

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Russian Federation: Detained members of corruption watchdog are prisoners of conscience and should be freed immediately**

Arrests and other reprisals against employees and volunteers of the Anti-Corruption Foundation (ACF) are part of the latest clampdown on the rights to peaceful assembly and expression in Russia. They are facing administrative arrests and harassment by the Russian authorities for organising a live broadcast of the anti-corruption protests that swept across Russia on 26 March, while the state-run media largely ignored this significant political event. The detention of the ACF's staff and volunteers also allowed the authorities to search its office and remove computers and documents containing valuable, and possibly confidential, information. The ACF members were found guilty of administrative offences after unfair and politically motivated trials on 27 and 28 March. Twelve individuals, who have been arrested, are prisoners of conscience and should be immediately and unconditionally released. The Russian authorities should respect the rights to freedom of expression, association and peaceful assembly, and abstain from any further attempts to prevent ACF employees and volunteers, from the legitimate exercise of these rights.

On 26 March 2017, in what turned out to be the biggest protest in Russia for years, peaceful street rallies took place across Russia calling for investigation of allegations of corruption against senior government officials. In most places the rallies were not pre-authorised by the authorities, as the unduly restrictive Russian law requires, which deemed them "unlawful" in the authorities' eyes. In just 21 of the 99 cities where activists requested such authorisation from the authorities the permission was granted. In many places, the peaceful rallies were dispersed by the police, often with the use of excessive force.

The ACF has been instrumental in organising and covering the protests in the media. The call for official investigation of the allegation of corruption among government officials was prompted by a report published by the ACF alleging that the Prime Minister, Dmitry Medvedev, had unlawfully accumulated enormous personal wealth. The ACF's earlier publications alleged high-scale corruption among President Vladimir Putin's close friends and associates and members of the ruling United Russia party. The ACF's founder and leader, anti-corruption campaigner and political activist, Aleksei Navalny, appealed to his numerous supporters to take to the street on 26 March, and used the opportunity to rally support for his presidential bid ahead of the 2018 election.

During the rallies, the ACF organised a live internet broadcast from their office in Moscow covering the protests. According to the ACF, it was watched live by 170,000 internet users, and its recording was watched 4.47 million times. Twice during the broadcast, law enforcement officers came to the office, forcing the broadcast to stop. The first time, they searched the ACF's premises for explosives. Two ACF members, who were present at the time, stated during their trials that they were not informed that the alleged purpose of the police officers' visit and the search of the ACF's premises was a bomb threat. Nonetheless, like every member of the ACF, they complied with the law enforcement officers' request and allowed police officers with a dog to search the office for explosives. The police did not find any explosives and left the office. However, later the same day, police officers returned to the ACF office accompanied by members of the fire brigade, and ordered everyone to leave the premises claiming there had been a fire alarm. During the trial ACF members explained that everybody obeyed and went out

into the corridor. It was in the corridor where, contrary to what would be expected during a genuine fire alarm when people are required to leave the building, their passport details were checked and recorded by police officers in the corridor (this can be seen in publicly available video footage of the event<sup>1</sup>). Having recorded their personal details, police arrested all 14 members of the ACF present, and took them to the local police station where they spent the night before being delivered to court the following day to stand trial. The office was sealed by police, and at the time of writing it remains sealed.

Members of the ACF believe that, following their detention, law enforcement officers searched the ACF's office during the nights of 27 and 28 March, removing computers and documents. There is publicly available video footage showing plain-clothed men and two uniformed police officers taking computers and boxes from the ACF offices on the night of 26 to 27 March.<sup>2</sup> The men are being followed by reporters, but refused to explain who they are.

All of the arrested ACF employees and volunteers were charged with "disobeying police officers' legitimate orders" under Article 19.3 of the Code of Administrative Offences. Each of them stood trial individually and was found guilty.

Oksana Baulina, editor-in-chief of streaming Web channel NavalnyLive, together with the ACF's staff and volunteers Ruslan Ablyakimov, Vladimir Buzin, Anton Glembo, Sergei Gorkayev, Ekaterina Kenareva, Aleksei Lapyshchev, Ekaterina Melnikova, Vladislav Mosin, Anna Revonenko and Konstantin Shirokov, were each sentenced to administrative detention, ranging from five to seven days. Leonid Volkov, the ACF's project manager and head of Aleksei Navalny's presidential campaign, was sentenced to 10 days of administrative detention. Aleksei Bakhrushin and Maria Zakharova were spared detention, possibly on account of their health conditions, and fined RUB 1,000 (approximately US\$18) each instead.

The trials were conducted over two days, the 27 and 28 March. A representative of Amnesty International was present in court on 27 March, during one of the trials and spoke with defendants and lawyers of several other cases, and witnessed considerable delays. The defendants and their lawyers argued convincingly, including with reference to the circumstances of their arrest described above, that their detentions were groundless and that the purpose of the two police raids on the ACF office was not a response to a bomb threat or fire alarm but a deliberate attempt to disrupt the ACF's work. However, the court failed to take their arguments into consideration.

Also, according to the lawyers representing the ACF staff and volunteers, the office searches had been carried out as purported "incident site examinations". The law generally requires that examination of an organisation's premises regarded as the site of an incident should be conducted in the presence of the organisation's representative and limits the reasons for which any objects may be removed from the site. The searches of the ACF's office did not follow these legal requirements.

Amnesty International believes that the arrest of ACF employees and volunteers was arbitrary, and their subsequent trials and conviction for the administrative offence of "disobeying police officers' legitimate orders" were marred by several procedural violations. In particular, contrary to Russian legal requirements, following their arrest, they were held in custody for several hours before their purported "offense" was officially documented (before they were provided with so-called *protokols* of administrative offence). By law (Article 28.5 of the Code of Administrative Offences), this should have been done immediately after the purported offence took place. In reality, the *protokols* were issued several hours later. Moreover, copies of these initial *protokols* were later unlawfully taken from them by police and replaced with new ones. Just one of the ACF defendants was able to preserve both a copy of the original *protokol* and

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<sup>1</sup> <https://www.youtube.com/watch?v=vODX2VuN6KM>.

<sup>2</sup> [https://www.youtube.com/watch?feature=youtu.be&v=7VIsW4w4E\\_4&app=desktop](https://www.youtube.com/watch?feature=youtu.be&v=7VIsW4w4E_4&app=desktop).

the new one, and presented them both in court. The judge agreed to include both of these in the case file during the trial, but nonetheless passed a guilty verdict.

Contrary to the legal requirements, the "*protokols*" did not explain the reason why police officers asked everyone to leave the ACF office. The second version of the "*protokols*" contained a different description of the reasons for the police visit to the ACF office (one relating to bomb threat and the other to fire alarm). In at least two of the trials held by different judges, the court refused defence requests to present evidence and to have named witnesses examined, in direct violation of their right to a fair trial.

At least one of the arrested individuals, Ekaterina Kenareva, has serious health problems, and she required emergency medical services during her court hearing on 27 March. However, she was not allowed to be seen by paramedics until after her sentence was delivered. After the paramedics administered some medicines, she was left in custody to serve her sentence.

All those who have been detained are prisoners of conscience who have been deprived of their freedom for their media and investigative work. Moreover, the confiscation of their computers and documents may be intended not only to undermine the ACF's work, but also to uncover their sources, putting them, in turn, in danger of criminal prosecution for exposing corruption.

Amnesty International calls on the Russian authorities to release all detained members of the ACF immediately and unconditionally, and end reprisals against any peaceful protesters, investigative journalists and political activists in Russia.