

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# RUSSIAN FEDERATION: NIKOLAY PLATOSHKIN'S CONVICTION MUST BE QUASHED

Amnesty International is gravely concerned about the criminal prosecution and conviction of Nikolay Platoshkin, an academic, popular videoblogger and a leader of “For the New Socialism” political movement. Having studied available information, Amnesty International has concluded that the case against Nikolay Platoshkin has been fabricated and that he is being prosecuted on politically motivated charges to punish him solely for exercising his rights to freedom of expression, peaceful assembly and association and prevent him from participating in the upcoming parliamentary elections. The organization is further concerned that Nikolay Platoshkin’s right to a fair trial has been violated. Following his conviction and sentencing to a five-year suspended prison sentence and a large fine on 19 May 2021, Amnesty International urges the Russian authorities to urgently quash his conviction and sentence. The authorities must ensure that Nikolay Platoshkin and his supporters are able to freely and safely exercise their rights to freedom of peaceful assembly, expression and association without fear of reprisals.

Nikolay Platoshkin is a former Russian diplomat, historian, who has worked as the Head of International Relations and Diplomacy Department at Moscow Humanities University, and a left-wing politician who over last few years has consistently criticised the ruling United Russia party and its policies. In 2019, he founded “For New Socialism” movement whose political programme includes socially oriented policies and democratic elections.<sup>1</sup> He is also a popular blogger with over 600,000 subscribers to his YouTube channel.<sup>2</sup> In his videos and meetings with supporters, Nikolay Platoshkin has criticised the government’s economic and social policies, recent amendments to the Russian Constitution, called for peaceful protests and the resignation of the government and President Putin, and for early elections. On 2 June 2020, two days before his arrest, Nikolay Platoshkin announced his plans to run for the presidential office and to participate in the parliamentary elections scheduled for September 2021.

On 4 June 2020, officers of the Russian Investigation Committee (a stand-alone government agency charged with investigating serious crime) conducted a search of his flat in connection with the criminal case initiated against him under Article 212 (1.1) (“Incitement or other involvement of a person to commit mass disorder”) and Article 207.1 (“Public dissemination of knowingly false information about circumstances posing threat to lives and security of citizens”) of the Criminal Code.<sup>3</sup> The latter is a provision which had been introduced only two months earlier in the context of the Covid-19 pandemic, which is in direct contravention with the right to freedom of expression. On the same day, Nikolay Platoshkin was placed under house arrest without the right to leave his house at all. The precautionary measure was extended several times in spite of his defence lawyers’ appeals citing Nikolay Platoshkin’s health concerns and the need for walks in fresh air. In September 2020, he had to be taken to an intensive care unit due to a heart condition and in January 2021 he was reportedly ill with Covid-19.

On 30 November 2020, Nikolay Platoshkin was officially indicted, and his trial started on 29 April 2021 in Moscow’s Gagarinskiy District Court. Contrary to the lawyers’ request, the judge decided not to conduct a preliminary hearing but to start hearing directly on the merits. The hearing lasted almost 12 hours, reportedly without a break, following which Nikolay Platoshkin was again taken to hospital. The next and last hearing took place on 18 May. There are concerns that Nikolay Platoshkin’s right to a fair trial might have been violated as the judge did not have adequate time to study over 20 volumes of the criminal case, his defence team might not have adequate time to prepare a defence and examine the prosecution’s evidence. Moreover, the judge reportedly only allowed a limited number of witnesses presented by the defence to testify.

<sup>1</sup> See programme of the movement at: <https://new-socialism.org/o-dvizhenii/programma/>

<sup>2</sup> <https://www.youtube.com/channel/UCDqwBnBsFWxFjOABSbE2Kw>

<sup>3</sup> See statement by the Investigation Committee at: <https://sledcom.ru/news/item/1470744/>

The prosecution requested a sentence of six years imprisonment and RUB 500,000 (USD 6,786) fine. On 19 May, Nikolay Platoshkin was found guilty and sentenced to five years suspended prison sentence and a RUB 700,000 (USD 9,500) fine. If his conviction under Article 212(1.1) is upheld on appeal, he will be prohibited from standing for elections for up to 10 years.

The indictment alleged that Nikolay Platoshkin “committed incitement of a person [sic] to mass disorder with use of violence and armed resistance to a government representative [sic]”. According to the authorities, he committed this “crime” by establishing the political movement “For the New Socialism”, announcing the plans to register a political party, and creating internet platforms for promoting the movement’s ideas. As part of this “criminal activity”, the authorities argued that he posted online audio, video and text files with statements on “political goals and political programme of the movement [...] aimed at [...] taking over the political power in the Russian Federation and also his intent to take part in it personally and through his representatives in the government and municipal bodies.” In pursuit of these goals, he “criticised activities and decisions taken by the current government and municipal bodies.” According to the indictment, in March 2020 Nikolay Platoshkin decided “to come to power unlawfully” for which “he started to incite his followers and other internet users via his audio-visual materials to commit mass disorder and participate in it under the disguise of protest rallies”.

As evidence, the investigator listed several video blogs by Nikolay Platoshkin whereby the latter had “disseminated knowingly false information about critical social and economic situation in the country, internal and external policies of the authorities; about the authorities’ responsibility for creating serious epidemiological situation [in the context of Covid-19 pandemic] and about their inaction to ensure the population’s safety; about violation of constitutional rights and freedoms in connection with unlawful restriction measures and absence of real measures to protect citizens’ lives and health and to support economy”, thus “creating social tension and giving rise to social protest”. Notably, the investigator alleged that in order to “conceal his unlawful activities” Nikolay Platoshkin was “disguising [them] as organization of lawful protest rallies in Moscow and other regions”.

Overall, the indictment against Nikolay Platoshkin argues that his legitimate political activities were simply a disguise to overthrow the government and as such constituted a crime. The sole evidence provided by the authorities were Platoshkin’s critical statements of the government and calls to peaceful protest.

The charges against Nikolay Platoshkin clearly suggest that all he is accused of is, in fact, exercising his rights to freedom of association, peaceful assembly and expression. Amnesty International has seen the videos listed as “evidence” of Nikolay Platoshkin’s “crimes” and can confirm that they do not incite violence or armed disorder. Quite the contrary, Nikolay Platoshkin called throughout his videos for peaceful, authorized (“lawful”) rallies and single pickets specifically pointing out that the rallies would be conducted only after the Covid-19 restrictions would have been lifted and only upon submitting a notification (“request”) and receiving authorization; and that single person pickets – considering their nature – is a safe way of protest during the pandemic. While calling for the resignation of top government officials, including President Vladimir Putin, and for the dissolution of the lower House of Parliament, Nikolay Platoshkin stated in a number of his videos that regime change in Russia could only be done peacefully, through the lawful electoral process. Accordingly, he called for early elections and election monitoring after peaceful rallies. He specifically indicated that if representatives of his movement come to power, they should come to power via legitimate means and not via riots. In fact, Platoshkin warned against dangers of riots and unrest and it was in this context that he was calling for his followers to be vigilant and be prepared in order to avoid getting involved in violence.

Peaceful assembly is a right protected under international human rights law,<sup>4</sup> which does not extend to assemblies where the organizers and participants have violent intentions or incite violence.<sup>5</sup> According to the case-law of the European Court of Human Rights (ECtHR), the burden of proving violent intentions on the part of those organizing demonstrations lies with the authorities.<sup>6</sup> In this case, the authorities have failed to prove such intentions on part of Nikolay Platoshkin.

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<sup>4</sup> See, Article 21 ICCPR, Article 11 ECHR.

<sup>5</sup> Human Rights Committee, General Comment No. 37, Article 21: the right of peaceful assembly, UN Doc CCPR/C/GC/37 (2020), para.15.

<sup>6</sup> Christian Democratic People’s Party v. Moldova (no. 2), § 23.

Platoshkin's video blogs cannot be considered either as disseminating "knowingly false information". What they contain is a criticism of the authorities' policies and practices, including while curbing the Covid-19 pandemic, and concerns about lack of support for small businesses and self-employed people, lack of effective measures to stop the pandemic, and the introduction of new restrictions to restrict the civic space and entrench the government's power. By sharing his views, Nikolay Platoshkin was exercising his right to freedom of expression, including the right to impart information and ideas of all kinds,<sup>7</sup> which is of vital importance for the political life. It has been long established by the ECtHR case-law<sup>8</sup> that freedom of expression is applicable "not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population".<sup>9</sup> Furthermore, blanket prohibitions on the dissemination of information, based on vague and ambiguous concepts such as "false news" or "spreading misinformation" are incompatible with international human rights law and standards.<sup>10</sup>

Thus, Nikolay Platoshkin's statements and actions fall within the scope of those enjoying protection under international human rights law and are also protected under Russia's Constitution. Nikolay Platoshkin's prosecution on spurious criminal charges is another illustration of the widespread practice of targeting political opponents and those who express dissenting views in Russia. Nikolay Platoshkin's conviction must be urgently quashed. He and his supporters should be able to freely exercise their rights to freedom of expression, association and peaceful assembly without fear of reprisals.

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<sup>7</sup> Article 19 ICCPR, Article 10 ECHR.

<sup>8</sup> See, e.g. *Handyside v. the United Kingdom*, 7 December 1976, § 49,; *Von Hannover v. Germany (no. 2)* [GC], nos. 40660/08 and 60641/08, § 101, ECHR 2012; and *Bédat v. Switzerland* [GC], no. 56925/08, § 48, ECHR 2016.

<sup>9</sup> See, *Handyside v the United Kingdom*, 1976, para.49

<sup>10</sup> Human Rights Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression, UN Doc. CCPR/C/GC/34 (2011), para. 49.