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The Russian Federation continues to strangle freedom of peaceful assembly

Amnesty International is concerned that the Russian authorities are using the recently adopted law on demonstrations to arbitrarily restrict the right to freedom of peaceful assembly and to prosecute peaceful protesters for their exercise of this right.

The failure by the Russian authorities to respect the right to freedom of peaceful assembly has once again become apparent during the gathering of peaceful demonstrators in the centre of Moscow, on the 27 October 2012 and in the course of events that followed.

On 27 October 2012, the Opposition Coordination Council, recently elected through public vote over the Internet, held its first session in Moscow. After that several of the Council members went to Lubyanskaya Square, where they earlier invited the public to come to protest against repression and torture and support political detainees. It was suggested that the protesters would form of 'a chain of one-person pickets'. Under the Russian Law "On assembly, meetings, demonstrations, rallies and pickets", unlike other forms of public gatherings, one-person pickets do not require prior approval from the authorities. According to report of the office of the Russian Ombudsperson around 100 participated in the event. Protesters took up positions along the pavement of a road leading from Solovetsky stone, the memorial to the victims of political repressions on Moscow's Lubyanskaya Square to Lefortovo Department of Investigation Committee and pre-trial detention centre (SIZO). Lubyanskaya Square houses the building of the Russian Federal Security Service (FSB), while the Lefortovo pre-trial detention centre (SIZO) is where Leonid Razvozhayev, an opposition activist allegedly abducted from Ukraine is currently detained. The protesters were holding placards against repression and torture and in support of "political detainees". Supporters were supposed to walk along this route in silence to express their own protest and solidarity with the picketers.

Soon after the beginning of the event, the Left Front leader, Sergey Udaltsov, was detained when he headed off from Lubyanskaya Square towards the Lefortovo. A short while later political activist Alexey Navalny was detained together Ilya Iashin, a member of the 'Solidarity' movement, while walking along the same route. Around the same time, journalist and opposition activist, Sergey Parkhomenko and the activist Maxim Sannikov, were also detained. They were all released later the same day pending court hearings.

On 30 October 2012 Maxim Sannikov and Alexey Navalny were ordered by Moscow City courts to pay fines of 30,000 Rubles (approximately USD 950) each, for organising and participating in an unauthorised rally that violated public order. The court hearing in the case against Udaltsov is reportedly scheduled for 15 November 2012, while the date of the trial of Ilya Yashin has not yet been announced. Sergei Parkhomenko was released without pressing charges.

Several apparently reliable video footages of the events on 27 October and the arrests of Alexey Navalny, Sergey Udaltsov and Ilya Iashin are available on the internet, which are consistent with Iashin's and Navalny's statements and suggest that they were arrested while walking on the street, surrounded by photographers and reporters, whom they claim they did not invite; they carried no placards and made no public political statements. The publicly available footage also do not indicate that Udaltsov, Navalny or Iashin personally were engaged in any disorderly conduct, violated traffic rules or engaged in any behaviour or activity that was not peaceful. Video footage covering the arrest of Maxim Sannikov indicates that originally he was detained on account of with violating the rules governing one-person pickets, namely for not observing the minimum allowed distance (50 metres) to the next person in a picket. It also contains no indication that he was participating in disorderly conduct, violated traffic rules or engaged in any behaviour or activity that was not peaceful.

Amnesty International is also concerned by reports indicating that during the court hearing which resulted in the fining of Alexey Navalny, the court failed to meet international standards of fair trial by refusing motions by the defence to consider the video footage of the events in question and by refusing to grant the defence lawyer's request to cross-examine police officers, who detained Navalny. The court, nevertheless, allowed testimonies of the witnesses for the defence.

Amnesty International believes that these people have been detained and are now being subjected to administrative fines solely for peacefully exercising their right to freedom of assembly and freedom of expression which is in violation of the Russian Federation's international obligations and Constitution.

Amnesty International earlier expressed its serious concern with the law introducing amendments to the Federal Law of the Russian Federation "On assembly, meetings, demonstrations, rallies and picketing" that came into force on 9 June 2012, may undermine the effective realisation of the right to freedom of expression and assembly as guaranteed in international human rights treaties and the Russian Constitution.

Amnesty International has already expressed its concern that the law prescribes an 'approval' ("*soglasovaniye*") procedure, requiring in practice sanctioning or authorisation of public events, and which would otherwise be considered illegal. The amendments to the law introduced in June 2012 expanded the list of violations of the rules governing public events, to include the responsibility of organisers for the actions of participants, including obstructing pedestrians or traffic, littering and damaging green areas, as well as sharply increasing the fines for these violations. Amnesty International notes that the fines and sanctions are much higher than those for causing similar damage outside of protests. It also bans persons who have been convicted twice or more during the preceding year for violations of the rules for organisation of meetings, demonstrations, rallies or pickets from organising any public events.

The effect of this provision has been to ban several significant opposition figures, including the above mentioned Alexey Navalny, Sergei Udaltsov, Ilya Iashin and others from organising any public events on account of their having been convicted already of invariably spurious protest related offences.

The recent attempt by The Other Russia to organise peaceful protest on 31 October 2012 in support of Article 31 of the Russian Constitution (guaranteeing the right to freedom of peaceful assembly) is illustrative of the problems that such figures now face.

On 16 October 2012, the Other Russia political party submitted request to authorities for approval ("*soglasovaniye*") of the 'Strategy 31' demonstrations that were planned on 31 October 2012 in several cities across Russia. 18 October 2012 the authorities reportedly refused to grant an approval, on the grounds that one of the organizers, Eduard Limonov, the leader of the Other Russia party, had earlier been more than twice convicted of violating the Federal Law of the Russian Federation "On assembly, meetings, demonstrations, rallies and picketing" and his sentence had not expired. The protesters decided to proceed with an unauthorised demonstration, which resulted in arrest of at least 12 persons while attempting to gather for demonstrations in Saint Petersburg and Moscow, including Eduard Limonov, who will face the court on 12 November 2012 on charges of violating the rules for organising public event and Konstantin Kosiakin, the member of the Left Front. The detained were released later the same day also pending court hearings.

Amnesty International is concerned that these latest series of arrests of peaceful protesters in Moscow and elsewhere in Russia are not isolated incidents, but reflect an increasingly restrictive practice in Russia today with regard to freedom of assembly and freedom of expression for people peacefully protesting or expressing their dissenting political views. The organisation also reiterates its concern that that the events of recent weeks and months point to the progressive strangling of the freedoms of assembly and expression in the Russian Federation.

Amnesty International is again calling on the Russian authorities to reverse this trend and commit itself to the defence of the human rights, of all persons in Russia wishing to peacefully express their views, whether critical of the authorities or not, whether approved of by them or not, as stipulated in international human rights law and in the Russian Constitution.