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Universal Periodic Review of Russia

**44th session of the United Nations Human Rights Council
Working Group on the Universal Periodic Review**

Submitting NGO

Project "Zabralo"

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Background of the submitting NGO

This report has been prepared by the Russian NGO, Project "Zabralo"¹, as a contribution to the 44th session of the Universal Periodic Review (UPR) for Russia. The NGO offers free legal aid to individuals who have been arbitrarily detained during protests and prosecuted for expressing anti-war views. The submitting NGO has been monitoring the human rights situation related to freedom of assembly and expression in the Nizhny Novgorod Region of the Russian Federation since February 2021², and provides reliable first-hand information.

The focus of this report is on the restriction of freedom of opinion and expression in the Nizhny Novgorod Region since the beginning of the Russian armed forces' invasion of Ukraine in 2022. This report aims to address these concerns within the context of Russia's general human rights obligations.

Freedom of opinion and expression

1. Since the Russian armed forces invaded Ukraine on February 24, 2022, the Russian authorities have launched a massive campaign to restrict freedom of opinion and expression, effectively establishing a regime of military censorship in the country. These measures represent a serious deterioration of the human rights situation and a total

¹ Project "Zabralo" website: <https://zabralo.me/>

² Project "Zabralo" was founded on February 7, 2021, as an independent regional human rights project.

disregard for the recommendations of the last Universal Periodic Review.

2. From the outset of the war, federal state authorities have been obstructing the spreading of anti-war opinions and independent coverage of the military operations. Almost all opposition and independent media outlets have been blocked in Russia, and many editorial offices have been forced to cease their operations.
3. At the regional level, authorities have suppressed anti-war demonstrations and arbitrarily detained their participants en masse. Individual acts of public expression have also been targeted. Solo pickets on anti-war topics have been banned.
4. From February 24, 2022 to March 4, 2022, there was no special legislative basis for military censorship in Russia. However, the authorities in the Nizhny Novgorod Region used illegal methods to restrict freedom of expression and remove anti-war individual picketers from the streets.
5. Individual picketers were attacked by unknown individuals who can be described as "titushki" — pro-government activists. Attackers destroyed picketers' posters. The submitting NGO knows three cases of attacks on individual picketers in Nizhny Novgorod.
6. Individual picketers were arbitrarily detained by police and held in police custody for several hours without charges. The submitting NGO received at least twenty requests for legal advice from detained individuals. In one case, an individual picketer was accused of committing a petty hooliganism at the site of an individual picket. Despite the absence of aggravating circumstances, the picketer was sentenced to 7 days of administrative arrest.
7. As of March 4, 2022, a package of laws³ came into effect in Russia that established administrative and criminal responsibility for anti-war statements and independent coverage of the military operations. These laws legally cemented the regime of military censorship in Russia.
8. The main tool for suppressing anti-war statements in society has become Article 20.3.3 of the Code of Administrative Offenses. This article punishes 'discrediting actions', which refers to any public statement or action that expresses disapproval of the war or criticism of the government's military actions. If a person commits 'discrediting actions' again within 1 year after being punished under Article 20.3.3 of the Code of Administrative Offenses, they will be prosecuted under Article 280.3 of the Criminal Code.
9. Moreover, Article 20.3.3 of the Code of Administrative Offenses itself has a punitive and criminal nature. Under §1 of Article 20.3.3, the punishment for individuals ranges from 30,000 to 50,000 rubles (\$400-650). If there are qualifying signs under §2 of Article 20.3.3, the maximum punishment is twice as high. The punishment for individuals is

³ Federal Law of the Russian Federation of March 04, 2022 No. 31-FZ and Federal Law of the Russian Federation of March 04, 2022 No. 32-FZ.

comparable to the size of a criminal fine provided for in the Criminal Code and is practically equal to the average salary in the Nizhny Novgorod Region.

10. As of March 31, 2023, the submitting NGO identified 90 administrative offense decisions under Article 20.3.3 of the Code of Administrative Offenses in the Nizhny Novgorod Region. Several individuals have been repeatedly prosecuted under Article 20.3.3 of the Code of Administrative Offenses. In total, from March 5, 2022, to March 31, 2023, 78 individuals were fined under Article 20.3.3 of the Code of Administrative Offenses in the region.
11. Among the various circumstances of prosecution under Article 20.3.3 of the Code of Administrative Offenses, four main categories can be identified:
12. 33 administrative offense decisions under Article 20.3.3 of the Code of Administrative Offenses were made for publications on social media. Any disapproving statement about the war, its participants from the Russian side, and the actions of the authorities related to the war, such as mobilization, can be a reason for prosecution. The intensity of disapproval is not relevant. In one case, the activist was fined 30,000 rubles (\$400) for using the phrase 'special operation' in quotes⁴.
13. 24 administrative offense decisions under Article 20.3.3 of the Code of Administrative Offenses were made for individual picketing. In at least 8 of these cases, individuals were punished for displaying posters with the message 'no war'.
14. 9 administrative offense decisions under Article 20.3.3 of the Code of Administrative Offenses were made for public statements. The submitting NGO includes in this category all cases of prosecution for statements and conversations in public places not related to the conduct of individual anti-war actions. This includes, for example, expressing an opinion about the war in conversations at work, on the street, or in a bar.
15. 9 administrative offense decisions under Article 20.3.3 of the Code of Administrative Offenses were made for disseminating anti-war propaganda. 5 cases involved disseminating anti-war leaflets in public places, and 4 cases involved anti-war slogans and graffiti on buildings and objects of urban infrastructure.
16. It should also be noted that the police selectively apply Article 20.3.3 of the Code of Administrative Offenses to exert political pressure. Practically all known political activists in Nizhny Novgorod who have not left the territory of the Russian Federation have been prosecuted under Article 20.3.3.
17. Despite the significant number of cases under Article 20.3.3 of the Code of Administrative Offenses in the Nizhny Novgorod Region, the overwhelming majority of cases result in guilty verdict. Out of the 90 trials, only 2 were terminated due to procedural errors, highlighting the strict and unforgiving nature of the law enforcement and judicial system in the region.

⁴ "Special military operation" (also known as "special operation" and abbreviated as "SVO") is a term used by the Russian authorities to describe the invasion of the Russian armed forces into Ukraine.

18. According to the legislation on administrative offenses, defendants are not required to have a defense lawyer present during the initial interrogation in a case under Article 20.3.3 of the Code of Administrative Offenses. However, many defendants do not realize that this administrative case could be the basis for potential criminal prosecution under Article 280.3 of the Criminal Code, or other articles of the Criminal Code.
19. The regional police reported that 5 criminal cases were initiated under Articles 207.3 and 280.3 of the Criminal Code in 2022. Additionally, one person was charged with vandalism under Article 214 of the Criminal Code for an anti-war inscription on a building. However, many individuals who express anti-war views or criticize the government's military actions are at risk of criminal prosecution at any given moment.

Recommendations

- 20. Stop arbitrary detentions, administrative and criminal prosecution of people for expressing anti-war opinions and independent coverage of the military operations;**
- 21. Repeal laws establishing military censorship, in particular Article 20.3.3 of the Code of Administrative Offenses and Articles 207.3 and 280.3 of the Criminal Code, which violate international human rights standards, in order to better protect the right to freedom of opinion and expression online and offline;**
- 22. Provide compensation and expunge the records of all individuals who were subjected to administrative and criminal penalties under the laws of military censorship, and ensure that such laws are not enforced in the future.**