

Closing Statement by Oleg Orlov, Co-chair of Memorial, at His Second Criminal Trial on Politically Motivated Charges of “Discrediting Russia’s Armed Forces,”

Moscow, February 25, 2024

Translated from Russian by Human Rights Watch

The day this trial began, Russia and the world were shaken by the terrible news of Alexei Navalny’s death. The news shook me too. I even thought about foregoing a closing statement altogether: what’s the point of words today when we still haven’t gotten over this shock? But then I thought: these are all links in the same chain – the death, or rather the killing of Alexei, the judicial reprisals against other critics of the regime, including myself, the suffocation of freedom in the country, Russian forces’ invasion of Ukraine. So, I decided to speak up after all.

I have committed no crime. I am being tried for a media article I wrote in which I called the political regime that’s been put in place in Russia totalitarian and fascist. I wrote it over a year ago. At the time, some of my friends thought I was blowing things out of proportion.

But now it’s blatantly clear. I wasn’t exaggerating at all. The state in our country controls not only public, political, and economic life. It also seeks total control over culture and the sciences and invades private life. The state has become all-pervasive.

It’s been only a little over four months since my first trial ended, and in that time many things happened that illustrate how rapidly our country is sinking ever more deeply into darkness.

Here is a list of various recent developments of differing scale and tragedy:

- In Russia, books by a number of contemporary authors have been banned.
- A nonexistent “LGBT movement” has been banned, which, in reality, means brazen state interference in citizens’ private life.
- Prospective students applying at the Higher School of Economics are banned from citing “foreign agents.” Now, before applicants and students can study any given topic, they have to study and memorize lists of foreign agents.
- The well-known sociologist and leftist public intellectual Boris Kagarlitsky has been sentenced to five years in prison for a few words about events in the war in Ukraine that differ from the official narrative.
- When speaking publicly about the beginning of World War II, the person [president] whom propagandists are calling the “national leader” said the following: “After all, the Poles FORCED—they got carried away and FORCED—Hitler to make him start World War II with them. Why was it with Poland that the war started? Because Poland turned out to be DISOBEDIENT. Hitler had NO OTHER CHOICE but to start with Poland when implementing his plans.”

How else can you describe a political system where this takes place? In my view, there can be no doubt about the answer. Unfortunately, the conclusion in my article was correct.

It's not just public criticism that's banned, but any independent thought. Even actions seemingly unrelated to politics or criticism of the authorities can be punished. There is no field of art where free artistic expression is possible, there is no academic freedom in the humanities, there is no more private life.

Let me say a few words about the nature of the accusations against me and, in similar judicial proceedings against many others who, like me, speak out against the war.

I refused to take active part in the current trial against me, which thankfully gave me a chance to reread Franz Kafka's "The Trial" during the hearings. Our state of affairs really does have a few things in common with the situation Kafka's protagonist ended up in – absurdity and tyranny dressed up as formal adherence to some pseudo-legal procedures.

We're accused of discreditation, but no one explains how this is any different from legitimate criticism. We're accused of spreading knowingly false information, but no one bothers to show what's false about it. When we try to prove why the information is in fact accurate, these efforts become grounds for criminal prosecution. We're accused of not supporting the system of beliefs and worldview that the authorities have deemed correct, yet Russia is not supposed to have a state ideology. We're convicted for doubting that the goal of attacking a neighboring state is to maintain international peace and security. Absurd.

Through the end of the novel, Kafka's protagonist has no idea what he is accused of, yet he is convicted and executed. In Russia, we are formally informed of the charges, but it's impossible to understand them within any framework of law.

However, unlike Kafka's protagonist, we do know the real reason why we're being detained, tried, arrested, sentenced, and killed. We are being punished for daring to criticize the authorities. In present-day Russia, this is absolutely prohibited.

Members of parliament, investigators, prosecutors, and judges do not openly acknowledge this. They hide it under absurd and illogical wording of new so-called laws, indictments, and verdicts. But that's the reality.

Right now, Alexey Gorinov, Alexandra Skochilenko, Igor Baryshnikov, Vladimir Kara-Murza, and many others are slowly being killed in penal colonies and prisons. They are being killed for protesting against the bloodshed in Ukraine, for wanting Russia to become a democratic, prosperous state that does not pose a threat to the world around it.

In recent days, people have been seized, sanctioned, even jailed simply for coming to memorials for victims of political repression to honor the memory of killed Alexey Navalny. He was an amazing person, brave and honest, who, in conditions that were made incredibly harsh specifically for him, did not lose optimism and faith in the future of our country. Whatever the specific circumstances of his death might have been, this was a murder.

Even after his death, the authorities are at war against Navalny, destroying pop-up memorials to him. They fear him even in death - and with good reason.

Those who are doing this this hope that it will demoralize that part of Russian society that continues to feel responsible for their country.

Their hopes are misplaced.

Navalny urged us, "Don't give up." We remember that. What I can add is this: do not lose heart, do not lose optimism. Because truth is on our side. Those who have dragged our country into the abyss where it is now represent the old, decrepit, outdated order. They have no vision for the future – only false narratives of the past, delusions of "imperial greatness." They are pushing Russia backward, into the dystopia Vladimir Sorokin described in [his novel] "Day of the Oprichnik." But we live in the 21st century, the present and the future are with us, and our victory is inevitable.

In closing, and perhaps to the surprise of many, I have a few words to say to those who are working to push forward the machine of repression. To government officials, law enforcement officers, judges, prosecutors.

In fact, you know exactly what's going on. And far from all of you are convinced that political repression is necessary. Sometimes you regret what you're forced to do, but you tell yourself: "What else can I do? I'm just following orders. The law is the law."

A word to you, your Honor, and to the prosecution. Aren't you yourselves afraid? You probably also love our country, aren't you afraid to witness what it's turning into? Aren't you afraid that not only you and your children but, God forbid, your grandchildren also will have to live in this absurdity, in this dystopia?

Doesn't the obvious occur to you – that sooner or later, the machine of repression may roll over those who launched it and drove it forward? That's what happened many times throughout history.

I'll repeat what I said at the earlier trial. Sure, the law is the law. But as I recall, in 1935, the so-called Nuremberg Laws were adopted in Germany. And then, after the victory in 1945, those who enforced them were put on trial.

I am not entirely sure whether the creators and enforcers of Russia's anti-legal, anti-constitutional laws will themselves be held accountable. But they will inevitably be punished. Their children or grandchildren will be ashamed to talk about where their fathers, mothers, grandfathers, and grandmothers worked and what they did. Same will happen to those who, in carrying out orders are committing crimes in Ukraine. In my view, this is the worst punishment. And it is inevitable.

Punishment is clearly inevitable for me as well, because in today's circumstances, an acquittal on this charge is impossible.

Now we will see what the verdict is.

But I have nothing to regret or repent for.