
PETITION TO:

UNITED NATIONS
WORKING GROUP ON ARBITRARY DETENTION

HUMAN RIGHTS COUNSEL
UNITED NATIONS GENERAL ASSEMBLY

In the Matter of
Nika Novak
(Citizen of Russia)

v.

Government of the Russian Federation

PETITION FOR OPINION

PURSUANT TO HUMAN RIGHTS COUNCIL RESOLUTIONS
1991/42, 1994/32, 1997/50, 2000/36, 2003/31, 2006/102, 6/4, AND 24/7

Submitted by:

Press Freedom Center
NATIONAL PRESS CLUB
529 14th St. NW, 13th Floor
Washington, DC 20045
United States

Covington & Burling LLP
COVINGTON & BURLING
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
United States

I. INTRODUCTION

The Press Freedom Center (“Petitioner”), with the support of attorneys from Covington & Burling LLP, a global law firm headquartered in Washington, DC, prepared this communication (the “Petition”) on behalf of Ms. Nika Novak (the “Complainant”).

A. Petitioner

The Press Freedom Center is an initiative of the National Press Club that promotes freedom of the press through advocacy for wrongfully imprisoned journalists around the world. The organization traces its roots to 2014, when then-Executive Director of the National Press Club, Bill McCarren, worked with the Washington Post to campaign for the release of Jason Rezaian, then-Tehran Bureau Chief for the Washington Post, from prison in Iran. After securing his freedom, Rezaian returned to the United States and began working with McCarren and the Press Club to free other wrongfully imprisoned journalists. In 2024, McCarren and Rezaian’s advocacy work was formalized into the Press Freedom Center.¹

B. Complainant

Ms. Nika Novak (the “Complainant” or “Ms. Novak”) was born on July 15, 1992, in Krasnokamensk, Russia. Ms. Novak worked as a journalist for RFE/RL’s Russian Service, known as Radio Svoboda, between 2022 and the date of her detention. On December 25, 2023, the Russian government arbitrarily arrested and detained Ms. Novak on allegations of “collaboration with a foreign organization on a confidential basis,” under Article 275.1 of the Criminal Code of the Russian Federation (“Russia”). Ms. Novak was promptly flown to Moscow, where she was held in Pre-trial Detention Center No. 2, commonly known as Lefortovo Prison. On October 8, 2024, Ms. Novak was transported again, this time to the Zabaykalsky Region, Chita. She arrived in a local pre-trial detention center before her closed-door trial. On November 26, 2024, the Zabaykalsky Regional Court of Chita convicted Ms. Novak privately and sentenced her to four years in prison.² Following her conviction, Ms. Novak was transferred to Pre-trial Detention Center No. 1 in Novosibirsk, Russia, in March 2025. Ms. Novak’s lawyer appealed the conviction on or around November 27, 2024, with the Fifth Appeals Court of General Jurisdiction.³ On March 31, 2025, the Fifth Appeals Court of General Jurisdiction upheld Ms. Novak’s sentence, including the confiscation of approximately 500 thousand Rubles [approximately \$6,000

¹ The National Press Club, *Press Freedom Center*, accessed at <https://www.press.org/freedom-center>.

² Zabaikalsky Regional Court, Sentence, Cas. No. 2-27/2024 (26 November 2024) [hereinafter “Trial Court Sentence (26 November 2024)”].

³ Source on file with author. Interview with anonymous source.

U.S. Dollars] from her.⁴ Due to certain procedural errors by the lower court, the Fifth Appeals Court overturned the portion of the sentence ordering recovery from Ms. Novak of the prosecution witnesses' travel cost to the courts and remanded the question back to the lower court for a new trial before a different panel of judges.⁵ As of this writing, Ms. Novak was transferred from Novosibirsk back to the pre-trial detention center in Chita, where she remains under "special watch."⁶

C. Consent

Petitioner has obtained consent to file this Petition through the Complainant's defense counsel, Ms. Yulia Kuznetsova. The signed consent form is annexed to this Petition.

D. Overview of Petition

Section II of this Petition provides all the information the U.N. Working Group on Arbitrary Detention (the "Working Group") requests in the model questionnaire.⁷ Section III.A provides an overview of the Russian Federation's pattern of political repression and human rights abuses and describes the background, arrest, trial, and detention of the Complainant. Section III.B argues that the manner in which the Complainant has been—and continues to be—deprived of her liberty is arbitrary.

Ms. Novak's detention is arbitrary under Categories I, II, III and V of the Working Group's revised Methods of Work. First, Ms. Novak's detention is arbitrary under Category I because it lacks a legal basis. Second, her detention is arbitrary under Category II because it resulted from Ms. Novak's exercise of her rights to freedom of expression and freedom of association. Third, Ms. Novak's detention is arbitrary under Category III because the Russian government gravely violated her rights to due process and a fair trial. Finally, Ms. Novak's detention is arbitrary under Category V because it constitutes a violation of international law on the grounds of discrimination based on political opinion.

⁴ Fifth Appeals Court of General Jurisdiction, Criminal Division, Appellate Decision, Case No. 55-149/2025 (31 March 2025), p. 21 [hereinafter "Appellate Decision (31 March 2025)"].

⁵ Appellate Decision (31 March 2025), pp. 19–21; *see also* Siberia.Realities, *The Court Upheld the Sentence of Chita Journalist Nika Novak*, RFE/RL (31 March 2025) (translated from Russian), accessed at <https://www.sibreal.org/a/sud-ostavil-bez-izmeneniya-prigovor-chitinskoy-zhurnalistke-nike-novak/33365339.html>.

⁶ Source on file with author. Interview with anonymous source.

⁷ U.N. Working Group on Arbitrary Detention, *Complaints and Urgent Appeals*, OHCHR, accessed at <https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention/complaints-and-urgent-appeals>.

E. Request for Relief

Petitioner requests that the Petition be considered a formal request for an opinion of the Working Group. We urge the Working Group (i) find that the Complainant has been and continues to be detained arbitrarily and (ii) conclude that the appropriate remedy is for the Complainant to be released immediately and for compensation and any other reparations required by international law to be provided.

II. QUESTIONNAIRE TO BE COMPLETED BY PERSONS ALLEGING ARBITRARY ARREST OR DETENTION

A. Identity

- *Family Name*: Novak
- *First Name*: Nika
- *Sex*: Female
- *Age at the Time of Detention*: 31 years.
- *Nationality*: Russian
- *Identity document (if any)*: Domestic Passport
 - *Place of Issue*: Russia
 - *On (date)*: October 26, 2018
 - *No.*: 7619027049
- *Profession and/or activity (if believed to be relevant to the arrest/detention)*: Ms. Novak is a freelance journalist with RFE/RL's Russian Service, which covers social, political, and human rights issues in Russia.
- *Address of usual residence*: Fadeev Avenue, Building 16, Apartment 84, Chita, Russia.

B. Arrest

- *Date of arrest*: December 25, 2023.
- *Did they show a warrant or other decision by a public authority?*: No.
- *Authority who issued the warrant or decision*: On December 24, 2023, the day before Ms. Novak was detained, an investigator from the Investigative Department of the Federal Security Service ("FSB") of the Russian Federation initiated a criminal case against her under Article 275.1 of the Criminal Code of the Russian Federation. On December 25, 2023, the day she was detained, an FSB investigator drew up a detention protocol after Ms. Novak had been transferred to Moscow.

- *Relevant legislation applied (if known)*: According to the detention protocol, the basis of detention was Part 1, Article 91, of the Criminal Procedure Code of the Russian Federation, which authorizes placement in custody for a period of no more than forty-eight hours from the moment of actual detention of a person on suspicion of committing a crime.

C. Detention

- *Date of detention*: December 25, 2023.
- *Duration of detention (if not known, approximate duration)*: From December 25, 2023, and continuing to the date of submission.
- *Forces holding the detainee under custody*: Russian Federation.
- *Places of detention (indicate any transfer and present place of detention)*: On December 25, 2023, the same day Ms. Novak was detained in Chita, Russia, she was transferred by plane to Moscow. She was held in Pre-trial Detention Center No. 2 in Moscow, commonly known as Lefortovo Prison, for nearly ten months. In early October 2024, Ms. Novak was transferred back to Chita, Russia, for her trial. In March and April 2025, months after she was convicted, and after she had filed an appeal against her conviction, Ms. Novak was again transferred: first, in March, to Pre-trial Detention Center No. 1 in Novosibirsk and then, in April, back to the pre-trial detention center in Chita.
- *Authorities that ordered the detention*: The FSB and the Lefortovo District Court of Moscow.
- *Reasons for the detention imputed by the authorities*: Authorities alleged that Ms. Novak illegally collaborated with a representative of a foreign organization on a confidential basis to assist them in activities knowingly directed against the security of the Russian Federation. On October 8, 2024, Ms. Novak arrived at the pre-trial detention facility in Chita, for a closed-door trial. On November 26, 2024, the Zabaykalsky Regional Court of Chita found Ms. Novak guilty of collaborating with a foreign organization and sentenced her to four years in prison.
- *Relevant legislation applied (if known)*: Ms. Novak was charged under Article 275.1 of the Criminal Code of the Russian Federation, which criminalizes the “establishment and maintenance by a citizen of the Russian Federation of cooperation relations on a confidential basis with a representative of a foreign State, international or foreign organization in order to assist them in activities knowingly directed against the security of the Russian Federation.”⁸

⁸ See Angelika Nußberger, *Report on Russia’s Legal and Administrative Practice in Light of its OSCE Human Dimension Commitments*, OSCE (16 September 2022) [hereinafter “OSCE

III. DESCRIPTION OF THE CIRCUMSTANCES OF THE ARREST AND DETENTION, INCLUDING PRECISE REASONS WHY THE ARREST AND DETENTION WERE ARBITRARY.

A. Statement of Facts

Part 1 of this Statement of Facts details the current political climate in Russia to illustrate Russia's pattern of violating citizens' substantive and procedural rights, particularly with respect to journalists. Part 2 offers background information on Ms. Novak. Part 3 describes the circumstances surrounding Ms. Novak's arrest and continuing detention. Part 4 details Ms. Novak's trial and conviction.

1. Russian Federation's Pattern of Political Repression and Human Rights Abuses

For over a decade, Russia has gradually implemented legal reforms to suppress the ability of journalists to work freely within Russia. In 2012, the Federal Assembly passed a restrictive law targeting non-governmental organizations ("NGOs"), which required NGOs to register with the Russian government as "foreign agents" (the "Foreign Agents Law" or the "Law").⁹ Since 2012, the Foreign Agents Law has been reformed several times to expand its application such that, at present, "virtually any Russian and foreign organization and individual can be declared and registered as a 'foreign agent' or 'affiliated with a foreign agent.'"¹⁰

In July 2022, Russia implemented sweeping reforms to the Foreign Agents Law, such as in Article 275.1 of the Russian Criminal Code, with the effect of "forcing non-governmental organisations, anti-corruption activists, journalists and other media actors, human rights defenders, lawyers and researchers to reduce or abandon their activities or to leave the country."¹¹ Article 275 of the Criminal Code establishes the crime of high treason. Specifically, Article 275.1 criminalizes the:

establishment and maintenance by a citizen of the Russian Federation of relations of cooperation on a confidential basis with a representative of a foreign State, international or foreign organization for the purpose of assisting them in

Russia Report"], p. 69 (quoting Article 275.1 of the Russian Criminal Code), accessed at <https://www.osce.org/files/f/documents/7/5/526720.pdf>.

⁹ See Human Rights Watch, *Russia: Reject Proposed Changes to Rules on Foreign-Funded NGOs* (13 July 2012), accessed at <https://www.hrw.org/news/2012/07/13/russia-reject-proposed-changes-rules-foreign-funded-ngos>; OSCE Russia Report, pp. 2, 36–39.

¹⁰ OSCE Russia Report, p. 2.

¹¹ *Id.*, at 1–2.

activities knowingly directed against the security of the Russian Federation.¹²

The punishment for violating Article 275.1 is imprisonment for a period up to eight years.¹³ In 2024, the European Court of Human Rights unanimously ruled that Russia's Foreign Agents Law, including Article 275.1, violates the rights to respect for private life, freedom of expression, and freedom of assembly and association protected by the European Convention on Human Rights ("ECHR").¹⁴

Since the escalation of the Russo-Ukrainian War (the "War") in 2022, Russia has intensified measures to suppress its domestic civil society and frustrate independent voices that may raise objections to its war effort. The changes to Article 275.1 came as part of a heightened crackdown on speech and dissent in Russia triggered by the War, which was condemned by resolution of the United Nations General Assembly¹⁵ and conducted in violation of an order of the International Court of Justice.¹⁶ As of this writing, Russia continues illegal military operations in the Kharkiv, Luhansk, Donetsk, Zaporizhzhia, Kherson, and Crimea regions of Ukraine.¹⁷

Human rights organizations have reported that, since the War began, "the degree of violence has considerably increased" against journalists and anti-war protestors.¹⁸ Third-party monitors have reported on numerous instances of arbitrary arrest or detention in Russia, including instances of investigators disregarding the right of defendants to choose their own lawyers, and "instead designating lawyers friendly to the prosecution," and holding detainees in "incommunicado detention before officially

¹² *Id.*, at 69.

¹³ *Id.*

¹⁴ See ECtHR, *Kobaliya and Others v. Russia*, App. Nos. 39446/16 & 106 others, (22 October 2024), ¶¶ 67, 98, 109, 116.

¹⁵ See U.N. General Assembly, *Resolution on Aggression Against Ukraine*, U.N. Doc. A/RES/ES-11/1 (2 March 2022), pp. 2–3.

¹⁶ *Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, *Provisional Measures, Order of 16 March 2022*, I.C.J. Reports 2022, pp. 230–231, ¶ 86(1) (ordering that "[t]he Russian Federation shall immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine").

¹⁷ See European Parliament, *Joint Statement on the Third Anniversary of Russia's Invasion of Ukraine* (24 February 2025) (describing the invasion as an "illegal war of aggression"), accessed at <https://www.europarl.europa.eu/news/en/press-room/20250224IPR27027/joint-statement-on-the-3rd-anniversary-of-russia-s-invasion-of-ukraine>.

¹⁸ See OSCE Russia Report, p. 113.

registering [their] detention.”¹⁹ Arbitrary arrests of persons demonstrating against the invasion of Ukraine, including members of human rights organizations, have also been reported.²⁰ There have also been reports by observers of lengthy pre-trial detentions, and in particular that “opposition figures, journalists, and civil society activists often faced long periods of pre-trial detention.”²¹

As part of this crackdown, Russia has undertaken a wide-ranging campaign to silence independent journalists by subjecting them to legal harassment, including under cover of Article 275.1. Indeed, since 2022, the Committee to Protect Journalists, an NGO dedicated to press freedom, has documented numerous repressive actions by the Russian government, including the designation of over 270 journalists and media outlets as “foreign agents,” the outright banning of twenty-two media outlets as “undesirable,” the sentencing of nine exiled journalists to jail in absentia, the blocking of more than 18,500 websites in connection with war reporting, and the imprisonment of twenty-six journalists, including fourteen Russians, ten Ukrainians, and two Americans.²²

2. Background Information on Ms. Novak

Ms. Novak is a Russian-born journalist for RFE/RL’s Russian Service, known as Radio Svoboda, and a resident of Chita. Before joining Radio Svoboda as a freelance correspondent in 2022, Ms. Novak was the editor-in-chief of local outlet ChitaMedia and editor-in-chief of the local news portal Zab.ru.²³

Early in her career as a journalist, Ms. Novak regularly published articles sympathetic to the Kremlin, particularly Russia’s 2014 occupation of Eastern Ukraine. Indeed, at the time, Ms. Novak “publicly expressed support for Russia and visited military personnel” in the Donbas.²⁴

¹⁹ U.S. Dep’t of State, *Russia 2023 Human Rights Report* (22 April 2024), p. 15, accessed at https://www.state.gov/wp-content/uploads/2024/03/528267_RUSSIA-2023-HUMAN-RIGHTS-REPORT.pdf.

²⁰ See *id.*, at 16 (“For example, on June 7, police detained five individuals associated with human rights NGO Viasna for planning demonstrations against mobilization. Numerous other examples of arbitrary arrests included those of individuals for wearing blue and yellow colors, holding blank posters, or signs that simply read ‘Peace.’”).

²¹ *Id.*, at 17.

²² CPJ, *Russia’s Repression Record* (11 February 2025), accessed at <https://cpj.org/2025/02/russias-repression-record/>.

²³ See CPJ, *Russian Journalist Nika Novak Sentenced to 4 Years in Prison* (26 November 2024), accessed at <https://cpj.org/2024/11/russian-journalist-nika-novak-sentenced-to-4-years-in-prison/>.

²⁴ CWIJ, *Russia: Nika Novak Arrested and Detained for Alleged Treason*, Women Press Freedom (25 December 2023), accessed at <https://www.womeninjournalism.org/threats-all/russia-nika-novak-arrested-and-detained-for-alleged-treason>.

However, according to her social media posts at the time of the full-scale invasion, Ms. Novak began to express doubt about her previous support of Russia's conduct in Ukraine. Shortly thereafter, Ms. Novak began reporting for RFE/RL. As a journalist with RFE/RL, Ms. Novak published articles on the War that explicitly criticized the Kremlin.

3. Arrest & Pre-trial Detention

Ms. Novak was arrested after months of harassment by the FSB. In the spring of 2023, police officers stopped Ms. Novak as she was leaving a fitness club in Chita. They took her to the Chernovsky District Police Station, where she was interrogated under the pretense that she resembled the suspect of a fraud case. During the interrogation, a listening application was installed on Ms. Novak's phone without her knowledge, presumably so the police could surveil her calls. Ms. Novak was never presented with a search warrant and did not consent to the installation of the listening device. She later had the device removed by a friend. Reports indicate that FSB officers had visited the fitness club and reviewed security videos looking for Ms. Novak the day before she was taken to the police station.²⁵

Later that year, on November 29, 2023, FSB officers searched the apartment Ms. Novak shares with her mother and seized much of her electronic equipment. As Ms. Novak's mother explained: "A crowd of men burst into the apartment, where only my daughter and I live. Formally, they did not even conduct a search, but just an 'inspection': we gave them everything, all the equipment. They still haven't returned the equipment." That same day, Ms. Novak was once again taken to the police station and questioned about her alleged "involvement in terrorism."²⁶

At six o'clock in the morning on December 25, 2023, agents began pounding on the door of the Novaks' apartment. When Ms. Novak's mother went to the door and asked who was knocking, agents swore at her and told her to unlock the door or she would be thrown out of the apartment as well. After Ms. Novak's mother opened the door, the men dragged Ms. Novak from her bed and out of the apartment. Ms. Novak's mother noticed blood on Ms. Novak's teeth as she was taken away. Agents began searching the home and seizing items they found, including items that belonged to Ms. Novak's mother, which she has since sued to recover. Ms. Novak was the first journalist arrested under Article 275.1.²⁷

After her arrest, Ms. Novak was transported to FKU SIZO-2 of Russia, also known as Lefortovo Prison, in Moscow, approximately 4,700 kilometers (2,900 miles) from Chita. The FSB runs Lefortovo Prison, a prison and pre-trial detention center that

²⁵ See Siberia.Realities, *'Daughter Jailed for Her Profession' Four Years for Working with Foreign Media*, RFE/RL (26 November 2024) (unofficially translated), accessed at <https://www.sibreal.org/a/doch-posadili-za-ee-professiyu-chetyre-goda-za-rabotu-s-inostrannym-smi/33215594.html>.

²⁶ *Id.*

²⁷ *Id.*

primarily holds dangerous military criminals, terrorists, and extremists.²⁸ During the flight to Moscow, Ms. Novak was not permitted to eat or drink, was threatened with the use of physical force if she resisted or drew attention to herself, and she was forced to listen to Russian patriotic music.²⁹

On December 25, 2023, an FSB investigator drew up a detention protocol for Ms. Novak — after Ms. Novak had already been transferred to a pre-trial detention facility in Moscow. According to the protocol, the basis for the detention was Part 1, Article 91 of the Criminal Procedure Code of the Russian Federation (placement in custody for a period of no more than 48 hours from the moment of actual detention of a person on suspicion of committing a crime), without additional clarifications.³⁰

After arriving at the Investigative Directorate of the FSB in Moscow, Ms. Novak was not able to contact a lawyer of her own choosing and was instead provided a government-appointed lawyer, Mr. Oleg Aleksandrovich Dubinin (“Mr. Dubinin”). Ms. Novak was subjected to physical pressure and threats of physical force, and then interrogated as a suspect. Though Mr. Dubinin was present during Ms. Novak’s interrogation, he did not communicate confidentially with his client or investigate the circumstances of her detention, nor did he object to Ms. Novak’s mistreatment by the officers. In fact, Mr. Dubinin reportedly pressured Ms. Novak to give self-incriminating statements.³¹

Later that day the investigator submitted a motion to the Lefortovo District Court of Moscow to impose a preventive measure in the form of detention until February 24, 2024. The court granted the investigator’s motion to impose detention as a preventive measure based, in part, on the following factors:

- Ms. Novak was suspected of committing a particularly serious crime against the foundations of the constitutional order and national security;
- Ms. Novak may evade the authorities conducting the preliminary investigation;
- Ms. Novak may continue criminal activity;
- Ms. Novak may take measures to conceal or destroy evidence of the crime and exert pressure on witnesses; and
- No health information was provided to the court regarding Ms. Novak’s health condition that would prevent her from being held in detention.

²⁸ *Id.*

²⁹ Source on file with author. Interview with anonymous source.

³⁰ *Id.*

³¹ *Id.*

Against Ms. Novak's request, Mr. Dubinin failed to appeal the Lefortovsky District Court of Moscow's pre-trial detention decision within the legally required three-day window.³²

On December 28, 2023, Ms. Novak was formally charged under Article 275.1 of the Russian Criminal Code for cooperating on a confidential basis with a foreign government as a reporter with Siberia.Realities, the local Siberian news site run by RFE/RL's Russian Service—Radio Svoboda. On February 19, 2024, the Lefortovsky District Court of Moscow extended the order of pre-trial detention. Though Mr. Dubinin was present at the hearing, he once again failed to appeal the order extending Ms. Novak's pre-trial detention, despite her request to do so. The next day, Ms. Novak was able to secure alternative counsel. Unlike Mr. Dubinin, who never visited her in Lefortovo Prison, Ms. Novak's new lawyer visited her at least three times a month and helped facilitate her communication with relatives.³³

Ms. Novak was held in a two-person cell, which had lights on for 24 hours a day, in Lefortovo Prison until October 2024, nearly 10 months after her arrest in December 2023.³⁴

In September 2024, with the approval of the General Prosecutor's Office of the Russian Federation, Ms. Novak's case was transferred to the Zabaykalsky Regional Court in Chita. The following month, Ms. Novak was transferred to a detention center in Chita.³⁵ The conditions of pre-trial detention in Chita were reportedly significantly worse than they were in Lefortovo Prison. According to Ms. Novak, "the pea soup [wa]s more like water with a couple of beans thrown in; the pasta resemble[d] glue with pieces of dough and fibers of stew."³⁶ In addition to receiving inadequate nutrition, Ms. Novak received inadequate medical care while in pre-trial detention in Chita. For example, when Ms. Novak developed a toothache in February 2025, she did not receive any medical assistance.³⁷

4. Trial & Conviction

Ms. Novak's closed-door trial began in Chita on October 8, 2024. Details of the trial were intentionally concealed, but images from the courtroom show Ms. Novak in a

³² *Id.*

³³ *Id.*

³⁴ *Id.*; see also Siberia.Realities, 'Daughter Jailed for Her Profession' Four Years for Working with Foreign Media, RFE/RL (26 November 2024) (unofficially translated).

³⁵ *Id.*; see also RFE/RL, *Advocacy: Nika Novak*, accessed at <https://about.rferl.org/advocacy/imprisoned-journalists/nika-novak/>.

³⁶ Source on file with author. Interview with anonymous source.

³⁷ *Id.*

cage during trial.³⁸ Due to widespread fear associated with representing clients prosecuted by the FSB, Ms. Novak was unable to find a reliable lawyer in Chita. Given the distance between Chita and Moscow, Ms. Novak was unable to routinely meet with her Moscow-based lawyer leading up to the trial. Ms. Novak was also prevented from speaking with her legal counsel for more than five minutes at a time before hearings. During the trial, Judge Svetlana Mingaleva also prevented Ms. Novak from visiting and contacting her mother under the pretext that her mother was a witness in the case.³⁹

On November 26, 2024, the court sentenced Ms. Novak to four years in prison for violating Article 275.1 of the Russian Criminal Code — which prohibits the “establishment and maintenance by a citizen of the Russian Federation of cooperation relations on a confidential basis with a representative of a foreign State, international or foreign organization in order to assist them in activities knowingly directed against the security of the Russian Federation”⁴⁰ — for her work as a journalist.⁴¹ The court repeatedly emphasized her work with RFE/RL as the basis for the conviction and implied that working with RFE/RL as a journalist was comparable to working as a spy for the United States.⁴²

Shortly after the sentence was announced, Ms. Novak filed an appeal to challenge her conviction on numerous grounds that included both substantive and procedural errors by the court. In the midst of appeal preparations, on December 25, 2024, Ms. Novak’s defense lawyer was removed from her case due to alleged violations of Russian law regarding the protection of State secrets, and Ms. Novak was provided with a government-appointed defense lawyer for all subsequent proceedings in her case.⁴³

On February 21, 2025, Ms. Novak was transferred from Chita to Novosibirsk for an appellate court hearing, which was scheduled for March 24, 2025. Three days later, she was sent to an intermediary city in Russia, Irkutsk, where she spent three days before being she was again transferred, this time to a detention facility in Novosibirsk on

³⁸ See Elizaveta Vereykina, *Russian Journalist Jailed for 4 Years*, The Barents Observer (26 November 2024), accessed at <https://www.thebarentsobserver.com/news/russian-journalist-jailed-for-4-years/421335>.

³⁹ Source on file with author. Interview with anonymous source.

⁴⁰ See OSCE Russia Report, p. 69 (quoting Article 275.1 of the Russian Criminal Code).

⁴¹ See Siberia.Realities, ‘*Daughter Jailed for Her Profession*’ *Four Years for Working with Foreign Media*, RFE/RL (26 November 2024) (unofficially translated); Elizaveta Vereykina, *Russian Journalist Jailed for 4 Years*, The Barents Observer (26 November 2024).

⁴² See Trial Court Sentence (26 November 2024), p. 8 (describing RFE/RL as “engaged in developing policies to combat, among others, the Russian Federation. During the investigation, it was established that information collected by ‘free journalists’ on the territory of the Russian Federation is not only broadcast by Radio Free Europe/Radio Liberty, but is also transferred to the CIA in the United States”).

⁴³ See Appellate Decision (31 March 2025), p. 18.

February 27, 2025. Between March and April 2025, Ms. Novak was held in the detention facility in Novosibirsk.⁴⁴

Initially, Ms. Novak was placed in a general cell with ten other female inmates, before she was transferred to a solitary cell at the request of her lawyer. On March 21, 2025, prison authorities placed Ms. Novak under “special watch” without any explanation.⁴⁵ While under “special watch,” Ms. Novak was forbidden from turning off the lights. She was repeatedly woken up during the night, and she was subject to more frequent searches by prison authorities.⁴⁶

On March 31, 2025, the Fifth Appeals Court of General Jurisdiction upheld Ms. Novak’s sentence, including the confiscation of approximately 500 thousand Rubles [approximately \$6,000 U.S. Dollars] from her.⁴⁷ Due to certain procedural errors by the lower court, the Fifth Appeals Court overturned the portion of the sentence ordering recovery of the cost of prosecution witnesses’ travel to the courts and remanded the question back to the lower court for a new trial before a different panel of judges.⁴⁸ The Fifth Appeals Court also rejected Ms. Novak’s challenge to the removal of her self-selected defense lawyer and replacement with a government-appointed attorney, finding that the lower court’s decision on this issue did not violate Ms. Novak’s right to counsel.⁴⁹

In April 2025, Ms. Novak was moved from the pre-trial detention center in Novosibirsk back to the pre-trial detention center in Chita, where she remains under “special watch” as of this writing. Her lawyer is currently preparing to file a cassation appeal to a higher court.⁵⁰

⁴⁴ Source on file with author. Interview with anonymous source. *See also* RFE/RL, *Advocacy: Nika Novak*.

⁴⁵ *See* RFE/RL, *Advocacy: Nika Novak*. It is unclear on what grounds Ms. Novak was placed under special watch, which is typically used against detainees accused of extremism. Ministry of Justice rules surrounding special watch are vague, leaving the decision to the discretion of the prison administration. *See* Siberia.Realities, *Convicted Journalist Nika Novak’s Detention Conditions in Novosibirsk Pre-trial Detention Center Have Been Tightened*, RFE/RL (21 March 2025) (unofficially translated), accessed at <https://www.sibreal.org/a/nahodyascheysya-v-sizo-novosibirska-osuzhdennoy-zhurnalistke-nike-novak-uzhestochili-usloviya-soderzhaniya/33355008.html>.

⁴⁶ Source on file with author. Interview with anonymous source.

⁴⁷ Appellate Decision (31 March 2025), p. 21.

⁴⁸ *Id.*, pp. 19–21; *see also* Siberia.Realities, *‘Daughter Jailed for Her Profession’ Four Years for Working with Foreign Media*, RFE/RL (26 November 2024) (unofficially translated).

⁴⁹ Appellate Decision (31 March 2025), pp. 18–19 (finding that “[t]here is no basis for relief upon the arguments of the petition against the court ruling of December 25, 2024 on the removal of lawyer Yu. N. Kuznetsova from further participation in the proceedings.”).

⁵⁰ Source on file with author. Interview with anonymous source.

B. Legal Analysis

For the reasons set forth below, the arrest and detention of Ms. Novak is arbitrary under Category I, Category II, Category III, and Category V of the Working Group's Revised Methods of Work.⁵¹

1. Arbitrary Deprivation of Liberty under Category I—Without Legal Basis

A detention is arbitrary under Category I of the Working Group's Revised Methods of Work when it is “clearly impossible to invoke any legal basis justifying the deprivation of liberty.”⁵² In Ms. Novak's case, the Russian government had no legal basis on which to justify Ms. Novak's deprivation of liberty since December 25, 2023, because the legal basis for detention under Article 275.1 is impermissibly broad and vague and the procedures of arrest were improper.

(a) Legal basis for detention is impermissibly broad and vague

Category I includes violations of the right of individuals to know what the law is and what conduct violates the law under Article 15(1) of the International Covenant on Civil and Political Rights (“ICCPR”) and Article 11(2) of the Universal Declaration of Human Rights (“UDHR”).⁵³ As the Working Group has described, “[o]ne of the fundamental guarantees of due process is the principle of legality (*nullum crimen, nulla poena sine lege*), including ... the principle of certainty.”⁵⁴ According to the Working Group, “an act can be punished only if, at the time of its commission, the act was the object of a valid, sufficiently precise, written criminal law to which a sufficiently certain sanction

⁵¹ See U.N. General Assembly, *Methods of the Working Group on Arbitrary Detention*, U.N. Doc. A/HRC/33/66 (12 July 2016) [hereinafter “WGAD Methods”], ¶ 8. An arbitrary deprivation of liberty is defined in the International Covenant on Civil and Political Rights as any “depriv[ation] of liberty except on such grounds and in accordance with such procedures as are established by law.” Art. 9(1), ICCPR. Russia has been a party to the ICCPR since 1973. See Treaty Body Database, *Ratification Status for CCPR*, OHCHR, accessed at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR.

⁵² WGAD Methods, ¶ 8a.

⁵³ See *Umbetaliyev et al. v. Kazakhstan*, WGAD Opinion No. 33/2021, U.N. Doc. A/HRC/WGAD/2021/33 (14 October 2021), ¶ 63.

⁵⁴ *Abulkhair v. Saudi Arabia*, WGAD Opinion No. 10/2018, U.N. Doc. A/HRC/WGAD/2018/10 (4 July 2018), ¶ 50.

was attached.”⁵⁵ Thus, “vaguely and broadly worded provisions, which cannot qualify as *lex certa*, violate the due process of law undergirded by the principle of legality.”⁵⁶

The Russian government’s application of Article 275.1 was vague and overbroad because the provision does not clearly identify what conduct violates the law. Article 275.1 criminalizes “cooperation” with representatives of “foreign States,” as well as foreign and international organizations.⁵⁷ This wording is very vague and could include any communication with a non-Russian national, including communications with family members or social contacts outside of Russia. The vague and overbroad wording of Article 275.1 has been criticised by the Organization for Security and Co-operation in Europe (“OSCE”), which found that it could potentially criminalize contact with “this very OSCE expert mission” and be used to target journalists.⁵⁸

In Ms. Novak’s case, the law encompasses the entirety of her reporting because it is done in connection with RFE/RL, a foreign organization, which is precisely the overbreadth the OSCE was concerned about. Article 275.1 could criminalize any communication with her employer or journalistic sources outside of Russia. Additionally, because of the breadth of Article 275.1 virtually any communication with a non-Russian national could be criminalized. It would be nearly impossible to police every instance of communication with a non-Russian national, so the law does not give people notice of which types of communications are actually criminal and can be used to selectively punish certain groups. Ms. Novak was the first journalist in Russia to be detained under the expanded Article 275.1 and could not have known that her journalism for RFE/RL would be the subject of such a harsh penalty.

(b) Improper Arrest Procedures Carried out by Russian Authorities

Although there is no requirement that a detainee be presented with an arrest warrant under Russian law, international law clearly requires a warrant before law enforcement agents can conduct an arrest. Article 9(2) of the ICCPR sets out that “anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.” The Working Group has emphasized that, under international law, authorities cannot merely “invoke” the legal basis for a deprivation of liberty but must also “apply it . . . through an arrest warrant.”⁵⁹

⁵⁵ *Id.*

⁵⁶ *Id.*, ¶ 52. See also *Al-Faraj v. Saudi Arabia*, WGAD Opinion No. 92/2020, U.N. Doc. A/HRC/WGAD/2020/92 (17 March 2021), ¶¶ 55, 57; *Nieto et al. v. Cuba*, WGAD Opinion No. 4/2020, U.N. Doc. A/HRC/WGAD/2020/4 (26 June 2020), ¶ 135.

⁵⁷ See OSCE Russia Report, p. 69 (quoting Article 275.1 of the Russian Criminal Code).

⁵⁸ *Id.*, at 71.

⁵⁹ *Al-Faraj v. Saudi Arabia*, WGAD Opinion No. 92/2020, U.N. Doc. A/HRC/WGAD/2020/92 (17 March 2021), ¶ 44.

The Working Group has thus repeatedly found arrests and detentions in the absence of a warrant to be unlawful.⁶⁰ Arresting authorities must present an arrest warrant or otherwise inform the detained person of the reasons for the arrest, *at the time of the arrest*.⁶¹

Ms. Novak was not shown an arrest warrant at the time of her arrest in 2023. When she was arrested, Ms. Novak did not have the phone number of her lawyer written down, and authorities in Chita did not inform her of her right to counsel and would not help her get legal counsel. On December 25, after Ms. Novak had been arrested and transferred from Chita to the detention facility in Moscow, an FSB investigator drew up a detention protocol that allowed the FSB to hold Ms. Novak for 48 hours. Additionally, after her transfer to Moscow, the investigator submitted a motion to the Lefortovo District Court of Moscow requesting that Ms. Novak be held in pre-trial detention until February 24, 2024, which the court granted.⁶² Neither the investigator's detention protocol nor the court order for detention informed Ms. Novak of the reasons for her arrest *at the time of the arrest*, so they do not establish a legal basis for the arrest.

As a result, the Russian authorities failed to meet the standards of due process of law under Article 9. Therefore, the deprivation of liberty that Ms. Novak has suffered has no legal basis on which it can be justified, which renders her detention arbitrary under Category I.

2. Arbitrary Deprivation of Liberty under Category II—Violated Right to Freedom of Expression and Association

A detention is arbitrary under Category II of the Working Group's revised Methods of Work when it "results from the exercise of [fundamental] rights or freedoms" protected under international law, including the rights to freedom of expression and freedom of

⁶⁰ See *id.*, ¶ 47; *Wang v. Iran*, WGAD Opinion No. 52/2018, U.N. Doc. A/HRC/WGAD/2018/52 (21 September 2018), ¶¶ 69, 71; *Abulkhair v. Saudi Arabia*, WGAD Opinion No. 10/2018, U.N. Doc. A/HRC/WGAD/2018/10 (4 July 2018), ¶¶ 45–46, 57–58.

⁶¹ See *Wang v. Iran*, WGAD Opinion No. 52/2018, U.N. Doc. A/HRC/WGAD/2018/52 (21 September 2018), ¶ 69.

⁶² Additionally, and as further detailed below, Ms. Novak's pre-trial detention was unlawful because the court in Moscow failed to determine that her individual circumstances warranted pre-trial detention. Ms. Novak was held for months in pre-trial detention thousands of miles from her home because the court concluded that she was suspected of committing a particularly serious crime against the foundations of the constitutional order and national security. The court did not give consideration to the fact that Ms. Novak had not fled Chita after being contacted by the FSB in March 2023 and November 2023, and she did not have a passport that would allow her to travel internationally.

association.⁶³ In Ms. Novak’s case, the Russian government has violated both of these rights.

(a) Russia violated Ms. Novak’s freedom of expression

Article 19 of the UDHR and Article 19 of the ICCPR provide for the right to freedom of opinion and expression “without interference,” including opinions of a political, scientific, historic, moral, or religious nature. A government violates its obligations under Article 19(1) of the ICCPR if it harasses, intimidates, or unlawfully detains an individual for holding a particular opinion.⁶⁴ Similarly, these provisions protect the public’s right to receive information free from government interference or censorship.⁶⁵ Thus, they also protect the work of journalists in freely gathering information and disseminating news and ideas,⁶⁶ which the U.N. Human Rights Committee (“HRC”) has called the “cornerstone of a democratic society.”⁶⁷

Despite these protections under international law, the Russian government arbitrarily detained Ms. Novak for exercising her right to freedom of expression. Ms. Novak was charged with and convicted of cooperating with a representative of a foreign organization — a charge which could encompass almost any communication with a non-Russian national. The court repeatedly emphasized that this charge is directly related to her work as a journalist writing for RFE/RL.⁶⁸

Freedom of expression is not an absolute right under the ICCPR and may be subject to limited restrictions in certain circumstances. However, under Article 19(3), such restrictions must be provided by law and must be necessary either to respect the rights and reputations of others or for the protection of national security, public order, or public health or morals. The HRC has interpreted the limitations under Article 19(3) narrowly, noting that the government must meet a “strict test of justification,” and that any limitation must not jeopardize the right itself.⁶⁹ Thus, this limitation does not allow

⁶³ WGAD Methods, ¶ 8b.

⁶⁴ See U.N. Human Rights Committee, *General Comment No. 34*, U.N. Doc. CCPR/C/GC/34 (12 September 2011) [hereinafter “General Comment No. 34”], ¶ 9.

⁶⁵ See *id.*, ¶ 13.

⁶⁶ *Id.*; see also *Mavlonov et al. v. Uzbekistan*, HRC Comm. No. 1334/2004, U.N. Doc. CCPR/C/95/D/1334/2004 (27 April 2009), ¶ 8.4.

⁶⁷ General Comment No. 34, ¶ 13.

⁶⁸ Trial Court Sentence (26 November 2024), p. 8.

⁶⁹ *Id.*, ¶ 21; *Velichkin v. Belarus*, HRC Comm. No. 1022/2001, U.N. Doc. CCPR/C/85/D/1022/2001 (23 November 2005), ¶ 7.3; *Mavlonov et al. v. Uzbekistan*, HRC Comm. No. 1334/2004, U.N. Doc. CCPR/C/95/D/1334/2004 (27 April 2009), ¶ 8.3.

the government to silence independent journalists who report on important issues, even if the government disapproves of the reporting.

Here, the limitation does not apply. Ms. Novak's articles on RFE/RL and her previous publications reported on conditions in and involving Russia. Because Ms. Novak was punished for her journalism about conditions in and involving Russia, the Russian government did not have a justification to limit Ms. Novak's right to freedom of expression and violated this fundamental right. Additionally, the government punished Ms. Novak in response to her criticisms of the War in Ukraine. As will be discussed further below, the Russian government has specifically criticized Ms. Novak's journalism for "causing reputational damage" to Russia," particularly in connection with "its war in Ukraine."⁷⁰ The court viewed the primary aim of Ms. Novak's work with RFE/RL as destabilizing the Russian Federation⁷¹ even though her reporting focused on local aspects of the war. The government targeted Ms. Novak in response to her legitimate work as a journalist reporting on critical issues in Russia, and her work does not fall within the narrow exceptions of Article 19(3), so the continued imprisonment of Ms. Novak violates her right to peaceful free expression under Article 19(2).

(b) Russia violated Ms. Novak's freedom of association

Article 20 of the UDHR and Article 22(1) of the ICCPR provide for the right to freedom of association. The UDHR and ICCPR thus protect the right of individuals to associate with like-minded people or join groups to pursue a common interest and refers to the group's right to form and carry out activities in accordance with its mission, including if this mission is political, social, cultural, religious, or commercial.⁷² By targeting Ms. Novak because of her association with RFE/RL, the Russian government violated Ms. Novak's freedom of association.

This right is not absolute, but the ICCPR establishes strict standards that a government must meet to restrict freedom of association. Article 22(2) of the ICCPR prohibits restrictions "other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and

⁷⁰ See *infra*, Section III.B.4; VOA News, *Russia Jails Journalist over Claims She Discredited the Military* (26 November 2024), accessed at <https://www.voanews.com/a/russia-jails-journalist-over-claims-she-discredited-the-military-/7878011.html>.

⁷¹ See Trial Court Sentence (26 November 2024), pp. 21-22.

⁷² See, e.g., OSCE/ODIHR & Venice Comm'n, *Joint Guidelines on Freedom of Association*, CDL-AD(2014)046 (17 December 2014), ¶¶ 7-9, accessed at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)046-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)046-e).

freedoms of others.”⁷³ Despite the use of Russian domestic law to justify arbitrarily detaining Ms. Novak for her work with RFE/RL, the criminal provision invoked by the Russian government violates international law. By criminalizing the “establishment and maintenance by a citizen of the Russian Federation of relations of cooperation on a confidential basis with a representative of a foreign State, international or foreign organization for the purpose of assisting them in activities knowingly directed against the security of the Russian Federation,”⁷⁴ Article 275.1 infringes on the right to freedom of association. The limitation under Article 22(2) of the ICCPR based on “the interests of national security” does not apply in Ms. Novak’s case because there is no evidence or indication that her reporting about the daily life of Russian nationals and the realities of the War in Ukraine risked harming national security or public safety. As such, the Russian government arbitrarily detained Ms. Novak in violation of her right to freedom of association.

3. Arbitrary Deprivation of Liberty under Category III—Russia Violated Ms. Novak’s Right to a Fair Trial

A detention is arbitrary under Category III of the Working Group’s revised Methods of Work when it violates the prisoner’s due process or one of the tenets of the right to fair trial in so grave a manner “as to give the deprivation of liberty an arbitrary character.”⁷⁵ The minimum international standards of due process are established in the ICCPR, the UDHR, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the United Nations Standard Minimum Rules for the Treatment of Prisoners. Russia has committed violations of Ms. Novak’s rights under these standards.

(a) Russia violated Ms. Novak’s right to a prompt trial and to release pending trial

Article 9(3) of the ICCPR provides that “anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power.” The HRC has explained that the ICCPR requires that criminal defendants be “entitled to trial within a reasonable time or to release.”⁷⁶ The HRC further notes that this requirement “applies specifically to periods of pre-trial detention, that is,

⁷³ See also *Korneenko et al. v. Belarus*, HRC Comm. No. 1274/2004, U.N. Doc. CCPR/C/88/D/1274/2004 (10 November 2006), ¶ 7.3; *Katsora et al. v. Belarus*, HRC Comm. No. 1383/2005, U.N. Doc. CCPR/C/100/D/1383/2005 (3 November 2010), ¶ 8.2.

⁷⁴ See OSCE Russia Report, p. 69 (quoting Article 275.1 of the Russian Criminal Code).

⁷⁵ WGAD Methods, ¶ 8c.

⁷⁶ U.N. Human Rights Committee, *General Comment No. 35*, U.N. Doc. CCPR/C/GC/35 (16 December 2014) [hereinafter “General Comment No. 35”], ¶ 37.

detention between the time of arrest and the time of judgment at first instance.”⁷⁷ Although the HRC has recognized that the reasonableness of trial delays must be assessed on a case-by-case basis, the government is obligated to provide justification for delaying a trial, particularly in cases where the defendant is held in pre-trial detention.⁷⁸ Moreover, the HRC has established that pre-trial detention should not be the general rule. Rather, unless the government can determine that there is an extreme need to hold a criminal defendant in captivity, the defendant is entitled to pre-trial release.⁷⁹

Here, Ms. Novak was held in pre-trial detention for nearly ten months from December 2023 to October 2024, approximately 4,700 kilometers from her home in Chita. She was held, without apparent cause, in a facility which is operated by Russia’s internal security service, and which is primarily used to hold dangerous military criminals, terrorists, and extremists. There is no apparent explanation or justification for such a lengthy and distant pre-trial detention; no facts exist that suggest that Ms. Novak could not safely and properly remain in Chita following her arrest. Because the Russian government has failed to provide an explanation for Ms. Novak’s pre-trial detention, it has violated her right to be promptly brought before a judicial authority or to be granted pre-trial release until her case was tried.

(b) Russia violated Ms. Novak’s right to a public hearing

Article 14(1) of the ICCPR provides that everyone charged in a criminal matter is entitled to a public hearing. The HRC has elaborated on this right, stating that:

All trials in criminal matters or related to a suit at law must in principle be conducted orally and publicly. ... Courts must make information regarding the time and venue of the oral hearings available to the public and provide for adequate facilities for the attendance of interested members of the public, within reasonable limits ...⁸⁰

The HRC has acknowledged that “courts have the power to exclude all or part of the public” for certain legitimate reasons, including “for reasons of morals, public order[,] or national security in a democratic society.”⁸¹ However, apart from these certain

⁷⁷ *Id.*

⁷⁸ *Id.*, ¶¶ 37–38; see also *Engo v. Cameroon*, HRC Comm. No. 1397/2005, U.N. Doc. CCPR/C/96/D/1397/2005 (17 August 2009), ¶ 7.2 (holding that a lengthy pre-trial detention “in itself constitutes a violation of article 9, paragraph 3, of the Covenant.”)

⁷⁹ General Comment No. 35, ¶ 38.

⁸⁰ U.N. Human Rights Committee, *General Comment No. 32*, U.N. Doc. CCPR/C/GC/32 (23 August 2007), ¶ 28.

⁸¹ *Id.*, ¶ 29.

“exceptional circumstances,” the HRC has found that hearings “must be open to the general public, including members of the media.”⁸²

Here, the court elected to try Ms. Novak behind closed doors in Chita, without providing access to the public or to Ms. Novak’s family members. Furthermore, the government has not established, nor are there any apparent facts to support, circumstances that would justify the suspension of this right to a public hearing, as the trial of Ms. Novak did not present any risk to morals, public order, or national security. Accordingly, the Russian government violated Ms. Novak’s right to a public hearing under Article 14 of the ICCPR.

(c) Russia violated Ms. Novak’s right not to be subjected to cruel, inhuman, or degrading treatment

Under Article 7 of the ICCPR, “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”⁸³ Article 10(1) of the ICCPR further mandates that detainees “be treated with humanity and with respect for the inherent dignity of the human person.” The HRC has noted that actions causing mental suffering may constitute cruel, inhuman, or degrading treatment.⁸⁴

Ms. Novak suffered cruel, inhuman, and degrading treatment at several points throughout her detention and trial. Ms. Novak was arrested with unnecessary violence, as she was dragged by agents out of her bed. Ms. Novak's mother noticed that her mouth was bloodied as she was taken away. During her 4,700-kilometer-long flight from Chita to Moscow (which takes approximately eight hours, according to public information), Ms. Novak was not permitted to eat or drink and was forced to listen to Russian patriotic music. In pre-trial detention in Moscow, Ms. Novak was held at a detention center primarily used for dangerous criminals, terrorists, and extremists. While there, Ms. Novak was kept in a two-person cell, the lights of which were kept on for twenty-four hours a day.

In Chita, the conditions of Ms. Novak's detention worsened further. Ms. Novak received inadequate nutrition; she described “the pea soup [as] more like water with a couple of beans thrown in; the pasta resembles glue with pieces of dough” In addition to receiving meager servings of food, Ms. Novak also received inadequate medical care in detention facilities in Chita. For example, in February 2025, she developed a toothache, for which the authorities at the detention center refused to provide medical assistance.

⁸² *Id.*

⁸³ See also Art. 2(1), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”).

⁸⁴ U.N. Human Rights Committee, *General Comment No. 20* (10 March 1992), ¶ 5.

Since March 1, 2025, Ms. Novak's living conditions have worsened still further. On March 7, 2025, while she was being held at a facility in Novosibirsk, she was placed in a solitary cell. On March 21, 2025, the prison authorities placed Ms. Novak under a "special watch" without any explanation, under which conditions she was forbidden from turning off her lights at any time, she was frequently woken up in the middle of the night, and she was subject to frequent searches by prison authorities.

On April 8, 2025, Ms. Novak was transferred from Novosibirsk back to the pre-trial detention center in Chita. The journey lasted approximately a week, during which time Ms. Novak was forced to travel in a cramped train car in poor conditions. For instance, during an overnight stop in Irkutsk, Ms. Novak was forced to stay in a cell with rats and without heat or hot water. As a result of the difficult journey, Ms. Novak arrived at the detention center in Chita in poor health.

Taken together, these conditions suggest an effort by the Russian authorities to punish Ms. Novak by subjecting her to cruel, inhuman, or degrading treatment, without any apparent justification or explanation. Accordingly, such treatment constitutes a violation of the ICCPR and supports a finding that her deprivation of liberty is arbitrary thereunder.

(d) Russia violated Ms. Novak's right to counsel

Under Article 14(3)(b) of the ICCPR, everyone charged with a criminal offense has the right to the assistance of counsel of his choosing, including the right to communicate with counsel. The right to counsel applies at all stages of criminal proceedings and is particularly vital during periods of detention.⁸⁵ In this regard, the Human Rights Committee has held that "all persons who are arrested must immediately have access to counsel."⁸⁶ In *Zhuk v. Belarus*, for example, the Committee found a violation of Article 14(3)(b) where a detainee had "only been allowed to see a lawyer for five minutes and ha[d] effectively been deprived of legal assistance during the initial phases of the investigative proceedings, and [had been] forced to participate in investigative actions [including police interrogation] without legal advice, despite his requests for a lawyer."⁸⁷

⁸⁵ See U.N. Basic Principles on the Role of Lawyers (7 September 1990), Principle 1, accessed at <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>; U.N. General Assembly, *Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment*, U.N. Doc. A/RES/43/173 (Annex) (9 December 1988), Principles 17(1), 18.

⁸⁶ U.N. Human Rights Committee, *Concluding Observations on the Initial Report of Georgia*, U.N. Doc. CCPR/C/79/Add.75 (5 May 1997), ¶ 27. See also General Comment No. 35, ¶ 35; ECtHR, *Dayanan v. Turkey*, App. No. 7377/03 (13 October 2009), ¶¶ 30–32; ECtHR, *Salduz v. Turkey*, App. No. 36391/02 (27 November 2008), ¶¶ 54–55.

⁸⁷ *Zhuk v. Belarus*, HRC Comm. No. 1910/2009, U.N. Doc. CCPR/C/109/D/1910/2009, (2 December 2013), ¶ 8.5; *id.*, ¶ 2.1. See also *Lyashkevich v. Uzbekistan*, HRC Comm. No.

As elaborated by the European Court of Human Rights, access to counsel should be provided “as soon as [the accused is] placed in police custody or pre-trial detention,”⁸⁸ and as a baseline, whether or not the individual is in detention, “from the first interrogation of a suspect by the police, unless it is demonstrated in the light of the particular circumstances of each case that there are compelling reasons to restrict this right.”⁸⁹

Under Article 14(3)(d) of the ICCPR, individuals facing criminal charges are further entitled to be informed of the right to legal assistance, and such notification shall occur immediately upon arrest.⁹⁰ In *Saidova v. Tajikistan*, for instance, although the defendant was eventually assigned a lawyer towards the end of the investigation, the Human Rights Committee found a violation of Article 14(3)(d) because he “was not informed of his right to be represented by a lawyer upon arrest.”⁹¹

In this case, Ms. Novak’s rights as described above were violated on several occasions. Ms. Novak was not informed of her right to counsel and was not able to contact her own lawyer upon her arrest and prior to her interrogation. In fact, she was not able to confer with counsel of her choosing for the first three months of her detention. The government-appointed counsel she was provided did not investigate her case, recommended she provide incriminating statements, repeatedly failed to adhere to her request to appeal court decisions granting and extending her pre-trial detention, and

1552/2007, U.N. Doc. CCPR/C/98/D/1552/2007 (11 May 2010), ¶ 9.4 (concluding that denying access to legal counsel “for one day” and conducting interrogations and other investigative acts during that time constitutes a violation of Article 14); *Gridin v. Russia*, HRC Comm. No. 770/1997, U.N. Doc. CCPR/C/69/D/770/1997 (20 July 2000), ¶ 8.5 (finding a violation of Article 14 where the accused was denied access to legal counsel and was interrogated during that time, and was unable to consult in private with counsel); *Saidov v. Tajikistan*, HRC Comm. No. 2680/2015, U.N. Doc. CCPR/C/122/D/2680/2015 (20 September 2018), ¶ 9.5 (similar); *Carranza Alegre v. Peru*, HRC Comm. No. 1126/2002, U.N. Doc. CCPR/C/85/D/1126/2002 (28 October 2005), ¶ 7.5 (finding a violation of Article 14 where the accused had been unable to communicate with counsel for seven days while being held incommunicado).

⁸⁸ ECtHR, *Dayanan v. Turkey*, App. No. 7377/03 (13 October 2009), ¶ 31.

⁸⁹ ECtHR, *Salduz v. Turkey*, App. No. 36391/02 (27 November 2008), ¶ 55; ECtHR, *Pishchalnikov v. Russia*, App. No. 7025/04 (24 September 2009), ¶ 70. See also ECtHR, *Panovits v. Cyprus*, App. No. 4268/04 (11 December 2008), ¶ 66; ECtHR, *Murray v. United Kingdom*, App. No. 18731/91 (8 February 1996), ¶ 66; ECtHR, *Mader v. Croatia*, App. No. 56185/07 (21 June 2011), ¶¶ 153, 158.

⁹⁰ See U.N. Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of the Netherlands*, U.N. Doc. CCPR/C/NLD/CO/4 (25 August 2009), ¶ 11.

⁹¹ *Saidova v. Tajikistan*, HRC Comm. No. 964/2001, U.N. Doc. CCPR/C/81/D/964/2001 (8 July 2004), ¶ 6.8. See also ECtHR, *Talat Tunç v. Turkey*, App. No. 32432/96 (27 March 2007), ¶¶ 59, 61–63 (finding a violation of the right to legal assistance where the authorities failed to actively ensure that the applicant knew that he could request the assignment of a free lawyer).

never visited her in custody. He also never objected to his client's treatment by authorities, even when they reportedly intimidated and threatened her with force in his presence.

Though Ms. Novak was eventually able to hire her own lawyer, she was not able to receive adequate counsel during trial. Ms. Novak was tried in Chita, which, given Chita's great distance from Moscow, meant that Ms. Novak was unable to meet routinely with her lawyer leading up to her trial. This issue was compounded as Ms. Novak struggled to find a non-government-appointed lawyer in Chita who was willing to represent her due to the widespread fear associated with representing clients who are being prosecuted by the FSB. Even once Ms. Novak was able to find independent legal counsel and meet with them, she was not permitted to speak with her legal counsel for more than five minutes at a time prior to the hearings in her case. Ms. Novak's lawyer was unable to counsel her from afar because court transcripts or recordings were prohibited from being taken out of the courthouse. These restrictions, made without any apparent justification or explanation, constitute infringements on Ms. Novak's right to access to legal counsel which constitute a violation of that right under the ICCPR.⁹²

4. Arbitrary Deprivation of Liberty under Category V—Russia Discriminated Against Ms. Novak on the Basis of Political Opinion

A detention is arbitrary under Category V of the Working Group's revised Methods of Work when it amounts to a "violation of international law on the grounds of discrimination based on" political opinion.⁹³ Article 26 of the ICCPR provides that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as ... political or other opinion

The Working Group has held that deprivation of liberty may be arbitrary on the grounds of political discrimination and has highlighted several indicators that serve to establish the discriminatory nature of deprivation of liberty based on actual or perceived

⁹² Ms. Novak's chosen lawyer was also ordered removed in the midst of preparing for her appeal, on December 25, 2024, for alleged violations of Russian law on protecting State secrets. Appellate Decision (31 March 2025), p. 18. Ms. Novak challenged the removal and replacement with a government-appointed attorney on appeal, but the Fifth Appeals Court upheld the order after only a cursory discussion that failed to substantively engage with the defense's arguments, providing no explanation for its conclusion that Ms. Novak's right to counsel had not been violated. *Id.*, pp. 18–19.

⁹³ WGAD Methods, ¶ 8c.

political opinion.⁹⁴ These indicators are not cumulative and include: (1) that the deprivation of liberty was part of a pattern of persecution against the detailed person, including, for example, through previous detention; (2) that other persons with similarly distinguishing characteristics have also been persecuted; and (3) that the context suggests that the authorities have detained a person on discriminatory grounds or to prevent him from exercising his human rights.⁹⁵

Here, all three of these factors are present. First, a pattern was established in the months leading up to Ms. Novak's arrest of her harassment by the FSB. In the spring of 2023, she was arrested while leaving a fitness club in Chita, taken to a police station, and accused of fraud. On this occasion, officers also installed a listening application on her phone without her knowledge or consent so that her calls could be monitored. Additionally, in November 2023, Ms. Novak was taken into custody for questioning after agents completed an "inspection" of her apartment and seized all her electronic equipment. The FSB has also asserted publicly that Ms. Novak's journalism was "'aimed at causing reputational damage' to Russia and an attempt to destabilize the country and its war in Ukraine," further suggesting that the basis for Ms. Novak's prosecution is her political opinions, and in particular her views on Russian foreign policy and the War.⁹⁶

Second, Russia has launched a wide-spread campaign of internal suppression against persons who publicly oppose the Russian government's invasion of Ukraine. Numerous instances of arbitrary arrests or detentions of demonstrators, members of human rights organizations, opposition figures, civil society activists, and, notably for Ms. Novak's case, journalists, have been documented and reported publicly.⁹⁷ Such cases indicate that the Russian detention of Ms. Novak fits a broader pattern of suppression and harassment of persons who publicly hold views contrary to its war policy.

Third, and connected with this second indicator, Ms. Novak's deprivation of liberty is situated within this wider crackdown on dissent, which the U.N. High Commissioner for Human Rights has characterized as an attempt by the Russian government "to further strengthen control of the narrative, both around domestic issues and the conduct of hostilities in Ukraine" resulting in "people in Russia hav[ing] increasingly restricted

⁹⁴ *Report of the Working Group on Arbitrary Detention*, U.N. Doc. A/HRC/36/37 (19 July 2017), ¶ 48.

⁹⁵ *Id.*

⁹⁶ VOA News, *Russia Jails Journalist over Claims She Discredited the Military* (26 November 2024), accessed at <https://www.voanews.com/a/russia-jails-journalist-over-claims-she-discredited-the-military-/7878011.html>.

⁹⁷ See CPJ, *Russia's Repression Record* (11 February 2025), accessed at <https://cpj.org/2025/02/russias-repression-record/>.

access to non-State information and viewpoints.”⁹⁸ The connection between Ms. Novak’s prosecution and the efforts of the Russian government to quell domestic political opposition is supported by the fact that Ms. Novak was not targeted until she began to publicly voice criticisms of the Russian government’s invasion of Ukraine. Additionally, the court based the detention on Ms. Novak’s work for RFE/RL and her perceived goal of working with RFE/RL to discredit the Russian government and shame patriotic Russian citizens.⁹⁹

Finally, regarding the third indicator, there is an overlap between Category II freedom of expression claims and Category V claims based on political opinion. The Working Group has held that where a deprivation of liberty results from political expression, there is a strong presumption that the deprivation of liberty also constitutes a violation of international law on the grounds of discrimination based on political views.¹⁰⁰ We respectfully submit that this presumption applies here.

Respectfully submitted,

William McCarren

Press Freedom Center

William McCarren
529 14th St. NW, 13th Floor
Washington, DC 20045
United States
wmccarren@press.org



Covington & Burling LLP

Peter Lichtenbaum
One CityCenter, 850 Tenth Street, NWs
Washington, DC 20001-4956
United States
plichtenbaum@cov.com

⁹⁸ OHCHR, *Russia: UN Human Rights Chief Troubled by Increasing Crackdown on Journalists* (7 May 2024), accessed at <https://www.ohchr.org/en/press-releases/2024/05/russia-un-human-rights-chief-troubled-increasing-crackdown-journalists>.

⁹⁹ See Trial Court Sentence (26 November 2024), p. 21 (“N.A. Novak. and the international organization ‘Siberia.Realities’ had the same intent: to impose on Russians a sense of shame for their country, to undermine the inherent patriotism in the Russian mentality, and to undermine internal Russian social and economic stability, the foundations of the constitutional order, the country’s defense capability and state security.”).

¹⁰⁰ See *Thirumurugan Gandhi v. India*, WGAD Opinion No. 88/2017, U.N. Doc. A/HRC/WGAD/2017/88 (23 January 2018), ¶ 43.