

RUSSIA: “I WOULD LOVE TO HUG HER, BUT IT IS IMPOSSIBLE.” IMPRISONED DISSENTERS DEPRIVED OF FAMILY CONTACT

RESEARCH
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Russian artist Alexandra Skochilenko, 33, smiles as she is escorted by police officers after being sentenced to seven years in prison for spreading disinformation about the army after she swapped supermarket price tags with slogans criticising Russia's offensive in Ukraine, at a court in Saint Petersburg on November 16, 2023.

Photo by OLGA MALTSEVA/AFP via Getty Images

Russia's authorities are systematically denying arbitrarily imprisoned government critics contact with their families. Using several emblematic cases, the research briefing documents how authorities have exploited legal loopholes and fabricated pretexts to further isolate dissidents, including those imprisoned for speaking out against Russia's invasion of Ukraine.

1. EXECUTIVE SUMMARY

For years, the Russian authorities have suppressed peaceful protest and all forms of dissent. Those who have dared to disagree with the government and make their views public, have faced harassment, intimidation, unlawful use of force by police and violence from pro-government groups, and in the most severe cases prosecution and imprisonment under trumped-up charges.¹ Over the years, arbitrary arrests, unfounded prosecution and imprisonment have become more frequent, particularly as legislation was increasingly transformed to suit the government's growing appetite for crackdown on all dissent. After the beginning of the full-scale Russian invasion of Ukraine, and with the adoption of new laws which criminalized criticism of the war itself, imprisonment for speaking out – particularly speaking out against Russia's aggression in Ukraine – has become the authorities' common response.

Incarceration of dissenting voices is a very severe punishment in and of itself. The authorities have nonetheless been routinely depriving those who they unjustly imprison on politically motivated charges of contact with the outside world, including contact with their loved ones. The authorities have been using gaps and shortcomings in the legislation – which does not fully comply with international standards on treatment of detainees - to put additional pressure on those incarcerated on politically motivated charges, to make them “cooperate” or to impose additional suffering on them and their families.

The authorities have been using a number of tactics to arbitrarily deprive detainees and prisoners of regular contact with their families and friends. The authorities routinely refuse requests for social visits and phone calls at the investigation stage and during the trial. This is often done without legitimate reasons. In other instances, the investigative authorities designate family members and other close relations as formal witnesses in the case and cite this as grounds for depriving detainees from contact with their loved ones. In such situations, written correspondence remains the only avenue for communication. However, even this means of communication is often blocked when the authorities withhold letters sent to and from detainees and prisoners, often for weeks or even months. Such tactics can be used as a blanket measure or in relation to specific individuals.

The authorities implement early transfer of prisoners from the remand centre where they are held during the investigation and trial to other penal institutions before their sentence comes into force. Often, such transfers take place on the eve of a planned family visit, which is then cancelled. Such transfers require judicial approval by the same court which grants approval for a visit –this is thus nothing less than a blatant violation of detainees' rights to contact with their family.

Another form of harassment widely used by the penal authorities is arbitrarily placement of the prisoner in disciplinary cells, which under Russian legislation automatically deprives prisoners of visits and phone calls, and often just before the family come on a pre-approved visit.

Such practices go against Russia's obligations under international law, to say nothing of the arbitrary prosecution, detention, and imprisonment itself. International standards on treatment of detainees and prisoners clearly dictate that they must be able to remain in touch with their families. Not only is Russian law far from compliance with these standards, it also enables authorities to continue harassing and persecuting their opponents behind bars. Moreover, practice in Russia today is such that it often does not conform with the country's own legislation.

¹Amnesty International, *Beaten Up for Speaking Out : Attacks on Human Rights Defenders in the Russian Federation*, (Index number EUR 46/038/2011), 5 October 2011, <https://www.amnesty.org/en/documents/eur46/038/2011/en/>

On the one hand, Russian legislation allows for family contacts with detainees/prisoners, including phone calls, meetings and long visits. New legislation entering into force later in 2024 will provide for an additional family visit for certain detainee and prisoner categories and increase the minimum number of phone calls for prisoners. Yet, the overall entitlement to visits is low, and the rules which govern how visits and phone calls are granted to inmates in penitentiary institutions, are very restrictive. In addition, the penitentiary administration enjoys wide discretion for granting or denying them (as do investigators and judges before and during the trial).

Denial and deprivation of certain categories of prisoners of their right to social visits and phone calls is commonplace, particularly when a prisoner is subjected to disciplinary measures (often for minor or non-existent infringements of the institutions' very restrictive regimes and procedures). For a detainee facing investigation and trial, the denial of contact with the outside world is an effective reprisal used by the authorities to gain confession or a guilty plea. It is also a convenient form of punishment for lack of "cooperation", or retribution for being outspoken government critics, or for exercising freedom of expression, peaceful assembly and association. As such, it may amount to ill-treatment.

2. METHODOLOGY

This document is based primarily on remote research, including 13 phone interviews with prisoners' family members and friends, as well as with lawyers and human rights defenders. Following the full-scale Russian invasion of Ukraine, the Russian authorities forced Amnesty International to depart the country, including by arbitrarily blocking access to its online resources and annulling the registration of its representative office in Moscow. Amnesty International's researcher was not able to conduct interviews in Russia in person. Nor has it been possible to speak directly to any person in detention or prison in Russia, including for reasons detailed below. To enable these persons to speak in their own voice about their experience, quotes are offered from their support groups' social media accounts (mostly Telegram), where letters from the respective prisoner are shared.

Some of those interviewed by Amnesty International preferred not to be named and/or their imprisoned relatives or associates not to be named, to avoid reprisals against the prisoners whose details have been shared. Some of their information is shared anonymously. Such a situation in itself provides an insight into the state of human rights in Russia.

Amnesty International has also studied relevant case file documents where available. More individual cases have been documented for this research than are included in the narrative below, and evidence for the human rights violations described below is quite extensive in open sources. The individual cases featured below are a small selection of imprisoned dissenters' cases but as such are a vivid illustration of multiple human rights violations and of the fallacies of the system which enables such abuses; including the targeting of peaceful protesters against Russia's war in Ukraine and other dissenting voices. The issues within the Russian penal system documented below, and abuse of human rights, go beyond cases of those who have been imprisoned on politically motivated charges.

Finally, detainees' and prisoners' right to contact with the outside world includes the right to communicate with a variety of interlocutors. This research, however, is mostly focused on the right to communicate with families and friends, a vital part of human existence.

3. INTERNATIONAL STANDARDS ON DETAINEES' AND PRISONERS' CONTACT WITH THE OUTSIDE WORLD

The right of detainees/prisoners to have contact with the outside world is firmly enshrined in international human rights standards.² It includes regular access by detainees/prisoners to lawyers and medical personnel, and regular contact with the family. It may also include contact with social services, non-governmental organizations, or other third parties³ and, in the case of a foreign national – contact with the diplomatic or consular services of their country.

Ensuring that a detainee/prisoner has these contacts is one important element to guarantee the right to be treated with humanity and with respect for the inherent dignity as provided for in Article 10(1) of the International Covenant on Civil and Political Rights (ICCPR). It is also significant for the prevention of torture and other ill-treatment, other human rights violations including unlawful killing and enforced disappearance, as well as for the realization of the rights to private and family life, to health and to fair trial, etc. It is in this context that the UN Human Rights Committee commenting on the integral parts of, and necessary conditions for, the implementation of the right to liberty and security of the person stated that “[p]rompt and regular access should be given to independent medical personnel and lawyers and, under appropriate supervision when the legitimate purpose of the detention so requires, to family members.”⁴ Thus, following an individual’s detention, there should be no delay in providing access to the above and such access should take place at regular intervals, not as a one-off event.

Denial of access to the outside world, to family or counsel for instance, may result in procedural violations of paragraphs 3 and 4 of Article 9 of the ICCPR.⁵ Such denial may constitute incommunicado detention which “may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment.”⁶ The UN Human Rights Committee, the Committee against Torture and the Special Rapporteur on Torture have called on countries to take measures to eliminate incommunicado detention and for the release of all persons held incommunicado without delay.⁷

Principle 19 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN Body of Principles) states that a detained or imprisoned person “shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.” Rule 58 of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) echoes these provisions while at the same time establishing a broader framework of this right. In particular, it explicitly extends the categories of people with whom a detainee may have contact to also include friends and maintains that such contacts shall take place “at regular intervals”.⁸

Rule 58 of the Nelson Mandela Rules also describes the means of communication that can be employed, “[b]y corresponding in writing and using where available, telecommunication, electronic, digital and other means and by receiving visits.”⁹ Visits may include conjugal visits and in this case this right “shall be applied without discrimination, and women prisoners shall be able to exercise this

² UN Body of Principles for the protection of all persons under any form of detention or imprisonment, GA Res 43/173, 9 December 1988, Principles 15 -19, 29(2); the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular Rules 58, 61, 62, the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, (the Bangkok Rules), 16 March 2011, Rules 26-28; European Prison Rules, Council of Europe., CM Rec(2006) 2), 11 June 2006., Rules 24.1-24.12.

³ UN Human Rights Committee, General Comment No 21 (1992), para 12.

⁴ UN Human rights Committee, General Comment No 35 (2014), CCPR/C/GC/35, para.58.

⁵ UN Human rights Committee, General Comment No 35, CCPR/C/GC/35, 16 December 2014, para.59.

⁶ Commission on Human Rights, Resolution 2002/38, 22 April 2002, para 14.

⁷ General Comment 20, para 11; A/52/44; A56/156, para 39(f)

⁸ Nelson Mandela Rules, Rule 58(1)

⁹ Nelson Mandela Rules, Rule 58(1)(a)(b)

right on an equal basis with men. Procedures shall be in place and premises shall be made available to ensure fair and equal access with due regard to safety and dignity.”¹⁰

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) establish further guidelines as to the visits for female detainees. They state that women’s contact with their families, including their children and their children’s guardians and legal representatives shall be “encouraged and facilitated by all reasonable means”.¹¹ They also provide some clear recommendations as to the environment for visits involving children.¹²

There are no uniform rules as to how often visits should take place, and the practice varies from country to country. However, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for instance, has established that a single visit of one hour per month is insufficient.¹³

Since March 2022 Russia has not been a member of the Council of Europe, and since 16 September 2022 it ceased to be a Party to the European Convention on Human Rights (ECHR). It remains a State Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.¹⁴

The CPT has pointed out the high importance for prisoners to maintain “reasonably good contact with the outside world”.¹⁵ The Committee insists that prisoners must be provided with a “means of safeguarding” their relationships with family and close friends. In fact, according to the CPT, promotion of such contact should be “the guiding principle” limited exclusively by “security concerns of an appreciable nature or resource considerations”.¹⁶ Furthermore, the CPT calls for some flexibility in relation to the rules of visits and telephone contacts where prisoners’ families live far away and thus would not be able to visit their loved ones regularly. In such situations accumulation of visiting time and/or improved opportunity for phone calls to their families could be offered to prisoners in an effort to alleviate the lack of contact.¹⁷

The CPT also specifically attaches “particular importance to regular visits to each prison establishment by an independent body...possessing powers to hear (and if necessary, take action upon) complaints from prisoners and to inspect the establishment’s premises.”¹⁸ Access for such bodies to prisons and unimpeded, confidential access for these bodies for prisoners provide important safeguards against ill-treatment.

While the European Court of Human Rights (ECtHR) jurisprudence has ceased to be recognised by Russia as part of its legal system since Russia’s membership of the Council of Europe was terminated, Russia remains bound by the obligation to implement the Court’s judgments and decisions concerning acts and omissions that occurred prior to 16 September 2022.¹⁹

In *Khoroshenko v Russia* (2015),²⁰ the Court ruled that the authorities must enable or, if necessary, assist a prisoner in maintaining contact with his close family as an essential part of his right to family

¹⁰ Nelson Mandela Rules, Rules 58 (2). Also see Rule 27 of the Bangkok Rules.

¹¹ Rule 26 of Bangkok Rules

¹² Rule 27 of Bangkok Rules

¹³ Report on initial visit to Hungary, (1994) CPT/Inf (96) 5 (Part 1,) para 127.

¹⁴ Council of Europe: Statement from the CPT President, 31.03.2022, available at: <https://www.coe.int/en/web/cpt/-/1>

¹⁵ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Imprisonment”, Extract from the 2nd General Report of the CPT, published in 1992, para 51, available at: <https://rm.coe.int/16806ce96b>

¹⁶ As above, para 51.

¹⁷ As above, para 51.

¹⁸ As above, Para.54.

¹⁹ Council of Europe: “Russia ceases to be party to the European Convention on Human Rights”, 16 September 2022, available at: <https://www.coe.int/en/web/portal/-/russia-ceases-to-be-party-to-the-european-convention-on-human-rights>

²⁰ Case of *Khoroshenko v Russia*, Application 41418/04, Grand Chamber judgment, 30 June 2015, available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-156006%22%7D>

life.²¹ Any limitations to this right must be within the meaning of Article 8(2) of the ECHR, that is, be in accordance with the law and strictly necessary in a democratic society for the exhaustive list of purposes.²²

In this respect, the Court found in the case of *Kungurov v Russia* (2020),²³ as well as in a few earlier similar cases from Russia, that the relevant legislative provision – Article 18 of the Federal Law “On Defendants Detention” – falls short of the “quality of law” requirement of Article 8(2) ECHR “in so far as it confers to the authority in charge of the criminal case unrestricted discretion to grant or refuse prison visits.” The Court noted that this provision “does nothing to limit the scope of the discretion and the manner of its exercise, and deprives the detainee of the minimum degree of protection against arbitrariness or abuse to which citizens are entitled under the rule of law in a democratic society.” The Court pointed out that the trial judge who remained “the official in charge of the criminal case” within the meaning of Article 18 of the law “On Defendants’ Detention” made no attempt to justify the decision to refuse a visit by the applicant’s wife and children beyond a generic reference to the fact that his wife was a witness in the case and that the Law made no express provision for visits by children. It concluded that this provision “offers no protection against arbitrary refusals, such as those in the present case.”²⁴

The Court also established that while during criminal investigation certain special visiting arrangements might be necessary to achieve the legitimate aim, the necessity of extending the application of such special arrangements needs to be assessed with the greatest care by the relevant authorities.²⁵

Specifically, where the family visits are refused for a long time to a detainee in pretrial detention on the grounds that their family member (a spouse) is a co-accused, the Court stressed that, for instance, special visiting arrangements with supervision by an official could have been arranged and questioned whether relevant and sufficient grounds existed for preventing the applicant from meeting with his wife for such a long period of time.²⁶

Regarding the conditions under which visits take place in the context of high security prisons, the ECtHR ruled that while in certain situations, for security reasons, physical separation during visits may be justified, the extended prohibition of direct contact can be justified only when there is a genuine and continuing danger of, for instance, that a detainee would communicate with criminal organizations using their family members.²⁷

The Court also found that a combination of various long-lasting and severe restrictions on the ability of those who serve life imprisonment to receive family visits and make phone calls and the failure of the authorities to give due consideration to the principle of proportionality and to the need for rehabilitation and reintegration of long-sentence prisoners, violated Article 8 of the European Convention.²⁸

²¹ Khoroshenko v Russia, para. 100.

²² Article 8(2) of the ECHR: “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

²³ Case of *Kungurov v Russia*, Application 70468/17, 18 June 2020, available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%222001-201092%22%5D%7D>

²⁴ *Kungurov v Russia*, Application 70468/17, 18 June 2020, paras 18-120, available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%222001-201092%22%5D%7D>

²⁵ Khoroshenko v Russia, para.124

²⁶ *Kučera v. Slovakia*, Application no. 48666/99, 17 October 2007, paras 127-134, available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%222001-81731%22%5D%7D>

²⁷ Khoroshenko v Russia, para.125.

²⁸ *Khoroshenko v Russia*, paras. 127-149.

4. INTERNATIONAL STANDARDS ON DISCIPLINE AND SANCTIONS

The UN Body of Principles clearly states the pre-requisite of treating all detainees “in a humane manner and with respect for the inherent dignity of the human person”²⁹ and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.³⁰ It further declares that the types of conduct that constitute disciplinary offences, description and duration of punishment, and authorities competent to impose it, must be proscribed by law. A detainee should have a right to fair hearing and appeal against the decision.³¹

The Nelson Mandela Rules provide guidelines on restrictions, discipline and internal sanctions.³² According to the Rules, maintaining discipline and order shall be done with “no more restrictions than necessary”.³³ Sanctions should be imposed on prisoners in accordance with the law, within fair and due process and should be proportionate to the alleged offence. Prisoners should be given adequate time and facilities to prepare their defence and have an opportunity to seek judicial review.³⁴

The Rules also clearly state that disciplinary sanctions should not lead to the deterioration of the general living conditions of a sanctioned prisoner.³⁵ They unequivocally prohibit use of such restrictions or disciplinary measures that may amount to torture or other cruel, inhuman or degrading treatment or punishment. In particular, indefinite or prolonged solitary confinement, placement of a prisoner in a dark or constantly lit cell, corporal punishment, collective punishment, reduction of a prisoner’s diet or drinking water, shall be prohibited.³⁶ Solitary confinement shall only be used “in exceptional cases as a last resort, for as short a time as possible” and with high level of scrutiny in relation to taking this measure. It shall not be imposed solely due to the kind of sentence a prisoner is serving. Furthermore, solitary confinement should be prohibited for women and children and those prisoners with mental and physical disabilities “where their conditions would be exacerbated by such measures.”³⁷

It is also specifically noted that the prohibition of family contact shall not be included in disciplinary sanctions or restrictive measures. Such restrictions could only be used “for a limited period of time and as strictly required for the maintenance of security and order.”³⁸

The CPT also points out that disciplinary procedures, including conditions “akin to solitary confinement”, should be used “proportionally” and should be “as short as possible”. In certain circumstances they may amount to inhuman and degrading treatment.³⁹

²⁹ Principle 1 of the UN Body of Principles

³⁰ Principle 6 of the Body of Principles

³¹ Principle 30 of the Body of Principles

³² Rules 36-46 of the Nelson Mandela Rules.

³³ Rule 36 of the Nelson Mandela Rules

³⁴ Rules 39, 41 of the Nelson Mandela Rules.

³⁵ Rule 42 of the Nelson Mandela Rules

³⁶ Rule 43(1)(a-e) of the Nelson Mandela Rules

³⁷ Rule 45 of the Nelson Mandela Rules

³⁸ Rule 43(3) of the Nelson Mandela Rules

³⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Imprisonment”. Extract from the 2nd General Report of the CPT, published in 1992, Para 55 – 56, available at: <https://rm.coe.int/16806ce96b>

5. RUSSIAN LEGISLATION GOVERNING DETAINEES' AND PRISONERS' CONTACT WITH THE OUTSIDE WORLD

The Russian Constitution proclaims that human rights and freedoms are of “supreme value” and their recognition, observance and protection as the “obligation of the State.”⁴⁰ It guarantees, in particular, protection of human dignity, freedom from torture and other ill-treatment,⁴¹ and protection of “maternity, childhood and the family”,⁴² the latter being denied by depriving detainees/prisoners contacts with their family members. Russian legislation directly regulating detainees' contact with the outside world includes Articles 17 - 18.1, 20 and 21 of the Law “On Defendants' Detention”,⁴³ Article 395 of the Criminal Procedure Code (CPC),⁴⁴ Code of Execution of Criminal Sentences (CES), in particular Articles 89 – 92,⁴⁵ and the Ministry of Justice Decree which formulates the Rules of the Internal Regime.⁴⁶ The frequency and nature of the contact varies depending on the procedural status of the person in custody (criminal suspect; criminally charged detainee; defendant; convicted prisoner).

Article 17 of the law “On Defendants' Detention” enumerates the rights that defendants have, including the right for legal visits, right for visits by family members and others as provided for in Article 18, the right for correspondence and for “paid phone calls, if there is a technical capacity and under control of the administration, with the permission of a person or a body who is currently considering their criminal case, or a court.” Article 18 regulates legal and family visits. A defendant is entitled to a legal visit, and unlimited confidential communication with their lawyer, from the moment of their arrest, bar for certain cases stipulated in the CPC.

Unlike legal visits, social visits – with family members or other persons - are strictly limited to maximum two per month, could last up to three hours each and should be under control of a custody officer. In March 2024, a bill granting one additional visit with a child to women who have children under 14 years old and men who are single fathers of the children of the same age was signed into law. The law will come into force in September 2024.⁴⁷ This provision is discriminatory against male detainees who have partners. Social visits, as well as legal visits, could be cut short if a visitor attempts to pass over a forbidden item to the detainee.

Under the Russian law, detainees are not automatically entitled to social visits. Visits are granted by written permission of the investigating official or, when the case goes to court, the judge who is currently handling the case; and it is left at their discretion.⁴⁸ As mentioned above, the ECtHR found this provision incompatible with the requirement of Article 8(2) of the ECHR.

⁴⁰ Article 2 of the Constitution of Russian Federation, available at: https://www.consultant.ru/document/cons_doc_LAW_28399/

⁴¹ Article 21 of the Constitution

⁴² Article 38 of the Constitution.

⁴³ Federal Law “On Defendants' Detention” (Федеральный закон «О содержании под стражей подозреваемых и обвиняемых в совершении преступлений») No 103-FZ of 15 July 1995 (as amended on 25 December 2023), available at: <https://legalacts.ru/doc/federalnyi-zakon-ot-15071995-n-103-fz-o/>

⁴⁴ Criminal Procedure Code, (Уголовно-процессуальный кодекс) available at: https://www.consultant.ru/document/cons_doc_LAW_34481/bf12aa8a17a0e275144a89dc37f447cd51f49bbe/

⁴⁵ Code of Execution of Criminal Sentences, (Уголовно-исполнительный кодекс) available at: <https://legalacts.ru/kodeks/UIK-RF/>

⁴⁶ Decree of the Ministry of Justice of 04 July 2022 N 110 (amended 29 November 2023) “ On adoption of the Rules of the Internal Regime of remand centres of the penal service, Rules of the Internal Regime of correctional institutions and Rules of internal regime of correctional centres of the penal system” , Registered in the Ministry of Justice 05. July 2022 , N 69157, (Приказ Минюста России от 04.07.2022 N 110 (ред. от 29.11.2023) “Об утверждении Правил внутреннего распорядка следственных изоляторов уголовно-исполнительной системы, Правил внутреннего распорядка исправительных учреждений и Правил внутреннего распорядка исправительных центров уголовно-исполнительной системы” (Зарегистрировано в Минюсте России 05.07.2022 N 69157),) available at: https://base.garant.ru/404953247/172a6d689833ce3e42dc0a8a7b3cddf9/#block_4000

⁴⁷ Federal Law of 23 March 2024 No 60-FZ “On amendments to Article 92 of the Code of Execution of Criminal Sentences of the Russian Federation and Article 18 of the Federal Law “On Defendants' Detention” (Федеральный закон от 23.03.2024 № 60-ФЗ “О внесении изменений в статью 92 Уголовно-исполнительного кодекса Российской Федерации и статью 18 Федерального закона “О содержании под стражей подозреваемых и обвиняемых в совершении преступлений”), available at: <http://publication.pravo.gov.ru/document/0001202403230012?index=1>

⁴⁸ Article 18, Federal Law “On Defendants' Detention”, available at: <https://www.zakonrf.info/doc-13507674/gl2-st18/>

Absence of a legal guarantee for social visits and of independent and impartial complaints mechanisms against the refusal creates fertile ground for abuse on the part of the authorities and, as the cases below will demonstrate, is often used as a means of pressure on or reprisal against detainees and is widely used to target those prosecuted on politically motivated charges.

According to Article 20, which regulates detainees' correspondence, the number of letters a detainee can send and receive is unlimited, but the detainee is required to pay the cost of the postage or of the electronic communication. Therefore, in practice for those who do not have enough funds this communication might be severely limited. This gap could be closed by including an obligation for the detention facility's administration to, for instance, grant some emergency credit or provide a limited number of free envelopes and stamps so that those detainees who are in a disadvantaged situation could exercise their right to keep contact with their family and friends.

All correspondence sent to and from detainees is censored. Article 20 establishes certain rules and a timeframe for handing the letters to and from detainees.⁴⁹

Article 21 regulates detainees' correspondence with various official bodies (including complaints and petitions) and civil society organizations. Such correspondence is sent via the detention facility's administration and, depending on the addressee, either remains confidential or is first "considered" (often, effectively screened) by the penitentiary administration first, which will decide whether to send it on.⁵⁰

Article 395 of the CPC regulates granting visits following defendants' conviction, before they are sent to serve their sentence in a penal colony. In this case, a judge presiding during the trial or the judge who is a chairperson of the court can grant a visit on the request of close relatives of the convicted prisoner.⁵¹

Convicted prisoners' contact with the outside world is regulated by the Code of Execution of Criminal Sentences (CES) with some further details provided for in the Ministry of Justice's Decree. Article 89⁵² of the CES regulates provision of visits to prisoners. Prisoners are entitled to short (four hour-long) visits and long (three days-long) visits on the territory of penal colonies. In certain cases, prisoners might also be entitled to have five days long visits taking place outside of the penal colony. Where such visits take place and how they are organized is determined by the administration of the penal colony and are subject to further conditions.⁵³

Short visits may be granted not only to prisoner's relatives but also to other people. They are conducted in the presence of penal colony administration. Long visits, during which prisoners could stay with their loved ones in specially designated premises, are mostly provided to close relatives.⁵⁴ Others, for instance, partners who are not official spouses, could receive long visits only with the permission of the head of the respective penal colony.⁵⁵

Female prisoners who have a child under 14 years old may be given additional long visits with their child on weekends and holidays. During these visits the mother and the child could stay together in the premises outside of the penal colony but within the same municipality where the penal colony is situated. Same rights may be given to male prisoners, however, only to those who are the sole parent.

⁴⁹ Article 20, Federal Law "On Defendants' Detention", available at: <https://www.zakonrf.info/doc-13507674/gj2-st20/>

⁵⁰ Article 21, Federal Law "On Defendants' Detention", available at: <https://www.zakonrf.info/doc-13507674/gj2-st21/>

⁵¹ Article 395 CPC, available at : https://www.consultant.ru/document/cons_doc_LAW_34481/bf12aa8a17a0e275144a89dc37f447cd51f49bbe/

⁵² Decree of the Ministry of Justice of 04 July 2022 N 110 (amended 29 November 2023) "On adoption of the Rules of the Internal Regime of remand centres of the penal service, Rules of the Internal Regime of correctional institutions and Rules of internal regime of correctional centers of the penal system", Registered in the Ministry of Justice 05. July 2022 N 69157), (Приказ Минюста России от 04.07.2022 N 110 (ред. от 29.11.2023) "Об утверждении Правил внутреннего распорядка следственных изоляторов уголовно-исполнительной системы, Правил внутреннего распорядка исправительных учреждений и Правил внутреннего распорядка исправительных центров уголовно-исполнительной системы" (Зарегистрировано в Минюсте России 05.07.2022 N 69157),) available at: https://base.garant.ru/404953247/172a6d689833ce3e42dc0a8a7b3cddf9/#block_4000

⁵³ Article 89(1) CES

⁵⁴ The list of close relatives includes spouses parents children, adoptive parents and adoptive children, grandparents, grandchildren and siblings.

⁵⁵ Article 89(2) CES

This provision is discriminatory against male prisoners who have partners and in certain cases might also be not in the best interest of children of such prisoners. There are further exceptions to this right detailed in Article 97(3) CES.⁵⁶

Penal colonies in Russia are classified according to their respective “regimes” (general, strict, special regime and open settlement colonies), alongside prisons and penitentiary institutions for minors. How many visits prisoners are entitled to, how the visits are conducted, and other rules depend on the respective regime, as well as the conditions of detention and the personal circumstances of a particular prisoner (whether they are adult or minor, whether they have children or not etc).⁵⁷ Some prisoners may also serve their sentences in remand centres (SIZOs). Within penal colonies there are different detention conditions (standard, enhanced, preferential and strict).

Prisoners’ visiting rights can be severely restricted depending on where and under which conditions they serve their sentence. Prisoners serving sentences in general regime penal colonies under standard conditions can have six short and four long visits per year as well as up to two additional visits with their children on weekends and holidays. If prisoners are moved to strict conditions their entitlement reduces to three long and three short visits. In enhanced conditions the entitlement is for six long and short visits per year and unlimited number of visits with a child on weekends and holidays. Prisoners serving sentences in high security penal colonies have three long and short visits per year in standard conditions, four long and short visits in enhanced conditions and only two long and short visits per year in strict conditions. Prisoners serving sentences in the highest security penal institutions, including those sentenced to life imprisonment, can have two long and short visits in standard conditions, three long and short visits in enhanced conditions and two short and one long visit per year in strict conditions. Prisoners serving time in prisons are not entitled to social visits and can only have legal visits. Prisoners serving their sentences in open penal colonies can have an unlimited number of visits.

If a prisoner is serving time in a remand centre, they are considered to be serving time in the conditions of a general regime penal colony. All visits must be evenly spread throughout the year. Prisoners serving time in prisons are not entitled to social visits and can only have legal visits. Prisoners serving their sentences in open penal colonies can have unlimited number of visits.

Article 91 CES regulates prisoners’ correspondence. Prisoners are allowed to receive and send unlimited number of letters, cards and telegrams at their own expense. All correspondence is censored by the administration of the penal institution. Censoring must take no longer than three working days and when the correspondence is written in a foreign language – not more than seven working days.⁵⁸

There are exceptions from the censorship rule. The law states that petitions, complaints and other correspondence addressed to certain Russian official bodies and international intergovernmental human rights mechanisms and replies to this correspondence are exempt from censorship.⁵⁹ Prisoners’ correspondence with lawyers is not censored.⁶⁰

However, the law states that this rule can be overridden, if the penal colony administration “has verifiable information that the content of the correspondence is aimed at initiation, planning or organization of a crime or involvement of other people in it.”⁶¹

⁵⁶ Article 97(3) CES

⁵⁷ For instance, minors serving their sentences in standard detention conditions can have eight short and four long visits. If they are moved to strict detention conditions their entitlement reduces to six short and three long visits per year. Conversely, if they are moved to enhanced or concessional conditions, they can have correspondingly 12 long and four short visits per year, including to have them outside of the penal colony – with permission of the penal colony administration, or six long visits while staying outside of the penal colony and unlimited number of short visits per year.

⁵⁸ Article 91(1)(2) CES

⁵⁹ Article 91(2) CES, Article 15(4) CES.

⁶⁰ Article 91(3) CES.

⁶¹ Article 91(3) CES.

Article 92 provides that prisoners have a right to make phone calls. The law states that the number of the calls can be limited to six per year “if there is no technical capacity”. Each phone call should be no longer than 15 minutes. Phone calls are paid for by the prisoners or by their relatives/other individuals.⁶² In March 2024, a bill extending the number of phone calls to 12 per year was signed into law.⁶³ It will come into force in September 2024. Not all prisoners are entitled to make phone calls. Those placed in strict condition of detention, and those serving internal disciplinary punishment cannot make phone calls, except in “exceptional personal circumstances.”⁶⁴ Article 92 also states that phone conversations “may be controlled by the penal institution’s personnel.”⁶⁵

6. INTERNAL DISCIPLINARY PROVISIONS IN RUSSIAN LEGISLATION

The types of disciplinary sanctions and procedures for prisoners and detainees – depending on their procedural status - are regulated in Russian law by Articles 38-40 of the Law on “Defendants’ Detention” and Chapter 15 “Correctional Education of those sentenced to imprisonment” (Articles 115-119 in relation to adult prisoners and Articles 136-138 in relation to minors) of the Code of Execution of Criminal Sentences (CES)⁶⁶ with further details provided in the Decree of the Ministry of Justice.⁶⁷

Article 38 of the Law on “Defendants’ Detention” enumerates types of disciplinary punishment which could be a reprimand or placement in a disciplinary isolation cell or in a solitary cell for up to 15 days (up to seven days for minors).⁶⁸ Article 40 stipulates for which violations a defendant can be put in a disciplinary isolation cell or a solitary cell. It also stipulates that placement in a punishment cell is done on the grounds of the order of the Head of the penal institution and an assessment of a medical worker that the detainee can be placed in these conditions. While in a punishment cell, the prisoner (detainee) is not allowed correspondence, visits (apart from legal visits and meetings with members of Public Monitoring Commissions⁶⁹) and is not allowed to purchase food or other goods, receive parcels, use table games or watch TV.⁷⁰

Article 115 on the CES provides for three basic types of disciplinary sanctions for prisoners: a formal reprimand, a fine from RUB 1,000 to RUB 2,000 (US\$ 10 – US\$ 20) and placement in a punishment isolation cell (SHIZO) for up to 15 days.⁷¹ Repeated infringements result in stricter penalties. Male prisoners, depending on the type of penal colony they are imprisoned in, could be placed in a “cell-

⁶² Article 92(1) CES

⁶³ Federal Law of 23 March 2024 No 60-FZ “On amendments to Article 92 of the Code of Execution of Criminal Sentences and Article 18 of the Federal Law “On Defendants’ Detention” (Федеральный закон от 23.03.2024 № 60-ФЗ “О внесении изменений в статью 92 Уголовно-исполнительного кодекса Российской Федерации и статью 18 Федерального закона “О содержании под стражей подозреваемых и обвиняемых в совершении преступлений.”) available at: <http://publication.pravo.gov.ru/document/0001202403230012?index=1>

⁶⁴ Article 92(3) CES

⁶⁵ Article 92(5) CES

⁶⁶ CES, available at : https://www.consultant.ru/document/cons_doc_LAW_12940/

⁶⁷ Decree of the Ministry of Justice of 04 July 2022 N 110 (amended 29 November 2023) “ On adoption of the Rules of the Internal Regime of remand centres of the penal service, Rules of the Internal Regime of correctional institutions and Rules of internal regime of correctional centers of the penal system” , Registered in the Ministry of Justice 05. July 2022 N 69157), (Приказ Минюста России от 04.07.2022 N 110 (ред. от 29.11.2023) “Об утверждении Правил внутреннего распорядка следственных изоляторов уголовно-исполнительной системы, Правил внутреннего распорядка исправительных учреждений и Правил внутреннего распорядка исправительных центров уголовно-исполнительной системы” (Зарегистрировано в Минюсте России 05.07.2022 N 69157),) available at: https://base.garant.ru/404953247/172a6d689833ce3e42dc0a8a7b3cddf9/#block_4000

⁶⁸ Article 38 of the Law on “Defendants’ Detention”, available at: https://www.consultant.ru/document/cons_doc_LAW_7270/c2c441f14d6dbffa08808ff98d366c0aada6fb90/

⁶⁹ Public Monitoring Commissions were instituted in 2008 as bodies composed of independent experts, typically NGO members and journalists, for monitoring prison conditions, and authorized to request visits to penitentiary institutions and meetings with specific inmates. Their effectiveness and independence largely depended on their members, and varied across the country. Over time, their independence was eroded by the authorities.

⁷⁰ Article 40, available at : https://www.consultant.ru/document/cons_doc_LAW_7270/585db0a2c27cc26af276c8dcf0577e4b93b7df78/

⁷¹ Article 115 (1) (а-в) CES, available at : https://www.consultant.ru/document/cons_doc_LAW_12940/0047b2cc58278ec44b32a66af056d3b12150fe1/

type facility”, abbreviated as “PKT”, which are prison-type cells in the same penal institution (for those serving their sentence in general-regime or strict-regime colonies) or in solitary confinement cells (for those serving their sentence in the special-regime penal colonies or prisons) for up to six months.⁷² As a further disciplinary measure, male prisoners regarded as systematic disciplinary re-offenders may be placed in the “uniform cell-type facility”, abbreviated as EPKT, which is a separate institution, for up to one year.⁷³ The most severe disciplinary measure is transfer to a prison, which is also a separate institution with the strictest regime, for up to three years.⁷⁴ There are eight prisons in Russia.

Female prisoners who are regarded systematic disciplinary re-offenders may be transferred to PKT for up to three months.⁷⁵ Those serving their sentences in settlement-colonies (open penal colonies) may be confined to the colony barracks in their free time for up to 30 days as a disciplinary measure.⁷⁶ The sanction must be imposed within 10 days of the violation being uncovered and no later than three months after the violation itself. It is explicitly forbidden to impose repeated sanctions for the same offence.⁷⁷

Each penitentiary institutions retains its Rules of internal regime, which contain a long list of obligations and prohibitions. Regime violations vary from serious offences like weapons possession to possession of prohibited communication devices, money or alcohol, swearing or gambling, to infringements like being untidy, wearing clothes that “does not comply” with the strict internal requirements, to failing to greet an officer.⁷⁸

Any infringement, however minor, may result in disciplinary sanctions. Severe disciplinary sanctions, like prolonged isolation, are often applied to imprisoned dissenters (as documented below), and have included such infringements as a failure to button up, to tidy up one’s bed, or attempting to lie down during the day (which is prohibited). Such infringements are not duly documented, and those punished for them frequently allege that they did not commit them and were disciplined arbitrarily. They include several of the persons whose experience is described in this publication.

Article 118 of the CES which regulates conditions of detention in punishment isolation cells (SHIZO), cell-type premises, unified cell type premises and solitary cells further states that those prisoners who are incarcerated in a segregation unit are prohibited from making phone calls, having visits, purchasing food in a prison shop and receiving parcels. They are only entitled to a one-hour daily walk.⁷⁹

Prisoners incarcerated in cell-type premises, unified cell type premises and solitary cells for disciplinary punishment have slightly more rights, including RUB 6,5000 (US\$ 72) to spend on food and other necessities in prison shop, receive one parcel and one small parcel in six months and have 90 minutes’ walk a day. This time could be prolonged to up to three hours if prisoners do not commit further violations. Prisoners can also have one short family visit in six months “with permission of the administration”.⁸⁰ Thus, prisoners are fully at the mercy of the penal officers who can easily prohibit even this short contact with their loved ones. Those placed in a prison on general regime are entitled to two long and two short visits a year as well as two parcels and two small packages a year.

⁷² Article 115 (I)(r)

⁷³ Article 115(1) (x)

⁷⁴ Incarceration in a prison could also be imposed by a court as a sentence for a committed crime.

⁷⁵ Article 115(1) (e)

⁷⁶ Article 115(2) (3)

⁷⁷ Article 117(1) CES

⁷⁸ Decree of the Ministry of Justice of 04 July 2022 N 110 (amended 29 November 2023) “ On adoption of the Rules of the Internal Regime of remand centres of the penal service, Rules of the Internal Regime of correctional institutions and Rules of internal regime of correctional centers of the penal system” , Registered in the Ministry of Justice 05. July 2022 N 69157), (Приказ Минюста России от 04.07.2022 N 110 (ред. от 29.11.2023) “Об утверждении Правил внутреннего распорядка следственных изоляторов уголовно-исполнительной системы, Правил внутреннего распорядка исправительных учреждений и Правил внутреннего распорядка исправительных центров уголовно-исполнительной системы” (Зарегистрировано в Минюсте России 05.07.2022 N 69157),) available at: https://base.garant.ru/404953247/172a6d689833ce3e42dc0a8a7b3cddf9/#block_4000

⁷⁹ Article 118(1) CES, available at: https://www.consultant.ru/document/cons_doc_LAW_12940/20beb95d2d3c60c718989f8c16ca0c315d9fd568/

⁸⁰ Article 118(2) CES

The systematic disciplinary offenders in prisons are allowed only one long and two short visits. They can also receive one parcel and one small package a year.⁸¹

As will be demonstrated further, incarceration in various punishment cells is widely used by the penal authorities to put additional pressure on imprisoned dissenters.

7. THE PRACTICE

The practice of treatment of detainees and prisoners in Russia today is open to a wide range of abuses by the prison administration. Such human rights violations, apparently intended as a form of pressure or retaliation, have become a common feature of treatment of those incarcerated on politically motivated charges. As illustrated below, this is especially evident in cases of those who have spoken out against Russia's war of aggression in Ukraine, prominent political activists and those whom the authorities associate with banned opposition movements. Without doubt, other categories of prisoners experience similar violations of their rights when the authorities want to put additional pressure on them as well.

REQUESTS FOR SOCIAL VISITS AND PHONE CALLS ROUTINELY REFUSED AT THE INVESTIGATION STAGE AND DURING THE TRIAL

On 31 May 2021, former director of the "Open Russia" movement **Andrei Pivovarov** was taken off a "St Petersburg - Warsaw" flight and arrested for "carrying out activities of an undesirable organization" (Article 284.1 Criminal Code), a charge that contravenes freedom of association. This charge is a form of reprisal used by the Russian authorities to target leaders of independent civil society organizations. Andrei Pivovarov was then transferred to Krasnodar, a city in south-west Russia, over 2,000km away from his home in St Petersburg, despite having no connection with that city, and on 2 June 2021 detained on remand in Krasnodar SIZO. The criminal case against him was based on 35 of his Facebook posts and one repost in which Andrei Pivovarov shared his opinion about Russian politics, persecution of activists and some events he had taken part in. On 15 July 2022, the Krasnodar Leninsky District Court sentenced him to four years' imprisonment and an eight-year ban on political activities. Following his sentencing, his former colleague and then wife Tatyana Usmanova spoke of the complete isolation in which the authorities kept the imprisoned activist, especially during the pretrial stage.⁸²

The investigation and then the court hearing the case against him repeatedly refused Andrei Pivovarov family visits or family phone calls. He was granted his first family visit - with his mother – only in January 2022, eight months after his arrest. The permission was issued by Russia's Supreme Court, which was then considering Andrei Pivovarov's petition to transfer his trial to Saint Petersburg. The visit lasted for just over an hour. They were separated by a glass and spoke via a special phone. There was no direct contact.⁸³ Four months later, on 5 May 2022, the Krasnodar Leninsky District Court granted Andrei Pivovarov permission to make one phone call to his parents and one phone call to his five-year-old son. Before that, Pivovarov was not allowed to call his son, not even on the son's birthday.⁸⁴

⁸¹ Article 131 (4)(5) CES

⁸² BBC News, Russian Service, "Ex-Director of Open Russia Andrei Pivovarov is sentenced to four years in the general regime penal colony (Экс-директора «Отрадной России» Андрея Пивоварова приговорили к четырем годам колонии общего режима)", 15 July 2022, available at : <https://www.bbc.com/russian/news-62167574>

⁸³ Radio Svoboda, Andrei Pivovarov is allowed to see his mother for the first time since his arrest, (Андрею Пивоварову впервые после ареста разрешили увидеться с матерью) 6 25 January 2022, available at: <https://www.svoboda.org/a/andreyu-pivovarovu-vpervye-posle-aresta-razreshili-uidetjsya-s-materiyu/31671015.html>

⁸⁴ Kavkazsky Uzel, The Court allowed Andrei Pivovarov to call his parents and son, (Суд разрешил Андрею Пивоварову позвонить родителям и сыну) 6 May 2022, available at: <https://www.kavkazuzel.com/articles/375879/>

Such calls, and family visits, are clearly permitted under Russian law, but are left at the investigator's, penitentiary administration's and (at the trial stage) the judge's discretion. There were no legitimate reasons to deny them to Andrei Pivovarov, nor to remand him and put him on trial over 2,000 kilometres away from his home and his family. The pretext for transferring him to Krasnodar was him having published one of his Facebook posts from Krasnodar when he had been there on a visit. Undoubtedly, this limited his right to regular contact with his family and placed additional pressure on him and his family, apart from the fact that he had committed no crime and should not have been prosecuted and imprisoned in the first instance.

Another prominent opposition politician and journalist, **Vladimir Kara-Murza**, did not have permission to call his wife and children for 14 months after his arrest.

Vladimir Kara-Murza was arrested on 11 April 2022, and detained initially for 15 days under administrative proceedings for allegedly "resisting lawful orders of police officers." However, already on 22 April 2022, the Moscow Basmani District Court ordered his detention on remand under the charge of "disseminating of knowingly false information about the Russian Armed Forces" (Article 207.3(2) Criminal Code),⁸⁵ the newly introduced criminal "offence" targeting critics of the Russian aggression against Ukraine and of crimes under international law committed by the Russian forces.⁸⁶ Later, the investigation added other politically motivated charges – those of "carrying out activities of an undesirable organization" (Article 284.1 Criminal Code) and of "high treason" (Article 275 Criminal Code). On 17 April 2023, the Moscow City Court sentenced Vladimir Kara-Murza to 25 years of imprisonment in a high security penal colony with a ban against engaging in journalism for seven years after his release.⁸⁷

During the investigation and the trial Vladimir Kara-Murza could communicate with the outside world only via letters. His trial was closed to the public, similar to all high treason trials. He was thus deprived even of the opportunity to see his family and friends in the courtroom.

Following his arrest in April 2022 until June 2023, the Investigation Committee and then the Moscow City Court continued to deny him phone calls with his wife and their three children. Evgeniya Kara-Murza, his wife, recalled in 2023:

"Last year Volodya tried for many months to get the right to phone calls with his children. And last December, as a New Year and Christmas 'gift' he received an official refusal. It was claimed that telephone conversations with children would harm the criminal case against him. It is clear that this explanation is absolutely absurd. The authorities are using this simply as a psychological torture."⁸⁸

In July 2023, journalist Zoya Svetova was able to interview him for Novaya Gazeta. Vladimir Kara-Murza explained what the experience of isolation from his family meant to him, and how the authorities deliberately prolonged the pain of this isolation until his court trial:

"The most difficult thing is separation from your family. And not only separation but also that it is impossible to communicate. From April 2022 until June 2023, I did not even hear voices of my wife and children – first the Investigation Committee and then the Moscow City Court banned phone calls to my family. As I was told by officers from SIZO-5, it was practically unprecedented [to have phone calls denied] during the court stage, after the investigation stage was over, but my case has a lot of such [unprecedented] things. This week I was allowed to call my children for the first

⁸⁵ BBC News, Russian Service, Court detained Vladimir Kara-Murza under "fake news" charges. He had delivered a speech in US Congress (Суд арестовал Владимира Кара-Мурзу по делу о "фейках". Он выступал с речью в Конгрессе США), (available at: <https://www.bbc.com/russian/news-61188324>)

⁸⁶ Amnesty International, *Russian Federation: End Censorship on Voices against the War*, (Index number EUR 46/5345/2022), 14 March 2022, available at: <https://www.amnesty.org/en/documents/eur46/5345/2022/en/>

⁸⁷ Amnesty International, *Anti-war political activist and prisoner of conscience Vladimir Kara-Murza sentenced to 25 years in jail*, 17 April 2023, available at: <https://www.amnesty.org/en/latest/news/2023/04/anti-war-political-activist-and-prisoner-of-conscience-vladimir-kara-murza-sentenced-to-25-in-jail/>

⁸⁸ In an interview with the BBC, Russian Service, "Vladimir Kara-Murza is sentenced to 25 years. What has he angered the authorities so much with?" (Владимира Кара-Мурзу приговорили к 25 годам. Чем он так разозлил власть?), 17 April 2023, available at: <https://www.bbc.com/russian/news-65281053>

time. For the first time in a year and two months I heard their voices in the telephone receiver. It's impossible to describe it with words, so I won't even try".⁸⁹

In another media interview Evgeniya Kara-Murza echoed the torment of separation that he described:

"We spoke with Volodya six times. Every time, [it was] 10-15 minutes. Six times during the summer. But this was like some manna from heaven. At last, children could hear their Dad's voice. Every time they prepared to these phone calls. A call could come at any moment from four o'clock in the morning until ten o'clock, considering the time difference.⁹⁰ Of course, no one was asleep. We were waiting for this phone call. I was sitting with a phone in my hands. And one of the children would always be in my room so that as soon as there is a phone call not to waste the precious minutes of communication with their Dad, so that I could pass over the phone straight away and not to run to their room to wake them up. And, of course, they were preparing in advance, were thinking what to tell their Dad about. Fifteen minutes means only five minutes each.⁹¹ In five minutes they needed to tell their Dad about everything that had happened in almost a year and a half. And this was perceived as happiness."⁹²

The denial of family visits and phone calls has also been used against those who have been affiliated with, or who the authorities perceive to be affiliated with, the movement of the late opposition politician Aleksei Navalny. Among them are activists Liliya Chanyшева and Ksenia Fadeeva, and journalist Antonina Favorskaya.

The former regional coordinator of "Navalny's headquarters" in the city of Ufa, Republic of Bashkortostan, and a civil society activist who led some key protests in that region, **Liliya Chanyшева**, has been behind bars since 9 November 2021. She was prosecuted under arbitrary charges of "establishing or leading an extremist association",⁹³ on account of her involvement with Aleksei Navalny's initiatives which, in turn had been arbitrarily designated as extremist.⁹⁴ In June 2023, she was sentenced to seven and a half years imprisonment.⁹⁵ In April 2024, the Supreme Court of Bashkortostan increased her sentence to nine and a half years on the prosecution's appeal.⁹⁶ In February 2022, her husband Almaz Gatin stated in a media interview that he had been trying to get a visit to see his wife since the day of her arrest but was repeatedly denied it. He also told how he had to wait the whole day outside the court building, on a cold January day, just to be able to see his wife for a few seconds before she was put into a prison transport van.⁹⁷

⁸⁹ Novaya Gazeta, "Vladimir Kara-Murza: "I was allowed to call my children for the first time" (Владимир Кара-Мурза: «Мне впервые разрешили звонок детям»), 3 July 2023, available at: <https://novayagazeta.ru/articles/2023/07/03/vladimir-kara-murza-mne-vperve-razreshili-zvonok-detiam>

⁹⁰ Vladimir Kara-Murza's family lives in the U.S.

⁹¹ Vladimir and Evgeniya Kara-Murza have three children: two daughters and a son. When Vladimir Kara-Murza was sentenced, his daughters were 14 and 17 years old and son was 11 years old.

⁹² RFI, Evgeniya Kara-Murza: "Together with Volodya's voice the authorities are trying to silence thousands of voices in Russia" (Евгения Кара-Мурза: «Вместе с голосом Володи власти пытаются заглушить тысячи голосов в России»), 2 October 2023, available at:

<https://www.rfi.fr/ru/%D1%80%D0%BE%D1%81%D1%81%D0%B8%D1%8F-%D0%BA%D0%B0%D1%80%D0%B0-%D0%BC%D1%83%D1%80%D0%B7%D0%B0-%D0%B2%D0%BC%D0%B5%D1%81%D1%82%D0%B5-%D1%81-%D0%B3%D0%BE%D0%BB%D0%BE%D1%81%D0%BE%D0%BC-%D0%B2%D0%BE%D0%BB%D0%BE%D0%B4%D0%B8-%D0%B2%D0%BB%D0%B0%D1%81%D1%82%D0%B8-%D0%BF%D1%8B%D1%82%D0%B0%D1%8E%D1%82%D1%81%D1%8F-%D0%B7%D0%B0%D0%B3%D0%BB%D1%83%D1%88%D0%B8%D1%82%D1%8C-%D1%82%D1%8B%D1%81%D1%8F%D1%87%D0%B8-%D0%B3%D0%BE%D0%BB%D0%BE%D1%81%D0%BE%D0%B2-%D0%B2-%D1%80%D0%BE%D1%81%D1%81%D0%B8%D0%B8>

⁹³ Amnesty International, Urgent Action, Russian Federation: Further Information: *Activist denied access to lawyer: Liliya Chanyшева*, (Index Number: EUR 46/5169/2022), 18 January 2022, available at: <https://www.amnesty.org/en/documents/eur46/5169/2022/en/>

⁹⁴ Amnesty International, *Russia: Aleksei Navalny's NGO banned as "extremist" depriving thousands of their rights*, 10 June 2021, available at: <https://www.amnesty.org/en/latest/press-release/2021/06/russia-aleksei-navalyns-ngos-banned-as-extremist-depriving-thousands-of-their-rights/>. See also: Amnesty International, Urgent action, available at: <https://www.amnesty.org/en/documents/eur46/5169/2022/en/>

⁹⁵ BBC News Russian Service, Lilia Chanyшева is given 7,5 years. How a successful auditor became the first one convicted in Navalny's "extremist" FBK (Лилия Чанышевой дали 7,5 лет. Как успешный аудитор стала первым осужденным за участие в «экстремистком» ФБК Навального), 14 June 2023, available at: <https://www.bbc.com/russian/features-65684214>

⁹⁶ Deutsche Welle, Lilia Chanyшева's sentence made stricter. She got 9,5 years in penal colony (Лилия Чанышевой ужесточили приговор до 9,5 лет колонии), 9 April 2024, available at: <https://www.dw.com/ru/lilii-chanysevoj-uzestocili-prigovor-do-95-let-v-kolonii/a-68779493>

⁹⁷ Deutsche Welle, Navalny's associate Liliya Chanyшева: "My conscience is clear" (Соратница Навального Лилия Чанышева: «Моя совесть чиста»), 11 February 2022, available at: <https://www.dw.com/ru/soratnica-navalnogo-lilija-chanyseva-iz-sizo-moja-sovest-chista/a-60734412> Also see his interview in December 2022 where he mentioned that Liliya Chanyшева's parents were repeatedly denied visits too: Idel. realii, Lilia Chanyшева's husband Almaz Gatin: "We got under the grindstones of our Russian history" (Муж Лилия Чанышевой Алмаз Гатин: «Мы попали под жернова нашей российской истории»), 14 December 2022, available at: <https://www.idelreal.org/a/32172418.html>

RUSSIA: "I WOULD LOVE TO HUG HER, BUT IT IS IMPOSSIBLE."

IMPRISONED DISSENTERS DEPRIVED OF FAMILY CONTACT

Amnesty International

Only 16 months after Lilia Chanysheva's arrest, in March 2023, her husband finally received permission to visit her in the remand centre in Ufa. According to Gatin, the visit was one hour long. During the visit, detainees and their visitors are separated by a thick glass wall and the conversation takes place over a phone.⁹⁸

Ksenia Fadeeva is an opposition politician and a former deputy of the city Duma (local legislative assembly) from Tomsk, Western Siberia. In 2018 and 2021 she received several administrative penalties for her participation in peaceful street protests.⁹⁹ She was arrested and placed in Tomsk remand centre (SIZO) in November 2023, and at the time of writing had not seen her family since that time. On 29 December 2023 she was sentenced under the charges of "Organization of an extremist association with use of one's official position" (Article 282.1 (3) of the Criminal Code) and "participation in a non-commercial organization infringing on citizens' rights" (Article 239 (3) of the Criminal Code) to nine years' imprisonment and a 500,000 roubles (around US\$ 5,500) fine, both charges related to her work as a coordinator of the Tomsk chapter of "Navalny's Headquarters". These charges similarly relate to the arbitrary designation of Aleksei Navalny's organizations as extremist and the unfounded prosecution of his numerous associates, including his lawyers.¹⁰⁰ On 28 May 2024 Ksenia Fadeeva's sentence was upheld on appeal.

According to media reports, in early May 2024, while her appeal was still pending, the judge of the Tomsk Regional Court refused to allow Ksenia's parents to visit their daughter.¹⁰¹ By that time, Ksenia Fadeeva had not seen her family for six months.

Such refusals are deeply traumatic for the parents of the imprisoned dissenters. Some parents often do not understand why the authorities do not allow them to see their loved ones. As a family member of another imprisoned activist noted in a conversation with Amnesty International when talking about the activist's mother's reaction to yet another refusal for a visit:

"It's very painful. She asks me questions [why the authorities keep refusing], and these questions are not rhetorical. She really wants to know. She asks me: "Why don't they allow me to visit? I am the mother. ""¹⁰²

Antonina Favorskaya (Kravtsova) is a journalist and photographer from the online media SotaVision who, among other things, has extensively covered Aleksei Navalny's trial, incarceration and funeral. She has been in detention since 17 March 2024. She was initially arrested for ten days under administrative proceedings for allegedly "resisting a police officer". On 28 March, when she was due to leave the detention facility, she was re-arrested and then charged under Article 282.1 (2) of the Criminal Code ("participation in an extremist association"). The authorities accused her of participation in one of Aleksei Navalny's arbitrarily banned organizations, the Anti-Corruption Foundation, and claimed that she had collected materials, produced video and other content which was then published on the Anti-Corruption Foundation's platforms. On 29 March 2024, the Moscow Basmannyi Court approved her detention on remand, initially until 28 May 2024.¹⁰³ On 21 May, the same court extended her detention until 3 August 2024.¹⁰⁴

The investigator repeatedly refused to grant Antonina Favorskaya family visits, and she challenged his refusals in court. On 27 May 2024, while a hearing of her complaint was taking place, the investigator

⁹⁸ Idel. Realii, Liliya Chanysheva's husband Almaz Gatin could see his wife for the first time in 16 months. Here is what he told Idel.Realii after his visit to SIZO (Муж Лилии Чанышевой Алмаз Гатин впервые за 16 месяцев встретился с женой. Вот что он рассказал Idel.Реалии после визита в СИЗО), 16 March 2023, available at: <https://www.idelreal.org/a/32325807.html>

⁹⁹ See more about Ksenia Fadeeva and her case here: Novaya Gazeta, She committed the most horrible thing – won at election (Она совершила самое страшное – победила на выборах), 1 February 2024, available at: <https://novayagazeta.ru/articles/2024/02/01/ona-sovershila-samoe-strashnoe-pobedila-na-vyborakh>

¹⁰⁰ Amnesty International, *Russian authorities must immediately stop arbitrary prosecution of Aleksei Navalny's lawyers*, 13 October 2023, available at: <https://www.amnesty.org/en/latest/news/2023/10/russia-russian-authorities-must-immediately-stop-arbitrary-prosecution-of-aleksei-navalnys-lawyers/>

¹⁰¹ <https://t.me/mizafadeevu/49>

¹⁰² Anonymous interviewee, 22 May 2024, on file with Amnesty International.

¹⁰³ <https://t.me/moscowcourts/2823>

¹⁰⁴ <https://t.me/moscowcourts/3396>

signed a permission for Favorskaya to see her mother and grandmother. When the hearing resumed on 5 June, the judge rejected Antonina Favorskaya's complaint on the grounds that the visit had been granted.¹⁰⁵ In doing so, the court simply refused her a remedy, and has not provided her with any guarantee that she will be able to regularly see her family, as further visits can still be denied or otherwise prevented, as many other cases described in this publication demonstrate.

Another detained journalist, **Alsu Kurmasheva**, editor of the Tatar-Bashkir service of Radio Free Europe/Radio Liberty (RFE/RL), has been similarly denied any opportunity to speak with her children and husband, ever since her arbitrary arrest in Kazan, Republic of Tatarstan, in October 2023. Alsu Kurmasheva lived with her husband and children in Prague, Czech Republic. She came to Russia in May 2023 to care for her mother. The authorities prevented her from taking her flight back, and issued a fine for failing to register her dual nationality with them (a legal requirement in Russia), and confiscated her Russian and US passports.

On 18 October, they arrested and accused her of failing to register as a "foreign agent", i.e., as a person who has been "purposefully collecting information in the field of military, military-technical activities of the Russian Federation which could be used against the Russian Federation's security" ("Evasion of performing duties provided for by the foreign agents legislation," Article 330.1(3) CC). Notably, this legislation specifically applies to open information (otherwise charges relating to espionage and high treason would ordinarily apply). Alsu Kurmasheva became the first person to be accused of this "crime," which is punishable by up to five years' imprisonment. In December 2023, she was additionally charged with "public dissemination of knowingly false information about the use of the Russian Armed Forces abroad", punishable by up to ten years imprisonment.¹⁰⁶

The authorities refused Alsu Kurmasheva any contacts, including phone calls and visits, with her family. They have not allowed a visit by the US consular representative. On 31 May 2024, her detention was extended until 5 August 2024.

FAMILY MEMBERS AND OTHER CLOSED RELATIONS DESIGNATED FORMAL WITNESSES TO DENY THEM CONTACTS DETAINEES

Under international human standards on the treatment of persons in detention or in prison, detainees/prisoners must have the right to receive visits from their families and to correspond with them. To refuse the detainee a family visit or a phone call, the investigator must be able to give legitimate legal reason for doing so, but Russian law gives them wide discretion in this regard, and an unsubstantiated claim that this might enable the criminal suspect to influence the investigation via other persons is a typical reply. However, to avoid the need to substantiate the claim altogether, the investigator may use the legal trick of formally designating family members and other persons of significance to the detainee legal witnesses after formally questioning them, irrespective of how little, if any, information of value for the investigation they may have. The status of a legal witness becomes a legal obstacle for subsequent direct human contact.

¹⁰⁵ Novaya Gazeta, What else do you want me to do? (Что вы хотите чтоб я еще сделал?) ,5 June 2024, available at: <https://novayagazeta.ru/articles/2024/06/05/cto-vy-hotite-ctob-ya-eshe-sdelal/>

¹⁰⁶ Committee to Protect Journalists, *Russian extends detention of Alsu Kurmasheva for 2 months, 31 May 2024*, available at: <https://cpj.org/2024/05/russia-extends-detention-of-journalist-alsu-kurmasheva-for-2-months/> ; Russian brings new charges against jailed journalists Alsu Kurmasheva and Maria Ponomarenko , issues arrest warrant for exiled journalist Masha Gessen, 14 December 2023, available at: <https://cpj.org/2023/12/russia-brings-new-charges-against-imprisoned-journalists-alsu-kurmasheva-and-maria-ponomarenko-issues-arrest-warrant-for-exiled-journalist-masha-gessen/>

ARTIST ALEKSANDRA (SASHA) SKOCHILENKO



© Photos from the private collection of Aleksandra's partner

Sasha (Aleksandra) Skochilenko, an artist from Saint Petersburg, was arbitrarily arrested on 11 April 2022, under the charge of “public dissemination of false information about the use of the Russian Armed Forces abroad” (Article 207.3(2)(d) CC). Since the start of Russia’s full-scale invasion in Ukraine, Sasha had participated in peaceful street protests against the war, and in March 2022 she changed several price tags in a supermarket for stickers with anti-war messages. It was this action that brought on the prosecution. On 13 April 2022, the St Petersburg Vasileostrovsky District Court ordered that she must be detained on remand. She was first detained in a Temporary Detention Facility (IVS) and then moved to the remand facility (SIZO), despite her several serious health conditions. On 16 November 2023, the same court sentenced her to seven years’ imprisonment.

During the entire first year of her incarceration, Sasha Skochilenko was not given permission to call or have a visit from her partner Sonya Subbotina. Sonya told Amnesty International that after Sasha’s arrest she herself was summoned for questioning, and, apart from Sasha having not committed anything criminal, it was clear to Sonya that as Sasha’s partner she did not have anything relevant for the investigation to share. Nonetheless, the investigator still made her a witness in the case.¹⁰⁷ The fact that Sonya was not needed as a witness became apparent at the point when the prosecution submitted the case to the judge, upon which Sonya’s status as a witness was finally lifted. All this time, the two women could only communicate through letters, which were inevitably censored. Reflecting on this situation in a media interview Sonya Subbotina said: “Not to hear [her] voice, not to see a person in front of you is very difficult psychologically.”¹⁰⁸

When in April 2023, a year after Sasha Skochilenko’s arrest, Sonya’s visits were finally allowed, they could meet for one hour twice a month, and have a phone call once a week. During the visits, they were separated by a thick glass wall and could only talk via a special telephone. This way of organizing visits deprives people of human contact. Sonya Subbotina told Amnesty International that “after a year of separation I am so glad I can see Sasha. I would love to hug her, but it is impossible.”¹⁰⁹

The practice of arbitrarily designating family members as “witnesses” is especially problematic when these are the detainee’s children.

¹⁰⁷ Interview of Sonya Subbotina, 22 May 2024, on file with Amnesty International

¹⁰⁸ Novaya Gazeta, Sasha started to feel much better after the sentencing, (После приговора Саше стало гораздо легче), 6 January 2024, available at: <https://novayagazeta.ru/articles/2024/01/06/posle-prigovora-sashe-stalo-gorazdo-legche>

¹⁰⁹ Interview of Sonya Subbotina, 22 May 2024, on file with Amnesty International

JOURNALIST MARIA PONOMARENKO



© Maria Ponomarenko

In April 2022, journalist **Maria Ponomarenko** was arbitrarily arrested and detained on remand by Saint Petersburg Oktyabrsky District Court on the charge of “dissemination of false information about the Russian Armed Forces” (Article 207.3(2)), for her social media posts on Telegram about the bombing of the drama theatre in Mariupol.¹¹⁰ It transpired during the court hearing that the investigator had questioned Maria’s daughters, who were then 13 and 16 years-old, as “witnesses”. In fact, according to media reports, the claim that Maria could “influence the witnesses”, that is her children, became the grounds for her detention on remand, in conjunction with the prohibition to communicate with her children.¹¹¹

CORRESPONDENCE WITH PRISONERS WITHHELD BY THE PENAL AUTHORITIES

The withholding of correspondence between the detainee and their family members, friends or other significant persons, has been used by the authorities not only during the investigation stage but also post-conviction. Various imprisoned dissenters and their families have complained that letters sent to detainees/prisoners, or letters sent by them, are not being delivered.¹¹²

For instance, on 4 June 2024, imprisoned activist and former municipal councillor **Aleksei Gorinov** wrote in a letter, published on Telegram by his supporters, that the penal administration had not been passing him letters for two weeks. He was not informed of any reason for that.¹¹³

Amnesty International spoke with several people who regularly write to persons imprisoned on politically motivated charges, including the imprisoned opponents of the invasion of Ukraine. Anna, an activist who is regularly corresponding with imprisoned journalist Maria Ponomarenko, told Amnesty International in May 2024 that while Maria was held in SIZO-1 remand centre in Barnaul, Altai Krai (Southern Siberia), letters from her would come regularly. However, the situation changed after her transfer to the penal colony IK-22 in Shipunovo, also in Altai Krai. According to Anna, she had not received a single letter from Maria

¹¹⁰ For details of the bombing itself, see: Amnesty International *Ukraine: Deadly Mariupol Theatre Strike ‘A Clear war Crime by Russian Forces’*, 30 June 2022, available at: <https://www.amnesty.org/en/latest/news/2022/06/ukraine-deadly-mariupol-theatre-strike-a-clear-war-crime-by-russian-forces-new-investigation/>

¹¹¹ Kommersant, Presumption of strictness. Journalist arrested because of per post about death of people in Mariupol (Презумпция строгости. Журналистку арестовали из-за поста о гибели людей в Мариуполе), 28 April 2022, Available at: <https://www.kommersant.ru/doc/5329224> and Meduza, Journalist Maria Ponomarenko is detained in St Petersburg under “fake news about the army” charges because of her post about a demolished theatre in Mariupol (В Санкт-Петербурге журналистку Марию Пономаренко арестовали по делу о «фейках «про российскую армию из-за поста об уничтоженном театре в Мариуполе), 27 April 2022, available at: <https://meduza.io/news/2022/04/27/v-peterburge-zhurnalistku-mariyu-ponomarenko-arestovali-po-delu-o-feykah-pro-rossiyskuyu-armiyu-iz-za-posta-ob-unichtozhenom-dramteatre-v-mariupole>

¹¹² See, for instance, <https://t.me/rusnews/55056>

¹¹³ See, <https://web.telegram.org/a/#-1001700462575>

Ponomarenko from Shipunovo. The activist was worried that she has not heard any news from Maria since 6 March.¹¹⁴

Some friends and colleagues of imprisoned dissenters, who themselves are well-known civil society activists and who have spoken with Amnesty International, claim that there is a ban in place on correspondence with their contacts in penal colonies imposed by the administrations.

For instance, human rights defender Nadezhda Nizovkina told Amnesty International that she had not received a single letter from her fellow activist and friend Natalya Filonova, incarcerated in IK-11 penal colony in the village of Bozoy, Irkutsk region. Both activists are in Eastern Siberia but over 600 kilometres apart. According to Nadezhda Nizovkina's information, no letters from her are being delivered to Natalia Filonova either. Even the Power of Attorney that Nizovkina sent for signing by Filonova to be able to act as her defender, has not been handed over to Filonova in the colony, according to Nadezhda Nizovkina. Nadezhda Nizovkina believes that she is on the penal authorities' "blacklist" and that there is a ban on her correspondence. Other letters that are being sent to and from Filonova are heavily censored and being delivered with two months' delay. According to Nadezhda Nizovkina, Natalia Filonova has not been given a single social visit yet and is severely limited in her phone calls too.¹¹⁵ⁱ

"Transferring her far away together with restricting her correspondence is done to isolate her, not to allow her to tell what is happening to her."¹¹⁶

Another activist interviewed by Amnesty International, who asked to remain anonymous, also described a ban on their letters and also that when they requested to visit their incarcerated friend in a remand centre they were openly told by the penal administration that they would not be allowed in.¹¹⁷

DUPLICITOUS TACTICS TO DENY APPROVED VISITS

As the cases illustrated below show, the authorities are regularly practicing early transfer of prisoners from the remand centre where they were held during the investigation and trial to penal institutions, before their appeal hearing takes place and thus, before their sentence comes into force. Often, the early transfer means that a planned family visit is suddenly cancelled. Thus, families, like in the case of Oleg Orlov, described below, are deprived of the opportunity to see their loved ones before their transfer, often hundreds or thousands of kilometres away. At that point, the authorization for a family visit is issued by the same court as the authorization for the transfers, which means that the respective judicial authorities are acting knowingly, or at least in full knowledge of the consequences of the early transfer for the convicted person, of their family, and of the well-being of both.

¹¹⁴ Interview with Anna, 3 May 2024, on file with Amnesty International.

¹¹⁵ Interview with Nadezhda Nizovkina, 9 May 2024, on file with Amnesty International

¹¹⁶ Nadezhda Nizovkina's interview with Amnesty International

¹¹⁷ interview with an activist who preferred to remain anonymous, 18 May 2024, on file with Amnesty International

SUDDEN PRISONER TRANSFER AHEAD OF PLANNED FAMILY VISIT

OLEG ORLOV



© Amnesty International

On 27 February 2024, veteran human rights defender and co-chair of the Human Rights Defence Centre Memorial, Oleg Orlov, was sentenced to two years and six months' imprisonment under Article 280.3(1) of the Russian Criminal Code "discreditation of the Russian Armed Forces." Oleg Orlov had been convicted on this "crime" earlier, by the Moscow Golovinsky District Court, and issued with a RUB 150,000 (USD 1,500) fine,¹¹⁸ but the new, custodial sentence was imposed on prosecution's appeal. Oleg Orlov's specific "crime" consisted of posting the Russian translation of his own article "They wanted fascism, they got it" (published in French by Mediapart) on Facebook. The article presented Oleg Orlov's analysis of the dire political and human rights situation in Russia following its full-scale invasion of Ukraine.

Once his new sentence was announced, Oleg Orlov was arrested in the courtroom and placed in Moscow's SIZO-5 remand centre, pending a hearing on his appeal against his conviction and sentence. That day, 27 February 2024, was the last time that his wife, Tatiana Kasatkina, saw him in person. She requested permission to see him, but it was only granted by the presiding judge on 11 April, over six weeks later but still before his appeal was heard.

However, the following night, in the early hours of the morning of 12 April 2024, Oleg Orlov was taken away. Neither Oleg Orlov, nor his lawyer or his wife had had any forewarning about the transfer. Its timing, literally hours after the family visit was granted, could hardly be coincidental. Prisoner transfers require judicial approval, and as Tatiana Kasatkina put it in an interview with Amnesty International, the application for Oleg Orlov's transfer "could not have passed by" the presiding judge who granted her a meeting with her imprisoned husband, "she [the judge] knew about it or even had signed it [herself]."¹¹⁹ It is difficult to conceive of this treatment of Oleg Orlov and his family as anything other than a blatant violation of his right to be visited by and to have contact with his family.

To add to this, nothing was known of Oleg Orlov's whereabouts and destination until 15 April, when he arrived at SIZO-1 in Samara, a city over 1,000 kilometres southeast of Moscow. Tatiana Kasatkina recalled:

“The lawyer called me to say that he is in Samara. What [do you mean] Samara? I was hoping to have a visit the following week. I was so much looking forward to it. They should not have transferred him like that. They should have duly informed his lawyer. However, nothing of the sort has been done.”¹²⁰

Two days later, on 17 April, Oleg Orlov’s lawyer went to visit him in Samara but he was no longer there: he had already been sent on another prisoner transfer journey, this time to SIZO-2 in Syzran, 170 km from Samara, a journey which lasted over 12 hours. On 22 April, the lawyer went there, only to find out that upon arrival Oleg Orlov had been placed in the so called “special block” – a section of the prison with higher level security measures and 24-hour video monitoring of the cell by the prison guards.

According to the lawyer, both transfers were difficult for the 71-year-old imprisoned human rights defender, who was recovering from an illness at the time and had been feeling very tired.¹²¹ Syzran is only three hours’ drive away from Samara, but prisoner transfer is long and painful. Tatiana Kasatkina explained:

“I do not know how it was possible to drag out the three-hour journey into 12 hours. They were transported by railway, in overcrowded carriages. They were not given proper food – no cooked food, only dry rations. Why prisoners are being transported for such a long time? What need is there to transport them in overcrowded carriages? I do not understand.”¹²²

Oleg Orlov and his defence lawyer complained to the prosecutor’s office against the decision to transfer and requested to return Oleg Orlov to Moscow so he could take part in the appeal hearing in person. However, these requests were not granted. On 7 June 2024, the Moscow City Court started the appeal hearing which the human rights defender could only participate in via a video link. At the hearing, Oleg Orlov’s lawyer again requested his return to Moscow but this request was rejected by the court. The hearing was adjourned until 11 July.¹²³

On 13 June, Tatiana Kasatkina finally visited her husband in SIZO-2 in Syzran.¹²⁴

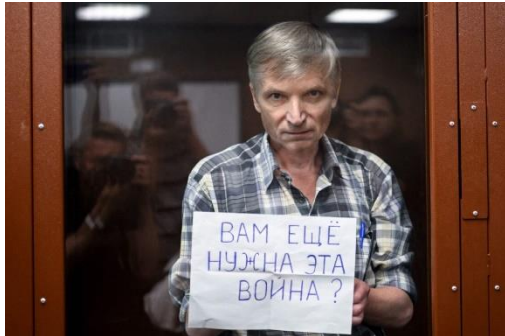
ISOLATION OF PRISONERS AHEAD OF PLANNED FAMILY VISIT UNDER ARBITRARY DISCIPLINARY PROCEEDINGS

Another apparent form of harassment widely used by the penal authorities is the arbitrary imposition of disciplinary measures, such as placing the prisoner in isolation, just before the family arrives on a pre-approved visit. This form of harassment of prisoners and their families has been used in previous years, and most recently has been repeatedly used against some of the protesters and other imprisoned dissenters.

¹²³ Memorial Human Rights Defence Centre, Live stream of Oleg Orlov’s appeal hearing, 7 June, available at: <https://memorialcenter.org/ru/news/translyacziya-suda-nad-olegom-orlovym-apellyacziya-7-iyunya>

¹²⁴ See, <https://t.me/polniypc/7624>

ALEKSEI GORINOV



© AFP via Getty Images

Aleksei Gorinov, a former Moscow councilor, was sentenced in July 2022 to seven years' imprisonment for his anti-war statement at the municipal council meeting in March of the same year. He became the first person to be imprisoned under the newly introduced "crime" of "dissemination of knowingly false information about use of the Russian Armed Forces abroad" (Article 207.3 CC). He is serving his sentence in Vladimir Oblast, almost 200 kilometers away from his home.

On 7 September 2023, he was arbitrarily placed in a segregation unit (SHIZO) until 13 September, allegedly for refusing to introduce himself to a penal officer. According to the human rights NGO OVD-Info, on the day when he was due to be released, the authorities incarcerated him there again for another alleged penal regime violation. This was on the eve of the planned visit by his family. As a result, the family travelled to the colony but their meeting did not take place, and the parcel that his family had brought was also not accepted for him.¹²⁵

The use of such duplicitous tactics to target prisoners convicted under trumped-up, politically motivated charges, e.g., placing them in punishment cells during the days when their families are expected to visit, appears a deliberate and widespread form of harassment of both the prisoners and their families.

Opposition politician **Ilya Yashin** is serving his eight and a half years' prison sentence imposed under trumped-up charges, for his YouTube stream about the killing of civilians by members of Russian forces in Ukrainian town of Bucha.¹²⁶ In May 2024, he was placed in SHIZO for 15 days for allegedly getting off his bed in the morning three minutes later than he was supposed to. Like in the case of Aleksei Gorinov, this punishment was imposed on the eve of his family's visit, and its timing appears anything but coincidental. These are his own words about the reason for his disciplinary punishment:

"In reality the reason is in the administration's decision to obstruct the visit of my parents to which I am entitled by law. The three-day visit should have started on Monday. However, on Friday I was locked up in SHIZO which excludes communication with the family. They [the administration] deliberately waited until Friday evening so that I definitely would not have a lawyer visiting, who could then go and warn my parents [not to come]. That is, they did not just obstruct this visit, they did everything so that my father and my mother travelled 300 km only to hear at the penal colony's gates that their son is in a punishment cell and that they must go back home. This is a dirty trick. Ok, I understand that there is a request [from the Kremlin] to put more pressure on me for political reasons. [...]. However, the question to the

¹²⁵ See, <https://t.me/ovdinfo/19199>

¹²⁶ Amnesty International, *Russia: Opposition politician Ilya Yashin sentenced to eight and a half years in jail for denouncing Russia's war crimes in Ukraine*, 9 December 2022, available at : <https://www.amnesty.org/en/latest/news/2022/12/russia-opposition-politician-ilya-yashin-sentenced-to-eight-and-half-years-in-jail-for-denouncing-russias-war-crimes-in-ukraine/>

penal administration is: what does it have to do with my mother? She is not a politician, not an opposition figure. Why do you bully her? Do you realize that you punish her more than me?"¹²⁷

Family members of other imprisoned dissenters, interviewed by Amnesty International, expressed similar indignation; one of them called such treatment “a sheer mockery” of the prisoners and their loved ones.¹²⁸ It is, indeed, deeply upsetting to be turned away at the prison gate, after much anticipation and often after a very long journey. One of the interviewees also pointed out that a family visit takes a long time to prepare for. Visitors are only allowed to bring one single parcel for the prisoner, and its contents must be carefully considered, prepared and packed, and be strictly compliant with the rules of the prison, which differ from one penal institution to another. Everything must be checked and double checked: what is allowed to be brought in, the weight, the package, the description on the package and of all the items within it. Any minor inconsistency could mean that the parcel will not be accepted which would, in turn, mean that the prisoner has to wait for the next one for several months, including waiting for good nutritious food and various necessary items. The interviewee described the pain this brings:

“When you chose every apple, when you have to make sure that every apple is properly packed and the package describes this apple correctly and the weight of this apple is right, you feel as if a part of your soul has been taken away from you, when you are turned away at the prison gates.”¹²⁹

8. CONCLUSION

For at least two decades, the authorities have been subjecting civil society in Russia to ever increasing pressure. After the full-scale invasion of Ukraine in February 2022, the degree of pressure has grown dramatically. The authorities are consistently extinguishing any aspects, any display of dissent, including by unjustly imprisoning their opponents on politically motivated charges. As if such measures are not enough to persecute those who speak out, the authorities have also been putting additional pressure on the incarcerated dissenters by depriving them of the contact with the outside world, including of the contact with their families. Existing gaps and shortcomings of the penal legislation – which does not fully comply with international standards on treatment of detainees – as well as lack of independence, integrity and impartiality in the law enforcement and penal system, have made it possible. In the current political climate, there is no political will to reform the system and it is difficult to expect or imagine positive change. Yet, this change must take place – and sooner rather than later – if the Russian authorities truly desire Russia to be prosperous, robust and with its society thriving, overall.

Resuming the reform of the penal system and penal legislation to bring it in line with international human rights standards, releasing those who have been unjustly prosecuted and ensuring restitution of their rights would contribute to a more humane and just society and to a fuller development of its human potential. It is in the Russian state’s own interests to follow the recommendations listed below and take meaningful steps to embark on this reform.

¹²⁷ See, https://t.me/yashin_russia/951

¹²⁸ Anonymous interviewee, 18 May 2024, on file with Amnesty International

¹²⁹ Anonymous interviewee, 22 May 2024, on file with Amnesty International

9. RECOMMENDATIONS

Amnesty International calls on the Russian authorities to:

I.: ADDRESS HUMAN RIGHTS VIOLATIONS OF DETAINEES AND PRISONERS AND PROVIDE THEM WITH ADEQUATE REPARATION

1. Immediately and unconditionally release all persons deprived of their liberty solely for exercising their rights to freedom of peaceful assembly, expression and association, including all those, who have protested or spoken against the Russian invasion of Ukraine;
2. Ensure that all those who have been arbitrarily detained and prosecuted under unfounded charges (including false charges and charges based purely on the exercise of freedom of expression, including criticism of the Russian authorities and armed forces, independent journalistic activities, etc.) receive effective remedy and full and adequate reparation for the violations suffered, including full rehabilitation, financial compensation, guarantees of non-repetition and full restitution of their rights;
3. Provide full and adequate reparation to all persons who have suffered violation to their right to family life by having their close relatives or partners arbitrarily deprived of their liberty, and/or by being denied family visits, telephone calls and other forms of contact, including full compensation to those who undertook long and expensive travel but were arbitrarily refused meetings with the detainee/prisoner they came to see;
4. Conduct prompt, thorough, impartial and independent investigations into all cases of violations of human rights of individuals who have opposed the Russian war against Ukraine, other dissenters, and all detainees and prisoners; violations including fabrication of charges, denial of the right to a fair trial, torture and inhuman or degrading treatment, violation of the right to family life, including through abuse of authority on the part of law enforcement agencies and penal service; and bring all those responsible to justice in a fair trial proceedings;

II. REPEAL OR AMEND LEGISLATION REGULATING FREEDOM OF ASSEMBLY, EXPRESSION AND ASSOCIATION TO BRING IT IN LINE WITH RUSSIA'S OBLIGATIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW

1. Repeal “war censorship” legislation, including Articles 207.3 and 280.3 of the Criminal Code and Article 20.3.3 of the Code of Administrative Offences as they unduly restrict and criminalize the freedom of expression
2. Repeal “foreign agents” and “undesirable organizations” legislation in its entirety;
3. Repeal or amend all other legislation that impacts enjoyment of the rights to freedom of peaceful assembly, expression and association and ensure it is fully compliant with Russia’s human rights obligations;

III. BRING ALL LEGISLATION AND PRACTICE CONCERNING CRIMINAL AND ADMINISTRATIVE PROCEDURES AND GOVERNING PENITENTIARY INSTITUTIONS IN LINE WITH RUSSIA'S HUMAN RIGHTS OBLIGATIONS AND INTERNATIONAL STANDARDS, and in particular

1. Take all necessary legislative, administrative and other steps to ensure detainees and prisoners’ effective contact with the outside world, including
 - 1.1. Ensure that all detainees and prisoners are entitled to, guaranteed, and can make use of, regular telephone calls and regular (no less frequent than monthly) family/social visits, and ensure that the

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authorities (investigation officers, prosecutors, judges, penitentiary administration) do not have the discretion to deny them such calls or visits arbitrarily, on the basis of ill-defined or unfounded grounds, or as a form of reprimand for disciplinary offences;

1.2. Where there are legitimate and well-founded concerns that merit strictly necessary restrictions on communication between detainees/prisoners and their family members or other persons, such restrictions should not prevent phone calls or visits as such, but should instead be addressed via special calling/visiting arrangements (such as technical means for example) that are proportionate, appropriate, time-bound and subject to ongoing review;

1.3 Establish an independent, impartial and effective complaints mechanism to allow detainees and their families to challenge any restrictions on their communications;

1.4. Upgrade the premises for the visits to remove physical barriers between detainees and their visitors and use other arrangements to ensure security and any other legitimate objectives instead;

1.5. Prohibit and end incommunicado detention and ensure that prisoners'/detainees' families and lawyers are kept informed of their whereabouts.

1.6. Amend the Law "On Defendants' Detention" and the Code of Execution of Criminal Sentences to guarantee that detainees and prisoners subjected to disciplinary punishment do not lose contact with the outside world, including their entitlement to phone calls and family visits;

1.7. Ensure that prisoners' correspondence is screened without delay, strictly within the time frame established by law, and is subject only to the minimum, legitimate and strictly necessary restrictions clearly defined in law. Ensure that all instances of alleged arbitrary withholding of any pieces of detainees/prisoners' correspondence are investigated and immediately addressed, and all those deemed responsible are subjected to the appropriate disciplinary or other proceedings;

2. Amend the legislation and practice as necessary to ensure that disciplinary sanctions are not abused or applied arbitrarily by the penitentiary authorities, including as a form of pressure, harassment or retribution against detainees/prisoners. In particular:

2.1. Ensure that disciplinary punishments are proportionate to the alleged offence or infringement, are properly documented, and are imposed via fair and due process by competent authorities;

2.2. Amend the Rules of Internal Regime to exclude the current over-regulation of every personal aspect of prisoners'/detainees' life within penal institutions which allows for abuse by the penitentiary administrations and for unlawful restriction of individual rights;

2.3. Explicitly exclude minor infringements of the regime (such as those described in this document) from the list of violations of the institutional regime punishable by disciplinary incarceration.

3. Fully implement the decisions of the European Court of Human Rights, including general measures, in all cases where the Court has ruled on applications against Russia, including in relation to prisoners' right to family life and freedom from torture.

4. Apply the European Convention for the Prevention of Torture, cooperate with the Committee for the Prevention of Torture (CPT), including by enabling its visit to Russia. Publish the outstanding CPT reports.

Amnesty International calls **on the international community** to:

1. Continue monitoring the human rights situation in Russia and maintain sustained international scrutiny over Russia's repressive laws and policies by raising these concerns in multilateral fora and in bi-lateral meetings with the Russian authorities;

2. Enhance scrutiny and visibility for the plight of those unjustly imprisoned on politically motivated charges in Russia and the practice of arbitrarily depriving these individuals of contact with the outside

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world. This includes by raising individual cases and addressing Russia's policies and practices in public statements, UN resolutions and other public communications on the human rights situation in Russia.

3. Ensure that diplomatic representations in Russia closely monitor court proceedings and prison conditions of individuals prosecuted under unfounded charges, solely for exercising their rights to freedom of peaceful assembly, expression and association.
4. Work with international partners and organisations to provide support to individuals prosecuted and unjustly imprisoned on politically motivated charges, including by offering medical and legal assistance and requesting access to prisons;
5. Continue raising with the Russian authorities, concerns regarding individual cases of those prosecuted on unfounded, politically motivated charges, including those mentioned in this document, and insisting on their immediate and unconditional release;
6. Provide advice and assistance in developing and implementing penal reform in Russia, wherever there may be scope or opportunities for such reforms;
7. Enhance financial and other necessary support to UN Special Rapporteur on Russia and other Special Procedures to enable effective ongoing monitoring, documentation and reporting, with a view to ensuring accountability for human rights violations in Russia. This includes by supporting the renewal of the UN Special Rapporteur's mandate at the 57th session of the UN Human Rights Council and urging the Russian authorities to cooperate and allow all UN Special Procedures unhindered access to the country;
8. Support, explore and develop the existing international accountability mechanisms, and consider creating additional ones where the need and opportunity exists, to bring to justice those in Russia who are responsible for human rights violations;
9. Continue providing support to Russian human rights defenders, lawyers and activists documenting and challenging human rights violations in Russia, including by ensuring prompt and efficient access to visas, relocation and other support for those at risk of prosecution; and
10. Where required, support rehabilitation of dissenters released from imprisonment.

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

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