

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **The Russian authorities accelerate their assault on freedom of assembly**

The right to freedom of assembly has been under increasing attack in Russia since the return of Vladimir Putin to presidency in May 2012, with countless protests across the country having been denied authorisation or dispersed without cause. In the space of a week since the ending of the Sochi Olympics, and the media glare that accompanied it, over 600 peaceful protesters have been detained in Moscow alone, and dozens elsewhere.

The recent protests were sparked by the pronouncement of criminal verdicts against peaceful demonstrators in the "Bolotnaya trial", the persecution of demonstrators in recent days, and Russia's use of military force in the autonomous region of Crimea in Ukraine. At least ten individuals have now been sentenced to administrative detention on charges of "failure to abide by police orders", for nothing more than an attempt to exercise peacefully their rights to freedom of expression and assembly. More trials against those arrested and later released are expected in the coming weeks, which are likely to furnish further examples of false testimonies by law enforcement officials and wilful disregard for exculpatory evidence on the part of judges. Amnesty International considers all those detained for peacefully exercising the right to freedom of assembly to be prisoners of conscience and calls for their immediate and unconditional release. Hundreds of peaceful protesters are facing extortionate fines following their arrests during the recent peaceful protests, under charges of violating the rules of public gatherings.

There have also been allegations of the use of excessive force by police. Every such allegation, as well as every allegation of the fabrication of evidence against peaceful protesters, should be immediately, effectively and impartially investigated, and any officer against whom sufficient admissible evidence of responsibility exists, including the commanding officers in charge, brought to account via criminal or disciplinary proceedings as appropriate.

On 21 February 2014, several hundred supporters gathered outside Zamoskvoretsky district court in Moscow in anticipation of the reading of the verdict in the "Bolotnaya trial". Only defence teams and some of the defendants' relatives were allowed into the court room as the judge began reading the verdict. The lobby, where they could watch a video from the courtroom, could only accommodate two dozen people at the most. The rest stayed outside to express their solidarity with the defendants, some of them holding placards in support of Bolotnaya prisoners and occasionally shouting "Freedom". Amnesty International observed that streets neighbouring the court were closed off by police in advance, nearly a dozen police detention vehicles were parked in the immediate vicinity of the court and an increased police presence was organized well in advance of the court hearing. Even before the court session began the police started detaining peaceful protesters. Initially the police appeared to detain those holding placards or wearing costumes as a form of protest. In one case they detained a person wearing a mask of President Putin and in the other a man holding a Russian flag. Extensive video and photo coverage of the events and eye-witness accounts confirm that those detained were not engaged in any disorderly conduct or engaged in any behaviour or activity that was not peaceful. Moreover, as the police had closed nearby streets, the protesters' presence caused no additional disruption or inconvenience to traffic in the area. The detention of protestors appeared to have been random. Numerous eye-witness accounts attest that the police ran towards persons peacefully standing on a pavement and began to apprehend them, without identifying themselves or explaining the grounds for their detention as required under Russian law and in many cases using in violation of the Russian law without explaining the grounds for their detention, using force that was unnecessary or excessive. Around 200 persons were detained. Most of those detained were charged with participation in an unauthorized gathering (under Article 20.2 of the Russian Code of Administrative

Offences) and face hefty fines. The court hearings are expected to take place throughout the month of March.

Unexpectedly, the judge read out only part of the verdict, pronouncing the accused guilty, but not declaring their sentences. The court was adjourned until Monday, 24 February, the day after the Closing Ceremony of Sochi Olympic Games on 23 February.

In the morning of 24 February, several hundred persons stood outside the Zamoskvoretsky district court of Moscow to express their support for the Bolotnaya prisoners. The police again closed the surrounding streets in advance, reportedly, the previous night, and started arbitrary detentions without any explanations and picking protesters at random. Several protestors alleged the excessive or unnecessary use of force. According to reports, over 230 persons were detained on the spot, some of them charged with failure to abide by police orders (Article 19.3 of the Russian Code of Administrative Offences), others with participation in an unauthorized gathering (Article 20.2). A few were accused of jay-walking and charged with violation of traffic rules (Article 12.29), even though there was no traffic because the police had blocked neighboring streets.

Later the same day, people attempted to gather on Manezhnaya square near the Kremlin in the Moscow city centre, where there have been regular peaceful small protests in support of Bolotnaya prisoners. However, the square and surrounding area were closed off by police since the morning. As a result, Bolotnaya supporters stayed on the pavement of Tverskaya Avenue, not far from Manezhnaya square. Again, there was a heavy police presence and over a dozen police detention vehicles. Soon thereafter police demanded that the protest disperse and proceeded to detain those that remained. Nearly 430 persons were detained on Tverskaya that evening, the majority of whom were charged with participation in an unauthorized gathering (Article 20.2) and some with failure to abide by police orders (Article 19.3).

Some of the Bolotnaya prisoners were detained two or three times in the course of those two days, including former prisoner of conscience and accused in Bolotnaya case, Vladimir Akimenkov and former prisoners of conscience and, Maria Alyokhina and Nadezhda Tolokonnikova.

As a result of these three waves of mass detentions between 21 and 24 February, some 640 persons have been charged under Article 20.2 (participation in an unauthorized gathering) and face hefty fines (up to 30,000 RUB – equivalent of USD 800). Around 80 other persons were charged with failure to abide by police orders and can be subjected to administrative fines or up to 15 days imprisonment.

At least eight peaceful protesters from among those detained stood trial on 25 and 27 February.

On 25 February, Andrey Semyonov was sentenced to 13 days of administrative arrest, Boris Nemtsov, Ilya Yashin, Nikolay Liaskin and Nadezhda Mitiushkina - to 10 days and Alexey Navalny – to 7 days. On 27 February Petr Tsarkov was sentenced to 7 days, reduced to 5 days on appeal. Denis Patrikeyev was also sentenced to 10 days detention, under a false identity fabricated by the police following his refusal to provide his real name in protest against his arbitrary detention.

All of the above were accused of not abiding police's legitimate orders, walking on a carriageway and/or interfering with traffic. Amnesty International examined available video and photo evidence and witness statements relating to the majority of the accused and is of the view that their prosecutions were politically motivated and that they were sentenced following unfair trials.

The organization also notes numerous violations of international human rights standards pertaining to the exercise of the right to peaceful assemblies and fair trial guarantees, as well as guarantees and procedural standards under the Russian law that occurred prior to and during detentions and in the ensuing trials. According to information made available to Amnesty International, official police documents documenting the circumstances of arrest of many of the detained peaceful protesters were filled out not by the arresting police officers, as required by law, but by other officers at the police stations to which the detainees were brought. Furthermore, witness statements by police officers, who were not even present at the scene, were used as evidence against the accused. Such "evidence" was relied on by judges, even when there was overwhelming evidence contradicting police statements, including extensive video and photo footage and eye-witness accounts exculpating the defendants.

For instance, according to police, activist Alexey Navalny "shouted slogans, supported the crowd... resisted police, ignored their demands to cease his illegal actions, waved his hands and refused to proceed with the police officers". On the basis of this testimony he was found guilty even though evidence to the contrary is

widely available and includes video footage of the episode in question taken by several people from different angles which clearly shows that Alexey Navalny was not doing any of the above, and cooperated with police and proceeded to police vehicle for detainees without resistance. Likewise, Petr Tsarkov was detained almost immediately upon exiting a metro station, but he was accused – and convicted - of shouting slogans and blocking the pavement, and thus interrupting the free movement of pedestrians.

On 1 March 2014 over a hundred protesters gathered around Manezhnaya square to protest against the court ruling the day before placing opposition leader Alexey Navalny under house arrest. At least 26 protesters were detained and at least one of them was charged under the 19.3 Article, and are now at risk of administrative detention.

On 2 March, several hundred people gathered in Moscow city centre in front of the Russian Ministry of Defense and on Manezhnaya square near the Kremlin to protest against Russia's use of military force in Ukraine. The protest was sparked by the Council of Federation's (Upper Chamber of the Russian Parliament) decision to approve President Putin's request and grant him authority to use military force in Ukraine. Some of the protesters carried placards such as "No War", "Stop before it's too late", "Peace to the World", "Stop embarrassing Russia", some sang the Ukrainian national anthem or Soviet-era children's songs about peace. As with the earlier protests, extensive video and photo coverage of the event, Amnesty International's own observations and eye-witnesses' accounts confirm that those detained were not engaged in any disorderly conduct or behaviour or activity that was not peaceful. Nevertheless, the police again proceeded with detentions that appear to have been arbitrary. At least 130 persons were detained in front of the Ministry of Defense, and at least 230 more on Manezhnaya square. Altogether at least 130 of them were charged with participation in an unauthorized gathering entailing administrative fines and at least 70 may face administrative detention for failure to comply with police orders. Their trials are forthcoming this month.

On the same day, another 27 persons were detained during similar protest in Saint Petersburg. On 3 March, Vladislav Dronov, a national of Belarus, and Roman Nemuchinskiy, a national of Ukraine, detained during the anti-war protest in Moscow, were sentenced to five days of administrative detention for failure to comply with police orders the previous day.

These latest episodes are not isolated incidents, but continue a consistent pattern of arbitrary interference with and restrictions on the freedom of peaceful assembly and expression by the Russian authorities. In recent years Amnesty International documented a stream of arrests of peaceful protesters in Moscow and elsewhere in Russia, where people have been detained for peacefully protesting or expressing their dissenting views.<sup>1</sup>

The protests were, with the exception of the first protest outside the court, spontaneous reactions to unforeseen events. There was no way that protestors could have complied with the Russian law which requires that protest organisers notify local authorities in advance of their intention to demonstrate, without rendering their protest meaningless..

Spontaneous street gatherings are routinely dispersed by police in Russia when opposition groups or other social movements critical of the authorities are involved. In the event of failure to obtain prior approval by authorities, assemblies, however peaceful in nature, are routinely disrupted by the authorities as "unauthorised", with their organisers and participants subjected to administrative penalties, including deprivation of liberty.

The Russian Federal Law "On assembly, meetings, demonstrations, rallies and picketing" is not consistent with international human rights standards pertaining to right to freedom of peaceful assemblies and expression. Over the course of the past years Amnesty International regularly documented how this law is being used to undermine the effective realisation of the rights to freedom of expression and peaceful assembly as guaranteed in international and regional human rights treaties, including the UN Covenant on Civil and Political Rights and European Convention on Human Rights and Fundamental Freedoms to which Russia is party, and the Russian Constitution. Under this Federal Law protesters are obliged to inform

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<sup>1</sup> See Amnesty International in its report *Freedom under threat: The clampdown on freedom of expression, assembly and association in Russia* (AI Index: EUR 46/011/2013), available at <http://www.amnesty.org/en/library/asset/EUR46/011/2013/en/d9fb0335-c588-4ff9-b719-5ee1e75e8ff5/eur460112013en.pdf>

(*uvedomliat'*) local authorities in advance of the planned street action so that their safety and public order can be ensured. The local authorities then have to acknowledge the receipt of this information, and to respond with an approval or in a limited number of circumstances - if the approval of proposal is not feasible – to send “substantiated proposal” (*obosnovannoe predlozhenie*) to change the place or timing of the action. Notifications of the intention of opposition groups and other social movements critical of the authorities to hold demonstrations are regularly arbitrarily denied.

The Russian authorities must respect the right to freedom of expression and assembly, including spontaneous peaceful protest, refrain from fabricating evidence against protestors, refrain from the excessive or unnecessary use of force against them, and investigate allegations thereof effectively.

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