activities | July 22, 2018 | Awaiting trial                                                                                                      |
| 82| Lemeshov, Anton      | 282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities | October 18, 2018 (transferred to house arrest on October 31, 2018) | Awaiting trial                                                                                                      |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Charges</th>
<th>Date of Arrest/Arraignment</th>
<th>Status of Case</th>
</tr>
</thead>
<tbody>
<tr>
<td>83)</td>
<td>Magliv, Andrey</td>
<td>282.2(2): Participation in the activities of a religious organization that was liquidated due to extremist activities</td>
<td>July 15, 2018 (house arrest)</td>
<td>Awaiting trial</td>
</tr>
</tbody>
</table>
| 84) | Magomedov, Magomednabi| - 205.2(1): Public calls for terrorist activities or public justification of terrorism  
- 282(1): Incitement of hatred or enmity, as well as humiliation of human dignity                                                                 | April 8, 2016                           | Sentenced on October 24, 2016 to 5 years in a penal colony (later reduced to 4 years 6 months) |
| 85) | Magomedov, Hiramagomed| - 205.1(1): Declination, recruitment or other involvement of a person in at least one of the crimes provided for in Articles 205, 206, 208, 211, 277, 278, 279, and 360  
- 205.5(2): Participation in the activities of a terrorist organization  
- 222(1): Illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, their main parts, or ammunition  
- 278: Preparation for the violent seizure of power  
- 282.2(2): Participation in the activities of a public or religious association or other organization for which a court ordered its liquidation or prohibited its activities due to extremist activities | February 25, 2016                      | Sentenced on July 3, 2017 to 9 years in a strict regime colony |
| 86) | Maksutov, Radmir       | - 205.5(2): Participation in the activities of a terrorist organization  
- 278: Preparation for the violent seizure of power, as well as a violent change of the constitutional order                                                                                     | February 4, 2015                       | Sentenced on July 30, 2018 to 10 years in a strict regime colony, a fine of 400,000 rubles, and restriction of freedom for 1 year |
| 87) | Malevany, Dmitry       | 282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activity                                                                                      | November 25, 2018 (house arrest)       | Awaiting trial                                    |
| 88) | Mamutov, Enver         | - 205.5(1): Organization of the activities of a terrorist organization  
- 278: Preparation for the violent seizure of power by an organized group by prior agreement                                                                                                     | May 12, 2016                           | Sentenced on December 24, 2018 to 17 years in a strict regime colony with 1 year and 6 months of restriction of liberty |
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Charges</th>
<th>Date of Arrest</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>89)</td>
<td>Maslakov, Artur</td>
<td>– 205(2): Preparing for a terrorist act as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 12 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 222(1): Storage of weapons</td>
<td></td>
<td>in a strict regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 222(3): Storage of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 223(3): Production of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90)</td>
<td>Matrashov, Konstantin</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>May 29, 2018 (transferred to house arrest on November 9, 2018)</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>91)</td>
<td>Makhammadiev, Felix</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>June 12, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>92)</td>
<td>Makhmudov, Tazhib</td>
<td>– 205(2): Preparing for a terrorist act as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 13 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 222(1): Storage of weapons</td>
<td></td>
<td>in a strict regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 222(3): Storage of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 171(2): Illegal entrepreneurship in an organized group with extra large-scale income generation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 282(2): The humiliation of human dignity as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 282.1(1): Organization of an extremist community</td>
<td></td>
<td></td>
</tr>
<tr>
<td>93)</td>
<td>Matsitsky, Ivan</td>
<td>– 205.2(2): Public appeals for terrorist activities via the Internet</td>
<td>June 7, 2017</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>94)</td>
<td>Memedeminov, Nariman</td>
<td>205.2(2): Public appeals for terrorist activities via the Internet</td>
<td>March 22, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>95)</td>
<td>Memetov, Remzi</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization</td>
<td>May 12, 2016</td>
<td>Sentenced on December 24, 2018 to 9 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 278: Preparation for the violent seizure of power by an organized group by prior agreement</td>
<td></td>
<td>in a strict regime colony with 1 year of restriction of freedom</td>
</tr>
<tr>
<td>96)</td>
<td>Miniakhmetov, Nail</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>September 6, 2016</td>
<td>Sentenced on December 11, 2017 to 12 years</td>
</tr>
<tr>
<td></td>
<td>First Name</td>
<td>Last Name</td>
<td>Offense</td>
<td>Date of Offense</td>
</tr>
<tr>
<td>---</td>
<td>------------</td>
<td>-----------------</td>
<td>----------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>97</td>
<td>Moskalenko</td>
<td>Valery</td>
<td>282.2(2): Participation in the activities of a religious organization that was liquidated due to extremist activities</td>
<td>August 2, 2018</td>
</tr>
<tr>
<td>98</td>
<td>Mustafaev</td>
<td>Farid</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization – 278: Preparation for actions aimed at the violent seizure of power, as well as a violent change of the constitutional order</td>
<td>February 4, 2015</td>
</tr>
<tr>
<td>99</td>
<td>Mustafin</td>
<td>Zufar</td>
<td>282.2(2): Participation in the activities of an extremist organization</td>
<td>January 17, 2017</td>
</tr>
<tr>
<td>100</td>
<td>Mustafin</td>
<td>Halil</td>
<td>– 205.5(1): Organizing a terrorist organization – 278: Preparation for actions aimed at the violent seizure of power, as well as a violent change of the constitutional order</td>
<td>February 4, 2015</td>
</tr>
<tr>
<td>101</td>
<td>Mukhametov</td>
<td>Batyr</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 9, 2017</td>
</tr>
<tr>
<td>102</td>
<td>Myakushin</td>
<td>Vladimir</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>May 28, 2018 (transferred to house arrest on November 9, 2018)</td>
</tr>
<tr>
<td>103</td>
<td>Nasimova</td>
<td>Matlyuba</td>
<td>– 205(2): Preparing for a terrorist act as part of an organized group – 222(3): Storage of weapons as part of an organized group – 223(3): Production of weapons as part of an organized group</td>
<td>November 27, 2013</td>
</tr>
<tr>
<td>104</td>
<td>Irek</td>
<td>Nasirov</td>
<td>– 205.1(1): Declination to terrorist activities – 205.5(2): Participation in the activities of a terrorist organization</td>
<td>March 14, 2017</td>
</tr>
<tr>
<td>105</td>
<td>Naumov</td>
<td>Artyom</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 9, 2017</td>
</tr>
<tr>
<td>106</td>
<td>Numonchonov</td>
<td>Akmalchon</td>
<td>205.5(1): Organization of the activities of a terrorist organization</td>
<td>October 19, 2015</td>
</tr>
<tr>
<td>Case Number</td>
<td>Name</td>
<td>Criminal Code</td>
<td>Offense Description</td>
<td>Sentence Date/Transfer Date</td>
</tr>
<tr>
<td>-------------</td>
<td>------------------</td>
<td>---------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>107)</td>
<td>Nurlygayanov, Rinat</td>
<td>205.5(1)</td>
<td>Preparing for the violent seizure of power, as well as a violent change of the constitutional order</td>
<td>Sentenced on July 30, 2018 to 24 years in a strict regime colony, a fine of 700,000 rubles, and a restriction of liberty for 1 year and 6 months</td>
</tr>
<tr>
<td>108)</td>
<td>Onischuk, Andrzej</td>
<td>282.2(1)(2)</td>
<td>Organization of the activities of a religious organization that was liquidated due to extremist activity or financing extremist activities</td>
<td>October 9, 2018</td>
</tr>
<tr>
<td>109)</td>
<td>Opaleva, Olga</td>
<td>282.2(2)(1)</td>
<td>Preparation of the terrorist organization for the violent seizure of power, as well as a violent change of the constitutional order</td>
<td>November 25, 2018 (house arrest)</td>
</tr>
<tr>
<td>110)</td>
<td>Osadchuk, Valentin</td>
<td>282.2(2)(2)</td>
<td>Participation in the activities of a religious organization that was liquidated due to extremist activity</td>
<td>April 20, 2018 (transferred to house arrest on January 18, 2019)</td>
</tr>
<tr>
<td>111)</td>
<td>Panyuta, Olga</td>
<td>282.2(2)(1)</td>
<td>Participation in the activities of a religious organization that was liquidated due to extremist activity</td>
<td>November 25, 2018 (house arrest)</td>
</tr>
<tr>
<td>112)</td>
<td>Petrov, Konstantin</td>
<td>282.2(2)(2)</td>
<td>Declination, recruitment or other involvement of a person in the activities of an extremist organization</td>
<td>May 30, 2018 (transferred to house arrest on August 3, 2018)</td>
</tr>
<tr>
<td>113)</td>
<td>Polevodov, Nikolay</td>
<td>282.2(2)(2)</td>
<td>Participation in the activities of a religious organization that was liquidated due to extremist activity</td>
<td>November 10, 2018 (transferred to house arrest on January 14, 2019)</td>
</tr>
<tr>
<td>114)</td>
<td>Polyakov, Sergey</td>
<td>282.2(2)(2)</td>
<td>Participation in the activities of a religious organization that was liquidated due to extremist activity</td>
<td>July 4, 2018 (transferred to house arrest on December 4, 2018)</td>
</tr>
<tr>
<td>115)</td>
<td>Polyakova, Anastasia</td>
<td>282.2(2)(2)</td>
<td>Participation in the activities of a religious organization that was liquidated due to extremist activity</td>
<td>July 4, 2018 (transferred to house arrest on December 4, 2018)</td>
</tr>
<tr>
<td>116)</td>
<td>Primov, Yuri</td>
<td>205.5(2)</td>
<td>Participation in the activities of a terrorist organization</td>
<td>Sentenced on December 27, 2016 to 5 years in a penal colony, and a restriction of liberty for 1 year</td>
</tr>
<tr>
<td>117)</td>
<td>Puigin, Maxim</td>
<td>205.5(2)</td>
<td>Participation in the activities of a terrorist organization</td>
<td>Sentenced on December 11, 2017 to 11 years in a strict regime colony</td>
</tr>
</tbody>
</table>
| Case No. | Last Name, First Name | Actions and Charges | Date(s) of Actions | Sentencing
| --- | --- | --- | --- | ---
| 118) | Puida, Ivan | 282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities | May 30, 2018 (transferred to house arrest on October 5, 2018) | Awaiting trial
| 119) | Ramazanov, Islam | – 205(2): Preparing for a terrorist act as part of an organized group – 222(3): Storage of weapons as part of an organized group – 223(3): Production of weapons as part of an organized group | November 27, 2013 | Sentenced on April 22, 2016 to 11 years in a strict regime colony
| 120) | Rakhmanov, Bulat | 205.5(2): Participation in the activities of a terrorist organization | April 19, 2017 | Sentenced on February 21, 2019 to 16 years in a penal colony
| 121) | Rakhmatullin, Ruslan | 205.5(2): Participation in the activities of a terrorist organization | April 20, 2017 | Sentenced on February 21, 2019 to 14 years in a penal colony
| 122) | Rakhmonkhodjaev, Zikrullokhon | – 205.5(2): Participation in the activities of an extremist organization – 222(1): Illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, their main parts, or ammunition – 278: Preparation for the violent seizure of power or a change in the constitutional system – 282.2(2): Participation in the activities of an extremist organization | November 7, 2012 | – Sentenced on June 30, 2014 to 7 years in a strict regime colony and a fine of 50,000 rubles – Sentenced on December 13, 2018 (under 205.5(2)) to 14 years and 6 months in a special regime colony
| 123) | Saveliev, Yuri | 282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activity | November 9, 2018 | Awaiting trial
| 124) | Saitov, Lenar | – 205.5(1): Organization of the activities of a terrorist organization – 282.2(1): Organization of the activities of an extremist organization | October 14, 2014 | Sentenced on December 8, 2017 to 19 years in a strict regime colony
| 125) | Saifullaev, Ferat | 205.5(2): Participation in the activities of a terrorist organization | April 2, 2015 | Sentenced on September 7, 2016 to 5 years in a penal colony
| 126) | Salakhov, Ilgiz | – 205.5(1): Organizing a terrorist organization – 282.2(1): Organization of the activities of an extremist organization | February 25, 2014 | Sentenced on June 10, 2015 to 10 years and 6 months in a high security colony with restriction of liberty for 1 year
<table>
<thead>
<tr>
<th>#</th>
<th>Name</th>
<th>Charges</th>
<th>Date</th>
<th>Sentence</th>
</tr>
</thead>
</table>
| 127 | Salimzyanov, Arslan | – 205.1(1): Financing terrorist activities  
– 205.5(1): Organization of the activities of a terrorist organization | May 19, 2015 | Sentenced on April 5, 2017 to 16 years in a strict regime colony                              |
| 128 | Salimov, Artur | – 205.5(1): Organizing a terrorist organization  
– 278: Preparation for the violent seizure of power, as well as a violent change of the constitutional order | February 4, 2015 | Sentenced on July 30, 2018 to 22 years in a maximum security prison, a fine of 600,000 rubles, and restriction of liberty for 1 year and 6 months |
| 129 | Salimov, Ilshat | – 205.5(2): Participation in the activities of a terrorist organization  
– 282.2(2): Participation in the activities of an extremist organization | February 25, 2014 | Sentenced on June 10, 2015 to 6 years and 6 months in prison                                |
| 130 | Samsonov, Konstantin | 282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities | December 9, 2018 | Awaiting trial                                                                               |
| 131 | Saraliev, Ersmak | – 205(2): Preparing for a terrorist act as part of an organized group  
– 222(3): Storage of weapons as part of an organized group  
– 223(3): Production of weapons as part of an organized group | December 8, 2013 | Sentenced on April 22, 2016 to 11 years in a strict regime colony                             |
| 132 | Sataev, Rasim | – 278: Preparation for actions aimed at the violent seizure of power, as well as a violent change in the constitutional order  
– 282.2(1): Organization of the activities of an extremist organization | August 26, 2013 | Sentenced on April 9, 2015 to 6 years and 6 months in a strict regime colony                 |
| 133 | Siruk, Vadim | – 205.5(2): Participation in the activities of a terrorist organization  
– 278: Preparation for the violent seizure of power | February 11, 2016 | Awaiting trial                                                                               |
<p>| 134 | Solovyov, Aleksander | 282.2(2): Participation in the activities of a religious organization that was liquidated due to the implementation of extremist activity | May 22, 2018 (house arrest since May 24, 2018) | Awaiting trial                                                                               |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Last Name, First Name</th>
<th>Article(s): Description</th>
<th>Date of Offense</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>135)</td>
<td>Sorokina, Natalia</td>
<td>282.2(2): Participation in the activities of a religious organization that was liquidated due to implementation of extremist activity</td>
<td>October 9, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>136)</td>
<td>Stupnikov, Andrey</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>July 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>137)</td>
<td>Suvorkov, Andrey</td>
<td>– 282.2(1): Organization of the activities of a religious organization that was liquidated due to the implementation of extremist activity – 282.3(1): Financing extremist activities</td>
<td>October 9, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>138)</td>
<td>Suvorkov, Evgeny</td>
<td>– 282.2(1): Organization of the activities of a religious organization that was liquidated due to the implementation of extremist activity – 282.3(1): Financing extremist activities</td>
<td>October 9, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>139)</td>
<td>Suyunduk, Kanybek</td>
<td>282.2(1): Organization of the activities of an extremist organization</td>
<td>December 22, 2016</td>
<td>Sentenced on September 17, 2018 to 6.5 years in a penal colony</td>
</tr>
<tr>
<td>140)</td>
<td>Suleymanov, Aslan</td>
<td>– 205(2): Preparing for a terrorist act as part of an organized group – 222(3): Storage of weapons as part of an organized group – 223(3): Production of weapons as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 11 years in a strict regime colony</td>
</tr>
<tr>
<td>141)</td>
<td>Sultanov, Shamil</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activities</td>
<td>December 9, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>142)</td>
<td>Sungatov, Ruslan</td>
<td>– 150(4): Involving a minor in committing a serious crime – 205.1(1): Declination to terrorist activities – 205.5(1): Organization of the activities of a terrorist organization</td>
<td>March 14, 2017</td>
<td>Sentenced on March 13, 2019 to 22 years and 1 day in a strict regime colony and restriction of freedom for 2 years</td>
</tr>
<tr>
<td>143)</td>
<td>Tagirov, Irek</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization – 278: Preparation for the violent seizure of power, as well as violent change of the constitutional order</td>
<td>February 4, 2015</td>
<td>Sentenced on July 30, 2018 to 14 years in a maximum security prison, a fine of 450,000 rubles, and restriction of liberty for 1 year</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Charges</td>
<td>Date of Arrest</td>
<td>Sentence</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>144)</td>
<td>Tezkilov, Anzor</td>
<td>- 205(2): Preparing for a terrorist act as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 222(3): Storage of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 223(3): Production of weapons as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 11 years in a strict regime colony</td>
</tr>
<tr>
<td>145)</td>
<td>Tekilov, Artur</td>
<td>- 205(2): Preparing for a terrorist act as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 222(3): Storage of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 223(3): Production of weapons as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 11 years in a strict regime colony</td>
</tr>
<tr>
<td>146)</td>
<td>Tekilov, Imran</td>
<td>- 205(2): Preparing for a terrorist act as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 222(1): Production of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 222(3): Storage of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 223(3): Storage of weapons</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 12 years in a strict regime colony</td>
</tr>
<tr>
<td>147)</td>
<td>Terentyeva, Anastasia</td>
<td>- 171(2): Illegal entrepreneurship in an organized group with extra large-scale income generation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 282(2): The humiliation of human dignity as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td>148)</td>
<td>Timofeev, Yaroslav</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 9, 2017</td>
<td>Sentenced on February 21, 2019 to 12 years in a strict regime colony</td>
</tr>
<tr>
<td>149)</td>
<td>Timoshin, Denis</td>
<td>282.2(2): Participation in the activities of a religious organization that was liquidated due to extremist activities</td>
<td>July 15, 2018 (house arrest)</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>150)</td>
<td>Vasily, Tkachev</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>January 17, 2016</td>
<td>Sentenced on August 3, 2016 to 8 years in a penal colony</td>
</tr>
<tr>
<td>151)</td>
<td>Toptygin, Mikhail</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>July 26, 2017</td>
<td>Sentenced on February 21, 2019 to 15 years in a penal colony</td>
</tr>
<tr>
<td>Case</td>
<td>Name</td>
<td>Charges</td>
<td>Date of Incarceration</td>
<td>Sentence</td>
</tr>
<tr>
<td>------</td>
<td>---------------</td>
<td>------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>152</td>
<td>Trofimov, Alexey</td>
<td>282.2(1): Organization of the activities of a religious organization that was liquidated due to extremist activity</td>
<td>November 25, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>153</td>
<td>Troshina, Maria</td>
<td>282.2(2): Participation in the activities of a religious organization that was liquidated due to the implementation of extremist activity</td>
<td>October 9, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>154</td>
<td>Tulyakov, Marat</td>
<td>205.5(1): Organization of the activities of a terrorist organization</td>
<td>June 6, 2017</td>
<td>Sentenced on March 13, 2019 to 18 years in a penal colony and restriction of liberty for 1 year and 6 months</td>
</tr>
<tr>
<td>155</td>
<td>Uzbekov, Timur</td>
<td>205.5(1): Organization of the activities of a terrorist organization</td>
<td>October 14, 2014</td>
<td>Sentenced on December 8, 2017 to 18 years in a strict regime colony</td>
</tr>
<tr>
<td>156</td>
<td>Usmanov, Airat</td>
<td>282.2(2): Participation in the activities of an extremist organization</td>
<td>January 17, 2017</td>
<td>Sentenced on September 17, 2018 to 4 years in a penal colony</td>
</tr>
<tr>
<td>157</td>
<td>Fazylov, Aramis</td>
<td>205.5(2): Participation in a terrorist organization</td>
<td>July 30, 2018</td>
<td>Sentenced on July 30, 2018 to 5 years in a penal colony and a fine of 100,000 rubles (sentence was later annulled, unclear if another trial took place)</td>
</tr>
</tbody>
</table>
| 158  | Faizrahmanov, Danis | 205.5(1): Organizing a terrorist organization  
– 278: Preparation for actions aimed at the violent seizure of power, as well as a violent change of the constitutional order | February 4, 2015      | Sentenced on July 30, 2018 to 22 years in a maximum security prison, a fine of 600,000 rubles, and restriction of liberty for 1 year and 6 months |
| 159  | Faizulin, Aidar | 205.5(2): Participation in the activities of a terrorist organization  
– 282.2(2): Participation in the activities of an extremist organization | February 25, 2014     | Sentenced on June 10, 2015 to 5 years and 2 months in a penal colony                         |
| 160  | Fattakhov, Rafael | 205.5(1): Organizing a terrorist organization  
– 278: Preparation for the violent seizure of power, as well as a violent change of the constitutional order | February 4, 2015      | Sentenced on July 30, 2018 to 22 years in a maximum security prison, a fine of 600,000 thousand rubles, and restriction of liberty for 1 year and 6 months |
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Last Name, First Name</th>
<th>Case Facts</th>
<th>Sentenced On</th>
<th>Sentence Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>161)</td>
<td>Fattakhov, Ruslan</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization – 278: Preparation for the violent seizure of power, as well as a violent change of the constitutional order</td>
<td>July 30, 2018</td>
<td>10 years in a strict regime colony, a fine of 400,000 rubles, and 1 year restriction of freedom</td>
</tr>
<tr>
<td>162)</td>
<td>Khakimullin, Amir</td>
<td>– 205.5(1): Organization of the activities of a terrorist organization</td>
<td>March, 2016</td>
<td>17 years in a strict regime colony and 1 year restriction of freedom</td>
</tr>
<tr>
<td>163)</td>
<td>Khalturin, Maxim</td>
<td>– 282.2(1): Organization of the activities of an extremist organization – 282.3(1): Financing extremist activities</td>
<td>October 9, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>165)</td>
<td>Khasanov, Azat</td>
<td>– 282(2): Incitement of hatred or enmity within an organized group – 282.2(1): Organization of the activities of an extremist organization</td>
<td>October 10, 2013</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td>168)</td>
<td>Husenov, Alisher</td>
<td>– 205.5(1): Organization of the activities of a terrorist organization</td>
<td>October 19, 2015</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Charges</td>
<td>Date</td>
<td>Sentence</td>
</tr>
<tr>
<td>---</td>
<td>------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>170)</td>
<td>Khusniyarov, Shamil</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization&lt;br&gt;– 282.2(2): Participation in the activities of an extremist organization</td>
<td>February 25, 2014</td>
<td>Sentenced on June 10, 2015 to 6 years and 4 months in a penal colony</td>
</tr>
<tr>
<td>171)</td>
<td>Cheprasov, Sergey</td>
<td>– 205(2): Preparing for a terrorist act as part of an organized group&lt;br&gt;– 222(3): Storage of weapons as part of an organized group&lt;br&gt;– 223(3): Production of weapons as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 11 years in a strict regime colony</td>
</tr>
<tr>
<td>172)</td>
<td>Shavkatov, Ibrakhim</td>
<td>205.5(2): Participation in the activities of a terrorist organization</td>
<td>March 2016</td>
<td>Sentenced on December 28, 2017 to 6 years in a penal colony</td>
</tr>
<tr>
<td>173)</td>
<td>Shavhalov, Adam</td>
<td>– 205(2): Preparing for a terrorist act as part of an organized group&lt;br&gt;– 222(3): Storage of weapons as part of an organized group&lt;br&gt;– 223(3): Production of weapons as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 11 years in a strict regime colony</td>
</tr>
<tr>
<td>174)</td>
<td>Shaikhutdinov, Ildar</td>
<td>– 282(2): Incitement of hatred or enmity within an organized group&lt;br&gt;– 282.2(1): Participation in the activities of an extremist organization</td>
<td>October 10, 2013</td>
<td>Sentenced on December 18, 2014 to 5 years and 6 months in a penal colony</td>
</tr>
<tr>
<td>176)</td>
<td>Sharipov, Shamil</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization&lt;br&gt;– 278: Preparation for actions aimed at the violent seizure of power, as well as violent change of the constitutional order</td>
<td>February 4, 2015</td>
<td>Sentenced on July 30, 2018 to 14 years in a maximum security prison, a fine of 450,000 rubles, and restriction of liberty for 1 year</td>
</tr>
<tr>
<td>177)</td>
<td>Shafiyev, Albert</td>
<td>205.5(1): Organization of the activities of a terrorist organization</td>
<td>September 6, 2016</td>
<td>Sentenced on December 11, 2017 to 16 years in a penal colony</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Charges</td>
<td>Date</td>
<td>Sentence</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>178</td>
<td>Esmurzaev, Hoso</td>
<td>– 205(2): Preparing for a terrorist act as part of an organized group</td>
<td>November 27, 2013</td>
<td>Sentenced on April 22, 2016 to 11 years in a strict regime colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 222(3): Storage of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 223(3): Production of weapons as part of an organized group</td>
<td></td>
<td></td>
</tr>
<tr>
<td>179</td>
<td>Yulmetyev, Aidar</td>
<td>282.2(1): Organization of the activities of a religious organization</td>
<td>May 29, 2018</td>
<td>Awaiting trial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>that was liquidated due to extremist activities</td>
<td>(transferred to</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>house arrest on</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>November 9, 2018</td>
<td></td>
</tr>
<tr>
<td>180</td>
<td>Yunusov, Nail</td>
<td>205.5(1): Organization of the activities of a terrorist organization</td>
<td>May 19, 2015</td>
<td>Sentenced on April 5, 2017 to 17 years in a strict regime colony</td>
</tr>
<tr>
<td>181</td>
<td>Yakupov, Ural</td>
<td>– 205.5(2): Participation in the activities of a terrorist organization</td>
<td>February 4, 2015</td>
<td>Sentenced on July 30, 2018 to 13 years in a strict regime colony,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 278: Preparation for actions aimed at the violent seizure of power,</td>
<td></td>
<td>a fine of 450,000 rubles, and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>as well as a violent change of the constitutional order</td>
<td></td>
<td>restriction of freedom for 1 year</td>
</tr>
<tr>
<td>182</td>
<td>Yamaliev, Rustem</td>
<td>– 150(4): Involving a minor in committing a serious crime</td>
<td>March 14, 2017</td>
<td>Sentenced on March 13, 2019 to 20 years in a penal colony with</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 205.1(1): Declination to terrorist activities</td>
<td></td>
<td>restriction of liberty for 2 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– 205.5(1): Organization of the activities of a terrorist organization</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Credits

Report Prepared By

Perseus Strategies is a public interest law firm whose mission is to help its clients achieve breakthrough results on their toughest challenges and to have a positive impact on the world. Special thanks are due to co-author Brian Tronic as well as Mary Brooks, Juan Miramontes, Yasmine El-Haj, Aishwarya Pagedar, and Simon Ruhland for their work on this report.

Jared Genser, Co-Author:
jgener@perseus-strategies.com / +1 (202) 466-3069

With Support From

Memorial Human Rights Centre (memohrc.org) is one of the oldest and largest human rights organizations in Russia. Its mission is to promote respect for and observance of human rights and fundamental freedoms both in the Russian Federation and in other states.

Sergei Davidis: sergei.davidis@gmail.com / +7 926 164 21 06
Report Commissioned By

The **Free Russia Foundation** (4freerussia.org) is an independent, 501(c)(3) nonprofit organization that strives to: bring about a democratic, prosperous, and peaceful Russia governed by the rule of law by educating the next generation of Russian leaders; help the United States and Europe develop an effective and sustainable Russia policy by educating policy makers and informing public debate; and strengthen civil society and defend persecuted human rights activists.

Natalia Arno: natalia.arno@4freerussia.org / +1 (202) 549 2417

The **Human Rights Foundation** (hrf.org) is a nonpartisan non-profit organization that promotes and protects human rights globally, with a focus on closed societies.

Javier El-Hage: javier@hrf.org / +1 (212) 246-8486

The **Lantos Foundation for Human Rights and Justice** (lantosfoundation.org) was established to continue Tom Lantos’ proud legacy as an ardent champion for human rights by carrying, in his words, “the noble banner of human rights to every corner of the world.”

Denise Perron: deniseperron@lantosfoundation.org / +1 (603) 226-3636

The **Raoul Wallenberg Centre for Human Rights** (raoulwallenbergcentre.org) is a unique international consortium of parliamentarians, scholars, jurists, human rights defenders, NGOs, and students united in the pursuit of justice, inspired by and anchored in Raoul Wallenberg’s humanitarian legacy – how one person with the compassion to care and the courage to act can confront evil, prevail, and transform history.

Brandon Silver: brandonsilver@raoulwallenbergcentre.org / +1 (514) 735-8778