

Mr Thobjørn Jagland
Secretary General
Council of Europe
F-67075 Strasbourg Cedex

**AMNESTY
INTERNATIONAL**



EUROPEAN INSTITUTIONS OFFICE

Brussels, 6 June 2014

Ref: B1584

Dear Secretary General,

A RIGHT, NOT A CRIME: VIOLATIONS OF THE RIGHT TO FREEDOM OF ASSEMBLY IN RUSSIA

Amnesty International would like to draw your attention to our report [A right, not a crime: Violations of the right to freedom of assembly in Russia](#), published on 3 June 2014 (enclosed). It documents the ways in which legislative amendments introduced following President Vladimir Putin's inauguration for a third term in 2012 and their implementation in practice over the past year amount to an attack against the right to freedom of assembly. This right has long been restricted in Russia, but it is now in danger of being lost altogether, as the clampdown on government critics and dissenting voices has intensified in recent months. The rights to freedom of expression and association are similarly facing the Russian government's ongoing assault.

Over the last year, most protest actions in Russia have been either severely restricted or barred and dispersed. Pro-government or government-sponsored public assemblies have been allowed to proceed without hindrance in locations that are routinely denied to opposition protests. On several occasions, counter-demonstrators have been able to intimidate and even physically attack protesters. Amnesty International has documented frequent allegations of abusive use of force and ill-treatment of peaceful participants in public assemblies by police. These are never effectively investigated by the authorities, and members of the police enjoy near-total impunity.

Those who continue to seek to organise public protests have faced increasingly onerous approval procedures and heavy penalties ranging from extortionate fines to several days of administrative detention. Spontaneous protest has been virtually outlawed. Following the recent surge of street protests that started in late February 2014 in connection with the political situation in Ukraine, Amnesty International has documented a notable clampdown on the freedom of assembly, which on several occasions was extended to single-person pickets (the only form of street protest which does not require prior permission from the authorities) on grounds that have no basis in law. New restrictions criminalising the repeated breach of regulations relating to public assemblies were put before the Duma and approved in the first reading on 20 May 2014.

The discriminatory approach to the authorisation of public assemblies has been particularly evident in relation to LGBTI activists. Previously, events organised by LGBTI activists were typically banned out of purported concern for their own safety, or for reasons of "public morale". The European Court of Human Rights' judgment in the case of *Alekseyev v. Russia* (application nos. 4916/07, 25924/08 and 14599/09) currently pending before the Committee of Ministers is an illustrative example. With the entry into force of the law banning "propaganda of non-traditional sexual relations" on 30 June 2013, the authorities now have a legal basis for banning any public LGBTI event.

In addition, there is no effective legal remedy for those whose right to freedom of assembly has been violated. Russian courts rarely overrule the local authorities' decisions to ban an event, and never do so in time to ensure it can go ahead. Judges also routinely find peaceful protesters guilty of administrative offences on the basis of police testimonies – which they often accept unquestioningly while dismissing or ignoring evidence to the contrary presented by the defence, in violation of the fair trial principles – and sentence them to heavy fines or administrative arrest. Thus, between 21 February and 4 March 2014, hundreds of people were randomly arrested by the police in Moscow alone during peaceful spontaneous protests; most were heavily fined, and several were sentenced to administrative arrest. In the meantime, the so-called "Bolotnaya trial" (politically motivated trial against participants in the protests on 6 May 2012 in Moscow) has set a new precedent of criminal prosecution of peaceful protesters. Amnesty International considers several of the individuals convicted in the context of this – still ongoing – case to be prisoners of conscience.

Amnesty International urges you to ensure regular and close monitoring of, and reporting on, the situation as regards the right to freedom of peaceful assembly and other human rights in Russia – including through regular and open monitoring of public assemblies, and the respective administrative and criminal proceedings against protesters and the subsequent court trials, across the country. The establishment of a specific monitoring mechanism as suggested in your report on the state of democracy, human rights and the rule of law in Europe would present an important tool in this respect.

rue de Trèves 35, B-1040 Brussels, Belgium Tel. +32-2-502.14.99 - Fax +32-2-502.56.86

E-mail : AmnestyIntl@amnesty.eu - Web site : www.amnesty.eu

We thank you for your attention and remain at your disposal for any further information.

Yours sincerely,



Ivorna McGowan
Director of Programmes
Amnesty International European Institutions Office

Cc: Directorate of Human Rights
Directorate of Political Advice
CPT Secretariat
Department for the Execution of Judgments of the European Court of Human Rights
ECRI Secretariat
LGBT Issues Unit