



Political prisoners and political repression in Russia in 2021

Moscow, 2021



On July 21, 2014, the Ministry of Justice of the Russian Federation included the Interregional Civil Society Organisation 'Memorial Human Rights Centre' in the 'Register of Non-profit Organisations Performing the Functions of a Foreign Agent'. Memorial Human Rights Centre is a self-governing civil society organisation that is not an 'agent' of any external 'principal.'

We believe that the law on 'Foreign Agent NGOs' contradicts the Russian Constitution and violates our right to freedom of association. We have therefore lodged an application at the European Court of Human Rights against the decision to include our organisation on this 'Register.'

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1. Lists of political prisoners: methodology and statistics

1.1. About Memorial Human Rights Centre's lists of political prisoners

Compiling lists of political prisoners is one of the most crucial areas of work of Memorial Human Rights Centre. The organisation has compiled these lists since 2009. In this section, we will briefly explain how and why.

How we identify political prisoners

In its work on the recognition of political prisoners, Memorial Human Rights Centre draws on the Guidelines on the Definition of Political Prisoners, developed by human rights defenders in various countries on the basis of PACE Resolution no 1900 (2012). According to these Guidelines, in order for Memorial Human Rights Centre to recognise someone as a political prisoner, the following conditions must be met:

1. the prosecuted person has been deprived of liberty by state coercion (is located in a remand centre, penal colony, under house arrest, in a temporary detention centre or under compulsory treatment in a psychiatric hospital, etc. - in practice most such cases involve criminal prosecution);
2. at least one of the following factors is present:
 - a) the deprivation of freedom has been imposed solely because of an individual's political, religious or other beliefs or because of the non-violent exercise of rights and liberties guaranteed by the International Covenant on Civil and Political Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms;

- b) the deprivation of freedom was applied solely because of non-violent activities aimed at protecting human rights and fundamental freedoms;
 - c) the deprivation of freedom was applied solely based on gender, race, skin colour, language, religion, national, ethnic, social or ancestral origin, birth, citizenship, sexual orientation and gender identity, property status or other grounds, or based on an individual's strong connection with communities associated on such grounds;
3. the criminal prosecution is politically motivated (for what a 'political motive' is, see below), and at least one of the following factors is present:
- a) the deprivation of freedom was imposed in breach of the right to a fair trial or other rights and liberties guaranteed by the International Covenant on Civil and Political Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms;
 - b) the deprivation of freedom was based on falsification of evidence, or there was no evidence of an offence, or the offence was committed by someone else;
 - c) the length or conditions of deprivation of freedom are manifestly disproportionate (inappropriate) to the offence of which the person is suspected, accused or found guilty;
 - d) the person is deprived of their liberty selectively in comparison with others;
4. 1) the prosecuted person has not committed a violent crime against another person (except in cases of self-defence or extreme necessity), committed a hate crime against the person or property, or called for violence on national, ethnic, racial, religious or other similar grounds.

This is not the only possible approach to defining a political prisoner. We, like any others, have no monopoly on the term, and everyone is free to define it in their own way. Nevertheless, a common understanding based on the PACE resolution is valuable for a meaningful discussion of the problem and a unified approach to the situations in different countries.

How we define a political motive

According to the Guidelines on the Definition of Political Prisoners, a political motive is *'the actual reasons for action or inaction, unacceptable in a democratic society, performed by the law enforcement bodies and judiciary and others with authority to achieve at least one of the following purposes:*

- a) consolidation or retention of power by those with authority;*
- b) involuntary termination or change in the nature of one's public activities.'*

To put it more simply, the authorities declare certain reasons for a prosecution, which they express in a formal accusation, but the real reasons for their attack on the individual in

question are different: they hinder the authorities or, for some reason, it is advantageous to fabricate a criminal case against them.

Point b) is intuitive: we are talking about the prosecution of human rights defenders, journalists, opposition politicians, organisers and participants of protest actions, bloggers – opinion leaders. Repression, in this case, is a tool to scare such people, force them to leave or simply physically isolate them in prison.

A vivid example of 2020 is pressure on the lawyer Ivan *Pavlov* who has been defending those accused of treason and espionage for many years and draws public attention to the fabrication of such criminal cases. Initially, a criminal investigation was opened against him for divulging state secrets because of his work in the case of former journalist Ivan *Safronov*. Pavlov was banned from using the telephone and the internet, making advocacy almost impossible. His organisation's website, Team 29, was blocked because it quoted material from an 'undesirable organisation' based in the Czech Republic. Pavlov was forced to close down the organisation and, fearing further prosecution, leave Russia. After that, he and some of his former colleagues from Team 29 were designated 'foreign agents'.

Sometimes pressure is exerted through the prosecution of relatives. For example, *Yury Zhdanov*, the elderly father of *Ivan Zhdanov*, former director of the Anti-Corruption Foundation who had left Russia, was remanded in custody on charges of a non-violent crime.

Point a) is somewhat more complicated and generally constitutes a group of motives:

- intimidation of society – the authorities are counting on the fact that not only the individual prosecuted but also those who know about the prosecution will no longer go to rallies, express opinions in social networks, publish journalistic investigations, etc.;
- propaganda - the authorities seek either to discredit their opponents by presenting them as petty fraudsters, for example, or, on the contrary, create an image of a dangerous enemy, sometimes even from accidental victims, to justify in the public mind, for example, the expansion of the powers of the security forces;
- to calm the public – law enforcement authorities make the pretence that they are effective in fighting severe threats (most often terrorism);
- strengthening negotiating positions (simply put, hostage-taking) – Russian authorities are willing to release those subject to prosecution if other countries make concessions.

An understanding of political motive of this kind is inevitably very broad. In particular, it is not always easy to establish its presence - or absence - in specific cases of prosecution in the context of repressive campaigns. The state runs repressive campaigns (sometimes purely imitative of genuine law enforcement activities) resulting in many trumped-up cases on various matters: drugs, sexualised child abuse, corruption, etc. In each case, there must be a separate examination of the context in order to see if a political motive is involved.

Nevertheless, there are cases in which we almost always talk about the political motive for a charge: if it *'clearly fits into the framework of a specific state campaign of propaganda and repression and at the same time is linked with charges of extremism and terrorism, rioting, hooliganism, vandalism, espionage or high treason.'*

An additional motive for prosecution is often the desire of specific *siloviki* – law enforcement officers - to improve their performance statistics, achieve promotion or gain other benefits. Such a situation can be seen as a response from below to a demand for greater repression from above.

Why our lists of political prisoners are incomplete

The number of political prisoners as listed by Memorial Human Rights Centre should be considered a minimum estimate of the scale of repression. Many of those who are victims of politically motivated prosecutions are not recognised as political prisoners, and there are several reasons for this.

Lack of information. We try to study the prosecution's position and arguments as thoroughly as possible, relying on key documents: the indictment, other case files and the court verdict. The arguments for the defence are also important: we need to know if there have been expert assessments of the case materials to prove the innocence of the person being prosecuted or if there have been significant procedural irregularities.

To obtain case-related documents, the persons prosecuted, their relatives or their lawyers must be willing and able to provide them to us. This is virtually impossible in cases involving charges of treason or espionage where the case file usually contains state secrets. In many other cases, lawyers are asked to sign a non-disclosure undertaking during the investigation. Sometimes those prosecuted and their legal representatives simply believe that publicity will harm them and refuse to engage in any contact with us.

But of course, political prosecution can be as simple as people being arrested for being Jehovah's Witnesses or for repeatedly participating in peaceful demonstrations. In these cases, information from the media may suffice. However, in some cases, such as those involving charges relating to the preparation of terrorist attacks or economic crimes, a much more thorough analysis is required. We often have to wait until after the investigation has been completed, and sometimes even after the trial, to obtain enough information. It is worth noting, however, that court attendance has been very difficult since the beginning of the COVID-19 pandemic.

Lastly, in most political prosecutions, especially if the victims are individuals not previously known to us, the defendants themselves do not know how or whom they should address to tell about their case.

Limited resources. In the political prisoners' support programme, several people are researching politically motivated prosecutions. As mentioned above, some cases are simple and obvious, and some require much work: one has to find documents, read them, analyse them, understand the context and prepare arguments.

Additional time is also often required for our collegial body that ultimately decides on the issue of recognition to discuss the cases of potential political prisoners. In 2021, this body was the governing council of Memorial Human Rights Centre. Council members need time to read the briefing notes on each case and decide on their position. Sometimes a decision is made only after a lengthy discussion with numerous clarifications of the circumstances and arguments.

If some of those prosecuted have not yet been designated as political prisoners, this may be because their case has yet to be considered by the collegial body.

The problem of making exceptions. As noted above, even if a person prosecuted for political reasons meets the criteria to be designated a political prisoner, we do not recognise them as such if they have committed a crime of violence against the person, incited violence or committed an act of violence motivated by hate. Any other approach would not be compatible with human rights but would be a political approach that virtually strips the notion of 'political prisoner' of objectivity, making it merely a marker that the person in question is 'ours' in a dichotomous division into 'us' and 'them'.

This rule often leads to painful and heated debates in society. Many are willing to support people who have incited or even committed violence and consider them political prisoners and our list incomplete without them.

We, in turn, understand how important it is to highlight illegal political prosecution, including against such people, and to demand that their rights are respected. For this reason we have created an additional list of victims of political prosecution (see below for the structure of our lists) that includes those who, for various reasons, we cannot recognise as political prisoners.

How our lists of political prisoners and victims of political prosecution are organised

1. [General list of political prisoners](#). This list includes all political prisoners except those deprived of liberty for exercising the right to religion and religious affiliation. We aim to include everyone who meets the criteria for designation as a political prisoner.
2. [The list of political prisoners prosecuted in connection with religion](#). 1. T h e people on this list meet all the criteria for designation as political prisoners, yet we have listed them separately for ease of reference because of their numbers. There are four times as many people on the 'religious' list as on the 'secu-

lar' or 'civil' list. Mostly these are individuals prosecuted in the course of the series of cases against the groups of Hizb ut-Tahrir and Jehovah's Witnesses. We also try to include all known 'religious' political prisoners on this list.

3. [The list of those prosecuted but not deprived of liberty](#). These are individuals whose prosecution meets the criteria for political prisoners but who have not been deprived of liberty, e.g. they are currently under travel restrictions, have been given a suspended sentence or have been forced to emigrate as a result of politically motivated prosecution. If they are remanded in custody or otherwise placed in detention we automatically add them to the list of political prisoners. This list is not intended to be exhaustive; we do not aim to include everyone who meets these criteria.
4. [Victims of political prosecution not included in the lists](#). Here we add those prisoners in whose prosecution we see clear indications of political motivation and violation of the law or other grounds for classification as political prisoners, but whom we have not yet or have not already recognised as political prisoners. Sometimes these are cases we have not been able, for one reason or another, to analyse in sufficient detail for the defendants to be recognised as political prisoners, and sometimes they are cases in which, despite meeting the other criteria for a political prisoner, the defendant has incited or committed violence.

Why lists of political prisoners are needed

Their first and primary function is to provide an approximate minimum estimate of the scale of political repression in Russia. The number of political prisoners on our lists (and especially how this number changes from year to year) is an essential indicator of what is happening in the country and the severity of the authoritarian regime.

Secondly, we try to encourage the public to support political prisoners. We carry out preparatory work, gathering information and carefully arguing why a prosecution is wrongful and political. Most sympathisers do not have the time or energy to look into cases in such detail. When they learn that Memorial Human Rights Centre has recognised someone as a political prisoner, they usually understand that the prosecuted person deserves support and a speedy discharge or a review of the case. The less a victim of a politically motivated prosecution is known, the more important it can be for them to be added to our lists.

Thirdly, information about the circumstances of the criminal prosecutions of political prisoners and their analysis are available on our website. We seek to disseminate this information in Russia and abroad.

Fourthly, to the best of our ability we seek to provide financial and legal assistance to political prisoners and their families. However, it is not necessary to be on the list to receive such help. We also extend our support to persons we know have been wrongly prosecuted for political reasons but who have not been recognised as political prisoners.

1.2. Statistics of Memorial Human Rights Centre

As of December 21, 2021, the lists of Memorial Human Rights Centre include:

- 83 political prisoners on the ‘general’ list;
- 343 political prisoners on the religious list.

Even though Memorial’s lists provide only a minimum estimate of the number of victims of political repression, they make it possible to assess the trends in the tightening of the Russian political regime in recent years (see Table 1). In late 2014, the number of political prisoners decreased significantly as a result of amnesties and pardons before the Sochi Winter Olympics. Since then there has been a marked increase in the number of political prisoners, something which cannot be explained by factors related to the methodology used by Memorial in compiling the lists. The overall number of political prisoners has increased almost tenfold since the beginning of 2015. The number of persons deprived of liberty for exercising freedom of religion has increased particularly rapidly (this is explained by the series of cases against followers of Hizb ut-Tahrir and Jehovah’s Witnesses).

Table 1. The number of political prisoners in the Russian Federation, 2015-2021

(data refer to the beginning of each respective year)

	2015	2016	2017	2018	2019	2020	2021	As of the end of December 2021
General list	36	40	52	46	53	63	61	83
Religious list	10	10	50	84	167	245	287	343
Total	46	50	102	130	220	308	348	426

The number of political prisoners on the ‘general’ list increased by one third in the course of ten months of 2021, the highest rate in its growth since 2015. Of the 61 people on the list at the end of 2020, 10 have been released. At the same time, 32 more people were added to the list. Of these, six had been imprisoned earlier but were recognised as political prisoners in 2021, while 26 were detained in 2021. Almost half of these prosecutions relate to the activities of Alexei Navalny and his team, as well as to rallies in his support.

The ‘religious’ list for December 21, 2021, consists of:

60% - those imprisoned for involvement with Hizb ut-Tahrir;

31% - Jehovah’s Witnesses;

9% - from other religious movements.

The ‘religious’ list increased by 56 people in almost 12 months of 2021. During this time, 41 political prisoners were released, and 97 were added to the list. Of the ‘newcomers’, 32

had been imprisoned before 2021 but were recognised as political prisoners in 2021, while 65 were detained during the period under review. Almost all new political prisoners on the religious list arrested in 2021 are Jehovah's Witnesses charged with extremism.

In our report, we do not claim to provide complete coverage of all political repression that took place in 2021. However, we try to show the most prominent repressive campaigns of the year and give an overview of the variety, nature, aims, scope, tools and targets of those prosecutions, primarily criminal, that have indications of being politically motivated, lacking justification and being unlawful. Classifying many specific cases of politically motivated prosecutions under one category may be arbitrary. Many of the cases mentioned in the report can be classified under more than one category. We have categorised them on the basis of the feature of the prosecution that seemed to us most significant.



2. The main repressive campaigns of 2021

2.1. The prosecution of Alexei Navalny and his supporters

The attempt on Alexei Navalny's life in 2020

Although the attempted poisoning of Navalny took place in 2020, we feel it necessary to include the incident in our report on 2021 because of its enormous significance. As a matter of fact, it marked the beginning of a new turn in the Russian government's repressive policy towards the opposition.

On August 20, 2020, *Alexei Navalny* fell ill while flying from Tomsk to Moscow. The crew landed the aircraft at Omsk airport. The ambulance first aiders gave a preliminary

Alexei Navalny is a popular national-democratic opposition politician, a lawyer, anti-corruption investigator and blogger. He began to gain popularity in 2009-2010 when he published investigations into suspected embezzlement at VTB and Transneft on his LiveJournal account. He set up the RosPil project to combat abuses in public procurement, later becoming a founder of the Anti-Corruption Foundation. In 2011, he called United Russia 'the party of crooks and thieves' on Finam FM radio. He launched a campaign, 'Vote for any party but the party of crooks and thieves,' for the Duma elections which expressed a widespread mood of protest. In 2012, he won first place in unofficial elections to the Coordinating Council of the Opposition. In 2013, he ran for mayor of Moscow and received 27.24% of the vote, coming second.

Also in 2013, Navalny was sentenced to five years in prison in the Kirovles case on charges of forcing the state-owned enterprise Kirovles to sell timber to the Vyatka Timber Company at below market value, which in turn resold the timber at market price. At the time, Navalny was serving as an advisor to the governor of Kirov Region (more information about the case can be found on Memorial's website). After Navalny was taken into custody, thousands of protestors demonstrated in Moscow. The next day, at the request of the prosecutor's office, the opposition leader was released pending appeal. Eventually, the prison sentence was commuted to probation.

Navalny has been jailed for administrative offences on numerous occasions following his arrest at protests. He unsuccessfully tried to register a political party. In 2017, having announced that he would run for president of Russia, he developed a network of regional headquarters and prepared to collect the required signatures. The Central Election Commission refused to register Navalny because of his criminal record in the Kirovles case.

diagnosis of poisoning. He was taken to the toxic intensive care unit at Omsk Emergency Care Hospital No 1, where he was put in an induced coma on a ventilator.

Subsequently, the hospital management stated that Navalny had no signs of poisoning and a decrease in blood sugar caused the sharp malaise. However, according to Reuters' anonymous [sources](#), the first aiders had checked Navalny's blood sugar levels and found the values were normal.

Immediately after Navalny's hospitalisation, German Chancellor Angela Merkel and French President Emmanuel Macron said they were ready to provide the opposition leader with medical care in their countries. On the morning of August 21, a medical emergency aircraft arrived in Omsk to take Navalny to Berlin for treatment at the Charité hospital. A consilium of Russian doctors refused to allow him to be transported for almost a day, citing the patient's unstable condition. However, the flight was allowed to take off on August 22.

On August 24, Charité issued a statement saying that Navalny's clinical picture pointed to cholinesterase inhibitor poisoning (a substance from the Novichok group, among others). The Charité hospital turned to toxicologists from the Bundeswehr (the German Armed Forces) to carry out an analysis. On September 2, German Chancellor Angela Merkel publicly announced that, according to the Bundeswehr laboratory, Navalny's body contained traces of the nerve agent Novichok. On September 14, the German government reported that special laboratories in France and Sweden had drawn similar conclusions. Finally, on October 6, the Organisation for the Prohibition of Chemical Weapons (OPCW) confirmed the presence of traces of Novichok in samples taken from Navalny.

According to doctors from the Charité hospital, Navalny's life was saved because Russian doctors initially diagnosed poisoning and administered injections of atropine, which serves as an antidote to cholinesterase inhibitors.

On September 7, Navalny was brought out of an artificial coma and, a week later, he was disconnected from the ventilator. In the next four months, he underwent rehabilitation in Germany.

On December 14, a group of media (The Insider, Bellingcat, CNN, Der Spiegel) and the Anti-Corruption Foundation [announced](#) they had conducted an independent investigation into the assassination attempt and suspected eight FSB officers of trying to poison Navalny. One of them, Colonel Stanislav Makshakov, was named by the investigators as the head of a group of poisoners.

An examination of databases of personal data, phone calls and airline tickets available on the Russian black market revealed that several members of a special unit of the FSB Institute of Criminalistics had been following Navalny on his travels around Russia since 2017. In total, members of this group made 47 trips whose routes coincided with Navalny's movements. However, these activities cannot be explained simply as surveillance.

Novichok

Novichok is the name given to a group of organophosphorus warfare agents similar to sarin and soman, but with higher toxicity. Their development was initiated in the USSR in the 1970s. Novichok has a nerve agent effect when ingested. It can also enter the body through the skin.

Internationally, the Novichoks came to public attention after the March 2018 assassination attempt on former GRU officer Sergei Skripal and his daughter Yulia Skripal in the British city of Salisbury. British and OPCW experts established that the Skripals were poisoned with a substance from the Novichok group. The British investigation named two GRU officers who entered the country with false passports in the names of Aleksandr Petrov and Ruslan Boshirov as the main suspects.

Firstly, the persons concerned were often on different flights from Navalny, and sometimes they flew a day ahead of him. Secondly, a significant number of these individuals were doctors and chemists.

The trips began after Navalny announced in 2017 that he would run for president of Russia, stopped temporarily after the Central Electoral Commission denied him registration, and resumed in 2020.

The August 19-20 poisoning attempt was allegedly not the first. Navalny said he experienced similar symptoms on one trip in 2017 and that his wife Yulia was probably exposed

to poison while on holiday in Kaliningrad on July 6, 2020. In both cases, according to Navalny, the dose of the poisonous substance was insufficient to kill a person, and the malaise of uncertain origin they experienced stopped on its own after a while.

When Navalny travelled to Novosibirsk and Tomsk, FSB officers Alexei Aleksandrov, Ivan Osipov and Vladimir Paniaev travelled simultaneously. Investigators believe them to be the perpetrators of the poisoning. In the same days, calls intensified, including overnight calls, between the other alleged members of the poisoner group and their superiors. After the assassination attempt, Aleksandrov, Osipov and Panyaev, as well as Oleg Tayaikin, who had previously been in Moscow, travelled to Gorno-Altaiisk where the authors of the investigation suggest they visited the Institute for Problems of Chemical and Energy Technologies in the neighbouring town of Biysk. Here they removed traces of the poison from their clothes and consulted on how to hide traces on Navalny's body and on his clothes. On August 25, FSB chemist Konstantin Kudryavtsev flew to Omsk.

Before the publication of the investigation, Navalny says, he made calls to members of the group of poisoners using software that concealed his actual phone number and showed recipients an FSB number. Most of them refused to talk to him, but he successfully [misled](#) Kudryavtsev. Navalny introduced himself as an aide to Secretary of the Russian Security Council Nikolai Patrushev and asked for a report as to why the Navalny assassination operation had failed. It became clear from the conversation with Kudryavtsev that the FSB did carry out the operation and that at least some of the intelligence officers mentioned in the journalistic investigation were involved. Kudryavtsev also told Patrushev's fictional aide about his role in the crime: he flew to Omsk twice after the assassination attempt cover up traces of the poison having treated Navalny's clothes with special solutions. He placed particular emphasis on the treatment of Navalny's underpants. The investigators came to believe that the poison was placed on the underwear after it had been washed in the hotel.

Law enforcement authorities have refused to open a criminal investigation into Navalny's poisoning in Russia. The authorities maintain their position that there was no poisoning. Vladimir Putin, for example, stated at his annual press conference that the FSB did follow Navalny, but only to 'keep an eye on him' because he was in contact with Western intelligence services. 'But that doesn't mean that he should be poisoned. Who needs him? (laughs) If they wanted to, they probably would have completed the job,' Putin [said](#).

At the end of 2020, Bellingcat investigator Christo Grozev [posted](#) data on all travels of FSB officers previously suspected of attempting to assassinate Navalny. The Insider and Bellingcat [published](#) a new investigation on January 27, 2021 according to which trips made by Navalny's alleged poisoners in Russia coincided in time and place with the sudden deaths of the journalist and human rights activist from Kabardino-Balkaria Timur Kuashev, the civil society activist from Dagestan Ruslan Magomedragimov and the Moscow-based politician Nikita Isayev. Later, investigators presented evidence to claim that the same group of FSB officers were involved in the attempted poisoning of the politician and journalist [Vladimir Kara-Murza Jr.](#) and the writer [Dmitry Bykov](#).

Alexei Navalny's arrest and imprisonment in the Yves Rocher case

On December 28, 2020, two days before the end of *Alexei Navalny's* probation in the Yves Rocher case, the Moscow branch of the Federal Penitentiary Service informed his lawyer, Vadim Kobzev, that in line with his probation, Navalny had to report to them the next day at 9 am. Navalny himself was undergoing rehabilitation in Germany at the time and could not comply with the authorities' demand.

On January 11, 2021 the Federal Penitentiary Service requested the Simonovsky district court in Moscow to replace Navalny's suspended sentence with a real term of imprisonment. Three days later, the Penitentiary Service announced the opposition leader had been wanted in Russia since December 29, 2020, and would be detained upon his arrival in the country.

On January 17, 2021, Navalny flew from Berlin to Moscow. His plane was due to land at Vnukovo Airport, where journalists and supporters had gathered to meet him. [According to OVD-Info](#), about 60 of those who had gone to meet him were detained. When the plane changed course and landed at Sheremetyevo Airport, few of those wishing to meet Navalny managed to do so.

Navalny was detained near the passport control counter by officers of the Federal Penitentiary Service in Moscow. He was held overnight at Khimki Police Station No. 2. The next day, on January 18, Khimki City Court held a hearing inside this police station and ordered that Navalny be remanded in custody for 30 days pending hearing of the case regarding replacement of his suspended sentence with a real term in prison. In its decision,

the court referred to **Article 46 of the Penal Enforcement Code of the Russian Federation**, which deals exclusively with the evasion of correctional labour and not with breaches of probation. However, there is no provision under Russian law for detention pending a hearing on the replacement of a suspended sentence by a term in prison. Nor were there any grounds for this: not only was Navalny not hiding from the Russian authorities, he had voluntarily returned to Russia and several media outlets and bloggers live-streamed literally every move he made so that his whereabouts were publicly known. The only possible motive for Navalny's immediate detention could have been the authorities' desire to stop him making public speeches and communicating with his associates and supporters.

On February 2, Simonovsky district court (sitting in the Moscow City Court building) heard the case concerning changing Navalny's suspended sentence to a term of imprisonment. The Federal Penitentiary Service insisted Navalny had failed to show up for registration seven times since the beginning of the year and that, according to a certificate from the Charité hospital, he had been discharged from hospital on 23 September 2020 and his whereabouts were unknown to the Federal Penitentiary Service while there was no documentation confirming the period of his rehabilitation after release from hospital. Moreover, officers from the Federal Penitentiary Service had twice visited Navalny's home since September 2020, but no one had opened the door.

The lawyers for the defence insisted that documents concerning Navalny's treatment in Germany contained information that the therapy had continued after his discharge from hospital and that Navalny had notified the Federal Penitentiary Service of his address in Germany. He was to provide a certificate of his outpatient treatment on his arrival in Moscow. The Federal Penitentiary Service had first contacted Navalny's lawyer, Vadim Kobzev, on the eve of the announcement that a warrant had been issued for Navalny's arrest. Until then, Kobzev said, neither he nor Navalny's relatives had been contacted.

'I have been going on Thursdays for a few years; then they wanted me to come on Mondays. But I'm a grown man, I have a family, a job and I have plans; I still kept going on Thursdays, twice a month, just as before. Therefore, Honourable Court, Honourable Public Prosecutor, for several years, even knowing that the court decision was unlawful, I have been going to the probation office twice a month, and nobody can reproach me for hiding or not fulfilling my obligations, because I went twice a month on Thursdays, almost always, and this suited the probation inspectorate completely. Then they changed it, but during the pandemic, the probation inspectorate itself checked up on me on Thursdays, but in one way or another I attended twice a month in line with the court verdict, that's all, 'Navalny [told](#) the court in response to accusations that he failed to show up at the probation inspectorate for registration.

Judge Repnikova granted the Federal Penitentiary Service's request to change the suspended sentence to a real term in prison. Considering the time Navalny spent under house arrest in 2014, he is to spend two years eight months in a general regime penal colony.

Details of Navalny's incarceration in a penal colony

In March 2021 *Alexei Navalny* was taken to Penal Colony No. 2 in Vladimir region. He [reported](#) that colony staff woke him up at night every hour because he was registered as 'prone to escape.'

In late March, Navalny [reported](#) he was suffering from severe back pain and numbness in a leg. The colony administration, according to him, did not provide medical care. On March 31, he went on hunger strike, demanding that he be seen by an independent outside doctor. On April 23, he ended the hunger strike, [explaining](#) that because of the high profile of his case, he had been examined twice by a panel of civilian doctors and had been given medical reports and test results that had not been done before.

In August, in a written interview with the New York Times, Navalny [said](#): 'Thanks to the huge number of wonderful people around the world who have organised a campaign for

The Yves Rocher case

The case was initiated in December 2012 on charges of large-scale fraud (Article 159, Part 4, of the Russian Criminal Code) and money laundering (Article 174.1, Part 2, of the Russian Criminal Code).

The defendants were the brothers Alexei and Oleg Navalny.

Oleg Navalny was charged with persuading Yves Rocher Vostok, a Russian Post customer, to use the delivery services of his own private company, OJSC Main Subscription Agency, in 2008 on the grounds that Russian Post could not deal with such a large volume of mail. Over four and a half years, Yves Rocher Vostok paid the Main Subscription Agency about 55.2 million roubles; the Main Subscription Agency, in turn, ordered transport services from a subcontractor, for which it paid approximately 31.6 million roubles. The investigators considered the price difference to be stolen money rather than legitimate profits earned by the entrepreneur.

In 2013, another alleged victim, Multiprocessing Company, appeared in the case. The investigators claimed that the Main Subscription Agency had 'stolen' 3.8 million roubles from this company in the same way.

According to the investigators, Alexei Navalny was guilty of having set up the Main Subscription Agency in his own name. In addition, this company transferred funds to the Kobiakovka Lodge Factory, which Navalny's parents owned — this was classified by investigators as money laundering.

The court reduced the charges by replacing the fraud charge with one of entrepreneurial fraud (Article 159.4, Parts 2 and 3, of the Russian Criminal Code). On December 30, 2014, both Navalny brothers were found guilty.

Oleg Navalny was given a prison sentence of three years and six months, was taken into custody in the courtroom and served his entire sentence in a general regime penal colony. Memorial Human Rights Centre recognised him as a political prisoner.

Alexei Navalny was given a suspended sentence of three years and six months, with five years' probation. He was under house arrest for approximately ten months before being sentenced.

In 2017, at the request of the Federal Penitentiary Service, a court extended Alexei Navalny's probation for a year on the grounds he had been convicted of an administrative-law offence of participating in a rally. The probationary period was, therefore, to end on December 30, 2020.

Memorial Human Rights Centre believes the Navalny brothers were convicted for their legitimate business activities. Yves Rocher Vostok and Multiprocessing Company used the services in question of their own free will; the services were provided in accordance with the contracts; the companies made no claims against the providers for several years and had renewed the arrangements as they found them profitable for their business.

The European Court of Human Rights found the ruling in the Yves Rocher case violated the defendants' right to a fair trial. Russia paid compensation to the Navalny brothers but did not overturn the verdict.

medical help – I am very, very grateful to all of them – civilian doctors have been allowed to see me. Life without the risk of ending up in a wheelchair because of failing legs is much more fun. And when they stopped waking me up at night every hour to check me as prone to escape, it felt really good. They still check me now, but every two hours, and now they honestly try not to wake me up.’

In October, Navalny was even taken off the register of prisoners ‘prone to escape’ but was instead placed on the register as a ‘terrorist and extremist’. In practice, this means that overnight inspections have stopped.

On November 5, the Dozhd TV channel broadcast [a report](#) in which Nariman Osmanov, who had previously served a sentence in Penal Colony No. 2, said a special unit had been set up in the colony for Navalny. Prisoners in this unit were forbidden to communicate with Navalny. Prison officers instructed some prisoners to provoke Navalny into a fight, disturb his sleep and demonstratively record his every word and movement. When Navalny was on hunger strike, a sausage was fried in front of him. Inmates were shown a film about gay men among Navalny’s associates – in prison subculture, interaction with a gay man relegates a prisoner to an ‘inferior caste’. However, no physical violence was used against Navalny or anyone else in Navalny’s presence.

Other criminal cases against Alexei Navalny

Prosecution for donation fraud

On December 29, 2020, the Investigative Committee [stated](#) that of the 588 million roubles raised in donations by the Anti-Corruption Foundation and other organisations, Alexei Navalny had spent 356 million roubles for personal purposes. In connection with this, a criminal case was initiated for fraud on a particularly large scale (**Article 159, Part 4, of the Russian Criminal Code**). The maximum sentence for this offence is ten years in prison.

Prosecution for slandering a veteran

In June 2020, the pro-government RT TV channel aired a video supporting the constitutional amendments. The video starred a variety of people, including well-known Russians. *‘Oh, there they are, the lovebirds. I must admit that so far, the team of corrupt lackeys looks weak. Look at them: they’re a disgrace to the country. People without conscience,’* [tweeted](#) Alexei Navalny.

On June 15, 2020, the Investigative Committee [announced](#) that a criminal case had been instituted against Navalny for defamation (**Article 128.1, Part 2, of the Russian Criminal Code**). Although Navalny’s words applied to everyone in the video, the only victim in the case was named as veteran of the Great Patriotic War Ignat Artemenko. Apparently, this was done for propaganda purposes: insulting a veteran is more likely to cause public outrage than insulting other people.

Amendments to the Constitution

The Russian Constitution was amended in 2020. The main item was the ‘nullification’ of Vladimir Putin’s presidential term — allowing him to serve two more six-year terms after the constitutional amendment.

In addition, a number of declarations of a conservative and social nature were added to the Constitution.

Formally, the changes could have been approved after adoption by the federal and regional parliaments, but the authorities held a popular vote on July 1, 2020, to legitimise the amendments.

The qualification of Navalny’s statement as slander, in our view, was clearly unfounded and unlawful: there were no assertions of fact, true or false, in what he said, only value judgments. Nevertheless, on February 20, 2021, magistrate judge Vera Akimova sentenced Navalny to a fine of 850,000 roubles.

Following the verdict, the Duma expanded the article of the Russian Criminal Code on the rehabilitation of Nazism (**Article 354.1 of the Russian Criminal Code**): slander against veterans of the Great Patriotic War henceforth began to be prosecuted for this offence.

Prosecution for insulting a judge

In May 2021, it was reported that Alexei Navalny was to be prosecuted for insulting judge Vera Akimova, who was hearing the case of slander against the veteran. It is unknown what specific words were imputed to Navalny. Under the article of the Russian Criminal Code on insulting a judge (**Article 297, Part 2, of the Russian Criminal Code**), the maximum penalty is six months in prison.

The prosecutions for establishing a non-profit organisation that infringes on the identity and rights of citizens and establishing an extremist community are described below under ‘Criminal prosecutions in connection with the activities of the Anti-Corruption Foundation’.

Prosecution in connection with demonstrations in support of Navalny.

Protests in support of Navalny

On January 23, 2021, protests took place in many cities in Russia. The demonstrators were outraged by the arrest of *Alexei Navalny* and the luxury of Vladimir Putin’s alleged residence, which was a topic of the January 19 investigation by the Anti-Corruption Foundation.

A week later, on January 31, the protests began again.

On February 2, supporters tried to gather outside Moscow City Court, where Navalny’s suspended sentence was being changed to a term of imprisonment. On the evening of the same day, after the court ruled that Navalny should be sent to a penal colony, people marched in the centre of Moscow at the urging of Navalny’s headquarters.

Table. The scale of winter protests and arrests at these protests

	Approximate estimate of the number of protesters (by Kirill Rogov and Aby Shukyurov for the Liberal Mission Foundation)	Approximate number of detainees according to OVD-Info
January 23	An approximate total of 140,000 people in almost 200 locations, including more than 20,000 in Moscow, about 10,000 in Nizhny Novgorod, more than 5,000 in Perm, St Petersburg, Yekaterinburg and Krasnodar.	More than 4,000 people in 125 cities, including at least 1,558 in Moscow and at least 574 in St Petersburg.
January 31	An approximate total of 74,000 people in about 120 locations, including about 15,000 in Moscow, more than 10,000 in St Petersburg, more than 5,000 in Yekaterinburg and Novosibirsk.	At least 5,754 in 87 cities, of which at least 1,800 were in Moscow and at least 1,176 in St Petersburg.
February 2	No estimates available because the protests were scattered within the cities and arrests often happened faster than people could gather.	In the morning about 370 people outside the Moscow City Court; in the evening at least 1,512 across Russia, of which at least 1,236 were in Moscow and at least 261 in St Petersburg.

In an official response to the Office of the UN High Commissioner for Human Rights, the Russian mission to the UN [cited](#) the figure of 17,600 people arrested during the protests of January and February 2021.

The crackdowns were accompanied by police violence. OVD-Info knows of more than a hundred cases of beatings. Police detained dozens of journalists and hindered the work of the press. At Donskoi police station in Moscow, police used violence against detainees who refused to unlock their phones. One of the detainees, **Elena Kitaeva**, described being suffocated with a bag over her head.

From January 23 to February 2, Moscow's courts jailed [942 participants](#) in the protests.

The Film 'Putin's Palace'

The day after Alexei Navalny's arrest, the Anti-Corruption Foundation published the film 'Putin's Palace. The story of the biggest bribe.' The film tells the story of Vladimir Putin's alleged residence on the Black Sea coast in the Gelendzhik district of Krasnodar region. The authors of the film using a drone managed to film the palace, which itself occupies approximately 17,500 sq.m., and the surrounding territory of 68 hectares that includes an arboretum, an orangery, a church, two helipads, an underground ice palace, a tea house, an amphitheatre and an underground tunnel to the beach. The Anti-Corruption Foundation also showed the interior layout of the palace that included a private theatre and casino, a 'water-discotheque,' a hookah room, a billiard room and a room with slot machines. The film shows vineyards and a winery located next to the palace. For another wine factory under construction next door, with an area of almost 14,000 sq. m., the investigation revealed, extremely expensive furniture and furnishings had been ordered, such as a toilet brush for 700 euros and a toilet paper holder for 1,038 euros. Navalny and his associates described how, in their opinion, Putin's ownership of the palace and wineries was formally disguised.

The film racked up 20 million views in the first two hours and 100 million views by 28 January. Vladimir Putin has stated that the properties shown in the film do not belong to him.

Among those subjected to penalties were bystanders who did not participate in the demonstrations. As a result of overcrowding in special detention centres in Moscow, those jailed were sent to Sakharovo (60 kilometres from Moscow), Egoryevsk (110 kilometres) and other cities in Moscow region.

After February 2, mass street protests temporarily ceased. A new major protest took place on April 21 over the demand to allow a doctor to visit Navalny in the penal colony. According to the estimate of the Liberal Mission Foundation, about 67,000 people participated protests in nearly 100 locations, including 22-23,000 in Moscow, approximately 9,000 in Ekaterinburg and 7-8,000 in St Petersburg.

The largest number of detainees, [according](#) to OVD-Info, was in St Petersburg where at least 839 people were arrested, of whom 56 were jailed for terms ranging from three to 15 days. In Moscow, the police changed tactics. There were no detentions at the protests themselves, but over the following two months participants were arrested one by one on the basis of identification by facial recognition, and some of these were jailed.

Prosecutions in the so-called ‘Sanitary’ cases

On January 24, 2021, the Investigative Committee opened an investigation into violation of sanitary and epidemiological regulations (**Article 236, Part 1, of the Russian Criminal Code**) at the Moscow protest on January 23. On January 27-28, suspects, along with their relatives and witnesses, were searched.

Ten defendants were charged with calling for a protest on January 23. According to the investigators, these calls were acted upon by people infected with the coronavirus and therefore those issuing the calls had created a potential incident of mass infection. Initially, the defendants in the case were accused of violating sanitary and epidemiological regulations. However, on March 17, the case was reclassified as incitement to violate these regulations.

On April 22, it became known that at least one defendant in the case who was ill with the coronavirus had attended the protest – *Dani Akel*. He was charged with violating the sanitary regulations but not with incitement. Akel pleaded guilty.

The defendants in the sanitary prosecution in Moscow

Dani Akel

participant in the protests on January 23

Sentence: a fine of 100,000 roubles.

Before the trial, he was banned from certain activities.

Oleg Navalny

artist, brother of Alexei Navalny

Sentence: one year suspended sentence with one year's probation.

Before sentence: two months under house arrest and four months under prohibition of certain activities.

Kira Yarmysh

former press secretary of Alexei Navalny and Anti-Corruption Foundation

Sentence: one year and six months of restricted freedom.

Before the sentence: six and a half months under house arrest.

Lyubov Sobol

former Anti-Corruption Foundation lawyer

Sentence: one year and six months of restricted freedom.

Before sentence: two months under house arrest and four months under prohibition of certain activities.

Dmitry Baranovsky

municipal deputy in the Severnoye Izmailovo district

Sentence: one year and six months of restricted freedom.

Before the sentence: seven months under house arrest.

Nikolai Lyaskin

former Anti-Corruption Foundation employee

Sentence: one year of restricted freedom.

Before the sentence: six months under prohibition of certain activities.

Oleg Stepanov

former coordinator of Navalny's headquarters in Moscow

Sentence: one year of restricted freedom.

Before the sentence: seven months under house arrest.

Maria Alyokhina

member of Pussy Riot

Sentence: one year of restricted freedom.

Before the sentence: seven and a half months under house arrest.

Lusya Shteyn

municipal deputy in Basmanny district, member of Pussy Riot

Sentence: one year of restricted freedom.

Before the sentence: two months under house arrest and four and a half months under prohibition of certain activities.

Anastasia Vasilyeva

head of the Doctors' Alliance Trade Union

Sentence: one year of restricted freedom.

Before the sentence: one month under house arrest and seven and a half months under prohibition of certain activities.

Konstantin Yankauskas

municipal deputy in the Zyuzino district

Charges were dropped.

He spent two months under house arrest and two and a half months under prohibition of certain activities.

From January 29 to February 8, the court placed nine defendants in the case under house arrest, while Nikolai *Lyaskin* was put under prohibition of certain activities, comparable to house arrest: he was only allowed to walk in the courtyard of his apartment building for two hours a day.

Some of the defendants subsequently had their pre-trial restrictions reduced.

Kira Yarmysh, Dmitry Baranovsky, Oleg Stepanov and *Maria Alyokhina* remained under house arrest until the sentences were handed down between August and September.

Pre-trial restrictions in several cases separated the defendants from their relatives and partners. For instance, Anastasia Vasilyeva was initially placed under house arrest in her ex-husband's flat, while her children remained in another flat. On 17 February she was forced to breach her house arrest because her daughter had a severe allergy attack. Only after that, on February 18, did the investigator allow Vasilyeva to live in the flat with her children. Konstantin Yankauskas sought to visit and care for his father, who was hospitalised on March 26. He was able to do this after his house arrest was replaced by a prohibition on certain activities on April 7. However, the investigator sent official permission to Yankauskas to breach the house arrest regulations only after his father had died.

Konstantin Yankauskas was cleared of all charges in the summer. Sentences for the remaining defendants began to be handed down in August. Oleg Navalny received a suspended sentence while seven others were sentenced to terms from one year to a year and a half of restricted freedom.

Restricted freedom generally means that defendants must stay at home at night and prohibits them from leaving Moscow or attending public events.

The defendants in the Sanitary prosecution in Nizhny Novgorod

Natalia Rezontova

Nizhny Seychas (Nizhny Now) columnist

Nine months under prohibition of certain activities.

Roman Tregubov

former coordinator of Navalny's Nizhny Novgorod headquarters

A suspect. No pre-trial restrictions were imposed. Left Russia.

In Nizhny Novgorod, searches of the homes of activists began on January 31. A month later, on February 28, charges were filed against **Roman Tregubov** and on March 1 charges were laid against **Natalia Rezontova**. She has been prohibited to undertake certain activities; in particular, she was banned from using the internet and the telephone, which makes it impossible for her to work as a journalist. Tregubov remains a suspect at the present time.

The defendant in a Sanitary prosecution in Saratov

Dmitry Tsibirev

former coordinator of Navalny's Saratov headquarters

Since September 27 he has been under travel restrictions.

The search of the home of **Dmitry Tsibirev** in Saratov took place on January 30, when he was himself jailed for the administrative offence of organising an unauthorised rally. He was not charged until September 27.

The defendant in a Sanitary prosecution in Balakovo (Saratov Oblast)

Vladimir Nechaev

Detained in St Petersburg on October 13, taken to Balakovo for interrogation. After the interrogation, he was released under travel restrictions.

The accusations against individuals who urged their readers on social media to attend the protests that they were inciting breaches of health regulations are not only insubstantial but also provocatively selective. If a person supposed to be self-isolating goes to a shop or café, it is unlikely these establishments would be prosecuted for inviting visitors.

According to [official data](#), the number of new infections per day in Russia after December 2020 declined steadily until the spring of 2021, thereafter remaining relatively stable until June, when they began to rise again (which, incidentally, did not prevent the authorities from holding the Scarlet Sails city-wide holiday in St Petersburg with huge crowds in the city centre). There is no evidence that the protests had a negative impact on the epidemiological situation. At the same time, on January 21, 2021, the Moscow authorities [lifted](#) a large part of the quarantine restrictions.

In reality, the ‘sanitary prosecutions’ had political objectives. In the short term, they were clearly aimed at disrupting the coming rally on January 31 by isolating possible organisers and influencers. In the medium term, they were intended to prevent a number of individuals who planned to run for the State Duma in 2021 from campaigning. In the long term, the prosecutions were intended to discourage those convicted and other members of the public from organising protest activity.

Prosecutions for violence against police officers

OVD-Info [counted](#) at least 57 prosecutions of individuals for alleged use of violence against government officials (**Article 318 of the Russian Criminal Code**) in the wake of the winter protests in support of Alexei Navalny. Not all the names of those prosecuted are known. The absolute majority of these cases – 53 - were initiated on charges of violence not endangering life or health (**Article 318, Part 1, of the Russian Criminal Code**, for which the penalty is up to five years in prison), and only four cases under concerned violence endangering health (**Article 318, Part 2, of the Russian Criminal Code**, for which the penalty is up to 10 years in prison).

Fourteen of these cases relate to protests in Moscow, 11 in St Petersburg, and the remaining cases relate to protests in 19 other Russian cities.

Sentences had been handed down in most of the known cases by October 22. At least 20 people were sentenced to terms of imprisonment, ranging from eight months in a penal colony-settlement to five years in a general regime penal colony. At least 21 people were sentenced to alternative sentences: suspended sentences, enforced labour, correctional labour and fines. In Moscow, penalties were generally harsher: 10 out of 14 sentences were for terms of from one to five years’ imprisonment (whereas in other regions, only 10 out of 27 sentences involved incarceration).

On October 22, Memorial Human Rights Centre examined eight such cases in detail and recognised their defendants as political prisoners.

Convicted in prosecutions for violence against police officers at rallies in support of Alexei Navalny, recognised by Memorial as political prisoners

Said-Mukhamad Dzhumaev

Substance of the charge: he struck several OMON officers with his fists and kicked them while OMON officers were advancing on a crowd of protesters.

Event: January 23 in Moscow.

Sentence: Five years in a general regime penal colony.

Pavel Grin-Romanov

Substance of the charge: he sprayed a can of pepper spray in the face of an OMON officer, which caused a chemical burn to the officer’s eyes. The evidence that the

victim's eyes were injured may have been falsified: video footage of the incident shows that his helmet visor was closed; he officially went on sick leave before he attended a health clinic for police officers.

Event: January 31 in Moscow.

Sentence: Three years and six months in a general regime penal colony.

Ilya Pershin

Substance of the charge: fighting off an OMON riot officer who grabbed him from behind; he elbowed the officer twice in the chest and kicked him once in the knee. The only evidence of a blow to the knee is the victim's words. This blow was not captured on video and was not seen by any witnesses.

Event: January 31 in St Petersburg.

Sentence: Three years in a penal colony-settlement.

Olga Bendas

Substance of the charge: she struck a police officer twice on the head with her hand. The officer was wearing a helmet. The defence claims that Bendas waved her arms but did not touch the victim's head.

Event: January 23 in Moscow.

Sentence: Two years in a general regime penal colony.

Valery Evsin

Substance of the charge: he pushed an officer of the National Guard in the chest with a metal barricade. He said he did it in an emotional reaction to the brutal detention of a boy of about 16.

Event: January 23 in Moscow.

Sentence: Two years in a general regime penal colony.

Roman Pichuzhin

Substance of the charge: he pushed an OMON riot officer with his fist on the shoulder, as a result of which the officer fell and bruised his elbow. The victim was wearing protective gear.

Event: January 31 in Moscow.

Sentence: Two years in a general regime penal colony.

Aleksandr Federyakov

Substance of the charge: he sprayed a can of pepper spray in the face of an OMON riot officer. He denies he had pepper spray with him. No traces of spray were found on his clothes. The charge is based on poor quality video footage where the person attacking the OMON officer is only filmed from the back and has no particular distinguishing features.

Event: January 23 in Moscow.

Sentence: One year and six months in a general regime penal colony.

Eldar Garipov

Substance of the charge: he tore an OMON riot officer's trousers as he fought off being arrested and kicked him in the right thigh. Garipov himself was beaten by four OMON officers when he was arrested: they threw him on the snow and, twisted his arms as blood streamed down his face; medics subsequently diagnosed bruises to Garipov's head and cervical spine.

Event: January 31 in St Petersburg.

Since February 11, he has been in custody in remand centre No 1 in St Petersburg.

Even in cases where it has been determined that formally there was violence by protesters, it should be seen in terms of the general context. Events that were initially peaceful were violently dispersed by the police, with demonstrators being detained and often beaten. OVD-Info [recorded](#) reports from 64 people of unwarranted police violence at the January 23 rallies alone. Participants in the protests tried to defend themselves and others, sometimes in a state of emotional excitement, and became engaged in an obviously unequal fight with security forces. However, no police officers have been prosecuted for violating the right to freedom of assembly or excessive violence, even where this has been documented.

The sentences for the protesters were disproportionately harsh, not only with regard to the public danger and harmful consequences of the acts of those convicted but also in comparison with the usual 'non-political' judicial practice of applying **Article 318 of the Russian Criminal Code**. According to a [study](#) by *Novaya Gazeta*, outside the political context, a direct punch to the jaw of a police officer responding to a call can result in a fine of 50,000 roubles while swinging an axe at a police officer can carry a six-month prison sentence.

Prosecutions for hooliganism, property damage and vandalism

According to OVD-Info, following the winter protests, criminal prosecutions for hooliganism were initiated against at least eight people (**Article 213 of the Russian Criminal Code**), for the destruction or damage of property against at least four people (**Article 167 of the Russian Criminal Code**) and for vandalism, against at least eight people (**Article 214 of the Russian Criminal Code**). In some of these cases the charges have been dropped.

At least three defendants in the cases have been arrested. *Sergei Vasilenko* was accused of setting fire to the wheel of a National Guard car in Moscow and sentenced to three years and three months' imprisonment in a general regime penal colony for arson (**Article 167, Part 2, of the Russian Criminal Code**). *Konstantin Lakeyev*, accused of throwing snowballs at an FSB vehicle, was sentenced to two years and eight months in a general regime penal colony under the same article of the Russian Criminal Code. And *Vyacheslav Igumnov*, who, according to investigators, threw a lighted flare in the direction of police officers, has been charged with hooliganism and is in custody awaiting trial.

In Krasnodar, *Vladimir Egorov* was found guilty of hooliganism motivated by political hatred (**Article 213, Part 1, Point B, of the Russian Criminal Code**). On January 23, he climbed onto a monument to Cossacks near the building of the Krasnodar region government, put blue underpants on the hoof of the horse sculpture, symbolising the poisoning of Alexei Navalny, exposed his buttocks, pointed them towards the administration and patted them with his hands. The demonstrator was given a two-year [suspended sentence](#) with three years' probation.

Prosecutions for road closures

After the winter demonstrations in support of Alexei Navalny, the article of the criminal code on blocking transport communications (**Article 267, Part 1, of the Russian Criminal Code**, punishable by up to one year in prison) began to be used against protesters for the first time. The Duma amended the article on blocking transport communications in December 2020, which allowed it to be used against peaceful protesters. Previously, this article had been used only when someone suffered severe harm to health or significant property damage. Now, after the amendments, it became possible to convict for merely the 'threat' of negative consequences. This introduced considerable ambiguity into the article and gave the authorities room for arbitrary interpretation. Moreover, the new wording of the article prohibited the obstruction not only of traffic but also of pedestrians.

OVD-Info [has learned](#) of at least 24 defendants and suspects under this article in four cities: Moscow, St Petersburg, Chelyabinsk and Vladivostok. In essence, they were prosecuted for stepping onto the roadway during the rallies. Only one person has been deprived of his liberty for this offence – Moscow activist *Gleb Maryasov*.

Gleb Maryasov

Libertarian Party activist

Sentence: 10 months in a general regime penal colony.

Detained in remand centre No. 4 in Moscow.

Prohibition of certain activities were imposed on him for eight months before his trial.

Recognised by Memorial Human Rights Centre as a political prisoner.

Individuals prosecuted for blocking transport communications were not usually chosen at random: in Chelyabinsk and Vladivostok, former coordinators of Navalny's local headquarters were among the defendants.

A similar charge - taking people onto the roadway - was brought against *Anastasia Ponkina* in Izhevsk. However, in this case, the defendant was charged with hooliganism motivated by political hatred (**Article 213, Part 1, Point B, of the Russian Criminal Code**).

Prosecutions for incitement to extremism and riot

At least four people were charged with public incitement to extremism (**Article 280, Point 1 and 2, of the Russian Criminal Code**, up to five years in prison), at least nine people were charged with incitement to mass disorder (**Article 212, Point 3, of the Criminal Code**, up to two years in prison) and at least four more people were charged with offences under both articles. The grounds for the charges were posts on social media which law enforcement authorities claimed were incitement of violence against police officers, government officials and members of United Russia.

Two actual prison sentences are known to have been imposed in connection with publications that allegedly incited violence: *Vasily Oleynik* from Primorsky region was sentenced to two years in a penal colony, and *Eldar Yefimov* from Kazan was sentenced to one and half years in a penal colony. In Kazan, *Kamilla Khaibullina* was also remanded in custody and given a suspended sentence.

Prosecutions for repeated violations at rallies

Following the protests in support of Navalny, seven people were prosecuted for repeated violations of public assembly regulations. In the six previous years in which the article was applied – from 2015 to 2020 – eight people had been prosecuted.

Yana Drobnokhod

Novosibirsk

Pre-trial restrictions: she was under house arrest from January 31 to February 16, then remanded in custody because of fresh participation in protest rallies.

Result: On March 18, the court closed the case and imposed a court fine on Drobnokhod. In September, the prosecutor's office succeeded in having the appeal court send the case back for reconsideration.

Pavel Khokhlov

Krasnoyarsk

Pre-trial restrictions: he was held on remand from February 2 until the end of March, when he was released under travel restrictions.

Result: On July 5, the court closed the case on the grounds of 'active remorse' and lack of 'real damage'.

Aleksei Vorsin

Khabarovsk

Pre-trial restrictions: house arrest since March 19.

Result: a three years' suspended sentence.

Article 212.1 of the Russian Criminal Code (The 'Dadin' Article)

Repeated violation of the established procedure for organising or holding an assembly, rally, demonstration, march or picket. The maximum penalty is five years in a penal colony.

The article became effective in 2015. Ildar Dadin was the first person convicted to a term in prison under the article; after that, the article was identified with his name. To be held liable under this Article 212.1 of the Russian Criminal Code, one must have been subject to at least three administrative penalties in the last six months for violating the rules for holding a public event: for example, for taking part in a protest deemed 'illegal' by law enforcement authorities because it had not been approved by the authorities, or for calling for such a protest. A fourth offence can be considered a crime.

Memorial Human Rights Centre believes that the mere existence of this article violates the right to freedom of assembly. Any prosecution under it is unlawful.

Viktor Rau

Barnaul

Pre-trial restrictions: none.

Result: he left Russia.

Aleksandr Kashevarov

Chelyabinsk

Pre-trial restrictions: since May 1, he was under travel restrictions, which were later cancelled.

Result: he left Russia.

Evgenia Fedulova

Kaliningrad

Pre-trial restrictions: none, but she was held on remand for four days in a temporary detention facility before her trial.

Result: no trial as yet.

Vadim Khairullin

Kaliningrad

Pre-trial restrictions: travel restrictions.

Result: no trial as yet.

In all these prosecutions, the charges included participation in at least one of the protests in support of Alexei Navalny and involvement in other public events.

Prosecutions for involving minors in protests

Leonid Volkov, former head of the network of Navalny's headquarters, and four editors of the student publication DOXA have been charged with publicly involving minors in illegal and life-threatening events (**Article 151.2, Part 2, Points A and C, of the Russian Criminal Code**), namely participation in rallies. See 'New criminal cases against journalists' for more details on this case.

Lawsuits against protest organisers

In eight Russian cities, regional police departments have filed lawsuits against people whom the police deemed to have organised rallies. The police demanded payment for the costs of weekend overtime and additional petrol consumption as a result of the protests. The amounts claimed vary from 829,000 roubles in Kirov to almost 6 million roubles in Novosibirsk. The most prominent activists in the region were usually designated as having been the rally organisers. For more details on the police lawsuits against the activists, see [the piece by OVD-Info](#).

The banning of Alexei Navalny's organisations

On April 16, the Moscow prosecutor's office sent a request to Moscow City Court to declare the Anti-Corruption Foundation, the Citizens' Rights Defence Foundation and *Alexei Navalny's* headquarters extremist organisations.

'Under the guise of liberal catchwords, these organisations are engaged in creating the conditions to destabilise the social and socio-political situation. The actual purpose of their activities is to create the conditions for changing the foundations of the constitutional system, including the scenario of a "colour revolution",' the prosecutor's office [stated](#).

On April 27, Moscow City Court suspended the activities of FBK and CRPF, pending a ruling on the lawsuit. On April 29, Navalny's associate *Leonid Volkov* announced the dissolution of the entire regional network of headquarters.

On June 9, Moscow City Court officially recognised Navalny's organisations as extremist. The case was heard in camera. The ban finally came into force on August 4, when it was confirmed by the First Court of Appeal of General Jurisdiction.

Anti-Corruption Foundation (FBK)

*Created by Alexei Navalny in 2011. Since its foundation, the FBK has released dozens of investigations into the illicit enrichment of top-level officials and State Duma deputies. On two occasions, FBK investigations have led to mass protests: in 2017, following the publication of the film *He's Not Dimon* about then-Prime Minister Dmitry Medvedev's property, and in 2021, in connection with the film *Putin's Palace*.*

In 2019, FBK was labelled a foreign agent.

In 2020, FBK was liquidated as a legal entity by its management and formally replaced by the non-profit organisation Citizens' Rights Protection Foundation (CRPF).

Navalny's headquarters

AA network of organisations operating in 37 Russian cities at the time of closure. The network was first set up in 2017 to prepare for the 2018 presidential elections. Work continued even after Navalny was refused registration. Staff members coordinated local and national protests, nominated candidates for elections at various levels, and participated in anti-corruption investigations.

Legal consequences of the ban:

1. any continuation of the activities of the FBK or Navalny's headquarters in Russia will entail criminal liability for the offence of involvement in an extremist organisation (**Article 282.2 of the Russian Criminal Code**). The maximum penalty for 'ordinary' participants (**Article 282.2, Part 2, of the Russian Criminal Code**) is up to six years in prison, and for organisers (**Article 282.2, Part 1, of the Russian Criminal Code**) up to 10 years in prison;
2. money transfers in support of extremist organisations are criminally liable under the article on financing extremist activities (**Article 282.3, Part 1, of the Russian Criminal Code**). The maximum penalty is up to eight years in a penal colony;
3. the display of symbols of Alexei Navalny's projects is banned and effectively equated to the display of swastikas. This is an administrative offence (**Article 20.3, Part 1, of the Russian Code of Administrative Offences**). The maximum punishment is up to 15 days in jail;
4. any mention of organisations deemed to be extremist should be accompanied by an indication that these organisations have been declared extremist. Failure to comply with this requirement is an administrative offence under the article on the abuse of media freedom (**Article 13.15, Part 2, of the Russian Code of Administrative Offences**). The maximum penalty for individuals is a fine of 2,500 roubles and 50,000 roubles for organisations;
5. persons involved in the activities of the FBK or Navalny's headquarters in the final year before the ban, or who were in the management of these organisations during the previous three years before the ban, cannot run for election for three or for five years after the organisations' ban, respectively;
6. the Prosecutor's office can (and does) demand the blocking of apps related to Navalny's activities and the social media pages of his supporters.

Criminal prosecutions in connection with the activities of the Anti-Corruption Foundation

While the recognition in law of Navalny's organisations as extremist entails criminal liability for continuing their activities after the ban, in practice, law enforcement has gone further and prosecuted actions that took place before the ban.

In late September, a new criminal prosecution of *Alexei Navalny* and his associates under **Article 282.1 of the Russian Criminal Code** was announced, charging them with establishing and participating in an extremist group. Navalny, *Leonid Volkov* and *Ivan Zhdanov* were accused of creating the group and leading it (**Article 282.1, Part 1, of the Russian Criminal Code**, punishable by up to 10 years in prison), while the investigation identified at least seven of their associates as members of the group (**Article 282.2, Part**

2, of the Russian Criminal Code, punishable by up to six years in prison). Given the repressive trends, the number of defendants may increase.

On November 9, properties of more than a dozen former activists from Navalny's headquarters in Bashkiria and Kemerovo region were searched. As a result, the former coordinator of the Ufa headquarters, *Liliya Chanysheva*, was remanded in custody on charges of heading an extremist community. At the hearing, she said she was pregnant, but this did not stop the court from placing her in pre-trial detention.

Defendants in the FBK-affiliated extremist group case currently known:

Liliya Chanysheva –

former coordinator of Navalny's headquarters in Ufa.

Detained on November 9; held on remand from November 10.

She is now being held in remand centre No. 6 in Moscow.

Leonid Volkov –

former head of Navalny's network of headquarters.

Arrested in absentia, outside Russia.

He has also been charged with publicly involving minors in illegal and life-threatening actions (**Article 151.2, Part 2, Points A and C, of the Russian Criminal Code**).

Ivan Zhdanov –

former director of FBK.

Placed on the wanted list, outside Russia.

Georgy Albuurov –

former head of the FBK investigation department.

Placed on the wanted list, outside Russia.

Vyacheslav Gimadi –

former head of the FBK legal service.

Placed on the wanted list, outside Russia.

Lyubov Sobol –

former FBK lawyer.

Placed on the wanted list, outside Russia.

In 2020, she was convicted for illegal intrusion into a home (**Article 139, Part 2, of the Russian Criminal Code**) and give a one-year suspended sentence of correctional labour (on December 2, her suspended sentence was changed to actual penal labour) and in the 'sanitary case' she was sentenced to one and a half years of restricted freedom (see '**Sanitary Case**'). The conviction for illegal intrusion into a home stems from the fact that Sobol went to the home of FSB officer Konstantin Kudryavtsev, an alleged participant in the poisoning of Navalny, and tried to obtain his commentary.

Ruslan Shaveddinov –

former project manager at FBK.

Placed on the wanted list, outside Russia.

Rustem Mulyukov –

former activist of Navalny's headquarters in Ufa.

Placed on the wanted list, outside Russia.

In 2019, he was convicted for incitement of extremism (**Article 280, Part 1, of the Russian Criminal Code**) and given a suspended sentence of two years. The sentence relates to Molyukov's speech at a rally on June 12, 2017, in Ufa, in which he made aggressive statements against corrupt officials.

Pavel Zelensky –

former FBK videographer.

In 2021, he was sentenced to 23 months in a penal colony for two tweets posted about the self-immolation of Nizhny Novgorod journalist Irina Slavina¹ for the offence of inciting extremism on the internet (**Article 280, Part 2, of the Russian Criminal Code**). In one of the tweets, he wrote: *'Let's [beat] this non-government'* – and in another, he called Putin, Peskov [Putin's press secretary], Volodin [chair of the Duma] and *'other scum' 'bastards not worthy of life'*.

He is serving his sentence in penal colony No. 2 in Tula region.

Recognised by Memorial Human Rights Centre as a political prisoner.

On December 28, 2021, a new series of searches and detentions of former employees of Navalny's headquarters were announced: in Tomsk, Irkutsk, Arkhangelsk, Saratov and Altai regions. At least two of those detained, former heads of the headquarters in Tomsk, *Ksenia Fadeeva*, and Irkutsk, *Zakhar Sarapulov*, were placed under a restraining order by the courts on the same day in the form of the prohibition of certain activities.

The Investigative Committee, in a [press release](#) published on its website, outlined the substance of the criminal charges against the extremist group. It stated that the investigation believes Alexei Navalny decided to set up an extremist group no later than 2014. He set up several foundations and a network of headquarters in the framework of this group in the following years and used websites and social media pages for propaganda.

'The unlawful activities of the extremist group were aimed at discrediting the state authorities and their policies, destabilising the situation in the regions, creating a protest mood among the population and shaping public opinion about the need for a violent

1) Irina Slavina

A journalist from Nizhny Novgorod, editor of the independent online publication Koza.Press. Faced pressure both from unknown assailants who slashed her tyres, and from the state, which imposed fines for contempt of authority, fake news and staging an uncoordinated march.

On the morning of October 1, 2020, she was searched as a witness in a prosecution for collaboration with Open Russia, after which the security forces seized all her electronic equipment necessary for work. The next day, on October 2, Slavina posted on Facebook, 'Blame the Russian Federation for my death,' and set herself on fire outside the Nizhny Novgorod police headquarters. The journalist died of her burns on the spot.

change of power, organising and holding protests which escalated into mass unrest, the Investigative Committee states.

The crimes committed by the extremist group include:

- incitement to participate in winter protests allegedly resulting in breaches of sanitation standards (see Sanitary Case);
- incitement to participate in these actions addressed to minors;
- continuation of fundraising after the FBK ban;
- Rustem Mulyukov's speech at a rally in 2017;
- Pavel Zelensky's tweets in 2020.

Apparently, Muliukov and Zelensky were included by investigators in the 'extremist group' along with the leadership of the FBK and Navalny's headquarters because they had already been convicted of incitement of extremism. If they made these statements, deemed extremist, not on their own account, but as members of the group, this makes their statements 'crimes' of the group, the Investigative Committee appears to reason.

Memorial Human Rights Centre considers the case absurd. The organisation considers *Liliya Chanysheva* a political prisoner and the defendants still at large victims of politically motivated prosecution.

Moreover, Volkov and Zhdanov are under investigation for fundraising for an extremist organisation (**Article 282.3, Part 1, of the Russian Criminal Code**), while Volkov, Zhdanov and Navalny are also under investigation for establishing an organisation to incite citizens to unlawful acts (**Article 239, Part 2, of the Russian Criminal Code**). The investigation considers the FBK to be such an organisation because it encouraged people to go to protests that had not received permission from the authorities.

Prosecution of the father of the former director of the Anti-Corruption Foundation

On March 26, *Yury Zhdanov*, the 66-year-old father of FBK director *Ivan Zhdanov*, was detained in his apartment in a suburb of Rostov-on-Don on charges of abuse of office (**Article 286, Part 1, of the Russian Criminal Code**). The next day he was remanded in custody and placed in a four-bed cell where there were five detainees. In April, the defendant was transferred to a remand centre in Arkhangelsk.

On May 17, 2021, the charge against Zhdanov was reclassified to a more severe one of fraud that resulted in depriving someone of their right to housing (**Article 159, Part 4, of the Russian Criminal Code**), and forgery that caused substantial damage to the rights and lawful interests of citizens or organisations or the legally protected interests of society and the state (**Article 292, Part 2, of the Russian Criminal Code**).

The case against Yury Zhdanov

Since June 2019, Yury Zhdanov had been deputy chair of the housing commission in the village of Iskateley in Nenets Autonomous District. According to the investigators, Yury Zhdanov decided to illegally transfer municipal housing to Yulia Vetrova, who, according to the investigators, was his girlfriend. Vetrova had already been given social housing and a housing subsidy for a mortgage in 2008. However, in 2010 she was reinstated on the waiting list for improved housing.

Zhdanov is accused of preparing minutes of a meeting of the housing commission in which he entered false information about those attending the meeting by adding to the list of those present two people who did not actually participate in the meeting. This was necessary to ensure a quorum. According to the minutes, the village decided to provide Vetrova with social housing. Based on the minutes, the head of the village administration allocated her a flat, which the chair of the housing commission later transferred to her ownership.

In August 2020, the police received a report that the flat had been given to Vetrova illegally. The police and the head of the village administration carried out checks. The enquiry found that the two people whose presence was recorded in the minutes were indeed absent from the meeting. The police found no offence; the administration decided not to discipline anyone because of the amount of time that had passed since the event.

In January 2021, a court ruled that the allocation of Vetrova's flat was illegal. In March, a criminal case was opened against Yury Zhdanov.

Furthermore:

1. according to our information, no one else has been prosecuted — not the secretary of the commission who drew up the report, not the official who put Vetrova back on the waiting list for improved housing conditions after receiving the flat and the subsidy, and not even Vetrova herself;
2. Zhdanov was not accused of any personal gain: he simply participated in the provision of housing to a woman who was on the waiting list for improved housing;
3. the prosecution has not proved that Zhdanov was friends with Vetrova; Zhdanov and Vetrova deny they were friends.

Naryan-Mar City Court gave him a suspended sentence of three years in December.

Yury Zhdanov complained about the lack of medical care in the remand centre and the deterioration of his eyesight due to the lack of sunlight in his cell. Only in July was he able to secure admission to the prison hospital.

On August 13, Ivan Zhdanov published a letter from his father in which the latter said painkiller pills had been taken from him during a search. 'I can't do anything, I cannot sit, lie down, write, think, or live. There is a dull, endless pain all over my body,' Yury Zhdanov wrote.

Memorial Human Rights Centre recognised **Yury Zhdanov** as a political prisoner. In our view, the motive for his criminal prosecution (and even more so for his detention on remand on charges of a non-violent offence) is to put pressure on his son in retaliation for the latter's civil society activities.

Other prosecutions of Navalny supporters

Criminal prosecutions have also been used to put pressure on other coordinators and staff of Navalny's organisations. *Andrei Borovikov*, the former coordinator of Navalny's headquarters in Arkhangelsk region and an activist against constructing a landfill site in Shiyes, was the victim of the harshest prosecution.

Andrei Borovikov

He was charged under Article 243 (**Article 243, Part 3, Point B, of the Russian Criminal Code**) for displaying pornographic materials on the internet following publication of the Rammstein music video 'Pussy' on Vkontakte, which showed sex scenes (the video had been removed by the time the prosecution was initiated). Sentenced to two years and three months in a general regime penal colony.

Detained since April 29, 2021.

Recognised by Memorial Human Rights Centre as a political prisoner.

In 2019, Borovikov had already been convicted under **Article 212.1 of the Russian Criminal Code** for repeatedly violating the rules for public assembly because of peaceful protests against landfill construction. He was then sentenced to 400 hours of compulsory labour.

In July, *Violetta Grudina*, a former coordinator of Navalny's Murmansk headquarters, was prosecuted for violating sanitary and epidemiological norms (**Article 236 of the Russian Criminal Code**). On 19 June, Grudina ran a fever and called a doctor. She was only tested for coronavirus on June 26. The test was positive. The activist maintained self-imposed isolation until 5 June, counting down from the time the first symptoms of the illness appeared. When Grudina declared her candidacy for the Murmansk City Council elections, she was forcibly hospitalised after her recovery. In November, the opposition activist was charged in relation to a breach of sanitary regulations and travel restrictions were imposed on her.

In November, a criminal case was opened against *Evgeny Kochegin*, former coordinator of Navalny's headquarters in Volgograd – he was accused of evading alternative civilian service (**Article 238, Part 2, of the Russian Criminal Code**, punishable by up to six months in prison).

One of the results of the politically motivated prosecutions has been the departure of many activists from the country. In addition to the seven political emigrants already charged in the FBK extremism case, other people involved with Navalny's team are also leaving Russia. *Kommersant* [estimated](#) that 14 out of 38 former regional coordinators of Navalny's headquarters had emigrated from Russia by the end of November.

Kira Yarmysh, a former FBK spokesperson, also left Russia following conviction for breaching sanitary regulations.

2.2. The crackdown on Open Russia

In November 2016, Mikhail Khodorkovsky, a former political prisoner and opponent of the current government, revived the Open Russia movement. Since then, the organisation and its supporters have come under continuous pressure from Russian security agencies, intensified by recognition in 2017 of foreign entities associated with the movement as undesirable. In 2021, however, Open Russia and other of Khodorkovsky's organisations came under attack in a way that effectively led to a complete curtailment of their activities in the Russian Federation.

Legislative grounds for reprisals

It is impossible to describe the mechanism for the destruction of Open Russia without explaining how the unconstitutional notion of 'undesirable organisation' came to be used to prosecute Russian opposition politicians and activists. The notion of 'undesirable' organisations appeared in legislation in 2015. A foreign or international non-governmental organisation which, in the opinion of the Prosecutor General's Office, poses a threat to the foundations of the constitutional order, defence capability and security of the Russian Federation may be declared undesirable extrajudicially. In 2019, **Article 284.1 of the Russian Criminal Code** ('Carrying out activities of an undesirable organisation on the territory of the Russian Federation'), which appeared in the Criminal Code back in 2015, began to be applied for the first time. In the original version, it penalised leading or participating in an undesirable organisation after two prosecutions for the same acts within a year. The first two episodes of leading or participating were considered administrative offences and punishable under **Article 20.33 of the Russian Code of Administrative Offences**. **Article 20.33 of the Russian Code of Administrative Offences** prescribes fines of between 5,000 and 15,000 roubles for individuals. In contrast, **Article 284.1 of the Russian Criminal Code** classifies a third episode of the same offence as a serious crime and prescribes a penalty of up to six years in a general regime penal colony.

In April 2017, the Russian Prosecutor General's Office put two British organisations on the list of 'undesirable organisations': Open Russia Civic Movement and OR (Otkrytaya Rossiya). These organisations were set up by Mikhail Khodorkovsky, a former Russian oligarch and then political prisoner who served ten years in prison and was pardoned by Vladimir Putin in 2013 and effectively expelled from the country. Khodorkovsky and other Russian citizens also set up the Open Russia Public Networking Movement (PNM) in November 2016. Aleksandr Kurenoy, a spokesman for the Prosecutor General's Office, [assured the media](#) that the recognition of British NGOs as 'undesirable' would not affect the work of the Russian movement (['Our initiatives apply only to organisations registered in Britain.'](#) he stressed).

Nevertheless, in 2018, participants in the Russian Open Russia began to be actively prosecuted for administrative offences. From the beginning of 2019, they began to be charged under **Article 284.1 of the Russian Criminal Code**. This process did not stop even after Open Russia's self-dissolution on March 30, 2019, and the creation of the Russian Public Organisation (RPO) a day later, which unsuccessfully tried to register as a Russian legal entity.

The dissolution of the organisation and the case of Andrei Pivovarov

After the State Duma adopted amendments in a first reading on May 18, 2021, toughening liability for cooperation with undesirable organisations, Andrei Pivovarov, then executive director of Open Russia RPO, [announced](#) on May 27, 2021, that in order to prevent mass criminal prosecutions of its members, the organisation would cease its activities completely, its branches in the regions would be closed, and all membership would be cancelled. Pivovarov also said he had withdrawn his legal challenges against the Ministry of Justice related to the refusal to register the organisation.

Despite this move, on May 31, 2021, a few days after Open Russia RPO's self-dissolution, its former executive director **Andrei Pivovarov** was removed from a Warsaw-bound plane at St Petersburg's Pulkovo airport and detained. After Pivovarov was taken to the regional branch of the Investigative Committee, it became known that a criminal case under **Article 284.1 of the Russian Criminal Code** had been opened against him, however not in St Petersburg, but in Krasnodar, where he had been taken after his home was searched. This criminal case was initiated on May 29, 2021, based on a report issued by the Krasnodar Centre for Combating Economic Crimes on the same day, i.e. after Open Russia had been disbanded, even though the commentary to **Article 284.1 of the Russian Criminal Code** states that *'a person who voluntarily ceases participation in the activities of a foreign or international non-governmental organisation, for which the decision was taken to recognise its activities as undesirable on Russian Federation territory, shall be exempt from criminal liability unless their actions contain a different offence.'*

On June 2, 2021, the judge sitting in Krasnodar's Pervomaisky district court, A. V. Krasnopeev, remanded Pivovarov in custody. On June 8, 2021, the Krasnodar region branch of the Investigative Committee charged Pivovarov under **Article 284.1 of the Russian Criminal Code**. The investigators charged Pivovarov with having reposted a Facebook post of the United Democrats project while in the Chekistov Avenue area of Krasnodar on August 12, 2020, while having previously been twice held administratively liable under **Article 20.33 of the Russian Code of Administrative Offences**.

Pivovarov had previously been fined 5,000 roubles twice under **Article 20.33 of the Russian Code of Administrative Offences** in connection with his participation in the activities of Open Russia:

- on July 3, 2019 – by a magistrate of judicial district No. 7 in Nizhny Novgorod, for organising a forum ‘Free People’ on April 7, 2019 (the conviction entered into legal force on December 23, 2019);
- on July 22, 2019 – by a magistrate of judicial district No. 45 in St Petersburg for two Vkontakte posts about Open Russia activities and for one calling the public to join a march (‘March of Maternal Anger’) in support of political prisoners, as well as for organising a meeting on March 9, 2019 (the conviction entered into legal force on October 14, 2019).

On June 15, 2021, Krasnodar region court dismissed *Andrei Pivovarov’s* appeal against his being remanded in custody, which was later extended several times. During the hearing, Pivovarov’s defence presented evidence that his Facebook page in 2020 was run by Open Russia supporter and social media specialist Maria Kuznetsova, who had independently reposted the United Democrats’ material.

There is every reason to believe that the initiation of criminal proceedings against Andrei Pivovarov was part of a campaign to put pressure on popular potential opposition candidates ahead of the 2021 Russian State Duma elections and was related to his own intended candidacy in one of Moscow’s districts.

Other prosecutions of supporters of Mikhail Khodorkovsky

In 2021 several Open Russia supporters, or persons believed by the security forces to be affiliated with Open Russia, continued to be prosecuted. As far as we know, a new criminal case under **Article 284.1 of the Russian Criminal Code**, in addition to that against Pivovarov, has been opened only against *Yury Sidorov*, the former coordinator of Open Russia in Chuvashia. The criminal case became known on May 28, 2021; Sidorov was detained on May 30 and was questioned as a suspect on May 31. The activist [was charged](#) with organising several rallies in 2017-2018, including a rally ‘to distribute tickets to the fictive film, *‘Have Not Seen, But Condemn’ at the Offended Senses cinema*’ (held in connection with the outrage of believers over the screening of the film Matilda) and a protest in the Chuvash Government building ‘consisting of the donation of the book on gynaecology *The Main Book on Women to Chuvash Health Minister V. N. Viktorov*, a board game ‘Mafia’ to *A. O. Ladykov*, Mayor of Cheboksary, a Russian-Chinese phrasebook to *M. V. Ignatyev*, Head of Chuvashia, and Orwell’s book ‘1984’ to Prosecutor of Chuvashia *V. M. Poslovsky*’. On September 17, 2021, it became known that Sidorov had been charged under **Article 284.1 of the Russian Criminal Code** and was now under pre-trial travel restrictions.

On February 18, 2021, *Anastasia Shevchenko*, a resident of Rostov-on-Don, a former participant and former member of the Open Russia PNM Council, was given a **three-year suspended sentence with three years’ probation**. Shevchenko had been under house ar-

rest for more than two years and had been recognised by Memorial as a [political prisoner](#) and by Amnesty International as [a prisoner of conscience](#).

In the neighbouring Krasnodar region, the investigation of a criminal case against Leonid Malyavin, a local activist, continued. The case was [initiated](#) on November 18, 2020, with the formal cause of the prosecution being a repost of an Open Media publication on Malyavin's Facebook page. In the same region, there took place the [reopening](#) of criminal proceedings under **Article 284.1 of the Russian Criminal Code** against *Aleksandr Savelyev*, a Krasnodar journalist from the 'Protocol' project; the case was made public on October 15, 2021. The reason for the prosecution was an interview by the journalist with *Yana Antonov*, a former coordinator of the regional branch of the liquidated Open Russia. According to media reports, *Saveliev* has now left Russia.

Repressive measures against supporters of Open Russia, at least on a formal basis, can include the criminal prosecution of *Mikhail Iosilevich*, an entrepreneur, civil activist and leader of the Church of the Flying Macaroni Monster in Nizhny Novgorod. He is recognised as a [political prisoner](#) by Memorial. Iosilevich had been under house arrest since October 1, 2020, on charges under **Article 284.1 of the Russian Criminal Code** relating to the provision of premises for Open Russia events or projects allegedly associated with the organisation. On January 29, 2021, Iosilevich was detained and the next day taken into custody in connection with alleged threats to a witness for the prosecution, which experts concluded were in fact uttered by the Ukrainian prankster Evgeny Volnov. On April 23, 2021, it [became known](#) that, in connection with this episode, a criminal case had been opened against Iosilevich under **Article 119, Part 2, of the Russian Criminal Code** (*'Threatening to kill or cause serious bodily harm on the grounds of political or ideological hatred or enmity or against a person or his relatives in connection with the performance of their official duties or public duty'* – punishable by up to five years in prison). Iosilevich was released from custody on August 17, 2021, and is awaiting trial.

Something of a separate episode in this repressive campaign is the prosecution of Pskov activists *Liya Milushkina* and *Artem Milushkin*. Although *Liya Milushkina* was head of Open Russia's Pskov region branch at the time of her arrest in January 2019, the criminal case against her and her husband Artem, an activist in Navalny's regional headquarters, was not formally linked to their opposition activities. They were arrested on the night of January 16 to 17, 2019, on suspicion of selling drugs on a large scale.

Milushkin was charged with selling drugs in January 2011, committing arson against cafes and tyre shops in 2018 and three counts of selling amphetamines in January 2019. The police claim Milushkin allegedly committed the latter crime together with his wife.

On 13 August 2021, the Pskov district court sentenced *Artem Milushkin* to 11 years in a strict regime penal colony and *Liya Milushkina* was sentenced to 10 years six months in a general regime penal colony postponed until 2024. The court's decision was based on

the testimony of two police-dependent drug users. The main witness, Stanislav Pavlov, was given one year and two months. He attended the meeting in a prison jumpsuit as he is already serving a sentence for possession of drugs. Another prosecution witness, Denis Trukhan, was given a suspended sentence of one year.

We should note that shortly before his arrest, on 4 November 2018, *Artem Milushkin* was detained while driving to a rally he had organised against police brutality and corruption. His wife filmed Artem's arrest on [video](#), in which men without uniforms or identification twisted his arms and tried to handcuff him.

Milushkin then informed the now-terminated MBKh Media that one of the plainclothes police officers already in the car had told him the following: *'I will tell everyone to deal with you only in this way from now on. And next time you will have a dozen grams in your pocket (meaning drugs – MBKh Media's commentary)'*. In our view, this is essential evidence of possible falsification of the case and the existence of a political motive.

Attacks on Khodorkovsky's media assets

The latest blow to Khodorkovsky's structures in Russia was the blocking of all media outlets associated with him. On July 15, 2021, two Open Media journalists were declared 'foreign agents'. On July 23, 2021, it became known that the Ministry of Justice had included five more employees of the publication in the list of foreign agents. Finally, on August 4, 2021, at the request of the Prosecutor General's Office, Roskomnadzor added MBKh Media and Open Media to the register of banned media sites, as well as the website Pravozaščita Otkrytki. The next day, all three projects [announced](#) their self-liquidation due to the risks of prosecution of employees under **Article 284.1 of the Russian Criminal Code**.

Closer to the elections, the pre-election website www.duma.vote was also blocked. Unlike the media resources of the Smart Voting campaign, this website had little influence on Russian public opinion and did not even aim to influence the election outcome. The website only informed voters about candidates' attitudes towards Putin's hypothetical new term after 2024, which did not prevent the Prosecutor General's Office from labelling it as an undesirable organisation and ordering it to be [blocked](#) in Russia on September 10, 2021.

As a result of the Russian authorities' assault on Open Russia, of all the organisational and media resources Khodorkovsky and his supporters had at the beginning of 2021, only his personal video blog on YouTube and the website of the investigative centre Dossier, which operates abroad, remained. We can thus speak of the complete breaking up of one of the largest organisational structures of the Russian extra-systemic opposition.

2.3. Prosecutions of journalists

One of the characteristic features of 2021 has been the ongoing crackdown on Russia's remaining independent media. Its symbol has undoubtedly been the labelling of news, articles, social media posts or even tweets with the message that they were created or distributed by a media outlet performing the functions of a 'foreign agent'.

This chapter describes the forms in criminal law that unlawful pressure on individual media employees and entire journalistic teams has taken. It hardly touches upon prosecutions under the Russian Code of Administrative Offences, Internet blocking or labelling as 'foreign agents', which are beyond the scope of this report and require a separate, lengthy review.

New criminal prosecutions of journalists

The most significant domestic and international resonance of any 'journalistic' prosecutions in 2021 was that of the [case of four editors](#) of the student magazine [DOXA](#): *Armen Aramyan, Alla Gutnikova, Vladimir Metelkin* and *Natalia Tyshkevich*. DOXA is the most well-known student publication in Russia, initially associated, since 2017, with the Higher School of Economics, but which had already, by 2019, lost the support of the university because of its coverage of political topics and criticism of abuses in the university environment. According to the investigators, the DOXA editors' crime was that on January 22, 2021, one day before the rallies in support of Alexei Navalny, they posted a video '*They can't defeat youth – DOXA's editorial message to students and schoolchildren*'. In the video, the journalists demanded that the authorities stop intimidating opposition-minded schoolchildren and students with expulsions and expressed support for them. On January 26, 2021, the video was removed by the journalists at the illegal request of Roskomnadzor.

On the morning of April 14, 2021, searches were conducted simultaneously of the editorial offices of DOXA and the apartments of the editors, after which they were charged with '*inciting minors to commit acts that endanger the lives of minors on the Internet*' (**Article 151.2, Part 2, Points A and C, of the Russian Criminal Code**, punishable by up to three years in prison) and placed under house arrest. The hearing on the merits began on December 9, 2021. Memorial recognised all the defendants as political prisoners, seeing the case as yet another example of the arbitrary criminalisation of any calls for participation in peaceful protests or solidarity with protesters.

However, the criminal prosecution of the DOXA editorial board is rather an exception. Pressure on editorial boards of independent media using criminal law instruments rarely, as a rule, reaches a court verdict. Usually, as in the situation with such investigative media

recognised as ‘foreign agents’ as [Vazhnye Istorii \(Important Stories\)](#) and [The Insider](#), the criminal cases are instead aimed at pushing journalists out of Russia and creating pretexts for searches. All this hinders everyday journalistic work.

[The searches](#) on April 9, 2021, of the house of the editor-in-chief of Important Stories **Roman Anina** and the editorial office of the publication, which investigates corruption in the highest echelons of government, were conducted in the framework of an alleged violation of privacy committed by a person using his official position (**Article 137, Part 2, of the Russian Criminal Code**). The case was initiated on September 20, 2016, and reopened on March 24, 2021. It is linked to the text [‘The Secret of Princess Olga. How is Rosneft chief Igor Sechin linked to one of the world’s most luxurious yachts?’](#) published in *Novaya Gazeta* in 2016. **Sechin** then filed a lawsuit, and the court ordered the article to be supplemented with a rebuttal.

The defamation case (**Article 128.1, Part 2, of the Russian Criminal Code**) against **Roman Dobrohotov**, editor-in-chief of the opposition newspaper *The Insider*, was the formal reason for the search of his apartment on July 29, 2021 and led to his being forced to cross the Ukrainian border on September 30, 2021, after which he was placed on the wanted list.

A similar situation originally developed around Project, one of Russia’s best-known investigative media outlets. The homes of editor-in-chief **Roman Badanin** and journalists **Maria Zholobova** and **Mikhail Rubin** were [searched](#) on the morning of June 29, 2021, in a defamation case (**Article 128.1, Part 5, of the Russian Criminal Code**) initiated back in 2017 over the film by **Badanin** and **Zholobova** aired on Dozhd TV channel about the entrepreneur **Ilya Traber**, whom they called ‘*the so-called king of bandit Petersburg.*’ However, the day before the searches, Project announced the release of **Zholobova**’s investigation into the real estate of Interior Minister Vladimir Kolokoltsev’s family. Unexpectedly, two weeks later, on July 15, 2021, not only **Badanin**, **Zholobova** and three other journalists of this publication were included in the register of ‘foreign agents’, but also Project was [simultaneously declared](#) an undesirable organisation – the first among Russian media. **Badanin** and some of the publication’s journalists then left Russia. They set up a new media outlet with the ironic name [Agentsiya \(Agency\)](#), that publishes many of its materials anonymously due to the threat of criminal prosecution of the authors.

Project was not the only media outlet to be shut down because one of its legal entities was declared an undesirable organisation. In the sections ‘The crackdown against Open Russia’ and ‘Prosecutions of human rights defenders’, we report on the destruction of MBKh Media and Open Media, declared part of Open Russia, and the human rights media outlet Team 29.

The reality of the threat of prosecution of journalists on charges of collaborating with undesirable organisations is demonstrated by the [reopening](#) of the criminal case under **Article 284.1 of the Russian Criminal Code** against **Aleksandr Savelyev**, a Krasnodar journalist with the Protocol project, which is also discussed in Section 2.2.

In turn, speaking of threats to ‘foreign agents,’ we cannot but mention the situation around Radio Liberty (RFE/RL), which, if we consider its numerous media projects, has been the subject of [910 prosecutions](#) for failure to label publications as those of a ‘foreign agent’ (out of 920 such prosecutions in Russia since the beginning of the year), with administrative fines exceeding 330 million roubles by the beginning of December 2021. It is also likely that the criminal case on charges of alleged possession of explosives (**Article 223.1, Part 1, of the Russian Criminal Code**) against [Vladislav Yesipenko](#), the freelancer of Crimea.Realias project held on remand in Simferopol since March 10, 2021 pending trial (his case is described in more detail in Chapter 3.5), was also part of the campaign to exert pressure on RFE/RL.

In Rostov-on-Don, pressure on local independent journalist *Igor Khoroshilov* continued in various forms. In April 2021, he was [detained](#) in an investigation into Rostov anonymous telegram channels. His home was searched and the police also [wiretapped](#) his phone conversations. On November 10, 2021, a case was filed against *Khoroshilov* for drug possession (**Article 228 of the Russian Criminal Code**), after which he was interrogated in the case of a former political prisoner, journalist *Sergei Reznik*, who had left the country. On December 3, 2021, a [second search](#) was conducted of Khoroshilov’s apartment, allegedly to find *Reznik*.

However, the prosecution of journalists (both those recognised as ‘foreign agents’ and those not yet so recognised) can also take place without them being ‘found’ to be carrying drugs or explosives. There is a constant threat of criminal charges being brought against journalists who have been repeatedly fined for failing to use the humiliating ‘foreign agent’ label (**Article 330.1, Part 2, of the Russian Criminal Code**) or who have written on military and military-technical subjects as part of their journalistic work (**Article 330.1, Part 3, of the Russian Criminal Code**). This problem is becoming more acute as more and more entities and individuals are being added in large numbers and in a haphazard manner to the registers of foreign agents and undesirable organisations. Thus, [according to data gathered by OVD-Info](#), 14 media outlets, 70 journalists and bloggers and 18 NGOs were included in the registers of ‘foreign agents’ from January 1 to December 31, 2021, inclusive, while in the nine years since the adoption of the law in 2012, 332 individuals and legal entities have been listed and another 49 organisations have been deemed undesirable.

Previous criminal prosecutions of journalists

Among the criminal prosecutions of journalists in previous years, those of *Abdulmumin Gadzhiev* and *Rashid Maisigov* stand out in that they demonstrate the higher level of intolerance and repression against journalists in the North Caucasus.

[Abdulmumin Gadzhiyev](#), editor of the religion department of Dagestan’s independent newspaper Chernovik (Rough Draft), has been in custody since June 14, 2019, on charges

of participating in the activities of a terrorist organisation (**Article 205.5, Part 2, of the Russian Criminal Code**), organising terrorist financing (**Article 205.1, Part 4, of the Russian Criminal Code**) and participation in an extremist organisation (**Article 282.2, Part 2, of the Russian Criminal Code**). If found guilty, he faces a life sentence. According to the investigators, Abdulmumin Gadzhiyev, by publishing information in Chernovik about the activities of Ansar, an Islamic charity for children, encouraged donations to this foundation which funded the group Islamic State (IS), recognised as terrorist in Russia and banned in the country. In our view, this accusation is a gross violation of freedom of speech and a direct ban on ordinary journalistic work, arbitrarily designated as support for a terrorist organisation, causing Memorial [to recognise](#) Gadzhiyev as a political prisoner.

[Rashid Maisigov](#), a journalist for the Ingush opposition website Fortanga.ORG, was also recognised by Memorial as a political prisoner because he was sentenced to three years in prison after drugs were planted on him (**Article 228, Part 2, of the Russian Criminal Code**) during the prosecution of the protest movement in the republic (see Chapter 3.2). His sentence was handed down as early as September 16, 2020, after more than a year in detention or under house arrest from July 12, 2019. In January 2021, however, another criminal case against him was closed in connection with the partial decriminalisation of the unlawful article on incitement to separatism (**Article 280.1 of the Russian Criminal Code**), which had been initiated after appeals to issue Ingush residents with Georgian passports was posted on the Internet and, according to investigators, flyers with similar content were posted in Magas and Nazran.

Also, in 2021, the trial of [Svetlana Prokopyeva](#), a journalist from Pskov, continued. Even though her column examining the reasons for the terrorist attack on the offices of the Arkhangelsk FSB did not contain elements of justification of terrorism (**Article 205.2, Part 2, of the Russian Criminal Code**), on February 2, 2021, the Military Court of Appeal and on July 6, 2021, the Supreme Court of the Russian Federation, upheld the sentence of the Western District Military Court No. 2, sentencing Svetlana Prokopyeva to a fine of 500,000 roubles on July 6, 2020.

2.4. Prosecutions of human rights defenders

A small but essential part of political repression in Russia is the prosecution of human rights defenders. To a certain extent, lawyers and other legal professionals can also be included in this group if they are prosecuted solely in connection with their defence of the legal rights and interests of their clients, as well as *whistleblowers*. As the state's crack-down on citizens' rights and freedoms has intensified, so too have human rights defenders come under much greater attack than before.

New criminal prosecutions of human rights defenders

The prosecution of human rights defenders can be divided into those directly related to their professional activities and those of a general criminal nature.

As an example of the first of these, on April 30, 2021, a series of searches were conducted against lawyer *Ivan Pavlov* and other members of the human rights organisation Team 29 in the context of a criminal investigation into the disclosure of data from the preliminary investigation in the case of *Ivan Safronov*, prosecuted under **Article 310 of the Russian Criminal Code**. On the same day, the Basmanny district court in Moscow imposed a restraining order against Pavlov, prohibiting him from using the Internet and mobile telephones. It should be noted that the report finding evidence of a crime in the actions of Pavlov, who defended, in addition to *Safronov*, other defendants in espionage cases was signed personally by the director of the FSB, *Aleksandr Bortnikov*. On September 7, 2021, it became known that *Pavlov* had left Russia for Georgia, after which he was put on the wanted list.

Another of *Safronov*'s lawyers and a member of the then liquidated Team 29 (see below), Evgeny *Smirnov*, [announced](#) his departure for Georgia in November 2021 following several episodes of disciplinary proceedings against him.

On December 3, 2021, Syktyvkar City Court [refused](#) to impose pre-trial restrictive measures on *Andrei Ivashev*, a local lawyer. He had assisted protesters in cases of incitement of hatred and enmity (**Article 282 of the Russian Criminal Code**) and contempt of court (**Article 297 of the Russian Criminal Code**). Following his detention and a search of his home on December 1, 2021, investigators asked for him to be remanded in custody despite his disability.

Ulan-Ude-based human rights defender and former police officer *Evgeny Khasoyev*, who actively combatted police torture, assisted victims of police brutality and defended detained participants of peaceful rallies in support of *Alexei Navalny* in January-February 2021, became a defendant in two criminal cases at once. On February 8, 2021, a criminal case was opened against *Khasoyev* under **Article 318.1 of the Russian Criminal Code** for allegedly threatening a bailiff. On February 12, 2021, an additional defamation case was opened under **Article 128.1.2 of the Russian Criminal Code** because of his involvement in the documentary film '[I am a police officer tortured by the police](#)', in which he described how police had tortured him in 2015 and how he had since defended those who had suffered at the hands of the security forces. *Evgeny Khasoyev* left Russia in March 2021 because of the criminal prosecution and the threat of placement in a psychiatric dispensary for forensic psychiatric examination. He has been placed on an international wanted list.

There have been prosecutions on charges not formally related to human rights or legal work in other cases. At the end of February 2021, it [became known](#) that *Dmitry Kamynin* and *Vladimir Taranenko*, coordinators of the human rights organisation Sibir Pravovaya that provided legal assistance to prisoners and published stories about torture in remand centres

and penal colonies in Kemerovo region, had been arrested and remanded in custody. The human rights defenders were prosecuted for unlawful possession of drugs (**Article 228 of the Russian Criminal Code**) and extortion (**Article 163 of the Russian Criminal Code**), respectively. *Vladimir Taranenko* [claimed](#) he had been tortured in pre-trial detention.

Similar charges of the attempted illegal sale of drugs in a significant amount (**Article 30, Part 3; Article 228.1, Part 3, Points A and B, of the Russian Criminal Code**) were brought against human rights activist and journalist *Dmitry Gromovoi* from Snezhinsk, Chelyabinsk region, who has been in detention since July 28, 2020. *Gromovoi*'s support group [points](#) to numerous inconsistencies in the charges and argues that drugs were planted on him because he had represented the interests of citizens who had suffered at the hands of the law enforcement agencies.

Following the publication of a large number of videos about torture in the Federal Penitentiary Service system, *Vladimir Osechkin*, founder of the Gulagu.net project, was announced [wanted](#) in an old fraud case (**Article 159, Part 2, of the Russian Criminal Code**) initiated back in 2015, and whistleblower *Sergei Savelyev* in a case of illegal access to computer information (**Article 272, Part 2, of the Russian Criminal Code**) concerning videos showing cruel abuse of inmates. On November 10, 2021, however, the case against *Savelyev* was closed by the prosecutor's office after a public outcry.

Previous criminal prosecutions of human rights defenders

The cases of historian *Yuri Dmitriev* and Crimean Tatar rights activist *Server Mustafayev* are particularly noteworthy among criminal cases previously initiated against human rights defenders.

The prosecution of [Yuri Dmitriev](#), a historian and researcher of places of burial of victims of political repression and chair of the Karelian branch of the Russian Memorial Society, on defamatory charges of paedophilia began in 2016 and continued in 2021. A [chronology](#) of *Dmitriev*'s trials, which twice ended in his factual acquittal by Petrozavodsk City Court and resulted in his conviction being quashed by the Supreme Court of the Republic of Karelia, is available on the website of Memorial, which recognised Dmitriev as a political prisoner. Here we limit ourselves to listing the most important events of 2021:

- on February 16, 2021, the Third Court of Cassation of General Jurisdiction upheld the decision of the Supreme Court of the Republic of Karelia to increase *Dmitriev*'s sentence from three years and six months to 13 years of imprisonment;
- in October 2021, it was reported that the Russian Supreme Court, which had previously announced it would review *Dmitriev*'s case, refused to review the case, with *Sergei Abramov*, a judge of the Russian Supreme Court's Second Criminal Division, allegedly having studied 20 volumes of the complex criminal case in four days;

- on December 27, 2021, it became known that *Dmitriev*'s third trial for alleged child pornography (**Article 242.2 of the Russian Criminal Code**) and possession of weapons (**Article 222, Part 1, of the Russian Criminal Code**) resulted in the Petrozavodsk City Court toughening *Dmitriev*'s sentence from 13 to 15 years in a strict regime colony.

Human rights defender, founder and coordinator of the Crimean Solidarity movement [Server Mustafayev](#) waited all through 2021 for his appeal to be heard against his conviction in the [second Bakhchisarai Hizb ut-Tahrir case](#), which sentenced him to 14 years' imprisonment on September 16, 2020, for allegedly participating in this organisation banned in Russia as a terrorist organisation (**Article 205.5, Part 2, of the Russian Criminal Code**). Mustafayev has been detained since May 21, 2018 in extremely harsh conditions. His defence noted that during his time in Novocherkassk detention centre No. 3 in Rostov region he was forced to kill dozens of rats that were ruining his shoes and clothes.

In Orenburg region in 2021, the prosecution of human rights defender *Evgeny Pleskachev* from Mednogorsk, who in December 2020 was found guilty of two counts of insulting a judge (**Article 297, Part 2, of the Russian Criminal Code**), using violence against a government official (**Article 318, Part 1, of the Russian Criminal Code**) and six counts of insulting a government official (**Article 319 of the Russian Criminal Code**), continued. He was initially sentenced to one year and three months of forced labour with a 10% deduction in earnings, but on March 1, 2021, the Orenburg region Region Court reduced his sentence by two months on appeal. The human rights defender was placed in a local detention centre to serve his sentence, where he was repeatedly subjected to [pressure](#) from officers of the Federal Penitentiary Service.

Threats of criminal proceedings as a result of non-criminal repressive measures

In Chapter 2.3 on the prosecution of journalists we have already written about the dangers of being listed as a 'foreign agent' and 'undesirable organisation'. In this respect, the situation of human rights defenders is not much different from that of journalists. For example, we can mention the initiation of administrative proceedings against the head of the Committee Against Torture, [Igor Kalyapin](#), and the head of the human rights project Protest Apology, [Alexei Glukhov](#), under **Article 20.33 of the Russian Code of Administrative Offences** for alleged collaboration with undesirable organisations, thereby creating the possibility of a subsequent criminal case under **Article 284.1 of the Russian Criminal Code**.

Sometimes such prosecutions are not directed at individual human rights defenders but at entire NGOs. The most prominent example of this in 2021 was the closure, already mentioned above, of Team 29, which combined the functions of a human rights organisation

and an independent media outlet writing about human rights issues. On July 16, 2021, its website was blocked by Roskomnadzor on the grounds that Team 29 was associated with the Czech NGO *Společnost Svobody Informace (Freedom of Information Society)*, recognised as ‘undesirable’ in Russia, one of the founders of which was *Ivan Pavlov*. On July 18, 2021, Team 29 announced its enforced [closure](#) and the deletion of its website from the Internet on account of risks to human rights defenders and journalists.

Other ‘administrative’ threats include a [lawsuit](#) filed by the Moscow City Prosecutor’s Office to liquidate the Memorial Human Rights Centre. In contrast to a similar lawsuit of the Prosecutor General’s Office to liquidate International Memorial, in favour of which the Supreme Court of the Russian Federation ruled on December 28, 2021, this document specifically noted that Memorial’s materials allegedly ‘*contain linguistic and psychological indications of justification of the activities of members of the international terrorist and extremist organisations Hizb ut-Tahrir al-Islami, Tablighi Jamaat, At-Takfir Wal Hijra, as well as the extremist organisations Artpodgotka and Jehovah’s Witnesses.*’

This refers, in particular, to the list of political prisoners maintained since 2008 by Memorial Human Rights Centre’s programme in support of political prisoners and to the reports on individual criminal cases. ‘*The authors of these materials present the activities of these organisations as lawful and permissible and participation in their activities as a form of exercising the right to freedom of religion... These materials are aimed at promoting the idea among an unlimited number of people that terrorist and extremist activities, namely the activities of international extremist and terrorist organisations and participation in them, are permissible,*’ the lawsuit says.

While absurd and unfounded, these formulations effectively amounted to an accusation against the leadership of Memorial of justifying terrorism and potentially created the prospect of a criminal prosecution under **Article 205.2 of the Russian Criminal Code**.

On December 25, 2021, the website of the human rights project OVD-Info, that used the infrastructure of Memorial Human Rights Centre, was [blocked](#) on similar grounds. Roskomnadzor also demanded that social media remove all accounts run by the project.

2.5. Prosecutions of election candidates

One of Russia’s most important political events in 2021 were the elections to the State Duma from September 17 to 19, 2021. It was logical, therefore, that one of the key elements of repression in the existing political climate was the prosecution of potential opposition MP candidates, and those already nominated. In addition, candidates running in municipal and regional elections were also targeted.

Due to the limited format of this report, this chapter will only describe the use of politically motivated criminal prosecutions to influence election results. That said, we believe it is important to note that violations of voters' rights and the rights of opposition politicians during the election campaign were not confined to these prosecutions. For example, Golos experts indicated that as a result of ever more repressive laws, the number of Russian citizens disenfranchised as candidates in elections reached [9 million](#), which is approximately 8% of Russian citizens over the age of 18. This includes those arbitrarily disqualified from contesting elections because of convictions for extremism under articles of the Russian Criminal Code and the Russian Code of Administrative Offences.

[According to experts of the Golos movement,](#)

'3,363 people have been convicted under 'extremist' criminal articles over ten years. The statistics for similar administrative offences are more impressive. In 2020 alone, 4,096 people were convicted for the production or distribution of extremist materials, as well as for propaganda or public display of extremist symbols. With the new "anti-extremist" amendments, this number could soon grow many times over.'

In a 'related' topic, we also consider it necessary to note the widespread refusal to register candidates on grounds of so-called '*affiliation with extremist organisations*' used in the 2021 elections at various levels to prevent independent candidates from running. Such removals and denials of candidacy do not have a direct relation to politically motivated prosecutions under criminal articles. However, we believe they increase the risk of prosecution for membership in extremist communities (**Article 282.1 of the Russian Criminal Code**) and organisations (**Article 282.2 of the Russian Criminal Code**) because law enforcement authorities have gained the ability to accuse opposition figures of extremism without any evidence whatsoever. The term 'extremism', as can be seen from the [list of those candidates withdrawn from the elections](#), almost always implies participation in the structures set up by *Alexei Navalny* or simply the expression of solidarity with him as a political prisoner, without even a hypothetical public danger.

Prosecution of candidates in elections for the State Duma of the Russian Federation

After the scandalous 2019 Moscow City Duma elections, accompanied by mass protests, their violent suppression and criminal proceedings against opposition members, the political leadership of the country apparently decided to reduce the likelihood of protests against the results of future parliamentary elections by limiting the number of popular opposition politicians among the candidates as much as possible in advance. In contrast to the situation in 2019, when opposition candidates were refused registration as candidates, after

they had been nominated, en masse in the heat of the campaign, the sweep of the candidate pool began more than a year before election day in the summer of 2020. To the best of our knowledge, the first of these kinds of criminal cases was that against the left-wing politician and popular video blogger [*Nikolai Platoshkin*](#) on charges of spreading fake news about the coronavirus epidemic (**Article 207.1 of the Russian Criminal Code**) and encouraging participation in riots (**Article 212, Part 1.1, of the Russian Criminal Code**). Despite his apparent innocence of the alleged crimes (Memorial recognised him as a political prisoner), Platoshkin was under house arrest from June 4, 2020, until May 19, 2021, when he was given a suspended sentence.

Following *Platoshkin*, criminal proceedings were initiated against one of the leaders of the Moscow opposition, [*Yulia Galiamina*](#), under the ‘Dadin’ article (**Article 212.1 of the Russian Criminal Code**). On July 31, 2020, travel restrictions were imposed on *Galiamina* and on December 23, 2021, she was given a two-year suspended sentence with a probation period of two years. Moscow City Court upheld the sentence on appeal on March 11, 2021.

From the spring of 2021 until early August 2021, when the registration of candidates for the State Duma elections was completed, the prosecution of potential candidates became systematic. So far as it is possible to judge, the launching of a significant number of criminal cases and the accompanying refusal of registration on the grounds of alleged links to ‘extremists’ resulted in a significantly lower number of candidates being nominated than expected. As a result, a small number of candidates, notably National Democrat *Roman Yuneman*, had to withdraw because they failed to gather the required number of signatures.

Indicative of this was the pressure put on moderate opposition politician *Dmitry Gudkov*, as a result of which he had to leave the country. A criminal case for ‘causing property damage’ was initiated against a relative of his in arrears in paying rent for premises owned by the Moscow city government (under **Article 165, Part 2, Point B, of the Russian Criminal Code**). Following extensive searches conducted of the homes of *Gudkov* and other family members on June 1, 2021, the politician left for Ukraine on June 6, 2021, dropping out of the election.

As Gudkov himself told the OVD-Info project:

‘There were signals that if I did not leave, serious measures would be taken not only against me but also against my relatives. They phoned Gennady Gudkov (Dmitry’s father – OVD-Info), they called my spouse. People who called conveyed, shall we say, that I have a few days to get out. If I was prepared to lose my own liberty, I was not prepared to sacrifice my relatives’ for some unknown reason. Especially my aunt: my mother’s own sister, she’s been with me all my life. I don’t need my MP mandate in an illegitimate Duma that can easily be taken away.’

Almost immediately after *Gudkov*'s departure, *Aleksandr Solovyov*, an associate of his and one of the former heads of Open Russia, which had been declared undesirable and by then liquidated, whose home had been searched on the grounds of non-payment of rent, left Russia. Another former leader of Open Russia, *Oleg Khomutnikov*, a deputy of the Lipetsk region council, was also forced to leave. *Khomutnikov* was about to run for the State Duma and received threats. According to several observers, the prosecution of *Dmitry Gudkov* signalled a sharp decline in the authorities' tolerance of public criticism and the fact that parts of the non-systemic opposition, previously considered relatively constructive, would now no longer be allowed to engage in political activity.

Other criminal cases against actual or potential candidates included:

1. [A case of fraud](#) (**Article 159 of the Russian Criminal Code**) was initiated in April 2021 against *Vladimir Kalinin*, head of the Yabloko branch of the party in the city of Shakhty, Rostov region, in connection with the fact that in 2014 he took a loan for the development of a trucking company on the security of a lorry, which had an accident several months later. It was alleged that he had concealed that the vehicle had originally been in an unserviceable condition.
2. The case of *Ketevan Kharaidze*, a municipal deputy of Tverskoy district in Moscow, who was detained on the night of June 18, 2021, remanded in custody and then transferred to house arrest on July 12, 2021, on charges of fraud on an especially large scale (**Article 159, Part 4, of the Russian Criminal Code**). She had to campaign while under house arrest, unable to communicate with voters. While the most apparent probable reason for the prosecution of *Kharaidze* was her defence of the rights of residents of Tverskoy district in a [conflict](#) with a property developer, there is every reason to believe the campaign to prosecute undesirable candidates was a significant factor in the decision to remand her in custody.

Kharaidze's case is not unique – in many cases, the immediate aim of preventing potential candidates from running for office, or hindering their campaign, has been combined with their criminal prosecution in connection with longer-term and more general purposes of suppressing the opposition. For example, the criminal case against *Andrei Pivovarov*, described in Section 2.2, resulted in him being unable to run for election in a single-mandate district and campaigning from the remand centre where he was held. Several of *Alexei Navalny*'s associates have also been prevented from running for office because of criminal cases brought against them following pro-Navalny rallies or the closure of organisations he had set up. Some of Navalny's supporters have been forced to emigrate. They include opposition figures such as *Leonid Volkov*, *Lyubov Sobol*, *Ivan Zhdanov*, *Nikolai Lyaskin*, *Konstantin Yankauskas*, *Oleg Stepanov*, *Anastasia Vasilyeva*, *Natalia Rezontova* and *Alexei Vorsin* (see Section 2.1).

Prosecution of candidates in regional and local elections

The 2021 campaign of repression could not fail to affect lower-level election candidates. However, as in the case of criminal proceedings against candidates for the Russian State Duma, in some cases the motive of obstructing participation in the election was combined with other reasons for prosecution. In particular, this concerns *Violetta Grudina*, the former head of *Alexei Navalny*'s headquarters in Murmansk that had been unlawfully declared extremist, who was prosecuted in a local sanitary case.

The most significant and revealing criminal cases against candidates below the State Duma level in 2021 were those of *Dmitry Krasichkov*, an activist from Lipetsk, and *Maksim Reznik*, a member of the St Petersburg Legislative Assembly.

Dmitry Krasichkov, who won the 2020 election to the Lipetsk City Council but was stripped of his mandate because the results were annulled, allegedly because of numerous irregularities, was planning to run for re-election to the same local government body in 2021. However, on June 4, 2021, *Krasichkov*'s apartment was searched and he was formally designated a suspect in a case of insurance fraud as part of a group (**Article 159.5, Part 2, of the Russian Criminal Code**). *Krasichkov* was accused of allegedly faking an accident in 2016 to obtain an insurance payout, a case the regional directorate for combating extremism [handled operationally](#). This ludicrous criminal charge alone could not prevent *Krasichkov* from registering for the election, so in July 2021, closer to the time for submission of documents to the election commission, he was also accused of not paying alimony and then finally denied registration on an equally ludicrous pretext – the commission said he should have indicated that his previous conviction had been expunged on January 5, 2004, not January 6. After *Krasichkov* failed to run as a candidate in the local elections, law enforcement authorities lost interest in him, although he continued to be a suspect in a futile criminal case.

More serious was the prosecution of *Maksim Reznik*, one of the leaders of the democratic opposition in St Petersburg. *Reznik*, a veteran of the St Petersburg political scene and a member of the St Petersburg Legislative Assembly since 2011, had already been the subject of a politically motivated criminal prosecution in 2008 when he spent 18 days in custody on remand on charges of insulting two police officers (**Article 319 of the Russian Criminal Code**) and assaulting them (**Article 318, Part 1, of the Russian Criminal Code**). However, that criminal case [was closed](#) at the request of the 'victims' themselves. After a sustained propaganda campaign in which the opposition MP was accused of smoking marijuana, he was detained on July 17, 2021, and placed under [house arrest](#) the next day on a charge of possession of drugs on a large scale (**Article 228, Part 2, of the Russian Criminal Code**). *Reznik* was charged with possession of 18 grams of marijuana, which he allegedly acquired before the day of the search on March 9, 2021, from a distant relative of his wife, Ivan Dorofeev. As of the end of 2021, *Reznik*'s case had been sent for trial and all motions put forward by his defence for bail or for his release subject to travel restrictions had been rejected.

Continued prosecutions after the elections

The end of the single day of voting and the tabulation of election results, which were [massively](#) flawed, did not stop the repression. They were primarily linked to protests organised by the Moscow City Committee of the Communist Party of the Russian Federation (CPRF) against dubious e-voting results that deprived at least eight candidates supported by Smart Voting in Moscow of victory. In general, [the repression](#) of these protests boiled down to mass detentions of left-wing activists before and after the protests, using video surveillance systems with facial recognition, followed by administrative charges for participating in or calling for rallies that did not have official permission.

Nevertheless, as far as can be judged, in at least one case, that of *Valery Rashkin*, it is possible to speak of a link between the criminal prosecution of a politician and their stance on the election and public assessment of the election as unfair. *Valery Rashkin* is head of the Moscow City Committee of the Communist Party and a member of the Russian State Duma, who, while as a politician remaining within the officially permitted system, has in recent years shown a willingness to cooperate with the non-systemic opposition, opposed political repression and led the September protests against electronic voting. After he was detained on the night of October 29, 2021, as a result of an apparently [pre-planned operation](#) and charged with poaching – illegal moose hunting – a criminal case was opened against Rashkin under **Article 258, Part 1, of the Russian Criminal Code**. It should be noted that while Rashkin's guilt of the crime charged against him appears to have been proven, on the whole, a campaign in pro-government media accusing him of organising protests and supporting *Navalny* suggests that the criminal case was politically motivated.

On November 17, 2021, Russian Prosecutor General *Igor Krasnov* submitted a proposal to the State Duma to strip the MP of his immunity and allow him to be subjected to pre-trial restrictions in the form of a prohibition of certain activities. On November 25, 2021, the State Duma approved the lifting of *Rashkin*'s immunity.

It seems highly likely that the [detention](#) on November 17, 2021, of *Artem Samsonov*, Communist Party MP of the Legislative Assembly of Primorskiy region on charges of sexual abuse of a person under fourteen years of age (**Article 132, Part 4, Point B, of the Russian Criminal Code**) was also motivated by the desire for revenge against the Communists for their participation in protests against the election results. According to investigators, a few years earlier, the deputy 'was on the territory of the recreation centre <...> when communicating with an 11-year-old child, showed him an object of an intimate nature and informed him of its purpose'. However, the case against the MP was initiated after a confusing denunciation in which he was accused of urging people to support Alexei Navalny and overthrow the government by violent means, while also organising drunken debauchery and visiting a public beach in the nude.



3. A timeline of other politically motivated criminal proceedings in 2021

Above, we have briefly described the most evident and noticeable repressive campaigns that emerged in 2021. However, politically motivated criminal prosecutions also took place outside these conventionally identified campaigns, along lines that have unfortunately become commonplace in recent years. We describe these repressive measures in this section of the report.

Against the background of large-scale campaigns of prosecution of supporters of Navalny and Khodorkovsky, participants in national and regional protests, journalists and human rights defenders, as well as the removal from the political field of parliamentary candidates the authorities considered potentially dangerous, what can be considered the ‘ordinary’ prosecution of political and civic activists by Russian standards also continued.

3.1. Prosecutions of opposition and other political activists

First and foremost, when people speak of the prosecution of activists, they refer to members of the ‘non-systemic opposition’, which includes opposition activists of various views: liberals, socialists and communists, anarchists, nationalists (of both Russian and other ethnic groups) and general opposition activists. At the same time, members of systemic political parties have also been subject to politically motivated prosecutions, especially the CPRF, which in some cases is the most influential element of the opposition at regional and local levels. This subject was partially addressed in the previous section. The description of the prosecution of activists

in this chapter does not purport to cover the whole range of repression. Nevertheless, here we seek to highlight the most prominent criminal prosecutions and the main directions of repressive state policy.

The most high-profile criminal prosecution of this kind was the Chto-Delat! (What-To-Do!) [case](#). A day before the start of the three days of voting in the Duma elections, on September 16, 2021, the Russian Investigative Committee issued a press release announcing the opening of a criminal case against the owner of the channel *Dmitry Chebanov* and ‘other persons’ for the alleged offence of involving people in rioting (**Article 212, Part 1.1, of the Russian Criminal Code**). According to the official version, ‘*a group of at least 11 participants from seven Russian regions created a network of telegram channels, in which they posted publications and conducted propaganda activities aimed at organising riots on the territory of the Russian Federation during the unified voting period from September 17 to 19, 2021*’. The case was compared in opposition circles to the ‘New Greatness’ case and to that of the failed ‘revolution’ of November 5, 2017, on account of the presence of clear signs of provocation. It can also be assumed the case was initiated to intimidate those who might potentially protest against electoral fraud.

As part of this case in Moscow, the security forces detained *Chebanov* himself and his girlfriend *Zhanna Chernova* and *Nikita Khreshchuk*, *Alexei Kruglov* and *Maria Platonova*, a student at the Higher School of Economics and a staff member of the independent candidate for the State Duma of the Russian Federation *Anastasia Bryukhanova*. It is possible Platonova did not even [participate](#) in the activities of the channel and related chats. On September 17, 2021, the court remanded *Chebanov* and *Chernova* in custody while *Khreshchuk*, *Kruglova* and *Platonova* were placed under house arrest. Arrests in this case also took place in other regions: *Dmitry Lamanov*, an alleged subscriber to Chto-Delat!, was arrested in the village of Urengoy in the Yamalo-Nenets Autonomous District; [Alexei Yanochkin](#), a disabled Chechen war veteran, was arrested in Krasnoyarsk; and *Vyacheslav Abramov* was arrested in St Petersburg. *Yanochkin* and *Abramov* were both remanded in custody.

OVD-Info [reported](#) that *I. Sadriyev* and *I. Nagibin* also figured in the case (the circumstances of their prosecutions are unknown). In addition, *Anton Fedotov*, the administrator of the telegram channel Protestny Novosibirsk, was prosecuted on charges of incitement to riot (**Article 212, Part 3, of the Russian Criminal Code**).

Another person involved in the ‘Chto-Delat!’ case, Tomsk journalist *Igor Kuznetsov*, was also [charged](#) in early December 2021 with participating in an extremist group (**Article 282.1, Part 2, of the Russian Criminal Code**) in connection with the [‘Left Resistance’ case](#) against political prisoner [Daria Polyudova](#) and her associates. *Kirill Kotov*, *Alyona Krylova*, *Sergei Kirsanov* and *Andrei Romanov* were also charged under the same article on the grounds that [they were administrators](#) of a group on Vkontakte, where they ‘*carried out ideological propaganda*’ of the work of Left Resistance and ‘*organised <...> rallies, marches and pickets, aimed at discrediting <...> the authorities and provoking*

clashes with police officers’. *Poliudova* herself, sentenced at her second trial to six years in a general regime penal colony on charges of inciting extremism (**Article 280, Part 1, of the Russian Criminal Code**) and justification of terrorism (**Article 205.2, Part 2, of the Russian Criminal Code**), who has been in custody since January 15, 2020, was charged with establishing this tiny communist opposition movement (**Article 282.1, Part 1, of the Russian Criminal Code**).

As [in previous years](#), the prosecution of anarchists, traditionally objects of hatred among the security forces, continued on a massive scale. The authorities seek to portray anarchists as dangerous extremists and terrorists:

- On 18 January 2021, Golovinsky district court in Moscow sentenced Moscow State University graduate student [Azat Miftakhov](#), recognised by Memorial as a political prisoner, to six years in a general regime penal colony under **Article 213, Part 2, of the Russian Criminal Code** (*hooliganism*) in the prosecution of anarchists for attacking an office of United Russia. In the penal colony, the anarchist was profiled as inclined to suicide, terrorism, drug abuse and attacking penitentiary staff;
- Chelyabinsk anarchists *Anastasia Safonova* and *Dmitry Tsibukovsky* were [sentenced](#) to terms of imprisonment under **Article 213, Part 2, of the Russian Criminal Code** (*hooliganism*) and **Article 214, Part 2, of the Russian Criminal Code** (*vandalism motivated by political hatred and hostility*) for posting a banner with the words ‘the FSB is the main terrorist.’ However, their sentences were unexpectedly overturned by the regional court on 24 November 2021. They are awaiting a retrial and are subject to a restraining order prohibiting certain activities;
- The prosecution of three left-wing schoolchildren from the city of Kansk, Krasnoyarsk region, continued. They are accused of undertaking training for terrorist activities (**Article 205.3 of the Russian Criminal Code**) and the manufacture and subsequent storage of explosives (**Article 223.1, Part 2, of the Russian Criminal Code**) on what is probably a trumped-up case organised by the FSB. *Nikita Uvarov* and *Denis Mikhailenko* have been held on remand since the summer of 2020, while *Bogdan Andreev* has been under house arrest. On May 4, 2021, *Uvarov* was released; on August 17, 2021, *Mikhailenko* and *Andreev* were released under restraining orders prohibiting certain activities;
- as part of the investigation into the murder of his acquaintances *Artem Dorofeyev* and *Ekaterina Levchenko* (**Article 105, Part 2, of the Russian Criminal Code**), one of the defendants [in the Penza case](#) of the banned Set (Network) organisation, [Maksim Ivankin](#), in September 2021 was taken to penal colony No. 3 in Vladimir region, which has a reputation for torture, where he signed a ‘confession’; he immediately retracted the confession as soon as he was allowed to see his lawyer, [claiming](#) he had been beaten and threatened with sexual violence.

In another scandalous '[New Greatness](#)' case, in January 2021 Moscow City Court reduced on appeal the terms of imprisonment of political prisoners *Ruslan Kostylenkov* and *Petr Karamzin* by three months and (in August) that of *Pavel Rebrovsky* by six months, in general upholding the extremely harsh decisions of the courts at first instance. On May 11, 2021, Moscow opposition activists *Olga Misik*, *Igor Basharimov* and *Ivan Vorobyevsky* were [sentenced](#) to terms of 'restricted freedom' on charges of committing two episodes of vandalism under **Article 214, Part 2, of the Russian Criminal Code**. *Misik* was sentenced to two years and two months of restricted freedom while *Vorobyevsky* and *Basharimov* were given terms of one year and nine months.

[Kirill Skripin](#), a lawyer from Rostov-on-Don, spent six months on remand on similarly unfounded charges of an alleged offence under the above-mentioned **Article 214, Part 2, of the Russian Criminal Code**. Despite high-profile media coverage and the fact that the group of activists was initially accused by the FSB of allegedly intending to carry out '*direct action*' by spray-painting buildings and using improvised incendiary devices '*against the buildings of the authorities and the territorial security agency*,' the criminal prosecution was brought only for spray-painting 'ПУТИН-БОП' (PUTIN IS A THIEF) on the walls of two buildings in Rostov-on-Don. This is what Skripin was accused of, despite the total lack of evidence of guilt.

Activists were not only prosecuted in groups but also as individuals:

- on January 27, 2021, after announcing another march towards Moscow, the shaman [Aleksandr Gabyshev](#) was detained in Yakutsk and forcibly confined to a psychiatric hospital; additional charges were brought against him for using violence dangerous to health against one of the police officers who detained him (Article 318, Part 2, of the Russian Criminal Code);
- on March 2, 2021, Urvansk district court in Kabardino-Balkaria sentenced [Martin Kochesokov](#), head of the Circassian NGO Khabze, to a three-year suspended sentence with a one-year probationary period for possession of 263 grams of marijuana (**Article 228, Part 2, of the Russian Criminal Code**), drugs which, in our opinion, were planted on him;
- on June 11, 2021 activist [Pavel Krisevich](#) was remanded in custody on charges of hooliganism with a weapon (**Article 213, Part 2, of the Russian Criminal Code**) for firing a blank from a pistol on Red Square in protest against repression;
- on June 16, 2021, the Tambov garrison military court found [Egor Metlin](#), a soldier of nationalistic views, guilty of the attempted organisation of an extremist group (**Article 30, Part 3; Article 282.1, Part 1, of the Russian Criminal Code**) and fined him 600,000 roubles, considering his time in custody in lieu of the fine. His prosecution was on trumped up charges and probably connected with his unwillingness to fight in Syria for political reasons.

In 2021, it was not only democratic opposition supporters and anarchists who were likely to be victims of politically motivated criminal prosecutions.

On August 2, 2021, the Military Court of Appeal upheld on appeal the convictions of three political prisoners, a group of monarchists from Kaliningrad who were members of the [Baltic Vanguard of Russian Resistance](#) (BARS). Previously held in detention since May 27, 2017, *Aleksandr Orshulevich*, *Aleksandr Mamayev* and *Igor Ivanov* were sentenced to between six and eight years' imprisonment on April 17, 2020, in a politically motivated case. *Orshulevich* had been convicted of allegedly organising an extremist community (**Article 282.1, Part 1, of the Russian Criminal Code**) and *Mamayev* and *Ivanov* of participation in it (**Article 282.1, Part 2, of the Russian Criminal Code**). All three had been convicted of incitement to terrorism (**Article 205.2, Part 1, of the Russian Criminal Code**) and extremism (**Article 280, Part 1, of the Russian Criminal Code**). Another defendant, *Nikolai Sentsov* who, as acknowledged by the Prosecutor's Office during the trial, had no connection to the organisation, was sentenced to three years in a penal colony for alleged possession of a weapon (**Article 222, Part 1, of the Russian Criminal Code**) and explosives (**Article 222.1, Part 1, of the Russian Criminal Code**) that had probably been planted on him. He was released from custody after serving his sentence.

There were a very large number of criminal prosecutions of Russian nationalists throughout the year for allegedly setting up terrorist and extremist groups, planning terrorist attacks and other crimes motivated by ethnic hatred. Such groups have allegedly been neutralised in dozens of regions and included [supporters](#) of *Maksim Martsinkevich (Tesak)* (*Martsinkevich*) had either committed suicide after being tortured or had been killed in a remand prison), at least [106](#) alleged members of the 'Ukrainian radical youth group' [M.K.U.](#) in 37 regions, supporters of the [Nord](#) group from Omsk and other far-right activists. Memorial does not have access to the materials of most of these cases and therefore cannot assess whether the prosecutions of those involved were justified. However, the defence attorneys of some of the defendants, for example, in the case of the alleged creation of a neo-Nazi community in Ufa that planned to blow up the United Russia office, argued quite persuasively that they were [victims of a politically motivated provocation](#) by security forces who fabricated the cases to create the appearance of significant threats to public safety from left and right-wing radicals.

In Bashkortostan, not only Russians but also Bashkir nationalists were prosecuted. Following a series of searches and arrests on January 13, 2021, *Rail Abkadirov*, *Rustam Amanov*, *Ilnur Kinisarov* and *Marat Sharafutdinov*, participants in the November 2020 interethnic conflict in the village of Karamaskaly, [were taken into custody](#). On September 22, 2021, the court released three of them, placing them under house arrest, the exception being *Sharafutdinov*, who was moved to a psychiatric clinic for compulsory treatment. The investigators accused them of preparing acts of hooliganism motivated by ethnic hatred (**Article 30, Part 1; Article 213, Part 2, of the Russian**

Criminal Code) and illegal storage of weapons (**Article 222 of the Russian Criminal Code**). Pro-government media [claimed](#) they were supporters of the organisation Bashkort, [recognized](#) as extremist, which had previously tried to kidnap business representatives of the Armenian diaspora in Karamaskaly. It is known that the organisation is perceived by the political leaders of the republic as extremist and separatist, although Bashkort merely opposes the authorities.

Finally, 2021 saw continued prosecutions of participants in an exotic part of the political spectrum, such as the movement of '[Citizens of the USSR](#)', who believe in the continued existence of the USSR and the illegitimacy of the formation of the Russian Federation. Divided into many neo-pagan, conspiracy theorist and often anti-Semitic groups, followers of this movement have been accused of both apparent crimes, such as preparing the contract killing of a Krasnodar rabbi (the role of the 'killer' was played by an officer of the police department for combating extremism who [infiltrated](#) the movement), and of simply participating in the movement on the grounds that the Union of Slavic Forces of Russia (USSR) and the Council of USSR Citizens in the Prikubansky District of Krasnodar have been designated as extremist organisations, membership in which is punishable under **Article 282.2. of the Russian Criminal Code**. We are aware of prosecutions under this repressive article, which criminalises participation in a banned organisation without taking into account whether there was any real public danger in the actions of individual defendants, in relation to Citizens of the USSR in the regions of [Volgograd](#), [Omsk](#), [Tula](#), [Ulyanovsk](#), [Krasnodar](#) and [Moscow](#), and other regions.

Prosecutions of activists who have threatened regional and local authorities, government agencies and non-governmental entities

Not all civil society activists prosecuted in 2021 were anti-Putin opposition activists at the time of the criminal cases against them, or could be considered a threat to the existing state system. In several cases, their activism was non-political and irritated regional and local authorities, individual state agencies or (quite often) property developers.

The prosecution of activists, journalists and bloggers of the [Rosderzhava](#) publication, who combined the social roles of video bloggers and activists with [vigilantism](#), using their resources to take up public issues (mainly traffic violations), was particularly intense. Such activities, on the one hand, irritated the regional authorities and, on the other hand, made them convenient targets for repressive measures. The following people have been prosecuted:

- Krasnodar-based video blogger *Stanislav Andreyev*, who had moderate disabilities, was taken into custody after he was [prosecuted](#) in March 2021 for theft (**Article 158, Part 2, of the Russian Criminal Code**). He removed two '*parking for disabled*' signs from a car park in Timashevsk, Krasnodar region, in

February 2019 because he believed they had been installed with violations. The second charge brought against him, under **Article 319 of the Russian Criminal Code**, was related to his calling a court bailiff, who prevented him attending a court session, a ‘sponger’. *Andreyev* remains on remand, despite the ridiculousness of the charges and the fact that his health has deteriorated sharply and he has lost the use of his legs;

- The bloggers *Yan Katelevsky* and *Aleksandr Dorogov*, who investigated corruption and had harshly criticised the Moscow region police authorities for several years, were [charged](#) with the offences of extortion in a group of people by prior conspiracy on an especially large scale (**Article 163, Part 3, Point B, of the Russian Criminal Code**) and insulting a government official (**Article 319 of the Russian Criminal Code**). Yan Katelevsky has also been charged under **Article 167, Part 2, of the Russian Criminal Code** (*‘Intentional damage to property committed from motives of hooliganism, by means of arson, explosives or other generally dangerous methods or entailing other grave consequences’*). They have been held on remand since July 29, 2020;
- *Maksim Lavrentyev* and *Sergei Kamensky*, two activists from Kemerovo close to the Rosderzhava organisation who filmed videos for their YouTube channel [‘Don’t Be Inert’](#) about violations by officials and law enforcement officers, have been charged with hooliganism (**Article 213, Part 2, of the Russian Criminal Code**) and premeditated infliction of bodily harm (**Article 115, Part 2, of the Russian Criminal Code**). At the same time, *Maksim Lavrentyev* has also been charged with assault against a public official (**Article 318, Part 2, of the Russian Criminal Code**) for using pepper spray in two conflicts with law enforcement officials when they believed the latter had wrongly parked their vehicles. In addition, *Maksim Lavrentyev*, *Sergei Kamensky* and another activist from Kemerovo, *Anatoly Sadovin*, have been charged with inciting hatred or enmity as part of an organised group against law enforcement officers (**Article 282, Part 2, Paragraph C, of the Russian Criminal Code**). Lavrentyev and Kamensky were remanded in custody on June 26, 2020, and are currently on trial and recognised by Memorial as [political prisoners](#).

An example of the persecution of environmental activists was the prosecution for [hooliganism with the use of weapons](#) (**Article 318, Part 2, of the Russian Criminal Code**) of a defender of Babushkinsky Park in Moscow, *Olga Kuzmina*, who, in protest against the construction of a residential building, climbed a tree holding a crossbow and allegedly threatened her rescuers. *Kuzmina* was removed from the tree on August 9, 2021, and initially jailed for six days for an administrative offence. However, two days later a criminal case was opened against her and she was placed under house arrest.

In 2021, the criminal prosecution of the artist, feminist and theatre director from Komsomolsk-on-Amur (Khabarovsk Krai) [Yulia Tsvetkova](#), which has been ongoing since 2019,

continued. *Tsvetkova* has been charged in an absurd case with the illegal production of, and trafficking in, pornography (**Article 242, Part 3, Point B, of the Russian Criminal Code**) in connection with the administration of the feminist body-positive public channel Vagina Monologues, in which abstract images of female genitalia were posted. This case is an example of how national conservative and homophobic tendencies, driven by official state policy, have been reflected at the regional level.

3.2. New repressive measures against participants in public protests

In 2021 the criminal prosecution of participants in public protests over the imprisonment of Alexei Navalny continued, along with systematic repressive measures, involving criminal prosecutions, used against those exercising the right to freedom of assembly. We present two of the most striking and typical examples of the prosecution of public protesters in 2021.

The prosecution of the Ingush opposition

This is one of the most significant politically motivated prosecutions in modern Russia. In 2021, the cases against the ‘leaders’ of the Ingush protest continued to be heard.

In the autumn of 2018, the leaders of Ingushetia signed a behind-the-scenes agreement to hand over some land to Chechnya. A spontaneous protest rally, involving many thousands of Ingush people in Magas, was held peacefully for a fortnight without the permission of the authorities. Over the next year, activists tried in vain to overturn the boundary agreement.

According to Memorial, on March 26, 2019, a peaceful rally was held in Magas, with around 20,000 participants. The rally had been approved by the authorities for the single day of March 26, but the protesters remained overnight. In the early hours of March 27, the National Guard units, brought in from other regions, forcibly dispersed the rally, leading to clashes.

On the same day, criminal investigations were opened under **Articles 212 and 318 of the Russian Criminal Code** on riot and violence against law enforcement officers. According to [Memorial Human Rights Centre](#) (as of November 2021), 52 people have been charged in the ‘Ingush case’, while charges have since been dropped against three of them. The courts convicted 40 people, who could be loosely described as ‘ordinary participants’ in the rally, under **Article 318 of the Russian Criminal Code**, primar-

ily under **Part 1** of the article, which penalises violence against a public official not dangerous to life or health. Most of those convicted have already been released. It can be assumed that the authorities did not want to provoke a consolidated mass outrage among the Ingush people by punishing the bulk of the protesters too harshly.

The repressive measures taken against the leaders of the Ingush protest movement were indeed severe. Their prosecution goes beyond the suppression of freedom of assembly alone and infringes on other fundamental civil rights, including freedom of association and freedom of expression. *Ahmed Barakhoev, Musa Malsagov, Ismail Nalgiev, Zari-fa Sautieva, Malsag Uzhakhov, Barakh Chemurziev, Bagaudin Khautiev* and *Ahmed Pogorov* were charged under **Article 33, Part 3; Article 318, Part 2, of the Russian Criminal Code** (*organisation of violence against public officials that is a threat to life or health*), as well as under **Article 282.1, Parts 1 and 2, of the Russian Criminal Code** (*organisation of an extremist group and participation in it*). They have been held in custody since their arrest and have all been recognised by Memorial as political prisoners. Despite the evident lack of foundation for the charges and their disproof at trial, on December 15, 2021, Judge Yanis Kutsurov of Kislovodsk City Court convicted *Barakhoev, Malsagov, Nalgiev, Sautieva, Uzhakhov, Chemurziev* and *Khautiev* (the case of *Pogorov* who was arrested later was investigated separately). They were sentenced to terms of imprisonment ranging from seven and a half years to nine years.

The prosecution of Vyacheslav Egorov

Vyacheslav Egorov is a resident of Kolomna, near Moscow, a civic and environmental activist who has spoken out against the over-exploitation of the Volovitchi waste landfill site in the Kolomna municipal district, among other things.

On January 25, 2019, a criminal case was opened against Egorov under the ‘Dadin’ article for repeatedly violating the regulations for holding public assemblies (**Article 212.1 of the Russian Criminal Code**). The grounds for the case were that Egorov had been charged with a fourth violation of the regulations for organising a public assembly within six months of administrative prosecution for three similar ‘violations’ (**Article 20.2 of the Russian Code of Administrative Code**).

Egorov spent about five months under house arrest, then was released by the court under prohibition of certain activities; from December 26, 2019, he was under travel restrictions until October 14, 2021, when Kolomna City Court sentenced him to 15 months in a general regime penal colony. Egorov was taken into custody in the courtroom. His was the third instance of a custodial sentence imposed under **Article 212.1 of the Russian Criminal Code**. Previously, *Ildar Dadin* (who spent 14 months in a penal colony) and *Konstantin Kotov* (who served a total of 18 months) had received custodial sentences under this article.

Memorial Human Rights Centre [recognised](#) *Vyacheslav Egorov* as a political prisoner on three grounds: the mere fact of prosecution under **Article 212.1 of the Russian Criminal Code** provides reason to conclude the prosecution is unlawful and political; Egorov did not actually commit the specific offences with which he was charged; and because neither his actual nor imputed actions had the degree of public danger that would be a basis for criminal prosecution.

At the very end of the year, it became known that there was [a new criminal case](#) concerning peaceful public protest. Left Bloc activists *Ruslan Abasov* and *Lev Skoryakin* were taken into custody on charges of hooliganism committed by a group of persons by prior conspiracy with the use of weapons (*Article 213, Part 2, of the Russian Criminal Code*). The charges stemmed from the fact that on the morning of December 20 the young men had unfurled a banner reading ‘Happy Chekist’s Day’ in front of the FSB building in Moscow’s western administrative district and lit a flare.

3.3. New repressive measures against public speech

In 2021, criminal and administrative prosecutions for various kinds of public statements, especially on the internet, continued to escalate.

The examples of prosecution presented show the marked increase in the grounds used to prosecute for publishing on the Internet.

Often prosecution occurs retroactively – not just months but years after publication.

Bloggers and other public speakers have been prosecuted under a wide variety of articles of the administrative and criminal codes: extremism (justification of terrorism, incitement of extremist activities, insulting veterans, insulting the feelings of believers, incitement of and involvement in riots, etc.); rehabilitation of Nazism; propaganda of drugs; distribution of knowingly false information; theft; defamation, etc. We outline in this section the most notable examples of criminal prosecutions for speech in a broad sense, reflecting the diversity of such repression.

Prosecutions for ‘defamation of veterans’

Following the criminal case of defamation against veteran Ignat Artyomenko, in which A. Navalny was fined 850,000 roubles (the case is described in Section 2.1), such defamation was promptly classified as an offence of ‘Rehabilitation of Nazism’ (**Article 354.1 of the Russian Criminal Code**). However, because of the events of the preceding periods,

in 2021 there were no further criminal prosecutions for allegedly defaming war veterans under **Article 128.1 of the Russian Criminal Code**, apart from the Navalny case. Such prosecutions are often of an artificial and clearly ideological nature, serving the authorities' purpose of exploiting the image of victory in the Great Patriotic War. In most such cases, apart from the obvious bias of the prosecution and the court, it can be said that there is no basis for prosecution as such.

For example, in April, a video blogger from Bryansk, *Sergei Maslov*, was [sentenced](#) to a fine of one million roubles. He claimed in a video posted on YouTube that the father of Aleksandr Bogomaz, the governor of Bryansk region, had collaborated with German counterintelligence during the war after being captured. The veteran's relatives appealed to the law enforcement authorities, considering that the statement denigrated the '*heroic memory of the front-line soldier*'. Maslov was charged both with defamation and with having accused a person of committing a particularly serious crime (**Article 128.1, Part 5, of the Russian Criminal Code**).

In another case in September, *Nikolai Egorov* from Sukhinichi, Kaluga region, was [sentenced](#) to a fine of 700,000 roubles for online defamation (**Article 128.1, Part 2, of the Russian Criminal Code**) for publishing a VKontakte post about the involvement of a participant in the Great Patriotic War in political terror in the 1930s. In the post, Egorov wrote that veteran E. I. Osipenko took part in the political terror of 1937-1938 before the war, first as head of the police in the village of Andreevskoye in Smolensk region and then in Sukhinichi. According to unconfirmed reports, the author believed that Osipenko and his relatives had destroyed information about his activities in the 1930s.

Prosecutions for 'rehabilitation of Nazism'

Article 354.1 of the Russian Criminal Code ('*Rehabilitation of Nazism*') was applied increasingly frequently in 2021, when it was expanded and made more severe.

On November 18, 2021, Kemerovo activist and blogger *Mikhail Alfyorov* was found guilty of two offences under **Article 319 of the Russian Criminal Code** ('*Insulting a public official*') and **Article 354.1, Part 3, of the Russian Criminal Code** ('*Rehabilitation of Nazism*'). He was sentenced to 470 hours of compulsory work and banned from posting messages and other materials online for two and a half years.

According to the charge of rehabilitating Nazism, Alfyorov spoke offensively about Victory Day in a [video](#), discussing the symbols of May 9, some of which were placed on bottles of alcohol. Memorial Human Rights Centre has [recognised](#) Alfyorov as a political prisoner.

In December, 19-year-old [Matvei Uferov](#) was sentenced to four years in a penal colony for *insulting the memory of defenders of the Fatherland* using the Internet under **Article**

354.1, Part 4, of the Russian Criminal Code. He had urinated at night on a stand bearing a portrait of a war veteran in a park and subsequently posted a video of the event online.

[Konstantin Pechenkin](#) was prosecuted under the same article in Kirov region. According to the investigators, he called the Great Patriotic War ‘pointless’ and spoke offensively about the remains of Red Army soldiers.

Criminal prosecutions for ‘*Rehabilitation of Nazism*’ for attempting to upload photos of Nazi war criminals to the website of the online ‘Immortal Regiment’ campaign have become widespread across the country.

As with the prosecutions for defaming veterans, these measures are clearly disproportionate to the actions against which they have been directed. It is clear that the authorities are using, for the purposes of propaganda, values that are significant to society but in no way need to be protected under the criminal law.

Prosecutions for ‘Insulting the feelings of believers’

Prosecutions for artistic actions in or near churches began in Russia in 2012 with the high-profile Pussy Riot case. Following this, [Article 148 of the Russian Criminal Code](#) was amended in 2013 to include penalties for insulting the feelings of believers. There has been little jurisprudence in relation to this article of the Criminal Code until recently. [Mediazona](#) estimates that by the end of 2020, i.e. over seven years, 32 sentences had been handed down. However, none of those convicted were sentenced to terms of imprisonment.

In 2021 the situation changed. The investigative authorities became more active and began monitoring online publications, including statements made by radical activists. As a result, several cases for ‘insulting the feelings of believers’ were initiated, particularly with regard to provocative photographs of places of worship.

In March in Chita, an 18-year-old blogger was sentenced to 120 hours of compulsory labour under **Article 148, Part 2, of the Russian Criminal Code** for posting a TikTok video that showed him entering Our Lady of Kazan Cathedral, crossing himself and lighting a cigarette from a church candle.

In October, a court in Moscow for the first time sentenced blogger *Ruslan Bobiyev* and his girlfriend *Anastasia Chistova* to ten months’ imprisonment. They were found guilty of insulting the feelings of believers under **Article 148, Part 1, of the Russian Criminal Code** because of a photo of the couple imitating oral sex in front of St Basil’s Cathedral.

On October 30, a criminal investigation under **Article 148, Part 1, of the Russian Criminal Code** was opened against Instagram blogger *Irina Volkova*, who took a photo of herself in front of St Petersburg’s St Isaac’s Cathedral. The photo showed her with her skirt lifted up and her underwear visible.

In October, a criminal case under **Article 148, Part 1, of the Russian Criminal Code** was opened against *Lolita Bogdanova*. She had earlier published a video where she exposed her breasts in front of St Basil's Cathedral.

In November, Kaluga police [started an investigation](#) into a photo of *Natalia Maslennikova*, who lifted her skirt and exposed her buttocks outside the Church of the Transfiguration.

In November, St Petersburg police detained bloggers aged 15 and 17 who were photographed without their trousers in front of the Church of the Saviour on Spilled Blood. The photo shows the young persons standing with their trousers down, showing their buttocks and genitals. A criminal case has been opened.

In all these cases, prosecution under **Article 148 of the Criminal Code** is unlawful. There is no evidence of incitement to hatred of Orthodox believers for which the individuals could be held legally responsible. Insulting the feelings of believers is a vague concept that does not and cannot have a clear legal meaning. Liability should therefore be decriminalised. A repressive campaign of this kind is clearly ideological and propagandistic in nature.

Prosecutions for comments, reposts and fake news about the new coronavirus infection

Section 2.5 refers to the prosecution of left-wing politician *Nikolai Platoshkin* who was [found guilty](#) on May 19, 2021, on charges of involving others in riots (**Article 212, Part 1.1, of the Russian Criminal Code**) and dissemination of knowingly false information (**Article 207.1 of the Russian Criminal Code**). The criminal prosecution stems from a video published on his YouTube channel, entitled 'Coronavirus. The latest news from the regions. A conference call of the movement For A New Socialism,' in which, according to the investigators, Platoshkin and unidentified persons allegedly communicated false information and incited riots. Platoshkin was given a suspended sentence of four years and nine months and fined 500,000 roubles. Memorial Human Rights Centre [recognised](#) Platoshkin as a political prisoner.

In February 2021, Chita-based blogger *Aleksei Zakrunoy (Lekha Kochegar)* was convicted of inciting riots (**Article 212, Part 3, of the Russian Criminal Code**) and extremist activities (**Article 280, Part 2, of the Russian Criminal Code**) and given a suspended sentence of two years and three months.

The grounds for the prosecution was streaming that Kochegar had hosted at the end of April 2020 in which he expressed indignation at the fact that in Chita pathways to cemeteries were blocked before Parents' Day because of the pandemic. Kochegar had called for the 'removal of cordons' at the entrance to cemetery grounds and in that way to have a 'bloodless revolution'. According to the Sova Human Rights Centre, Zakruzhny's conviction was unlawful as the blogger had not called for acts of violence.

In May 2021, Zabaykalsky Region Court quashed the conviction and returned the criminal case to the prosecutor. According to [Net Freedoms Project](#), a new criminal trial began on November 9, 2021.

Other prosecutions of bloggers

On June 9, 2021, blogger [Yury Khovansky](#) was detained for performing a song containing evidence of public justification of terrorism during an unspecified period in the course of an online broadcast on an unspecified resource (**Article 205.2, Part 2, of the Russian Criminal Code**). The reason was a song about Nord-Ost where the main idea of the lyrics was that the Chechens were a ‘good’ people, the Russians were a ‘bad’ people, the attack at Nord-Ost was a good thing, and Shamil Basayev, Salman Raduyev and Dzhokhar Dudaev were heroes.

Yury Khovansky stated that he performed the song only once, in 2012. There was no intention to incite hatred, much less to justify or incite terrorism. He has not performed the song since, considers it a mistake and has publicly apologised.

On the one hand, the prosecution of Khovansky appears disproportionate as the song, which formally calls for violence and endorses terrorism, given the context, was clearly not intended to incite hatred or violence and could not have caused them. Moreover, evidence that the song was performed later than 2012 is clearly not convincing, while the article of the Russian Criminal Code dealing with justification of terrorism, on the basis of which Khovansky was charged, was introduced into the Criminal Code in 2016. This excessively repressive targeting of the blogger appears politically motivated.

On November 3, the court extended Khovansky’s custody until January 8, 2022.

On December 29, at the unexpected request by the investigators, the court released Khovansky from custody and imposed pre-trial restrictions on him in the form of a ban on specific activities.

On June 2, 2021, *Andrei Deineko*, a blogger and creator of the YouTube Deathly Dangerous channel, was found guilty of deliberate infliction of bodily harm of medium gravity (**Article 112, Part 2, Point D, of the Russian Criminal Code**) against a cemetery administrator. He was sentenced to four years’ imprisonment. The case was initiated after the filming of an investigation into the administration of a cemetery in Moscow region. The blogger’s legal defence [pointed out](#) that from the video footage, which shows the entire incident, it can be seen that the blogger did not personally touch the deputy director of the cemetery, thereby confirming his innocence.

Jehovah's Witnesses

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

In the Soviet Union, the organisation was illegal and its followers were subjected to mass repression during the Stalinist period. Jehovah's Witnesses were registered as a religious faith in Russia in 1991, but pressure against them by the state resumed as early as the 2000s.

In 2004 the Moscow community of Jehovah's Witnesses was liquidated on the initiative of the prosecutor's office. In 2009 the Jehovah's Witnesses organisation in Taganrog, Rostov region, was declared extremist, banned and dissolved. In 2015, believers who were deemed by the court to be the organisers of the Taganrog community were given suspended sentences and the 'ordinary participants' were fined. In subsequent years, seven more local organisations were dissolved. The courts have been proactive in recognising Jehovah's Witness literature as extremist.

Justifications for the liquidation of the Taganrog community included the refusal by followers of the denomination to accept blood transfusions, the break-up of families over religious differences, the involvement of children in the religion, the promotion of the exclusivity of their faith and negative attitudes towards other religions. We should note that refusing a blood transfusion does represent a danger to the public, but is not classified as extremism, while all other claims can be made against almost any religion or denomination.

In April 2017, the Russian Supreme Court declared the Jehovah's Witnesses Administrative Centre extremist and liquidated it, along with 395 regional branches. Jehovah's Witnesses have since been prosecuted overwhelmingly for the offence of 'organising the activities of an extremist organisation' (Article 282.2, Part 1, of the Russian Criminal Code, punishable by up to 10 years in a penal colony) or 'participation' in such activities (Article 282.2, Part 2, of the Russian Criminal Code, punishable by up to six years in a penal colony).

3.4. Prosecutions for exercising freedom of religion and religious affiliation

Prosecutions of Jehovah's Witnesses

As of November 27, Memorial Human Rights Centre knows of 111 incarcerated Jehovah's Witnesses:

- 35 have been sentenced to imprisonment and are serving their sentences;
- 45 are in custody pending sentencing;
- 31 are under house arrest pending sentencing.

Since the beginning of 2021, Russian courts have sentenced at least 29 Jehovah's Witnesses to terms of imprisonment, two of whom have already been released. This is more than in the three and a half preceding years – from the banning of the organisation in 2017 to the end of 2020.

Among those sent to penal colonies by the courts are many older adults. **Valentina Baranovskaya**, a 70-year-old woman from Abakan who suffered an ischemic stroke, was sentenced to two years in a general regime penal colony. She was denied parole in October.

Vilen Avanesov, a 69-year-old man from Rostov-on-Don, received six years in a general regime penal colony, while *Aleksandr Ivshin*, a 64-year-old man from Krasnodar region, was given a sentence of seven and a half years.

2021 was also the year of ‘new records’. Previously, the harshest sentence imposed for belonging to the Jehovah’s Witnesses was six years in a general regime penal colony. However, in 2021, *Rustam Diarov*, *Evgeny Ivanov* and *Sergei Klikunov* from Astrakhan and *Alexei Berchuk* from Blagoveschensk were each sentenced to terms of eight years in a penal colony.

According to our data, no fewer than 53 Jehovah’s Witnesses were given suspended sentences in 2021 (of a total of 94 given suspended sentences since the organisation was banned).

At least eight Jehovah’s Witnesses in 2021 were sentenced to fines of between 200,000 and 880,000 roubles. It should be noted a court of first instance gave four women in Biro-bidzhan surprisingly low fines of 10,000 roubles, but on appeal all these sentences were increased to suspended sentences of 30 months with a further imposition of one year of restricted freedom.

By the standards of 2021, the acquittal of *Dmitry Barmakin* on November 22 in Vladivostok was an exceptional event. This was the first acquittal in the history of prosecutions of Jehovah’s Witnesses for participation in an extremist organisation. Judge Stanislav

The Sunni political party Hizb ut-Tahrir al-Islami was founded in 1953 by Taqiuddin al-Nabhani, a Sharia Court of Appeal judge in Jerusalem. Hizb ut-Tahrir aims to promote the return of Muslims to an Islamic way of living based on Shariah and the spread of the Islamic faith in the world through jihad. According to the party’s philosophy, this is possible through the restoration of the Caliphate (a theocratic state uniting all Islamic countries).

The timing of the restoration of the Caliphate is not known to people, nor is the place that will become the ‘point of distribution of the Islamic call’. Pending the recreation of the Caliphate, the organisation eschews violent methods of fighting and works only to spread its ideas among Muslims. If an Islamic State were to emerge, it would be expected to wage wars as a ‘practical method of proselytism.’

In Western Europe, Hizb ut-Tahrir is banned only in Germany for denying the right of the state of Israel to exist. According to the 2012 ECtHR ruling in the case of Hizb ut-Tahrir and Others v Germany, it is possible to receive up to a year in prison in Germany for participating in a banned organisation.

In 2003, the Russian Supreme Court banned Hizb ut-Tahrir, designating it a terrorist organisation on the grounds it was engaged in ‘militant Islamist propaganda, combined with intolerance towards other religions’. The ruling makes no reference to terrorist attacks, assaults or violent crimes. Memorial considers this decision of the Supreme Court to be unfounded.

Between 2004 and 2013, Hizb ut-Tahrir members were prosecuted mainly under the article on participation in a banned organisation (Article 282.2 of the Russian Criminal Code). The maximum sentence imposed was eight years of imprisonment. Many defendants received suspended sentences.

Since late 2013, an article on participation in a terrorist organisation has appeared in the Criminal Code (Article 205.5 of the Russian Criminal Code). This has substantially increased the penalties and the number of prosecutions has also increased. Under this article, it is impossible to get less than ten years’ imprisonment, let alone a non-custodial sentence. However, in all cases of which we are aware, the defendants are charged only with studying the philosophy of Islamic politics, taking part in meetings and seeking to persuade others.

Salnikov ruled that the believer was ‘to be acquitted for the lack of a *corpus delicti* in the actions of the defendant’ as he had ‘exercised the right to freedom of religion enshrined in the Russian Constitution’ and that ‘holding religious rites of Jehovah’s Witnesses in residential or commercial premises ... does not violate the law’. Barmakin’s right to rehabilitation was recognised.

More than one hundred Jehovah’s Witnesses were prosecuted in new cases in 2021 in Russia and annexed Crimea.

There are reports of torture at the time of arrest. Law enforcement officers were most brutal during searches conducted in Irkutsk on October 4. *Anatoly Razdabarov* said officers beat him on the head and kidneys, lifted him up by his hands when they were handcuffed behind his back and imitated rape with a bottle. *Nikolai Merinov* had his front teeth broken. However, the two believers were not remanded in custody.

The European Court of Human Rights has also found the detention of two people with disabilities from Kurgan to be torture. *Anatoly Isakov*, who has blood cancer, had to interrupt a course of chemotherapy after he was remanded in custody, nor did he receive effective painkillers. *Aleksandr Lubnin* was deprived of access to the hydrated oxygen he needed every day. After a request by the ECtHR, a Russian court released Isakov and Lubnin, who had been held on remand for six weeks.

Prosecutions for participating in Hizb ut-Tahrir

The authorities actively prosecuted a whole series of cases for participation in Hizb ut-Tahrir, recognised as a terrorist organisation in Russia, at the usual pace this year. As of December 27, 2021, Memorial knew of 14 people who had been sentenced on charges of participating in the organisation, or leading its cells. They received terms of between 11 and 23 years in a strict regime penal colony.

The legal norm that those convicted of terrorist offences should spend part of their sentence in a prison [**tiur’ma**], as opposed to a penal colony, has begun to be actively implemented. Prison [**tiur’ma**] is the toughest of all possible types of correctional facilities, involving confinement in locked cells with maximum restrictions on visits and parcels. This norm was introduced into the Criminal Code at the end of 2018. The courts are required to impose at least one year of the sentence for those convicted of participation in a terrorist organisation as a prison [**tiur’ma**] term. The five people convicted in 2021 for participation in Hizb ut-Tahrir were given between three and a half and four years in prison [**tiur’ma**].

Several individuals previously convicted for participation in Hizb ut-Tahrir received new and increased sentences for things they said in the penal colony or remand centre. *Asgat Khafizov* was accused of continuing to participate in a terrorist organisation (**Article 205.5, Part 2, of the Russian Criminal Code**) and recruiting new members to it (**Ar-**

Article 205.1, Part 1.1, of the Russian Criminal Code). His sentence – 19 years and two months – was increased to a total of 29 years, and he was transferred from a ‘strict’ regime colony to a ‘special’ regime colony, with three years to be spent in a prison [**tiur’ma**]. An additional 18 months was added to the 16-year sentence handed down to **Khamid Igamberdyev** for justification of terrorism (**Article 205.2, Part 1, of the Russian Criminal Code**) on the grounds of conversations he had with fellow inmates. **Zafar Nodirov**, who is serving a sentence in Krasnoyarsk region, is also known to be subject to a new prosecution for justification of terrorism.

At least 18 new defendants were detained in Hizb ut-Tahrir cases in 2021, including 11 in annexed Crimea. They have all been remanded in custody.

According to Memorial Human Rights Centre, at least 305 people were in detention as of December 27 in connection with prosecutions for participation in Hizb ut-Tahrir, 218 of whom had already been convicted (at least 163 of whom have 10-year sentences), 57 were under investigation and 29 were on trial.

Almost all those under investigation are held on remand, with only two Crimean residents under house arrest, namely **Aleksandr Sizikov**, who is blind, and **Amet Suleymanov**, who has a severe heart condition that prevents him being held in custody.

The most intensive crackdown the Russian authorities have carried out has been in annexed Crimea, where 89 Hizb ut-Tahrir followers have been sentenced to terms of imprisonment. In second place is Tatarstan, with 81 people prosecuted and deprived of their liberty. In third place is Bashkortostan, with 53 known residents currently deprived of their liberty in cases related to Hizb ut-Tahrir.

Fabrication of criminal cases against Muslims for terrorism or aiding and abetting terrorism

Muslims (and especially Central Asian migrant workers) are the groups most vulnerable to political repression. Memorial Human Rights Centre is aware of several cases (in reality, there could be many more) where the FSB has selected Muslim victims at random and fabricated terrorism cases against them. Usually, in these cases, the fabrication of cases is accompanied by torture to extract confessions and the planting of weapons and explosive devices. Victims of such prosecutions typically have no legal knowledge or even a good command of Russian and often have no money to pay for a lawyer. All this makes for a weak defence. Public support for such cases is extremely low because of widespread Islamophobia, while the security services can use the cases to advertise their effectiveness virtually unhindered. Moreover, the study of cases concerning the preparation of acts of terrorism is often beyond the reach even of professional human rights activists, given the very time-consuming and labour-intensive nature of the work.

The most prominent of these criminal cases is that of the bombing of the St Petersburg metro in 2017. Its distinctive feature, unlike many cases, is that a terrorist attack actually took place. In 2021 Memorial Human Rights Centre completed extensive work analysing and discussing the circumstances of the prosecution and concluded that at least nine of the 11 defendants in the case were not guilty and were political prisoners, while the guilt of two others was doubtful. You can [read more](#) about the case on Memorial's website.

The court handed down its verdict in the St Petersburg metro bombing case back in 2019. Ten defendants received between 19 and 28 years' imprisonment, and one was imprisoned for life. On August 6, 2021, an appeal took place, which reduced the sentences of each of the ten defendants who received terms of imprisonment by either one or two months.

Memorial Human Rights Centre also examined the cases of five individuals originally from Dagestan who, until they were arrested, lived in Odintsovo, near Moscow. They were convicted in 2016 on charges of preparing a terrorist attack on Victory Day. There are numerous indications that evidence in the case was falsified. The guilt of those convicted was not proven and their right to a fair trial was violated. [We have concluded](#) they are political prisoners.

The 15 individuals convicted for preparing an explosion at Moscow's Kirghizia cinema continue to serve their sentences. All 15 were arrested in 2013 and sentenced to between 11 and 13 years of imprisonment in 2016. Memorial Human Rights Centre concluded that the terrorism charges were trumped up and that those involved in the case were political prisoners (more details on the case are available [here](#)).

In 2020, one of those convicted, *Artur Maslakov*, managed to obtain release from the penal colony on grounds of health (he is visually impaired). However, six months later, the prosecutor's office appealed the court's decision to release him. On August 6, 2021, the Tyumen Region Court quashed the release and Maslakov was returned to custody and transported to Tyumen where he continued to serve his sentence. Moreover, he wrote in a letter that the doctor who drew up the opinion that he could not serve his sentence in a penal colony had been criminally prosecuted. Maslakov has not yet said what crime the doctor has been accused of.

Memorial Human Rights Centre is currently [following](#) the case of five residents of Nizhnevartovsk accused of setting up a branch of the Islamic State terrorist organisation, the Nizhnevartovsk Jamaat, in their city and preparing terrorist attacks. In addition, according to the investigators, the five individuals purchased drugs on a large scale to '*improve relations among the members of the Nizhnevartovsk Jamaat and to ease tensions caused by the fear of being exposed*'.

All the defendants in the case retracted confessions they had made, saying they had given them under torture or threat of torture. The court is now hearing the case.

We should note that the prosecution of Muslims on terrorism charges is not limited to accusations of involvement in actual or fictitious terrorist attacks. The article on aiding and abetting terrorism (**Article 205.1 of the Russian Criminal Code**) is often used to penalise, among other things, terrorist recruitment or terrorist financing. Memorial lists North Ossetian-born **Georgy Guev**, who was sentenced to six years in a general regime penal colony for allegedly transferring money to the terrorist organisation Islamic State. There is every reason to believe that, in reality, Guev was donating to charity and was unaware that the accounts to which he was transferring small amounts of money were allegedly affiliated with terrorists (more details on the case are available [here](#)).

3.5. ‘Ukrainian’ repressive measures in 2021

After Russia annexed Crimea in 2014 and unleashed a ‘hybrid’ war in Ukraine’s Luhansk and Donetsk regions, the Russian authorities launched a major crackdown on both Ukrainian citizens and Russians of pro-Ukrainian views. The most significant criminal prosecutions, and those most actively used for propaganda purposes, were:

- the case of **Oleg Sentsov** and other activists from Crimea accused of terrorism;
- the case of Ukrainian pilot **Nadiya Savchenko**, accused of murdering Russian journalists;
- the case of **Nikolai Karpyuk** and **Stanislav Klykh**, accused of participating in the First Chechen War on the side of illegal armed groups;
- the case of 24 Ukrainian sailors charged with illegally entering the Kerch Strait.

‘Ukrainian prosecutions’, of course, were not limited to these four cases. Individuals imprisoned in connection with the Russian-Ukrainian military conflict have long formed a significant part of the total list of political prisoners.

The situation changed significantly in Autumn 2019 when there was an exchange of 35 Ukrainians held in Russia for 35 detainees and prisoners of war held by the Ukrainian authorities. Smaller exchanges had taken place before.

Subsequently, the ‘Ukrainian repression’ lost its former scale but did not disappear. The total list of political prisoners now includes five Ukrainians: **Andriy Kolomiets**, sentenced to 10 years’ imprisonment for participating in the Maidan protests, **Oleksiy Bessarabov** and **Volodymyr Dudka**, sentenced to 14 years’ imprisonment on charges of sabotage, **Oleksandr Marchenko**, who received a ten-year sentence on charges of espionage, and **Oleg Prykhodko**, charged with preparing a bomb attack and arson. On March 3, 2021, the Southern District Military Court sentenced Prykhodko to five years in a strict regime penal colony, with the first year to be served in a prison [**tiur’ma**]. According to the judgment, Prykhodko was preparing to blow up the local government offices in his hometown

of Saki in Crimea and then set fire to the Russian Consulate General in Lviv. To do this, he allegedly made an explosive device, began preparing a second one, and kept sticks of TNT and ready-made Molotov cocktails in his possession. After examining the case, Memorial concluded that the explosive devices and explosives had most likely been planted on him during searches. It is also likely that the phone from which Prykhodko allegedly sent messages saying he was planning terrorist attacks was also planted and these messages themselves are likely to have been fabricated by the investigators. Prykhodko's legal defence discovered that both the phone attributed to Prykhodko and the phone used by his interlocutor were purchased by the same person in Simferopol.

Among the Ukrainians, who for one reason or another were not included in the lists of political prisoners (often as a result of a lack of information about the cases), were *Valentyn Vygovsky*, *Viktor Shur*, *Ivan Yatskin* and *Leonid Parkhomenko* accused of treason and espionage, and the 'subversives' *Andrii Zakhtey*, *Dmytro Shtyblikov* and *Hennadiy Limeshko*. It is likely that the numbers of residents of Crimea and mainland Ukraine subject to politically motivated prosecutions, even not counting those prosecuted on charges related to religion, are in reality higher.

The list of political prisoners includes [*Aleksandr Atamanov*](#) and [*Vladimir Domnin*](#), two Russians sentenced to terms of imprisonment on charges of belonging to Right Sector, an organisation designated as extremist in Russia. Atamanov was sentenced to four years and ten months in a general regime penal colony. In particular, he was accused of distributing Right Sector leaflets in Pyatigorsk, although Atamanov himself claims he was apolitical and had only heard about the organisation on television. Domnin was sentenced to nine years in a strict regime colony on charges of travelling to Ukraine to participate in one of Right Sector's military groups. Domnin himself claims he was providing charitable assistance to the Ukrainian military, but only for the purpose of seeking asylum in the US later. In August 2021, an appeal upheld Domnin's conviction. Again, there are clearly more cases than these concerning prosecution for actual or fictitious participation in Right Sector.

Crimean residents imprisoned in connection with their religion have a special place in the lists of political prisoners: Jehovah's Witnesses, members of Hizb ut-Tahrir and Tablighi Jamaat. None of these associations is criminalised in Ukraine. In our view, Russia, as an occupying country, violates the Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Under this international instrument, the occupying power has no right to repeal criminal law in force at the time of the occupation and replace it with its own.

Meanwhile, Crimea has the highest number of people imprisoned for participation in Hizb ut-Tahrir among all regions under Russian control. We believe the charges related to Hizb ut-Tahrir, which is banned in Russia and has been declared a terrorist organisation, are also used to suppress civil society activity and solidarity among the Crimean Tatar people. Among the Jehovah's Witnesses known to have been imprisoned are ten Crimean residents. To read more about prosecutions for religious belief, see section 3.4.

After a brief comparative lull, two high-profile political cases unfolded in Crimea in 2021 in which the defendants claimed they had been tortured.

The case of Crimea.Realias journalist Vladislav Yesipenko

Vladislav Yesipenko, a journalist working with Crimea.Realias (a Radio Liberty project), was detained by Russian security forces and taken to an unknown location on March 10, 2021. On March 16, the FSB [said](#) Yesipenko was engaged in ‘reconnaissance and subversive activities in the interests of the Ukrainian special services’, taking photos and videos in Crimea, and an explosive device had been found in his car.

Independent lawyer Aleksei Ladin was only able to meet the journalist, who had been remanded in custody, on April 6 at the custody appeal hearing. He had not been allowed into the pre-trial detention centre, where he had been shown a written waiver signed by his client rejecting his services. In court, Yesipenko said FSB officers planted a grenade in his car, then took him to a basement where they tortured him all night long by attaching electric wires to his ears and beating him until he gave the necessary evidence. In addition, he appears to have been coerced into giving an interview to the pro-government TV channel Crimea 24.

The journalist was charged with the illegal manufacture of an explosive device (**Article 223.1, Part 1, of the Russian Criminal Code**, punishable by eight to 10 years’ imprisonment). Subsequently, he was further indicted with the charge of possessing an explosive device (**Article 222.1, Part 1, of the Russian Criminal Code**, punishable by six to eight years’ imprisonment). Even though Russian propaganda [presented](#) Yesipenko as a ‘Ukrainian spy’ he was not charged with espionage. According to his legal defence, there were no fingerprints of the accused on the grenade.

Since July, Yesipenko’s trial has been underway in Simferopol district court .

The case of Nariman Dzhelyal and the Akhtemov brothers

On August 23, the press service of the Crimean Interior Ministry [announced](#) that unknown persons had damaged a gas pipeline near the village of Perevalnoye. A criminal case was opened on charges of intentional damage to property by generally dangerous means (**Article 167, Part 2, of the Russian Criminal Code**).

On September 3 and 4, law enforcement officers conducted five searches in the homes of Crimean Tatars as part of the gas pipeline damage case. Three Crimean Tatars - former deputy chair of the Mejlis of the Crimean Tatar People *Nariman Dzhelyal* and the brothers *Aziz and Asan Akhtemov* - were remanded in custody. The Akhtemovs were charged with sabotage (**Article 281, Part 1, of the Russian Criminal Code**), while Dzhelyal was charged with aiding and abetting sabotage (**Article 281, Part 1, of the Russian Criminal Code** in conjunction with **Article 33, Part 5, of the Russian Criminal Code**). As early as September 10, Dzhelyal was charged with sabotage itself, rather than aiding and abetting sabotage.

Dzhelyal reported that, after he was arrested, he was held for many hours in a basement with a bag over his head, handcuffed and subjected to psychological pressure. He considers the arrest to be revenge for his participation in the international Crimean Platform summit, which took place in Kyiv in late August.

Aziz Akhtemov [told](#) his lawyer Aider Azamatov on September 10 that security forces had beaten him and his brother, taken them into the woods, threatened to shoot them and tortured them with electric shocks.

More serious charges were subsequently laid against the defendants. *Asan Akhtemov* and *Nariman Dzhelyal* were accused of committing sabotage as a group (**Article 281, Part 2, Point A, of the Russian Criminal Code**, punishable by from 12 to 20 years' imprisonment). They were also charged with the illegal acquisition and storage of explosives as an organised group (**Article 222.1, Part 4, of the Russian Criminal Code**, punishable by from 10 to 15 years' imprisonment). *Aziz Akhtemov* is likely to face the same charges. Finally, in November, it became known that Dzhelyal was facing a new charge of smuggling an explosive device as an organised group (**Article 226.1, Part 3, of the Russian Criminal Code**, punishable by from seven to 12 years' imprisonment).

3.6. New prosecutions for 'espionage'

In several instances the Russian state authorities used charges under **Article 275** (*'High Treason'*) and **Article 276** (*'Espionage'*) of the **Criminal Code** for politically motivated prosecutions. These articles are close in meaning, the difference being that the former is used against Russian citizens, the latter against foreigners.

The main feature of such cases is maximum opacity. Often, defendants and their lawyers cannot even determine the charges because this information is a state secret. This is one of the reasons for the low public awareness of such cases. Memorial Human Rights Centre is generally unable to obtain complete and objective information about treason and espionage prosecutions and, therefore, often finds it difficult to recognise their defendants as political prisoners.

A [surge](#) in espionage and treason cases occurred in 2014 with the start of the Russia-Ukraine conflict and the intensified confrontation between Russia and Western countries. At that time the number of persons convicted under these articles increased fourfold compared to the previous year. After a slight decline in such cases in 2017, since 2018 there has been a moderate increase in the number of prosecutions for espionage and treason and a sharp increase in prosecutions relating to 'counterintelligence' offences such as divulging state secrets (**Article 283 of the Russian Criminal Code**)

and illegally obtaining access to state secrets (**Article 283.1 of the Russian Criminal Code**). This is a consequence of deliberate state policy and propaganda, creating a wartime atmosphere in society, accompanied by the search for a ‘fifth column’ and ‘enemies of the state.’ To maintain this overall atmosphere, new criminal cases against ‘spies’ and ‘traitors to the Fatherland’ are required. The result is that counterintelligence agencies often focus on fabricating criminal cases, artificially criminalising perfectly legitimate acts. We believe that the series of ‘spy’ cases are used by those in authority to strengthen their grip on power. In this way, the FSB presents an appearance of being engaged in work of heightened national importance, while specific officers win career and material advancement for themselves. The set of ‘counterintelligence’ articles of the Criminal Code is used particularly actively to prosecute Ukrainian citizens.

According to the [Riddle](#) analysis portal, the constant generation of spy cases is also a result of the fact that they are *‘a powerful disciplinary tool, directed primarily against those who work for the state in sensitive areas. Furthermore, this sword of Damocles is set in the context of hundreds of criminal trials for state secrets, in which those charged must always be aware that things could have been much worse for them.’* The researchers reached this conclusion by analysing a list of [110 Russian citizens](#) convicted under **Article 275 of the Russian Criminal Code** between 1997 and 2020. Of the 110 people, 59 were former or active members of the military, the intelligence services or the security services, and a further 18 were members of the military-industrial complex or scientists whose work was related to the military.

Arbitrary and politically motivated application of the law on high treason is to a large extent made possible by the vague wording of **Article 275 of the Russian Criminal Code**, which in its current version, adopted in 2012, penalises *‘espionage, giving information that constitutes a state secret to a foreign state, an international or foreign organisation or their representatives, entrusted to a person or become known to him through their service, work, study or in other cases provided for by the legislation of the Russian Federation, or the provision of financial, technical, consulting or other assistance to a foreign state, an international or foreign organisation or their representatives in activities directed against the security of the Russian Federation committed by a citizen of the Russian Federation.’*

The inclusion in **Article 275 of the Russian Criminal Code** of language concerning ‘financial, technical, consulting or other assistance to a foreign state, an international or foreign organisation or their representatives in activities directed against the security of the Russian Federation’ makes it possible, if desired, to bring charges of treason for virtually any cooperation with any foreign entities. The content and forms of criminal activity appear undefined: the already extensive list of ways of committing a crime (‘financial, technical, consulting’) is supplemented by ‘other assistance’; the concept of ‘activity directed against the security of the Russian Federation’ has no legal definition and allows

for the broadest possible interpretations. The text of the law itself does not make it possible to foresee precisely what kind of conduct may subsequently be assessed as criminal by law enforcement and does not meet the principle of legal certainty.

Some new examples of espionage-related prosecutions in 2021

The lists of political prisoners currently include three people convicted under **Article 275 of the Russian Criminal Code** (*Petr Parpulov*) and **Article 276 of the Russian Criminal Code** (*Aleksandr Marchenko and Karina Tsurkan*). However, investigation of the circumstances that indicate the unlawfulness and political motivation of the criminal prosecutions under these articles is extremely difficult due to their secrecy. In 2021, amid a sharp uptick in the crackdown on ‘foreign agents’, new criminal cases continued to be brought against those accused of treason and espionage. Negative trends include the above mentioned liquidation of Team 29 by the authorities, which has drastically reduced the already limited possibilities for public scrutiny of this kind of repression, and the expulsion from the Moscow Public Oversight Commission of human rights activist Marina Litvinovich who had regularly visited the FSB-controlled Lefortovo detention facility where a significant number (if not most) of the ‘spies’ and ‘traitors’ are held. This led to the fact that in 2021 Memorial was unable to come to a single reasoned decision on whether or not to recognise the defendants in the new ‘spy’ cases as political prisoners.

The classification of espionage and treason prosecutions and the closed nature of the trials in these cases have themselves resulted in an increase in unlawful, biased convictions. Public opinion cannot be convinced of the validity of the verdict and the proof of guilt. At the same time, by providing examples of criminal cases with clear signs of political motivation, we try to show the reader the scope and variety of new cases investigated by the FSB, which are regularly initiated against individuals who have no access to state secrets and are hardly capable of damaging the security of the Russian Federation.

For example, a typical instance of prosecution of a ‘scientist-spy’ was that of [Valery Golubkin](#), a researcher at the Zhukovsky Central Aero-Hydrodynamic Institute and a professor at MIPT, arrested on April 12, 2021, on charges of treason (**Article 275 of the Russian Criminal Code**). A letter from Lefortovo remand centre, written by Golubkin’s lawyers from his own words, said his arrest was linked to the testimony of his supervisor *Anatoly Gubanov*, who had previously been arrested. At the same time, the charge related to his involvement in an international project to build a high-speed hydrogen-powered passenger jet, the work plan for which had been approved by the Russian Ministry of Industry and Trade. According to the investigators, Golubkin allegedly passed information containing state secrets to Belgian national Johan Steelant, a representative of the European Space Agency, which coordinated the project.

Several new prosecutions for espionage were launched in Crimea. A notable example of a typical espionage case was the prosecution of radio amateur [Stanislav Stetsenko](#), arrested on June 25, 2021, on charges of treason (**Article 275 of the Russian Criminal Code**). Stetsenko, whose flat was searched for Ukrainian symbols and amateur radio equipment (openly sold in Crimea), which in itself made him a likely target of prosecution in the framework of the ‘spy’ campaigns, has been accused of activities whose nature is uncertain but probably concerns the gathering of information about the Russian navy and air force. In the conditions of total secrecy, we cannot rule out that the information with regard to which Stetsenko has been charged, and the evidence the investigators have, will never become known to the media or human rights activists. Proof of this can be seen in the fact that in some criminal cases where sentences were [handed down](#) in 2021, the only publicly available information is the lengthy terms of imprisonment imposed on anonymous Ukrainian ‘spies.’

On June 29, 2021, it became known that *Aleksandr Derkunsky*, the founder of the Russian company DZ Consulting was arrested in Rostov-on-Don on suspicion of treason under **Article 275 of the Russian Criminal Code**. [According to media reports](#), the businessman was accused of obtaining from a Russian citizen via the Internet the results of research related to the creation of a hardware and software complex on the basis of certain ‘*unparalleled technology*’, after which Derkunsky organised production of this equipment in Poland, selling it, among other things, to foreign secret services. The company in question is apparently Rusolut, a Warsaw-based company owned by Derkunsky that [specialises](#) in the retrieval of ‘*lost information, including on faulty memory devices. According to the Rusolut website, its only product is a data recovery suite (reader, adapter, plus software). The equipment is designed for use by experts, including forensic information experts.*’

Significant ‘counterintelligence’ prosecutions that continued in 2021

Among the most high-profile cases prosecuted before 2021, with significant indications of fabrication and political motivation, the scandalous cases of *Karina Tsurkan* and *Ivan Safronov* are foremost. However, the range of criminal investigations was much wider. The previously mentioned Riddle analysis [calculated](#) that ‘*as of October 2021, there are at least ten people under investigation for treason in Russia. <...> In addition, seven people were convicted in 2021.*’

On December 29, 2020, [Karina Tsurkan](#), a former member of the board of Inter RAO and head of the trading unit at the company, was sentenced to 15 years in a general regime penal colony on charges of espionage (**Article 276 of the Criminal Code**). On October 15, 2021, the Supreme Court of the Russian Federation upheld the sentence on appeal

despite a widespread public [campaign](#) in defence of Tsurkan. Memorial declared her a political prisoner in October 2020 because of the clearly politically motivated nature of the charges and the highly dubious evidence of her guilt. This was made possible thanks to the lawyer Ivan Pavlov, who allowed the general public to obtain an approximate idea of the case against Karina Tsurkan. She became the latest person recognised by Memorial as a political prisoner for an offence related to ‘counterintelligence.’

[Ivan Safronov](#), an adviser on public relations to the head of the Roskosmos Corporation and a former journalist at *Kommersant* and *Vedomosti*, continued to be held in the Lefortovo remand centre in 2021 on charges of alleged collaboration with Czech intelligence. His lawyer, Ivan Pavlov, was under constant pressure and was forced to emigrate when a criminal case of disclosure of pre-trial investigation materials was brought against him. Since his detention on July 7, 2020, Safronov has been banned from calling and visiting his mother and fiancée and in October 2021 he was prohibited from engaging in correspondence. Safronov’s support group attributes this to the fact that the investigators, who lack sufficient evidence, are trying to force Safronov to admit his guilt by putting him under constant pressure. According to [Ivan Pavlov](#), in a statement made before he was forced to leave Russia, the FSB is trying to portray Safronov’s ordinary journalistic activities as spying, thus setting a precedent for further pressure on the remaining media outlets.

The author of the popular YouTube channel Urbanturizm, [Andrey Pyzh](#), who was held on remand since August 5, 2020 on charges of committing an offence under **Article 283.1, Part 2, Point D, of the Russian Criminal Code** (*‘Illegal acquisition and dissemination abroad of information constituting a state secret’*), was sentenced in October to five years’ imprisonment. After his arrest, an anonymous source told the TASS news agency that Pyzh *‘had been charged with taking to Ukraine data related to the Moscow metro lines and also to underground transportation facilities that are used for mobilisation purposes, which are protected by law and by Russian law-enforcement agencies. This information is classified as secrets of state.’* [According](#) to the blogger’s former lawyer, this data was allegedly contained on a flash drive that Pyzh took across the border into Ukraine to use in his future videos. The lawyer, Baturina, was forced to sign an undertaking not to disclose information constituting state secrets but, she [notes](#), the case file contains no indication of what information was classified as such. Memorial [has placed](#) Pyzh on its list of persons whose prosecution has indications of being politically motivated and unlawful, although we have not been able to review any of the case files.

As an example of the kind of information that can be considered a ‘state secret,’ we can give the case of [Vladimir Grabovsky](#), an employee of the Centre of Geodesics who in April 2021 was given a 14-month suspended sentence after being found guilty of an offence under **Article 283, Part 1, of the Russian Criminal Code** (*‘Disclosure of a state secret’*) in selling a classified map dated from the 1970s of the Soviet Military Staff, which had obviously lost any relevance.

On March 12, 2021, the Fifth Court of Appeal in Novosibirsk [reduced](#) the sentence of ***Yury Zaytsev***, former head of the Drug Control Department of the Interior Ministry of the Republic of Khakassia, from eight to five years' imprisonment. Earlier, on September 22, 2020, the Supreme Court of Khakassia had found him guilty of an offence under **Article 290, Part 3, of the Russian Criminal Code** (*'Accepting a bribe on a large scale'*) and **Article 283, Part 1, of the Russian Criminal Code** (*'Disclosure of state secrets'*) in a case his support group [claimed](#) was related to what he had said in a video message about the local police and FSB covering up for drug traffickers.

On March 24, 2021, Sevastopol City Court [sentenced](#) 66-year-old pensioner ***Galina Dvopolova***, who had been arrested in November 2019, to 12 years in a general regime penal colony under **Article 275 of the Russian Criminal Code**. As far as is known, according to the investigators, the accused had collaborated with Ukrainian intelligence and collected information about the aviation arm of the Russian Black Sea Fleet, including call signs, radio station indices and keys to the duty radio operator tables and peacetime telephone call sign tables.

On April 20, 2021, the First Court of Appeal upheld the sentence of Kaliningrad Region Court of December 24, 2020, against a former expert of the Gorchakov Public Diplomacy Support Foundation ***Antonina Zimina*** and her husband, ***Konstantin Antonets***, who had been sentenced to 13 years' imprisonment and 12 years and six months' imprisonment, respectively, for treason. According to the FSB, Zimina was recruited by Latvian secret services in 2012 while travelling abroad, after which she carried out tasks to gather classified information for the Latvian secret services and pass it to them. In 2015, Zimina engaged Antonets, who was then working at the Kaliningrad Ministry of Economy, to steal and, together with Zimina, transfer classified information to the Latvian secret services. In addition, the couple also revealed the identity of a serving regional FSB officer by sending the Baltic country's intelligence agency a photo of him from their wedding. According to [Novaya gazeta](#) and other media outlets, the information in question was in fact an unclassified document about support for small businesses that had been published on the website of the Kaliningrad region government.

On April 22, 2021, Moscow City Court convicted ***Aleksei Vorobyov***, a former associate professor at the department of rocket engines at the Moscow Aviation Institute (MAI) who taught the disciplines of *'calculation and design of liquid rocket engines'* as well as *'general theory of rocket and aircraft engines'*. He was sentenced to 20 years in a strict regime penal colony. In addition to treason (**Article 275 of the Russian Criminal Code**), he was charged with preparing to illegally transfer raw materials, equipment or technology that can be used for the production of weapons (**Article 30, Part 3; Article 226.1, Part 3, of the Russian Criminal Code**) and an attempt to smuggle such materials (**Article 30, Part 1; Article 189, Part 3, of the Russian Criminal Code**). The court noted that the scientist had *'extensive, long-term connections beyond the territory of the Russian Federation, including with the People's Republic of China'*.

On May 21, 2021, the Supreme Court of Crimea sentenced [Ivan Yatskin](#), a local resident of pro-Ukrainian views, to 11 years' imprisonment on charges of treason. While in Simferopol from February 14 to March 30, 2016, allegedly on the instructions of the SBU, he had communicated with acquaintances in law enforcement bodies, *'collecting the personal data of officers of the Operative Search Bureau of the Interior Ministry of the Republic of Crimea'* and, while in Ukraine from April to July 2016, *'through the Internet, as well as during personal meetings with SBU officers'* had given the latter classified information. During the investigation, Yatskin spent more than two months in total isolation in pre-trial detention, where he may have been beaten.

On July 29, 2021, the Supreme Court of the Russian Federation [upheld](#) the conviction of military historian *Andrei Zhukov*, who was sentenced to 12 years and six months in a strict regime penal colony for high treason. According to [one version](#), the criminal case was related to military forums discussing the structure and deployments of the Russian army and was a prime example of growing spy mania.

3.7. Other new repressive measures in 2021

Political repression in Russia is not reducible to repression in few main areas and its victims often defy simple classification. In this chapter, we give examples of repression against some specific groups in 2021: Belarusian refugees, representatives of ruling groups and, finally, accidental victims of political prosecution.

Supporters of the Belarusian opposition

After the fraudulent elections and mass peaceful protests in August 2020, Belarus experienced an unprecedented wave of repression even by the standards of a country with an authoritarian political regime. The Viasna (Spring) Human Rights Centre estimates that, as of December 27, 2021, there were [954 political prisoners](#) in Belarus ([including](#) the leaders of Viasna itself) [and at least 35,000 people](#) were jailed under administrative law.

Many Belarusians, taking advantage of the absence of border and visa controls on the border with Russia and the fact that they do not even need a passport to enter Russia, fled to our country to escape arrest, long terms of imprisonment, murder and torture. For quite a long time, the Russian authorities took a relatively neutral stance towards the protests in Belarus, in particular by allowing protests by [representatives of the diaspora](#) and Russian activists to take place outside the Belarusian embassy and consulates. However, since December 2020 the Russian authorities have begun to extradite Belarusian opposition activists, placing them in remand centres pending deportation.

Information about prosecutions in Belarus is minimal because of the very high number of cases and the complete destruction of independent bar associations, media, human rights organisations and the blogosphere. It therefore seems likely that both the actual number of political prisoners and the number of Belarusians extradited by the Russian authorities or kidnapped by the Belarusian security services in Russia may be several times higher than those indicated in this section. We are also aware of the prosecution of opposition activists from Uzbekistan, Tajikistan and Turkmenistan and possibly other countries in the interests of those authoritarian regimes.

We do not know the total number of Belarusian nationals extradited or deported. The number of Belarusians who decided to seek refuge in Russia is relatively small and does not exceed several dozen, probably because of the readiness of Poland and Lithuania to accept Belarusian migrants and refugees, as well as the close cooperation between Russian and Belarusian special services within the framework of the Union State structures. At the same time, this number also includes Belarusian citizens permanently residing in Russia who have taken part in the political struggle in their home country by maintaining protest pages on social media, primarily chat rooms and Telegram channels.

The following persons have been recognised as political prisoners by Memorial: trade union activist [Andrey Prilutskiy](#), released on a pledge to appear in court; anarchist [Andrey Kazimirov](#), awaiting extradition after a court decision; MMA fighter [Andrey Kudin](#), [extradited](#) to Belarus in violation of a ruling by the ECtHR and sentenced to two years six months in a penal colony; [Yana Pinchuk](#), charged with administering the opposition Telegram channel Vitebsk 97%, who has been held in a St Petersburg remand centre since November 1, 2021.

We are also aware of the following cases provided by our colleagues in the Migration and Law Network and from media reports:

- [Nikolai Davidchuk](#), whose extradition to a neighbouring country was refused and who was released from pre-trial detention;
- [Yevgeny Shabalyuk](#), a kickboxer and protester who spent six months in the Kresty remand centre in St. Petersburg before being transferred to house arrest, from which he escaped and subsequently fled Russia;
- [Sergei Nepogoda](#), whom the authorities, after his release from a remand centre in St Petersburg, attempted to deport for allegedly violating migration laws;
- [Vadim Duboisky](#), awaiting consideration by the ECtHR of his complaint against the decision to extradite him, was detained while trying to cross the Russian-Ukrainian border;
- [Mikhail Zubkov](#), a participant in a Gomel protest rally, has been held in a Moscow detention centre since October 29, 2021;
- 20-year-old college graduates from Mogilev, [Artur Yakubov](#) and [Aleksei Titovets](#), probably [taken](#) to Belarus, for whom an arrest warrant had been issued in Moscow, where they were arrested in January 2021 on the same day.

Some Belarusians have been removed or subjected to de facto deportation without recourse to legal procedures. For example, the politician *Yury Zenkovich* and the political analyst *Aleksandr Feduta*, accused of preparing a coup d'état on highly dubious charges, were detained in Moscow city centre and [taken](#) to Minsk. Similarly, *Komsomolskaya pravda in Belarus* journalist *Gennady Mozheika* was detained as he was waiting to fly out from Moscow's Sheremetyevo airport [by the FSB](#) and put on a plane to Minsk, where he was arrested on absurd charges of inciting social hatred (**Article 130, Part 3, of the Criminal Code of Belarus**) and insulting a government official (**Article 369 of the Criminal Code of Belarus**).

Members of the political elite

As journalists, political analysts and other independent observers have noted, since the defeat of the 2011-2012 protests, and especially after the annexation of Crimea in 2014, there has been a dramatic increase in the tendency to resolve intra-elite conflicts through criminal cases with a clear political motive. In Dmitry Medvedev's first government (2012-2018), for example, the heads of four ministries out of 35 were criminally prosecuted, while a count [conducted](#) by the publication Agency 'showed a sharp, almost fourfold, increase in criminal cases against senior officials and parliamentarians after the annexation of Crimea'.

In 2021, this trend continued, leading to many cases, formally prosecuting alleged corruption, against state and municipal officials, employees of budgetary organisations and state corporations. Among the series of such cases, the multi-stage case against Sberbank's top management and employees of the Russian Presidential Academy of National Economy and Public Administration and Moscow School for the Social and Economic Sciences ('Shaninka'), including its rector *Sergei Zuev* and executive director *Kristina Kruchkova*, stands out because of its scale, public profile and apparent political motive in attacking the so-called 'intra-systemic liberals' and 'technocrats'. The case against them, initiated on charges of state procurement fraud amounting to 50 million roubles (**Article 159, Part 4, of the Russian Criminal Code**), is formally an example of fighting corruption but, according to some observers, is linked to [a conflict](#) between *Marina Rakova*, a former deputy minister of education and vice-president of Sberbank, and her former boss, *Olga Vasilyeva*, that was accompanied by a propaganda attack ([1](#), [2](#), [3](#)) on 'liberals' in the education system and their 'stronghold' in the form of the Shaninka.

Of the cases brought in earlier years, the prosecutions of *Sergei Furgal*, former governor of Khabarovsk region, and *Aleksandr Shestun*, former head of the Serpukhov district in Moscow region, continued to attract particular public interest.

The preliminary investigation into the case of *Sergei Furgal* and others for two contract killings, one attempted murder and possession of weapons by a group continued throughout 2021. During the former governor's detention since July 9, 2020, charges of organising a criminal organisation (**Article 210 of the Russian Criminal Code**) and fraud

(**Article 159 of the Russian Criminal Code**) were also brought against him. In addition, the Investigative Committee of the Russian Federation [opened](#) a fraud investigation at the Amurstal plant, for which charges have not yet [been brought](#). These cases, especially the key charges of organising contract killings in 2004-2005, appear to be politically motivated and based on [extremely weak](#) evidence. The apparent political motivation behind *Furgal's* prosecution, coupled with his high popularity in Khabarovsk region, led to a regional political crisis and months of mass protests, after which criminal and administrative cases were [filed](#) against several activists.

On February 20, 2021, Moscow Region Court dismissed an appeal by [Aleksandr Shestun](#), former head of the Serpukhov district administration in Moscow region, against the sentence handed down by Podolsk city court on December 21, 2020, of 15 years in a strict regime penal colony and a fine of 49,595,620 roubles. Due to the highly dubious nature of most of the charges and the obvious political motive (the former official had made public the threats made against him by Moscow region governor Andrei Vorobyov, head of the presidential administration's domestic policy department Andrei Yarin, head of the Moscow region governor's administration Mikhail Kuznetsov and FSB General Ivan Tkachev). Memorial has [recognised](#) Shestun as a political prisoner after a thorough examination of the case.

Accidental victims of repression

Some criminal cases of a political nature were the result of coincidence and took on a political character not because of the actions of the defendants, but solely because of the actions of law enforcement agencies. For example, political prisoner [Artem Zagrebelny](#), a resident of Krasnoyarsk, used pepper spray on November 7, 2019, against plainclothes FSB officers who were on their way to his home for the relatively minor matter of checking information about his correspondence on VKontakte for extremism, for which no criminal case was ever opened. On October 22, 2020, Sverdlovsk district court in Krasnoyarsk sentenced Zagrebelny to five years' imprisonment on charges of using violence dangerous to life or health against a public official (**Article 318, Part 2, of the Russian Criminal Code**). In April 2021 the Krasnoyarsk Region Court, having considered the case on appeal, considered mitigating circumstances and reduced the sentence to three years ten months in an ordinary regime penal colony. We believe the case against *Zagrebelny* has been fabricated to impress upon the public that the authorities will not tolerate in any way the use of force against members of the security services, especially the FSB.

There are grounds to classify as accidental victims the few defendants prosecuted under the relatively rarely used charge of financing extremist activity (**Article 282.3 of the Russian Criminal Code**), which is similar to the much more severe and widely used charge of aiding and abetting terrorist activities (**Article 205.1 of the Russian Criminal Code**). The [sentence](#) of *Ilmira Bikbayeva*, a pensioner from Ufa, can be given as an example. On September 6, 2021, *Bikbaeva* was given a three years' suspended sentence on

charges of transferring 1,500 roubles in two payments in 2018 and 4,500 roubles in seven payments in 2019 to the bank card of the mother of politician and political prisoner *Airat Dilmukhametov*. All the transfers that *Bikbaeva* made to *Dilmukhametov*'s mother's bank card in 2019 took place after March 14, when he had been detained in a politically motivated criminal case, and were charitable in nature.

Other victims of repressive campaigns

Among campaigns launched in recent years, and still in effect in 2021 to suppress certain types of crime, particularly widespread has been that against attacks on buildings, usually by schoolchildren and students, known as 'school shootings'. We do not dispute the need to tackle this kind of particularly dangerous crime, often accompanied by massacres of children and teenagers, nor the fact that since 2018 the number of such attacks has [increased](#) dramatically, making school shooting a nationwide problem. However, as might be expected, working to prevent such shootings has been accompanied by excessive prosecutions of minors. This, according to some [estimates](#), has been influenced not only by the increase in attacks on educational institutions, but also by increased youth protest activity in 2017.

Most of these types of prosecutions are difficult to analyse, but at least three cases with signs of fabrication have had mentions in the press:

- the case of Volgograd schoolboy *Vladislav Inozemtsev*, [accused](#) of preparing an act of terrorism (**Article 30, Part 1, in conjunction with Article 205, of the Russian Criminal Code**). The investigation alleged that 14-year-old Inozemtsev wanted to blow up the school with an 80-gram firecracker. In the summer of 2020, the schoolboy was admitted to a psychiatric hospital and in the autumn of 2021 he was, with no justification, remanded in custody during his trial;
- the case of the [Saratov teenagers](#), who were 14 and 15 years old at the time the investigation was opened in February 2020. The teenagers were charged with preparing to murder two or more people (**Article 30, Part 1, in conjunction with Article 105, Part 2, of the Russian Criminal Code**) and were probably victims of a provocation by law enforcement agencies;
- the case of a [terrorist attack](#) on a school in the town of Shakhtyorsk, Shakhalin, and on a mining college in Uglegorsk, in which students *Maksim Pudovkin* and *Ilya Grunis* were sentenced to six years six months and seven years in an ordinary regime penal colony, respectively. As *Novaya gazeta* noted, the evidentiary basis for the case was so weak that the prosecution withdrew charges that *Grunis* had incited terrorism (**Article 205.2 of the Russian Criminal Code**) by posting a certain Manifesto and that *Pudovkin* had illegally sold weapons (**Article 222, Part 2, of the Russian Criminal Code**). The investigation could not explain the origin of the weapons and explosives found in *Grunis*'s possession, which bore no biological traces of the suspect.

4. Developments in repressive legislation and law enforcement practice

4.1. Legislative developments in 2021

In November-December 2020, after Alexei Navalny had come out of his coma and when his return to Russia was anticipated, which may have triggered fresh activities by his supporters, and against the background of mass protests in Belarus and Khabarovsk region, fresh steps were taken to toughen several articles of the Russian Criminal Code that could be used in a repressive manner against members of the opposition, media, NGOs and civil society in general. These legislative [developments](#) created new opportunities and grounds for politically motivated prosecution and imprisonment.

Criminal liability was established for obstructing the movement of traffic and pedestrians (**Article 267.1 of the Russian Criminal Code**) and hooliganism (**Article 213 of the Russian Criminal Code**) and the criminal definition of defamation was broadened (**Article 128.1 of the Russia Criminal Code**). New grounds were also introduced for criminal liability for failure to fulfil the duties of a ‘foreign agent’ (**Article 330.1 of the Russian Criminal Code**). The range of grounds for imposing administrative penalties for violations related to public events was significantly broadened, creating prejudicial grounds for prosecution under the unconstitutional **Article 212.1 of the Russian Criminal Code**.

Many of these repressive measures came into force just before the end of 2020 and some were signed into law on 30 December. However, in the following year, 2021, the flow of new initiatives did not stop and many amendments have been introduced into the Russian Criminal Code and other laws. In this chapter, we look at the main changes.

Key features of the legislative process in the Russian Federation in 2021

Legislation in the field of criminal law since the spring of 2012 has been characterised by an almost continuous tightening of existing Criminal Code articles and the haphazard invention of new ones, often of a short-term and opportunistic nature. This was, first, to be seen in the fact that, according to some calculations, [almost 100](#) repressive laws were passed during this period; and, secondly, in that many of the laws were not the result of a coherent criminal policy based on a sociological study of society, but a reaction to specific developments in the [news](#). These highly negative trends were clearly visible against the background of the year-long campaign to suppress the non-systemic opposition.

This was to be seen in the repressive amendments related to restrictions on the activities of ‘foreign agents’ and ‘undesirable organisations,’ which were an expression of a consistent state policy aimed at isolating Russia from the international community and at destroying ‘liberal’ trends within the country. At the same time, new ‘crimes’ were introduced into the Russian Criminal Code solely because of the desire to use specific events that were in the news for propaganda purposes. The clearest example of the use of criminal law for PR purposes was the emergence of an absurd amendment separating defamation of veterans and insulting veterans from all other cases of defamation and insult and categorising these offences as crimes of medium severity.

New repressive provisions of the Russian Criminal Code

On February 24, 2021, the President signed Federal Law No. 25-FZ, which establishes criminal liability in the form of imprisonment for 5-10 years for inducing people to use drugs with the help of the internet (**Article 230, Part 2, Point D, of the Russian Criminal Code**). This innovation once again breached the principle of legal certainty, as was previously the case with penalties for distributing false information or obstructing traffic and pedestrians, leaving at the discretion of law enforcement officials the choice between this extremely harsh provision and the article of the Russian Code of Administrative Offences that penalises promotion of drugs. This uncertainty has [created risks](#) of unwarranted, politically motivated criminal prosecutions, particularly of individuals and organisations working to reduce the harm caused by drug use and of journalists and media who write on topics related to drugs.

Following the show trial of *Alexei Navalny*, accused of defamation of veteran *Ignat Artemenko*, [Article 354.1 of the Russian Criminal Code](#), which was initially intended as a tool to prevent the rehabilitation of Nazism, was urgently redrafted. On April 5, 2021, the article was [toughened](#), the use of the Internet or social media was declared an aggravating circumstance, and, most importantly, a disproportionate punishment was introduced for ‘*spreading knowingly false information about veterans of the Great Patriotic War*’ and

'insulting the memory of defenders of the fatherland or publicly mocking the honour and dignity of a Great Patriotic War veteran,' with a penalty in cases involving use of the Internet of up to five years' imprisonment (as for kidnapping or robbery without aggravating circumstances).

On June 11, 2021, the punishment for disclosing the data of security service personnel and their relatives was made [more severe](#) (**Article 320 of the Russian Criminal Code**). The amendment also removed from the new article the condition that the disclosure must have been made *'for the purpose of obstructing official business'*. There is reason to believe that this change was linked to numerous scandals involving illegal activities by members of the security services, including the alleged organisation of assassination attempts against political opponents of the Russian authorities, including Alexei Navalny and Dmitry Bykov.

On July 1, 2021, [amendments](#) to **Article 284.1 of the Russian Criminal Code** came into force, simplifying and enhancing criminal liability for participating in the activities of 'undesirable organisations'. These amendments made it possible to criminally prosecute 'participants' in the activities of an 'undesirable organisation' after one previous administrative prosecution, rather than two as before, and those who were declared leaders of such organisations to be prosecuted without any previous administrative prosecution at all. The maximum penalty under this article was also increased from four to six years' imprisonment.

Amendments were also made to the [Federal Law 'On Measures to Influence Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation'](#) prohibiting the participation of Russian citizens and legal entities in the activities of 'undesirable organisations' not only in Russia, but also abroad. The Russian Code of Administrative Offences was also amended accordingly. As a result of the partial retention of convictions under administrative law as a condition for criminal prosecutions under **Article 284.1 of the Russian Criminal Code**, these amendments increase the risks of such prosecutions.

On the same day, the punishment was drastically [toughened](#) for trafficking in arms (**Article 222.1 of the Russian Criminal Code**) and explosives (**Article 222.1 of the Russian Criminal Code**) as well as their manufacture (**Articles 223 and 223.1 of the Russian Criminal Code**). Furthermore, the newly introduced **Article 222.2 of the Russian Criminal Code** established greater liability for trafficking in large-calibre firearms and ammunition. Given the widespread practice by law enforcement officers of planting weapons and ammunition, including on [political prisoners](#), it seems likely that this increase in the severity of the laws will lead to an increase in the number of people convicted unlawfully for these offences.

Other changes in legislation affecting victims of repression

The reactionary modification of Russian law has been far from limited to amendments to the Russian Criminal Code. Some of the proposed changes to other branches of the law also have the potential to worsen the situation for political prisoners and other victims of politically motivated criminal cases. This primarily concerns an [initiative](#) by the Russian Ministry of Justice to deprive prisoners, including political prisoners, of their fundamental rights during riots, epidemics and other emergencies. If this initiative takes the form of a law, during a period of quarantine, inmates will be prohibited from taking exercise, seeing visitors, receiving parcels and written correspondence. Furthermore, during riots and protests by inmates, the use of baths, phone calls and reading books will be prohibited. If the amendments to **Article 85 of the Criminal Enforcement Code of the Russian Federation** and **Article 35 of the Federal Law ‘On Service in the Criminal Enforcement System of the Russian Federation’** are adopted, not only will the general conditions for prisoners will deteriorate, but also, [according](#) to human rights defenders, the likelihood of torture will increase.

The law on identification documents for fans (‘Fan ID’) at sports events is an example of how the general atmosphere of continuing repression of different groups, including those far removed from opposition political activity, can indirectly influence the situation of those previously held administratively and criminally liable for ‘political’ offences. Apart from further limiting the opportunities for people on probation to participate in social life, the introduction of the system of fan passports has been used to discriminate against people unlawfully included on special registers as ‘extremists’ and participants in public events that took place without official permission, as [demonstrated](#) by the World Cup and European Football Championship in 2018 and 2021. In the long term, Fan ID could also become a means to artificially single out those with opposing views and accuse them of committing certain offences during football matches.

The [draft](#) amendments to the Law on *Advocacy and the Bar*, published by the ministry of justice on December 2, 2021, were aimed at restricting the independence of the legal profession and, indirectly, at hindering the work of public interest lawyers, causing widespread [discontent](#) in the legal community. If the amendments are adopted, bar associations would no longer be able to prevent the ministry of justice initiating disciplinary proceedings against lawyers. At the same time, the ministry would be able to appeal against ‘acquittals’ handed down by bar associations in court. Lawyers believe that this could lead to the authorities being able to revoke the status of any lawyer they do not like, thereby imposing a de facto ban on them from the profession.

The wave of repression that swept Russia in 2021, unprecedented in recent history, is characterised not only by quantitative changes - shown by the steady growth of political prisoners, ‘undesirable organisations’, and ‘foreign agents’ - but also by qualitative

changes manifested in the emergence of new repressive legislation and the ‘creative re-thinking’ of existing norms used to suppress the opposition. This chapter will look at new enforcement practices and new ways in which legal principles embedded in Russian law are being distorted.

4.2. Developments in law enforcement

Application of new articles of the Russian Criminal Code

Among the urgent amendments to the Criminal Code adopted at the end of 2020, the new wording of **Article 267, Part 1, of the Russian Criminal Code**, was used almost immediately to punish the blocking of roads and obstruction of traffic and pedestrians. The details of its application are set out in Section 2.1.

Article 236, Part 1, of the Criminal Code (*‘Violation of sanitary and epidemiological regulations resulting through recklessness in mass illness or poisoning of people or creating a threat of such consequences’*) from the repressive anti-COVID package of laws urgently approved by the State Duma in March 2020 and enacted on April 1, 2020, was also used in Moscow, Nizhny Novgorod, Murmansk, Saratov and Balakovo. Examples of its application are also described in Section 2.1.

For more details on both repressive articles and the practice of their application, see the OVD-Info reports [‘The ‘no trick’ bill’. How Article 267 of the Criminal Code became ‘rally-related’](#) and [‘Sanitising the protest. How Article 236 of the Criminal Code became an instrument of political pressure’](#).

In the autumn of 2021, the new wording of **Article 354.1 of the Russian Criminal Code** that greatly broadened the scope for loose interpretation of the rehabilitation of Nazism, in particular by criminalising the violation of the honour and dignity of veterans, gained significant momentum. Not only were criminal charges brought under this article, but for the first time in law enforcement practice for purposes of propaganda suspects were [remanded in custody](#) and real terms of imprisonment imposed on those convicted for the commission of acts that may be immoral but represent no significant danger to the public.

We are also aware of cases initiated under the new Criminal Code articles on defamation (**Article 128 of the Russian Criminal Code**) and hooliganism (**Article 213 of the Russian Criminal Code**), in which the charges were politically motivated.

Repressive reinterpretation of existing provisions of the Russian Criminal Code

In 2021, after the winter rallies in support of Alexei Navalny, the well-known articles on violence against public officials (**Article 318 of the Russian Criminal Code**), hooliganism (**Article 213 of the Russian Criminal Code**), incitement of riot (**Article 212, Part 3, of the Russian Criminal Code**), extremist activities (**Article 280 of the Russian Criminal Code**) and many others were applied in addition to the new articles of the Criminal Code. In some cases, law enforcement officials have shown rare ingenuity in interpreting long-standing norms of the Criminal Code.

On the evening of January 22, 2021, the eve of a nationwide protest in support of Alexei Navalny, a criminal case was initiated by the Investigative Committee of the Russian Federation under the then little-known **Article 151.2, Part 2, of the Russian Criminal Code** (*'Involvement of minors in commission of acts endangering the lives of minors by means of information and telecommunications networks (including the Internet)'*) in connection with the fact that **Leonid Volkov**, the head of Navalny's network of headquarters, allegedly called for *'maximum involvement of young citizens, including minors, at the rallies'*. On April 14, 2021, four editors of the student magazine DOXA were detained and placed effectively under house arrest for having recorded a video in solidarity with students under pressure over plans to participate in protests. However, [according](#) to Mediazona, only two people have been convicted under this article of the Criminal Code since it was introduced in 2017.

The prosecution of the editors of DOXA, Leonid Volkov and others under such an exotic and rare article was, in our view, part of a propaganda campaign in which opposition supporters were falsely accused of involving teenagers in rallies that did not have official permission, participation in which was allegedly fraught with danger. The experience of observing democratic opposition rallies suggests that the threat, if any, comes only from violent dispersal by the security forces. In practice, the investigation arbitrarily criminalised any calls to participate in protests, or even any expressions of solidarity with protesters. However, we are convinced that minors' participation in peaceful public rallies and encouraging them to participate in such demonstrations (even if they did take place, which is not the case here) cannot in themselves be regarded as offences, much less as crimes. The whole situation clearly illustrated how in 2021, any legal provisions were being used to prosecute the opposition, even those that are inapplicable in general but are convenient in creating a negative image of protesters.

Another egregious example was the prosecution of **Anastasia Ponkina**, an activist of the Russian Socialist Movement from Izhevsk, for hooliganism motivated by political hatred (**Article 213, Part 1, Point B, of the Russian Criminal Code**) for taking protesters onto the roadway. It is evident that the investigation, by using an entirely inap-

propriate article instead of the current special, albeit unlawful one (**Article 267, Part 1, of the Russian Criminal Code**), proceeded from the desire to punish the activist as severely as possible, since the maximum penalty for hooliganism is five years' imprisonment, while for blocking roads it is only one year in jail.

We are aware that similar cases have been filed at least in Murmansk, St Petersburg and Vladivostok. In Vladivostok the investigators requested that *Ekaterina Ostapenko*, the head of Navalny's regional headquarters, be remanded in custody, but the court [refused](#) the request.

Aspects of criminal investigation and sentencing

In the field of criminal procedure, repressive innovations included the increased use of house arrest and the widespread use of pre-trial restrictions in the form of bans on certain activities in order to isolate those accused of minor offences, as well as the trend to sentence defendants charged with such offences to terms of imprisonment, a trend which began in the autumn of 2021.

In early 2021, with the launch of the 'Sanitary' case, Moscow tested the mass imposition of house arrest as a pre-trial restriction for defendants prosecuted for minor offences in politically motivated cases. Nine of the ten defendants in this case were placed under house arrest, which appears to have been an effective warning to activists and artists who had called for participation in the protests.

The tenth defendant in the Sanitary case, *Nikolai Lyaskin*, was subjected to a pre-trial restriction little known at the time, a prohibition of certain activities, which was, however, as severe as house arrest. He was allowed to leave the house for a walk for just two hours a day. This pre-trial restriction measure was later imposed on *Gleb Maryasov*, involved in the road blocking case (in his case, he was prohibited from leaving his home between 8 pm and 6 am), and on four journalists of the student publication DOXA, who were initially, at the request of the investigators, not allowed to leave their apartments at all. Later, they were allowed to leave their homes for up to two hours every day. It is likely that the dramatic increase in the use of this pre-trial restriction, as a substitute for house arrest, came from the desire of the Russian Investigative Committee to isolate political prisoners and intimidate their supporters as much as possible, while reducing public attention to the case by imposing a supposedly milder form of pre-trial restriction.

In the second half of October 2021, defendants were sentenced to actual terms of imprisonment on minor offences in two high-profile cases at once. In both cases, the magistrate - Ekaterina Kazakova of judicial district 370 of Moscow's Tverskoy district - satisfied the prosecutor's request, imposing a 10-month sentence in a general regime penal colony, short of the maximum possible sentence of one year citing mitigating circumstances. On October 27, 2021, she sentenced the student *Gleb Maryasov* in a case of road blockage

on January 23, 2021; and on October 29, 2021, she [sentenced](#) blogger *Ruslan Bobiyev* (*Ruslani Murodzhonzod*) and his girlfriend *Anastasia Chistova* in a case of offending the feelings of believers (**Article 148, Part 1, of the Russian Criminal Code**) by means of a picture of imitated oral sex outside St Basil's Cathedral.

At present, Memorial is not prepared to argue that these two egregious sentences warrant a full-scale change in approach to sentencing. However, we find the situation extremely worrying and meriting the particular attention of the media and civil society. If this practice were to spread, it would threaten not only the victims of political prosecution, but also those prosecuted in numerous cases for general criminal offences, including theft (**Article 158, Part 1, of the Russian Criminal Code**) and fraud (**Article 159, Part 1, of the Russian Criminal Code**) of a value less than 5,000 roubles.

The situation of prisoners and detainees on remand

In the field of penal enforcement in general, the situation brought about by the introduction of a series of 'anti-COVID' restrictions in the spring of 2020, which had dramatically worsened the situation of prisoners and those on remand, continued. Communication with lawyers, visits and (in some regions) delivery of food parcels and packages were restricted. A notable phenomenon in 2021 was the unconstitutional bans on receipt and dispatch of letters imposed by investigators on those accused of espionage (**Article 276 of the Russian Criminal Code**) and high treason (**Article 275 of the Russian Criminal Code**). The media reported that former journalist [Ivan Safronov](#) and [Ilya Sachkov](#), founder of the cybersecurity company Group-IB, both charged under **Article 275 of the Russian Criminal Code** and held in Lefortovo pre-detention centre, were banned from corresponding with their relatives and friends. However, we cannot rule out that this practice is applied much more widely in less high profile cases, both in Moscow and beyond.

A new phenomenon has been the proliferation of involuntary public apologies, previously actively used by the authorities in Chechnya and Belarus to humiliate and intimidate dissenters. The Interior Ministry and the Investigative Committee of the Russian Federation released dozens of such clips following the nationwide rally demanding the release of Alexei Navalny on January 23, 2021, and the rallies that followed. As Mediazona [noted](#), in no known case have demonstrators who were forced to apologise to the security forces for violence against them avoided being taken into custody.

5. Conclusion

In terms of the human rights situation, the year 2021 gives every reason for it to be considered the worst year in the history of independent Russia.

The offensive against human rights during the year was pursued both through changes in the regulatory framework and through a further deterioration in law enforcement practices.

The year began with a package of numerous amendments that restricted the holding of public events. The activities of civil society associations were restricted by application of the status of ‘foreign agent’ and ‘undesirable organisation’. Such measures have effectively established the need to obtain official permission to conduct what are generally considered to be educational activities. The year continued with the retrospective disenfranchisement of citizens accused of supporting extremism and ended with initiatives to further stifle the legal profession and worsen the situation of prisoners.

Given the subject matter of this report, the further tightening and deterioration of criminal law are particularly noteworthy. Several new provisions have been introduced explicitly aimed at increasing political repression. The innovations broaden, and make more severe, criminal liability in a number of areas:

- for improper performance of the duties of a ‘foreign agent’;
- for collaborating with ‘undesirable organisations’;
- for defamation (in particular with regard to unspecified individuals);
- for defamation and insulting veterans.

Criminal liability has also been introduced for obstructing traffic and pedestrians, even though such obstruction entails only the threat of harm.

The new rules criminalise legitimate, lawful activities or establish wholly disproportionate and severe criminal liability for acts that pose very little public danger.

In addition to the above changes to the criminal law, many other innovations - including the expansion of the concept of hooliganism, for which the mere threat of violence is now sufficient, the establishment of liability for encouraging drug use - bring additional legal uncertainty into the legislation, depriving the law of predictability and expanding the possibilities for its arbitrary application. This blurring of repressive norms appears to be deliberate, making it easier for the authorities, when they so wish, to bring criminal prosecutions against those in the political opposition and other ‘undesirable’ persons.

It is worth noting that the risks of criminal liability under articles of the Criminal Code that require preliminary convictions under administrative law are increasing, given the radical expansion of the corresponding administrative offences that took place in 2021. This, in particular, concerns such blatantly anti-constitutional elements of the criminal

law as **Article 212.1 of the Russian Criminal Code** (*repeated violations in connection with public events*) and **Article 284.1 of the Russian Criminal Code** (*conducting activities of an undesirable organisation*).

It should be noted that in 2021 there was a continuing downward trend in terms of the standard of proof of guilt required in politically motivated criminal cases. This trend is conspicuous in connection with the high-profile cases of A. Navalny and A. Pivovarov, as well as in the less well-known prosecutions of participants in the winter protests or of regional activists. The formulation of charges and the kind of evidence sufficient nowadays to hold a defendant on remand for a long time and to hand down a criminal conviction would, two or three years ago, not have been enough even to initiate a prosecution. Many politically motivated cases blatantly flout basic principles of law. In fact, in 2021 all pretence at maintaining the rule of law has rapidly diminished.

By both legislative means and law enforcement practice, as shown in our report, the authorities in 2021 attacked all fundamental civil rights: freedom of assembly, association, conscience, expression and voting rights. While this trend dates from much earlier than 2021, this year the offensive gained significant momentum on almost all fronts.

A characteristic phenomenon of 2021 was the increasing ‘ideological’ pressure on society by the authorities. In particular, criminal and administrative prosecutions of individuals who, on purpose or by accident, undermined symbols declared sacred by the authorities have been notable this year. These symbols are mainly associated with the cult of Victory and the Orthodox faith. Pressure on the media, the official campaign, mentioned above, against the desecration of sacred symbols, repressive measures against bloggers, commentators and ‘incorrect’ believers and the introduction of what amounts to the licensing of educational activities are all clearly aimed, if not at establishing a state monopoly in the ideological sphere, then at severely narrowing the scope of permissible public debate.

We should note that a listing of only the more prominent law enforcement and legislative trends gives the impression that these are clearly excessive in terms of the regime’s current needs to maintain itself in power. The Russian authorities seem to have learned a lesson from the powerful wave of Belarusian protest which, despite the much harsher crackdown and restrictions on rights and freedoms in previous years in Belarus than there had been in Russia, nearly swept away the Lukashenko regime.

There is every reason to believe that, in the absence of fundamental change in the political regime, the trends described will continue into the next year.

On July 21, 2014, the Ministry of Justice of the Russian Federation included the Interregional Civil Society Organisation 'Memorial Human Rights Centre' in the 'Register of Non-profit Organisations Performing the Functions of a Foreign Agent'. Memorial Human Rights Centre is a self-governing civil society organisation that is not an 'agent' of any external 'principal.'

We believe that the law on 'Foreign Agent NGOs' contradicts the Russian Constitution and violates our right to freedom of association. We have therefore lodged an application at the European Court of Human Rights against the decision to include our organisation on this 'Register.'