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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Joint written statement* submitted by Lawyers' Rights Watch Canada, International Bar Association, International Service for Human Rights, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



The Russian Federation: Suppression of dissent facilitates aggression and atrocity crimes in Ukraine

Systematic and widespread violations of rights and freedoms

The Russian Federation took an alarming repressive turn in 2012 after large-scale protests on Moscow's Bolotnaya Square.[1] Repression intensified after the Russian Federation annexed the Autonomous Republic of Crimea in 2014. Amendments to the law on assemblies[2] made it more difficult[3] to get permission to hold assemblies. Other legislation, including the discriminatory "foreign agents" law, allowed extrajudicial website blockings. New criminal and administrative provisions restricted civil rights. These actions were condemned by the UN Human Rights Committee,[4] the European Court of Human Rights (ECtHR),[5] the Venice Commission,[6] and non-governmental organizations (NGOs).[7]

Since 2021, the Russian Federation has suffered one of the biggest crackdowns ever on human rights. Expansion of "foreign agents" registries[8] resulted in the addition of 133 items, including independent media, civil society groups, and 75 journalists, activists, ecologists, and lawyers. Independent media and NGOs have been liquidated, including International Memorial and Human Rights Centre Memorial. Anti-extremist and anti-terrorist legislation has been expanded and misused to suppress political opposition and human rights defenders (defenders). There have been mass arrests of peaceful protesters facilitated by surveillance tools including facial recognition.[9] There have been hundreds of politically motivated criminal cases.

Since the unlawful invasion of Ukraine on 24 February 2022, the Russian Federation has increased these restrictions to an unprecedented level throughout society.[10] Misuse of laws and courts is integral to the Russian Federation's systematic and widespread repression of dissent, access to information, and access to justice.

More than 15,500 people have been detained for peaceful anti-war protests in more than 100 Russian cities,[11] and 134 criminal cases have been initiated against peaceful protestors or those expressing anti-war opinions about hostilities in Ukraine.[12] Authorities have blocked more than 3000 websites, including at least 173 independent media outlets reporting on war. About 11 other media outlets resorted to self-censorship, while around 21 others have temporarily or permanently stopped working to avoid reprisals.[13]

Anti-war protests in the Russian Federation began on the first day of the armed conflict in Ukraine, 24 February 2022.[14] Civil society organisations, journalists, lawyers, doctors, artists and scholars raised concerns about the Russian Federation's aggression against a sovereign State (Ukraine) and the implications for human rights. Russian authorities responded by targeting civil society organisations and individuals, including those endorsing letters calling for an end to the attacks on Ukraine. Individuals who signed such letters and expressed concerns were subjected to threats and dismissed or expelled from their places of work or study.

As anti-war protests spread across the Russian Federation, security forces violently dispersed peaceful protests, arresting thousands. Many of those detained were assaulted, suffering injuries.[15] Others were denied access to legal representation.[16] In addition to arrests during protests, authorities targeted individuals involved in solo picketing and symbolic demonstrations such as carrying anti-war signs and Ukrainian flags, or online publications about anti-war protests.

Lawyers representing protestors have been denied access to their clients held in detention in approximately 171 cases. In 25 such cases, police had implemented the so-called "fortress" plan, intended for use in cases of a threat of attack and training exercises, when no one is allowed into or out of the police station. In several cases, authorities arbitrarily detained lawyers or used violence against them.[17]

Restrictions on media freedoms and access to information

At the start of the invasion, authorities cautioned Russian media outlets to use only official sources of information in reporting about the war,[18] warning that using other sources, thus publishing “false information,” may result in authorities blocking such content and imposing fines of five million rubles (76,472 USD). Authorities have acted on these threats, blocking more than 3,000 websites and online platforms, including 213 independent media outlets. To avoid reprisals, approximately 17 other media outlets have resorted to self-censorship and stopped broadcasting, while 17 others have completely stopped working. At least 100 journalists were arrested while covering anti-war protests or working on articles about the war. Security forces searched the homes of several journalists.

New repressive legislation

On 4 March 2022, amendments to the Russian Federation’s Code of Administrative Offences (CAO) and Criminal Code (CC) were adopted, coming into force the same day. CC Article 207.3 imposes imprisonment of up to 15 years for spreading “fakes” about Russian army actions. CAO Article 20.3.3 provides fines of up to 520 USD for natural persons and 5,200 USD for legal entities for publicly discrediting the military or opposing its use. Promoting unauthorized anti-war rallies is punishable with even heavier fines (Part 2, Article 20.3.3). Repeat offences are punishable with up to five years imprisonment under CC Articles 280.3 and 284.2.[19] On 22 March 2022, these articles were amended, adding criminal liability for “fake news” about government authorities’ activities outside the Russian Federation, and administrative liability for discrediting them. These amendments expanded the subjects of “false information” and “discreditation” to include the Russian Guard, embassies, consulates, and emergency services.[20]

On 24 May 24, the State Duma plans to adopt draft legislation to amend laws concerning dissemination of information and the media, giving the Prosecutor General’s Office authorization to close media outlets without judicial intervention, and banning the work of foreign media in the Russian Federation as a reprisal for closures of Russian media abroad.

As of 14 May 2022, there have been more than 1,900 court decisions, including findings that the following actions “discredited” the armed forces: a demonstration with posters stating “Peace,” “No War,” “Fascism Will Not Pass,” or a blank piece of paper; use of anti-war slogans; “silent support” of anti-war rallies; placing an anti-war poster in a window; wearing a protective mask or clothing with anti-war messages; wearing a green ribbon; participating or being near an anti-war rally; anti-war statements outside rallies; and anti-war publications, memes, photos, videos, or comments on social networks.[21]

There are also currently 47 criminal cases under CC Article 207.3, mostly to prosecute anti-war posts and comments on social media.[22]

On 24 April, amendments to existing “foreign agents” legislation were introduced to the State Duma. Currently “foreign agents” can include anyone receiving financial support from abroad. Overbroad amendments extend the definition to those “under foreign influence of any kind.”[23] Relatives of “foreign agents” could be included in “foreign agents” registries as “affiliated individuals.” The bill bans “foreign agents” from organizing public events; leading educational events, or creating informational products for children; allows the Ministry of Justice to conduct checks on “foreign agents,” and allows “foreign agents” websites to be blocked at the Ministry’s request.

The crackdown on dissent has reached an unprecedented level. The Russian Federation’s suppression of freedom of expression and assembly enables it to ensure that people in the Russian Federation are exposed only to State propaganda with no access to alternative sources of information so as to galvanize public opinion to support the war.

The Russian Federation's Actions Violate International Law

The Russian Federation's actions violate the UN Charter, the International Covenant on Political and Civil Rights, and the European Convention on Human Rights, including rights to freedom of expression, association, and peaceful assembly; the right not to be subjected to arbitrary arrest or detention; the right to a fair and public hearing by an independent and impartial tribunal; the right to be presumed innocent until proved guilty, and rights of lawyers and defenders articulated in the UN Declaration on Human Rights Defenders and the Basic Principles on the Role of Lawyers.

Recommendations

We request that the Human Rights Council urgently:

1. Create a Special Rapporteur to address the human rights situation in the Russian Federation;
2. Urge the Russian Federation to:
 - Unconditionally release and withdraw charges against those detained or charged with offences regarding anti-war opinion, expression, or peaceful assembly;
 - Ensure access to lawyers and fair trials for those charged with offences;
 - Restore access to independent news and internet platforms;
 - Refrain from violating rights of anti-war protesters and defenders;
 - Accept all outstanding requests for country visits from Special Procedures.
 - Immediately repeal or amend legislation and procedures that unlawfully restrict internationally protected rights.

OVD-Info, NGO(s) without consultative status, also share the views expressed in this statement.

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10. OVD-Info, "No to War," 14 March 2022, <https://reports.ovdinfo.org/no-to-war-en>.
11. OVD-Info, 2011-2014 supra note 1.

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16. Ibid. 17. OVD-Info, 12 May 2022, <https://t.me/ovdinfo/9193>; OVB news, 12 March 2022, <https://ovd.news/news/2022/03/12/handcuffed-accused-defending-nazis-and-threatened-criminal-prosecution-st-petersburg>.
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