

Methodology of the dataset of politically motivated criminal prosecutions

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WHAT IS THIS DATASET ABOUT?

The dataset is dedicated to criminal cases initiated by Russian investigative authorities (Ministry of Internal Affairs, Investigative Committee, FSB) and considered by Russian courts — cases that we consider politically motivated.

The dataset is part of a large database into which we enter and store all the information known to us and important to us about these cases.

WHERE DO WE GET THE DATA FROM?

We receive information about politically motivated persecutions from various sources. Being not only a human rights project, but also a media project, OVD-Info carries out daily monitoring of the media and social networks, as well as the websites of Russian government institutions (Investigative Committee, prosecutor's offices, courts) and writes news, posts on social networks, media materials and analytics based on the information received. In addition, information is provided to us by people directly faced with political persecution and their relatives, as well as lawyers cooperating with us who provide legal assistance to victims of the persecutions, with our support. We also use information from other advocacy and research organizations working on similar topics. All this information becomes the basis for our analytical reports and legal work.

WHY DO WE DO THIS?

Our goals:

- to collect and publish in a single place the maximum of the available data on politically motivated criminal cases in modern Russia;
- make this data accessible and understandable to a wide audience;
- provide the collected data with convenient tools for further professional work with them.

WHAT CASES ARE INCLUDED IN THE DATASET?

The term «political persecution» is evaluative, and the key issue in all disputes about political repression in Russia comes down to who evaluates it and how. This is why we have long refrained from making our own assessments and relied almost exclusively on assessments from other organisations. However, now that, as we believe, the scale of political persecution in Russia has increased significantly, new articles of the Criminal Code have appeared, and some old ones are more actively used, the persecutions become more severe and sophisticated, we see the need to resort to our own assessments.

This dataset includes cases 1) already evaluated as political by other organizations; 2) cases without such evaluation, but which OVD-Info also considers politically motivated.

Cases evaluated by other organisations

Many criminal cases included in our database have already been assessed by other human rights and research organisations based on the criteria they have developed — we are primarily talking about the Human Rights Center

«Memorial» / the project «Support for Political Prisoners. Memorial» and the Information and Analytical Center «Sova» / Research Center «Sova».

«Memorial», when making a decision to recognize a person as a political prisoner or (less often) persecuted for political reasons without deprivation of liberty, relies primarily on the **Guidelines for the definition of the concept of «political prisoner»**, developed by human rights activists from different countries on the basis of the **Resolution of the Parliamentary Assembly of the Council of Europe (PACE) №. 1900 (2012)**.

According to these principles, a person can be considered a political prisoner if

- deprived of liberty due to state coercion (is in a pre-trial detention center, colony, under house arrest, under compulsory treatment in a psychiatric hospital, etc.), and at least one of the following factors occurs:
 - a) the deprivation of liberty was applied solely because of political, religious or other opinions, as well as in connection with the non-violent exercise of rights and freedoms guaranteed by the **International Covenant on Civil and Political Rights** or the **European Convention for the Protection of Human Rights and Fundamental Freedoms**;
 - b) the deprivation of liberty was applied solely because of non-violent activity aimed at protecting human rights and fundamental freedoms;
 - c) the deprivation of liberty was applied solely on the basis of sex, race, skin color, language, religion, national, ethnic, social or tribal origin, birth, citizenship, sexual orientation and gender identity, property status or other characteristics, or based on the existence of a stable relationship with communities united by such characteristics;

- the criminal prosecution is politically motivated (see above for the definition of «political motive»), and at least one of the following factors is present:
 - a) deprivation of liberty was applied in violation of the right to a fair trial, other rights and freedoms guaranteed by the International Covenant on Civil and Political Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms;
 - b) the deprivation of liberty was based on falsification of evidence, or there was no event or element of the offense, or the offense was committed by another person;
 - c) the duration or conditions of deprivation of liberty are clearly disproportionate (inadequate) to the offense of which the person is suspected, accused or found guilty;
 - d) a person is deprived of liberty selectively in comparison with other persons.

To be recognized as a political prisoner, it is also necessary that the person being persecuted has not committed a violent crime against another person (except in cases of self-defense or extreme necessity), a crime motivated by hatred, and had not incited violence on national, ethnic, racial, religious or other similar grounds.

«Sova» does not use the terms «political prisoner» or «political persecution.» The following cases are included in the SOVA monitoring section entitled «**Unlawful anti-extremism**»:

- based on norms that contradict human rights standards;
- based on a clearly erroneous or broad interpretation of legal norms;
- based on previous court decisions, which «Sova» considers not based on the law or contrary to human rights standards.

«Sova» monitors not only the application of provisions directly aimed at combating extremism, but also some others that are close to them in spirit and letter: in particular, «Sova» is interested in restrictions on freedom of speech of an ideological nature (for example, prohibiting the propaganda of terrorism, the rehabilitation of Nazism, insulting the feelings of believers, insulting the state and society and disseminating false socially significant information).

In the overwhelming majority of cases, Memorial recognizes a person as a political prisoner after a careful and detailed study of the materials of the criminal case. The exception is cases when cases are investigated according to a developed template, almost exclusively on the basis of a one-time decision (for example, numerous cases against Jehovah's Witnesses under the article on the activities of an extremist organization (Article 282.2 of the Criminal Code) based on the decision of the Supreme Court of the Russian Federation to ban communities of Jehovah's Witnesses as extremist).

«Sova» does not always have access to case materials, but the thematic scope of the organization's monitoring is obviously relatively narrow and limited by the actions of specific articles of the Criminal Code.

Cases without such evaluation, but which OVD-Info also considers politically motivated

Daily monitoring carried out by OVD-Info shows that a fairly large number of criminal cases, which we consider politically motivated, remain uncovered or unseen by other organizations, while there is a need to describe the complete picture of politically motivated criminal prosecutions in Russia as much as possible.

We do not claim that our criteria are unconditional and impeccable or that the data we collect is fully complete. Moreover, we do not rule out that in some cases our assessment may be superficial and even erroneous. Nevertheless, we consider it necessary to bring to public attention a large number of cases that, in our opinion, are politically motivated. This is especially important now that the scale of persecution has increased, as well as the level of severity of such persecutions.

Back at the end of 2014, when we began creating a database designed to cover politically motivated criminal persecutions in Russia, we tried to formulate exactly which cases were classified as such.

Back we distinguished two main categories of cases:

- cases initiated in connection with the implementation of fundamental civil and political rights — the right to freedom of assembly, freedom of speech, freedom of conscience, freedom of association;
- and cases against opponents of the government.

It should be borne in mind that a criminal case may apply to both groups: the authorities may «find» an inappropriate statement on social networks from a political opponent, accuse him of repeated violation of the procedure for holding public events, or initiate a case against the opponent and his supporters as an extremist or terrorist group only on the basis of involvement in the political opposition group.

The annexation of Crimea and especially the war unleashed by the Russian Federation in Ukraine in 2014 became the occasion for a new wave of criminal cases in which a new type of political motive could be identified: a number of people were actually «designated» as spies, traitors to the motherland, saboteurs or terrorists (or accused in less serious

crimes, but also without proper evidence) on the basis of their connection with Ukraine.

One can also identify another subtype of political persecution, which appeared in 2012 and later became stronger. Most often it is associated with the implementation of the right to freedom of speech, but it is primarily associated with the desire of the authorities to protect what they consider sacred: the feelings of believers and everything connected with the Great Patriotic War. This subtype includes the vast majority of cases under Articles 148 and 354.1 of the Criminal Code, as well as some cases of vandalism and similar crimes.

The full-scale war launched by the Russian Federation in February 2022 has changed and aggravated many things, including in the area of political persecution. We see not only the fact that the authorities have begun to punish more harshly for the exercise of the right to freedom of speech and other types of anti-war protests, but also a lot of other developments. We believe that we cannot completely ignore persecution in response to some more radical forms of opposition to war and repression than simply exercising the right to political freedoms. We are talking about cases where no people were harmed as a result of these actions, but the persecution nevertheless takes unjustifiably harsh forms.

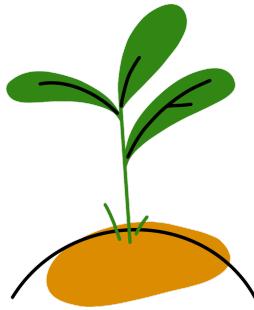
Guided by the criteria described above, we include in the database, in addition to cases evaluated by «Memorial» and «Sova»:

- cases related to anti-war statements and actions, as well as direct action protests, if they did not cause serious harm, especially if the participants were charged with clearly disproportionate articles of the Criminal Code;
- cases directly or indirectly related to the exercise of the right to freedom of assembly — naturally, in cases where the prosecuted did not employ unjustified violence;
- cases initiated under articles that we default to consider political — aside from those related to war, these include Article 284.1 of the Criminal Code on the activities of an «undesirable organization, » Article 330.1 of the Criminal Code on evasion of duties prescribed by the legislation on «foreign agents, » Article 280.4 of the Criminal Code — public calls for activities aimed against the security of the state;
- cases of extremist activities directly or indirectly linked to the activities of political opposition;
- other cases in which a political motive can be identified based on the analysis of context and other additional criteria.

HOW IS THE DATASET STRUCTURED?

Each row in the table is dedicated to a specific persecution. Persecution, in this context, refers to the persecution of a particular person within the framework of a specific criminal case. Therefore, the dataset contains various rows related to different «persecutions» of the same individual.

The information included in the dataset comprises:



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