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Russia: Environmental activist arrested, faces prison for peaceful protest

The Russian authorities have opened criminal proceedings against environmental activist and peaceful protester Vyacheslav Egorov, and placed him under house arrest pending trial. He is being investigated for the repeated violation of Russia's unduly restrictive rules governing public assemblies, under Article 212.1 of the Criminal Code. This is in contradiction to the Russian [Constitutional Court ruling](#), on 10 January 2017, that protesters should not be held criminally liable under this Article unless their actions caused or threatened actual harm, and creates a dangerous precedent. Vyacheslav Egorov is a prisoner of conscience.

Vyacheslav Egorov, from Kolomna in central Russia, was arrested on 31 January 2019 and has been detained under house arrest since 2 February. He has been charged with "repeated violation of the established procedure of organizing or holding public events" under Article 212.1. For over a year, he had been campaigning against the operation of a dumping site near Kolomna.

On 13 December 2018, Vyacheslav Egorov went to attend a court hearing in a case against Dmitry and Gennady Gudkovs, political activists who supported the Kolomna protests. The hearing was held in a small courtroom which could not accommodate the number of people who wanted to attend. Vyacheslav Egorov was not allowed into the courtroom, so stood outside the courthouse with fellow activists. According to the investigation, this was an "unsanctioned" public gathering and Vyacheslav Egorov was its organizer, because he had written an online article in which he invited his supporters to attend the Gudkovs' court hearing.

During 2018, Vyacheslav Egorov had been found in violation of the Russian Code of Administrative Offences on three occasions for taking part in two public protest actions and publishing an online article about his campaign, and sentenced to mandatory labor and a three-day detention. These previous convictions served as a justification for his current criminal prosecution.

Vyacheslav Egorov has challenged lawfulness of his criminal prosecution in court, but on 26 March a court in Moscow ruled that it was lawful. If found guilty, he may face up to five years in prison.

Article 212.1 was introduced in July 2014 to criminalise the repeated violation (more than three times within 180 days) of Russia's unduly restrictive rules governing public assemblies. Ildar Dadin was the first, and so far only, person convicted under Article 212.1 and sentenced to imprisonment in December 2015, for a series of peaceful street protests he had held or took part in. Ildar Dadin was serving his two-and-a-half year-long sentence when the Constitutional Court considered his application regarding constitutionality of Article 212.1. In January 2017, the Constitutional Court ruled that a person could be prosecuted under the Article only if his or her intentional actions had "harmed, or created a real threat to, citizens' health, property, environment, public order, public safety". It also suggested that the Russian parliament should amend the relevant law in accordance with this ruling, but the law has not been changed. Dadin was released in February 2017 following a review of his case by the Russian Supreme Court.

Since the Constitutional Court's ruling on Ildar Dadin's application, the Russian authorities had not invoked Article 212.1 until January 2019 when criminal proceedings were opened against Vyacheslav Egorov. His arrest and ongoing prosecution sets a dangerous precedent. It not only constitutes persecution for non-violent activism and violations of his rights to freedom of expression and peaceful assembly, by contravening the ruling of the Constitutional Court, it also undermines the independence of the courts and the few legal remedies still available to victims of these human rights violations in Russia.

Vyacheslav Egorov is a prisoner of conscience and should be immediately and unconditionally released, and the charges against him should be dropped. Article 212.1 should be revoked or reviewed and brought in line with Russia's human rights obligations.

Public Document

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