



## **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”**

REPRISALS AGAINST MONITORS AND MEDIA WORKERS  
REPORTING FROM PROTESTS



**AMNESTY**  
INTERNATIONAL



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**Cover image:** "Russian riot police officers block a street during a rally in support of jailed Kremlin critic Alexei Navalny in central Saint-Petersburg on April 21, 2021"

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# CONTENTS

<b>CONTENTS</b>	<b>3</b>
<b>INTRODUCTION</b>	<b>5</b>
<b>1. REPRISALS AGAINST ASSEMBLY MONITORS</b>	<b>7</b>
1.1 PROTECTION OF MONITORS UNDER INTERNATIONAL HUMAN RIGHTS LAW AND STANDARDS	7
1.2 LACK OF PROTECTION FOR MONITORS IN RUSSIAN LAW	9
1.3 ARBITRARY ARRESTS AND DETENTION OF COMMITTEE AGAINST TORTURE STAFF MEMBERS	9
1.4 ARBITRARY ARRESTS AND DETENTION OF OGON MEMBERS	16
<b>2. REPRISALS AGAINST JOURNALISTS AND OTHER MEDIA WORKERS</b>	<b>21</b>
2.1 PROTECTION OF JOURNALISTS AND OTHER MEDIA WORKERS COVERING PUBLIC ASSEMBLIES	22
2.2 REGULATION OF JOURNALISTS AND OTHER MEDIA WORKERS AT PUBLIC ASSEMBLIES UNDER RUSSIAN LAW	23
2.3 VIOLATIONS OF MEDIA WORKERS' RIGHTS IN CONNECTION WITH COVERING PUBLIC ASSEMBLIES	25
2.4 ATTEMPTS TO PROHIBIT COVERING OF "UNAUTHORIZED" PUBLIC ASSEMBLIES	26
2.5 HARASSMENT OF JOURNALISTS ON THE EVE OF AND AFTER PROTESTS	28
"PREVENTIVE" WARNINGS	29
ARBITRARY DETENTIONS	30
REPRISALS CONNECTED WITH ANTI-WAR PROTESTS	32
2.6 INTERFERENCE WITH JOURNALISTS' WORK DURING PROTESTS	35
OBSTRUCTING JOURNALISTS' WORK	36
ARBITRARY DETENTIONS OF JOURNALISTS DURING PROTESTS	37
UNLAWFUL USE OF FORCE AGAINST JOURNALISTS	40
<b>3. CONCLUSION AND RECOMMENDATIONS</b>	<b>46</b>
RECOMMENDATIONS	47

**RUSSIA: "YOU WILL BE ARRESTED ANYWAY":**  
REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

AMNESTY INTERNATIONAL CALLS ON THE RUSSIAN AUTHORITIES TO:	47
AMNESTY INTERNATIONAL CALLS ON THE INTERNATIONAL COMMUNITY TO:	48

# INTRODUCTION

Over the last 10 years, the human rights situation in Russia has been continuously deteriorating. The indicative acceleration point of this process – the violent dispersal of a peaceful protest in Moscow’s Bolotnaya Square against the results of the 2012 presidential election – signalled the direction of travel for the next decade, namely a clampdown on human rights in order to eliminate all forms of dissent. Ten years later, subsequent repressive legislation together with its even more abusive implementation has led to a situation where the level of protection and implementation of the rights to freedom of expression, peaceful assembly and association is possibly at its lowest point in post-Soviet Russia.

During these years, the authorities have severely curtailed people’s right to freely express their dissenting views from the government-proclaimed “truth”, as well as the right to form and be part of associations that dare to criticise government policies and practices and suggest ways of improvement. Moreover, draconian laws and policies have effectively stripped people of their right to freedom of peaceful assembly. Essentially, the authorities view any protest, of any scale and in relation to any issue, as suspicious and a challenge to their authority. To prevent peaceful protests from going ahead, including by criminalizing those who dare to protest without “authorization”, the authorities have deployed a whole arsenal of legal constructions and practices that are in stark contrast to Russia’s international human rights obligations. Those in power have also created and propagated a narrative according to which any “unauthorized” protest, however peaceful, is regarded as undesirable and equates to a disturbance. To support this concept, heavy fines, short-term administrative detention and in some cases even criminal prosecution have been introduced for those who still dare to participate in “unauthorised” protests.<sup>1</sup>

There have been several crisis points during these 10 years when the level of human rights protection dropped to a new low. One of them was around the peaceful protests in support of leading Russian opposition figure Aleksey Navalny in early 2021. Another is unfolding at the time of writing, when Russia’s military aggression against Ukraine is being mirrored by an internal clampdown against Russia’s civil society. This has triggered a human rights crisis that has already had even more painful and devastating consequences than any previous attempts by the government to crush independent voices and fundamental freedoms.

Talking to Amnesty International in June 2022, Sofia Rusova, a human rights defender, journalist, and a co-chair of the Russian independent Journalists’ and Media Workers’ Union, noted:

*“There are no protests left to report from anymore. The moment someone goes out to protest, they are immediately arrested.”*

Sofia Rusova, co-chair of the Journalists’ and Media Workers’ Union<sup>2</sup>

There are also very few independent media outlets still left in the country. Broadcast and print media are dominated by the state. Access to dozens of online media, both Russian and international, has been blocked by the authorities. Those outlets that are still working have to carefully choose – and often self-censor – which topics of public importance they can report on and what wording they can use to avoid further reprisals. Miscalculation could cost very dear – from blocking of the media and heavy fines to criminal prosecution and lengthy prison sentences. Recent anti-war protests, including single-person pickets, that have been ongoing in Russia since the start of the full-scale invasion of Ukraine and other, often very

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<sup>1</sup> Amnesty International, “Russia: No place for protest”, (Index Number: EUR 46/4328/2021), 12 August, 2021, <https://www.amnesty.org/en/documents/eur46/4328/2021/en/>

<sup>2</sup> On file with Amnesty International. On 14 September 2022, the Moscow City Court ordered that the Journalists’ and Media Workers’ Union must be liquidated.

creative ways of saying “No to war!” – a phrase that has itself become prohibited and punishable in Russia, has become a particularly thorny issue to report on. As one journalist told Amnesty International:

*“How can we write about [anti-war] rallies and slogans they use, if the slogans say: “No to war!”?”*

Journalist speaking to Amnesty International

In previous research, both Amnesty International<sup>3</sup> and other human rights organizations<sup>4</sup> have on many occasions analysed the legislation which unduly restricts the right to freedom of peaceful assembly and the violations suffered by organizers and participants such as obstruction, arbitrary arrest, ill-treatment and other reprisals. This document looks into the situation of two specific groups who are not necessarily participating in the protests but who nevertheless play extremely important roles in their contexts. The first group – public assembly monitors (observers) – performs a watchdog function by recording how rigorously the authorities observe their human rights obligations in the context of public assemblies. The other group – media workers – ensure that society is informed about public assemblies that have taken place, the concerns that have brought people to the streets, and what, in the view of those people, the government should do to address those concerns, as well as report on the way in which the authorities handle the protest and on allegations of human rights violations committed in that context. Both functions are necessary to ensure a conducive environment to the enjoyment of the right to freedom of peaceful assembly and are entitled of protection under international human rights law. The Russian government has wiped out two essential pieces that enable the exercise of the right to freedom of peaceful assembly and contribute to the fight against impunity through accountability when human rights violations occur in the context of a protest. Consequently, the Russian government also risks losing touch with the general public and being seen as irrelevant and unresponsive.

Amnesty International has documented the situation of monitors, journalists and other media workers in the context of public assemblies in Russia over the years. This report places particular focus on events within two specific time frames: peaceful protests held in support of the Russian opposition figure Alexey Navalny, which took place in early 2021, and the peaceful anti-war protests which have taken place since the start of Russia’s full-scale military invasion of Ukraine on 24 February 2022. This document is based on desk research and interviews with 23 human rights defenders and media workers conducted in July-August 2021 and May-June 2022. This report does not aim to provide an exhaustive list of all cases of human rights violations committed against public assembly monitors and media workers within those time periods. Instead, by highlighting a wide selection of illustrative cases, this report demonstrates that those violations did not take place solely because of isolated abuses by individual officials but were rather part of a deliberate pattern manifested across the country. Within that overall pattern, we have identified certain types of violations which, if addressed through changes of legislation and practice as well as – where necessary – training in human rights standards delivered to relevant groups of decision makers and frontline staff, including the police force, could contribute to a greater enjoyment of human rights in Russia as well as the development of mutually productive channels of communication between civil society and the authorities.

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<sup>3</sup> See, for instance, Amnesty International, “Russia: No place for protest”, (previously cited)

<sup>4</sup> See, for instance various reports by OVD-Info at <https://ovdinfo.org/>

**RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

**REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

# 1. REPRISALS AGAINST ASSEMBLY MONITORS

The role played by people monitoring public assemblies cannot be overestimated. Accurate, independent recording of the events and any human rights violations that might have taken place not only provides information for wider audiences but can also facilitate constructive discourse and accountability. As noted in the *Handbook on Monitoring Freedom of Peaceful Assembly* by the Organisation for Security and Co-operation in Europe (OSCE), of which Russia is a member, information collected by monitors “may be used to inform public debate and serve as the basis for dialogue between state and local authorities, including law enforcement officials, and civil society”.<sup>5</sup>

Monitoring public assemblies involves the observation of assemblies and the collection, verification, analysis and use of information to improve the protection and promotion of the right to freedom of peaceful assembly.<sup>6</sup> Such monitoring might involve observing not only during an assembly but also before and after the main event. For the purpose of this report we will, however, focus on violations of monitors’ rights during their work at public assemblies themselves.

Monitors are defined as “non-participant third party individuals or groups whose primary aim is to observe and record the actions and activities taking place at public assemblies.”<sup>7</sup> Most often, such monitoring is carried out by human rights defenders and other civil society activists acting individually or in association. It could also be performed by national human rights institutions, international NGOs or intergovernmental organizations, for instance the OSCE or the Council of Europe, and others.<sup>8</sup>

## 1.1 PROTECTION OF MONITORS UNDER INTERNATIONAL HUMAN RIGHTS LAW AND STANDARDS

Everyone has the right to freedom of peaceful assembly – the right to gather peacefully with other people and make their collective voice heard. Governments are required not only to respect this right by not interfering in the conduct of demonstrations, but also to put appropriate laws and procedures in place to facilitate the exercise of this right and allow people to protest.

The important role of monitors in ensuring the full enjoyment of the right to freedom of peaceful assembly is reflected in the strong protection international law and standards afford to monitors. First, there are the general guarantees of the right to freedom of peaceful assembly enshrined in Article 21 of the International Covenant on Civil and Political Rights (ICCPR) and regional human rights instruments.<sup>9</sup> Furthermore, article 19 of the ICCPR protects the right to freedom of expression, which comprises the right to seek, receive and

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<sup>5</sup> OSCE/ODIHR, *Handbook on Monitoring Freedom of Peaceful Assembly*, 2<sup>nd</sup> edition, Warsaw, 2020, p.17, available at: [https://www.osce.org/files/f/documents/d/1/473439\\_0.pdf](https://www.osce.org/files/f/documents/d/1/473439_0.pdf)

<sup>6</sup> OSCE/ODIHR, *Handbook on Monitoring Freedom of Peaceful Assembly*, p.15 (previously cited)

<sup>7</sup> OSCE/ODIHR and European Commission for Democracy through Law (Venice Commission), *Guidelines on Freedom of Peaceful Assembly*, 3d edition, 2020, para 204, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)017rev-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)017rev-e)

<sup>8</sup> See, for instance in OSCE/ODIHR, *Handbook on Monitoring Freedom of Peaceful Assembly*, 2<sup>nd</sup> edition, Warsaw, 2020, p. 16

<sup>9</sup> International Covenant on Civil and Political Rights (ICCPR), adopted on 16 December 1966, Article 21; Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights (ECHR)), adopted on 4 November 1950, Article 11.

### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

impart information.<sup>10</sup> Therefore, participants, monitors and observers of protests have the right to record an assembly, which includes the right to record the law enforcement operation.<sup>11</sup>

The obligation to protect those involved in monitoring, observing or reporting on public assemblies was clearly set forth by the UN Human Rights Committee in its General Comment 37.<sup>12</sup> The Committee has noted that monitoring public assemblies is “a good practice for independent national human rights institutions and non-governmental organizations”,<sup>13</sup> and set out a number of obligations for states in this context. For example, the Committee is clear in stating that monitors may not be prohibited from, or unduly limited in, exercising their functions, including with respect to monitoring the actions of law enforcement officials during an assembly or its dispersal.<sup>14</sup> It is important to stress as well that the right to monitor an assembly is not ended if an assembly is declared unlawful or dispersed.<sup>15</sup> Monitors may only be instructed to leave if their individual safety is at risk or unless, in exceptional circumstances, their continued physical presence would significantly hinder or obstruct law enforcement officers in carrying out their work. Even then, the authorities have an obligation to provide monitors with clear instructions and sufficient time to leave, and should be directed to a safe location from which they may continue to observe the events.<sup>16</sup>

Other international human rights mechanisms have also expressly called on states to ensure the protection of people monitoring assemblies. For instance, the then UN Special Representative of the Secretary-General on the situation of human rights defenders urged states to “allow human rights defenders to operate freely in the context of freedom of assembly to enable them to perform their monitoring role”.<sup>17</sup> The UN Special Rapporteurs have also highlighted states’ obligation to protect the rights of monitors and ensure they can perform their work safely and without fear of reprisals. This obligation includes “respecting and facilitating the right to observe and monitor all aspects of the assembly”.<sup>18</sup> If a violation of monitors’ rights occurs, states have an obligation to investigate, prosecute the perpetrator and provide adequate remedy to the victim. These protections apply irrespective of whether the assembly is peaceful or not.<sup>19</sup>

Reprisals against monitors for observing assemblies and other forms of harassment and intimidation are prohibited. Moreover, the authorities must not confiscate or damage their equipment.<sup>20</sup> As stated by the OSCE Representative on Freedom of the Media, attempts by the authorities to confiscate, damage or break the equipment in an attempt to silence the reporting of a protest should be considered a criminal offence.<sup>21</sup> On the contrary, law enforcement officials policing assemblies must respect and ensure the exercise of human rights and protect monitors and observers from harm.<sup>22</sup>

This protection extends not only to those who have been officially delegated to monitor and observe a protest but to everyone recording an assembly, including its participants. Everyone has the right to record assemblies, including the conduct of law enforcement officials. This includes the right to record an interaction in which the participant, monitor or observer is being recorded by a state agent (the right to “record back”). This right should be protected and, as noted by the UN Special Rapporteurs, “[c]onfiscation, seizure and/or destruction of notes and visual or audio recording equipment without due process should be prohibited and punished”.<sup>23</sup>

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<sup>10</sup> International Covenant on Civil and Political Rights (ICCPR), adopted on 16 December 1966, Article 19; Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights (ECHR)), adopted on 4 November 1950, Article 10.

<sup>11</sup> Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, 4 February 2016, para. 71, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/018/13/PDF/G1601813.pdf?OpenElement>

<sup>12</sup> General comment No. 37 (2020) on the right of peaceful assembly (article 21), UN Human Rights Committee, CCPR/C/GC/37, 17 September 2020, available at: <https://undocs.org/CCPR/C/GC/37> <https://digitallibrary.un.org/record/3884725?ln=en>

<sup>13</sup> General comment No. 37, UN Human Rights Committee, para 30 (previously cited).

<sup>14</sup> General comment No. 37, UN Human Rights Committee, para 30 (previously cited).

<sup>15</sup> General comment No. 37, UN Human Rights Committee, para 30 (previously cited).

<sup>16</sup> OSCE/ODIHR and European Commission for Democracy through Law (Venice Commission), *Guidelines on Freedom of Peaceful Assembly*, para 208 (previously cited)

<sup>17</sup> Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani, UN General Assembly, A/62/225, 13 August 2007

<sup>18</sup> Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, 4 February 2016, para 70, available at: <https://undocs.org/A/HRC/31/66>

<sup>19</sup> Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, para 70 (previously cited). )

<sup>20</sup> General comment No. 37, UN Human Rights Committee, para 30 (previously cited).

<sup>21</sup> OSCE, The Representative on Freedom of the Media Miklós Haraszti: Special Report: Handling of the media during political demonstrations Observations and Recommendations, 21 June 2007, available at: <https://www.osce.org/files/f/documents/f/9/25744.pdf>

<sup>22</sup> General comment No. 37) UN Human Rights Committee, para 74 (previously cited).

<sup>23</sup> Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, para 71 (previously cited)

#### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**



## 1.2 LACK OF PROTECTION FOR MONITORS IN RUSSIAN LAW

In spite of clear obligations under international human rights law in relation to assembly monitors, it is clear that the Russian authorities routinely violate them during peaceful assemblies, both in practice and in law.

The Russian law “On Public Assemblies”<sup>24</sup> does not contain a definition of a monitor nor does it regulate the monitoring of public assemblies, leaving a legislative gap that often contributes to or enables violations of monitors’ rights. Providing a clear legal definition of a monitor as an independent and impartial observer, defining their functions, and explicitly excluding monitors from legal restrictions placed on those participating in public assemblies could help protect monitors’ rights and ensure they are able to perform their important and legitimate role without obstruction and fear of reprisals.

A good starting point for that could be the Law “On the Framework of Civic Control in the Russian Federation”,<sup>25</sup> which sets the main principles and ground rules for monitoring the activities of state and municipal bodies, organizations, and other entities that perform public functions. The law sets out the right of citizens to take part in such monitoring, both in their personal capacity and as members of NGOs and civic associations.<sup>26</sup> Although the main bodies empowered to perform civic monitoring are the Civic Chambers and civic councils, quasi-independent civil society bodies from federal to municipal levels, the Law also provides for the establishment of civic monitoring groups and other organizational structures.<sup>27</sup> Moreover, the law establishes that NGOs and civic associations have the right to organize civic monitoring, among other activities.<sup>28</sup>

In the absence of safeguards for independent observers in Russian law, it is often the case that monitors and media workers are arbitrarily arrested and prosecuted for violations as *participants* in public assemblies, rather than acknowledged as persons who should be afforded special protection in their own right while carrying out their legitimate functions.

## 1.3 ARBITRARY ARRESTS AND DETENTION OF COMMITTEE AGAINST TORTURE STAFF MEMBERS

**“Leaving your home on that day you did know that there would be an unauthorized public action in the streets, didn’t you?”**

A judge in Nizhnii Novgorod, sentencing a public assembly monitor<sup>29</sup>.

The Committee Against Torture (CAT)<sup>30</sup> is a prominent Russian NGO with headquarters in Nizhnii Novgorod, Central Russia, and has representative offices in four other Russian regions. In January 2021, seven of its staff members were arbitrarily arrested, in some cases with unlawful use of force, while monitoring peaceful rallies in support of Aleksey Navalny. In at least three of the cases, the monitors were arrested while video recording arrests of peaceful protesters and it appears that it was precisely this activity that attracted the attention of law enforcement officers. Even though in all cases the human rights defenders clearly stated that they were monitors, it did not deter the police from arresting them under Article 20.2 of the Code of Administrative Offences (“Violation of the established order of organization or conducting of an assembly,

<sup>24</sup> Federal Law “On meetings, rallies, demonstrations, marches and picketing”, No 54-FZ, 19 June 2004, as amended on 30 December 2020, available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_48103/](http://www.consultant.ru/document/cons_doc_LAW_48103/)

<sup>25</sup> Federal Law “On the Framework of Civic Control in the Russian Federation”, 21 July 2014, N 212-FZ, available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_165809/](http://www.consultant.ru/document/cons_doc_LAW_165809/)

<sup>26</sup> Article 3 of the Federal Law “On the Framework of Civic Control in the Russian Federation” (previously cited)

<sup>27</sup> Article 9(2) of the Federal Law “On the Framework of Civic Control in the Russian Federation” (previously cited)

<sup>28</sup> Article 3 of the Federal Law “On the Framework of Civic Control in the Russian Federation” (previously cited)

<sup>29</sup> Interview with a public assembly monitor, July 2021.

<sup>30</sup> In June 2022, the NGO had to close down and started operating under the new name - Crew Against Torture - after being designated for the third time as a “foreign agent”.

**RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

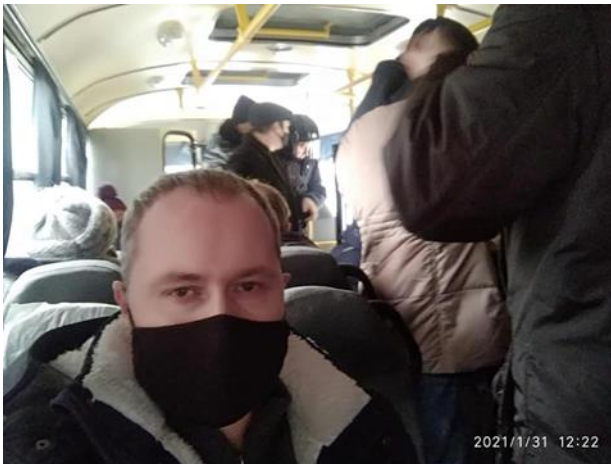
rally, demonstration, march or a picket”).<sup>31</sup> All seven monitors were arbitrarily detained – from several hours to two days - after which all but one were either given a custodial sentence or heavily fined by courts. Their appeals were unsuccessful.

The arrests of these observers illustrate several key concerns that Amnesty has documented in many other cases: their detention as alleged participants in protests despite clear evidence of their monitoring role; procedural violations during their detentions, including denial of legal representation; and the apparent use of law enforcement agents who have not been adequately trained in the policing of assemblies.

The first to be arrested was **Evgeniy Chilikov** in Nizhnii Novgorod on 23 January 2021, during the first day of the protests in support of Aleksey Navalny. He was released after spending several hours in a police station and subsequently fined RUB 10,000 (EUR 114) on 4 March 2021 for violating Article 20.2(5) of the Code of Administrative Offences (“violation of the rules of organization or conducting a public assembly, rally, demonstration, march or picketing *by a participant*”<sup>32</sup> [italics added]). On 12 May 2021, the appeal court upheld his sentence.

The other six CAT monitors were arrested in three different regions on 31 January 2021. Three CAT staff were arrested in Nizhnii Novgorod, including CAT’s then Chairman and a member of the Presidential Council for Human Rights, Igor Kaliapin (who was released without charge after spending several hours in a police station), Sergei Shunin and Yekaterina Vanslova.

### ARBITRARY ARREST AND DETENTION OF SERGEI SHUNIN



*Sergei Shunin in “avtozak” – a small bus routinely used by the police for transportation of detainees. Even after his arrest, Sergei continued his human rights work documenting cases of police abuse.*

© Sergei Shunin

**Sergei Shunin** was detained shortly after the beginning of the protest action on 31 January and, according to his own estimates, about 20 minutes after he had started monitoring the protest. A video of his detention<sup>33</sup> clearly demonstrates that he had not provoked the police and that the assembly itself was peaceful. Sergei Shunin was standing around 3m to the left of a riot police line, peacefully recording their actions on his mobile phone when suddenly three officers ran towards him and dragged him away. The whole affair took no more than five seconds. As he was being arrested, Sergei Shunin also managed to video record his own detention. It is clear from the video that, contrary to the law, the police did not identify themselves nor explain the grounds for his arrest. Police officers did not have visible ID badges either.<sup>34</sup> Despite Sergei Shunin explaining to the police his role as a monitor, he was placed in an “avtozak” – a small police bus used for transportation of those detained at protest actions – and taken to Sormovsky District Police Station. The police drew up a report of an offence under Article 20.2 (6.1) of the Code of Administrative Offences (“participation in an unauthorized gathering leading to obstacles in functioning of transport or social infrastructure”) and placed him in a police cell together with eight other people also arrested at the protest. Sergei Shunin was released at around 10 pm on the same day on an undertaking to appear before court, after having been arbitrarily detained for nine hours.

On 5 April, the Sormovsky District Court found that Sergei Shunin had violated Article 20.2 (5) of the Code of Administrative Offences and fined him RUB 10,000 (EUR 114). Sergei Shunin’s explanation that he had

<sup>31</sup> See, [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_34661/c77bf52af28dfd8f9de192b9faf0999c023256d2/](http://www.consultant.ru/document/cons_doc_LAW_34661/c77bf52af28dfd8f9de192b9faf0999c023256d2/)

<sup>32</sup> Subsequently referred to as “violation of the rules of public assemblies”

<sup>33</sup> See, <https://www.facebook.com/watch/?v=309068530562225>

<sup>34</sup> See, video recording of Sergei Shunin’s arrest at <https://www.facebook.com/100007269361449/videos/pcb.2816868691898749/2816868078565477>

#### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

attended the protest action as a human rights monitor, and which he wrote on the police report, was not taken into consideration. His lawyer's remarks that Sergei Shunin had not participated in the protest and - contrary to the police report - had not carried any banners or slogans resulted only in the judge re-qualifying the "offence" rather than dismissing the case. The hearing was conducted *in absentia* despite the defence lawyer's request to have it postponed due to Sergei Shunin's participation in another court case that same day. On 11 August, the Nizhnii Novgorod Regional court upheld the lower court's decision.



*Yekaterina Vanslova after her arrest in a police bus, with riot police officers in the background.*

© Yekaterina Vanslova

**Yekaterina Vanslova** was also documenting the arrest of peaceful protesters when she was herself detained by the police. She told Amnesty International that her detention followed shortly after she had started to video record human rights violations without trying to be discreet, closely approaching the arresting police officers and asking protesters why they were being detained. According to Yekaterina Vanslova, the riot police officers who detained her did not have identity badges nor did they introduce themselves or state the grounds for the arrest. She was taken to a police bus where, together with other detainees, she had to wait for around 40 minutes until the bus was full. Only then they were driven to a police station.

In an interview with Amnesty International,<sup>35</sup> and as shown in a video interview issued by CAT,<sup>36</sup> Yekaterina Vanslova described how police at the station had tried to forcibly fingerprint detainees (in contravention to Russian law)<sup>37</sup> and make them take Covid-19 tests, and were reluctant to register all the detainees properly. As in the case of Sergei Shunin, the police drew a report of an offence for "obstructing transport or social infrastructure" despite the fact that Yekaterina Vanslova had been detained in a pedestrian zone which had been cordoned off by the police and did not obstruct traffic. She was then held overnight in a "spetspriyomnik" – a special detention facility for those detained under administrative law – in inhuman and degrading conditions. According to Vanslova, her cell was cold, infested with insects and had no ventilation.

*"We shared our cell with some insects, most probably bedbugs. I had around 12 insect bites which later resulted in a strong skin irritation. The cell was cold, and we had to sleep in winter coats and boots on. There was no hot water, and the drinking water was of brown colour. The toilet was partitioned from the rest of the cell by a short divider and there was a CCTV camera above the toilet."*

Yekaterina Vanslova, CAT lawyer<sup>38</sup>

On 1 February 2021, the Moskovsky District Court of Nizhnii Novgorod ruled that Yekaterina Vanslova had violated Article 20.2(5) of the Code of Administrative Offences ("violation of the rules of public assemblies") and imposed a fine of RUB 10,000 (EUR 114). While the court allowed questioning of one of the defence witnesses, it rejected other requests by the defence lawyer, including to question the arresting officers. On 18 March, the Nizhnii Novgorod Regional Court upheld the sentence.

Notably, the court did not recognize that Yekaterina Vanslova had been performing monitoring functions rather than participating in a protest. Referring to the Law "On Public Assemblies",<sup>39</sup> the judge stated, somewhat tautologically, that "a participant of a public event is any person who is participating in that public event and qualification of a person as a participant does not depend on how actively this person was

<sup>35</sup> Yekaterina Vanslova, interview with Amnesty International, 26 July 2021.

<sup>36</sup> See, <https://www.youtube.com/watch?v=zrzxr18Helw>

<sup>37</sup> See, Federal Law "On state dactiloscopic registration in the Russian Federation", No 128-FZ of 25 July 1998, as amended, available at: <https://base.garant.ru/179140/>

<sup>38</sup> Yekaterina Vanslova, interview with Amnesty International, 26 July 2021

<sup>39</sup> Article 6 of the Federal Law "On assemblies, rallies, demonstrations, marches and pickets" of 19 June 2004, No 54-FZ with amendments, available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_48103/](http://www.consultant.ru/document/cons_doc_LAW_48103/)

#### **RUSSIA: "YOU WILL BE ARRESTED ANYWAY":**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

performing actions within this public event”.<sup>40</sup> The judge then argued that Yekaterina Vanslova had “participated in an unauthorized event ... as part of a group of 500 people”.

The law “On Public Assemblies” does not provide an explicit definition of what constitutes “participation” in a public event and, judging by the list of those who could potentially take part in a public assembly, as mentioned in Article 6(1), it might follow that even bystanders could be qualified as an assembly participant – something that, indeed, does routinely happen in Russia. The Russian Supreme Court Plenary attempted to at least partially close this gap in one of its rulings, stating that a “[p]articipant of a public assembly ... is a citizen, including a member of a political party, member or participant of other public association, religious association, who voluntarily takes part in such event *and exercises their rights provided for by Article 6(2) of the Law*<sup>41</sup>..., for instance, participating in a discussion and adoption of decisions, using various symbols and other means of public expression of collective or individual opinion”.<sup>42</sup> It becomes clear then that the judge failed to apply this definition to Yekaterina Vanslova’s case, as otherwise it would have implied that she could not be qualified as a “participant” and thus, should have not been sentenced. Yekaterina Vanslova’s sentence is further evidence of the overly-broad and vague application of the Law “On Public Assemblies”, which fails to explicitly define the status of a public assembly monitor as that of a neutral observer, as opposed to a “participant”, having rights and obligations in line with the relevant international human rights standards.

While the court referred to the Russian Constitution and the European Convention on Human Rights (ECHR), these references appeared to be used as mere formalities.<sup>43</sup> The lack of references to the ICCPR or other UN documents, including the General Comment 37 by the UN Human Rights Committee, showcases the lack of adequate training of judicial authorities in international human rights law and their flaws in upholding Russia’s obligations under international law.

## ARBITRARY ARREST AND DETENTION OF TIMUR RAKHMATULIN



Timur Rakhmatulin in front of a police cordon preparing to monitor the protest action on 31 January 2021.

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Three other staff members of the CAT were monitoring the protest in Orenburg, south-west Russia, on 31 January 2021. Among other things, they noted that arrests of protesters were mainly conducted by heavily built masked men in civilian clothes. CAT monitors also noticed that these men did not introduce themselves nor explained the grounds for the arrests and handled detainees violently.<sup>44</sup> Soon after, one of the CAT’s monitors, **Timur Rakhmatulin**, was himself grabbed by two of the unidentified men while filming the arrest of

<sup>40</sup> Decision of the Nizhnii Novgorod Regional Court of 18 March 2021, on file with Amnesty International

<sup>41</sup> Italics added by Amnesty International

<sup>42</sup> Ruling of the Plenary of the Supreme Court of the Russian Federation of 26 June 2018 N 28 “On some questions courts have when considering administrative cases and cases of administrative violations in connection with implementation of the legislation on public events”, para 33, available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_301031/afdb134fea1af27d3ccb9857ff67c9ad79d36c28/](http://www.consultant.ru/document/cons_doc_LAW_301031/afdb134fea1af27d3ccb9857ff67c9ad79d36c28/). See also General Comment No 37 on Article 21 of ICCPR, para 12, available at: [https://tinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11](https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11)

<sup>43</sup> For instance, the court correctly noted that the rights to freedom of expression and assembly (Articles 10 and 11 of the ECHR) could be subject to restrictions which must be prescribed by law, necessary in a democratic society and have a legitimate aim. However, together with the “restrictions” it also mentioned some vague “formalities, conditions ... or sanctions”. More importantly, it did not refer to or analyze the wealth of European Court of Human Rights case law establishing, including in the cases brought against Russia, when such restrictions do not meet the strict three-part test provided for by the Convention.

<sup>44</sup> See, Findings of monitoring of 31 January protest actions in several Russian regions, available at: <https://pytkam.net/itogi-monitoringa-protestnyh-akczij-31-yanvarya-v-neskolkih-regionah-rossii/>

### RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:

#### REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

a peaceful protester – also carried out by the men in civilian clothes.<sup>45</sup> Timur Rakhmatulin believes that he was arrested precisely because he was filming another person being arrested at close quarters. Timur Rakhmatulin told Amnesty International how one of the men who was arresting him had told him to “keep on moving or else it will hurt”.<sup>46</sup> He was taken to a police bus and forcibly pushed inside.

*“I asked them to introduce themselves and explain why they were using force against me. I dug my feet in [to avoid getting into the police bus], following which the plain clothes man on my right punched me in the groin. It was so severe I screamed in pain.”*

Timur Rakhmatulin about circumstances of his arrest<sup>47</sup>

According to Timur Rakhmatulin, uniformed police officers who were also in attendance saw the way in which he was beaten but did not interfere. As some police officers later confirmed<sup>48</sup>, plain clothes men carrying out arrests during the protest were members of law enforcement agencies. After the human rights defender had been forcibly pushed inside the police bus, he tried to find out from the two uniformed police officers who were there whether he was under arrest. However, they did not give him a definitive answer and only said: “You will have all the explanations at the police station”. As the police would not confirm his official status, Timur Rakhmatulin then simply left the bus via the back door. However, in about 20 meters, he was again grabbed by one of the men in civilian clothes and forcibly dragged back to the bus. The man again refused to introduce himself or explain the reasons for the arrest. He threw Timur Rakhmatulin to the ground near the bus and only then did a uniformed police officer officially confirm his arrest. Timur Rakhmatulin obeyed the police orders and got into the police bus.

Timur Rakhmatulin recalls how while he and the other detainees were still in the police bus, police officers had written down their names and the descriptions of their clothes which were then passed on to the police station. When they arrived at the Orenburgskoye Police Station, the police simply used this information for the report forms. Timur Rakhmatulin noticed that, in violation of the law<sup>49</sup>, some of the sections in the report forms had already been pre-filled. For instance, even before the detainees had been interviewed, there were typed entries stating that they did not have any comments or objections regarding their treatment in detention and that no personal belongings had been confiscated, which was not true. The reports had already been signed by two “witnesses”, which is also a violation of Russian law. According to Timur Rakhmatulin, the police were filling in the records “like a conveyor belt”. His lawful request to allow him to write down his objections in the report form and correct those parts that had already been filled in without his knowledge was rejected, and the police took the form away without allowing him to sign or correct it.

According to Timur Rakhmatulin, several procedural records were drawn up in violation of the law. For instance, his detention record was drawn up at 9:56 pm, almost nine hours after his actual detention at around 1:05 pm. There was no search record when his mobile phone was confiscated, contrary to the established procedure. The police officer who confiscated his phone also insisted that Timur Rakhmatulin be fingerprinted and photographed for the police database but he refused. Following this, the police officer ordered that Timur Rakhmatulin be placed in a cage 80 cm wide and 130 cm long, where he spent around 40 minutes. He was then taken for questioning but was initially denied access to his lawyer who, at that time, was already at the police station but was not allowed in.

The police drafted a report of violations under Article 19.3(1) (“Failure to obey police orders”) and Article 20.2(5) of the Code of Administrative Offences and told him that he would be detained for 48 hours in a special detention centre. He was taken there after 10 pm when the police had finished all the paperwork.

On 2 February 2021, the Orenburg Leninsky District Court dismissed the case against Timur Rakhmatulin under Article 19.3(1), and postponed the hearing under Article 20.2(5). The court, in particular, pointed out that according to a video recording of the event, Timur Rakhmatulin had been arrested by men in civilian clothes, and it was not clear from the recording that the police officers had issued him an order which Timur Rakhmatulin allegedly failed to obey. The police appealed this decision, but it was upheld by the Orenburg Regional Court on 14 April 2021.<sup>50</sup>

During the court hearing, it transpired that plain clothes law enforcement officers from special unit forces known as Grom (“Thunder”), usually deployed to arrest people deemed to be “dangerous” and conduct special operations against people suspected of selling drugs, were deployed at the public assembly on 31 January 2021. When asked about the role the unit was supposed to play, its representative told the court that they had received information that drugs would be distributed at the public assembly. He denied that he

<sup>45</sup> See, video of detention of Timur Rakhmatulin, available at: <https://www.facebook.com/mudarisovargteu/videos/3973553652695523>

<sup>46</sup> Timur Rakhmatulin, interview with Amnesty International, 23 July 2021.

<sup>47</sup> Timur Rakhmatulin, interview with Amnesty International, 23 July 2021.

<sup>48</sup> During a court hearing of the administrative case against Timur Rakhmatulin. See more about it below.

<sup>49</sup> On due procedure here and below see, Code of Administrative Offences, Chapter 27, 28, available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_34661/](http://www.consultant.ru/document/cons_doc_LAW_34661/)

<sup>50</sup> Decision of the Orenburg Regional Court of 14 April 2021, on file with Amnesty International.

#### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

or his subordinates had detained Timur Rakhmatulin but confirmed that those who had detained him were also law enforcement officers.<sup>51</sup>

International human rights law and standards provide clear guidelines on the policing of assemblies. The UN Human Rights Committee has affirmed *inter alia* the police obligation to respect and ensure the rights of organizers and participants of peaceful assemblies, while also protecting journalists, monitors and observers from harm. Police should generally manage assemblies without using force; any use of force should be an exception.<sup>52</sup> The use of force, including in assemblies, is governed by the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>53</sup> Force may only be used if any other means are ineffective or without any promise of achieving the intended result.<sup>54</sup> The Human Rights Committee has further clarified that law enforcement officials policing assemblies must not use force greater than it is proportionate to the legitimate objective, including during arrests, and has urged states to only deploy law enforcement officials who have been trained in the policing of assemblies, including on the relevant human rights standards.<sup>55</sup> Furthermore, the Committee has established that any deployment of plain-clothed officers in assemblies must be strictly necessary in the circumstances and such officers must never incite violence. According to the Committee, plain-clothed officers must identify themselves to the persons concerned before conducting a search, making an arrest or resorting to any use of force.<sup>56</sup> None of these standards were complied with during the peaceful assembly in Orenburg and during Timur Rakhmatulin's arrest.

On 10 February 2021, Timur Rakhmatulin and his colleagues submitted a complaint against the law enforcement officers' actions during his arrest and detention. However, on 12 March 2021, the Investigative Committee refused to investigate their complaint, and they only received a copy of the refusal on 15 April 2021.<sup>57</sup> They appealed the decision but received a further refusal.<sup>58</sup> At the time of writing they were continuing to seek justice.<sup>59</sup>

On 31 March 2021, the Leninsky District Court in Orenburg ruled that Timur Rakhmatulin had violated Article 20.2 (5) of the Code of Administrative Offences and issued a RUB 10,000 (EUR 114) fine. In its formal ruling on the case issued on 2 April 2021, the judge rejected the defence arguments that Timur Rakhmatulin was not a participant but a human rights monitor. As in the case of Yekaterina Vanslova above, the judge referred to Article 6 (1) of the Law "On Public Assemblies" which lists categories of people participating in a public assembly. The judge stated, on the basis of this list, that "the law does not provide for such definition as a human rights defender at a public assembly", indicating that the court considered anyone present at the site of a public assembly as a participant in it.<sup>60</sup> Furthermore, the judge fully accepted the police statements despite the fact that they clearly contradicted the video recordings, and dismissed the defence witnesses' statements and other arguments put forward by Timur Rakhmatulin's defence. On 18 May, the Orenburg Regional Court upheld the lower court's ruling.

*"I was monitoring [a public action], was performing my civic duty but was prosecuted [for that]."*

Timur Rakhmatulin, CAT lawyer.<sup>61</sup>

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<sup>51</sup> Timur Rakhmatulin, interview with Amnesty International, 23 July 2021. Also, see his account of the hearing at:

<https://www.facebook.com/photo/?fbid=1730091650504711&set=a.171676949679530>

<sup>52</sup> Human Right Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, [A/HRC/31/66](#), 2016, para. 57

<sup>53</sup> Amnesty International has developed guidelines on the use of force to indicate how authorities should ensure the effective implementation of the UN Basic Principles in law and in operational practice: [Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), 2015.

<sup>54</sup> UN, [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), 1990, Principle 4: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result".

<sup>55</sup> General comment No. 37, UN Human Rights Committee, paras 74, 79-80 (previously cited).

<sup>56</sup> General comment No. 37, UN Human Rights Committee, para 92 (previously cited).

<sup>57</sup> The Investigative Committee is a stand-alone government agency that investigates serious crimes. See [https://pytkam.net/v-orenburge-ne-stali-vozbuzhdad-dela-po-zhalobam-na-nezakonnoe-nasilie-na-protestnoj-akczii/?fbclid=IwAR1c0sfubDO4HalJgDCQvMOLv\\_3HRbmJi76VdQxzcleKbaq5I4PynbfDE8](https://pytkam.net/v-orenburge-ne-stali-vozbuzhdad-dela-po-zhalobam-na-nezakonnoe-nasilie-na-protestnoj-akczii/?fbclid=IwAR1c0sfubDO4HalJgDCQvMOLv_3HRbmJi76VdQxzcleKbaq5I4PynbfDE8).

<sup>58</sup> The Decision to refuse initiation of a criminal case of 12 May 2021, on file with Amnesty International.

<sup>59</sup> Timur Rakhmatulin also submitted a separate law suit demanding compensation for the unlawful actions of the police and on 20 September 2021, the Orenburg Leninsky District Court ruled that the human rights defender must be awarded a compensation of RUB 5,000 (EUR 58.47). See, <https://www.kommersant.ru/doc/4997057>

<sup>60</sup> The Ruling of the Leninsky District Court of 2 April 2021, on file with Amnesty International. Like in the case of Yekaterina Vanslova above, the judge also formally referred to the Russian Constitution and Article 10 of the ECHR but did not refer to and apply the relevant case law of the Court.

<sup>61</sup> Timur Rakhmatulin, interview with Amnesty International, 23 July 2021

#### **RUSSIA: "YOU WILL BE ARRESTED ANYWAY":**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**



## ARBITRARY ARREST AND DETENTION OF KONSTANTIN GUSEV AND MAGOMED ALAMOV



*Konstantin Gusev (left) and Magomed Alamov (right) after their release from detention. They were the last of the CAT staff members to be released. The writing on their T-shirt says: "Everyone is free". The building in the background is Mineralnye Vody special detention facility where they were imprisoned.*

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CAT members **Magomed Alamov** and **Konstantin Gusev** were monitoring the peaceful protest in Pyatigorsk, southern Russia, on 31 January 2021. They told Amnesty International<sup>62</sup> that day there was a heavy police presence in and around the main square in front of the City Administration and metal barriers had been installed around the square preventing people from going through. They did not see too many protesters when they began monitoring the protest and noted that protesters were acting peacefully, mostly just walking or standing around in a nearby park.<sup>63</sup> The protesters did not chant any slogans nor hold any banners. Nevertheless, the police swiftly started randomly arresting people – both protesters and bystanders. CAT monitors witnessed 11 arrests out of the around 40 people who were arrested that day.<sup>64</sup>

According to Magomed Alamov, when he and his colleague were going to cross the street and had to go through the police lines which were on both sides of the path, they were called over by a uniformed police officer who was standing together with two men in plain clothes. The monitors, who had earlier presented their IDs to another police officer and told him about their monitoring role, introduced themselves as staff members of CAT and once more explained that they were monitoring the peaceful protest as "neutral observers". Despite this, they were arrested after having monitored the assembly for less than an hour. They were first taken to the City Administration, then to a police bus parked in the Administration's backyard, where together with others that were detained that day, they spent around an hour until the police bus was full. Only then were they taken to a police station.

Upon their arrival, the monitors noticed that the official police reports wrongly stated the time of their arrest and arrival at the police station. The reports themselves were drawn up only at 10 pm on that day. The monitors' requests to correct the record were rejected. All those arrested during the protest and held in the police station were not given any food or water for over ten hours and were made to stand along the corridor's wall, prohibited from leaning against it or even squatting.

*"There was a retired National Guard colonel [among those arrested] who demanded that he was treated with respect. In response, a masked police officer took him away to a corner and made him stand by the wall with his legs wide apart."*

Magomed Alamov, CAT lawyer.<sup>65</sup>

After midnight, when the official papers were filled in, Magomed Alamov remained at this police station while Konstantin Gusev together with nine other people was put in a small police van, intended only for four people, and driven to police stations in other locations. Both CAT staff complained about inhuman and

<sup>62</sup> Interview with Magomed Alamov, interview with Konstantin Gusev, 19 August 2021, on file with Amnesty International.

<sup>63</sup> See, Findings of monitoring of 31 January protest actions in several Russian regions, available at: <https://pytkam.net/itogi-monitoringa-protestnyh-akczij-31-yanvarya-v-neskolkih-regionah-rossii/>

<sup>64</sup> See, for instance, here: <https://www.kavkaz-uzel.eu/articles/359400/>

<sup>65</sup> Interview with Magomed Alamov, 19 August 2021, on file with Amnesty International.

### RUSSIA: "YOU WILL BE ARRESTED ANYWAY":

#### REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

degrading conditions in police cells. Konstantin Gusev noticed that “at least the police officers were nice and polite” in the police station he was taken to.<sup>66</sup>

On 1 February, they were both sentenced to 10 days of administrative detention by the Pyatigorsk City Court under Art. 20.2.2 (1) of the Code of Administrative Offences (“Organization of, calls to, or participation in a mass simultaneous gathering of people”). The court refused both men legal representation. For instance, the judge told Magomed Alamov that since he did not have his own mobile phone on him to call his lawyer, it was “not the court’s responsibility to provide a lawyer”.<sup>67</sup> They were not allowed to call witnesses either.

*“The court hearings were like a conveyor belt. Everything was happening very quickly. Each hearing took no more than three to five minutes.”*

Konstantin Gusev, CAT lawyer<sup>68</sup>

Both human rights defenders were asked whether they admitted committing the administrative offence they were accused of. Both replied that, as part of a human rights organization, they were just carrying out their human rights work and were monitoring the protest and how it had been policed. From the judge’s response, it appeared that he did not understand the concept of human rights monitoring. For instance, he reportedly told Konstantin Gusev that “one cannot do monitoring on behalf of a civil society organization”.<sup>69</sup> Since neither of the men were willing to admit their guilt in an offence they rejected committing, they were given 10 days of administrative detention. According to Konstantin Gusev, those who admitted the offence were either given a day in administrative detention – the time that the majority would have already spent in a police station – or a fine.

Magomed Alamov and Konstantin Gusev were released on 10 February having spent their full sentence in a special detention facility in the town of Mineralnye Vody. On 11 February, the Stavropol Territory Court rejected their appeals.<sup>70</sup>

## 1.4 ARBITRARY ARRESTS AND DETENTION OF OGON MEMBERS

**“Despite lawful police demands ...continued to be among the participants of the event, [thus] showing solidarity with them.”**

From an Appeal court ruling in one of the monitor’s cases<sup>71</sup>

The United Group of Public Control (or OGON in its Russian abbreviation) was set up on 9 May 2012 as a public assembly watchdog. The organization was formed three days after the momentous Moscow Bolotnaya Square protest against the return of Vladimir Putin to the presidency, which resulted in administrative and criminal charges brought against dozens of peaceful protesters.<sup>72</sup> According to the Group’s Coordinator, Nikolay Kretov, such a public initiative was needed because at that time “there were no independent sources who could document what happened [during a public assembly]...and provide an assessment from the point of law.”<sup>73</sup>

Before undertaking any observation activities, OGON’s volunteers received trainings on human rights standards and OGON’s own principles. They were also trained on how to observe public assemblies, interact with police and other relevant matters. A refresher briefing was conducted each time before people were sent to monitor assemblies to ensure that OGON principles, including those of political neutrality, adherence

<sup>66</sup> He was detained in the Essentukskaya stanitsa police station.

<sup>67</sup> Interview with Magomed Alamov, 19 August 2021, on file with Amnesty International.

<sup>68</sup> Interview with Konstantin Gusev, 19 August 2021, on file with Amnesty International.

<sup>69</sup> Interview with Konstantin Gusev, 19 August 2021, on file with Amnesty International.

<sup>70</sup> See, for instance, <https://t.me/apologia/3459>

<sup>71</sup> Ruling by the Supreme Court of the Republic of Komi, 7 April 2021, on file with Amnesty International.

<sup>72</sup> See, Amnesty International, *Russia: The Anatomy of Injustice: The Bolotnaya Square Trial* (Index: EUR 46/055/2013), 10 December 2013, at: [amnesty.org/en/documents/eur46/055/2013/en/](https://www.amnesty.org/en/documents/eur46/055/2013/en/); Amnesty International, “A right, not a crime: Violations of the right to freedom of assembly in Russia”, EUR 46/028/2014, 3 June 2014, at: [amnesty.org/en/documents/EUR46/028/2014/en](https://www.amnesty.org/en/documents/EUR46/028/2014/en),

<sup>73</sup> Nikolay Kretov, interview with Amnesty International, 21 July 2021.

### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**



to law and non-discrimination, were being observed. As part of their activities, OGON routinely notified the authorities when they were planning to monitor a protest. For instance, in various protests in Moscow they notified the Moscow City Main Directorate for the Ministry of Internal Affairs and the office of the National Guard (Rosgvardiya) if the latter were also going to police a rally, providing the full list of observers and their contact details. A copy of this notification and a copy of the reply from the police – if such reply was received in time – would be given to each group that could be shown to police officers at the public assembly if they had any questions. Amnesty International has seen some such replies from the Moscow police acknowledging OGON's role and thanking them for their "active citizenship position in the issues of guarding public order". During public assemblies, OGON observers wore visible white vests aimed to signal their neutral status and prevent their arrests.

Following the monitoring, OGON would publicise their observations together with a set of recommendations and would share them with the relevant authorities, including the police. According to Nikolay Kreto, OGON developed good working relations and until 2021 had a regular dialogue with the Moscow's Ministry of the Interior. However, it appears that since 2021 the Ministry of the Interior and the National Guard have been less willing to engage with OGON, leading even to the arrest of two of its members – Yuri Kuzin and Sergei Sokolov – on 31 January in Moscow.

### ARBITRARY ARREST AND DETENTION OF YURI KUZIN AND SERGEI SOKOLOV



*Yuri Kuzin (left) and Sergei Sokolov (in the middle), both in OGON white vests, in the police bus after their arrest.*

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The protest of 31 January was the third instance of monitoring public assemblies for both Yuri Kuzin and Sergei Sokolov and the first time they were arrested as observers. They were part of the same monitoring group and, at the time of their arrest, were filming how the riot police cordon was preventing people from leaving and how people were being randomly arrested.<sup>74</sup> Both observers told Amnesty International that not long before their arrest, a police officer had approached them to ask who they were and what they were doing there. They explained their monitoring mission and the officer went away.<sup>75</sup> Yuri Kuzin described how, when they started documenting arrests, he was dragged by riot police officers to a police bus.<sup>76</sup> Yuri Kuzin asked the officers to identify themselves and explain the reason for his arrest but received no answer. Yuri Kuzin was wearing his OGON vest, was not chanting any slogans, and followed the OGON code of conduct for observers, but was nevertheless arrested.

Sergei Sokolov started to film his colleague's arrest but then was himself arrested.<sup>77</sup>

*"A man in plain clothes approached me, grabbed me by the neck, pushed me at the OMON [riot police] officers, they grabbed me, kicked me in my legs and pushed me into the [police] bus."*

Sergei Sokolov, OGON observer<sup>78</sup>

<sup>74</sup> See their activities and arbitrary arrests by the OMON, for instance, in the RusNews journalist Sergei Kuok's stream, starting from 2:00:40 until 2:44:35 at: [https://www.youtube.com/watch?v=k66\\_EtlghlQ](https://www.youtube.com/watch?v=k66_EtlghlQ), accessed on 06 August 2021.

<sup>75</sup> See Sergei Kuok's stream at 2:14:29 until his short interview with the monitors at 2:15:27 (previously cited)

<sup>76</sup> Yuri Kuzin, interview with Amnesty International, 27 July 2021. See also the moment of his arrest at 2:44:05, 30 minutes after they had been asked for their IDs by an OMON officer, at [https://www.youtube.com/watch?v=k66\\_EtlghlQ](https://www.youtube.com/watch?v=k66_EtlghlQ), accessed on 6 August 2021.

<sup>77</sup> Sergei Sokolov, interview with Amnesty International, 22 July 2021. Journalist Sergei Kuok recorded the OGON observers' arrests during his stream, see from 2:44:05 to 2:44:35 at <https://www.youtube.com/watch?v=YQcFQIWMUY8>, accessed on 06 August 2021.

<sup>78</sup> Sergei Sokolov, interview with Amnesty International, 22 July 2021.

#### RUSSIA: "YOU WILL BE ARRESTED ANYWAY":

#### REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

According to the two observers, after several more people had been detained, the bus started moving and stopped along the way to pick up more detainees.

*"The bus was filled with random bystanders. One [of the detainees] was a man who was coming back home from a shop with a bag of food and a receipt."*

Yuri Kuzin, OGON observer.<sup>79</sup>

Sergei Sokolov and Yuri Kuzin described how they were arrested after 2 pm but only taken to the police station in Kuzminki District, some 17 km away, at 3.50 pm. At the police station, police officers drafted identical reports of arrests for all detainees with the wrong time, place and circumstances of detention. For instance, according to Sergei Sokolov's report, the time of arrest was 3:45 pm and the time of arrival at the police station was 4:20 pm. Although both men were arrested near the Monument to the Victims of Political Repression,<sup>80</sup> the police report cited Gavrikova Street, 2/38 as the place of their arrest, which is some 2.5 km away. Sergei Sokolov explained: "The record of administrative arrest stated that I had been arrested in Gavrikova street, 2/38 and that allegedly I had been shouting slogans "Putin is a thief!" and "Putin, go away!" I did not shout anything like that, and neither was I in Gavrikova Street."

While the actual arrests had been carried out by riot police officers, the arrest reports were drawn up by two police officers who, according to the OGON observers, they had never met.

When their lawyer arrived at the police station, the police invoked the so called "Plan Fortress" regime – a protocol usually triggered by a threat of an armed attack on a police station whereby all entrances and exits to the station are closed and the staff must take defensive positions.<sup>81</sup> Since at least 2017, the "Plan Fortress" protocol has routinely been enacted after mass arrests during protests to block access of lawyers to those detained in the police station.<sup>82</sup> As a result of the implementation of the protocol on 31 January, lawyers were again denied access. Yuri Kuzin and Sergei Sokolov, as well as others who were detained that day, were unlawfully deprived of their right to legal representation.

Both OGON monitors insisted to the police that they would provide written statements only in the presence of their lawyers. In response, both were detained at the police station overnight in inhuman and degrading conditions<sup>83</sup> and only taken to the Kuzminskiy District Court the next day at 11 am. There, they had to wait until 8 pm for the hearing to begin. However, the hearing was adjourned only after it started because the police had failed to provide the originals of some documents. Even though the police could have released Yuri Kuzin and Sergei Sokolov with an undertaking to attend the court hearing, they were held in the police station until 11am the next morning when they were again brought to court. Thus, the time they spent in police detention exceeded the maximum time allowed to hold a person without charges (48 hours).<sup>84</sup> At the court, they had to wait for the hearing again, this time until 6 pm, without being given food or water.

The Kuzminskiy District Court rejected various requests by Sergei Sokolov and Yuri Kuzin to sustain their defence, including to present the video recording of their arrest, to call witnesses and to question the police officers who had drawn up inaccurate or false reports about the accusations against them. <sup>85</sup>The court found both men in violation of Article 20.2 (6.1) of the Code of Administrative Offences and sentenced them to four days in detention. The monitors then had to wait until around 11 pm for all the necessary papers to be processed before they were taken back to the police station.

They were there until at least 5 am of the next morning, after which they were driven over 80 km to the Temporary Detention Centre for Migrants in Sakharovo, Moscow region. This facility was used at the time to keep hundreds of people sentenced to administrative detention for participating in the January 2021 protests because the existing detention centres in Moscow were overwhelmed due to arbitrary mass arrests. It came to be synonymous with inhuman and degrading detention conditions. Yuri Kuzin and Sergei Sokolov's appeals at the Moscow City Court on 4 February were unsuccessful. They were released on the same day

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<sup>79</sup> Yuri Kuzin, interview with Amnesty International, 27 July 2021

<sup>80</sup> See for instance videos of the monitors' arrests mentioned above.

<sup>81</sup> See more about the "Fortress" plan at: <https://ovdinfo.org/articles/2019/06/14/ugroza-napadeniya-kak-policeyskie-ispolzuyut-plan-krepost-protiv-advokatov>

<sup>82</sup> See, for instance, chronicles of the use of "Fortress" plan at: <https://krepost-chronicles.ovdinfo.org/> On 9 April 2021, Russian human rights monitoring group OVD-Info passed almost 142,000 signatures collected against the use of "Fortress" plan to unlawfully block lawyers' access to their clients to the office of the Russian Human Rights Ombudsman Tatyana Moskalkova. See at: <https://www.dw.com/ru/podpisi-protiv-plana-krepost-peredali-v-ofis-moskalkovoi/a-57146298>

<sup>83</sup> For instance, the observers told Amnesty International, that they were not given any mattresses or bedding and had to sleep on a bare plank on the floor, covered by their own coats. The cell was cold. The window would not open and there was no ventilation. The detainees' requests to be taken to a shower were disregarded and they were not given any personal hygiene items. There was no toilet in the cell and the detainees had to persistently knock on the door to be let out. Throughout their detention no hot food was provided. The food that was provided was in small quantity and of poor quality.

<sup>84</sup> See Article 27.5 of the Code of Administrative Offences, at:

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_34661/2dafb4a03804a38695ce7153d728875fdb1dcc01/](http://www.consultant.ru/document/cons_doc_LAW_34661/2dafb4a03804a38695ce7153d728875fdb1dcc01/)

<sup>85</sup> Such approach was and continues to be typical of trials of peaceful protesters.

#### **RUSSIA: "YOU WILL BE ARRESTED ANYWAY":**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

having served their administrative detention in full, and had to find their own way back to Sakharovo to collect their belongings, including passports, money and keys.

Despite this experience, both Sergei Sokolov and Yuri Kuzin told Amnesty International that they did not regret taking part in monitoring the protests.

*“I was truly impressed with the powerful support I received from OGON. Nothing compares to this feeling of belonging to the great human brotherhood. Being behind bars and knowing that somewhere out there, there are people who support you – this can’t be compared to anything.”*

Yuri Kuzin, OGON observer.<sup>86</sup>

Another OGON observer, **Vyacheslav Slyusarev**, was prosecuted in Syktyvkar, the Republic of Komi in the north of Russia, in connection with his monitoring of a protest action on 23 January. Vyacheslav is an experienced observer who has been engaged in this field since at least 2011 and has been monitoring public assemblies since at least 2017. He told Amnesty International that, as part of the usual routine before monitoring assemblies, he and his colleagues would inform the police in advance about their planned activities, then arrive 15-30 minutes before the start of a public demonstration, approach the police officers to introduce themselves and clearly state their role as monitors.<sup>87</sup> Vyacheslav Slyusarev did the same on 23 January 2021 and, like his colleagues in Moscow, he was wearing the white OGON observer vest and a badge to make clear that he was an observer and not one of the participants.<sup>88</sup>

Like in other Russian towns and cities that day, the protest in Syktyvkar was peaceful and, according to some estimates, attended by at least 1,200 people.<sup>89</sup> While only a handful of people were arrested during the protest in Syktyvkar,<sup>90</sup> most arrests took place in the days that followed.<sup>91</sup> According to Vyacheslav Slyusarev, the police used photos, videos and streams of journalists and bloggers to identify and target for arrest those who were at the protest.

*“It appears that the police’s task was not simply to ensure law and order during the protest action but also to come after each and every one who went to that action. This is not policing; this is a crackdown on dissent.”*

Vyacheslav Slyusarev, OGON observer.<sup>92</sup>

Vyacheslav Slyusarev told Amnesty International that for several days before his arrest the police had parked a patrol car outside his house. Someone, presumably the police, also rang his bell several times but he did not open the door. On 9 February 2021, when leaving his flat at around 3 pm, he was approached by a man waiting for him immediately outside the door.

*“I opened my door and there was a man in civilian clothes, waiting for me with a summons to appear at the police station. He must have been waiting there since the early morning.”*

Vyacheslav Slyusarev, OGON observer.<sup>93</sup>

At the police station, Vyacheslav Slyusarev explained that he had not participated in the 23 January action and that he had only carried out human rights monitoring. Nevertheless, he was charged under Article 20.2 (5) of the Code of Administrative Offences and fined RUB 10,000 (EUR 114) on 15 February by the Syktyvkar City Court. In the ruling issued on 16 February, the court rejected Vyacheslav Slyusarev’s arguments about his monitoring role claiming that “having a vest and a badge is not a lawful reason to be at such public assembly in the absence of other evidence justifying his status and that he was carrying out a task of the United Group [OGON]. Otherwise, it would mean that any participant of a public assembly could identify themselves with some insignia to legitimise his presence at an unauthorised public assembly which could not be a ground for being exempt from liability.”<sup>94</sup>

Commenting on this decision later to the online media outlet 7x7, Vyacheslav Slyusarev noted that “[e]verything was down to the need for me to have some official status, to distinguish me as a third party

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<sup>86</sup> Yuri Kuzin, interview with Amnesty International, 27 July 2021

<sup>87</sup> Vyacheslav Slyusarev, interview with Amnesty International, 20 July 2021.

<sup>88</sup> See, for instance here, starting from 48:08 and 1:04:06 at: [https://vk.com/video-114304627\\_456239432?fbclid=IwAR3BPdEfJJCYbCpReOSDRpgpKkq6Ta6z5-NoXPw5R0lf57MNkT00acNrU](https://vk.com/video-114304627_456239432?fbclid=IwAR3BPdEfJJCYbCpReOSDRpgpKkq6Ta6z5-NoXPw5R0lf57MNkT00acNrU)

<sup>89</sup> See, for instance here: <https://7x7-journal.ru/articles/2021/01/23/my-zdes-vlast-kak-proshli-akcii-v-podderzhku-navalnogo-v-regionah-rossii>

<sup>90</sup> Russian online media 7x7 reported of at least seven people arrested on the day of the action, 23 January. See at: <https://7x7-journal.ru/articles/2021/01/23/my-zdes-vlast-kak-proshli-akcii-v-podderzhku-navalnogo-v-regionah-rossii>. The human rights monitoring organization OVD-Info reported that at least 10 people had been arrested: <https://ovdinfo.org/news/2021/01/23/spisok-zaderzhannyh-na-akciyah-v-podderzhku-alekseya-navalnogo-23-yanvarya-2021-goda>

<sup>91</sup> See, for instance: [https://novayagazeta.ru/news/2021/01/28/167457-politsiya?utm\\_source=ig&utm\\_medium=novaya&utm\\_campaign=utrom-28-yanvarya-v-kvartiru-syktvkarско](https://novayagazeta.ru/news/2021/01/28/167457-politsiya?utm_source=ig&utm_medium=novaya&utm_campaign=utrom-28-yanvarya-v-kvartiru-syktvkarско); <https://7x7-journal.ru/articles/2021/01/28/spisok-iz-100-kak-v-respublike-komi-zaderzhivayut-i-sudyat-aktivistov-za-uchastie-v-mitingah-23-yanvarya>

<sup>92</sup> Vyacheslav Slyusarev, interview with Amnesty International, 20 July 2021.

<sup>93</sup> Vyacheslav Slyusarev, interview with Amnesty International, 20 July 2021.

<sup>94</sup> Decision of the Syktyvkar City court of 16 February. On file with Amnesty International.

#### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

from the participants and the passers-by. However, the court could not explain how a protester's status is different from a passer-by's status and how the police identify who is who and in what status they are [at the public assembly]".<sup>95</sup> The court used the stream of a 7x7 journalist from the demonstration as one piece of "evidence" of Vyacheslav Slyusarev's alleged participation in the protest. However, it is very clear from the monitor's comments to the journalist that he was there as an independent observer.<sup>96</sup> According to Vyacheslav Slyusarev, the court also disregarded his references to international law and Russia's own legislation including the law "On civic control" (see section 2.2 above).

On 7 April 2021, the Komi Republic's Supreme Court upheld this decision. Once again, like in the cases of other monitors arrested for their role observing protests, the court referred to Article 6(1) of the law "On Public Assemblies" which simply states who can take part in a public event, rather than defining what participation actually consists of. It ruled that "despite lawful police demands, Vyacheslav Slyusarev continued to be among the participants of the event, [thus] showing solidarity with them". It then concluded that this amounted to evidence of his "belonging to the participants of an unauthorised public event and a culpable, intentional violation of Article 6 (3) (1)".<sup>97</sup> It is important to note that in substantiating this decision, the appeal court extensively referred to Articles 10 and 11 of the European Convention on Human Rights and several judgments of the European Court of Human Rights, however misinterpreting their provisions. Despite this setback and the ongoing crackdown on dissent, Vyacheslav Slyusarev remains committed to continuing his fight for justice.

*"I believe in change, no matter what. It will come."*<sup>98</sup>

Vyacheslav Slyusarev, OGON observer.

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<sup>95</sup> See at: <https://7x7-journal.ru/news/2021/02/15/v-komi-sud-oshtrafoval-na-10-tysyach-obshchestvennogo-nablyudatelya-za-otsutstvie-udostovereniya-na-nesoglasovannoi-akcii?fbclid=IwAR1oykkATxyYnFib9DQaL4zXzX31WfhzIrcV1DwRwvryGgRYZ-dHUPAd5Rw>

<sup>96</sup> See here, from 48:08 to 48:27 and from 1:04:06 to 1:06:07 at: [https://vk.com/video-114304627\\_456239432?fbclid=IwAR3BPdEfJJCYbCpReOSDRpgpKkq6Ta6z5-NoOXpw5R0lf57MNkTO0acNrU](https://vk.com/video-114304627_456239432?fbclid=IwAR3BPdEfJJCYbCpReOSDRpgpKkq6Ta6z5-NoOXpw5R0lf57MNkTO0acNrU)

<sup>97</sup> Appeal court decision of 7 April, on file with Amnesty International

<sup>98</sup> Vyacheslav Slyusarev, interview with Amnesty International, 20 July 2021.

#### **RUSSIA: "YOU WILL BE ARRESTED ANYWAY":**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

# 2. REPRISALS AGAINST JOURNALISTS AND OTHER MEDIA WORKERS

Journalism has become a dangerous profession, particularly when it challenges structures of powers and evidences human rights violations.<sup>99</sup> In Russia, many media workers have lost their lives, been brutally attacked, received death threats or had criminal cases fabricated against them.<sup>100</sup> In recent years, journalists and other media workers have faced a new dimension of risk after new legislation branded independent media and individual journalists who receive any amount of funding from abroad as “foreign agents”, creating humiliating self-labelling and onerous reporting obligations, placing restrictions on their activities, and imposing sanctions for non-compliance.<sup>101</sup>

The increasing reprisals against the political opposition, government critics and anyone expressing any form of dissent, as well as the almost total crushing of people’s ability to speak out freely or peacefully demonstrate, has also led to increased reprisals against independent media, journalists, bloggers and other media workers reporting about protests. They have been routinely subjected to intimidation, threats and harassment before, during and after the protests took place, while dozens of media workers have been targeted under administrative proceedings and many more were subjected to unlawful use of force by law enforcement officials simply for doing their job. Furthermore, in an attempt to limit the dissemination of, or distort information about, peaceful protests, including the number of participants, their goals and messages, the Russian authorities have introduced a number of legislative provisions severely restricting the right to freedom of expression, including the right to seek, impart and receive information, which have directly increased the risks faced by journalists and further limit their ability to report on public assemblies.

The clampdown on journalists and other media workers reporting on protests became especially severe in connection with public actions carried out in support of Aleksey Navalny and in the run up to parliamentary elections in 2021 and escalated further in respect to protests against Russia’s full-scale invasion of Ukraine in February 2022. The current situation is a far cry from Russia’s obligations under international human rights law.

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<sup>99</sup> See, for instance *Wanted! Real Action for Media Freedom in Europe*, Annual Report 2021 by the partner organizations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, available at: <https://rm.coe.int/final-version-annual-report-2021-en-wanted-real-action-for-media-freed/1680a2440e> ; also see their 2020 report *Hands off Press Freedom: Attacks on Media in Europe Must not Become New Normal*, available at: <https://rm.coe.int/annual-report-final-en/16809f03a9>

<sup>100</sup> See, for instance, some figures and cases here: <https://www.coe.int/en/web/media-freedom/russian-federation> and here: <https://www.mediaconflicts.org/base/>

<sup>101</sup> See, Amnesty International. Russia: ‘Foreign agents’ bill threatens journalists: Amendment would extend restrictions to individuals, including bloggers, November 18, 2019, Index Number: EUR 46/1420/2019, available at: <https://www.amnesty.org/en/documents/eur46/1420/2019/en/>; Amnesty International, Russia: New ‘foreign agents’ bill further erodes freedom of expression and association, November 19, 2020, available at: <https://www.amnesty.org/en/latest/press-release/2020/11/russia-new-foreign-agents-bill-further-erodes-freedom-of-expression-and-association/>

As of 7 October 2022, there are 186 entries in the register of the “media-foreign agents” listed by the Russian Ministry of Justice, including 134 individuals (journalists, HRDs, activists and opinion leaders) and 28 media. Some journalists were also included into the list of “individuals-foreign agents”. See at: <https://gogov.ru/articles/inagency-21apr22>.

**RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

## 2.1 PROTECTION OF JOURNALISTS AND OTHER MEDIA WORKERS COVERING PUBLIC ASSEMBLIES

As noted by the UN Human Rights Committee in its General Comment 34, a free, uncensored and unhindered press or other media is essential to ensure the rights to freedom of opinion and expression and the enjoyment of other rights.<sup>102</sup> Under international human rights law, States have an obligation to ensure the media is able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to seek and receive information produced by the media.<sup>103</sup> While the right to freedom of expression may be restricted in certain limited circumstances under international law, penalizing media outlets, publishers or journalists solely for their criticism of the government or their policies can never be considered to be a necessary restriction of this right.<sup>104</sup>

As in the case with those monitoring public assemblies, international human rights bodies recognise the particularly important function journalists play in the full realisation of the right to peaceful assembly when reporting on such gatherings. In its General Comment 37, the UN Human Rights Committee re-iterated the protected status of journalists under the ICCPR and the obligations states have not to unduly limit or prohibit them from exercising these functions, including with respect to monitoring the actions of law enforcement officials.<sup>105</sup> According to the Committee, journalists must not face reprisals or other forms of harassment, and their equipment must not be confiscated or damaged. Journalists, as well as monitors and those taking part in public assemblies, have the right to record law enforcement actions.<sup>106</sup>

Law enforcement officials involved in policing assemblies have a particular role in protecting journalists from harm.<sup>107</sup> Law enforcement officials must comply with international standards and best practice on policing assemblies and states must ensure that only those who have been trained, including in the relevant human rights standards, should be deployed for that purpose.<sup>108</sup> The state also has an obligation to investigate effectively any allegation of unlawful use of force or other violations committed by law enforcement officials in the context of assemblies, ensuring accountability of perpetrators and effective remedies to victims.<sup>109</sup>

The European Court of Human Rights<sup>110</sup> has also established that imparting information and ideas on matters of public interest is incumbent on the press, which undoubtedly includes reporting on opposition gatherings and demonstrations. Otherwise, according to the Court, the press would be unable to play its vital role of "public watchdog".<sup>111</sup> In this regard, the Court noted that "the physical ill-treatment by State agents of journalists while the latter are performing their professional duties seriously hampers their exercise of the right to receive and impart information".<sup>112</sup>

The Court has also emphasized the crucial role of the media in providing information on how the authorities handle public assemblies, noting that "[media] presence is a guarantee that the authorities can be held to account for their conduct vis-à-vis the demonstrators and the public at large... Any attempt to remove journalists from the scene of demonstrations must therefore be subject of a strict scrutiny".<sup>113</sup>

The role that journalists play in covering public assemblies has also been highlighted by the Committee of Ministers of the Council of Europe (CoE), which has called on law enforcement authorities to respect this role by encouraging dialogue between the authorities and journalists' organisations "to avoid friction or clashes between police and members of the media".<sup>114</sup> The Committee's Recommendation further provides detailed guidelines on the actions that member states should take to fulfil their international human rights obligations

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<sup>102</sup> UN Human Rights Committee, General Comment No 34 on Article 19 of the ICCPR, CCPR/C/GC/34, para.13, available at: [https://tbinet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f34&Lang=en](https://tbinet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f34&Lang=en)

<sup>103</sup> General Comment No 34, para 13 (previously cited).

<sup>104</sup> General Comment No 34, para. 42 (previously cited).

<sup>105</sup> General Comment No 37, para. 30 (previously cited).

<sup>106</sup> General Comment No 37, para. 94 (previously cited).

<sup>107</sup> General Comment No 37, para 74 (previously cited).

<sup>108</sup> General Comment No 37, para 80 (previously cited).

<sup>109</sup> General Comment No 37, para.90 (previously cited).

<sup>110</sup> On 16 March 2022, Russia was expelled from the Council of Europe and on 16 September 2022 it ceased to be party to the European Convention on Human Rights. However, the events covered in this document took place while Russia was still a member and bound by these standards. Regardless of Russia's withdrawal, the European Court of Human Rights still retains jurisdiction over violations occurring up to that date.

<sup>111</sup> Case of *Najafli v Azerbaijan*, Application no. 2594/07, 2 October 2012, Final on 02/01/2013, para 66, available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-113299%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-113299%22]})

<sup>112</sup> Case of *Najafli v Azerbaijan*, para. 68 (previously cited)

<sup>113</sup> Case of *PENTIKÄINEN v. FINLAND*, Application no 11882/10, Grand Chamber, 20 October 2015, para. 89, available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-158279%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-158279%22]})

<sup>114</sup> Recommendation CM/Rec(2016)4[1] of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors (Adopted by the Committee of Ministers on 13 April 2016 at the 1253rd meeting of the Ministers' Deputies), available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415d9#showDesign=0](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#showDesign=0)

### **RUSSIA: "YOU WILL BE ARRESTED ANYWAY":**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

while protecting journalists and other media workers. Similarly, the Organization for Security and Co-operation in Europe (OSCE) has provided practical recommendations for states to protect journalists and other media workers who cover public assemblies.

International standards are thus clear on states duty to protect and facilitate the role of journalists and other media workers during public assemblies, developed both at the UN and regional level. As the following cases make clear, Russian authorities have continuously undermined the work of journalists and other media workers in the context of public assemblies, in clear violation of the rights to freedom of expression and peaceful assembly.

## 2.2 REGULATION OF JOURNALISTS AND OTHER MEDIA WORKERS AT PUBLIC ASSEMBLIES UNDER RUSSIAN LAW

Article 29 of the Russian Constitution guarantees the rights to freedom of expression and thought, media freedom and the right to freely seek, receive, impart, produce and disseminate information by any lawful means. It also explicitly prohibits censorship.<sup>115</sup> These rights, however, have been significantly curtailed by laws and legislative amendments passed since the return of Vladimir Putin to the presidential office in 2012. Some of those amendments also concerned the Law “On Mass Media”<sup>116</sup> and the Law “On Information, Information Technologies and on Protection of Information”,<sup>117</sup> which regulate the work of media outlets, journalists and other media workers, as well as the dissemination of information. Moreover, Article 6 of the Law “On meetings, rallies, demonstrations, marches and pickets” (Law “On Public Assemblies”) includes specific regulations regarding journalists’ work at public events.<sup>118</sup>

According to Article 2 of the Law “On Mass Media”, a journalist is a person who performs “editing, creating, collection or preparation of the news or materials for the editorial team of a registered mass media outlet and is connected with it by an employment contract or other contractual relations or performs this activity by its authorization.” Thus, it establishes three important requirements: a specific circle of duties that a person working for a mass media outlet must perform to be considered a journalist, a legal connection with this media outlet and the requirement that the media outlet must be officially registered (by Roskomnadzor – the Federal Service for Supervision of Communications, Information Technology and Mass Media). Representative offices of foreign media are established with permission of the Ministry of Foreign Affairs, unless otherwise provided for by Russia’s international agreement (bilateral or multilateral treaty). Journalists working for international media may require accreditation with the Ministry of Foreign Affairs.<sup>119</sup>

Article 52 of the Law “On Mass Media” also extends the status of a journalist to freelancers and those engaged in editing, creating, collection or preparation of the news and materials for media outlets whose production is disseminated exclusively within one organization or enterprise. If a media outlet is not registered with Roskomnadzor, however, its employees are not considered to have the status of a “journalist”. The same applies to bloggers and citizen journalists, for instance those who have a Youtube channel or share information via other social media platforms. These media workers, therefore, have not been afforded with the rights and protections contemplated in these laws that are, at least on paper, afforded to those recognized as journalists with registered outlets. This lack of recognition in law has left many media workers at a particularly high risk of human rights violations, including of the right to freedom of expression.

Journalists’ rights, enshrined in Article 47 of the Law “On Mass Media”, include the right to attend “rallies and demonstrations” irrespective of whether these gatherings have been authorized or not, as well as “places of mass riots and mass gatherings of people”. According to the law, journalists do not need to inform

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<sup>115</sup> See Constitution of the Russian Federation, adopted on 12 December 2003, with amendments of 01 July 2020, at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_28399/f703218d9357338507052de484404828b3da468e/](http://www.consultant.ru/document/cons_doc_LAW_28399/f703218d9357338507052de484404828b3da468e/)

<sup>116</sup> Federal Law “On Mass Media”, N 2124-1 of 27 December 1991, as amended on 01 August 2021, available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_1511/](http://www.consultant.ru/document/cons_doc_LAW_1511/)

<sup>117</sup> Federal Law “On information, Information Technologies and on Protection of Information”, N 149-FZ, of 27 July 2006, as amended on 02 July 2021, available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_61798/](http://www.consultant.ru/document/cons_doc_LAW_61798/)

<sup>118</sup> Article 6 “Participants of a public event” of the Federal Law “On meetings, rallies, demonstrations, marches and pickets” N 54-FZ of 19 June 2004, as amended on 30 December 2020, available at:

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_48103/ef9be220760ca6486116744bc7dde3ce562e0301/](http://www.consultant.ru/document/cons_doc_LAW_48103/ef9be220760ca6486116744bc7dde3ce562e0301/)

<sup>119</sup> See Articles 48, 55 of the Law “On Mass Media” at [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_1511/](http://www.consultant.ru/document/cons_doc_LAW_1511/) and “Rules of Accreditation and Residence of the Foreign Media Correspondents on the Territory of the Russian Federation”, issued by the Government Ruling N 1055 on 13 September 1994, as amended on 07 June 2002, available at: [https://www.mid.ru/regulations/-/asset\\_publisher/4hyYVN4oHM4Z/content/id/608736](https://www.mid.ru/regulations/-/asset_publisher/4hyYVN4oHM4Z/content/id/608736)

**RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

those organizing the assembly nor the authorities about their presence. Journalists have the right to take notes, conduct audio and video recordings and take photographs, including of those taking part in public assemblies and law enforcement officers. Other rights provided for in Article 47 include the right to seek, receive and disseminate information, obtain access to relevant materials, visit official bodies and organizations and interview officials in connection with requests for information.

At the same time, journalists must observe all the requirements and prohibitions provided for in the Law “On Mass Media”, for instance showing their journalists’ ID when asked by a law enforcement officer and checking whether the information that has been shared with them is accurate.<sup>120</sup> According to the Law “On Public Assemblies”, journalists must also, for instance, observe public order, obey all lawful demands of the law enforcement officers, and not wear masks or other objects which could make their identification more difficult.<sup>121</sup>

Journalists working at a public assembly must have their journalist’s ID or another document “identifying them and their mandate as journalists”, which can be for instance a passport or an editorial assignment letter. They must also use “clearly visible insignia of a mass media representative”, which must not be concealed. According to an amendment introduced to the Law “On Public Assemblies” in December 2020, the insignia must be uniform for all media and were to be developed by Roskomnadzor, the Ministry of the Interior, the National Guard and the Journalists’ Union of Russia.<sup>122</sup> In March 2021, a decree by Roskomnadzor detailed requirements for a “PRESS” badge and a high visibility vest that journalists would have to wear at public demonstrations.<sup>123</sup> Journalists expressed concerns, however, that it may be very difficult to comply with these extremely detailed requirements and, for instance, obtain high visibility vests that are exactly the same as those described in the decree. There were also concerns that it would be too costly for smaller media, particularly those outside big cities, preventing their journalists from covering public assemblies.<sup>124</sup> A further amendment passed in April 2021 introduced administrative sanctions for those who use the journalists’ identifying insignia unlawfully.<sup>125</sup>

The December 2020 amendments to the Law “On Public Assemblies” also expressly prohibited journalists who attend a public assembly in their professional capacity from campaigning for or against the goals of a public event by disseminating leaflets or using slogans, posters or any symbols or branding that express individual or collective views; from organizing or conducting a public event or authorizing others to do so; from fundraising and collecting signatures under petitions and resolutions; and from taking part in discussions of, and taking decisions in accordance with, the goals of a public event.<sup>126</sup> While these requirements may appear to protect the principle of journalists’ impartiality, these regulations have been used by the authorities to further muzzle the press and unlawfully prosecute journalists and other media workers covering public assemblies.

Russian law provides guarantees for the protection of journalists’ honour, dignity, health, life and property while carrying out their professional activity.<sup>127</sup> The law contains important provisions intended to prevent interference with journalists and other media workers carrying out their activities, including via threats and use of violence against journalists or their families, which is punishable by up to six years imprisonment.<sup>128</sup> Regrettably, these legislative norms are mostly not being implemented in practice. On the contrary, against a background of dozens, if not hundreds of incidents of threats, attacks, unlawful detentions and obstacles to journalists’ lawful work that take place every year,<sup>129</sup> there are only a handful of cases where a criminal investigation has been initiated - and even fewer where a case was submitted to court and a conviction was secured.<sup>130</sup>

Experts in media law point out several reasons for such poor practice. While some are due to objective circumstances, others are caused by such factors as violations being committed by law enforcement officers themselves (or by officials or business figures close to the authorities), as well as a lack of impartiality on the

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<sup>120</sup> See Article 49 of the Law “On Mass Media”, at:

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_1511/cb538501cf1adfcebe98ad1431bca6e50d08cc6/](http://www.consultant.ru/document/cons_doc_LAW_1511/cb538501cf1adfcebe98ad1431bca6e50d08cc6/)

<sup>121</sup> See Article 6 of the Law “On Public Assemblies” at:

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_48103/ef9be220760ca6486116744bc7dde3ce562e0301/](http://www.consultant.ru/document/cons_doc_LAW_48103/ef9be220760ca6486116744bc7dde3ce562e0301/)

<sup>122</sup> See Article 6 of the Law “On Public Assemblies” (previously cited)

<sup>123</sup> Order by Roskomnadzor of 22 March 2021 N 30 “On approval of the kind and description of a sign (mark) of a mass media representative present at a public event ” (Registered in the Ministry of Justice on 02.04.2021 N 62976) , available at:

<https://legalacts.ru/doc/prikaz-roskomnadzora-ot-22032021-n-30-ob-utverzhdenii-vida/>

<sup>124</sup> See, for instance, <https://www.pnp.ru/social/zhurnalystov-uznayut-po-zhiletu-i-beydzhu.html>

<sup>125</sup> See, [https://base.garant.ru/400720755/#block\\_3](https://base.garant.ru/400720755/#block_3)

<sup>126</sup> Article 6(7) of the Law “On Public Assemblies” (previously cited)

<sup>127</sup> Article 49 of the Law “On Mass Media” (previously cited)

<sup>128</sup> Article 144 of the Russian Criminal Code, available at:

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/4e55ae6b39c49996e745765a7f188b8cbe54fb0a/](http://www.consultant.ru/document/cons_doc_LAW_10699/4e55ae6b39c49996e745765a7f188b8cbe54fb0a/)

<sup>129</sup> See the database of “media conflicts” <https://www.mediaconflicts.org/base/>

<sup>130</sup> For instance, according to the data of the Justice Department of the Russian Supreme Court, there were four convictions under Article 144(3) in 2020, see at: <http://www.cdep.ru/index.php?id=79&item=5669> ; two in 2019, see at:

<http://www.cdep.ru/index.php?id=79&item=5259> and one in 2018, see at: <http://www.cdep.ru/index.php?id=79&item=4894>

#### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**



part of law enforcement agencies when it comes to investigating crimes committed against independent media and journalists.<sup>131</sup> In most serious cases where journalists' life and security are at risk, they may be able to ask for state protection.<sup>132</sup> However, such measures – if ever applied – appear to be ineffective against threats and risks emanating from state officials or people close to the authorities. Some journalists have also expressed their reluctance to accept such protection measures because they can in fact put them at higher risk.

The mass detentions of and attacks against journalists during protests in January-February 2021 prompted discussions organized by a parliamentary committee in March 2021 on how to better protect journalists and other media workers reporting on public assemblies.<sup>133</sup> Unsurprisingly, however, legislators and other officials invited to participate in the brainstorm failed to examine violations by the police and the National Guard or the inconsistencies between Russian law on assemblies and international human rights law and standards. Instead, they looked into how to further limit journalists' ability to report accurate information about assemblies and demonstrations.

Among the issues discussed were, for instance, proposals to establish a mandatory distance beyond which journalists could not physically approach law enforcement officers policing the protests, to establish a list of journalists accredited to work at public protests, which would have necessarily excluded independent journalists and others not associated with a media outlet, and to introduce QR codes for them.<sup>134</sup> Most of these proposals are in clear contravention of international law and Russia's own Constitution, and would further violate the rights to freedom of peaceful assembly and expression.

The Committee also suggested to introduce training for students of journalism on how to work at protest actions, with representatives of the National Guard promising to make a training video on "how journalists must behave at public events".<sup>135</sup> It does not appear that trainings for law enforcement officials on policing peaceful assemblies in line with international law were discussed at this or other high-level platforms.

## 2.3 VIOLATIONS OF MEDIA WORKERS' RIGHTS IN CONNECTION WITH COVERING PUBLIC ASSEMBLIES

**"...there has probably never been a case when we disrupted a journalist's working day. Believe me, there is no conspiracy, isolation or obstruction of journalists' work."**

Head of the Main Directorate of the Ministry of Internal Affairs for Saint Petersburg and Leningrad region <sup>136</sup>

By reporting from public actions, including assemblies and demonstrations, journalists and other media workers perform an important function of informing their audiences about the assemblies, their main messages and how they have been policed, and become an important element in ensuring accountability if human rights abuses occur. The unlawful interference with this work is a violation of the right to freedom of expression. Yet, in an attempt to silence critical voices and prevent the people from receiving information both about the protests and the way in which they are policed, Russian authorities have increasingly interfered with the work of journalists and other media workers, including in their reporting of public assemblies.

<sup>131</sup> See, <https://mmdc.ru/services/common/ugrozy-napadeniya-porcha-oborudovaniya-kak-zakon-zashchishhaet-zhurnalistov-v-takih-sluchayah/>

<sup>132</sup> Measures of state protection are described in Law "On state protection of victims, witnesses and other participants of criminal justice procedures", available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_48959/](http://www.consultant.ru/document/cons_doc_LAW_48959/)

<sup>133</sup> Organized by the State Duma Committee for information policy on 10 March. See at: <http://duma.gov.ru/news/50926/>

<sup>134</sup> See, for instance, <http://duma.gov.ru/news/50926/>; <https://www.gazeta.ru/social/2021/03/10/13506962.shtml>; <http://www.president-sovet.ru/presscenter/publications/read/7432/>; <https://www.kommersant.ru/doc/4780898>

<sup>135</sup> <https://www.gazeta.ru/social/2021/03/10/13506962.shtml>

<sup>136</sup> Zaks.ru, *Head of St Petersburg police claimed journalists arrests at protest actions were due to "scumbags" in yellow vests*, 16 March 2021, available at: <https://www.zaks.ru/new/archive/view/223936>

### RUSSIA: "YOU WILL BE ARRESTED ANYWAY":

#### REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

For instance, legislation prohibiting “disseminating false information”, first introduced in March 2019, was subsequently updated and applied both in the context of the Covid-19 pandemic in 2020-2021 and of the public assemblies held in support of Aleksey Navalny in 2021.<sup>137</sup>

On 31 January 2021, the Russian media watchdog Roskomnadzor published a warning on its website and social media that non-removal of “forbidden” or “fake news” content could lead to heavy fines and the blocking of offending websites. Roskomnadzor classified such content as “false information exaggerating numbers of participants of unlawful rallies, violence and clashes that have allegedly taken place, death of participants of the actions.”<sup>138</sup> This statement was issued against the background of the authorities systematically downplaying the number of participants of protests,<sup>139</sup> and their unwillingness to effectively investigate reports of human rights violations against peaceful protesters by the police.<sup>140</sup>

The purpose of such a warning was obvious – to decrease the significance of the pro-Navalny protests in the public eye and to censor and erase any information that could give rise to further uncomfortable questions about the authorities’ human rights record and the public level of support for Aleksey Navalny – whose very name officials had been carefully trying not to mention.

More recently, this same offence has been used regarding criticism of Russia’s full scale military aggression against Ukraine. The authorities have also actively used other tools of repression. Examples of some of the patterns of violations are provided below.

## 2.4 ATTEMPTS TO PROHIBIT COVERING OF “UNAUTHORIZED” PUBLIC ASSEMBLIES

Under Russian law, journalists have a right to attend public assemblies irrespective of whether the authorities have “authorized” an assembly or if they are deemed unlawful. Worryingly, in June 2021, it was reported that a political scientist submitted a proposal to the Chairperson of the Council of Federation, the upper house of the Russian Parliament, to prohibit live streaming from public assemblies deemed unlawful by the authorities. The author of the proposal alleged that journalists would otherwise give a direct voice to participants and show the movements of other participants and law enforcement officers that could enable more people to join.<sup>141</sup> The proposal was criticised by the Journalists’ Union of Russia, whose Chair Vladimir Solovoyov correctly pointed out that a journalist’s task “is to guard freedom of expression and freedom to impart information” and that such a prohibition would be in violation of human rights.<sup>142</sup>

While it remains to be seen whether a legislative bill prohibiting live streaming, or, indeed, any reporting from “unauthorised” public assemblies, will be introduced in the Russian Parliament in the near future, the authorities have signalled their displeasure at such reporting. In June 2021, it became known that the Russian independent TV channel **Dozhd (Rain)** had been excluded from the presidential media pool since at least 13 May of that year.<sup>143</sup> President Putin’s spokesperson Dmitry Peskov explained this decision by alleging that Dozhd “did not [simply] report from, it was an organizer of, unlawful actions”.<sup>144</sup> It appears that such assessment was given on the basis of the programmes the channel had broadcast several days before the 21 April protests in support of Aleksey Navalny, as well as their live streaming from the protest.

On 20 August 2021, Dozhd was classified as a “foreign agent” in a clear attempt to marginalize, stigmatize and take off air this independent media outlet.<sup>145</sup> Its journalists had not been informed in advance about the decision nor about the legal grounds for it.<sup>146</sup> It was only on 23 August that the authorities informed that the

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<sup>137</sup> <https://reports.ovdinfo.org/winter-2021-suppression#11>

<sup>138</sup> <https://rkn.gov.ru/news/rsoc/news73372.htm>

<sup>139</sup> For instance, the Moscow authorities estimated that only four thousand people took part in the protest action on 23 January 2021, while independent media estimate the number to be from 15,000 to 40,000 people. See, <https://www.rbc.ru/politics/24/01/2021/600db7239a7947b8a9481842>

<sup>140</sup> See, for instance, failure to effectively investigate an assault against a peaceful protester Margarita Yudina in St Petersburg, <https://www.amnesty.org/en/documents/eur46/3695/2021/en/> ; [https://tvrain.ru/news/mvd\\_ne\\_smoglo\\_ustanovit\\_lichnost\\_silovika\\_udarivshego\\_zhenshchinu\\_v\\_zhivot\\_na\\_mitinge\\_on\\_prihodil\\_k\\_nei\\_v\\_bolnitsu-526732/](https://tvrain.ru/news/mvd_ne_smoglo_ustanovit_lichnost_silovika_udarivshego_zhenshchinu_v_zhivot_na_mitinge_on_prihodil_k_nei_v_bolnitsu-526732/)

<sup>141</sup> See, *Matvienko received a suggestion to punish journalists in Rf like in Belarus*, 16 June 2021, available at: <https://ura.news/news/1052489810>

<sup>142</sup> See, *Natsionalnaya Sluzhba Novostey, Russian Union of Journalists spoke against prohibition of streams from unlawful actions, [Soyuz Zhurnalistov Rossii vystupil protiv zapreta efirov s nezakonnykh aktsii]*, by Olga Dvoryanova, 16 June 2021, available at: <https://nsn.fm/society/narushaet-prava-grazhdan-szhr-vystupil-protiv-zapreta-efirov-s-nezakonnnyh-aktsii>

<sup>143</sup> <https://meduza.io/news/2021/06/13/dozhd-isklyuchili-iz-prezidentskogo-pula-putina-iz-za-togo-chto-kanal-osveschal-aktsii-v-podderzhku-navalnogo>

<sup>144</sup> <https://tass.ru/obschestvo/11651761>; <https://echo.msk.ru/blog/echomsk/2855184-echo/>

<sup>145</sup> <https://miniust.gov.ru/ru/documents/7755/>

<sup>146</sup> See, interview with Dozhd’s Editor-in-Chief Tikhon Dzyadko, available at: <https://www.youtube.com/watch?v=evpJZTgDN2c>

### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

grounds for listing Dozhd as a “foreign agent” were that it had disseminated information from other media outlets labelled as foreign agents, and received financing from abroad.<sup>147</sup> Extensive covering of protests by the opposition could certainly have been one of the factors that triggered the listing of Dozhd as a “foreign agent”. In November 2021, Dozhd contested this decision before Moscow’s Zamoskvoretskii District Court,<sup>148</sup> but their complaint was rejected the following month.<sup>149</sup>

An all-out assault on Dozhd and other independent media outlets was further unleashed after Russia’s full-scale military invasion of Ukraine on 24 February 2022. In a matter of hours, as independent Russian and international media began reporting on the invasion and on peaceful anti-war protests in Russia, they were subjected to unprecedented levels of censorship.

On the day of the invasion, the Russian media regulator Roskomnadzor ordered media outlets to only refer to the war as a “special operation of the Russian Armed Forces in Ukraine” and to only use information “received from official Russian sources”, maintaining that only this information was “true and up to date”. Roskomnadzor warned the media outlets disseminating information considered to be “false” (in essence, anything not coming from official sources) would lead to “immediate blocking of the media”.<sup>150</sup> Within days, access to dozens of independent Russian and international media websites, including Dozhd, were blocked in Russia. Some independent media like the popular Echo Moskvy radio station were also taken off air and then closed down. On 3 March 2022, Dozhd announced that they had to temporarily suspend their work due to then draft legislation establishing criminal and administrative sanctions for those reporting “false information” about or “discreditation of” the Russian Armed Forces.<sup>151</sup> Several other independent media also took the decision to suspend their work or to explicitly state that they would not report on Russia’s “special military operation” in Ukraine.<sup>152</sup>

The clampdown on the media continued with renewed vigour following the swift adoption on 4 March 2022 of new legislation severely restricting the rights to freedom of expression, association and peaceful assembly.<sup>153</sup> At the time of writing, the authorities had initiated criminal cases against at least 9 journalists and bloggers<sup>154</sup> under the new offence of “disseminating false information against the Russian Armed Forces” (Article 207.3 of the Criminal Code). Some media outlets and journalists have also been penalized under the new offence of “discrediting the use of the Russian Armed Forces abroad” (Article 20.3.3 of the Code of Administrative Offences) after publicizing information about the war in Ukraine.

Among those cases, the persecution of **Vechernie Vedomosti**, an independent media outlet in Yekaterinburg, the Urals, stands out. According to Vechernie Vedomosti’s editor-in-chief Vladislav Postnikov, his outlet has been actively covering various protests in Yekaterinburg and Sverdlovsk Oblast, among other places, since 2020.<sup>155</sup> After the start of the “special military operation” and the suspension of work or blocking of other Yekaterinburg-based independent media, Vechernie Vedomosti remained possibly the only regional media accessible online that was still writing about protests, including peaceful anti-war protests, most of which were forcibly dispersed by the police.

On 18 March 2022, the police detained a local street artist reportedly for disseminating anti-war stickers and charged him with “vandalism” (Article 214 of the Criminal Code).<sup>156</sup> News about his detention was published in the Telegram channel [@ve4ved](#). The publication only factually reported on the detention and illustrated their coverage with a partially blurred photo of stickers featuring anti-war messages with the letter “Z” – one of the symbols used to identify Russian military vehicles during the “special military operation” in Ukraine and promoted as a symbol of support for this operation. The post did not contain any comments on the “special military operation” itself or regarding the Russian forces.<sup>157</sup>

However, on 26 April, Vechernie Vedomosti received a phone call summoning its director Guzel Aitkulova to the police department. The authorities recorded an administrative offence under Article 20.3.3 (1) drawn up against the media outlet’s founder.<sup>158</sup> According to the offence record that the publication received the next day, the authorities claimed that channel [@ve4ved](#) was affiliated with Vechernie Vedomosti and its founder.

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<sup>147</sup> <https://www.kommersant.ru/doc/4956368> ; [https://tvrain.ru/news/minjust\\_objasnil\\_priznanie\\_dozhdja\\_inostrannym\\_agentom-536518/](https://tvrain.ru/news/minjust_objasnil_priznanie_dozhdja_inostrannym_agentom-536518/)

<sup>148</sup> [https://tvrain.ru/news/dozhd\\_podal\\_isk\\_iz\\_za\\_priznaniia\\_inostrannym\\_agentom-541472/](https://tvrain.ru/news/dozhd_podal_isk_iz_za_priznaniia_inostrannym_agentom-541472/)

<sup>149</sup> [https://tass.ru/ekonomika/13125031?utm\\_source=yxnews&utm\\_medium=desktop](https://tass.ru/ekonomika/13125031?utm_source=yxnews&utm_medium=desktop)

<sup>150</sup> <https://rkn.gov.ru/news/rsoc/news74084.htm?> ; <https://www.interfax.ru/russia/824177>

<sup>151</sup> <https://www.kommersant.ru/doc/5240179>

<sup>152</sup> Among those were Znak.com, The Bell and Novaya Gazeta.

<sup>153</sup> The legislation was passed in a matter of one day. See, for instance, <https://www.amnesty.org/en/documents/eur46/5345/2022/en/>

<sup>154</sup> <https://www.kommersant.ru/doc/5326955> As of 19 October 2022, there were 149 criminal cases initiated under Article 207.3 against at least 124 individuals. See at: <https://t.me/NetFreedomsProject/679> Thirteen more cases were opened under Article 280.3. See at: <https://t.me/pchikov/5222>

<sup>155</sup> Vladislav Postnikov, interview with Amnesty International, 7 June 2022

<sup>156</sup> See more about the case here: <https://ovd.news/express-news/2022/03/18/protiv-ulichnogo-hudozhnika-vozbudili-delo-o-vandalizme-ego-zaderzhali-s>

<sup>157</sup> <https://t.me/ve4ved/60291>

<sup>158</sup> <https://t.me/ve4ved/60988>

#### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

The police alleged that the stickers were “aimed at discrediting the use of Armed Forces of the Russian Federation which use the symbol “Z” meaning “For Victory””<sup>159</sup> and that, therefore, by reporting on the artist’s detention, the publisher had committed an administrative offence.<sup>160</sup>

On 3 June 2022, the Kirovskii District Court in Yekaterinburg fined Vechernie Vedomosti’s publisher with RUB 150,000 (EUR 2,230). The defence lawyers argued that the police had not provided evidence that the Telegram channel was affiliated with the publication and submitted a confirmation by the Ministry of Defence that the letters “Z” and “V” were not official symbols and did not have a special connotation. However, the court did not take this into consideration and, in its ruling, maintained that the outlet had “publicly discredited” the Armed Forces by publishing a photo with partially blurred graphics which, in the court’s view, was “insulting and derogatory” in relation to the Armed Forces and “aimed at weakening their authority, image and undermining trust in them in the eyes of the citizens”.<sup>161</sup>

Commenting on the court ruling, one of the defence lawyers pointed out that this case was about “the right of a media outlet to disseminate truthful information”. He expressed concerns that, were this decision to come into force, “any journalist, any media outlet in the Russian Federation will understand that when they present a bare, truthful fact, ... they risk getting a large fine”, adding that this case was “... about the elementary, basic right of the media to inform citizens”.<sup>162</sup>

On the day of the court hearing, the police handed Guzel Aitkulova a new summons under the same Article. On 6 June, police informed Vechernie Vedomosti’s journalists that the media outlet was suspected of 54 more instances of “discrediting the Russian army” via publications on the Telegram channel. Most of those publications were about peaceful anti-war protests.<sup>163</sup> On 29 June, the Kirovsky District Court again fined Vechernie Vedomosti’s publisher RUB 200,000 (EUR 3,540) for this latest administrative offence.<sup>164</sup> Additionally, on 27 July, the publication’s editor-in-chief was fined RUB 100,000 (EUR 1,658) for the same “offence”.<sup>165</sup> On 18 August, Sverdlovsk regional Court rejected the publication’s appeals against the first two fines.<sup>166</sup>

It is remarkable that while the police took over a month to build the first case against Vechernie Vedomosti, according to police documentation the second case was put together in a matter of a day – 30 May.<sup>167</sup> It is also remarkable that police initiated the second case against Vechernie Vedomosti the next working day after @ve4ved showed a video featuring the police violently dispersing a peaceful anti-war protest on 6 March 2022. The video was recorded on a body-worn police camera and quickly went viral.<sup>168</sup> The multiple cases brought against Vechernie Vedomosti and its publisher are clearly an act of retaliation for the media outlet’s determination to cover protest actions that constitute an act of censorship. By taking Vechernie Vedomosti to court, the authorities are trying not only to intimidate this and other independent media outlets but also to cause significant financial damage by imposing heavy fines that can subdue media outlets and journalists into silence.

Nevertheless, journalists at Vechernie Vedomosti remain committed and are resolved to continue their work.

*“We will continue our work and will try to overcome all difficulties”*

Vladislav Postnikov, editor-in-chief, Vechernie Vedomosti<sup>169</sup>

## 2.5 HARASSMENT OF JOURNALISTS ON THE EVE OF AND AFTER PROTESTS

As already mentioned, journalists reporting on assemblies must be protected from any form of reprisals or other harassment regardless of whether an assembly has been “authorized” or not.<sup>170</sup> Such protection extends not only to the time of the actual assembly but also outside the immediate context of the gathering, including before and after the demonstration. Nevertheless, notably in the context of the pro-Navalny

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<sup>159</sup> In Russian: “За победу” (“Za pobedu”). In propaganda messages the Russian letter “З” is being swapped for the Latin letter “Z”

<sup>160</sup> <https://t.me/ve4ved/60996>

<sup>161</sup> On file with Amnesty International

<sup>162</sup> <https://veved.ru/eburg/news/life/175306-fakticheski-my-govorim-o-planomernom-unichtozhenii-konkretnogo-smi.html>

<sup>163</sup> <https://t.me/ve4ved/61634>

<sup>164</sup> <https://t.me/ve4ved/62033>

<sup>165</sup> <https://www.kommersant.ru/doc/5481376>

<sup>166</sup> <https://t.me/ekbobsud/192>

<sup>167</sup> <https://t.me/ve4ved/61637>

<sup>168</sup> <https://web.telegram.org/z/#-1110727657>

<sup>169</sup> Vladislav Postnikov, interview with Amnesty International, 7 June 2022

<sup>170</sup> General Comment No 37, para.30 (previously cited)

**RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

protests in 2021, there were a number of incidents when the police visited journalists on the eve of protests to officially warn them against “participation in an unauthorised assembly” in contravention of international law and standards.<sup>171</sup> There have also been incidents of “preventive” arrests of journalists under fabricated administrative offences, arbitrary detentions of journalists reporting from protests before and after the events, and unfound prosecution of those reporting on the protests.

## “PREVENTIVE” WARNINGS

The Russian independent Journalists’ and Media Workers’ Union reported that on the eve of the first pro-Navalny protest announced for 23 January 2021, the police visited at least three leading independent journalists in Moscow and one in Pskov to issue them with a “warning” against their participation in the protest.<sup>172</sup> On the eve of the next announced action of 31 January 2021, the Union recorded 19 such cases.<sup>173</sup>

While these “warnings” by the police were certainly part of a broader campaign of harassment and intimidation against known activists,<sup>174</sup> the fact that journalists were targeted in multiple locations across Russia would suggest that it was not a mistake or an act of individual police officers, but rather a systematically orchestrated campaign aimed at forcing media outlets and individual journalists to abandon plans to cover protests and thereby reduce the free flow of information about these events to the minimum if not to zero. The manner in which the police handed out “warnings” to, or carried out “preventive arrests” of, journalists and other media workers, as well as how police officers justified these actions, would also suggest that the police do not distinguish between participants of public assemblies and journalists reporting from them.

For instance, on 30 January 2021, the police attempted to hand an official warning “on prohibition of participation” in a public assembly to Moscow journalist and activist **Andrey Novichkov**. Replying to his objection that he needed to attend public assemblies as part of his job as a journalist, the police officer allegedly told Andrey Novichkov that if he was working at public actions as a journalist, it meant he was participating in them.<sup>175</sup>

On the same day in Novosibirsk, Western Siberia, a prosecutor handed in an official “warning prohibiting violation of the law” to Tayga.Info journalist **Aleksey Mazur**. In the “warning”, the prosecutor’s office referred to “information received from the FSB [Federal Security Service] Department for Novosibirsk Region” according to which Aleksey Mazur was allegedly an “organizer” of the public action. The journalist believed that the law-enforcement agencies’ unwarranted attention could have been due to his earlier participation as a candidate in the local election and a visit he paid to a detained local opposition politician while working on a publication about him.<sup>176</sup>

In the morning of 4 February 2021, two police officers visited journalist **Vitaly Poliakov** in Krasnoyarsk, Western Siberia. Vitaly Poliakov told Amnesty International that they attempted to hand him an official “warning” against participating in “unauthorised” rallies.<sup>177</sup> However, when they started filming the procedure, the journalist refused to take the “warning” and asked them to leave. The police visit followed a court hearing on 25 January at which Vitaly Poliakov was fined RUB 30,000 (EUR 327) under Article 20.2 of the Code of Administrative Offences for “organizing an unauthorised public assembly” in relation to a social media post.<sup>178</sup>

The Journalists’ and Media Workers’ Union reported other similar police “visits” during the series of protests and other public actions held in January and February 2021 in support of Aleksey Navalny.<sup>179</sup>

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<sup>171</sup> “[A]uthorities may not require pledges or undertakings from individuals not to organize or participate in future assemblies.” General Comment No 37, para 66 (previously cited)

<sup>172</sup> See, <https://profjur.org/ohota-na-zhurnalistov/>

<sup>173</sup> See, <https://profjur.org/bolshe-120-narushenij/>

<sup>174</sup> See, for instance, OVD-Info research into the clampdown on peaceful protests in Russia in January-February 2021, at

<https://reports.ovdinfo.org/winter-2021-supression#1>

<sup>175</sup> <https://www.facebook.com/fronde.tv/posts/2275154329296050>

<sup>176</sup> <https://tayga.info/164039>

<sup>177</sup> Interview on file with Amnesty International

<sup>178</sup> <https://www.facebook.com/vitaly.polyakov.1276/posts/2321047544706168> For more on his prosecution see also:

<https://tvr6.ru/publications/news/55666/>; <https://tvr6.ru/publications/news/55692/>;

<https://www.facebook.com/vitaly.polyakov.1276/posts/2351391765005079> The fine was later upheld in a new hearing by the Kirov District Court.

<sup>179</sup> <https://profjur.org/ot-jakutsk-a-do-cherepovca/>

## ARBITRARY DETENTIONS

In addition to official warnings, the police have also arbitrarily detained journalists both on the eve of upcoming protests and following the protests that they had reported from. Offences under Article 20.2 of the Code of Administrative Offences commonly used to detain journalists and other media workers have included “organizing a public action without prior notification” under Article 20.2 (2), “participation in an unauthorised public action” under Article 20.2(5) and “repeated violation of the rules of conducting public assemblies” under Article 20.2 (8).

The independent Journalists’ and Media Workers’ Union reported that a number of journalists were arrested in connection with protests and other public actions the held between January and April 2021 in support of Aleksey Navalny. According to the Union, on the eve of the first announced action on 23 January 2021 at least six journalists were arrested in five cities across the country, from St Petersburg in the north-west to Blagoveschensk in the Far East and Voronezh in the south.<sup>180</sup> After a week, at least 10 administrative prosecutions were brought against journalists on fabricated charges, including for violating the rules on conducting public assemblies. The geography of these charges was again very wide and included cities in central, south Russia and the Far East.<sup>181</sup> At the same time, by early February 2021 the Russian NGO OVD-Info had already reported on “dozens of journalists” arbitrarily arrested since the start of pro-Navalny protests.<sup>182</sup>

For instance, **Sergei Stepanov**, a journalist from Tambov, central Russia, was arrested on 28 January 2021 after covering the protest on 23 January. The police claimed that a video from the action posted on the social media site VKontakte amounted to “organization of a public action without prior notification”. He was charged under Article 20.2(2) of the Code of Administrative Offences and detained overnight.<sup>183</sup> The next day, Tambov’s Oktyabrskiy District Court sentenced him to seven days in detention.<sup>184</sup> On 28 April, Sergei Stepanov was arrested again, this time in connection with his reporting from a protest held on 21 April, and charged with “repeated violation of the rules of conducting public assemblies”. The next day, the same court sentenced him to 30 days in detention. The fact that his journalist’s ID and other documents had been checked by the police during the protest and that the police had not had any issues at that time had no effect on the outcome of the case.<sup>185</sup>

In Belgorod, south Russia, the editor-in-chief of the independent Telegram channel Belgorod No1 **Vladimir Korenev** was accused of “organization of or conducting an unauthorised public event” and sentenced to three days in detention for his publications on the channel. Thus, he was prevented from covering an upcoming protest on 31 January. On the same day, 30 January, the prosecutor’s office issued an official warning to his colleague Igor Ermolenko.<sup>186</sup>

Some journalists, like Mediazona’s editor-in-chief **Sergei Smirnov**, were detained simply for publishing posts on social media mentioning the date of an upcoming protest. He was arrested on 30 January 2021 in Moscow, when he left his house for a walk with his young son. The police drove him to a police station and charged him for “repeated violation of the rules of public assemblies”. The police initially alleged that Sergei Smirnov had taken part in a pro-Navalny protest on 23 January, despite the journalist maintaining that he had been at home all that day. Prior to that protest, he had already received an official “warning” from the police. Then, the offence record was redrafted to maintain that Sergei Smirnov’s retweet of a joke in which the date of the upcoming protest was mentioned constituted “calls on Twitter to participate in an unauthorized public action”. Sergei Smirnov was initially detained in the police station pending trial but was released following an outcry by the media community with an undertaking to attend trial on 3 February.<sup>187</sup>

That day, Moscow’s Tverskoy District court sentenced Sergei Smirnov to 25 days in detention on the above charge. This decision generated further statements in his support and calls for his release issued by dozens of independent media outlets, individual journalists and bloggers, national and international NGOs and

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<sup>180</sup> <https://profjur.org/ohota-na-zhurnalistov/>

<sup>181</sup> <https://profjur.org/bolshe-120-narushenij/>

<sup>182</sup> <https://ovdinfo.org/articles/2021/02/03/ovd-info-trebuets-nemedlenno-osvobodit-vseh-arestovannykh-zhurnalistov>

<sup>183</sup> <http://znak.city/zametki/1547-v-tambove-zaderzhan-zhurnalist-sergei-stepanov-ego-podozrevayut-v-organizaczi-nesankcionirovannogo-mitinga.html> ; <https://mbk-news.appspot.com/news/v-tambove/>

<sup>184</sup> <https://semnasem.org/posts/2021/01/29/--1611934533>

<sup>185</sup> <http://znak.city/zametki/1569-v-tambove-zaderzhan-zhurnalist-sergei-stepanov.html> ;

<https://pravo68.ru/%D0%B6%D1%83%D1%80%D0%BD%D0%B0%D0%BB%D0%B8%D1%81%D1%82-%D1%81%D0%B5%D1%80%D0%B3%D0%B5%D0%B9-%D1%81%D1%82%D0%B5%D0%BF%D0%B0%D0%BD%D0%BE%D0%B2-%D0%B0%D1%80%D0%B5%D1%81%D1%82%D0%BE%D0%B2%D0%B0%D0%BD/> ; <https://profjur.org/nt-yiki/>

<sup>186</sup> <https://www.kommersant.ru/doc/4671051>

<sup>187</sup> <https://zona.media/chronicle/sssmirnov>

<sup>188</sup> <https://zona.media/chronicle/sssmirnov>

<sup>189</sup> <https://zona.media/chronicle/sssmirnov>

<sup>190</sup> <https://zona.media/chronicle/sssmirnov>

<sup>191</sup> <https://zona.media/chronicle/sssmirnov>

**RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**  
REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

journalists' unions.<sup>188</sup> On 8 February, Moscow City Court reduced Sergei Smirnov's detention on appeal to 15 days. He was released on 18 February.<sup>189</sup>

The practice of harassing and intimidating journalists and other media workers continued around the protests and other public actions in support of Aleksei Navalny announced for 21 April 2021. This time, however, the police made fewer arrests on the day of the protest. Instead, participants and journalists who covered the protest were prosecuted days or even weeks later. In Moscow, the police used facial recognition technologies to identify those who were in the areas where the protest took place.<sup>190</sup>

For instance, in the early morning of 27 April 2021, the police came to the home of Dozhd correspondent **Aleksey Korostelev** and took him to the police station where he was charged under Article 20.2 of the Code of Administrative Offences. The police alleged that he had participated in the 21 April protest despite a video showing that he was working in a professional capacity and wearing a high visibility PRESS vest. The police only released him, albeit on an undertaking that he returns to the station on 30 April, after questioning him in detail about his activities that day and after his colleagues brought a copy of his official editorial assignment confirming that he had indeed worked at the 21 April action as a journalist.<sup>191</sup> When Aleksey Korostelev returned, the police informed him that they would not pursue this case further.<sup>192</sup>

On or around the same day, the police came to the homes of several other journalists in Moscow, including the Echo Moskvy correspondent **Oleg Ovcharenko**, Meduza special correspondent **Kristina Safonova**, RTVI photo correspondent **Ivan Krasnov** and Komsomolskaya Pravda correspondent **Aleksandr Rogoza**.<sup>193</sup> In all of these cases, the police alleged that the journalists had taken part in an unauthorised public assembly, demanded that they provide official documents proving that they had attended the protest in their professional capacity, and made the journalists write explanations regarding their actions on 21 April.

Moreover, the police either had or could have easily obtained photo and video evidence in all of these cases to prove that the journalists had been at the protest in a professional capacity and had had all the necessary credentials. For instance, the police alleged that **Oleg Ovcharenko** was at the protest without his press card – an allegation that the journalist disputed – and accused him of participation in an “unauthorised public action”. The police demanded that he come to the police station with his work assignment issued for 21 April and a press card to prove that he was at the protest in his capacity as a journalist.<sup>194</sup> The journalist was only allowed to leave the police station after Echo Moskvy submitted all of the documents requested by the police.

In the case of RFE/RL correspondent **Anton Sergienko**, the police persistently knocked on the door of his Moscow home until they could hand him in an undertaking to come to the police station for questioning under Article 113 of the Criminal Procedure Code. This article, on forcibly bringing someone to answer a summons, is usually applied in relation to suspects, victims or witnesses in a criminal case. When Anton Sergienko came to the police station, he was questioned for several hours about his movements on 21 April, how he had found out about the protest, how many RFE/RL journalists had covered it and so forth. According to Anton Sergienko, a police officer told him that the protest participants had been identified by the anti-extremism police department using CCTV cameras. Then lists of names were sent to police stations in the areas where the individuals identified were registered.<sup>195</sup>

While the acts of harassment and intimidation took place mostly very shortly before or after the protests, the online media BAZA's then editor-in-chief **Nikita Mogutin** was apprehended on 23 May 2021, over a month after he had worked at the 21 April protest. Nikita Mogutin wrote in his Telegram channel that the police officer who stopped his car in Moscow explained that the car was in a police search database but did not know any more details himself.<sup>196</sup> The journalist could not get more clarity at the police station either. One of the police officers could only suggest that his detention may have been connected with “participation in an unauthorised public action”.<sup>197</sup>

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<sup>188</sup> See, for instance, here: <https://roskomsvoboda.org/post/glavreda-mediazonvi-arestovali-na-25-s/>

<sup>189</sup> <https://zona.media/chronicle/smirnov-arrest#39644>

<sup>190</sup> OVD-Info, How Authorities use Cameras and Facial Recognition against Protesters, 17 January 2022, available at: <https://reports.ovdinfo.org/how-authorities-use-cameras-and-facial-recognition-against-protesters>

<sup>191</sup> [https://tvrain.ru/teleshov/here\\_and\\_now/veduschij\\_dozhdia-528981/](https://tvrain.ru/teleshov/here_and_now/veduschij_dozhdia-528981/) ;

[https://twitter.com/tvrain/status/1386965529978679296?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1386965529978679296%7Ctwgr%5E%7Ctwcon%5Es1&ref\\_url=https%3A%2F%2Fwww.dw.com%2Fru%2Fv-moskve-zaderzhivajut-uchastnikov-akcii-21-aprelja-i-reporterov%2Fa-57349706](https://twitter.com/tvrain/status/1386965529978679296?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1386965529978679296%7Ctwgr%5E%7Ctwcon%5Es1&ref_url=https%3A%2F%2Fwww.dw.com%2Fru%2Fv-moskve-zaderzhivajut-uchastnikov-akcii-21-aprelja-i-reporterov%2Fa-57349706)

<sup>192</sup> <https://mbk-news.appspot.com/news/politsiya-ne-stala-2/>

<sup>193</sup> <https://ovd.news/express-news/2021/04/27/v-moskve-policeyskie-prishli-k-zhurnalistam-dozhdya-kp-eha-moskvy-i-meduza>

<sup>194</sup> <https://www.kommersant.ru/doc/4792472> ; <https://polit.ru/news/2021/04/27/echo/>

<sup>195</sup> <https://zona.media/chronicle/zaderzhaniya#41307>

<sup>196</sup> <https://t.me/mogutinin/2275> ; <https://t.me/mogutinin/2280>

<sup>197</sup> <https://t.me/mogutinin/2278>

#### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

Nikita Mogutin was released after around an hour, with an undertaking to return to the police station the next day.<sup>198</sup> The next day, a police officer told him that he was, indeed, accused of participating in an unauthorised action on 21 April and demanded that the journalist produce his editorial assignment and press card. According to Nikita Mogutin, the police showed him a CCTV video from the protest action depicting him walking down the street as a proof of his participation in the protest. The fact that the journalist was wearing the high visibility PRESS vest and had professional journalistic equipment with him were not, in the eyes of the police, necessary proof that he had attended the protest in his professional capacity.<sup>199</sup> On 16 August 2021, the Moscow Savelovsky District Court fined Nikita Mogutin RUB 180,000 (EUR 2,080) for “repeated violation of the rules of conducting public assemblies.”<sup>200</sup>

## REPRISALS CONNECTED WITH ANTI-WAR PROTESTS

Amnesty International has reviewed reports of similar reprisals against journalists covering the anti-war protests that have been ongoing in Russia since the start of its military aggression against Ukraine on 24 February 2022. Similar to the tactics employed by the authorities to target and harass journalists covering the protests in support of Aleksei Navalny, the authorities have used the same tried and tested tactics of “official warnings” and preventive arrests against journalists and other media workers.

One of the distinctive features of the police tactics this time was that they were even better coordinated, more punitive and had a wider scale – both in terms of their geography and the targeted groups. This time, the police also used criminal investigations as a means of intimidation. Independent journalists, civil society activists, opposition politicians and local independent councillors have been among those visited by the police with official “warnings” or “precautionary chats” in advance of days when protests have been planned, and many faced house searches and “preventive” detentions.

On 4 March 2022, a police officer came to the Moscow home of **Anna Loiko**, a journalist with the independent online media Sota.Vision (Sota)<sup>201</sup>. The officer told her that he had received orders “to talk” to her and obtain details about a recent trip abroad. He also said that he knew about her previous arrests at public actions and warned that “this time the fines will be much higher”.<sup>202</sup>

*“It was unpleasant to find out that I was being followed.”*

Anna Loiko, Sota.Vision journalist

In other actions held since Russia’s invasion of Ukraine, dozens of people across the country, including journalists, were subjected to house searches and arrests in connection with criminal or administrative cases initiated shortly before protests organized for 6 March. The way in which the police sought to intimidate those opposing the war looked like a mop-up operation to neutralize known activists and media workers who could write about anti-war protests. For instance, on 5 March 2022, the police in Vladimir, central Russia, conducted a search at the home of **Kirill Ishutin**, editor-in-chief of the independent online media **Dovod** (“Argument”), and at the houses of three other journalists – including 17-year-old **Evgeny Sautin** – and at the house of an aide to a local politician. Their computers and other equipment were confiscated, and they were then taken to the Vladimir Department for Internal Affairs and questioned as witnesses in a criminal case initiated under Article 214(1) of the Criminal Code (“Vandalism”) in connection with anti-war graffiti on a local bridge. The police claimed the journalists were involved as Dovod was the first to publish a photo of the graffiti. Kirill Ishutin complained that he had been put under pressure during questioning. Among other things, the police reportedly held him for six hours in a locked office after he had refused to testify against himself.<sup>203</sup> He also pointed out that the police appeared to be interested not so much in who had painted the graffiti (it later transpired that the police had already found and questioned the graffiti artists) but in the activities, sources and publications of Dovod.<sup>204</sup> Attempts by one of the journalists, Evgeny Sautin, to contest

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<sup>198</sup> <https://telesco.pe/mogutininik/2335>

<sup>199</sup> <https://t.me/mogutininik/2281>

<sup>200</sup> <https://meduza.io/news/2021/08/16/glavreda-bazy-nikitu-mogutina-oshtrafovali-na-180-tysyach-rublej-on-osveschal-miting-v-podderzhku-navalnogo-no-sud-schel-ego-uchastnikom-aktsii>

<sup>201</sup> In May 2022, Sota.Vision split into two media: Sota.Vision and SOTA with some of the journalists remaining in Sota.Vision and some moving to the new media. We will refer to the journalists as Sota.Vision journalists according to their affiliation at the time of the events.

<sup>202</sup> Anna Loiko, interview with Amnesty International, 28 June 2022

<sup>203</sup> See more details for instance, here: [https://novayagazeta.ru/articles/2022/03/16/kto-zakazal-vandalizm?utm\\_source=telegram&utm\\_medium=novaya&utm\\_campaign=zhurnalistov-edinstvennogo-vo-vladimire-n](https://novayagazeta.ru/articles/2022/03/16/kto-zakazal-vandalizm?utm_source=telegram&utm_medium=novaya&utm_campaign=zhurnalistov-edinstvennogo-vo-vladimire-n)

<sup>204</sup> <https://ovd.news/express-news/2022/03/05/v-neskolkih-regionah-siloviki-prishli-s-obyskami-k-pravozashchitnikam> ; <https://www.dovod.online/vo-vladimire-proshli-obyski-u-zhurnalistov-i-aktivistov/> ; <https://t.me/dovod3/5190> ; [https://drive.google.com/drive/folders/16B\\_BgTkoOy-tuxTF4McO4JqLob9ckr4](https://drive.google.com/drive/folders/16B_BgTkoOy-tuxTF4McO4JqLob9ckr4) ; <https://novayagazeta.ru/articles/2022/03/16/kto-zakazal-vandalizm>



the legality of the house search were unsuccessful.<sup>205</sup> At the time of writing, Kiril Ishutin, Evgeny Sautin and others retained the status of witnesses and were potentially subject to further questioning.

On the same day in Pskov, north-west Russia, the police and special riot police broke into the office of the local media outlet **Pskovskaya Gubernia**.<sup>206</sup> Law enforcement officials put four journalists and a visiting student face down on the floor, searched the office and confiscated computers, phones and other equipment, thus paralyzing the work of the publication.<sup>207</sup> The search was conducted under Article 20.3.3 of the Code of Administrative Offences (“Public actions aimed at discrediting the use of Russian Armed Forces”) that had been introduced just a day before. The police alleged that the search was conducted in connection with a complaint from a local woman. Allegedly, on 28 February, the woman had received an email “containing calls to an unauthorised public action” against the war on Ukraine and maintained that Pskovskaya Gubernia’s editor-in-chief Denis Kamalyagin and prominent politicians from the opposition Yabloko party – specifically Lev Shlossberg and Nikolay Kuzmin – were responsible for these calls despite the email address having no connection to any of those people nor to the media outlet itself. The office of the Yabloko party was also searched.<sup>208</sup> On the same day, access to Pskovskaya Gubernia’s website was blocked.<sup>209</sup> The next day, Pskovskaya Gubernia announced that it had had to suspend its work until further notice.<sup>210</sup>

Despite having suspended its activities, harassment of Pskovskaya Gubernia’s journalists continued. On 9 March, the authorities demanded that the whole Gubernia.media website be deleted on the grounds that it contained “unlawful content” and “disseminated false information about actions of the Armed Forces in Ukraine”. On 10 March, the authorities blocked the media outlet’s accounts on social networks. Then, around 12 March, rumours started to spread locally that some of the journalists would be criminally prosecuted and imprisoned.<sup>211</sup> On 18 March, another wave of house searches of journalists and other media workers at Pskovskaya Gubernia followed. This time, it was in connection with a complaint by the regional governor against a publication in a Telegram channel which he regarded as “libellous”.<sup>212</sup> Denis Kamaliagin and several of his colleagues had to leave Russia.

The authorities continued targeting journalists and known activists later that month via disruptive house searches, often with confiscation of computers and other equipment. Some of them were taken in for questioning and then released with the status of a “witness” – which in the Russian reality could be quite easily turn into that of a “suspect”. For instance, on 17 March 2022, the police conducted searches in at least seven houses in Kazan, in the Republic of Tatarstan, including the house of Sota.Vision journalist **Elena Izotova**.<sup>213</sup> The searches were initiated as part of a criminal case opened on 14 March under Article 212 (1.1) (“Calls to mass disorder”) in connection with a comment she posted in a Telegram chat.<sup>214</sup>

On 23 March 2022, the security services conducted searches in the houses of at least six journalists and activists in Arkhangelsk, including the house of Sota.Vision editor **Darya Poriadina** and her partner Sota.Vision and Activatica journalist **Aleksandr Peskov**.<sup>215</sup> They were both taken to the Investigative Committee for questioning and released about 12 hours later as witnesses in a criminal case initiated against Aleksey Navalny and his supporters under “extremism” charges. Two days later, Aleksandr Peskov was arrested for allegedly insulting a police officer, and several days later it became known that two of the other activists who had been questioned on 23 March became suspects in a criminal case of “participation in an extremist organization”. Darya Poriadina and Aleksandr Peskov had to leave the country fearing for their security. Darya, who was also a university student, encountered obstacles with her graduation. The university authorities refused to grant her sabbatical. In May, she found out that she had been expelled.<sup>216</sup>

Police continued to particularly harass journalists that had been previously detained or received “warnings”, and conducted visits to their homes on the eve of protests. These incidents included repeated attempts to conduct a “precautionary chat” with Sota.Vision journalist **Nika Samusik** on 12 and 17 March 2022,<sup>217</sup> visits to Sota.Vision journalist **Petr Ivanov**<sup>218</sup> and Novaya Gazeta journalist **Elena Lukianova**<sup>219</sup> on 19 March 2022 in

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<sup>205</sup> <https://www.dovod.online/vladimirskii-oblsud-podtverdil-zakonnost-obyska-v-kvartire-zhurnalista/>

<sup>206</sup> <https://t.me/guberniaband/2981>

<sup>207</sup> <https://t.me/guberniaband/2991>

<sup>208</sup> <https://t.me/guberniaband/2988>

<sup>209</sup> <https://t.me/guberniaband/2990>

<sup>210</sup> <https://t.me/guberniaband/2992>

<sup>211</sup> <https://t.me/guberniaband/3013>

<sup>212</sup> <https://t.me/guberniaband/2995>

<sup>213</sup> <https://t.me/sotavision/37405>

<sup>214</sup> <https://zona.media/news/2022/03/17/megafoni> ; <https://t.me/sotavision/37406>

<sup>215</sup> <https://ovd.news/express-news/2022/03/23/v-arkhangel'ske-prohodyat-obyski-u-zhurnalistov-i-aktivistov> ;

<https://www.yabloko.ru/regnews/arh/2022/03/23> ; <https://t.me/avtozaklive/13221>

<sup>216</sup> <https://29.ru/text/education/2022/04/07/71235623/> ; <https://29.ru/text/education/2022/05/19/71337131/>

<sup>217</sup> <https://t.me/sotavision/37030> ; <https://t.me/sotavision/37541> ;

<sup>218</sup> <https://t.me/sotavision/37537>

<sup>219</sup> <https://t.me/sotavision/37541>

#### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

Saint Petersburg and a visit to Sota.Vision photographer **Vasily Vorona** in Moscow on 11 March 2022. The photographer was not at home at the time. According to his family members, the police officer was rude and threatened that if Vasily continued to be active in the protests the police could petition for him to be expelled from the university where he studied, he could be called up for military service or be criminally prosecuted.<sup>220</sup>

In the context of the anti-war protests, the police have also relied on the detention of journalists and other media workers when they are already on the way to a protest or picket they need to cover, or just minutes before its start.

Sota.Vision journalist **Gleb Sokolov** was detained on 25 February 2022 in Moscow together with the two activists whose protest he was going to cover, when they left their house. The journalist had his press ID card and the editorial assignment letter but these were disregarded by the police.<sup>221</sup> He was then charged with allegedly participating in an unauthorized public action and released.<sup>222</sup> On 7 March, a Moscow court fined him RUB 20,000 (EUR 146).<sup>223</sup>

On 2 March 2022, **Ekaterina Goncharova**, a journalist working for online media outlet MR7, was detained by police when leaving her house in Saint Petersburg to cover an anti-war protest. There was no information on her whereabouts until shortly before a court hearing the next day when her colleagues found out that she had been held in police custody overnight. On 3 March, the Nevsky District Court of Saint Petersburg found her guilty under Article 20.2(2) of the Code of Administrative Offences (“Organization of mass simultaneous presence and (or) movement of people in public places which led to public disorder”) on the grounds of her social media posts and sentenced her to 10 days in custody. Her lawyer was not allowed to attend the hearing.<sup>224</sup>

On 18 March 2022, the day of a government-sponsored concert in support of the “special military operation” in Ukraine, the police detained Sota.Vision photographer **Pavel Ivanov** when he had just left his house in Moscow to cover the concert. The manner in which the arrest was carried out suggests that the police were waiting specifically for him. They drove him first to a police station and then to Cheryomushkinsky District Court where he was sentenced to three days in custody for allegedly “disobeying lawful police orders” (Article 19.3 of the Code of Administrative Offences) despite the police documents giving the wrong date for his detention (18 March 2020) and no proof of any wrongdoing.<sup>225</sup>

On the same day, and in a similar arbitrary manner, the police arrested yet another Sota.Vision journalist, **Artem Krieger**, outside a metro station in Moscow about 10 minutes’ walk from the Luzhniki stadium where the pro-government concert was held. He was on his way to cover the concert when the police arrested him on grounds that his name was in a police database.<sup>226</sup> The police later released him without charge. Amnesty International is aware of at least one other journalist preventively detained on that day in Moscow and four more in Saint Petersburg. All of them were later released without charges.<sup>227</sup>

Reflecting on the police’s practice of preventive arrests, one journalist told Amnesty International how important it is not to use public transport on the way to cover a protest. He said:

*“I try to make sure not to use public transport when I go to cover a protest action. On 18 March [2022], the day of the [pro-government] concert and rally in Luzhniki, many journalists were detained before its start. I was lucky as I chose my route there carefully. But on the way back I decided to use the metro and was immediately apprehended by the police because of the facial recognition technology. Luckily, I was released without charge.”*

A journalist, speaking to Amnesty International [in condition of anonymity]<sup>228</sup>

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<sup>220</sup> <https://t.me/sotavision/37030>

<sup>221</sup> <https://t.me/sotavision/35586>

<sup>222</sup> <https://cpj.org/2022/02/across-russia-journalists-detained-threatened-over-coverage-of-russias-invasion-of-ukraine/>

<sup>223</sup> <https://cpj.org/ru/2022/03/%D1%80%D0%BE%D1%81%D1%81%D0%B8%D0%B9%D1%81%D0%BA%D0%BE%D0%B3%D0%BE-%D0%B6%D1%83%D1%80%D0%BD%D0%B0%D0%BB%D0%B8%D1%81%D1%82%D0%B0-%D0%B3%D0%BB%D0%B5%D0%B1%D0%B0-%D1%81%D0%BE%D0%BA%D0%BE%D0%BB%D0%BE/>

<sup>224</sup> <https://mr-7.ru/articles/241061/> ; <https://www.zaks.ru/new/archive/view/223500>

<sup>225</sup> <https://t.me/sotavision/37457> ; <https://t.me/avtozaklive/13136> ; <https://t.me/sotavision/37635>

<sup>226</sup> <https://t.me/sotavision/37474>

<sup>227</sup> <https://activatica.org/content/c24abb76-2446-4bf8-8505-815f7f1d43bc/shkolnikov-i-studentov-voevkavut-v-podderzhku-voiny>

<sup>228</sup> Interview with Amnesty International, June 2022

## 2.6 INTERFERENCE WITH JOURNALISTS' WORK DURING PROTESTS

Amnesty International has documented how the police routinely violate journalists' rights during protests. From demanding that journalists produce documents which are not required by law as a way to harass and intimidate them, to creating physical obstacles for journalists' access to the places of protests, to arbitrary arrests and unlawful use of force, the list of violations remains evergreen from one protest to another. At the same time, accountability for human rights violations committed by the police remains close to zero and there is very little appetite by the official bodies and structures vested with the powers to investigate, prosecute, or oversee police performance, to ensure prompt, effective, independent and impartial investigations, bring perpetrators to justice and ensure that such violations are not repeated again.

In February 2021, drawing some conclusions after three protests in support of Aleksey Navalny, the Centre for the Legal Defence of Journalists, affiliated with the Russian Union of Journalists, noted with great concern that over 100 journalists had been arrested, detained or beaten up while performing their professional duties.<sup>229</sup> At the same time, the independent Journalists' and Media Workers' Union counted 58 violations of journalists' rights, including 49 arrests, six cases of unlawful use of force and three unlawful apprehensions for document checks on 23 January 2021,<sup>230</sup> with a further 122 incidents on 31 January 2021.<sup>231</sup> Altogether, the latter Union registered at least 210 violations of the rights of the journalists who worked at the protest actions on 23 and 31 January and 2 February in 40 Russian regions,<sup>232</sup> while the Russian NGO OVD-Info collected information about 150 arrests of journalists<sup>233</sup> and 71 administrative prosecutions of journalists who had covered the protests.<sup>234</sup> At least eight journalists were beaten up by the police.<sup>235</sup>

On 21 April 2021, the last day in the series of the actions in support of Aleksey Navalny, the Union of Journalists reported a much lower number of detained journalists – 10 – as the journalists were going to the public actions in high visibility vests and with IDs.<sup>236</sup> However, some journalists were arbitrarily detained despite wearing the vest and showing their ID and other documents. For instance, Kommersant journalist **Gleb Merkin** in Kazan reported that the police had checked his documents but then had told him that he was “not on the list” and took him to a police station.<sup>237</sup> Likewise, in Voronezh, Sota.Vision correspondent **Fedor Orlov** was physically carried by police to a police van and then taken to a police station despite wearing a high visibility vest and having all the necessary IDs.<sup>238</sup> Considering that, as mentioned above, many more journalists were harassed by the police after the protests instead of being arrested on the spot, it appears that the police had simply chosen a different approach, possibly not to create a negative “picture” on the day, when the policing would be under the spotlight.

It is notable that human rights violations of journalists' rights, including at public actions, continued despite an instruction issued by President Putin in January 2021 to his Plenipotentiaries in the federal districts “to take necessary measures to ensure journalists' rights”.<sup>239</sup> This instruction was issued following the December 2020 meeting of the Presidential Council for Human Rights where one Council member, editor-in-chief of the Moskovsky Komsomolets newspaper, Pavel Gusev, complained that in the regions “journalists are beaten up, or thrown out, or threatened every three days” and that journalists who cover public assemblies were being arrested.<sup>240</sup> The Union of Journalists mentioned that not long before the April protest, presidential plenipotentiaries in the regions did organize meetings to discuss “additional measures to protect journalists.”<sup>241</sup>

However, considering that arbitrary arrests and other violations of journalists' rights continued at other protests, including during the anti-war protests in 2022, it appears that the implementation of President Putin's instruction and the subsequent meetings of presidential plenipotentiaries in the regions have not had much effect. It rather appears that President Putin's orders have either been blatantly ignored by the police and other state officials, or were not regarded as serious in the first place. In just a month since the start of

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<sup>229</sup> <https://ruj.ru/news/tsentr-pravovoi-zashchity-zhurnalistov-szhr-po-povodu-zaderzhanii-predstavitelei-smi-23-31-yanvarya-i-2-fevralya-14443>

<sup>230</sup> <https://profjur.org/ohota-na-zhurnalistov/>

<sup>231</sup> <https://profjur.org/bolshe-120-narushenij/> In four of those cases, the detained journalists were at the actions as participants.

<sup>232</sup> <https://profjur.org/rassledovat-prestupleniya-protiv-zhurnalistov/>

<sup>233</sup> See, <https://reports.ovdinfo.org/winter-2021-supression#10>

<sup>234</sup> <https://ovdinfo.org/articles/2022/01/27/vo-vremya-zimnih-protestov-2021-goda-policeyskie-izbivali-zhurnalistov-eti>

<sup>235</sup> <https://ovdinfo.org/articles/2022/01/27/vo-vremya-zimnih-protestov-2021-goda-policeyskie-izbivali-zhurnalistov-eti>

<sup>236</sup> <https://ruj.ru/news/monitoring-szhr-v-khode-aktsii-protesta-bylo-zaderzhano-10-predstavitelei-smi-15071>

<sup>237</sup> <https://www.kommersant.ru/doc/4782907>

<sup>238</sup> <https://ruj.ru/news/monitoring-szhr-v-khode-aktsii-protesta-bylo-zaderzhano-10-predstavitelei-smi-15071>

<sup>239</sup> <http://www.kremlin.ru/acts/assignments/orders/64952>

<sup>240</sup> <https://www.interfax.ru/russia/748799>

<sup>241</sup> <https://ruj.ru/news/monitoring-szhr-v-khode-aktsii-protesta-bylo-zaderzhano-10-predstavitelei-smi-15071>

**RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

the so called “special military operation in Ukraine”, the Journalists’ and Media Workers’ Union documented 111 violations of journalists’ rights, the majority of which were arrests while covering peaceful anti-war protests.<sup>242</sup>

Such violations can be roughly divided into three groups: obstructing journalists’ work; arbitrary arrests and detentions; and unlawful use of force.

## OBSTRUCTING JOURNALISTS’ WORK

According to the Law “On Mass Media”, journalists performing their professional duties must “produce at the first demand their *journalist ID* or <sup>243</sup> another document that confirms their identity and authority as a journalist.”<sup>244</sup> The Law “On public assemblies” establishes the same requirement for a journalist covering a public assembly.<sup>245</sup>

However, contrary to the law, it has become a widespread practice that in addition to their ID the police demand that journalists **also** produce an editorial assignment letter – a document issued by a media outlet to confirm that a journalist has been assigned a specific task which they should carry out on a specific day. It should contain the media registration number (or, for foreign media, their name and the country of registration) and should be signed by the editor-in-chief or one of the editors and have an official stamp of the media outlet.<sup>246</sup> Other documents that journalists have reported that the police have demanded them to produce include passports, documents confirming that their media has been registered by Roskomnadzor and even papers confirming the legal possession of a camera.<sup>247</sup> It is not uncommon for journalists who fail to produce such excessive documents to be prevented from working at a public assembly<sup>248</sup> or even to be detained, at least until their colleagues can confirm that they had attended a public assembly as part of their job.

Speaking to Amnesty International in July 2022, one journalist remarked:

*“The law “On Mass Media” says that we have the right to collect information. But the police like to interpret the law as they want. We are not obliged to wear yellow vests, we do not have to wear badges. It is enough to have just a press card.”*

Another common practice used by the police is to physically prevent journalists from approaching a certain area where a public action is about to or is taking place, or where police are detaining people participating in a demonstration. This is carried out either through installing barriers,<sup>249</sup> positioning cordons of police officers to block journalists from approaching, or actively pushing them away, including with varying degrees of force.

For instance, journalists covering an anti-war protest in Moscow on 6 March 2022, reported how the police pushed them to one side of the police cordon before the start of the protest and were not allowed to access the square where the protest was expected to take place. The police also threatened that those who refused to go would be “taken away”, in reference to a police station.<sup>250</sup> When some journalists asked on what grounds the press must follow these orders, pointing out that they had the right to be there by law, the police failed to respond.<sup>251</sup>

In Yekaterinburg, the Urals, journalists of the online media **It’s My City** reported several incidents when police obstructed journalists’ work during an anti-war protest on 4 March 2022. In one such incident, the police told a journalist who was filming a detained protester screaming in a police van, “to move away” and “not to obstruct police work”, although the video recording clearly shows that the journalist was far enough from the police to avoid obstructing them.<sup>252</sup> In another incident that was videorecorded, a policeman is heard saying “Hold the greens away!”<sup>253</sup> The “greens” in that instance was a term used by the police

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<sup>242</sup> <https://profjur.org/111-narusenii-prav-zhurnalistov-s-nachala-specoperacii/>

<sup>243</sup> Emphasis by AI

<sup>244</sup> [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_1511/cb538501fcf1adfcebe98ad1431bca6e50d08cc6/](http://www.consultant.ru/document/cons_doc_LAW_1511/cb538501fcf1adfcebe98ad1431bca6e50d08cc6/)

<sup>245</sup> [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_48103/ef9be220760ca6486116744bc7dde3ce562e0301/](http://www.consultant.ru/document/cons_doc_LAW_48103/ef9be220760ca6486116744bc7dde3ce562e0301/)

<sup>246</sup> <https://mmdc.ru/services/common/pravila-dlya-zhurnalistov-na-akciiyah-protesta-stali-gorazdo-zhestche-cto-vazhno-znat-instrukciya-dlya-vseh-nashih-kolleg/>

<sup>247</sup> <https://ruj.ru/news/tsentr-pravovoi-zashchity-zhurnalistov-szhr-po-povodu-zaderzhanii-predstavitelei-smi-23-31-yanvarya-i-2-fevralya-14443>

<sup>248</sup> See, for instance, one of the examples from February 2021 protest in Moscow here: <https://mskgazeta.ru/obshchestvo/zhurnalisty-rasskazali-o-naruseniyah-ih-prav-i-zaderzhaniih-vo-vremya-raboty-na-akciiyah-protesta-6975.html>

<sup>249</sup> See, for instance, one of the examples from February 2021 protest in Moscow here: <https://mskgazeta.ru/obshchestvo/zhurnalisty-soobshayut-o-perekrytii-lubyanskoi-ploshadi-v-moskve-v-svyazi-s-nesankcionirovannymi-akciyami-6963.html>

<sup>250</sup> <https://t.me/avtozaklive/12806>

<sup>251</sup> <https://t.me/activatica/16595>

<sup>252</sup> <https://t.me/itsmycity/19018>

<sup>253</sup> <https://t.me/itsmycity/19019>

referring to journalists in their green high visibility vests who, in this case, were filming a peaceful protestor being arrested by the police. Amnesty International has obtained information of similar practices in which the police told journalists to “move away”, “disperse” or not to “obstruct police work” taking place during other protests.<sup>254</sup>

While in many instances the police obstruct the work of journalists without relying on force, Amnesty International has also documented several cases where journalists are impeded from documenting the policing of assemblies with unnecessary or excessive force. On 6 March 2022, the police not only told a journalist from It's My City media “not to obstruct” their work when she was filming police officers beating a protester with batons, but also pushed her aside.<sup>255</sup> As in other instances, the video clearly shows that she was far enough from the police and did not obstruct their actions. In another video recorded at the 13 March 2022 protest in Yekaterinburg, a police officer is seen forcefully pushing aside, into a snow drift, two female journalists who were filming protesters being arrested. The police officer then physically held them to prevent them from filming while other police officers passed by with the arrested protesters.<sup>256</sup> Kommersant newspaper journalist Aleksandr Chernykh, who was working on 13 March reporting on the protest held in Manezhnaya Square in Moscow, reported that a police officer hit him twice in the chest.<sup>257</sup>

Thus, while in many of these cases the police claimed that the journalists were obstructing their work, it was actually the police who interfered with and obstructed the work of the journalists, preventing or cutting short reporting from protest actions. Media coverage of arbitrary arrests and other examples of poor policing has long been an inconvenience for the authorities. Obstructing journalists' access to prevent them from documenting these human rights violations is certainly one – but not the only – way of dealing with this “inconvenience”.

## ARBITRARY DETENTIONS OF JOURNALISTS DURING PROTESTS

Arbitrary detentions are probably the most common violations that journalists who cover public assemblies have to face in Russia. Despite clear international standards and certain safeguards in Russian domestic law, including regulations on identifying journalists at public assemblies as a way to prevent police abuses, time and time again the police detain journalists covering protests. As one of the journalists remarked:

*“It doesn't matter how many rules you comply with, you will be arrested anyway.”*

Anna Loiko, Sota.Vision journalist.<sup>258</sup>

Amnesty International has reviewed several cases of journalists arbitrarily detained while they were covering the 2021 protests in support of Aleksey Navalny. In all these cases, the journalists had the necessary documents and/or other attributes that would allow for their easy identification by the police as media workers, and were not taking any action beyond their work that could warrant an arrest. Thus, their detention rendered arbitrary since they were carried out solely for their peaceful exercise of the right to freedom of expression.

For instance, during a protest on 23 January 2021 in Saint Petersburg, the police arrested **Ivan Petrov**, then a journalist with the student magazine Tardigrada, while he was taking pictures of protesters being arrested. He had clear means of identification, including a high visibility vest and his press card, but the police still targeted the journalist and used force to arrest him.<sup>259</sup>

**Aleksandra Teplyakova**, a journalist with the online media RusNews, was arrested on 31 January 2021 while conducting a live stream from a protest in Khabarovsk, the Far East. The police alleged that while also covering a protest as a journalist on 23 January, she had violated Article 20.2 (6.1) of the Code of Administrative Offences (“participation in an unauthorized public assembly which created obstacles for infrastructure and traffic”). In a video recording of her arrest, she tells the police officer that she is a journalist and has a press card, but the police still went ahead with the arrest.<sup>260</sup>

Aleksandra Teplyakova was held in police custody overnight, then taken to court where she was sentenced to nine days of administrative detention. The court did not take into account Aleksandra Teplyakova's statement that she had been carrying out her professional duties and had had all the necessary documents

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<sup>254</sup> See, for instance, here: <https://t.me/itsmycity/19171>

<sup>255</sup> <https://t.me/itsmycity/19077>

<sup>256</sup> <https://t.me/itsmycity/19174>

<sup>257</sup> <https://t.me/avtozaklive/13017>

<sup>258</sup> Anna Loiko, interview with Amnesty International, 28 June 2022

<sup>259</sup> <https://youtu.be/3G1zhf8Nso>

<sup>260</sup> <https://www.currenttime.tv/a/31078394.html>

with her. Her appeal against the detention was unsuccessful.<sup>261</sup> Aleksandra Teplyakova was released on 9 February.<sup>262</sup>

**Makar Palamarenko**, a journalist with the regional online news media Donday, was arrested in Rostov-on-Don, south Russia, while taking pictures of police arresting peaceful protesters on 31 January 2021.<sup>263</sup> He describes how he told the arresting officers that he was a journalist and showed them his editorial assignment and passport. However, the officers only assured him that he would be released soon but that they still needed to take him to the police station “for a report”.<sup>264</sup> At the station, Makar Palamarenko wrote an explanatory note where once again he pointed out that he was a journalist working to cover the protest.<sup>265</sup> Nevertheless, the police drew up a record of an administrative offence for violating the rules on public assemblies (Article 20.2 (6.1) of the Code of Administrative Offences), took his fingerprints and delivered him to Kirovsky District Court where he was issued with a RUB 10,000 (EUR 108) fine.<sup>266</sup> The journalist appealed this decision and on 5 April the Rostov Regional Court overturned the conviction. According to Makar Palamarenko, the police officers claimed that they did not see his press card but the judge referred to a photo of the journalist’s arrest where the press card was clearly visible, finding that there was no evidence to support the police statements.<sup>267</sup> The Rostov Regional Court’s decision was a rare example in which sentences that follow the arbitrary detention of journalists are quashed among a plethora of court rulings finding journalists in violation of the rules of public assemblies despite their protected status under domestic and international law.

In Moscow, journalist **Anastasia Demidas** from Vot Tak TV was also arrested on 31 January 2021 while working at a protest. She was taking photos of the riot police when three officers approached her to ask what she was doing there. She told them she was there as a journalist, showing them her editorial assignment letter and her passport. However, the police demanded to see “the original” of the editorial assignment letter and that she needed to go to the police station “to clarify information”.<sup>268</sup> She was taken to the police bus where the police officers drew up a record of an administrative violation under article 20.2 (6.1) of the Code of Administrative Offences. Then, Anastasia Demidas was taken to the police station where her documents were checked again. She was questioned as a witness under a criminal case of “violation of sanitary rules” which had been initiated by the authorities after the 23 January protests.<sup>269</sup> She was then held overnight with many other detainees, in conditions that did not meet international standards. According to Anastasia Demidas, the cell was overcrowded and some of the detainees had to sit or sleep on the floor.<sup>270</sup>

The next day, she tried unsuccessfully to contest in court the offence record presented by the police which alleged that she had been “walking in a crowd of 2,000 people”, had shouted slogans and interfered with the traffic – a typical text of a “copy-paste” offence record drawn up against peaceful protesters. The judge, however, refused to take her arguments into consideration and dismissed documents confirming her status as a journalist claiming that those papers “meant nothing” and demanded “originals”.<sup>271</sup> Anastasia Demidas was sentenced to four days in administrative detention, which she spent in Sakharovo Temporary Detention Facility for Migrants, which in January 2021 became infamous for its inhumane detention conditions and overcrowding due to mass arrests at the protests.

Amnesty International has noted a pattern through which the police and other relevant authorities blame journalists of failures to comply with domestic laws as a way to justify their arrest and obstruct their presence at protests, while later failing to investigate human rights violations against journalists. Most often, as mentioned above, the authorities claim that journalists either “obstructed” police work, did not have their necessary identification or even allege violent people intending to trigger a violent response of the authorities are wearing fake vests.

In March 2022, the Head of the Main Directorate of the Ministry of Interior for Saint Petersburg and Leningrad region said that it was due to “rogue journalists and provocateurs” who wore high visibility vests pretending to be journalists that the police had to carry out arrests.<sup>272</sup> He made this point during a session of the Saint Petersburg Legislative Assembly when questioned about mass detentions of journalists during anti-war protests. Just days before that, on 13 March 2022, at least nine journalists<sup>273</sup> from several media outlets

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<sup>261</sup> <https://www.sibreal.org/a/31099207.html>

<sup>262</sup> <https://profjur.org/aleksandra-tepljakova-na-svobode/>

<sup>263</sup> <https://donday.ru/zaderzhannogo-vo-vremja-akcii-v-podderzhku-navalnogo-zhurnalista-donday-dostavili-v-otdel-policii.html>

<sup>264</sup> <https://kavkaz-uzel.eu/articles/359452/>

<sup>265</sup> <https://donday.ru/zaderzhannogo-vo-vremja-akcii-v-podderzhku-navalnogo-zhurnalista-donday-dostavili-v-otdel-policii.html>

<sup>266</sup> <https://donday.ru/sud-prigovoril-zhurnalista-donday-k-shtrafu-v-10-tysjach-rublej.html>

<sup>267</sup> <https://donday.ru/rostovskogo-zhurnalista-zaderzhannogo-na-akcii-v-podderzhku-navalnogo-opravedali.html>

<sup>268</sup> <https://vot-tak.tv/novosti/14-02-2021-five-days-at-sakharovo/>

<sup>269</sup> <https://vot-tak.tv/novosti/01-02-2021-our-journalist/>; More details about the so-called “sanitary case” see, for instance, here:

<https://ovd.news/story/sanitarnoe-delo>

<sup>270</sup> <https://vot-tak.tv/novosti/14-02-2021-five-days-at-sakharovo/>

<sup>271</sup> <https://vot-tak.tv/novosti/14-02-2021-five-days-at-sakharovo/>; <https://theins.ru/news/239024>

<sup>272</sup> <https://www.zaks.ru/new/archive/view/223936>

<sup>273</sup> See, for instance, here: <https://t.me/avtozaklive/13004> and here: <https://t.me/avtozaklive/13089>

#### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

had been detained in Saint Petersburg minutes before and at the very start of an anti-war action. A video taken from inside a police van clearly shows that all journalists were wearing high visibility vests.<sup>274</sup> One of the journalists also posted a photo of herself and other detained colleagues to confirm that they had all the necessary ID papers. She also reported that the police checked their documents, wrote down their personal data, did not answer their questions and refused to release them.<sup>275</sup> Six of the journalists were driven to a police station in Kronshtadt, a town around 50 km from Saint Petersburg. There, the police took their passports, press cards and editorial assignments, and demanded that they switch off their mobile phones.<sup>276</sup> The police also told the journalists to write an official statement that they refused. Eventually, they were released without charge.<sup>277</sup> However, by the time of their release, the protest action was over and thus, not only were the journalists arbitrarily detained, but they were also effectively prevented from covering a protest. The timing of the journalists' arbitrary arrest and the manner in which their detention was handled suggests that this was an intentional obstruction of journalists' work with a goal to prevent them from recording the protest, thus, a violation of both the right to liberty and the right to freedom of expression. The journalists submitted complaints against the police but, at the time of writing, it is unclear if any of these has been followed-up.

Amnesty International documented how arbitrary detention of journalists became widespread during peaceful anti-war protests held in the month since the start of the invasion of Ukraine on 24 February 2022. According to the Journalists' and Media Workers' Union, out of dozens of journalists arrested in the month since the start of the protests, at least six journalists were given from three to 28 days of administrative detention. **Matvey Golovanov**, a journalist from RusNews, served the longest sentence of 28 days under Article 20.2 (8) ("Repeated violation of the rules of conducting public assemblies"). The police arrested him on 26 February during a live streaming he conducted from a peaceful anti-war rally in Yekaterinburg despite showing his press card and his editorial assignment.<sup>278</sup>

Among the journalists detained during the first week of anti-war protests of 2022, there were some journalists from large federal media (including Novaya Gazeta, Kommersant, and Fontanka), regional media (for instance, NGS.RU from Novosibirsk) and smaller, often niche online media (including, moloko plus, SOTA and Avtozak.Live). However, following the introduction of various censorship measures, including threats of administrative and criminal prosecution under newly introduced charges of "disseminating false information" about or "discrediting" the Russian Armed Forces and the near total wipe-out of larger independent media outlets in the country, the majority of journalists who have faced arbitrary detention from early March 2022 were mostly from smaller independent online media outlets who are bravely trying to continue their work in these new realities.

For instance, on 6 March 2022, the police detained **Pavel Nikulin** and **Artem Drachev**, a journalist and a photographer from independent online media outlet moloko plus, in Pushkin Square in Moscow.<sup>279</sup> Despite both of them being in possession of all the necessary documents and wearing high visibility vests, the police took them to the Lefortovo police station, where the police drew up a record for "violating the rules of a public assembly" (Article 20.2 (5) of the Code of Administrative Violations). They were then released. On 12 March, Artem Drachev was called back to the police station "for a chat" where he was given a "warning regarding participation in public actions". The police also visited Pavel Nikulin's home; in his absence, they told his mother to ask him to "call them" without giving further details.

On 6 March 2022, at least six journalists from **Sota.Vision** were detained in Voronezh, Saint Petersburg, Nizhnii Novgorod and Krasnodar.<sup>280</sup> **Feyodor Orlov**, Sota.Vision's correspondent in Voronezh, was violently detained by the police when he was conducting a live stream. A video of his detention clearly shows that he was wearing a high visibility vest and a press badge. Nevertheless, without any explanation or warning, the police assaulted him from behind causing the journalist to scream and to call for help. The police did not stop even when he shouted that he was a media worker.<sup>281</sup> Feyodor Orlov was later released with a record of an administrative offence.

On the same day in Moscow, another Sota.Vision journalist, photo correspondent **Vasily Vorona**, was arbitrarily detained while covering a protest action near Teatralnaya Square despite wearing a high visibility vest and having all the necessary IDs. According to the journalist's account of events, the police assaulted him hitting on his legs and his face, grabbed his passport that they had demanded him to show as a proof of identity and searched him to get his mobile phone. At the same time, the police reportedly threatened that

<sup>274</sup> <https://t.me/activatica/16848>

<sup>275</sup> <https://t.me/avtozaklive/12996>

<sup>276</sup> <https://t.me/avtozaklive/13025>

<sup>277</sup> <https://t.me/avtozaklive/13035>

<sup>278</sup> <https://t.me/smirusnews/6243>

<sup>279</sup> <https://t.me/avtozaklive/12789>

<sup>280</sup> <https://t.me/ovdinfo/5574> ; <https://t.me/sotavision/36688>

<sup>281</sup> <https://t.me/avtozaklive/12792>

#### **RUSSIA: "YOU WILL BE ARRESTED ANYWAY":**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

he would be “sent to Donbass”, in a clear reference that he would be conscripted to fight in Ukraine. Vasily Vorona was taken to Ramenskoye police station where police attempted to take his fingerprints and photograph for their database. The journalist was held incommunicado for around 10 hours. When his whereabouts were finally established and a lawyer and a human rights defender came to see him, the police refused to grant them access. Vasily Vorona was released 11 hours after his arrest with a record of an administrative offence under Article 20.2 (5) of the Code of Administrative Offences (“Violation of the rules of a public assembly”).

Sota.Vision’s photo-correspondent in Saint Petersburg, **Nika Samusik**, was also detained on 6 March. This was the third time she was detained since the start of the anti-war protests and she would be detained again on 18 March when covering another protest. Nika Samusik told Amnesty International that, although she did not wear a high visibility vest when first detained on 24 February, she had it on in all other instances and in all four instances she had the required journalist IDs with her.<sup>282</sup> She noted that on two instances in particular – 2 and 6 March – it appeared that the police were specifically targeting journalists wearing high visibility press vests.

Commenting on how much arbitrary detentions affect journalists’ work covering protests, Nika Samusik said:

*“They [the police] simply do not allow us to work, they take our time which is precious for a journalist. They detain us, take us to a police station to check our identities and while they are doing this, the rally is already over. Why detain us if all the necessary information could be checked on the spot and then they could let us go?!”*

Nika Samusik, Sota.Vision journalist<sup>283</sup>.

## UNLAWFUL USE OF FORCE AGAINST JOURNALISTS

Protecting journalists, monitors and observers during protests is a key obligation states have under the right to freedom of peaceful assembly.<sup>284</sup> The police must not interfere with the work of journalists and may not prohibit or restrict them from documenting the events happening during an assembly or its dispersal, including the actions of protesters and police.<sup>285</sup> Police may only use force in compliance with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination.<sup>286</sup> Police should be accountable and justify if the use of force was lawful, necessary and proportionate. Domestic legislation on the use of force by law enforcement officials must be in line with international law and standards.<sup>287</sup>

As documented by Amnesty International, the use of force by Russian authorities during protests has failed to meet these standards. Based on the many accounts the organization has received from journalists and monitors, the police used unnecessary and excessive force against both peaceful protesters and journalists during both the 2021 protests in support of Aleksey Navalny and the anti-war protests of 2022. Many of those cases amount to torture and other ill-treatment.

Reporters without Borders, an international organization defending the rights of journalists, reported on seven incidents of assault by the police against journalists on 23 January 2021 alone.<sup>288</sup> Five of those incidents were in relation to female journalists. At least two other journalists, one of them female, were beaten by the police while one was in Moscow<sup>289</sup> and the other in Saint Petersburg.<sup>290</sup> In all of the cases documented by Amnesty International, the journalists were at the protests in their professional capacity, had necessary ID documents and in most cases other means of identification, like a high visibility vest, even if it was not an obligatory requirement at the time of the 2021 protests. In most cases, like with assembly monitors, the journalists were assaulted when the police saw them filming arrests or when the police were beating peaceful protesters.

One journalist that spoke to Amnesty International believes that such unwarranted “attention” by the police could be due to the fact that officers fear their unlawful activities may be publicly exposed. According to the

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<sup>282</sup> Interview on file with Amnesty International

<sup>283</sup> Nika Samusik, interview with Amnesty International, 6 June 2022

<sup>284</sup> General Comment no 37 para 74 (previously cited)

<sup>285</sup> Human Rights Committee, General comment No. 37 (2020) on the right of peaceful assembly (article 21), para. 30

<sup>286</sup> General Comment no 37, para 78 (previously cited)

<sup>287</sup> Including such standards as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (para 13 of which says: “In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.”, see at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>) and Amnesty International, Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 2015

<sup>288</sup> <https://rsf.org/en/totally-disproportionate-crackdown-reporters-during-pro-navalny-demonstrations>

<sup>289</sup> <https://fj.fund.ru/kak-vospriyatsvovali-professionalnoy-deyatelnosti-zhurnalistov-23-yanvarya/?fbclid=IwAR25clXQ3GaDcfNf3vSVxyptlQwdc4mSPAhr-v7va45uqHQQLQH1CE-gqkY>

<sup>290</sup> <https://lenizdat.ru/articles/1158641/>

### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**



journalist, some police and riot police officers told him that when there is a public exposure of and outcry against the police, officers involved in the incidents are called before their superiors and have to write “explanations” and sometimes testify in court if a victim complains. Publicity is unwelcomed in a situation when many people join law enforcement for the sake of job security and the relatively high salaries and, consequently, are afraid of losing their jobs or being financially punished by their superiors. Quoting his own experience, the journalist noted that when the police noticed him filming them beating a protester, they immediately stopped and took the protester to a police van.<sup>291</sup>

However, these internal measures appear to be arbitrary and discretionary rather than a systematic mechanism for the proper investigation and sanction of abuses committed by the police. In fact, Amnesty International is not aware of any effective criminal investigations or disciplinary proceedings initiated into any of the cases of unlawful use of force against journalists and other media workers in the context of protests in 2021 and 2022 documented for this report.

Meduza correspondent **Kristina Safonova** described how she was beaten by a riot police officer when she was working at a protest in Moscow’s Pushkinskaya Square on 23 January 2021. She was wearing a high visibility press vest but it did not stop the police officer from assaulting her when she started filming the protest.<sup>292</sup> According to *Reporters Without Borders* (RSF), her colleague, photographer **Evgeniy Feldman**, was grabbed by the neck by another police officer while Novaya Gazeta photographer **Victoria Odisonova** had her camera lens smashed with a baton blow. VTimes journalist **Ekaterina Grobman** was hit when being arrested despite her press badge, while a reporter for the Avtozak.Live channel **Nikita Stupin**, was assaulted with a stun gun.<sup>293</sup>

### ELIZAVETA KIRPANOVA



*Elizaveta Kirpanova was hit with a baton on her head which caused bleeding.”*

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Novaya Gazeta journalist **Elizaveta Kirpanova** was also beaten by a police officer in Pushkinskaya Square. According to her testimony, she was wearing a high visibility press vest and possessed her press badge and other documents. In a Facebook post, she described how the riot police had been indiscriminately beating everyone in front of them and how they hit her with a baton on her head which caused bleeding:

*“I could not protect myself with my hands. I had a phone in one hand and glasses, which I managed to take off, in the other. If I hadn’t taken off the glasses, I might have lost my eyesight. We were struck down to the ground ... I thought I would be squashed. It was impossible to breath. I started to shout. I didn’t even know that I could shout so loudly. I asked for help. At some stage, there was a bit more room and I was pulled out of the crowd. It was terrifying.”*<sup>294</sup>

Elizaveta Kirpanova, Novaya Gazeta journalist.

<sup>291</sup> Interview with Amnesty International, June 2022.

<sup>292</sup> <https://meduza.io/news/2021/01/23/na-aktsii-protesta-v-moskve-omonovets-udaril-spetskora-meduzy-kristinu-safonovu-ona-by-la-v-zhilete-pressa>

<sup>293</sup> <https://rsf.org/en/totally-disproportionate-crackdown-reporters-during-pro-navalny-demonstrations>

<sup>294</sup> <https://www.facebook.com/lizakirpanova/posts/5057177080989597>

Another journalist, Georgy Markov, tried to protect her from further assault and was beaten up too. As a result, he received a head trauma and a concussion.<sup>295</sup> Immediately after the incident, Elizaveta Kirpanova went to hospital where medics documented an injury to soft tissues on her head.

On 25 January 2021, the Head of the Russian Union of Journalists' Vladimir Solovyov wrote to the Russian Minister of Interior, Vladimir Kolokoltsev, raising the issue of arbitrary detentions and beatings of journalists. In his letter, he asked the Minister "to take under personal control conducting of internal investigations into whether journalists' detentions were lawful and also into the incidents of use of force and obstruction of journalist activity while covering unsanctioned actions that took place on 23.01.2021".<sup>296</sup>

Elizaveta Kirpanova told Amnesty International that after the publication of that letter, she received a phone call from the Department for Internal Security of the Directorate for the Ministry of Interior for Moscow. The police officers asked her to come for an interview about the beating incident the next day. On 26 January 2021, she and her colleague **Tatyana Vasilchuk**, who had also been beaten in Pushkinskaya Square,<sup>297</sup> were questioned about the beating. The police then drove them to Pushkinskaya Square as part of the investigation.

*"They [the police] took our photos in Pushkinskaya Square, how we were pointing to the spot where the events took place. The police even brought two attesting witnesses."*

Elizaveta Kirpanova, Novaya Gazeta journalist<sup>298</sup>

The journalists submitted formal complaints about the conduct of the police, asking for an investigation and for those responsible to be brought to justice. Their complaints were officially registered. While at that time it looked as if the police would open a formal investigation into their allegations of ill-treatment, Elizaveta Kirpanova confirmed to Amnesty International in June 2022 that she had not received any response as to whether such investigation had been conducted or not.

*"That invitation for an interview, taking a complaint – that was just a tick box exercise to tone down the resonance [from the police actions]. Nobody was surprised that we had received injuries."*

Elizaveta Kirpanova, Novaya Gazeta journalist<sup>299</sup>

In March 2021, reporting to the Moscow Duma about use of force by the police during protests held in January and February, the Head of the Moscow Main Directorate of the Ministry of Internal Affairs Lieutenant-General Oleg Baranov, alleged that the police used force lawfully and that, according to him "physical force, martial arts and special equipment... had been used against offenders and individuals who were committing crimes at unsanctioned assemblies".<sup>300</sup> When asked specifically about Elizaveta Kirpanova's case, Baranov alleged that the examination of the case of beatings of the Novaya Gazeta journalists "did not find that any injuries had been caused".<sup>301</sup>

The official also reported that the police had received 319 complaints about unlawful use of force by police officers, with 192 of them combined into a single case "due to repetition". As a result, 127 files had been passed by the police to the Investigative Committee for Moscow "to take decisions". Amnesty International is not aware of any subsequent prosecutions of police officers.

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<sup>295</sup> <https://fj.fund/ru/kak-vosprepyatstvovali-professionalnoj-deyatelnosti-zhurnalistov-23-yanvarya/?fbclid=IwAR25cIXQ3GaDcfNf3vSVxyptlQwdc4mSPAhr-v7va45uqHQQLQH1CE-gokY>

<sup>296</sup> <https://rui.ru/news/glava-soyuza-zhurnalistov-rossii-napravil-obrashchenie-ministru-vnutrennikh-del-rf-14336>

<sup>297</sup> See Tatyana Vasilchuk's report about it here: <https://novayagazeta.ru/articles/2021/01/23/88851-osazhdennoe-bulvarnoe-koltso>

<sup>298</sup> Elizaveta Kirpanova, interview with Amnesty International, 14 June 2022

<sup>299</sup> Elizaveta Kirpanova, interview with Amnesty International, 14 June 2022

<sup>300</sup> <https://www.kommersant.ru/doc/4722170>

<sup>301</sup> <https://www.kommersant.ru/doc/4722170>

## VERA RYABITSKAYA



Vera Ryabitskaya in a group of other journalists (second from the left) working at a protest action on 31 January 2021

© Elena Lukjanova

The Insider journalist **Vera Ryabitskaya** was detained around 17:30 on 23 January 2021, the same day as Elizaveta Kirpanova, in Saint Petersburg when she was filming peaceful protesters being detained and beaten by the riot police. She had a press badge as well as her editorial assignment letter, but nevertheless the police violently arrested her. As she told Amnesty International:

*“At some stage police started to aggressively beat and detain [protesters]. A couple of times I managed to dodge it, to escape. Then a policeman approached me from behind. He grabbed me by the neck, choked me. I hung on his arm as he was dragging me to the police bus while hitting my leg with his baton. When I was dragged into the police bus, I was the first one of the detainees. There were about eight policemen there. They were very aggressive. They dragged me in by my hair. They thought I was a bloke as I had a short unisex haircut then. They tossed me from one seat to another, swearing at me. I was afraid they would do something to me. They started to behave better once there were more detainees in the bus. People started to film what the police was doing, and they could not control it.”*

Vera Ryabitskaya, The Insider journalist.<sup>302</sup>

Vera Ryabitskaya told Amnesty International that once the police officer released his grip on her neck and she was able to speak, she told him and the others that she was a journalist. However, it did not deter the police from further assaulting her nor it led to her release.

According to Vera Ryabitskaya, **Arseniy Vesnin** – a journalist from Echo Moskvy Saint Petersburg – was also arbitrarily detained and placed in the same police bus with her despite having all the necessary IDs and a high visibility vest. Arseniy Vesnin’s colleagues got in touch with the press department of the Ministry of the Interior for Saint Petersburg alerting them to the journalists’ arrest and requesting their release. Nevertheless, the journalists were taken to a police station. The police later released Arseniy Vesnin on the grounds that his media outlet was on some “list” but Vera Ryabitskaya received a record of an administrative violation on charges of breaking the local Covid-19 regulations.

*“All our records of administrative violations were drafted under the same template. Everyone from our avtozak [police bus] had the same record.”*

Vera Ryabitskaya, The Insider journalist<sup>303</sup>

Vera Ryabitskaya told Amnesty International that for a long time she was refused a lawyer, and when she finally got access, the lawyer tried to prove that she had been unlawfully detained as she was working as a journalist. However, the police claimed that her media outlet “was not on the list” and fined her RUB 4,000 (EUR 44). Vera Ryabitskaya was released at around 3am the next day, being one of the last detainees still held at the police station.

Following her release, Vera Ryabitskaya ensured that her bruises were recorded in hospital. Remarkably, her medical certificate even states that she had been beaten “by unidentified men in police uniform”. The next day, she submitted a complaint to the police attaching the documents proving her journalist’s status and her injuries. It was officially registered, and she was provided with a registration number. According to the Criminal Procedure Code, an investigator or another relevant official must examine and make a decision on

<sup>302</sup> Vera Ryabitskaya, interview with Amnesty International, 14 June 2022

<sup>303</sup> Vera Ryabitskaya, interview with Amnesty International, 14 June 2022

### RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:

#### REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

the complaint within three days.<sup>304</sup> The deadline can be extended up to a maximum of 30 days if there is a need for an in-depth examination, but only when “concrete, factual circumstances that caused such extension” are provided.<sup>305</sup>

Vera Ryabitskaya told Amnesty International that when she had not heard from the police for more than a month, she contacted them again only to find out that her complaint had not been registered as a crime statement but as a general “appeal from a citizen”. These appeals are regulated by different legislation,<sup>306</sup> outside of the criminal procedure, have different consequences in terms of what decision could be taken and have a longer timeframe for their examination. According to the Federal Law no 59-FZ, an appeal must be registered within three days and considered within 30 days from the day of its registration. This deadline can be extended for another 30 days. Upon consideration of an appeal, the relevant official should send a reply to the applicant<sup>307</sup>.

Vera Ryabitskaya also complained to the Investigative Committee but had no response from there either. Then, she and her lawyer submitted a complaint to Saint Petersburg’s Smolninsky District Court. However, according to Ryabitskaya, “the hearing has been postponed possibly 15 times already”<sup>308</sup> as each time the Ministry of the Interior has failed to provide information requested by the court. Thus, the police are effectively ignoring the court order and denying her access to justice.

*“So, the court accepted our complaint, and it looks as if they are doing something, but nothing is happening in fact. In the beginning they [the court staff] at least called me to inform me that the hearing had been adjourned. Now they don’t even call me anymore.”*

Vera Ryabitskaya, The Insider journalist

Nevertheless, Vera is determined to achieve justice.

*“This is absolutely unlawful, inadequate behaviour by the police and I do not want to leave it unpunished. I was beaten up and I don’t consider it to be “normal”.”*

Vera Ryabitskaya, The Insider journalist<sup>309</sup>

The unlawful use of force by the police continued throughout the protests organized in support of Aleksey Navalny. Journalist **Fyodor Khudokormov** was badly beaten by the police in Moscow on 2 February 2021 when he was filming the police beating a protester. Like other journalists, he wore a high visibility press vest and had the necessary IDs so could be clearly identified as a journalist. When the police officers noticed that they were being filmed, one of them pushed Fyodor Khudokormov, swore at him and then hit him twice on the head with a baton.<sup>310</sup> As a result, Fyodor Khudokormov was seriously concussed, had to be hospitalised and could not work for at least a month.<sup>311</sup> When Amnesty International spoke with him over a year after this injury, he said:

*“I was struggling for a long time. It definitely took me at least a month to recover. The first week I could only lie down in bed. If I would sit up even for 10 minutes, my head would start spinning, I could not focus. I still feel consequences. If I get up too quickly and if I turn my head, I feel pain.”*

Fyodor Khudokormov, freelance journalist<sup>312</sup>

The journalist submitted an official complaint against the police to ensure that an investigation into this incident was initiated. However, in March 2021, the acting head of the investigation department for Moscow’s Tverskoy District ruled that there were no grounds to examine the actions of the police.<sup>313</sup> Fyodor Khudokormov appealed to Moscow’s Tverskoy District Court but the court rejected the application. He appealed further and, in early May 2022, the Moscow City Court overturned this decision ruling that the refusal to conduct an investigation into the incident was unlawful and that it should be carried out. At the time of writing, this had still not been conducted.

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<sup>304</sup> Article 144 (1) of the Criminal Procedure Code, see [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_34481/a3d0f7ee6816ad8ac5a3a3975cf93b26a443c4f8/](http://www.consultant.ru/document/cons_doc_LAW_34481/a3d0f7ee6816ad8ac5a3a3975cf93b26a443c4f8/)

<sup>305</sup> Article 144(3) of the Criminal Procedure Code (previously cited)

<sup>306</sup> See Federal Law “On the order of consideration of appeals by the citizens of the Russian Federation, of 02/05/2006 (as amended by law of 27/12/2018), N 59-FZ, at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_59999/](http://www.consultant.ru/document/cons_doc_LAW_59999/)

<sup>307</sup> See Federal Law “On the order of consideration of appeals by the citizens of the Russian Federation, of 02/05/2006 (as amended by law of 27/12/2018), N 59-FZ, in particular Articles 8-12 at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_59999/](http://www.consultant.ru/document/cons_doc_LAW_59999/)

<sup>308</sup> See, for instance, an account of one of the latest adjournments here: <https://ovdinfo.org/articles/2022/01/27/vo-vremya-zimnih-protestov-2021-goda-policeyskie-izbivali-zhurnalistov-eti>

<sup>309</sup> Vera Ryabitskaya, interview with Amnesty International, 14 June 2022

<sup>310</sup> The video of the beating is available at: <https://www.youtube.com/watch?v=DYvmticz0VO>

<sup>311</sup> <https://www.svoboda.org/a/fyodor-hudokormov-hochu-byti-nadezhnym-svidetelem-etogo-vremeni-/31882967.html>

<sup>312</sup> Fyodor Khudokormov, interview with Amnesty International 16 June 2022

<sup>313</sup> <https://meduza.io/news/2021/03/17/sk-schel-pravomernymi-devstviya-rosgvardeytza-kotoryy-na-mitinge-udaryl-zhurnalista-dubinkoy-pogolove>

Fyodor Khudokormov is determined to achieve justice. He told Amnesty International:

*“It was not only me who was beaten in that side lane. There were other people there too. If I leave it as it is, this is what the general practice [of policing] will look like.”*

Fyodor Khudokormov, freelance journalist<sup>314</sup>

The journalist also shared with Amnesty International how difficult it is to cover protests:

*“It is very challenging to work at protest actions, especially in the current situation. The police do not approve when you start filming [their actions]. They demand that you delete the material, threaten you, put other kinds of pressure on. It’s very difficult psychologically. Every time I need to cover a protest, I have to think through the whole strategy – how do I get there and back, what will I do if I am arrested, assess my risks. I have to be prepared for anything. This became especially relevant recently when they [the police] began to arrest journalists”*

Fyodor Khudokormov, freelance journalist

The practice of unlawful use of force by the police also continued during the anti-war protests in early 2022. This time, the scale and intensity of the use of force appeared to be lower than the year before, although still included several instances of law enforcement officers forcibly shoving, hitting or grabbing journalists and other media workers.

In one incident documented by Amnesty International, **Nikita Pakharev**, a journalist from the online media outlet Bumaga, reported that an unidentified man whose face was covered with a scarf and who was standing next to uniformed police officers had broken his phone when he was filming violent arrests in Senatskaya Square in Saint Petersburg on 28 February 2022. The man, who was most probably a plain clothes police officer, also ordered Nikita Pakharev to stop filming. The journalist was wearing a high visibility vest and had his journalist’s ID. Uniformed police that were present in the protest site did not react to this incident and only told Nikita Pakharev to “submit a complaint”.<sup>315</sup>

The Russian authorities must urgently address the use of unnecessary and excessive force while policing public assemblies, particularly that directed against journalists and other media workers, including by giving clear instructions to law enforcement officials regarding their obligations to facilitate the work of journalists and the prohibition to use force for the purpose of hindering journalists to carry out their work, conducting trainings on policing peaceful assemblies in line with international standards, and ensuring effective and impartial investigations into all incidents of violations against journalists and other media workers in the context of covering public assemblies.

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<sup>314</sup> Fyodor Khudokormov, interview with Amnesty International 16 June 2022

<sup>315</sup> <https://t.me/avtozaklive/12536>

# 3. CONCLUSION AND RECOMMENDATIONS

In the recent past, Russia has sunk into unimaginable lows since the collapse of the Soviet Union regarding its observation of international human rights law and standards. The clampdown on dissent that has been ongoing since 2012 but escalating especially in the last two years, together with law enforcement and justice systems which fail to uphold the law or deliver justice have chipped away at the modest human rights progress that Russia managed to achieve in the previous two decades. The military aggression against Ukraine has further deepened the human rights crisis, leaving journalists, human rights defenders and civil society organizations in peril.

Nevertheless, even in these most challenging times, people in Russia have courageously continued to speak out and stand up against injustice. Human rights defenders and independent media have played a crucial role in helping to make their voices heard and defend their rights. These actions, as well as active and meaningful support from the international community – both through intergovernmental organizations and via cross-border solidarity – can translate into positive change.

At one of the highest peaks of repression in Russia when efforts from the international community may seem trivial, working to protect human rights defenders and journalists that are tirelessly trying to enable the right to protest in the country may have far-reaching consequences. As the risks and challenges faced by journalists and human rights defenders continue to increase, the international community should continue exploring new avenues to ensure they are able to continue doing their work in a safe and enabling environment. The UN Human Rights Council's decision to establish a new mandate of a Special Rapporteur on Russia<sup>316</sup> opens one such new opportunity not only to monitor and report on human rights violations in the country but also to further support and enable the embattled civil society in Russia.

It is time for the Russian authorities to change course and respond to the many calls for change that demand a better and more just society in which state institutions observe their human rights obligations. Such a task can be achieved through a rigorous review of all the laws and policies that have shrank the space for civil society in the past decade and the strict implementation of Russia's human rights obligations. Taking steps to respect, protect and fulfil the rights to freedom of expression and peaceful assembly, including through improving the situation of those who monitor and report from public assemblies, could be one of the first important steps forward in that direction.

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<sup>316</sup> <https://www.ohchr.org/en/news/2022/10/human-rights-council-adopts-six-resolutions-appoints-special-rapporteur-situation>

**RUSSIA: "YOU WILL BE ARRESTED ANYWAY":**  
REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

# RECOMMENDATIONS

## AMNESTY INTERNATIONAL CALLS ON THE RUSSIAN AUTHORITIES TO:

- Comply with its international human rights obligations, including in relation to the rights of freedom of expression, peaceful assembly and association;
- Repeal or substantially amend the Law “On Public Assemblies”, including to ensure that:
  - everyone can freely exercise their right to organize and to participate in peaceful assemblies, without fear or police abuses or other forms of reprisals regardless of their nationality, past administrative or criminal record or any other grounds of discrimination;
- Provide a clear definition in law of what constitutes a public assembly monitor to mark a clear distinction from those participating in the assembly and to explicitly recognize the right of monitors to observe assemblies without interference;
- Develop and introduce recommendations to law-enforcement and judicial officers clearly stating that journalists and other media workers covering public assemblies should not be considered as participants;
- Ensure that public assembly monitors and media workers are allowed to freely observe and cover public assemblies without obstacles, harassment, intimidation or any other reprisals for their work at a protest, including during dispersal. In particular, ensure that law enforcement officials:
  - abstain from harassment, intimidation, threats or attacks of monitors and media workers on the eve, during and after a public assembly;
  - do not request additional documents from journalists and other media workers which are not provided for in the relevant legislation;
  - refrain from confiscating, seizing or destructing mobile phones, cameras, notes, recordings or any other equipment from monitors and media workers;
  - lift all restrictions that limit or hinder access to monitors, journalists and other media workers to protest sites, including during dispersal.
- Send clear instructions to all law enforcement agencies that protections afforded by domestic and international law to monitors, journalists and other media workers apply irrespective of whether an assembly is peaceful or lawful.
- Pass the necessary changes in the criminal and administrative law to ensure adequate disciplinary, administrative or criminal proceedings are opened as appropriate against law enforcement officials that harass, intimidate, threaten or attack human rights defenders, monitors, journalists and other media workers.
- Ensure that the police and National Guard forces are regularly trained in good practices and human rights-based approaches in relation to the policing of assemblies in line with international and regional standards, including regarding the use of force and less-lethal weapons; the obligation to respect and ensure the exercise of human rights; and the protection of monitors and media workers reporting from public assemblies;
- Ensure that public assemblies are policed only by officers who have been trained in policing public assemblies according to the relevant international standards;
- Immediately and unconditionally release all monitors, journalists and other media workers that have been detained solely for their work reporting or monitoring assemblies. Make sure all charges against them are dropped and all investigations are closed. Ensure a prompt, thorough, impartial and independent investigations into allegations of arbitrary detentions, torture and other ill-treatment of monitors and media workers, as well as allegations of confiscation, seizure or destruction of their equipment and records, including in the context of public assemblies, with a view to bring all perpetrators to justice in fair trial proceedings;
- Repeal Articles 207.3, 280.3 and 284.2 of the Criminal Code and Articles 20.3.3 and 20.3.4 of the Code of Administrative Offences, which establish criminal and administrative responsibility for

### **RUSSIA: “YOU WILL BE ARRESTED ANYWAY”:**

#### REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS

“disseminating knowingly false information about” and “discreditation of the use of Russian Armed Forces abroad” as well as for “calls to sanctions” as these legislative provisions unduly restrict the right to freedom of expression.

- Ensure that victims of human rights violations, including human rights defenders and media workers, have an effective remedy to access justice and receive adequate reparations, including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation where necessary, the truth about what happened, as well as effective guarantees of non-repetition.

## **AMNESTY INTERNATIONAL CALLS ON THE INTERNATIONAL COMMUNITY TO:**

- Ensure regular and close monitoring of, and reporting on, the situation in Russia with regards to the rights to freedom of expression, association and peaceful assembly, including the protection of human rights defenders, journalists and other media workers;
- Attend and observe administrative and criminal trials of human rights defenders and media workers across Russia and make the resulting observations and recommendations public;
- Raise the situation of human rights particularly relating to the rights to freedom of expression, association and peaceful assembly at any appropriate opportunity, including in talks with the Russian authorities and in international forums, calling on Russia to uphold its human rights obligations and to implement relevant recommendations;
- Build and strengthen solidarity networks with Russian independent media and human rights defenders to provide support and, where necessary – expertise and relief – to enable their work in a safe environment;
- Provide all necessary support, including logistical and financial, to the newly established mandate of the UN Special Rapporteur on Russia to enable their effective work and continue dedicated support to other UN Special Procedures monitoring the situation in Russia.

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## **REPRISALS AGAINST MONITORS AND MEDIA WORKERS REPORTING FROM PROTESTS**

Over the last 10 years, the human rights situation in Russia has been continuously deteriorating. The authorities have severely curtailed people's rights to freedom of expression, association and peaceful assembly, deploying a whole arsenal of laws and practices that are in stark contrast to Russia's international human rights obligations. This document looks into the human rights violations committed against two specific groups who play important roles for the enjoyment of the right to peaceful assembly. The first group – public assembly monitors – performs a watchdog function by recording how rigorously the authorities observe their human rights obligations in the context of public assemblies. The other group – media workers – ensures that society is informed about public assemblies and concerns that have brought people to the streets, and reports on how the protests have been handled by the authorities. The report documents a pattern of unlawful obstruction of journalists' and monitors' work during street protests, and severe reprisals against them including arbitrary arrests, use of unlawful force, detention and heavy fines. It demonstrates that these violations are part of a pattern manifested across the country.

