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The arbitrary detention of Vladimir Kara-Murza and the systematic persecution of anti-war protesters in the Russian Federation and Belarus

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Ms Thórhildur Sunna ÆVARSDÓTTIR, Iceland, Socialists, Democrats and Greens Group

Summary

Since the beginning of the illegal full-scale war of aggression against Ukraine, the Russian and Belarusian Governments have sought to suppress all forms of dissent against the war. The authorities have detained thousands for protesting and introduced draconian legislation to ban even the smallest criticism of the invasion or the Russian military. Vladimir Kara-Murza was among the first victims of the crackdown and received a particularly harsh sentence of 25 years in prison. He is one of many individuals imprisoned for their anti-war stance, with a health condition that puts him at high risk whilst imprisoned in inhumane conditions.

Despite the severe persecution, the Russian and Belarusian anti-war movements have adapted and continue to survive.

The Parliamentary Assembly should condemn the repression carried out by the Russian and Belarusian Governments and call on them to comply with their international human rights obligations.

The Assembly should also call on member and observer States to provide the Russian and Belarusian anti-war movements with greater recognition and support, including by exploring further ways to cut through the Kremlin's information blockade, pursuing for the release of individuals imprisoned for their anti-war stance, and taking additional steps to ensure the protection of Russians and Belarusians who are trying to flee their oppressive regimes.

1. Reference to committee: Doc. 15514 and Doc.15578, Reference 4652 of 20 June 2022.

A. Draft resolution[2]

1. The Parliamentary Assembly is appalled by the arbitrary detention of Vladimir Kara-Murza and the systematic persecution of anti-war protesters in the Russian Federation and Belarus.

2. In regard to the Russian Federation, the Assembly recalls that judgments of the European Court of Human Rights concerning events prior to February 2022 already demonstrated a severe repression of the freedoms of speech, assembly, and association, and the right to liberty.

3. Beginning in March 2022, the Russian Federation rapidly adopted a series of draconian amendments to the Criminal Code and the Code of Administrative Offences, to silence criticism of its illegal, brutal, full-scale war of aggression against Ukraine. These legislative amendments are not consistent with international human rights standards and have effectively criminalised all forms of dissent against the war and against the actions of the Russian military. These actions form a part of Vladimir Putin's systemic war on democracy.

4. One of the first victims of this repression was historian, politician, and winner of the 2022 Václav Havel Human Rights Prize, Vladimir Kara-Murza. Mr Kara-Murza was arrested and detained on 12 April 2022. He was subsequently charged with spreading "deliberate false information" about the actions of the Russian military in Ukraine, "organising the activities of an undesirable organisation", and high treason. On 17 April 2023 Mr Kara-Murza was sentenced to 25 years in prison.

5. Mr Kara-Murza barely survived two previous poisoning attacks linked to the Russian authorities which have had lasting negative effects on his health. As a result of his pre-trial detention, Mr Kara-Murza's polyneuropathy, caused by these poisoning attacks, has deteriorated significantly. For the last six months, Mr Kara-Murza has been held in complete isolation of solitary confinement in a cell, first in a strict-regime prison colony and then in a Siberian "special-regime" prison colony, the harshest grade in the Russian Federation's penitentiary system. Since September 2023 he has not been receiving medical treatment and his polyneuropathy is slowly deteriorating.

6. There have been countless other examples of politically motivated prosecutions in the Russian Federation against individuals who speak out against the war. The most minor acts of peaceful speech or protest can now incur hefty fines, detention, and lengthy prison sentences. There has been a significant rise in the number of political prisoners, as defined by Resolution 1900 (2012). In Resolution 2446 (2022) the Assembly stated that there were 478 political prisoners in the Russian Federation. The human rights organisation OVD-Info reports that there are now over 1 000. The organisation reports that almost 20 000 people have been detained for their anti-war stance in the Russian Federation and the occupied territory of Crimea since February 2022.

7. Meanwhile, the Assembly notes that the anti-war movement in the Russian Federation has not been eradicated. Instead, it has gone underground. Russians who oppose the war have adapted their activities to the current situation, so that they can continue some forms of anti-war dissent, without exposing themselves to immediate arrest and indefinite imprisonment.

8. The Assembly reiterates that the persecution of individuals with an anti-war stance gives rise to multiple violations of the European Convention on Human Rights (ETS No. 5), to which the Russian Federation was still bound until 16 September 2022, and to breaches of other international human rights treaties to which the Russian Federation is party, such as the International Covenant on Civil and Political Rights.

9. There has similarly been a widespread repression of anti-war protesters in Belarus. Credible reports suggest that, against a backdrop of generalised political repression in the country, more than 1 600 people have been detained for their anti-war stance. Most of these detentions occurred in the immediate aftermath of the full-scale invasion, when anti-war protests were brutally dispersed. Subsequently, even the smallest expressions of sentiments against the war have been met with prosecution, often through the application of legislation on "extremism", the terms of which violate international human rights standards.

10. Many Belarusians have taken a stand through actions such as disseminating information about military movements or infrastructure, damaging railway tracks to prevent movement of military equipment and personnel, or sabotaging military installations. These actions have been met with a manifestly disproportionate reaction, through prosecutions under terrorism charges.

2. Draft resolution adopted unanimously by the committee on 16 April 2024.

11. The Assembly is shocked by the numerous credible reports of torture being inflicted upon individuals with an anti-war stance in Belarus, alongside other repressive measures such as months in punishment cells (without any blankets, clothes, books, or amenities), refusals of access to medicine, and other forms of ill-treatment. The use of incommunicado detention, whereby political prisoners are completely cut off from the outside world, has become particularly common. This is an incredibly cruel and inhumane practice, punishing not only the prisoner but their loved ones too.

12. The Assembly draws a distinction between on the one hand the Governments of the Russian Federation and Belarus and on the other, the people of these two countries. In this respect, it expresses its solidarity with the many Russians and Belarusians who speak out against the war of aggression, recognising that they do so in a context of severe repression and that they risk serious personal consequences.

13. The Assembly therefore calls on the Russian Federation and Belarus to:

13.1. cease the threats, intimidation and prosecution of individuals who have been targeted due to their anti-war stance, and ensure the immediate release of those who are in detention;

13.2. pending their release, ensure that the conditions of detention of all such prisoners are compliant with international human rights law (including access to adequate medical care, and contact with their lawyers, families and others);

13.3. ensure that prisoners are not subjected to torture or ill-treatment, that any such allegations are investigated promptly and effectively and that perpetrators are prosecuted;

13.4. reverse the measures taken against media and civil society organisations which have been subjected to closure, liquidation, website blocking, or registration as “foreign agents” or “undesirable organisations” as a result of perceived anti-war activities;

13.5. repeal the laws enacted with the purpose of repressing anti-war sentiment;

13.6. implement relevant recommendations and decisions issued by international organisations of which they are member States, such as the United Nations and the Organization for Security and Co-operation in Europe, and human rights treaty bodies which are competent to deal with individual communications against them.

14. Furthermore, the Assembly calls on the Russian Federation to:

14.1. adopt without delay effective general measures to address the structural and systemic problems identified by the European Court of Human Rights and the Committee of Ministers of the Council of Europe with regard to freedom of assembly, freedom of expression, freedom of association, and the right to liberty in the Russian Federation, including by repealing or amending relevant legislation, such as the laws on “foreign agents”, “undesirable organisations” and those designed to censor discussion about the war in Ukraine;

14.2. in accordance with the decision of the Committee of Ministers in the Navalnyy and Ofitserov group at its 1492nd DH meeting held in March 2024, ensure the release of all prisoners currently detained in the Russian Federation in abuse of power and for the purpose of silencing them and deterring other critics of the regime from protesting or speaking out;

14.3. co-operate with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as long as the Russian Federation remains a Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), thereby allowing for the monitoring of the reported political prisoners’ state of health, conditions of detention pending their release and allegations of torture and ill-treatment.

15. The Assembly further recalls that the Russian Federation refuses to pay just satisfaction awarded by the European Court of Human Rights for both individual and interstate cases. The Assembly resolves to explore other possible avenues to secure the payment of such awards, calling on member and observer States, as well as the European Union, to do the same.

16. Noting the need to provide the Russian and Belarusian anti-war movements with greater recognition and support, the Assembly calls on member and observer States of the Council of Europe to:

16.1. publicly highlight the continuation and ongoing work of the Russian and Belarusian anti-war movements;

16.2. implement programmes of international solidarity with the Russian and Belarusian anti-war movements, including by organising events, promoting media coverage, academic research, conferences and roundtables, and supporting artistic endeavours;

16.3. explore further steps to provide information to the Russian population by cutting through the Kremlin's information blockade, including by providing:

16.3.1. a welcoming environment for independent Russian news outlets, including their registration as legal entities and the facilitation of their ongoing work;

16.3.2. any necessary financial support to independent Russian news outlets;

16.3.3. facilitation of the entry and stay of independent Russian journalists and social media influencers;

16.3.4. financial and other support to Russian anti-war social media influencers;

16.3.5. free and stable VPNs (Virtual private networks) for the Russian population;

16.4. support Russian and Belarusian civil society organisations located abroad in their efforts to legally and financially support anti-war protesters within the Russian Federation and Belarus;

16.5. prevent businesses from refusing to supply goods and services to independent Russian and Belarusian civil society organisations supporting anti-war causes or the defence of human rights, by enforcing relevant national laws and regulations and/or strengthening them as necessary;

16.6. prevent the application of international sanctions to independent Russian and Belarusian civil society organisations supporting anti-war causes or the defence of human rights, including financial and banking sanctions.

17. Alarmed by the dire conditions of imprisonment of Vladimir Kara-Murza and other individuals detained for their anti-war stance, the Assembly calls on:

17.1. member and observer States of the Council of Europe to deploy diplomatic efforts to secure the release of political prisoners in the Russian Federation and Belarus who have opposed the war of aggression against Ukraine, prioritising Vladimir Kara-Murza and others who have serious health conditions;

17.2. member and observer States of the Council of Europe to pursue prisoner exchanges in order to obtain the release of political prisoners in the Russian Federation and Belarus who have opposed the war of aggression against Ukraine, prioritising Vladimir Kara-Murza and others who have serious health conditions (noting in particular the potential role of Germany, the United Kingdom, and the United States of America);

17.3. the United States of America to recognise Mr Kara-Murza as a "wrongfully detained person" under the Levinson Act, with a view to intensifying the activities of the Government of the United States to secure Mr Kara-Murza's release.

18. The Assembly calls on member and observer States of the Council of Europe to intensify their efforts to hold the Russian Federation and Belarus to account at the United Nations, including by:

18.1. promoting the adoption of a resolution of the Human Rights Council and releasing a joint statement, calling for the release of anti-war protesters in the Russian Federation and Belarus, an end to the political persecution of anti-war protesters in the Russian Federation and Belarus, and condemning the failure of the Russian Federation and Belarus to implement rulings of international bodies relating to the repression of anti-war protesters, including judgments and decisions of the European Court of Human Rights (in respect of the Russian Federation), the Working Group on Arbitrary Detention, and the United Nations treaty bodies;

18.2. calling for a country visit to the Russian Federation and Belarus of the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross (ICRC), the Special Rapporteurs on human rights in the Russian Federation and Belarus, and other relevant bodies, to visit prisons and meet with anti-war protesters subject to political persecution, prioritising those with serious health conditions, including Vladimir Kara-Murza.

19. Noting the highly precarious situation of Russians and Belarusians with an anti-war stance who are trying to flee their oppressive regimes, and recalling Resolution 2446 (2022) and Resolution 2499 (2023), the Assembly calls on member and observer States of the Council of Europe to:

19.1. support persons fleeing the Russian Federation and Belarus by facilitating their legal entry and stay, freedom of movement, safety and security, access to education, culture, financial services and pursuit of economic activities. This should include appropriate measures relating to emergency entry, emergency passports, visas, temporary and long-term residence permits, socio-economic assistance, and (when appropriate) refugee status;

19.2. examine the creation of separate international frameworks or networks for those fleeing the Russian Federation and Belarus, to deal with the issues of entry and stay of persons;

19.3. refuse extradition requests for Belarusian and Russian nationals, which could be considered to be politically motivated;

19.4. refrain from deporting back to their home countries Russian and Belarusian nationals who have demonstrated an anti-war stance concerning the aggression against Ukraine and who would thus be at genuine risk of political persecution or conscription to the Russian military;

19.5. take measures to address the refusal of the Belarusian authorities to issue passports in their consulates abroad (as well as prepare for the possibility of the Russian Federation doing so), through the recognition of *de facto* statelessness, and the issuing of travel documents to allow Belarusian (and if necessary, Russian) individuals at risk of political persecution or conscription to remain in European States after the expiration of their passports;

19.6. take measures to protect Russians and Belarusians who have fled their States from transnational repression carried out by their governments, as highlighted in Resolution 2509 (2023).

20. The Assembly further calls on member and observer States of the Council of Europe to introduce restrictive measures (in particular, sanctions under their “Magnitsky laws”) against individuals involved in the political persecution of Russians and Belarusians because of their anti-war stance.

21. Noting the harm caused to Russian and Belarusian independent civil society by the application of domestic and international sanctions, the Assembly calls on private businesses:

21.1. to continue to provide goods and services to independent Russian and Belarusian civil society organisations that support anti-war causes or the defence of human rights;

21.2. to refuse to comply with the orders of the Russian and Belarusian Governments to block websites, social media accounts or other online resources of independent Russian and Belarusian civil society organisations that support anti-war causes or the defence of human rights.

22. The Assembly invites the European Court of Human Rights to continue examining pending and future cases against the Russian Federation in respect of alleged violations of the Convention committed until 16 September 2022, in particular and as a matter of priority those brought by applicants who have been persecuted for their anti-war stance.

23. The Assembly reiterates its call on Interpol to be particularly vigilant when dealing with requests for Red Notices from the Russian National Central Bureau that may be politically motivated, taking into account Resolution 2315 (2019) “Interpol reform and extradition proceedings: building trust by fighting abuse”.

24. The Assembly finally resolves to continue to exchange views with the Russian and Belarusian political anti-war movement and other opposition forces through its platforms for dialogue with the Russian and Belarusian democratic forces.

B. Explanatory memorandum by Ms Thórhildur Sunna Ævarsdóttir, rapporteur

1. Introduction

1. On 15th March 2022, Vladimir Kara-Murza gave a speech to the Arizona House of Representatives, which led to his imprisonment upon his return to the Russian Federation. During the speech, he said the following:

> *I wish we had been wrong on this, but today the whole world sees what the Putin regime is doing to Ukraine. The cluster bombs on residential areas, the bombings of maternity wards, hospitals, and schools, and 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. This is, unfortunately, where all the years of Putin's rule have led us. But as much as it's difficult for any of us to be a little bit optimistic and even a little bit hopeful about the future, I also want to speak about the other side of Russia to you. Very often, people in the West only see the official side. They see Putin, the repression, the aggressive actions, and the war that is now happening. The other side is very often lost. The other side, of course, is that there are millions of people in my country who fundamentally reject and fundamentally disagree with everything that the Putin regime stands for and represents, from the kleptocracy to the abuses, repressions, and crimes against humanity that are being committed.*[3]

2. Vladimir Kara-Murza was arrested just over one month afterwards, a few days after he made a similar statement before the Committee on Legal Affairs and Human Rights at its May 2022 meeting in Paris. The charge was "deliberately spreading false information" about the Russian armed forces. After being charged with additional offences of "co-operating with an undesirable foreign NGO" and "high treason", on 17 April 2023 Mr Kara-Murza was sentenced to 25 years' imprisonment.

3. This report[4] is about Vladimir Kara-Murza. But it is also about the "other side of Russia" that he spoke of in March and April 2022: the people who do not believe in Putin's war of aggression, and how we can do more to help them.

4. Section 2 describes the severe repression of individuals with an anti-war stance in the Russian Federation. Almost 20 000 people have been detained for their anti-war views, leading to thousands of prosecutions and lengthy prison sentences for criticism of the war (sections 2.1 and 2.2). Civil society and media organisations have also been eviscerated, notably through a significant growth in the application of "foreign agent" and "undesirable organisation" designations that make the running of thus designated groups almost impossible (section 2.3).

5. The crackdown on individuals and organisations has been facilitated by a series of amendments to Russia's already draconian legislation, which have effectively criminalised even the most trivial criticism of the war or the Russian military (section 2.4). The dystopian crackdown on anti-war views has been widely condemned by international organisations (section 2.5). Nevertheless, the anti-war movement has not been destroyed: it has instead gone underground. Russians who oppose the war have adapted their activities, so that they can continue expressing anti-war dissent, without risking immediate arrest and indefinite imprisonment (section 2.6).

6. The Russian Federation and Belarus are different countries – with different histories, traditions, cultures, and governments. Sadly, the populations of both have been subjected to severe repression for any opposition to the war of aggression against Ukraine. In Belarus, authoritarian legislative changes following the 2020 protest movement had already significantly expanded the capacity of the government to carry out politically motivated repression. This has been used to severely repress anti-war protest and speech. There have been harsh, violent crackdowns on anti-war assemblies; over 1 600 detentions for people showing an anti-war stance; and prosecutions under terrorism charges against individuals spreading information about military equipment or sabotaging it (section 3).

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3. Vladimir Kara-Murza, "Speech to the Arizona House of Representatives", McCain Institute, 15 March 2022.

4. This report originates from two motions for a resolution on the "Arbitrary arrest of Russian human rights defender and freedom fighter Vladimir Kara-Murza" (Doc. 15514) and "Systematic large-scale persecution against anti-war protesters in the Russian Federation" (Doc. 15578) which were referred to the Committee on Legal Affairs and Human Rights and which it has decided to merge into a single report. The report also takes into account motions for a resolution on the "Urgent need to combat state terrorism" (Doc. 15599) and "Europe should stand in solidarity with the Russian and Belarusian anti-war movement" (Doc. 15633).

7. I am convinced that we can and must do more to support the Russian and Belarusian anti-war movements. A significant part of this report is devoted to this subject (section 4), setting out how member and observer States can provide more recognition and practical assistance to the anti-war movement, pursue the efforts to obtain the release of prisoners detained for their anti-war views, intensify initiatives to hold the Russian Federation and Belarus to account at the United Nations, facilitate the entry and stay of Russians and Belarusians with an anti-war stance who are trying to flee their oppressive regimes, and introduce restrictive measures against individuals involved in the brutal repression as detailed in this report. Imprisoning people for voicing their opinion is a lethal weapon against democracy. It sends a chilling message to all that see it and kills democratic debate, freedom of expression and indeed, democracy itself. We must do what we can to fight back.

8. During the preparation of this report, I have benefited from information provided directly by Russian and Belarusian civil society, as well as prominent experts, during two hearings before the Committee on Legal Affairs and Human Rights held on 22 May 2023 and 4 March 2024; 10 meetings with 28 lawyers, journalists and activists during a fact-finding visit to Vilnius on 20-21 September 2023; an online meeting with the United Nations Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova, on 11 December 2023; participation in the Helsinki Dialogue conference with Belarusian democratic forces held on 11-12 January 2024; and input throughout from Vladimir Kara-Murza's wife, Evgenia Kara-Murza.

2. The systematic persecution of anti-war protesters in the Russian Federation

9. For the purposes of this report, an anti-war "protester" is anyone who speaks out against the Russian war of aggression against Ukraine. The means through which the "protest" is exercised can be varied and can include personal social media activity, authoring an article, or participating in a public demonstration.

2.1. Statistical overview

10. The statistics below rely on the research of OVD-Info, a prominent Russian civil society organisation now operating from outside the country. They were updated in February 2024, when data was released to mark the two-year anniversary of the war – and they apply to persecution in the territory of the Russian Federation and the occupied territory of Crimea.[5]

11. Following the launch of the war of aggression against Ukraine on 24 February 2022, several anti-war public demonstrations took place. From the very beginning, the protests were subject to extensive repression by the Russian authorities. On 25 February 2022, 437 detentions took place across 26 cities.[6] Over the following two days, the number of people detained reached 5 500.

12. There have now been 19 850 detentions of individuals who have expressed an anti-war stance. There have been 848 criminal prosecutions, with 267 people currently imprisoned. Criminal prosecutions of anti-war protesters constituted 67% of all politically motivated prosecutions in 2022 and 64% in 2023. Over half of the criminal prosecutions (444) have been carried out for activities on the internet (such as posting a video, comment, or even chat message). In 2022, the average prison sentence for anti-war activity was 36 months; the average in 2023 was 70 months.[7] Vladimir Kara-Murza's 25 years sentence is seen as revenge not only for his anti-war stance, but also for his support for the campaign of William Browder calling for "Magnitsky laws", facilitating targeted sanctions on human rights violators enjoying impunity in their own countries.[8]

13. The above data relates to criminal prosecutions. However, a huge amount of repression is carried out through the application of administrative law. Article 20.3.3 on "discrediting the military" is the main provision used to prosecute anti-war protesters, with 8 693 cases since the offence was created in March 2022. Individuals have been prosecuted for holding up blank sheets of paper or a placard with an asterisk, saying

5. OVD-Info, "Persecution of the anti-war movement report: Two years of Russia's full-scale invasion of Ukraine", 28 February 2024. Prior to the full-scale war of aggression, OVD-Info was able to extensively rely on regional activists and local media outlets to collect information. However, since the full-scale invasion and resulting repression of media and civil society, the organisation has had to switch to research of law enforcement agencies, court data, and social media networks. By their own admission, this had made it harder to collect reliable information, meaning that the data may underestimate the scale of repression.

6. *Reuters*, "Anti-war protests held in cities across Russia, 2,000 people arrested", 27 February 2022.

7. "Persecution of the anti-war movement report: Two years of Russia's full-scale invasion of Ukraine", op. cit.

8. See also the parallel report by Eerik-Niiles Kross (Estonia, ALDE), "Sanctions against persons on the "Kara-Murza list" (Doc. 15939).

general pacifist slogans, and for comments or reposts on social media. The main punishment for administrative offences is a fine, with a mean average of 2.5 minimum monthly Russian salaries. Repeated prosecution for administrative offences can lead to many years in prison.[9]

14. Finally, in addition to the criminal and administrative prosecutions, extrajudicial methods are also used to put pressure on individuals. Non-state actors are following general trends led by the authorities and act with impunity against those with anti-war views. Examples include cancelling events (34 reported cases), harassment at work (41), threats (112), expulsion (16), and exclusion from universities and other organisations (3). Such methods are used as intimidation techniques, which can be applied flexibly without administrative or legal processes. OVD-Info has collected 579 examples of cases of extrajudicial pressure, but this is likely to be significantly less than the true scale of pressure. The real scale of this form of repression is very difficult to estimate, as most people who are subjected to pressure shall not communicate it to others beyond a close circle.[10]

2.2. Individual examples

15. Among the early arrests was opposition politician, historian, human rights defender, co-founder of the Russian Anti-War Committee and Václav Havel Prize laureate Vladimir Kara-Murza. A few days after he addressed the Committee on Legal Affairs and Human Rights concerning political prisoners in the Russian Federation, he was arrested and sentenced to 15 days' administrative detention for allegedly "disobeying a police officer" (on 12 April 2022). On 22 April 2022, he was charged under Article 207.3 of the Criminal Code for allegedly spreading "deliberate false information" about the actions of the Russian Armed Forces in Ukraine. Mr Kara-Murza was charged for the contents of a speech at the Arizona House of Representatives which he had made in March 2022, in which he criticised Vladimir Putin's policies, deplored the West's "appeasement" of the Kremlin, highlighted the importance of the protest movement in the Russian Federation, and denounced the war of aggression against Ukraine. In July 2022, he was also charged with "organizing the activities of an undesirable organisation" (under Article 284.1(1) of the Russian Criminal Code) over his alleged involvement with the Free Russia foundation, an NGO that is labelled by the Russian authorities as "undesirable". In October 2022, the authorities charged Vladimir Kara-Murza with "high treason" under Article 275 of the Russian Criminal Code. According to the authorities, Mr Kara-Murza co-operated with a NATO country, as "proven" by his critical public speeches in Lisbon, Helsinki and Washington DC.[11]

16. Vladimir Kara-Murza was forbidden from calling or seeing his family during his pretrial detention. His health deteriorated drastically, particularly after having been placed in a disciplinary cell on multiple occasions and on spurious grounds. Mr Kara-Murza has barely survived two poisoning attacks linked to the Russian authorities which have had lasting negative effects on his health, including the development of polyneuropathy in both feet. His condition necessitates regular exercise; however, after almost a year in pre-trial detention, including one week in solitary confinement (in a cell measuring 3 meters by 1.5 meters) and being deprived of his right to daily walks, his polyneuropathy deteriorated.

17. His trial was held behind closed doors in April 2023. The secrecy was justified on the ground that "Mr Kara-Murza wants to use the courtroom as a tribune to publicly discredit the existing regime". The court that tried him included judge Sergei Podoprigorov, who is on the "Magnitsky list" and has been sanctioned by the United States and the United Kingdom. During the submissions, Mr Kara-Murza stated his conviction that "[Russian] society will open its eyes and be horrified by what terrible crimes were committed on its behalf … even today, even in the darkness surrounding us, even sitting in this cage, I love my country and believe in our people."[12]

18. On 17 April 2023, Mr Kara-Murza was sentenced to 25 years in prison for "spreading false information about the Russian military", "co-operating with an undesirable foreign NGO" and "high treason". One of Vladimir Kara-Murza's lawyers, Vadim Prokhorov, reported receiving multiple threats from the State prosecutor and the presiding judge at the trial, forcing him to leave the country.[13]

19. Since September 2023, Mr Kara-Murza has been moved to a maximum-security prison facility in Siberia. His location was not known until three weeks after his transfer. On 24 September 2023, his lawyers announced that he had been located and was being held in a punishment cell. For the last six months,

9. "Persecution of the anti-war movement report: Two years of Russia's full-scale invasion of Ukraine", op. cit.
10. Ibid.
11. Amnesty International, "Russia: Vladimir Kara-Murza, jailed prisoner of conscience, awarded Václav Havel Prize", 10 October 2022; Human Rights Watch, "World Report 2023: Russian Federation".
12. Vladimir Kara-Murza, "Vladimir Kara-Murza's final statement to Russian court", *The Washington Post*, 10 April 2023.
13. Vadim Prokhorov, "A Lawyer for Political Prisoners on Why He Fled Russia", *Just Security*, 24 January 2024.

Mr Kara-Murza has been held in complete solitary confinement in a cell measuring approximately 3 by 4 metres, first in a strict-regime prison colony and then in a Siberian "special-regime" prison colony, which is the harshest grade in the Russian Federation's penitentiary system. Since September 2023 he has not been receiving medical treatment and his polyneuropathy is slowly deteriorating.

20. After the death of Alexei Navalny on 16 February 2024, there have been widespread concerns that Vladimir Kara-Murza and other Russian political prisoners will similarly face death at the hands of the Kremlin regime. Mr Kara-Murza said that he reacted with despair to the death of Mr Navalny but that he would not give up the fight to make the Russian Federation a normal, free, European, democratic country.[14]

21. Thousands of others have also been persecuted. The most minor acts of peaceful speech or protest now incur hefty fines, detention, and lengthy prison sentences. Long terms of imprisonment have been handed out for repeatedly creating, sharing, "liking" or otherwise commenting on social media posts (such as the postings of student activist Dmitry Ivanov), or displaying an anti-war placard on television (TV presenter Marina Ovsyannikova). A notable example is Alexey Gorinov, a Moscow local councillor who, during a council meeting, said that "children were dying" and that "all efforts of Russian civil society should be aimed at stopping the war and withdrawing troops from the territory of Ukraine". He was the first to be sentenced under the amendments to the law to almost 7 years' imprisonment for spreading knowingly false information about the Russian army. Mr Gorinov's health is very poor and deteriorating in detention. Prison authorities have placed him on a preventative register as prone to escape and as a result they check on him every two hours, including by waking him at night. Artist Aleksandra Skochilenko was sentenced to 7 years' imprisonment for having replaced supermarket price tags with anti-war slogans and information on the activities of the Russian Armed Forces in Ukraine in April 2022. On 9 December 2022 politician Ilya Yashin was sentenced to 8 years and six months(imprisonment for posting a video about the Bucha massacre. According to Amnesty International, 43 journalists have faced prosecution for their anti-war stance.[15]

22. Oleg Orlov, the co-Chair of the Memorial Human Rights Defence Centre, has been convicted for "repeatedly discrediting the Russian Armed Forces". On 27 February 2024 he was sentenced to 2 years and six months' imprisonment. The conviction was based on a social media post in November 2022 in which he shared an article titled "Russia: they wanted fascism, they got it", and for holding a sign in March 2022 that read "Peace for Ukraine, Freedom to Russia". Multiple criminal charges have been brought against the lawyers of Alexei Navalny, including Vadim Kobzev, Igor Sergunin, Alexei Lipster (all of whom have been arrested), and Olga Mikhailova (who has been charged in absentia).[16]

23. The effects of the repression may even impact the parental rights of those subject to persecution for opposing the war. For instance, Alexei Moskalyov's daughter, who had drawn an anti-war picture at school, was kept in an orphanage after her father was detained in March 2023 for "discreditation" of the Russian army. Whilst the teenager is now with her mother, Mr Moskalyov faces a two-year sentence in a penal colony along with a ban from using the internet.[17]

2.3. Suppression of civil society and media organisations

24. Human rights organisations and independent media have been systematically liquidated, seen their employees face criminal and administrative charges, and/or been put in a position where they had to put an end to their activities. This crackdown started before the full-scale invasion, but significantly intensified after it.

25. One of the most highly regarded Russian human rights organisations, Memorial, had their appeal against liquidation orders turned down by the Russian Supreme Court on 3 March 2022. In April 2022, the Russian authorities revoked the registration of 15 foreign NGOs and foundations, including Human Rights Watch and Amnesty International, forcing them to shut their offices in the Russian Federation. The Moscow Helsinki Group, Russia's oldest human rights organisation, was ordered to shut down in January 2023. In

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14. *CNN*, "Jailed Kremlin critic Kara-Murza says he will not give up after Navalny's death", 22 February 2024.
15. Amnesty International, "Russia: Authorities deploy new criminal laws to silence criticism of Russia's war in Ukraine", EUR 46/5988/2022, 2 September 2022; Pjotr Sauer, "Moscow councillor jailed for seven years after criticising Ukraine war"; *The Guardian*, 8 July 2022; Tom Watling, "Russian artist jailed for staging anti-war supermarket protest as Putin pardons murderer of Kremlin-critic", *The Independent*, 17 November 2023; Amnesty International, "Anti-war Protest in Russia", data as of 4 March 2024.
16. Emanuelis Zingeris (Lithuania, EPP/CD) and Thórhildur Sunna Ævarsdóttir (Iceland, SOC), "PACE General Rapporteurs strongly condemn sentencing of the legendary human rights defender Oleg Orlov to prison and demand the release of political prisoners", 27 February 2023; Vadim Prokhorov, *op cit.*
17. Mark Trevelyan, "Russian court spurns emotional appeal from man whose daughter drew anti-war picture", *Reuters*, 3 July 2023.

March 2023 police raided the homes of nine board members and staff of Memorial, which had continued to operate in an *ad hoc* manner after its formal liquidation. In April 2023 the authorities also liquidated "Sova", a think-tank working on xenophobia and extremism. In August 2023, the Sakharov Center was also liquidated.[18]

26. A key tool used by the authorities has been designation of organisations as "foreign agents" and "undesirable". These designations have been in place for many years. However, the scope of the relevant legislation was significantly broadened in December 2022, and the laws have been applied far more extensively.

27. NGOs labelled as "foreign agents" are faced with a diverse array of restrictions that make their day-to-day activities extremely difficult. These include intensive government controls (such as audits), significant administrative barriers to raising funds, an obligation to mark publications with their designation as "foreign agents", and bans on public events. Ignoring these restrictions can incur significant individual criminal liability. There were more registrations of "foreign agents" in 2022 than the cumulative total for 2019 to 2021.[19] Between February 2023 and February 2024, 56 organisations and 162 individuals were designated as "foreign agents". Of the new registrations, 109 had "opposed the special military operation in Ukraine". At least 30 people are being prosecuted for criminal offences related to their registration as "foreign agent" made since 24 February 2023. Examples include members of the "Golos" movement, the editor in chief of the Pskovskaya Gubernia (Pskov Province) newspaper Denis Kamalyagin, and the editor of the Tatar-Bashkir service of Radio Liberty, Alsu Kurmasheva.[20]

28. If an organisation is designated as "undesirable", running or financing the organisation can lead to immediate prosecution. Meanwhile, participation in any of the organisation's activities can lead to administrative charges incurring large fines (and a criminal prosecution if a second offence is committed within a year). "Participation" can include actions as minor as reposting on social media. Between February 2023 and February 2024, 66 organisations were labelled as "undesirable", of which 41 designations were related to the war. Examples include the Moscow Free University, due to its teaching of Russian history, and the student news outlet Doxa.[21]

29. Finally, since 24 February 2022, the Russian censorship service Roskomnadzor blocked 66,061 resources, including the website of OVD-Info.[22] Social media and digital companies such as Meta have been found by a Russian court to be exercising "extremist activities" under Federal Laws 374-FZ and 375-FZ and Facebook and Instagram have been blocked.[23]

2.4. Legal situation

30. Prior to the full-scale war of aggression, the Russian Federation had a long history of violations of the European Convention on Human Rights (ETS No. 5) relating to freedom of assembly,[24] freedom of expression and information,[25] freedom of association,[26] and the right to liberty.[27] Judgments of the European Court of Human Rights identifying these systemic problems were left unimplemented by the Russian Federation, leading to a dire situation for rights relating to the exercise of political freedoms even before the start of the war. Legal developments from March 2022 have further facilitated the devastating crackdown outlined above.

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18. Radio Free Europe / Radio Liberty, "Memorial Says Russian Supreme Court Rejects Appeal Of Closure Order", 22 March 2022; Human Rights Watch, "World Report 2023: Russian Federation", Human Rights Watch, "Russia's Oldest Human Rights Group Faces 'Liquidation'", 21 December 2022; Human Rights Watch, "Russia Opens New Case against Memorial", 21 March 2023; SOVA Center, "The Moscow City Court orders liquidation of SOVA Center", 27 April 2023; International Federation for Human Rights (FIDH), "Russia: Liquidation of the Sakharov Center", 30 August 2023.
19. OVD-Info, "Making sense of the repression of "foreign agents" and "undesirable organizations" in Russia and beyond" online seminar organised by *L'Archipel*, 19 January 2024.
20. Ibid.; "Persecution of the anti-war movement report: Two years of Russia's full-scale invasion of Ukraine", op. cit.
21. "Making sense of the repression of 'foreign agents' and 'undesirable organizations' in Russia and beyond", op. cit.; "Persecution of the anti-war movement report: Two years of Russia's full-scale invasion of Ukraine", op. cit.; Politico, "Russia labels student news outlet Doxa an 'undesirable' organization", 25 January 2024.
22. "Persecution of the anti-war movement report: Two years of Russia's full-scale invasion of Ukraine", op. cit.
23. *The Guardian*, "Russia bans Facebook and Instagram under 'extremism' law", 21 March 2022.
24. For example, *Lashmankin and Others group v. Russia*, Application No. 57818/09, judgment of 7 February 2017.
25. For example, *Vladimir Kharitonov v. Russia*, Application No. 10795/14, judgment of 23 June 2020.
26. For example, *Ecodefence and others v. Russia,* Applications nos. 9988/13 and 60 others, judgment of 14 June 2022.
27. For example, *Tsvetkova and Others v. Russia*, Application Nos 54381/08, 10939/11, 13673/13, 69739/14, 70724/14 and 52440/15, judgment of 10 April 2018.

31. On 2 March 2022, the Russian Parliament introduced a series of amendments to the Criminal Code. Article 207.3 was amended to criminalise the "public dissemination of knowingly false information about the use of the Russian Armed Forces" (5 to 10 years' imprisonment, 15 years for offences entailing "grave consequences"); Article 280.3 to criminalise "public actions aimed at discrediting the Russian Armed Forces" (up to 5 years' imprisonment); and Article 284.2 to criminalise "calls to introduce restrictive measures against the Russian Federation, its citizens or legal entities" (monetary fine and up to 3 years' imprisonment). The bill was passed by both houses of the Russian Parliament, signed by President Putin and entered into force within two days, on 4 March 2022. On 25 March 2022, Article 207.3 of the Criminal Code was further amended to criminalise the "dissemination of knowingly false information" not only about the Russian Armed Forces but also any Russian State bodies acting abroad.[28] In February 2024, a new law was approved to allow the confiscation of property, money, and assets of people convicted of spreading "deliberately false information" about the military.[29]

32. In regard to administrative offences, an amendment to Article 20.3.3 of the Russian Code of Administrative Offences entered into force on 4 March 2022. Mirroring Article 280.3 of the Criminal Code for "discrediting the armed forces" but used for less serious offences, the amendment led to 556 protesters being fined for thousands of roubles within a month and a half of the law coming into force.[30]

33. These laws represent an unmasking of the Russian regime. Before the full-scale invasion, the authorities would use made-up charges for politically motivated prosecutions, like bringing drug possession or corruption charges against journalists and activists. Since March 2022, the authorities no longer care to cover up political motivation behind prosecutions – they have explicitly criminalised dissent in criminal and administrative law.

34. On 1 December 2022, amendments to the administrative law on so-called "foreign agents" entered into force. These broadened the requirements that warrant listing as a foreign agent from receiving "foreign funding" to being "under foreign influence" and widened what qualifies as "political activity" to include any activity related to "the rights and freedoms of man and citizens", the "targeted collection of information in the field of military activities of the Russian Federation", the public distribution of any messages and materials or partaking in the creation of such messages and materials.[31] Consequently, organisations or individuals who challenge the Russian administration's narrative of the war by, for example, reporting on activities of the Russian army in Ukraine or advocating against human rights abuses, can easily be qualified as a "foreign agent" and therefore face administrative sanctions and liquidation.

35. Other articles of the Criminal Code have frequently been used to arrest and detain anti-war protesters. Some of the most frequently used include Article 205.2.2, under which public calls for the commission of terrorist activity or public justification of terrorism or propaganda committed through the use of mass media or electronic or information-telecommunication networks, including the internet, are punishable by detention between five and seven years. For example, the involvement of Andrey Boyarshinov in calls for mass riots in Telegram chats resulted in detention.[32] Another frequently used provision is Article 214.2 on vandalism committed by a group or persons and motivated by political, ideological, racial, ethnic or religious hatred or animosity, or by hatred or animosity towards any social group, punishable by deprivation of liberty, forced labour or imprisonment for up to 3 years. By way of example, after Alexander Martynov wrote "Ukraine, forgive us" on the back wall of a store he was convicted of politically motivated vandalism and given a sentence of six and a half years in a penal colony, when compounded to a violation of Article 207.3.[33] Lastly, Article 280.2 concerns public appeals for the performance of extremist activity, committed with the use of the mass media or information-telecommunication networks including the internet. This is punishable by compulsory labour or by deprivation of liberty for up to 5 years. As an example, after Oleg Belousov accused Putin of war crimes in a video, he was sentenced to five and a half years in a prison colony under this article.[34] Abuses of prosecutions under terrorism-related laws have also been reported. Over the past two years, minimally violent anti-war protests actions (such as small-scale arson which did not harm individuals),

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28. Amnesty International, "Russia: Authorities deploy new criminal laws to silence criticism of Russia's war in Ukraine", EUR 46/5988/2022, 2 September 2022.
29. *Associated Press*, "Putin signs law to confiscate assets of those convicted of discrediting the Russian army", 14 February 2024.
30. *The Moscow Times*, "How Russia's New Law Against 'Fakes' is Being Applied", 22 April 2022.
31. Inoteka, "The State Duma adopted a new law on 'foreign agents'. What will change?", 22 August 2022
32. OVD-Info, "Criminal repression of anti-war stance in Russia: Andrey Boyarshinov".
33. OVD-Info, "Criminal repression of anti-war stance in Russia: Alexander Martynov".
34. OVD-Info, "Criminal repression of anti-war stance in Russia: Oleg Belousov".

have been disproportionately prosecuted with terrorism-related charges.[35] Journalists and others are also falsely charged with a wide variety of other criminal offences, such as drug possession, treason, espionage, separatism and insulting government officials.[36]

36. The majority (if not all) of the previously mentioned amendments to the Russian Criminal and Administrative Codes since March 2022 violate human rights standards, including the European Convention on Human Rights and the International Covenant on Civil and Political Rights. Considering that the European Court of Human Rights will be hearing and deciding upon cases regarding potential Convention violations that took place until 16 September 2022 involving the Russian Federation,[37] the Court's judgments on such human rights violations as a result of the crackdown on anti-war protesters are to be expected in due course. Meanwhile, Article 284.3 of the Criminal Code, adopted in April 2023 criminalises co-operation with international bodies to which the Russian Federation is not a party. The law is broadly worded, leading to concerns that it can be used to prosecute attempts to enforce judgments of the European Court of Human Rights. According to Human Rights Watch, the law quickly led to the dropping of some claims.[38]

2.5. Assessments by the Assembly and other international bodies

37. Since the start of the unlawful and unprovoked military aggression against Ukraine on 24 February 2022, the Assembly,[39] its President,[40] its committees,[41] and its rapporteurs,[42] as well as the Commissioner for Human Rights,[43] alongside their unequivocal denouncement of the invasion, have continued to react to the repression of political opponents and civil society activists in the Russian Federation, in particular persons opposing the war. The repression of anti-war activism has also been regularly condemned by United Nations Special Rapporteurs and experts,[44] United Nations treaty bodies mechanism[45] and the Organization for Security and Co-operation in Europe (OSCE).[46]

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35. Amnesty International, "Russia: Surge in abuse of anti-terrorism laws to suppress dissent", 19 February 2024.
36. UN, Human Rights Council, "Situation of human rights in the Russian Federation, Report of the Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova", 15 September 2023, A/HRC/54/54, paras 54 and 59.
37. Committee of Ministers, Resolution CM/Res(2022)3 on legal and financial consequences of the cessation of membership of the Russian Federation in the Council of Europe, para. 7.
38. Human Rights Watch, "Russia: Law Targets International Criminal Court", 5 May 2023.
39. Opinion 300 (2022) "Consequences of the Russian Federation's aggression against Ukraine", para. 11; Resolution 2463 (2022) "Further escalation in the Russian Federation's aggression against Ukraine", para. 7; and Resolution 2446 (2022) "Reported cases of political prisoners in the Russian Federation", para. 18.
40. Council of Europe, "'It's simply unacceptable' – PACE President Tiny Kox on the Day of Political Prisoners", 27 October 2023; Council of Europe, "PACE leaders show their strong solidarity with political prisoners in Russia and Belarus", 24 April 2023; and Council of Europe, "PACE President reacts to new Russian law against the media", 7 March 2022.
41. For example: Council of Europe, "Committee Chair calls for immediate release of Russian opposition politician Vladimir Kara-Murza", 27 April 2022.
42. Council of Europe, "General Rapporteur on the situation of human rights defenders reacts to the sentence of Vladimir Kara-Murza", 14 April 2022; Council of Europe, "Rapporteur expresses concern over harassment and trial of Russian human rights defender Oleg Orlov and others who oppose Russia's war of aggression", 8 June 2023; and Council of Europe, "PACE general rapporteur concerned by ongoing treatment of Vladimir Kara-Murza", 14 August 2023.
43. Statements by the Commissioner for Human Rights, "Human rights defenders in Russia need support", 25 January 2023; "Member states should provide more support to Russian and Belarusian human rights defenders", 12 October 2022; and "Russian authorities should stop the unprecedented crackdown on freedoms of expression, assembly and association in the country", 7 March 2022.
44. UN, Office of the High Commissioner for Human Rights (OHCHR), "Russia: UN expert alarmed at continued targeting of human rights defenders", 14 September 2022; OHCHR, "Russia: UN experts alarmed by 'choking' information clampdown", 12 March 2022; OHCHR, "Russia: UN experts condemn civil society shutdown", 13 July 2022; and OHCHR, "Comment by UN Human Rights Office spokesperson Marta Hurtado on Russia", 26 January 2023.
45. UN, Human Rights Committee (2022), "Concluding observations on the eighth periodic report of the Russian Federation", CPR/C/RUS/CO/8, 1 December 2022; and UN, Human Rights Council, Working Group on Arbitrary Detention, "Opinions adopted by the Working Group on Arbitrary Detention at its 95th session, 14-18 November 2022: Opinion No. 78/2022 concerning Alexey Gorinov (Russian Federation)", A/HRC/WGAD/2022/78, 17 March 2023, paras. 95-98.
46. OSCE, Office for Democratic Institutions and Human Rights (ODIHR), "Report on Russia's Legal and Administrative Practice in light of its OSCE Human Dimension Commitments", ODIHR.GAL/58/22 REV.1, 22 September 2022; OSCE Parliamentary Assembly, "OSCE PA President and human rights leaders denounce jailing of political opponent in Moscow", 13 April 2022; and OSCE Parliamentary Assembly, "OSCE PA human rights leaders issue statement on court decision to shutter Moscow Helsinki Group", 26 January 2023.

2.6. Adaptation: how anti-war work continues in a repressive environment

38. Of the 19 850 individuals who have been detained for an anti-war stance, 15,355 were detained during the first month of the full-scale aggression. The number of monthly arrests have been steadily decreasing since that time, except for a spike between August and October 2022, to coincide with mobilisation in the Russian Federation. Between November 2023 and February 2024, OVD-Info recorded less than five detentions of anti-war protesters per month. In my view, the data indicates that there was (and there still is) a substantial level of public opposition to the war of aggression; but that the extensive repression of anti-war protesters has been successful in muting public expressions of this.[47]

39. This does not mean that the anti-war movement has been destroyed: it has just gone underground. Russians that oppose the war have adapted their activities to the current situation, so that they can continue expressing some forms of anti-war dissent, without risking immediate arrest and unpredictably long imprisonment. Organisations which have been liquidated continue to operate informally. Journalists continue to post independent content on websites hosted abroad. Lawyers provide support and legal advice to defendants. In addition to legal initiatives, human rights education projects are continuing their activities. For example, the Yelena Bonner School on Human Rights organised by the Russian Sakharov Centre now takes place online and is regularly attended by hundreds of participants living within the Russian Federation and participants who recently emigrated. Memorial continues to organise guided tours in various Russian cities, discussing State terror and human rights issues. These have become important meeting points for people that share similar views for the protection of human rights.[48] Memorial and other human rights projects have opened a hotline and online consultations for people who want to avoid military mobilisation. Another solidarity initiative launched in October 2023 is the "30 October Foundation", aimed at aiding Russian political prisoners and their families. The first donation was made by Mr Kara-Murza, using the amount he received in 2022 as part of the Václav Havel Human Rights Prize and the Axel Springer Award for courage.

40. The members of Russian civil society I spoke with now live outside of the Russian Federation and are among the hundreds or perhaps thousands who are working outside of the country to support elements of society that oppose the war. Lawyers who have left the Russian Federation work with colleagues within the country to provide legal assistance to anti-war protesters; independent journalists based outside of the Russian Federation work with sources and contacts within the State to publish accurate information about the war; and activists abroad work with local contacts to help provide material support to people who have been persecuted. All of these activities involve working with a civil society that continues to exist within the Russian Federation and providing support to people with anti-war views living in the Russian Federation.[49]

41. These activities are not subject to collective organisation under a single leader. They are also often carried out by organisations that have a semi-formal or entirely informal existence within the Russian Federation itself. Most importantly, there is usually little news about the activities of such groups: both because the Russian authorities suppress coverage of them within the country, and because those carrying out the activities may not want the authorities to be made aware of them. However, none of this means that anti-war activities and opinions have been eradicated in the Russian Federation. When there is a legal and safe way for people to express them, they do so: for example, the campaign for the anti-war presidential candidacy of Boris Nadezhdin reportedly collected over 100 000 signatures.

42. The Russian anti-war movement has been put under incredible pressure. However, it has not been broken, and we must not echo the Kremlin's propaganda by saying that no Russians oppose this unjustified and unconscionable war of aggression.

3. Situation in Belarus

43. The crackdown which followed the Belarusian election of 2020 led to a series of draconian legislative changes, which significantly expanded the capacity of the government to carry out politically motivated repression. The changes introduced new criminal and administrative offences (often for vaguely defined acts), increased penalties, extended the application of the death penalty, and further limited freedoms of expression, assembly and association.

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47. "Persecution of the anti-war movement report: Two years of Russia's full-scale invasion of Ukraine", op. cit.
48. Katia Patin, 'Surviving Russia's Control", *Coda*, 30 October 2023.
49. An example of an organisation continuing legal initiatives from abroad is OVD-Info, which filed several complaints to the Russian Constitutional court in cases of mass administrative harassment for "discrediting the Russian Armed Forces". Russian lawyers are also continuing to file applications to the European Court of Human Rights on violations occurring before 16 September 2022 and increasingly using the United Nations' judicial and quasi-judicial mechanisms.

44. Of particular note, changes to the Law on Countering Extremism in May 2021 broadened the definition of “extremist activities” to include actions like spreading “false information” about Belarus, insulting authorities, or discrediting the government. These amendments expanded the scope of a law which had already been used widely to repress dissent, leading to increased prosecutions and harsher penalties. “Extremist” materials were set out in official lists, and included websites, media, human rights publications, books, songs, podcasts, Telegram channels, and hashtags. Additionally, six other laws related to "extremism" were enacted between 2021 and 2023, imposing additional criminal consequences for vaguely defined behaviours.[50] Seven other laws were either amended or newly introduced during this period, further curtailing freedoms of expression, association, and assembly. Notably, a January 2022 amendment to the Criminal Code criminalised involvement in unregistered associations. Amendments to the Criminal Code made internet resource owners accountable for sharing prohibited content (Article 198-1) and imposed penalties of up to three years for defamation or six years if directed at the President (Articles 188 and 367). Changes to the Law on Mass Events in May 2021 imposed stringent event authorisation procedures, holding individuals personally responsible for unauthorised gatherings, and prevented journalists from covering such events (by treating them as participants).[51]

45. Furthermore, the definition of “terrorism” in Belarusian legislation is excessively broad and is not consistent with the cumulative characteristics of acts of terrorism (as proposed in the United Nations Security Council Resolution 1566 (2004) and the model definition promoted by the United Nations Special Rapporteur on counter-terrorism and human rights).[52] In May 2022 legislative changes were enacted permitting Ministry of the Interior personnel to disperse public protests by using combat weapons and special military equipment.[53] Finally, criminal proceedings in Belarus are routinely undermined by a lack of protections of the right to fair trial, as well as the absence of judicial independence.

46. This background enabled a severe and immediate repression of anti-war protesters in Belarus after the beginning of the full-scale invasion. The invasion coincided with a Belarusian constitutional referendum on 27 February 2022. One of the proposed amendments allowed the presence of nuclear weapons on Belarusian soil, thereby linking the referendum to the military aggression. Protesters gathered spontaneously outside polling stations to contest the war, continuing the day after the vote. These assemblies were severely repressed, with around 1 500 arrests. Even the most minor acts could lead to detention, including wearing a “No War” t-shirt, laying flowers at the Ukrainian embassy, or wearing blue and yellow. Most arrests were carried out under Article 24.23 of the Belarusian Code on Administrative Offences for “violation of the procedure for organising and holding mass events”. There were widespread reports of people who were arrested at rallies being subjected to torture.[54]

47. Subsequently, any expression of sentiments against the war has been met with prosecution – often applying “extremism” legislation. Individuals have been detained and convicted of administrative offences for calling a police station to say “Glory to Ukraine”; congratulating Ukraine for its Independence Day on TikTok; singing the national anthem of Ukraine in a karaoke bar; or posting a photo of the Ukrainian flag on social media. Actions such as posting anti-war tags on social networks or giving interviews criticising the government’s position on the war, have led to charges such as “inciting enmity” under Article 130 of the Criminal Code.[55]

48. Many brave Belarusians have gone further, by disseminating information about military subjects. Actions which have led to multi-year prison sentences have included filming aircraft (leading to charges of “aiding extremist activities” under Article 361-364 of the Criminal Code) and photographing military installations (leading to charges of high treason under Article 356). Some Belarusians have gone even further,

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50. These are: the Law “On the Prevention of the Rehabilitation of Nazism” of 14 May 2021; the Law “On the Genocide of the Belarusian People” of 5 January 2022; Law No. 165-Z “On Amending the Criminal Code of the Republic of Belarus” of 13 May 2022; Law No. 199-Z “On Amending the Criminal Procedure Code of the Republic of Belarus” of 20 July 2022; Law No. 242-Z to amend the law “On Citizenship of the Republic of Belarus” adopted on 5 January 2023; and the Law “On Amendments to Codes on Criminal Liability” of 9 March 2023.

51. “Report on the serious threat to the OSCE human dimension in Belarus since 5 November 2020”, report by Professor Hervé Ascensio, OSCE, 11 May 2023. See pages 3-4, 14-20.

52. United Nations Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, “Situation of human rights in Belarus”, A/78/327, 25 August 2023, para 60.

53. Amnesty International, “The state of Human Rights in the world, 2022/23 report”, 27 March 2023, page 90.

54. “Report on the serious threat to the OSCE human dimension in Belarus since 5 November 2020”, report by Professor Hervé Ascensio, op.cit., paragraphs 92-94; Shot in the knees and jailed: what Belarusians risk for the anti-war stance’, Viasna, 23 February 2024.

55. Viasna, op. cit.; report by Professor Ascensio, OSCE, op. cit., para 95.

by damaging railway tracks to slow-down Russian military movements or sabotaging Russian military installations. In the first nine months of the war, 30 criminal cases were opened for "acts of terrorism", which can lead to many years in prison and even the death penalty.[56]

49. The prosecution of "railway partisans" with terrorism charges has led to absurdly disproportionate punishments. For example, the Homiel Regional Court handed down sentences to three individuals on 27 December 2022, with prison terms spanning from 21 to 23 years. Similarly, on 8 February 2023, the same court sentenced two individuals to 16 and 14 years in prison, respectively. Reports indicate that the two men were apprehended prior to causing any harm. In July 2022 modifications were made to Article 468-27 of the Belarusian Criminal Procedure Code, to permit special criminal proceedings to be held *in absentia* for individuals located outside Belarus alleged to be involved in acts such as terrorism, treason, sabotage, establishing or participating in extremist groups, engaging in mass unrest, and advocating for sanctions.[57]

50. According to the Belarusian human rights organisation Viasna, more than 1 600 people in Belarus have been detained for their anti-war stance. 94 of them were sentenced to prison sentences ranging between 1 and 23 years. At least 5 people have been prosecuted for alleged co-operation with Ukrainian special services. 13 prisoners in Belarus were convicted of sabotage of railways (for a total of 199.5 years' imprisonment); at least 37 people for transmitting photos of Russian military equipment to the media; 15 people for intending to fight for Ukraine; at least 38 for publicly condemning the Russian aggression and supporting Ukraine; and 14 were convicted for collecting donations in favour of Ukraine. Viasna reports that there are over 1 400 political prisoners in Belarus overall, of whom 101 have serious health issues.[58]

51. I am appalled by the numerous credible reports of unnecessary use of force against anti-war protests in Belarus, as well as widespread use of punishment cells (without any blankets, clothes, books, or amenities), refusals of access to medicine, ill-treatment, and torture by the Belarusian authorities against those who have expressed an anti-war stance. The use of incommunicado detention, whereby political prisoners are completely cut off from the outside world, has become particularly common. This is an incredibly cruel and inhumane practice, punishing not only the prisoner but their loved ones too.[59]

4. How the international community can further support anti-war protesters

52. Throughout the meetings and events listed in the introduction, I had the benefit of hearing extensively from individuals involved in supporting the anti-war movement in the Russian Federation and Belarus. They expressed gratitude for the support that they received from the international community, particularly from States which had received them following their flight from their home country. I was grateful to hear their proposals about how the international community can show solidarity with anti-war protesters in the Russian Federation and Belarus.

53. Drawing on these discussions, I have set out a list of proposals below. Whilst the proposals apply to some extent to both the Russian Federation and Belarus, it would be wrong to treat the problems (or solutions) for these countries as the same. Therefore, I emphasise below which particular proposal is most relevant for each State.

4.1. Greater international recognition of the anti-war movement in the Russian Federation

54. One of the main concerns raised to me was the prevalence of a mistaken narrative in European countries about the state of the anti-war movement in the Russian Federation. Many members of exiled Russian civil society expressed dismay at a view that they had seen put forward in European media and political discourse, that the anti-war movement in the Russian Federation had been extinguished by the Russian Government, or that independent civil society "no longer existed".

55. For the reasons set out in section 2.6 above, this narrative is wrong. The anti-war movement has not been destroyed – it has adapted to a repressive environment. However, in addition to being wrong, the narrative about the destruction of the Russian anti-war movement is also damaging.

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56. Report by Professor Ascensio, OSCE, op. cit., paras 95-97.
57. UN Special Rapporteur Anaïs Marin *op. cit.,* para 61; HCHR, "Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath", A/HRC/52/68, 3 February 2023, para 32.
58. Viasna, op. cit., data as of 23 February 2024.
59. HCHR, op. cit., para 10; report by Professor Ascensio, OSCE, *op. cit.*, para 98; Katsiaryna Bublis (lawyer at the Viasna Human Rights Centre), oral evidence to the Committee on Legal Affairs and Human Rights, Paris, 4 March 2024; Tatsiana Khomich (Viktar Babaryka Team Coordinator and Coordination Council Representative for political prisoners), oral evidence to the Legal Affairs and Human Rights Committee, Paris, 4 March 2024.

56. It is dispiriting for members of the anti-war movement to be told that no such movement exists. Russians working to oppose the war often do so at great personal cost. Those with whom I spoke repeatedly emphasised that the real victims were Ukrainians and that any problems faced by Russian civil society were tiny in comparison. Nevertheless, it is still important to note that those who have left the country have had to leave family, friends, work, and community. Those remaining within the country live under constant risk of prosecution for an arbitrary and ever-expanding list of "crimes" – and many of them are imprisoned already. Members of Russian civil society reported that the morale of those engaged in the anti-war movement was harmed by stories that no such movement existed. Such claims might make them feel their work is unrecognised, unimportant, or ineffective.

57. However, I was also told that the most damaging effect of the discourse of there being no Russian anti-war movement is on wider Russian society. This is because it reinforces the narrative advanced by the Russian Government, that the nation is united behind the war – that there is no point in opposing the war, because nobody else disagrees with it.

58. Participants in discussions also often raised concerns about Russians and Belarusians being shut off from Europe – and the long-term effect this would have on their support for European values. Members of Belarusian civil society noted that Belarusian students were increasingly going to the Russian Federation to study rather than the rest of Europe, because of increasing restrictions to their entry and stay; and that the numbers of Belarusians participating in conferences, exchanges, workshops, and study visits in Europe in all different fields were falling. Russian participants also spoke about their concerns that ordinary members of the public had less and less access to European ideas, particularly given the lack of opportunities to travel to Europe.

59. Given this, the Assembly should publicly distinguish between the Russian and Belarusian Governments and their people, as well as the continued and extensive Russian and Belarusian anti-war movements – and call on others to do so too. Member and observer States should be called on to implement programmes of international solidarity with the Russian and Belarusian anti-war movements, including events, promoting media coverage, academic research, conferences and roundtables, and supporting artistic endeavours.

4.2. Diplomatic efforts to obtain the release of political prisoners – including prisoner swaps

60. Many of my discussions touched on the terrible situation of political prisoners in the Russian Federation and Belarus, particularly those suffering from health conditions that put them at acute risk. These include Vladimir Kara-Murza, as well as others such as Alexandra Skochilenko, Igor Baryshnikov, and Alexei Gorinov.

61. In my discussions with civil society, I was often asked to highlight the need to secure the release of such political prisoners. This would be important first and foremost for humanitarian purposes, to secure the life and liberty of individuals who have shown exemplary bravery in standing up for values that we hold most dear. Meanwhile, such releases would also provide reassurance and encouragement to the anti-war movement. It is widely felt that publicly and repeatedly opposing the war will almost inevitably lead to imprisonment, the release of prisoners would therefore raise morale among the anti-war movement in general.

62. The Assembly should call on the Russian Federation to release all political prisoners who have opposed the war of aggression against Ukraine. It should call on member and observer States to deploy diplomatic efforts to obtain these releases, prioritising individuals who are suffering from health conditions. The Assembly should join other international actors in calling on the United States of America to recognise Mr Kara-Murza as a "wrongfully detained person" under the Levinson Act, which would support an intensification of the activities of the Government of the United States to secure Mr Kara-Murza's release.[60]

63. The means to secure the release of political prisoners most commonly raised by civil society was that of prisoner exchanges, notably for captured spies. This proposal has also been made by members and experts in the Committee on Legal Affairs and Human Rights for the benefit of Vladimir Kara-Murza, in the context of hearings for the report "Sanctions of persons on the 'Kara-Murza list'". These proposals focused in particular on the Government of the United Kingdom (as Mr Kara-Murza has dual Russian and UK citizenship).[61] The

60. Congressman Steven Cohen, OSCE Parliamentary Assembly Special Representative on Political Prisoners, Letter to President Biden and Secretary of State Blinken, 16 February 2024; Letter of multiple human rights organisations and high-profile individuals to President Biden, 22 February 2024.

61. Hearing in Paris, 30 November 2023. The proposal of prisoner swaps was supported by the two expert speakers present, Evgenia Kara-Murza and Bill Browder, as well as rapporteur Eerik-Niiles Kross and other members present.

British Government has since insisted that it will not consider prisoner exchanges, on the grounds that they reward the taking of hostages. I disagree wholeheartedly with this approach since it disregards the life of UK citizens in dire need of such exchange.

64. Following the death of Alexei Navalny, it was widely reported that a prisoner exchange had been imminent, involving Mr Navalny and FSB hitman Vadim Krasikov, convicted by a German court for the murder of an exiled Chechen in Berlin (and possibly also involving two other US citizens held in the Russian Federation, journalist Evan Gershkovich and veteran Paul Whelan). Discussions were reportedly at an advanced stage between the governments of the USA, Germany, and the Russian Federation. This demonstrates that such prisoner exchanges are in principle possible.

65. The Assembly should call on member and observer States, particularly the United Kingdom, the United States of America and Germany, to urgently pursue prisoner exchanges in order to obtain the release of political prisoners who have opposed the war of aggression against Ukraine, prioritising Vladimir Kara-Murza and others who have serious health conditions.

4.3. Better support for cutting through the Russian information blockade

66. The Russian Government prevents more of its people from opposing the war, by enforcing an information blockade with a mixture of direct control of media and punitive crackdowns on dissenting voices.

67. We should do everything we can to support those Russians who are working to overcome this blockade and provide accurate information to their compatriots. During the preparation of this report, I was fortunate enough to meet with many such independent Russian journalists and media outlets, operating from outside the country. They highlighted the following problems in their work.

4.3.1. A hardening of the stance of Western governments to hosting Russian media organisations

68. A particular example given of a certain hardening of the stance towards hosting Russian media organisations is the situation in Latvia. The Latvian Government has been praised by Russian journalists for providing excellent support for independent Russian media organisations to move to Riga and continue their work. However, many interlocutors criticised the treatment of TV Rain by the Latvian authorities. TV Rain has been labelled as an undesirable organisation by the Russian authorities and it has been described as an opposition media outlet. In December 2022 the channel was heavily criticised in Latvia, after a single anchor referred to Russian military personnel as “our troops” and called for “equipment and basic provisions” for soldiers (he later denied that he was calling for military material). On other occasions, the channel did not provide subtitles in Latvian and it used a map graphic showing Crimea to be part of the Russian Federation. After these incidents, the Latvian authorities decided, in December 2022, to revoke TV Rain’s licence citing “threats to national security and public order” and the channel relocated its main headquarters to the Netherlands.

4.3.2. Issues around relocating outside of the Russian Federation

69. Russian journalists and influencers who openly question the war often need to leave the country in order to avoid persecution. If they are to continue their work they must be given the opportunity to live and work outside of the Russian Federation. This issue is addressed more broadly further below.

4.3.3. The prioritisation of Kremlin-controlled media outlets by large internet search engines

70. The Russian State enforces its parallel information space in part by ensuring that most online news searches do not return independent news sources. The two most popular search engines in the Russian Federation are Yandex and Google, which are reportedly responsible for 60% and 35% of web searches respectively. Suppose that a Russian resident were to watch a State-controlled television news report denying an atrocity by the Russian military in Ukraine. Any subsequent internet search on Yandex for information on the incident would be likely to prioritise Kremlin-friendly sources – seemingly confirming the State television’s version of events by multiple sources.[62] There is a difference in opinion about how this control is achieved, with suggestions that it is carried out by a mixture of banning independent news websites (using the laws set out in this report), high spending by the Kremlin on search engine optimisation for supportive news outlets, and steps to ensure that only Kremlin-approved news outlets can be listed in the “top news items” on the

62. *BBC*, “Ukraine war: Russians kept in the dark by internet search”, 11 November 2022.

landing page of the most popular search engine, Yandex. It is not possible to change the search returns of Russian search engines to make them more objective. However, it is possible to offer Russians greater access to alternatives, through addressing the other issues set out below.

4.3.4. A shortage of advertising revenue for independent media organisations

71. Independent Russian news outlets face a dilemma with their funding model. It is difficult to receive subscription payments from Russian residents, given that legal measures set out in this report have criminalised payments to many independent news organisations. In regard to advertising revenue, many independent news websites can only be accessed using VPNs (Virtual Private Networks). This leads to problems with the placement of advertising, as the use of VPNs make the user more anonymous and appear to be situated in a different country. For example, if the reader is living in the Russian Federation but using a French VPN, this would affect their IP profile, such that they may be provided with French adverts. This random and untargeted advertising is not very attractive for companies considering whether to pay for advertising on media sites. Consequently, member States should be encouraged to support independent media outlets financially in order to facilitate their ongoing efforts to inform the Russian public in a factual and impartial way.

4.3.5. A lack of access of many Russians to VPNs

72. VPNs allow users to establish an internet connection outside of the country they are in, thus allowing Russians to bypass the internet restrictions in place in the Russian Federation. There are some limitations to the effectiveness of VPNs, as Yandex still returns predominantly pro-Kremlin search results even when with a VPN outside of the country, due to the issues raised above. Nevertheless, greater access to VPNs would allow Russians to access independent news websites which are blocked within the Russian Federation (such as Meduza or TV Rain). It would also facilitate free engagement with Google, Facebook, Instagram, X, and other sources of independent information which are normally banned or restricted in the Russian Federation.

4.3.6. Proliferation of Russian social media influencers supporting the war

73. Since the start of the war of aggression, “Z-bloggers” have received millions of followers on sites such as Telegram. They enjoy enormous reach and influence, helping to maintain the public’s support for the war and encourage enlistment of soldiers. Pro-war influencers are often embedded with Russian military units, can be rewarded with important roles relating to government control of the information space, and are very well paid for their propaganda. President Putin held an extended meeting with key pro-war bloggers and reportedly told them, “The fight in the information space is a battlefield. A crucial battlefield.”[63] It is not possible to limit the reach of such influencers. However, member and observer States should be called on to support Russian influencers who have taken a stand against the war.

4.3.7. Breaking the information blockade – proposed measures

74. Russians must be better informed about the true cost of this war, its dire consequences for Ukranians in particular but also the Russian population as a whole. They should know of the war crimes and crimes against humanity committed in this unprovoked war, and the possibility for it to end. The Assembly should therefore call on member and observer States to examine whether any steps can be taken to provide the following:

– a welcoming environment for hosting independent Russian news outlets, including their registration as legal entities and ongoing regulation;

– facilitation of the entry and stay of independent Russian journalists and influencers;

– any necessary financial support to independent Russian news outlets;

– free and stable VPNs for the Russian population;

– financial and other support to Russian anti-war social media influencers.

63. *BBC*, “Ukraine war: Putin influencers profiting from war propaganda”, 2 September 2023.

4.4. Greater practical support for anti-war protesters within the Russian Federation and Belarus

75. People who have been brave enough to make their anti-war views public often need practical support. This might include legal assistance to defend against criminal charges, or even direct financial support for the individual or their family, as the conviction may involve a fine, a loss of income during imprisonment, and loss of employment.

76. The most effective way to provide such support would be to provide additional resources to civil society organisations that are based outside of the Russian Federation and Belarus, but which provide legal and financial support to individuals within those States.

4.5. Protection of independent civil society organisations from international sanctions

77. Even prior to the start of the war of aggression in February 2022, Belarusian and Russian civil society organisations experienced significant barriers to their operation, through the application of national legislation. Following the start of the war of aggression, international businesses and national governments also took a series of steps to withdraw goods and services from Russian and Belarusian entities – including civil society organisations. This had a negative effect on civil society's ability to work, as their operations were simultaneously undermined by their own government, but also in part by foreign governments and businesses.

78. The reported experience of OVD-Info provides an illustration of this. In 2021 the Russian courts blocked OVD-Info's website and Yandex removed it from search results. Roskomnadzor, Russia's media communications and censorship agency, demanded that social media block OVD-Info's accounts, leading to the organisation being blocked on major Russian social media platforms. Russian online payment platforms stopped servicing donations for organisations whose websites had been blocked or which had been designated as foreign agents. After the start of the full-scale Russian aggression against Ukraine, international businesses also withdrew services, including web domain hosts and charity payment platforms. The blocking of such services can not only prevent future work, but also erase much previous work (such as the deletion of mailing lists or lists of regular donors). Financial sanctions also restricted Russian civil society organisations' use of online payment platforms such as Stripe.

79. According to OVD-Info, the combination of an intensified crackdown by the Russian authorities, coupled with sanctions by international actors, put Russian civil society in "an exceedingly challenging position".[64]

80. Member and observer States are not in a position to directly reverse the crackdown by the authorities of the Russian Federation and Belarus. However, they are in a position to mitigate or avoid the negative impact of international sanctions on independent Russian and Belarusian civil society. The draft resolution includes some recommendations on how to achieve this, to the extent possible.

4.6. Increased efforts to hold the Russian Federation and Belarus to account at the United Nations

81. Following the exclusion of the Russian Federation from the Council of Europe on 16 March 2022, it became increasingly important for States to work through the United Nations to hold the Russian Government to account for its authoritarian treatment of its own people. The draft resolution includes some concrete recommendations to this effect.

4.7. Greater practical support for individuals fleeing the Russian Federation and Belarus

82. Many members of Russian and Belarusian civil society were very positive about the record of particular member States in welcoming those who had to flee the Russian Federation and Belarus to avoid persecution. Many of these conversations took place in Vilnius, and Lithuania was held up as a particularly strong example. Participants also pointed to the positive example of Iceland issuing an emergency passport to a Belarusian activist who was in urgent need of foreign documentation in order to escape imminent persecution.

83. However, members of civil society also stressed that, in general, it was becoming increasingly difficult for people with anti-war views fleeing the Russian Federation and Belarus to enter neighbouring countries and settle there. Problems were highlighted in Council of Europe member States regarding emergency entry,

64. OVD-Info, "Report on the participation of civil society organisations pursuing expressions of international solidarity through transnational, international, and regional networks", submission to the United Nations Independent Expert on human rights and international solidarity, 1 March 2024.

obtaining visas, temporary and long-term residence permits and refugee status. It is also important to note that Russians and Belarusians who have left their home countries can find themselves under threat of extradition back to their home State. For example, I wrote to the Kyrgyzstan authorities about an alleged threat of extradition of Russian anti-war protesters in July 2023; and reports have emerged of conscientious objectors being deported from Hungary to the Russian Federation.[65] The risk that anti-war protesters cannot leave the Russian Federation and Belarus to reside safely in another country may well discourage anti-war speech in the Russian Federation and Belarus.

84. Whilst it is vital that member States take the appropriate steps to protect their national security, they are also duty-bound to protect vulnerable individuals who have had to flee their countries for standing up for our shared values. We cannot refuse sanctuary to Russians and Belarusians who risk imprisonment, torture, or death because they have stood up for these values. Recalling Resolution 2446 (2022) "Reported cases of political prisoners in the Russian Federation" and Resolution 2499 (2023) "Addressing the specific challenges faced by the Belarusians in exile", the draft resolution proposes some concrete measures in this respect.

5. Conclusion

85. Near the end of the speech that led to his imprisonment, Vladimir Kara-Murza said the following:

> *These are very dark times in Russia today. These are times when we have hundreds of political prisoners. That number is only going to grow now as people are arrested for taking part in anti-war demonstrations. All the major opposition organisations have been crushed and destroyed; all the remaining independent media outlets have been liquidated by the authorities since the start of the war in Ukraine in the past three weeks; every day, we hear of new arrests, detentions, and new repressions against our friends. But we know, and we remember that lesson, that night is darkest before the dawn. We know the dawn will come. We know that there are many people in Russia who share our views and our values.*[66]

86. A new dawn in the Russia and Belarus might not be next week, next month, or even next year. But I do believe that a new dawn will come and that we should prepare for this day. As Vladimir Kara-Murza said, there are many people in the Russian Federation and, as I might add, Belarus, who share our views and our values. We must do what we can to help them.

65. Eszter Benkő, Tamás Fazekas and Zsolt Szekeres, "Imminent risk of irreparable harm: why failure to protect Russians fleeing the Putin regime would be a serious blow to the Court's reputation", *Strasbourg Observers*, 12 March 2024.
66. Vladimir Kara-Murza, "Speech to the Arizona House of Representatives", McCain Institute, 15 March 2022.