

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI: Index: EUR 46/032/2010

10 September 2010

Russian Federation: Harassment of peaceful protestors must stop

Amnesty International is calling for the immediate release of Lev Ponomarev, a human rights defender currently under administrative arrest. The organization considers Lev Ponomarev a prisoner of conscience detained solely for peacefully exercising his right to freedom of assembly and freedom of expression. Amnesty International urges the Moscow authorities to respect international human rights standards and the Russian Constitution, to end unlawful and discriminatory restrictions of the right to freedom of peaceful assembly and the harassment of human rights defenders and people with dissenting views. The practice of fining and placing peaceful protestors under administrative arrest is a means of cracking down on the legitimate exercise of freedom of expression by those with dissenting views, and must stop.

On 7 September, a district court in Moscow sentenced Lev Ponomarev, head of the NGO "For Human Rights", to four days of detention following his arrest by police in Tverskaya Square in Moscow on 12 August, during so-called Day of Wrath street protest against the policies of the local and national governments. The police alleged that Lev Ponomarev, and the group of demonstrators and journalists who were standing around him, were obstructing movement of pedestrians and preventing them from getting into the metro, and also that Lev Ponomarev had behaved "flagrantly." There is extensive video footage on the internet documenting Lev Ponomarev's participation and arrest at this event, where he arrived on his own, was interviewed by a number of media reporters present on the scene, and taken away by police officers without resistance. Before the protest started the police had cordoned off Tverskaya Square preventing the demonstrators from assembling there and forcing them to stand on the zebra crossing which separates the square from a busy street, and demanded that people disperse because they were obstructing pedestrians. While this was happening, there were no signs of violence shown by any of the demonstrators, and people who were not involved in the protest appeared to still be able to pass across. Later, the police closed off the crossing and demanded that all pedestrians take an alternative route via the underground crossing and the opposite side of the road.

Lev Ponomarev has been detained twice in less than a month for allegedly resisting police orders during peaceful street protests.

The Federal Law of the Russian Federation "On assembly, meetings, demonstrations, processions and picketing" requires that organizers of demonstrations inform (*uvedomliayut*) local authorities in advance of the planned street action so that their safety and public order can be ensured by the authorities. The local authorities are obliged to acknowledge the receipt of this information, and have the authority to respond with a "substantiated proposal" (*obosnovannoe predlozhenie*) to change the place or timing of the action. When such a response is issued, if the demonstration goes ahead as planned the police regard it as "unlawful" or "unsanctioned," and routinely break it up and detain its participants and organizers.

For over a year now, Lev Ponomarev and other human rights defenders as well as some members of the political opposition have, on various pretexts, been repeatedly and consistently

denied the right to hold peaceful demonstrations in the centre of Moscow, and particularly Triumfalnaya Square. In the meantime, other groups were allowed to hold their street actions there without any restriction by the authorities. On a number of occasions, such assemblies by other groups were organized and authorized to take place exactly at the same time as had been requested by members of the movement "Strategy 31" (organizers of street actions in defense of Article 31 of the Russian Constitution which guarantees the right to freedom of assembly) while the gatherings of the movement's supporters were disallowed. On no occasion, after nearly a dozen attempts over several months, have supporters of the "Strategy 31" been allowed to demonstrate peacefully in the centre of Moscow at the place and time of their choice.

Amnesty International is concerned about this pattern of harassment, in particular restrictions of the right of assembly and arbitrary fines and arrests, targeted against human rights defenders and some members of the political opposition. The harassment of these groups in Moscow is reflected in harassment of others throughout Russia.

While the right to freedom of peaceful assembly is not an absolute right, no restrictions may be placed on this right unless they are fully in line with national and international law and are demonstrably 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.

ENDS

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: press@amnesty.org