



Nadezhda Buyanova at the Tushinsky District Court in Moscow, 12 November 2024. A 68-year-old doctor was sentenced to 5 years and 6 months of imprisonment in a case of anti-war sentiment during a hospital appointment / Photo and Illustration: OVD-Info

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## **Persecution of political prisoners: submission to the Committee of Ministers of the Council of Europe**

*Rule 9.2 submission on the implementation of general measures in the group of cases Navalnyy and Ofitserov v. Russia submitted by the NGOs Memorial Human Rights Defence Centre, Independent Human Rights Project “Political Prisoners Support. Memorial” and OVD-Info*

**30 January 2025**

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## **INTRODUCTION**

This submission is prepared by the NGOs Memorial Human Rights Defence Centre, the Independent Human Rights Project “Political Prisoners Support. Memorial” and OVD-Info.

**Memorial Human Rights Defence Centre** is a non-governmental organization founded in June 2022 by supporters of Memorial Human Rights Centre (dissolved

on 29 December 2021) to continue the work of the latter NGO. Memorial Human Rights Centre was founded in 1993 in Moscow and became one of the first human rights NGOs in modern Russia. It worked with grave human rights violations in (post-)conflict areas, civil and political rights and vulnerable groups. It represented hundreds of victims both domestically and before the European Court of Human Rights (hereinafter — ECtHR or Court). Memorial Human Rights Defence Centre continues to provide legal help to the victims of human rights violations, conduct advocacy and strategic litigation.

**Independent Human Rights Project “Political Prisoners Support. Memorial”** was part of Memorial HRC as “Support for political reasons and other victims of politically motivated repressions” programme up until 5 April 2022. After Memorial HRC’s dissolution, the Programme’s team started operating as an independent human rights project named “Political Prisoners Support. Memorial”, which collects, studies and systematizes information about illegal criminal prosecutions for political reasons, and also provides assistance to victims of such persecution.

**OVD-Info** is an independent human rights project aimed at monitoring cases of political persecution in Russia and providing legal assistance to victims of such persecution. OVD-Info was founded during the mass protests of December 2011 as a volunteer project with the purpose of giving publicity to information on arrests of protesters. Today OVD-Info operates a 24-hour federal hotline to collect information on all types of political persecution and coordinate legal assistance to its victims. It also provides legal education to activists, researches different types of political persecution in Russia, conducts advocacy and strategic litigation campaigns.

In this submission, we will address the issue of escalating political persecution in Russia. The submission will reflect

on a growing trend of criminalizing dissent, including anti-war expression, to suppress opposition and enforce ideological conformity, as well as the inadequate detention conditions and the lack of medical care for political prisoners.

## **MAIN FINDINGS OF THE ECTHR**

The cases concern a series of incidents involving Aleksey Navalnyy, a political activist, opposition leader, and anti-corruption campaigner, targeted by Russian authorities. These incidents demonstrated a consistent pattern of political persecution aimed at silencing him and suppressing dissent against the government.

The first two cases relate to criminal proceedings in 2013 and 2014, in which Mr. Navalnyy and other applicants were convicted for actions resembling standard commercial practices. The Court found these proceedings lacked fair trial safeguards and involved arbitrary interpretations of criminal law, resulting in unreasonable outcomes. Four additional cases involve the repeated detention and arrest of Mr. Navalnyy during demonstrations between 2012 and 2017, while another case concerns his house arrest, and one more addresses the imposition of a travel ban. The most recent case relates to Mr. Navalnyy's sudden illness during a 2020 flight from Tomsk to Moscow, necessitating an emergency landing and medical intervention, followed by his transfer to Germany for treatment. Authorities failed to investigate the incident, which involved a substance reportedly identified as a prohibited chemical weapon under international and domestic law.

The ECtHR found numerous violations of the European Convention on Human Rights (hereinafter — Convention), including that Mr. Navalnyy's house arrest and his repeated arrests and detentions served the ulterior purpose of suppressing political pluralism and undermining effective

democracy governed by the rule of law (violation of Article 18, in conjunction with Articles 5 and 11).

In its previous decisions regarding the supervision of the execution of this group's judgments, the Committee of Ministers highlighted the pattern of arbitrary misuse of criminal and administrative laws, urging Russia to honor its international legal obligations and ensure judicial independence. The Committee insisted on the urgent release of all political prisoners considering the risks to their health and the consequences for freedom of expression and political plurality. The Committee also urged Russian authorities to allow independent international bodies to monitor the health and detention conditions of political prisoners, pending their release or re-examination of their cases.

## **THE CURRENT SITUATION WITH THE IMPLEMENTATION OF THE CASES**

Since the last examination of the case in March 2024, the situation has not improved. Russian authorities continue the practice of politically motivated criminal prosecution of dissent.

According to Independent Human Rights Project "Political Prisoners Support. Memorial", as of January 2025, the conservative estimate of the **number** of political prisoners (as defined by the **2012 PACE resolution**) is 820. This number is constantly growing. According to OVD-Info, 1 465 people have been subjected to **political persecution** and are currently in detention.

A significant part of political prisoners are people persecuted for their anti-war position or support for Ukraine in connection with its defense from aggression. At least 132 people have been deprived of their liberty under articles 207.3 (public dissemination of knowingly false information about the use of the Armed Forces of the Russian

Federation) and 280.3 (public actions aimed at discrediting the use of the Armed Forces of the Russian Federation) of the Criminal Code of Russia (hereinafter — CC), introduced immediately after the start of the full-scale invasion in 2022.

Criminal prosecution and imprisonment in connection with charges under these articles are completely arbitrary. A typical example of such arbitrary and clearly politically motivated (on direct orders from the Chairman of the Investigative Committee of Russia A. Bastrykin) application of article 207.3 of the CC was the conviction of 68-year-old pediatrician Nadezhda Buyanova for allegedly telling the widow of a Russian soldier killed in Ukraine that he was a legitimate target of the Ukrainian Armed Forces. Apart from the fact that the statement itself is unproven, it obviously does not contain any false information, but merely states a well-known conclusion from the norms of international humanitarian law. Nevertheless, she was **sentenced** to 5 years and 6 months of imprisonment.

Article 205.2 (public calls to commit terrorist activity, public justification of terrorism or propaganda of terrorism) of the CC has recently become the key instrument of criminal prosecution for anti-war, pro-Ukrainian and opposition statements. Prosecution under this article includes, in particular, any statements that mention, in any way other than in the form of unambiguous condemnation, organizations, associations and events arbitrarily labeled by the Russian authorities as “terrorist”. For example, well-known scientist and public figure Boris Kagarlitsky was **sentenced** to 5 years in prison for his statement that the Ukrainian Armed Forces’ attack on the Crimean Bridge was predictable and expected.

Numerous direct actions against administrative facilities (military registration and enlistment offices, etc.), such as arson, which do not cause any significant damage, are

arbitrarily qualified not as damage to property, but as an act of terrorism.

Dozens of Russian citizens have been sentenced to long prison terms on charges of treason for their actual or perceived intention to join Ukrainian Armed Forces units carrying out the legitimate defense of Ukraine from Russia's aggression, or even simply for making small monetary donations to Ukraine.

Last year's innovation was criminal prosecution and imprisonment on charges related to participation in the activities of the so-called "International LGBT Movement", which was declared as an extremist organization in 2023.

Moreover, Russian authorities continue to prosecute and imprison people for organizing activities and participating in Jehovah's Witnesses. At least 160 people are currently in detention by court order or as part of a preliminary investigation.

Detention conditions remain unsatisfactory, with prisoners subjected to torture and other degrading treatment. Political prisoners are often arbitrarily placed in punitive isolation cells, solitary confinement, or high-security detention units without any justification.

However, those persecuted by the state do not only experience state-sanctioned violence in custody. OVD-Info has **documented** 107 instances of additional pressure on defendants in politically motivated criminal cases, including physical or psychological violence, denial of medical care or deliberately poor conditions of detention. Out of the total number, 49 instances of pressure are related to the conditions of detention in penal colonies and pre-trial detention centres, and of these instances, 36 involved physical violence and torture.



In January 2025, OVD-Info reported about 7 people subjected to political persecution having been placed in a punitive isolation facility. The reasoning behind these punishments include “improper exercise routines”, “praying Salah” (Islamic ritual), and other reasons yet unknown.

According to OVD-Info, on 15 January 2025, at least 166 individuals arrested in politically motivated cases suffer from health issues, most lacking proper medical care in detention. A stark example is former municipal deputy Alexei Gorinov, who has chronic lung disease and chronic bronchitis, having undergone partial lung removal in 2016. Instead of receiving appropriate treatment, he faced further mistreatment, including having his cell’s heating cut off in December 2024. Similarly, Amet Suleymanov, sentenced to 12 years for alleged involvement in Hizb ut-Tahrir, suffers from severe heart conditions requiring urgent surgery, along with hypertension and retinal angiopathy that risks leading to blindness, yet remains in custody without adequate care.

This lack of care poses a serious threat to the lives of those imprisoned in politically motivated cases. As a result, in 2024 eight people facing political persecution died in detention or shortly after release due to inadequate medical care while in custody, the effects of a dry hunger strike, or stemming from torture inflicted by state agents.

## **RECOMMENDATIONS**

We kindly ask the Committee of Ministers to recognize that Russian authorities have failed to implement the general measures in these cases and to indicate to the Russian authorities the following measures of implementation:

- repeal or amend all the laws restricting freedom of expression, freedom of assembly and association. In particular, abolish the laws on fakes about the army, discreditation of the army, and discriminatory laws against LGBT persons; amend anti-terrorist legislation in the way that it could not be interpreted too broadly;
- ensure that legislation is not interpreted in a way to justify the political persecution. For instance, ensure that people are not prosecuted for ordinary commercial activities;
- end the practice of political persecution, including for opposing the invasion of Ukraine and for other dissent;
- end the practice of discrimination against religious, sexual and other minorities;
- free everyone subjected to political persecution, issue a public apology and provide compensation for all victims;
- investigate all cases of politically motivated prosecutions and bring to justice those responsible for this practice;
- review in the national courts all cases where the ECtHR found violations of the articles 5, 6 and 18 of the Convention and adopt new decisions in accordance with the practice of the ECtHR;
- improve detention conditions to comply with human rights standards and ensure access to adequate medical care;

investigate all cases related to physical or psychological violence in places of detention, as well as cases of denial of medical care or deliberately poor conditions of detention; bring to justice those responsible for these practices.