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Russian authorities fail to respect spontaneous peaceful assembly

Amnesty International is concerned that the Russian authorities continues to restrict the right to freedom of peaceful assembly and to prosecute peaceful protesters for their exercise of this right.

The failure by the Russian authorities to respect the right to freedom of peaceful assembly has once again become apparent during the gathering of peaceful demonstrators in the centre of Moscow.

On 19 and 21 December 2012, groups of activists were peacefully protesting in front of the Russian State Duma in Moscow against the adoption of the bill “On measures to influence persons involved with violations of fundamental human rights and freedoms and rights and freedoms of citizens of the Russian Federation” (the so-called “Dima Yakovlev bill”), among other introducing ban on adoption of children from the Russian Federation to the United States.

According to information available to Amnesty International, the protesters were not engaged in any disorderly conduct, did not violate traffic rules and were not engaged in any behaviour or activity that was not peaceful. However, 14 people were arrested on 21 December and 13 people on 19 December on charges of violating the rules relating to the organisation of meetings, pickets, demonstrations and rallies and may now be sentenced to hefty administrative fines.

Also on 19 December, LGBT rights activists and their supporters were protesting outside of the State Duma against the bill criminalising “propaganda of homosexuality” that was scheduled for its first reading in the Duma that day.

The available footage of the event that the participants called “The Day of Kisses” does not indicate that they were engaged in any disorderly conduct, violated traffic rules or engaged in any behaviour or activity that was not peaceful. Soon after the beginning of the event, they were violently attacked by so-called “orthodox activists”. According to information available to Amnesty International, LGBT activists and their supporters did not respond with violence to the attack. Nevertheless, at least nine of the LGBT activists were arrested and remained in detention until the evening on 20 December 2012. They were charged with “hooliganism” and sentenced to administrative fines. Reportedly, the protocols of detention did not mention the unauthorised meeting or kisses, but alleged that the arrested activists were using bad language and were fighting among themselves.

A few days earlier, on 15 December 2012, the leaders of opposition and their supporters gathered on Lubyanskaya square, to commemorate the victims of Soviet repressions. Prior to that, they attempted on several occasions to obtain official approval (“*soglasovaniye*”) for the opposition rally “Freedom March” in Moscow that was planned for the same day. Both the opposition and the Moscow city authorities suggested alternative routes for the rally, which the other party considered unacceptable. On 12 December, the authorities confirmed its refusal to authorise the rally. Despite this, some of the opposition leaders then decided to go to Lubyanskaya square on 15 December. Once again, the available footage of the event does not suggest that the protesters who gathered on Lubyanskaya square on 15 December were engaged in any disorderly conduct, violated traffic rules or engaged in any behaviour or activity that was not peaceful.

However, at least forty people were arrested on charges of participation in an unauthorised meeting and may face hefty administrative fines; one of them was detained for ten days by court for her refusal to give her name to a police officer during the arrest that she alleged was illegal.

Amnesty International believes that these arrests and likely fines violate the right to freedom of assembly and freedom of expression as set out in both Russian and international law. They are, sadly, not isolated incidents, but fresh proof of a growing crack down on government critics and popular protest.

Amnesty International reiterates its serious concern that the Federal Law of the Russian Federation “On assembly, meetings, demonstrations, rallies and picketing”, in particular the amendments introduced in June 2012, is being used to undermine the effective realisation of the right to freedom of expression and assembly as guaranteed in international human rights treaties and the Russian Constitution.

Thus, the law requires organisers to inform local authorities of the planned meeting or any other public event at least three days in advance of the event and obtain their approval (“soglasovanie”), in practice amounting to a requirement of authorisation of public events. The failure to secure such approval renders any public event illegal irrespective of how peaceful the event and how important the issues raised by protesters are for the social and political life of the country. The law does not provide any exceptions from the above requirement, even in circumstances where the legally established deadline cannot be met and where giving advance notice would be impracticable.

Amnesty International is calling on the Russian authorities to implement the recommendation of the OSCE Office for Democratic Institutions and Human Rights and to ensure protection and facilitation of any spontaneous assembly so long as it is peaceful in nature.

The Russian authorities should commit itself to the defence of the human 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, as stipulated in international human rights law and in the Russian Constitution.

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