

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **The strangling of the freedom of assembly in the Russian Federation must stop**

Amnesty International is concerned by the growing number of instances of arbitrary restrictions of the right to freedom of assembly, and the increasingly harsh sentencing to which peaceful protesters are being subjected by the authorities in Russia. Organizers often face harassment and intimidation, including from law enforcement officials and members of pro-government organizations.

The Russian authorities' failure to protect the right to freedom of assembly has once again become apparent during the gathering of peaceful demonstrators in Triumfalnaya Square, in the centre of Moscow, on the 31st December 2010 and in the course of events that followed.

For nearly two years, pro-freedom of assembly demonstrators have gathered, or sought to gather, in the centre of Moscow, in Triumfalnaya Square, on the 31st of each month that has 31 days to highlight Article 31 of the Russian Constitution which protects the right to freedom of assembly. Until October 2010, no such demonstration had been allowed for over a year, despite nearly a dozen attempts by supporters of the "Strategy 31" to organize a rally there on their chosen day. The rally on 31 October was agreed with Moscow authorities and went peacefully, but the demonstrations on 31 December again ended in dozens of people detained. Similarly, dozens were detained at a similar rally in St Petersburg and throughout Russia.

Shortly before the demonstration in Triumfalnaya Square in Moscow, around 5 pm on the 31st December 2010, a member of the "Strategy 31" Organizing Committee Eduard Limonov and one of his associates, Kirill Manulin, were also detained by police. Eduard Limonov later informed his lawyer that they were sentenced to 15 and eight days of administrative detention on the same day for "petty hooliganism." Reportedly, the basis for this decision was testimony by police officers based on an alleged complaint by a woman who herself was not present in court. Eyewitnesses told Amnesty International that Eduard Limonov was apprehended by police near his home on his way to the rally. The police insisted that he must come with them "for a chat." When Eduard Limonov requested that the "chat" be postponed until after the demonstration, he was told by police that he was being detained. Those accompanying Eduard Limonov maintain he had only just left home, did not act aggressively and did not resist the police's orders, while Kirill Manulin volunteered to accompany him to the police station.

Among the people detained at the latest "Strategy 31" rally in Moscow were a number of opposition activists, including Boris Nemtsov, Ilia Iashin and Konstantin Kosiakin who were held in police custody until 2 January 2011 and then sentenced to 15, five and 10 days of administrative detention respectively, allegedly for aggressive behaviour towards police officers. Video footage of Boris Nemtsov's detention is available on the internet, which is consistent with the eyewitnesses' testimonies which contradict police's account and suggests that he obeyed police officers' orders without resistance and did not demonstrate aggressive behaviour.

On New Year's eve, Boris Nemtsov was placed in a solitary windowless cell at a police station with no bed, nor mattress, where he spent the two days that followed. On 1 January 2011, he was visited by members of a Public Monitoring Commission who documented the conditions of his detention.

Amnesty International is further concerned at reports indicating that the court hearing which resulted in Boris Nemtsov's extended administrative detention failed to meet international standards of fairness. Reportedly, the judge only considered testimonies by police officers and did not grant the defence lawyers' request to cross-examine two police officers and to use video evidence that showed Boris Nemtsov being led away peacefully.

Amnesty International believes that these people have been detained solely for peacefully exercising their right to freedom of assembly and freedom of expression, which is in violation of the Russian Federation's international obligations and Constitution, and considers them to be prisoners of conscience. Those still in detention must be released immediately.

There have been a number of peaceful street protests by supporters of Boris Nemtsov, Ilia Iashin, Konstantin Kosiakin, Eduard Limonov and Kirill Manulin in Moscow since, a number of which have resulted in further detentions of protesters by police. While some such protests went ahead without prior notification of local authorities (as required by the current Russian legislation), a number of activists have attempted to stage separate one-person pickets – a form of street protest which does not require pre-notification of authorities. Reportedly, several such individual picketers were promptly joined by persons unknown to them and whom they regarded as provocateurs, following which the police detained the protesters as participants in “unsanctioned pickets.”

The latest series of arrests of peaceful protesters in Moscow and elsewhere in Russia are not isolated incidents but reflects an increasingly restrictive practice in Russia today with regard to freedom of assembly for people peacefully protesting human rights violations or expressing their dissenting political views, as well as members of environmental and other social movements which criticise the authorities.

The Federal Law of the Russian Federation “On assembly, meetings, demonstrations, processions and picketing” requires that organizers of demonstrations inform (*uvedomliat'*) local authorities in advance of the planned street action so that their safety and public order can be ensured by the authorities. The local authorities are obliged to acknowledge the receipt of this information, and have the authority to respond with a “substantiated proposal” (*obosnovannoe predlozhenie*) to change the place or timing of the action. Notifications of the intention of opposition groups, human rights organizations and critical social movements to hold demonstrations are regularly arbitrarily refused, or responded to with the imposition of additional conditions or restrictions regarding location, timing or numbers of participants. This places organizers in the invidious position of having either to abandon their demonstration, or accept the restrictions, or proceed with their original plans and run the risk of disruption and arrest.

Amnesty International is concerned by the numerous reports that the court hearings which result in administrative detention of peaceful protesters do not comply with the standards of fair trial and, in particular, that police testimonies are routinely used by judges to pass on sentences even when the defendants present a different account and are able to support it with witness statements and, on occasions, video footage.

Amnesty International is also concerned by the reports that scores of people, particularly targeting those of non-Slavic appearance, were arbitrarily stopped by police when they tried to enter the Red

Square in the centre of Moscow for a traditional mid-night New Year celebration. Many reportedly had their papers checked. Some were reportedly detained and driven to distant police stations and later released. According to different reports, the number of people from Central Asia and the Caucasus who were arbitrarily stopped and detained by police on their way to the Red Square varied from dozens to several hundreds.

Amnesty International is concerned that the events of recent weeks and months point to the progressive strangling of the freedoms of assembly and expression in the Russian Federation. Amnesty International is calling on the Russian authorities to reverse this trend and commit itself to the defence of the constitutional rights of all persons in Russia wishing to peacefully express their views, whether critical of the authorities or not, whether approved of by them or not.

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