

AMNESTY INTERNATIONAL MEDIA BRIEFING

9 January 2014
AI Index: EUR 46/001/2014

Behind the Smokescreen of Olympic Celebrations: Key human rights concerns in the Russian Federation UPDATE

On 7 February 2014, the XXII Winter Olympiad will begin in the Russian city of Sochi. The Olympic torch has shone a spotlight on Russia and gives a unique chance for a close inspection of the country's human rights record. This briefing outlines some of Amnesty's concerns and details a few case studies.

Human rights overview in Russia

Following the mass protests in Moscow and across Russia at the end of 2011 and throughout 2012 against alleged fraud and violations during parliamentary and presidential elections, President Vladimir Putin has signed-off a raft of punitive laws cracking down on dissent, freedom of expression and assembly in Russia.

Since the end of 2011, thousands of people have been detained in and around Moscow, and over a hundred protests banned or dispersed by police.

Across Russia around 1,000 and possibly more non-governmental organisations (NGOs) have been targeted with "inspections". Many face the risk of fines and closure under the new "foreign agents law".

Discriminatory legislation introduced within the last year has fuelled homophobia and prompted a wave of violence by vigilante groups country-wide. Xenophobic attitudes have also been on the rise and mass raids against migrant workers by the police have become more frequent in recent years.

Freedom of expression has come under attack too. A new law criminalizing blasphemy was introduced following the Pussy Riot protest in Moscow's main Orthodox Church. A museum has been shut down for exhibiting satirical paintings of Russian President Vladimir Putin and number of other notorious Russian politicians.

While six prisoners of conscience were released following the latest amnesty law of 18 December 2013 and a presidential pardon, many still remain behind bars.

Attacks by armed groups continue to occur across the North Caucasus and elsewhere in Russia, including two suicide bombings that targeted civilian commuters in Volgograd on 29 and 30 December 2013. However, the ensuing security response continues to be marked by gross human rights violations, including enforced disappearances and torture, and alleged extra-judicial executions.

Restrictions on the rights to freedom of assembly

In 2012, amendments to Russian Federal Law governing street protests introduced additional restrictions on public events and imposed further punitive measures on organizers.

It is estimated that in 2012 nearly 4,000 people were detained following some 200 protests in Moscow and the surrounding Moscow Region alone. During 2013 the number of protests significantly declined, but nonetheless hundreds of people were reportedly detained in the course of dozens of events throughout Russia. The same pattern continued in 2014, when a peaceful gathering in solidarity with the “prisoners of Bolotnaya” in central Moscow on 6 January was dispersed. At least 28 participants were reportedly detained and later released by police.

Opposition groups critical of the authorities and other social movements applying to hold events have been regularly and arbitrarily denied permission to gather at the time and place of their choosing.

“Unauthorized” peaceful street gatherings, including small groups of protesters, have been routinely dispersed by police, often with the use of unnecessary or disproportionate force. Scores of detainees have complained of injuries inflicted by the police, including broken limbs and head injuries, but none of these complaints have been effectively investigated, if at all.

Prisoners of Bolotnaya

The use of excessive force by police and arbitrary arrests has marred protests across the country. Most prominently, police used excessive and unlawful force against protestors during the Bolotnaya Square protest on 6 May 2012. Hundreds of peaceful protesters were arrested. Criminal proceedings have subsequently been initiated against 28 individuals in this event which the prosecuting authorities qualified as “a mass riot”. This, allowed for heavier charges to be brought against the accused. In October 2013, one peaceful protester, Mikhail Kosenko, was confined by a court, potentially indefinitely, to a mental institution for mandatory psychiatric treatment in a ruling reminiscent of the Soviet era use of punitive psychiatry.

Amnesty International has recognised Mikhail Kosenko, and nine other Bolotnaya detainees, Vladimir Akimenkov, Artiom Saviolov, Nikolay Kavkazsky, Stepan Zimin, Leonid Koviazin, Aleksey Polikhovich, Denis Lutskevich, Sergey Krivov and Yaroslav Belousov as prisoners of conscience (POCs).

The amnesty law of 18 December 2013 ended criminal prosecution against five individuals charged in connection with the Bolotnaya case, including three prisoners of conscience (Vladimir Akimenkov, Leonid Koviazin, Nikolay Kavkazsky) who were set free.

All PoCs in this case must be immediately and unconditionally released, and any charges relating to the purported “mass riots” must be dropped in relation to all defendants and persons under investigation in this case.

Contacts for interview

Contacts available: Viktor Ivanovich Savelov (Artem’s father);
Ksenia Kosenko (Mikhail Kosenko’s sister) – both in Russian

We’ll clench our teeth and go through it

Academics detained

In an indication of how far the clampdown on public protest has extended, in late September 2013, members of Russian academic community protested peacefully in front of the State Duma in Moscow against a draft law on the reform of the Russian Academy of Sciences. Protesters were dispersed and arbitrarily detained by police.

Pride bans and homophobia

Municipal authorities routinely refuse to grant lesbian, gay, bisexual, transgender and intersex (LGBTI) activists permission to hold public events. On at least six occasions in 2013, LGBTI activists were violently attacked during peaceful protests by anti-gay activists in Moscow and Saint Petersburg. No action was taken against their attackers despite overwhelming video and photo evidence and witness testimonies. Meanwhile several LGBT activists were detained and prosecuted for violating the rules on public assembly.

The most recent public event organized by LGBTI activists in Moscow to be “approved” was back in 2012. However, even this event had to be conducted on the outskirts of Moscow, far away from its intended target audience, and was organized under the broader slogan of fighting discrimination in Russia.

There were at least three LGBTI events in St Petersburg in 2013 in a large park, designated for public actions. While an event on 6 September during the G20 Summit there under the scrutiny of international media went peacefully, actions in June and in October, resulted in mass detentions. In the last instance, the police did not provide LGBTI activists with proper protection against counter demonstrators.

Crack-down on independent non-governmental organizations

In November 2012 the government introduced new legislation requiring NGOs receiving foreign funding and engaged in loosely defined “political activities” to register themselves as “foreign agents”. The move was designed to stigmatise and discredit NGOs engaged in human rights work, provide a pretext for fining and potentially closing critical organisations, and cut often vital funding streams.

Failure to comply with the new requirement attracts heavy fines of more than \$15,000 for the organisation and \$9,000 for its management. Organisations can be shut down and their leaders jailed for up to two years.

In July 2013, the Prosecutor General estimated that around a 1,000 organizations across Russia had been “inspected” since the introduction of the legislation and around 200 had matched the criteria of “foreign agents” as defined by the law.

More than 50 organizations have since been issued with official warnings prescribing them to register as “foreign agents”. This has led to administrative cases initiated against several of them, and can result in fines and closures.

Five NGOs have been fined to date, of which two have won on appeal. This included Bok O Bok, an LGBTI film festival, which had already shut down prior to winning the appeal. At least three other NGOs too, ceased to exist as a result of these events.

Overall, more than 20 NGOs have been embroiled in court hearings, including the leading human rights groups, Memorial and Public Verdict. Whilst a number of cases have been won in courts by NGOs, the Prosecutor’s Office has continued to file lawsuits against such organizations across Russia. In a court case initiated by the Prosecutor’s Office the Anti-Discrimination Centre Memorial in St Petersburg was directly ordered to register as a “foreign agent”. The organization decided to close down its activities in Russia.

Russian human rights NGOs are united in their opposition to the law and their determination not to register as “foreign agents”.

Turning the clock back to Soviet times – but Russian NGOs will resist

Contacts for interview

Golos (Voice)

Golos played a prominent role in organising election monitoring and reporting allegations of electoral fraud in the 2011 parliamentary and 2012 presidential elections. In April 2013 it became the first organisation to be prosecuted for allegedly violating the “foreign agents” law. It was fined RUB 300,000 (USD 9,000). A separate fine of RUB 100,000 (USD 3,000) was imposed on its leader Liliya Shibanova. After an unsuccessful appeal both fines were paid. On 26 June, the Ministry of Justice suspended the work of the NGO and the organization decided to disband.

The Russian authorities accused Golos of receiving prize money after it had been presented with the Andrei Sakharov Freedom Award by the Norwegian Helsinki Committee. Golos was prosecuted even though it instructed its bank to return the money.

Grigory Melkonyants, Deputy Executive Director, Golos (Voice) Association.
Languages: Russian and English

Quote: “We are in the process of founding a new organisation which should be able to function throughout the country based on funding from individuals and businesses. In the meantime, after exhausting all possibilities here, we are appealing to the European Court of Human Rights, with the hope that the European Court will help scrap this law.”

Public Verdict Foundation

Natalia Taubina, Director
Languages: Russian and English

The Public Verdict Foundation provides legal aid to victims of police abuses and rehabilitation to torture survivors. On several occasions, Director Natalia Taubina and other members of the organisation have suffered harassment by the authorities. The authorities have initiated proceedings against it in an attempt to compel their registration as “foreign agents”.

Quote: “The human rights situation in Russia is not getting better: torture by the police continues to be common practice. The new NGO laws make the work of human rights organisations harder. The case takes away energy and time to help victims of human rights violations. It’s not easy to operate in this hostile environment. We want the Russian authorities to create an environment in which NGOs can operate without fear; to respect our freedom of expression and follow their international obligations.”

For Human Rights

Lev Ponomaryov, Head of “For Human Rights”
Languages: Russian

The “For Human Rights” movement is an independent organisation that monitors prison conditions in Russia.

Quote: “There are four court cases against me. The hearings get postponed and rescheduled all the time. Once security forces came to my office and threw me out. We are now starting to work in a new office but we don’t know if we will be kicked out from here too. All this is [affecting] our work.”

Russia's backward march on human rights

Freedom of Expression

Homophobic legislation

Lesbian, gay, bisexual, transgender and intersex groups have fallen foul of the “foreign agents” law, and have repeatedly been denied their right to freedom of assembly. On top of this, new legislation was introduced in June 2013 banning “propaganda of non-traditional sexual relations among minors”. This blatantly discriminatory law restricts the rights to freedom of expression and assembly of LGBTI individuals. It has served as an official sanction to growing homophobia in the country, prompting a wave of violence by vigilante groups across Russia. At least three individuals have been fined under this new federal law. In the most recent case in December 2013, the charges of “propaganda” were brought against an LGBTI activist who held single person pickets in the city of Kazan. The charges were brought following a complaint by a teenager from another region of Russia who allegedly read about the pickets.

On 3 November 2013 two masked men brandishing air guns and baseball bats attacked the office of LaSky, a non-governmental organization that provides support to LGBTI people living with HIV. Two people were injured, including one who has been left blind in one eye. In spite of the seriousness of the attack the investigation opened by the prosecution is only on charges of “hooliganism”. The violent attack has sent shockwaves through the LGBTI community, both in St Petersburg and around Russia.

Vyhod (Coming Out)

Polina Andrianova, Activist
Language: Russian, English

Vyhod is an independent Russian organisation based in St Petersburg that works for the promotion and protection of the rights of LGBTI people in Russia. The organisation and its leader were fined under the so-called “foreign agents law”. The rulings were quashed on appeal but official harassment continues.

Quote: “Discrimination against LGBTI people in Russia has also grown rapidly, partly because of new homophobic laws but also because of hate campaigns promoted by politicians. Activists are facing harassment and attacks, which have been on the rise. As an LGBTI organization, anything we do can be considered propaganda: what we put on the web, the demonstrations we organize. We know that the authorities can come at any time and issue us with huge fines which we wouldn't be able to pay.”

“ I would ask the authorities to properly investigate and punish homophobic violence and set up programmes to prevent it and to review recent laws that are discriminatory in nature.”

“Blasphemy law” – Pussy Riot

According to a new law, “actions insulting religious feelings” now constitute a criminal offence. The law was introduced in 2013 in direct response to the ‘Pussy Riot’ punk group performance in the main Russian Orthodox Church in Moscow in February 2012.

In March 2012, three Pussy Riot performers – Nadezhda Tolokonnikova, Maria Alekhina and Ekaterina Samutsevich - were arrested and charged with “hooliganism” based on “religious hatred”. They spent several months in detention before being sentenced in August 2012 to serve two-years in penal colonies. In October 2012, Ekaterina Samutsevich was conditionally released on appeal while the other two were sent to remote penal colonies.

In late December 2013, Nadezhda Tolokonnikova and Maria Alekhina, were released under the latest amnesty law. However, while their freedom is welcome, they should never have been criminally prosecuted and imprisoned in the first place. They must be cleared of all criminal charges, and compensated for the time they spent behind bars.

Campaigners on behalf of Pussy Riot members in Russia have also faced harassment by the authorities. On 9 September 2013, a court in the Siberian city of Novosibirsk banned the “Icon of Pussy Riot” - a poster depicting a woman in coloured balaclava similar to that of Pussy Riot members, with a halo, and holding a child. It was declared an insult to religious feelings, and banned its dissemination. Its creator, artist Artiom Loskutov was fined RUB 1,000 (30 USD). The Prosecutor’s Office has issued a warning against a number of online sites that reproduced an image of the poster. The popular online news agency Grani.ru was compelled to remove the image from its website or face sanctions. It is currently challenging the ban in court.

Artistic freedom

Following the conviction of Pussy Riot members, a court in Moscow upheld the Prosecutor’s Office request and ruled that Pussy Riot songs and video clips are “extremist” and must be banned from websites.

In December 2013, the Moscow Mayor’s Office prohibited the Russian premiere screening of the film *Pussy Riot: A Punk Prayer* and discussion with Pussy Riot members in one of Moscow theatres. The officials declared that a state affiliated theatre should not have anything to do with “controversial people whose activity is based on provoking society.”

In late August 2013 the Muzei Vlasti (Museum of Power) was shut down after police seized a painting of Russian President Vladimir Putin and Prime Minister Dmitry Medvedev in women's underwear, saying the satirical display had broken unspecified laws. Other paintings ridiculing politicians, both past and present, were seized too. There were several other incidents with prohibition of art exhibitions found to be controversial by the local authorities across Russia.

Muzei Vlasti (Museum of Power)

Aleksandr Donskoy, owner, and Tatiana Titova, director
Language: Russian

Quote, Aleksandr Donskoy: “Because of restrictions on freedom of expression we cannot show works of art that we think are worth exhibiting and the public should see.

“While artists are forced to flee and seek asylum abroad, I don’t see any future for myself because of the pressure security services, the Prosecutor’s Office and the authorities in general are putting on us. Their actions are a clear signal to artists and curators that only art sanctioned by the authorities will be tolerated.”

A sense of humour required

Sochi

On 23 August 2013 a presidential decree came into force introducing special security measures including a ban on meetings, rallies, pickets and demonstrations across an extensive territory within the city of Sochi and its vicinities. At the start of 2014, President Putin introduced changes to the decree. Public actions in Sochi, including protest actions, will be allowed in specifically allocated places, if they are approved by the local administration, Ministry of the Interior and the Federal Security Service. In December, it was reported that the only place allocated for public actions is going to be a desolate park in a remote part of town.

While restrictions on political protests around Olympic sites are required under the Olympic charter, there are concerns that these restrictions exceed those minimally required and will be used more broadly to limit protest across the city.

Two Norwegian journalists on their way to report on preparations in Sochi were repeatedly detained, and threatened with imprisonment, by Russian authorities between 31 October and

2 November. Russian officials questioned them about their plans in Sochi, their sources, their personal lives, educational backgrounds and religious beliefs. The journalists were denied contact with the Norwegian Embassy in Moscow.

In the neighbouring North Caucasus, numerous security operations have been marked by enforced disappearances, unlawful and incommunicado detention of individuals suspected of membership of armed groups, and alleged extra-judicial executions.

Torture and other ill-treatment have been widely reported across Russia, but have been particularly common in the context of the prosecution of criminal suspects in the North Caucasus.

Cases

Inter-Regional Committee Against Torture

Igor Kaliapin, Chairman
Language: Russian

The Committee is one of Russia's leading human rights organizations instrumental in founding the Joint Mobile Group – pulling together human rights defenders from across Russia - which investigate serious human rights violations in Chechnya.

In July 2012 Igor Kaliapin was threatened with criminal proceedings for allegedly disclosing confidential information relating to human rights violations by law enforcement officials in Chechnya. Igor claims he had revealed no secrets but exposed the lack of effective investigation into serious human rights violations and the lack of redress for the victims.

Quote: “Our first responsibility is to the people whose rights we are defending. The authorities must think twice before they apply legislation that is stifling civil society in Russia.”

Freedom under threat: The clampdown on freedom of expression, assembly and association in Russia

The Russian Constitution 20 years on: Continuing erosion of rights and freedoms

Russia: Anatomy of injustice: The Bolotnaya square trial

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