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RUSSIA: AUTHORITIES MUST ENSURE ALEKSEI NAVALNY'S HEALTH AND SAFETY, AND UNCONDITIONALLY RELEASE HIM

The health condition of Aleksei Navalny, Russian opposition leader and prisoner of conscience, raises serious concerns. The Russian authorities' failure to provide him with adequate healthcare, his continued harassment and ill-treatment in prison, and their recent use of force against him gravely violate his human rights and Russia's international obligations. Amnesty International demands the immediate and unconditional release of Aleksei Navalny and, pending it, that Russian authorities ensure that his life, health and safety are protected, and that his ongoing and further persecution stops.

BACKGROUND

Aleksei Navalny is a prominent Russian opposition politician, anti-corruption campaigner and critic of President Vladimir Putin and the Russian government. In August 2020, he was poisoned with what experts later concluded to be the military-grade nerve agent Novichok. With the acquiescence of the Russian authorities, he was evacuated for treatment to Berlin, Germany, in a coma. Russian authorities have refused to investigate his nearly fatal poisoning, citing lack of evidence. A joint investigation conducted and published by Bellingcat, CNN, Der Spiegel, and The Insider presented compelling evidence of Russia's FSB security service, including chemical weapons experts, clandestinely following Aleksei Navalny for months as part of an alleged operation that led to at least two attempted poisonings.¹

After recovering in Germany, Aleksei Navalny returned to Moscow on 17 January 2021 and was immediately arbitrarily arrested. He was accused of violating the conditions of parole under an earlier politically motivated conditional (non-custodial) sentence. This conditional sentence was replaced with a custodial sentence on 4 February 2021. Russian authorities ignored the ruling of the European Court of Human Rights of 17 February 2021 to immediately release Aleksei Navalny. On 22 March 2022, he was convicted on further charges,² including fraud, that were arbitrary and politically motivated.³ Aleksei Navalny is now serving a nine-year term in a strict regime penal colony in Vladimir Oblast (240 km east of Moscow). He also stands accused of crimes under further trumped-up charges, including "promoting terrorism", "funding and promoting extremism" and "rehabilitating Nazism", facing up to 35 years' imprisonment.

Aleksei Navalny's NGO, the Anti-Corruption Foundation, and his network of field offices were arbitrarily designated "extremist organizations" and their activities prohibited on 9 June 2021.⁴ Many of his associates were forced to leave Russia for fear of retaliation while others face unlawful prosecution and other forms of harassment.⁵

Since August 2022, on at least 14 occasions Aleksei Navalny was arbitrarily placed in a punishment cell (*shtrafnoy izolyator*, or SHIZO),⁶ the harshest punishment under the Russian Penal Code, for up to 15 days at a time. The prison administration applied these punishments for minor or purported infringements of prison rules, such as Navalny having

¹ Bellingcat, "Hunting the Hunters: How We Identified Navalny's FSB Stalkers", 14 December 2020, [bellingcat.com/resources/2020/12/14/navalny-fsb-methodology](https://www.bellingcat.com/resources/2020/12/14/navalny-fsb-methodology)

² Amnesty International, "Russia: Opposition leader Aleksei Navalny sentenced to 9 years in prison in cynical deprivation of his human rights", 22 March 2022, [amnesty.org/en/latest/news/2022/03/russia-opposition-leader-aleksei-navalny-sentenced-to-9-years-in-prison-in-cynical-deprivation-of-his-human-rights](https://www.amnesty.org/en/latest/news/2022/03/russia-opposition-leader-aleksei-navalny-sentenced-to-9-years-in-prison-in-cynical-deprivation-of-his-human-rights)

³ Amnesty International, "Russia: Fraud charges against Aleksei Navalny are arbitrary and politically motivated", 11 March 2022, [amnesty.org/en/documents/eur46/5329/2022/en](https://www.amnesty.org/en/documents/eur46/5329/2022/en)

⁴ Amnesty International, "Russia: Aleksei Navalny's NGOs banned as "extremist", depriving thousands of their rights", 10 June 2021, [amnesty.org/en/latest/press-release/2021/06/russia-aleksei-navalnys-ngos-banned-as-extremist-depriving-thousands-of-their-rights](https://www.amnesty.org/en/latest/press-release/2021/06/russia-aleksei-navalnys-ngos-banned-as-extremist-depriving-thousands-of-their-rights)

⁵ Amnesty International, "Russia: Two years after Aleksei Navalny's arrest, Russian opposition figures suppressed, jailed or exiled", 23 January 2023, [amnesty.org/en/latest/news/2023/01/russia-two-years-after-aleksei-navalnys-arrest-russian-opposition-figures-suppressed-jailed-or-exiled](https://www.amnesty.org/en/latest/news/2023/01/russia-two-years-after-aleksei-navalnys-arrest-russian-opposition-figures-suppressed-jailed-or-exiled)

⁶ Amnesty International, "Russia: Prison administration imposes harsh conditions on Aleksei Navalny", 16 September 2022, [amnesty.org/en/latest/news/2022/09/russia-prison-administration-imposes-harsh-conditions-on-aleksei-navalny](https://www.amnesty.org/en/latest/news/2022/09/russia-prison-administration-imposes-harsh-conditions-on-aleksei-navalny)

failed to button-up his shirt⁷ or washed his face at a wrong time.⁸ SHIZO cells are small, typically cold, feature only a bed that is folded and locked for 16 hours a day, a small desk and a stool. SHIZO inmates are forbidden almost any personal items, nor can they have visitors, make phone calls or receive parcels.

On 1 February 2023, Aleksei Navalny was arbitrarily declared a “repeat offender” and transferred to a penal confinement cell (*pomescheniye kamernogo tipa*, or PKT) for six months: a form of longer-term reprimand of much harsher and more restrictive confinement than the standard strict regime penal colony conditions – only marginally better than SHIZO.

FAILURE TO PROVIDE ADEQUATE HEALTHCARE

Aleksei Navalny first complained of his worsening health condition in March 2021, soon after his transfer from a pre-trial detention center to a penal colony. He experienced debilitating back pains and numbness in his legs. Additionally, he was being subjected to intrusive hourly night “checks” that effectively deprived him of uninterrupted sleep for several weeks. The prison administration refused to provide him with adequate healthcare or even to share with him his medical records. Eventually, after an international campaign in his support and his hunger strike, the authorities offered him some medical treatment and allowed him to access information about his health.

Starting in December 2022, prison authorities repeatedly placed Aleksei Navalny in a SHIZO cell with another prisoner who, according to Navalny, was in poor health, and the authorities failed to put in place preventive measures to protect Navalny’s health. At that time, Aleksei Navalny contracted a respiratory infection. Despite their worsening condition, the prison administration refused to move either him or the other prisoner to the medical ward. According to Aleksei Navalny’s lawyer, he was eventually given a wrong type of antibiotics, which allegedly made his condition worse.

On 11 April 2023, lawyers and colleagues of Aleksei Navalny reported that his health condition was rapidly worsening again.⁹ According to lawyer Vadim Kobzev, Navalny had lost eight kilograms during his latest 15-day punishment term in SHIZO. Aleksei Navalny was experiencing abdominal pains and in the night of 7 April had lost consciousness which forced the prison administration to call an ambulance. Despite these concerns, the administration refused to conduct an independent medical examination, while the prison medic, who reports to the prison administration, reportedly dismissed Navalny’s complaints by sarcastically calling it a “spring fever”. Moreover, the prison administration refused to pass to Aleksei Navalny his medicine provided by his family.

Aleksei Navalny’s colleagues have publicly expressed concern that the deterioration of his health may be the result of a deliberate slow poisoning. Whatever the cause, his health condition requires an urgent independent examination, including toxicological tests, by independent doctors whose conclusions can be trusted.

USE OF FORCE AND NEW CRIMINAL PROCEEDING

According to Aleksei Navalny’s lawyer,¹⁰ on 17 April 2023 Aleksei Navalny was taken to a cell where conditions were unsanitary and would pose a risk to his already fragile health. Aleksei Navalny protested against this as a provocation and demanded to be placed in a different cell. He refused to enter the cell. In response, prison guards called for reinforcement. Aleksei Navalny was violently pushed inside the cell, kicked in the groin and told that he would be prosecuted for “disorganization of activities” of the penitentiary institution, an offence under Article 321 of the Criminal Code punishable by up to five years’ imprisonment.

MULTIPLE VIOLATIONS OF PRISONER’S HUMAN RIGHTS

As a state party to multiple international human rights conventions, Russia has binding obligations which prohibit the ill-treatment of prisoners. Article 7 of the International Covenant on Civil and Political Rights stipulates that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 10(1) says that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Article 2(1) of the Convention against Torture obligates Russia to take effective measures to prevent acts of torture and other ill-treatment. Articles 21(2) and 41(1) of the Russian Constitution respectively also prohibit torture and other ill-treatment and guarantee everyone the right to health care and medical assistance. Furthermore, Article 12(1) of the

⁷ Mediazona, “Иск Навального о незаконной отправке в ШИЗО. День второй“, 29 September 2022, zona.media/online/2022/09/29/shizo2

⁸ Aleksei Navalny’s Telegram channel, post dated 9 January 2023, t.me/navalny/3337

⁹ Vadim Kobzev, Twitter thread, 11 April 2023, twitter.com/advokatkobzev/status/1645842797583269889

¹⁰ Vadim Kobzev, Twitter thread, 18 April 2023, twitter.com/advokatkobzev/status/1648277050199769088

International Covenant on Economic, Social and Cultural Rights guarantees everyone the right to the enjoyment of the highest attainable standard of physical and mental health.

Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)¹¹ stipulate that States have the responsibility to ensure that prisoners enjoy the same standards of healthcare that are available in the community, and should have access to necessary healthcare services free of charge without discrimination (rule 24(1)), prisoners should have access to medical attention in urgent cases and be transferred to specialized institutions or civilian hospitals if needed (rule 27(1)), and that prisoners and representatives appointed by them should be allowed access to their medical files (rule 26(1)). The State's failure to provide adequate medical care to prisoners may violate the absolute prohibition of torture and other cruel, inhuman, or degrading treatment or punishment. The Nelson Mandela Rules also stipulate that any sanctions against prisoners must be fair and proportional (rule 39), and that prison staff must use minimum force and only in specific prescribed situations (rule 82(1)). Basic Principles on the Use of Force and Firearms by Law Enforcement Officials likewise note that law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened¹².

States must also ensure that prisoners are kept in conditions that meet all requirements of health, hygiene and cleanliness. Forcing prisoners to stay in conditions that do not meet such standards, and in particular when done for the purpose of punishing, intimidating or coercing them, may also violate the absolute prohibition of torture and other ill-treatment. Such treatment may also endanger the individual's health and put others around them at risk. Using force against a prisoner to push him into such a place of detention is also unlawful.

RECOMMENDATIONS

Amnesty International urges the Russian authorities to:

- Immediately and unconditionally release Aleksei Navalny, as he is a prisoner of conscience prosecuted and imprisoned solely for peaceful exercise of his right to freedom of expression and other human rights, and ensure his right to an effective remedy; quash his convictions and drop any ongoing criminal proceedings arbitrarily opened against Aleksei Navalny;
- Pending his release and subject to his free and informed consent, urgently facilitate a necessary independent medical examination, including toxicological tests, of Aleksei Navalny's health by qualified and independent medical specialists and ensure he has access to adequate healthcare;
- Provide Aleksei Navalny and his authorized representatives with all available information about his health and the treatment he has received while in detention;
- Ensure that Aleksei Navalny can access the medicines provided to him by his family or their representatives;
- Immediately stop the harassment of Aleksei Navalny, including by using arbitrary penalties against Aleksei Navalny for minor or purported infringements of prison rules;
- Conduct a prompt, effective and impartial investigation into the actions of the prison administration on 17 April 2023 and in other instances, including the sanitary conditions in the cell and the use of force against Aleksei Navalny, and ensure that disciplinary, criminal or other measures, as appropriate, are taken in fair proceedings against all those found responsible for the violation of his and any prisoners' human rights;
- Ensure that Aleksei Navalny and other critics of the authorities in Russia can freely exercise their rights to freedom of expression, association and peaceful assembly and can participate in civic and political life without discrimination, intimidation or other obstruction.

Amnesty International calls on the international community to:

- Raise the case of Aleksei Navalny, his politically motivated prosecution and ill-treatment with the Russian authorities in all appropriate fora and demand from them to fulfil their international obligations and implement the abovementioned recommendations;

¹¹ UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted on 17 December 2015.

¹² UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted on 7 September 1990, Principle 15.

- Ensure that diplomats attend court hearings in trials of Aleksei Navalny and other individuals facing politically motivated prosecution;
- Explore ways of providing support those facing politically motivated prosecutions, including through communication with those imprisoned, as well as meeting with their family members, colleagues and legal representatives, commenting on their prosecution and treatment when appropriate, and inviting them to relevant public events to raise the visibility of their cases and the human rights violations they are facing;
- Ensure that associates of Aleksei Navalny as well as independent journalists, human rights defenders, anti-war activists and other individuals seeking international protection from politically motivated persecution have access to fair and effective asylum procedures and, in any case, are not forcibly returned to Russia.