

**JOINT STATEMENT ON THE INVOCATION OF THE VIENNA MECHANISM ON THE CONTINUED
ARBITRARY OR UNJUST ARRESTS AND DETENTIONS, TARGETING OF POLITICAL OPPOSITION
AND TORTURE AND MISTREATMENT IN THE RUSSIA FEDERATION**

**As delivered by Amb. Anna Olsson Vrang, Permanent Representative of Sweden to the
OSCE**

Vienna, 22 March 2024

Mr. Chairperson/Madame Chair,

I am delivering this statement on behalf of the Nordic-Baltic countries and the following aligning states: Albania, Andorra, Austria, Belgium, Bulgaria, Bosnia and Hercegovina, Canada, Croatia, Cyprus, Czechia, France, Germany, Greece, Ireland, Italy, Liechtenstein, Luxembourg, Moldova, Monaco, Montenegro, the Netherlands, North Macedonia, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom, and the United States.

In the 1991 Moscow Document, OSCE participating States agreed that commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. This was subsequently reaffirmed, inter alia, at the Seventh OSCE Summit of Heads of State, held in Astana in December 2010.

In keeping with this commitment, we wish to express our deep concern regarding the severe human rights violations and abuses occurring in the Russian Federation. On 28 July 2022, 38 participating States activated the OSCE's Moscow Mechanism, establishing a mission of experts to investigate and report on the grave concerns identified regarding the fulfilment of the provisions of the OSCE human dimension by the Russian Federation, to assess Russia's legal and administrative practices considering its OSCE commitments, establish facts, and offer recommendations and advice.

The independent report prepared by rapporteur, Professor Angelika Nußberger, was formally introduced to the Permanent Council on 22 September 2022. Its findings were unequivocal; "Russian legislation and practice in recent years, which betrays fear of civil society as a "fifth column" that weakens the State, is not in line with OSCE standards based on pluralism and a strong and independent civil society."

Regrettably, the Russian authorities have neither implemented the recommendations of the Moscow Mechanism report nor utilized the OSCE's institutions, bodies, and mechanisms to address the continuing crisis. Far from moving towards respecting OSCE human dimension commitments, the situation has further deteriorated, and Russian authorities have further tightened their internal repression in an apparent attempt to silence all opposing voices.

A particularly grave concern is the growing number of dissidents prosecuted and detained on political grounds, from human rights defenders and civil society leaders to political opponents and critics of the Russian Federation's war of aggression against Ukraine. The

relentless attacks and repression against political opposition, protestors, independent journalists, and other media actors have led to an increased number of individuals arbitrarily detained under conditions that violate their human rights and fundamental freedoms. These actions sharply contravene OSCE commitments regarding, inter alia, freedom from arbitrary arrest or detention, freedom of association and the right of peaceful assembly as well as freedom of expression.

Therefore, and considering the Russian authorities' unsatisfactory response to the Moscow Mechanism report of 22 September 2022, and given our ongoing concerns about developments over the past 18 months, which we have voiced repeatedly during this period, our countries are now invoking the Vienna (Human Dimension) Mechanism, along with the obligations of the Russian Federation under that Mechanism.

Our concerns include, but are not limited to, the following:

- **Continued Arbitrary or Unjust Arrests and Detentions:** There are consistent credible reports of arbitrary restrictions on the exercise of freedom of peaceful assembly, including violent and unjustified dispersal of protesters by law enforcement officers, arbitrary detentions and imposition of harsh fines and prison sentences for the expression of political views. In 2023 alone, thousands of individuals were allegedly detained for their peaceful participation in political opposition activities, participation in anti-war protests, and for their roles in reporting and documenting human rights violations and abuses by Russian authorities.
- **Targeting of Political Opposition:** Human rights organizations report that Russian authorities have specifically targeted members of the political opposition. In addition to credible reports of abduction and even killings, there are numerous reported cases of harassment, arbitrary detention, torture, and ill-treatment of human rights defenders, lawyers, journalists and political opponents and the lack of effective investigation into such acts. Beyond the detention and imprisonment of those opposing the Kremlin, there are an increasing number of allegations of state-controlled media and social media channels being utilized to disseminate threats of violence against members of political opposition, as well as journalists and other media actors and civil society.
- **Torture and Mistreatment:** Credible allegations have surfaced, indicating thousands of instances of torture and other forms of cruel, inhuman, or degrading treatment or punishment in Russia. These reports also highlight issues of overcrowding in detention facilities, along with harsh living conditions characterized by inadequate access to food, water, heating, ventilation, sanitation, hygiene, and medical care, as well as denied access to lawyers and contact with family members. Reports also show the use of disciplinary measures inside prisons, namely, the placement of prisoners in strict isolation conditions (punitive isolation cells, solitary confinement) to put pressure on those prisoners who have complained about torture or other human rights violations. Additionally, there are numerous reports detailing the excessive use of force by law enforcement officials during demonstrations.

For these reasons, and in reference to relevant OSCE commitments, including the 2020 Tirana Ministerial Council Decision on prevention and eradication of torture and other cruel, inhuman or degrading treatment or punishment, 2004 Sofia Ministerial Council Decision on Preventing and Combating Torture, 2006 Brussels Declaration on Criminal Justice System, 1989 Vienna Concluding Document, 1991 Document of the Moscow meeting of the conference on the Human Dimension of the CSCE, and the 1990 CSCE/OSCE Copenhagen Document, we request concrete and substantial responses to the following:

1. Considering the prohibition under the Constitution of the Russian Federation against enacting laws that abrogate or impair human rights and fundamental freedoms, which include freedom from arbitrary arrest or detention, freedom of association and the right of peaceful assembly, and freedom of expression, and its emphasis on prioritizing international human rights standards, how is the Russian government ensuring that national laws and their implementation are fully in line with OSCE commitments and international obligations?
2. Referencing the Moscow Mechanism report dated 22 September 2022, how are Russian institutions responding to the increased criticism of the escalated use of prosecution based on ambiguous claims such as "extremism" and "false information", and the growing complexity found within Criminal Code of the Russian Federation, the Law on Associations, and the Code of Administrative Offences? What steps have been taken to ensure that national laws and their implementation are fully in line with OSCE commitments and international obligations, to enhance legal certainty and to minimize the room for arbitrary application of the law?
3. What mechanisms has the Russian Federation established to guarantee impartial and transparent investigations into the allegations of arbitrary arrests and detentions, torture, enforced disappearances, and unlawful killings by its forces? Kindly furnish a list of measures enacted to ensure the independence and impartiality of these investigations.
4. The Moscow Mechanism report dated 22 September 2022 urges Russia to release political prisoners and abolish repressive legislation. Given credible reports of torture and ill-treatment in Russian places of detention, have the Russian authorities initiated investigations into the escalating reports of torture, and cruel, inhuman, or degrading treatment or punishment in Russian prisons and detention centres? What are the findings, and what measures are implemented?
5. In what manner are prisoners and/or detainees provided with procedural protections, and what mechanisms ensure their entitlement to legal support when subjected to solitary confinement?
6. What measures is the Russian government taking to ensure that the International Committee of the Red Cross (ICRC) has access to all individuals detained, facilitate judicial assistance, and uphold the detainees' right to maintain contact with their families?
7. What are the established procedures for the imposition of disciplinary measures within prisons and detention centres in Russia, and what specific guidelines or procedures exist to

prevent the arbitrary application of disciplinary actions, including punitive isolation, within these facilities? Which procedures ensure that law enforcement officials are cognizant and attentive to the health of persons in their custody and, in particular, take immediate action to secure medical attention whenever necessary?

We expect to receive information in response to these serious concerns in writing within ten days, in accordance with the Vienna (Human Dimension) Mechanism.

We request that this statement be attached to the journal of the day.

Thank you.