

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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RUSSIAN FEDERATION: END CENSORSHIP ON VOICES AGAINST THE WAR

Amnesty International strongly condemns the escalating attack against civil society organizations and independent media unleashed by the Russian authorities since the start of Russia's invasion of Ukraine on 24 February 2022. The organization urges the Russian authorities to abide by their international human rights obligations and Russia's own Constitution to respect, protect and fulfill the rights to freedom of expression, association and peaceful assembly, including by allowing peaceful anti-war protests to go ahead unhindered; releasing all peaceful protesters and dropping the charges against them; lifting all restrictions on independent media and overturning or amending all laws that overly and arbitrarily restrict the rights to freedom of expression, association and peaceful assembly.

The organization is calling on the international community to stand in solidarity with and provide support to Russian civil society activists, human rights defenders and journalists who are at increased risk for expressing their opposition to Russia's invasion of Ukraine.

NEW LEGISLATION FURTHER UNDULY RESTRICTING FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

New laws speedily passed on 4 March, in a matter of just one day, by both chambers of the Russian parliament and signed by President Putin, introduced amendments to the Criminal Code and the Code of Administrative Offences severely limiting the rights to freedom of expression, association and peaceful assembly. These legislative initiatives were rushed through in the context of Russia's invasion of Ukraine that will have far-reaching and devastating consequences for human rights in Russia beyond the armed conflict.

The legislation introduces Article 207.3 into the Criminal Code, which widens the scope of Russia's already existing "fake news" legislation and establishes heavy penalties for "public dissemination of knowingly false information about the use of the Russian armed forces with the aim to protect interests of the Russian Federation, its citizens and in support of international peace and security". Penalties include heavy fines that range from RUB 700,000 to RUB 5,000,000 (US\$ 5,220 to US\$ 37,283) and imprisonment from three to 15 years if the dissemination of information has caused "grave consequences".

The law does not contain a definition of what constitutes "knowingly false information" or any criteria for its assessment. However, Russian mass media and the communications regulator Roskomnadzor issued a statement whereby all media outlets are obliged to use only information received from official sources. It is therefore understood that any information published that does not come from official sources or that contradicts information distributed by Russian authorities would be considered "false". Notably, official information regarding Russia's military intervention in Ukraine has been riddled with false and deliberately misleading messages and claims. Accordingly, debunking such information and providing independent analysis of the situation has been effectively criminalized.

The law also introduced Article 280.3 into the Criminal Code, which establishes criminal liability for "public actions aimed at discrediting of the use of Russian armed forces". There is no explanation of what could constitute "discrediting" and the vague wording of the article could lead to politically motivated prosecutions. The law expressly prohibits carrying out "public calls to oppose the use of the armed forces of the Russian Federation", further criminalising anti-war protests and other initiatives calling for the end of the armed conflict in a way that suppresses the rights to freedom of expression and peaceful assembly.

Individuals can be prosecuted under this offence if they have already been found in violation of the equivalent administrative offence (Article 20.3.3 of the Code of Administrative Violations) within a year. Those who are criminally prosecuted could face fines that range from RUB 100,000 to RUB 1,000,000 (US\$746 to US\$7,457), or imprisonment from three to five years or other sanctions, including forced labour. Those who are prosecuted under the administrative code could face fines ranging from RUB 30,000 to RUB 1,000,000 (US\$224 to US\$7,457) depending on whether the offender is an individual, a public official or a legal entity.

While public actions “aimed at discreditation of the use of armed forces” and “public calls to prevent the use of armed forces” already constitute an administrative offence, the new law provides for heavier penalties if these are accompanied by “calls to conduct unsanctioned public events” or constitute a “threat to life and/or health of citizens, property, threat of mass violation of the public order and/or public security, or a threat to create obstacles to functioning or preventing from functioning” of various facilities. There is no clarity in the law as to how such “threats” will be ascertained.

The new law also introduced a new criminal and administrative offence of “calling for restrictive measures in relation to the Russian Federation, its citizens or legal entities”, which is understood to criminalize any calls for sanctions. A Russian citizen, public official or a legal entity could face administrative fines ranging from RUB 30,000 to RUB 500,000 (US\$224 to US\$ 3,728) and, if a Russian citizen is found to be calling for sanctions against Russian entities again within a year, they could face criminal prosecution, including fines of up to RUB 500,000 (US\$3,728) or imprisonment of up to three years.

These measures are yet another attempt by the Russian government to crush any form of remaining dissent in the country by imposing further censorship, suppressing the free flow of information, and concealing the true scale of the human cost and the destruction caused by the invasion. These legislative changes violate Russia’s obligations under international human rights law to respect, protect and fulfil the rights to freedom of expression, peaceful assembly and association as well as Russia’s own Constitution. Amnesty International urges the Russian authorities to immediately repeal these laws and ensure that any individual in Russia can freely express their opinions about the conflict without fear of reprisals.

CLAMPDOWN ON PEACEFUL ANTI-WAR PROTESTS

Anti-war protests have been ongoing in Russia since the start of the invasion on 24 February. According to NGO OVD-Info, at least 14,910 peaceful protesters have been arrested until 14 March.¹ On 6 March alone, around 5,000 people were detained in 69 Russian cities,² and over 900 people were detained in 39 cities on 13 March alone.³

On 6 March, the police arrested Oleg Orlov, a prominent human rights defender from the Human Rights Centre Memorial, minutes after he came to Manezhnaya Square in Moscow with a poster reading “Peace to Ukraine, Freedom to Russia”. His colleague Svetlana Gannushkina, chair of another prominent NGO “Civic Assistance”, was arrested shortly after when entering a metro station in Moscow. The police said that she had been identified with the help of facial recognition technology and took her to a police station without providing any reasons for her arrest. Both Gannushkina and Orlov were later charged under Article 20.2 (5) of the Code of Administrative Offences (“Violation of the rules of public assemblies, rallies, marches or picketing by their participants”). At the moment, both cases were still pending in court.

The majority of those arrested during the anti-war protests face charges under Article 20.2 (5) of the Russian Code of Administrative Offences, Article 20.2 (2) (“Organization of a public event without submitting a notification”), Article 20.2(8) (“Repeated violation of the rules of participation in a public assembly”) and Article 19.3 (“Disobedience to the lawful order of a police officer”). The Russian Net Freedoms Project had already reported since the protests of 6 March at least 144 cases brought under the newly introduced Article 20.3.3 (“Public actions aimed at discreditation of the Russian armed forces”) across Russia and in the occupied Crimea.⁴

As of 7 March, at least seven people were issued with fines ranging from RUB 30,000 to RUB 60,000 (US\$ 224 to US\$ 447) for having called others to join an anti-war action by staging a single picket with an anti-war slogan or by writing “No to war” on the snow.⁵

Ioann Burdin, a priest from the village of Karabanovo in Kostroma region, was arrested on 7 March for “discreditation of Russian armed forces” under Article 20.3.3 of the Code of Administrative Offences. The charges were brought shortly after he criticised the invasion of Ukraine in a sermon to his congregation. He also posted a link to an anti-war petition on

¹ <https://ovdinfo.org/>

² <https://ovdinfo.org/articles/2022/03/06/razbitye-golovy-i-elektroshokery-itogi-antivoennoy-akcii-6-marta>

³ <https://ovd.news/news/2022/03/13/spiski-zaderzhannyh-v-svyazi-s-akciyami-protiv-voyny-s-ukrainoy-13-marta-2022-goda>

⁴ See also Pavel Chikov assessing the number at 60 cases: <https://novayagazeta.ru/articles/2022/03/07/vozbuzhdeno-kak-minimum-60-del>

⁵ <https://meduza.io/feature/2022/03/07/dva-dnya-nazad-v-rossii-prinyali-zakon-o-feykah-pro-voynu-za-eto-vremya-zaderzhali-uzhe-60-chelovek-za-mitingi-nadpisi-net-voyne-na-snegu-i-antivoennye-propovedi>

Change.org on the church's website,⁶ and issued a powerful public anti-war statement together with his colleague. On 10 March, Ioann Burdin was issued with a RUB 35,000 (US\$261) fine. He will be appealing it.⁷

Like with many other public assemblies, there have been reports from several cities of the police arbitrarily arresting bystanders or passers-by. For instance, together with Oleg Orlov, the police arrested a young woman who was simply applauding him.

Media workers covering the protests have also been detained. At least 13 journalists were arrested across the country during the protests of 6 March, including in Moscow, St Petersburg, Novosibirsk and Ufa. On 13 March, at least nine other journalists were arbitrarily arrested while covering the protests. Amnesty International has analyzed publicly available videos and photographs of some of those arrests, which clearly demonstrate that the journalists were wearing a high visibility vest with a "Press" sign. Despite journalists showing to the police their journalistic IDs and the work assignment as prescribed by law, and stating that they were present in their professional capacity as media workers, the police still arrested them. While some journalists were later released without charge, others were charged under Article 20.2(5) of the Code of Administrative Offences, including the editor of online media Moloko Plus, Pavel Nikulin, and photographer Artem Drachev, arrested in Moscow Pushkinskaia Square on 6 March. At the moment of writing, their cases are yet to be considered by court.

There are also videos where police officers are seen forcibly pushing journalists away or telling them not to interfere with the police work.

The police has also arrested and otherwise targeted children who have been part of peaceful street rallies, with at least 113 children arrested during protests since 24 February according to OVD-Info. On 6 March, the police in Arkhangelsk arrested a woman and her young child who were carrying yellow and blue balloons representative of Ukraine's flag, allegedly for refusing to leave the central city square.⁸

The police also targeted older people during peaceful protests. In Kaliningrad, the police detained an older woman after she tried to explain to a commanding police officer why she had joined the protest. In response, the commander said "Have you come to defend the fascists?" and then ordered his subordinates to arrest her.⁹

Anti-war demonstrations to protest against Russia's invasion of Ukraine have been routinely dispersed, often with the use of unnecessary and excessive force. OVD-Info reported at least 34 cases in the context of the demonstrations of 6 March that may amount to torture. Videos taken at the scenes and examined by Amnesty International show peaceful protesters, including women, being brutally beaten by police with batons and electrocuted with stun guns, punched, kicked, dragged and otherwise ill-treated. Several protesters have reported head and other injuries as a result. In some cases, the police assaulted peaceful protesters for attempting to film the events, including arrests of other protesters, on a mobile phone.

There have also been reports of torture or other ill-treatment of people held in some police stations. A disturbing audio recording¹⁰ made by a woman detained in the police station Bateevo in Moscow showed how she was being verbally humiliated and abused, slapped and hit allegedly with a plastic bottle filled with water – a common method used by the police to inflict pain without leaving visible signs on the victim's body.

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

⁶ <http://karabanovo.prihod.ru/index> The priest had to delete the statement and a link to the petition but kept anti-war statements by other priests. The text of Karabanov's statement could be found here: <https://zona.media/news/2022/03/06/priest>

⁷ <https://kostroma.today/news/kostromskoj-svyashhennik-budet-obzhalovat-reshenie-suda/>

⁸ https://t.me/horizontal_russia/8892

⁹ https://t.me/horizontal_russia/8930

¹⁰ <https://t.me/ovdinfo/13832> ; <https://novayagazeta.ru/articles/2022/03/07/putin-na-nashei-storone-18>

The authorities also relied on “preventive arrests” to hinder the ability of individuals to join protests, having raided dozens of private and office addresses of known opposition activists and politicians on the eve of the 6 March protests. On 5 March, mass home searches were carried out in St Petersburg, Vladimir, Pskov, Tyumen and Chita. In St Petersburg, at least 80 home searches were conducted under the pretext of a criminal investigation under Article 207(2) (“Dissemination of knowingly false information about a terrorist act”) in connection with telephone calls falsely warning the authorities of bombs allegedly planted in public buildings. Those accused under this Article could face up to five years in jail if convicted.

While some of those arrested in advance of the protests were later released under certain restrictions, others like Darya Heiniken in St Petersburg, were detained for 48 hours impeding their participation in the protests. Many activists reported that their mobile phones and computers were confiscated during searches, and expressed concern that the police may be studying their contacts, networks and affiliations. The activists believe that the searches were used as a tool of intimidation and to prevent them from participating in anti-war rallies.¹¹ On 13 March, some of the activists were again arrested in advance of planned protests under various pretexts.¹²

CLAMPDOWN ON MEDIA OUTLETS AND SOCIAL MEDIA

The growing censorship has had a heavy toll on independent media outlets and social media across Russia. Access to more than two dozen Russian and international media websites has been blocked in Russia shortly after 24 February, following the authorities’ mandates to call the war a “special operation of the Russian Armed Forces in Ukraine” and to only use information about the Russian invasion of Ukraine “received only from official Russian sources”.

The list of the blocked media includes BBC Russian Service, Deutsche Welle, Radio Liberty and its regional projects, Meduza, Mediazona and others. Russian regional media outlets like TV Station TV-2 in Tomsk, Znak.com in the Urals, Pskovskaya Gubernia from Pskov and “7x7” from Syktyvkar have also been blocked. Online access to the popular radio station Echo Moskvy was blocked on 1 March, after it was taken off air and then liquidated. Some other independent media outlets, like TV Rain and Znak.com, also announced that they had to suspend their work due to censorship and restrictions.¹³ Other media, like Novaya Gazeta, chose to continue their work but had to delete materials covering the armed conflict in Ukraine as a precaution against possible penalties, while others like The Bell decided to explicitly state that they would stop covering the situation.

The risks and challenges faced by journalists and other media workers have risen significantly after the introduction of new legislation that effectively imposed war-time censorship on 4 March. The closure of independent media outlets, coupled with new legislation prohibiting the dissemination of “fake news” and “discreditation” of the Russian Armed Forces have led to a mass exodus of Russian and foreign journalists from Russia. According to “Agentstvo” online media, as of 7 March, at least 150 journalists had to leave Russia since the start of the invasion of Ukraine for fear of reprisals.¹⁴

On 4 March, the Russian authorities also blocked Facebook and Twitter. In its official statement, Roskomnadzor claimed that Facebook was blocked due to “26 instances of discrimination against Russian media and information resources by Facebook”. Roskomnadzor cited the decision by Facebook to block the accounts of government-owned and pro-government media Zvezda, RIA Novosti, Sputnik and RT as well as Lenta.ru and Gazeta.ru. According to Roskomnadzor, Twitter was blocked for its failure to delete “over 800 materials” and to abide by the Russian legislation under which foreign social media must open offices in Russia. Roskomnadzor further stated that the condition for reinstating access to Twitter would be a “complete deletion of forbidden materials, as well as termination of its participation in the information fight, spreading fakes and calls to extremism”.¹⁵ On 14 March, Roskomnadzor blocked Instagram in Russia.

On 5 March, the authorities declared as “undesirable” the Latvia registered iStories Fonds which is a legal entity of iStories (Vazhnye Istorii) media that had already been listed as a “foreign agent” in Russia. American “Journalism Development

¹¹ <https://ovd.news/express-news/2022/03/05/v-neskolkih-regionah-siloviki-prishli-s-obyskami-k-pravozashchitnikam> ; <https://novayagazeta.ru/articles/2022/03/06/telefonnoe-delo>

¹² <https://ovd.news/express-news/2022/03/12/v-peterburge-zaderzhivayut-aktivistov-u-kotoryh-ranee-byli-obyski>

¹³ <https://www.kommersant.ru/doc/5240589>

¹⁴ <https://t.me/wwwagentsmedia/682> ; <https://www.currenttime.tv/a/okolo-150-zhurnalistov-pokinuli-rossiyu/31739962.html>

¹⁵ <https://www.interfax.ru/russia/826411>

Network Inc” – the founder of the investigative anti-corruption project OCCRP – was also declared “undesirable”. Previously, several journalists cooperating with OCCRP had been declared “foreign agents”.¹⁶

This escalating attack on Russian civil society, reprisals against peaceful protesters and dissenting voices, and the ruthless crackdown on independent media in the country must stop. Russia must abide by its international human rights obligations to respect, protect and fulfill the rights to freedom of expression, association and peaceful assembly, including through allowing peaceful anti-war protests to go ahead uninterrupted, releasing all peaceful protesters and dropping charges against them; by lifting all restrictions on independent media and overturning the overly broad and arbitrary legislation restricting the rights to freedom of expression, association and assembly.

¹⁶ <https://zona.media/news/2022/03/05/minust>