

**ANALYSIS OF THE ELEVEN (11) 2020 ROBERT
LEVINSON ACT FACTORS AND WHY VLADIMIR
KARA-MURZA MUST BE TREATED AS A U.S.
NATIONAL AND IMMEDIATELY DESIGNATED AS
WRONGFULLY DETAINED BY THE U.S.
DEPARTMENT OF STATE**

**Vladimir Kara-Murza's Arbitrary Arrest on April 11, 2022,
Subsequent 25-Year Sentence, and Ongoing Wrongful
Detention**

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A. Vladimir Kara-Murza's Background¹

1. Opposition Politician, Pro-Democracy Advocate, and Human Rights Defender

1. Mr. Vladimir Vladimirovich Kara-Murza is a Russian politician, historian, filmmaker, and an outspoken critic of Russian President Vladimir Putin.² He is the former deputy leader of the People's Freedom Party in the Russian Federation, was a candidate for the Russian State Duma in 2003, and was elected to the Coordinating Council of the Russian Opposition in 2012. He has previously worked for Russian broadcast and print media, including *RTVi*, *Ekho Moskvy*, and *Kommersant*, and has directed two documentaries on political dissidents in Russia. Mr. Kara-Murza earned an MA degree in history at Cambridge University.³ He is a regular contributor to *The Washington Post* and other media. He is a "lawful permanent resident" of the United States.⁴ His wife, Evgenia Kara-Murza, and their three children are U.S. citizens.⁵ Mr. Kara-Murza also holds U.K. citizenship.

2. For the past 20 years, Mr. Kara-Murza has been a constant supporter of civil society organizations dealing with democracy and human rights in Russia. He has held positions as founding chair of the Boris Nemtsov Foundation for Freedom (2016-2021), vice president of the Free Russia Foundation ("FRF") (2019-2021), vice chair of the Open Russia Foundation (2016-2019), and senior policy advisor at the Institute of Modern Russia (2012-2014). Currently, he is a senior advisor at Human Rights First and a senior fellow at the Raoul Wallenberg Centre for Human Rights ("RWCHR").

3. Mr. Kara-Murza was a crucial contributor to the lobbying for, and implementation of, the Sergei Magnitsky Rule of Law Accountability Act of 2012. This Act allows the U.S. government to impose sanctions on foreign persons responsible for the detention, abuse, or death of Sergei Magnitsky or foreign persons responsible for gross violations of human rights against individuals exposing the illegal activity of the Russian government or expressing their rights in Russia.

4. The late U.S. Senator John McCain called Mr. Kara-Murza "one of the most passionate and effective advocates for passage of the Magnitsky Act,"⁶ "a brave, outspoken, and relentless advocate for freedom and democracy in Russia" and introduced Mr. Kara-Murza as "a personal hero whose courage, selflessness, and idealism I find awe-inspiring,"⁷ Mr. Kara-Murza was

¹ Thank you to Sergei Korotkov (Legal & Policy Intern, Eastern Europe, Human Rights Foundation), Rachel Daniel (Junior Fellow, McCain Institute), Sam Childerson (Junior Fellow, McCain Institute), and Mohamed Osman (Junior Fellow, McCain Institute).

² Council of Europe, *2022 Václav Havel Prize Awarded to Imprisoned Russian Opposition Leader Vladimir Kara-Murza*, Oct. 10, 2022, <https://www.coe.int/en/web/portal/-/2022-vaclav-havel-prize-awarded-to-imprisoned-russian-opposition-leader-vladimir-kara-mur-1>.

³ *Cambridge graduate held in Russia accused of 'high treason'*, Cambridge News, Jan. 31, 2023, <https://www.cambridge-news.co.uk/news/cambridge-news/cambridge-graduate-held-russia-accused-26109384>.

⁴ Editorial Board, *Why Vladimir Kara-Murza, and Russia, should live in freedom*, Washington Post (Apr. 17, 2023), <https://www.washingtonpost.com/opinions/2023/04/17/vladimir-kara-murza-russia-prison-freedom/>.

⁵ *Id.*

⁶ NATO Parliamentary Assembly, *Vladimir Kara-Murza (Profile)*, <https://www.nato-pa.int/node/232069> (last visited Apr. 9, 2024).

⁷ H.Con.Res.27, 118th Cong. (2023), <https://www.congress.gov/118/meeting/house/116792/documents/BILLS-118HConRes27ANSih.pdf>.

likewise at the forefront of diplomatic efforts in the adoption of global Magnitsky-style sanctions in the United States, Canada, the European Union, and the United Kingdom.⁸ Currently, 32 countries have Magnitsky-style sanctions legislation.⁹

5. Mr. Kara-Murza has received several awards for his pro-democracy and human rights work. In 2017, he won the Magnitsky Human Rights Award.¹⁰ In 2018, he received the Geneva Summit Courage Award at the Geneva Summit for Human Rights and Democracy¹¹ and the Sakharov Prize for Journalism as an Act of Conscience.¹² In 2022, the Parliamentary Assembly of the Council of Europe awarded him the Václav Havel Human Rights Prize for his outstanding civil society action in defense of human rights.¹³ In June 2023, Canada’s House of Commons and Senate granted him Honorary Canadian Citizenship.¹⁴

6. Mr. Kara-Murza has consistently criticized Putin’s war in Ukraine, interfering with the sovereignty and territorial integrity of Ukraine. He has noted, *inter alia*, that:

I have absolutely no doubt that the Putin regime will end over this war in Ukraine, doesn't mean it's 'gonna' happen tomorrow. The two main questions are time and price. And by price, I do not mean monetary — I mean the price of human blood and human lives, and it has already been horrendous, but the Putin regime will end over this, and there will be a democratic Russia after Putin.¹⁵

7. He has likewise noted that “[m]ost Russians are not even aware of the horrendous war crimes committed by Putin in Ukraine” and that “[t]hose who speak out against this war are now liable for criminal prosecution.”¹⁶

8. Kara-Murza’s current detention relates to 2022 legislation that imposes up to 15 years imprisonment for any individual or organization sharing “fake reports” about the Russian invasion,

⁸ *Vladimir Kara-Murza (Profile)*, The Washington Post, <https://www.washingtonpost.com/people/vladimir-kara-murza/> (last visited Apr. 9, 2024).

⁹ Bill Browder, *My Friend Vladimir Kara-Murza Is the Political Prisoner Putin Fears Most*, Time Magazine, May 10, 2023, <https://time.com/6278309/vladimir-kara-murza-putins-most-reviled-political-prisoner/>.

¹⁰ *Magnitsky Awards 2017 Winners and Presenters*, Magnitsky Human Rights Awards, <http://https://www.magnitskyawards.com/magnitsky-awards-2017/> (last visited Mar. 13, 2024).

¹¹ *Presentation of Geneva Summit 2019 Courage Award With Vladimir Kara-Murza*, Geneva Summit for Human Rights and Democracy, <https://genevasummit.org/speech/vladimir-kara-murza-speaks-at-2018-geneva-summit-main-event/> (last visited Mar. 13, 2024).

¹² *Journalism as an Action*, Kasparov.ru, Feb. 1, 2018, https://www.kasparov.ru/material.php?id=5A7188B4E797C§ion_id=43452BF16C997&subject_id=207.

¹³ *Supra* note 2.

¹⁴ *Vladimir Kara-Murza Granted Honorary Canadian Citizenship*, Raoul Wallenberg Centre for Human Rights, June 13, 2022, <https://www.raoulwallenbergcentre.org/en/news/2023-06-13>.

¹⁵ *Kremlin Critic Vladimir Kara-Murza Detained Outside His Moscow Home, According to Reports*, CNN, Apr. 12, 2022, https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-04-11-22/h_e8e990de0b7c8cac78c920b2dc008aab.

¹⁶ *Id.*

even making it unlawful to refer to it as a “war” or an “invasion.”¹⁷ As a result, dozens of independent media outlets have withdrawn from Russia.¹⁸

9. This legislation is furthering the Kremlin’s goal to silence political opposition, similar to Russia’s ever-expanding “anti-terrorism” and “anti-extremism” legislation.”¹⁹ According to this legislation, anyone who founded, led, worked for, or otherwise participated in the activities of “extremist” organizations is barred from running for any elected office for a period of between three and five years after the organization’s ban comes into force. Based on this legislation, Alexei Navalny’s Anti-Corruption Foundation was designated an “extremist organization” in 2021.²⁰

2. Two Near-Fatal Poisonings

10. Mr. Kara-Murza’s advocacy over the years has come at a cost to his physical health. For example, in May 2015 and February 2017, he suffered two near-fatal medical emergencies after being poisoned by an unknown substance. There has been no investigation by the Russian officials into either poisoning. However, a group of volunteer investigators established that before these two incidents, the FSB Criminalistics Institute (which was also involved in the poisoning of Mr. Navalny) had been “tailing” Mr. Kara-Murza.²¹ It is believed that this group poisoned Mr. Kara-Murza on both occasions.²²

3. Statements About Russia’s Invasion of Ukraine

11. On April 11, 2022, only hours before his arrest, Mr. Kara-Murza spoke to *CNN*, referring to the Russian government as “a regime of murderers.”²³ Earlier, on March 15, 2022, before the Arizona House of Representatives, he criticized Putin’s policies, condemned the “appeasement” of the Kremlin by the West, and stressed the importance of the protest

¹⁷ *Russia Takes Censorship to New Extremes, Stifling War Coverage*, The New York Times, Mar. 4, 2022, <https://www.nytimes.com/2022/03/04/world/europe/russia-censorship-media-crackdown.html>.

¹⁸ *Sustaining Independence — Current State of Russian Media in Exile*, JX’FUND, Nov. 2023, https://jx-fund.org/wp-content/uploads/2023/12/Sustaining_Independence-Current_State_of_Russian_Media_in_Exile_2023.pdf?x33721&fbclid=IwAR3R_bmRvCkcWHDYWR0WGJh18xWu9A1qMyn-nkNNFb9cj0-dkSO_1li_hitQ.

¹⁹ *Russia: Surge in abuse of anti-terrorism laws to suppress dissent*, Amnesty Int’l, Feb. 19, 2024, <https://www.amnesty.org/en/latest/news/2024/02/russia-surge-in-abuse-of-anti-terrorism-laws-to-suppress-dissent/#:~:text=The%20expansion%20of%20Russia's%20anti,defined%20in%20international%20law%2C%20and.>

²⁰ *Russia: Aleksei Navalny’s NGOs banned as “extremist,” depriving thousands of their rights*, Amnesty Int’l, June 10, 2021, <https://www.amnesty.org/en/latest/press-release/2021/06/russia-aleksei-navalnys-ngos-banned-as-extremist-depriving-thousands-of-their-rights/>.

²¹ *Vladimir Kara-Murza Tailed by Members of FSB Squad Prior to Suspected Poisonings*, Bellingcat, Feb. 11, 2021, <https://www.bellingcat.com/news/uk-and-europe/2021/02/11/vladimir-kara-murza-tailed-by-members-of-fsb-squad-prior-to-suspected-poisonings/>.

²² *UK sanctions FSB agents and Russian investigators behind arrest of British-Russian national Vladimir Kara-Murza*, GOV.UK, Apr. 21, 2023, <https://www.gov.uk/government/news/uk-sanctions-fsb-agents-and-russian-investigators-behind-arrest-of-british-russian-national-vladimir-kara-murza>.

²³ *Russian ‘regime of murderers’ revealed by twice-poisoned Putin critic*, CNN, <https://www.cnn.com/videos/world/2022/04/11/russia-putin-poison-vladimir-kara-murza-bigpicture-cnnplus.cnn> (last visited Mar. 12, 2024).

movement in Russia.²⁴ Furthermore, on March 29, 2022, he testified at a Helsinki Commission hearing and noted in his opening remarks that those speaking against the war were now liable for criminal prosecution.²⁵

B. Vladimir Kara-Murza's Arrest on April 11, 2022

1. Arrest and Administrative Charge

12. On April 5, 2022, Mr. Kara-Murza returned to Russia, stating that he must go back to stand with Russian antiwar protesters and against Putin.²⁶

13. On April 11, 2022, Mr. Kara-Murza was driving to his Moscow apartment. Upon his arrival, he saw five police officers running toward him. As Mr. Kara-Murza got out of his car, the officers approached him and surrounded his vehicle.²⁷

14. After a short discussion, Mr. Kara-Murza was arrested for “failure to follow a lawful order of a police officer” (Article 19.3 of the Code of Administrative Offences).²⁸ The police noted that he “behaved inadequately after seeing police officers, changed the trajectory of his movement [*i.e.*, started walking a different direction], started moving faster, ignored the officers’ demand to stop, and tried to escape.”²⁹

15. The officers seized his phones, rejected his request for a lawyer, and denied him contact with his family.³⁰ They also filmed the event — an atypical practice in Russian law enforcement — which demonstrated a degree of premeditation, hinting that he was going to be arrested that day, no matter his behavior. The Russian government also knew Mr. Kara-Murza had bought a return ticket and was planning to leave Russia two days later, on April 13, 2022.³¹ Mr. Kara-Murza was taken to an administrative arrest center in Mnevniky, Moscow.

16. On April 12, 2022, the trial at the Khamovniki District Court began. Mr. Kara-Murza denied the administrative charge brought against him.

²⁴ *Transcription of Vladimir Kara-Murza's March 15th, 2022 Speech at the Arizona House of Representatives*, McCain Institute, Oct. 7, 2022, <https://www.mccaininstitute.org/resources/in-the-news/statement-on-vladimir-kara-murza/>.

²⁵ *Putin's war on truth*, The Commission on Security and Cooperation in Europe, Mar. 29, 2022, <https://www.csce.gov/hearings/putins-war-on-truth/>.

²⁶ *Supra* note 9.

²⁷ Rachel Treisman, *U.S. calls for the immediate release of a vocal Kremlin critic detained in Moscow*, NPR, Apr. 12, 2022, <https://www.npr.org/2022/04/12/1092330352/vladimir-kara-murza-detained-moscow>.

²⁸ Code of Administrative Offences of the Russian Federation, art. 19.3.

²⁹ *Russian Opposition Activist Kara-Murza Sentenced to 15 Days in Jail*, Radio Free Europe/Radio Liberty, Apr. 12, 2022, <https://www.rferl.org/a/russia-kara-murza-arrested/31798286.html>.

³⁰ *Russia: New Bogus Charge Against Opposition Politician*, Human Rights Watch, Aug. 8, 2022, <https://www.hrw.org/news/2022/08/08/russia-new-bogus-charge-against-opposition-politician> (“[w]hen the police detained Kara-Murza in April, they denied his lawyers access to him at the police station for at least 12 hours, and his defense team is experiencing difficulties transmitting case materials to and from his detention facility.”).

³¹ *Supra* note 9.

17. Among other defenses, Mr. Kara-Murza noted: (i) this was a premeditated arrest due to his political position; (ii) the facts underlying the charge were fabricated (he had not moved until the officers requested him to do so); (iii) he was denied the right to an attorney until just before the trial, despite his requests since the moment of his arrest; and (iv) he was not allowed to question at the trial the police officers who arrested him.

18. The court rejected Mr. Kara-Murza’s arguments and sentenced him to 15 days in prison.³²

C. Escalation of the Administrative Arrest into a Criminal Charge

1. The Sudden Pretrial Hearing Based on a Criminal Case

19. On Friday, April 22, 2022, Mr. Kara-Murza was set to appeal against the administrative arrest in the Moscow City Court. However, while preparing for the hearing, Mr. Kara-Murza’s lawyer Vadim Prokhorov learned that in less than an hour, a different court, Basmany District Court,³³ would consider a separate request for Mr. Kara-Murza’s arrest based on a criminal charge under Article 207.3(2)(d) of the Criminal Code.³⁴

20. The defense requested that the criminal hearing be postponed until Monday, April 25, 2022, as the Criminal Code allows for 72 hours to prepare for such a hearing.³⁵ The court denied the motion, stating inexplicably that there was sufficient time for preparation.³⁶ The criminal hearing proceeded in the Basmany District Court.

21. On April 22, 2022, the Moscow City Court denied Mr. Kara-Murza’s appeal against the administrative arrest.

22. On April 22, the Basmany District Court decided to detain Mr. Kara-Murza until June 12, 2022,³⁷ finding it “reasonable” considering the “nature of suspicions.”³⁸ Subsequently, Mr. Kara-Murza and his lawyers were summoned to the Investigative Committee to be presented with charges.³⁹ Mr. Kara-Murza was taken to a pretrial detention center in Moscow.

³² Aleksandr Podrabinek, *Aleksandr Podrabinek: An Orwellian Trajectory. What the jailing of Vladimir Kara-Murza means*, Rights in Russia, Apr. 13, 2022, <https://www.rightsinrussia.org/podrabinek-38/>.

³³ “Volodya believes that he has no moral right to call on people to fight if he himself is safe”: How Vladimir Kara-Murza was sent to a pre-trial detention center. *Reportage*, Novaya Gazeta Europe, Apr. 23, 2022, <https://novyagazeta.eu/articles/2022/04/26/volodya-believes-he-has-no-moral-right-to-encourage-people-to-fight-if-he-himself-is-safe>; see also *The case of “fake news” about the army. Arrest of Vladimir Kara-Murza* (Дело о «фейках» про армию. Арест Владимира Кара-Мурзы), MediaZona, Apr. 22, 2022, <https://zona.media/online/2022/04/22/kara-murza>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ MediaZona, *supra* note 33.

³⁸ Postanovlenie Sud’i Lenskaya Basmannogo Rayonnogo Suda goroda [Moskvy Decision of Judge Lenskaya of Moscow’s Basmany District Court], Apr. 22, 2022, <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:93530d6c-e128-360b-975e-65ad92269996>; also available at: <https://mos-gorsud.ru/rs/basmanyj/services/cases/criminal-materials/details/ff9c6da0-c240-11ec-8f95-07efc75e19d3> (last visited Apr. 10, 2024).

³⁹ MediaZona, *supra* note 33.

2. Charge of “dissemination of knowingly false information”

23. On April 22, 2022, Mr. Kara-Murza was charged with “dissemination of knowingly false information about the Russian Armed Forces” (Article 207.3(2)(d) of the Criminal Code), with a potential sentence of up to 10 years. According to the charge:

Kara-Murza V.V. . . . distributed, under the guise of reliable reports, deliberately false information containing data on the use of the Russian Armed Forces to bombard residential areas, social infrastructure facilities, including maternity homes, hospitals, and schools, as well as on the use of prohibited means and methods of warfare during a special military operation in Ukraine, thus causing substantial harm to the interests of the Russian Federation.⁴⁰

24. The charges stemmed from Mr. Kara-Murza’s speech on March 15, 2022, before the Arizona House of Representatives. In the speech, Mr. Kara-Murza discussed democracy and human rights in Russia and the war in Ukraine.⁴¹ He criticized Vladimir Putin’s policies, condemned the “appeasement” of the Kremlin by the West, and stressed the importance of the protest movement in Russia.⁴²

25. The legal basis for prosecuting Mr. Kara-Murza for public remarks was a recently added article of the Criminal Code that severely limits the rights to freedom of expression, association, and peaceful assembly when voicing dissent about the war in Ukraine.⁴³

26. The law does not define the term “false,” though Russia’s censorship and media regulatory agency Roskomnadzor issued a statement obliging media to use only information received from official sources when covering the Ukraine war.⁴⁴ This suggests that any information coming from anywhere but Russian officials would be considered “false.”⁴⁵

27. On May 18, 2022, the Moscow City Court upheld Mr. Kara-Murza’s pretrial detention based on the criminal charge.

⁴⁰ Postanovlenie o vzbuzhdenii pered sudom khodatajstva ob izbranii mery presecheniya v vide zaklyucheniya pod strazhu, mayor yustitsii Zadachin A.A. [Decision on Initiating a Court Petition for Choosing a Measure of Restraint in the Form of Detention of Vladimir Kara-Murza, Major Zadachin A.A], Apr. 22, 2022., https://drive.google.com/file/d/1jgEgSKspwxdXdUHThQI8PUT1_-GuQTO/view.

⁴¹ Arizona House of Representatives, Russian Opposition Leader Vladimir Kara-Murza Addresses the Arizona House of Representatives, Mar. 15, 2022.

⁴² McCain Institute, *supra* note 24.

⁴³ Amnesty Int’l, *Russian Federation: End Censorship on Voices Against the War*, Public Statement, Mar. 14, 2022, <https://www.amnesty.org/en/documents/eur46/5345/2022/en/>.

⁴⁴ Amnesty Int’l, *Russian Federation: Authorities impose censorship on media and crush peaceful anti-war protests following invasion of Ukraine*, Feb. 22, 2022, <https://www.amnesty.org/en/documents/eur46/5272/2022/en/>.

⁴⁵ Amnesty Int’l, *supra* note 43.

D. Extension of Pretrial Detention and New Charges

28. On June 8, 2022, the Basmanly District Court extended Mr. Kara-Murza’s pretrial detention until August 12, 2022.⁴⁶ On June 29, 2022, the Moscow City Court affirmed the extension.

29. On August 9, 2022, the Basmanly District Court extended Mr. Kara-Murza’s detention until October 12, 2022.⁴⁷ On September 28, 2022, the Moscow City Court affirmed the extension. On October 10, 2022, the court again extended the detention until December 12, 2022.⁴⁸ On October 24, 2022, the Moscow City Court rejected Mr. Kara-Murza’s appeal against the said decision.⁴⁹

1. Charge of “organizing the activities of an undesirable organization”

30. On August 3, 2022, a new charge was brought against Mr. Kara-Murza for “organizing the activities of an undesirable organization” (Article 284.1(1) of the Criminal Code).⁵⁰ This charge carries a maximum penalty of four years in prison.

31. The officials accused Mr. Kara-Murza of using funds from the U.S.-based FRF to organize a conference in October 2021 to support political prisoners in Russia. FRF was added to the list of “undesirable” organizations in June 2019.⁵¹ However, co-organizers of the conference noted publicly that FRF was not involved with the conference.⁵²

32. The “undesirable organization” law, adopted in 2015, was part of a series of repressive laws pushed by the Kremlin to suppress fundamental freedoms and independent voices, targeting non-profit and non-governmental organizations that receive funding from foreign sources – mainly from Europe and the United States.⁵³ Under the “undesirable organization” law, the Russian

⁴⁶ Scott Simon, *Opposition politician Vladimir Kara-Murza and other dissidents detained in Russia*, NPR, June 11, 2022, <https://www.npr.org/2022/06/11/1104368981/opposition-politician-valdimir-kara-murza-and-other-dissidents-detained-in-russi>.

⁴⁷ *Moscow Court Extends Pretrial Detention Of Opposition Politician Kara-Murza*, Radio Free Europe/Radio Liberty, June 8, 2022, <https://www.rferl.org/a/russia-kara-murza-detention-extended/31889362.html>; *Russia extends opposition activist’s detention for 2 months*, AP News, Aug. 9, 2022, <https://apnews.com/article/russia-ukraine-moscow-boris-nemtsov-government-and-politics-ab451a460dc67e36781ffb7a60377fc9>; *Postanovlenie sud’i Dudar N.N. o prodleniiy sroka zaklyucheniya pod strazhei* [Court Order on the Extension of Pretrial Detention, Issued by Judge Dudar N.N.], Aug. 9, 2022.

⁴⁸ Darya Kornilova, Facebook, Oct. 11, 2022, <https://www.facebook.com/dnk112/posts/pfbid0CaUvmwUjxudNh5fLBXbAWnFS58WwPDquPdSBcgSttw7Y7mHzeJdmetatsMZRK7g9l>.

⁴⁹ Darya Kornilova, Facebook, Oct. 24, 2022, <https://www.facebook.com/dnk112/posts/pfbid0c5rtGox5tdxmNWDy6JmCuwyTVrdzcwYmMFjUn2DwjaVS8idHWkM5NawExmgu5pp4l>.

⁵⁰ Human Rights Watch, *supra* note 30.

⁵¹ Freedom House, *Russia: Government Designates Free Russia Foundation as an “Undesirable” Organization*, July 1, 2019, <https://freedomhouse.org/article/russia-government-designates-free-russia-foundation-undesirable-organization>.

⁵² *Vladimir Kara-Murza facing new charges*, Meduza, Aug. 4, 2022, <https://meduza.io/en/news/2022/08/04/vladimir-kara-murza-facing-new-charges>; Human Rights Watch, *supra* note 30; Confirmed by contact with knowledge of the situation, August 19, 2022.

⁵³ *Rights Watchdog Condemns ‘Baseless’ Treason Charges Against Kremlin Critic Kara-Murza*, Radio Free Europe/Radio Liberty, Oct. 9, 2022, <https://www.rferl.org/a/russia-kara-murza-treason-charges-rights-watches/32071895.html>.

prosecutor’s office can designate a foreign or international organization as “undesirable” if it undermines Russia’s security, defense, or constitutional order.⁵⁴ In 2015, many human rights organizations, including Amnesty International and Human Rights Watch, criticized the adoption of this unconstitutional law.⁵⁵

2. Charge of “high treason”

33. On October 6, 2022, Mr. Kara-Murza was charged with “high treason” (Article 275 of the Criminal Code), carrying a potential sentence of up to 20 years.

34. According to the prosecution, Mr. Kara-Murza “cooperated with one of the NATO countries,” which is “prove[n]” by his critical public speeches. Mr. Kara-Murza gave the referred three speeches on October 8, 2021, at a NATO Economics and Security Committee Meeting in Lisbon; on October 29, 2021, at the Norwegian Helsinki Committee Sakharov Freedom Award Ceremony in Oslo; and on March 29, 2022, at the Helsinki Commission hearing in Washington, D.C.

35. In Lisbon, Mr. Kara-Murza spoke about the illegitimacy of election campaigns in Russia, including the 2024 presidential elections.⁵⁶ In Oslo, he criticized the high number of political prisoners in Russia, stating that “Russia is no longer a place where human rights reign.”⁵⁷ In Washington, D.C., he noted that those speaking against the war were in danger of criminal prosecution.⁵⁸

36. According to Mr. Kara-Murza’s lawyer, Vadim Prokhorov, these speeches “did not pose any threat; it was public, open criticism.”⁵⁹ In addition, a special investigator assigned to the Chief Investigative Directorate of the Investigative Committee, Andrei Andreevich Zadachin, who ordered the investigation based on this charge, was sanctioned by the U.S. government under the Global Magnitsky sanctions program and by the U.K. government. Expert witness Danila Yurievich Mikheev reviewed Mr. Kara-Murza’s speeches and drafted a report that served as a basis for the Basmanly District Court’s decision to keep Mr. Kara-Murza in pretrial detention. He is sanctioned by the U.S. government under the Global Magnitsky sanctions program.

⁵⁴ Human Rights Watch, *supra* note 30.

⁵⁵ Human Rights Watch, *Russia: Stop Draft Law on ‘Undesirable’ Groups*, May 15, 2015, <https://www.hrw.org/news/2015/05/15/russia-stop-draft-law-undesirable-groups>.

⁵⁶ *Summary of the Meeting of the Economics and Security Committee (ESC)*, Nato Parliamentary Assembly, 172 ESC 21 E, Oct. 9, 2021, published Oct. 21, 2021, at 3-4, <https://www.nato-pa.int/download-file?filename=/sites/default/files/2021-12/172%20ESC%2021%20E%20-%20ESC%20Meeting%20Summary%20-%20Annual%20Session%202021.pdf>.

⁵⁷ *The 2021 Sakharov Freedom Award 2021 Ceremony, Norwegian Helsinki Committee*, Nov. 5, 2021, <https://www.nhc.no/en/the-2021-sakharov-freedom-award-2021-ceremony/>.

⁵⁸ *Putin’s War on Truth: Propaganda and Censorship in Russia*, Commission on Security & Cooperation in Europe, U.S. Helsinki Commission, Mar. 29, 2022, <https://www.csce.gov/hearings/putins-war-on-truth/>.

⁵⁹ Pjotr Sauer, *Kremlin critic Vladimir Kara-Murza accused of ‘high treason,’* The Guardian, Oct. 6, 2022, <https://www.theguardian.com/world/2022/oct/06/kremlin-critic-vladimir-kara-murza-accused-high-treason>; Vadim Prokhorov, Facebook Post, Oct. 7, 2022, https://www.facebook.com/story.php/?story_fbid=pfbid022QwB326zar6fZGRaqkoshiY854VFXPS3pVnefJG9kN5xpYAcP6DXoYjDdLGm6Rr5l&id=1540539518&_rdr (last visited Apr. 9, 2024).

37. The crime of high treason was amended in November 2012 to criminalize support to international organizations whose activities are aimed against the security of Russia. Such support to foreign and international organizations constitutes treason and is described as “financial, material, technical, advisory or any other support given to a foreign country or to international or foreign organizations engaged in activities against the security of the Russian Federation.”

E. The Unfair Trial and 25-Year Sentence

38. During his pretrial detention, Mr. Kara-Murza was held in Moscow’s Pretrial Detention Center No. 5,⁶⁰ characterized as “notorious for torture, humiliation and all kinds of mistreatment of inmates.”⁶¹

39. On December 8, 2022, the Basmany District Court extended Mr. Kara-Murza's detention until February 12, 2023. In February 2023, the Moscow City Court upheld the decision.

40. On March 3, 2023, the U.S. State Department and the U.S. Treasury announced a new round of Magnitsky sanctions against those involved in what U.S. authorities called the “arbitrary detention” and “serious human rights abuses” of Mr. Kara-Murza.⁶² The sanctions list now included Khamovniki District Court Judge Mischenko, Basmany District Court Judge Lenskaya, Moscow City Court Judges Kozlov and Podoprigorov, expert witness Mikheev, Special Investigator Zadachin, and Deputy Minister of Justice Sviridenko.⁶³

41. On March 6, 2023, the Moscow City Court extended Mr. Kara-Murza’s pretrial detention until August 27, 2023, despite a physician's request to release him immediately due to his medical condition called polyneuropathy, a disease affecting peripheral nerves that he had developed after the two poisonings.⁶⁴ The condition may lead to paralysis. The First Court of Appeals upheld the decision.

42. At a closed preliminary hearing on March 6, 2023, the defense filed a motion to dismiss Judge Podoprigorov, sanctioned under the Sergei Magnitsky program and by other human rights sanction regimes in the U.K., Canada, Australia, Lithuania, and the E.U. The motion also asked the judge to consider the case in a public hearing and to return the case to the prosecutor.

⁶⁰ See Vladimir Kara-Murza, *Vladimir Kara-Murza from jail: I still intend to vote — and say no to the war*, The Washington Post, July 25, 2022, <https://www.washingtonpost.com/opinions/2022/07/25/vladimir-kara-murza-prison-moscow-election/>.

⁶¹ Evgenia Kara-Murza interviewed on National Public Radio (NPR), see Scott Simon, *supra* note 46.

⁶² Antony J. Blinken, *Designating Russian Nationals Involved in Serious Human Rights Abuses against Vladimir Kara-Murza*, Press Statement, Secretary of State, Mar. 3, 2023, <https://www.state.gov/designating-russian-nationals-involved-in-serious-human-rights-abuses-against-vladimir-kara-murza/>; see also *Detention Of Russian Opposition Politician Kara-Murza Extended Despite Serious Illness*, Radio Free Europe/Radio Liberty, Mar. 06, 2023, <https://www.rferl.org/a/russia-kara-murza-detention-extended/32305666.html>.

⁶³ *Global Magnitsky Designations, Russia-related Designations*, U.S. Department of the Treasury, Mar. 3, 2023, <https://ofac.treasury.gov/recent-actions/20230303>; *Treasury Sanctions People Involved in Serious Human Rights Abuse Against Vladimir Kara-Murza*, Press Release, U.S. Department of the Treasury, Mar. 3, 2023, <https://home.treasury.gov/news/press-releases/jy1320>.

⁶⁴ Radio Free Europe/Radio Liberty, *supra* note 63; see also *Court Extends Kremlin Critic Kara-Murza's Pretrial Detention*, The Moscow Times, Mar. 6, 2023, <https://www.themoscowtimes.com/2023/03/06/court-extends-prominent-kremlin-critics-pretrial-detention-a80408>.

43. Additionally, the motion requested medical documents on Mr. Kara-Murza’s polyneuropathy diagnosis. According to Russian law, this diagnosis would exempt Mr. Kara-Murza from a prison sentence.⁶⁵ The court denied all the motions. Judge Podoprigrorov decided to consider the case by a panel of three judges.⁶⁶

44. On March 13, 2023, Mr. Kara-Murza’s trial began at the Moscow City Court.⁶⁷ His whole trial was conducted behind closed doors. Mr. Kara-Murza’s lawyers challenged Judge Podoprigrorov because he is on the Magnitsky list. Two other judges refused this request. Mr. Kara-Murza disagreed with the accusation, but the judge interrupted him and told him not to “slip into politics.”⁶⁸ Mr. Kara-Murza’s lawyers’ request to present international documents (documents of the UN, OSCE, and reliable reports on Russia’s atrocities in Ukraine) as evidence was denied.

45. Mr. Kara-Murza's health has deteriorated significantly while in detention, especially during solitary confinement in a punishment cell from February 12-25, 2023. Dmitriy Viktorovich Komnov, head of the Moscow Detention Center SIZO-5, made the decision on this punishment. Komnov was one of the first individuals sanctioned under the Sergei Magnitsky Rule of Law Accountability Act of 2012 for having headed the detention center where Sergei Magnitsky was tortured and denied medical care before his death.⁶⁹

46. The second court hearing on March 16, 2023, did not take place, as Mr. Kara-Murza was not taken from the pretrial detention center for health reasons. The medical unit of the pretrial detention center issued a certificate that Mr. Kara-Murza cannot participate in court until the end of the course of treatment.⁷⁰

47. On April 17, 2023, the City Court of Moscow found Mr. Kara-Murza guilty as charged and sentenced him to 25 years in prison. In addition, he was handed a fine of 400,000 roubles (approximately USD 5,000), a 1.5-year restriction of freedom, and a 7-year ban on journalistic activities. This was the maximum possible sentence for the charges and the longest sentence imposed on an opposition figure since the start of the war in Ukraine.⁷¹

48. On May 30, 2023, Mr. Kara-Murza’s lawyers appealed the decision before the First Court of Appeals in Moscow.

⁶⁵ Criminal Code art. 110, pt. 1.1 (Russ.); Criminal Executive Code art. 175 (Russ.).

⁶⁶ Darya Kornilova, Facebook, Mar. 7, 2023, <https://www.facebook.com/dnk112/posts/5818665231594856> (last visited Apr. 9, 2024).

⁶⁷ *Prominent Kremlin critic goes on trial on treason charges*, Associated Press, Mar. 13, 2023, <https://apnews.com/article/russia-trial-treason-ukraine-karamurza-e15c3cfb65d9ec0a29a8e94df398fe16>.

⁶⁸ Vadim Prokhorov, Facebook, Mar. 13, 2023, <https://www.facebook.com/vadim.prokhorov.12/posts/10228793548533795> (last visited Apr. 9, 2024).

⁶⁹ Magnitsky Sanctions Listing, Office of Foreign Assets Control, Apr. 12, 2013, <https://ofac.treasury.gov/recent-actions/20130412> (last visited Apr. 9, 2024).

⁷⁰ Vadim Prokhorov, Facebook Post, Mar. 16, 2023, <https://www.facebook.com/vadim.prokhorov.12/posts/10228806321213104> (last visited Apr. 9, 2024).

⁷¹ Mark Trevelyan and Lucy Papachristou, *Russian dissident Kara-Murza moved to isolation cell in new Siberian prison*, Reuters, Jan. 30, 2024, <https://www.reuters.com/world/europe/russian-dissident-kara-murza-transferred-punishment-cell-new-prison-media-cites-2024-01-30/>.

49. On July 31, 2023, the First Court of Appeals upheld Mr. Kara-Murza’s conviction and sentence.⁷²

F. Recent Developments: Solitary Confinement and Deteriorating Health

50. On September 4, 2023, Mr. Kara-Murza was transferred from Moscow’s Pretrial Center No. 5 to an unknown location.⁷³

51. On September 14, 2023, Mr. Kara-Murza’s whereabouts were finally revealed when he was brought to a maximum-security prison IK-6 in Omsk, Siberia, some 1,670 miles from Moscow.⁷⁴ He was immediately placed in a 9.8-foot by 4.9-foot isolation cell, equipped only with a bed and stool.⁷⁵ According to his lawyer, the conditions in Omsk threatened Mr. Kara-Murza’s health.⁷⁶ According to Mr. Kara-Murza’s wife, he has lost more than 37 pounds and is facing paralysis in his feet due to untreated polyneuropathy.

52. On January 29, 2024, Mr. Kara-Murza’s whereabouts became unknown. The next day, it was revealed that he had been moved to another Siberian penal colony, IK-7.⁷⁷ According to his letter, the move was a punishment for not standing up when a guard ordered him to “rise.”⁷⁸ He was placed in solitary confinement for four months.⁷⁹ In the penal colony, Mr. Kara-Murza has been granted only one 15-minute phone call with his children and is allowed a pen only 90 minutes per day.⁸⁰ Prison officials have consistently refused to examine Mr. Kara-Murza for polyneuropathy and the resulting swelling of the feet. They just performed a medical examination on the state of his kidneys. According to Mr. Kara-Murza’s wife, Evgenia Kara-Murza, there was no need to examine the healthy kidneys. Instead, she stated that, “They do not want to do a medical examination of his feet or his polyneuropathy because, as we understand it, polyneuropathy is one of the conditions that mandate supervisory medical release under Russia’s penal code.”⁸¹

⁷² *Moscow Court Upholds 25-Year Prison Sentence Of Kremlin Critic Vladimir Kara-Murza*, Radio Free Europe/Radio Liberty, Jul. 31, 2023, <https://www.rferl.org/a/russia-kara-murza-25-year-sentence-upheld/32528000.html>.

⁷³ *‘Maybe the most dangerous period’: Russian opposition politician Vladimir Kara-Murza transferred out of Moscow detention center*, Meduza, Sept. 4, 2023, <https://meduza.io/en/news/2023/09/04/maybe-the-most-dangerous-period-russian-opposition-politician-vladimir-kara-murza-transferred-out-of-moscow-detention-center>.

⁷⁴ *Vladimir Kara-Murza: Putin opponent in isolation cell in Siberian jail*, BBC, Sept. 24, 2023, <https://www.bbc.com/news/world-europe-66907510#1>.

⁷⁵ *Id.; Imprisoned Russian Opposition Activist Kara-Murza’s Wife Concerned For His Life*, Radio Free Europe/Radio Liberty, Nov. 16, 2024, <https://www.rferl.org/a/russia-kara-murza-health-prison/32687261.html>.

⁷⁶ *Id.*

⁷⁷ Mark Trevelyan and Lucy Papachristou, *supra* note 71.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Arkady Ostrovsky, *Life and death in Putin’s gulag*, Economist, Feb. 22, 2024, <https://www.economist.com/1843/2024/02/22/life-and-death-in-putins-gulag>.

⁸¹ Evgenia Kara-Murza as relayed on a group call where one of the authors was present.

53. On February 16, 2024, another Russian opposition politician, Alexei Navalny, 47, died suddenly in the Siberian penal colony IK-3, some 1,200 miles from Moscow.⁸² He was serving a three-decade prison term based on multiple sentences on politically motivated charges such as extremism. According to Russian officials, Mr. Navalny started to feel unwell after a walk and lost consciousness, and despite resuscitation, passed away.⁸³ According to the death certificate presented by the Russian officials, he died of natural causes.⁸⁴ Special Rapporteur on the Russian Federation, Mariana Katzarova, stated that Russia is responsible for Mr. Navalny's death as he was either killed in prison or died from detention conditions amounting to torture.⁸⁵ According to her, other detainees in Russia, such as Mr. Kara-Murza, could suffer Mr. Navalny's fate.⁸⁶

G. Vladimir Kara-Murza is Wrongfully Detained Under the Levinson Act 22 U.S.C. § 1741

54. Under the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (the "Levinson Act") 22 U.S. Code § 1741, the Secretary of State is required to review cases of United States nationals detained abroad to determine if they are being detained unlawfully or wrongfully. Mr. Kara-Murza is within the definition of "United States national" dictated by 22 U.S.C. § 1741e (7) (2)(B) because he is a lawful permanent resident alien (i.e., a Green Card holder) with significant ties to the United States. He has maintained a permanent residency in Virginia for over ten years and has three American-born children.

55. The determination shall be based on the totality of circumstances. The criteria upon which this unlawfulness and wrongfulness are determined is based on, but not limited to, whether there is credible information that

- (1) United States officials receive or possess credible information indicating innocence of the detained individual;
- (2) the individual is being detained solely or substantially because he or she is a United States national;
- (3) the individual is being detained solely or substantially to influence United States Government policy or to secure economic or political concessions from the United States Government;

⁸² Lucy Papachristou, *What we know about Alexei Navalny's death in Arctic prison*, Reuters, Feb. 19, 2024, <https://www.reuters.com/world/europe/alexei-navalnys-death-what-do-we-know-2024-02-18/>.

⁸³ *Id.*

⁸⁴ *Alexei Navalny died of natural causes, according to Russian death certificate*, CBC, Feb. 22, 2024, <https://www.cbc.ca/news/world/russia-navalny-death-certificate-1.7122422>.

⁸⁵ Emma Farge, *Russia responsible for Navalny's death, UN rights expert says*, Reuters, Mar. 11, 2024, <https://www.reuters.com/world/europe/russia-responsible-navalnys-death-un-rights-expert-says-2024-03-11/>.

⁸⁶ *After Navalny death, independent expert on rights in Russia asks 'who is next?'*, United Nations News, Feb. 16, 2024, <https://news.un.org/en/story/2024/02/1146647>.

- (4) the detention appears to be because the individual sought to obtain, exercise, defend, or promote freedom of the press, freedom of religion, or the right to peacefully assemble;
- (5) the individual is being detained in violation of the laws of the detaining country;
- (6) independent nongovernmental organizations or journalists have raised legitimate questions about the innocence of the detained individual;
- (7) the United States mission in the country where the individual is being detained has received credible reports that the detention is a pretext for an illegitimate purpose;
- (8) the individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;
- (9) the individual is being detained in inhumane conditions;
- (10) due process of law has been sufficiently impaired to render the detention arbitrary;
- and
- (11) United States diplomatic engagement is likely necessary to secure the release of the detained individual.⁸⁷

56. Mr. Kara-Murza’s case meets all these criteria. Therefore, based on the totality of circumstances, Mr. Kara-Murza should be determined to be wrongfully detained and his case transferred to the Special Envoy for Hostage Affairs.

1. The United States Has Received Credible Information Indicating the Innocence of Vladimir Kara-Murza.

57. Public statements by U.S. officials indicate that the U.S. is aware of Mr. Kara-Murza’s innocence and that he is wrongfully detained. These statements have taken the form of official government tweets, press releases, and Senate hearings.

58. For example, on April 12, 2022, Secretary Blinken’s official account tweeted that the U.S. was almost immediately aware of the situation and “urge[d] [Kara-Murza’s] immediate release.”⁸⁸

59. Several other U.S. government bodies have since posted similar tweets. On February 1, 2023, the State Department: Democracy, Human Rights, & Labor account (@StateDRL) tweeted that Mr. Kara-Murza was “unjustly detained” for “[s]peaking the truth about the Kremlin’s war against Ukraine,” including the hashtag “#WithoutJustCause.”⁸⁹ The U.S. Embassy in Moscow, using the same hashtag, called for Mr. Kara-Murza’s release, stating that he was being held for speaking the truth about the Kremlin’s war in Ukraine.⁹⁰ The U.S. Ambassador to the OSCE

⁸⁷ 22 U.S.C. § 1741(a) (1-11).

⁸⁸ Secretary Antony Blinken (@SecBlinken), Twitter (Apr. 11, 2022, 8:08 PM), <https://x.com/SecBlinken/status/1513670250306301953>.

⁸⁹ State Department: Democracy, Human Rights, & Labor (@StateDRL), Twitter (Feb. 1, 2023, 3:30 PM), <https://twitter.com/StateDRL/status/1620882250505265154>.

⁹⁰ U.S. Embassy Russia (@USEmbRu), Twitter (Feb. 4, 2023, 10:30 AM), <https://twitter.com/USEmbRu/status/1621893936070418432>.

weighed in on February 9, 2023, explicitly stating the extension of Mr. Kara-Murza’s detention was yet “another example of the Kremlin’s abiding contempt for human rights & fundamental freedoms,” using the hashtag “#FreeKaraMurza.”⁹¹

60. Outside of the social media realm, the State Department has made official statements on the detention of Mr. Kara-Murza. On February 1, 2023, in a readout from the Office of the Spokesperson, “[t]he Deputy Secretary expressed support for Russians... who continue to advocate for democratic processes, human rights, and an end to the Russian Government’s brutal and unprovoked war against Ukraine.”⁹² Specifically, the statement, attributable to Spokesperson Ned Price, stated that the U.S. would “closely follow the Russian Government’s treatment of opposition politicians such as Alexei Navalny and Vladimir Kara-Murza...”⁹³ Even if the U.S. did not previously know the innocence of Mr. Kara-Murza, this statement now includes the requisite information showing his innocence from credible sources.

61. On March 3, 2023, Secretary of State Antony Blinken announced the designation of six individuals by the U.S. in response to “the arbitrary detention of Vladimir Kara-Murza.”⁹⁴ He added that Mr. Kara-Murza was detained “after he exercised his right to freedom of expression to speak out against the Kremlin’s war of aggression against Ukraine”⁹⁵ and that “[t]he Russian Government later brought additional politically motivated charges against him.”⁹⁶ In the related press release, the Department of the Treasury’s Office of Foreign Assets Control noted that Mr. Kara-Murza was subjected to “arbitrary detention for speaking the certitude about the Putin regime and its actions” and called for his immediate and unconditional release.⁹⁷

62. On April 17, 2023, the Department’s Principal Deputy Spokesperson, Vedant Patel, released a press release titled “Politically Motivated Conviction of Vladimir Kara-Murza.”⁹⁸ He noted that “Kara-Murza is yet another target of the Russian government’s escalating campaign of repression” and called for his release.⁹⁹

⁹¹ U.S. Ambassador to the OSCE (@USAmbOSCE), Twitter (Feb. 9, 2023, 1:44 PM), <https://twitter.com/USAmbOSCE/status/1623754808149565442>.

⁹² *Deputy Secretary Sherman’s Meeting with Chief of Staff for Navalny, Leonid Volkov*, STATE.GOV., Feb. 1, 2023, <https://www.state.gov/deputy-secretary-shermans-meeting-with-chief-of-staff-for-navalny-leonid-volkov/>.

⁹³ *Id.*

⁹⁴ *Designating Russian Nationals Involved in Serious Human Rights Abuses against Vladimir Kara-Murza*, STATE.GOV., Mar. 3, 2023, <https://www.state.gov/designating-russian-nationals-involved-in-serious-human-rights-abuses-against-vladimir-kara-murza/>.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Treasury Sanctions People Involved in Serious Human Rights Abuse Against Vladimir Kara-Murza*, HOME.TREASURY.GOV., Mar. 3, 2023, <https://home.treasury.gov/news/press-releases/jy1320>.

⁹⁸ *Politically Motivated Conviction of Vladimir Kara-Murza*, USTATE.GOV., Apr. 17, 2023, <https://www.state.gov/politically-motivated-conviction-of-vladimir-kara-murza/>.

⁹⁹ *Id.*

63. The State Department has also recognized Mr. Kara-Murza as one of the individuals “unjustly detained for asserting their human rights and fundamental freedoms,” under its “Without Just Cause” initiative, launched in January 2023.¹⁰⁰

64. On January 12, 2024, during an interview, responding to inquiries regarding the U.S.’ interest in the release of several Russian political prisoners, including Mr. Kara-Murza, Nicholas Berliner, Special Assistant to the President and Senior Director for Russia and Central Asia, stated, “[t]hese people must be released.”¹⁰¹

65. On February 29, 2024, the U.S. Mission to the OSCE referenced Mr. Kara-Murza’s case and called on Russia to “drop the unjust and politically motivated charges against him.”¹⁰²

66. Therefore, the statements and actions of the State Department and other high-level U.S. agencies and spokespersons demonstrate that there is credible information that the U.S. has received credible information indicating Mr. Kara-Murza’s innocence.

2. Vladimir Kara-Murza Is Being Detained Solely or Substantially Because He Is a United States National.

67. The Department of State’s determination as to whether a person has been “unlawfully or wrongfully detained” under the Levinson Act is based on a “totality of the circumstances.”¹⁰³ For example, the Rwandan human rights advocate Paul Rusesabagina — designated “wrongfully detained” in May 2022 — was not detained due to his status as a U.S. lawful permanent resident but because of his public statements against the Rwandan regime.¹⁰⁴

68. On April 20, 2023, the European Parliament passed a resolution on repression in Russia, focusing on the cases of Mr. Kara-Murza and Alexei Navalny. According to the resolution, Mr. Kara-Murza was sentenced for “criticizing Vladimir Putin’s regime and its war of aggression against Ukraine.”¹⁰⁵ His stances on Ukraine and Vladimir Putin both align with the view of the U.S. on these two fronts, demonstrated through various statements made by the Department of State.¹⁰⁶ Although Mr. Kara-Murza’s detention cannot be explicitly tied to his status as a lawful

¹⁰⁰ *One Year Anniversary of #WithoutJustCause Political Prisoners Initiative*, STATE.GOV, Jan. 11, 2024, <https://www.state.gov/one-year-anniversary-of-withoutjustcause-political-prisoners-initiative/>.

¹⁰¹ *Special Assistant to the President and Senior Director for Russia and Central Asia Nicholas Berliner With Yekaterina Kotrikadze of TV Rain (TV Dozhd)*, U.S. Embassy & Consulates in Russia, Jan. 12, 2024, <https://ru.usembassy.gov/special-assistant-to-the-president-and-senior-director-for-russia-and-central-asia-nicholas-berliner-with-yekaterina-kotrikadze-of-tv-rain-tv-dozhd/>.

¹⁰² *On the Death of Aleksey Navalny and the Dire Human Rights Situation in Russia*, U.S. Mission to the OSCE, Feb. 29, 2024, <https://osce.usmission.gov/on-the-death-of-aleksey-navalny-and-the-dire-human-rights-situation-in-russia/>.

¹⁰³ Humeyra Pamuk, *U.S. says ‘Hotel Rwanda’ hero Rusesabagina ‘wrongly detained.’* Reuters, May 20, 2022, <https://www.reuters.com/lifestyle/us-says-hotel-rwandas-rusesabagina-wrongly-detained-2022-05-19/>.

¹⁰⁴ *Rwanda: Background Briefing on Proceedings Against Paul Rusesabagina*, AMERICANBAR.ORG., Jan. 30, 2023, https://www.americanbar.org/groups/human_rights/reports/background_briefing_rwanda_paul_rusesabagina/.

¹⁰⁵ *European Parliament resolution of 20 April 2023 on repression in Russia, in particular the cases of Vladimir Kara-Murza and Aleksei Navalny*, European Parliament, Apr. 20, 2023, https://www.europarl.europa.eu/doceo/document/TA-9-2023-0115_EN.html.

¹⁰⁶ *Latest Ukraine Updates*, STATE.GOV., Nov. 6, 2009, <https://www.state.gov/latest-ukraine-updates/>.

permanent resident of the U.S., his detention is directly and substantially linked to his advocacy in the U.S. and promoting the freedoms that democracies adhere to. Furthermore, the fact that Mr. Kara-Murza was a resident of a democracy where he could freely criticize Putin’s ongoing repression likely hit a nerve with the Kremlin and played a role in his arrest.¹⁰⁷

69. Therefore, there is credible information that Mr. Kara-Murza is being detained substantially because he is a U.S. national.

3. Vladimir Kara-Murza Is Being Detained Solely or Substantially to Influence United States Government Policy or to Secure Economic or Political Concessions from the United States Government.

70. Mr. Kara-Murza is undeniably one of Russia’s highest-profile political prisoners, along with opposition politician Ilya Yashin.¹⁰⁸ Mr. Kara-Murza’s work as an opposition politician, journalist, and sanctions advocate has made him a leading champion for a free and democratic Russia. Enabling him to continue his work and efforts free from detention clearly aligns with the moral and strategic interests of the U.S.¹⁰⁹

71. From the Russian government’s perspective, Mr. Kara-Murza is a dangerous individual because of his work for democracy and human rights. He would not be in detention were it not for his principled defense of U.S. values and interests. One of the motivations behind his arrest, and extraordinary sentence, is to influence U.S. policy in regards to Russia. Russia wants to deny the U.S. one of its most important, if not the most important, advocate for a free and democratic Russia. It is also clear that his detention seeks to secure political and economic concessions from the U.S. government and bargain for his release with sanction relief, and other economic and political concessions were Russia ready to bargain for his release. In fact, Russia would not have given him one of the longest sentences in modern Russian history were it not for the fact that it expected the U.S. to negotiate his release, and perhaps even trade him for one of their assets.

72. Therefore, there is credible information that Mr. Kara-Murza is being detained substantially to influence U.S. Government policy or to secure economic or political concessions from the U.S. Government.

4. The Detention Appears to Be Because Vladimir Kara-Murza Sought to Obtain, Exercise, Defend, or Promote Freedom of the Press, Freedom of Religion, or the Right to Peacefully Assemble.

73. After the initial arrest for the administrative offense of “failure to follow a lawful order of a police officer,” for which he was sentenced to 15 days in prison, Mr. Kara-Murza was charged

¹⁰⁷ Katie LaRoque, *Freeing Vladimir Kara-Murza Should Be a US Government Priority*, Freedom House, Sept. 28, 2023, <https://freedomhouse.org/article/freeing-vladimir-kara-murza-should-be-us-government-priority>.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

with and detained based on three criminal charges: “dissemination of knowingly false information,” “organizing the activities of an undesirable organization,” and “high treason.”

74. Mr. Kara-Murza’s first charge for “dissemination of knowingly false information” stemmed from his March 15, 2022, speech before the Arizona House of Representatives. In it, he discussed democracy and human rights in Russia and the war in Ukraine, criticized Putin’s policies, and supported the protest movement in Russia. By speaking in this public assembly, Mr. Kara-Murza exercised his right to assemble peacefully, and by supporting the protest movement, he defended and promoted the right to peacefully assemble. Therefore, his detention based on this charge resulted from Mr. Kara-Murza’s exercise of his right to assemble peacefully and his defense and promotion of the right to assemble peacefully.

75. Mr. Kara-Murza’s second charge for “organizing the activities of an undesirable organization” stemmed from his alleged use of funds from the FRF to organize a conference in October 2021 to support political prisoners in Russia. According to the conference co-organizers, the FRF was not involved in the conference. Even if the facts behind the charge were accurate, it must be noted that the charge stemmed from Mr. Kara-Murza’s exercise of his right to assemble peacefully and his defending and promoting the right to assemble peacefully concerning the conference.

76. Finally, Mr. Kara-Murza’s third charge for “high treason” stemmed from his “cooperation with one of the NATO countries.” Specifically, the underlying reason was his three speeches on October 8, 2021, at a NATO Economics and Security Committee Meeting in Lisbon; on October 29, 2021, at the Norwegian Helsinki Committee Sakharov Freedom Award ceremony in Oslo; and on March 29, 2022, at the Helsinki Commission hearing in Washington, D.C. In Lisbon, Mr. Kara-Murza spoke about the “illegitimacy of election campaigns in Russia,” including the 2024 presidential elections 2024. In Oslo, he criticized the high number of political prisoners in Russia, stating that “Russia is no longer a place where human rights reign.” In Washington, D.C., he noted that those speaking against the war were in danger of criminal prosecution. In these speeches, Mr. Kara-Murza exercised his freedom of expression but also defended and promoted freedom of the press and the right to assemble peacefully when referring to the election campaigns, the status of human rights in Russia, and the treatment of anti-war protesters. Therefore, his detention based on this charge resulted from Mr. Kara-Murza’s defending and promoting the right to assemble peacefully.

77. Therefore, there is credible information that the detention appears to be because Mr. Kara-Murza sought to exercise, defend, and promote freedom of the press and the right to peacefully assemble.

5. Vladimir Kara-Murza Is Being Detained in Violation of the Laws of the Detaining Country, Russia.

78. The Constitution of the Russian Federation guarantees the right to freedom and personal immunity,¹¹⁰ right to a fair trial,¹¹¹ the right to privacy,¹¹² judicial protection of rights and freedoms,¹¹³ and the right to qualified legal assistance.¹¹⁴ Furthermore, the Constitution incorporates the international treaties ratified by Russian Federation into its legal system,¹¹⁵ including the International Covenant on Civil and Political Rights which protects the right to a fair trial under its Article 14.
79. Russian law allows administrative detention in exceptional instances to ensure prompt and proper review of administrative offenses.¹¹⁶ However, the Russian Constitution and Code of Administrative Offences mandate that anyone detained has the right to legal assistance from the moment of detention.¹¹⁷ Additionally, without a court order, seizing detainees' mobile phones during administrative detention is not allowed under Russian law.¹¹⁸ Upon Mr. Kara-Murza's arrest on April 11, 2022, the police immediately seized his phone without any prior court order, and prohibited him from notifying his family or lawyer about the arrest for several hours. Furthermore, he was not permitted to speak with his lawyer until just before his administrative trial the following day.
80. Under Russian law, a court can place an individual convicted of an administrative offense under arrest.¹¹⁹ However, the Russian Constitution and the Code of Administrative Judicial Procedure guarantee the right to a fair trial,¹²⁰ including the equality of all people before the court,¹²¹ equal rights to the presentation of evidence,¹²² and lawfulness and fairness in the consideration and adjudication of administrative proceedings.¹²³ In Mr. Kara-Murza's case, the court solely relied on the official detention report as evidence, which falsely detailed Kara-Murza's "suspicious" behavior. The court refused Kara-Murza's request to have the arresting police officers summoned for questioning as witnesses. At the appeal stage, despite Mr. Kara-Murza presenting video evidence that contradicted the report and proved the information was falsified, his appeal was dismissed.

¹¹⁰ Const. of the Russ. Fed'n, art. 22(1).

¹¹¹ *Id.*, art. 19.

¹¹² *Id.*, art. 23.

¹¹³ *Id.*, art. 46.

¹¹⁴ *Id.*, art. 48.

¹¹⁵ *Id.*, art. 15(4).

¹¹⁶ Code of Administrative Offences of the Russ. Fed'n, art. 27.3(1).

¹¹⁷ Const. of the Russ. Fed'n, art. 48(2); Code of Administrative Offences of the Russ. Fed'n, art. 27.3(3).

¹¹⁸ Const. of the Russ. Fed'n, art. 23(2).

¹¹⁹ Code of Administrative Offences of the Russ. Fed'n, art. 3.9.

¹²⁰ Const. of the Russ. Fed'n art. 19; Code of Administrative Judicial Procedure of the Russ. Fed'n, arts. 8–9.

¹²¹ Code of Administrative Judicial Procedure of the Russ. Fed'n, art. 8.

¹²² *Id.*, art. 9.

¹²³ *Id.*, art. 14(2).

81. Under Russian criminal law, a court can place a suspect in a criminal case in pretrial detention.¹²⁴ However, according to the Russian Constitution and the Russian Criminal Procedural Code, a suspect in a criminal case is guaranteed the right to a fair trial.¹²⁵ This includes the equal rights to the presentation of objections, petitions, and evidence.¹²⁶ Mr. Kara-Murza was brought before the court for a hearing on his pretrial detention on the very day he was informed about the criminal charges against him. His lawyer’s request to postpone the hearings to present additional evidence of the unreasonableness of detaining Kara-Murza was denied.
82. As indicated above, under Russian law, everyone is guaranteed the right to a fair trial in criminal proceedings.¹²⁷ This includes the right to have one’s case adjudicated by a court that is impartial and independent,¹²⁸ in open judicial proceedings,¹²⁹ ensuring equal treatment under the law.¹³⁰ Mr. Kara-Murza’s trial took place at the Moscow City Court, led by Judge Sergei Podoprigrorov, who had been sanctioned under the Sergei Magnitsky Rule of Law Accountability Act of 2012, thus undermining his impartiality in the case. Mr. Kara-Murza’s request for Judge Podoprigrorov’s recusal was rejected. Additionally, the trial was closed to the public, justified by claims of classified materials in the case — a flawed justification since the alleged criminal acts were Mr. Kara-Murza’s public speeches, which are easily accessible online. The actual motive for the closed proceedings, as Prosecutor Boris Loktionov openly admitted in a subsequent appeals hearing, was to block Kara-Murza from leveraging the trial as a platform for political expression, specifically to prevent him from publicly denouncing Putin as a murderer. Furthermore, the court relied on expert testimony from Danila Mikheev, whose qualifications and the validity of his examinations did not meet the legal standards set by the Russian law and for conducting an expert examination.¹³¹

¹²⁴ Code of Administrative Judicial Procedure of the Russ. Fed’n, art. 108.

¹²⁵ Const. of the Russ. Fed’n art. 19; Code of Criminal Procedure of the Russ. Fed’n, arts. 6.1–9.

¹²⁶ Code of Criminal Procedure of the Russ. Fed’n, art. 244.

¹²⁷ Const. of the Russ. Fed’n, art.19; Code of Criminal Procedure of the Russ. Fed’n, arts. 6.1–9.

¹²⁸ *Id.*, art. 8, art. 61; See also Decision No. 46-O by the Constitutional Court of the Russian Federation, “*On the Refusal to Consider the Complaint of Citizen Andreyevsky V.K. Regarding the Violation of His Constitutional Rights by the Provisions of Articles 61, 64, 65, and 355 of the Criminal Procedure Code of the Russian Federation*,” Jan. 25, 2005, (clarifying that the grounds for recusal listed in Article 61 of the Criminal Procedure Code are not exhaustive and include any additional scenarios that could undermine a judge’s impartiality and independence).

¹²⁹ *Id.*, art. 241.

¹³⁰ *Id.*, art. 244.

¹³¹ For the purpose of conducting psychological and linguistic research, only individuals who have attained higher education in linguistics (philology) and possess supplementary education in specialized expert fields are eligible to be employed as linguists, thus the mentioned expert’s education in the specialization “Conflictology” does not meet this criterion, and certificates of additional education do not confirm his competence in the field of linguistic research; See Fed. Law No. 73-FZ of May 31, 2001, “On State Forensic Expert Activities in the Russian Federation,” Article 14; *see also The Ministry of Justice deemed the author of numerous examinations unqualified*, Pravo.RU (in Russian Language), <https://pravo.ru/story/242269/> (last visited Apr. 9, 2024). This article discusses the opinion issued by the Russian Ministry of Justice, which identifies Danila Mikheev as lacking the necessary qualifications to be considered an expert.

83. The Russian Constitution guarantees the right to a fair trial¹³² and the right to health protection.¹³³ This includes the provision for the release from serving a sentence due to the accused’s illness under the Criminal Code and Criminal Penitentiary Code.¹³⁴ In particular, a convict diagnosed with polyneuropathy is entitled to request a court for exemption from continuing to serve their sentence.¹³⁵ During nearly a year in pretrial detention, Mr. Kara-Murza’s health significantly declined. However, Mr. Kara-Murza’s petition for exemption due to his condition was disregarded by the court.

84. Therefore, there is credible information that Mr. Kara-Murza was detained in violation of the laws of the Russian Federation — the detaining country.

6. Independent Nongovernmental Organizations or Journalists Have Raised Legitimate Questions About the Innocence of Vladimir Kara-Murza.

85. This analysis, prepared and signed by the FRF, Human Rights Foundation, McCain Institute, and RWCHR — all independent nongovernmental organizations — raises legitimate questions about Mr. Kara-Murza’s innocence.

86. Other independent nongovernmental international organizations, such as Human Rights First, REDRESS,¹³⁶ Human Rights Watch,¹³⁷ and Amnesty International¹³⁸ have also condemned Mr. Kara-Murza’s detention and raised legitimate questions about his innocence. Amnesty International has declared Mr. Kara-Murza a prisoner of conscience¹³⁹ — a person who “has not used or advocated violence or hatred in the circumstances leading to their imprisonment but is imprisoned solely because of who they are (sexual orientation, ethnic, national or social origin, language, birth, color, sex or economic status) or what they believe (religious, political or other conscientiously held beliefs).”¹⁴⁰ Professor Irwin Cotler, Special Envoy of the Parliamentary Assembly of the Community of Democracies in the Case of Vladimir Kara Murza, said, “This absurd and unjust charge — the latest in a series of false indictments — is an assault on all who

¹³² Const. of the Russ. Fed’n, art. 19; Code of Criminal Procedure of the Russ. Fed’n, arts. 8–9.

¹³³ Const. of the Russ. Fed’n, art. 41.

¹³⁴ Criminal Code of the Russ. Fed’n, art. 81; Criminal Penitentiary Code of the Russ. Fed’n, art. 172.

¹³⁵ *Id.*; Gov’t Resolution No. 54 of Feb. 6, 2004, “On Medical Examination of Convicts Nominated for Release from Serving a Sentence Due to Illness,” §17.

¹³⁶ *Sign-on Letter*, Human Rights First, Jan. 10, 2023, <https://humanrightsfirst.org/wp-content/uploads/2023/01/VKM-sanctions-Jan-20-Sign-On-Letter.pdf>.

¹³⁷ *Russia: Sentencing for Prominent Kremlin Critic*, Human Rights Watch, Apr. 14, 2023, <https://www.hrw.org/news/2023/04/14/russia-sentencing-prominent-kremlin-critic>.

¹³⁸ *Russia: Anti-war political activist and prisoner of conscience Vladimir Kara-Murza sentenced to 25 years in jail*, Amnesty Int’l, Apr. 14, 2023, <https://www.amnesty.org/en/latest/news/2023/04/anti-war-political-activist-and-prisoner-of-conscience-vladimir-kara-murza-sentenced-to-25-in-jail/>.

¹³⁹ *Russia: Political activist Vladimir Kara-Murza is a prisoner of conscience who must be released immediately and unconditionally*, Amnesty Int’l, May 10, 2022, <https://www.amnesty.org/en/documents/eur46/5578/2022/en/>.

¹⁴⁰ *Detention and Imprisonment*, Amnesty Int’l, <https://www.amnesty.org/en/what-we-do/detention/> (last visited Apr. 9, 2024).

care about democracy, justice and accountability and warrants individual and collective engagement and action by the Community of Democracies.”¹⁴¹

87. The International Bar Association’s Human Rights Institute (“IBAHRI”) stated that the “secret nature of Kara-Murza’s trial constitutes a violation of his right to a fair and public hearing under Article 10 of the UDHR [Universal Declaration of Human Rights] and Article 14(1) of the ICCPR [International Covenant on Civil and Political Rights].”¹⁴² Mark Stephens, the Co-Chair of the IBAHRI, commented that Mr. Kara-Murza’s prosecution “constitutes perhaps the most egregious attack yet upon the freedom of the press in Putin’s Russia.”¹⁴³ Professor Cotler also testified before the U.S. Helsinki Commission about Kara-Murza being imprisoned for “telling the truth about Russia’s domestic repression and its external aggression.”¹⁴⁴

88. The most prominent news outlets have also voiced legitimate concerns about Mr. Kara-Murza’s innocence. For example, *The Washington Post*’s Editorial Board has raised concerns about Mr. Kara-Murza’s detention.¹⁴⁵ According to the Board, the “charges against him...are based on five speeches in which he spoke nothing but truth. The motivation of the arrest is to silence him.”¹⁴⁶ According to *The New York Times*, Mr. Kara-Murza’s punishment “underscores President Vladimir V. Putin’s increasing determination to equate dissent with treason.”¹⁴⁷ After Mr. Kara-Murza’s sentence was announced, the *Guardian* noted that the “Kremlin further steps up its relentless crackdown on dissent.”¹⁴⁸

89. Therefore, there is credible information that several independent nongovernmental organizations and journalists have raised legitimate questions about Mr. Kara-Murza’s innocence.

7. The United States Mission in the Country Where Vladimir Kara-Murza is Being Detained Has Received Credible Reports That the Detention Is a Pretext for an Illegitimate Purpose.

¹⁴¹ Prof. Irwin Cotler, Special Envoy, *Parliamentary Assembly of the Community of Democracies, Statement in the Case of Vladimir Kara Murza*, Raoul Wallenberg Centre for Human Rights, Oct. 6, 2022, <https://www.raoulwallenbergcentre.org/en/news/2022-10-06-2>.

¹⁴² *IBAHRI condemns conviction of Russian journalist and opposition activist Vladimir Kara-Murza*, International Bar Association, Apr. 21, 2023, <https://www.ibanet.org/IBAHRI-condemns-conviction-of-Russian-journalist-and-opposition-activist-Vladimir-Kara-Murza>.

¹⁴³ *Id.*

¹⁴⁴ U.S. Helsinki Commission (@HelsinkiComm), Twitter (Oct. 30, 2023, 3:43 PM), <https://twitter.com/HelsinkiComm/status/1719089842997313736>.

¹⁴⁵ Editorial Board, *Vladimir Kara-Murza is wrongfully detained. Time for the U.S. to say so.*, *The Washington Post*, May 22, 2023, <https://www.washingtonpost.com/opinions/2023/05/22/vladimir-kara-murza-wrongfully-detained-designation/>.

¹⁴⁶ *Id.*

¹⁴⁷ Anton Troianovski and Ivan Nechepurenko, *Harsh Sentence for Putin Critic Highlights Kremlin’s Repression*, *New York Times*, Apr. 17, 2023, <https://www.nytimes.com/2023/04/17/world/europe/kara-murza-russia-prison.html>.

¹⁴⁸ Pjotr Sauer, *Moscow jails activist for 25 years for opposing Ukraine war*, *The Guardian*, Apr. 17, 2023, <https://www.theguardian.com/world/2023/apr/17/moscow-jails-vladimir-kara-murza-for-25-years-for-opposing-ukraine-war>.

90. On February 27, 2023, in a press statement commemorating Boris Nemtsov, an assassinated political activist, the U.S. Mission in Russia referred to Mr. Kara-Murza and the late Alexei Navalny as “pro-democracy politicians and human rights defenders.”¹⁴⁹

91. On April 17, 2023, U.S. Ambassador to Russia Lynne Tracy remarked that the sentencing of Mr. Kara-Murza was “an attempt to silence dissent...and to make an example of those with the courage to offer an alternative to the policies of the Russian government.”¹⁵⁰

92. On September 7, 2023, the U.S. Embassy in Moscow released a press statement stating that “Mr. Kara-Murza should not be in prison in the first place.”¹⁵¹ The statement went on to say that the “United States strongly condemns the politically motivated case against Mr. Kara-Murza and the Russian government’s escalating campaign of repression against those who seek to have a voice in the direction of their country.”¹⁵²

93. On October 12, 2023, Ambassador Lynne Tracy said in an interview that Mr. Kara-Murza is a person who has “taken great risks in standing up for fundamental freedoms.”¹⁵³

94. Therefore, there is credible information that the U.S. mission in Russia has received credible reports that Mr. Kara-Murza’s detention is a pretext for an illegitimate purpose.

8. Vladimir Kara-Murza Is Detained in a Country Where the Department of State Has Determined in its Annual Human Rights Reports That the Judicial System Is Not Independent or Impartial, is Susceptible to Corruption, or Is Incapable of Rendering Just Verdicts.

95. According to the 2022 Country Report of Human Rights Practices published by the U.S. Department of State, the Russian judiciary lacks transparency and independence, especially in politically sensitive cases. According to the report, judges are “subject to influence from the executive branch, the armed forces, and other security forces, particularly in high-profile or politically sensitive cases, as well as to corruption.”¹⁵⁴ This influence suggests a pre-determination of trial outcomes, evidenced by the extraordinarily low acquittal rate of 0.34 percent in 2020.¹⁵⁵

96. Political repression is systematic, with almost 500 confirmed cases of political prisoners and detainees, including prominent opposition figures and journalists, subjected to

¹⁴⁹ *Honoring Boris Nemtsov*, Press Statement, U.S. Embassy in Russia, Feb. 27, 2023, <https://ru.usembassy.gov/honoring-boris-nemtsov/>.

¹⁵⁰ *The Sentencing of Opposition Politician Vladimir Kara-Murza*, U.S. Embassy in Russia, Apr. 17, 2023, <https://ru.usembassy.gov/the-sentencing-of-opposition-politician-vladimir-kara-murza/>.

¹⁵¹ *Press Statement from U.S. Embassy Moscow Vladimir Kara-Murza’s Second Birthday in Detention*, U.S. Embassy in Russia, Sep. 7, 2023, <https://ru.usembassy.gov/press-statement-from-u-s-embassy-moscow-vladimir-kara-murzas-second-birthday-in-detention/>.

¹⁵² *Id.*

¹⁵³ *Ambassador Tracy interview with RFE/RL Grani Vremeni*, U.S. Embassy in Russia, Oct. 12, 2023, <https://ru.usembassy.gov/ambassador-tracy-interview-with-rfe-rl-grani-vremeni>.

¹⁵⁴ *2022 Country Reports on Human Rights Practices: Russia*, STATE.GOV, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/russia/> (last visited Apr. 9, 2024).

¹⁵⁵ *Id.*

disproportionate sentences.¹⁵⁶ For example, Alexei Gorinov, a Moscow municipal deputy, is serving a 7-year-long sentence for simply criticizing the full-scale invasion of Ukraine at a municipal council meeting.¹⁵⁷ The State Department highlights Mr. Kara-Murza’s case as the most notable example of the Russian judiciary’s lack of transparency and independence, particularly in politically sensitive cases.¹⁵⁸

97. Therefore, there is credible information that Mr. Kara-Murza is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts.

9. Vladimir Kara-Murza Is Being Detained in Inhumane Conditions.

98. Mr. Kara-Murza’s health has deteriorated while held in poor detention conditions. Mr. Kara-Murza’s medical condition makes being held in poor conditions even more precarious,¹⁵⁹ as his polyneuropathy requires medication and exercise and might lead to paralysis if left untreated.¹⁶⁰ According to the Special Rapporteur on Russia, Marina Katzarova, Mr. Kara-Murza’s “deteriorating health and lack of access to timely and adequate medical care in detention have put his life at risk.”¹⁶¹

99. Russian officials subjected Mr. Kara-Murza to enforced disappearance twice: from September 4-14, 2023 and from January 29-30, 2024.

100. Russian officials held Mr. Kara-Murza in solitary confinement while in pretrial detention from February 12-25, 2023. He was again held in solitary confinement since his transfer to the Siberian penal colonies in Omsk in September 2023. His first cell was 9.8 feet by 4.9 feet and equipped with only a bed and a stool. In Siberia, Mr. Kara-Murza is almost completely disconnected from the outside world.

101. According to Mr. Kara-Murza’s lawyer Vladim Prokhorov, the conditions in Omsk threaten Mr. Kara-Murza’s health.¹⁶² Evgenia Kara-Murza, the wife of Mr. Kara-Murza, stated on November 15, 2023 that Mr. Kara-Murza’s “medical condition will of course deteriorate in the present situation.”¹⁶³ Mr. Kara-Murza has lost more than 37 pounds during his detention and

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ Mark Trevelyan, *Wife of jailed dissident Kara-Murza fears for his life in Siberian penal colony*, Reuters, Nov. 15, 2023, <https://www.reuters.com/world/europe/wife-jailed-dissident-kara-murza-fears-his-life-siberian-penal-colony-2023-11-15/>.

¹⁶⁰ *Russia: Kara-Murza’s continued detention threatens his life and violates his human rights, says UN expert*, OHCHR, Jul. 28, 2023, <https://www.ohchr.org/en/press-releases/2023/07/russia-kara-murz-as-continued-detention-threatens-his-life-and-violates-his>.

¹⁶¹ *Id.*

¹⁶² *Vladimir Kara-Murza: Putin opponent in isolation cell in Siberian jail*, BBC, Sept. 24, 2023, <https://www.bbc.com/news/world-europe-66907510#l>.

¹⁶³ *Id.*

experienced numbness in his extremities.¹⁶⁴ In the penal colony, Mr. Kara-Murza is allowed a pen only 90 minutes per day.¹⁶⁵

102. According to the State Department’s 2022 Country Report on Human Rights Practices in Russia, abuse by guards and inmates, limited access to health care, food shortages, and inadequate sanitation are common in Russian prisons, penal colonies, and other detention facilities.¹⁶⁶ Political prisoners are also placed in particularly harsh conditions and subjected to punishments such as solitary confinement.¹⁶⁷ Russian prisons are responsible for Europe’s highest number of deaths and suicides, and the rate is growing.¹⁶⁸ A recent chilling example of this is the death of Alexei Navalny in a Siberian penal colony on February 16, 2024.

103. Therefore, there is credible information that Mr. Kara-Murza is being detained in inhuman conditions.

10. Due Process of Law Has Been Sufficiently Impaired to Render Vladimir Kara-Murza’s Detention Arbitrary.

104. The 14th Amendment of the U.S. Constitution guarantees due process of law in any deprivation of life, liberty, or property.¹⁶⁹ The Supreme Court has repeatedly held that having an impartial judge and jury are necessary elements of procedural due process. Specifically, the Supreme Court has found that “A fair trial in a fair tribunal is a basic requirement of due process. Fairness, of course, requires an absence of actual bias in the trial of cases.”¹⁷⁰ The right to a fair trial is also protected in Article 10 of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights, which Russia has ratified.

105. Several due process violations have tainted Mr. Kara-Murza’s detention. After his arrest, Mr. Kara-Murza was denied access to a lawyer until moments before the next day’s administrative trial. Less than an hour before they were set to appeal this administrative arrest, Mr. Kara-Murza’s lawyer learned that a different court would hear a separate request for Mr. Kara-Murza’s pretrial detention on separate crimes. The lawyer’s request for postponement was denied. At the administrative trial, Mr. Kara-Murza was not allowed to question the officers who arrested him. Mr. Kara-Murza’s place of pretrial detention, the Moscow Detention Center SIZO-5, was headed by Dmitriy Viktorovich Komnov, who is sanctioned under the Sergei Magnitsky Rule of Law Accountability Act of 2012.

¹⁶⁴ *Russia sentences opposition activist Vladimir Kara-Murza to 25 years in prison*, NPR, Apr. 17, 2023, <https://www.npr.org/2023/04/17/1168667764/vladimir-kara-murza-prison-sentence>.

¹⁶⁵ Arkady Ostrovsky, *Life and death in Putin’s gulag*, Feb. 22, 2024, <https://www.economist.com/1843/2024/02/22/life-and-death-in-putins-gulag>.

¹⁶⁶ *2022 Country Reports on Human Rights Practices: Russia*, STATE.GOV, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/russia/> (last visited Apr. 9, 2024).

¹⁶⁷ *Id.*

¹⁶⁸ Arkady Ostrovsky, *Life and death in Putin’s gulag*, Economist, Feb. 22, 2024, <https://www.economist.com/1843/2024/02/22/life-and-death-in-putins-gulag>.

¹⁶⁹ U.S. Const. amend. XIV

¹⁷⁰ *In re Murchison*, 349 U.S. 133, 136 (1955).

106. Mr. Kara-Murza’s trial before the Moscow City Court was conducted behind closed doors and Mr. Kara-Murza was kept in a cage throughout the trial. Mr. Kara-Murza’s lawyers’ request to present international documents (documents of the UN, OSCE, and reliable reports on Russia’s atrocities in Ukraine) as evidence was denied. Their challenge against Moscow City Court Judge Podoprigrorov, sanctioned under the Sergei Magnitsky Rule of Law Accountability Act of 2012 and by sanction programs in the U.K., Canada, Australia, Lithuania, and the E.U., was also denied. Judge Podoprigrorov sat on the panel of three judges that convicted Mr. Kara-Murza and sentenced him to 25 years in prison.

107. Since his arrest, Mr. Kara-Murza has not been allowed to meet his family members. They have been able to communicate through letters. In the penal colony, Mr. Kara-Murza has been granted only one 15-minute phone call with his children and is allowed a pen only 90 minutes per day.¹⁷¹

108. Mr. Kara-Murza’s health deteriorated in poor detention conditions and solitary confinement from February 12-25, 2023, to such a degree that it inhibited his ability to prepare for his defense and even prevented him from attending the trial on March 16, 2023. Komnov, a sanctioned individual, made the decision on the mentioned solitary confinement. During his detention, Mr. Kara-Murza has been forcibly disappeared twice: from September 4-14, 2023 and January 29-30, 2024.

109. In 2022, the State Department designated Paul Rusesabagina as “wrongfully detained,” taking into account “the totality of circumstances, notably the lack of fair trial guarantees during his trial.”¹⁷² Similar to Mr. Rusesabagina, Mr. Kara-Murza’s process severely lacked fair trial guarantees, as explained above.

110. Therefore, there is credible information that due process of law has been sufficiently impaired to render Mr. Kara-Murza’s detention arbitrary.

11. The United States Diplomatic Engagement Is Likely Necessary to Secure the Release of Vladimir Kara-Murza.

111. As of April 2024, Mr. Kara-Murza sits in detention in a Siberian penal colony. With arbitrary charges keeping him detained, Mr. Kara-Murza has little hope for domestic remedies for release. As a lawful permanent resident of the United States, Mr. Kara-Murza is considered a U.S. national for purposes of the Levinson Act, and as such, the Special Envoy for Hostage Affairs can negotiate for his release. It is unlikely that aid will come from either of his countries of citizenship, Russia or the U.K. Russia, as of this moment, has a vested interest in continuing its detention of Mr. Kara-Murza. While the U.K. sees the Special Presidential Envoy for Hostage Affairs as a model to help guide how the country should deal with hostage crises in the future, the U.S. already has established and efficient practices in place. Therefore, negotiations completed by the U.S. are the only hope for Mr. Kara-Murza’s release and safe return to his family in the U.S.

¹⁷¹ Arkady Ostrovsky, *Life and death in Putin’s gulag*, Feb. 22, 2024, <https://www.economist.com/1843/2024/02/22/life-and-death-in-putins-gulag>.

¹⁷² *Update: Paul Rusesabagina Released from Prison*, American Bar Association, Mar. 31, 2023, https://www.americanbar.org/groups/human_rights/reports/update-paul-rusesabagina-released-from-prison/.

112. Paul Rusesabagina’s case demonstrates the importance of the State Department’s categorization of “wrongfully detained.” He was freed and reunited with his family in March 2023, only after the State Department categorized him as wrongfully detained, which allowed the Office of the Special Presidential Envoy for Hostage Affairs to begin working on his case.

113. On December 12, 2023, a bipartisan group of senators, led by Senator Jeanne Shaheen of New Hampshire and Senator James Risch of Idaho, wrote a letter calling for Secretary of State Antony Blinken to designate Mr. Kara-Murza as wrongfully detained.¹⁷³ In the letter, the senators stated that by designating Mr. Kara-Murza as wrongfully detained, the State Department would “provide him and his family with additional advocacy tools and critical resources.”¹⁷⁴ The senators also stated in the letter that if Mr. Kara-Murza “cannot be designated in a timely manner, [they] request an in-person briefing by January 30 to provide an outline of steps being taken to secure his timely release.”¹⁷⁵

114. Therefore, there is credible information that the U.S. diplomatic engagement is likely necessary to secure Mr. Kara-Murza’s release.

12. Other Factors

115. Mr. Kara-Murza is one of Russia’s highest-profile political prisoners and a leading champion for a free and democratic Russia. Enabling him to continue his work and efforts free from detention aligns with the moral and strategic interests of the U.S. and the rest of the democratic world.¹⁷⁶

116. Russia’s attitude against and treatment of Mr. Kara-Murza follows the same pattern as that of Mr. Navalny, another opposition politician and vocal Putin critic who similarly survived a poisoning. Similar to Mr. Navalny, Mr. Kara-Murza was arrested shortly after his return to Russia to stand with the Russian opposition movement, detained based on bogus charges, sentenced after an unfair trial, subjected to enforced disappearances and solitary confinement, and finally transferred to a Siberian penal colony. Mr. Kara-Murza’s health is in sharp decline due to his medical condition, and he undeniably risks Mr. Navalny’s fate if not released in a timely manner. The democratic world cannot afford to lose another champion of democracy, such as Mr. Kara-Murza.

117. Therefore, in addition to the 11 criteria listed in the Levinson Act 22 U.S.C. § 1741, Mr. Kara-Murza’s crucial role as a prominent pro-democracy figure and his declining health support his designation as wrongfully detained.

¹⁷³ Laura Kelly, *Senators call on Blinken to apply rare ‘wrongfully detained’ label to jailed Putin critic*, The Hill, Dec. 13, 2023, <https://thehill.com/policy/international/4358201-senators-wrongfully-detained-putin-critic-kara-murza/>.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ Katie LaRoque, *Freeing Vladimir Kara-Murza Should Be a US Government Priority*, Freedom House, Sept. 28, 2023, <https://freedomhouse.org/article/freeing-vladimir-kara-murza-should-be-us-government-priority>.

H. Conclusion

118. In conclusion, there is credible information based on the totality of circumstances of the elements outlined above that Mr. Kara-Murza's detention meets every criterion listed in the Levinson Act 22 U.S.C. § 1741, and supports his designation as wrongfully detained.

119. For the reasons mentioned above, we request that the Secretary of State, the Honorable Antony Blinken, determine that Mr. Kara-Murza is being wrongfully detained and immediately transfer his case to Special President Envoy for Hostage Affairs, Ambassador Roger D. Carstens.