

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Russian Federation: Konstantin Kotov should be released, “Dadin’s article” repealed

On 27 January 2020, Russia’s Constitutional Court ordered a review of the conviction of activist Konstantin Kotov. He is currently serving a four-year prison sentence for “repeated violation of the established procedure of organizing or holding public events” under Article 212.1 of the Criminal Code (popularly known as “Dadin’s Article”, after Ildar Dadin, the first exercise his rights to freedom of expression and peaceful assembly. Konstantin Kotov is a prisoner of conscience and should be released immediately and unconditionally.

Konstantin Kotov’s imprisonment for merely participating in several peaceful protests was a grave violation of his human rights. Notably, his prosecution under Article 212.1 in itself was a violation of the [Constitutional Court’s earlier decision](#) which clarified that criminal punishment for these violations must be proportionate to the actual public danger caused by an offense. Furthermore, courts are required to prove a person’s criminal intent to commit such violations.

However, it is deeply disappointing that the Constitutional Court once again failed to recognize that Article 212.1 contravenes Russia’s obligations under international human rights law and the country’s Constitution. The Court did not take the opportunity to repeal this legislative provision altogether. Until it is repealed, the authorities will be able to use the provision to prosecute and imprison peaceful protesters for exercising their rights to freedom of expression and peaceful assembly.

Furthermore, other peaceful activists have also been prosecuted under the “Dadin’s Article” in recent months. Among them are Andrey Borovikov, from Arkhangelsk in northwestern Russia, who was convicted and sentenced to 400 hours of mandatory works on 27 September 2019, and Vyacheslav Egorov from Kolomna, Moscow Region, who is currently awaiting trial. Neither of them was engaged in any violent activities during protests, and neither should have been denied an opportunity to exercise their right to freedom of peaceful assembly, let alone prosecuted.

BACKGROUND

Konstantin Kotov was convicted and sentenced to four years in prison on 5 September 2019, by Tverskoy District Court in Moscow in a swift, one day politically motivated trial, of participation in several “unsanctioned” protest rallies. All these rallies had been peaceful, and Konstantin Kotov nether committed, nor called for, nor condoned any violence. The judge declined to hear testimony of most of the defense witnesses or watch available video footage of the purported “crime”. On 14 October 2019, Moscow City Court upheld the conviction and sentence.