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Anatomy of injustice: The Bolotnaya square trial

On 6 May 2012 tens of thousands of Moscovites marched through the city centre and sought to gather in Bolotnaya square in protest against the inauguration of President Putin. Most never got that far.

Ignoring arrangements agreed with the protest organisers, the police sealed off two of the three entrances to the square and narrowed the remaining one. The pressure on the police cordon inevitably grew. When it was eventually breached, with isolated acts of violence, the police proceeded to violently disperse the protest. Over the course of the next few hours, police used excessive and often arbitrary force to restrain and detain for the most part peaceful protesters. Isolated and, on occasion, serious acts of violence were committed by a small number of protesters, resulting in a number of police officers sustaining injuries. Hundreds were arrested at the scene of the protest, the majority of whom were released without charge.

26 people have since been charged (and a further two are wanted) in connection with their alleged participation in, organisation of or incitement to “mass riots” under Article 212 of the Russian Criminal Code. Of these, two have already pleaded guilty and been convicted and another sentenced to forcible treatment in a psychiatric hospital.¹ A further 12 are currently standing trial, all but one of whom has been in pre-trial detention or house arrest for well over a year.

Not a single police officer has faced charges relating to the excessive use of force, despite multiple complaints and numerous well-documented instances, in which individual police officers are clearly identifiable. This fact and the fact that many of the protestors whose engagement in violent acts was well documented have not been identified and have not faced charges either, strongly suggests that the law enforcement response to the crimes committed in the course of the Bolotnaya Square protests has not been motivated by the requirements or interests of justice. Indeed, the driving force behind the current trial has been political, with the machinery of justice having been employed to construct a – false – narrative characterising the protest as intent on violent disorder and the overthrow of the government. This narrative, which found its most articulate expression in the documentary aired by the NTV television channel entitled, “Anatomy of Protest”, has frequently been alluded to by senior governmental officials including President Putin, who recently stated – in connection with the possible amnesty of some of those currently accused – that “we must all learn to live by the book and understand that if someone can get away with breaking the law we could face problems similar to what happened in 1917.”

The political purpose of the current trial accounts for the apparently random nature of those ultimately charged, with none of the accused, with the possible exception of one of those already convicted, apparently responsible for the worst of the violence that marred the protest. Indeed, in the eyes of the authorities the individual liability of those accused appears to be entirely secondary to the need to establish the overarching narrative of a failed attempted coup and discourage similar mass protests in the future.

¹ See Amnesty International, “Russia: Abhorrent use of punitive psychiatry to silence dissent”, 8 October 2013, available at <http://www.amnesty.org/en/news/russia-abhorrent-use-punitive-psychiatry-silence-dissent-2013-10-08>.

The qualification of the events on Bolotnaya Square as a “mass riot” is central to the construction of this narrative. While acknowledging that isolated incidents of occasionally serious violence did take place, Amnesty International considers that these did not amount to a mass riot within the meaning of Russian law, or any ordinary understanding of the term.

The offence of participation in mass riots is vaguely defined in Russian law and its use in practice has been variable. While the violence of Bolotnaya Square protesters has been characterised as amounting to a mass riot, the racially motivated mob violence that swept through the Biryulyovo district in Moscow in October 2013 was not. Without wishing to ignore the possibly violent intentions of a handful of protestors, Amnesty International considers the majority of the violence that took place to have been at the hands of the police or to have resulted from the failure of the police to manage the movements of those wishing to enter the square effectively and in accordance with arrangements agreed with the protest organisers.

Under international standards, a protest does not lose its peaceful – and thus legally protected – character due to the violent actions of a small number of participants. Such isolated cases of violence should be dealt with individually and not used as a pretext to disperse an entire demonstration, or punish participants. This is especially true where much of what violence there was by some participants appears to have been in reaction to the unlawful use of force by police in their attempts to put an end to the protest.

It appears from the indictment and court hearings that the prosecution has advanced the following as evidence of a mass riot:

1. The breaking of the police line: however, this was the result of the inevitable build up of pressure on account of poor crowd management and the police failing to keep to agreed arrangements;
2. The shouting of anti-government slogans: however, such slogans are a perfectly legitimate exercise of the freedom of expression;
3. The failure to comply with orders to disperse: however, the decision to order the dispersal of the protest was excessive at the time it was taken, while, for the majority of those in ear shot of the instructions, it was in fact extremely difficult to withdraw given the pressure behind them;
4. The throwing of stones, asphalt and flagpoles and a single Molotov cocktail as well as other violent acts causing injury to police officers; such acts did occur but by a limited number of protesters acting individually;
5. Damage to 6 portable toilets; however, these appear from available video evidence to have been overturned primarily in attempts to construct a defensive barrier against the excessive and arbitrary use of force by police.

The qualification of the events as a mass riot under Russian law appears to be motivated by political, not factual considerations. Furthermore, the prosecution has entirely failed to establish that those currently facing prosecution had the necessary intent to participate in a mass riot as required under Russian law.

Despite the theoretical elements required to establish guilt under this law, this trial has shown that this law facilitates the politically motivated prosecution of protestors even where they are guilty of nothing more than lawfully exercising their right to peaceful assembly. Most of the defendants facing this charge have now spent more than a year in pre-trial detention, and many have suffered serious health consequences as a result. They will have lost over a year of their lives even if they are found innocent of any wrongdoing, and face lengthy prison terms if convicted.

Especially considering the total lack of accountability for human rights violations by police, these trials seem designed to send a political message that those who seek to exercise their right to peaceful assembly and expression in Russia do so at the risk of lengthy imprisonment.

Amnesty International is therefore calling for the charges of participation or incitement to mass riots to be dropped against all of the accused.

What really happened on Bolotnaya Square on 6 May 2012 was not the quelling of a riot, but the crushing of a protest. What has happened in the Bolotnaya trial has not been the exposing of orchestrated violence, but rather the exposing of a criminal justice system that is entirely malleable to dictates of its political masters.

What follows below is an attempt to review the charges against each of those currently accused. Its purpose is to document and demonstrate in detail the extent of the unjustified nature of the charges brought against them and the injustice that all are facing. It has been possible to provide this now on account of the completion of the presentation of evidence by the prosecution. It is based on a detailed review of the indictment, the evidence presented in court by the prosecution, other available evidence, numerous interviews with eyewitnesses and the participation in over a dozen court hearings.

It is clear from this analysis that several of the accused did not engage in any acts whatsoever that can reasonably be construed as violent, and that their ongoing detention and the serious charges against them are based on the lawful exercise of their rights. Amnesty International therefore considers these to be prisoners of conscience. That some defendants are not, at this juncture, designated by Amnesty International as prisoners of conscience is not an indication that Amnesty International believes them to have been proven guilty of any criminal wrongdoing, and any liability should only be established on the basis of appropriate charges in a fair trial which respects the presumption of innocence. It indicates only that based on present evidence, Amnesty International has not been able to ascertain whether they fit its strict definition of a prisoner of conscience. There is no question that their prosecution, like that of other prisoners, is politically motivated. They are, as for others, victims of a broader injustice perpetrated for political reasons, and the accusations against them of participation in (or incitement to) mass riots should likewise be dropped.

On 3 October 2013, Amnesty International declared 3 of the 13 people then standing trial for “participation in mass riots” in relation to the Bolotnaya square protest to be prisoners of conscience. Of these, Vladimir Akimenkov and Artem Savelov continue to be in held in pre-trial detention, while Mikhail Kosenko has been convicted and sentenced to forcible treatment in a psychiatric hospital.²

Since then, the prosecution has concluded the presentation of evidence in respect of the remaining 10 accused. Having extensively reviewed this, and other evidence not presented in court, and attended over a dozen court hearings, Amnesty International has concluded that 7 of the remaining accused are also prisoners of conscience.

These include Nikolay Kavkazsky, Stepan Zimin and Leonid Koviazin, in respect of whom Amnesty International believes the accusations of criminal conduct or violent behaviour to be wholly unfounded. Amnesty International also considers Aleksey Polikhovich, Denis Lutskevich and Sergey Krivov to be prisoners of conscience. While there is video footage that suggests that three may have engaged in the *prima facie* unlawful acts of preventing police officers from fulfilling their functions by interfering in arrests and/or erecting barriers, these acts need to be considered against the backdrop of the widespread excessive use of force by police officers. None of the three were themselves violent – and their actions appear to have been motivated at all times by the genuine desire to protect themselves and other protesters against the excessive use of force and other human rights violations by police officers. Amnesty International considers that their actions amounted, at most, to administrative offences and would, if prosecuted in Russia under ordinary circumstances, have resulted in administrative charges and, perhaps, the modest custodial sentences that these entail. Amnesty International believes that the charging of all three with the serious offence of “participating in mass riots” reflects the fundamentally political nature of the trial. The fact that they have now been detained in pre-trial detention longer than the maximum punishment these actions would normally attract under

² See Amnesty International, “Russia: Abhorrent use of punitive psychiatry to silence dissent”, 8 October 2013, available at <http://www.amnesty.org/en/news/russia-abhorrent-use-punitive-psychiatry-silence-dissent-2013-10-08>.

Russian law indicates that their ongoing detention, and potentially lengthy sentences if convicted, are intended to punish them for, and dissuade others from, exercising their right to peaceful assembly.

Amnesty International also recognises Yaroslav Belousov as a prisoner of conscience. He is accused, improbably, of throwing a billiard ball at a police officer, despite the available evidence pointing to the fact that the object in question was a lemon, and that the act was more likely to be one of symbolic protest than one of violence.

Amnesty International is not presently in a position to consider the remaining two detainees to be prisoners of conscience. Despite this, our research does indicate that Alexandra Dukhanina (Naumova), Andrey Barabanov - and Maria Baronova, who is not currently in detention - are being tried in a fundamentally political show trial under vague and excessive legal charges which allow for the criminal punishment of the lawful exercise of human rights. Amnesty International is therefore calling for the charges of participation in, or incitement to mass riots against them to be dropped.

Nikolay Kavkazsky, a human rights defender, was detained on 25 July 2012. He was in detention for over a year until 2 August 2013, when he was placed under house arrest. He is accused of participation in mass riots under Article 212(2) of the Criminal Code. As with his co-accused, his indictment vaguely describes events on the square that day without specifying his involvement in them. The indictment refers to only one, episode, which was also the only episode referred to in court, relating specifically to his own actions: namely that that he allegedly kicked a police officer in torso. However, as the investigation failed to identify the victim, the prosecution Nikolay Kavkazsky was not charged under Article 318 (violence against public official).

There are several video recordings of the episode in question. They show that immediately prior to act, Nikolay Kavkazsky was not behaving violently. According to witnesses, he was trying to prevent protesters from engaging in any physical interaction with police and was trying to reason with them. But, as video recordings show, when one of the protesters standing peacefully next to him was detained, Nikolay Kavkazsky ran after the police. He is shown waving his hands in the air, but it is clear from the video that he was trying to defend himself against a police officer attempting to beat him with a truncheon, as well as from pepper spray that had been sprayed by one of the protesters in immediate vicinity of Nikolay Kavkazsky. It appears that the police officer attempted to hit Nikolay Kavkazsky twice. In response to the second blow – and seemingly in self-defence - Nikolay Kavkazsky raised his leg. Owing to the angle of the shot it is not clear whether he even struck the police officer, however, considering that the distance between him and the police officer exceeded one meter, it is not likely.

The only other evidence presented against Nikolay Kavkazsky is the testimony of another police officer, which is contradicted by the video evidence. The witness stated that Nikolay Kavkazsky succeeded in landing several blows with both his hands and legs onto the police officer's torso, as a result of which the police officer lost his balance and fell. The video evidence clearly shows only the one alleged "kick," which leaves the police officer entirely unmoved, before Nikolay Kavkazsky retreats.

Amnesty International considers that Nikolay Kavkazsky was not engaged in criminal wrongdoing or violent acts, that his detention and prosecution on the grounds of participation in mass riots is unfounded and that he is, therefore, a prisoner of conscience.

Stepan Zimin has previously participated in the Occupy movement in Moscow and supported protests and actions to protect the Khimki forest in Moscow region. He is accused of participation in mass riots (Article 212(2) of the Russian Criminal Code) and violence against a public official (Article 318). He has been in detention since 8 June 2012.

Actions specifically attributed to Stepan Zimin in the indictment include: shouting anti-government slogans, wearing a mask and throwing stones at police on three occasions. The first two of these three are not criminal offences. There is no video evidence of Stepan Zimin throwing stones. Available video

footage (a police recording) records his detention – only a few minutes after the violence erupted. Two police officers testified against Stepan Zimin. The first witness maintained that he saw Stepan Zimin throw a stone, but was not able to say whether anyone was struck. The evidence of the second police officer, the alleged victim, was contradictory and repeatedly changed. In his original report of the incident (dated 6 May), the officer stated that he was unable to identify his assailant on account of the fact that he was wearing a mask. In June, however, he testified that he was able to recognise Stepan Zimin, but only after being shown a photograph of him in advance of the identification procedure. In court, the police officer identified Stepan Zimin as one of three assailants who attempted to drag him into the crowd, but again there is no mention of this episode in his original record. The police officer claimed that the throw broke a finger on his right hand – but it was demonstrated in court that the injury was sustained through twisting and not a result of being struck, prompting the police officer to admit that his recollection of the events was uncertain.

Given the glaring inconsistencies and uncertainties in the evidence presented by the two police officers, and the absence of any other incriminating evidence, Amnesty International concludes that Stepan Zimin has been wrongfully prosecuted, and that there is no credible evidence that he did anything on the day in question other than exercise his right to peaceful assembly. He is a prisoner of conscience.

Denis Lutskevich has no prior history of political activism or participation in public protest. Prior to his arrest, he was a cadet at an elite military school. He went to the square together with his girlfriend, some class mates and a professor. He is accused of participation in mass riots (Article 212(2) of the Russian Criminal Code) and violence against a public official (Article 318) and has been in detention since 9 June 2012.

The case against him turns on the prosecution claim that he removed a helmet from a police officer; it rests on inconclusive video footage of the episode in question and a witness statement by the police officer concerned. There are inconsistencies in police officer's testimony: whereas in his initial report dated 6 May, he claimed that he could not see or recognize any of his assailants, on 22 May he provided a more detailed account of event describing the person who removed his helmet in terms consistent with Denis Lutskevich's appearance (as topless: Denis Lutskevich being the only person with an uncovered torso in the immediate vicinity). In court, however, the officer stated that Denis Lutskevich was not the person who removed his helmet. The available footage of the incident is somewhat unclear, but appears to show Denis Lutskevich very briefly holding the helmet at one stage, but not actually removing it from him. The most likely reading of the footage is that the helmet was either removed by another person and passed to him or fell into his hands. The entire interaction with the officer in question lasted approximately three seconds. Witness statements provided by those who accompanied him testify to his non-violent behaviour.

A while later, Denis Lutskevich was arrested. There is video footage of his arrest which does not show him to be engaged in any violent or improper act immediately prior to it. In the course of his arrest he was severely beaten. He filed a complaint, but no further action has been taken to identify the officer in question.

Amnesty International considers Denis Lutskevich is being prosecuted for the legitimate exercise of right to peaceful assembly and is therefore a prisoner of conscience.

Leonid Koviazin is a stringer for a local newspaper in the town of Kirov. He is accused of participation in mass riots (Article 212(2) of the Criminal Code), on account of having assisted in the pushing over of portaloos to form a barrier against police officers. He has been in pre-trial detention since 5 September 2012.

Leonid Koviazin was commissioned to report on the protest and there is substantial body of video and witness evidence that for almost the entire duration of the rally and the subsequent events on Bolotnaya square he was peacefully filming events, including numerous episodes of police brutality.

However, approximately two hours after the breaking of police lines, when the violence was at its height, Leonid Koviazin was caught on camera briefly pushing portable toilet cabins, together with two other two men, neither of whom have been identified. He maintains, plausibly, given his behaviour up till that point and the levels of police violence that he had witnessed, that he was trying to protect protesters from further violence.

Whereas the actions of Leonid Koviazin might, in another context, have constituted criminal damage or qualified as minor hooliganism under the Administrative Code, it is manifestly insufficient to qualify as participation in a mass riot. There is no evidence of violence or any intent on his part to inflict pain or injury on any other person.

Amnesty International therefore considers that Leonid Koviazin's actions do not satisfy the elements of the offence of "participating in mass riots." His ongoing detention well beyond the maximum penalty his alleged actions would normally attract under Russian law indicate that his prosecution is based on a politically motivated desire to punish his participation in protests; and that he is therefore a prisoner of conscience.

Aleksey Polikhovich is an insurance company courier. He is charged with participation in mass riots (Article 212(2) of the Russian Criminal Code) and violence against a public official (Article 318). He has been in detention since 26 July 2012.

According to the prosecution, Aleksey Polikhovich used violence in his attempts "to prevent the detention of persons violating public order and pushed away those police officers thus intervening with performance of their duty"; grabbed a police officer's hand and pushed it away from a detained person, which resulted in the police officer experiencing physical pain; and in conjunction with others, used metal barriers to create an obstacle for police, and used these barriers in an attempt to push police away from the crowd.

The existing video footage of the supposedly incriminating acts attributed to Aleksey Polikhovich shows that, in respect of both episodes, he had no direct physical interaction with police and cannot correctly be charged under Article 318. As regards his intervention in the arrest of another (entirely peaceful) protester, video footage shows Aleksey Polikhovich briefly – for all of three seconds – unsuccessfully attempting to wrap his arms around the individual. He did not strike or otherwise touch the officer in question, though others can be seen doing this: the individual holding the police officer's hands, and to whom the injury sustained is presumably attributable, is clearly another person. Aleksey Polikhovich received a blow to his head for efforts and is seen falling backwards into the crowd

The statements of the key witness for the prosecution – the police officer – are inconsistent. There is no record on Aleksey Polikhovich's involvement in his initial police record, nor did he claim to have suffered any injury. Six months after the event (and the day after President Putin had stated that those to whom no violent acts were directly attributed should not be held in pre-trial detention) the police officer was reported himself as the victim of the crime above and identified Aleksey Polikhovich as the perpetrator (whereupon he was charged with violence against a public official in addition to the earlier, general charge of participation in mass riots). However, in court, the police officer denied that he experienced physical pain and stated that he had no complaint.

As regards the use of metal barriers, Aleksey Polikhovich is clearly shown in video? holding the barriers in a defensive posture – in the face of repeated blows – rather than in an aggressive forward motion. Amnesty International believes that Aleksey Polikhovich's actions do not constitute participation in mass riots; and that he was not engaged in any violent act punishable under 318 of the Criminal Code. Footage of his handling of metal barriers clearly shows this to be in self-defense against unlawful police violence. His attempted intervention in what he perceived to be an arbitrary arrest appears to have been a spontaneous, and non-violent, attempt to protect a fellow-demonstrator in the context of widespread unlawful violence by police, and for which he was promptly beaten himself. Under any other circumstances, such a minor act would attract no more than an Administrative penalty under Article 19.3 of the Administrative Code: "resistance to a legitimate order or a request of police in

connection with the performance of their functions in relation to the protection of public order or preventing them from performing their duties”, which is punishable by a fine of up to 1,000 roubles, or a period of detention not exceeding 15 days. It is only because of the political motivation of this trial that his alleged acts have been legally construed as participation in a mass riot and he continues to languish in detention. He is therefore a prisoner of conscience.

Sergey Krivov is a regular activist. Prior to his detention in late October 2013, he actively participated in pickets in support of earlier Bolotnaya detainees, and had earlier been a volunteer election monitor. He is accused of participation in mass riots under Article 212(2) of the Criminal Code and violence against a public official (Article 318) and has been in detention since 18 October 2012.

According to the indictment, Sergey Krivov, he “locked the hands of police officer” and removed his truncheon using force. He is accused of striking the police officer with the truncheon at least three times on the wrist when he attempted to recover it, causing bruising and physical pain. He is also accused of attempting to intervene with the detention of aggressive protesters and grabbing a police officer by his uniform and then pushing him in the torso with both hands, causing the officer physical pain.

The video evidence provided by the prosecution purportedly showing Krivov intervening with two arrests all show him seeking to prevent police from beating protesters – and sometimes receiving blows himself for his efforts. It would appear from his demeanor, and the testimony of other witnesses, that he was entirely motivated by the desire to prevent violence. Other video evidence shows him repeatedly and peacefully (if agitatedly) remonstrating with police in attempt to discourage the excessive use of force.

The incident in the course of which Sergey Krivov is accused of pushing a police officer in the chest should also be seen in this context. While the accusing officer alleged that Sergey Krivov grabbed him by his uniform and pushed in such a way as to cause him to lose his balance, video evidence shows the police officer pushing him first, to which Sergey Krivov responded with an inconsequential shove that did not even cause the officer to move.

The testimony of the police officer off whom Sergey Krivov is alleged to have taken the truncheon is also inconsistent with the video evidence, which shows that he did not take the truncheon from the officer, nor beat him in any other way. What it does show is someone else taking the truncheon from the police officer while police were indiscriminately beating protesters. Sergey Krivov took the truncheon from someone else and quickly passed it back into the crowd. His statement that the protesters with whom Sergey Krivov was standing at the time took the metal barriers off police officers by force is also shown by the video to be false – as the barrier in question is clearly shown being brought up to the police line from behind the protesters facing them.

Amnesty International believes that Sergey Krivov, like Alexey Polikhovich, did not engage in any violent act punishable under 318 of the Criminal Code and would not continue to be detained but for the politically motivated nature of his trial. His actions cannot reasonably be construed to constitute participation in mass riot and would normally attract prosecution – if at all – as minor administrative offenses. He is therefore a prisoner of conscience.

Yaroslav Belousov is a political science student, and a right-wing group supporter. He is charged with participation in mass riots (Article 212(2) of the Russian Criminal Code) and violence against a public official (Article 318). He has been in detention since 9 June 2012. The accusation against him relates entirely his throwing of a “yellow object of spherical shape”, which is alleged to have struck and injured a police officer in the chest. According the prosecution, the object thrown was a billiard ball. According to Yaroslav Belousov it was a lemon. Still shots of Yaroslav Belousov appear to show a less than perfectly spherically object in his hand. No billiard ball was found at the scene of the incident, though fruit was. The medical report of the police officer who reported being struck by the billiard ball documented multiple bruising to head and forearm in addition to other minor injuries and it is

impossible to infer with any certainty that any – or which – might have been caused by the object thrown.

On the evidence available, Amnesty International concludes that there is a far greater likelihood that the object in question was in fact a lemon. Throwing a piece of fruit at fully armoured riot police who were engaged in widespread unlawful violence is more properly construed as an act of protest than an act of violence seriously intended to cause physical harm. As with other protestors, Belousov's alleged acts are of the sort that would not normally attract more than an administrative penalty. Amnesty International believes that the qualification of these acts as more severe crimes, Belousov's ongoing detention, and the risk of a lengthy prison sentence if convicted are aimed at Yaroslav Belousov's exercise of his right to freedom of expression and that he is, therefore, a prisoner of conscience.

Aleksandra Dukhanina (Naumova) is charged with participation in mass riots (Article 212(2) of the Russian Criminal Code) and violence against a public official (Article 318). She has been under house arrest since 29 May 2012. She is accused of throwing a small dark object in the direction of a line of police at close range; the allegation being that the object was a piece of asphalt that struck a police officer on the helmet causing, somewhat implausibly, minor injuries. On the basis of available evidence, Amnesty International does not consider Aleksandra Dukhanina as a prisoner of conscience.

It should be noted, however, that there is no evidence of Aleksandra Dukhanina having engaged in any other violent act or having in any way been a leader or instigator of the violence that took place. Her prosecution appears to have more to do with her having been easily identifiable, than with the nature of her alleged acts. Amnesty International does not believe that her alleged actions can be qualified under Russian law as amounting to participation in mass riots, nor that the Bolotnaya demonstrations have been properly construed as mass riots. Given this, and the ways in which this charge has been documented as facilitating politically-motivated prosecutions, these charges should be dropped.

Andrey Barabanov is charged with participation in mass riots (Article 212(2) of the Russian Criminal Code) and violence against a public official (Article 318). He has been in pre-trial detention since 28 May 2012. He is accused of kicking a police officer lying on the ground. Video footage appears to show Andrey Barabanov directing a kick at a police officer lying on the ground in the course of an assault on the officer by a group of violent protestors. While it is unclear whether the injuries sustained by the police officer resulted from his actions, indeed, the extent of the impact is unclear from the available footage, Amnesty International cannot – based on present evidence - consider him a prisoner of conscience, detained in connection with the peaceful exercise of his freedom of expression. However, Amnesty International does not believe that Andrey Barabanov's actions can be qualified under Russian law as amounting to participation in mass riots and, for the reasons laid out above, considers these charges should be dropped.

Maria Baronova is charged with inciting mass riots (Article 212(3) of the Russian Criminal Code); she is currently under travel restrictions. She is accused of encouraging protestors to engage in violent acts and, allegedly on the basis of video evidence, of directing to them areas in the police line she thought most vulnerable to attack. The video evidence is somewhat inconclusive on this point and the defence has advanced expert testimony to suggest that sound recording was doctored. In any case, the charge of incitement to mass riot is unfounded for the reasons given above and should be dropped.

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