

**Permanent Mission of the Russian Federation to the
United Nations Office and other International
Organizations in Geneva**

No. 3430

The Permanent Mission of the Russian Federation to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide information from the Russian Federation in response to joint enquiry AL RUS 9/2022, of 1 July 2022, from the special procedure mandate holders of the United Nations Human Rights Council.

The Permanent Mission takes this opportunity to convey to the Office of the United Nations High Commissioner for Human Rights the renewed assurances of its highest consideration.

Enclosed: as mentioned, 8 pages.

Geneva, 23 August 2022

Office of the United Nations High
Commissioner for Human Rights
Geneva

Translated from Russian

Information from the Russian Federation in response to the joint enquiry of the United Nations Human Rights Council special procedures concerning Aleksandra Yurevna Skochilenko

Reference: AL RUS 9/2022 of 1 July 2022

The Russian Federation, having examined the aforementioned joint enquiry, has the honour to transmit the following information.

On 1 April 2022, the Vasileostrovsky District investigative agency of the Central Investigation Department of the Investigative Committee of the Russian Federation for Saint Petersburg opened criminal case No. 12202400003000031, pursuant to article 207³ of the Criminal Code of the Russian Federation, for the dissemination of knowingly false information under the guise of credible reports about the use of the armed forces of the Russian Federation.

The criminal case file shows that, on 31 March 2022, no later than 6.52 p.m., an unidentified person, deliberately acting out of political and ideological hatred or enmity, placed fragments of paper the size of price tags in the Perekrestok store floor at 88 Maly Avenue, building A, Vasilevsky Island, Saint Petersburg. They contained these words: “The price of this war is our children’s lives”; “Why is television silent about this?”; “My great-grandfather did not spend four years in the Great Patriotic War for Russia to become a fascist State and attack Ukraine”; “The Russian army destroyed an arts school in Mariupol by bombing. About 400 people had taken cover in it from the shelling”; and “Putin has been lying to us on television for 20 years. The result of such lying is our willingness to justify war and senseless deaths.”

Thus, under the guise of credible reports, knowingly false information was published about the use of the armed forces of the Russian Federation, whose aim is to protect the interests of the Russian Federation and its citizens and maintain international peace and security, and the decision to initiate the criminal proceedings was made given the reason and

grounds provided for by criminal procedural law. The lawfulness of this procedural decision was properly reviewed by the supervising procurator.

The investigation into the case established that Aleksandra Yurevna Skochilenko, born on 13 September 1990 in Leningrad, had been involved in the criminal offence. She was arrested on 11 April 2022 by the investigator of the Vasileostrovsky District investigative agency in accordance with articles 91 and 92 of the Code of Criminal Procedure of the Russian Federation. In the course of the investigation her actions were qualified as falling under article 207³ (2) (d) of the Criminal Code.

In view of the above, on 12 April 2022, in accordance with articles 171 and 172 of the Code of Criminal Procedure, the investigator filed charges against Ms. Skochilenko for the above-mentioned criminal offence.

On 13 April 2022, the Vasileostrovsky District Court of St. Petersburg ordered Ms. Skochilenko's remand in custody for a period that has successively been extended (for a final time on 29 July 2022, for one month, i.e. up to 4 months and 22 days, or until 1 September 2022, when the relevant rulings were made).

In turn, the preliminary investigation period for this criminal case was successively extended, for a final time on 28 July 2022, by one month under article 162 of the Code of Criminal Procedure, i.e. until 1 September 2022, or five months in total.

At present, the criminal case against Ms. Skochilenko is still being investigated. All collected evidence will be evaluated by the Vasileostrovsky District Prosecutor's Office in accordance with article 88 of the Code of Criminal Procedure in terms of its relevance, admissibility and credibility while the determination of the nature of the offence is to be checked to ensure it is consistent with the records of the case once they are submitted to the District Prosecutor's Office with a final procedural decision.

[REDACTED]

[REDACTED]

[REDACTED]

Pursuant to citizens' applications in defence of Ms. Skochilenko's interests, in June and July 2022, the Public Health Committee of St. Petersburg conducted an unscheduled

inspection of this hospital to ensure it was complying with health-care delivery procedures, regulations on the organization of medical care by type of medical care and rules for laboratory, instrumental and other types of diagnostic tests, and with the rights of citizens in the area of health care, including during the examination of Ms. Skochilenko.

As a result of this inspection, no breaches of the law or nutrition regulations with respect to Ms. Skochilenko were detected, who was given verbal explanations about the tests conducted and their results. She was also informed of the above by a letter dated 28 June 2022 from the institution's chief medical officer.

Ms. Skochilenko is being held in remand centre No. 5 (SIZO-5) of the Federal Penal Service of the Russian Federation for Saint Petersburg and Leningrad Province. The conditions of her detention meet the requirements of the legislation of the Russian Federation. The standard of living space in the cell block meets the requirements of article 23 of Federal Act No. 103-FZ of 15 July 1995 on the Custody of Suspects and Accused Persons, as it is more than 4 m² per person.

The unit where Mr. Skochilenko is being held is equipped in accordance with the requirements of paragraph 28 of the Internal Regulations for Pretrial Detention Facilities of the Prison System, approved by order No. 110 of the Ministry of Justice of the Russian Federation on 4 July 2022. The sanitary conditions in the cell are satisfactory.

Ms. Skochilenko is provided with individual sleeping accommodation, including bedding and linen, and eating utensils in accordance with the requirements of departmental regulations.

In accordance with paragraph 32 of the Internal Regulations, Ms. Skochilenko is given the opportunity to shower at least twice a week for at least 15 minutes.

Ms. Skochilenko receives three hot meals a day in accordance with Government Decision No. 205 of 11 April 2005 on minimum standards for food and living conditions for persons sentenced to deprivation of liberty, for suspects and accused persons held in remand centres of the Federal Penal Service, in temporary detention facilities of the internal affairs agencies of the Russian Federation and in the facilities of the Federal Security Service Border

Control Agency, persons held in administrative detention and persons detained in the regional bodies of the Ministry of Internal Affairs in time of peace.

On 28 April 2022, Ms. Skochilenko and her lawyer [REDACTED] made a verbal request to the head of remand centre No. 5 to arrange for a gluten-free diet and a possible increase in the weight limit for parcels and were provided with explanations accordingly.

Pursuant to the recommendations of a physician of the medical unit No. 12 branch of Federal Prison Service medical unit No. 78 of 28 April 2022, on 4 May 2022, remand centre No. 5 planned a menu of gluten-free meals and appropriate foodstuffs were procured so that Ms. Skochilenko could adhere to the diet.

During her detention, Ms. Skochilenko received 3 parcels and 12 deliveries, including the food she needed for her gluten-free diet, with no restrictions on quantity or weight.

Her state of health is assessed as satisfactory. Medical care is provided to her in accordance with the order No. 286 of the Ministry of Justice of 28 December 2017 on approval of the procedure for the provision of medical care to persons detained or serving custodial sentences.

There was no evidence that fellow suspects or accused persons held in the same cell have exerted any psychological or physical pressure on Ms. Skochilenko. The administration of remand centre No. 5 has received no communications to that effect. The necessary psychological assistance is provided to her by the staff of the centre's psychological laboratory.

There is no evidence of the possible concealment of an offence by officials of the remand centre or violations of the requirements of the Code of Criminal Procedure or article 19 of Federal Act No. 103-FZ of 15 July 1995 on the Custody of Suspects and Accused Persons in the context of the Skochilenko case. Nor have there been other grounds for the prosecutor's office to act on any breaches found.

However, on 15 June 2022, the prosecutor's office of Vasileostrovsky District submitted a request to the head of the Vasileostrovsky District investigative agency in connection with evidence of a violation of article 6¹ of the Code of Criminal Procedural

during the investigation of the Skochilenko case pursuant to article 37 (2) (3) of the Code, which was promptly investigated and duly acted upon.

The progress and results of the investigation of Ms. Skochilenko's criminal case remain under the supervision of the prosecutor's office.

On 7 May and 28 June 2022 the Commissioner for Human Rights in St. Petersburg visited Ms. Skochilenko in remand centre No. 5, accompanied by the assistant director of the Federal Penal Service for monitoring human rights in penal system.

In turn, members of the Public Monitoring Commission of Saint Petersburg visited Ms. Skochilenko in remand centre No. 5 on 28 April and 5 and 7 May 2022, also accompanied by the assistant director.

No notice was received by the administration of remand centre No. 5 or the Federal Penal Service as a result of these visits.

In addition, the assistant director held a separate conversation with Ms. Skochilenko in remand centre No. 5 on 20 July 2022, during which she also did not lodge any complaints.

Ms. Skochilenko was granted 13 meetings with her lawyers between 25 April and 15 July 2022, in accordance with the article 18 of Federal Act No. 103-FZ.

The prosecutor's office issued no formal notices for violations of Ms. Skochilenko's rights by either remand centre No. 5 or the Federal Penal Service.

Regarding the consistency of article 207³ (Public dissemination of knowingly false information about the use of the armed forces of the Russian Federation of the Criminal Code and exercise of power by State bodies of the Russian Federation) with international human rights obligations, it should be noted that this statutory provision is aimed at protecting the interests and security of the Russian Federation and the rights and freedoms of Russian citizens.

Article 17 of the Constitution of the Russian Federation recognizes and guarantees human and civil rights and freedoms in accordance with universally recognized principles and rules of international law. At the same time, national criminal legislation is based on the principles of balancing the interests of the State, society and the citizen.

Furthermore, the guarantee of citizens' right to gain access to and disseminate information does not release the State from its obligation to protect individuals and society from knowingly false information that can harm the interests of persons, social groups and the State.

However, it should be borne in mind that criminal liability under article 207³ of the Criminal Code is incurred only for the public dissemination of knowingly false information under the guise of credible reports, i.e. when a person who commits such an act deliberately misleads an unlimited number of people with the aim of undermining trust in the authorities so as to harm not only State institutions but also the security of the information space and actually prevent citizens' right to have access to reliable and objective information.

In accordance with article 19 (2) of the International Covenant on Civil and Political Rights, everyone has the right to freedom of expression; this right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice. Article 3 states that the exercise of this right carries with it special duties and responsibilities and may be subject to certain restrictions, but these may only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order, or of public health or morals.

In view of the above, the provisions of article 207³ of the Criminal Code are fully consistent with the international human rights obligations undertaken by the Russian Federation.