

Russia convicts, but refrains from imprisoning, Memorial Co-Chair for criticism of its war against Ukraine

Tuesday 17 October 2023, by [COYNASH Halya](#) (Date first published: 12 October 2023).

Russia's persecution of Oleg Orlov is part of its attack on Memorial, an organization that played an invaluable role in speaking out against all Russia's crimes against Ukraine and in defence of its political prisoners

A court in Moscow has found 70-year-old **Oleg Orlov** 'guilty' of a repeated discrediting of Russia's armed forces over an article in which the world-renowned human rights defender and Co-Chair of Memorial condemned Russia's full-scale invasion of Ukraine. Given other sentences under the same draconian legislation, the sentence was surprisingly mild, with Orlov 'only' ordered to pay a fine of 150 thousand roubles (just over 1400 euros). Any sentence for writing the truth and expressing an opinion is shocking, however there had been strong grounds for fearing that Orlov could be imprisoned for up to five years. In its [statement](#), the Memorial Centre called the sentence a mockery of the justice system, and said that his sentence is confirmation of Orlov's assessment that "*a country which, 30 years ago, moved from communist totalitarianism has descended back into totalitarianism, but now fascist.*"

One other relic of Russia's Soviet past that raised its head during Orlov's trial was the spectre of punitive psychiatry. During the final hearing at the Golovinsky district court on 11 October, prosecutor **Svetlana Kildysheva** [demanded](#) a fine of 250 thousand roubles and called for Orlov to be subjected to a psychiatric assessment. She said that she had noticed that he demonstrated "a heightened sense of justice, lack of an instinct of self-preservation and posturing in front of others. She even went so far as to suggest that there could be "changes in the vessels of the brain" brought on by age (!). Judge **Kristina Kostryukova** found Orlov 'guilty' of a repeat case of 'discrediting Russia's armed forces' (under Article 280.3 § 1 of Russia's criminal code) and imposed a 150 thousand rouble fine. This was, as Memorial noted, a politically motivated trial, as well as the latest of many attacks on Memorial itself. It is therefore unlikely that either Kildysheva, or Kostryukova, were doing more than demanding / handing down a sentence determined at a higher level.

During [his final address](#) on 11 October, and [later, to journalists](#), Orlov promised that he would appeal against any conviction, saying that this "violates the Constitution, norms of the law and my rights". He spoke of the very many others, such as **Alexei Gorinov; Vladimir Kara-Murza; Igor Baryshnikov; Ilya Yashin; and Dmitry Ivanov, Aleksandra Skochilenko** sentenced to (or in Skochilenko's case, facing) long terms of imprisonment "for the truth, for words, for peaceful protest." We need to fight for them, he stressed.

He was not sorry, he said, for having taken part in anti-war pickets, nor for the article over which he was on trial and added that his previous life had meant that he had no choice. He noted also that he had no regrets that he had not left Russia; that this was his country, and that he believed that his voice would be louder in Russia, than from exile. This had proven to be the case for his modest

article which had received huge publicity “thanks to the combined efforts of the political police, the investigation, the prosecutor’s office and the court”.

Orlov recalled one exceptionally cynical quote from an official statement according to which *“Russia and China call on all countries to promote such universal values as peace, development, equality, justice, democracy and freedom, hold dialogue and not enter into confrontation.”* This, he said, was in the name of a country that had invaded a neighbouring country, whose territorial integrity it had not so long ago recognized. In the name of a country that was waging a war, recognized by most UN members, as a war of aggression; and in the name of a country that had crushed all freedoms and that had rushed through new laws that directly violated the Constitution and that declared it a crime to express any critical opinion. How was this not George Orwell’s *“war is peace; freedom is slavery”* and *“Russian forces in Ukraine support international peace and security?”*

Oleg Orlov was indeed charged under one of the new articles of Russia’s administrative and criminal codes signed into law by Russian president Vladimir Putin within 10 days of Russia’s full-scale invasion of Ukraine. Two of these: Article 20.3.3 of Russia’s Code of administrative offences and Article 280.3 of the criminal code punish for utterances or actions which are claimed to ‘discredit the Russian armed forces’. Since 4 March 2022, the administrative charge has been used to prosecute people for as little as stickers saying ‘no to war’ and, in occupied Crimea, [for singing or playing Ukrainian patriotic songs](#).

Although the criminal charges have normally been over more than a sticker, even this is not required, as criminal charges are laid for ‘repeat acts of discrediting the armed forces’. Orlov had initially been prosecuted twice under the administrative article, with this enabling Russia to bring criminal charges on 21 March 2023.

[As reported](#), there were mass raids that day on the offices and homes of several Memorial members. That attack came a little over a year after Russia [forcibly dissolved](#) International Memorial and the Memorial Human Rights Centre, and almost exactly three months after Memorial became laureate of the 2022 Nobel Peace Prize, together with Ukraine’s Centre for Civil Liberties and the Belarusian Viasna Human Rights Centre and its imprisoned head, Ales Bialiatski.

The searches were over a preposterous criminal investigation over so-called ‘rehabilitation of Nazism’, but late that evening it was learned that Orlov was facing criminal charges under Article 280.3.

The charges were over the posting on Orlov’s Facebook page of the Russian translation of his article *“They wanted fascism. They got it”*, which was published by the French Mediapart on 14 November 2022. The article states, for example, that *“The bloody war launched by Putin in Ukraine is not only the mass killing of people, the destruction of infrastructure, of the economy, of cultural sites of this wonderful country. It is not only the crushing of the foundations of international law. It is also the gravest of blows against Russia’s future. <> A country which, 30 years ago, moved from communist totalitarianism has descended back into totalitarianism, but now fascist.”*

It is, obviously, a great relief, but not entirely clear why the current regime has stopped short of imprisoning Oleg Orlov. Given the brutality of several other sentences, there were no grounds for believing that Orlov’s age would prevent his imprisonment. There was also concern because the so-called linguistic expert assessment’ of Orlov’s article had been written by maths teacher (and co-founder of the notorious Centre for Socio-Cultural Expert Assessments) **Natalia Kryukova** and translator **Alexander Tarasov**. Both have been employed to justify the current regime’s religious and political persecution, including that of world-renowned [historian of the Soviet Terror and Memorial Karelia Head, Yury Dmitriev](#) ([details here](#)).

In its statement, Memorial noted that OVD-Info is aware of criminal charges against at least 728 people over opposition to the war, with almost 20 thousand people detained since Russia's began its full-scale invasion of Ukraine.

The sentence against Oleg Orlov, they stressed, was also an attack on Memorial. Orlov was one of the founders of the Memorial Human Rights Centre and, in 2022 (after the forced dissolution of the latter, he was one of the co-founders of the Memorial Centre for the Defence of Human Rights. *"Oleg Orlov has made an immeasurable contribution to the life and work of the organization. We are proud, today, of our colleague and express our solidarity with him."*

While Russia continues to occupy any part of Ukrainian territory, Ukrainian citizens are also in danger of political and religious persecution, including over their support for Ukraine and / or opposition to the war. Memorial and its members, including Oleg Orlov, have played an invaluable role in monitoring Russia's human rights violations in occupied Crimea and speaking out in defence of Russia's Crimean Tatar and other Ukrainian political prisoners, as well as in protest at Russia's crimes in Ukraine. This was undoubtedly a major reason for the attack on this highly authoritative organization and our respected colleague Oleg Orlov.

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