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Russia: Unfounded Criminal Prosecution of Peaceful Protesters in Rostov-on-Don

Amnesty International expresses serious concern about the ongoing criminal prosecution of **Yan Sidorov** and **Vladislav Mordasov** charged with attempting to organize, and take part in civil unrest, and **Viacheslav Shashmin**, charged with attempting to take part in civil unrest, in Rostov-on-Don, south-west Russia. If convicted, Yan Sidorov and Vladislav Mordasov could be sentenced to up to 15 years in jail and Viacheslav Shashmin – up to eight years in jail.

Having studied available information on the case, Amnesty International believes that the criminal prosecution is unfounded, and the charges fabricated. Yan Sidorov and Vladislav Mordasov are prosecuted solely for exercising their rights to freedom of expression and peaceful assembly. All charges against them and against Viacheslav Shashmin, who claims he had no connection to street protest by Sidorov and Mordasov, must be immediately dropped. They are prisoners of conscience and must be released immediately and unconditionally.

Amnesty International is deeply concerned about Yan Sidorov, Vladislav Mordasov and Viacheslav Shashmin's arbitrary detention and violation of their right to personal liberty and fair trials. We are also concerned about reports of use of torture and other ill-treatment to extract "confessions" from Yan Sidorov and Vladislav Mordasov. We call on the Russian authorities to conduct a prompt, impartial and effective investigation into these allegations and bring the suspected perpetrators to justice.

Arbitrary arrest and violation of the rights to freedom of expression and peaceful assembly

At around mid-day on 5 November 2017, eighteen-year-old college student **Yan Sidorov** and twenty-one-year old worker **Vladislav Mordasov** came to the square in front of the Rostov Region administration to hold a peaceful picket. They had several printed leaflets, a loudspeaker and two rolled up handwritten posters that they had made a day before. The posters read: "Return the land to victims of Rostov fires" and "The government should resign".

According to Vladislav Mordasov's statement of 6 August 2018, even before the two young men could unfold their posters and start the picket, a group of eight police officers from the Centre for Combating Extremism (Centre "E") approached them and demanded the protesters show them the posters. Some of the police officers filmed them on mobile phones. The two young men showed their posters without objection. The police demanded that Sidorov and Mordasov show their passports and tried to arrest them for holding an "unlawful picket". The two men protested that they hadn't even started the picket, and

insisted that their right to peaceful assembly, as enshrined in Article 31 of the Russian Constitution, be respected. At this point, a police colonel approached them and demanded to see their passports. Upon inspecting their passports, the officer claimed that they contained “wrong signatures” and hence were invalid, and proceeded to arrest them on these grounds.

On the same day, the police arrested eighteen-year-old **Viacheslav Shashmin** outside a block of flats close to the square where Yan Sidorov and Vladislav Mordasov were arrested. Viacheslav Shashmin claims that he did not know Sidorov and Mordasov at the time (which they too, collaborated in their respective statements), and did not participate in their picket.

Unlawful detention, torture and other ill-treatment

According to Vladislav Mordasov’s statement, upon their arrival at the police station they were taken to separate offices and questioned about their intended picket. According to Sidorov and Mordasov, police officers forced them to “confess” that they intended to organize a violent demonstration. Vladislav Mordasov stated that police officers verbally abused them, threatened them with physical violence including rape, and subjected them to severe beating.

Mordasov was punched in his solar plexus and stomach, hit on his face and head and strangled. Yan Sidorov was also hit on his face, received repeated blows to his head with a plastic bottle¹ and was threatened with rape.

Vladislav Mordasov claimed that he was questioned as the beatings, abuse and threats continued. Then, under further threats and pressure he was made to sign a statement with his fabricated “confession” stating he intended to overthrow the government. Yan Sidorov was also forced to sign a “confession.” The interrogation continued until approximately 22:00, police produced additional documents, had the two men sign them and then placed them in a holding cell at the station. The two men were without access to legal representation during this time.

According to a witness who claims he was in the same holding cell with Yan Sidorov and Vladislav Mordasov, when Sidorov was brought into the holding cell he was very pale and told everyone that he had to “sign everything” due to threats of rape. This testimony was corroborated by two men interviewed by Amnesty International outside Russia, who in turn spoke about their own ordeal at the hands of police officers from the Centre for Combating Extremism in Rostov-on-Don. Their testimonies included allegations of being beaten with a water-filled 5-litre plastic bottle on the head, after which they had to sign papers without sight of their contents. Then, they were reportedly taken to the Investigation Committee

¹ In July 2018, when Yan Sidorov was on a hunger strike, he experienced acute headaches and vomiting. He was examined by doctors and diagnosed with a cranio-cerebral injury. His mother told Amnesty International that a month before his arrest Yan had had a medical examination in the military commissariat and no health problems were found. Thus, there is a strong possibility that the trauma occurred in the police station.

where they again signed documents without knowledge of their contents. In violation of Russian law they were not provided with a lawyer during the two interrogations.

Administrative detention and further torture and other ill-treatment

The next morning, on 6 November, police took Yan Sidorov, Vladislav Mordasov and Viacheslav Shashmin to Rostov-on-Don Kirovskiy District Court where Sidorov and Mordasov were sentenced in separate proceedings to seven days of “administrative detention” each under Article 20.2, part 2 of the Russian Code of Administrative Offences (“Organization or conduct of a public event without proper notification of the authorities of this event”). Their period of detention was calculated from 13:00 on 5 November and would have expired at 13:00 on 12 November.

Separately, Shashmin was given five days of “administrative detention” on spurious charges of “petty hooliganism” under Article 20.1 of the Russian Code of Administrative Offences.

Upon sentencing Yan Sidorov, Vladislav Mordasov and Viacheslav Shashmin were placed in a detention facility Spetspriemnik No 1, in separate cells. According to Mordasov’s statement, while serving his administrative detention term from 6 to 10 November, he was visited twice by the two police officers from the Centre for Combating Extremism who questioned him further and subjected him to torture and other ill-treatment. The police verbally abused him, threatened and punched him, including in his stomach and solar plexus, hit him in the face, punched his head, strangled him and demanded that he give them information about members of the Telegram messenger chat “Revolution 5/11/17 Rostov-na-Donu” established by Mordasov. No lawyers were present during the interrogation. Later Vladislav Mordasov learnt from Yan Sidorov that the latter had also been visited by police officers from the Centre for Combating Extremism and forced to sign a “confession”.

Artpodgotovka movement and the Telegram chat “Revolution 5/11/17 Rostov-on-Don”

About two weeks before his detention, Vladislav Mordasov had set up a Telegram chat “Revolution 5/11/17 Rostov-na-Donu”. Similar chats were being created across Russia at that time following a call by Viacheslav Maltsev, once a local political activist and blogger, since exiled, who had encouraged his followers “to get ready” for anti-government protests on 5 November 2017. The call was made via his blog “Artpodgotovka” which, according to some estimates, had tens of thousands of followers known as the “Artpodgotovka movement”. In February 2018 the Russian Supreme Court declared Artpodgotovka an extremist organization. Its activity is banned in Russia.

Yan Sidorov and Vladislav Mordasov were first acquainted online in Mordasov’s chat, but had not known previously known each other personally. They claim they only met in person two days or so before the picket.

The chat had fewer than 200 participants, with only around 30 participants engaging in conversations regularly. Yan Sidorov was allegedly asked by Vladislav to become the chat administrator several days after he had become a chat member. Mordasov was registered

in the chat under his real name “*Vlad Mordasov*” while Sidorov used the nickname “*Sarymyan Sarymyan*”.

According to Yan Sidorov’s lawyer, the chat was deleted after Mordasov and Sidorov’s arrest, and police were only able to obtain screenshots of parts of their conversation

Amnesty International has examined the messages from “Revolution 5/11/17 Rostov-na-Donu” chat, and, consistent with their defence, in none of these Yan Sidorov or Vladislav Mordasov called for or incited violence or “overthrow of the regime”. In particular, Yan Sidorov mentioned in several instances that the street protest planned for 5 November should be peaceful. He also reminded chat participants that peaceful protest was their constitutional right. Sidorov maintained in his subsequent questioning that his action was entirely peaceful.

Potentially inflammatory and provocative comments and calls contained in the chat, to Amnesty International’s best knowledge, were issued users including those using the nicknames “q.q.”, “Joly Neko” and “Ivan Kolovrat”. Their comments were clearly different from the rest of the group’s conversation and often were inserted randomly, without any connection with the ongoing conversations. In response to those specific comments, Yan Sidorov warned other participants against resorting to violence which would, in his words, turn them into “gangsters” and make them a legitimate target for legal action by police. He underscored that they were not to take weapons or objects that could be used as weapons except protective items like kneepads, helmets and protective glasses to protect protesters against police beatings. Vladislav Mordasov also described army belts as protective gear.

Yan Sidorov in addition specifically instructed potential protesters not to resort to violence in case of arrest by police or to protect fellow demonstrators.

The police claim that they failed to establish those chat members who had posted provocative comments, whilst they had no difficulty in identifying Vladislav Mordasov as the one who had set up the Telegram chat. There are strong indications that the police had infiltrated the chat to monitor. Shortly after when Mordasov and Sidorov met with other chat participants for the first time face-to-face, just before 5 November, a police officer called Mordasov, asking to meet him. The meeting did not occur, but it appears that the police already knew who Vladislav Mordasov and Yan Sidorov were awaiting them upon their arrest in the square on 5 November. This suggests that the Telegram chat had been closely monitored by counter-extremism police and begs the question as to whether Vladislav Mordasov and Yan Sidorov were targeted in connection with their intention to organise peaceful protest as opposed to those who had allegedly called for violence.

Fabrication of criminal charges

The materials of Yan Sidorov’s administrative case contain a memo (copy seen by Amnesty International) signed by the acting head of the detention facility and addressed to the sentencing judge. According to the memo, Yan Sidorov was released on 12 November having served his full administrative sentence. However, according to Sidorov and Mordasov, they were not released from custody. On 10 November, Sidorov and Mordasov

were taken from the temporary detention facility to the Investigation Committee for Rostov Region where they were questioned as suspects in a criminal case. According to Mordasov's statement, the same anti-extremism police officers who had tortured him before were present during the questioning. The investigator telephoned a lawyer to come and represent Vladislav Mordasov. According to Mordasov, the investigator demanded that he "confess" to organizing mass riots in Rostov-on-Don and repeatedly verbally abused and threatened Mordasov in the presence of the lawyer. As Mordasov continued to protest, the investigator told the lawyer to leave the office and wait in the corridor which she did, according to Mordasov.

Two witnesses (identity known to Amnesty International but not disclosed for security reasons) in the corridor at that time claim they saw Mordasov's lawyer (in their words, an elderly woman) exit one of the offices complaining that she was unwell. According to the witnesses, the woman added: "I can't stand it, he is being beaten over there" while they themselves heard screams from the office where Mordasov was being questioned. Almost three hours later the lawyer was invited back into the office. The witnesses also state they saw plain clothes police officers going from one office to another carrying an object that resembling a baseball bat.

In the meantime, according to Mordasov, he was handcuffed, hit in his face and head, pushed, punched in his stomach and kidneys, and suffocated with a gas mask. The mask was removed at least twice when he was about to pass out, and he was asked whether he was ready to confess. Then he was thrown on the floor and four officers repeatedly kicked him, including in the groin. Ultimately, Mordasov agreed to "confess", at which point the investigator invited the lawyer back to co-sign Mordasov's written statement.

According to Mordasov, the investigator then drafted an incriminating statement on his behalf, forced him to sign it and instructed him to learn it by heart as the next day they would go to "verify the statement at the place of crime". The lawyer co-signed Mordasov's statement without objection. The investigator warned Mordasov against giving a different statement.

According to Yan Sidorov's family, he was also pressured into signing a self-incriminating statement while the investigator did not allow the lawyer they had hired into the building, instead, a state-appointed lawyer represented him. Yan Sidorov told his family that this lawyer as well left the room for some time during his interrogation.

Viacheslav Shashmin was also interrogated on 10 November. According to his family, immediately after his release at approximately 12:00 noon from the detention facility where he had served his administrative sentence he was apprehended by a plainclothes police officer and taken in a car without insignia to the Kirovskiy District investigation department. There he waited there for an investigator for five hours and following was delivered to the offices of the Investigation Committee for Rostov region. He was interrogated in the latter venue until approximately 23:00.

According to Shashmin's signed statement (copy seen by Amnesty International), he "confessed" to the "crime" of taking an interest with peaceful "intentions" in the planned rally.

Later on 10 November, Vladislav Mordasov, Yan Sidorov and Viacheslav Shashmin were arrested as suspects in a criminal case opened that day. Mordasov and Sidorov were still serving their “administrative detention” sentences for actions now qualified as criminal offences. According to Yan Sidorov’s lawyer, in a subsequent court decision their administrative sentences were annulled to avoid ensuing double jeopardy and in violation of Russian law. By that time they had served their administrative sentences in full.

Mordasov and Sidorov were taken back to the detention facility after midnight, while Shashmin remained in detention.

On 11 November, Vladislav Mordasov and Yan Sidorov were brought to the scene of their alleged crime to verify their signed statements. On 12 November, Leninskiy District Court in Rostov-on-Don ruled in separate hearings to remand Yan Sidorov and Viacheslav Mordasov in custody for two months as criminal suspects. Their detention has been extended by the courts several times, until 9 February. Sidorov’s lawyer told Amnesty International that he had unsuccessfully appealed every decision to extend his detention and after one such extension commenced a several weeks’ hunger strike in protest. Viacheslav Shashmin is currently under house arrest.

On 17 November 2017 Sidorov and Mordasov were officially charged with the crimes of “attempting to organize civil unrest” (Article 30, part 3, Article 212, part 1 of the Russian Criminal Code) and “attempting to participate in civil unrest” (Article 30, part, 3, Article 212, part 2 of the Russian Criminal Code).

The investigator has requested an expert examination of the messages in their Telegram chat. A linguistic examination, conducted by an expert formally affiliated with the Ministry of Internal Affairs (copy seen by Amnesty International), concluded that some of the messages in the chat could be construed as calling for overthrow of the government or inciting enmity towards police officers. However, those messages were written by other users, not by Yan Sidorov or Vladislav Mordasov. As such, the conclusion was insufficient to prosecute Sidorov and Mordasov and the investigator requested two additional psychological and linguistic reviews of the same messages from the private Rostov Centre of Judicial Expertise. The experts were tasked with establishing the “type” of the “group” to which members of the chat belonged, whether the group had a leader and whether there were statements calling for violence, including against law enforcement officials. In violation of the law (Articles 195,198 of the Russian Criminal Procedure Code) , the investigator did not inform Sidorov and Mordasov’s lawyers in due time about the timing of the review and refused to include their questions in the review.

The Rostov Centre of Judicial Expertise experts concluded that the chat members were part of a “group”. Furthermore, the experts went beyond their assignment and claimed that the group had government overthrow as its long-term goal and mass riots and violence against officials as its immediate goals. The experts concluded that the chat members retained criminal group characteristics and that while “there were no clear hierarchical relationships between the active chat members yet” there was already leadership – members with nicknames “*Vlad Mordasov*” and “*Sarymyan Sarymyan*”, i.e., Vladislav Mordasov and Yan Sidorov. The defence’s attempts to contest the conclusions of the expertise have been so far unsuccessful.

Victims of multiple human rights violations

The prosecution of Vladislav Mordasov, Yan Sidorov and Viacheslav Shashmin is a violation of international human rights standards and Russia's own constitution, including in relation to the three men's rights to freedom of peaceful assembly and expression, freedom from torture, right to liberty and security of person and the right to fair trials.

In particular, Article 29 of the Russian Constitution² guarantees freedom of expression. The right to freedom of expression is enshrined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR)³ and Article 10 of the European Convention on Human Rights (ECHR)⁴, to both of which Russia is a state party. Any restrictions to these rights must be prescribed by law and demonstrably necessary and proportionate for a legitimate purpose permitted under international law. Yan Sidorov's and Vladislav Mordasov's statements in the Telegram chat, and the posters they brought with them to the square where they intended to stage a protest constitute exercise of their rights to freedom of expression and peaceful assembly.

Similarly, Article 31 of the Russian Constitution guarantees that "Russian citizens can gather peacefully...to conduct meetings, rallies and demonstrations, marches and pickets." The right to peaceful assembly is guaranteed in Article 21 of the ICCPR, Article 11 of the ECHR and, like other human rights, is further elaborated on in other international human rights treaties and case law. The right to peaceful assembly includes the right to plan, organize, promote and advertise an assembly in any lawful manner. Furthermore, it should not be subject to prior authorization of the authorities and failure to notify authorities does not render such assembly unlawful and should not be used as a basis to disperse it. "Where there has been a failure to properly notify, organizers, community to political leaders should not be subjected to criminal or administrative sanctions resulting in fine or imprisonment."⁵ Thus, Yan Sidorov's and Vladislav Mordasov's prosecution for holding an "unauthorised assembly" is contrary to international law and Russia's own constitution.

The arrest and subsequent detention of Yan Sidorov, Vladislav Mordasov and Viacheslav Shashmin is arbitrary and based on a spurious pretext, and therefore violates the right to

² Constitution of the Russian Federation, 1993, available at: <http://www.constitution.ru/10003000/10003000-4.htm>

³ International Covenant on Civil and Political Rights (ICCPR), 1966, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁴ European Convention on Human Rights (ECHR), 1950, available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf

⁵ See Joint Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, para.19, 21, 23, A/HRC/31/66, available at: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A.HRC.31.66_E.docx

liberty and security of person (Article 22 of the Russian Constitution, Article 9 of the ICCPR, Article 5 of the ECHR).

Numerous violations of international fair trial standards set in Article 14 of the ICCPR, Article 6 of the ECHR and enshrined in particular in Articles 46, 48 and 50 of the Russian Constitution, including the right to adequate legal defence and presumption of innocence, have also occurred.

Amnesty International also considers that there are strong grounds to believe that the Russian authorities have violated the absolute prohibition of torture and other ill-treatment (Article 7 of the ICCPR, Article 3 of the ECHR). Allegations of torture and other ill-treatment must be promptly, effectively and impartially investigated.