



© Vlad Dokshin / Novaya Gazeta

fidh

Brutal Repression of Protests in Moscow: a complete account of violations

September 2019 / N° 738a

Cover photo: A brutal detention of a teenager by the National Guard of Russia during a peaceful rally on August 10, 2019.
Photo credit: Vlad Dokshin / Novaya Gazeta

TABLE OF CONTENTS

Introduction	4
Background	4
Timeline of Protests	5
Demographic snapshot of the protest movement	9
Human rights violations against peaceful protesters	11
1. Freedom of Assembly	11
2. The Right to be Free from Arbitrary Arrest or Detention	16
3. The Right to Vote and Participate in Public Affairs	19
4. The Right to Human Dignity and to be Free of Inhumane Treatment	20
Conclusion	22
Recommendations	23

Introduction

Beginning on July 14, 2019, after the local election commissions arbitrarily banned opposition candidates from running for the Moscow Parliament, a wave of protests for free elections took place in Moscow. In the span of several weeks leading up to the September 8 elections, around 100 thousand citizens took to the streets to support their candidates in peaceful protests. The Russian National Guard and the police brutally suppressed this outpouring of civic solidarity. They beat up hundreds of peaceful protesters with rubber batons and arbitrarily detained dozens of others, including minors, journalists, and even passers-by. After unlawful detentions, protesters were ill-treated in police vehicles, detention centers, and courtrooms. During only three days of protests, the authorities arrested more than 2,500 peaceful protesters and opened dozens of administrative and several criminal cases.

Background

Every five years in September, Muscovites vote for candidates to the Moscow Parliament, previously a largely ceremonial legislative body under the control of Moscow's longtime mayor Sergey Sobyanin. The registration of candidates on the eve of this year's elections, to be held on September 8, 2019, was marred by unprecedented levels of fraud — the election commissions banned 57 opposition candidates from running for election on unlawful, often fabricated grounds.¹

The unfair denials of registration of candidates have resulted in mass protests in their support that have taken place every Saturday since July 14. While these rallies are some of the largest protests in Moscow since the Bolotnaya Square protests in 2011-2012, this summer's protest wave has surpassed all previous ones in the scale and cruelty of their repression.² The crackdown on protests related to an election of local significance demonstrates just how far the Russian government is willing to go to eliminate even the slightest threat to its hold on power.

What the Moscow Parliament is, how the elections to this body are held, and how city election commissions eliminate opposition candidates

The 45 deputies of the Moscow City Parliament adopt city laws and approve Moscow's budget, which is 16% of the total Russian budget and is equivalent to two and a half trillion rubles (35 billion euros at the August 2019 exchange rate). Since 2000, the Mayor of Moscow Sergei Sobyanin and his predecessor, Yuri Luzhkov, have overseen a slew of electoral laws allowing them to filter out unwanted candidates. Because of these policies, the executive power has taken over the legislative, and the Parliament has lost its independence.

According to the rules for the nomination of candidates to the Moscow Parliament, the candidates of parties which gained at least 3% in the last election to the Federal Parliament (which was also marred by a large number of violations) are immediately eligible to run for the local election. All others must collect the signatures of 3% of the constituency voters (an average of 5-6 thousand signatures) within 30 days to be able to stand for the election.

1. <https://www.svoboda.org/a/30055117.html>

2. The 2011-2012 demonstrations against falsification of results of the 2011 election to the Russian State Duma, which gathered from 85 to 150 thousand protesters according to different estimates, ended with up to 300 arrests on different dates of the protest movement. After the 2017 anti-corruption rallies, attended by up to 25,000 people, about 1,050 people were detained in Moscow, and more than 1,500 across the country. Many detainees were beaten, about 70 people were subjected to administrative arrests, most of the rest were punished with fines of 10-20 thousand rubles. More details: <https://memohrc.org/ru/special-projects/delo-26-marta>

The last elections to the Moscow Parliament that were more or less competitive were in 1997. Since 2005 the percentage of the United Russia members in the Moscow Parliament has varied from 47.25% to 66%.³ With this composition, the Parliament has not played any independent role, given that the only two mayors that have served the capital during this time are or were leaders of the United Russia party.

In July 2019, election commissions banned the candidates whose names were widely discussed during the election campaign in the opposition media, under the pretext that the candidates had failed to reach the required number of signatures, either due to faulty paperwork, the accuracy of passport data, the handwriting of a voter, or even the use of signatures of deceased individuals (who later turned out to be perfectly alive). The banned candidates included Lyubov Sobol, the lawyer for the Anti-Corruption Foundation (the FBK) run by opposition leader Alexei Navalny, the municipal deputy of the Zyuzino district of Moscow Konstantin Yankauskas, the municipal deputy of Timiryazevsky district of Moscow Yulia Galyamina, and politicians Dmitry Gudkov and Gennady Gudkov, as well as the FBK Director Ivan Zhdanov and two candidates from the pro-democracy Yabloko party. A total of 57 independent applicants were initially denied registration as candidates for the Moscow Parliament (with one candidate subsequently reinstated).

The previous elections to the Moscow Parliament, in 2014, were also fraught with violations, including obstacles to collecting signatures and criminal cases against candidates. This year, opposition politicians campaigned more actively during the election season; many had become more visible and known and had already gained significant experience collecting signatures. By all indications, these candidates enjoyed widespread support at the local level and had gathered a sufficient number of signatures to be allowed to run.

Timeline of Protests

The rallies began on July 14, 2019, as the banned opposition candidates organized a meeting with their voters in front of the Moscow Parliament building. About a thousand people gathered in their support. Representatives of the Mayor's office declared the meeting as an unauthorized rally and used the police force to disperse the crowd, detaining 38 individuals and charging them with violations of Article 20.2 of the Administrative Code of the Russian Federation ("Violation of the established procedure for organizing or holding a meeting, rally, demonstration, procession or picket"). According to media reports, the detainees "were hit on the head and stomach, pulled by the hair, some speak of suspicion of a concussion and a broken nose."⁴

After the gathering on July 14, not only did the authorities fail to register the candidates, but they also opened a criminal case for "obstructing the exercise of electoral rights or the work of election commissions" on the basis of article 141 of the Criminal Code of the Russian Federation.⁵ In connection with the latter case, the apartments of several candidates and those of some of their relatives were searched from July 24 to 26, most of them during the night. Searches also took place at the headquarters of candidates Lyubov Sobol, Ivan Zhdanov, Ilya Yashin and Dmitry Gudkov. It is not known whether the authorities plan to indict anyone in this case: after several days of searches and interrogations, no other investigative actions were carried out.⁶

3. <https://duma.mos.ru/ru/212/info/moskovskaya-gorodskaya-duma-predyiduschih-sozyivov/iii-sozyiv>

4. <https://www.bbc.com/russian/news-48983909>

5. "The rationale of Article 141 is to protect voters from undue pressure and bribery, as well as guaranteeing the independence of electoral commissions. But reality interferes with its proper application. In fact, judicial statistics suggest that cases are very seldom initiated according to Article 141. This is presumably connected to the fact that most people who are involved in violating the rights of voters or interfering in the operation of the electoral commission are themselves officials from the executive branch of the Russian government" (see more details: <https://www.ridl.io/en/what-are-moscow-s-protesters-supposed-to-be-guilty-of/>).

6. <https://meduza.io/feature/2019/08/14/ischerpyvay33>

On the evening of July 15, the opposition candidates gathered their supporters again, this time on Trubnaya Square, and announced that they would assemble every evening. On July 16 and July 17, two more meetings with voters took place, each gathering around 500 protesters.⁷ On July 20, 2019, the candidates finally received permission to hold a rally in a location remote from the city center and gathered en masse on Akademik Sakharov Avenue, demanding that all independent candidates for the Moscow Parliament be allowed to participate in the September elections. Between 10 and 20 thousand people took part in the demonstration, which resulted in approximately 5-10 detentions. Since then, Muscovites have protested each Saturday.

How the government conducted massive propaganda against civil mobilization prior to the days of the protests

Due to the mounting pressure of the supporters of the independent candidates and after several refusals to allow a public assembly, the Mayor's office had to authorize the rally on July 20. However, the authorities used their best efforts to impede civil mobilization. On the day of the event and prior to the days of the following protests, police thoroughly checked passers-by in the streets and at the exits of the subway and advised them to return home. Police invited citizens to "explanatory conversations" and handed them leaflets with a warning that provocations, such as pepper spray or tear gas canisters, were expected at the upcoming rally. The recipients of these leaflets were required to sign them. The Moscow Prosecutor's Office publicly threatened individuals with administrative responsibility for participating in meetings. The press service of the regional security and anti-corruption department of the capital said that on the day of the rally "it planned to use special groups to identify" people who evade military conscription. Mobile operators, at the request of security officials, disconnected mobile Internet in the center of Moscow during the days of the protest campaign.⁸

Under false pretexts, the Mayor's office did not allow citizens to hold peaceful public assemblies on July 27 and August 3 in the city center, as was requested by the organizers. However, on July 27 and August 3, the protests gathered around 22,500 people each and became the largest unsanctioned peaceful rally during this protest wave. In retaliation, the Russian National Guard and police detained a total of over 2,350 individuals during the two Saturdays. After harsh detentions, protesters were ill-treated in police vehicles, detention centers, and courts (see details on the disproportionate use of force by the police and the National Guard below).

At the peaceful rally held on July 27 in various places in the center of Moscow, police and National Guard troops detained 1,373 people — 6 percent of the total number of protesters, or every 16th protester — for the mere act of participating in the rally. The first trials of these detainees took place on July 29, and protesters received fines ranging from 10 to 250 thousand rubles (135 to 3,390 Euros) or administrative arrests of 3 to 15 days for violations of Article 19.3 of the Code of Administrative Offenses (Disobedience to the lawful order of a police officer) and part 6.1 of Article 20.2 of the Code of Administrative Offenses (Participation in an unauthorized meeting that created interference with transport or other infrastructure).⁹ Despite the peaceful character of the gathering, in the aftermath of this protest, the Investigative Committee opened criminal cases on organizing and participating in "mass unrest" and on the use of violence against government officials (Article 212 and Article 318 of the Russian Criminal Code, respectively).¹⁰

After the first outbreak of protests, authorities tried to eliminate possible protest leaders: between July 29 and July 30, Moscow district courts arrested at least eight opposition leaders and

7. <https://www.novayagazeta.ru/news/2019/07/17/153424-v-moskve-na-trubnoy-ploschadi-nachalas-aktsiya-v-podderzhku-nezavisimyh-kandidatov-v-mosgordumu>

8. <https://zona.media/news/2019/08/06/opsosy>

9. <https://ovdinfo.org/news/2019/07/29/resheniya-sudov-nad-zaderzhannymi-na-akcii-27-iyulya-v-podderzhku-kandidatov-v>

10. <https://ovdinfo.org/articles/2019/08/02/akciya-27-iyulya-kak-vlast-narushala-prava-protestuyushchih>

independent candidates, including Alexei Navalny, Lyubov Sobol, and Ilya Yashin, among others,¹¹ under parts 2 and 8 of Article 20.2 of the Code of Administrative Offenses (violations of the rules on holding a mass event) for calls to participate in rallies.¹² Despite the fact that the leaders of the movement were arrested and the authorities used harsh methods against the protesters, in the following days the protesters continued to take to the streets.

One week later, on August 3, protesters gathered peacefully on the Boulevard Ring — on Trubnaya and Pushkinskaya Squares. In this instance, security forces detained more than a thousand people. Most of these were taken to several dozens of police precincts, where they were subsequently interrogated by representatives of the Investigations Office for criminal participation in “mass unrest”.¹³ Lawyers were denied access to these detainees. In the following days, some of the previously arrested individuals were sentenced to fines and prison terms in accordance with Article 19.3 of the Code of Administrative Offenses (Disobedience to the Lawful Order of a Police Officer) and part 6.1 of Article 20.2 of the Code of Administrative Offenses (Participation in an unauthorized meeting that created interference with transport or other infrastructure). Those that had been charged with participation in “mass unrest” remained in pre-trial detention.



Lyubov Sobol, one of the opposition candidates, was detained a few minutes before the start of the August 3 rally at the exit of the candidate signature collection center on Rozhdestvensky Boulevard. Photo credit: Vlad Dokshin / Novaya Gazeta

11. <https://www.bbc.com/russian/news-49167587>

12. <https://zona.media/chronicle/after-action#25042>

13. <https://ovdinfo.org/articles/2019/08/05/mediazona-cto-my-znaem-o-novyh-obvinyayemyh-v-uchastii-v-massovyh-besporядkah>

Subsequently, on 10 August, close to 60,000 citizens gathered on Sakharov Avenue in Moscow to support their candidates in a peaceful protest, among the largest in Russia's modern history.¹⁴ This time the Mayor's office allowed the peaceful gathering, but the authorization was only given for a venue located in an area remote from the Moscow center. After the rally ended, the authorities resumed the crackdown, targeting protesters who headed towards another gathering in the center of Moscow, detaining 244 individuals by the end of the day. Numerous individuals were punched and, with their arms twisted, dragged to police vans, including a young woman who appears on [a widely-circulated video](#)¹⁵ being punched in the stomach by a member of the National Guard, causing a public outcry.¹⁶

During the August 10 protest, participants demanded that the authorities put an end to the criminal case on "mass unrest", liberate all of the accused, and allow independent candidates to run in the upcoming elections. The same day, solidarity actions with similar demands took place in more than 40 Russian cities, attended by several thousand people across the country. In Saint Petersburg, Rostov-on-Don, and Bryansk, police detained 96 individuals, including 28 minors and three journalists.

The request for authorization for the following Saturday, [August 17, protest was again refused](#). On this day, protesters held solitary pickets, the only form of protesting that requires no notification by the authorities according to Russian laws. Protesters picketed in shifts at different places in the city center. Activists of the civil society movement "Indefinite Protest" organized a walking procession along the pedestrian Arbat Street. As a result, police arrested one of the activists of the movement who headed the procession. Solitary pickets also took place in Saint Petersburg, where 11 people were detained.

The Moscow government also refused to satisfy all four applications for the August 24 protests in the center of Moscow. In their response to the requests, the Mayor's office repeatedly stated that the events in the proposed places would "create obstacles to the movement of pedestrians and vehicles" and in other ways "violate the rights of citizens who do not participate in this event". As an alternative venue, the mayor's office offered all the organizers a remote area in the southeast of Moscow.¹⁷

The latest protest before the elections, held on August 31, was not authorized, but the police, despite expectations of more violence, did not detain or beat a single individual - ostensibly in order to divert the attention away from police violence in advance of the voting, and to create among the citizens an impression that the opposition has quieted down. The absence of police violence underscores its arbitrary nature: it is not driven by the protesters' behaviour but by the invisible hand of the higher executive power.

14. <https://twitter.com/WhiteCounter/status/1160220845312225280>

15. https://twitter.com/ya_YANson/status/1160307945210634242

16. https://twitter.com/ya_YANson/status/1160307945210634242

17. <https://meduza.io/news/2019/08/14/meriya-moskvy-ob-yavila-o-soglasovanii-stotysyachnogo-mitinga-na-prospekte-saharova-25-avgusta-organizatory-vedomlyali-o-mitinge-i-shestvii>



The rally on Sakharov Avenue in Moscow brought together almost 60 thousand people. The action has become one of the largest in recent years.
Photo credit: Vlad Dokshin / Novaya Gazeta

Demographic snapshot of the protest movement

Those who have attended the rallies highlight the significance of youth participation and leadership of the protests. Independent candidates and their teams are all relatively young individuals; for the most part, they are students. According to the estimates by OVD-Info, an independent online media outlet, there were at least 90 minors detained during the protest that took place on July 27.¹⁸ This represents 6.5% of the total number of individuals detained during the day (which is 1373).¹⁹ According to these estimates, the total number of minors participating in the July 27 protest must have been around 1,460.

One of the emblematic members of the movement is 17-year-old Olga Misik, a girl who read to law enforcement officers the Article 31 of the Russian Constitution: "Citizens of the Russian Federation have the right to gather peacefully, without weapons, to hold meetings, rallies, and demonstrations, marches and pickets."²⁰ She was detained after the rally as she was returning to the subway.

18. <https://www.kommersant.ru/doc/4052289>

19. <https://ovdinfo.org/news/2019/07/27/spisok-zaderzhannyh-na-akcii-protiv-nedopuska-kandidatov-na-vybory-27-iyulya-2019>

20. <https://www.independent.co.uk/news/world/europe/olga-misik-russia-protests-constitution-moscow-riot-police-putin-a9029816.html>



17-year-old Olga Misik is reading to law enforcement officers the Article 31 of the Russian Constitution during the 3 August rally. Photo credit: Vlad Dokshin / Novaya Gazeta

However, the overwhelming majority of the protesters are between 20 and 40 years old. The key leaders and organizers of the protests are the refused candidates Lyubov Sobol (31 years old) and Ivan Zhdanov (31), the leader of the opposition Libertarian Party of Russia Mikhail Svetov (34), and a Russian-Canadian artist, activist and opposition media publisher, Petr Verzilov (31).

Another key figure of the protest movement is Yegor Zhukov, a 21 year old student at a leading Russian university and blogger, who was charged with organizing a “mass unrest” on July 27 without any evidence of his involvement in the organization of protests and in the absence of mass unrests in Moscow that day.

A brilliant student charged with “mass unrest” for directing a crowd away from the road

Yegor Zhukov, a student at the Higher School of Economics (HSE), and formerly the winner of the All-Russian Olympiad in Social Studies, participated as a candidate in the election campaign for the Moscow City Parliament. Unlike other opposition candidates, he dropped out of the race because he could not pass the anti-democratic pre-election filter and collect the necessary number of signatures in his support. He participated in the protest rally on July 27, after which he called on his blog audience on YouTube to support the protesters arrested on that day. On the night of August 2, the student's apartment was searched; on August 15, a court arrested him for two months as a defendant in the “mass unrest” case. The allegations against Zhukov are based on footage that supposedly shows him directing protesters by “making gestures to the right.” His supporters say he was directing the frenzied crowd away from the road where police violently dispersed the protesters.²¹

Written recommendations in support of Yegor Zhukov were submitted to the court by 612 people, including HSE officials and representatives of the scientific community in Russia and abroad, demanding the release of Yegor Zhukov and other students arrested in what has become known as the “Moscow case”. During all of the following protests, the posters “Free Yegor Zhukov” almost surpassed the rest in popularity.

21. For more details on the Yegor Zhukov case, please see: <https://www.novayagazeta.ru/articles/2019/08/15/81618-ne-znayu-budu-li-svobodnym-ya-no-rossiya-budet-svobodnoy>

The case of Yegor Zhukov caused a great resonance in society, since it demonstrated that the state is fighting not only with dissent, but also with science, in the sense that free-thinking people in an authoritarian state are not needed. In addition to the fact that practically all leading staff in Universities is appointed and thus controlled by the authorities, students themselves fall under the wheels of the state's repressive machine insofar as they won't tolerate arbitrariness and despotism.

The high protest potential of Russian youth was revealed for the first time during the 2017 opposition protests, which became nationwide. The Internet and social networks have gained a special role in the political mobilization of youth: the Internet has overtaken television as a source of news for the young and, as a result, the state was gradually losing its monopoly on the formation of the desired political reality in the minds of young people.

In response to this trend, the state has tightened control over social networks at the legislative level (for example, amendments to the law "On Information, Information Technologies and the Protection of Information", requiring messenger owners to identify users by mobile phone number). In addition, police have put pressure on adolescents by conducting "educational conversations" with them and, in more severe cases, threatening expulsion from school. The most active representatives of the opposition began being intimidated and charged with extremism for allegedly preparing a terrorist attack and riots (for instance, the massive fabrication of criminal cases against opposition-minded youth, including the cases of the so-called terrorist organizations The Network and New Greatness).

Perhaps due to the young and educated contingent prevalent at the protests that are suffering the brunt of ongoing repressions, a recent poll by Levada Center, an independent sociological agency, showed a high (77%) awareness among Muscovites about the protests, with 37% of those polled supporting the demonstrators and 26% opposing. Despite all the efforts of the authorities to discredit participants in the protest movement and to deprive it of its leaders, the survey showed that for the first time in many years, the mood of the Muscovites has shifted toward support for the demonstrators.

Human rights violations against peaceful protesters

1. Freedom of Assembly

The Applicable Legal Standard

The right to freedom of assembly is a basic right in a democratic society and, like the right to freedom of expression, is one of its foundations.²² It is guaranteed by international treaties ratified by the Russian Federation, including the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR). Notably, the term "peaceful" signifies non-violent and includes all conduct that may annoy or give offense, and even conduct that temporarily hinders, impedes or obstructs the activities of third parties, such as car traffic.²³

The right of citizens to peaceful assembly is not absolute. Under Article 11 of the European Convention, the authorities could prevent or disperse meetings and demonstrations only where doing so is necessary to ensure public safety, national security, and other legitimate social interests. However, these exceptions must be narrowly interpreted, and the necessity for any restrictions must be convincingly established by the authorities.²⁴ Importantly, public authorities must show a certain degree of tolerance towards peaceful gatherings, **even unlawful ones**, if the freedom of

22. ECtHR, *Navalny v. Russia*, Case no. 29580/13, 15 November 2018, para. 98.

23. The Guidelines on Freedom of Peaceful Assembly adopted by the Venice Commission at its 83rd Plenary Session (Venice, 4 June 2010).

24. ECtHR, *Frumkin v. Russia*, Case no. 74568/12, 5 January 2016, para. 93.

assembly guaranteed by Article 11 of the Convention is not to be deprived of its meaning.²⁵

Notably, the European Court has held that the Contracting States must refrain from applying unreasonable indirect restrictions upon the right to assemble peacefully, and have a duty to take reasonable and appropriate measures with regard to lawful demonstrations to ensure their peaceful conduct and the safety of all citizens. Indeed, "[i]t is incumbent on the State, in particular, to take the appropriate preventive security measures to guarantee the smooth conduct of a public event, such as ensuring the presence of first-aid services at the site of demonstrations and regulating traffic so as to minimise its disruption."²⁶

Under the applicable domestic legislation, Article 31 of Russia's Constitution guarantees to all Russians the right to assemble peacefully, hold rallies, meetings and demonstrations, marches and pickets, including for the purpose of expressing political opinions.

Analysis of Violations

The Restrictive Legislation and its Arbitrary Implementation

The main Federal law "On Meetings, Rallies, Demonstrations, Processions and Pickets" provides that a public event could be held in any place suitable for its purpose if it does not pose a threat to the city's infrastructure or to the public safety, including the safety of the participants in the public event.²⁷ The same law requires organizers of a mass event to submit a notification to the executive authorities.²⁸

In accordance with the June 26, 2018, decision of the Plenum of the Supreme Court of the Russian Federation, the authorities can refuse a public assembly in only two cases: when a person who has submitted the request does not have the right to be the organizer of the rally, or if the chosen venue is unsuitable for holding a mass event for reasons of public safety.²⁹ In practice, however, city administrations arbitrarily interpret the law, and the notification procedure is often used as a tool to require an authorization — not a notification — of such an event. The Russian authorities have come up with different pretexts not to authorize meetings, as they have an unlimited discretion to determine whether a suggested place is or is not suitable for a mass event. In effect, the only form of expression of protest that demands no authorization by the Russian authorities today is a solitary picket, but even pickets are deemed illegal by the authorities if several pickets take place simultaneously in close locations.

In what has thus become a sinister anti-protest strategy, the Russian authorities first compel the opposition to apply for permission to conduct meetings and either deny such requests outright, on arbitrary grounds, or offer an unacceptable alternative, forcing opposition leaders to either cancel the events or compel their followers to attend unsanctioned meetings, which are then crushed mercilessly, with their leaders detained and prosecuted.³⁰ This practice runs contrary to international human rights law and Russia's Constitution.

After June 8, 2012, following the events on Bolotnaya Square in May 2012, a series of new laws severely limiting the right to freedom of assembly came into force³¹, leaving the authorities even larger room for arbitrariness and greatly increasing fines and punishment for the conduct of any unauthorized, even peaceful, meetings.³² The arsenal of repressive measures was supplemented

25. Ibid.

26. Ibid, para. 96.

27. Federal Law N 54-FZ of 19.06.2004.

28. https://www.consultant.ru/document/cons_doc_LAW_48103/

29. <https://www.garant.ru/hotlaw/federal/1204684/>

30. For instance, the Libertarian Party filed a request with the Moscow Mayor's office for authorization of a procession starting in the center of Moscow followed by a rally on Sakharov Avenue. The Moscow Mayor's office allowed a 100,000-person rally on Sakharov Avenue on August 25, but not the procession. Since the previous attempt by one of the key figures of the Libertarian party, Mikhail Svetov, to negotiate an authorization of a mass event on August 3 ended up with his 30-days detention, the organizations decided not to enter the negotiations with the Moscow Mayor. See <https://zona.media/online/2019/07/31/svtv> ; <https://mbk-news.appspot.com/news/lpr-otkazalas/> .

31. <https://www.fidh.org/en/region/europe-central-asia/russia/russia-2012-2018-50-anti-democracy-laws-entered-into-force-within>

32. <https://ovdinfo.org/articles/2017/06/08/hronika-zapreta-razbiraemysya-pochemu-teper-tak-slozhno-vyyti-na-miting>

in 2014 with the new Article 212.1 of the Criminal Code - the so-called "Anti-Protest Law" - on "Repeated violations of the law on holding public events", which criminalized the repeated violation (more than three times within 180 days) of administrative rules governing public assemblies. The crime is punishable by up to five years' imprisonment.

Until the present protest wave, Ildar Dadin, a political activist and prisoner of conscience, was the only person to have been prosecuted under the new Article 212.1 for holding three individual pickets. He spent one year in a penal colony, where he was allegedly tortured.³³ In January 2017, Russia's Constitutional Court, while holding Article 212.1 constitutional, ruled that a criminal case cannot be instituted solely on the basis of repeated violations of provisions of the administrative code, finding that criminal liability can only be applied if the actions of a protester caused harm to citizens or public safety.³⁴ On February 22, 2017, the Supreme Court of Russia overturned Dadin's conviction and ordered his release.³⁵

Article 212.1 contains no distinction between violent and peaceful assemblies, essentially allowing for a person to be imprisoned for a mere failure to notify the authorities of a demonstration they organized or for taking part in such a demonstration, therefore contravening on its face a number of international and regional human rights instruments, including the ICCPR and the ECHR.

On August 12, the Investigative Committee opened another criminal case for the repeated violations of the procedure for holding public assemblies (the Anti-Protest Law) against civil activist Konstantin Kotov.³⁶ The "repeated violations" in his case include his participation in an unauthorized rally in support of journalist Ivan Golunov on June 12, a call to participate in a rally on July 19, and participation in an unauthorized rally for fair elections on August 10. On August 15, the investigation into his case was completed. After the completion of the investigation, the investigators gave Kotov's lawyer only one evening to become familiar with four volumes of the case file.³⁷ The activist is the third individual criminally accused for participating in a peaceful assembly.³⁸ Now he is facing up to 5 years of imprisonment. The Human Rights Center Memorial has already recognized Konstantin Kotov as a political prisoner.³⁹

How the legislative authorities plan to limit the rights to freedom of assembly even further

After this new wave of protests, the Russian authorities have already begun to think about tightening the already prohibitive legislation on public assemblies. In August, the Higher Chamber of the Russian Federation Parliament, the Federation Council, held an emergency meeting of the "interim commission on the protection of state sovereignty and the prevention of interference in the internal affairs of the Russian Federation". Senator Lyudmila Bokova proposed introducing a law that would establish a list of places where public assemblies could be held, basing it on the assumption that all other places would be off limits for the conduct of public assemblies.⁴⁰ This proposal is contrary to international law and even to the current Russian legislation. Article 8 of Federal Law 54-FZ on public assemblies establishes the exact opposite - a public assembly can be held everywhere where it is not prohibited.⁴¹

33. <https://www.bbc.com/news/world-europe-37836739>.

34. https://www.consultant.ru/document/cons_doc_LAW_212659/

35. Decision of the Presidium of the Supreme Court of the Russian Federation No. 43 – P17, 22 February 2017.

36. <https://ovdinfo.org/express-news/2019/08/21/delo-obvinyaemogo-po-dadinskoy-state-konstantina-kotova-peredali-v-sud>

37. <https://ovdinfo.org/express-news/2019/08/16/sud-dal-tri-dnya-na-oznakomlenie-zashchity-s-materialami-dela-protiv>

38. Vladimir Ionov was accused under the same Article in 2015; happily his case didn't end up with conviction: <https://ovdinfo.org/express-news/2015/01/16/protiv-vladimira-ionova-vozbuzhdeno-ugolovnoe-delo>

39. https://memohrc.org/ru/news_old/memorial-priznal-politzaklyuchyonnym-grazhdanskogo-aktivista-konstantina-kotova

40. <https://www.novayagazeta.ru/articles/2019/08/11/81569-zapresheno-vezde-gde-ne-razreshili>

41. <https://ovdinfo.org/reports/art-ban#1>

The disproportionate use of force

The brutal actions of Russian authorities in suppressing peaceful protests amount to egregious and wide-scale violations of the right to peaceful assembly. Along with ordinary police, troops of Russia's National Guard ("Rosgvardia"), a military unit tasked with, among other things, the fight against terrorism and organized crime, which reports directly to the President of Russia, participated in the dispersal of peaceful rallies. Some of the units of the National Guard were preliminarily pulled to Moscow from neighboring regions. Both the police and the National Guard were deployed in riot gear and armed with batons, suggesting that the authorities treated demonstrations as *a priori* violent and sought to intimidate and deter them from participating, offering zero tolerance for any unauthorized public gathering. While the authorities always presented the demonstrations as "mass riots," they offered absolutely no proof that the organizers intended to cause violence or constituted even the slightest threat to public safety.⁴² The use of heavily-clad representatives of forces of order to interfere with peaceful protests did not pursue any legitimate aim and was unnecessary in light of the peaceful nature of the protests. It therefore amounts to violations of the relevant norms of international human rights law and Article 31 of the Constitution.



A teenager injured by a blow of a police baton at the Moscow Art Theater in Kamergersky on July 27.
Photo credit: Vlad Dokshin / Novaya Gazeta

The hostile intent of the authorities is demonstrated by other factors. One of the officers in charge of overseeing the Moscow protests was Sergei Kussyuk — best known for commanding the infamous Berkut police force in Ukraine that violently dispersed peaceful demonstrations in Kiev in 2013, provoking further demonstrations and violence. Indeed, he was in charge of the operation on November 30, 2013 — attacking unarmed students in Ukraine's capital — that provoked Ukraine's EuroMaidan revolution.

42. Article 212 of Russia's Criminal Code defines mass riots as: violence, pogroms, arson, the destruction of property, the use of firearms, explosives, or explosive devices, and also armed resistance to government representatives, none of which were perpetrated by the demonstrations' organizers.

Even though the protests of July 27 and August 3 were unsanctioned by the authorities, police officers and troops of the National Guard were not justified in using force to disperse them. Protesters were unarmed and were simply exercising their Constitutional right to gather and express political views by holding signs and chanting slogans. Without any provocation or warning whatsoever, citizens were punched and beaten with batons, even when they were already on the ground, and then dragged or carried to police vehicles.⁴³ In several instances, the police blocked large parts of the streets and exits from the metro and surrounded the City Hall with fences. These actions led to stampede causing the protesters to break through the fences, resulting in injuries and provoking further violence from the authorities.⁴⁴

Several people got their heads smashed, including a teenager.⁴⁵ There are reports of four peaceful protesters being hospitalized.⁴⁶ While there was one reported injury among the security forces — a dislocated shoulder — it is most likely that his injury was caused by the overzealous use of his baton to subdue a protester.⁴⁷ An independent news source, OVD-Info, reported that 25 people were beaten by the security forces; according to another independent media source, 77 people were injured.⁴⁸

How Moscow police beats citizens for peaceful protest

Konstantin Konovalov, an artist who designed the current logo of the Moscow metro, was detained on July 27 when he went for a run to the City Hall three hours before the start of the rally in support of unregistered candidates. During his detention, the security forces threw him onto the asphalt, breaking his leg. According to the detainee, at the police station, the police denied his request to conduct an X-ray and did not allow him access to a lawyer.

On the Arbat Street in Moscow, police severely beat people lying on the ground.⁴⁹

In Stoleshnikov Lane, an RBC media journalist, Elena Sheveleva, was hit by a police officer. She had an accreditation from the Ministry of Internal Affairs and was in the special press vest. Police also used an electroshock weapon against a photographer from the Izvestia newsmagazine.⁵⁰

The above actions constituted an unnecessary degree of violence to disperse peaceful protesters, and violent actions that caused injuries should have prompted investigations against police officers who caused them by using excessive force. Instead, the Investigative Committee of the Russian Federation considered the actions of the police and the Russian Guard legitimate. It refused to open a criminal investigation into the incident causing one protester to break his leg. Daria Sosnovskaya, who was punched in the stomach by a police officer during her detention after the rally on August 10 in Moscow, was hospitalized and diagnosed with a closed head

43. https://twitter.com/OvdInfo/status/1155104913883652098?ref_src=twsrc%5Etfw%7Ctwcamp%5Eetweeter%7Cterm%5E1155104913883652098&ref_url=https%3A%2F%2Fovdinfo.org%2Fnews%2F2019%2F07%2F27%2Fmiting-u-merii-moskvy-27-iyulya-2019-goda-i-ego-posledstviya-onlayn

44. https://ovdinfo.org/news/2019/07/27/miting-u-merii-moskvy-27-iyulya-2019-goda-i-ego-posledstviya-onlayn#wtf_1187135

45. https://ovdinfo.org/news/2019/07/27/miting-u-merii-moskvy-27-iyulya-2019-goda-i-ego-posledstviya-onlayn#wtf_1187857

46. <https://www.kommersant.ru/doc/4052293>.

47. <https://www.kommersant.ru/doc/4052293>.

48. <https://ovdinfo.org/articles/2019/08/01/mediazona-cto-my-znaem-o-pervyh-obvinyaemyh-v-uchastii-v-massovyh-besporiyadkah> ; <https://www.novayagazeta.ru/news/2019/08/03/153923-v-peterburge-nachalas-aktsiya-solidarnosti-s-uchastnikami-moskovskogo-mitinga-27-iyulya>

49. <https://twitter.com/CurrentTimeTv/status/1157667372079177729>

50. https://ovdinfo.org/news/2019/07/27/miting-u-merii-moskvy-27-iyulya-2019-goda-i-ego-posledstviya-onlayn#wtf_1187309.

injury, concussion, and bruising of the soft tissues of the head. She appealed to the Investigative Committee with a statement against a police officer who hit her in the stomach. The Investigative Committee has not yet opened a criminal investigation against the policeman, whose actions could be qualified as an abuse of power with the use of violence, weapons, or special means.⁵¹

2. The Right to be Free from Arbitrary Arrest or Detention

The Applicable Legal Standard

Both domestic and relevant international laws prohibit the arrest or detention of individuals on arbitrary grounds.⁵² Article 9 of the ICCPR provides that “no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” Similarly, under Article 22 of the Russian Constitution, the “arrest, detention and remanding in custody shall be allowed only by court decision. Without the court’s decision a person may be detained for a term more than 48 hours.”

With respect to persons under the age of 18, the Convention on the Rights of the Child, to which Russia is a party, also provides that no child shall be deprived of his or her liberty unlawfully or arbitrarily.⁵³ In addition, “[t]he arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.” Moreover, “every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits.”

Analysis of Violations

Arbitrary detentions of peaceful participants at public rallies

Throughout the summer 2019 protests, police and National Guard detained individuals indiscriminately: protesters who exhibited no intention of engaging in violent acts were simply snatched from the crowd and violently dragged or carried to police cars already standing by the places of protest. Detentions were carried out without any explanation and without law enforcement introducing themselves. Lyubov Sobol was one of the thousands of individuals detained in this manner. YouTube and other internet portals are replete with videos of how law enforcement detains random people, at one point even mistaking a deputy from the LDPR – a pro-Kremlin political party, as well as the husband of a deputy from United Russia, for opposition protesters.

Particularly troubling are violations against children. According to the Commissioner for the Rights of the Child in Moscow, Yevgeny Bunimovich, more than 50 minors were detained at July 27 rallies.⁵⁴ According to the estimates of OVD-Info, there were at least 90 minors detained during the protest that took place on July 27. In one of the police stations where the teenagers were being detained, the Commissioner was not allowed.⁵⁵ In many police stations, juveniles were held with adults, though the law provides for separate detention rooms for the minors. Many minors were held by the police for much longer than authorized by the law 12 hours following the arrest.

While detention of children should be a measure of last resort, Russian authorities have blatantly disregarded this standard by detaining minors who pose no threat to them or others, subjecting them to violence and causing potentially lasting emotional damage to impressionable young minds. In subsequent detention in police vehicles and precincts, minors have been kept together with adults and are often detained for periods longer than necessary to ascertain their age when they should be immediately released. Upon release, some of them continue being threatened and harassed by representatives of the authorities, including their teachers. These actions amount to violations of the Convention on the Rights of the Child.

51. <https://www.novayagazeta.ru/articles/2019/08/13/81594-nogi-lomat-mozhno-materitsya-nelzya>

52. Article 9, ICCPR.

53. Article 37, Convention on the Rights of the Child.

54. <https://www.kommersant.ru/doc/4052289>.

55. <https://twitter.com/oldLentach/status/1157723793273610240>

Fabrication of politically motivated criminal cases into “Mass Unrest” to stigmatize opposition as criminals

In the wake of the rally on July 27, the Investigative Committee launched an investigation with a view to bringing charges for the organization of “Mass Unrest”. The public statement of the Investigative Committee referred to Article 212 of the Criminal Code, part 1 (organization of mass riots, punishable by imprisonment for a term of eight to fifteen years), part 2 (participation in mass riots, shall be punished by imprisonment for a term of three to eight years), and part 3 (calls for riots, shall be punishable by restraint of liberty for a term of up to two years, or forced labor for a term of up to two years, or imprisonment for the same term).

The criminal case made it possible to report “Mass Unrest” on television, stigmatize protesters as criminals, isolate the opposition, and intimidate citizens from participating in the protest movement. In reality, no proof was proffered by the authorities that “Mass Unrest” was about to take place. The absence of actual calls by the organizers to engage in violent behavior, coupled with the absence of any actual violence by the protesters during the demonstrations, tends to show that the case was politically motivated and therefore violates both Russian and international laws. Indeed, some isolated incidents of what could be qualified as unrest, such as a launch of an empty water bottle or another light projectile, were impugned previously by the Investigative Committee after the events on Bolotnaya Square on May 6, 2012. The European Court of Human Rights refused to consider launching a relatively harmless object in the general vicinity of a member of the security forces as riots or “mass unrest.”⁵⁶



A 21 years old student of one of the leading Russian Universities Yegor Zhukov accused of organizing “mass unrest” faces up to 2 years of imprisonment for the mere participation in a peaceful rally.
Photo credit: Vlad Dokshin / Novaya Gazeta

56. ECtHR, *Yaroslav Belousov v. Russia*, Case no. 2653/13, 4 October 2016, paras. 179-180 see also <https://www.novayagazeta.ru/news/2018/01/30/139057-espch-prisudil-kompensatsiyu-figurantam-bolotnogo-dela-barabanovu-ziminu-i-polihovichu>

What the peaceful protesters are accused of in the case of 'Mass Unrest'?

In the case, at least 14 individuals have been targeted, including Sergey Fomin, Yegor Zhukov and Vladislav Barabanov (the alleged coordinators of the “unrest”), Samariddin Rajabov, Sergey Abanichev, Aidar Gubaidulin and Valery Kostenok (accused of throwing plastic bottles and cups towards the police), Kirill Zhukov (accused of hitting a policeman), Yevgeny Kovalenko, Ivan Podkopaev, Alexey Minyailo, Daniil Konon, Dmitry Vasiliev, and Danila Beglets.⁵⁷

Judging by the materials in the case, the investigators believe that the accused used the refusal to register independent candidates to the Moscow City Duma “as a reason” for organizing “mass riots” in the capital. On July 27, these persons “organized the arrival of at least 3,500 participants in the protest rally” to the Moscow City Hall, which, “yielding to illegal calls” and using physical force, “broke through the cordon, committed illegal actions, and, going out onto the roadway, paralyzed the traffic on the Sadovoy ring [road].” According to article 212 of the Russian Criminal Code, riots suggest violence against citizens and government officials, property damage, arsons and pogroms. However, neither prior to nor on July 27, 2019, did anything of the kind occur in Moscow.

To prove the existence of “unrest”, the Investigative Committee opened other criminal cases under Article 318 of the Criminal Code of the Russian Federation - the use of violence against heavily clad police and National Guard (that is, “cosmonauts” as they are derisively referred to by Russian citizens). The basis of these cases was the statement of five members of the National Guard about how they were attacked on July 27. For one, Samariddin Radjabov is accused of having thrown an empty plastic bottle at the police which caused “physical pain”.⁵⁸ Yevgeny Kovalenko is accused of throwing a garbage can in the direction of a riot police officer, although the projectile did not reach the addressee ([video](#)) and hit another protester.⁵⁹ The two other defendants were not named by the investigation - the first sprayed pepper spray into the face of the Russian guard, which was covered by the visor of the helmet; the second allegedly threw a stone into the helmet of one of the security officials “causing pain”, although from the online video it appears that the stone ricochets from the guardsman’s helmet.⁶⁰ The last accused in the case is Kirill Zhukov who is accused of hitting a policeman based on a video where he timidly tries to lift up the visor of a policeman’s helmet.⁶¹ These five scattered episodes of timid resistance by unarmed citizens to the Russian National Guard, armed with batons and fully equipped, do not fit the description of violence contained in the Criminal Code. None of the members of the National Guard was physically injured by protesters, and in the criminal case file all episodes are grossly exaggerated.

In the wake of the rally on July 27, the Investigative Committee initiated another disturbingly sinister criminal case — the authorities are seeking to deprive parents who came with a child to the rally of their parental rights under the provisions criminalizing the placing of a child in danger (Article 125 of the Criminal Code) and failure to fulfill obligations to raise a minor (Article 156 of the Criminal Code). The case was initiated by the head of the Investigative Committee, Alexander Bastrykin.

57. <https://meduza.io/feature/2019/08/14/ischerpyvayuschiy-putevoditel-meduzy-po-vsem-dela-svyazannym-s-vyborami-v-mosgordumu-i-ulichnymi-protestami>

58. <https://ovdinfo.org/codex/ch-1-st-318-uk>

59. <https://zona.media/online/2019/07/29/kovalenko>

60. <https://ovdinfo.org/codex/ch-1-st-318-uk>

61. <https://twitter.com/bazabazon/status/1156490986866061312>

The sinister new law for the Investigative Committee

The Prokazov family are blamed for the fact that on July 27 they handed over their son to Sergei Fomin, volunteer for the headquarters of the independent candidate for the Moscow City Duma, Lyubov Sobol, who was placed on the wanted list in connection with the criminal case of riots. The prosecutor's office ignored the fact that Fomin is a cousin of Olga Prokazova and the godfather of their eldest son - Dmitry.⁶² After searches late in the night without a warrant and bypassing the guardianship authorities, which are usually involved in cases of deprivation of parental rights, the Perovskaya inter-district prosecutor's office sent a statement of claim to the Perovsky district court of Moscow for the deprivation of parental rights. The prosecutor's office announced that it intends to engage in checks of other Muscovites who went to the opposition rally with children.⁶³

The persecution of protesters in Moscow had reached the point of absurdity: students were threatened with expulsion from universities, bailiffs carried out sudden raids on debtors, and people who are beyond draft age received summons to the army. There was even an attempt to preemptively register the protesters with the authorities. This practice involved conducting interviews, monitoring the behavior of registered persons, their lifestyle, and social circle, and interviewing relatives and neighbors.⁶⁴

About a dozen opposition leaders were accused and were summoned as witnesses under Articles 19.3 and 20.2 of the Code of Administrative Offenses (disobedience to the lawful order of a police officer and violation of the established procedure for organizing or holding a rally, respectively), and Article 141 of the Criminal Code on "obstructing the exercise of election rights or the work of election commissions". A criminal case was instituted against the Alexei Navalny Anti-Corruption Foundation under Article 174 of the Criminal Code - "money laundering" in the amount of 1 billion rubles. One of the lawyers was beaten during the search.⁶⁵ The accounts of the foundation, from which fines were also paid for detainees at rallies, were blocked. All opposition leaders except Lyubov Sobol, who is not allowed to be placed under arrest since she has a small child, were arrested and detained for from 8 to 30 days.

Since none of the above arrests or prosecutions is grounded in any conduct that might give rise to criminal or administrative charges, there was no "pressing social need"⁶⁶ to prosecute the protesters for "mass unrest" or any other criminal or administrative charges, thus the authorities' actions constitute arbitrary deprivation of liberty of a widespread and systematic character.

3. The Right to Vote and Participate in Public Affairs

The Applicable Legal Standard

Article 25 of the ICCPR provides that "every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country."

62. <https://www.novayagazeta.ru/articles/2019/08/08/81533-godovalyy-artem-i-ego-pervyy-dopros>

63. <https://www.novayagazeta.ru/articles/2019/08/08/81533-godovalyy-artem-i-ego-pervyy-dopros>

64. <https://www.novayagazeta.ru/articles/2019/08/08/81534-metodichka-repressiy>

65. <https://www.bbc.com/russian/news-49167587>

66. See, e.g. *Belousov v. Russia*, para. 180.

Along the same lines, Article 32 of the Constitution of the Russian Federation secures to Russian citizens the right to participate in managing state affairs both directly and through their representatives, and to elect and be elected to state bodies of power and local self-government bodies.

Analysis of Violations

Since the late 1990s, Russian citizens have not had any meaningful participation in the public affairs of their own country. Unfortunately, the September 2019 elections to the Moscow Parliament are not an exception to this dire trend. Although one independent candidate of the 57 who were originally refused was reinstated after an appeal to the Elections Commission, all of the others were denied meaningful participation in the election process on fabricated grounds, prompting a public backlash. As a consequence, all the other Muscovites were denied their right to vote for a candidate of their choice, leaving them between a rock and a hard place - either voting for a candidate they like the least or not voting at all.

4. The Right to Human Dignity and to be Free of Inhumane Treatment

The Applicable Legal Standard

The Constitution of the Russian Federation and applicable international human rights law also protect human dignity. Article 21 of the Russian Constitution provides that no one shall be subject to "violence or other severe or humiliating treatment or punishment," and the ICCPR and the ECHR both provide individuals non-derogable protections from inhumane and degrading treatment.

Analysis of Violations

The police buses in which the detainees were transported to the police department were overcrowded and did not provide sufficient seating for everyone.⁶⁷ Detainees were at times intentionally kept for several hours in police buses. Sometimes they were not allowed to go to the toilet. The conditions of such transport were therefore degrading and humiliating for detained protesters.

Violations continued upon their arrival to police precincts. One of the detainees, who was in a police station with 22 other people, said that there was "nothing to breathe" inside, and some people were standing for an extended period of time.

At least 12 police precincts refused to provide food and water to detainees. Numerous individuals were kept in police precincts over 48 hours after their initial detention, contrary to Article 22 of the Constitution. Indeed, after the rally on July 27, at least 265 protesters spent two nights in police precincts.

67. https://ovdinfo.org/news/2019/07/27/miting-u-merii-moskvy-27-iyulya-2019-goda-i-ego-posledstviya-onlayn#wtf_1186871

Ill-treatment of children

One of minors detained during the August 3 protest gave accounts of ill-treatment by the police. According to his testimony, he marched in a crowd of protesters with a group of friends, when suddenly the whole group was encircled by the National Guard. He was grabbed out of the crowd and brutally detained; one of the officers tripped him, sweeping him off his feet. The minor and his friends were put on their knees, head down. After the arrest he was accompanied by another officer, who assaulted and yelled at him on their way to the police vehicle. In the vehicle he was allowed to call his parents. At the police department the minor was interrogated in connection with the case on “mass unrest”. Two investigators and one lawyer were present during the interrogation, which lasted a very long time. The police officer in a mocking way proposed a choice between a faster interrogation without a lawyer, and a slower one, but with a lawyer. He was freed at midnight.⁶⁸



Detention of teenagers in the area of Trubnaya Square on August 3.
Photo credit: Vlad Dokshin / Novaya Gazeta

68. <https://ovdinfo.org/stories/2019/08/05/zaderzhanny-nesovershennoletniy-nas-stavili-na-koleni-zastavlyali-derzhat-golovy>

Conclusion

As the ruling authoritarian elites are losing support among the Russian constituents, the reaction of these authorities to any manifestation of disagreement by the public intensifies and becomes even less democratic. The authorities realize that they must resort to increasingly unlawful means to deter the opposition: violating fundamental human rights of its citizens to vie for public office and participate in democratic elections, to gather peacefully in political protest, to be free of arbitrary arrests and violence at the hands of the forces of order. Indeed, the Moscow ruling elites sense that they can no longer compete lawfully with candidates like Ilya Yashin, Lyubov Sobol, and Dmitry Gudkov, among others, who were believed to have a real chance at securing a victory in these elections, which prompted the particularly aggressive response.

After Sergei Sobyenin spoke on Moscow television expressing support for the actions of the police and the Russian National Guard, one observes something of a consensus among the ruling political elite that violence and violation of fundamental rights is the only way to defeat the unexpected surge in opposition political activity. Indeed, on August 15, 2019, in the midst of protests against the arbitrariness of the Moscow election commissions that did not allow legitimate candidates to run for elections, Russian President Vladimir Putin awarded the Deputy Chairman of the Moscow City Commission Yury Yermolov with the Order of Friendship. The corresponding decree is published on the official State portal.⁶⁹ The award was received by the Deputy Chairman “for achieved labor successes, vigorous social activity and many years of conscientious work,” the document states.

The repressive course of the regime manifests itself in the abolition of competitive elections to the Moscow Parliament and the unreasonably brutal response to peaceful protests. On the eve of the vote, the Moscow authorities changed their tactics and beat or detained no one during the 31 August rally. The repressive course has not changed however, the “Moscow case” continues, and some of those who stand accused for the mere participation in peaceful assemblies have already received real prison terms ranging from two to five years.⁷⁰

Failing to acknowledge the legitimacy of the opposition movement, Russian political elites prefer to attribute its roots to an international intervention, blaming the West for fomenting the mass movement. An example of a reflex dating back to the Soviet times, a recent meeting of the “interim commission of the Federation Council on the protection of state sovereignty and the prevention of interference in the internal affairs of the Russian Federation” was convened after the protests in Moscow and St. Petersburg. “The purpose of the meeting was to consider the facts that contain signs of foreign interference in the purely internal affairs of Russia — the holding of elections to the Moscow City Duma,” the Federation Council press service said in a statement. The day after the rally on August 3, Russian Foreign Ministry spokeswoman Maria Zakharova, on state-owned Russian television channel Russia-1, accused the United States and Germany of interfering in Russia’s internal affairs, while the Moscow protests themselves have received almost no coverage on any federal channel.

Fomenting hostility toward the West, eliminating competitive elections, jailing opposition leaders, beating, arresting, and fabricating criminal charges against peaceful protesters, including children, denigrating work of non-profit organizations that supply the public with an alternative vision of Russian political reality: these are all symptoms of the same disease. It is the disease of holding on to power at any cost, the disease of blindness to the fatigue and frustration of the growing number of Russians who want to see human rights and democracy become the pillars of their beleaguered society.

69. <http://publication.pravo.gov.ru/Document/View/0001201908130001?index=2&rangeSize=1>

70. <https://meduza.io/short/2019/09/03/pervye-prigovory-figurantam-moskovskogo-dela-v-odnoy-kartinke>

Recommendations

FIDH and its member organizations, alarmed by the scale and violent character of repressions against the political opposition and their supporters expressing their protest in a peaceful manner, ask:

The Russian authorities:

1 - To stop curtailing the peaceful and legitimate activities of protesters, in conformity with Article 31 of the Constitution of Russian Federation and Article 11 of ECHR; to cease the systematic practices of beating and arresting participants in peaceful public assemblies and imposing disproportionately heavy fines on them; to ensure victims' access to justice and effective remedy in compliance with their international law obligations, including through independent and impartial investigations into cases of violations of protesters' rights and prosecution of those responsible for these violations;

2 - To immediately and unconditionally release all illegally and arbitrarily detained individuals accused of participation in or organization of protests, rallies, marches and other forms of public assemblies, regardless of whether such an assembly was authorized by the authorities or not; to drop all charges and free the accused in the criminal case of "mass unrest" or the so-called "Moscow case";

3 - To bring legislation governing public assemblies in conformity with its international obligations under the ECHR and the ICCPR, including by repealing the "Ildar Dadin" Anti-Protest Law – Article 212.1 of the Criminal code of the Russian Federation, and ensure its lawful application;

4 - To bring legislation governing elections in Russian Federation in conformity with international standards and ensure the free and equal participation of Russian citizens in the conduct of public affairs, including their right to vote and to stand for election, as guaranteed by Article 25 of the ICCPR; to abolish the discriminatory and illegal practice of prohibiting independent candidates from participating in elections;

5 - To drop all charges against independent candidates to the Moscow Parliament and allow them to run for the September 8, 2019, elections; to invite a mission of international observation to assist the election process from the beginning to the end vote count;

6 - To put an end to all acts of harassment against civil society organisations and human rights defenders, including pro-democracy and environmental groups and activists, journalists, lawyers and historians, that the Russian authorities arbitrarily identify as proxies of west and target as potential risks to the prevailing authoritarian regime, including by revoking **the so-called 'foreign agents' law and the "law on undesirable organisations"**, which puts a number of civil society organisations and activists at risk and unduly presents their activities in a negative way.

7 – To put an end to detention, mistreatment, expulsion from places of higher education, and other forms of persecution of minors, and ensure the respect for their rights in conformity with the Convention on the Rights of the Child.

The the International Community:

1 - To adopt or employ executive measures or legislation imposing targeted individual sanctions on agents of the Russian authorities who commit or order the commission of grave violations of human rights, including those bearing responsibility for the ongoing repressions targeting activists, political dissidents and representatives of Russia's civil society;

2 – To echo concerns raised by Russia's independent civil society organisations, notably in publicly condemning actions by Russian authorities against peaceful activists, urging them to release immediately and unconditionally all individuals detained after having peacefully exercised their right to freedom of assembly.

Keep your eyes open

fidh

**Director of
publications:**

Dimitris
Christopoulos

Editor in chief:

Éléonore Morel

Authors: Ilya Nuzov,
Daria Kovaleva

Design:

FIDH

Establishing the facts - Investigative and trial observation missions

Supporting civil society - Training and exchange

Mobilising the international community - Advocacy before intergovernmental bodies

Informing and reporting - Mobilising public opinion

For FIDH, transforming societies relies on the work of local actors.

The Worldwide movement for human rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.

fidh

CONTACT US

FIDH

17, passage de la Main d'Or

75011 Paris

Tel: (33-1) 43 55 25 18

www.fidh.org

Twitter: @fidh_en / fidh_fr / fidh_es

Facebook:

<https://www.facebook.com/FIDH.HumanRights/>



FIDH is an international
human rights NGO federating
184 organizations
from 112 countries.

fidh

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 184 member organisations in 112 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.