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in the Russian
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in 2015

Contents

- Article20**
- 3 page** Freedom of assembly and freedom of associations January-June 2015 in figures
- Golos**
- 7 page** Final ‘Golos’ Statement on Citizen Observation of Elections held on Single Voting Day, September 13, 2015
- 15 page** Analytical Report
- Memorial**
- 33 page** Politically-motivated criminal prosecutions and political prisoners in the Russian Federation. September 2015
- 41 page** List of people recognised as political prisoners by the Memorial Human Rights Centre on September 15, 2015
- SOVA**
- 57 page** Brief Review of Xenophobia, Freedom of Religion and Inappropriate Use of Anti-Extremist Legislation in Russia from January 2014 to August 2015
- The Public Verdict Foundation**
- 73 page** Crackdown on civil society in Russia



Article20

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Freedom of assembly and freedom of associations January-June 2015 in figures

Freedom of assembly for the first half of 2015

The right to peaceful demonstrations is violated in 2015. Thus, the number of days of administrative arrests for actions (including agreed actions, one-man pickets, performances) is not less than 368 days.

As well as 2 months of house arrest for “repeated violations” of the legislation on public meetings. So in Galperin’s case “previous violations” in February, March and June 2014 were counted – before the article about the repeated violations started to act. In addition, Ionov and Galperin are accused, among other things, in holding pickets, which, in accordance with Russian law, do not require concordance, what means that there can be no question of a violation of the rules of concordance.

The number of detainees (including one-man pickets, street artists and musicians, the participants agreed actions) – at least 776 people.

The amount of fines for violation of the law on meetings (including street musicians, the organizers of the public hearings, etc.) – not less than 620 thousand roubles (ap. 9000 euro).

Freedom of assembly for the first half of 2015 in the Crimea.

In Crimea violations of the right to freedom of assembly continued. So during the period from January to June 2015 at least 63 people were detained for violation of legislation on freedom of assembly (including one-man pickets, street artists and musicians, the participants agreed actions).

The amount of fines for violation of the law on meetings (including street musicians, the organizers of the public hearings, etc.) – not less than 30 thousand rubles (app. 500 euro).

In the frames of the criminal cases link with freedom of assembly 10 arrests (in pre-trial detention centres) and 2 sentences (4.4 years and 4.3 years of penal colony) took place.

Five arrests in framework of “Case of May 3” took place, one of those arrested was sentenced suspended for 4.4 years.

“The court of the city of Armyansk found Musa Abkerimov guilty of an offense under Part. 2 Art. 318 of the Criminal Code (violence against a government representative). The court sentenced him to four years and four months suspended. Musa Abkerimov was detained on October 16, 2014. Altogether more than 100 people were sentenced to fines by a court on “Case of May 3” for participating in a peaceful assembly.”

<http://article20.org/node/4112/>

Six arrests in framework of “Case of February 26”

“According to investigators, 26 February 2014, near the building of the Verkhovna Rada (Regional Parliament) of the Crimea, a demonstration of the representatives of the Majlis took place, during which the “unidentified persons” began to call Crimean Tatars to “insubordinate legal requirements of representatives of authority” and “use of violence.” As a result, two people, according the Russian investigators, were killed in the mass riots.

In the night after Chiygoz was arrested for two months. Investigators preferred against him an article about organizing mass riots – the arrested can be sentenced to from 8 to 15 years of prison.

Three days before the Chiygoz’s arrest Russian investigators raided

the offices of the Crimean Tatar television channel ATR in Simferopol explaining the necessity of it by the necessity to get videos from the rally.”

<http://article20.org/node/3453/>

The sentence of 4 years and 2 months for the action of the movement “Euromaidan”

“Pro-Ukrainian activist Alexander Kostenko in Crimea sentenced to 4 years 2 months in a penal colony on charges of causing bodily harm to officer of special forces “Berkut” during the mass protests in Kyiv in February 2014.

The judgement was pronounced in the Kiev District Court in Simferopol, the state prosecutor is Natalia Poklonskaya, the main prosecutor of annexed Crimea. She called the sentence as “restoration of justice” and promised new trials for activists of the “Euromaidan.”

According to the indictment, Kostenko threw a stone towards the employee of the Crimean police department “Berkut” Vitaly Polienko in Kiev February 18, 2014 at the Mariinsky park near the building of the Ukrainian parliament. According to investigators, he kept also, without lawful authority, the barrel at the place of residence in Simferopol.”

<http://article20.org/node/4038/>

Freedom of association for the first half of 2015.

In 2015, the effect of the federal law on the so-called “Foreign Agents” lasts in Russia. According to the law, Russian NGOs that receive money and other property from foreign states and their public authorities, international and foreign organizations, foreign citizens, and who are involved, including in the interests of foreign sources, in the political activities carried out at the territory of the Russian Federation, will be considered as “foreign agents”.

Included in the register of organizations conducting functions of “foreign agent” – 46.

Deleted from the register by a decision of the Ministry of Justice – 2

Officially liquidated – 1

The sum of fines for refusal to follow the law on “foreign agents” – 4,665,000 rubles (ap. 66700 euro).

May 19 in the third reading the Federal Law “On Amendments to Certain Legislative Acts of the Russian Federation” – the law on “undesirable NGOs” was adopted. On May 23 it was signed by the President.

The law introduces the concept of “foreign or international non-governmental organization, in respect of which a decision on the recognition it as an undesirable on the territory of the Russian Federation was taken” and establishes the procedure for recognition and consequences for the organizations and people involved in their activities.



**Movement
for protecting
voter rights**

Golos

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Final 'Golos' Statement on Citizen Observation of Elections held on Single Voting Day, September 13, 2015

On September 13, 2015, in Russia Elections were held at more than 10 thousand polling stations – Gubernatorial Elections in 21 regions, Elections to 11 Regional Parliaments, Elections to Representative bodies of 25 regional capitals. 2015 Elections – the Single Voting Day – is the last full-scale election rehearsal in Russia before the upcoming 2016 General Elections to the State Duma of the Russian Federation.

The representatives of 'Golos' observed voting, vote count at polling stations and tabulation of election results at district-level election commissions in 26 regions: Astrakhan, Vladimir, Voronezh, Ivanovo, Irkutsk, Kaliningrad, Kaluga, Kirov, Kostroma, Kurgan, Leningrad, Lipetsk, Moscow, Nizhny Novgorod, Novosibirsk, Orel, Rostov, Ryazan, Samara, Tver, Tomsk, Chelyabinsk and the Republics of Bashkortostan, Mari El, Tatarstan and Krasnodar krai. Moreover 'Golos' received electoral information from various sources in different regions where elections were held, including hot line 8 800 333-33-50, 'Map of violations' www.kartanarusheniy.org and media partners.

'Golos' conforms to internationally accepted election observation standards and respects the principle of political neutrality as one of the main pre-conditions for independent and impartial election observation. Despite improving election support technologies (transparent ballot boxes, optical scan voting system etc.), in this statement, 'Golos' emphasizes the critical aspects of the elections, as the organization acknowledges the importance of identifying those peculiarities in order to protect the constitutional order and safeguard the future of the country.

In 2015 Election Campaign, the trend of shifting the application of administrative technologies from the Election Day to earlier election stages is growing, as it was outlined in the previous two years. *In fact, the vast majority of election results were predetermined by the decisions and actions made by the authorities and election commissions running the elections at the stage of nomination and registration of candidates and parties, as well as at the stage of pre-election campaign.* The election results are predetermined by the very low political competition and the Election Day serves as the formal 'legitimization' of those results.

2015 Elections revealed that regional and local authorities that ran the elections were guided by the personal and, at times, self-seeking interests, with 'positive' experience from the previous election campaigns, when 'everything was tolerated'; now, in fact, they ignore the federal government call for preventing violations of electoral law and ensuring 'the competitive elections with unpredictable results'.

At all stages of 2015 Election Campaign in almost all the regions where elections were held, the election commissions, running the elections, made selective and biased decisions neglecting candidates' and parties' right to equal and fair treatment.

Opposition candidates found themselves in situations where election commissions running elections, regional and local administration obstructed nomination or registration of their candidacies.

Collection of signatures in support of nominated candidates is discriminatory in different elections. Handwriting experts in a questioned signature case knowingly use old database of the Federal Migration Service that almost in every case precludes a party or a candidate from running for elections, even if there is a strong evidence that signature is authentic.

Administrative resources, an integral part of Russian electoral processes, traditionally affects and even predetermines the course of election campaign as

well as the election results. Regional and local authorities invoke their administrative capabilities both to establish advantages of certain political forces in the election campaign, as well as to exert pressure on undesirable candidates running for elections.

Abuse of power from the start of election campaign until the announcement of election results became a very common way of obstructing lawful activities of some candidates, parties and their election headquarters and observers in such regions as Tatarstan, Irkutsk, Kaluga, Kostroma, and Novosibirsk.

In almost all the regions where election observation was carried out we reported ***predominant media coverage on pro-government candidates and parties***, indirect and covert campaigning in support of them, as well as negative political campaigning that reveals unequal candidates' and parties' access to the media. In these elections, damage, destruction or removal of campaigning materials was implied as a result of ***unfair competition***.

For the first time, 'Golos' has issued Analysis of Election Campaign Financing in the Elections of Russian Federation Subjects Heads. The study clearly shows that the financing system applied to parties' and candidates' election funds is extremely non-transparent. Therefore candidates benefiting from administrative resources, avail budgetary funds for their election campaigns. In addition, such a system facilitates many candidates and parties to receive funding from the companies, registered abroad. The contributions made by foreign companies to candidates nominated by 'United Russia' and the ruling party itself were the most sizable. Moreover, public foundations established by political parties and accumulating a significant portion of funds do not disclose their actual donors.

A peculiarity of these elections was a sharp reduction in the number of independent candidates, especially in the regions.

Case law concerning election commissions' violations of election law in 2009-2015. It showed that the administrative penalties applicable to members of election commissions are insignificant in regard to the size of fines and the relevance of other consequences. In some cases we were surprised that prosecutors refused to initiate proceedings or closed a case, especially when there were multiple exhibits and video records evidencing offenses.

The nature of **amendments to regionals laws** on elections and local self-local government are openly opportunistic and they are not aimed at stipulation of voting rights, but rather at their artificial and unjustified restriction.

The instability of the election law, no guarantees for civic election observers stipulated by law, the fact that the presumption of equality of candidates and political parties is not respected and the dependence of regional election commissions and commissions running the elections on local authorities – all this refers to the continuing trend precluding free and fair elections.

Early voting was run in almost all the regions where elections were held in order to ‘surge for higher turnout’ and facilitate conditions for votes in support of pro-government candidates. Our representatives in the regions reported this, as well it was endorsed by the posts in the ‘Map of violations’ and media.

In particular high proportion of early voters was reported in some of the regions: Primorsky krai, Leningrad region (Gubernatorial Elections: 4.66% of the total number of registered voters, 10.91% of those who voted – according to SAS ‘Elections’), Orel region (Elections to City Council of Orlovsky: 4.22% of the total number of registered voters, 12.98% of those who voted – according to SAS ‘Elections’), Ryazan region (Elections to Ryazan Regional Duma: 1.93% of the total number of registered voters, 5% of those who voted – according to SAS ‘Elections’). For comparison, only 2.23% of those who voted were early voters in the Elections to the Tomsk City Duma. [1]

Election observation on September 13 shows the continuing trend of illegal techniques availed on the polling day:

Explicit distortion of voters’ will (direct falsification)

- ballot stuffing;
- ‘Cruise voting’;
- protocol rewriting;

Infringments that may affect the voters’ will:

- bribery of voters;
- violations of voters’ rights, authorities’ pressure;
- illegal campaigning;
- busing of voters;
- violations of the rights of observers, commission members and representatives of the media;
- violations of vote count procedures.

The most common Election Day violations are as follows: restrictions on the rights of observers, commission members and representatives of the media ('Golos' hotline and 'Map of violations' recorded 225 complaints), as well as violations related to the early voting, vote by absentee ballot and voting outside polling stations (143 complaints), coercion to vote, violation of vote secrecy (96 complaints). On the Election Day 'Golos' reported on different cases of such violations in their publications, press releases of regional branches supported by regular video feed from the call center and press center.

As it was expected by the end of the day the number of violations started increasing, in particular those violations committed during the vote count and related with the expulsion of observers from the 'problematic' polling stations, suspected of ballot stuffing, manipulations in relation to voting outside polling stations, etc. [2]

Violations in regard to voting outside polling stations were ubiquitous, though most often reported in Kostroma and Chelyabinsk regions, as well as in Krasnodar and Tatarstan, Ivanovo, Omsk, Orel, Samara and Tomsk regions and other regions. In many cases, the voters who expressed their will to vote outside a polling station were not registered in some particular electoral roll, instead of this their names were listed in a free style template; moreover in many cases, observers were denied to examine those lists, quite often voters applications for voting outside a polling station were missing. As a result, the above mentioned circumstances pre-conditioned manipulations with ballots outside the polling station. 'Golos' received some reports that in portable ballot boxes there were found ballot papers of those voters who did not submit an application to the election commission for voting outside the polling station as well as information about evident ballot stuffing.

In order to hide these and other violations, chairmen of many election commissions **have resorted to an expulsion of observers, media representatives and even commission members** at the stage of vote count. From Tatarstan and Kostroma region we have received reports on breaks made during the vote count, expulsion of observers under false excuses or restriction of their right to observe the vote count.

Throughout the day attempts to bribe voters were recorded as well (Tatarstan, Voronezh, Irkutsk, Kaliningrad, Leningrad, Nizhny Novgorod, Oryol, Chelyabinsk regions etc.).

Mass voting by absentee ballots was observed in Irkutsk and Kostroma regions.

In Tatarstan and Ryazan region the reports on authorities' pressure on voters were quite frequent.

In most of the regions there were reports on illegal campaigning, especially in Nizhny Novgorod, Samara and Chelyabinsk regions.

All these trends has intensified over the past 3 years, as it is in particular reflected in the 'Map of violations'.

Considering the results of civic monitoring of the Elections held on 13 September 2015, we assume that it is necessary to conclude that the **Elections Institute of Russia was discredited by abusing its administrative discretion and moreover avoided liability for this**; it has a negative impact on the course of election campaign, violates the principle of free and fair elections, and, as a result, distorts the election results, what makes us questioning the authenticity and legitimacy of elections.

Considering the results of Elections (13 September 2015) Observation carried out by the movement 'Golos' – long-term (observation of the entire election campaign) and short-term (observation of the Electio Day processes) we would like to present the following recommendations.

To the State Duma of the Russian Federation:

- To facilitate stable electoral laws, to stipulate safeguards from manipulations in favor of the ruling party or individual subjects taking part in the political processes. Any amendments to the election law should primarily respect the interests of the voters.
- To facilitate the necessary conditions for citizen election observation, in particular, to provision election observation carried out by public associations.
- To deprive executive institutions and officials of possibility to influence the composition of election commissions.
- To increase fines for administrative offenses, such as violations of election law and to deprive the perpetrators of these offenses of the right to work for any election commission for 5 years.
- To cancel the requirement for candidates to collect signatures of members of municipal councils in the Gubernatorial Elections or to reduce the threshold up to 1-3% in order to ensure competitive elections.

- To cancel the requirement for candidates to collect voters' signatures in the Elections to Legislative and Representative bodies of regional and local authorities or to reintroduce the electoral deposit in the elections.
- To oblige the heads of regions and municipalities, running for elections, to go on vacation for the period of the election campaign.
- To increase penalties for election officials abusing their powers during the elections and to ensure the inevitability of punishment.
- To eliminate any possibility for officials to take advantage of public events organized using public funds and (or) while carrying out their official duties for campaigning purposes.
- To amend the Russian electoral law by fully depriving all the companies owned by foreign entities or the Russian Federation, Subjects of the Russian Federation or municipalities to contribute to the election funds.

To election commissions:

- To guarantee fully independent, impartial, collegial, open and transparent decision-making process, as required by the current electoral law.
- To refrain from being guided by the recommendations and unofficial orders that do not comply with the current electoral law.
- To ensure greater protection of commission members refusing to commit fraudulent actions.
- To preclude arbitrary and selective decision making.
- To ensure the equality of all candidates and parties while nominating or registering their candidacies, collecting and verifying voters' signatures, as well as running the election campaign or other electoral activities.
- To facilitate the best possible environment for candidates' and parties' equal access to media.
- To develop a set of measures in order to detect and prevent covert campaigning carried out under the guise of dissemination of information on the candidate's official duties.

- To tighten control over the campaigning events carried out not only at the expense of election funds, though actually benefiting from administrative resources and unequal access to media.
- When publishing information on donors-legal entities, to disclose data on the ultimate owners of companies, including closed joint stock companies.
- When publishing information on the finance sources of election funds, to disclose VAT Identification Number of the respective legal entity.

To candidates and political parties:

- To respect principles and methods of fair competition while running election campaign.
- To refrain from availing administrative resources.

To media:

- To facilitate equal access to press, airtime and online media for all parties and candidates.
- To respect principles of fairness and equality in regard to media coverage on parties and candidates running for elections.
- To refrain from negative customised campaigning.

To judiciary and law enforcement institutions:

- To identify and punish the instigators and organizers of such crimes as falsification of voting and election results committed by members of election commissions.
- To secure more scrupulous investigation of offenses and crimes, based on clear evidence respecting the equality of testimony.
- To persecute officials taking advantage of their discretion in the elections; to tighten control over campaigning activities carried out not at the expense of the election funds, though benefiting from administrative resources and taking advantage of unequal access to the media.

- To prosecute perpetrators impeding legitimate campaigning activities carried out by candidates and electoral alliances.
- To refrain from being guided by politically motivated orders.

Footnotes:

[1] As of 6:20 am September 14, 2015.

[2] On the Election Day (as of 09:00 September 14) 'Golos' recorded 858 complaints about violations on the 'Map of Violations' (for the period of election campaign – 1756); the number is increasing with the vote count and tabulation. According to the 'Map of Violations' the most edgy elections were held in Kostroma Region (228 complaints), followed by regions considerably lagging behind such regions as: Samara (88 complaints), the Republic of Tatarstan (55), Voronezh (43) and Chelyabinsk (40). The statistics on the recorded violations by region is available on <http://www.kartanarusheniy.org/2015-09-13/stat/892581309>.

Analytical Report

Campaign Finance of the Elections of Russian Federal Subjects Heads

As the single voting day, scheduled for 13 September 2015, is approaching, the movement advocating for the rights of voters 'Golos' (hereinafter 'Golos') carried out a study of campaign finance of the Elections of Russian Federal Subjects Heads.

The general aim of the study was to estimate the extent to which the current funding of election campaign and political activities corresponds with the International and Russian standards of free and fair democratic elections. In the study, we tried to identify the ultimate owners of the funds donated for candidates' political and campaign activities.

We have used official data on legal entities that had transferred financial assets to the election funds of candidates in the Gubernatorial Elections shared by the election commissions of Russian Federal Subjects. Considering the fact that the

main contributors to the election funds were political parties that nominated the candidates in the Gubernatorial Elections, we have looked into 2013-2014 financial statements of four parliamentary parties, posted on the website of the Central Election Commission [1]. It also contains information on donations of natural persons.

In order to identify the owners of companies, we have exposed data of the State Register of Legal Entities, as well as officially published lists of affiliated persons of joint-stock companies. As a rule, we have used the data as of early July of the year, when the funds were transferred to the account of a party or a candidate. In some cases, the owner is set for the period preceding the election campaign or until the end of it. Sometimes we had to trace the long chain of owners. In cases when the owners of some companies constitute a unitary subject, we have studied the data depicting their financial activities during the same period of time, the duration of which is usually not longer than 2-3 months.

In order to identify the natural persons who have made donations to political parties, we have used open source information. Respectively some mistakes can be made when identifying a particular donor, so the report will reflect only those facts which are confirmed by our regional experts.

Conclusions and recommendations

The outcomes of study are obviously revealing that the funding of candidates running for Gubernatorial Elections is so non-transparent. The funding mechanisms embraced by parties and candidates prevent voters from receiving the full information about the real sponsors of persons running for power.

Firstly, candidates enjoying administrative resources invoke budgetary and public funds for their election campaign that violates the principle of political neutrality of the state, the principle of equality of candidates and, as a result, distorts competition in the elections.

Second, the identified issues related with financial transparency leaves an opportunity for many candidates and parties to receive funding from abroad. In fact, even in the last year in some regions 'foreign agents' became governors. Considering the remaining trend of this year, after the single voting day, scheduled for September 13, the number of re-elected governors, whose campaign is funded by foreign donors, will only increase. The candidates nominated by the 'United Russia' and the ruling party itself receive the largest sums of money from abroad.

Unfortunately, it was impossible to identify the actual origin of large part of donations. In particular, the real owners of closed joint stock companies could not be identified. Moreover, political parties that establish funds, accumulating significant part of financial assets, do not disclose information to the voters about the real donors.

Donations made by natural persons often serve as means to conceal the actual sponsors: the election commissions do not reveal the names of natural persons who have made donations and the available financial statements of the parties show that the funding is allegedly transferred by some persons, who are not financially equipped enough to donate such sums of money.

The study findings suggest the following recommendations:

- The Russian Electoral Law should be amended by preventing contributions to the elections funds made by companies owned by foreign subjects or Russian Federation, Federal Subjects or municipalities of Russia.
- When publishing data on legal entities – donors, the information on company ultimate owners should be disclosed. The same applies to the closed joint-stock companies.
- When publishing information on the sources contributing to election funds, the VAT identification number of a legal entity should be disclosed. Otherwise, the identification of actual donor might be hindered by coincidence of companies under the same name.

Legislation on Election Campaign Financing

On 24 November 2014, the Federal Law No. 355-FZ was adopted introducing the paragraph 13 to the Article 58 of the Federal Law No. 67-FZ of 12 June 2002 'On Basic Guarantees of Electoral Rights and the Right to participate in a referendum of citizens of the Russian Federation' provisioning the rules on information of donors who contribute to candidates' election funds. Under the new provision, in the federal elections the data on legal entities that donated to an election fund more than 25 000 rubles shall be published, as well as the number of citizens who donated more than 20 000 rubles, with reference to the total amount of such donations. The election commissions of Federal Subjects are entitled to establish rules for running regional elections, the regional election commissions almost with no modifications referred to this provision in the corresponding decisions and in some regions it was even introduced into

the regional laws. However, in some regions the election commissions, obliged to publish the extensive election data on official websites, stated that only the information on overall amount of donations would be published, or they established another threshold for the amounts of donations to be published.

In Chuvashia, Omsk, Rostov and Smolensk regions only the data on the total amount of financial contributions to the respective election fund and the total amount of fund expenditure falls under the information that must be published. In the Kemerov region, only the information on those legal entities who have donated at least 110 000 rubles and the total number of citizens who donated more than 25 thousand rubles will be published. In the Jewish Autonomous Region the information on legal entities that donated no less than 500 000 rubles and individuals who donated at least 100 000 rubles are subject to mandatory publication. The maximum amount of contributions to the election fund is 5 000 000 rubles. Actually, in the Jewish Autonomous Region the funding of election campaigns of candidates running for Gubernatorial Elections is non-transparent.

However, it should be acknowledged that the amendments made to the federal and regional legislation could significantly improve the transparency of campaign financing.

For comparison, we would like to present some information on officially published similar data in 2014 Gubernatorial Election in some regions. Thus, in the Republic of Altai only the data on legal entities that donated more than 150 000 rubles and the number of individuals who donated more than 15 000 rubles were subject to mandatory publication. We could not find such information on the website and moreover the regional election commission did not respond to our official inquiry. In the Altai region the data on legal entities that contributed to the election fund with more than 200 000 rubles and the total number of citizens who donated at least 20 000 rubles is published. The Stavropol region established the amounts of 400 000 and 40 000 rubles respectively. Volgograd, Kurgan and Lipetsk regions published data on legal entities that donated no less than 500 000 rubles. In Orel, 1 000 000 – in case of legal entities and 100 000 rubles – for natural persons. Yakutia, the Udmurt Republic, Krasnoyarsk krai, Ivanov, Kirovo, Murmansk, Nizhny Novgorod, Novosibirsk and Tyumen regions published only the total amounts of donations.

The Paragraph 6 of Article 58 of the Federal Law 'On Basic Guarantees of Electoral Rights and the Right to participate in the referendum citizens of the Russian Federation' **prohibits financial contributions to candidates' election**

campaigns from any foreign subjects or any public budgets. In particular, if 30% of the share capital of a company is owned by foreign entities or Russian authorities, it is forbidden to contribute to election funds. Similar restrictions are set in respect to funding of political parties, except for cases provisioned by law, when it is the state support.

The aim of these prohibitions is not only to protect a Russian voter from foreign interference in the political processes of Russia, but also to safeguard the respect for the principle of political neutrality of the state.

Campaing Funding Limits in 2015 Gubernatorial Elections

The funding limits applied to the candidates running for Gubernatorial Elections were extremely different in various regions. Taking into account the number of voters, the biggest contributions can be made to election funds in Kamchatka, where 102.1 rubles could be spent per one voter, while in Krasnodar region candidates can spend only 2.5 ruble per voter. Thus, the difference between the regions could be greater than 40 times. Of course, the severe funding restrictions introduced in the Kuban region are pushing many candidates to resort to covert funding. Otherwise it becomes almost impossible to run the election campaign, except the case of the incumbent governor who can cover his campaign expenses from the regional budget.

Table 1. The funding limits applied to the candidates running for 2015 Elections of Heads of Russian Federal Subjects

Region	Funding Limits, rubles	Number of voters	Funding Limits per voter, rubles
Mari El Republic	30 million	551 361	54,4
Republic of Tatarstan	60 million	2 932 742	20,5
Republic of Chuvashia	30 million	967 117	31
Kamchatka region	25 million	244 781	102,1
Krasnodar region	10 million	3 991 482	2,5
Amur region	25 million	637 110	39,2
Arkhangelsk region	50 million	947 125	52,8
Bryansk region	50 million	1 021 107	49

Region	Funding Limits, rubles	Number of voters	Funding Limits per voter, rubles
Irkutsk region	60 million	1 875 174	32
Kaliningrad region	20 million	774 242	25,8
Kaluga region	40 million	800 740	50
Kemerovo region	121 million	2 057 707	58,8
Kostroma region	30 million	545 447	55
Leningrad region	70 million	1 313 431	53,3
Omsk region	30 million	1 563 857	19,2
Penza region	50 million	1 099 797	45,5
Rostov region	200 million	3 272 161	61,1
Sakhalin region	20 million	384 332	52
Smolensk region	50 million	791 940	63,1
Tambov region	25 million	856 387	29,2
Jewish Autonomous region	5 million	131 876	37,9

Considering the 2014 Gubernatorial Election campaign, the significant part of candidates' expenditure was not reflected in any official records. The extent of contributions made to the election funds of parliamentary party candidates raise particular concerns. Respectively in Altai region, the candidate nominated by 'Just Russia' O. Boronin, who was actively engaged in 2014 Elections campaign declared only 300 000 rubles expenditure and the candidate nominated by the 'Greens' Vladimir Kirillov, who as well passed through the campaign, stated that his expenditure did not exceed 119 000 rubles. Considering the fact that in Altai krai the municipal threshold was 549 signatures, these amounts are barely enough to get through the registration. Alexandr Andreichenko nominated by the Liberal Democratic Party and running for Gubernatorial Elections in Primorsky Krai has spent for his campaign in total 330 500 rubles whereas the limit was 100 000 000 rubles. However, the most economical of the candidates was Alexander Bocharov representing 'United Russia' who won 2014 Gubernatorial Elections in the Volgograd region, who spent on his victorious campaign only 250 000 rubles whereas the limit was 77,542,500 rubles.

It should also be noted that in 2014 the representatives of 'United Russia' disclosed rather substantive data on the contributions to the election funds.

Table 2. Official data on the current contributions to candidates' election funds in 2015 Gubernatorial Elections

Region	Candidate	Contributions made to election fund, rubles
Mari El Republic (data as of 07 08 2015)	Leonid Markelov Igorevich ('United Russia')	4 020 400
	Mamaev Sergey Pavlinovich (CPRF)	450 000
	Cherkasov Kirill Igorevich (LDPR)	1 110 000
	Kondakov Yuri Alexandrovich ('Party of Pensioners')	17 400
	Zabolotskikh Andrey Vladimirovich ('Just Russia')	226 000
	Popov Vasily Ivanovich ('Labor Party of Russia')	15 000
The Republic of Tatarstan (data as of 08 12 2015)	Bilgildeeva Rushaniya Gabdulahatovna ('Just Russia')	1 057 000
	Minnikhanov Rustam Nurgaliyevich ('United Russia')	20 800 000
	Mirgalimov Hafiz Gayazovich (CPRF)	240 000
	Yusupov Ruslan Rafailevich (LDPR)	1 050 000
Chuvash Republic (data as of 07 21 2015)	Ignatiev Mikhail Vasilyevich ('United Russia')	3 100 000
	Nikolaev Oleg Aleseyevich ('Just Russia')	40 000
	Sapozhnikov Valery Vasiljevich ('Russian Party of Pensioners')	36 000
	Subbotin Konstatin Sergeevich (LDPR)	51 000
	Shurchanov Valentin Sergeevich (CPRF)	104 010
Kamchatka region (data as of 07 23 2015)	Ilyukhin Vladimir Ivabovich ('United Russia')	10 402 000
	Kalashnikov Valery Yurevich (LDPR)	1 350 000
	Nikolaev Alexei Valeryevich ('Communists of Russia')	15 000
	Ostrikov Alexander Valentinovich ('Patriots of Russia')	1 143 000
	Puchkovsky Mikhail Leonidovich ('Just Russia')	10 000
	Smagin Mikhail Viktorovich (CPRF)	215 000
Krasnodar region (data as of 07 28 2015)	Kondratiev Veniamin Ivanovich ('United Russia')	5 200 000
	Osadchiy Nikolai Ivanovich (CPRF)	1 050 000
	Ponomarev Viktor Ivanovich ('Party of Social Protection')	100 000
	Rudenko Andrey Viktorovich ('Just Russia')	141 500
	Fisyuk Sergey Dmitriyevich (LDPR)	103 800

Region	Candidate	Contributions made to election fund, rubles
Amur Region (data as of 07 31 2015)	Abramov Ivan Nikolayevich (LDPR)	1 325 000
	Kozlov Alexandr Aleksandrovich ('United Russia')	12 560 000
	Kobyzov Roman Aleksandrovich (CPRF)	800 000
	Dragunov Mikhail Valentinovich (LDPR)	50 000
Arkhangelsk region	Ositsyna Olga Sergeyeвна (LDPR)	4 208 291
	Kraeva Nadezhda Yakovlevna ('Just Russia')	660 000
	Orlov Igor Anatolyevich ('United Russia')	28 700 000
	Pavlov Vasily Nesterovich (CPRF)	465 000
	Kertsev Vladimir Yurevich ('Communists of Russia')	50 000
Bryansk region (data as of 05 08 2015)	Bogomaz Alexandr Vasilyevich ('United Russia')	5 150 000
	Iveko Mikhail Ivanovich ('Patriots of Russia')	100 000
	Kurdenko Sergey Nikolayevich ('Just Russia')	35 000
Irkutsk Region (data as of 04 08 2015)	Egorova Larisa Igorevna ('Just Russia')	860 000
	Eroschenko Sergey Vladimirovich ('United Russia')	10 000 000
	Karnaukhov Leonid Nikolayevich ('Party of Pensioners')	23 000
	Kuznetsov Oleg Nikolayevich (LDPR)	1 812 000
	Levchenko Sergey Georgiyevich (CPRF)	3 058 000
Kaliningrad Region (data as of 07 08 2015)	Pronichev Vasily Ivanovich ('Patriots of Russia')	224 000
	Vukolov Vladimir Aleksandrovich ('Russian Party of Pensioners for Justice')	20 000
	Revin Igor Alekseyevich (CPRF)	333 000
	Starovoytov Alexandr Sergeyeвich (LDPR)	10 000
	Trushko Mikhail Stanislavovich ('Right Cause')	10 000
	Fedorov Pavel Nikolayevich ('Just Russia')	1 200 000
Kaluga region (data as of 06 08 2015)	Tsukanov Nikolai Nikolayevich ('United Russia')	10 300 000
	Artamonov Anatoly Dmitriyevich ('United Russia')	301 000
	Dengin Vadim Yevgenevich (LDPR)	1 024 240
	Nevezhin Evgeny Nikolayevich ('Patriots of Russia')	50 000
	Yashkin Nikolai Ivanovich (CPRF)	30 000

Region	Candidate	Contributions made to election fund, rubles
Kemerovo Region	No Information	
Kostroma region (data as of 08 11 2015)	Sitnikov Sergey Konstantinovich ('United Russia')	1 370 000
	Kudryavtsev Yuri Petrovich (LDPR)	1 320 000
	Izhitsky Valery Petrovich (CPRF)	2 310 000
	Petukhov Sergey Anatolyevich ('Just Russia')	50 000
	Tatsiyev Georgy Georgiyevich ('Cities of Russia')	20 000
	Tarabrin Alexandr Vladimirovich ('Cossack Party of the Russian Federation')	20 000
Leningrad Region (data as of 08 13 2015)	Gabitov Alexandr Firovich ('Civic Platform')	89 500
	Drozdenko Alexander Yurevich ('United Russia')	3 350 000
	Kuzmin Nikolai Alekseyevich (CPRF)	972 000
	Lebedev Andrei Yaroslavovich (LDPR)	1 340 000
	Perminov Alexandr Aleksandrovich ('Just Russia')	2 106 900
Omsk region (data as of 08 09 2015)	Dvoretckiy Andrei Konstantinovich ('Rodina')	400 000
	Denisenko Oleg Ivanovich (CPRF)	3 470 000
	Drobotenko Yuzif Yusifovich ('Just Russia')	127 000
	Zelinsky Ian Viktorovich (LDPR)	1 879 000
	Nazarov Viktor Ivanovich ('United Russia')	19 525 000
	Podzorov Alexandr Georgeyevich ('Communists of Russia')	43 000
	Strelnikov Alexandr Nikolayevich ('Russian Party of Pensioners for Justice')	1 156 000
	Fedorchenko Mikhail Aleksandrovich ('Dignity')	10 000
Penza region (data as of 07 27 2015)	Belozertsev Ivan Aleksandrovich ('United Russia')	4 600 000
	Tuktarov Zhigansha Zeynyatullovi (LDPR)	886 880
	Simagin Vladimir Aleksandrovich (CPRF)	40 000
	Eroshin Gennady Leonidovich ('Just Russia')	30 000
	Popkov Vladimir Anatolyevich ('Rodina')	32 000
	Frolenkov Alexandr Aleksandrovich ('Chestno')	8000

Region	Candidate	Contributions made to election fund, rubles
Rostov Region (data as of 08 10 2015)	Kolomeytsev Nikolai Vasilyevich (CPRF)	2 500 000
	Emelyanov Mikhail Vasilyevich ('Just Russia')	4 350 000
	Novikov Ivan Aleksandrovich (LDPR)	2 296 900
	Kolesnikov Ivan Nikolayevich ('Russian Party of Pensioners')	60 000
	Golubev Vasily Yurevich ('United Russia')	100 114 490
Sakhalin Region (data as of 08 10 2015)	Goppe Vladimir Gugovich ('Yabloko')	2 540 000
	Ivanova Svetlana Vasilyevna (CPRF)	109 000
	Kozhemyako Oleg Nikolayevich ('United Russia')	5000
	Nechunaev Sergey Anatolyevich (LDPR)	1 305 000
Smolensk region (data as of 06 08 2015)	Taran Eduard Olegovich ('Just Russia')	5000
	Bichayev Alexandr Ivanovich ('Russian Party of Pensioners')	23 000
	Zaitsev Vladimir Viktorovich ('Party for Justice')	47 000
	Kuznetsov Nikolai Mikhailovich (CPRF)	300 000
	Lebedev Sergey Aleksandrovich ('Just Russia')	476 100
	Lobanov Elena Yevgevyevna ('Civic Platform')	50 000
	Nenashev Yevgeniy Sergeyeovich ('Cossack Party of the Russian Federation')	25 000
	Ostrovsky Alexey Vladimirovich (LDPR)	34 650 000
Tambov region (data as of 07 30 2015)	Petrikov Oleg Sergeyeovich ('Rodina')	0
	Zhidkov Andrei Igorevich (CPRF)	515 000
	Kupriyanov Alexandr Viktorovich ('Patriots of Russia')	26 000
	Nikitin Alexandr Valeryevich ('United Russia')	26 000
	Safonov Anatoly Mikhailovich ('Just Russia')	25 200
Khudyakov Roman Ivanovich (LDPR)	1 025 000	

Region	Candidate	Contributions made to election fund, rubles
Jewish Autonomous region (data as of 03 08 2015)	Lazarev Konstantin Aleksandrovich (CPRF)	385 000
	Levintal Alexandr Borisovich ('United Russia')	1 120 000
	Malyshev Pavel Sergeyeovich (LDPR)	1 221 000
	Dudin Vladimir Nikolayevich ('Just Russia')	210 000
	Odyry Tatyana Vladimirovna ('Russian Party of Pensioners')	17 000

In 2015, as in the previous year, the obvious **financial dominance of one political party** draws attention. According to the official data, currently the total amount of contributions to the elections funds of the candidates nominated by 'United Russia' are 2.5 times bigger than the total funds of all the other candidates put together.

The election funds of candidates nominated by leading parties have already been contributed with 240 643 890 rubles, while the candidates from all the other parties – 92 974 421 rubles, of which 34 650 000 were contributed to the election fund of incumbent Governor Alexei Ostrovsky who is nominated by the Liberal Democratic Party and runs for the Gubernatorial Elections in Smolensk Region.

We have to admit that by now the parliamentary parties, with the exception of 'United Russia', do not dispose sufficient financial assets for investing it in the elections, only nominally denoting their engagement in the Elections of Federal Subjects Heads.

In addition, it becomes obvious that a significant portion of funds is transferred through shadow channels, as to legally run the election campaign one needs significantly higher numbers of staff members and funds for maintenance of headquarters.

As for the 2015 Election campaign, it is all the same, a significant part of candidates' funds is channeled from shadow sources. The most representative in this regard is the Sakhalin region, where two candidates nominated by the parliamentary parties (Oleg Kozhemyako nominated by 'United Russia' and Eduard Taran, representing 'Just Russia' disclosed that by 10 August 2015 they had spent only 5 000 rubles each.

The new provision of the Federal law stipulating an obligation to disclose information on the donations bigger than 25 000 rubles made by legal entities had to

partly solve the issue related with mandatory publication of candidates' funding sources. However, despite the fact that this provision has been duplicated in the regional legislation, at the time of the study such information could be found not in all the regions. On the websites of election commissions we could not find any information on the contributions to and expenditure of election funds of candidates running for Gubernatorial Elections in Chuvashia, Krasnodar krai and the Kemerovo region.

Means of concealing the actual funding sources of election campaigns

The candidates invoke several means of concealing the actual election financing sources. Therefore additional element emerges in the chain relationship – recipient-actual donor. Thus, electoral alliances play a major role in supporting the election funds of nominated candidates. In 2013-2014, 'United Russia' transferred to different election funds and referendum funds 641 210 722 rubles, the Communist Party – 159 706 937 rubles, the Liberal Democratic Party – 430 346 554.38 rubles, 'Just Russia' – 234 460 48.08 rubles. These amounts did not cover the costs of conferences and other events initiated by the party that were often also related with election campaign.

It should be noted that the financial scheme of 'United Russia' is the least transparent: the party has established a network of regional public funds to support APP 'United Russia' that in 2013-2014 accumulated 68% of all contributions made by legal entities to the party in respect to the law. As a result, citizens who want to get acquainted with a list of actual donors are in fact deprived of such a possibility.

The above described scheme of political activities financing is not new and was invoked in Russia in the 1990s. Then, Sergei Popov was a head of organization 'People's House' [2] which was engaged in funding the movement 'Our Home – Russia'. Today Popov is a State Duma MP representing the party 'United Russia', the chairman of Duma Committee on Duma Organization and Regulation, as well as the head of the inter-regional Coordination Council of 'United Russia' in Omsk region, Altai krai and the Republic of Altai, and, apparently, he is actively engaged in sharing his 90s financial experience.

Moreover, the donations transferred to the party accounts made by natural persons also raise some questions. For example, in 2013, 3 000 000 rubles were transferred to the accounts of 'United Russia', as a donation made by a resident

of Irkutsk Yankovskaya Maria Eduardovna, the chief specialist in social work at Students Union of Irkutsk State Technical University. 600 000 rubles were donated by each, a senior lecturer in Translation and Intercultural Communication Department of Irkutsk State Linguistic University (that is currently a branch of Moscow State Linguistic University) Belyaev Julia Sergeevna and a journalist of the newspaper 'Irkutyanka' Olefir Aksana Vasilyevna. Of course, the official salaries of employees of higher educational institutions and the media staff hardly implicate such large amounts of donations to be transferred to political parties.

Other parties exercise similar schemes. Therefore in 2013, Sergei Klyukin from St. Petersburg, who, according to media reports, at that time was unemployed, donated 2 708 830 rubles to 'Just Russia'. [3] In the same year, Yudina Yunona Yurevna who is closely related to the regional branch of 'Just Russia' in the Leningrad region donated 2.26 million rubles. It should be noted that according to the SAS 'Elections' data, in 2012, as an independent candidate she ran for the Municipal Elections in Kuzmolovsky urban settlement of Vsevolozhsk municipal district in Leningrad region while being unemployed.

Commonly, in the year the elections are held, the staffs of regional offices and campaign headquarters donate large amounts of money to the parties that have employed them. In two years the accountant of 'United Russia' executive committee in Irkutsk region Vladimir Anatolyevich Konovalov donated 3 695 000 rubles, Andrei Pezhemskiy Lirievich, the chief specialist of campaigning department of Irkutsk regional branch of the party 'United Russia', – 2 000 000 rubles. In 2013, the accountant O. A. Matveeva of Ryazan regional branch of LDPR donated to the party she works for 123 500 000 rubles and a year later – another 473 000 rubles.

In Tatarstan, in 2014, the staff of 'Real estate agency Passage', as a group of natural persons, contributed to the election fund of the party 'Just Russia'. Respectively, the donors were: Valeyeva Laysan Nailevna – legal counsel (donation – 998 490 rubles), Galiullin Arthur Nailevich – sales manager (donation – 929 814 rubles), Kuralov Eric Rudolfovich – deputy director (donation – 668 500 rubles), Midubaev Nail Ildarovich – sales manager (donation – 662 000 rubles), Ahmetshina Lilya Rustamovna – sales manager (donation – 498 500 rubles), Bulatova Zulfiya Gashikovna – chief accountant (donation – 45 000 rubles). All they were engaged in professional relationship with the chairman of regional branch of the party 'Just Russia' Rushana Bilgildeeva, who is the founder of the company.

In fact, the contributions made by natural persons to the funds of political parties and candidates could be often perceived as means to conceal a real donor of candidate's election campaign.

Foreign funding of candidates running for Gubernatorial Elections and political parties

Although a ban on foreign funding of election campaigns is provisioned by law, **candidates running for Gubernatorial Elections and political parties receive financial support from abroad.** It is well enough to identify a Russian company that made a donation to the election fund and its foreign owners who represent another 'Russian' legal entity. In 2014, according to media reports, using this model, the incumbent Governor of Lipetsk region, Oleg Korolev, received 7 000 000 rubles from abroad for his election campaign. [4]

We also managed to find out that, in 2014, the 'Shipyard 'Red Barricades'' donated 500 000 rubles to the election fund of Astrakhan region Governor Alexandr Zhilkin ('United Russia'). As of 30 September 2014, CLASSIDE HOLDINGS LIMITED – a legal entity registered in Cyprus – owns 30.79% of the company shares. Mr. Zhilkin also received 1 million rubles from 'Holding Company Elinar'. The company 'Elinar Group S.a.r.l', registered in Luxembourg, is in the list of affiliated share owners of the previously mentioned company, as of 30 September 2014, disposing more than 20% of the total number of votes attached to the shares (contributions, stakes), comprising the authorized (share) capital of this legal entity. There are other foreign companies among affiliates: COGEBI SA, registered in Belgium, and Elcim Group BV from the Netherlands.

In the 2015 Elections, LLC 'Krasnodar Vodokanal' has already donated 3 million to support the campaign of the candidate Viktor Nazarov running for Gubernatorial Elections in Omsk region. The company is 100% owned by LLC 'RVK-Invest' and, according to USRLE, its founders are the companies BRIEVA INVEST LIMITED, registered in Cyprus, and Ventrelt Holdings Ltd from the British Virgin Islands. The LLC 'RVK-Invest' is controlled by the company 'Rosvodokanal', which is also 100% owned by offshore company Ventrelt Holdings Ltd.

The candidate running for Gubernatorial Elections in Rostov Region Vasily Golubev received 1 million rubles from LLC 'Trading House 'RIF''. According to the Unified State Register of Legal Entities, the company is owned only by two shareholders: 'LAPARKAN INVESTMENTS LIMITED' (Cyprus) and 'GRAIN

INTERNATIONAL HOLDINGS INC.' (British Virgin Islands). Another donation of 1 500 000 rubles the candidate received from LLC 'Plant Tehnikol – Siberia', owned by LLC 'Miara', founded by LLC 'TN-Invest'. 'TN-Invest is owned by 'Invest-krovliia', founded by 'GIB GENERAL IDEA BROTHERS HOLDINGS LIMITED' registered in Cyprus.

Ltd. 'Regent' contributed to the election fund of the candidate running for Gubernatorial Elections in Smolensk region Alexei Ostrovsky (LDPR) with 500 000 rubles, more than 99% of which, according to the Unified State Register of Legal Entities, as of 9 August 2015, is owned by a limited liability company 'Smolensk Diamonds (Middle East)', registered in the United Arab Emirates. LLC 'Sanatorium 'Crystal' donated additional 500 000 rubles; 24.88% of the company nominal capital is owned by LLC 'Sheratan', owned by the Swiss company 'Iesa Establishment'.

We have already noted that a significant part of the contributions to the candidates' election funds are made by the electoral alliances that nominated them. 2013-2014 financial reports issued by parliamentary parties contain some indications of foreign funding.

In 2014, OJSC 'Irkutskenergo' donated 6 425 000 rubles to 'United Russia'. As of early July 2014, 50.19% of the company was owned by 'EvrosibEnergo', 99.99% of which is controlled by EUROSIBENERGO PLC, registered in Cyprus. OJSC 'Inter RAO UES' owns the remaining 40% of 'Irkutskenergo' shares. 26.3661% of its shares is owned OJSC 'Rosneftgaz' that is 100% state-controlled, 13.9263% – 'INTER RAO Capital'. Moreover in 2013, 'Bureyagesstroy' (TIN 2813005249) as well donated 600 thousand rubles to the above mentioned party. In 2014, the same company donated to the party additional 370 thousand rubles. As of 1 July 2014, OJSC 'E4 Group' owns 76% of shares; 100% of 'E4 Group' shares belong to the offshore company EFORG ASSET MANAGEMENT LIMITED registered in Cyprus. Moreover, in 2014, 'United Russia' received 500 000 rubles from the LLC 'IRWIN 2' (TIN 5027083476). At that time, the company was owned by LLC 'FARMEKO', 49% of which was owned by a Cyprian company 'TREYDLAIN SERVICES LTD'. In 2013, OJSC 'Kaliningrad Sea Commercial Port' donated 450 000 rubles to 'United Russia'. As of 1 July, 24% of its shares are owned by the company 'Newcrest Trade Inc.', registered in the British Virgin Islands.

In 2013-2014, 'Just Russia' as well received foreign funding. In 2013, LLC 'Mechanical Plant of Kirovo-Chepetsk Chemical Combine' donated 4.095 million rubles. The company is owned by OJSC 'Mineral Fertilizer Plant of

Kirovo-Chepetsk Chemical Combine, 100% of which at that time was owned by the OJSC 'United Chemical Company 'URALCHEM'', in turn owned by URALCHEM HOLDING PLC, registered in offshore Cyprus. In 2014, the party received from the company additional 6.38 million rubles the same way. In 2013, LLC 'Guarantee' once again donated 2 000 000 to 'Just Russia'; it is founded by the 'Kolektorskiy Center 'Zeus', in turn, owned by LLC 'Titan', 99% of which is owned by the company 'TIARA INVEST CORPORATION', registered in Belize, as of beginning of 2015.

Covert Government funding

The covert government funding invoked for supporting election campaigns is quite common in Russia, neglecting the political neutrality of the State stipulated by the International documents and the Russian laws.

In 2014, Samara regional civic organization 'Heroes of the Fatherland' donated 956 861 rubles to the party 'United Russia'. It should be noted that the same year the project 'From the Knights of St. George to the Heroes of Russia' run by the organization won the regional government grant, moreover it the received a grant to carry out its statutory activities and implement the project 'Parade of Remembrance', the stimated value of grants is equal to donation amount. In the same year, the Veterinary Association of Kursk region donated 500 000 rubles to 'United Russia'; among the founders of the association are numerous federal government agencies. Moreover, in 2014 Elections to the State Council of Tatarstan OJSC 'Plant Elecon' donated 1 million rubles to the party 'United Russia'. As of 30 September 2014, 25% of the Plant shares are owned by OJSC 'Radio-electronic technology', 100% owned by the state corporation 'Rostec'. A year earlier, OJSC 'Izhevsk Electromechanical Plant 'Cupol' transferred 500 000 rubles to the account of 'United Russia'. 93.65% of the OJSC is owned by the PVO 'Almaz-Antey', that is state-owned.

Similar contributions were made to the CPRF election funds. In 2013, LLC 'Ak Bars – Aktiv' donated 1 500 000 to CPRF; the company is one of 4 companies owning 'Tatselhozprodukt', 'Agro-Aktiv', LLC 'APK 'Visokaya Gora' and OJSC 'Holding company 'Ak Bars'. The latter company is one of the founders of the other three owners of 'Ak Bars – Aktiv'. Moreover, 28.42% of the Holding Company 'Ak Bars' shares, as of 1 July 2013, is owned by the Republic of Tatarstan, under the name of the Republican Ministry of Land and Property Affairs. In 2014, CPRF received 1 million rubles from the non-profit organization 'Football club 'Irtysh'', co-founded by the Department of Physical Education

and Sports Administration of Omsk. Additional 500 000 the party received from the State Unitary Enterprise 'Agency of the Strategic Programs'.

In 2015, OJSC 'Rosvertol' donated 1 300 000 rubles to the election fund of the candidate running for Gubernatorial Elections in Rostov Region Vasily Golubev Yurevich. JS 'Russian Helicopters' owns 81.13% of its shares and JS 'United Industrial Corporation 'Oboronprom' – another 14.01%. 'Oboronprom' owns 98.5% of 'Helicopters of Russia' shares; the State Corporation 'Rostec' owns 50.43% of 'Oboronprom' shares and the Russian Federation under the name of State Corporation 'Rostec' – 37.59%. Thus, OJSC 'Rosvertol' is almost state-controlled company and, despite this, it supports the candidate running for Gubernatorial Elections. OJSC 'Taganrog Aviation Scientific-Technical G.M. Beriev Corporation' donated additional 1 500 000 rubles to Vasily Golubev. 82.2462% of company shares are owned by the United Aviation Industry Corporation (UAIC), whereas 85.4074% of the latter company shares are owned by the Government of Russian Federation under the name of Federal Agency for State Property Management. 7.9783% of the 'Beriev TANTK' shares are owned by corporations 'Suxoi' and 'Irkut', also owned by the UAIC.

In addition, during the election campaign one could notice an overall increase in budgetary expenses, addressing the most pressing social issues, funding of mass cultural events carried out for campaigning purposes. For example, in Kaliningrad, according to media reports, in an election year, the financial assets allocated for the repair of roads increased almost twice [5]. In June 2015, the first mass event was held in the 'Amber Hall', the expenses of which amounted to 2.5 billion rubles. The local government of Kaliningrad region organized a jazz festival, which, according to eyewitnesses, was exploited for campaigning purposes by the acting governor Tsukanov.

In Chuvashia, enterprises rushed to pay outstanding wages, before the Head of the Republic, who was nominated by the 'United Russia', took the office. The expenditures on information stands of the party 'United Russia' exposed in the public and cultural facilities (schools, kindergartens, sports halls, playgrounds, hospitals etc.) were covered from the state budget.

Candidates enjoying administrative resources, during their working hours took advantage of the premises owned by authorities or budgetary institutions for their campaigning purposes. The acting governor of Kaliningrad region Tsukanov held a meeting with his campaign activists during its working hours. Marina Orhei, who attended the meeting, shared this in social media [6].

The exploitation of administrative resources and budget funds for the election campaign is as well quite common in other type of elections. For example during the election campaign Ryazan branch of the 'Maladaya Gvardiya of United Russia' received a grant of 8.107 million rubles for the project 'MediaGvardiya' [7]. At the same time, the leader of 'Maladaya Gvardiya' Daria Kiseleva turned to take No. 2 position on the party list of 'United Russia' in the intra-regional group No. 13 for the Elections to Regional Duma.

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Footnotes:

[1] www.cikrf.ru/politparty/finance/svodn_otchet_14.html.html

[2] Popov, Sergey (politician), 'Wikipedia' <https://goo.gl/dpr8gC>

[3] www.fontanka.ru/2013/06/06/181/

[4] www.novayagazeta.ru/politics/68222.html

[5] <http://infrastruktura39.ru/news/952/>

[6] https://www.facebook.com/permalink.php?story_fbid=118397995170416&id=100010006470245

[7] <https://grants.oprf.ru/grants2015-1/winners/rec4663/>



Memorial Human Rights Centre

E-mail: press@memohrc.org.

News and publications: <http://www.memo.ru/s/283.html>,

Politically-motivated criminal prosecutions and political prisoners in the Russian Federation. September 2015

Despite the fact that there were individual cases of politically-motivated illegal prosecutions in the 1990s too, they acquired a systematic nature from the first presidential term of Vladimir Putin in the early 2000s.

During the period from 2003 to 2015 the number of people subjected to political repressions and political prisoners increased slowly but inexorably. As of mid-September 2015 there are 45 people on the list of political prisoners compiled by the Memorial Human Rights Centre. They are: Afanasyev, G.S., Bagavutdinkova, Z.Z., Bazarbayev, M.T., Barabanov, A.N., Berezyuk, I.A., Bobyshev, S.V., Bondareva, N.V., Valiyev, R.R., Vitishko, Y.G., Galiullin, R.F., Garifyanov, A.R., Gaskarov, A.V., Dadin, I.I., Idelbayev, R.V., Izokaitis, A.A., Ishevsky, D.V., Kashapov, R.R., Kolchenko, A.A., Kostenko, A.F., Krivov, S.V., Kudayev, R.V., Kulagin, Y.V., Kutayev, R.M., Lepeshkina, A.V., Lutskevich, D.V., Margolin, A.E., Matveyev, I.V., Navalny, O.A., Nasyrov, V.G., Nepomnyashchikh, I.A., Osipova, T.V., Pivovarov, A.S., Pichugin, A.V., Podrezov, V.A., Polikhovich, A.A., Razovozzhayev, L.M., Reznik, S.E., Savchenko, N.V., Satayev, R.R., Sentsov, O.G., Sutuga, A.V., Tikhonov, L.I., Udaltsov, S.S., Khamadayev, A.A., Kharebava, Y.Z., Shaykhutdinov, F.A.

In total in the past year the number of political prisoners came to no fewer than 73 people. This number is a minimum estimate, based on analysis of accessible materials of criminal cases, as in many cases the materials are secret or not accessible for analysis. In this connection we should assume that the total number of political prisoners in Russia is 100-150 people, not counting those who are being subjected to illegal or politically-motivated criminal prosecutions, but who used violence or called for violence on ethnic, religious or other grounds, and so were not included in the number of political prisoners. The number of people being subjected to political repressions without being imprisoned is another several dozen.

By political repressions and political prisoners we mean repressions and imprisonment in the sense of PACE Resolution No. 1900 (2012). These are, firstly, those cases that can be described by using the term “prisoner of conscience”, when the criminal prosecution or imprisonment was employed exclusively due to political, religious or other convictions, and also in connection with the non-violent implementation of freedom of thought, conscience or religion, freedom to express opinions and information, freedom of peaceful assembly and association, or other rights and freedoms guaranteed by the International Covenant on Civil and Political Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms. And, secondly, they are cases of prosecutions for political reasons by the authorities, implemented with a violation of the right to a fair legal investigation, or other rights and freedoms guaranteed by the International Covenant on Civil and Political Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms, or with a clear violation of the law, selectively, insufficient public danger in the actions or on the basis of falsification of proof of guilt.

We can try to systemise the cases of political repressions in Russia, and, above all, politically-motivated imprisonments, by different motivations.

Structuring the political repressions by their target, we can identify several groups.

The first group, whose prosecutions symbolise a transition to the use of instruments of criminal law for political ends, includes the owners and employees of the YUKOS company, and also people connected to them. In the large YUKOS case no fewer than 15 people have been subjected to imprisonment. At present out of all those convicted, Alexei Pichugin has already been in prison for over 12 years, sentenced to life imprisonment on a charge of murder.

Another such group, which became one of the first targets of politically-motivated prosecutions during and in the first years after the war in Chechnya, is Chechens, frequently found criminally responsible on false charges of terrorism. At present this trend has stopped.

Another big group, subjected to illegal criminal prosecutions in the 2000s and early 2010s, mainly involving imprisonment, was an active opposition organisation with leftist-imperial leanings – the subsequently banned National Bolshevik Party of Eduard Limonov, which regularly practiced peaceful acts of direct action. Dozens of its members were victims of unfounded and illegal prosecutions. After 2012 this party switched to a position of support for the regime and the repressions against it virtually ended, although a few people, including Taisiya Osipova, sentenced to eight years in prison on a fabricated charge of distributing drugs, remain behind bars.

Political repressions against other groups, into which the people subjected to these repressions can be divided, continue currently.

In particular these are cases on charges of treason, directed mainly, but not exclusively, against scientists. Moreover, while previously these cases were mainly brought almost exclusively due to the corporate interests of the counter-intelligence bodies, wanting to demonstrate their efficiency by fabricating criminal cases in connection with the legal scientific exchange of information, at present the political trends of isolationism and the government's policy of creating a propaganda image of Russia as a fortress besieged by enemies are producing a political order from the highest level of government to fabricate such cases.

The number of cases of espionage and treason in the past 18 months has been growing inexorably, and their secrecy makes it more difficult to analyse them. Striking examples of such cases were the case of Svetlana Davydova, the mother of seven under-age children, who was taken into custody on a charge of treason for informing the Ukrainian embassy that the military base located below her windows was empty, and that on public transport its officers had been talking about being sent to Ukraine, and who was released thanks to a very strong public campaign, or that of Yekaterina Kharebava, who was sentenced in 2014 to six years in prison for a text message about the public deployment of Russian troops in the direction of the border, supposedly sent to a Georgian she knew in 2008, during the Russia-Georgia war.

As before, there are also cases of criminal prosecutions of journalists in connection with their professional activities. In conditions of serious control of

the media by the government, criminal prosecutions are mainly in cases, when they happen, associated with the interests of regional authorities. At present the most typical representative of this group is the Rostov journalist Sergei Reznik, sentenced to two years, 11 months in prison for a combination of charges, from insulting representatives of the authorities in his texts to commercial fraud and giving false evidence.

Muslims who do not belong to the state-approved structures of the Spiritual Board of Muslims are a constantly growing group of people subjected to illegal prosecution. The most flagrant example is Rasul Kudayev, sentenced to life imprisonment on a false charge of participating in the terrorist attack in Nalchik in 2005, despite his alibi and the physical impossibility of his participation in the incriminating actions due to his health. Members of Hizb ut-Tahrir al-Islami are particularly actively subjected to persecution, repressed just for the fact of their membership of this organisation, without sufficient grounds and recognised as terrorist in violation of the recognised procedure for this in Russia. More and more often fabricated charges of preparing to seize power or of terrorist activity are added to this charge. Little public attention is paid to these prosecutions, which involve many dozens of Muslims.

An important group of political prisoners and those subjected to illegal political prosecutions is people prosecuted in connection with their real or supposed public activity. A striking example is the virtually randomly selected participants of the demonstration of May 6, 2012, sentenced for using their right to free peaceful assembly on false charges of participating in mass riots and of violence against police, nine of whom, and also two people declared to be the organisers of riots, still remain behind bars.

Environmental activist Yevgeny Vitishko remains behind bars. Kaliningrad activists Mikhail Feldman, Dmitri Fonarev and Oleg Savvin were sentenced to one year and one month in prison on a charge of hooliganism, already served by them during their pre-trial detention, after raising the German flag on the building of a department of the FSB. Oleg Navalny remains behind bars, basically a hostage for his brother Alexei Navalny, sentenced to three-and-a-half years on a falsified charge of fraud, and Andrei Pivovarov, the head of the headquarters of the opposition party Parnas in the elections in Kostroma Oblast, is in custody on a false charge of illegal access to computer data and bribery, and trade union activist Leonid Tikhonov is serving a sentence on a false charge of fraud, as is accountant from the same trade union Natalya Bondareva, and Vladimir Podrezov has been sentenced to two years and three months in prison

on a charge of vandalism for helping a Ukrainian get to the roof of a building to paint the star on its spire the colour of the Ukrainian flag.

Criminal prosecutions on false charges of extremism for publications (often just reposts) in social media are becoming more and more widespread. Most of these prosecutions do not involve imprisonment, but the number of political prisoners in connection with such charges is growing: activists Darya Polyudova and Sergei Titarenko have spent 6 months each placed in pre-trial detention and activist Rafis Kashapov from the Tatar movement has been sentenced to three years in prison.

A new group of cases since Russia's occupation of Crimea and the start of aggression against Ukraine in Donbass are cases against Ukrainian citizens. The famous cases of the political prisoners Nadiya Savchenko and Oleg Sentsov, and also Alexander Kolchenko and Gennady Afanasyev, convicted in the same case, and the less well-known case of Crimean activist Alexander Kostenko, and there are repressions against Crimean Tatar activists. Other Ukrainian citizens are also in custody in Russia, the details and grounds for whose criminal prosecution are unknown, but who are almost certainly political prisoners.

Despite the fact that all the cases of criminal political repressions examined by us are united by the presence of a political motive for the prosecution on the part of the government, these motives vary: sometimes the aim of the repressions is to stop the legal activity of a citizen; often the aim is to put pressure on any kind of public activity not controlled by the government; or the aim is the corporate interest of the law-enforcement bodies, wishing to demonstrate the efficiency of their work; more and more often the main motive of the criminal prosecution is the government's desire to confirm the theses of official propaganda with sentences, or to frighten a broad sector of the public with targeted repressions.

The prosecutions of people included on the Memorial Human Rights Centre's list of political prisoners over the past year have been conducted under 33 articles of the Russian Criminal Code, and the maximum number of cases of use were under article 212 (mass riots) and article 318 (violence against a representative of the authorities) of the Russian Criminal Code – 14 cases; article 213 (hooliganism) – 13 cases, and article 278 of the Russian Criminal Code (actions aimed at a violent seizure of power or a violent change in the constitutional order) – nine cases; article 282.2 of the Russian Criminal Code (organising the activity of an extremist organisation) – eight cases; article 205.1 of the Russian Criminal Code (participating in terrorist activity) – six cases; article

214 (vandalism) and article 222 (illegal acquisition, transfer, sale, possession, transporting or carrying of a weapon, its parts and ammunition) of the Russian Criminal Code – five cases; article 105 (murder) and article 205 (terrorist act) of the Russian Criminal Code – four cases; article 282 (inciting hatred or enmity) and article 159 (fraud) – three cases. The remaining 21 articles were used as an instrument of political prosecution once or twice each. Moreover, the large number of uses of articles 212 and 318 was almost exclusively associated with the Bolotnaya case on the events of May 6, 2012 in Moscow.

These tallies show that although in article 213 of the Russian Criminal Code (hooliganism), due to the vagueness of its formulation there is still a convenient instrument for the fabrication of criminal cases for political reasons, article 282.2 of the Russian Criminal Code (organising the activity of an extremist organisation) is a means of formal distribution of collective guilt in an extremely broad definition of extremist activity onto those citizens whose individual guilt is difficult to prove, and the crimes envisaged under articles 278 of the Russian Criminal Code (actions aimed at a violent seizure of power or a violent change in the constitutional order) and 205.1 of the Russian Criminal Code (participation in terrorist activity) are negatively perceived by society and are usually proven on the basis of interpreting the evidence of witnesses and analysing texts, and as an instrument of political repressions can be used for charging in the case of virtually any crime.

The key factor that influences the possibility to carry out politically-motivated criminal prosecutions, thus, is not so much repressive criminal legislation, but the political dependency of the courts and the investigators, and also the absence of real procedural guarantees in the criminal process. These factors became possible thanks to the monopolisation and absence of changeability of the government, which have turned democratic elections into an imitation. As the result the person exposed to politically motivated criminal prosecution (though and not only they) are deprived the right to fair trial.

Nevertheless, it is impossible not to attach significance to the obvious problems with the criminal legislation. New articles of the Russian Criminal Code are anti-constitutional and illegal in nature: 212.1 – multiple violations of the established order of organising or holding gatherings, meetings, demonstrations, marches or pickets, envisaging repeat punishment for the same action, and without observance of the established guarantees of rights of the accused, under which at present four people have been charged, one of whom, Ildar Dadin, is under house arrest; 280.1 – public calls for the implementation of

actions aimed at violating the territorial integrity of the Russian Federation, in practice establishing punishment even for discussing non-violent actions of this type, under which at present three people have been charged, one of whom, Darya Polyudova, spent six months in pre-trial detention, and another, Rafis Kashapov, has been sentenced to three years in prison; 284.1 – the implementation of activity on the territory of the Russian Federation by a foreign or international non-governmental organisation in relation to which a decision has been made to recognise its activity as undesirable on the territory of the Russian Federation; 330.1 – persistently avoiding fulfilling the duties defined in the legislation of the Russian Federation on non-commercial organisations as fulfilling the functions of a foreign agent.

An age-old problem is the extremely broad description and interpretation of the concept of “extremism”, and some other aspects of the “political” articles of the Russian Criminal Code that are associated with it: part 1, article 213 (hooliganism for reasons of political, ideological, racial, ethnic or religious hatred or enmity or for hatred or enmity in relation to a social group), article 214 (vandalism), article 205.2 (public calls to carry out terrorist activity or public justification of terrorism), article 275 (state treason), article 280 (public calls to carry out extremist activity), article 282 (inciting hatred or enmity, and insulting human dignity), article 282.1 (organising an extremist group), article 282.2 (organising the activity of an extremist organisation), article 282.3 (financing extremist activity), and also articles envisaging punishment for fraud.

Gross violation of the rights of the persons accused under extremist and terrorist articles is their inclusion in Rosfinmonitoring list and blocking on this basis of their accounts and property. In fact even before sentence, after sentence even not connected with imprisonment and after completion of term of punishment these persons inflicted to serious extrajudicial punishment: deprivation of a possibility of legal job, to receive and to carry out payments.

In connection with the above we recommend to the OSCE, its member states and international and non-governmental organisations:

- Special attention to cases of politically-motivated criminal prosecutions in Russia, especially in cases of political prisoners a demand to release imprisoned people who have been prosecuted on obviously falsified charges and/or exclusively due to their political, religious or other convictions, and also in connection with the non-violent implementation of freedom of thought, conscience and religion, freedom to express opinions and

information, freedom of peaceful gatherings and association, and other rights and freedoms guaranteed by Russia's international obligations.

- Demand the abolition of article 212.1 of the Russian Criminal Code;
- Demand the abolition of article 284.1 and all amendments in the legislation establishing the status of an “undesirable organisation”;
- Demand the abolition of article 330.1 and all amendments in the legislation establishing the status of organisations fulfilling the functions of a foreign agent;
- Demand an amendment to article 282.1 of the Russian Criminal Code, excluding penalties for calls for non-violent actions;
- Demand the specification and narrowing of the legislative definition and practical use of the legislation defining extremist activity, and also part 1, article 213, article 214, article 205.2, article 280, article 275, article 282, article 282.1, article 282.2 and article 282.3 of the Russian Criminal Code;
- Demand the abolition of the procedure of extrajudicial inclusion to the list of persons, whose accounts and property are a subject to blocking;
- Monitor violations and demand the observation of the obligations established as Russia's international obligations in the sphere of fair trial and of democratic procedures guaranteeing political competition and the changeability of government as a result of elections.

Materials giving more details about the situation with political repressions and political prisoners in Russia, including in English, can be found on the Memorial Human Rights Centre website <http://www.memo.ru/s/283.html>, and requests to receive news on this topic in Russian or English may be sent to press@memohrc.org.

List of people recognised as political prisoners by the Memorial Human Rights Centre on September 15, 2015

1. **Afanasyev, Gennady Sergeyeovich** born on November 8, 1990, citizen of Ukraine, graduated from the law faculty of the Taurida National University, worked as a photographer at the Stock Photography Studio; in March-April 2014 he attended demonstrations and meetings of supporters of a united Ukraine and participated in organising first aid courses. Sentenced to seven years in a strict-regime colony on a charge of crimes envisaged under part 2, article 205.4 (“Participating in a terrorist group”), two incidents under point “a” of part 2, article 205 (“A terrorist act committed by an organised group”), part 1, article 30, and point “a” of part 2, article 205 (“Preparing a terrorist act”), part 3, article 30, and part 3, article 222 (“Attempting to illegally acquire weapons or explosive devices”) of the Russian Criminal Code. In custody since May 9, 2015.

Recognised as a political prisoner since his criminal prosecution is being conducted with a violation of his right to a fair legal investigation. <http://memo.ru/d/243626.html>

2. **Bagavutdinova, Zarema Ziyavtudinovna** born on September 18, 1968, a member of the Dagestani public organisation Pravozareshchita, sentenced to five years in a general-regime colony on a charge of committing a crime envisaged in part 1, article 205.1 of the Russian Criminal Code (“Inciting persons to commit a crime envisaged under article 208 of the Russian Criminal Code”). Has been in custody since June 4, 2013. Recognised as a political prisoner since her criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of her right to a fair legal investigation. <http://memo.ru/d/180573.html>
3. **Bazarbayev, Marat Tukmurzayevich** born 09.04.1976, member of the banned organisation Hizb ut-Tahrir al-Islami, did not take part in violent actions even according to the investigation’s version of events, sentenced under part

1, article 205.1 (“Incitement and other involvement of people in committing a crime envisaged under article 278 of the Russian Criminal Code”), part 1, article 30, (“Preparing actions aimed at a violent seizure of power, or a violent change in the constitutional order”), and part 2, article 282.2 (“Participating in the activity of an extremist organisation) of the Russian Criminal Code to six years of strict regime with one year of restricted freedom and a fine of 150,000 roubles. In custody since July 31, 2012.

Recognised as a political prisoner since his criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/180561.html>

4. **Barabanov, Andrei Nikolayevich** born in 1990, graduate of a Moscow mathematical college, officially unemployed, worked as an artist, sentenced to three years and seven months of imprisonment in a general-regime colony under part 2, article 212 (“Participation in mass riots”) and part 1, article 318 (“Use of violence, not dangerous to life or health, in relation to a representative of the authorities”) of the Russian Criminal Code as part of the Bolotnaya case, charge presented on June 5, 2012. In custody since May 28, 2012.

Recognised as a political prisoner since his criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/121776.html>

5. **Berezyuk, Igor Anatolievich** was sentenced to five years and two months in a general-regime colony in October 2011 under article 282 (“Inciting hatred or enmity, thereby defaming human dignity”), part 2, article 318 (“Use of violence dangerous to life or health in relation to a representative of the authorities in connection with the fulfilment of their duties”), part 3, article 212 (“Calls for active insubordination to the legal demands of representatives of the authorities and for mass riots, or calls for violence against citizens”) of the Russian Criminal Code in connection with the events on Manezh Square in Moscow in December 2010, member of the unregistered party Other Russia, citizen of the Republic of Belarus. In custody since January 30, 2011.

Recognised as a political prisoner since his criminal prosecution is being conducted selectively, with a violation of his right to a fair legal investigation. <http://memo.ru/d/3040.html>

6. **Bobyshev, Svyatoslav Vasilievich** born August 9, 1953, professor at the D.F.

Ustinov Baltic State Technical University (Voyenmekh). Charged with committing a crime envisaged under article 275 of the Russian Criminal Code (“State treason”), on June 20, 2012 he was sentenced by the St. Petersburg city court to 12 years in a strict-regime colony for supposedly passing information about the Bulava missile system to China. In custody since March 16, 2010. Recognised as a political prisoner since his criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation. <http://memo.ru/d/121787.html>

7. **Bondareva, Nataliya Viktorovna** born on November 5, 1966, living in Nakhodka at the time when sentence was passed, worked as chief accountant for the professional committee of the Russian Union of Dockers at the Vostochny Port Joint Stock Company. On December 15, 2014 she was sentenced by Judge Maxim Mikhailovich Kiselev of the Nakhodka city court under part 3, article 160 of the Russian Criminal Code (“Acquiring or spending with the use of one’s position of employment, and in large measure”) to one year and two months of imprisonment in a general-regime colony. Taken into custody on December 15, 2014.

Recognised as a political prisoner since her criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of her right to a fair legal investigation. <http://memo.ru/d/234514.html>

8. **Valiyev, Rusht Rashitovich** born 08.04.1982, member of the banned organisation Hisb ut-Tahrir al-Islami, did not take part in violent actions even according to the investigation’s version of events, sentenced under part 1, article 205.1 (“Incitement and other involvement of people in committing a crime envisaged under article 278 of the Russian Criminal Code”), part 1, article 30, (“Preparing actions aimed at a violent seizure of power, or a violent change in the constitutional order”), and part 2, article 282.2 (“Participating in the activity of an extremist organisation) of the Russian Criminal Code to six years of strict regime with one year of restricted freedom and a fine of 150,000 roubles. In custody since July 31, 2012.

Recognised as a political prisoner since his criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/180561.html>

9. **Vitishko, Yevgeny Gennadievich** born July 3, 1973, environmentalist, activist in the regional branch of the Yabloko party. Together with his associate in the organisation Environmental Watch on North Caucasus Suren Gazaryan, charged under part 2, article 167 of the Russian Criminal Code (“Deliberate destruction or harm to someone else’s property, if these acts resulted in the inflicting o significant damage, committed out of hooligan motivations”) for damaging the fence around the dacha of Krasnodar Krai governor Alexander Tkachev. On June 20, 2012 given a three-year suspended prison sentence with two years’ probation; on December 20, 2013 a court cancelled the suspended sentence and replaced it with three years in a penal colony, and on February 12, 2014 the decision came into legal force.

Recognised as a political prisoner since his criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/80252.html>

10. **Galiullin, Rinat Fayzulloovich** born 25.06.1978, member of the banned organisation Hizb ut-Tahrir al-Islami, did not take part in violent actions even according to the investigation’s version of events, sentenced under part 1, article 205.1 (“Incitement and other involvement of people in committing a crime envisaged under article 278 of the Russian Criminal Code”), part 1, article 30, (“Preparing actions aimed at a violent seizure of power, or a violent change in the constitutional order”), and part 2, article 282.2 (“Organising the activity of an extremist organisation”) of the Russian Criminal Code to six years and six months of strict regime with one year of restricted freedom and a fine of 150,000 roubles. In custody since July 31, 2012.

Recognised as a political prisoner since his criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/180561.html>

11. **Garifyanov, Aydar Ralifovich** born in 1976, resident of the Republic of Bashkortostan, sentenced on a charge of involvement in the banned organisation Hizb ut-Tahrir al-Islami under part 1, article 30, and article 278 (“Preparing actions aimed at a violent seizure of power, or a violent change in the constitutional order”), and part 1, article 282.2 (“Organising the activity of an extremist organisation”) of the Russian Criminal Code to six months of strict regime. In custody since August 26, 2013.

Recognised as a political prisoner since his criminal prosecution is being

conducted according to a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/200020.html>

- 12. Gaskarov, Alexei Vladimirovich**, born 1985, employee of a consulting company, anarchist and anti-fascist, former member of the Coordinating Council of the Opposition, sentenced to three years and six months imprisonment in a general-regime colony under part 2, article 212 (“Participating in mass riots”) and part 1, article 318 9 (“Use of force, not dangerous to life or health, in relation to a representative of the authorities”) of the Russian Criminal Code in the Bolotnaya case, charge presented on April 29, 2013. In custody since April 28, 2013.

Recognised as a political prisoner since his criminal prosecution is being conducted exclusively in connection with the non-violent use of his right to free assembly, on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/121776.html>

- 13. Dadin, Ildar Ildusovich** born April 14, 1982, lives in Moscow Oblast, civic activist, charged with committing a crime envisaged under article 212.1 of the Russian Criminal Code (“Multiple violations of the established order for organising or holding gatherings, meetings, demonstrations, marches and pickets”), under house arrest since February 3, 2015.

Recognised as a political prisoner since his criminal prosecution is being conducted exclusively in connection with the non-violent use of his right to free assembly, on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody.

<http://memo.ru/d/224168.html>

- 14. Idelbayev, Rinat Vadimovich** born 27.12.1980, member of the banned organisation Hizb ut-Tahrir al-Islami, did not take part in violent actions even according to the investigation’s version of events, sentenced under part 1, article 205.1 (“Incitement and other involvement of people in committing a crime envisaged under article 278 of the Russian Criminal Code”), part 1, article 30, (“Preparing actions aimed at a violent seizure of power, or a violent change in the constitutional order”), and part 2, article 282.2 (“Participating in the activity of an extremist organisation) of the Russian Criminal Code

to six years of strict regime with one year of restricted freedom and a fine of 150,000 roubles. In custody since July 31, 2012.

Recognised as a political prisoner since his criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/180561.html>

- 15. Izokaitis, Anton Alvidovich** born on November 30, 1987, resides there, secondary professional education, sentenced under part 1, article 205.2 (“Public calls to carry out terrorist activity or public justification of terrorism”) and part 1, article 282 (“Inciting hatred or enmity, and insulting human dignity”) of the Russian Criminal Code to two years in prison in a colony settlement; in custody since July 2015.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation. <http://memo.ru/d/240272.html>

- 16. Ishevsky, Dmitri Vyacheslavovich** born 1983, retired officer in the Russian armed forces, sentenced to three years and two months of imprisonment in a general-regime colony under part 2, article 212 (“Participating in mass riots”) and part 1, article 318 (“Use of force, not dangerous to life or health, in relation to a representative of the authorities”) of the Russian Criminal Code in the Bolotnaya case, charge presented on May 27, 2014. In custody since May 27, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted exclusively in connection with the non-violent use of his right to free assembly, on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/121776.html>

- 17. Kashapov, Rafis Rafailovich** born July 2, 1958, at the time of his arrest living in the town of Naberezhnye Chelny, chairman of the Naberezhnye Chelny branch of the Tatar Public Centre. Sentenced to three years imprisonment under part 1, article 282 (“Inciting hatred or enmity, thereby defaming human dignity”) and article 280.1 (“Public calls for the implementation of actions aimed at violating the territorial integrity of the Russian Federation”) of the Russian Criminal Code, in custody since December 28, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with

a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/235536.html>

- 18. Kolchenko, Alexander Alexandrovich** born November 26, 1989, citizen of Ukraine, lives in Crimea, anti-fascist, suffered an attack by ultra-rightists, worked as a loader at the post office and a print shop, while studying in the correspondence department of the university in the geography faculty. Sentenced to 10 years of strict regime under part 2, article 205.4 (“A terrorist act committed by an organised group”) of the Russian Criminal Code. In custody since May 16, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted with a violation of his right to a fair legal investigation. <http://memo.ru/d/242163.html>

- 19. Kostenko, Alexander Fedorovich** born March 10, 1986, citizen of Ukraine, former employee of the Kiev district branch of the Ukrainian Interior Ministry in the Autonomous Republic of Crimea in the city of Simferopol. On a charge of committing crimes envisaged under point “b” of part 2, article 115 (“Deliberate causing of slight harm to health resulting in short-term decline in health, committed for reasons of ideological hatred or enmity”) and part 1, article 222 (“Illegal possession and carrying of a firearm and ammunition”) of the Russian Criminal Code, sentenced to three years and 11 months of imprisonment in a general-regime colony. Formally in custody since February 6, 2015.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation. <http://memo.ru/d/238940.html>

- 20. Krivov, Sergei Vladimirovich** born 1961, candidate of technical sciences, member of the RPR-PARNAS party, sentenced to three years and nine months of imprisonment in a general-regime colony under part 2, article 212 (“Participating in mass riots”) and part 1, article 318 (“Use of force not dangerous to life or health in relation to a representative of the authorities”) of the Russian Criminal Code in the Bolotnaya case, charge presented on October 19, 2012. In custody since October 18, 2012.

Recognised as a political prisoner since his criminal prosecution is being conducted exclusively in connection with the non-violent use of his right to free assembly, on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use

of the disproportionate measure of holding him in custody. <http://memo.ru/d/121776.html>

21. Kudayev, Rasul Vladimirovich born January 23, 1978, was living in the village of Khasanya near the town of Nalchik, charged with crimes envisaged under points “a”, “e”, “zh” and “z” of part 2, article 105; part 4, article 166; part 3, article 205; part 2, article 209; part 2, article 210; part 3, article 222; part 3, article 30, points “a” and “b”, part 4, article 226; points “a” and “b” of part 4, article 226; article 279; and article 317 of the Russian Criminal Code. Sentenced on December 23, 2014 to life imprisonment in a general-regime colony. In custody since October 23, 2005 in connection with his supposed participation in an attack on Nalchik on October 13, 2005.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking committed by another person, with a violation of his right to a fair legal investigation. <http://memo.ru/d/182430.html>

22. Kulagin, Yevgeny Viktorovich born 1981, resident of the Republic of Bashkortostan, sentenced on a charge of involvement in the banned organisation Hizb ut-Tahrir al-Islami under part 1, article 30 and article 278 (“Preparing actions aimed at a violent seizure of power, or a violent change in the constitutional order”), and part 1, article 282.2 (“Organising the activity of an extremist organisation”) of the Russian Criminal Code to seven years of strict regime. In custody since August 26, 2013.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/200020.html>

23. Kutayev, Ruslan Makhmadiyevich born September 20, 1957, Chechen public activist, candidate of philosophical sciences. Sentenced to three years and 10 months of imprisonment in a general-regime colony on a charge of committing a crime envisaged under part 2, article 228 of the Russian Criminal Code (“Illegal possession and transporting without the aim of selling narcotic substances in large quantity”) in a fabricated case after holding without permission from the authorities of the Chechen Republic a conference on “The deportation of the Chechen people. What was it and can it be forgotten?” In custody since February 20, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a

violation of his right to a fair legal investigation. <http://memo.ru/d/200968.html>

- 24. Lutskevich, Denis Alexandrovich** born 1992, student at the State Academic University of the Humanities, assistant to the deacon in the department of culturology, sentenced to three years and six months of imprisonment in a general-regime colony under part 2, article 212 (“Participating in mass riots”) and part 1, article 318 (“Use of force not dangerous to life or health in relation to a representative of the authorities”) of the Russian Criminal Code in the Bolotnaya case, charge presented on June 18, 2012. In custody since June 8, 2012.

Recognised as a political prisoner since his criminal prosecution is being conducted exclusively in connection with the non-violent use of his right to free assembly, on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/121776.html>

- 25. Margolin, Alexander Yevgeniyevich** born 1971, deputy director of a publishing company, sentenced to three years and six months of imprisonment in a general-regime colony under part 2, article 212 (“Participating in mass riots”) and part 1, article 318 (“Use of force not dangerous to life or health in relation to a representative of the authorities”) of the Russian Criminal Code in the Bolotnaya case, charge presented on February 20, 2013. In custody since February 20, 2013.

Recognised as a political prisoner since his criminal prosecution is being conducted exclusively in connection with the non-violent use of his right to free assembly, on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/121776.html>

- 26. Matveyev, Igor Vladimirovich** born February 17, 1974, former major in the Internal Troops of the Russian Interior Ministry, serving in Primorsky Krai at the time of his sentencing. Illegally sentenced on September 9, 2011 under point “a” of part 3, article 286 of the Russian Criminal Code (“Exceeding one’s authority, committed with the use of force or the threat of its use”) and on December 10, 2014 under part 3, article 286 and part 3, article 159 (“Embezzlement committed by a person with the use of their position of employment”) of the Russian Criminal Code to four years and five months of imprisonment with the removal of his military rank. In custody since May 2011.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation. <http://memo.ru/d/153766.html>

- 27. Navalny, Oleg Anatoliyevich** born 1983, brother of Alexei Navalny, former employee of the federal Russian Post Office, sentenced on December 30, 2014 in the Yves Rocher case under part 3, article 159 (“Embezzlement in large measure”), part 3, article 159.4 (“Embezzlement in the sphere of business activity in particularly large measure”), and point “a” of part 2, article 174.1 (“Legalisation of financial resources acquired by a person as a result of a crime committed by him, in large measure”) of the Russian Criminal Code to three years and six months of imprisonment in a general-regime colony and a fine of 500,000 roubles. In custody since December 30, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation. <http://memo.ru/d/153769.html>

- 28. Nasyrov, Vadim Gayfullayevich** born 17.02.1981, member of the banned organisation Hizb ut-Tahrir al-Islami, did not take part in violent actions even according to the investigation’s version of events, sentenced under part 1, article 205.1 (“Incitement and other involvement of people in committing a crime envisaged under article 278 of the Russian Criminal Code”), part 1, article 30, (“Preparing actions aimed at a violent seizure of power, or a violent change in the constitutional order”), and part 2, article 282.2 (“Participating in the activity of an extremist organisation) of the Russian Criminal Code to six years of strict regime with one year of restricted freedom and a fine of 150,000 roubles. In custody since July 31, 2012.

Recognised as a political prisoner since his criminal prosecution is being conducted according to a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/180561.html>

- 29. Nepomnyashchikh, Ivan Andreyevich** born 1990, design engineer for the Rodina scientific-production association, resident of the town of Sergiyev Posad in Moscow Oblast, charged under part 2, article 212 (“Participating in mass riots”) and part 1, article 318 (“Use of force not dangerous to life or health in relation to a representative of the authorities”) of the Russian Criminal Code. On February 26 the Basmany district court placed him

under house arrest until April 6, 2015, charge presented on March 2, 2015. In custody since February 25, 2015.

Recognised as a political prisoner since his criminal prosecution is being conducted exclusively in connection with the non-violent use of his right to free assembly, on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/121776.html>

- 30. Osipova, Taisiya Vitaliyevna** born August 26, 1984, political activist. Resides in the city of Smolensk, is a victim of persecution on the part of the law-enforcement bodies, due to her membership in the organisation Other Russia. Sentenced on December 29, 2011 under part 3, article 228.1 of the Russian Criminal Code (“Illegal manufacturing, sale or transporting of narcotic substances in particularly large quantities”) by a judge in the Zadneprovsky court of Smolensk, Y.N. Dvoryanchikov, to 10 years’ imprisonment. On February 15, 2012 her sentence was cancelled by Smolensk Oblast court, and the case was sent for review. On August 28, 2012 she was sentenced to eight years’ imprisonment, although the prosecutor had asked for four years. In custody since November 23, 2010.

Recognised as a political prisoner since her criminal prosecution is being conducted with a violation of her right to a fair legal investigation. <http://memo.ru/d/2719.html>

- 31. Pivovarov, Andrei Sergeyeovich** born September 23, 1981, deputy editor-in-chief of Media Group Shum, member of the coordinating council of PARNAS party, charged with committing crimes envisaged under part 3, article 272 (“Illegal access to computer data protected by law, if this action involves modifying or copying computer data, committed by a group of people by preliminary agreement”), part 4, article 33 and part 1, article 286 (“Incitement to exceed authorities of a job”) of the Russian Criminal Code. In custody since July 27, 2015.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/242190.html>

- 32. Pichugin, Alexei Vladimirovich** born July 25, 1962, former head of the department of internal economic security for the oil company YUKOS. Two guilty verdicts, in 2005 and 2007, under article 162 (“Robbery”) and article

105 (“Murder”) of the Russian Criminal Code, sentenced as a consequence to life imprisonment in a general-regime colony. During the investigation and trials multiple violations were noted which allow us to assert that Pichugin’s guilt was not proven, and that the evidence on which the verdicts were based was falsified. In custody since June 19, 2003.

Recognised as a political prisoner since his criminal prosecution is being conducted with a violation of his right to a fair legal investigation. <http://memo.ru/d/892.html>

- 33. Podrezov, Vladimir Alexandrovich** born 1992, roofer (a person who enjoys climbing on the roofs of tall buildings), sentenced to 2 years 3 months imprisonment under part 2, article 214 (“Vandalism committed by a group of people”) of the Russian Criminal Code in the case on the painting of the star on the spire of a skyscraper on Kotelnicheskaya Naberezhnaya. In custody since August 28, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/231447.html>

- 34. Polikhovich, Alexei Alexeyevich** born 1990, student at the Russian State Social University, sentenced to three years and six months of imprisonment in a general-regime colony under part 2, article 212 (“Participating in mass riots”) and part 1, article 318 (“Use of force not dangerous to life or health in relation to a representative of the authorities”) of the Russian Criminal Code in the Bolotnaya case, charge under part 2, article 212 of the Russian Criminal Code presented on August 3, 2012, and on the day after Putin’s press conference, December 21, 2012, presented with the additional charge under part 1, article 318 of the Russian Criminal Code. In custody since July 25, 2012.

Recognised as a political prisoner since his criminal prosecution is being conducted exclusively in connection with the non-violent use of his right to free assembly, on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/121776.html>

- 35. Razvozzhayev, Leonid Mikhailovich** born 12.06.1973, member of the Coordinating Council of the Opposition, after a showing on NTV of the propaganda film “Anatomy of a Protest-2” sentenced under part 1, article 30 and part 1, article 212 of the Russian Criminal Code (“Preparing to organise

mass riots”) and part 1, article 212 of the Russian Criminal Code (“Organising mass riots”) to four years and six months of imprisonment in a general-regime colony and a fine of 150,000 roubles. In custody since October 19, 2012, when he was abducted from the territory of Ukraine.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/145391.html>

- 36. Reznik, Sergei Eduardovich** born April 10, 1976, deputy director of the Rostov branch of the company ASK-Plus for PR, journalist, blogger. For two guilty verdicts, on November 26, 2013 under point “b” of part 2, article 204 (“Commercial payments, committed for the purpose of illegal activity”), part 3, article 306 (“Deliberate false testimony about the committing of a crime, or the artificial creation of evidence of guilt”), and article 319 (“Insulting a representative of the authorities”) of the Russian Criminal Code, and on January 22, 2015 under part 2, article 306 (“Deliberate false testimony about the committing of a crime, or accusing a person of committing a serious or very serious crime”), and two episodes under article 319 of the Russian Criminal Code, sentenced to two years and 11 months in a general-regime colony with the removal of his right to engage in journalistic activity for one year and 10 months. In custody since November 26, 2013.

Recognised as a political prisoner since his criminal prosecution is being conducted exclusively in connection with his non-violent use of his right to free expression of his opinion, on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation. <http://memo.ru/d/182431.html>

- 37. Savchenko, Nadezhda Viktorovna** born May 11, 1981, citizen of Ukraine, serving in the Ukrainian armed forces, resides in Kiev, being held in custody on a charge of a crime envisaged in part 5, article 33 points “a”, “b”, “e”, “zh” and “i” and part 2, article 105 of the Russian Criminal Code (“Accomplice to the murder of two or more people in connection with the conducting of the work of those people, committed in a dangerous way by a group of people with the motive of political hatred”); de facto in custody on the territory of Russia since June 24, 2014, formally taken into custody on June 30, 2014.

Recognised as a political prisoner since her criminal prosecution is being conducted with a violation of her right to a fair legal investigation. <http://memo.ru/d/212807.html>

38. Satayev, Rasim Radikovich born 1988, resident of the Republic of Bashkortostan, sentenced on a charge of involvement in the banned organisation Hizb ut-Tahrir al-Islami under part 1, article 30 and article 278 (“Preparing actions aimed at a violent seizure of power or a violent change in the constitutional order”), and part 1, article 282.2 (“Organising the activity of an extremist organisation”) of the Russian Criminal Code to six years and six months of strict regime. In custody since August 26, 2013.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/200020.html>

39. Sentsov, Oleg Gennadyevich born July 13, 1976, citizen of Ukraine, lived in Simferopol, Crimea, film director, producer, Automaidan activist, supported the movement for a united Ukraine in Crimea in February-March 2014. Sentenced to 20 years of strict regime under part 1, article 205.4 (“Organising a terrorist group”), two episodes envisaged under point “a” of part 2, article 205 (“A terrorist act committed by an organised group”), part 1, article 30, point “a” of part 2, article 205 (“Preparing a terrorist act”), part 3, article 30, part 3, article 222 (“Attempted illegal acquisition of a weapon and explosive devices”), and part 3, article 222 (“Illegal acquisition and possession of a weapon and explosive devices”) of the Russian Criminal Code. In custody since May 11, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted with a violation of his right to a fair legal investigation. <http://memo.ru/d/242162.html>

40. Sutuga, Alexei Vladimirovich born January 24, 1986, lived in Moscow, unskilled worker, participant in the anti-fascist movement and political and environmental civic initiatives, including as part of the anarchist movement “Autonomous Action”. Under part 2, article 213 (“Hooliganism committed by a group of people by preliminary agreement”) of the Russian Criminal Code he was sentenced by a judge in the Zamoskvoretsky court, Yelena Korobchenko, well known as a consequence of her sentence in the case of the Navalny brothers, to three years and one month in a general-regime colony; in custody since April 5, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted with a violation of his right to a fair legal investigation. <http://memo.ru/d/229130.html>

41. Tikhonov, Leonid Ivanovich born March 25, 1963, living in the town of Nakhodka in Primorsky Krai at the time when sentence was passed. Worked as a docker-machine operator at Vostochny Port, and since 2003 was head of the professional committee of the Russian Union of Dockers at the Vostochny Port Joint Stock Company. On December 15, 2014 he was sentenced by a judge in the Nakhodka city court, Maxim Mikhailovich Kiselev, under part 3, article 160 of the Russian Criminal Code (“Acquiring or spending with the use of one’s position of employment, and in large measure”) to three years and six months of imprisonment in a general-regime colony with a ban on engaging in trade union activity for three years. Taken into custody on December 15, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation. <http://memo.ru/d/234514.html>

42. Udaltsov, Sergei Stanislavovich, born 16.04.1977, former member of the Coordinating Council of the Opposition, leader of the Left Front, after the showing on NTV of the propaganda film “Anatomy of a Protest-2” sentenced under part 1, article 30 and part 1, article 212 of the Russian Criminal Code (“Preparing to organise mass riots”) and part 1, article 212 of the Russian Criminal Code (“Organising mass riots”) to four years and six months of imprisonment in a general-regime colony, under house arrest from February 9, 2013 until being taken into custody on July 24, 2014.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/145391.html>

43. Khamadayev, Alexei Alfrtovich, born 1982, resident of the Republic of Bashkortostan, sentenced on a charge of involvement in the banned organisation Hizb ut-Tahrir al-Islami under part 1, article 30 and article 278 (“Preparing actions aimed at a violent seizure of power or violent change in the constitutional order”) and part 1, article 282.2 (“Organising the activity of an extremist organisation”) of the Russian Criminal Code to six years of strict regime. In custody since August 26, 2013.

Recognised as a political prisoner since his criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of his right to a fair legal investigation and the use of the disproportionate measure of holding him in custody. <http://memo.ru/d/200020.html>

44. Kharebava, Yekaterina Zhorzhiievna born 1969, lived in Sochi, accountant by education, resided in the town of Sochi since the 1990s, and was working as a market vendor at the time of her arrest in 2013. On November 14, 2014 she was sentenced under article 276 of the Russian Criminal Code (“Espionage”) to six years in a general-regime colony; in custody since May 24, 2013.

Recognised as a political prisoner since her criminal prosecution is being conducted on a charge of lawbreaking, the event of which is absent, with a violation of her right to a fair legal investigation and the use of the disproportionate measure of holding her in custody. <http://memo.ru/d/235051.html>

45. Shaykhtudinov, Fanis Aglyamovich born 27.06.1965, Muslim, sentenced in 2006 to 10.5 years in prison under articles 205 (“Terrorism”) and 222 (“Possession of weapons and ammunition”) on a falsified charge of participating in the explosion of a small heating pipeline in the town of Bugulma, which did not result in any casualties or damage. Initially detained on April 1, 2005. Acquitted in a jury trial in the first examination of the case, their verdict was overturned by the Supreme Court of the Russian Federation.

Recognised as a political prisoner since his criminal prosecution is being conducted with a violation of his right to a fair legal investigation. <http://memo.ru/d/2947.html>



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Brief Review of Xenophobia, Freedom of Religion and Inappropriate Use of Anti- Extremist Legislation in Russia from January 2014 to August 2015

Xenophobia and Radical Nationalism in Russia and Efforts to Counteract Them

In the Russian Federation, the trend of decreasing racist and neo-Nazi attacks which was observed in 2014 continued in 2015. There are two main reasons for this: 1) Russian nationalists shifted their attention from anti-migrant campaigning to issues related to the conflict in Ukraine; 2) Authorities started to enforce legislation more strictly and there were more court cases and convictions for racist violence, vandalism and related activities. However, the SOVA Center believes that this decrease in radical nationalism is unfortunately only temporary and not sustainable, as the measures taken by authorities are not systematic and are often targeted at oppositional groups, rather than at combating xenophobia and radical nationalism.

The nationalist and far-right movement remains weakened and divided over the Ukrainian conflict. Some organizations support the annexation of Crimea

and war in Eastern Ukraine, viewing it as a just war for the ethnic union of the Russian people and Russian lands. Others oppose it as they view a war in which Russians and Ukrainians are killing each other undermines Slavic unity. Both groups are dissatisfied with the policy of Russian Government towards the conflict. The first group believes Putin's response is too mild – they would prefer Russia's open involvement in a war against the Ukrainian nationalists. The second group is not satisfied because they believe that supporting separatists in Eastern Ukraine contradicts Russian national interests.

Sometimes this ideological split over Ukraine divides the membership of an organization and undermines its former strength. For example “the Russians” Association lost the support of many of its members resulting in the association's de-facto disintegration. Consequently far-right movements were less efficient in organizing traditional nationalist events. The annual “Russian March” event in Moscow and nationally had far fewer participants than in recent years. Other traditional nationalist actions followed this pattern in 2014. Therefore, in 2015 a number of groups have tried to avoid raising Ukrainian issue. The most striking example is the National Socialist Initiative (NSI), which prohibited its associates from demonstrating any position on the subject under the threat of being ousted.

The attitude of authorities to Ukraine-related activities of right-wing movements also changed in 2015. The government took steps to establish more control over the events and discourse related to the conflict in Ukraine. For instance, the leaders of the “Battle for Donbass” coalition (a union of right-wing organizations which emerged as pro-government initiative in 2014) were searched by police – which sent a clear signal that presence of such independent groups in this sphere was no longer desirable. Pro-government nationalist movements – “Anti-Maidan” and the National Liberation Movement (NOD, headed by Yevgeny Fyodorov, a Duma Deputy from the United Russia) managed to organize two really large rallies in February and March, but have not been particularly active since then.

The Russian ultranationalists are not just involved in debating Ukrainian issue, they actually participate in the fighting in Donbass. The ideological split plays out in real life as Russian nationalists join both the Ukrainian forces and the separatists. The number of nationalists fighting for “Novorossiia” is estimated at a few hundred, not counting Cossacks. Several dozens of Russian nationalists are believed to be fighting for Ukrainian side.

Why SOVA believes far-right and nationalist groups will resume violence?

The nature of extremist violence did not change. Most victims were perceived by their attackers as “ethnic outsiders” and include migrants from Central Asia (14 killed and 25 injured in 2014); unidentified “non-Slavic” (2 killed, 9 injured) and from the Caucasus (3 killed and 14 injured), various believers (2 killed and 12 injured, almost all – Jehovah Witnesses), 15 people were injured in 2014 in attacks against people with dark-skin

Right-wing radicals increasingly attack their political and ideological adversaries (15 injured in 2014). Also, nationalists attack those whom they consider as “national traitors” or the “fifth column.” In 2015 NOD activists attacked events organised by liberal movements and NGOs. The SERB group tried to organize an attack against the Sakharov Center, which hosted a charity night in support of prisoners of conscience on June 27, 2015.

The para-military activities of far-right organizations are becoming increasingly professional. The far-right organized camps and training in martial arts and combat skills to keep activists “battle ready”. Such activities are now regular and more formalized. Right-wing websites feature calls to learn hand-to-hand combat, combat tactics and shooting.

State response to xenophobia and radical nationalism in 2014

In 2014, there were 21 court sentences for **racist violence**, and 45 people were found guilty of hate crimes. This figure was 30% lower than in 2013. In the first half of 2015 the number of court rulings remained on the same level as in 2014 – 11 sentences were handed down with 24 persons convicted. Some sentences for racist violence were too lenient, which leads to a sense of impunity.

The law enforcement authorities actively **prosecuted activists of the most notorious nationalist organizations**, including those affiliated with the Restrukt! and “The Russians” movements. The Restrukt! Leader Maxim “Tesak” Martsinkevich was sentenced to 2 years and 10 months imprisonment for inciting ethnic hatred with the threat of violence. 20 other members of Restrukt! were prosecuted in a group trial and accused of attacking vendors, hooliganism and robbery. Ultra-right activists close to “The Russians” and members of the St. Petersburg group “Russian Sweeps” (*Russkie zachistki*) were also brought to

justice. Criminal cases have been brought against members of the Ataka movement (a “Restrukt!” splinter group). Nikolai Bondarik, the St. Petersburg leader of the “Russian Sweeps” was sentenced in August 2015.

6 people were sentenced for **ethno-religious and neo-Nazi vandalism** in 2014 and 4 people in the first half of 2015. Unusually, all convicted offenders received prison sentences ranging from two months to three years.

The number of **propaganda-related convictions** continued to grow and far exceeded the number of other extremism-related convictions combined. At least 153 guilty verdicts for xenophobic propaganda were issued in 2014 to 158 people. In the first half of 2015, there were at least 85 convictions for xenophobic propaganda against 92 people. (These numbers do not include those sentences which we see as unjust ones.)

There was an increase in cases of **administrative prosecution** related to “extremism” in 2014. Preliminary data indicates 47 cases of administrative penalties issued under Article 20.3 (“propaganda and public demonstration of Nazi attributes or symbols”), mainly imposed for posting or selling fascist images online. Perpetrators were given fines in most cases, although 7 people were detained for from five to 15 days. Fines were also issued in 43 cases for mass distribution of extremist materials, in cases of sharing materials from the Federal List of Extremist Materials on social networks. Penalties under anti-extremist articles of the Administrative Code were even more numerous in 2015 than in the preceding year. In 2015 convictions for “propaganda or public demonstration of Nazi paraphernalia or symbols” grew significantly – 29 cases against 18 in first half of 2014. Convictions for the “mass distribution of extremist materials, as well as the production or storage with intent to distribute” remained on the same level – 44 cases against 43.

The **Federal List of Extremist Materials** grew throughout 2014 and the first half of 2015, but its quality remains low and the mechanism remains dysfunctional. The list is compiled and maintained haphazardly, items are described incorrectly and the list includes, for example, scholarly articles on the history of WWII. This indicates that inadequate attention is paid by prosecutors and courts to the exact content of the material they are banning. Other materials, such as texts of the Jehovah’s Witnesses or books by Said Nursi have been incorrectly classified as extremist. over 3000 items were recorded in the list by the end of August 2015.

Prosecutors increased efforts to **block access to restricted materials**. From mid

2014 onwards, prosecutors and courts began banning whole websites rather than individual texts for “*providing information forbidden for dissemination in the Russian Federation*”. Such cases are handled through an expedited procedure, in which the Court merely establishes the content of the materials. The courts take decisions based on the Federal List of Extremist Materials, which inevitably leads to numerous inappropriate decisions when web-sites are banned for posting religious literature, for example.

A new system of Internet filtering, based on the Unified Register of Banned Websites is being hastily developed. According to the data on the Roskomsvoboda website, as of summer 2015 there are no less than 216 banned resources (the List has over 10 thousand entries in total). Based on the data available to the SOVA Center 65 resources were added for “extremism” based on court decisions in 2015. Restrictions against ultra-right or Islamist militant videos coexist with blocking of perfectly harmless resources (i.e. Nursi’s books). An observer gets the general feeling that the URLs to be blocked are selected at random – the number of potentially problematic resources is enormous, and restricting all of them is clearly impossible.

The Law on the Register of Banned Websites is supplemented by “**Lugovoy’s law**,” which provides instruments for extrajudicial blocking of websites inciting to extremist actions or riots. Such bans can be imposed at the request of the Prosecutor General without a court judgment. As of July 2015, 209 resources were blocked under this law, including peaceful oppositional websites, materials from the Ukrainian media, and radical anti-Russian statements from Ukraine. We estimate that at least one-third of the registry is composed of oppositional websites, clearly demonstrating that extrajudicial blocking, based only upon suspicion of “sedition,” inevitably leads to arbitrariness, abuse of power, and constitutes an attack on freedom of speech.

Recommendations:

More active engagement of the international community is urgently needed to combat xenophobia and radical nationalism in Russia. Several initiatives could be launched in the framework of OSCE and CoE:

- Under OSCE, or as a separate initiative of several EU countries, a working group should be established to monitor the military activities of ultranationalists in the zones of armed conflict in Ukraine. Such group should ensure that war crimes committed by ultranationalists are investigated;

- Strategies should be developed to address the potential threats posed by far-right activists who have participated in the conflict in Ukraine and who may potentially contribute to xenophobic and racist violence either in Ukraine or upon return to their countries;
- Programs should be launched to record and share experience gained from initiatives to combat racist violence including specific criminal investigations, detection and destruction of the groups' infrastructure, isolation of funding sources, identification of organizers and coordinators of violent actions, etc.;
- A working group should be established to assess the effectiveness of national legislation in terms of countering hate crimes, incitement to hatred and related activities, and make recommendations for legislative improvements;
- Programs to promote cooperation and dialogue with non-governmental organizations which monitor racist groups, and consultation with them on law enforcement issues should be supported and expanded.

The international community should urge the Russian Federation to:

- amend existing anti-extremist legislation to make it easier to implement as an effective tool for fighting those manifestations of racism and xenophobia which are related to violence, and to ensure that anti-extremist legislation is amended to avoid unjustified restrictions of basic human rights;
- amend legislation on hate crimes and related activities, including public incitement, organizing, financing, etc to ensure that legislation prioritizes bringing to justice those who are responsible for dangerous crimes against the person. The internal policies and regulations of law enforcement agencies should reflect the same priorities;
- train law enforcement personnel in the detection and prevention of offenses motivated by racial and xenophobic hatred.
- ensure that far-right activists found guilty of conducting illegal raids on the workplaces and residences of migrants are brought to justice in a fair trial and, if found guilty, given a punishment commensurate with the gravity of the offence.
- instruct public officials not to publicly express intolerance or disrespect

in regard to any group based on race, colour, ethnic or national origin, religion or belief. Civil service legislation should include effective sanctions against such actions;

- publish official hate crime statistics, highlighting the different types, regions, and number of victims. These statistics should be based on court decisions and not on the number of criminal cases opened.

Freedom of Religion and Belief in Russia: 2014-2015

Arbitrary detentions, travel restrictions and administrative fines for violating obscure legislation – these are examples of the problems religious minorities in the Russian Federation face. Many religious groups are deprived of adequate places of worship, and do not have resources to secure legal protection when they are persecuted by authorities. Consequently, freedom of thought, freedom of religion, as well as the freedoms of assembly and association – as set by the European Convention for the Protection of Human Rights and Fundamental Freedoms – face serious challenges in Russia. The obvious bias of Russian officials in support of the Russian Orthodox Church disadvantages minority religious groups and subtly manipulates the attitudes of the general public. Such social conditioning is perpetuated by the disingenuous reporting of national and regional news outlets. The result is a limited social space in which members of minority religions can observe their beliefs and traditions free from harassment.

Overall, religious discrimination was characterized in 2014 – 2015 by bias against Muslims and members of new religions, as well as several instances of discrimination against Protestants.

The privileged status of the Russian Orthodox Church (ROC) can be illustrated by the following:

- Orthodox churches enjoy the full backing of local and regional authorities in constructing new places of worship. (For instance “Program-200” – the construction of 200 churches in Moscow). Municipal authorities have been known to back construction even when local communities oppose it, and would instead prefer to preserve green spaces and historic areas.

- In 2014 the ROC received the majority of state funds for the restoration of religious sites. There are numerous examples of property being transferred to ROC by municipal authorities. Some of these transfers resulted in the ROC receiving property that was previously owned by cultural organizations and museums.
- There are also multiple cases when authorities take the side of Russian Orthodox activists who claim that cultural events are hurting their religious feelings. For instance, artists in the city of Perm were made to pay a fine on charges of hooliganism for having painted graffiti “Gagarin Crucifix”.

Religious groups often face challenges from the discriminatory policies of the state authorities and intimidation by civic groups.

- **Deprivation from places of worship.** In 2014 Muslim communities faced obstacles in constructing new religious sites. Authorities routinely revoked permits for the construction of mosques, or even demolished partially completed mosques. However, hurdles faced by Muslim communities are caused not only by discriminatory state policies, but also by prejudiced public opinion. Right wing political groups were often behind the protests against construction of Mosques.
- **Disbandment of religious organizations.** SOVA center believes that the most dangerous practice is officially recognizing religious groups as extremist, which results in their disbandment. In several cases, groups deemed to be “extremist,” such as the Jehovah’s Witnesses, were banned. A madrasa attached to the Zangar mosque in Kazan was also closed, as was the Christian charity fund AGAFE in St Petersburg. The latter two were charged with violations of the Administrative code.
- **Violence.** Religious intolerance manifested itself in physical violence on several occasions. Two people were killed and six were injured in a shooting at an Orthodox church in Yuzhno-Sakhalinsk. In Moscow, a woman in Muslim dress was stabbed and a yeshiva student was beaten. The majority of the victims of physical violence were Jehovah’s Witnesses while conducting door-to-door missionary work. The conflicts around construction of Russian Orthodox Church in Moscow also led to violence. In Arkhangelsk a synagogue was shelled.
- **Persecution of preachers.** Jehovah’s Witnessess going door-to-door were detained in 24 different regions throughout the country. The preachers

were routinely taken into custody, their identifying information was recorded and they were subject to questioning.

- **Intimidation by police.** Members of the Falun Gong faced police harassment and questioning. In more than one instance, offices of Falun Gong members were searched by police and their computers were seized. In one case, the FSB raided a kindergarten directed by a member of the Falun Gong.
- **Arbitrary detentions.** On 15 August 2014 in Moscow no fewer than 100 Muslims were detained before Friday prayers, held at various police stations and subsequently released with no charges or explanation. Several of those detained were beaten. In another case, Muslim community members were rounded up by a Special Forces team after freeing a member of their community who had been arbitrarily detained by police.
- **Restriction of freedom of assembly.** In Sochi the leader of an Evangelical group was fined for “conducting a public event without filing a notice in the prescribed manner” because he was reading and discussing the Bible in a café.
- **Abusive applications of anti-extremist policy, especially against alternative religious opinions.** Elvira Sultanakhmetova was sentenced to public works for hate speech, namely the statement that Muslims should not celebrate New Year or other non-Muslim holidays.
- **Targeted regulations and selective law enforcement.** The government of Mordovia approved the regulation which effectively outlawed wearing the hijab in school. The Muslim community appealed to the court, but the Supreme Court of the Russian Federation upheld the restrictions as lawful. It should be noted that in other regions of the Russian Federation girls are allowed to wear hijab in class. And in the Chechen Republic it is obligatory, which is another restrictive approach.

Recommendations

- The international community should urge the Russian Federation to:
- Uphold the right to freedom of religion and belief of all individuals in the Russian Federation;
- Investigate all incidents of violence and police brutality resulting from

religious intolerance and consistently prosecute such violations to the full extent of the law;

- Clarify registration procedures and non-discriminatory application of laws governing the acquisition of premises for religious purposes;
- Accept that religious tolerance should be protected by the same mechanisms as other forms of tolerance, and refrain from creating special rules that restrict other freedoms only for religious tolerance;
- Prevent the enactment of new laws and other legal acts that are aimed at restricting public expression of religious beliefs.

Inappropriate Use of Anti-Extremist Legislation from January 2014 through August 2015, in Brief

This brief overview focuses on major legislative initiatives and criminal law enforcement statistics that pertain to combating extremism in the time period, when the events in Ukraine have become a major factor in Russia's internal life. However, this report covers only the aspects of legislation and law enforcement practice that we see as leading to human rights violations and excessive restrictions of civil liberties.

Misuse of anti-extremist legislation falls into two major categories.

The first one can be described as “excessive implementation,” stemming from low quality of the law enforcement training and from the fact that the law enforcement officers are primarily interested in boosting up their reporting statistics, but, most importantly, from poor quality of the anti-extremist legislation per se. This first category has generally remained quite stable, although abuses that are not curbed have a natural tendency to multiply over time.

The second category represents deliberate development of suppression mechanisms targeting the oppositional or simply independent forms of activity. This category has become much more pronounced starting in mid-2012 on the height of the protest movement; however, the repressive component in

legislation and law enforcement in our area of interest has continued to grow despite the decline in the oppositional activity. The Ukrainian events gave a new impetus to this process, and a number of new laws, aimed at tightening the anti-extremism legislation and expanding the “illegal zone,” were introduced in 2014. In 2015, the creation of legislative norms in this area has begun to decline, apparently due to the fact that the ideas, which could be implemented given the current political situation, were already put into practice in the course of the preceding year. Notably, the new crimes and offenses are defined in such a way that their literal application is either impossible or would lead to mass repressions, but in practice these rules are applied very selectively.

Below we will review the legislative innovations that pose a clear danger of imposing undue restrictions on rights and freedoms.

The law on “insulting the feelings of believers,” that is, the new Part 1 of the Criminal Code Article 148, “*Public actions, expressing obvious disrespect for society and committed to insult the religious feelings of believers,*” came into force in early 2014. Penalties range from fines with no minimum amount to one year in prison. From the existing law enforcement practice we can infer that the law pertains to actual actions, but, based on its warning, it can also be used against statements.

In the context of the fight against the “rehabilitation of Nazism” a new article 354.1 was added to the Criminal Code, according to which not only denial of Nazi crimes, but also dissemination of false information about the activities of the Soviet Union in World War II, connected with accusing it of committing crimes, established by the verdict of the Nuremberg Tribunal, is punishable by a fine of up to 300 thousand rubles or imprisonment up to five years.

Second, the authorities have apparently appointed themselves the impossible task of stopping online distribution of information perceived as dangerous to themselves or the society as a whole.

The 2014 “Law on Bloggers” demands that server owners notify Roskomnadzor upon starting their activities, store their user activity data for six months, and make it available to law enforcement agencies in cases stipulated by law, as well as comply with the hardware and software requirements, which facilitate operational and investigative activities. Owners of relatively popular websites or social network accounts (the ones with over 3000 visitors a day) are required to register, reveal their real name, and face other obligations.

Since 2014, the fact that the statement was made on the Internet, has become an aggravating circumstance in cases of incitement to extremism (the Criminal Code Article 280) or separatism (Article 280.1).

Due to Russia's involvement in Ukraine, a significant portion of the anti-extremist law enforcement abuses is related to statements and actions related to the Ukrainian events, in one way or another. The number of inappropriately opened criminal cases, which involve various charges of "incitement to hatred," increased during the period under review. Persecution against religious minorities, most frequently Jehovah's Witnesses and followers of Said Nursi, continued as well. Criminal sentences were still imposed for the wide range of intolerant statements that contained no illegal incitement and clearly presented no public danger.

We view 11 verdicts against 13 persons, rendered under Article 282 (incitement to hatred) in 2014 through August 2015, as inappropriate. For example, a school teacher Alexander Byvshev from Kromy, the Orel Region, was sentenced to 300 hours of mandatory labor, with the two-year ban on professional practice and with confiscation of his laptop, for posting online his poem, which called on the Ukrainians to meet invaders with armed resistance. The sentence issued against Elvira Sultanakhmetova of Pervouralsk, the Sverdlovsk Region, is also indicative; she received 120 hours of mandatory labor for her social network comment, in which she appealed to Muslims, urging them to refrain from celebrating the New Year – a pagan holiday. Only four criminal cases, improperly opened under Article 282, were closed during the period under review; meanwhile, about thirty new such cases were opened.

Two court cases, initiated in Chechnya under Article 148 Part 1 of the Criminal Code for insulting the feelings of believers, are causing some doubt, but we don't yet have enough information to judge the appropriateness of the charges.

No wrongful convictions under the Criminal Code Article 280 were recorded in 2014; one such verdict was issued in the first half of 2015 – against opposition activist Anton Podchasov from Barnaul, who was sentenced to a year and a half in prison for sharing online a text hostile to (ethnic) Russians. However, ten new inappropriate or questionable cases were filed under this article in 2014 – August 2015.

Three criminal cases were inappropriately opened under Article 280.1 of the Criminal Code. One of them targets Refat Chubarov, the leader of the Mejlis of the Crimean Tatar People, for speaking out in favor of returning Crimea to Ukraine.

Ten wrongful convictions were issued over the past 1.5 years under Article 282.2 of the Criminal Code. 26 people were convicted for organizing activity of an organization, recognized as extremist, or participation in such an organization. Thus, three Ulyanovsk residents received sentences of 3 years 6 months in a penal colony, one year eight months in a penal colony and a suspended sentence of two years for their involvement in Nurcular – an organization, which in reality, is non-existent in Russia. At least four new cases were inappropriately opened under this article.

One inappropriate sentence under Article 205.2 of the Criminal Code (public incitement to terrorist activity or justification of terrorism) was issued to Anton Izokaitis, a resident of Staraya Russa, for the squabble at the police station in the morning after the New Year celebrations; he received a punishment of two years in a penal colony. Two new cases were opened, but one of them has since been closed.

The period under review saw one inappropriate sentence under Part 2 of Article 213 (hooliganism with the hate motive) against three persons – the activists from Kaliningrad received real prison terms equal to those they spent in pre-trial detention for hanging the German flag on the local FSB building. At least one new criminal case under Article 214 (vandalism), one more case under Article 214, and one more case under Articles 213 and 214 were opened. The hate motive was established in these three cases, which, we believe, was actually absent.

So, overall, 23 inappropriate sentences against 43 people, issued in 2014 through August 2015, involved charges under anti-extremist articles of the Criminal Code. The verdict against one of these defendants was later canceled. At the same time, we know of at least 51 criminal cases inappropriately opened during this period.

The Code of Administrative Offences also includes a number of articles utilized

in the fight against extremism. Please note that our data in this area is far from complete. The majority of inappropriate legal actions are associated with the Administrative Code Article 20.29 (mass dissemination of extremist materials, or possession with intent to distribute). In the period under review, we recorded a significant increase in wrongful convictions under this article. The number of inappropriate court judgments under Article 20.3 of the Administrative Code for the propaganda and demonstration of extremist symbols has also increased in comparison with preceding years.

Cumbersome and riddled with errors, the Federal List of Extremist Materials added 846 items in 2014 through August 2015, and it now exceeds 3000 items in total. Its rate of growth has declined slightly, probably due to the fact that both the Unified Register of Banned Websites, blocked by the courts, and the list of sites blocked under “Lugovoy’s law” by the General Prosecutor’s Office together with Roskomnadzor have already begun to function during this period; some online materials must have ended up on one of these two lists instead. The first one now includes 235 items and lists resources recognized as extremist; the second one contains 219 items representing the pages blocked for incitement to extremist activity or calls for unauthorized public actions. In the period under review, inappropriate bans account for dozens of titles on each of these three lists, including religious materials, materials by the political opposition, the works by historians, and so on.

Recommendations:

- The international community should urge the Russian Federation to:
- Revise anti-extremism legislation to reduce the applicability of provisions on extremism only to actions that involve the use of violence or incitement to violence, or any support of violence, and ensure that such provisions do not lend themselves to infringement of freedom of thought, conscience and religion, freedom of expression and other fundamental liberties;
- Put an end to ongoing investigations, and reconsider previous cases against individuals and organizations accused of “extremism” merely for exercising their human rights protected under international law (for example, preparing and distributing publications that proclaim the righteousness and superiority of particular beliefs or by engaging in criticism of political or faith issues);

- Refuse such legal tool as the Federal List of Banned Extremist Materials, as this mechanism proves inefficiency in counteraction to socially dangerous acts and generates numerous infringements of basic rights and freedoms.



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Crackdown on civil society in Russia

**A report by the Public Verdict Foundation
with support of the EU-Russia Civil Society
Forum and the Civic Solidarity Platform¹**

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In the past few years, the Russian Federation has adopted a number of laws significantly restricting fundamental rights and freedoms. Some of these new laws undermine the guarantees of the right to freedom of association—in particular, by introducing concepts such as ‘non-profit organizations performing the functions of a foreign agent’ and ‘undesirable international and foreign non-governmental organizations’. Being branded a ‘foreign agent’ or ‘undesirable organization’ leads to substantial restrictions or, in certain cases, a total ban on activities, heavy fines and potential criminal charges.

¹ The first version of this report was produced jointly by the Public Verdict Foundation and the EU-Russia Civil Society Forum and presented in Brussels on 29-30 June 2015.

The Foreign Agents Law

Since mid-2014, a pressure campaign against Russian NGOs has been growing, primarily through the enforcement of the Foreign Agents Law. Amendments of June 4, 2014, to the legislation regulating NGOs empowered the Ministry of Justice (MoJ) to enter organizations in the foreign agents registry on the Ministry's sole discretion without any request from the NGO in question, and the Ministry has been using its new powers quite often. This triggered a new wave of checks by the Ministry of Justice and public prosecutors, sometimes also engaging experts from other government agencies. Most such checks have resulted in administrative charges against NGOs for failing to register as foreign agents, followed shortly by the Ministry of Justice forcibly entering the organization in the registry of NGOs performing the functions of foreign agents.

As of September 11, 2015, a total of 92 organizations were listed in the foreign agents registry—five had applied for the foreign agent status voluntarily, and the other 86 were forcibly entered in the registry by the Ministry of Justice. The first five NGOs were entered in the registry in June 2014; by end-October, 2014, the registry listed 15 NGOs, another 15 organizations were added between November and December 2014 including two in November 2014, 13 in December 2014. During 2015 (as of September 11, 2015) the foreign agents registry increased by 62 NGOs including six in January 2015, six in February 2015, eight in March 2015, eight in April 2015, ten in May 2015, eight in June 2015, seven in July 2015, five in August 2015, and four in September 2015.

A review of reasons why NGOs have been entered in the foreign agents registry reveals that foreign funding is the main criterion, broadly understood as to include funds contributed by Russian benefactors but stored in foreign accounts (as in the case of the Dynasty Foundation, where the sole donor is Russian philanthropist Dmitry Zimin).

The second criterion of 'engaging in political activity with the purpose of influencing decision-making by public authorities aimed at changing public policies' is also interpreted broadly to potentially include any civic activity, such as a bike ride or donating books to municipal libraries, by arbitrarily branding it as political activity in the form of either political action or an attempt to influence public opinion.

Igor Kalyapin, Chair of the 'Committee against Torture', commented on ineptitude of the 'political activity' interpretation in the law of 'foreign agents': "To label us as a 'foreign agent' NGO, the prosecutor's office accuses us in telling the

public and the government authorities about torture in the hands of police and ineffective investigations by the Russian Investigation Committee. The prosecutor's office also refers to our annual picket on the International Day in Support of Victims of Torture and related publications as 'political activity' and an intention to change the Russian government policy. Therefore, according to the argument of the prosecutor's office, the Russian government policy consists of torture in the police and its concealment by the investigation authorities. As far as torture and ineffective investigation do not constitute the government policy in our country, our work cannot be considered as an intention to change it."²

Legal provisions exempting certain types of activities³ have not been observed, and NGOs listed in the registry include charitable, social and environmental organizations.

Anna Kireeva, PR specialist of 'Bellona-Murmansk' describes the challenge her environmental NGO faces: "This year the Russian Ministry of Justice conducted an unscheduled inspection in our office following unknown denunciation. As a result, 'Bellona-Murmansk' founding documents and its 20-year long working materials were referred to as 'political activity.' The most surprising fact was that a year ago the Murmansk Ministry of Justice did not find any 'political activity' in our work. Moreover, two years ago the Murmansk Prosecutor's Office inspection did not find any signs of political activity either. We have not changed anything in our work – we publish reports on environmental issues, organise round table discussions, seminars and conferences... 'Bellona-Murmansk' decided not to litigate the allegations of the Ministry of Justice. We think there is no chance to win the case. Today, 'Bellona-Murmansk' has to terminate its work as a Russian environmental organisation."⁴

As a new aspect of the more recent checks performed since November 2014, NGOs subjected to such inspections have almost simultaneously faced both administrative proceedings for failure to register as foreign agents and involuntary entry in the registry. Administrative proceedings usually result in fines

2 Foreign agents have been discovered in Mari El (in Russian), 25.01.2015, Vash Novy Den', <http://www.vnd12.ru/news/obschestvo/4083-v-mariy-el-poyavilis-inostrannye-agenty.html>

3 "Political activity shall not include activity in fields such as research, culture, art, health care, public health and disease prevention, social support and social protection, motherhood and childhood protection, social support of people with disabilities, health promotion, physical culture and sports, plant and wildlife protection, charitable work, and support of philanthropy and volunteerism," article 2, para 6, of the Federal Law of 12 January 1996 № 7-FZ on Nonprofit Organizations.

4 Branded 'agents' for assistance to refugees? (in Russian), 21.04.2015, Radio Liberty/Radio Free Europe, <http://www.svoboda.org/content/transcript/26970192.html>

of 300,000 to 500,000 rubles for the organization and 100,000 to 300,000 rubles for its director. Despite the Constitutional Court's ruling of April 8, 2014, judges rarely keep administrative fines below the lower limit—we know of only seven cases against NGOs where fines ranged between 50,000 and 200,000 rubles, and of just seven cases where administrative proceedings against NGOs for failing to register as foreign agents were dropped after the Constitutional Court's ruling. Only in three cases against NGOs, Russian courts refused to find administrative violations. In September 2015, a supervisory court overturned a prior finding of administrative violation against the Golos Association handed down in April 2013 and followed in April 2014 by the Russian Constitutional Court's decision that it should be reversed; thus, it took the authorities more than two years to finally issue a lawful and well-founded decision. In another two cases, a first-instance court refused to rule against the Kaliningrad Human Rights Center in January 2015 and the Press Development Institute - Siberia (Novosibirsk) in April 2015. In the remaining four cases, the administrative charges were dropped due to procedural irregularities, such as expiration of the statute of limitations. In all other cases (several dozens cases), administrative fines reached 300,000 rubles and more. In total, the amount of penalties imposed on NGOs for refusing to register voluntarily as foreign agents has already exceeded 10 million rubles.

In no known instance of being forcibly included by MoJ in the foreign agents registry have NGOs accepted the Ministry's actions as legitimate. Instead, NGOs have declared being prepared to dissolve rather than accept the stigmatizing and misleading label of 'foreign agent' imposed on them. The vast majority of organizations entered in the registry against their will have challenged or are planning to challenge this decision in court. However, in no known case to date has a Russian court overturned the Ministry's decision to forcibly enter an NGO in the foreign agents registry.

Natalia Taubina, Director of the 'Public Verdict' Foundation, described the organization's position regarding the 'foreign agents' law: "The Russian Ministry of Justice forcefully enlisted us in the registry [of 'foreign agents'] on the grounds of the Prosecutor's order, which we were litigating in the court at the very same time. We do not accept this label and try to contest it in the court, while submitting all necessary reports. We state that the Public Verdict's independence and objectivity is based on a variety of its funding sources – institutional and private, Russian and international. Today's budget of 'Public Verdict' is mainly formed from the federal budget, foreign charitable foundations, intergovernmental charitable foundations and private donations. I think that today's option

that gives an NGO a chance to leave the registry is detrimental: you can be discharged from the list only when you renounce your foreign funding. While the law gives two main grounds for enlistment: foreign funding and engagement into ‘political activity’, it provides only one way out of the registry (unless you do not want to shut your NGO down) – to give up foreign funding. This means that the ‘political activity’ charge can still be applied to the rest of NGOs. ‘Public Verdict’ will continue its original work and keep its founding principles. If they drain our budget with the fines for not labeling ourselves as ‘foreign agent,’ we will have to liquidate our legal entity. But the team will continue its work.”⁵

In late June and early July 2015, the Russian Ministry of Justice sent out warnings to several Russian NGOs, previously entered involuntarily in the foreign agents registry, demanding that the said NGOs label all their materials with an indication that the organization is listed in the foreign agents registry, otherwise they would be in violation of the Code of Administrative Offences.⁶ Following the Ministry of Justice’s warnings, Roskomnadzor filed reports of administrative violations against at least four NGOs for failing to indicate the foreign agent status on their materials. Just as many experts feared would happen, the vague wording of the law has led to abuse, such as the authorities trying to punish NGOs for not placing the ‘foreign agent’ label on reprinted or reposted materials produced by other organizations; also, Roskomnadzor would file separate reports of violations for each published material, so that NGOs consistently posting materials on their website can face as many reports as their publications. As of September 4, 2015, Russian courts have considered reports filed against two organizations; in the case of the Interregional Committee Against Torture, the court imposed a fine of 300,000 rubles on the NGO for not placing a ‘foreign agent’ label on a leaflet with quotations from the Russian Constitution distributed on the International Day in Support of Victims of Torture on June 26. In the case of the ‘Memorial’ Human Rights Center, two reports of administrative violations were filed, both concerning the same material posted by the ‘Memorial’ HR Center on the internet, but produced by a different organization—the ‘Memorial’ International Society. The court found violations in

5 Natalia Taubina on the Registry of ‘foreign agents’ (in Russian), 22.06.2015, Human Rights in Russia, <http://hro.org/node/22553>

6 “Publication and/or dissemination of materials, including through mass media and/or the internet, by a non-profit organization acting as a foreign agent without specifying what such materials are published and/or disseminated by a non-profit organization acting as a foreign agent is punishable by an administrative fine of 100,000 to 300,000 rubles for officials and 300,000 to 500,000 for legal entities,” article 19.34, part 2, of the Russian Code of Administrative Offences.

both cases and fined the ‘Memorial’ Human Rights Center 600,000 rubles for failing to put the ‘foreign agent’ label on materials produced by another legal entity. Both the Committee Against Torture and the ‘Memorial’ Human Rights Center have appealed the decisions. In yet another two cases—the Sakharov Center and Transparency International Russia—court hearings on reports of administrative violations are scheduled for September 2015.

In March 2015, new amendments to the legislation regulating NGOs came into force; they established a procedure for taking NGOs off the foreign agents registry. Organizations which have not received foreign funding and/or have not engaged in political activity for at least a year can ask MoJ to take them off the registry; the Ministry of Justice will then conduct an ad-hoc check to verify that the NGO in question does not receive foreign funding and/or does not engage in political activity and decide within three months whether the organization may be removed from the registry. As of September 11, 2015, six NGOs have been deleted from the registry following their dissolution, and three more have been removed following MoJ’s ad-hoc checks confirming that they were not receiving any foreign funding.

It should be noted, however, that the foreign agents registry on MoJ’s website still displays the entries of all NGOs ever included in the registry even after they have been officially removed.

Said Svetlana Makovetskaya, Director of the GRANI Centre in Perm on the NGO’s discharge from the registry of ‘foreign agents’ NGOs: “It is very important for us not to spend any more minute in the registry of ‘foreign agents’ NGOs. We have never worked according to someone’s order and we consider the phrase ‘foreign agent functions’ inappropriate. After being discharged from the registry, GRANI Centre reiterates its position: we do not engage in political activity and our enlistment in the registry was erroneous. We will maintain this stance in the court hearings in July. Our main goal is still the same: we help people to participate in the decision-making process. Neither character, nor scale of our usual work has been changed after the enlistment. Today, we are satisfied with the gained results and can admit that it is better for us to be out of the registry. We remember, though, that there are still many good NGOs enlisted in the registry.”⁷

The foreign agents law and its enforcement have had a stifling impact on Russia’s

7 Svetlana Makovetskaya: I refuse to get used to the ‘foreign agent’ title (in Russian), 23.06.2015, Human Rights in Russia, <http://hro.org/node/22578>

civil society. Dozens of organizations have decided to dissolve. As a result, Russia has lost an NGO defending the rights of Roma and offering multiple support programs for vulnerable citizens (the ‘Memorial’ Anti-Discrimination Center was dissolved in 2014), the unique ‘Perm-36’ Museum, and a number of research and educational centers. Organizations are forced to reconsider their programs and close some of them either because the ‘foreign agent’ label makes running them impossible or for lack of support. A few organizations have decided not to accept foreign funding; however, none of the NGOs entered in the foreign agents registry has been awarded any of the so-called ‘presidential grants’ in Russia in 2015. In addition to forced dissolutions, NGOs branded as ‘foreign agents’ have been legally prohibited from monitoring elections, while debates are ongoing in the government on whether they should be banned from yet more types of activities, such as serving on Public Observation Commissions engaged in civilian monitoring of places of detention, or collecting and analyzing data on law enforcement practices.

“Pressure against the museum began in the summer of 2012, when the authorities, under the pretext of sequestering the regional budget, refused to host the annual Pilorama [Sawmill] Civil Society Forum at the former political prison [i.e. the ‘Perm-36’ Museum]. Later, the regional Ministry of Culture established the ‘Perm-36’ State Autonomous Institution of Culture and transferred the museum’s collections and land to the new entity, while the archives and property of the ‘Perm-36’ NGO were sealed off”⁸ (the ‘Perm-36’ Memorial Museum is the only existing museum of the GULAG; the NGO is currently in the process of dissolution initiated following their forced entry in the foreign agents registry; in the summer of 2015, the NGO and its director Tatiana Kursina were fined 300,000 and 100,000 rubles, respectively, for refusing to voluntarily register as ‘foreign agents’)

«Like other NGOs, this organization never engaged in political activity in the true sense of the word; it did not seek political power and did not participate in elections. The only thing that the enthusiasts who created the museum were doing was to restore, bit by bit, the little-known and unpleasant pages of this country’s history. Entering this museum in the ‘foreign agents’ list is nothing but trying to suppress our memory and our history» (Irina Kizilova, director of the human rights advocacy service run by the the Perm branch of the ‘Memorial’

8 <http://newsland.com/news/detail/id/1538978/>

Society that first initiated the ‘Perm-36’ Museum, now the ‘Perm-36’ Memorial Center of the History of Political Repression.)⁹

In addition to that, NGOs forcibly entered in the foreign agents registry face increasing problems in dealing with various authorities wary of making contact with such organizations. Lawyers and attorneys taking human rights cases to courts have been faced with attempts to remove them from proceedings solely for their collaboration with ‘foreign agents’. Pro-government mass media have continuously engaged in campaigns to stigmatize NGOs branded as foreign agents.

Svetlana Gannushkina, Chair of the ‘Civic Assistance Committee for Refugees and Asylum Seekers’ referred to reluctance of the government agencies’ to cooperate with the ‘foreign agent’ NGOs: “The law ruined our reputation. Russian society has been persuaded that, as Vladimir Putin likes to argue, ‘he who pays the piper calls the tune.’ At some point I had to circulate invitations [to our legal seminars] not on our behalf but from on behalf of the human rights ombudsman. Only representatives of the Russian federal migration agency accepted invitations. This is very frustrating because we are eager to cooperate with the government agencies. No civic organization can solve the problems of migrants alone.”¹⁰

The Law on Undesirable Foreign and International NGOs

On June 3, 2015, a federal law came into force amending a number of existing legal acts¹¹ and introducing the concept of ‘undesirable organizations’.

By this law, any foreign or international non-governmental organization can be declared ‘undesirable’ in Russia if its activity is found to threaten the foundations of Russia’s constitutional system, defense or national security. Such ‘undesirable’ organizations are not allowed to have any structural subdivisions in Russia, implement any programs (projects), produce, store and distribute informational materials, conduct mass actions and public events, and use bank accounts and deposits, except for settlement of the organization’s obligations. In essence, being declared ‘undesirable’ means a total ban on working in Russia.

By the same law, the decision to declare an organization ‘undesirable’ lies with

⁹ <http://newsland.com/news/detail/id/1538978/>

¹⁰ Ibid

¹¹ FZ-129 of May 23, 2015

the Russian Prosecutor General or their deputy who makes it in consultations with the Foreign Ministry. The Ministry of Justice is responsible for maintaining a list of ‘undesirable’ organizations. There is no requirement in the law for the officials to substantiate their decision, no any provisions for judicial review at the stages of finding and listing an organization as ‘undesirable’. Instead, any organization declared ‘undesirable’ can then challenge the decision in court.

The law also provides for administrative and criminal liability imposed on organizations declared ‘undesirable’, their directors and anyone who continues to collaborate with such organizations. Thus, continuing operation of an organization declared ‘undesirable’ (i.e. either running such an organization or being involved in its activities) in Russia may result in an administrative fine, and following two such fines within one year, running such an organization or continued involvement in its activities will be treated as a criminal offense punishable by up to six years of imprisonment.¹²

And finally, the law stipulates that a foreign national or stateless person involved in activities of an ‘undesirable’ organization may be banned from entering Russia.

Experts have expressed concerns that the law’s vague wording, lack of judicial review at the decision-making stage and no requirement to substantiate the decision open the door for arbitrary enforcement and may lead to further isolation of civil society and to the dismantling of all legal and transparent mechanisms of supporting civic initiatives in Russia.

Since the law was adopted, the Prosecutor General’s Office has received a series of requests to declare ‘undesirable’ internationally recognized human rights organizations such as Amnesty International and Human Rights Watch and international donors such as the Open Society Foundations, the MacArthur Foundation, the National Endowment for Democracy, and others.

On June 24, 2015, addressing a meeting of the Council for Science and Education in Kremlin, Russian President Vladimir Putin said, “We all know—or maybe someone does not know—that the so-called foreign foundations work in schools; a network of such organizations have ‘rummaged’ through schools in the Russian Federation for many years under the guise of supporting talented young people. In reality, they simply Hoover everything up like a vacuum. They

12 Anyone who voluntarily stops any involvement in the activities of an ‘undesirable’ organization shall be free from criminal liability (Article 1).

find [potential students] at schools and get them hooked on grants, and then take them away. Therefore, we need to pay attention to them, too.”¹³

Considering that many experts associate the onset of the escalating pressure on the civil society with the President’s speech at the FSB Board meeting in February 2013, this statement may trigger a campaign to stop all foreign support of Russia’s civil society by using the law on undesirable organizations.

In early July 2015, Russia’s Federation Council came up with a ‘patriotic stop list’ and made a related appeal to the Prosecutor General, the Minister of Foreign Affairs and the Minister of Justice of the Russian Federation. The stop list included: the Open Society Institute (Soros Foundation), the National Endowment for Democracy, the International Republican Institute, the National Democratic Institute for International Affairs, the MacArthur Foundation, Freedom House, the Charles Stewart Mott Foundation, the Education for Democracy Foundation, the East European Democracy Center, the World Congress of Ukrainians, the Ukrainian World Coordinating Council, and the Crimean Field Mission on Human Rights.

Presenting the appeal, Chairman of the Federation Council Committee on International Affairs Konstantin Kosachev said that «the patriotic stop list serves primarily a warning function sending a signal to our [domestic] civil society institutions that contacts with certain foreign entities can bring big problems to them in the future.»¹⁴

As a result, on July 27, 2015, the Ministry of Justice entered the National Endowment for Democracy in its Registry of foreign and international non-governmental organizations whose activities are considered undesirable in the Russian Federation. In addition to that, a campaign of stigma and blame against international donors has led to decision by the MacArthur Foundation and the Charles Stewart Mott Foundation to announce termination of their programs in Russia.

“The recent passage and implementation of several laws in Russia make it all but impossible for international foundations to operate effectively and support worthy civil society organizations in that country. These measures include a law requiring Russian non-governmental organizations to register as foreign agents if they receive foreign funding and engage in “political activities.” The

13 RIA Novosti <http://ria.ru/society/20150624/1084949791.html#ixzz3dzQHHTxJ>

14 Official site of the Federal Council of the Russian Federation PΦ <http://www.council.gov.ru/press-center/news/57334/>

most recent such measure is a law allowing authorities to declare the activities of international organizations “undesirable” if they present “a threat to the foundations of the constitutional order of the Russian Federation, the defense capability of the country or the security of the state.”... Contrary to the premise underlying the Federation Council’s vote, our activities in Russia, at all times, have been to further charitable purposes and benefit Russian citizens and society. We are entirely independent of the United States government and receive no funding from it. We have never supported political activities or other actions that could reasonably be construed as meeting the definition of “undesirable.”¹⁵

Recommendations

We urge the international community including OSCE and its member states to continue pushing for full implementation of international standards by the Russian Federation. During negotiations with Russian officials at different levels, it should be insisted that Russia should perform its international obligations.

Crackdown on civil society in Russia should be put high on the agenda in all levels of interactions with the Russian government. It should be made clear to Russian official that this crackdown goes contrary to the very essence of international human rights norms and principles.

International community should also continue to publicly express its strong disagreement with unprecedented harassment of NGOs in Russia and to call and demand guarantees of unhindered and free activity of Russian civil society organizations.

International community should also continue to counter false statements by Russian officials that the Russian law on foreign agents is modeled after Western laws, is compatible with international human rights standards, and is not of a punitive nature. The same concerns the claims of the Russian official that the law on “foreign agents” and its repressive implementation are an ‘internal matter.’ It should be made clear to Russian official that according to universal human rights principles, including Helsinki Final Act, human rights are a matter of legitimate concern to other states and international organizations and these principles should be respected by the Russian Federation.

15 From the official Statement of MacArthur President Julia Stach <https://www.macfound.org/press/press-releases/statement-macarthur-president-julia-stach-foundations-russia-office/#sthash.ZHE7h3Di.dpuf>

We urge international community to call for a repeal of the ‘foreign agents’ law and for elimination of the ‘foreign agents’ registry as well as for removing any legal ban on certain types of activities for organizations branded as ‘foreign agents’.

To demand that the law on ‘undesirable organizations’ be repealed or revised to conform with the international standards of clarity; ensure its legal certainty, justification and transparency of decisions, and provide for judicial review at the decision-making stage.