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ARTICLES

## First UN WGAD Opinion on Suppression of Anti-War Expression in Russia

In February 2023, [the UN Working Group on Arbitrary Detention](#) (WGAD) issued the first opinion in the case of the suppression of anti-war expression in Russia. The first such case was the case of [Alexey Gorinov](#), a Russian opposition politician and human rights activist sentenced to seven years in prison for denouncing Russian aggression in Ukraine.

## ОБ ЭТОМ НИКТО НЕ УЗНАЕТ

Если об этом никто не напишет. Подпишитесь на регулярные пожертвования ОВД-Инфо, чтобы плохие дела не оставались в тишине.

**ПОДПИСАТЬСЯ**

Hundreds of people are currently under criminal prosecution because of anti-war expressions or protests in Russia. At least 137 of them now have the legal basis to demonstrate that their prosecution is unlawful and violates international standards, and a potential to file a joint complaint to UN WGAD.

By *OVD-Info*, an independent human rights media project, **Rachel Lindon**, human rights lawyer, **Mael Clerc**, researcher at Sorbonne Research Institute for International Law and **Denis Shedov**, Alexey Gorinov's lawyer and board member of the HRDC «Memorial».



WGAD Opinion No. 78/2022 concerning Alexey Gorinov  
(Russian Federation)

## ABOUT ALEXEY GORINOV

Alexey Gorinov is a Russian opposition politician, a member of the municipal council of the Krasnoselsky district in Moscow, and a member of the Solidarnost' («Solidarity») movement. For many years, Alexey defended those who were persecuted in Russia and whose rights and freedoms were suppressed. For instance, as a lawyer, he represented those arrested at public protests. Alexey was also the organizer

of many protests, including the Peace Marches of 2014 dedicated to the annexation of Crimea.

On July 8, 2022, Gorinov became the first person to receive a real prison term of seven years for speaking out against the war in Ukraine. According to the prosecution, on March 15, 2022, in a public meeting of the local council for the municipal district, Alexei made a series of statements, «which included untrue descriptions of Russian Armed Forces.» While debating a children's drawing contest in Moscow with other deputies, Gorinov stated that during the war such an initiative would look like «a feast in time of plague, » because children in Ukraine are dying due to the actions of the Russian military. Alexey also called the Russian invasion of Ukraine «a war» and proposed a minute of silence to honor the dead.

## **ABOUT WGAD OPINION**

Opinion No. 78/2022 concerning Alexey Gorinov (Russian Federation) is the first arbitrary detention case concerning new article 207.3 of the Russian Criminal Code (on fake news about the Russian army).

The Working Group has the mandate to investigate cases of deprivation of liberty imposed arbitrarily or inconsistently with the international standards set forth in the Universal Declaration of Human Rights, or the international legal instruments accepted by the States concerned. Concerning the situation of Alexey Gorinov, the Working Group concluded that:

*95. In the light of the foregoing, the Working Group renders the following opinion: The deprivation of liberty of Mr. Gorinov, being in contravention of articles 2, 3, 7, 9, 19 and 21 of the Universal Declaration of Human Rights and articles 2(1), 9 (3), 19, 25 and 26 of the International Covenant*

*on Civil and Political Rights, is arbitrary and falls within categories II, III, and V.*

*97. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Gorinov immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.*

According to Russian internal law, WGAD opinions can be a reason for the case reconsideration.

## **CRIMINAL PROSECUTION FOR AN ANTI-WAR STANCE IN RUSSIA**

In March, Articles 207.3 (Public distribution of knowingly false information on the use of the Armed Forces of the Russian Federation, up to 15 years in prison), 280.3 (Public actions aimed at discreditation of the use of the Armed Forces of the Russian Federation, up to 5 years), and 284.2 (Calls for sanctions against the Russian Federation, up to 3 years) were approved for the Criminal Code and almost immediately started to be used for criminal prosecution of anti-war activists.

According to information from the independent human rights project OVD-Info, as of 13 February 2023, the anti-war case (see details [here](#) and [here](#)) has 440 defendants in 77 regions (Crimea and Sevastopol counted here because the Russian Federation de-facto controls these territories and is responsible for human rights violations there). All of them are persecuted solely because of their anti-war actions. 92 people were already sentenced.

Article 207.3 is the most widely used charge against people openly speaking about the war in Ukraine and the civilian or military deaths. It is currently a reason for criminal prosecution against 138 people (details could be found [here](#)),

including prominent opposition politician Vladimir Kara-Murza, a number of independent Russian journalists, and anti-war activists. 26 people were already sentenced, including Ilya Yashin, an opposition politician, who got 8,5 years in prison, Vladimir Rummyantsev, a 61-year old fireman, who got 3 years in prison, and activist Alexander Tarapon from occupied Crimea who got 2.5 years in a maximum security prison.

As the Working Group emphasizes, such cases shouldn't even have been opened, and anti-war expressions are fully protected under ICCPR Article 19 and cannot be restricted. Thus, at least 137 other people now have the legal basis to demonstrate that their prosecution is unlawful and violates international standards, and a potential to file a joint complaint to UN WGAD.

## **THE CURRENT SITUATION WITH ALEXEY GORINOV**

Alexey Gorinov has been in jail since April 2022. He has chronic health issues — a few years ago he went through major surgery on his lungs. Incarceration is negatively affecting his state. There are severe and well-founded fears that Alexey will not survive his imprisonment. Moreover, Alexey is now in the prison camp FKU IK-2 Pokrov. This camp has one of the worst reputations in Russia, famous for the torture and cruel treatment of prisoners. In previous years, activist Konstantin Kotov and prominent opposition politician Alexey Navalny were held in this camp.

Unfortunately, since the 9th of December, Alexey got very sick. He could not breathe or eat. He also did not have access to adequate medical treatment. Under public and media pressure, authorities sent Alexey to the hospital for prisoners in Vladimir. Currently, Alexey is still in the hospital. His health is weak but stable.

Just before the New Year, 34 MEPs sent [a letter of support](#) to Alexey Gorinov.

«Support for political prisoners. Memorial», an independent human rights project, has identified Aleksey Gorinov as [a political prisoner](#).

Alexey Gorinov also received [The Magnitsky Award](#) in November 2022.

Thus, Alexey Gorinov became one of the symbols of the protest against Russian aggression in Ukraine.

Follow the current news about Alexey Gorinov at [his telegram channel](#) (in Rus).

### **ЧТО Я МОГУ С ЭТИМ СДЕЛАТЬ?**

Прочитать, рассказать, поддержать. Подпишитесь на регулярные пожертвования ОВД-Инфо, чтобы как можно больше людей узнали о политических репрессиях в России сегодня.

**ПОДДЕРЖАТЬ**

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