



# Commentary on the EUAA Query Response on the Russian Federation:

Treatment of protesters, journalists, and human rights  
defenders since the Ukraine invasion

December, 2022





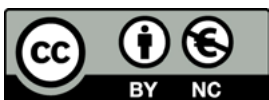
## Commentary on the EUAA Query Response on the Russian Federation: Treatment of protesters, journalists, and human rights defenders since the Ukraine invasion

December, 2022



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We would like to express particular gratitude to Alessandro Bartolini for the analysis of Russian and Ukrainian language sources, and to Stephanie Huber, for support and advice in developing this report.

# Introductory remarks

Asylos and the Dutch Council for Refugees (DCR) welcome the continued publication of European Agency for Asylum (EUAA) Country of Origin Information (COI) Queries on a variety of topics and countries.

Following the Russian Federation's invasion of Ukraine in February 2022, EU+ countries and the UK have seen a considerable uptick in asylum applications from Russian nationals compared to 2021.<sup>1</sup>

Over 2022, the EUAA produced two COI Queries addressing how the Russian authorities treat protesters, journalists, human rights defenders or citizens who criticise the war, and military deserters, respectively. With no clear end to the invasion of Ukraine in sight, it is likely that citizens who face targeting by the Russian authorities for opposition to the war, or for desertion, refusal or evasion of military service, will continue to seek asylum abroad.

Marking the first collaboration between Asylos and the DCR, we chose to analyse the two aforementioned Query Responses given the likelihood that decision-makers will need accurate and timely COI on these issues on an ongoing basis. Our analyses of the two COI Queries are presented in two separate, but complementary, commentaries.

The following commentary focuses on the EUAA Query Response covering the treatment of protesters, journalists and human rights defenders since the Ukraine invasion:

- **EUAA, Russian Federation; Treatment of protesters, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022** (henceforth referred to as the *Treatment of Protestors Query*, or Query)

Our analysis of the COI Query on the treatment of military deserters by the Russian authorities since the Ukraine invasion can be accessed on **Asylos' website**.

Our comments are intended as constructive feedback for the EUAA and the authors of this COI Query, including the observations on the methodology outlined in the first section, as well as comments on specific content issues considered relevant for the COI Query.

This commentary is also intended as a guide for legal practitioners and decision-makers in respect of observed gaps and omissions in the *Treatment of Protestors Query*, as well as providing additional relevant COI to the issues identified. The commentary should be used as a tool to help identify relevant COI and the COI referred to can be considered by decision-makers in assessing asylum applications and appeals.

## DISCLAIMER

This document should not be submitted in isolation as evidence to national Refugee Status Determination bodies, the judiciary or other decision-makers in asylum applications or appeals. However, legal practitioners are welcome to submit the COI referred to in this document to decision-makers (including judges) to assist in the accurate determination of an asylum claim or appeal.

The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.

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<sup>1</sup> See European Union Agency for Asylum, **Latest Asylum Trends**, September 2022, and UK Home Office, **How many people do we grant asylum or protection to?**, last updated 23 September 2022, see the downloadable table: **Asylum applications, initial decisions and resettlement – Asy\_D02**

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## Recommendations

- **European Union Agency for Asylum (EUAA) Queries should include a more detailed methodology, which:**
  - details the time frame during which the COI research was undertaken
  - clarifies the meaning of 'reference period'
  - indicates whether the Query resulted from a request by asylum authorities in an EU+ country, or was initiated by EUAA
  - clarifies who drafted research questions/topics
  - clarifies the meaning of 'informal translation' and which entity interpreted/ translated foreign language sources
  - details the peer review process for the COI Query.
  
- **The *Treatment of Protesters Query* would have specifically benefitted from:**
  - including the term 'dissident' or 'critic' in the Query title and the sub-title at section 4., in order to reflect COI indicating that the authorities have punished individuals for seemingly small or insignificant acts of anti-war expression that would not normally be deemed 'protest'. Such individuals fall outside the categories of 'protester', 'journalist', or 'human rights defender' listed in the Query title
  - dividing section 4. *Treatment of protesters and war opponents* into sub-sections, each covering different profiles of protester or dissident/critic to more clearly outline the spectrum of profiles within society who have been targeted by the authorities for some form of anti-war expression or action
  - including additional relevant information on profiles that are only very briefly addressed, or not addressed at all in the Query, including children and students, artists and performers, the religious community, and the Feminist Anti-War Resistance
  - including further information regarding the types of violence used against people at protests, during arrest and in detention, and information on whether due process rights have been upheld.



## Comments on methodology

The COI Query includes a *Disclaimer* section, which references some aspects of the methodological approach taken, however no specific section on methodology is included in the Query:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] Disclaimer

This response to a COI query has been elaborated according to the EASO COI Report Methodology and EASO Writing and Referencing Guide. Query responses are produced in response to COI information requests received from asylum authorities within EU+ countries or initiated by EUAA based on COI information needs. Query responses are produced within a limited time period, typically within 5 to 10 days. Within these time constraints, the information provided in this response has been researched, evaluated and processed with utmost care. All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EUAA and makes no political statement whatsoever. The target audience is caseworkers, COI researchers, policy makers, and decision-making authorities. Any event taking place after the reference period is not included in this query response.

### RESEARCH TIME FRAME

The COI Query helpfully includes a date of completion on the cover page. However, it is not clear whether this was the last date that COI research was undertaken or the last date that the Query was worked on. In the interests of transparency, and to enable researchers to undertake future research updates, it would be helpful to indicate the last date on which the COI sources were searched.

The Query includes a 'Reference Period'. In the case of the *Treatment of Protesters Query*, the reference period is 24 February – 2 June 2022. It would be helpful for the COI Query to clarify the meaning of 'reference period', and in particular, whether it relates to the period of time in which the search

of events is focused on, or the time frame during which (most) sources referenced were published.

This COI Query was published on 2 June 2022, addressing a situation that had developed just over three months earlier, as a consequence of the Russian Federation's invasion of Ukraine on 24 February 2022. In light of the fact that the COI Query focuses on an ongoing, and fast developing situation, it would have been beneficial to emphasise in the *Disclaimer* and *Context* sections that the Query is time sensitive, and presents preliminary available information on the situation of protestors, journalists and human rights defenders in a conflict context where there are constraints on the flow of information due to censorship (see, for example, section 5.2 *Prevention of coverage and detentions during covering protests*). As such, much information may only be available at a later date, and it may therefore also have been helpful to advise that further research should be undertaken on the issues, even when using the Query as part of decision-making on cases that occurred during the research reference period.

### SELECTION OF QUERY RESPONSE THEMES AND RESEARCH TOPICS OR QUESTIONS

The *Disclaimer* section of the *Treatment of Protesters Query* indicates that generally Query Responses are produced either in response to requests from asylum authorities in EU+ countries, or initiated by the EUAA. To enhance transparency and enable peer reviewers to focus their methodological scrutiny, it would be beneficial to understand on a case-by-case basis whether Query Responses have been initiated by the EUAA or resulted from a request by an asylum authority within an EU+ country.

On a related point, it is unclear whether the research questions/topics closely reflect the research questions that a Member State authority has put to the EUAA COI researchers, or whether the EUAA COI researchers are able to exercise some discretion in determining the scope of the issues covered, wording of research questions, and how to present their research findings under research questions/topics. The Query Response would benefit from providing a brief explanation in relation to these points.

## TRANSLATION OF SOURCES

The COI Query is drafted in English, but helpfully draws on numerous Russian language sources. The *Treatment of Protesters Query* indicates in a number of places that it has used ‘informal translation’ to translate specific phrases (see pages 3 and 13). To enhance transparency with regard to the methodology, it would have been helpful to outline how the COI Query managed Russian sources overall, both in terms of understanding and summarising the content and, where applicable, translating it, and in particular, whether these processes were carried out by the EUAA or another entity.

## PEER REVIEW

While the *Disclaimer* section notes that a peer review has been undertaken in line with *EASO COI Report Methodology* and the *EASO Writing and Referencing Guide*,<sup>2</sup> it would be helpful for the COI Query to briefly specify which entities have been involved in the review process, as the *EASO COI Report Methodology* indicates that COI researchers from EU+ countries, the EUAA COI researchers and external experts may be involved.<sup>3</sup>

<sup>2</sup> See European Asylum Support Office [now European Union Agency for Asylum], **EASO Country of Origin Information Report Methodology**, June 2019 and European Asylum Support Office [now European Union Agency for Asylum], **EASO Writing and Referencing Guide for EASO Country of Origin Information** (COI) Reports, June 2019

<sup>3</sup> European Asylum Support Office [now European Union Agency for Asylum], **EASO Country of Origin Information Report Methodology**, June 2019, p.23

# Comments on the Treatment of Protesters Query Response

## KEY OBSERVATIONS

This section contains key findings from our review, some of which cut across various sections of the COI Query. A list of more detailed observations in order of appearance in the COI Query follows further below.

- The title of the COI Query indicates that it focuses on 'protesters', 'journalists' and 'human rights defenders' following the invasion of Ukraine. The sub-title at section 4 also mentions the category of 'war opponents'. However, it may have been beneficial for the COI Query to additionally use the broader categories of 'dissidents' and 'critics' in its title and sub-titles at 4 and 4.2, to convey that people have been targeted by the Russian Federation merely for expressing a view, including in a private context, that is deemed unsupportive of the war. Such individuals may not normally be deemed to be 'protesters' in the sense of making a public stand against the war. (See **Comments on section 4.2 Treatment of protestors and war opponents by the authorities**)
- To enhance its usability, the Query Response would have benefitted from dividing section 4, *Treatment of protestors and war opponents*, into sub-sections that highlighted different profiles of protester, dissident or critic. Organising the information in this way could have more clearly presented the broad range of people that have been targeted by the Russian Federation in relation to opposition to the war. (See **Comments on section 4.2 Treatment of protestors and war opponents by the authorities**)
- The Query lacked detail with regard to several profiles of protester/dissident/critic. In particular, additional information about anti-war opposition by children and students, artists and performers, the Feminist Anti-War Resistance, and figures from the religious community could have been included. (See **Comments on section 4.2 Treatment of protestors and war opponents by the authorities**)
- Although instances of violence by police officers are mentioned, the COI Query would have benefitted from further information regarding the types of violence used against people at protests, during arrest and in detention, and information on whether due process rights were upheld. (See **Police violence, arrests and detention**)



## COMMENTS ON SECTION 1. CONTEXT

1. The Query begins by summarising the Russian Federation's invasion of Ukraine as follows:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

1. Context

On 24 February 2022, Russia started a large-scale military invasion of Ukraine, targeting Kyiv as well as Kharkiv, Dnipro, Mariupol,<sup>1</sup> and Odesa.<sup>2</sup> [...]

<sup>1</sup> BBC, Ukraine conflict: Russian forces attack from three sides, 24 February 2022, url; International Crisis Group, War in Europe: Responding to Russia's Invasion of Ukraine, 24 February 2022, url

<sup>2</sup> International Crisis Group, War in Europe: Responding to Russia's Invasion of Ukraine, 24 February 2022, url

To ensure that relevant details of the situation were adequately captured, it would have been beneficial to highlight a number of further details found in the sources that the EUAA referenced in relation to this statement about the nature of the invasion at that point in time, including that much of the fighting was concentrated in the East, with clashes also occurring around Kyiv, and also that airfields, military headquarters, warehouses and infrastructure had been targeted:

**BBC, Ukraine conflict: Russian forces attack from three sides, 24 February 2022**

[...] Much of the fighting appears to be centred around the east.

Residents of Kharkiv, Ukraine's second largest city, say windows in apartment blocks were shaking from constant blasts as the Ukrainian military and Russian forces exchanged shellfire. But clashes have also been taking place around the capital Kyiv in the north and the southern ports of Odesa and Mariupol. Ukraine's army said Kyiv's Boryspil international airport was among a number of airfields that had been bombed, along with military headquarters and warehouses in the big cities of Kyiv, Dnipro, Kharkiv and Mariupol. [...]

**International Crisis Group, War in Europe: Responding to Russia's Invasion of Ukraine, 24 February 2022**

[...] Residents of Ukraine's capital, Kyiv, and cities throughout the country woke to explosions as Russian bombs and missiles fell on military facilities and infrastructure. [...]

2. The text at footnote 7 of the Query states that fighting broke out in the Donbas region in April 2013 [emphasis added]:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

7 The Maidan protest movement (The Maidan revolution/uprising or Euromaidan) began 21 November 2013 when the Ukrainian government announced it was withdrawing plans to join the EU, causing three months of protests by Ukrainians and violent attacks on protesters by police that resulted in about 100 deaths mainly by police snipers. Then-President Yanukovich who was seen as responsible, was forced out and a new president elected. In the months afterwards, Russia seized Crimea **and in April 2013, Donbas region broke out into fighting** the support of Russian forces backing the 'separatist' movement there. Pifer, S., Ukraine: Looking forward, five years after the Maidan Revolution, Brookings Institute, 22 February 2019, url

However, the source cited at footnote 7 in fact indicates that fighting broke out in the Donbas in 2014:

**Pifer, S., Ukraine: Looking forward, five years after the Maidan Revolution, Brookings Institute, 22 February 2019**

[...] In April [2014], fighting broke out in the Donbas, as Russian security forces led, funded and armed a "separatist" movement that was in reality another Russian attack on Ukraine. [...]

A report by International Crisis Group further corroborates that fighting in the Donbas began in 2014, therefore the date of April 2013 provided in the footnote appears to be incorrect.<sup>4</sup>

<sup>4</sup> International Crisis Group, **Conflict in Ukraine's Donbas: A Visual Explainer**, undated

### COMMENTS ON 3.2 LEGISLATION ON 'FAKE NEWS' AND 'ABUSE OF FREEDOM OF MASS INFORMATION'

The Query states with regard to amended legislation [emphasis added]:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

On 5 April 2021, President Putin amended Article 13.15 by **supplanting** it with a provision on 'publicly insulting the memory of defenders of the Fatherland or publicly disparaging the honour and dignity of a veteran of the Great Patriotic War, including through mass media or information and telecommunications networks (including the internet)' punishable by a fine.<sup>48</sup>

<sup>48</sup> Russia, President of Russia, Legislative amendments concerning punishment for insulting war veterans, 5 April 2021, url

However, the word 'supplanting', used to summarise the source, does not convey the original meaning, as supplanting indicates that Article 13.15 was replaced, rather than being 'supplemented' (or added to) as is the meaning of the text in the original source.

### COMMENTS ON 3.3. AMENDED LEGISLATION OF THE CODE OF ADMINISTRATIVE OFFENCES AND THE CRIMINAL CODE

The Query states that:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 3.3. Amended legislation of the Code of Administrative Offences and the Criminal Code [...] [...] Human Rights Watch also reported that the new legislation 'criminalize independent war reporting and protesting the war' as well as making it illegal to spread what authorities deem to be 'fake news' about the Russian military, call for an end to the use of deployed Russian troops, or to support sanctions against Russia.<sup>57</sup>

<sup>57</sup> Human Rights Watch, Russia Criminalizes Independent War Reporting, Anti-War Protests, 7 March 2022, url; See also: Agora and Network Freedoms, Россия: права человека на военном положении [Russia: Human Rights under the Martial Law: The first month of the armed conflict in Ukraine], March 2022, url, pp. 6-7

The Agora and Network Freedoms report may also corroborate the point made in the Query, although in this instance, it is unclear why the report has been included in the footnote, as the sentence in the Query only refers to what Human Rights Watch has reported.

## COMMENTS ON SECTION 4.2 TREATMENT OF PROTESTORS AND WAR OPPONENTS BY THE AUTHORITIES

1. As noted under Key Observations, it would have been beneficial for the Query to more clearly convey the broad spectrum of profiles which have come to the adverse attention of the Russian authorities for forms of anti-war expression, including those who would not normally be deemed as 'protesters' or even 'war opponents' in the sense of being actively engaged in anti-war resistance. It is considered that the usability and relevance of the Query could have been enhanced by:

- using broader, and therefore more inclusive terminology, such as 'dissident' or 'critic' in the subtitle at 4.2 (and in the title of the Query).
- organising the information currently presented in the Query differently, by including sub-sections to illustrate more clearly which profiles have come to the adverse attention of the authorities, and how. Sub-sections could include, among others: general and perceived dissidence/criticism; protesters; lawyers; teachers and academics; children and students; artists and performers; the religious community; the Feminist Anti-War Resistance.
- including further information from additional sources, that provide relevant information on the different profiles of people who have been targeted by the authorities and why.

The COI Query highlights a multitude of legislation aimed at quashing any form of opposition to the war, and notes that '[t]he Russian authorities were reported to have interpreted anti-war civil actions as broadly as possible' (see page 14). In this context, it appears that seemingly small or insignificant acts that would not normally be recognised as 'protest' raise the possibility of incurring the adverse attention of the authorities.

In addition, a primary source – a report by OVD-Info, **Cracked Heads and Tasers: Results of the March 6th Anti-War Protests**<sup>5</sup> – that was cited by the EUAA indicates that even bystanders and those in the vicinity of protests have been targeted by the authorities.

Considering these factors, and the context outlined in the Query, it may have been helpful for section 4 to additionally use the terms 'dissident' or 'critic' and 'perceived dissident/critic', which can encompass persons who disagree with, and criticise a government – or are perceived to – especially in contexts where it may be dangerous to do so.<sup>6</sup>

The following examples already referred to in the COI Query, show that individuals have been targeted for expressing their views in social media posts, and over the phone. These persons may be more accurately referred to as 'dissidents' or 'critics' in the headline used in 4.2 rather than as 'protesters' or 'war opponents' [emphasis added]:

### EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]

[...] 4.2.5 Examples of cases brought under Article 207.3 of the Criminal Code [...]

[...] 'A ban on certain activities' was imposed on a retired woman from Petrozavodsk, who had posted information criticising the actions of Russia in Ukraine on her page in the Russian social media site VKontakte (VK).<sup>124</sup>

• A man from Novokubansk was placed under pre-trial detention for his posts on Telegram and YouTube;<sup>125</sup> [...]

• In Kirov, a couple was brought to charges for publishing pictures and videos from Bucha, Ukraine on social media.<sup>131</sup>

• A case was initiated against an employee of the administration in Elista (Kalmykia) and owner of 'Volny Ulus' Telegram channel, where he posted information on war in Ukraine.<sup>132</sup> [...]

• The first case in Moscow was initiated against a technician of the reserve control station of Moscow headquarters of the Ministry of Internal Affairs<sup>138</sup>, who was **allegedly discussing military actions of the Russian army in Ukraine over a phone conversation**.<sup>139</sup> The person was detained for two months on the request of the investigator prior the trial.<sup>140</sup>

<sup>124</sup> Chikov, P, 21 уголовное дело о дискредитации Вооруженных сил РФ [21 criminal cases on discrediting the Armed Forces of the RF], 7 x7, 7 April 2022, url; Pavel Chikov, Telegram, 7 April 2022, url

<sup>125</sup> Chikov, P, 21 уголовное дело о дискредитации Вооруженных сил РФ [21 criminal cases on discrediting the Armed Forces of the RF], 7 x7, 7 April 2022, url; Pavel Chikov, Telegram, 7 April 2022, url

<sup>131</sup> Pavel Chikov, Telegram, 22 April 2022, url

<sup>5</sup> OVD-Info, **Cracked Heads and Tasers: Results of the March 6th Anti-War Protests**, 7 March 2022

<sup>6</sup> See **Oxford Dictionary** definition of 'dissident': 'a person who strongly disagrees with and criticizes their government, especially in a country where this kind of action is dangerous'.

<sup>132</sup> Ria.Kalmykia, В Элисте задержали сотрудника Администрации города за распространение фейков [A city administration employee was detained in Elista for spreading fakes], 13 April 2022, url; Kavkaz.Realii, В Калмыкии на чиновника завели дело по новой статье о "фейках" [In Kalmykia, an official was prosecuted under a new article on "fakes"], 13 April 2022, url

<sup>139</sup> Pavel Chikov, Telegram, url, 7 April 2022

<sup>140</sup> Setevye Svobody, Telegram, 22 March 2022, url

Other sources refer to examples of legal action against people merely as a result of anti-war expression on social media. The following illustrative cases could also have been included under a section 4.2 that had been expanded to include 'dissidents' or 'critics' in the title [emphasis added]:

**Caucasian Knot, Maykop resident fined for discrediting militaries, 19 March 2022**

The Maykop City Court has fined a local resident by 50,000 roubles after finding **him guilty of posting data in social networks** that discredited the Russian Armed Forces [...]. According to investigators, the 35-year-old resident of Maykop posted information in social networks that discredited the Russian Armed Forces. A protocol was drawn up against him under Part 1, Article 20.3.3, of the Russian Code of Administrative Offences, reading "Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, and maintain international peace and security," the Adygean branch of the Russian Ministry of Internal Affairs (MIA) reported on its website on March 18.

**RFE/RL (Radio Free Europe/Radio Liberty): 'Discrediting' The Armed Forces: The Russians Caught Up In A Draconian Law, 30 May 2022**

For Tatyana Kuznetsova, the decision to criticize her country's war in Ukraine -- what the Kremlin calls a "special military operation" -- was a simple one: She has relatives in the Donetsk region, a principal target of Russia's offensive, and she is very worried about them. "We call them up almost every day; they're eyewitnesses to all this," she said by telephone from the northwest Russian town of Lakhdenpokhya, near the Finnish border. "I feel badly for the people who have to sleep under the stairs. And while we're talking, it's constantly: 'Air raid, air raid!' People have to leave everything and run.... And with this in mind, these emotions, I spoke out."

On February 25, the day after the invasion began, **Kuznetsova, 52, posted a comment in a local chatroom on VKontakte, the Russian social media giant, criticizing the war. A couple of weeks later, on March 12, in another online chatroom, she commented that, if she had a son or husband, she would not have sent them to Ukraine, and she condemned**

**sending Russian troops into a neighboring state. The result? On May 23, a local court fined Kuznetsova 30,000 rubles (\$450) for discrediting the Russian armed forces. [...]**

[...] Nikolai Kuzmin, a local Pskov lawmaker, was fined 30,000 rubles for a post on VKontakte that applauded the action of Marina Ovsyannikova, a producer on the state-run Channel One who interrupted a live broadcast with a poster saying, "You are being lied to." Kuzmin posted a comment on the video that said: "A very brave woman."

Sources also show that individuals have come to the adverse attention of the authorities for other, seemingly small, acts that may not be viewed as protest as such, including spitting on a Z sign,<sup>7</sup> expressing anti-war sentiment during an altercation with another person, and for taking down a Z sign [emphasis added]:

**Caucasian Knot, Krasnodar resident detained after spitting at poster with Z letter, 19 March 2022**

**After a Krasnodar citizen spat on the letter Z depicted on the banner, law enforcers accused the man of discrediting the Russian Armed Forces.** The detainee is a 32-year-old resident of Krasnodar. Law enforcers assert that he had spat on a banner with the letter Z, the "OVD-Info"\* reported on March 18 in its Telegram channel. A protocol was drawn up against the man under the article on public actions aimed at discrediting of the Russian Armed Forces (Article 20.3.3 of the Code of Administrative Offences), the message says. The incident with spitting on the banner was captured by a video recorder, the "Kuban-24" TV Channel reported on its website. On March 6, in Shkolnaya Street, a driver got out of his car, spat at the letter Z on a banner hanging on the fence, and then drove away. The police managed to find him only on March 17, the message says.

**Caucasian Knot, Woman from Gelendjik fined for discrediting militaries, 2 April 2022**

The Gelendjik City Court has fined a 30-year-old local resident by 40,000 roubles, finding her guilty of discrediting the Russian Armed Forces. The "Caucasian Knot" has reported that residents of the Kuban (Krasnodar Territory) are regularly brought to justice under the article on discrediting the Russian Armed Forces.

On March 26, it became known that Maxim Overin, a Kuban resident, was fined by 100,000 roubles under the above article after he had a conflict with the owner of the car, on which the letter Z was pasted. According to investigators, the above Gelendjik woman, while driving a car, shouted out a phrase discrediting the

<sup>7</sup> The *Treatment of Protesters Query* explains that 'the letter 'Z' [...] became a symbol of the state propaganda regarding the invasion of Ukraine', see page 11: **EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

**Russian Armed Forces out of the window. The Gelendjik City Court of the Krasnodar Territory has fined the woman for committing the above offense in the administrative order by 40,000 roubles,"** the Krasnodar Territorial Branch of the Russian Ministry of Internal Affairs (MIA) reported in the evening on April 1 on its website [...]

**The Moscow Times, Russian Schoolchildren, Teachers Arrested Amid Crackdown on Anti-War Dissent, 11 April 2022**

In the weeks that have followed, officials have encouraged the creation of "self-cleansing of society" leading to the appearance of lists of "traitors and enemies" — Russians who oppose the war — online. Elsewhere, websites have urged Russians to report on "pests" to public officials. Some citizens have enthusiastically taken up the call. In Russia's republic of Buryatia, 6,000 kilometers east of Moscow, **archery coach Valery Yakovlev was reported to the police for tearing down a large letter Z that had been fixed to his school's entrance.**

Further information on the targeting of bystanders or persons in the vicinity of protests was found in the following OVD-Info article. The article was used in the preparation of the COI Query, but the following information, which suggests that even perceived, or suspected, dissidents/critics have been targeted by the authorities, was not included. The information highlights that two people were arrested just for walking near a protest, and other people passing by were subjected to police checking their phones under threat of detention if they refused:

**OVD-Info, Cracked Heads and Tasers: Results of the March 6th Anti-War Protests, 7 March 2022**

[...] • In St. Petersburg, police arrested a man and his young daughter. They were walking near Gostiny Dvor where an anti-war protest was happening.  
[...] • In Moscow, police asked passersby to show them their telephones and detained them if there were photos of protests on their phones.

2. It is further considered that the Query lacked relevant information in relation to a number of profiles who have been targeted by the authorities for their opposition to the war, including children and students, artists and performers, the religious community, and the Feminist Anti-War movement.

The following sections outline additional COI in relation to these profiles that could have been reflected in the COI Query, including from sources that the Query already references, and also from other publicly available sources published within the (assumed) research time frame of this Query Response.

## Children and students

The COI Query only briefly mentions one example - set out below – of a student being punished by the authorities for a post on social media:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]  
[...] 4.2.5 Examples of cases brought under Article 207.3 of the Criminal Code [...]  
[...] Cases related to social media posts or comments were initiated also against [...] a school student from Novosibirsk [...]

No other information on the authorities' treatment of children and students who oppose the war was included in the COI Query, despite relevant information on the intimidation, arrest and detention of children in the vicinity of, or at, anti-war rallies being available in sources that the EUAA had cited [emphasis added]:

**OVD-Info, Cracked Heads and Tasers: Results of the March 6th Anti-War Protests, 7 March 2022**

[...] • In Moscow on Tverskoi Square, **police took down the personal information of minors and gave them a warning, telling them why children should not participate in protests.** [...]

**AI (Amnesty International), Russian Federation: End Censorship on Voices Against the War, 14 March 2022**

[...] The police has also arrested and otherwise targeted children who have been part of peaceful street rallies, with **at least 113 children arrested during protests since 24 February according to OVD-Info. On 6 March, the police in Arkhangelsk arrested a woman and her young child who were carrying yellow and blue balloons** representative of Ukraine's flag, allegedly for refusing to leave the central city square [...]

**COE (Council of Europe), Russian authorities should stop the unprecedented crackdown on freedoms of expression, assembly and association in the country, 7 March 2022**

[...] **Since the war began, more than 13 000 people, including children** [...] have been arrested in dozens of Russian cities for the exercise of their legitimate right to protest peacefully against it [...]



**DW (Deutsche Welle), Viral protests: Russians continue to denounce war, risking imprisonment, 16 March 2022**

[...] On March 1, photographs emerged on social media showing primary school children behind bars. Novaya Gazeta, the Nobel prize-winning independent newspaper, confirmed the pictures and said the kids had been arrested along with their parents for laying flowers at the Ukrainian embassy and holding signs saying "No to war." They were reportedly released as the lawyers arrived [...]

Information on children and students who were targeted by the authorities for criticising the war was also found in further sources. The below source, which was not used by the EUAA, refers to a student who was targeted by the authorities for expressing opposition to the war at her graduation ceremony [emphasis added]:

**RFE/RL (Radio Free Europe/Radio Liberty): 'Putin Is The Devil!' Daghestani Schoolgirl Protests Ukraine War At Graduation Ceremony, 23 May 2022**

**A young girl from Russia's North Caucasus region of Daghestan has chosen her high-school graduation ceremony to express her opposition to Moscow's unprovoked invasion of Ukraine. A video of the girl, which went viral on social media on May 22, purportedly shows her shouting: "No to war! Liberty to Ukraine! [Russian President Vladimir] Putin is the devil!"** [...] According to the Telegram channels, the girl's mother was charged with "failing to properly bring up a minor." [...] Later in the day, several online social groups in Daghestan showed the girl and her mother apologizing for the "incident." [...] Her mother said she fully supports Putin and his policies, including what Russian officials call the "special military operation in Ukraine." **A source in the Daghestani government told RFE/RL that the girl and her mother were forced to make online statements after the regional head Sergei Melikov personally called Izberbash's mayor ordering him "to clear up the situation."**

The following source, which was not used by the EUAA, reported that students have faced expulsion from university following their detention at anti-war protests. The chairman of the university's student council claimed that a letter from the Interior Ministry is the basis of the expulsions.

This, along with information from the other excerpts set out in this section should have been reflected in the COI Query under a separate headline on children and students [emphasis added]:

**The Moscow Times, Russia's Oldest University to Expel Students Detained at Anti-War Protests – Kommersant, 9 March 2022**

One of Russia's oldest universities will expel at least 13 students who were detained at the anti-war protests that have erupted across the country in recent weeks, the Kommersant business daily reported Wednesday [...] The prestigious St. Petersburg State University is reportedly expected to draft more expulsion orders for students after protests against Russia's invasion of Ukraine continued into this week. "I won't get your hopes up, these students are doomed," Mikhail Mochalov, chairman of the university's student council, was quoted as saying in a student chat room Sunday. Mochalov said **the university's vice rector is allegedly citing an unknown Interior Ministry letter as an "indisputable basis" for the students' expulsion.** [...] **One of the students reportedly targeted for expulsion** is Veronica Samusik, who covered the rallies as a journalist for the online publication Sota.Vision. [...]

## Artists and performers

The COI Query briefly mentions detentions for drawing graffiti [emphasis added]:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...] [...] 4.2.3. Implementation of Article 20.3.3 [...] [...] The reasons for detentions and arrests included [...], **drawing graffiti** [...]

However, a sub-section dedicated to the treatment of artists and performers would have provided the opportunity to present further relevant information on how persons with these backgrounds, including those working for state-affiliated institutions, have been punished for acts or expression deemed oppositional to the war.

The following source provides some information on how the authorities have treated street and graffiti artists, highlighting the arrest of one artist on the grounds of 'public intoxication' and the subsequent charge with 'vandalism'. This source was used by the EUAA, but the following information was not reflected in the *Treatment of Protesters Query* [emphasis added]:

**AI (Amnesty International), Russia: Authorities launch witch-hunt to catch anyone sharing anti-war views, 30 March 2022**

[...] As public criticism of the war mounts, the Russian authorities have also sought to criminalize street art and graffiti. At least nine activists and street artists have been charged for writing graffiti that is "motivated by hatred" — a crime



that could see them imprisoned for up to three years. On 18 March, Leonid Chernyi, a street artist from Yekaterinburg, was detained for putting up stickers that say "GruZ 200" – the official code word for military casualties – before being **arrested for "public intoxication" and charged with "vandalism."** Dmitry Kozyrev, a resident of Tula, was detained on 20 March for writing "War is a requiem for common sense" on the walls of the Tula kremlin. On 23 March, Saint Petersburg resident Nikolay Vorotnyov was taken into custody for painting the Ukrainian flag on a World War II howitzer in an open-air war museum. [...]

Further information was found in other sources that were not used by the EUAA, set out below, which shed light on the state's treatment of artists and performers who oppose, or are deemed to have opposed the war.

The following source, referring to information set out in a Russian media outlet, indicates the Russian Federation maintains a 'blacklist', with artists whose names appear on the list being prevented from giving concerts, or appearing on television [emphasis added]:

**Jamestown Foundation: Putin Opens a Second Front: The Battle Against 'Traitors' Inside Russia; Eurasia Daily Monitor Volume: 19 Issue: 41, 24 March 2022**

[...] Apart from the common arrests at anti-war rallies, the Kremlin appears to be preparing for an even tougher wave of repression.

**According to the few independent news outlets in Russia, artists opposing the war will be put on a "blacklist." They will be forbidden to give concerts and appear on television** (Novaya Gazeta, March 18) [...]

The following source indicates that pressure exerted by the Russian Federation on cultural institutions has led to pressure on staff to vocally support the war, with a failure to do so leading to dismissals [emphasis added]:

**RFE/RL (Radio Free Europe/Radio Liberty), The Muses Are Silenced: Russian Arts Community Targeted As State Imposes Conformity Over Ukraine War, 26 April 2022**

[...] As the war continued, huge banners featuring the Z symbol have festooned theaters, museums, and other cultural institutions across the country, as **the government has pushed the country's cultural communities to publicly express their support for the war, the military, and President Vladimir Putin** [...]

**In March, according to reports, theater management began pushing actors and other workers to make social media comments backing Putin and the war. "Everything began with the demand for such**

**posts," said Sergei Levitsky, the former artistic director of the Russian Drama Theater in Ulan-Ude, the capital of the Buryatia region, who was fired on March 22 for speaking out against the war.** "I didn't get such requests personally, but our director did. And she tried to force our employees to do that. And we fought about it. While I was working in the theater, I said that our people will not do that.... And they didn't." [...] Earlier, the artistic director of the Meyerhold Center in Moscow, Dmitry Volkostrellov was dismissed. The director of two movie theaters in the Moskino chain, Yekaterina Dolinina, was fired in February for her anti-war statements. [...]

Another source indicates that the family and friends of an artist whose planned protest was thwarted by the Russian Federation's Federal Security Service have been subjected to raids and questioning by the authorities after the artist fled:

**The Moscow Times, Anti-War Artist Flees Russia After Thwarted Victory Day Protest, 13 May 2022**

**An award-winning artist said Friday that he fled Russia after security forces uncovered his plan to disrupt the country's annual Victory Day parade with a peaceful protest against the war in Ukraine** [...] Writing on Facebook on Friday,

Tkachenko said Russia's Federal Security Service (FSB) discovered plans for the stunt despite the fact that he had told no one about his intentions. **The authorities opened a criminal case against him on May 9**, the day of the Victory Day parade, he said. He added that **his friends and family have been subjected to raids and questioning by law enforcement** and that authorities have threatened to open a criminal case against his mother.

The following source indicates that the leader of a popular rock group was charged with an administrative misdemeanour after making a statement about the Russian Federation's invasion of Ukraine at a concert. Information from this excerpt and all other excerpts in this section, should have been presented in the Query under a separate headline on artists and performers [emphasis added]:

**RFE/RL (Radio Free Europe/Radio Liberty), Popular Russian Rocker Charged Over Critical Statement About War In Ukraine, 19 May 2022**

**Yury Shevchuk, leader and frontman of DDT, one of Russia's most popular rock groups, has been charged with an administrative misdemeanor over a statement he made during a concert about Russia's ongoing unprovoked invasion of Ukraine.** Producer Radmir Usayev said in a post on Instagram on May 19 that police approached Shevchuk after a concert in Ufa, the capital of the Republic of Bashkortostan, a day earlier and "first wanted to detain him," but then just informed the popular rock musician that he was being charged with an unspecified misdemeanor.

## Religious community

The COI Query briefly mentions a report of a priest from Kirov who was facing legal action in relation to a social media post:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]  
 [...] 4.2.5 Examples of cases brought under Article 207.3 of the Criminal Code [...]  
 [...] Cases related to social media posts or comments were initiated also against a priest from Kirov [...]

However, the Query would have benefitted from the inclusion of additional relevant information regarding religious figures and lay people who have opposed the war on religious grounds, who have come to the adverse attention of the authorities. The following source was referenced by the EUAA, but relevant information contained in the same source regarding a Russian Orthodox priest, Ioann Burdin, who had been arrested for 'discreditation of Russian armed forces', was not included [emphasis added]:

**AI (Amnesty International), Russian Federation: End Censorship on Voices Against the War, 14 March 2022**

[...] Ioann Burdin, a priest from the village of Karabanovo in Kostroma region, was arrested on 7 March for "discreditation of Russian armed forces" under Article 20.3.3 of the Code of Administrative Offences. The charges were brought shortly after he criticised the invasion of Ukraine in a sermon to his congregation. He also posted a link to an anti-war petition on Change.org on the church's website,<sup>6</sup> and issued a powerful public anti-war statement together with his colleague. On 10 March, Ioann Burdin was issued with a RUB 35,000 (US\$261) fine. He will be appealing it [...]

Other sources that were not consulted by the EUAA for this Query contain information that is relevant to the treatment of those opposing the war on religious grounds. The following source details the first known prosecution of someone opposing the war specifically on religious grounds [emphasis added]:

**Forum 18, First known criminal investigation for opposing Ukraine war on explicitly religious grounds, 5 May 2022**

Nina Belyayeva, a Protestant who is a Communist Party municipal deputy, has become the first known person in Russia to face criminal prosecution for opposing the war in Ukraine on explicitly religious grounds. During a meeting of Semiluk District Council in Voronezh Region she called Russia's invasion a war crime. She later wrote: "I realised that if I kept silent, I would not be able to respect myself. I wouldn't be a true

**Christian and human being."** She fled Russia in early April [...] Investigators opened the case against Belyayeva under the new Criminal Code Article 207.3 ("Public dissemination of knowingly false information about the use of the Armed Forces of the Russian Federation"). Punishments range from a large fine to up to three years' imprisonment [...]

The following source summarises that despite the official support shown by many religious leaders, small numbers of clergy and laypeople oppose the war on religious grounds. The Forum 18 article refers to the fines incurred by two Russian Orthodox priests (including Ioann Burdin) and a Baptist Union preacher. The source also notes the detention of people for using Biblical quotations or imagery, which is relevant information that we would have recommended to include in the Query [emphasis added]:

**Forum 18, RUSSIA: Religious opposition to war in Ukraine - prosecutions and detentions, 6 May 2022**

Despite the official support for Russia's invasion shown by many religious leaders, most notably those in the Moscow Patriarchate, **small numbers of clergy and laypeople in Russia continue to protest for explicitly religious reasons against the renewed war in Ukraine. They often face detention, prosecution, and the loss of their jobs in consequence.** Two Russian Orthodox priests are known to have received administrative fines of about one month's average local wages each for "discrediting the armed forces" as a result of their opposition to the war. Fr Ioann Burdin, of the Moscow Patriarchate's Kostroma Diocese, described the fine to Forum 18 as "a ban not only on expressing one's opinion but also even on professing one's religious beliefs". He lost his initial appeal against the fine, but has lodged a cassational appeal and will also appeal to the European Court of Human Rights in Strasbourg [...] Deacon Sergey Shcherbyuk in Samara was fined for "discrediting the Russian armed forces" in conversations with parishioners and colleagues, one of whom reported him to the Interior Ministry. In late April, a Baptist Union preacher was fined for making anti-war posts on his VKontakte page, including a link to an open letter condemning the war, hosted by a Protestant publishing house. The letter asserts that "No political interests or goals can justify the deaths of innocent people", and that "In addition to bloodshed, the invasion of sovereign Ukraine encroaches on the freedom of self-determination of its citizens. Hatred is being sown between our peoples, which will create an abyss of alienation and enmity for generations to come. The war is destroying not only Ukraine, but also Russia - its people, its economy, its morality, its future" Police have detained several people in Moscow and Nizhny Novgorod for publicly protesting against the war using Biblical quotations and religious imagery. One of them, Anastasiya Parshkova, stood for 5 minutes outside Moscow's Cathedral of Christ the Saviour with a placard saying "6th Commandment. Thou shalt not kill", while wearing a headscarf. In an interview she said that "despite my fear, I decided that this must be done". She was detained and taken to Khamovniki police station but not charged [...]

## Feminist Anti-War Resistance

The COI Query makes no explicit mention of feminist resistance to the war or the anti-war feminist movement in the Russian Federation, although one of the sources it draws upon at footnote 143 mentions the detention of a feminist activist, who is alternatively referred to in the source at footnote 142 as an artist.

References to the feminist movement, known as the Feminist Anti-War Resistance (FAS),<sup>8</sup> can be found in multiple sources that were publicly available before the completion of the COI Query, which were not consulted or cited by the EUAA.

It is considered that the Query would have benefitted from the inclusion of a sub-section on the Feminist Anti-War Resistance, as the issue is relevant to the theme of state treatment of protesters. The following source describes the establishment of the Feminist Anti-War Resistance, its protest activities, and reprisals at the hands of the Russian authorities [emphasis added]:

**Amnesty International, Russia: Artist detained amid clampdown on anti-war feminists, 13 April 2022**

Despite relentless efforts by the state to crack down on anti-war sentiment, shutter or block independent media, and the arrests of tens of thousands of protesters, Russian feminists have continued to play a role in the nation's anti-war movement. The replacing of the price tags in supermarkets was one of the anti-war actions promoted by the Feminist Anti-War Resistance (FAS). Launched on 25 February, a day after Russia invaded Ukraine, the group aims to strengthen the anti-war movement by establishing a network of feminist groups that are critical of the conflict [...]

**FAS supporters have used visual campaigning tools, such as leaflets and anti-war graffiti. They also stamp anti-war slogans on banknotes and print out articles from banned independent media, which remain inaccessible within Russia [...]**

By 4 April, FAS said they had installed 500 wooden crosses in 41 cities to commemorate civilian victims of the war, while at least 3,000 supporters have taken to the streets with anti-war slogans on their clothes, in activism known as 'silent pickets' [...]

**FAS women activists have faced harsh reprisals for their activism. At least 100 women activists have been detained, arrested, searched or threatened by the authorities, according to the group.**

Yevgenia Isaeva, an artist from Saint Petersburg, was fined 45,000 rubles (\$530) on 30 March, and later detained for eight days under charges of "hooliganism" over her performance art.

Another source reports on anti-war protests that were organised by the Feminist Anti-War Resistance group, and held across nearly 100 Russian cities. The source indicates that police detained people during the protests [emphasis added]:

**The Moscow Times, Russian Feminists Stage Anti-War Protests in 100 Cities, 9 March 2022**

**Russian feminists staged anti-war protests across nearly 100 cities to mark International Women's Day** on Tuesday as Moscow ended the second week of its bloody invasion of Ukraine. The Feminist Anti-War Resistance group said supporters across 94 Russian and international cities laid flowers at monuments and embassies [...] Images shared by the Avtozak Telegram channel showed bouquets of flowers at World War II monuments as well as at the Kievskaya metro station's mural — which is dedicated to Russian-Ukrainian friendship — in central Moscow. The station was later cleared of all flowers by several police units, Avtozak reported less than an hour later.

**The Telegram channel also published videos of St. Petersburg police detaining activists [...]**

A news report by Vice cites Maria Kuznetsova, a spokesperson for the human rights organisation OVD-Info, on why the Feminist Anti-War Resistance may have endured longer than other protest groups, and the reported increase in the proportion of women being arrested at protests [emphasis added]:

**Vice World News, Russian Woman Faces 10 Years in Jail for Leaving Anti-War Stickers in Supermarket, 18 May 2022**

[...] "I also think that the Russian Anti-Feminist Movement survived because the government underestimated them, they didn't see women as a threat for a while," Kuznetsova added. Kuznetsova said more women are getting arrested at protests than ever before. **OVDInfo observed that in past movements, about 80 percent of protesters arrested were men, "not because women didn't participate but because they weren't seen as an issue," she said. Now the split is closer to 50-50. [...]**

<sup>8</sup> AI (Amnesty International), **Russia: Artist detained amid clampdown on anti-war feminists**, 13 April 2022

## FURTHER OBSERVATIONS REGARDING SECTION 4.2

1. Section 4.2.2 on administrative charges states that [emphasis added]:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]  
[...] 4.2.2. Administrative charges [...]  
[...] Differently from newly introduced Article 20.3.3, which stipulates only a punishment by a fine, **Articles 20.2.2, 20.2 [informal translation] 'Violation of the rules of participation in a demonstration'**, and 19.3 [informal translation] 'On failure to comply with orders of police officers' allow for an arrest for up to 15 days. In March 2022, the application of the abovementioned Articles against protestors were reported by lawyers in St. Petersburg, Krasnodar, Volgograd, Ufa, Barnaul, Samara, Kazan, and Yekaterinburg.<sup>94</sup>

<sup>94</sup> Agora and Network Freedoms, Россия: права человека на военном положении [Russia: Human Rights under the Martial Law: The first month of the armed conflict in Ukraine], March 2022, url, pp. 7-8

The text indicates that Articles 20.2.2 and 20.2 relate to 'Violation of the rules of participation in a demonstration', however, the Agora and Network Freedoms report indicates that Article 20.2.2 is in fact related to 'Organization of the contemporary mass presence or movement of citizens in public places' (observation based on Asylors' interpretation of Russian language source).

2. At section 4.2.3, the Query further states in relation to the implementation of Article 20.2.2 that:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]  
[...] 4.2.3. Implementation of Article 20.3.3 [...]  
[...] The Russian authorities were reported to have interpreted anti-war civil actions as broadly as possible.<sup>99</sup> [...]

<sup>99</sup> OVD-Info, Cracked Heads and Tasers: Results of the March 6th Anti-War Protests, 7 March 2022, url; OVD-Info, 18-й день войны и протестов: задержания 13 марта [The 18th Day of War and Protests: Detentions on 13 March], 13 March 2022, url; Agora and Network Freedoms, Россия: права человека на военном положении [Russia: Human Rights under the Martial Law: The first month of the armed conflict in Ukraine], March 2022, url, p. 4; Irish Times (The), Russian crackdown: Why it takes tremendous courage to protest, 7 May 2022, url

While the Agora and Networks Freedom report is referenced as a source in footnote 99, upon review, no mention of the wide interpretation of anti-war civil actions was found in the source text (observation based on Asylors' interpretation of Russian language source).

3. The Query states the following with regard to the sentencing of defendants under Article 20.3.3:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]  
[...] 4.2.3. Implementation of Article 20.3.3 [...]  
[...] According to the press office of the Yaroslavl Regional Court, all the defendants under Article 20.3.3, were found guilty and fined 30 000 rubles each.<sup>108</sup> [...]

<sup>108</sup> According to the press office of the Yaroslavl Regional Court, all the defendants under Article 20.3.3, were found guilty and fined 30 000 rubles each.

To ensure precision, it would have been helpful to clarify that the defendants were found guilty 'by courts in Yaroslavl Region,' according to the source text (observation based on Asylors' interpretation of Russian language source).

4. At section 4.2.5, the Query states in relation to the case of Vladimir Kara-Murza:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]  
[...] 4.2.5 Examples of cases brought under Article 207.3 of the Criminal Code [...]  
[...] On 11 April, political activist and journalist Vladimir Kara-Murza was arrested on charges under Article 207.3. As reported by AI, the basis for the criminal charges 'was his speech at the Arizona House of Representatives (in the USA) on 15 March, in which he criticized Vladimir Putin's policies, denounced what he called the West's "appeasement" of the Kremlin and highlighted the importance of the protest movement in Russia.'<sup>147</sup> [...]

<sup>147</sup> AI, Russia: Political activist Vladimir Kara-Murza is a prisoner of conscience who must be released immediately and unconditionally, 10 May 2022, url, pp. 1-2



It would have been relevant to include a direct quote of the part of the speech that Amnesty International believes may have triggered Kara-Murza's prosecution:

**AI, Russia: Political activist Vladimir Kara-Murza is a prisoner of conscience who must be released immediately and unconditionally, 10 May 2022**

[...] Judging by the documents of the criminal case available to Amnesty International, it appears that the specific part of the speech that triggered the prosecution was: "Today, the whole world sees what the Putin regime is doing to Ukraine. The cluster bombs on residential areas, the bombing of maternity wards and hospitals and schools—the war crimes, these are war crimes that are being committed by the dictatorial regime in the Kremlin against a nation in the middle of Europe". [...]

5. With regard to criminal cases initiated under Article 207.3, the Query states:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]  
[...] 4.2.5 Examples of cases brought under Article 207.3 of the Criminal Code [...]  
In the period from 4 March to 18 April, criminal cases under Article 207.3 were reported to have been initiated against 32 persons. The highest number of cases under Article 207.3 were initiated against journalists and bloggers, activists, and social media users. Eight of the defendants, including one woman, were put under pre-trial detention for the period of the investigation.<sup>119</sup>

<sup>119</sup> Pavel Chikov, Telegram, 7 April 2022, url and Pavel Chikov, Telegram, 18 April 2022, url

The Query summarises those who have had cases brought against them under Article 207.3 of the Criminal Code, including 'social media users'. However, a review of the original source indicates that they were in fact social media 'administrators' (observation based on Asylus' interpretation of Russian source).

6. The Query lists a number of instances in which individuals were charged under Article 207.3, including the following:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]  
[...] 4.2.5 Examples of cases brought under Article 207.3 of the Criminal Code [...]  
[...] • 'A ban on certain activities' was imposed on a retired woman from Petrozavodsk, who had posted information criticising the actions of Russia in Ukraine on her page in the Russian social media site VKontakte (VK). 124  
• A man from Novokubansk was placed under pre-trial detention for his posts on Telegram and YouTube; 125

<sup>124</sup> Chikov, P, 21 уголовное дело о дискредитации Вооруженных сил РФ [21 criminal cases on discrediting the Armed Forces of the RF], 7 x7, 7 April 2022, url; Pavel Chikov, Telegram, 7 April 2022, url

<sup>125</sup> Chikov, P, 21 уголовное дело о дискредитации Вооруженных сил РФ [21 criminal cases on discrediting the Armed Forces of the RF], 7 x7, 7 April 2022, url; Pavel Chikov, Telegram, 7 April 2022, url

Footnotes 124 and 125 each cite the same two sources, however, the two sources appear to originate from the same original source (Pavel Chikov). Only one of the sources need have been referenced, in order to avoid 'false corroboration'. As cautioned in ACCORD's, *Researching Country of Origin Information: Training Manual*,<sup>9</sup> '[i]n many cases, a piece of information can be found in a number of sources. If, however, all these sources obtained the information from the same source, an impression of corroboration may arise where in fact there is none.' To avoid 'false corroboration', the ACCORD manual advises to 'be aware of who or what the primary source is and consult the source that first reported the information whenever possible.'<sup>10</sup>

<sup>9</sup> Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), *Researching Country of Origin Information: Training Manual*, p.137, October 2013

<sup>10</sup> Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), *Researching Country of Origin Information: Training Manual*, p.136, October 2013

## COMMENTS ON SECTION 5.1 TREATMENT OF JOURNALISTS

The Query states the following with regard to independent media being fined for reporting against the official narrative:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

In the following days, independent media was fined in case of reporting against the official narrative on the Russian military aims and actions in Ukraine and access to them was blocked.<sup>154</sup>

<sup>154</sup> Human Rights Watch, Russia Criminalizes Independent War Reporting, Anti-War Protests, 7 March 2022, url

However, the Human Rights Watch article referenced at footnote 154 does not report that independent media was fined, but rather that the authorities threatened to fine them if they did not limit themselves to reporting the Kremlin narrative of events.

## COMMENTS ON SECTION 6. TREATMENT OF HUMAN RIGHTS DEFENDERS

1. The Query states the following with regard to police raids:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

Human rights NGOs were reported to be subjected to police raids and searches.<sup>194</sup> [...]

<sup>194</sup> COE, Russian authorities should stop the unprecedented crackdown on freedoms of expression, assembly and association in the country, 7 March 2022, url

However, it would have been helpful to additionally reflect that raids and searches were reportedly conducted without respect for basic legal safeguards, as indicated in the source that the EUAA lifted the information from [emphases added]:

**COE, Russian authorities should stop the unprecedented crackdown on freedoms of expression, assembly and association in the country, 7 March 2022**

[...] Some human rights NGOs, like Memorial and Civil Assistance Committee, "Pskovskaya Gubernia" newspaper and a number of human rights defenders – who have spoken out against the war – have been subjected to unjustified raids and searches **without respect for basic legal safeguards**. [...]

2. Additional relevant information on the violence of police raids, including threats, humiliation and beatings, could have been extracted from a source that was cited by the EUAA in other parts of the Query [emphasis added]:

**DW, Cracking down on peace: How Russian anti-war protesters face persecution, 20 August 2022**

[...] **Before the arrests started in Kazan, raids were carried out at the homes of journalists, activists and students. [...]** "During the raids there were dreadful insults, humiliation, threats and beatings to my head and back. I was put in handcuffs and forced to kneel for three or four hours. They threatened to strip my 69-year-old mother naked if I did not tell them where my cellphone was," wrote activist Andrei Boyarshinov, who also lives in Kazan. He passed his report to journalists; DW has attained a copy. Boyarshinov, who is now being held in custody in a prison, is accused by authorities of having publicly called for terrorist acts. He rejects the allegations.



3. The Query states the following with regard to the detention of Oleg Orlov and Svetlana Gannushkina:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

Both were charged with Article 20.2 of the Code of Administrative Offences and released after 10 hours of arbitrary detention;<sup>203</sup>

<sup>203</sup> OMCT, Russia: Judicial harassment against prominent rights defenders Oleg Orlov and Svetlana Gannushkina, 8 March 2022, url

However, the EUAA summary does not fully reflect the World Organisation Against Torture (OMCT) article referenced at footnote 203, which indicates that the detainees were released after **'more'** than 10 hours of arbitrary detention.

## POLICE VIOLENCE, ARRESTS AND DETENTION

### *Observations that span several sections of the Query Response*

It is considered that the *Treatment of Protesters Query* lacks relevant details regarding the treatment of individuals at protests, during arrest and in detention by the Russian authorities. The COI Query includes two specific sections on arrests and detentions under section 4.2. *Treatment of protestors and war opponents by the authorities* and 6. *Treatment of human rights defenders*. While each of these sections includes ample focus on numbers of protestors arrested, or who was arrested, respectively, relatively little information is included about how those individuals were treated by the authorities, including whether aspects of due process were upheld. The following summaries were included in the COI Query with regard to the treatment of individuals by the authorities during protests, arrests and detention [emphasis added]:

**EUAA, Russian Federation; Treatment of protestors, journalists, and human rights defenders since the Ukraine invasion [Q20-2022], 2 June 2022**

1. Context [...]

[...] **The anti-war protests were frequently met with police violence [...]**

[...] 4.2. Treatment of protestors and war opponents by the authorities [...]

[...] 4.2.1. Arrests and detentions [...]

[...] **The Russia-based human rights NGO Committee Against Torture on 23 March reported that the instances of violence by police officers against people participating in anti-war rallies had increased and the committee received 'many reports of ill-treatment and beatings in police departments.'**

In order to enhance usability and cohesion, the COI Query may have been improved by including one overarching section on treatment of individuals by the authorities at protests, during arrests and in detention, including whether they were afforded due process rights. Such a section could have included sub-sections on the arrest and detention of journalists and human rights defenders.

In particular, the COI would have benefitted from including more detail about the specific types of violence that protestors were subject to in the context of anti-war rallies, some of which caused serious injury, such as wounds and fractures. Such information is highly relevant to the issue of state treatment of protesters. For example, OVD-Info provides a detailed overview of instances of police brutality at anti-war protests on 6 March 2022. It would have been worth presenting the following excerpt in full – or at a minimum, signposting readers to the full article – in order to convey a snapshot of the tactics of repression used by Russian authorities against those openly protesting at, or in the vicinity of, anti-war rallies:

**OVD-Info, Cracked Heads and Tasers: Results of the March 6th Anti-War Protests, 7 March 2022**

[...] • In St. Petersburg police fractured the skulls of three men while arresting them. One of the men, Vasilii Tikhonov, who was arrested near St. Isaac's church, was tased and beaten with a baton. Another, Shukhrat Shiroliev, was thrown to the ground by police and beaten right next to the «Bronze Horseman» statue. The third was arrested and beaten on Kazan street [...]

• In Novosibirsk, a woman who was detained at the protests reported that police had beaten her. She was taken from the police station «Tsentrallyi» in an ambulance with a badly injured leg.

• In Ekaterinburg, police threw a protestor into the snow on the riverfront and beat him with batons, after which, having broken his hand, they led him away to the police van.

• In Petrozavodsk, police surrounded protestors, sealing them off from leaving, after which they arrested almost everyone.

• In Moscow, four police officers arrested a man on Theatre Square (Teatral'naya ploshchad'). First they kicked him and then dragged him by his hands and feet to the police van.

• In the entryway of the metro station «Revolution Square» (Ploshchad' Revoliutsii) in Moscow, OMON officers threw a man to the floor while arresting him, pinned him down with their knees and punched him in the head several times.

• In Ekaterinburg, two police officers roughed up a man while detaining him because he tried to get out his telephone to film protestors being encircled by the OMON riot police. They grabbed him by the hands and neck and beat him with batons. When he fell to the ground, the police hit him again several times in the knees.

• In Moscow near the Detskii Mir toy store at Lubyanka, police began to stop passersby to check the contents of their phones. They threatened to not let them continue walking if they refused. [...]

• In Moscow on Red Square, police pushed several people face-first into a construction barrier while arresting them. When bystanders started to take pictures of what was happening, OMON officers moved in front of them to block their view.

- In Kazan, police beat one protestor while detaining him, giving him a bloody lip. [...]
- In Moscow, detainees waited in a police van for more than four hours. First they were taken to the station Sokol, then to Khoroshevskii and then to Khovrino, but not a single one of these stations would take them. [...]
- In the Moscow police station «Brateevo», police beat at least three women detainees. They poured water on them and beat their faces and bodies.
- In Moscow, protestors were beaten in front of children when they were arrested at the Central Children's Toy Store.

A Human Rights Watch article, which was used by the EUAA, includes relevant information on 'excessive use of force' against protesters, the detail of which was not presented in the COI Query:

**HRW (Human Rights Watch), Russia: Brutal Arrests and Torture, Ill-Treatment of Anti-War Protesters, 9 March 2022**

The police used excessive force against protestors while detaining them and, in several instances, inflicted abuse amounting to torture or inhuman and degrading treatment, on those in custody [...] Police used violence against protestors on multiple occasions. Numerous videos filmed in various cities show the police using excessive force as they arrest people. A video from Moscow shows five police officers detaining a man, while one of them kicks him. In Saint Petersburg police officers are seen pushing a man to the ground and punching him. A police officer in Moscow hit a protestor with his baton while the officer and fellow officers had the protestor restrained and were carrying him. In Saint Petersburg, between four and six police officers were filmed beating a man, pinned to the ground, with batons and then appear to administer electric shocks to him. The man is shouting that he is not a protestor and was simply passing by. The use of an electroshock weapon on a person clearly in police custody violates the prohibition on torture and other cruel, inhuman, or degrading treatment. Detainees reported sustaining cuts, bruises, and electric burns. One protestor allegedly suffered a concussion and another had an open laceration on his head, allegedly inflicted during his arrest. Some detainees were hospitalized [...]

The Query would have benefitted from including information from another Human Rights Watch article, which was used in the preparation of this Query, regarding the assault of a protestor by plain-clothes police officers while on their way home following a protest:

**Human Rights Watch, Russia: Arrests, Harassment of Ukraine War Dissidents, 24 March 2022**

On March 7, assailants physically attacked Roman Taganov, an activist with the opposition movement Mayak (The Lighthouse), as he was coming home with his son, in the southern city of Maykop. They broke his nose and injured his neck, his wife said. The assailants, he later learned, were plain-clothes police officers. They detained Taganov, who was then fined for “discrediting the Russian army” in an anti-war post on Instagram and sentenced to 10 days detention for “disobeying the police.” On March 17, authorities charged Taganov with “violence against a police officer” and placed him under house arrest.

In addition to further details about the treatment of people at anti-war rallies by the authorities, the Query would have benefitted from presenting more detailed information about the types of abuses reportedly suffered by anti-war protesters in detention. The following sources, which were used by the EUAA in the preparation of this Query, include additional relevant information about the treatment of a group of protesters who were detained at Bratayevo police station and were subject to violence by the authorities, some of which may amount to torture:

**HRW (Human Rights Watch), Russia: Brutal Arrests and Torture, Ill-Treatment of Anti-War Protesters, 9 March 2022**

Aleksandra Kaluzhskikh, 26, also managed to discretely record audio while she was being questioning at Bratayevo. She shared this with OVD-Info. It appears that the same unidentified police officer who interrogated Morozova, slapped Kaluzhskikh, hit her in the face with a water bottle, grabbed her by the hair, threatened to give her electric shocks, and smashed her phone. “Do you think I will be punished somehow? Putin told us to kill you [all]. Putin is on our side,” says the unidentified officer in the audio. “You are enemies of the state. You are enemies of the nation. We will get a bonus for this.” Four other women reported to Novaya Gazeta that police officers at Bratayevo held them down while pouring water on their faces, which one of the women said made her feel like she was drowning. The description given by the women suggests the police subjected them to treatment commonly known as waterboarding, which constitutes torture. The women also said the police grabbed them by the hair, slapped them in the face, threatened them with sexual assault, and kicked them in the stomach [...]

**AI (Amnesty International), Russian Federation: End Censorship on Voices Against the War, 14 March 2022**

[...] There have also been reports of torture or other ill-treatment of people held in some police stations. A disturbing audio recording [...] made by a woman detained in the police station Bateevo in Moscow showed how she was being verbally humiliated and abused, slapped and hit allegedly with a plastic bottle filled with water – a common method used by the police to inflict pain without leaving visible signs on the victim’s body. [...]

A number of other sources also provide useful details about the reported methods of violence used by the authorities against those it had detained. The following article by Mediazona also reports on the episode at Bratayevo police station, and includes material from the WhatsApp messages of persons who were detained during the incident. The source also reports in detail on the violence perpetrated against a number of individuals:

**Mediazona, Moscow police beat and torture women after anti-war protests, 12 March 2022**

[...] 5 women and four men who were detained near Moscow’s Krasnye Vorota metro station and placed in two police vans [...] When Anastasia was returned to the assembly hall – after signing a police report accompanied by insults (“Why are you pretending to read, you can’t understand anything, you don’t have brains, stupid creature”) – she saw that other detained women had written in the group chat that “the man in black” had beaten and mocked them. Mediazona has seen the messages in question. “I was hit twice when I was being questioned [...] But I feel rather normal; in terms of recording [the bruises] there is most likely nothing left,” one girl wrote. “Right. Who hit you, the guy in a black turtleneck?” another answered. “Yes. He also, I think, has a holster.” “Yes Yes Yes. The \*\*\*\* detective.” [...] when 19-year-old Anna entered room #103, she cited her constitutional right to remain silent, and the man in black poured water down her collar. When Anna refused to unlock her phone, the man pulled her down by her hair and began to pour water on her face from above, which caused her to choke. [...] “He hit me hard, then asked if I would still remain silent. I said yes. He then hit me in the stomach with his knee, and my vision went blurry. Literally a second passed between the question and being hit. Even if I wanted to answer, I would not have had time. I burst into tears,” Anna says. “Another man was still sitting in the office. He said: ‘now you will all be deprived of your virginity,’ calling us whores, creatures, [saying] that we need to be beaten. When I left the room with another policeman, the one in black kicked me and shouted: ‘[Beat] her again,’” she recalls [...]

The following article reports on material from an interview between a person who was detained at Bratayevo police station and a Telegram channel. Quotes from the interview detail the types of violence perpetrated by the police against them, including kicking, slapping, pouring water on her, pulling her by the hair and name calling [emphasis added]:

**RFE/RL (Radio Free Europe/Radio Liberty), A Detention, A Recording, A Brutal Beating: Another Window Into Russian Police Interrogations, 7 March 2022**

'A Twitter account belonging to a group of feminist activists also posted a message on March 6 saying that at least three women who had been detained at the same police precinct had been beaten by officers, with one of them having her hair pulled and another having a bag put over her head. In an interview with the Telegram channel known as SOTA, published late on March 6, Kaluzhskikh explained further what happened. "They kicked me, slapped me on the head." she was quoted as saying. "They poured water on me. They ripped off my mask, ripped the phone out of my hands, threw it against the wall, twice." "At the end, they picked [the phone] up, wiped off the fingerprints. They grabbed me by the hair and pulled me around," she said, according to SOTA. "They called me names. There were two girls in the office, and they were just watching the torture."

A Moscow Times article reports on a separate incident in which a journalist alleged to have been tortured while in the custody of the Federal Security Service during an interview with a YouTube channel:

**The Moscow Times, Russian Journalist Alleges Torture After Filming Anti-War Rally, 14 April 2022**

A Russian journalist has accused the security services of torturing him after he was detained for filming an anti-war rally in March. Documentary maker Sergei Erzhakov attended a March 4 anti-war rally in the city of Kasimov in western Russia, where he filmed activists spray-painting "Putin — go away" on a Lenin statue. The next day, Federal Security Service (FSB) officers came to Erzhakov's home and took him to the local police station. Erzhakov told YouTube channel Khodorkovsky Live that he was repeatedly beaten by FSB officers over the two days he spent in custody.

The Query details numerous instances in which people who have protested, or in some way expressed dissent regarding the war, have become caught up in the criminal justice system, including those who have been held in pre-trial detention. In light of the frequent references to individuals being detained, it would have been useful for the

Query Response to include some brief background information about general conditions in the criminal justice system and specifically in detention settings in the Russian Federation. The following information about the use of torture within the criminal justice system and in detention was found in sources that the EUAA used:

**AI (Amnesty International), Russia: Ten urgent human rights tasks for the new Duma, September 2021**

[...] Torture and other ill-treatment are endemic in Russia's criminal justice system, while legal remedies against them are weak and ineffective. [...]

**Civil Rights Defenders, "Human rights are practically seen as an 'enemy's value.'", 23 March 2022**

Russia does not have a law against torture in detention. The Committee Against Torture has been struggling for years to convince the Russian government to adopt such a law [...]

The U.S. Department of State report on human rights practices in the Russian Federation also highlights poor conditions in detention settings:

**USDOS, 2021 Country Reports on Human Rights Practices: Russia, 12 April 2022**

Physical abuse of suspects by police officers was reportedly systemic and usually occurred within the first few days of arrest in pretrial detention facilities. Reports from human rights groups and former police officers indicated that police most often used electric shocks, suffocation, and stretching or applying pressure to joints and ligaments because those methods were considered less likely to leave visible marks [...] There were reports that police beat or otherwise abused persons, in some cases resulting in their death [...] Conditions in prisons and detention centers varied but were often harsh and life threatening. Overcrowding, abuse by guards and inmates, limited access to health care, food shortages, and inadequate sanitation were common in prisons, penal colonies, and other detention facilities.

Amnesty International's annual State of the World's Human Rights report on the Russian Federation further highlights that '[t]orture and other ill-treatment remained endemic in custody':

**Amnesty International, The State of the World's Human Rights; Russian Federation 2021, 29 March 2022**

Torture and other ill-treatment in custody remained endemic and prosecutions of perpetrators rare [...] Smuggled graphic videos of inmates' torture, including rape, in Saratov prison hospital and other penal institutions were made public in October by activists from the Gulagu.net group.

The Query does not appear to include any substantial information on due process, including at the point of arrest, or in detention. Relevant information on due process found in sources that were used by the EUAA, but which was not reflected in the Query, as well as all other information in this section on police violence, arrests and detention should have been more fully presented in the Query, as it is essential to understanding the research topic [emphasis added]:

**OVD-Info, Cracked Heads and Tasers: Results of the March 6th Anti-War Protests, 7 March 2022**

**In many cities, police without ID badges arrested protestors and took them away in police vans. They frequently used excessive force.** This anonymity creates the conditions for police to abuse their power and allows them to escape criminal responsibility.

**AI (Amnesty International), Russian Federation: End Censorship on Voices Against the War, 14 March 2022**

Reports from several cities where protestors were detained indicate multiple other violations of their rights while in police custody, **including detention in cruel, inhuman and degrading conditions, unlawful fingerprinting and photographing for a police database, confiscation of mobile phones and others.** In some cities, including in Moscow, Omsk and Yekaterinburg, there were multiple reports that lawyers were not allowed access to those deprived of their liberty. Amnesty International spoke with two human rights lawyers from Yekaterinburg, in the Urals, who confirmed that lawyers were not allowed to enter and had to wait for at least five hours outside before being given access to their clients across multiple police stations. At the same time, according to one of the detained protestors Amnesty International has spoken to and whose lawyer was denied access, **the police had told the detainees that no lawyers were available.**

**HRW (Human Rights Watch), Russia: Brutal Arrests and Torture, Ill-Treatment of Anti-War Protesters, 9 March 2022**

**Police officers did not always display their identification on their uniform or seemed in some cases to cover it with black tape. Police officers in civilian clothes made some arrests [...]** OVD-Info also reported that officers at police stations across the country routinely threatened detainees with violence. Even though they were detained for alleged administrative offenses, detainees were forced to have their photo and fingerprints taken and surrender their telephones, contrary to Russian law. Lawyers reported that they were denied access to their clients at police stations for hours and were not allowed to represent their clients at court hearings. **Officers in at least seven police stations in Moscow, including Bratayevo, Saint Petersburg, and Irkutsk, initiated the "Fortress" protocol, which is authorized for a situation of potential attack and involves closing access to the station for outside visitors, including lawyers.**



[info@asylos.eu](mailto:info@asylos.eu)  
[www.asylos.eu](http://www.asylos.eu)

[info@vluchtelingenwerk.nl](mailto:info@vluchtelingenwerk.nl)  
[www.vluchtelingenwerk.nl](http://www.vluchtelingenwerk.nl)