

URGENT ACTION

'GAY PROPAGANDA' CASE SENT BACK FOR RETRIAL

On 25 March a Russian district court returned back for further consideration a lower court's decision that had found Elena Klimova guilty of "propaganda of non-traditional sexual relations among minors". In a separate proceeding due on 6 April another court in St Petersburg is to decide whether her group Children 404 is to be closed down.

In her appeal **Elena Klimova** maintained that the lower court decision must be quashed as her website did not contain any "propaganda" and so she could not have broken the law banning "propaganda of non-traditional sexual relations among minors". Among other documents, Elena Klimova presented a conclusion written by a Roskomnadzor (The Federal Service for Supervision of Communications, Information Technology and Mass Media) accredited expert. The expert's findings supported her position that the community page website for Children 404 does not contain any "propaganda". Elena Klimova also argued that the initial hearing had been held with numerous procedural violations. The Dzerzhinskii District Court judge took into consideration this latter argument and ruled that the case must be returned to the lower court for further hearing.

On 6 April, Oktiabrskii District Court in St Petersburg will hear the Prosecutor's Office's request to close down Children 404 group on the Russian social network VKontakte. Elena Klimova is hoping that as her appeal was upheld, the St Petersburg court will have no legal way to block the group.

Please write immediately in Russian or your own language:

- Welcoming the decision of the Dzerzhinskii District Court in Nizhnii Taghil;
- Calling on the Nizhnii Taghil Prosecutor's Office to ensure that Elena Klimova is not persecuted in connection with her Children 404 project;
- Calling on St Petersburg Prosecutor's Office to end harassment of Children 404 project and withdraw its request to close down the group.

PLEASE SEND APPEALS BEFORE 8 MAY 2015 TO:

Prosecutor of Sverdlovsk Region

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Salutation: Dear Prosecutor

Prosecutor of St Petersburg

Sergei Ivanovich Litvinenko
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Salutation: Dear Prosecutor

Prosecutor General of the Russian Federation

Yurii Yakovlevich Chaika
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And copies to:

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 25/15. Further information:
<https://www.amnesty.org/en/documents/EUR46/1234/2015/en/>

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ADDITIONAL INFORMATION

Elena Klimova started her online project Children 404 in March 2013 after she published a series of articles about lesbian, gay, bisexual, transgender and intersex (LGBTI) teenagers. Her aim was to support vulnerable young people who face discrimination and other problems, and give them a space in which they can feel part of a community and speak about their problems. She set up two groups, one on Facebook and the other on the popular Russian social network, VKontakte. These groups are used by teenagers to share their personal stories about problems they encounter, harassment and misunderstanding they face, and seek advice and support from both their peers and professional counsellors. The project's name is a reference to the message "404 Page not found" which comes up on the computer screen when one tries to access a web page that does not exist – an allusion to how many members of the LGBTI community feel in present-day Russia.

The homophobic law under which Elena Klimova has been charged was adopted in Russia in June 2013. According to the law, "propaganda of non-traditional sexual relations among minors" is an administrative offence and is punishable by fines from RUB 4,000 (USD 65) for individuals and up to RUB 1 million (USD 16,302) for organizations. Using mass media, Internet or other telecommunication networks for such "propaganda" is an aggravating factor according to the Russian law and an individual could be punished by a fine of up to RUB 100,000 (USD 1,630). A foreign citizen found guilty of the same offence may be punished by administrative detention of up to 15 days and deportation.

In December 2013, two LGBTI activists were fined under the "propaganda law" for conducting a protest action in Arkhangelsk. In February 2014, Aleksandr Sutorin, newspaper editor from the city of Khabarovsk, in the Russian Far East region, was fined RUB 50,000 after he published an interview with a former teacher who had been sacked from his job for being gay. The court which issued him with the fine ruled that the teacher's statement "My very existence effectively proves that homosexuality is normal" constituted "propaganda of non-traditional sexual relations".

Name: Elena Klimova

Gender m/f: f

Further information on UA: 25/15 Index: EUR 46/1332/2015 Issue Date: 27 March 2015