

PC.DEL/551/12
15 June 2012

ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY MR. ANDREY KELIN,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 916th MEETING OF THE OSCE PERMANENT COUNCIL**

14 June 2012

**In response to the concerns over the investigation of the illegal actions of
demonstrators in Moscow**

Mr. Chairperson,

We thank our colleagues for their interest in events in our country. We have taken note of the concerns expressed by a number of delegations today and should like to comment on them. As I understand it, two concerns have been expressed. One is that the new law introduces harsher sanctions than those provided for under the legislation of European countries. The second concern is that the leaders of the protest movement were subjected to sanctions.

The first point concerns the Federal Law on Amendments to the Russian Federation Code of Administrative Offences mentioned in our partners' statements and the Federal Law on Assemblies, Rallies, Demonstrations, Processions and Picketing adopted with the aim of strengthening administrative liability for the violation of legislation in this area, clarifying the grounds for such a violation, qualifying what constitutes it, and imposing liability for the violation. While the law was being drafted, the practice in other countries, including Germany, Italy, Spain and the United Kingdom, was considered. The penalties for organizing unsanctioned rallies are a fine of 2,400 dollars in the United States, a six-month prison sentence or a fine of 7,500 euros in France, a fine of around 6,000 pounds in the United Kingdom and a prison sentence of 1 to 12 months with no restriction whatsoever on the amount of the fine for participating in unsanctioned protests in Italy. In Switzerland, incidentally, a fine of up to 100,000 dollars may be imposed.

Thus the law does not contain a single provision that is harsher than the measures provided for in similar laws of the aforementioned States. As is well known, it is the prerogative of the courts to assess the proportionality of fines.

In particular, given the increased attention being paid to Russia, we cannot fail to be surprised by our colleagues' lack of interest in rule-making in the OSCE countries to the west of Vienna.

In particular, a law was passed very recently in the province of Quebec (Canada) which the public associates with ongoing student protests against an increase in tuition fees. The protests were accompanied by arrests and the use of force by law enforcement agencies. According to media reports, students who hindered access to the universities are liable under this law to a fine equivalent to 35,000 US dollars, while student groups are liable to a fine of up to 125,000 US dollars. We might mention that the students are protesting against an annual increase of 254 dollars in tuition fees.

It would also be interesting to hear our colleagues' opinion on the new United States legislation that journalists have already described as "Goodbye, First Amendment" to the United States Constitution. This is the recently passed law HR-347, which has introduced penalties in the form of a fine or a maximum ten-year prison sentence for being present in or attempting to enter an area where persons protected by the secret services may possibly be, even including the lawn in front of the White House. According to its opponents, this law actually makes it impossible to hold demonstrations in the presence of such persons and thus violates the rights of citizens to freedom of assembly.

The second point concerns the investigations conducted for the purpose of identifying and detaining the organizers of and active participants in the riots in Bolotnaya Square in Moscow on 6 May. The Investigative Committee of the Russian Federation is conducting the investigation of the illegal acts. Several persons whose involvement in violence against the police was documented have been detained in this connection (they threw stones and pieces of asphalt at the police, injuring members of the law enforcement agencies, and attempted to damage police cars).

On 12 June, several participants in the events in Bolotnaya Square on 6 May were summoned to the Investigative Committee as witnesses in the aforementioned criminal case. Those who did not appear for questioning on 12 May because they were participating in the demonstration organized on that day were questioned the next day. I should like to emphasize that they were questioned as witnesses and not as accused persons. None of them were arrested. They were all accompanied by lawyers. Computer equipment, databases and other objects relevant to the case that were removed in the course of the searches were examined in the presence of the interrogated persons and explanations were obtained. In other words, routine investigations were conducted.

We should like to mention that a rally and demonstration organized by members of the opposition took place in Moscow on 12 June. These took place in an orderly and peaceful manner. There is thus no substance to the claims that the investigations could possibly have hindered the event.

It is surprising that our colleagues who are so concerned about the questioning of demonstrators in Russia do not show similar zeal when it comes to the investigation of riots in other countries.

We do not remember any concern over the actions of the British authorities last year, for example. We recall that several hundred children who supposedly took part in last year's riots were taken into custody. At the time UNICEF expressed concern over possible violations of the Convention on the Rights of the Child.

We should also like to point out that a number of our previous statements on human rights issues in European Union countries, including the statement of 17 May, have not yet been answered. We hope that our partners will nevertheless provide detailed information to the Permanent Council on all the matters we have raised.

Thank you for your attention.