

Navalny arrested upon his return to Russia

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On 18 January, Alexei Navalny was arrested for 30 days, after being detained at Moscow's Sheremetyevo airport during passport control the day before. The detention was requested by the Federal Prison Service (FSIN). The FSIN asked the court to change Navalny's suspended prison sentence of three and a half years (handed down in 2014 in the so-called 'Yves Rocher' case) to jail term, due to an alleged violation of probation conditions. His probation period ended on 30 December, and on 28 December the FSIN summoned Navalny to report for a check-up the next day, knowing he was then convalescing in Berlin. A court hearing in this case is scheduled for 2 February.

On 18 January, however, Navalny was hastily brought to an additional court hearing to consider the FSIN's request for his preventive pre-trial detention. This was arranged outside the seat of the court, at the police station in Khimki, where Navalny had been taken from the airport (this procedure is only used in emergency situations; the court has so far not explained why this measure was resorted to). In violation of legal procedures, neither Navalny himself nor his lawyers had been informed about the court hearing beforehand (moreover, they had been unable to contact each other since his arrest). Although the hearing was formally open to the public, no representatives of the media (except for two pro-Kremlin TV channels) were admitted to the session.

On the day of Navalny's return to Russia, the authorities took a number of unprecedented measures to prevent demonstrations in support of him. Before his arrival, some oppositionists and civic activists were paid 'preventive' visits by law enforcement officers who warned them against greeting Navalny at the airport, and some of them were prevented from travelling. More than 1000 of Navalny's supporters who gathered at the Vnukovo airport were forced out of the terminal by large numbers of police forces, and access to the area was limited. More than 50 people were detained at the airport, and the total number of those detained on that day in Moscow and St. Petersburg reached 69. Earlier, journalists were forbidden to cover the event, and the gathering at the airport was declared illegal. Just before the plane carrying Navalny was scheduled to land, Vnukovo airport was closed (under false pretences of an obstacle on the runway), and the plane was redirected to Sheremetyevo airport, more than 40 km away. At the same time, traffic checks on the access roads between the two airports were introduced.

Navalny's arrest triggered an immediate and fairly broad (albeit not universal) reaction from the West. Both Mike Pompeo, Secretary of State of the outgoing Donald Trump administration, and Jake Sullivan, the designated national security advisor to Joe Biden, called for the Russian politician to be released. The latter also called for the perpetrators of

the “outrageous” attempt on his life to be brought to justice. He characterised the repression against the opposition activist as not only a “violation of human rights” but also as an “affront to the Russian people”. The President of the Council of the European Union, Charles Michel, described his detention as unacceptable, and the President of the European Parliament, David Sassoli called his detention an insult to the international community; they also both called for Navalny’s immediate release. The foreign ministers of Lithuania, Latvia and Estonia issued a joint statement demanding the immediate release of Navalny, describing his detention as “completely unacceptable” and calling on the EU to act immediately (including discussing possible sanctions). Statements on this matter were also issued by the EU’s High Representative for Foreign and Security Policy Josep Borrell, the Ministers of Foreign Affairs of Germany, Canada, Sweden, Italy, Austria and the Czech Republic (who announced that the issue of sanctions against Russia would be raised at the EU forum), France, Slovakia (in a more moderate tone) and Poland, as did the head of the European Commission Ursula von der Leyen and the German Chancellor Angela Merkel.

In response to the harsh criticism from the West, the Russian Ministry of Foreign Affairs’ spokeswoman Maria Zakharova asked Sullivan and “other foreign public figures” to “respect international law”, not to interfere with the internal affairs of “sovereign states”, and to focus on their own internal problems (a clear allusion to the recent riots in Washington). The head of Russian diplomacy, Sergei Lavrov, stated at a press conference on 18 January that the actions against Navalny had been carried out in accordance with Russian law, and that any further steps lay within the competence of the court. He also stated that the issue of Navalny’s detention had been artificially blown up abroad, and that the calls for his release were a distraction from the deep crisis of the liberal model of development. On one of Russian TV’s main propaganda programmes, the host Dmitri Kiselyov compared Navalny’s return to the 1917 journey of Vladimir Lenin, organised by German intelligence; Kremlin propaganda has long accused Navalny of attempting to destabilise the country.

Commentary

- The detention and arrest of Alexei Navalny do not come as a surprise; rather, this move was a natural consequence of the Russian authorities’ unsuccessful attempt to checkmate him (publicising the FSIN’s motion to have him imprisoned was intended to prevent him from returning to Russia). If the court decides to send him to prison, Navalny may not be released before the presidential elections scheduled for March 2024. Thus, as potentially the greatest threat to the authoritarian regime, he will be eliminated from active politics during a crucial period when key decisions may be taken on the gradual transfer of power.
- It is unclear whether and when the authorities will decide to take any further repressive steps against Navalny. Several criminal investigations are pending against him: one of these concerns his alleged slander of a war veteran (the court hearing in this case is to be held on 20 January), while another involves Navalny’s alleged embezzlement of 356 million roubles (about US\$5 million) from the funds of the Anti-Corruption Foundation and other Navalny’s organisations. Further criminal cases may follow, including espionage and collaboration with foreign secret services (as he disclosed personal data of the FSB officers involved in the attempt to poison him in August 2020). The punishment for such crimes may be up to 20 years in prison.

- The government's actions on 17 and 18 January revealed the Kremlin's fears about the development of the political situation in Russia. Although Navalny has not posed a significant and direct threat to the government, yet the ruling elite is apprehensive about him; this is probably why FSB agents attempted to murder Navalny in August 2020 - evidently at the Kremlin's orders. This growing anxiety stems from the increasing public discontent and poor socio-economic forecasts working against the government. These may possibly lead to difficulties with achieving the desired results in the parliamentary elections scheduled for September 2021 (it is worth noting that in recent years, Navalny's activism has contributed to the defeats of Kremlin-backed candidates in some local elections). The Putin regime is increasingly based on the lack of any political alternative, and Navalny, due to his charisma and growing recognition, could potentially become such an alternative. By announcing his return to Russia, Navalny threw down the gauntlet to Putin in a way which no opposition politician has done for many years. He has also proved able to impose his own 'rules of the game' on the Kremlin and set the tone for events. This way he has confirmed his status of Russia's most important opposition figure.
- Navalny has not as yet enjoyed great popularity among the public; according to a Levada Center poll of September 2020, his actions were supported by 20% of respondents, while 50% disapproved them; only 15% of those surveyed believed that the Russian authorities were behind the attempt to poison him. However, the results of polls conducted in authoritarian states should be approached with some caution. He has also not been able to unite the divided democratic opposition around him. Therefore, no mass-scale public protests should be expected after his arrest (or his likely imprisonment). However, if the mood of protest takes more active forms before the parliamentary elections, the issue of his persecution may become an additional factor increasing the scale of demonstrations.
- The Kremlin's exaggerated reaction to Navalny's return should be assessed in this context as counterproductive and as a PR mistake. The topic of Navalny's detention is being very actively commented on in social networks, especially among his sympathizers. Even those commentators who had previously not supported him are admitting his courage (he returned to Russia despite the threat to his life). The stance of Navalny's wife, Julia, has also been appreciated - she returned to Moscow together with her husband; some commentators are now predicting a political career for her. The comments emphasise that the government's decision to reroute the plane to another airport and arrest Navalny prove they are genuinely scared of him. There have also appeared numerous comparisons of Navalny to Nelson Mandela or Andrei Sakharov, the Soviet dissident and Nobel Peace Prize winner.
- More dangerous for the democratic opposition than Navalny's potential imprisonment may be the shutdown of the network he has built throughout Russia (including his so-called electoral offices and the Anti-Corruption Foundation). Navalny's associates deal with reporting and investigative journalism: they expose unlawful actions taken by the government, publicise the widespread corruption among the ruling elite, and regularly organise anti-Kremlin election campaigns, which in recent years have contributed to the defeats of some Kremlin-backed candidates in local elections (in Moscow in 2019, in Novosibirsk and Tomsk in 2020). It is very likely that these groups will be subjected to

unprecedented repressions in the coming months as the Kremlin is determined to prevent any kind of grass-roots civic mobilisation before September's parliamentary elections.

- As Navalny is perceived as a threat to the regime, it is unlikely that the Kremlin will yield to the international pressure to release him. The Russian authorities have chosen an increasingly repressive course of domestic policy, as evidenced inter alia by the legislation adopted in 2020 against non-governmental organisations, freedom of assembly and free access to information. The Kremlin is committed to demonstrating its full control over the situation in the country. At the same time, the ruling elite is creating a *fait accompli* towards the new US's Biden administration. In this context, the maximum concession on Russian part that can be expected is the conversion of Navalny's prison term into house arrest, with no access to any means of communication.
- The arrest (and expected imprisonment) of Navalny will make him a political prisoner and become another factor exacerbating Russia's relations with Western governments and institutions. This can make it difficult , at least for a while, for the supporters of rapprochement with Russia to return to 'pragmatic' dialogue, or any kind of cooperation at all with Russian authorities. This is particularly true for the European Union, which is due to discuss another revision of its relations with Russia in March 2021, and for the incoming Biden administration. It is likely that persons involved in Navalny's detention will be subject to individual sanctions, as provided for in US and EU law concerning restrictive measure over the human rights violations (the so-called Magnitsky Acts). At the same time, however, the Kremlin may make Navalny a bargaining chip in its relations with the West.