

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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RUSSIA: RELEASE PRISONER OF CONSCIENCE DMITRY TALANTOV

Amnesty International is deeply concerned about the criminal prosecution and imprisonment on remand of Dmitry Talantov, human rights lawyer and the president of the Bar Association of the Republic of Udmurtia. He is charged under Article 207.3 (2) (d) of the Russian Criminal Code (“Public dissemination of knowingly false information about use of the Russian Armed Forces abroad and execution by the Russian government bodies of their powers, committed with motives of enmity or hatred”) for his Facebook post in which he criticized Russia’s invasion of Ukraine. If found guilty, he may face up to 10 years in prison. Dmitry Talantov is a prisoner of conscience prosecuted solely for exercising his right to freedom of expression. He must be released immediately and unconditionally and all charges against him must be dropped. Article 207.3 of the Criminal Code must be repealed.

The criminal case against Dmitry Talantov was initiated on 23 June 2022, on the basis of the “inspection” of his Facebook page conducted on 20 June 2022. In the Ruling authorising the initiation of the criminal case and its preliminary investigation, the Head of the Main Investigative Directorate of the Investigation Committee for Moscow claimed that by his Facebook post Dmitry Talantov “deceived unlimited circle of people regarding lawfulness of actions of the Russian Armed Forces while conducting special military operation¹ by creating appearance of unlawful activity both by the Armed Forces and by the state bodies of the Russian Federation, in violation of the international law, and has also undermined authority and discredited the Russian Armed Forces.” It was also claimed that Talantov was acting “with the motive of political enmity” as he had “developed unfaltering dislike to the decision of the executive and legislative bodies of the Russian Federation to use the Russian Armed Forces to normalise social and political situation in Ukraine.”

Dmitry Talantov was arrested at around 10 am of 28 June 2022 in Izhevsk, Republic of Udmurtia, and taken to the Investigation Committee of the Republic of Udmurtia for questioning as a suspect under Article 207.3 (2) (d) of the Russian Criminal Code. The authorities did not allow Dmitry Talantov’s lawyer to get access to his client and be present at the questioning. At the same time, the authorities conducted searches of the four premises, connected with Dmitry Talantov, including of the Bar Association’s office. In violation of the regulations of the law “On Bar Associations” protecting advocate-client confidentiality, the investigators confiscated data storage devices containing information about the cases Talantov and his colleagues have been working on. On the same day Dmitry Talantov was transported to Moscow.

On 29 June, the Moscow Cheremushkinsky District court ruled that Dmitry Talantov must be detained on remand until 21 August. On request of the prosecutor, the court hearing was closed to the media and the public. The prosecutor claimed that the open hearing could result in pressure being put on the expert in the case, that the case file contains materials of the operative-search activities, and that the linguistic expert examination and the official reply from the General Staff of the Ministry of Defence contain “secret protected by law”. Dmitry Talantov’s counter-arguments, including that there are no classified documents in his case and all information from the Ministry of Defence letter could be found on its website, were rejected.

Amnesty International has studied the Facebook post for which Dmitry Talantov is being criminally prosecuted and other available documents and concludes that his criticism is within the parameters of the speech protected under Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 29 of Russia’s own Constitution.

On 3 April 2022, Dmitry Talantov shared a post by another Facebook user featuring a photo of a pensioner Vladimir Ananich protesting Russia’s aggression against Ukraine in the Red Square, Moscow. The poster which Vladimir Ananich held read: “Peace to Ukraine. Sanity, dismay, shame to Russia. Hell to Putin.” Responding to this message Dmitry Talantov wrote: “And how it could be otherwise after photos and videos from Kharkov, Mariupol, Irpen, Bucha??? This is not even fascism already; this is extreme Nazi practices! If after that majority of my compatriots will support murderer Pu and his gang, I personally refuse to recognize them as human beings. Humans have compassion. And these ones are simply thick and evil scum.”

While this message is certainly emotional and critical of the ongoing Russia’s “special military operation” in Ukraine and those who have authorized it and support it, it does not contain calls for violence and simply expresses Dmitry Talantov’s

¹ The official language mandated by the authorities in Russia to avoid calling its invasion of Ukraine a war

views. Dmitry Talantov refers in his post to “photos and videos from Kharkov, Mariupol, Irpen, Bucha”. Indeed, as demonstrated by research conducted by Amnesty International, other international organizations and mechanisms and by media reports, violations of international humanitarian law – some of them amounting to war crimes – have been committed by the Russian Armed Forces in these and other locations in Ukraine.

Article 207.3, introduced into the Criminal Code on 4 March 2022 and further amended on 25 March 2022, widens the scope of Russia’s already existing so called “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, as well as information about execution of the Russian state bodies of their functions abroad”. Penalties include heavy fines that range from RUB 700,000 to RUB 5,000,000 (US\$ 13,072 to US\$ 93,372) and imprisonment from three to 15 years. The law does not contain a definition of what constitutes “knowingly false information” or any criteria for its assessment. However, as it is clear from the practical implementation of this article in this and other criminal cases, any information that does not come from official sources, for instance, Ministry of Defence, or that contradicts information distributed by Russian authorities would be considered “false”. Official information regarding Russia’s military intervention in Ukraine has been riddled with false and deliberately misleading messages and claims. Accordingly, debunking such information, providing independent analysis of the situation, sharing reports about violations of international humanitarian and human rights law by the Russian military forces, expressing criticism of Russia’s aggression against Ukraine or even calling for peace has been effectively criminalized.

Article 207.3 and other legislative provisions introduced shortly after the beginning of Russia’s invasion of Ukraine in February 2022 serve only one purpose – to silence public debate around and discontent with the war in Ukraine. It violates the right to freedom of expression, including the right to seek, receive and impart information, as enshrined in the international human rights law and the Russian Constitution.

Amnesty International is urging the Russian authorities to repeal Article 207.3 of the Criminal Code and bring the legislation in line with Russia’s international human rights obligations. All those prosecuted under this Article solely for exercising their right to freedom of expression, including Dmitry Talantov, must be immediately and unconditionally released, charges against them must be dropped and they must be provided with effective remedy.