



# LOYALTY UNDER DURESS

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Analytical report  
on persecutions for the “discreditation”  
of the Russian army in occupied Crimea

“DISCREDITATION”  
OF THE RUSSIAN  
ARMED FORCES



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The material reflects the position of the authors and does  
not necessarily coincide with the position of the NED.



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# INTRODUCTION

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Following the commencement of the Russian Federation's armed aggression, all Ukrainian territories that came under its control — including the Autonomous Republic of Crimea and the city of Sevastopol — have effectively banned any manifestation of disloyalty to the occupation authorities. This includes anti-government statements, public condemnation of Russia's aggression against Ukraine, expressions of support for the Armed Forces of Ukraine, use of blue-and-yellow symbolism, participation in anti-war gatherings and solo pickets, donations to humanitarian initiatives, as well as music or conversations in public spaces critical of the Russian authorities.

One of the key instruments for controlling and suppressing dissent has been the introduction of administrative liability for the so-called «discreditation» of the Russian Armed Forces (Article 20.3.3 of the Code of Administrative Offences of the Russian Federation, CAO RF). This category covers any public actions or statements inconsistent with the official state position on the legality and nature of the use of the Russian Armed Forces. Punishment may be imposed on any person — Ukrainian citizens, foreigners, and stateless persons residing in the occupied territories, as well as Russian citizens, including colonisers unlawfully present there. As a result, the very concept of «discreditation» has been given an extremely broad interpretation. The mechanism combining administrative liability for «discreditation» with the subsequent possibility of classifying similar repeated actions as a criminal offence creates an atmosphere of fear, reducing the space for freedom of expression to a minimum.

This analytical report examines how the Russian Federation's policy of holding individuals liable for «discreditation» of the Russian Armed Forces has transformed the temporarily occupied Crimean Peninsula into a space of systematic suppression of freedom of speech and any manifestation of pro-Ukrainian sentiment. The primary instruments of this policy are Article 20.3.3 of the CAO RF and Articles 207.3, 280.3, and 284.2 of the Criminal Code of the Russian Federation (CC RF). In essence, these are legislative tools for the criminalisation of criticism of the war, the actions of the Russian armed and security forces, and the political leadership of the aggressor state. Analysis of the enforcement of these provisions demonstrates that their purpose is not to protect public order or military discipline, but to suppress anti-war statements and any forms of public disagreement with the internationally recognised fact of Russia's aggression against Ukraine and the numerous international crimes committed by the Russian Armed Forces within the so-called «Special Military Operation» («SMO»). As a result, any criticism — or even a public distancing from the official state position — is artificially transformed into administratively or criminally punishable conduct, and the concept of «discreditation» acquires an increasingly vague, politically motivated meaning.

The launched mechanism of suppressing freedom of expression operates on several levels simultaneously. By blurring the very line between criticism

and «discreditation», it serves, on the one hand, as a tool for the «legalisation» of the war in the eyes of, in particular, residents of the occupied territories, and on the other — creates an atmosphere of constant fear in which even neutral or symbolic actions may lead to prosecution. Punishment is not only imposed on those who openly reject the war, but also on those whose actions or statements are not formally in contradiction with the general policy of the occupation authorities — may nevertheless be construed as «discreditation» depending on the context in which the «SMO» and Ukraine are mentioned together.

A key feature of this mechanism is its high chilling effect, as fines collected by the Russian authorities contribute to the state budget and may be used to finance the war. This significantly affects those who are willing to openly express their disagreement with the «SMO», but the prospect of paying a substantial fine that could be used to continue the war and kill Ukrainian citizens acts as a strong deterrent.

In the temporarily occupied Crimean Peninsula, this policy has become particularly repressive and abhorrent in nature owing to the absence of real protection mechanisms, the complete subordination of courts and security forces to the state power, the selective application of norms, the establishment of «offences» through total control over people's online activity and daily lives, and the punitive logic applied to the interpretation of any pro-Ukrainian manifestation.<sup>1</sup> All these factors create an environment where the law has effectively been displaced by arbitrariness. Analysis of legislative changes, court decisions, and law enforcement practice with regard to prosecution for «discreditation» demonstrates that this is not a series of isolated abuses, but a coherent, systemic policy of suppressing freedom of expression that is consciously formulated and implemented by the state.

In this analytical report particular attention is dedicated to the relationship between administrative proceedings under Article 20.3.3 of the CAO RF and criminal cases for «repeated discreditation» and «fakes about the army», as well as non-judicial mechanisms of pressure on the population of occupied Crimea and Sevastopol — from propaganda Telegram channels to the encouragement of denunciations. Together, all these elements form a coherent system aimed at monopolising the information space, intimidating the population, and suppressing anti-war, pro-Ukrainian, and anti-government manifestations.

The introduction of liability for «discreditation» and its consistent application over a period of more than four years — since 2022 — goes far beyond the limitations permissible to a state during armed conflict on security grounds, and in fact constitutes a component of a deliberate policy of suppressing freedom of expression, which continues to grow in scale and significantly affects the lives of the population in the occupied territories.

An additional objective of this report is to build an evidentiary basis for future accountability of those responsible for forming and implementing the aforementioned policy aimed at violating fundamental human rights, including for committing the crime against humanity of persecution.

# **SECTION 1**

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## **Research methodology**

This report is based on monitoring conducted by the team of the NGO Regional Center for Human Rights of decisions of courts of first instance operating in the occupied territory of the Autonomous Republic of Crimea (ARC) and the city of Sevastopol, issued under Article 20.3.3 of the CAO RF and available in the public domain. This Article establishes liability for «public actions aimed at discrediting the use of the Armed Forces of the Russian Federation for the purposes of protecting the interests of the Russian Federation and its citizens, maintaining international peace and security, or the performance by the state agencies of the Russian Federation of their powers for said purposes, and the provision by volunteer formations, organisations, or individuals of assistance in the performance of tasks assigned to the Armed Forces of the Russian Federation or the National Guard of the Russian Federation».

The subject of the research is the analysis of the practice of the said courts in rendering decisions under Article 20.3.3 of the CAO RF and the assessment of the consequences of prosecuting victims for «discreditation».

### **The main objectives of the research are:**

- to determine the purpose of introducing liability for «discreditation» of the Russian Armed Forces;
- to systematically analyse the practice of applying Article 20.3.3 of the CAO RF in the territory of the Crimean Peninsula temporarily occupied by the Russian Federation;
- to assess the nature, scale, and consequences of human rights violations resulting from the prosecution of individuals for «discreditation» of the Russian Armed Forces, including the right to freedom of expression in conjunction with the right to a fair trial;
- to identify the main trends common to the majority of cases reviewed, and to analyse and assess them;
- to identify the defining features of and to describe the RF's state policy aimed at suppressing freedom of expression in the temporarily occupied territories;

- to identify the persons responsible for the formation and implementation of the said policy.

**To achieve these objectives, the authors set the following tasks:**

- to analyse court decisions and the practice of applying Article 20.3.3 of the CAO RF with respect to individuals in the temporarily occupied territories of the AR of Crimea and the city of Sevastopol;
- to determine exactly which statements and/or media materials were classified as violations of Article 20.3.3 of the CAO RF;
- to identify elements of state policy and determine the subjects responsible for its implementation, based on an analysis of enforcement practice and related regulatory acts;
- to assess whether the prosecutions for «discreditation» of the Russian Armed Forces comply with international human rights standards and principles of freedom of speech;
- to analyse observance of the right to a fair trial in cases of «discreditation» of the Russian Armed Forces, and to identify existing procedural violations and their impact on case outcomes.

**The following methods were employed:**

- study of procedural documents, which provided a systematic and accurate picture of the practice of holding individuals in the temporarily occupied territory of the Crimean Peninsula administratively liable for «discreditation» of the Russian Armed Forces;
- anonymous interviews with lawyers who represented persons held administratively liable for «discreditation» of the Russian Armed Forces;<sup>2</sup>
- historical method, which allowed the analysis of prosecution under Article 20.3.3 of the CAO RF in its dynamics, while also taking into account historical events that may have influenced the intensification of repressive mechanisms and the number of decisions rendered;
- formal logic method, directed at the study and examination of the new phenomenon — prosecution for «discreditation» of the Russian Armed Forces;
- various forms of analysis to identify, systematise, and examine specific aspects of prosecution for «discreditation» of the Russian Armed Forces.

Despite the selective approach and limited number of lawyers who agreed to be interviewed, their responses are included in this report as they broadly corroborate the data from the analysis of court decisions and confirm the authors' findings on the use of prosecution for «discreditation» of the Russian Armed Forces as an instrument of combating the disloyal population of the occupied territories and suppressing freedom of expression.

The research covered decisions from 28 occupation courts:

## Autonomous Republic of Crimea

Court	Number of Decisions
Alushta City Court of the Republic of Crimea	14
Armyansk City Court of the Republic of Crimea	495
Bakhchisaraysky District Court of the Republic of Crimea	23
Belogorsky District Court of the Republic of Crimea	11
Dzhankoysky District Court of the Republic of Crimea	176
Yevpatoria City Court of the Republic of Crimea	64
Zheleznodorozhny District Court of Simferopol, Republic of Crimea	21
Kerch City Court of the Republic of Crimea	43
Kievsky District Court of Simferopol, Republic of Crimea	198
Kirovsky District Court of the Republic of Crimea	23
Krasnogvardeysky District Court of the Republic of Crimea	16
Krasnoperekopsky District Court of the Republic of Crimea	9
Leninsky District Court of the Republic of Crimea	30
Nizhnegorsky District Court of the Republic of Crimea	8
Pervomaisky District Court of the Republic of Crimea	7
Razdolnensky District Court of the Republic of Crimea	10
Saksky District Court of the Republic of Crimea	52
Simferopolsky District Court of the Republic of Crimea	18

Sovetsky District Court of the Republic of Crimea	5
Sudak City Court of the Republic of Crimea	26
Feodosiia City Court of the Republic of Crimea	62
Central District Court of Simferopol, Republic of Crimea	27
Chernomorsky District Court of the Republic of Crimea	12
Yalta City Court of the Republic of Crimea	69

### City of Sevastopol

Court	Number of Decisions
Balaklavsky District Court of Sevastopol	6
Gagarinsky District Court of Sevastopol	35
Leninsky District Court of Sevastopol	49
Nakhimovsky District Court of Sevastopol	20

The total number of court decisions reviewed is 1,529. During the monitoring process, four cases involving the prosecution of officials and legal entities were also identified. To ensure the homogeneity of the sample and avoid potential statistical distortions, these were excluded from further analysis.

## SECTION 2

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### International standards on freedom of expression and the right to a fair trial

#### 2.1. The Right to Freedom of Expression

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The right to freedom of expression is a cornerstone of any democratic society<sup>3</sup> and the full development of the individual.<sup>4</sup> Moreover, it is closely connected to other rights and freedoms and is a prerequisite for their exercise.<sup>5</sup> Freedom of expression is intertwined with such rights as freedom of thought, conscience, and religion; the right to respect for private and family life; and is a precondition for the exercise of the right to vote and to stand for election, freedom of association, and others.<sup>6</sup>

Accordingly, the right to freedom of expression is enshrined in all major human rights instruments. The Universal Declaration of Human Rights proclaims:

*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.<sup>7</sup>*

Adopted in 1948, the Declaration is a soft law instrument — it is non-binding in nature. Nevertheless, in view of its special significance, its norms are currently considered customary. In 1950, at the regional European level, a legally binding — rather than declaratory — human rights instrument was introduced: the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), which provides in particular:

*Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.<sup>8</sup>*

At the universal level, freedom of expression as a legally protected right was enshrined in the International Covenant on Civil and Political Rights of 1966, which proclaimed:

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*<sup>9</sup>

Similar provisions are contained in other regional human rights instruments, including the African Charter on Human and Peoples' Rights (Art. 9), the American Convention on Human Rights (Art. 13), and the ASEAN Human Rights Declaration (para. 23).

Freedom of expression encompasses:

- (a) the right to hold opinions (freedom of opinion) and
- (b) the right to express them freely by any means (freedom of expression)<sup>-10</sup>

The right to hold opinions cannot under any circumstances be subject to any restrictions.<sup>11</sup> States are prohibited from criminalising the holding of certain views<sup>12</sup> and it is equally impermissible to persecute, arrest, or punish a person for holding a particular opinion.<sup>13</sup>

The right to freely express one's views may include commentary on private and public events, political discourse, teaching, religious polemic, art, and more.<sup>14</sup> The protection of freedom of expression extends even to views and comments that may appear «deeply offensive».<sup>15</sup>

However, the right to freely express one's views may also be subject to restrictions, but only in strict compliance with the requirements of international law. Such restrictions must:

first, be provided for by law, the text of which must be accessible and precise;

second, be “necessary” for a legitimate purpose;

third, be proportionate to the legitimate purpose pursued,<sup>16</sup> i.e. not excessive: states must introduce the least intrusive possible restrictions.<sup>17</sup>

Legitimate aims for restricting freedom of expression include: protection of the rights and reputation of others; protection of public order (national security, prevention of crime, authority and impartiality of courts, etc.); and protection of public health and morals.<sup>18</sup>

At the same time, disagreement with the policies of public officials (even at the highest level) cannot be punished on the grounds of protecting their rights and reputation, since in a democratic society any public official may be legitimately subject to criticism.<sup>19</sup> In Russian enforcement practice in the context of liability for «discreditation» of the Russian Armed Forces, courts also consider cases involving criticism of the ruling elite and statements in

support of Ukraine that may not directly concern the Russian army. The UN Human Rights Committee has expressed concern regarding laws that in one way or another punish persons for negative comments or criticism of public officials,<sup>20</sup> including the armed forces.<sup>21</sup> The prohibition on criminalising such actions is also supported by regional standards — for example, the African Commission on Human and Peoples' Rights addressed this in its Resolution No. 169 of 24 November 2010.

## 2.2. The Right to a Fair Trial

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The right to a fair trial is a complex right of an individual encompassing a number of legal guarantees and principles. It includes:<sup>22</sup>

- equality before a court or any other tribunal;
- a fair process, including the publicity criterion;
- an independent and impartial court;
- the presumption of innocence;
- reasonable length of court proceedings;
- the right to be informed promptly, in a language which the person understands and in detail, of the nature and cause of the accusation;
- the right to an interpreter;
- the right to defend oneself before the court in person or through legal assistance;
- the right to professional legal assistance;
- the right to examine witnesses or have them examined;
- the right not to testify against oneself;
- the right to appeal a court decision;
- the right to compensation in the event of unlawful conviction or conviction due to a miscarriage of justice;
- the right not to be tried or punished twice for the same offence (*ne bis in idem*).

The right to a fair trial is one of the most important procedural guarantees of the rule of law<sup>23</sup> and is linked to the principle of legality. The latter contains two main elements: (1) *nullum crimen sine lege* (no crime without law) and (2) *nulla poena sine lege* (no punishment without law).<sup>24</sup> A person may be held liable strictly in accordance with a procedure clearly regulated by law. No one may be punished for an act that was not prohibited under

national or international law at the time of its commission, i.e. retrospective application of the law is impermissible.

Cases in which the public nature of hearings may be restricted are clearly regulated by international standards. They include:<sup>25</sup>

- 1) protection of public order (morals, civil order, or national security in a democratic society);
- 2) protection of the private life of the parties (adoption secrecy, family dispute proceedings, or proceedings involving minors);
- 3) other circumstances where, in the view of the court, publicity could be detrimental to the interests of justice.

At the same time, such restrictions must comply with the requirements of international law described above.

### **2.3. International Humanitarian Law Standards on the Right to a Fair Trial in Occupied Territory**

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Unlike international human rights law (IHRL), international humanitarian law (IHL) applies only in conditions of armed conflict. In its Advisory Opinion of 9 July 2004, the International Court of Justice emphasised that this condition for the application of IHL in no way negates the operation of IHRL: both branches of law complement rather than exclude each other in case of armed conflict. The Court further elaborated: «As regards the relationship between international humanitarian law and human rights law, there are thus three possible situations: some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law. In order to answer the question put to it, the Court will have to take into consideration both these branches of international law, namely human rights law and, as *lex specialis*, international humanitarian law».<sup>26</sup>

Article 49 of the Hague Regulations Concerning the Laws and Customs of War on Land stipulates that the occupying power must ensure the preservation of the public order that existed in the occupied territory prior to the military occupation.<sup>27</sup> An occupying power therefore may not extend its own legislation to the occupied territory. This provision covers, in essence, all branches of legislation, including civil, administrative, and administrative offences law.

In addition, IHL contains a specific provision concerning criminal law. In particular, the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949 applies in cases of:<sup>28</sup>

- declared war or any other armed conflict, even if the state of war is not recognised by one of the parties;
- total or partial military occupation, even if such occupation meets with no armed resistance.

Pursuant to Article 64 of GC IV, the occupying power shall apply the penal laws that were in force in the occupied territory at the time of occupation. Courts in the occupied territory shall continue to function in accordance with the legislation of the occupied state and maintain their independence and impartiality with respect to the occupying power.<sup>29</sup>

Derogation from these provisions is permissible only in extreme cases where the application of the occupied state's laws:<sup>30</sup>

- a) renders application of GC IV impossible;
- b) hinders the effective administration of the territory;
- c) endangers the security of the occupying power.

## **SECTION 3**

### **The legal framework of liability for “discreditation” of the Russian Armed Forces in Russian legislation**

#### **3.1. Evolution of Liability for “Discreditation” of the Russian Armed Forces**

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Russian administrative law doctrine emphasises that every sphere of state administration requires the introduction of sanctions for offences, and the sphere of defence is no exception. It is considered important for the functioning of other state policies therefore requires particularly careful regulation. The legal basis regulating offences related to defence and establishing liability for such acts is the Code of Administrative Offences of the Russian Federation (CAO RF).<sup>31</sup>

Since 2022–2023, new categories of offences have been deliberately introduced into the Code — ones relating not to classic administrative delicts but to political loyalty to the war, mobilisation, and the state’s conduct in this sphere. In effect, a separate block of provisions was formed, aimed not at maintaining solely military discipline, but at controlling public assessments of the war, the Russian armed forces, and state authorities. This block is constructed to cover the widest possible range of forms of public dissent — from open protests and anti-war statements to social media posts, everyday remarks, and even reactions to posts on social media that may be interpreted as «discreditation».

In particular, administrative liability has been established for:

- public actions aimed at «discreditation» of the use of the Russian Armed Forces to protect the interests of the state (Article 20.3.3 of the CAO RF);
- the introduction or continuation by foreign states, unions, or international structures of political or economic sanctions against the RF, its citizens, or Russian legal entities (Article 20.3.4 of the CAO RF). In other words, public calls for external pressure on the RF («sanctions lobbying» from within) are punished.



РОССИЙСКАЯ ФЕДЕРАЦИЯ  
**ФЕДЕРАЛЬНЫЙ ЗАКОН**

**О внесении изменений в Кодекс Российской Федерации  
об административных правонарушениях**

Принят Государственной Думой 4 марта 2022 года  
Одобен Советом Федерации 4 марта 2022 года

**Статья 1**

Внести в Кодекс Российской Федерации об административных правонарушениях (Собрание законодательства Российской Федерации, 2002, № 1, ст. 1; № 30, ст. 3029; № 44, ст. 4295; 2003, № 27, ст. 2700, 2708, 2717; № 46, ст. 4434; № 50, ст. 4847, 4855; 2004, № 31, ст. 3229; № 34, ст. 3529, 3533; 2005, № 1, ст. 9, 13, 40, 45; № 10, ст. 763; № 13, ст. 1077; № 19, ст. 1752; № 27, ст. 2719, 2721; № 30, ст. 3104, 3131; № 50, ст. 5247; 2006, № 1, ст. 4, 10; № 6, ст. 636; № 10, ст. 1067; № 12, ст. 1234; № 17, ст. 1776; № 18, ст. 1907; № 19, ст. 2066; № 23, ст. 2380; № 31, ст. 3420, 3438, 3452; № 45, ст. 4641; № 50, ст. 5279; № 52, ст. 5498; 2007, № 1, ст. 21, 25, 29;



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«Статья 20.3<sup>3</sup>. **Публичные действия, направленные на дискредитацию использования Вооруженных Сил Российской Федерации в целях защиты интересов Российской Федерации и ее граждан, поддержания международного мира и безопасности**

1. Публичные действия, направленные на дискредитацию использования Вооруженных Сил Российской Федерации в целях защиты интересов Российской Федерации и ее граждан, поддержания международного мира и безопасности, в том числе публичные призывы к воспрепятствованию использования Вооруженных Сил Российской Федерации в указанных целях, если эти действия не содержат признаков уголовно наказуемого деяния, -

влекут наложение административного штрафа на граждан в размере от тридцати тысяч до пятидесяти тысяч рублей; на должностных лиц - от ста тысяч до двухсот тысяч рублей; на юридических лиц - от трехсот тысяч до пятисот тысяч рублей.

2. Те же действия, сопровождающиеся призывами к проведению несанкционированных публичных мероприятий, а равно создающие угрозу причинения вреда жизни и (или) здоровью граждан, имуществу, угрозу массового нарушения общественного порядка и (или) общественной безопасности либо угрозу создания помех функционированию или прекращения функционирования объектов жизнеобеспечения, транспортной или социальной инфраструктуры,

Federal Law No. 31-FZ of 4 March 2022

In addition, criminal liability has been established for:

- dissemination of «deliberately false information» («fakes») about the use of the Russian Armed Forces, the actions of RF state agencies abroad, etc. (Article 207.3 of the CC RF). This provision in effect punishes alternative interpretations of the nature and course of the war;
- «repeated commission of actions constituting “discreditation” of the Russian Armed Forces» following the imposition of an administrative sanction under Article 20.3.3 of the CAO RF (Article 280.3 of the CC RF).

All four articles were adopted on 4 March 2022.<sup>32</sup>



РОССИЙСКАЯ ФЕДЕРАЦИЯ  
**ФЕДЕРАЛЬНЫЙ ЗАКОН**

**О внесении изменений в Уголовный кодекс  
Российской Федерации и статью 31 и 151 Уголовно-процессуального  
кодекса Российской Федерации**

Принят Государственной Думой 4 марта 2022 года  
Одобен Советом Федерации 4 марта 2022 года

**Статья 1**

Внести в Уголовный кодекс Российской Федерации (Собрание законодательства Российской Федерации, 1996, № 25, ст. 2954) следующие изменения:

1) дополнить статьей 207<sup>3</sup> следующего содержания:

«Статья 207<sup>3</sup>. **Публичное распространение заведомо ложной информации об использовании Вооруженных Сил Российской Федерации**

1. Публичное распространение под видом достоверных сообщений заведомо ложной информации, содержащей данные об использовании Вооруженных Сил Российской Федерации в целях защиты интересов



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Federal Law No. 32-FZ of 4 March 2022

By summer 2022, Russian law enforcement agencies in Crimea had already begun persecuting not only for public actions but also for everyday statements: on public transport, in shops, in hospitals, and even in private conversations.<sup>33</sup> People were held liable for statements such as «Russia is waging war against Ukraine» — an objective fact — or that the Russian President bears responsibility for the war. In a number of cases, even a symbolic gesture or playing music was sufficient. For example, one Crimean doctor was detained and fined because his phone ringtone was the melody of the Ukrainian song «Chervona Kalyna», which the Russian security forces described in case materials as «the anthem of the banned organisation Ukrainian Insurgent Army (UPA)» and an indication of loyalty to Ukraine. On these grounds he was simultaneously charged with «public display of prohibited symbols» and «discreditation of the Russian Armed Forces» and ordered to pay a fine of 50,000 roubles, the maximum sanction under Part 1 of Article 20.3.3 of the CAO RF.<sup>34</sup> Reports of the so-called patriotic channels — in particular the Telegram channel «Crimean SMERSH» — as well as denunciations from other citizens (for example, following overheard private conversations) frequently serve as grounds for initiating such proceedings.

The official website of one of the RF regional prosecutor's offices publishes an interpretation of Article 20.3.3 of the CAO RF, according to which Part 1 «establishes administrative liability for public actions aimed at discrediting the use of the Armed Forces of the Russian Federation for the purposes of protecting the interests of the RF and its citizens, maintaining international peace and security, including public calls to obstruct the use of the Armed Forces for these purposes, provided such actions do not constitute a criminal offence...».<sup>35</sup> Part 2, in turn, establishes liability for the same actions if they «are accompanied by calls to conduct unauthorised public events or create a threat of harm to the life or health of citizens, to property, a threat of mass violation of public order and/or public safety, or a threat of interfering with or halting the functioning of life-support facilities, transport or social infrastructure, credit institutions, energy, industrial, or communications facilities — provided such actions do not constitute a criminal offence».

Pursuant to Part 2 of Article 28.3 of the CAO RF, reports on administrative offences under Article 20.3.3 may be drawn up by officials of internal affairs agencies; cases are considered by courts (Part 1 of Article 23.1 of the CAO RF).

Article 20.3.3 of the CAO RF establishes the following sanctions for so-called «discreditation»:

- for citizens — an administrative fine of 30,000 to 50,000 roubles;
- for officials (civil servants) — an administrative fine of 100,000 to 200,000 roubles;
- for legal entities — an administrative fine of 300,000 to 500,000 roubles.

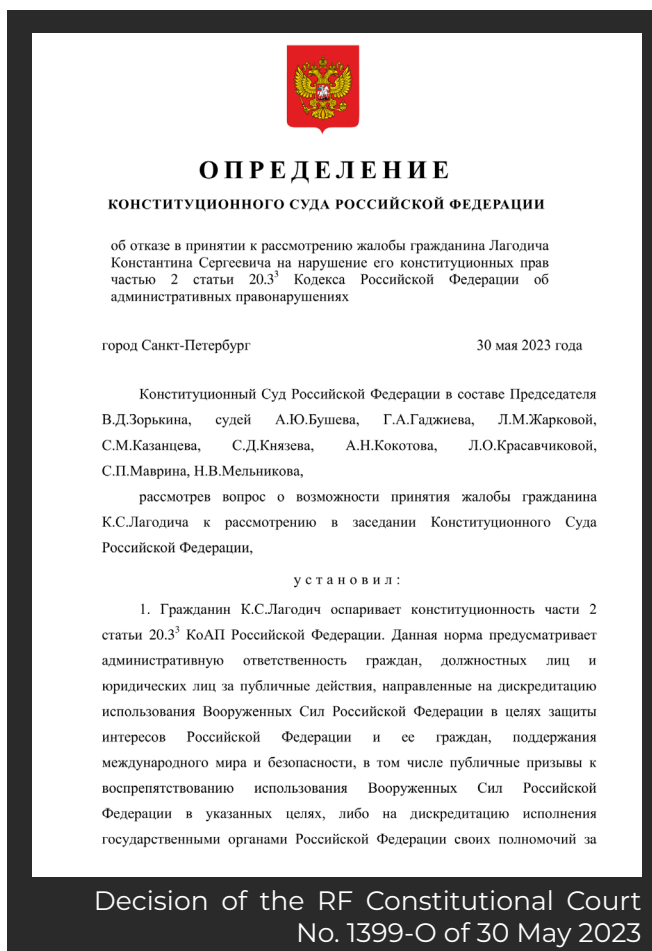
Enforcement practice showed that in the very first month after the article's entry into force — from 4 March to 11 April 2022 — 610 cases were referred to courts, predominantly under Part 1, which provided for a fine of 30,000 to 50,000 roubles.<sup>36</sup>

One year after the article's adoption, its scope was gradually expanded: on 18 March 2023, Federal Law No. 57-FZ introduced liability not only for «discreditation» of the use of the Russian Armed Forces, but also for the «performance by RF state agencies of their powers outside the RF», as well as for «discreditation» of «entities providing assistance» to the Russian Armed Forces in performing their functions (volunteer formations, organisations, or individuals helping in carrying out the tasks assigned to the Russian Armed Forces).<sup>37</sup> On 25 December 2023, Federal Law No. 640-FZ amended the article to add a reference to the Russian National Guard troops (Rosgvardiya).<sup>38</sup>

## 3.2. Position of the RF Constitutional Court

On 30 May 2023, the Constitutional Court of the Russian Federation (the Constitutional Court of the RF) rejected a complaint challenging the constitutionality of Article 20.3.3 of the CAO RF by its Decision No. 1399-O/2023.<sup>39</sup>

In the constitutional complaint, the applicant argued that since this article punishes the expression of critical views on the use of the Russian Armed Forces and the performance by state agencies of their powers, it violates the rights to freedom of conscience, thought, and speech; freedom of assembly; and the prohibition on establishing any ideology as mandatory or as the official state ideology, as well as the principles of equality and non-discrimination, since it makes



administratively punishable only those views and beliefs related to a critical assessment of the use of the Russian Armed Forces and the exercise by state agencies of their powers outside the RF.

In examining the complaint, the Constitutional Court of the RF acknowledged that Russian legislation contains no legal definition of «discreditation». It was nonetheless stated that for the purposes of Article 20.3.3 of the CAO RF, «discreditation» should be understood as «*undermining the trust of individual citizens and society as a whole in someone or something*». The absence of a clearly defined statutory definition was attributed to the supposed multiplicity of forms that «discreditation» can take. The Court further noted that the nature of «public actions aimed at discreditation» — for which individuals are held liable — is evaluative, and that qualification therefore depends on the circumstances of each specific case, taking into account the form of the person’s statements, the means of their dissemination, and their content. The need to establish liability for «discreditation» of the Russian Armed Forces was explained by the fact that such actions reduce the resolve, effectiveness, and motivation of Russian servicemen and other state agencies in performing their duties. Given that the Russian Armed Forces operate to protect the interests of the RF and its citizens, «discreditation» of their actions undermines the constitutional order of the RF and accordingly has a socially dangerous and unlawful character giving rise to liability under public law. Moreover, expressing one’s own opinion on the activities of the Russian Armed Forces — including identifying shortcomings — is not prohibited provided that such statements do not contradict the aims and objectives of those activities and are based on open, reliable information.

The content of the Court ruling — including its reasoning and its interpretation of the right to freedom of expression — shows that the Court sought to justify the lawfulness and practice of holding persons administratively liable for the so-called “discreditation” of the Russian Armed Forces.

Thus, the court’s ruling emphasised that the Russian Armed Forces operate to protect the interests of the state and its citizens, yet failed to explain why this protection is impossible without the occupation of Ukrainian territory and the killing of its citizens. Clearly, the protection of Russia’s constitutional order as a basis for establishing liability for so-called “discreditation” cannot apply to Ukraine, since the RF Constitution does not extend to its territory.

Although the court noted that expressing opinions on the so-called shortcomings of the Russian Armed Forces’ activities is not prohibited provided such statements are based on reliable information, it failed to explain what, in its view, constitutes “reliable information”. Any truthful reporting — including about the commission of international crimes by Russian servicemen in the occupied territories of Ukraine and against Ukrainians — is, in the practice of Russian occupation courts, not considered reliable and is used as grounds for prosecution.

Relying on the fact that the RF Constitution does not permit the use of constitutionally guaranteed rights and freedoms to deny the constitutional order, the Russian authorities have in effect established an absolute ban on any statements relating to the war. The Constitutional Court of the RF referred to its established position that the exercise by a citizen of the right to freedom of thought and speech does not exempt them from liability if such actions are recognised as socially dangerous. At the same time, given the deliberately blurred and undefined nature of the concept of “discreditation”, it becomes possible to prosecute anyone for any manifestation of criticism related to the Russian Armed Forces’ conduct of the aggressive war.

This approach confirms a total ban on any negative assessment of the war or the actions of the military, even where the war is of an obviously aggressive character and the military are knowingly committing serious violations of IHL. Under this logic, even reposting on social media a UN General Assembly resolution condemning Russia’s aggressive war against Ukraine, or the official text of a UN Independent International Commission of Inquiry report, could serve as grounds for concluding that a person has committed actions aimed at “discreditation” of the Russian Armed Forces.

Accordingly, the ruling of the Constitutional Court of the RF not only contradicts the fundamental principles of freedom of expression, but also justifies the persecution of persons for any statements that do not align with the official state position on Russia’s aggressive war against Ukraine.

In conclusion, it can be argued that the primary purpose of introducing the package of new provisions into the CAO RF in March 2022 — in particular, the most widely applied Article 20.3.3 — was not to protect or maintain discipline, but to suppress anti-war statements and any form of public disagreement with the “SMO”. Moreover, in examining the constitutional complaint, the Constitutional Court of the RF explicitly acknowledged that administrative liability for “discreditation” was established primarily in connection with the “SMO”.

These provisions are in effect aimed at restricting freedom of expression, as they allow any public criticism of the actions of the Russian Federation, its armed and security forces, or its political leadership to be transformed into “discreditation” for which a person may be punished administratively or even criminally. Enforcement practice demonstrates that actions without an overtly critical component are frequently brought within the scope of these provisions — symbolic gestures, cultural markers, everyday remarks — that is, anything the authorities interpret as undermining “authority” or as disloyalty.

## **SECTION 4**

### **Purpose of introducing liability for “discreditation” of the Russian Armed Forces**

Based on the research findings, the authors conclude that the primary purpose of introducing the liability for «discreditation» in the RF is to ensure maximum state control over society and over the information space of the aggressor state. This mechanism creates a chilling effect, suppresses alternative opinions, and is used for the internal legitimisation of the «SMO», facilitating the integration of the occupied territories and suppressing any resistance.

There is a clear chronological connection between the adoption of packages of legislative amendments related to the expansion of articles on so-called «discreditation» and the events occurring during the RF's full-scale invasion of Ukraine.

The repressive regulatory framework was formed extremely rapidly. On 4 March 2022 — eight days after the start of the RF's full-scale invasion of Ukraine — Federal Laws No. 31-FZ and No. 32-FZ were adopted. They laid the legal foundation for administrative and criminal liability for «discreditation».

As Russia's attempted blitzkrieg failed and the war became protracted, a need emerged to expand the scope of Article 20.3.3 of the CAO RF. This was accomplished on 18 March 2023 through the adoption of Federal Law No. 57-FZ. The date of its adoption coincides with the anniversary of Russia's proclaimed «reunification» of Crimea with the Russian Federation (18 March 2014), placing these amendments in a broader political context and underscoring their symbolic significance within the framework of state policy.

The financial dimension is also significant. Over more than three years of Russia's full-scale aggression against Ukraine, at least 35 million roubles were collected in the form of fines for «discreditation». These funds have replenished the RF budget, thereby strengthening its resource base, from which, *inter alia*, military expenditure is financed. This fact has an additional psychological impact on those who sincerely do not wish the war and the killing of Ukrainians to continue, since a publicly expressed disagreement may result in the payment of a fine that could potentially be used to continue the war. In this way, a person may become an involuntary «sponsor» of further killings.

«Legalising» the war is neither the sole nor the primary goal of the RF. The «discreditation» policy is first and foremost designed to intimidate the population so that it can be more easily subordinated and controlled. «Filtering out the disloyal» through fines, administrative arrests, and imprisonment produces a manageable, statistically «quiet» society in which people are compelled to constantly exercise self-censorship and avoid openly expressing their views. Moreover, persons already held administratively liable are placed under increased surveillance by Russian security agencies and subsequently risk criminal prosecution for any actions those agencies deem «suspicious».

A population suppressed by repression is used in external propaganda — in particular to justify the war — since the artificially created «silence» and control over society allow the absence of protests to be presented as supposedly widespread public support for the aggressive war and the killing of Ukrainians. Exemplary verdicts and fines are presented as «proof» of the lawfulness and moral rectitude of the authorities, and as an example of the «effective» work of the occupation agencies and the ensuring of «peace» in the RF.

The introduction of liability for «discreditation» is an instrument of Russia's coercion and control over citizens with pro-Ukrainian and/or anti-war views. It monopolises the information space, thereby imposing Russian ideology and legitimising the «SMO» by banning public criticism of the war, alternative assessments of the Russian Armed Forces' actions, and any manifestations of support for Ukraine. Ultimately, it is aimed at the forcible consolidation of a pro-Russian imperial worldview and the prohibition of any dissent.

## **SECTION 5**

### Analysis of judicial practice in cases under article 20.3.3 of the CAO RF: statistics, procedural violations, trends

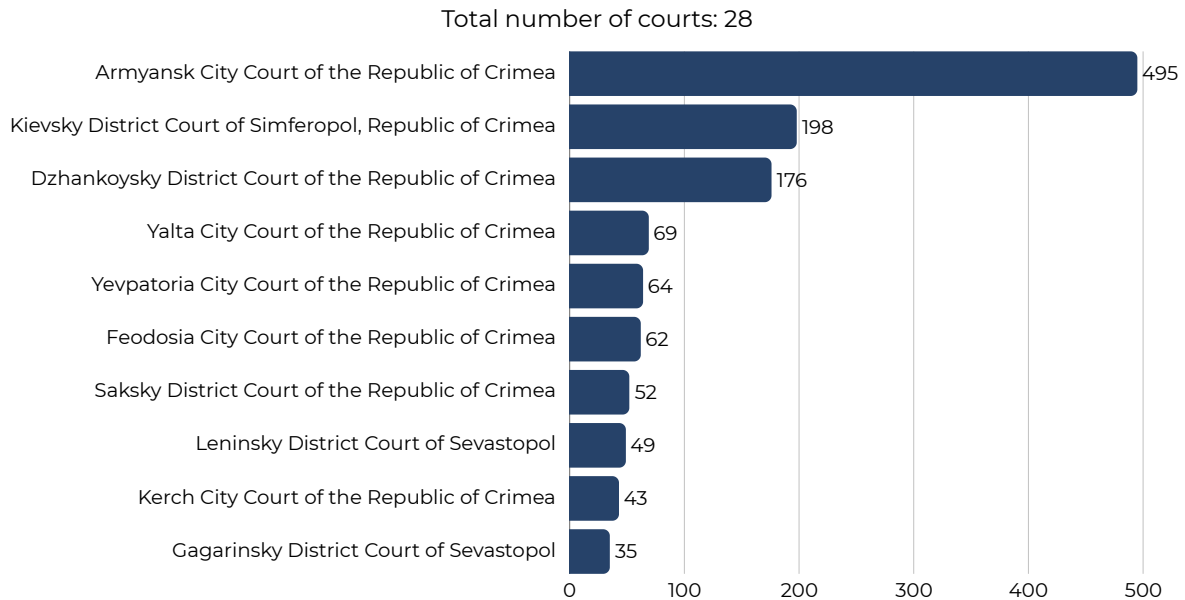
This section analyses:

- dynamics of the number of court decisions by year;
- distribution of «offenders» by gender, citizenship, and national origin;
- access to court decisions (public availability of court orders);
- presence/absence of information on the nature of the offence in the text of the order;
- entities involved in offence detection, scope, and quality of the evidence base;
- compliance with statutes of limitations for prosecution;
- ensuring the participation of «offenders» and their representatives in court hearings;
- practice of imposing administrative penalties;
- consideration by courts of mitigating/aggravating circumstances when imposing penalties and admission/non-admission of guilt by the person;
- duration of court proceedings;
- appeals procedure, etc.

The results of the analysis confirm that the procedure of administrative persecution in this category of cases is part of a formalised repressive mechanism. The procedural violations committed in the examination of this category of cases are systemic, not accidental. The detailed description of procedural violations in this section makes it possible to assess the seriousness and scale of the occupation authorities' abuses with respect to freedom of expression in the occupied Crimean Peninsula.

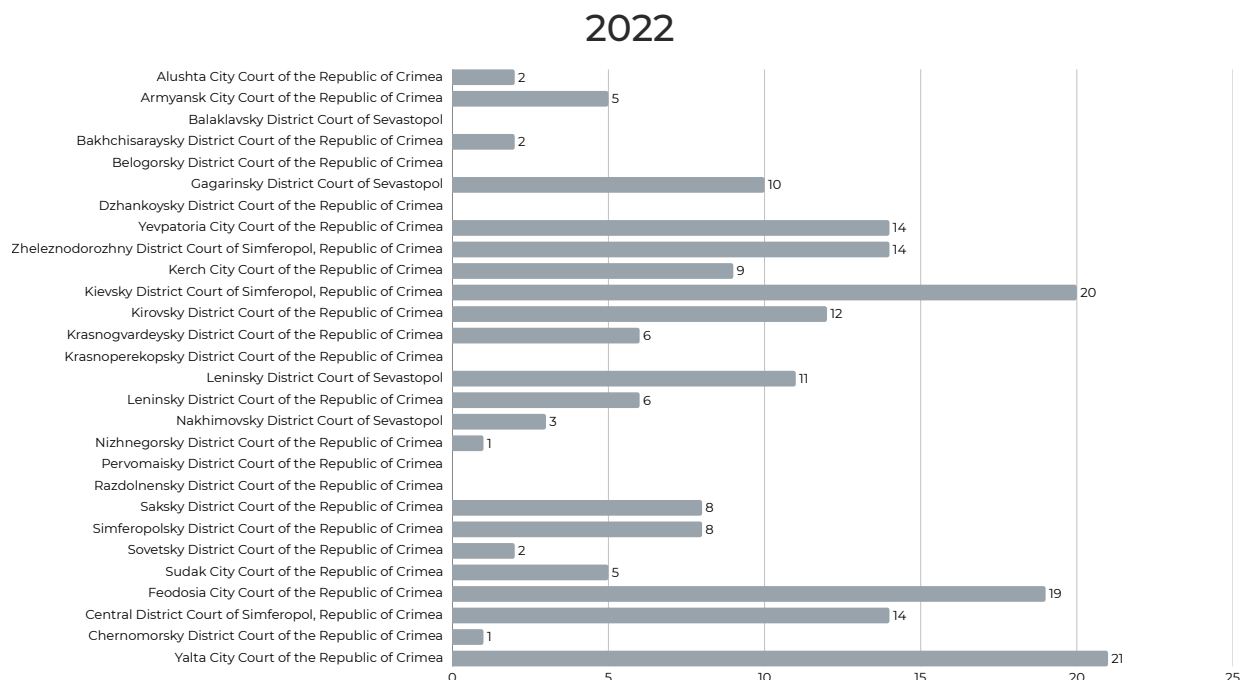
## 5.1. Dynamics of Court Decisions Under Article 20.3.3 of the CAO RF

### Courts that considered the biggest number of cases



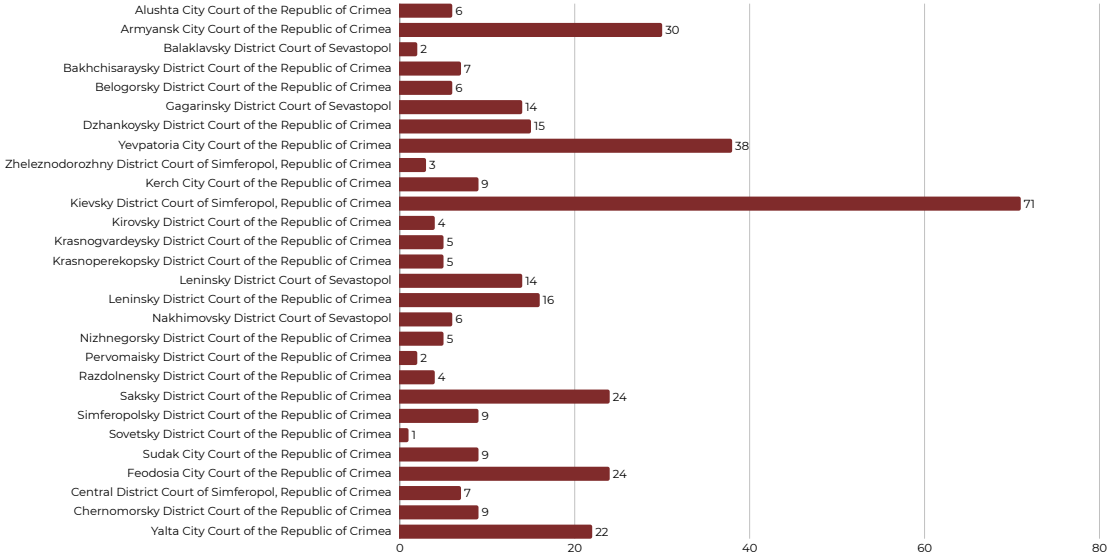
The bar charts for 2022, 2023, 2024, and 2025 demonstrate the dynamics and intensity of application of Article 20.3.3 of the CAO RF and allow for an assessment of the scale and systemic nature of persecution under this article.

### Number of decisions per year



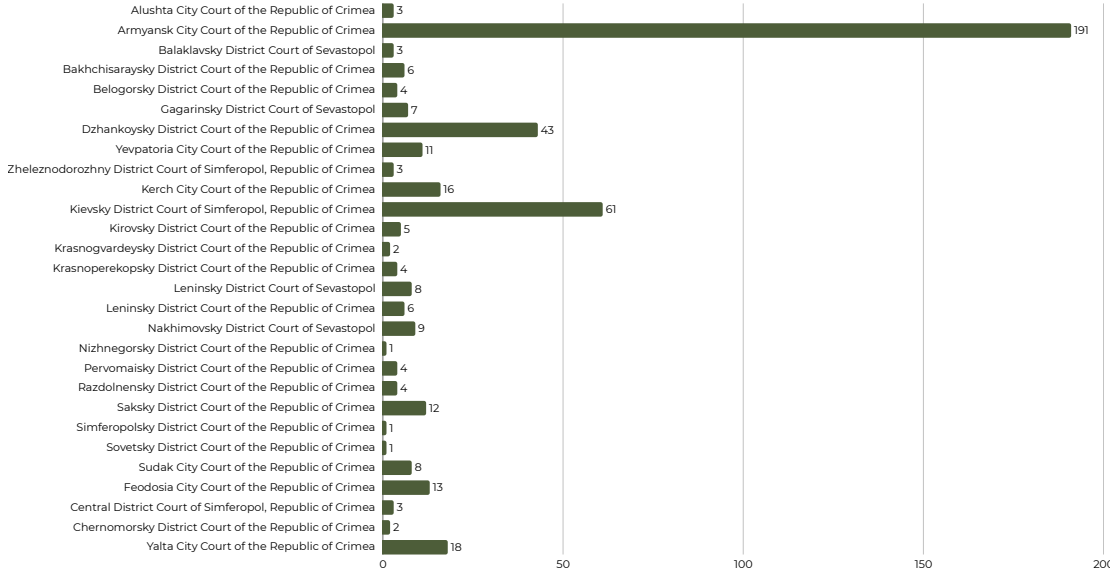
In the first month after the article was incorporated into the CAO RF (March 2022), 24 decisions were rendered. On average, the same number of decisions was adopted each subsequent month. The total number of decisions under this article in 2022 was 193.<sup>40</sup>

### 2023



Starting in April 2023, the number of decisions increased, ranging from 35 to 45 per month. Thus, within one year the number of decisions rendered nearly doubled, reaching 367.

### 2024

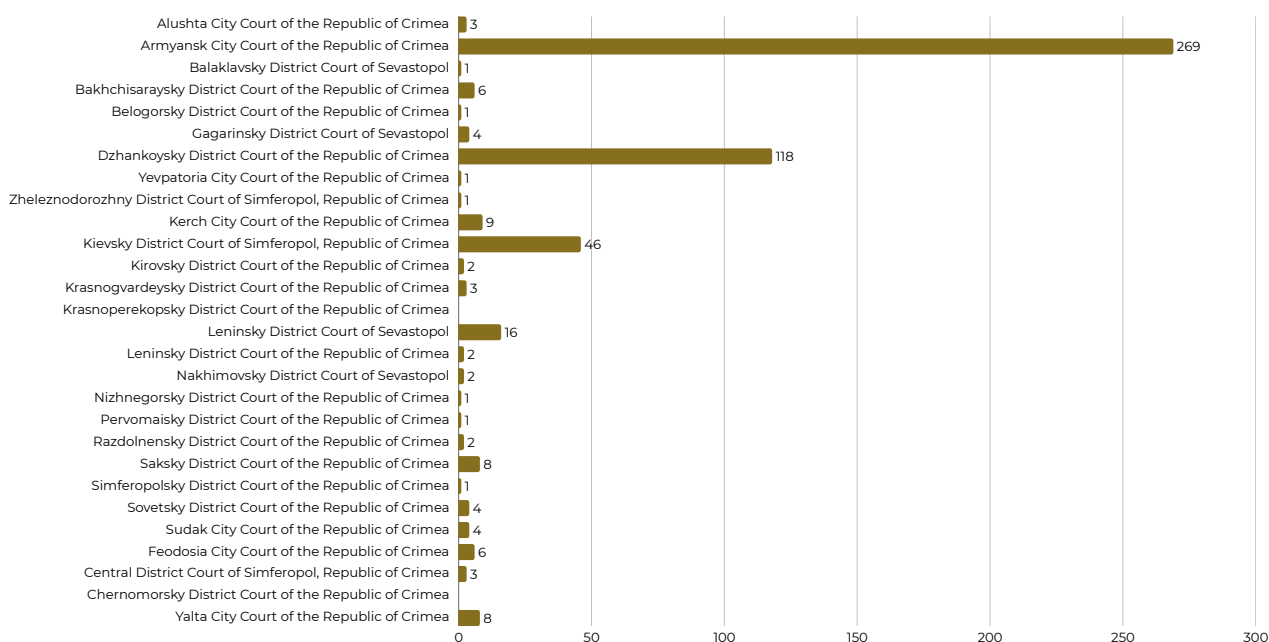


In 2024, the number of decisions continued to grow, increasing by approximately 30% compared to 2023 and reaching 460 decisions. This growth can be explained by the sharp increase in decisions by the Armyansk City Court, which accounted for up to 42% (191 decisions) of all decisions by the courts of the occupied peninsula in this category. This is due to the fact that, despite the small population of the city (22,000 people), Armyansk is the key northern entry point to the peninsula from the territory

of the partially occupied Kherson region of Ukraine. A checkpoint is located there through which a significant flow of civilian population passes, and occupation law enforcement agencies inspect the mobile devices of individuals, including their social media accounts for «anti-war» statements or any support for Ukraine. The sharp increase in the statistical indicators of this court’s activity serves as indirect confirmation of people’s complaints about increased checks by RF security forces at crossing points and their use as an instrument for identifying and flagging «disloyal» citizens.

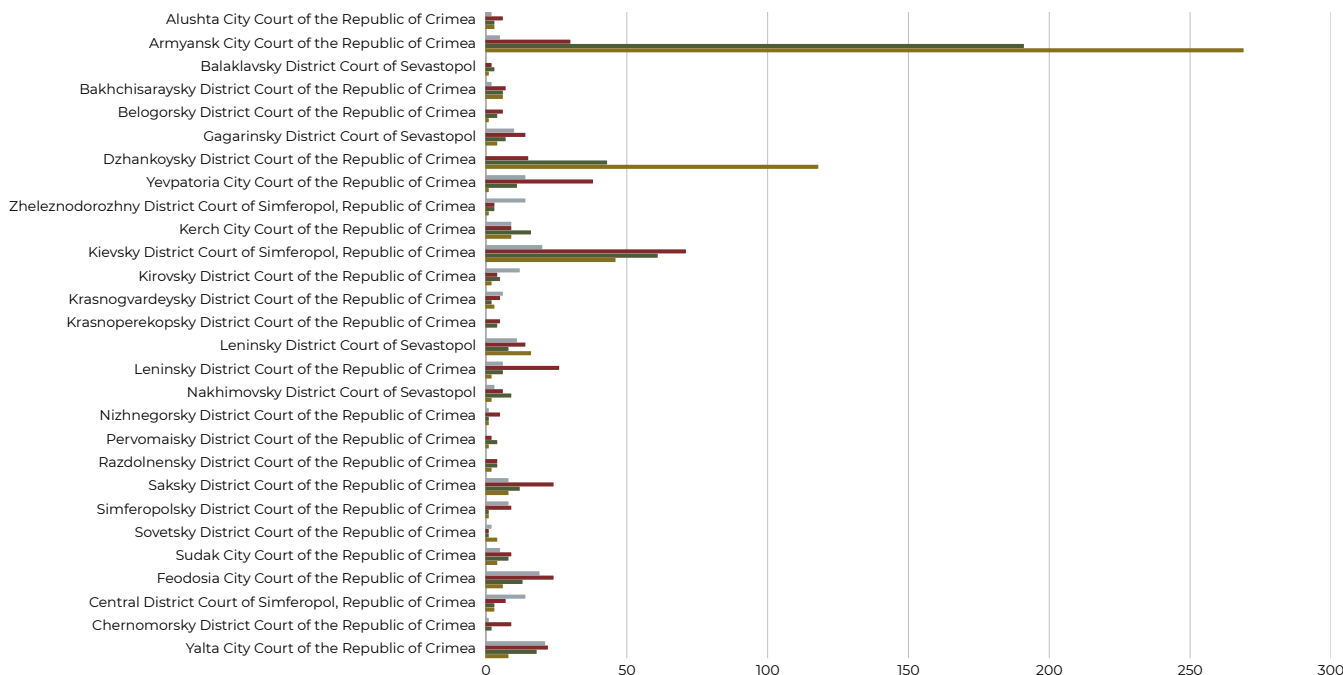


## 2025



An increase in the number of court decisions in this category was also observed in 2025, with 518 orders rendered — approximately 13% more than in 2024. The Armyansk City Court remained the leader, its judges having rendered 269 orders — more than half of the total number of cases.

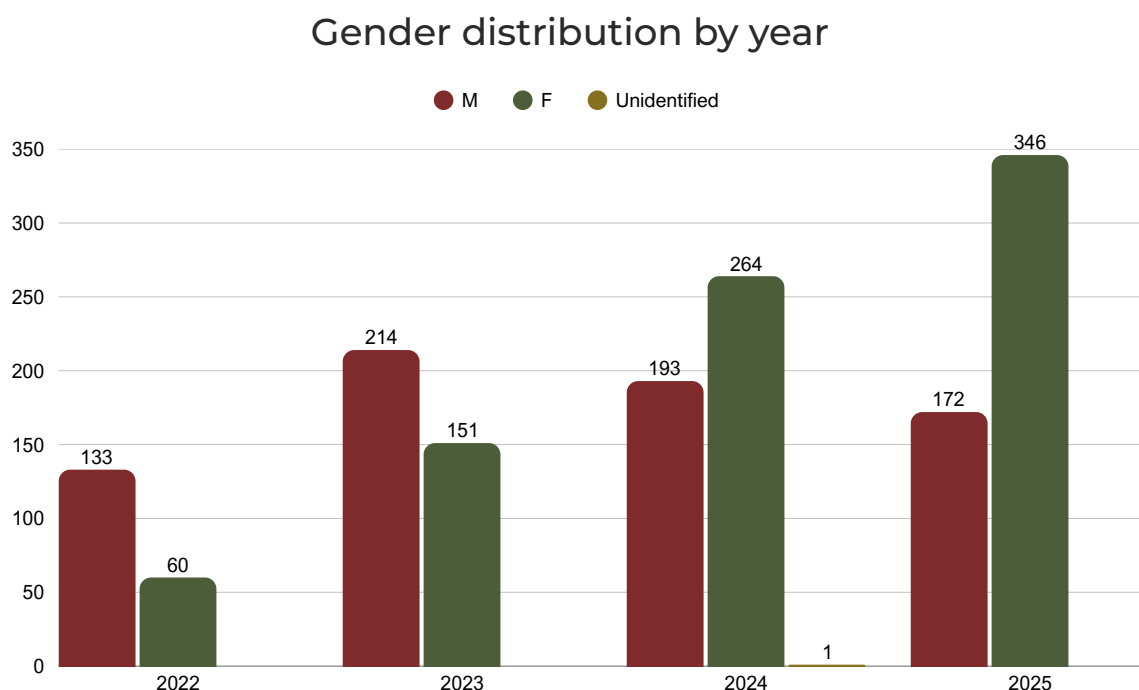
### Year-by-year comparison of the number of decisions



A comparison of the data for the specified years indicates the existence of a steady trend towards an increase in the number of persons falling victim to the repressive mechanism based on administrative liability. In 2022, the mechanism was in the process of establishing; in 2023–2025, it developed further and its practical use significantly expanded. The total number of persons held liable over the years of Russian aggression indicates not only the scale of the prosecutions, but also demonstrates the «evolution of approaches» by the occupation judicial system towards suppressing freedom of speech in the temporarily occupied territory of the Crimean Peninsula.

One reason for the increase in the number of prosecuted persons in 2023–2025 compared with 2022 was evidently the legislative expansion of the scope of Article 20.3.3 of the CAO RF in March 2023.

## 5.2. Distribution of “Offenders” by Gender



In 2022, the majority of persons held liable under Article 20.3.3 of the CAO RF were men — 133. There were half as many women — 60.

In subsequent years, as the research results demonstrate, there was a significant change in the gender distribution of persons held liable for «discreditation» of the Russian Armed Forces in Crimea and Sevastopol, with a shift towards women.

In 2023, the total number of decisions on «discreditation» of the Russian Armed Forces approximately doubled, but men continued to «dominate» the statistics: 216 men and 151 women were held administratively liable.

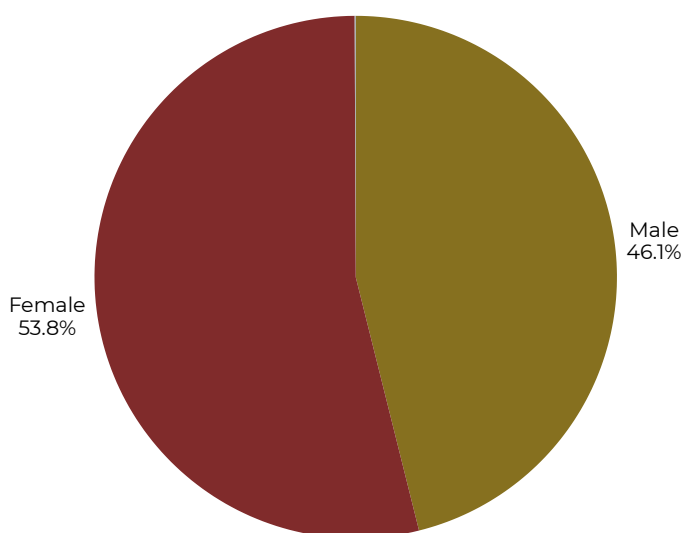
A sharp change in the gender structure of those held liable is observed in 2024: the number of women exceeded the number of men by 35% (264 vs. 195). In 2025, this trend not only continued but significantly intensified: women were held liable twice as often as men (346 vs. 172).

One reason may be that men appear less in public in the temporarily occupied territory of Crimea and Sevastopol — for example, in public places, on social media, or when moving through the occupied territories. On the one hand, this is related to the mobilisation measures of the occupation authorities, which are continuing and escalating: men consciously avoid public activity due to the risk of prosecution and, consequently, forced mobilisation. The participation of men conscripted into the Russian Armed

Forces is also significantly restricted both by objective factors — such as the demands of the command and total Federal Security Service (FSB) control — and by subjective factors—such as the fear of being assigned to assault units as punishment for disloyalty. Official mobilisation data remain classified, but according to estimates by the Defence Intelligence of Ukraine, approximately 5,000 persons per year from Crimea are forcibly conscripted into the Russian Armed Forces,<sup>41</sup> which amounts to approximately 20,000 conscripted over four years of full-scale aggression. On the other hand, the decrease in the number of men in the public space of the peninsula is linked to rising mortality caused by deaths in the war. According to the media resource Krym.Realii, more than 1,800 Crimeans mobilised into the RF army have reportedly been killed since the start of the full-scale invasion<sup>42</sup> — approximately 9% of the estimated number of enlisted persons. And this figure increases year after year.

The gender gap is particularly striking in the case of the Armyansk City Court, where women were held liable 393 times, while men were held liable only 102 times. This may be related to the fact that when crossing the administrative boundary between Kherson region and the Autonomous Republic of Crimea, persons must undergo a special screening. Accordingly, men, in order to avoid the additional risk of forced conscription, cross the administrative boundary with Crimea far less frequently, and therefore they make up a significantly smaller share of those held administratively liable.

### Gender distribution (overall trend)



Overall, in the period from 2022 to 2025, 704 men and 822 women were held liable for «discreditation».<sup>43</sup>

### 5.3. Distribution of “Offenders” by Territorial Origin

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Within the scope of the study the territorial origin of persons held liable for «discreditation» was separately analysed.<sup>44</sup>

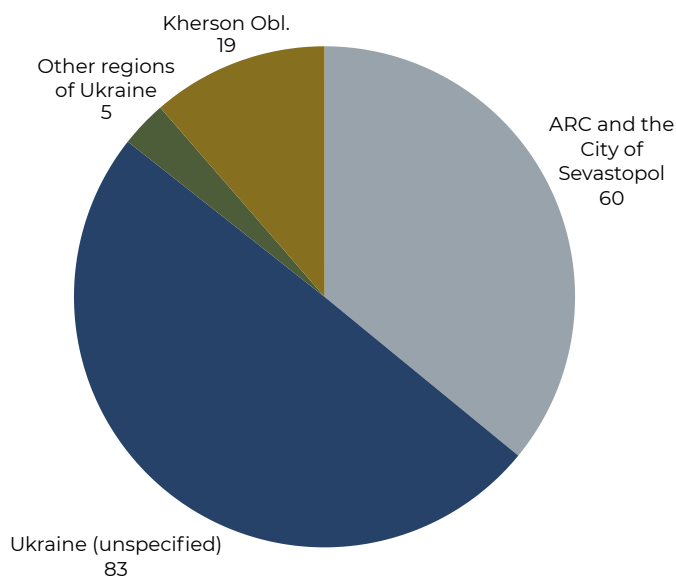
In 1,230 decisions out of 1,529, there is no information at all on the origin of the persons. Such information is completely absent from the decisions of:

- the Balaklavsky District Court of Sevastopol;
- the Nakhimovsky District Court of Sevastopol.

This trend indicates that the leadership of these courts deliberately follows a policy of concealing data on the origin of persons in this category of cases.<sup>45</sup> For example, in two other Sevastopol courts (Gagarinsky and Leninsky), information on origin is provided — which leads to the conclusion that this issue is left to the discretion of the judges themselves.

A similar practice is characteristic of the Pervomaisky District Court of the Republic of Crimea. Unlike the Balaklavsky and Nakhimovsky district courts, this court commonly conceals data on the origin of persons in court decisions in other categories of administrative offences as well.

#### Territorial origin of individuals from Ukraine



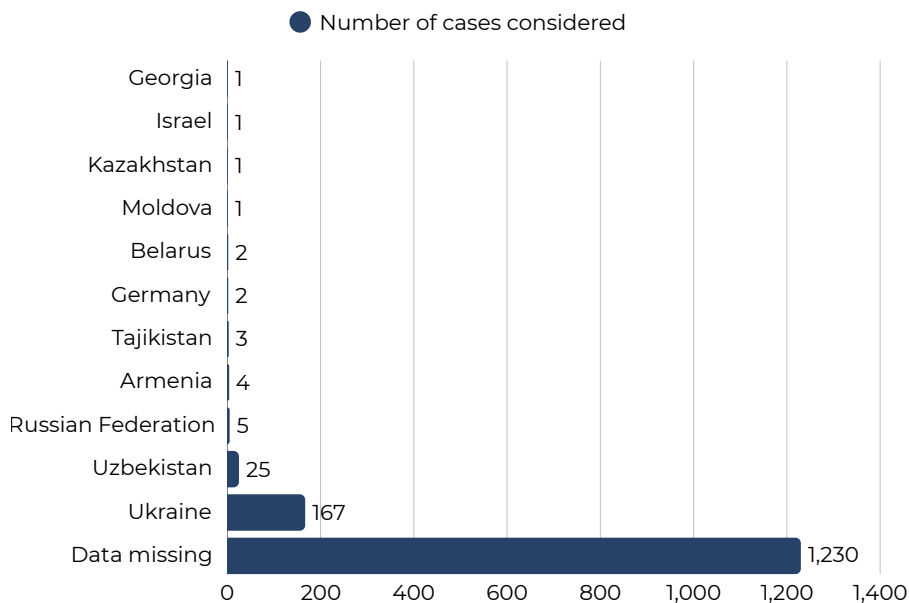
In total, out of the 299 decisions that do contain information on a person’s origin, 167 cases (approximately 56%) concern persons of Ukrainian origin, the overwhelming majority of whom are residents of territories occupied by the Russian Federation. Of these:

- 60 persons originate from the Autonomous Republic of Crimea and the city of Sevastopol;
- 19 persons are from Kherson region;
- 1 person each from Donetsk, Ivano-Frankivsk, Vinnytsia, Volyn regions, and the city of Kharkiv;
- in 83 cases, only «Ukraine» is indicated without specifying the region or locality.

These data give grounds to suggest that among decisions in which origin or citizenship is not indicated, the majority of persons found guilty of «discreditation» of the Russian Armed Forces are also from the occupied territories of Ukraine.

All 19 persons from the Kherson region who were prosecuted for «discreditation» the Russian Armed Forces were held liable by the Armyansk City Court following filtration measures involving inspection of electronic devices when crossing the administrative border between the region and the Crimean Peninsula.

### Information on the origin of victims



Among foreigners held liable under Article 20.3.3 of the CAO RF: 25 persons are citizens of Uzbekistan, 4 of Armenia, 3 of Tajikistan, 2 each of Belarus and Germany, and 1 each of Kazakhstan, Georgia, Moldova, and Israel.

The absence of information on the origin of persons in more than 86% of decisions makes it impossible to form relevant conclusions regarding this aspect of the research.

## 5.4. Public Availability of the Texts of Decisions

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An inseparable component of the principle of publicity is the publication of court decisions in open registers with proper depersonalisation of data.

A court order in an administrative offence case is the key procedural document. Its content makes it possible to establish the material circumstances of the offence, including the date of its commission and the existence of the elements and character of the offence, the person's condition at the time of commission, admission of guilt, remorse, the amount of the fine, etc.

The absence of court decisions in the public domain gives rise to justified doubts as to the compliance with procedural time limits, the adequacy of reasoning, and the existence of the elements of the offence. It limits public access to information about the functioning of the judicial system and calls into question the fairness of hearings. Occupation judges' failure to upload the texts of decisions to open judicial registers is a fairly widespread practice among occupation courts in Crimea.

Court	Number of Decisions	Decision Absent	Decision Present
Alushta City Court of the Republic of Crimea	14	8	6
Armyansk City Court of the Republic of Crimea	495	9	486
Balaklavsky District Court of Sevastopol	6	1	5
Bakhchisaraysky District Court of the Republic of Crimea	23	5	18

Belogorsky District Court of the Republic of Crimea	11	1	10
Gagarinsky District Court of Sevastopol	35	21	14
Dzhankoysky District Court of the Republic of Crimea	176	51	125
Yevpatoria City Court of the Republic of Crimea	64	25	39
Zheleznodorozhny District Court of Simferopol, Republic of Crimea	21	3	18
Kerch City Court of the Republic of Crimea	43	12	31
Kievsky District Court of Simferopol, Republic of Crimea	198	40	158
Kirovsky District Court of the Republic of Crimea	23	5	18
Krasnogvardeysky District Court of the Republic of Crimea	16	1	15
Krasnoperekopsky District Court of the Republic of Crimea	9	1	8

Leninsky District Court of Sevastopol	49	5	44
Leninsky District Court of the Republic of Crimea	30	5	25
Nakhimovsky District Court of Sevastopol	20	6	14
Nizhnegorsky District Court of the Republic of Crimea	8	3	5
Pervomaisky District Court of the Republic of Crimea	7	4	3
Razdolnensky District Court of the Republic of Crimea	10	2	8
Saksky District Court of the Republic of Crimea	52	37	15
Simferopolsky District Court of the Republic of Crimea	18	13	5
Sovetsky District Court of the Republic of Crimea	5	3	2
Sudak City Court of the Republic of Crimea	26	2	24

Feodosia City Court of the Republic of Crimea	62	4	58
Central District Court of Simferopol, Republic of Crimea	27	8	19
Chernomorsky District Court of the Republic of Crimea	12	6	6
Yalta City Court of the Republic of Crimea	69	18	51
<b>TOTAL</b>	<b>1529</b>	<b>296</b>	<b>1233</b>

Thus, of 1,529 cases on «discreditation» examined by occupation courts, orders were published only in 1,233 cases (80.6%), while in 296 cases (19.3%) they are not available in the public domain. No justification by the courts for the selective concealment of rendered decision texts is provided. This points to the existence of a persistent problem — the lack of openness and transparency in the work of the occupation courts of Crimea — and also calls into question their compliance with the principle of publicity as one of the key guarantees of a fair trial.

Legal representatives who participated in cases of this category confirmed that even in cases considered with their participation, court decisions are frequently absent from the public domain. In their view, this can be explained by the poor quality of the judicial proceedings, the judges' formalism, and complete disregard for the procedural requirements applicable to administrative proceedings.

The lowest level of transparency in this category of cases is found in the following occupation courts:

- Simferopolsky District Court — decision texts are absent in 72.2% of cases;
- Saksy District Court — in 71%;
- Gagarinsky District Court of Sevastopol — in 60%;
- Alushta City Court — in 57%.

## 5.5. Absence of Information on the Nature of the Offence in the Texts of Decision

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In 392 of the 1,233 decisions (31.8%) issued under Article 20.3.3 of the CAO RF, the courts either partially or completely failed to disclose which specific actions, statements, or materials formed the basis for imposing administrative liability. This statistic is significant in itself; however, the situation appears even more telling when viewed against the full body of identified materials — 1,529 cases (which include both cases with available orders and cases with decision texts withheld from public access). Thus, information on the nature of the offence is absent in 688 cases, or 45% of all recorded proceedings.

In the overwhelming majority of such cases, key information was redacted from the texts of publicly available documents. Instead of setting out the circumstances of the event, courts limited themselves to purely formal and extremely broad formulations such as: «committed public actions discrediting the Russian Armed Forces <data redacted>».

The following were not disclosed:

- the content of the statements or materials;
- the time or place of the actions;
- the context in which they were carried out;
- the means of dissemination (conversation, public space, social media post, etc.).

Thus, in almost half of all cases it is effectively unclear what exactly the persons were accused of and why their actions were classified as «discreditation».

The absence of a clear formulation of the elements of the administrative offence in public materials is not a technical error or an accident, but a manifestation of a systemic tendency towards the deliberate concealment of the substance of the charges. This approach has several key consequences:

- **It makes public oversight impossible.** The public (including human rights defenders and researchers) is deprived of the ability to verify whether the classification of a person's actions was justified or whether the prosecution was arbitrary. Access to the information necessary to assess the lawfulness of decisions is closed by the very courts that issue them.
- **It undermines the transparency of hearings.** The principles of openness and publicity of judicial proceedings are effectively nullified, since the core element of a court decision — the description of the circumstances of the «offence» — is deliberately withheld.

- **It facilitates the creation of an instrument of selective prosecution.** In the absence of clear criteria, the line between «discreditation» and the ordinary expression of one’s opinion is completely erased. This creates broad opportunities for the arbitrary interpretation of any comments and the rendering of politically motivated decisions.
- **It creates an atmosphere of legal uncertainty.** If it is unclear exactly which conduct is prohibited, an even wider chilling effect arises: citizens refrain from any statements that could even hypothetically be perceived as criticism. The creation of such an effect can be considered one of the goals of the Russian authorities in implementing the policy of prosecution for «discreditation».

Lawyers who participated in cases in this category confirmed that the concealment of the nature of the offence is a common practice in «discreditation» cases. They are not aware of any instances in which courts of appeal overturned decisions of lower-instance courts on the grounds of the absence of a clear formulation of the elements of the administrative offence and the lack of reasoning.

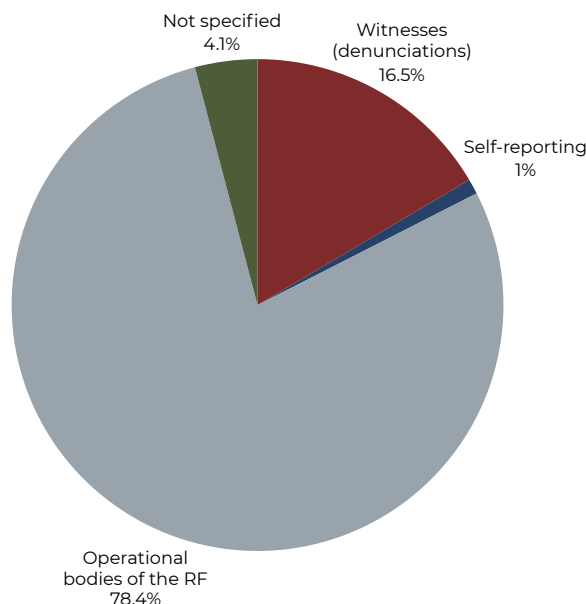
Thus, it appears that the justice system as a whole has ceased to fulfil its function of ensuring legality, transforming instead into an instrument of control, intimidation, and persecution of the disloyal population.

## 5.6. Entities Responsible for Offence Detection and Evidence in Cases. “Crimean SMERSH”

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1,233 publicly available orders were analysed to identify the actors involved in detecting alleged offences and the types of evidence on which courts base their findings of a person’s guilt.

Entities responsible for offence detection



In 78.4% of cases, the fact of the «offence» was established by operational units of RF state agencies in the course of their official duties. In the Armyansk City Court, this figure reaches 98% — in 484 cases out of 495.

In 16.5% of cases, administrative proceedings were initiated on the basis of a «witness report» (effectively a denunciation), and in 4% — the manner of detecting the «offence» is not indicated at all.

Three cases deserve special attention — those in which the person «reported on themselves». The texts of the court decisions in these cases state that the person made a «voluntary report of the commission of an administrative offence». For example, one order explicitly states that the person voluntarily reported that they had «on the windows of their apartment at their place of residence displayed and hung two flags bearing Ukrainian symbols» and had «carried out public actions, namely at the above-mentioned address near entrance No. [...] written the inscription in red and burgundy: 'I am against the war and you can kill me for this.'»

In many cases before Russian occupation courts in Crimea and Sevastopol, administrative liability decisions are adopted without sufficient evidence. In particular, decision texts show that in 23% of cases there is presumably no report on the commission of an administrative offence — the key document in administrative proceedings. Oral or written explanations by the person held liable are mentioned by courts in only 79% of cases, casting doubt on their very existence in more than 20% of cases. Such violations are not isolated but systemic.


As regards the evidence on which courts rely on to confirm a person's guilt, the most common type is evidence obtained through so-called operational investigative measures — in effect, social media monitoring:

- in 69% of all cases, the court's finding of a person's guilt is based on records of examination of objects and documents, review of Internet sources (including social media profiles), registering the results of operational investigative measures in accordance with RF legislation;
- in 64% of all cases, such findings are based on reports of law enforcement representatives attesting to the «fact of commission» of the administrative offence;
- in 42% of cases, court decisions are based on the results of examination of photo and video materials as well as screenshots purportedly confirming the offence. Formally, it is precisely these materials that should be the key evidence in cases involving online statements, as they allow the content of the disseminated information to be directly recorded and assessed. However, the overall share of such evidence is extremely low, particularly given that approximately 80% of all cases concern «violations» related to online activity.

Courts relied on witness testimony relatively rarely — it is mentioned in only 16% of orders. Since denunciations from witnesses served as the basis for initiating administrative proceedings in 16.5% of cases, it is evident that in those cases the person was simultaneously both the «informant» and the witness.

### “Crimean SMERSH”

Крымский СМЕРШ



🇷🇺 19 апреля 1943 года был создан "СМЕРШ"

Он существовал три года, но помнят его до сих пор..

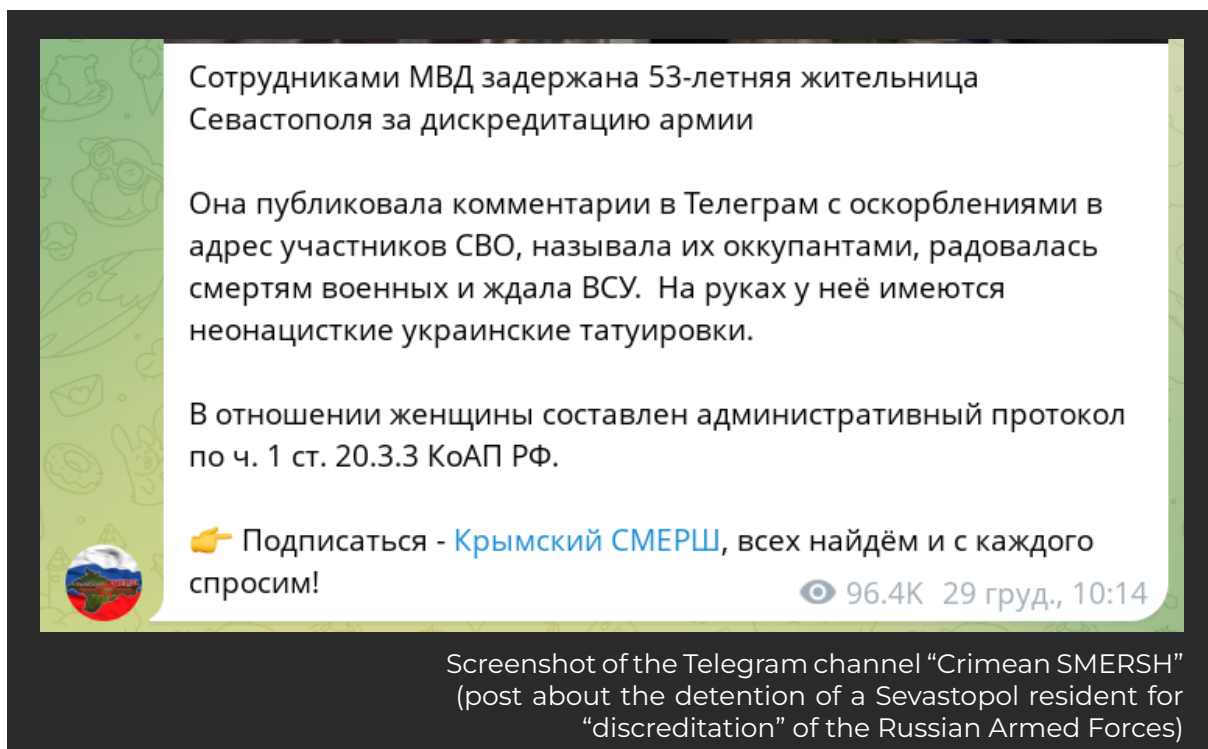
👉 Подписаться - [Крымский СМЕРШ](#), всех найдём и с каждого спросим!

🌟 999 🍷 158 🎉 46 🗨️ 22 🔥 21 😄 20 🍾 17

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Screenshot of the Telegram channel “Crimean SMERSH” (post commemorating the anniversary of the Soviet SMERSH)



«Crimean SMERSH» is a Telegram channel that publishes personal data of citizens whom the occupation authorities consider «disloyal» to the RF and its policies, including those accused of «discreditation» of the Russian Armed Forces. The platform is run by Oleksandr Talipov — a former Ukrainian border guard who in 2014, during the occupation of Crimea, defected to Russia and openly supports the Russian Federation’s armed aggression against Ukraine.

Participants in the Ukrainian resistance — including citizens who publicly express a pro-Ukrainian position (for example, by posting in support of Ukraine, sharing materials with Ukrainian symbols, or simply using a blue-and-yellow colour scheme in images) — are derogatorily referred to in the channel as «zhduns» («those waiting»). This term denotes people who, in the channel owner’s view, are waiting for the Ukrainian Armed Forces to restore Ukraine’s sovereignty over the Crimean Peninsula.

The channel’s content is built on systematic intimidation. «Crimean SMERSH» publishes videos showing the humiliation of Crimeans considered disloyal: the recordings show physical and psychological violence, beatings, coercion to «repent» for pro-Ukrainian publications, demands to show personal belongings or phones, blackmail, and pressure from so-called law enforcement agencies. In parallel, the channel disseminates hate speech against Ukrainians, using offensive and dehumanising expressions such as «khokhly» (a slur), «Nazis», «Ukrainian pigs», etc. This creates an atmosphere of public harassment, degrading human dignity, and normalises the persecution of those who hold pro-Ukrainian views.

Oleksandr Talipov presents the Telegram channel «Crimean SMERSH» as the successor of the Soviet SMERSH of the Second World War period, while in effect distorting or concealing the true nature and methods of that structure.

SMERSH was created on 19 April 1943 as the Soviet military counter-intelligence body, whose task was to identify spies, agents of the enemy, saboteurs, and traitors; to prevent desertion; to protect military secrets; and to «maintain discipline» in Red Army and Navy units. During the Crimean Offensive Operation (8 April–12 May 1944), its members operated alongside combat units: they identified and dismantled German and Romanian intelligence networks, exposed agent groups, arrested trained radio operators and saboteurs, confiscated radio stations, weapons, explosives, false documents, and exposed local collaborators. SMERSH's goal in that period was officially framed as neutralising the activities of enemy special services and persons actually working for the military structures of the Wehrmacht — that is, as a component of securing military advantage and political control over liberated territories.

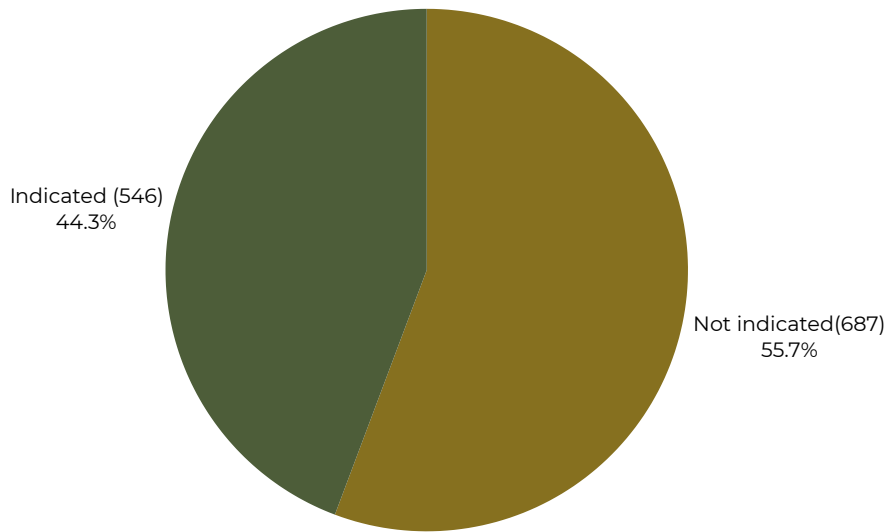
In contrast, the modern Telegram channel «Crimean SMERSH», operating in occupied Crimea, uses the old name but has an entirely different purpose and logic. While the historical SMERSH declared its goal as combating enemy agents and sabotage groups, the «Crimean» version is primarily aimed at suppressing Ukrainian resistance and intimidating the civilian population of the occupied territory. The channel publishes data about Crimean residents whom the occupation structures consider hostile to the occupation authorities or RF policies; publicly humiliates people for their pro-Ukrainian position or symbols; uses hate speech; creates an atmosphere of fear; and encourages denunciations. Its function is to silence any citizen, to eradicate any expression of support for Ukraine and its Armed Forces, and to portray a pro-Ukrainian identity as a «threat to security». According to available data, as of December 2025, at least 135 persons had been held administratively liable due to the activities of «Crimean SMERSH» for publicly supporting Ukraine and its army — meaning the targets were not professional spies or saboteurs, but ordinary people who expressed views contrary to the policy of the occupying state.

## **5.7. Compliance with Statutes of Limitations**

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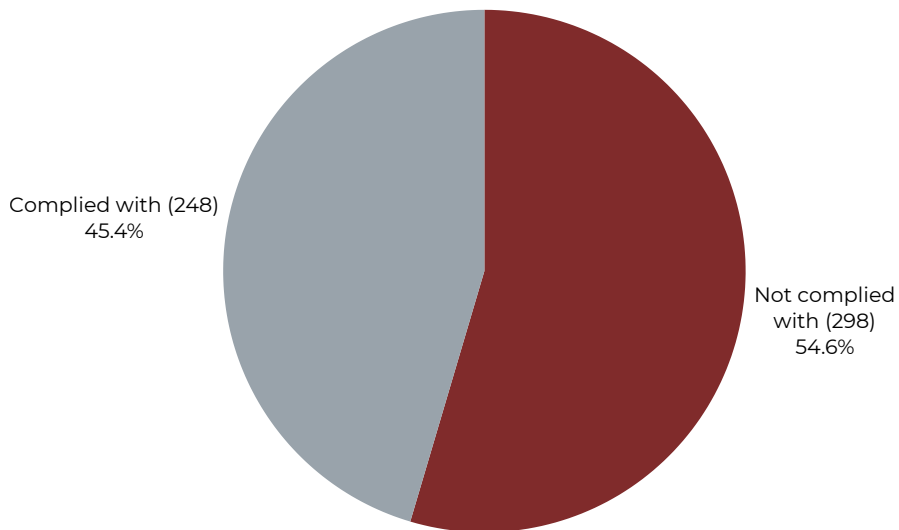
Pursuant to Part 1 of Article 4.5 of the CAO RF, the statute of limitations for administrative prosecution for offences under Article 20.3.3 of the CAO RF is 90 days from the date of commission of the administrative offence.

## Indications in the decisions of the date of commission and/or detection



Out of 1,233 cases, information on the date of commission and/or detection of the offence was indicated only in 546 orders (44.3%). For this reason it is impossible to verify actual compliance by courts with the statutes of limitations in more than half of all cases.

## Compliance with statutes of limitations



A review of the outcomes of the 546 cases demonstrates that in 248 of them (45.4%) the statutes of limitations for administrative prosecution were violated. In some cases, persons were held liable even for online publications made in 2013–2014, which constitutes retrospective application of a provision that did not exist until 2022.

In a number of cases involving social media posts, comments, or photo/video materials, courts did not consider the moment of dissemination of certain information as the date of the commission of the offence, but took into account the entire period of its public accessibility. Even if a publication had been made one, three, or ten years prior, the judges considered that the statutes of limitations had not expired, justifying this on the grounds that such actions constituted a «continuing offence». In the majority of cases, courts included no explanation in the decision text as to why the publications were classified as «continuing offences». They effectively proceeded from the assumption that the classification of an offence as continuing was «self-evident», required no explanation, and was not subject to review.

At the same time, Part 3 of Article 4.5 of the CAO RF in any event excludes the possibility of holding a person liable for an offence (even a continuing one) if more than one year has passed since its commission.

Several lawyers stated in interviews that well-reasoned motions to close administrative proceedings on the grounds of expiry of the statute of limitations, which they submitted to courts, were always rejected without any reasoning.

The application of the concept of a continuing offence in proceedings on «discreditation» of the Russian Armed Forces, and courts' disregard for the provisions of Part 3 of Article 4.5 of the CAO RF, effectively nullify the statute of limitations provisions, allowing law enforcement agencies to extend the timeframe for detecting Internet content that may be construed as «discreditation». This also points to a violation of the principle of legal certainty, which is a component of a fair trial standard.

## **5.8. Participation of “Offenders” in Court Hearings**

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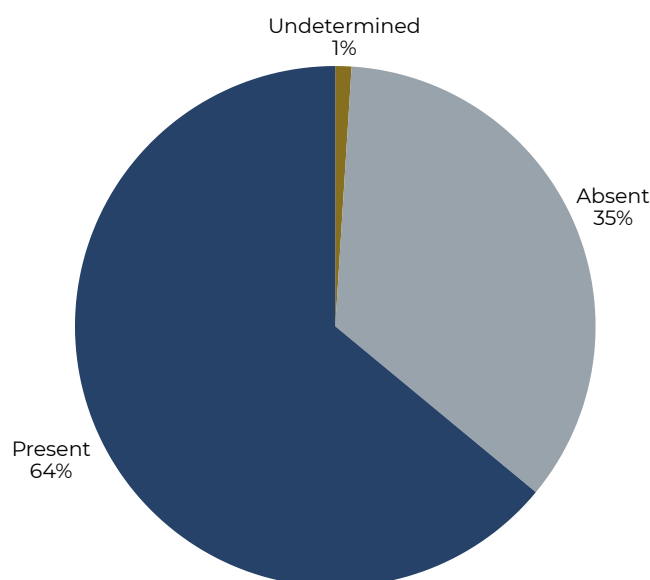
The ability to directly participate in judicial proceedings concerning one's rights and obligations is one of the key guarantees of the right to a defence. Given the nature of Article 20.3.3 of the CAO RF and the severity of the punishment it provides for, these legal relations must be examined in the context of a criminal charge within the meaning of Article 6(1) ECHR and Article 14(1) ICCPR. Accordingly, the person must also be afforded all the rights provided for an accused in criminal proceedings (Art. 6(3) ECHR, Art. 14(3) ICCPR).

Only in such circumstances can the right to participate in judicial proceedings be effectively guaranteed, enabling individuals to present their position, agree with or contest the evidence, admit guilt, express remorse, or conversely refute the charges.

In the event of the absence of the accused, the court must as a general rule adjourn the hearing to another date, duly notifying the parties. An exception is the situation where the accused personally requests that the case be examined in their absence: in that case, the corresponding application is submitted to the court in advance, together with the person's written explanations of the circumstances and their legal position.

This procedure makes it possible to maintain a balance between the expeditious examination of the case and the effective exercise of the right to a defence. However, in the practice of Crimean occupation courts, cases are fairly common where courts disregard these requirements and render decisions in the person's absence and without their proper written explanations.

### Data on participation in court hearings



The study showed that of 1,233 cases for which orders are publicly available, only 64% of persons held liable for «discreditation» were present during the examination of their case in court. The remaining approximately 35% were absent in the courtroom (for the remaining 1%, it was not possible to determine whether the person was present or absent during the hearing).

Thus, a significant proportion of proceedings were conducted without the participation of the person they concerned. This contradicts the general principle that examination in absentia must be an exception, not a rule, since during such examination the person is deprived of the opportunity to respond to the prosecution's arguments, file motions, question witnesses, and challenge the manner of collection and assessment of evidence.

## 5.9. Imposition of Administrative Penalties. Imposition of Penalties Considering Admission of Guilt and Mitigating Circumstances

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Based on the results of the analysis, it can be stated that Article 20.3.3 of the CAO RF has become a routine instrument for punishing any manifestations of an anti-war position, even statements that did not in fact have such content. In analysing the practice of imposing penalties under Article 20.3.3 of the CAO RF, two behavioural factors were taken into account: admission/non-admission of guilt and presence/absence of a person during the examination of their case. Based on a sample of cases from 2022–2025, the average/median fine amounts and the share of minimum fines of 30,000 roubles were compared. The aim of this comparison was to obtain data on whether there is a correlation between the person's procedural strategy (attending hearings, admitting or denying guilt) and the amount of the fine imposed by the court.

The sanction under Part 1 of Article 20.3.3 of the CAO RF provides for a fine of 30,000–50,000 roubles for citizens, and under Part 2 — a fine of 50,000–100,000 roubles.

The analysed data show that:

- there is a steady trend towards an increase in the number of fines from year to year: 2022 — 161, 2023 — 242, 2024 — 374, 2025 — 413;
- in the majority of cases, courts imposed minimum fines of 30,000 roubles, but there were instances of fines of 40,000–50,000 roubles.

### 5.9.1. Relationship Between Procedural Strategy (Admission or Denial of Guilt) and the Amount of the Fine

To verify the relationship between admission of guilt and the amount of the fine imposed, a sample of 1,084 cases was divided into two groups:

- the «yes» group consisting of 950 persons who admitted guilt;
- the «no» group consisting of 134 persons who denied guilt.

*The purpose of the analysis is to assess whether the differences in fine amounts between these two groups are sufficiently significant to be considered a systematic pattern rather than a coincidence.*

The average fine in the «yes» group was 32,783 roubles, while in the «no» group it was 34,716 roubles. On average, persons who did not admit guilt received a fine approximately 1,933 roubles higher (+5.9%).

For the purposes of accurate comparison, only cases involving individuals were included in the analysis. Cases concerning company executives, directors, and other representatives of legal entities were excluded, as the significantly higher fines applicable to them (in particular, 100,000 and 300,000 rubles) substantially deviate from the main body of examined cases and distort both indicators of the central tendency and comparisons between groups. Cases in which courts, at their discretion, imposed fines below the statutory minimum, including cases where the fine amounted to 2,000 and 15,000 rubles, were also excluded.

First, the median was calculated i.e the value that lies “in the middle” of the distribution of fines, meaning that half of the cases fall below or are equal to this amount and half fall above or are equal to it. In both groups, the median fine equals 30,000 rubles. Such a result is not surprising, as 30,000 rubles is the statutory minimum fine that courts frequently impose. However, even when medians are identical, groups may differ in how often and to what extent fines exceed the minimum threshold. For this reason, a meaningful conclusion requires not only visual inspection or comparison of average values, but also a statistical test that can determine whether the observed difference between groups is stable and not accidental.

Before conducting the main comparison, it was necessary to assess whether classical statistical methods were appropriate, as they perform best when data is predictable. A test for normality — the Shapiro–Wilk test — was applied. This test is used in cases where most values are concentrated around a median, while lower and higher values occur progressively less frequently. In our case, court-imposed fines do not follow such a distribution: many values are “clustered” at the minimum level of 30,000 rubles, with other cases of higher amounts. Next, the data were tested for equality of variances using Levene’s test, i.e., whether fines under Article 20.3.3 of the CAO RF are similarly dispersed across both groups. The results showed that in one group almost all fines are very close to one another, while in the other group the variation is more evident. In addition, it was assessed whether ANOVA residual assumptions were appropriate for comparing median values between the groups. The calculations indicated that, due to the clustering of fines at the minimum level of 30,000 rubles and the differing dispersion of values across groups, the standard approach could be unreliable.

Given these limitations, a Welch test was applied — a comparison of the medians of two groups in situations involving clustering at the minimum value and unequal variance between groups. The test addresses whether the observed difference between median values (in our case, 32,783 rubles and 34,716 rubles) is sufficiently stable to be considered a systematic pattern within the available data, rather than an accidental effect. The Welch test showed that the difference between the groups is statistically evident in the available data — it cannot be explained solely by chance variation in the sample.

These calculations indicate that there exists a relationship between procedural strategy and the fine amount that is noticeable in the data, although not deterministic. Admission of guilt is on average associated with the imposition of a minimum fine, while denial of guilt is more often accompanied by fine amounts exceeding the minimum threshold.

Such a pattern may indicate the existence of a judicial practice that encourages the admission of guilt, creating a material advantage for those who agree with the charge — even in cases with questionable evidentiary basis. As a result, the admission of guilt becomes an instrument for minimising the risk of receiving a larger fine, while denial may be viewed as a disadvantageous strategy accompanied by a higher financial burden.

### **5.9.2. Relationship Between Presence/Absence in Court and the Amount of the Fine Imposed**

*Linear regression analysis of the relationship between presence/absence in the court and amount of the fine.*

To examine the relationship between a defendant's presence or absence at court and the amount of the imposed fine, the sample of 1,165 cases was divided into two groups:

- the “yes” group, consisting of 710 individuals who were present at the court hearing;
- the “no” group, consisting of 455 individuals who were absent at the court hearing.

*The aim of this analysis is to determine whether there is a statistically significant relationship between court attendance and the amount of the imposed fine.*

Initial results showed significant differences between the groups. The average fine among those present was 34,479 roubles, while among those absent it was 30,508 roubles — meaning the average in the second group is lower by approximately 3,970 roubles (–11.5%). However, as in the previous analysis, the distribution of values is characterised by a pronounced concentration at the minimum fine of 30,000 rubles, which reduces the informational value of a simple comparison of median values. Therefore, medians and the proportions of fines exceeding the minimum threshold were additionally calculated. The median was identical in both groups — 30,000 rubles — Prior to statistical testing, the normality of the distribution of fine amounts and the homogeneity of variances were assessed. Shapiro–Wilk tests for both groups indicated deviations from normality: most values were clustered around a central point, with lower and higher values occurring progressively less frequently. Levene's test also indicated unequal variances: in the “no” group, almost all fines were very close to one another, whereas in the “yes” group the variation was more pronounced. In addition, analysis of ANOVA

residuals demonstrated non-normality, reflecting a clear clustering of fines at the minimum level. The statistical assumptions underlying a standard t-test were therefore not met, as the distributions in both groups deviated from normality and variances were unequal. Consequently, a Welch test was again applied to assess the statistical significance of the difference. The test result confirmed the presence of a significant difference: fine amounts in the «present» group are systematically higher than in the «absent» group.

The variance of the model is 10.6%, indicating a moderate level of its significance. That is, presence does matter, although it is not the main reason why fine amounts differ, as other factors also affect it.

Thus, the presence of a person in court increases the likelihood of receiving a fine exceeding the minimum 30,000 roubles, while absence in the court, in practice, almost guarantees imposition of the minimum fine. Such court practice seems to be a kind of punishment for persons who appear in court to exercise their right to participate in proceedings, and may have a chilling effect on those intending to attend.

Further analysis covered the following scenarios based on combinations of the above circumstances — presence/absence at the court hearing and admission/denial of guilt:

No.	Configuration	Number of Observations	Average Fine (RUB)	Typical Outcome	Comment
1	Admits guilt + Does not appear at a hearing	269	30,167	Fine is close to a minimum	This configuration appears most acceptable to the court; accordingly the fine imposed is close to the minimum
2	Denies guilt + Does not appear at a hearing	25	32,200	Fine is below average	These configurations are less acceptable to the court as they require greater effort in reasoning the decision. Accordingly, the fine imposed is above the minimum
3	Admits guilt + Appears at a hearing	534	34,137	Fine is above average, close to high amount	
4	Denies guilt + Appears at a hearing	105	35,543	Fine is high	This configuration appears least acceptable to the court as it requires more time for the hearing and preparation of the reasoning. Accordingly, the fine imposed is the highest

To assess typical fine amounts in different behavioural scenarios, four configurations were constructed based on the intersection of two variables: (1) position regarding guilt (admits / denies) and (2) participation in court hearings (appears/ does not appear). The data were first standardised into a unified format: the fine amount was converted into a numeric variable, and the categorical variables were normalised to retain only binary “yes/no” values.

The findings regarding scenarios involving denial of guilt require further verification on a larger dataset or with more precise grouping, as the small size of these subgroups makes the estimates unstable. At the same time, the results of the analysis of these scenarios confirm that the defendant’s behaviour (position regarding the charges and attendance of the court proceedings) influences the amount of the fine imposed by the court.

As lawyers stated in interviews, judges’ assistants often attempt to persuade persons who have arrived for a court hearing to submit an application for the case to be examined in their absence and to admit guilt, explaining that in such a case the fine would be minimal. There were instances where judges personally made such a proposal to lawyers.

## 5.10. Duration of Court Proceedings

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International human rights standards guarantee every person a hearing of their case within a reasonable time.<sup>46</sup>

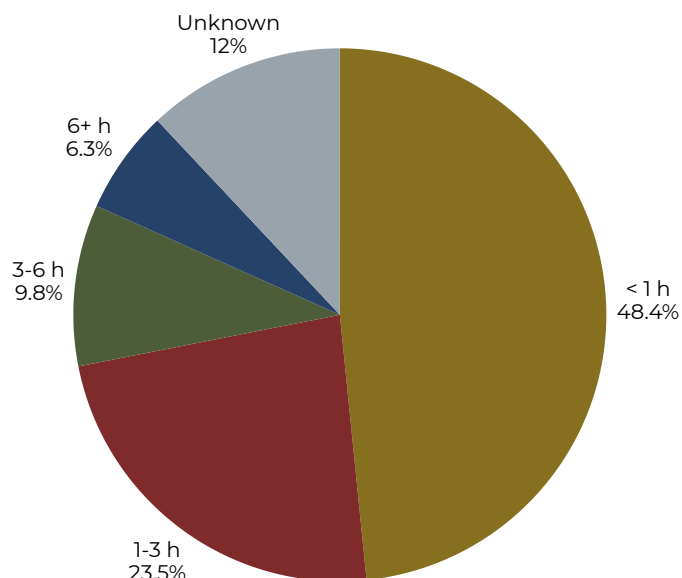
There is no defined period that could be considered reasonable. This is a subjective criterion depending on the circumstances of each specific case.<sup>47</sup> In general, compliance with a «reasonable time» requirement demands that the hearing be neither unduly long nor unjustifiably short. According to the ECtHR’s case law,<sup>48</sup> the assessment of the duration of court proceedings must be carried out depending on its complexity, the conduct of the person facing prosecution, and the conduct of the state authorities and the court itself.

In some cases, the exact duration of the hearings could not be determined due to rescheduling.

The analysis of 1,529 cases established:

- 740 cases were examined in less than 1 hour (48.4% of the total);
- 359 cases were examined within 1 to 3 hours (23.5%);
- 150 cases were examined within 3 to 6 hours (9.8%);
- 97 cases lasted more than 6 hours (6.3%);
- for 183 cases, the duration of proceedings cannot be assessed (approximately 12%).

## Data on the duration of case proceedings



In addition, cases were identified where proceedings were completed in a matter of minutes: 6 cases were reviewed in 3 minutes, 4 cases in 2 minutes, and 13 cases in under 1 minute.

In the Yalta City Court, more than 50% of cases were examined in less than 3 minutes. In such a short period of time it is clearly impossible to conduct a comprehensive and fair examination of the case materials.

In all 27 cases examined by the Central District Court of Simferopol, the duration of the hearing could not be established. In the Leninsky District Court of Sevastopol and the Kerch City Court, cases in which duration of the hearing cannot be determined constitute the largest share of all available cases in both courts.

The absence of data on the duration of trials may be both a consequence of the improper recording by the court of key procedural stages, and an indication of an intent to conceal procedural violations relating to the duration of proceedings.

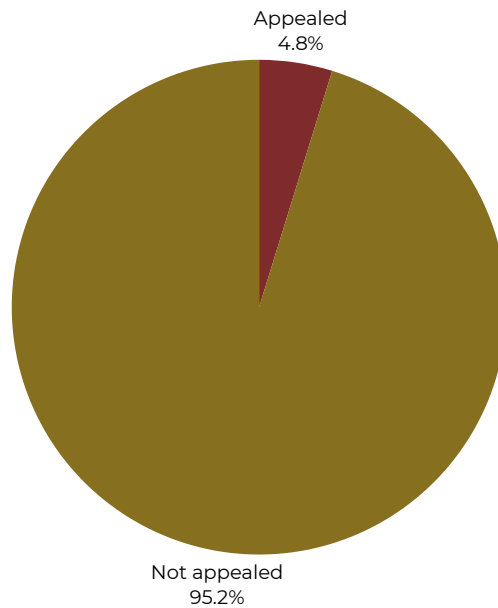
The excessively short duration of hearings in a significant number of cases points to serious procedural violations and the formal character of proceedings — a violation of the right to a fair trial.

## 5.11. Appeals Procedure and Participation of Defence Counsel in Cases

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Analysis of the practice of appealing decisions in «discreditation» cases shows that this mechanism is used extremely rarely.

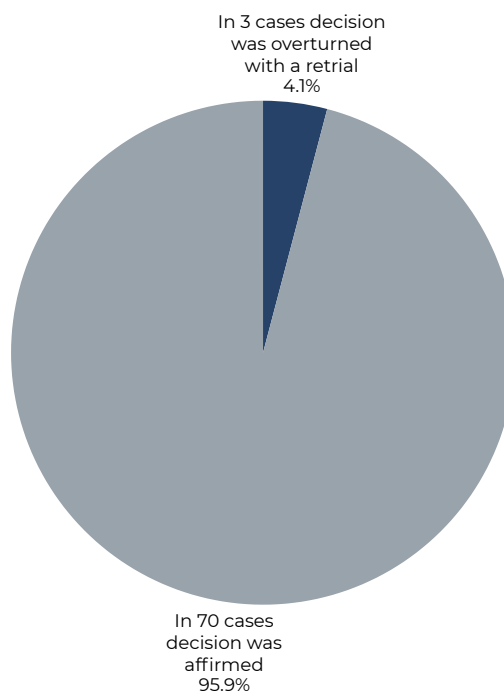
## Appeal of decisions



Of 1,529 cases where orders are publicly available, only 73 court decisions were appealed (4.8% of the total). This points to the formal character of the right to appellate review and the low effectiveness of the appeal as an instrument for reviewing the legality of decisions in this category.

Although the majority of cases generally concern Internet activity, the overwhelming majority of appealed decisions relate to statements made in public places. This disproportion may indicate that in cases where proving the public character of actions requires greater effort, persons and their defence counsel see more procedural opportunities for challenging the presence of the elements of an offence.

## Results of Appeals



In the overwhelming majority of cases, the appellate court left the first-instance court's decision unchanged.

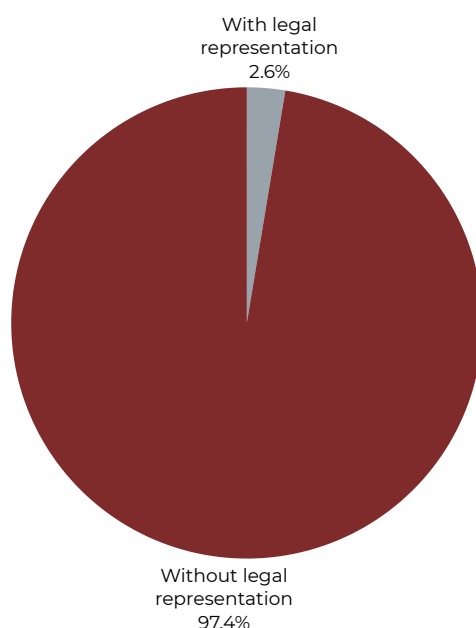
Of the 73 appealed cases, in three the first-instance court's decision was overturned with a retrial, during which:

- in one case, proceedings were closed due to the absence of the elements of an administrative offence (Kirovsky District Court); the case related to a dialogue in a public place and was examined with the participation of defence counsel;
- in a second case, proceedings were closed due to expiry of the statute of limitations (Feodosia City Court); this case also involved a dialogue in a public place;
- in a third case, the court again found the person guilty of an administrative offence, but the text of the order is not publicly available (Feodosia City Court).

In their appeals, persons held liable and their defence counsel most frequently cited the following grounds for overturning the decision:

- expiry of the statute of limitations for administrative prosecution;
- inability to establish the time of commission of the offence;
- non-compliance of the record of operational investigative measures with the requirements of the CAO RF;
- absence of proper notification of the date and time of the hearing;
- absence of a hearing record or a record of the inspection of items;
- fabricated circumstances of the case or an interpersonal conflict of a non-public character;
- no harm resulting from the publication of content that was already publicly available.

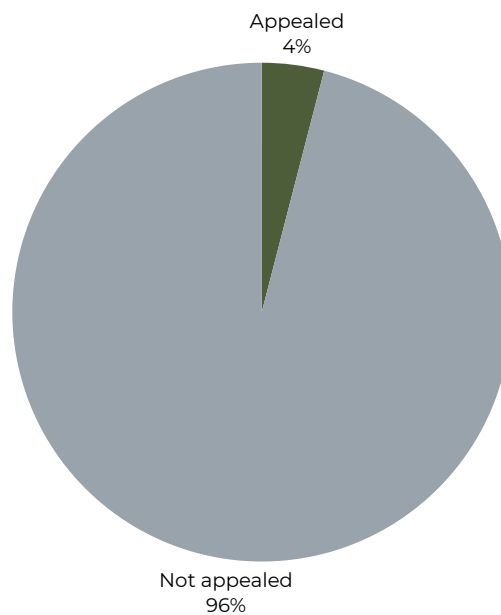
### Legal representation in cases



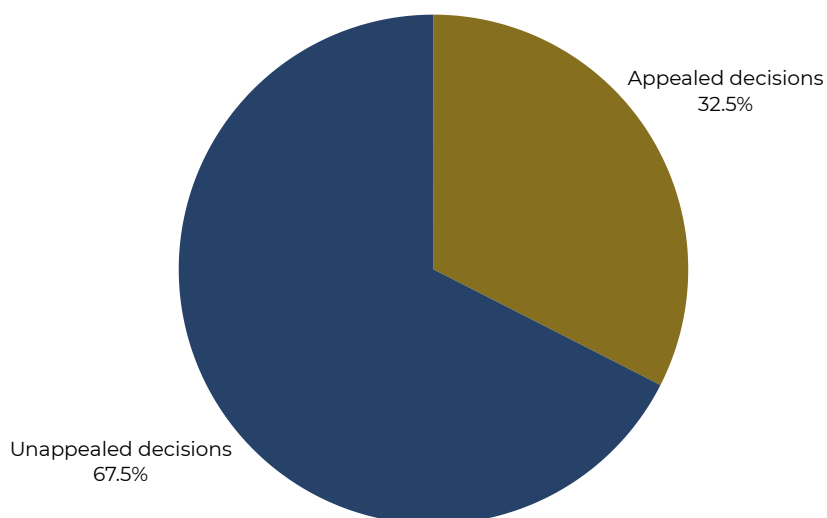
In 97.4% of «discreditation» cases, judicial proceedings took place without the participation of a lawyer. Defence counsels were involved only in 40 cases. This indicates that the participation of a lawyer in proceedings under Article 20.3.3 of the CAO RF is exceptional rather than systemic in character.

The analysis showed a correlation between the appeal of court decisions and the participation of a lawyer in the case. In cases without a lawyer, appeals were filed in 4% of instances (60 out of 1,489), while in cases with a lawyer, 32.5% of decisions were appealed (13 out of 40).

### Appeals in cases without legal representation



### Appeals in cases with legal representation



To determine whether this difference could be explained by accidental variation (given the small number of cases involving defence counsel),

The absence of a lawyer limits the possibilities of effective defence, since persons held administratively liable often do not understand the scope of their rights and the possibilities of defence. Judicial proceedings in such cases are generally reduced to a formal interrogation or the reading of a pre-prepared statement of remorse.

Lawyers involved in cases in this category shared personal feelings of «helplessness and powerlessness» in the face of judicial arbitrariness — both in district courts and appellate courts. The latter always «stand in defence of first-instance decisions, however unreasoned and absurd they may appear».

Individuals who were represented by counsel admitted guilt in 18 out of 40 cases, while in 17 they denied it.<sup>49</sup>

Comparison of cases with and without legal representation shows a significant difference in trends regarding admission of guilt. In a sample of 1,039 cases where the position on guilt was explicitly recorded in the orders, in the group without a lawyer persons admitted guilt in 88.1% of cases (889 out of 1,009), while in the group with a lawyer — in 46.7% (14 out of 30). At the same time, the share of denial of guilt in cases with a lawyer was 53.3% (16 out of 30) compared with 11.9% (120 out of 1,009) in cases without defence counsel.

Presence of Lawyer	Guilt Not Admitted	Guilt Admitted	Total
Yes	16 (53,3 %)	14 (46,7 %)	1009
No	120 (11,9 %)	889 (88,1 %)	30
<b>Total</b>	<b>136</b>	<b>903</b>	<b>1039</b>

*The percentages reflect the distribution within each group (row percentages), indicating the frequency of admission or denial of guilt in cases involving legal counsel compared with cases without legal counsel.*

To determine whether the admission or denial of guilt could be accidental, Fisher's exact test was applied. Fisher's exact test showed a statistically significant association between the presence of a lawyer and the admission of guilt. Odds ratio: OR=0.12 (95% CI 0.05–0.27), meaning that with a lawyer present, the odds of admitting guilt are substantially lower than in cases without defence counsel. Thus, professional defence is associated with actively denying guilt or refusing its «formal» admission.

At the same time, the analysis shows that in the majority of cases lawyers did not articulate a clear legal position, or courts did not record it in the decision texts. Only in isolated cases was an active defence position recorded — in particular, arguments concerning the unlawfulness of obtaining operational investigative materials, as well as motions for the application of a verbal warning in view of the minor nature of the offence.

The research results show that judicial proceedings in «discreditation» cases were conducted mostly without the participation of lawyers, which limits persons' ability to effectively protect their rights, formulate a legal position, and submit substantiated appeals. This may explain the small number of appeals against court decisions by persons held liable.

## **5.12. Criminal Proceedings Against Persons Previously Subject To Administrative Liability for “Discreditation” of the Russian Armed Forces**

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In the event of the commission of any similar action within one year after being held administratively liable under Article 20.3.3 of the CAO RF, criminal proceedings may be initiated against the person under Article 280.3 of the CC RF.

This article provides for a differentiated system of penalties depending on the gravity of the act and its consequences. Part 1 establishes sanctions in the form of a fine of 100,000 to 300,000 roubles or the convicted person's income for a period of one to two years; compulsory labour for up to three years; arrest for four to six months; or imprisonment for up to three years, with an additional prohibition on holding certain positions or carrying out certain activities for the same period.

Part 2, applicable where negligent homicide, injury to health, mass disruption of public order, or obstruction of critical infrastructure facilities occur, provides for a fine of 300,000 to 1,000,000 roubles or income for three to five years, as well as imprisonment for up to five years with a prohibition on holding positions or engaging in relevant activities for the same period.

Under Part 3, in the event of so-called grave consequences, imprisonment for ten to fifteen years with an additional prohibition on holding certain positions or engaging in certain activities for up to five years is established.

Article 280.3 of the CC RF, like Article 20.3.3 of the CAO RF, also provides for the possibility of imposing a restriction on public Internet activity (from 1 to 3

years). It should be noted that courts generally interpret the criterion of the public nature of actions as having an extremely low threshold, particularly in Internet activity cases: the mere fact of publication is sufficient, and having even a minimum number of views is not a mandatory requirement.

During the period from 2022 to 2025, 9 cases under Article 280.3 of the CC RF were documented in the territory of occupied Crimea and Sevastopol.

Unlike administrative offence cases, where findings of so-called linguistic experts are extremely rare, they are used more frequently in criminal proceedings. Although they may be considered an important and genuinely necessary form of evidence in such cases, their content in the majority of instances is reduced to the use of standard phrases (clichés) such as «the statements form a negative attitude», «undermine the authority of the Russian Armed Forces», etc. In substance, they do not reveal the actual content and meaning of the statements or posts, but merely formally «confirm» the person's guilt.

As in administrative offence cases, in criminal proceedings courts in practice more frequently refer to reports of law-enforcement agencies and/or social media screenshots, which indicates a low standard of proof and leaves more room for the arbitrary interpretation of a person's statements, posts, or other actions.

Thus, in criminal proceedings for «repeated discreditation», courts replicate the logic of administrative proceedings, applying a low threshold of «publicity», an excessively broad interpretation of the article's scope, and relying on a minimal evidence base for the rendering of convictions.

## **SECTION 6**

### **Persecution for “discreditation” of the Russian Armed Forces as a component of Russian policy of suppression of freedom of expression**

The Russian Federation consistently pursues a state policy aimed at suppressing freedom of expression and eliminating any manifestations of public disagreement with official narratives. Following the start of Russia’s full-scale invasion of Ukraine, this policy has acquired a systemic and large-scale character. The regulatory mechanisms for implementing this policy were introduced almost instantly: already in March 2022, the RF incorporated into its administrative and criminal legislation a series of new provisions aimed at suppressing anti-war statements and any criticism of the actions of the Russian armed forces. In the occupied territories, this policy is enforced with particular rigour, as it simultaneously serves as an instrument for identifying persons considered disloyal and suppressing resistance to occupation.

One of its key instruments is the established administrative and criminal liability for the «discreditation» of the Russian Armed Forces (Article 20.3.3 of the CAO RF and Article 280.3 of the CC RF). These articles have become part of a broader repressive mechanism that also includes:

- Article 20.3.4 of the CAO RF, establishing liability for public calls to introduce or continue foreign sanctions against the RF, and Article 284.2 of the CC RF, which provides for criminal liability for the same actions, if committed repeatedly;
- Article 207.3 of the CC RF, establishing punishment for the dissemination of «fakes» about the army.

Together, these provisions complement and expand the RF’s state policy aimed at ensuring strict control over the information space and suppressing dissent.

The RF implements the policy of suppressing freedom of expression not only through legal instruments — it is part of a much broader strategy of political and social control, under which the state in parallel:

- creates an atmosphere of fear and uncertainty;
- persecutes politically disloyal citizens, independent journalists, human rights defenders, and activists;
- tortures, arbitrarily detains persons who disagree with the occupation authorities’ policies, and commits other human rights violations;

- restricts or eliminates independent media, blocking access to alternative information;
- changes the demographic composition of the population by displacing pro-Ukrainian persons from the occupied territories and colonising the peninsula with RF citizens.

In this context, the introduction of liability for «discreditation» is not an isolated step but an organic component of a large-scale policy of establishing total control over public space. The fact that the legislative changes were introduced immediately after the start of the Russian full-scale invasion of Ukraine indicates that they were prepared in advance and became a component of a systemic plan to prevent criticism of the «SMO».

## **Instruments for Forming and Implementing the Policy**

### **Extension of Russian legislation to the occupied territories**

Following the start of the occupation of Crimea, the RF purported to extend its sovereignty over the peninsula's territory through Federal Constitutional Law No. 6-FKZ and amendments to the RF Constitution. This created the basis for the application of Russian administrative and criminal legislation on the occupied territory, including the «discreditation» provisions.

Thus, the Russian Federation's repressive mechanisms were introduced in the Crimean Peninsula through their formal incorporation into the legal framework, thereby enabling their practical implementation.

### **Abuse of legislative powers**

Russian legislative practice demonstrates a tendency towards the rapid adoption of regulatory acts expanding the scope of state interference in freedom of speech. Legislative proposals strengthening control over the information space are adopted within extraordinarily short time frames, without adequate public discussion or expert analysis. This underscores the instrumental character of law-making, aimed at ensuring the authorities' political needs. For example, Bill No. 1197680-7 was effectively adopted within two days.

### **Use of law enforcement agencies and courts as key executors of the policy**

The primary practical role in implementing the policy is played by:

- law enforcement agencies, which initiate the majority of cases (approximately three quarters), detect «offences», and formulate the charges;
- courts, which systematically interpret legislation in a manner that satisfies the political demand for suppressing dissent.

Thus, the RF's state policy of suppressing freedom of expression is comprehensive, deliberate, and systematically developed and implemented.

The introduction of liability for «discreditation» of the Russian Armed Forces has become one of its key elements, which ensures:

- the forcible restriction of anti-war, pro-Ukrainian, and anti-government statements;
- the monopolisation of the information space and the elimination of alternative information sources;
- the legitimisation of the war by banning any public criticism of the authorities' actions and the Russian army;
- the imposition of the pro-Russian ideological narrative;
- the broader criminalisation of dissent; and
- the creation of a chilling effect that acts as a deterrent to people expressing their views, any criticism of the authorities, and resistance to occupation in any form.

Ultimately, this policy is aimed at eradicating freedom of thought and expression as such, enforcing ideological conformity among the population, and establishing extremely strict control over people's behaviour, both in the RF and in the occupied territories of Ukraine.

# **SECTION 7**

## **Role of state institutions and senior officials in forming and implementing the policy of suppressing freedom of expression: the case of liability for “discrediting” the Russian Armed Forces**

Based on the results of the analysis, the following RF agencies, officials and occupation authorities bear responsibility for forming and implementing the policy aimed at suppressing freedom of expression and fostering loyalty to the Russian authorities through persecution for «discreditation» of the Russian Armed Forces (including in the territory of the occupied Crimean Peninsula):

### **1. Federal Assembly of the RF**

#### **State Duma of the RF**



The lower chamber of the Federal Assembly of the RF, which, together with the Federation Council, exercises legislative power. Its primary powers include the adoption of federal laws, including those defining the grounds for administrative and criminal liability. It was through the adoption of relevant legislative amendments that the State Duma provided the legal

mechanisms for prosecuting persons for the so-called discreditation of the Russian Armed Forces, establishing the legal grounds for controlling public statements and restricting freedom of expression.

On 21 June 2021, the government of the Russian Federation introduced to the State Duma Bill No. 1197680-7. In the original version of the bill, there were no provisions concerning «discreditation» of the Russian Armed Forces. However, on 3 March 2022, the State Duma Committee on State Building and Legislation introduced amendments to the document, adding a proposal to establish the new Article 20.3.3 of the CAO RF on liability for «discreditation» of the use of the Russian Armed Forces.<sup>50</sup>

The authors of the amendment were State Duma deputies V.I. Piskarev, A.V. Kartapolov, A.G. Alshevskikh, M.V. Butina, A.K. Lugovoy, and O.A. Nilov. The committee, chaired by P.V. Krashennnikov, approved the amendments. The following day, 4 March 2022, Federal Law No. 31-FZ was adopted on that basis, adding Article 20.3.3 to the CAO RF.<sup>51</sup>

Concurrently, on 3 March 2022, the same group of State Duma deputies used Bill No. 464757-7 of 14 May 2018 — which originally had no mention of «discreditation» — to introduce amendments proposing criminal liability for repeated «discreditation» of the use of the Russian Armed Forces.<sup>52</sup> Federal Law No. 32-FZ was adopted on that basis on 4 March 2022, adding Article 280.3 to the CC RF.<sup>53</sup>

On 8 December 2022, Bill No. 253972-8 was introduced to the State Duma, providing inter alia for the clarification of liability for «discreditation» of volunteer formations.<sup>54</sup> The initiators of the bill were State Duma deputies V.V. Volodin, I.A. Yarovaya, V.I. Piskarev, V.A. Vasilyev, and 380 other deputies. Federal Law No. 57-FZ was adopted on that basis on 18 March 2023.<sup>55</sup>

On 22 September 2023, two bills were introduced to the State Duma:

- No. 445350-8 — on clarifying liability for «discreditation» of volunteer formations assisting in the performance of tasks of the National Guard<sup>56</sup> (Federal Law No. 640-FZ was adopted on that basis on 25 December 2023);<sup>57</sup> and
- No. 445338-8 — on clarifying liability in the Criminal Code for the same matters<sup>58</sup> (Federal Law No. 641-FZ adopted on 25 December 2023).<sup>59</sup>

The initiators of the bills were State Duma deputies A.Ye. Khinshnteyn, D.F. Vyatkin, V.I. Piskarev, A.V. Kartapolov, I.A. Pankina, A.B. Vybornyi, and RF senators A.A. Klishas, S.N. Perminov, and I.V. Rukavishnikova.

Hence, responsibility for the formation and implementation of this policy lies with individual deputies who introduced the relevant bills or initiated amendments, the Chairman of the State Duma Vyacheslav Volodin personally, and the State Duma as a collegial body that adopted them by vote.

## Federation Council



Under the legislation of the Russian Federation, a federal constitutional law is considered approved and ready for signature by the President if it has been supported by a majority of at least three quarters of the senators.

The Federation Council voted to approve the aforementioned bills, which became key elements of the policy of persecution for “discreditation”. Signed by Federation Council Speaker Valentina Matvienko, the following resolutions were adopted:

### 4 March 2022:

- Resolution No. 52-SF — approval of Bill No. 464757-7;
- Resolution No. 61-SF — approval of Bill No. 1197680-7.

### 15 March 2023:

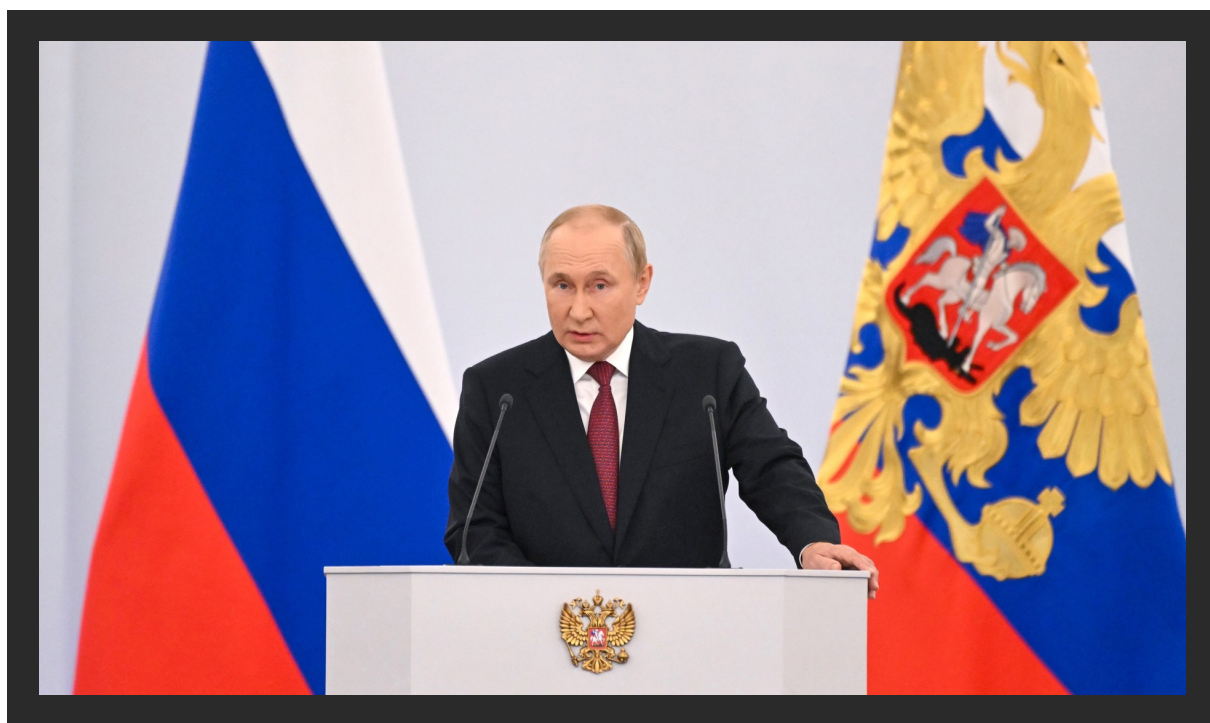
- Resolution No. 78-SF — approval of Bill No. 253972-8.

### 22 December 2023:

- Resolution No. 768-SF — approval of Bill No. 445350-8;
- Resolution No. 769-SF — approval of Bill No. 445338-8.

Thus, under the leadership of Valentina Matvienko, the Federation Council adopted amendments to criminal and administrative legislation that served as the basis for suppressing freedom of speech and prosecuting persons for publicly expressing their position through punishment for so-called «discreditation».

## 2. President of the RF



In the context of implementing the policy of establishing liability for «discreditation», RF President V.V. Putin played a decisive role in the legislative process. He signed Federal Laws No. 31-FZ, No. 32-FZ, No. 57-FZ, No. 640-FZ, and No. 641-FZ establishing administrative and criminal liability for «discreditation» of the Russian Armed Forces and so-called volunteer formations. The signing of these acts meant not only their formal approval but also the granting of political legitimacy to the repressive mechanisms of prosecution for criticism of the Russian Armed Forces' actions and the political leadership.

In exercising his powers, the RF President also adopted decisions on the appointment of judges to the occupation courts, which became the direct instrument for implementing this policy. Such judges enforce the legislation on «discreditation», ensuring the practical application of the norms and exercising control over public statements falling within the definition of discreditation.

Thus, the RF President's role in this system goes beyond the formal approval of laws: he in effect acted as the guarantor of a policy aimed at strengthening authoritarian control and suppressing freedom of expression in the Russian Federation.

### 3. Constitutional Court of the RF



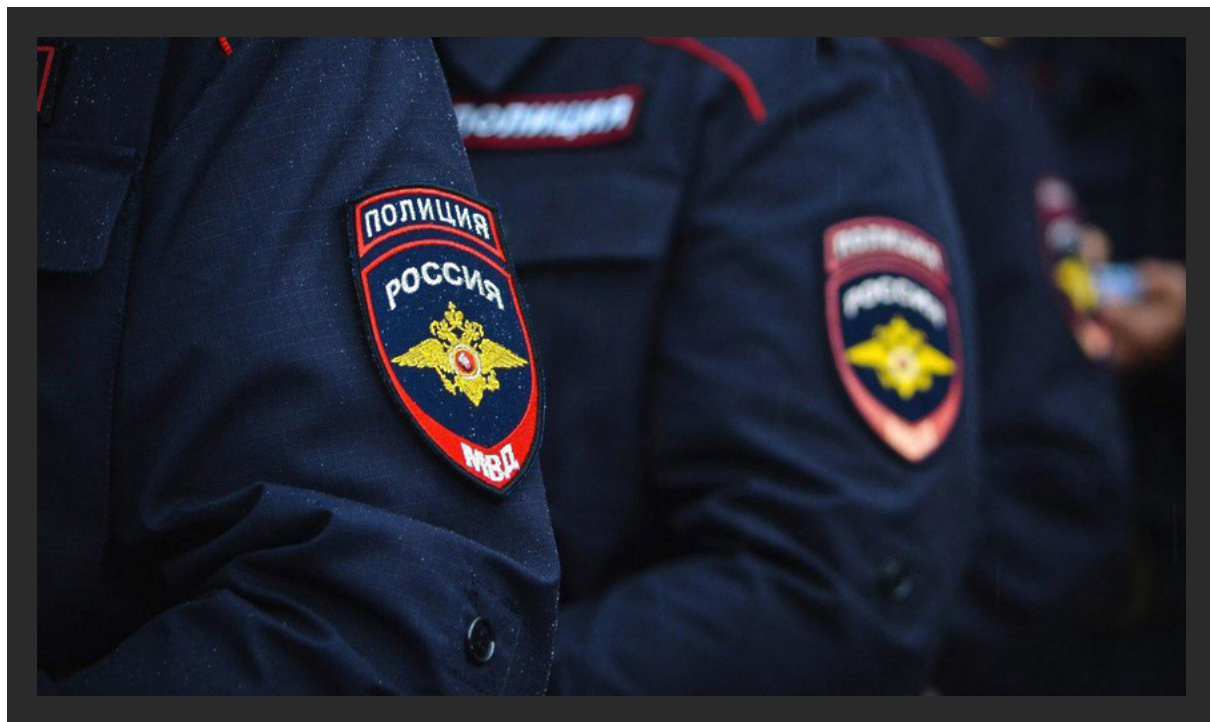
Although the judges of the RF Constitutional Court did not formally participate in the adoption of the legislative amendments establishing administrative and criminal liability for «discreditation» of the Russian Armed Forces, and did not directly apply the relevant provisions, they made a decisive contribution to the legitimisation of this policy.

On 30 May 2023, the RF Constitutional Court adopted thirteen virtually identical decisions rejecting citizens' complaints challenging the constitutionality of Article 20.3.3 of the CAO RF (presiding judge: V.D. Zorkin (Court President); judges: A.Yu. Busheva, G.A. Gadzhiev, L.M. Zharkova, S.M. Kazantsev, S.D. Knyazev, A.N. Kokotov, L.O. Krasavchikova, S.P. Mavrin, N.V. Melnikov).

In their decisions, the judges deliberately ignored the obvious incompatibility of the «discreditation» provision with the constitutional guarantees of freedom of expression, the principles of fair trial, and the rule of law. Instead of ensuring the protection of fundamental human rights, the Constitutional Court effectively legalised the repressive instrument used to persecute persons who express an anti-war position and to identify persons considered disloyal.

Thus, the actions of the Constitutional Court contributed to strengthening the authoritarian system of control over public opinion and became an important element in implementing the policy of suppressing freedom of expression in the Russian Federation.

#### 4. Occupation Law Enforcement Agencies



A key role in the practical implementation of the policy of holding persons liable for «discreditation» in the territories occupied by the Russian Federation is played by occupation law enforcement agencies at the level of cities, districts, the Republic of Crimea, and the city of Sevastopol. Occupation court orders indicate which particular unit detected the «offence» and documented the actions allegedly constituting «discreditation». This

makes it possible to clearly identify the agencies directly responsible for implementing the policy of suppressing freedom of expression through persecution for «discreditation» of the Russian Armed Forces.

**These include:**

**Federal Security Service Directorate of the RF for the Republic of Crimea and the City of Sevastopol**

**Units of the Federal Security Service Directorate play the leading role within the structure of enforcement actors**, primarily the Department for the Protection of the Constitutional Order and Combating Terrorism. This structure initiates a significant proportion of the «inspections» of the political loyalty of the population, monitors the Internet, and conducts operational investigative activities aimed at detecting actions it classifies as «discreditation»;



## **Centre for Countering Extremism of the RF Ministry of Internal Affairs (Centre E)**

The Center for Combating Extremism of the RF Ministry of Internal Affairs is an important element of the system. It specialises in prosecuting citizens for political statements, frequently conducting documentation of social media activity and compiling «analytical reports» that subsequently serve as the basis for administrative punishment;



### **Mid-level units of the Ministry of Internal Affairs:**

- city and district departments;
- directorates;
- groups and departments for enforcement of administrative legislation;
- criminal investigation departments;
- duty unit.

They are responsible for drawing up administrative offence materials, summoning citizens, seizing electronic devices, and other procedural actions in administrative proceedings;

### **Patrol and guard checkpoint service units**

They include:

- patrol and guard units;
- Traffic Patrol Service of the State Traffic Safety Inspectorate.

They directly detain citizens in public places, inspect belongings and mobile devices, and draft reports on «suspicious» statements detected during a stop or document check;

At the lowest level, the policy is implemented by police posts and local police officers.

They conduct the majority of «preventive conversations with offenders», witness interrogations, preparation of administrative offence records, and evidence collection for subsequent court examination.

In addition, officers from juvenile affairs units participated in several administrative proceedings.

Within the framework of prosecution for «discreditation» of the Russian Armed Forces, occupation law enforcement agencies regularly conduct operational investigative measures such as:

- «examination of objects and documents»;
- «surveillance»;
- «Internet monitoring» (including social media and messengers);
- «review of Internet resources»;
- and «information gathering» (collecting information on a person through various registries and interviews).

Social media are subject to particular scrutiny: officers look for posts, comments, and reposts which they unilaterally classify as having “elements of discreditation.” All detected facts are recorded in official reports, which subsequently become key evidence in proceedings under Article 20.3.3 of the CAO RF.

The Ministry of Internal Affairs and Federal Security Service agencies also regularly inspect mobile phones, laptops, and other electronic means in public places, during vehicle stops, at checkpoints, or when crossing the administrative boundary with the ARC. In a number of cases, devices are confiscated without procedural grounds, and all information is used for subsequent prosecution.

Officers of the relevant structures also interview individuals who allegedly witnessed statements or actions constituting “discreditation.” Based on such testimonies, reports are drawn up that form the evidentiary basis for subsequent consideration of the case in court.

Thus, the occupation law enforcement authorities play the primary and indispensable role in the implementation of the policy of persecuting for “discreditation.” They are responsible for the detection, recording, documentation, and submission of materials to the courts, which enables the RF to systematically suppress dissent, control the public sphere, and persecute disloyal parts of the population in the occupied territories.

## 5. Judges of the Occupation Courts

In the implementation of the policy of persecuting for «discreditation» of the Russian Armed Forces, the judges of the occupation courts of Crimea and Sevastopol play a decisive, system-forming role. They are the last and most important element in the mechanism of suppressing dissent, since it is their decisions that determine whether a person is found guilty, what punishment is imposed, and how the interference with rights is justified.

Judges conduct court hearings, form the content of the court order, determine which actions or statements to be qualified as «discreditation», assess the admissibility and sufficiency of evidence, decide on the presence

or absence of mitigating and aggravating circumstances, and determine the type and amount of the administrative penalty. They decide which information from the decision text is to be excluded from public registers and whether a decision will be published at all. Thus, judges bear responsibility for the systemic procedural violations recorded in the majority of cases.

An important tendency introduced by occupation court judges has been the interpretation of «discreditation» as a continuing offence, allowing persons to be held liable at any moment following publication of statements and effectively nullifying statutes of limitation. This has significantly affected enforcement practice and expanded the possibilities for repressive persecution.

Analysis of the composition of the judicial corps rendering decisions in this category of cases showed that a significant proportion of them entered the service of the occupying state after 2014, and a number of judges moved to Crimea within the framework of colonisation policy from various regions of the RF: Udmurt Republic, Omsk region, Altai Krai, Tatarstan, Rostov region, Moscow, Taganrog, Vladikavkaz, Chelyabinsk, Krasnoyarsk, and even Sakhalin.

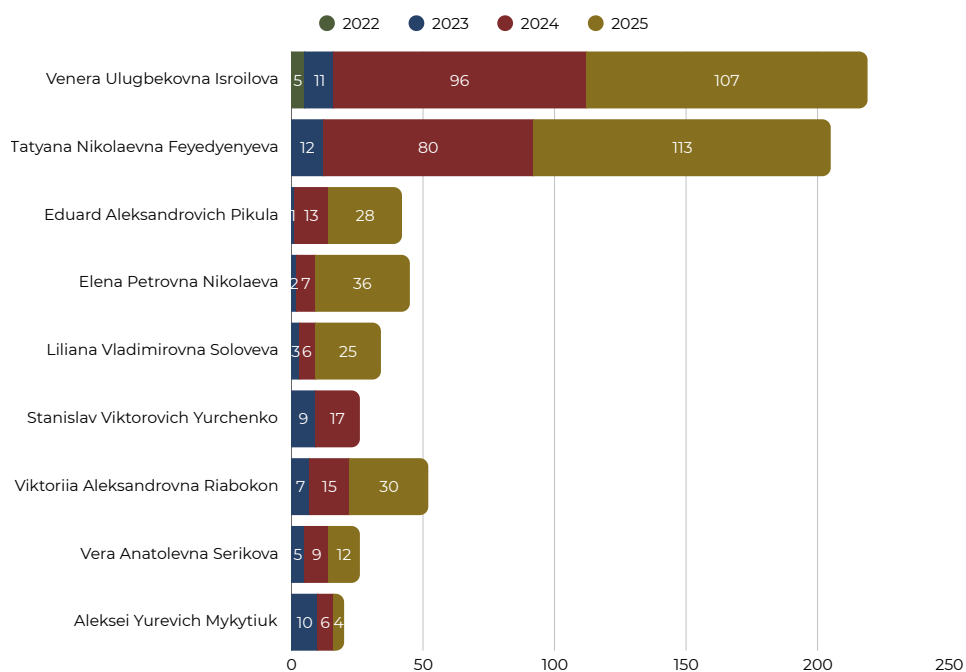
In total, 181 judges of the occupied Crimean Peninsula issued decisions in «discreditation» cases, of whom:

- **135 are collaborators (74.6%)** — judges who betrayed their oath to Ukraine and entered the service of the RF after the occupation;
- **29 are colonisers (16%)** — who came to Crimea and Sevastopol from Russian regions after 2014 and were appointed to positions in occupation courts;
- **17 (9.4%)** — could not be identified due to the absence or fragmentary nature of information.

The most «productive» among the collaborators proved to be judge Isroilova Venera Ulugbekivna of the Armyansk City Court, who rendered **219 decisions** in cases under Article 20.3.3 of the CAO RF.

The leading figure among the colonizer judges is Tatyana Nikolaevna Feyedyenyeva of the Armyansk City Court, with **205 decisions** to her name. She moved to Crimea in 2016 from the Samara region (the town of Zhigulyovsk).

## Judges who considered the biggest number of cases



## SECTION 8

### Review of the most illustrative and unusual cases of administrative liability for “discreditation” of the Russian Armed Forces

No.	Case No.	Description
1	No. 5-1346/2022	Demonstrated a post in the form of a photograph of the blown-up Crimean Bridge captioned ‘Congratulated grandpa on his birthday’, with clown emoji attached, which she had personally posted to the ‘Stories’ section of her Instagram profile.
2	No. 5-355/2024	Posted on Odnoklassniki a photo image with text: <i>‘Go die for your country/ And buy your own bullets./ And ask your wife to send tampons to the front. / Pads, boots, trousers and a helmet — better with body armour. / They stole everything,/ And you go die for it...’</i>
3	No. 5-850/2022	Posted on Odnoklassniki a photo image with the caption: <i>‘Modern Russian soldier: Step 1. You go on exercises; Step 2. You end up in Ukraine; Step 3. Your truck gets stuck in a swamp; Step 4. Your convoy runs out of fuel; Step 5. Your whole unit runs out of food; Step 6. You are killed by a Ukrainian defending their homeland; Step 7. Russia secretly burns you in a mobile crematorium; Step 8. Your family is told you are one of those soldiers who “are not there”; Step 9. Your mother seeks the truth; Step 10. She gets 15 years in prison.</i>
4	No. 5-1338/2022	Stuck a pin with a Ukrainian flag into a food product (frozen meat).
5	No. 5-1221/2023	Posted on Odnoklassniki: <i>‘Today marks exactly 23 years of Putin in power. During this time he promised European-level wages, visa-free travel, affordable housing, high living standards, technological development, freedom and peace — but everything turned out the opposite: war, corpses, isolation, bans, arrests, poverty and 40 million pit toilets.’</i>

6	No. 5-1355/2024	<i>Had the song 'Chervona Kalyna' as a phone ringtone, which was described as the anthem of the Ukrainian Insurgent Army (UPA)— an organisation banned on the territory of the RF.</i>
7	No. 5-167/2023	<i>In the presence of the citizen [name], loudly shouted, calling her 'Putin's prostitute' and saying that Ukrainian troops would arrive soon.</i>
8	No. 5-84/2023	<i>Posted on Odnoklassniki a video titled 'KATERYNA — Palyanytsya (Cover Oleh Vinnyk — Vovchytsia)', containing lyrics 'Hail was falling mercilessly, lightning was striking, Russian soldiers were being hit right at the border. Let those fascists go to hell from Ukraine; we'll take them down here with our Javelins. Do the mothers of Russian soldiers sleep soundly or not? While your sons are here learning the word 'palyanytsia,' they believed that in three days they would take Kyiv...'</i>
9	No. 5-185/2024	<i>Posted on Facebook: a photo of Cheburashka in Russian Armed Forces uniform; an image captioned in Ukrainian 'Enemies must be forgiven, but not before they are hanged'; and photographs of destroyed residential buildings dated 02.01.2024.</i>
10	No. 5-717/2022	<i>Publicly displayed a poster: 'Join the LAWSUIT against the illegal dissolution of the Fatherland in 1991!!! By signing, you will help end the SMO. GorbCourt.Ru'.</i>
11	No. 5-254/2022	<i>On Youth Day, while in a public place at the 'Extreme Crimea' site together with other people, , showed a tattoo on his left shoulder reading 'F**k the War' to a mobile phone video camera.</i>
12	No. 5-488/2024	<i>Demonstratively pulled out the TV cable while SMO news was being broadcast, and said: 'Only idiots watch such programmes.'</i>
13	No. 5-707/2022	<i>Threw eggs at the territory of a military checkpoint, used obscene language towards servicemen, and openly expressed dissatisfaction with the SMO.</i>
14	No. 5-190/2023	<p>Posted in Telegram:</p> <ul style="list-style-type: none"> <li>• <i>'Russia will have to lose to the "khokhly" [a derogatory term for Ukrainians], the decision is already made and Crimea will be taken back.'</i></li> <li>• <i>'I don't know about toilets, but at my uncle's place they took food from the fridge and two mattresses and barely fit them in the tank. The guys are cold, understandable...'</i></li> </ul>

15	No. 5-96/2023	<p>Posted a poem on VKontakte:</p> <p><i>'I want to live to see the hour, When millions of woolly rabble Will cry out in unison — "We were against it, we didn't know!" They'll claim they were pretending For the sake of family and duty, But inside they were resisting We don't need Crimea, note that! We understood he was a killer! We don't need war and death. We really love Ukrainians! We are innocent, believe us. What do we need Luhansk and Donbas for? We're hearing about Russian World for the first time! People-mice will whisper so, Standing in line for rotten meat.'</i></p>
16	No. 5-346/2022	<p>Asked the café DJ to play the music video for the Ukrainian-language song 'Dyke Pole', which contained video footage discrediting the use of the Russian Armed Forces and imagery with the Azov Battalion — an organisation banned in the RF.</p>
17	No. 5-352/2022	<p>While working as a DJ at the 'Krab' café, played the music video for the Ukrainian-language song 'Dyke Pole', which contained video footage discrediting the Russian Armed Forces and imagery with the banned Azov Battalion.</p>
18	No. 5-141/2023	<p>Sold bed linen in Ukrainian flag colours and publicly stated she was waiting for Ukraine to come; the court concludes that the actions of [Name], consisting of selling blue and yellow pillowcases and making public statements that she is waiting for Ukraine to come, are intended to discredit the Armed Forces of the Russian Federation; therefore, her actions have been correctly classified under Part 1 of Article 20.3.3 of the Code of Administrative Offenses of the Russian Federation.</p>
19	No. 5-363/2023	<p>While in an official Rosgvardia vehicle from 23 Vasilyeva Street in Yalta to 35 Dzerzhinsky Street in Yalta, made statements demeaning the honour and dignity of the RF President and expressed her disagreement with the actions of the Russian Armed Forces in the military operation on the territory of Ukraine.</p>
20	No. 5-862/2023	<p>While working as an electric cart driver at a Livadia Palace-Museum park service, repeatedly played Ukrainian news channel recordings at high volume describing a missile strike on the RF Navy HQ in Sevastopol, in which the expression 'Russian occupiers' was used, while ignoring visitors' remarks.</p>

- 21** No. 5-1193/2022 Minor children questioned in court in the presence of their legal guardians testified that upon entering the changing room of an ice rink, they saw a SMO symbol drawn on the wall, and that at that time the cleaner [name] was loudly expressing her opinion about the Russian Armed Forces.
- 
- 22** No. 5-418/2022 Holding an object resembling an agricultural tool — a scythe — with a sign attached to it ‘Who’s with me to Kyivan Rus?’, participated in a solo picket to discredit the use of the Russian Armed Forces.
- 
- 23** No. 5-301/2023 At a resort facility, told co-workers that he had served in the Ukrainian Armed Forces, had received beacons and placed them in the Donetsk People’s Republic for subsequent shelling, and received payment for this.  
He later stated that he had obtained the information from the Internet, these were fabrications to raise his standing among colleagues. He also mentioned periodically listening to music discrediting the Russian Armed Forces and the SMO, and the RF President.
- 
- 24** No. 5-799/2022 Using an online video chat (‘chat roulette’), publicly expressed, to an indefinite circle of persons, his opinion against the SMO in Ukraine, calling Russian citizens neo-fascists who had attacked the sovereign state of the Donetsk and Luhansk People’s Republics.
- 
- 25** No. 5-292/2024 On a ballot paper for the RF Presidential election, wrote in blue marker: ‘Occupiers out!!!’, ‘We’re waiting for the AFU’, ‘To hell!!!’, and drew two images in blue and yellow — the colours of the Ukrainian flag.
- 
- 26** No. 5-774/2022 Expressed his opinion against the SMO (special operation on Ukrainian territory), and shouted the slogans ‘Glory to Ukraine’, ‘Glory to the Heroes’, which served as a UPA greeting during WWII.
- 
- 27** No. 5-615/2024 Called servicemen of the Russian Armed Forces ‘*occupiers who have occupied the territory of Ukraine*’, audible to those nearby including servicemen, and did not respond to their remarks. In court the defendant denied the charge, stating that he had only waved at the servicemen as a greeting. However, as his right hand had been injured and he hadn’t been able to straighten his fingers, the servicemen may have mistakenly perceived it as an obscene gesture.

# CONCLUSIONS

The analytical report «Loyalty Under Duress» has demonstrated that in the hands of the Russian occupation regime, administrative law — following the pattern of criminal law — has also been transformed into an instrument of repression. Judicial practice confirms that the purpose of introducing the package of new provisions into the CAO RF in March 2022 — primarily Article 20.3.3 — was not to protect public order or to maintain the authority of the armed forces, but to suppress anti-war statements and any forms not only of public disagreement with the armed aggression against Ukraine, but also of the slightest sympathy for a people that suffers daily from the criminal conduct of Russia's military and political leadership. By «discreditation», Russian security forces and courts understand not only clear anti-war public statements, but also symbolic gestures, cultural markers, everyday remarks — anything the authorities interpret as «undermining the authority» of the army, as a manifestation of disloyalty, or simply as «insufficient loyalty», even when a person's position on Russia's aggression against Ukraine and the Russian Armed Forces cannot be determined either from the content of the statement itself or from the person's prior or subsequent conduct in general.

The formation of RF policy aimed at suppressing any manifestations of disloyalty to the military and political leadership and the Russian Armed Forces in the context of armed aggression against Ukraine began with the addition of administrative (Article 20.3.3 of the CAO RF) and criminal (Article 280.3 of the CC RF) liability for «discreditation» — which occurred a mere **eight days after the start of Russia's full-scale invasion of Ukraine** — simultaneously with the introduction of Article 207.3 of the CC RF establishing criminal liability for «fakes» about the RF army. This conclusion is confirmed by the fact that at the same time the CAO and CC RF were supplemented with Articles 20.3.4 and 284.2 respectively, providing for liability for public calls to introduce or continue foreign sanctions against the RF.

The dynamics of court decisions on «discreditation» for the years 2022–2025 show a clear trend of increase in the number of decisions from year to year — from 193 in 2022 to 518 in 2025.

Analysis of judicial practice confirms that behind the apparently «neutral» character of the said repressive provisions lies the policy directed primarily against Ukrainians: charges under these articles are used as an instrument of selective pressure on the local population to suppress pro-Ukrainian positions and ensure total control over public sentiment under occupation.

The research identified a number of persistent tendencies indicating that the introduction of liability for «discreditation» is in effect used as one of the key instruments of state policy aimed at suppressing freedom of expression. A significant proportion of these tendencies manifest in systemic procedural violations undermining the guarantees of the right to a fair trial. This practice is one of the defining characteristics of this repressive policy.

The process of holding persons liable for «discreditation» is characterised by the closed and non-transparent nature of the work of occupation courts. Of this body of material, only 1,233 orders (80.6%) have been published in the public domain, while 296 decisions (19.3%) remain unpublished without any justification. In 392 of the 1,233 available orders (32%), information on the content of statements or actions that served as grounds for holding the person liable is absent. In such cases, courts limit themselves to template formulations of «committed public actions ‘discrediting’ the Russian Armed Forces», effectively depriving both the persons themselves and the public of the ability to understand what exactly the person was punished for.

The repressive purpose of the policy is underscored in particular by courts’ practice with regard to applying — or, more precisely, **not** applying — the statutes of limitation for administrative prosecution. Only in 546 cases out of 1,233 (44%) do orders indicate the date of commission and/or detection of the offence. In 687 instances (56%), these data are absent, making it impossible to verify compliance with the 90-day limitation period under Part 1 of Article 4.5 of the CAO RF. Where the date is indicated, in 248 cases out of 546 (45%), violations of the statute of limitation were recorded. Courts routinely classify Internet publications as «continuing offences», counting the beginning of the statute of limitation not from the moment of publication but from the moment of detection of the «violation» — often years after the material was posted. This approach lacks proper justification and violates the principle of legal certainty.

A further systemic issue concerns ensuring the person’s presence at the consideration of their case in court — approximately 35% of cases were examined in their absence.

Among the evidence in cases, materials prepared by law enforcement agencies themselves predominate over objective and independent sources. In nearly one in four cases, the report on the administrative offence — the basic procedural document — was not included in the case file. In 79% of cases, courts took into account written explanations by the person; in 69% of cases, courts referred to reports on examination of objects and documents, review of Internet sources or mobile phones; in 64% — to reports by law enforcement officers; in 42% — to photo and video materials and screenshots. Witness testimony is mentioned in only 16% of cases. Despite approximately 80% of all cases relating to online activity, linguistic expert assessments — a key instrument for establishing the content of statements, their context, and their «public» nature — appear only episodically. This approach gives law enforcement agencies the opportunity to arbitrarily interpret any content as containing «discreditation».

Violations of the right to a fair trial also manifest in disproportionately short examination periods. Almost half of all proceedings (740 cases — 48%) were examined by courts in less than one hour. At least 23 cases were identified where courts rendered decisions in three minutes or less. In the Yalta City Court, more than half of all cases were examined in less than three minutes.

This seriously calls into question the comprehensiveness and objectivity of the court proceedings.

The analysis identified exceptionally low rates of appeals and participation of defence counsel in cases. In 97.4% of «discreditation» cases, proceedings took place without the participation of a lawyer. Of 1,529 cases examined, court decisions were appealed in only 73 instances (4.8%). This may indicate a low level of legal awareness among those held liable, alongside a deep mistrust of higher courts and fear of parallel, extra-legal pressure mechanisms. A prime example is the «Crimean SMERSH» Telegram channel, which publishes the personal data of pro-Ukrainian Crimean residents, employs hate speech, and effectively encourages denunciations. According to available information, as of December 2025, at least 135 persons had been held administratively liable with the involvement of this Telegram channel. Such forms of «cooperation» indicate that administrative and criminal mechanisms of pressure operate with the support of information resources, forming a coherent system of intimidating the population and suppressing dissent.

The research results confirm that the administrative practice under Article 20.3.3 of the CAO RF is closely linked not only with criminal prosecution for «repeated discreditation» (Article 280.3 of the CC RF), but also with liability for public calls to introduce sanctions (Articles 20.3.4 of the CAO RF, 284.2 of the CC RF) and «fakes about the army» (Article 207.3 of the CC RF). The typical penalty for administrative offences is a fine of 30,000 roubles, while in criminal proceedings under Articles 280.3 and 207.3 of the CC RF, actual terms of imprisonment (1–2 years and more) with additional prohibitions on Internet activity predominate.

The report clearly identifies the range of entities responsible for forming and implementing the **policy aimed at suppressing freedom of expression (by introducing liability for «discreditation» of the Russian Armed Forces as one of its components).**

At the level of the legislature:

- the Federal Assembly of the RF (State Duma and Federation Council), which within an extraordinarily compressed timeframe adopted and expanded the concept of discreditation;
- the RF President, who signed the relevant acts and appoints occupation court judges;
- the RF Constitutional Court, which through its decisions legitimised provisions that contradict human rights standards.

At the level of the executive branch:

- Federal Security Service units;
- Directorates of the Centre for Countering Extremism of the RF Ministry of Internal Affairs (Centres E);

- police, patrol units and
- other occupation «law enforcement agencies» detecting, documenting, and initiating proceedings.

However, the leading role in implementing the policy is played by occupation courts judges, who directly render decisions, conceal information on the nature of offences and broaden the interpretation of their elements, and systematically ignore procedural guarantees.

Thus, the analysis of RF legislation, judicial practice, and law enforcement activities in the temporarily occupied Crimean Peninsula demonstrates the existence of a coherent and systemic policy of suppressing freedom of expression, based *inter alia* on persecution for «discreditation» of the Russian Armed Forces. It is aimed at identifying and punishing any anti-war, pro-Ukrainian, and anti-government manifestations; monopolising the information space; legitimising the war; and suppressing the resistance of the population under occupation.

The introduction of administrative liability under Article 20.3.3 of the CAO RF has established an effective mechanism for implementing this policy, the distinctive feature of which is a high chilling effect. Administrative fines in the Russian Federation are non-tax budget revenues and contribute to the budget in full. Since this category of cases is examined by district (city) courts belonging to the federal level, all fines imposed by them go directly to the RF federal budget, without any distribution in favour of regional or local budgets. By replenishing the federal budget of the aggressor state, «discreditation» fines collected from persons who openly expressed their disagreement with Russian policy can be used to further finance the war. Accordingly, such persons find themselves in a situation where they are compelled, against their will, to financially support the very policy (first and foremost, the war) against which they are speaking out. This significantly affects the behaviour of those willing to openly express their disagreement with the «SMO», as the prospect of paying a substantial fine that could be used to continue the war and kill Ukrainian citizens becomes a serious deterrent.

Article 20.3.3 of the CAO RF and related criminal law provisions have become one of the instruments for creating a «territory of lawlessness» where the principles of the rule of law and fair trial have been replaced by repressive norms and courts serve as elements of a punitive apparatus. This policy grossly violates not only international human rights standards but also the norms of international humanitarian law. This report has the potential to serve as an important source of evidence for future efforts to hold those responsible to account and restore the rights of the victims.

# **RECOMMENDATIONS**

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## **I. Recommendations for State Authorities of Ukraine**

### **To the Verkhovna Rada of Ukraine**

1. Improve the national regulatory framework with a view to ensuring effective mechanisms for the restoration of rights and social protection for persons who have suffered human rights violations in the occupied territories of Ukraine, thereby expanding the range of unlawful acts that give rise to eligibility for targeted state assistance and other forms of support.
2. Activate inter-parliamentary diplomacy instruments to systematically inform about the policy of persecution in the occupied territories of Ukraine — including prosecution for «discreditation» of the Russian Armed Forces — and to promote the formation of sustainable support for victims by advancing relevant resolutions, hearings, and thematic initiatives aimed at expanding access to accountability and compensation mechanisms, including submissions to the Register of Damage for Ukraine and other relevant human rights protection mechanisms.

### **To the Ministry of Foreign Affairs of Ukraine**

1. Integrate the issue of countering discriminatory persecution of Ukrainian citizens in the occupied territories — particularly in connection with the practice of holding persons liable for «discreditation» of the Russian Armed Forces — into the broader negotiation track on achieving a just and lasting peace, while treating it as an inseparable element of the security, humanitarian protection, and transitional justice agenda.
2. Strengthen inter-agency coordination between the Ministry of Foreign Affairs, the Ministry of Finance, the Office of the President of Ukraine, and investigative authorities for coordinated sanctions tracking of persons involved in the policy of persecution for «discreditation» of the Russian Armed Forces in the occupied territories of Ukraine, and promote the regular updating of sanctions lists at the level of partner jurisdictions.
3. Ensure that foreign diplomatic missions are informed about the RF's systemic policy of suppressing freedom of expression and violating the right to a fair trial through prosecution for «discreditation» of the Russian Armed Forces.

### **To the Ministry of Justice of Ukraine**

1. Consider the possibility of filing an inter-state complaint with the UN Human Rights Committee against the RF in connection with the violation of its international obligations under the International Covenant on Civil and Political Rights.
2. Include the issue of countering the systemic policy of holding persons liable for «discreditation» of the Russian Armed Forces in the occupied territories of Ukraine in the action plan for implementing the National Human Rights Strategy until 2035.

### **To the Office of the Prosecutor General, the Prosecutor's Office of the Autonomous Republic of Crimea and the City of Sevastopol, the Security Service of Ukraine, and the Ministry of Internal Affairs of Ukraine**

1. Within the scope of their respective powers, investigate violations of the right to freedom of expression and the right to a fair trial in the occupied territories of Ukraine related to the «discreditation» of the Russian Armed Forces.
2. Consider the feasibility of classifying the documented cases of holding persons liable for «discreditation» of the Russian Armed Forces as a crime against humanity (persecution on discriminatory grounds), and ensure the development of relevant methodological approaches and investigation standards, as well as the accumulation of an evidence base for national and international criminal proceedings.
3. Periodically inform the Office of the Prosecutor of the International Criminal Court about international crimes in the occupied territories of Ukraine related to violations of freedom of expression and the right to a fair trial.

## **2. Recommendations for the International Community**

### **To Third States**

1. Initiate investigations under the principle of universal jurisdiction with respect to persons involved in the discriminatory persecution of the civilian population in the occupied territories of Ukraine, in particular through systematic violations of freedom of expression and the right to a fair trial.
2. Expand the exchange of evidence and operational coordination between law enforcement agencies of different states, in particular through the Joint Investigation Team or specialised platforms for the verification of OSINT data, to improve the effectiveness of prosecution and avoid fragmentation of efforts across jurisdictions.

3. Strengthen and harmonise sanctions regimes by including in sanctions lists all key executors and enablers of the repressive policy in the occupied territories — including occupation court judges, prosecutors, investigators, and other officials participating in rendering politically motivated court decisions in «discreditation» cases.
4. Inform their own populations about the risks of residing and staying in the occupied territories of Ukraine, including the systemic character of human rights violations — freedom of speech, freedom of expression, and the right to a fair trial — and the practical inability of states to ensure consular protection in such territories.

### **To International Organisations**

1. Integrate the issue of violations related to the RF's implementation of the policy of persecution for «discreditation» of the Russian Armed Forces in the occupied territories of Ukraine into key international processes, including:
  - the Universal Periodic Review (UPR);
  - the activities of UN treaty bodies (in particular, the UN Human Rights Committee); and
  - the fulfillment of mandates of special procedures (Special Rapporteur on Freedom of Opinion and Expression, Special Rapporteur on the Human Rights Situation in the RF, etc.).
2. Regularly monitor, legally assess, and highlight this policy in the UN Secretary-General's report «Situation of Human Rights in the Temporarily Occupied Territories of Ukraine, Including the Autonomous Republic of Crimea and the City of Sevastopol»; in thematic reports of the UN Office of the High Commissioner for Human Rights; as well as in reports of the UN Independent International Commission of Inquiry on Ukraine.
3. Create the technical possibility and facilitate the submission of claims to the Register of Damage for Ukraine within category A2.10 («Other violations of international human rights law, international humanitarian law, or the laws and customs of war») to ensure compensation for victims of the systemic practice of persecution for «discreditation» of the Russian Armed Forces in the occupied territories of Ukraine.
4. Mandate the UN Department of Political and Peacebuilding Affairs of the Office of the Secretary-General to develop and present a comprehensive vision of guarantees of non-repetition of violations related to the systemic practice of politically motivated persecution for «discreditation» of the Russian Armed Forces in the occupied territories of Ukraine, within the broader process of restoring a just and lasting peace.

## **To Regional Organisations**

1. «Update» and strengthen previously adopted declarations and resolutions condemning the systemic persecution for anti-war statements in the RF and in the occupied territories of Ukraine, while expressly reflecting the practice of politically motivated persecution for «discreditation» of the Russian Armed Forces as a component of the broader repressive system.
2. Consider the preparation of a new report by OSCE Moscow Mechanism experts on the policy of persecution for «discreditation» of the Russian Armed Forces in the occupied territories of Ukraine, with a systemic assessment of the scale and nature of such persecutions as potential violations of international obligations under international humanitarian law and international human rights law.
3. Develop specific criteria that would expressly provide for the inclusion in the EU sanctions list of individuals and organisations involved in the systematic violation of the right to a fair trial, freedom of expression, and other fundamental rights — in particular through participation in the fabrication of administrative and criminal proceedings on «discreditation» of the Russian Armed Forces and related categories of offences.

# ENDNOTES

1. Crimean Precedent. Territory of Lawlessness. URL: <https://krymbezpravil.org.ua/analytics/terytoria-bezprav-ia/> (accessed: 30.04.2026).
2. Due to the limited number of cases in this category handled with legal representation, the number of interviewees and any other information that could identify them are not disclosed in this report for safety reasons.
3. General Comment No. 34, para. 1, UN Human Rights Committee.
4. Benhadj v. Algeria, Park v. Republic of Korea, UN Human Rights Committee.
5. General Comment No. 34, para. 4.
6. Ibid.
7. Art. 19 of the Declaration.
8. Art. 10 of the Convention.
9. Art. 19 of the Covenant.
10. General Comment No. 34, para. 2.
11. General Comment No. 29, para. 11.
12. Faurisson v. France, UN Human Rights Committee.
13. Mpaka-Nsusu v. Zaire, Mika Miha v. Equatorial Guinea, UN Human Rights Committee.
14. General Comment No. 34, para. 11.
15. Ross v. Canada, UN Human Rights Committee.
16. See Art. 19(3) ICCPR, Art. 10(2) ECHR.
17. General Comment No. 34, para. 34.
18. See Art. 19(3) ICCPR, Art. 10(2) ECHR.
19. Marques v. Angola, UN Human Rights Committee.
20. See, e.g., Concluding Observations of the UN HRC on Dominican Republic (CCPR/CO/71/DOM), Honduras (CCPR/C/HND/CO/1), Zambia, para. 25 (CCPR/ZMB/CO/3), Costa Rica, para. 11 (CCPR/C/CRI/CO/5).
21. Ibid., and see Concluding Observations of the UN HRC on Tunisia, para. 91 (CCPR/C/TUN/CO/5).
22. See Art. 14 ICCPR, Art. 6 ECHR, Art. 7 African Charter, Art. 8 ACHR, para. 20 ASEAN Declaration.
23. General Comment No. 32, para. 2.
24. Art. 15 ICCPR, Art. 7 ECHR.
25. Ibid.
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27. See para. 3726 of the ICRC Commentary to GC IV (2025).
28. Art. 2, common to all Geneva Conventions.
29. See para. 3747 of the ICRC Commentary to GC IV (2025).
30. Art. 64(2) GC IV.
31. Kharlamova M.V. Problems of administrative liability for public actions aimed at discrediting the Russian Armed Forces under Art. 20.3.3 of the CAO RF. Issues of Russian Justice. 2024. No. 33. Pp. 467-474. URL: <https://cyberleninka.ru/article/n/problemy-privlecheniya-k-administrativnoy-otvetstvennosti-za-publichnye-deystviya-napravlennye-na-diskreditatsiyu-vs-rf-postatie> (accessed: 07.11.2025). <https://archive.ph/c9Zuh>

32. On Amendments to the Code of Administrative Offences of the Russian Federation: Federal Law No. 31-FZ of 4 March 2022. URL:  
<http://publication.pravo.gov.ru/Document/View/0001202203040006?index=16> (accessed: 07.11.2025).  
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33. Veselova V. Criminal conversations: how Crimea identifies those dissatisfied with the war. Krym.Realii. URL:  
<https://ru.krymr.com/a/prestupnyye-razgovory-kak-v-krymu-nakhodyat-nedovolnykh-voynoy/33447597.html> (accessed: 07.11.2025).  
<https://archive.ph/TtT4J>
34. Case No. 5-1355/2024.
35. Art. 20.3.3 of the CAO RF (current version with commentary): Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation for the purposes of protecting the interests of the Russian Federation and its citizens, maintaining international peace and security. URL:  
<https://www.kodap.ru/razdel-2/glava-20/st-20-3-3-koap-rf> (accessed: 07.11.2025).  
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<http://publication.pravo.gov.ru/document/0001202312250031> (accessed: 07.11.2025).  
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39. Decision of the RF Constitutional Court No. 1399-O of 30 May 2023. URL:  
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44. This information concerns general trends and does not include full names or other personal data allowing identification of specific individuals, and therefore does not constitute private data.
45. In other categories of administrative offence cases, these courts do indicate citizenship of offenders.
46. See Art. 6 ECHR, Art. 14 ICCPR.
47. See *Boddaert v. Belgium*, para. 36.

48. See *Konig v. Germany*, para. 99; *Neumeister v. Austria*, para. 21; *Ringeisen v. Austria*, para. 110; *Pelissier and Sassi v. France*, para. 67; *Pedersen and Baadsgaard v. Denmark*, para. 45; *Chiarello v. Germany*, para. 45; *Liblik and Others v. Estonia*, para. 91.
49. In eight additional cases with the participation of the defence counsel, information on admission/denial of guilt is absent.
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57. On Amendments to Article 20.3.3 of the Code of Administrative Offences of the Russian Federation: Federal Law No. 640-FZ of 25 December 2023. URL: <http://publication.pravo.gov.ru/document/0001202312250031> (accessed: 07.11.2025). <https://archive.ph/7xe1V>
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