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Date: Friday, January 22, 2021

Type: Bill, legislation, policy or practice

Original: English

Consent: Not required

Related mandates

- freedom of opinion and expression
- freedom of peaceful assembly and of association

Submitted by

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Type: Group

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Describe the activities of the group/community, civil society or other entity:

1. Moscow Helsinki Group is the oldest existing human rights organisation in Russia, founded in 1978. The mission of the Moscow Helsinki Group is to promote respect for human rights, protect from human rights abuses, build and develop democratic institutions in Russia. To achieve this goal MHG conducts constant monitoring and documentation of human rights violations, provides expert analysis for the Government and civil society, organises public campaigns and participates in legislative processes.

2. Human Rights Centre "Memorial" (HRC "Memorial") is a Moscow-based human rights NGO, founded in 1992. Currently, it is one of the oldest and strongest human rights NGOs in Russia. There are several programmes functioning within HRC "Memorial". Particularly, HRC "Memorial" monitors human rights situation in conflict and post-conflict zones, as well as politically motivated prosecutions in Russia, it also provides legal help to migrants – mostly to asylum seekers and stateless persons, and legal help to those who were not able to find justice in Russian courts, that is brings cases to the European Court of Human Rights.

3. OVD-Info is an independent human rights media project aimed at monitoring cases of political persecution in Russia and providing legal assistance to victims of such persecution. OVD-Info was founded during mass protests of December 2011 as a volunteer project with the purpose of giving publicity to information on arrests of protests' participants. Today OVD-Info operates a 24-hour federal hotline to collect information on all types of political persecution and coordinate legal assistance to its victims, provides legal education to activists and researches different types of political persecution in Russia.

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Case details

Country where the incident allegedly occurred/is occurring/might occur: Russian Federation

Province / district / area: Moscow

City: Moscow

Date(s) as may be relevant:

On August 20, 2020, prominent Russian opposition politician Alexei Navalny was poisoned with a chemical warfare agent from the Novichok group, as a result of which he fell into a coma.

From August 22 to September 22, he was treated at the Charite Hospital in Berlin, after being discharged he underwent rehabilitation in Germany.

On January 13, 2021, Alexei Navalny announced that he planned to return to Russia on January 17, despite the threat of criminal prosecution.

Considering that his investigations on the circumstances of his poisoning attracted millions of viewers on the Internet, it sparked a protest movement in Russia anew. Many famous activists, politicians and people of culture declared their support and voiced their intention to meet him at the airport.

On January 17 after the end of his treatment in Germany, Navalny and his wife returned from Berlin to Moscow, where he was arrested while going through passport control.

On January 17 and 18, 2021, peaceful meetings were held in Russia in connection with the return of Alexei Navalny and his subsequent arrest. They were accompanied by massive detentions of supporters, as well as journalists covering the events. OVD-Info is aware of the arrest of at least 137 people. Majority of these people were detained either at the airport of projected Navalny's arrival, or at the pickets aimed to support him. Some people were detained prior to the event on their way to Moscow or to the airport.

On January 18 it was announced that they intend to hold all-Russian rallies in support of Alexei Navalny on January 23.

On January 19 Navalny's team published his latest investigation on the construction of so-called "Putin's Palace", which gained more than 55 million views on YouTube (January 22).

On January 20 the government began its crackdown in anticipation of the planned assembly against its organisers and potential participants. As of January 21, the government refused to authorise the assembly.

Please provide a detailed description of the context; summarize the concerned bill, legislation or policy, including their stage of development, or describe the concerned practice:

Russia is famous for its undemocratic and unproportional approach to freedom of assembly and freedom of expression. A complete overview is presented in the report of OVD-Info "Suppression of peaceful assembly in Russia from 2015 to 2020".

In addition to that, since March 2020, anti-COVID measures are in effect in many regions. They prohibit any gatherings and single pickets, except for "non-political" gatherings like sports and entertainment. In practice, there currently exists an absolute prohibition of any public protest activity. COVID-19 restrictions are used to suppress dissent, many detainees are charged with violation of quarantine measures simply for appearing on a street with a political statement. For nearly a year no rally was authorised by the government and for this period hundreds of protesters were arrested all across the country. The government did not produce any alternative forms and instruments for realisation of the freedom of assembly and freedom of expression for the duration of the pandemic, opting solely for an absolute blanket ban.

Likewise Russian legislation on assembly does not provide any guarantees to spontaneous gatherings, therefore, any gathering which fails to receive governmental authorisation by default is considered to be illegal and, according to established practice, may be forcefully dispersed. In the meantime, participants and organisers of such gatherings may face humongous fines up to 4,000 USD per event, administrative detention up to 30 days and even criminal sentences of up to 5 years in prison.

The arrival of a famous politician after attempted murder and a long recovery is natural incentive for people to participate in public activity. It is difficult to imagine that politically active people may sit idle in this case. Therefore, the legislation and governmental policies should be not overly restrictive and have openings for expression of dissent even during the times of pandemic.

Please describe on whom or which group the bill, legislation, policy or practice has/would have an impact, what rights would allegedly be affected and how:

On the supporters of Alexey Navalny. By January 21 several participants of the Anti-corruption fund headed by Navalny (FBK) and members of Navalny's regional offices have been arrested all over Russia.

On democracy oriented politicians and activists. Some of Moscow municipal deputies said that police officers tried to get them and warned against taking part in the January 23 rally. The police also tried to warn people who had been detained during any previous mass protests. Such practices definitely is aimed to have a chilling effect.

On journalists who cover mass protests. At least 10 journalists were detained during gatherings in Moscow and St. Petersburg on January 17 and 18. Moreover, police are warning journalists against attending the January 23 protests.

On lawyers. Many lawyers who tried to provide legal assistance to the detained participants of the assemblies on January 17 and 18 were not allowed into the police stations. Furthermore, on January 21, lawyer Mansur Gilmanov was beaten and detained at one of the Moscow police stations. In the police station, the lawyer tried to get to his client, the FBK lawyer, who had been detained earlier.

On underage protesters and their parents. There are additional pressure tools through schools and universities, including threats of expulsion. Russian legislation also criminalises "involving" minors in assemblies. Unpredictability of such legal regulation puts parents of the underage protesters at risk.

On all people who disagree with politically motivated arrests. During peaceful assemblies on January 17 and 18, at least 137 people were detained. Many of them would face fines and arrests. There was also information about the infliction of physical harm on the protesters by the police.

Thus, many people have already faced violation of their freedom of assembly and association as well as freedom of speech. We fear that during the meetings on 23 January there will also be many cases of violations.

Additional information

Throughout January 17-18 134 peaceful protesters were detained for exercising freedom of assembly and expression. The policing, on the contrary, was unproportional, arbitrary and violent.

After the announcement of the protest on January 23, the government initiated a full series of repression measures. The government refused to authorise any assembly. Closest associates of Navalny were arrested, as well as some other political activists and influencers. Social networks were fined for spreading information about the event. Many students reported threats from administration claiming possible expulsion in case of their participation in the event.

Based on previous cases of assembly policing in Russia, it is expected that on January 23 there will be massive dispersal resulting in hundreds, possibly thousands of detainees, injured, arrested and, subsequently, convicted protesters. On January 21, it became known that the Investigative

Committee for Tatarstan (a region in Russia) opened a criminal case on incitement to mass riots during January 23. The next day the Investigative Committee of Russia opened a criminal case under the article on “involving minors in illegal activities” due to posts with announcements of actions in support of Navalny.

On January 18, UN HCHR Michelle Bachelet, as well as UN Special Rapporteurs on Extrajudicial Executions Agnes Callamard and on the promotion and protection of the right to freedom of opinion Irene Khan called on the Russian authorities to release Navalny. At the same time, in addition to Alexei Navalny, dozens of detained participants in peaceful assemblies and journalists faced violations of their rights and freedoms.

Thus, we urge the Special Rapporteurs to encourage the Russian authorities not to violate fundamental rights and freedoms of peaceful protesters, as well as rights of journalists, who cover assemblies, and lawyers, who provide legal assistance to detainees during mass protests.