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LGBTI rights activists deprived of freedom for attempting to hold a Pride

Amnesty International calls for an immediate and unconditional release of lesbian, gay, bisexual, transgender and intersexual (LGBTI) rights activists Nikolai Alekseev, Vadim Gruzdev and Evgenii Gerasimov.

The three men were arrested in central Moscow on 30 May 2015, during an attempted Pride event, and on 1 June sentenced to 10 days of administrative detention, purportedly for “refusing to comply with police officers’ legitimate orders”. On 4 June, the Moscow City Court upheld all three sentences upon appeal.

The three activists were detained after they attempted to hold a Pride in the centre of Moscow on 30 May. Since the first attempt by LGBTI activists to hold a Pride event in 2006, repeated every year, the authorities in Moscow have consistently refused permission claiming that such events are “painful” for Moscow’s population. This year, the organizers submitted three requests to the Moscow authorities to hold a public meeting on 30 May, proposing different forms for the event. The authorities turned down all of these requests, stating that they had informed the organizers beforehand that a Pride event would not be permitted in Moscow. On 29 May, Preobrazhenskii District Court in Moscow confirmed the ban of the proposed events.

In defiance of the ban, the event organisers invited their supporters to assemble in central Moscow at 1pm on 30 May, and two activists – Nikolai Alekseev and Vadim Gruzdev – tried to drive past the Moscow Mayor’s Office on Tverskaya Street on a quad carrying a rainbow flag and a smoke torch. The two were immediately stopped and pulled off the quad by anti-LGBTI protesters and police who had gathered there in anticipation of the Pride event.

The activists were arrested and taken to a police station, together with 12 other individuals. Among them were a well-known journalist and LGBTI rights activist Elena Kostiuchenko and another woman who tried to unfold a banner with the slogan “Love – don’t fight”, as well as other LGBTI activists. Among those arrested were also some counter-protesters who had tried to prevent the LGBTI activists from displaying rainbow flags or banners, including by physical force. According to video footage seen by Amnesty International, anti-LGBTI protesters had also attacked and kicked several potential Pride participants on their way to the event. At least two activists had been injured with pepper spray; one later sought medical care.

All were released later the same day, except for Nikolai Alekseev, Vadim Gruzdev and another LGBTI activist, Evgenii Gerasimov. Four of the released LGBTI activists were charged with “violating the established procedure for arranging or conducting a meeting, a public rally or picket” (Article 20.2, part 5 of the Code of Administrative Offences), an offence that carries a fine of up to RUB 20,000 (approximately US\$ 380) but not administrative detention. None of the anti-LGBTI assailants were charged with any violation.

Nikolai Alekseev, Vadim Gruzdev, and Evgenii Gerasimov were later charged and found guilty under Article 19.3 of the Code of Administrative Offences of the Russian Federation (“Failure to comply with a lawful order of a police officer or other law enforcement official”). As the organiser of the disrupted Pride event, Nikolai Alekseev was also found guilty of violating the regulations governing organisation of public assemblies (Article 20.2, part 5, of the same Code).

On 1 June 2015, Tverskoi District Court in Moscow sentenced all three activists to 10 days of administrative detention each. According to the defence lawyer of Vadim Gruzdev and Nikolai Alekseev as well as to a member of the public who had attended the hearings, interviewed by Amnesty International, the judge relied exclusively on the written police report on the detention which stated that the police had told the two to stop their action but they refused. The judge who initially heard the cases against the three individuals, and the judges who later heard the appeal, considered it unnecessary to examine available video footage of the arrest, and refused to add it to the case materials.

According to the video and photo materials from the event reviewed by Amnesty International, the three men were peacefully exercising their right to freedom of expression on 30 May when they were arrested by the police. At the time of their arrest, the police did not issue any warning, and the activists did not actively resist the police. Nikolai Alekseev and Vadim Gruzdev had only just arrived in front of the Moscow Mayor's Office, while Evgenii Gerasimov stood on the pavement talking to other people.

Amnesty International believes that Nikolai Alekseev, Vadim Gruzdev and Evgenii Gerasimov have been deprived of their freedom solely in connection with their attempt to exercise their right to freedom of expression and peaceful assembly. They should be released immediately and unconditionally.

Background

Pride events have been routinely banned by the authorities across the Russian Federation, commonly on grounds such as alleged concern for the safety of participants or because the general population is ill-disposed to such events. After the law banning "propaganda of non-traditional sexual relations" among minors was adopted in July 2013, it has also been cited by the authorities as the grounds for denying LGBTI activists the opportunity to hold street rallies.

In 2010, in the case *Nikolai Alekseev v Russia*, the European Court of Human Rights decided that the continuous banning of Prides by the Moscow authorities violated the organizers' rights to freedom of expression and peaceful assembly. In spite of this decision, the Moscow authorities have continued to deny permission for Pride events in subsequent years.