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Moscow authorities must respect the right to freedom of peaceful assembly

Amnesty International calls on the Moscow authorities to respect the right to freedom of expression and peaceful assembly and not to obstruct a public meeting planned for 31 January. The meeting has been planned by human rights defenders and political activists in support of the right to freedom of peaceful assembly as set out in Article 31 of the Constitution of the Russian Federation and in Article 11 of the European Convention on Human Rights.

Since May 2009, a group of human rights defenders and political activists have been planning meetings every 31st of a month at 6pm in support of the right to freedom of assembly, to take place on Moscow's Triumfalnaia Square, one of the squares in Moscow frequently used for demonstrations. Every time, the group has informed the city administration in accordance with the law, referring to the right to demonstrate, guaranteed by Article 31 of the Russian Constitution and every time the Moscow authorities made use of its authority to refuse permission to the meeting on Triumfalnaia Square, arguing that despite the registration by the group at the earliest possible time, 15 days prior to the gathering, another group had already registered an event at the same place and the same time.

While the group of human rights defenders and political activists have been persistently barred from meeting at Triumfalnaia Square on the 31 of a month, other groups have been allowed to hold meetings, events and rallies at the very same square. On 31 October, for example, an organization of veterans held a meeting at Triumfalnaia Square. Further inquiry produced that the group initially planned to hold their gathering earlier during the day, but was suggested to shift it to 6pm.

Amnesty International finds it implausible that on every 31st of the month, there was already another demonstration or event registered on Triumfalnaja Square at the same time which prevented the Moscow authorities from allowing the group of human rights defenders and political activists from gathering there. In any event, respect for the right of everyone, without discrimination, to freedom of peaceful assembly means that if notification is given of two assemblies to take place at the same place and time, the authorities should as far as possible facilitate both of them. The circumstances of the repeated prohibitions of these particular demonstrations give rise to the concern that there are political reasons for the prohibition.

Freedom of peaceful assembly is an essential condition for the exercise of the right to freedom of expression. Russia is obliged under international human rights law to respect and protect these rights.

Under international law, no restrictions may be placed on the right to freedom of peaceful assembly unless they are provided by law and can be shown to be necessary for the purpose of protecting certain legitimate public interests or the rights of others. Any such measures should be proportionate -- the least intrusive means of achieving that objective -- and must not place in jeopardy the right itself. Moreover Russia is obliged under international law to ensure that the right to peaceful assembly is enjoyed equally by everyone, without discrimination on any grounds, including political or other opinion.

Amnesty International calls on the Russian authorities to comply with their obligations under international human rights law to respect and protect the rights to peaceful assembly and freedom of expression and in particular to lift the prohibition on the demonstration of human rights defenders and political activists planned for 31 January. In the future, they should ensure that when they are notified of any planned demonstrations, assemblies or public meetings, any restrictions imposed should only be such as are demonstrably necessary and proportionate for a reason recognised as legitimate in international human rights law. If any such restrictions are imposed, the meeting organizers should also be able to appeal the decision of the regulatory authority to an independent court or tribunal before the date planned for the meeting.

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