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Meeting: 1507<sup>th</sup> meeting (September 2024) (DH)

Communication from NGOs (EHRAC, Stichting Justice Initiative) (13/08/2024) concerning the cases of Kutayev and Kogan and Others v. Russia (Applications No. 17912/15, 54003/20) (Khashiyev and Akayeva group).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1507<sup>e</sup> réunion (septembre 2024) (DH)

Communication d'ONG (EHRAC, Stichting Justice Initiative) (13/08/2024) relative aux affaires Kutayev et Kogan et autres c. Russie (requêtes n° 17912/15, 54003/20) (groupe Khashiyev et Akayeva) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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13 August 2024

## COMMUNICATION

**In accordance with Rule 9.2. of the Rules of the Committee of Ministers of the Council of Europe regarding the supervision of the execution of Judgments in the case of *Kogan and Others v Russia* (54003/20)**

### I. Introduction

1. We welcome the Committee of Ministers' decision to examine the execution of the case of *Kogan and Others v Russia* (54003/20) at the 1507th CM DH meeting on 17-19 September 2024 and write to lodge submissions pursuant to Rule 9(2) of the Committee of Ministers' Rules for the Supervision of the Execution of Judgments in respect of this case. The submission is made by the European Human Rights Advocacy Centre (EHRAC) and the Stichting Justice Initiative (SJI).
2. The **European Human Rights Advocacy Centre (EHRAC)** is an apolitical legal centre based within Middlesex University Law School, which advances the protection of human rights in Russia, Ukraine, Armenia, Georgia and Azerbaijan. EHRAC collaborates with human rights defenders in the region to litigate ground breaking strategic cases to secure justice and challenge impunity. Our activities focus around three thematic programmes: conflict related human rights abuses, discrimination, and democratic accountability and rule of law. Since its inception, EHRAC has been working in partnership with civil society in Russia to litigate human rights cases and have brought over 270 complaints against Russia to date. Its successful judgments from the European Court of Human Rights

includes a case of 73 Russian NGOs in the first international judgment on the Foreign Agents Law (Ecodefence and others v Russia).

3. The **Stichting Justice Initiative (SJI)**, established in 2001, provides legal assistance to victims of human rights violations across the former Soviet Union. It aims to ensure that victims have access to effective remedies at both national and international levels. The organization focuses on conducting research on grave human rights violations in Russia, disseminating its findings, and leading initiatives to combat these abuses. In addition to representing victims of enforced disappearances in both domestic and international procedures and conducting research and spreading information about the issue of enforced disappearances in the Russian North Caucasus region, SJI also works on the human rights of vulnerable groups. This includes advocating for the rights of individuals who are at increased risk due to political, social, or economic factors, ensuring that their needs and rights are recognized and protected in the broader fight against human rights violations.

## II. Summary of the case

4. This case concerns two human rights lawyers, Ms Kogan (a US citizen) and Mr Avetysan (a Russian citizen) and their two minor children (both US and Russian citizens) who were forced to leave Russia in April 2021 following the revocation of a residence permit of Ms Kogan on undisclosed ‘national security grounds’ in November 2020. The lawyers’ work included representing victims of human rights violations before the European Court of Human Rights and making submissions to the Committee of Ministers concerning execution of the Court’s judgments in cases they have litigated. Many such cases concerned the human rights situation in the Chechen Republic and surrounding North Caucasus region.
5. The Court found a violation of the applicants’ right to family life under Article 8 of the Convention in that the unjustified revocation of the residence permit has significantly disrupted the family life of the applicants and the professional activities of the first two applicants. It also found that the domestic courts examined the case in a purely formal manner and deprived Ms Kogan of a possibility to challenge the allegations against her in adversarial proceedings. It further established that the proceedings were tainted with gross procedural defects undermining their fairness and went beyond the permissible procedural limitations in cases of expulsion on national security grounds.
6. The Court also found a violation of Article 18 of the Convention in that the revocation of the residence permit of Ms Kogan pursued an ulterior purpose and that ‘it was carried out, predominantly, for punishing the first and second applicants for their activities in the area of human rights and preventing them from continuing those activities in Russia’ (para 77). The Court noted that such ulterior purpose is of particular gravity, given the prominent role of human rights defenders in a democratic society. When establishing the violation of Article 18 of the Convention in this case, the Court also took into consideration ‘the overall hostile context and the political and social climate in which many NGOs, human rights defenders and other civil society actors were operating in the past years in Russia,

including severe restrictions on their funding or on their projects resulting in significant “chilling effect” on their activities’ (para 76).

7. Finally, the Court also found that the authorities failed to comply with its obligations under Article 38 of the Convention on account of its lack of cooperation and unjustified refusal to submit the requested material, which unnecessarily burdened the Court’s task of clarifying important issues in the present case.

### **III. Focus of this submission**

8. We believe it is important that the Committee of Ministers considers this case in the wider repressive context for human rights defenders and non-governmental organisations (NGOs) in the country, where revocation of residence permits is one of the many tools used against them. This submission therefore aims to provide the Committee of Ministers with a concise overview of the various legal tools the Russian authorities use to create a hostile environment for human rights defenders and NGOs, thereby restricting their ability to conduct human rights work and punishing them for their efforts. Certain communities are particularly disproportionately impacted by the civil society repression, such as NGOs representing communities from the North Caucasus region, LGBTQI+ survivors of human rights abuses, and NGOs working on the issues surrounding the war in Ukraine.
9. In 2020, when examining this case, the Court was informed of the overall hostile political and social climate and the various severe restrictions introduced through domestic legislation and other repressive measures targeting human rights defenders and the civil society more broadly (see para 5 above). The situation significantly deteriorated after February 2022. This submission therefore seeks to provide an overview on related developments since 2022.<sup>1</sup> The below list of repressive tools and cases illustrating the application of such tools is not exhaustive and is aimed to demonstrate a negative trend of further silencing of civil society actors in the last two years, compelling them to cease or significantly reduce their activities and, in many instances, leave the country.

### **IV. Revocation of residence permit and citizenship**

10. As illustrated by the case of Ms Kogan, revocation of a residence permit is an effective tool by the authorities to deprive a foreign human rights defender working in Russia from a possibility to continue their work and to make them leave the country. The case of Ms Kogan is not an isolated case in this context. In July 2014, another American human rights defender, Jennifer Gaspar, had her [residence permit revoked](#) by the Russian authorities, following an undisclosed report by FSB stating that she posed a national security threat, forcing her to leave the country. Ms Gaspar worked with human rights organisations in Russia and married a prominent Russian lawyer, Ivan Pavlov, who was eventually also forced to [leave the country in 2021](#), following his [criminal prosecution](#) related to his work as a defense attorney in the high-profile high treason case against journalist Ivan Safronov. In its [judgment of 12 June 2018](#), the ECtHR ruled that the revocation of the residence permit of Ms Gaspar violated her right to a private life in that it has a huge negative effect

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<sup>1</sup> The submission also refers to laws adopted before 2022 where relevant for the completeness of the issue addressed.

on her private life and that of her family and that she was not able to effectively challenge it due to the undisclosed nature of the FSB decision.

11. The Russian authorities have also used citizenship laws to suppress Russian nationals for their activism and criticism. In October 2022, a prominent climate activist Arshak Makichyan had his [Russian citizenship revoked](#). A Russian court, in its decision to revoke the activist's citizenship, referred to allegedly false information that he had provided about himself when applying for the Russian citizenship in 2004, at the age of 10, in violation of the [Law on Citizenship of the Russian Federation](#). Following the revocation of his Russian citizenship, Mr. Makichyan became stateless as he had no other citizenship. Furthermore, in February 2023, his family members – his father and two brothers – have been [stripped of their Russian citizenship](#) and were given three days to leave the country.
12. In April 2023, [amendments to the Law on Citizenship of the Russian Federation](#) introduced a particular ground for the deprivation of citizenship for "committing actions that threaten the national security of the Russian Federation," with a separate procedure outlined for making such decisions. The decision to revoke citizenship will be made by the Ministry of Internal Affairs (MVD) based solely on the assessment provided by the Federal Security Service (FSB). Given the challenges highlighted in relevant ECtHR case law regarding access to FSB materials—particularly the complete lack of transparency surrounding the grounds for such decisions—this expansion of FSB powers is especially concerning. The agency's involvement in revoking residency permits has already been criticized by the ECtHR in cases such as *Kogan and Others* and *Gaspar*. These new measures not only disregard existing ECtHR rulings but also represent a significant escalation in the Russian government's approach to citizenship and national security.

## V. Overview of Russian legislation and its application to target human rights defenders, NGOs and civil society generally

13. In the recent years, series of legislative amendments have been made to domestic legislation negatively affecting the work of both domestic human rights defenders and NGOs and international NGOs working on/in Russia, and used in practice against them.

### 5.1. Foreign Agents Act

14. The "foreign agents" legislation represents one of the most frequently utilized instruments for suppressing various civil society actors. Adopted in 2012, this legal regime [imposes restrictions](#) on the activities of organizations and individuals, and is accompanied by stringent administrative and criminal sanctions. Many prominent human rights organizations have been compelled to significantly restructure their operations or even dissolve as a result of the burdens imposed by this legislation.
15. In June 2022, the ECtHR acknowledged that this law “severely restricted the ability of the applicant organisations to continue their activities, because of the negative attitude of their target groups and because of the regulatory and legislative restrictions on involving “foreign agent” organisations in cooperation and monitoring projects. ... restricted their

ability to participate in public life and engage in activities which they had been carrying out prior to the creation of the new category of “foreign agent”” ([Ecodefence and others v. Russia](#), no. 9988/13 and other applications, 14 June 2022, para 42); “[t]he cumulative effect of these restrictions – whether by design or effect – is a legal regime that places a significant “chilling effect” on the choice to seek or accept any foreign funding, however insignificant the amount, in a context where opportunities for domestic funding are somewhat limited, especially in respect of politically or socially sensitive topics or domestically unpopular causes” (para 186).

16. Initially, designation as a "foreign agent" required a person or legal entity to engage in "political" activities and receive foreign funding. However, [since July 2022](#), the definition has been expanded to include anyone who receives support from or is otherwise under foreign influence while conducting certain activities. These broad and vague definitions effectively permit the labeling of virtually any public figure as a "foreign agent".
17. As of July 2024, the "foreign agents" register comprises 1,027 entries, which include human rights and charitable organizations, media outlets, individual journalists, legal practitioners, human rights advocates, politicians, academics, artists, and other stakeholders. According to [OVD-info](#), in 2022, the Ministry of Justice designated 188 individuals and legal entities as "foreign agents," representing a 42.6 percent increase compared to 2021. The Ministry attributes this rise to the increased volume of negative publications about Russian authorities and the situation in Ukraine. OVD-Info also [notes](#) that the Ministry maintains a register of individuals "affiliated" with "foreign agents." As of December 31, 2022, this list included 861 persons.
18. Violations of the “foreign agents” legislation, such as failure to label materials or submit reports, are subject to administrative penalties, as specified under [Article 19.34](#) of the Code of Administrative Offences (the CAO). Additionally, repeated violations may incur criminal liability under [Article 330.1](#) of the Criminal Code (the CC).
19. Statistics [indicate](#) that in 2022, 18 individuals were fined administratively under Article 19.34 of the CAO, totaling RUB 6.5 million (approx. 70,000 EUR). In 2023, the number of fines increased to 368 individuals, with a cumulative amount of RUB 25.1 million (approx. 270,000 EUR). In March 2024, state-affiliated media [cited](#) a representative of Roskomnadzor, who stated, “[w]e continue to hold foreign agents administratively liable for the lack of labeling in the materials they distribute. This year alone, we have imposed fines totaling 3.7 million rubles, with the cumulative amount exceeding 1 billion rubles.”
20. As of 2023, [OVD-info](#) reported that “57 people are one step away from criminal prosecution” under Article 330.1 of the CC. According to [Mediazona](#), this number had increased to 119 individuals by May 2024. Official judicial statistics indicate that there were no criminal *convictions* under Article 330.1 of the CC in 2023. However, in February 2023, [the first case](#) under Article 330.1(2) of the CC was initiated against Artem Vazhenkov, the coordinator of “Golos,” one of the most prominent Russian voter rights organizations. In March 2024, state-affiliated media reported that 13 cases had been initiated against individuals designated as "foreign agents" under Article 330.1(2) of the CC. By June 2024, the number of cases had [increased](#) to 25. As of the same date,

Roskomnadzor had [reportedly](#) referred information on a total of 45 "foreign agents" to the Investigative Committee for repeated failure to label materials.

21. Furthermore, individuals designated as foreign agents are more susceptible to various forms of prosecution, including criminal charges unrelated to their foreign agent status. Recent examples of prosecutions under various articles of the Criminal Code include human rights defenders [Oleg Orlov](#) and [Grigory Melkonyants](#), feminist activists [Daria Serenko](#) and [Zalina Marhenkulova](#), and journalists or public figures such as [Tatyana Lazareva](#) and [Dima Zitser](#), among others. OVD-info [suggests](#) that “[t]he practice of applying the law has also changed. Whereas previously the instrument of recognition as a «foreign agent» was primarily aimed at journalists, mass media and human rights activists, now this status has been extended to other parts of society. Standup comedians, musicians, writers, filmmakers and entrepreneurs have been recognized as ‘foreign agents’ over the past two years.”

## **5.2. Designation of a foreign organisation as undesirable in the Russian Federation**

22. Introduced in May 2015, the legislation permitted the designation of any foreign or international non-governmental organization as undesirable. On July 23, 2024, the State Duma passed amendments granting the authorities the power to designate as undesirable any foreign or international organization if its founder or a member is a foreign governmental body, excluding international intergovernmental organizations to which Russia is a member.
23. As the ECtHR summarized the law in [Andrey Rylkov Foundation and others v. Russia](#) (no. 37949/18 and others, 18 June 2024, paras 56-59):

‘56. Section 3.1(1) of Federal Law no. 272-FZ of 28 December 2012, introduced by Federal Law no. 129-FZ of 23 May 2015 (“the Undesirable Organisations Act”) and further amended on 27 December 2018 and 28 June 2021, establishes that any activities undertaken by a foreign or international non-governmental organisation (NGO) that threaten to undermine Russia’s constitutional order, national defence or State security may lead to the NGO being designated as undesirable in Russia. These activities may include actions that support or oppose candidates in an election, instigate a referendum, or aim to influence the outcome of an election or referendum.

57. Once designated as undesirable, the organisation will be prohibited from opening new structural units in Russia, and existing structural units are liable to closure. The organisation will be restricted from using accounts in Russian banks, engaging in property transactions, producing, distributing, or storing any materials in print or online, and carrying out any programmes or projects within Russia. Since the 2021 amendments Russian nationals and legal entities have been additionally barred from involvement in the activities of undesirable organisations outside Russia (sections 3.1(3) and 3.2).

58. The decision to designate an NGO as an undesirable organisation is made by the General Prosecutor's Office ("the GPO"), in consultation with the relevant foreign-policy government agency (section 4).
59. The GPO's decision is then forwarded to the Ministry of Justice, for inclusion in a register of undesirable organisations and publication on the Ministry's website (sections 6 to 8).'
24. Since its enactment and up until August 2024, approximately 178 organizations have been included to this list, primarily human rights NGOs (e.g., Transparency International, Agora, Article 19, Greenpeace International) and independent media outlets (e.g., Meduza, Important Stories, TV Rain, The Insider, Novaya Gazeta Europe).
25. Finding the violation of Article 11 of the Convention in [Andrey Rylkov Foundation and others v. Russia](#), the ECtHR stated that "the interference arising from the designation of the applicant organisations as "undesirable" failed to satisfy the "prescribed by law" criterion, being both unforeseeable and arbitrary. The domestic law did not provide the applicant organizations with adequate and effective safeguards against the abusive use of the unchecked discretion granted to the executive, leaving them vulnerable to arbitrary designation without the means for a pre-emptive or meaningful challenge" (para 94).
26. When a foreign organization is designated as undesirable in Russia, restrictions extend beyond the organization itself to other individuals and entities. Under the threat of administrative or criminal sanctions (Articles 20.33 of the CAO and 284.1 of the CC), individuals are prohibited from: participating in the activities of the undesirable organization, including disseminating its materials; providing or raising funds or offering financial services intended to support the organization's activities; organizing the activities of the undesirable organization.
27. Mass Media Defence Centre reports that as of 2023, there has been [at least 326 cases](#) of prosecution for administrative offence of "Participation in the activities of undesirable organisation" (Article 20.33 of the CAO). At least [185 cases](#) were associated with participation in [Open Russia](#) ("Open Russia" and "Open Russia Civil Movement", the UK-registered organisations established by Mikhail Khodorkovskiy). In more than [67% of the cases](#) people were prosecuted for participation in or the organisations of the events of various undesirable organisation. In 18.4% of the cases, for dissemination of materials, including logos and information on upcoming events.
28. In 2024, administrative prosecution of independent journalists for participation in the activities of undesirable organisations [intensified](#). Thus, [Dmitry Bukov](#), [Andrey Soldatov and Svetlana Reiter](#), [Marfa Smirmova](#) and other journalists and writers have been prosecuted. Moreover, there has been a rising trend of prosecutions targeting [ordinary readers](#) for reposting publications from "undesirable" media on their social networks, as well as experts who provide comments or collaborate with such media. Human rights lawyers have reported that after giving an interview or comment to "undesirable" media, they may receive correspondence from activists urging them to cease further cooperation with these outlets under the threat of being reported to the authorities for designation as "foreign agents."

29. According to official statistics, 6 individuals were convicted for carrying out “The activities of foreign or international non-governmental organizations that have been declared undesirable in the territory of the Russian Federation” under Article 284.1 of the CC in 2023, and 2 – in 2022. As of 2024, there has been at least [nine cases](#) of criminal prosecution in connection to organisations affiliated with Mikhail Khodorkovskiy ([Andrey Pivovarov](#), [Mikhail Iosilevich](#), [Anton Mikhailchuk](#)). Other cases include prosecution of [Grigory Melkonyants](#) for carrying out activities of an undesirable organisation “Golos”; prosecution of [Vladimir Kara-Murza](#) for cooperation with Free Russia Foundation (on 1 August 2024, Andrey Pivovarov and Vladimir Kara-Murza have been released in the prisoners exchange between Russia, Germany and the US).

### 5.3. Recognition of organisations as “extremist” organisations

30. The suppression of civil society through the labeling of organizations and movements as "extremist" has become yet another significant tool aiming to stifle dissent and control public discourse. This tactic allows the authorities to employ [broadly defined and often vague criteria](#) to justify actions against a wide array of groups and individuals. When a group or organization is designated as "extremist", the organization may be liquidated, and its assets transferred to state ownership, and its members/employees/supporters may face criminal prosecution.

31. Designation of an organization as "extremist" subjects its members or supporters to criminal liability under the following provisions: Creation and Leadership of an Extremist Community: Article 282.1(1) of the CC; Participation in an Extremist Community: Article 282.1(2) of the CC; Organization of Extremist Activities: Article 282.2 of the CC; Financing Extremist Activities: Including donations to extremist organizations, under Article 283.3 of the CC; Displaying Extremist Symbols: Following an administrative penalty under Article 20.3 of the CAO, under Article 282.4 of the CC.

32. Recent relevant examples of designation as “extremist” include:

- **Aleksei Navalny’s Anti-Corruption Foundation and Related Groups:** In 2021, Aleksei Navalny’s Anti-Corruption Foundation (FBK) and its affiliated entities were [labeled](#) as extremist organizations. This designation has led to significant legal actions against Navalny’s supporters, including criminal prosecutions and arrests. As of April 2024, [at least 53 people have been prosecuted](#) under the FBK extremist criminal case, initiated in 2021. This includes independent [journalists](#) Antonina Favorskaya and Olga Komleva, and [lawyers](#) for Navalny—Vladimir Kobzev, Igor Sergunin, and Aleksei Liptser, all currently under arrest in Russia—as well as Alexander Fedulov and Olga Mikhailova, who are in exile after being prosecuted in absentia.
- **Meta:** In 2022, Meta (formerly Facebook) was subject to [designation](#) as an extremist organization in Russia. This reflects a broader trend where major international companies and platforms are penalized for their roles in enabling free speech and facilitating communication. Moreover, this provides another avenue for the selective enforcement of the laws against human rights defenders. Thus, on 5 July 2024, Alexey Sokolov, a human rights lawyer from Yekaterinburg, [was arrested](#) for “Repeated demonstration of extremist symbols” (Article 282.4 of the CC), specifically for

displaying the Facebook logo online.

- **International LGBT Movement:** In 2024, the International LGBT Movement was [declared](#) an extremist organization. Subsequently, in March 2024, two employees of an LGBT nightclub in Orenburg, Aleksandr Klimov and Diana Kamilyanova [were arrested](#) for participating in the activities of an extremist organization.
33. After criminal proceedings have been initiated, individuals involved may be included in the [List of Organizations and Individuals with Information on Their Involvement in Extremist Activity or Terrorism](#). Currently, this [list includes](#) over 550 legal entities and 14,500 people, including those prosecuted on political grounds, such as a theater director [Zhenya Berkovich](#), a playwright [Svetlana Petriichuk](#) (both for “justifying terrorism”), [Gennady Gudkov](#), lawyers for Navalny – [Vadim Kobzev](#), [Alexey Liptser](#) and [Igor Sergunin](#), writer [Boris Akunin](#), lawyer [Ilya Novikov](#), employees of an LGBT night club [Aleksandr Klimov and Diana Kamilyanova](#). According to [Novaya Gazeta Europe](#), from January to March 2024, 669 individuals were added to the list, marking the highest increase since 2019.

#### 5.4. Military censorship laws

34. In 2022, the authorities introduced [war censorship laws](#), [criminalizing](#) the spread of misinformation of the use of the Russian Armed Forces (“fakes”) and public actions aimed at discrediting the use of the Russian Armed Forces (Article 20.3.3 of the CAO, Articles 207.3 and 280.3 of the CC). These laws are employed against those who speak out against the war, including journalists ([Alsu Kurmasheva](#), [Masha Gessen](#), [Marya Ovsyannikova](#)), politicians ([Dmitry Gudkov](#), [Aleksey Gorinov](#), [Ilya Yashin](#), [Vladimir Kara-Murza](#), [Vladimir Milov](#), [Maxim Kats](#), [Ivan Zhdanov](#), [Mariya Pevchikh](#), [Lubov Sobol](#)), public figures, and ordinary people.
35. According to [Kommersant](#), in 2022, Russian courts considered 5 422 cases involving administrative offence of discrediting the Russian Armed Forces (Article 20.3.3 of the CAO), imposing 4439 fines totaling RUB 151 million (approx. 1.6 million EUR). In 2023, 3053 cases were considered under this article, resulting in 2535 fines amounting to RUB 76.5 million (approx. 823,000 EUR), and 17 individuals were sentenced to administrative arrest.
36. In January 2024, RBK newspaper [reported](#) that over nearly two years, the Investigative Committee initiated at least 273 criminal cases concerning “fakes” and 81 criminal cases on discreditation. As of August 2024, OVD-info [reports](#) that 126 people are being criminally prosecuted for discreditation. In 2022, 14 people were [found guilty](#) under Article 207.2 of the CC, and 3 people under Article 280.3 of the CC. In the 2023, these numbers increased to 65 and 50, respectively. This crackdown has been a significant part of the [broader suppression of dissent](#) over the past two and a half years.

#### 5.5. Other relevant laws

37. Since 2022, new criminal offenses targeting civil society and dissent have been codified into Russian criminal law: [Article 284.2](#) of the CC criminalizes calls for restrictive measures against the Russian Federation, its citizens, or its legal entities; [Article 284.3](#) of the CC penalizes assistance in implementing decisions by international organizations or

foreign governments not recognized by Russia; and [Article 280.4](#) of CC addresses public calls for activities deemed to threaten state security.

***Amendments to Article 275 of the Criminal Code criminalising treason***

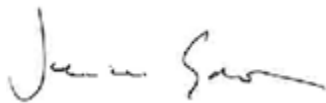
38. In July 2022, amendments were introduced to [Article 275](#) of the CC concerning treason, which added as an element of the crime "providing financial, material, technical, advisory or other assistance to a foreign state, international or foreign organisation or their representatives in activities against the security of the Russian Federation". This concept is very broad and can be widely interpreted when applied. According to the [RBK newspaper](#), the criminal conviction of a prominent journalist and human rights defender Vladimir Kara-Murza was the first known conviction under this amended provision.

***Cooperation on a confidential basis with a foreign state, international or foreign organisation criminalised***

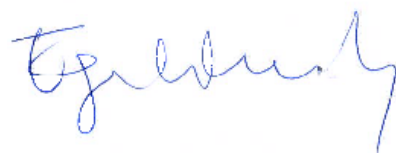
39. In July 2022, a new [Article 275.1](#) was introduced to the Criminal Code criminalising 'establishment and maintenance by a citizen of the Russian Federation of relations of cooperation on a confidential basis with a representative of a foreign state, international or foreign organisation for the purpose of assisting them in activities knowingly directed against the security of the Russian Federation'.

**Concluding remarks**

40. As is well demonstrated by the above overview of the various repressive legal tools and their application in practice, systemic misuse of criminal and other domestic laws and retaliatory persecution of human rights defenders and other civil society actors are actively used by the Russian authorities as effective tools to eradicate the civil society in Russia. A combination of such tools will lead to systemic dismantling of the civic space, leaving its members either imprisoned in Russia or in exile, and in need of support from the Council of Europe and its member states.



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