

## **OVERVIEW of the situation with the freedom of assembly in Russia (Spring 2006 – spring 2007)**

### ***Current trends***

- 1. Bans for safety reasons.**
- 2. Bans due to “the rights of other citizens”**
- 3. Increased demands for a notification procedure.**
- 4. Censorship of themes and slogans.**
- 5. Bans on specific places, proposing unacceptable place and time.**
- 6. Changing the form of an action**
- 7. Limitations on numbers**
- 8. Police interference**
- 9. Preventive police measures.**
- 10. Harsher sentences for violations. Fabrication of evidence.**

Article 31 of the Russian Constitution guarantees the liberty of peaceful assembly and the Russian Law on Manifestations is one of the most liberal in Europe. According to this Law one has a right to manifest if the authorities are notified in advance and no permission is needed from them. The authorities can only propose a different time and place and point out to irregularities in the notification but cannot impose any changes or any type of preventive ban of a public action. They are obliged to assist the organizers of a manifestation and guarantee public safety and order.

In reality, however, the freedom to manifest publicly is systematically severely limited. The police still demand “an official permission” from the protesters and prefer to interfere and arrest before even paying attention to the fact that the organizers followed all the legal requirements. If an action is supposed to raise sensitive issues, the local authorities often refuse to give their “accordance” to it, which means that police interference is imminent. This practice is very wide spread, although completely contrary to the law. Yet, even in seldom cases, when the organizers make it to court, the judges almost always side with the administration and the police.

The police interference during public assemblies has grown in scale and is often accompanied by unnecessary violence and disproportionate use of force. Arrested participants of a public assembly are more and more often charged with misdemeanors they didn’t commit on the base of forged or corrupted evidence provided by the police. Specific charges are chosen to allow the police to hold people at the police station for longer periods of time and then to hand out court sentences of up to 15 days in prison.

Preventive measures by the police have also been increased. Participants of mass assemblies face police intimidation ranging from being subject to home visits and interrogations to being taken off the train or prevented from getting on the bus, from having passport data copied and fingerprints taken to experiencing preventive arrests and attacks by unidentified men.

*Current violations of freedom of assembly in Russia could be loosely classified in a following way:*

### **1. Bans for safety reasons.**

Under the pretext of ensuring safety of the participants the authorities tend to hinder the public assemblies. The inability to ensure safety from violent counter protesters was a reason to ban a gay-pride demonstration and two pickets in defense of LGBT rights that were planned to take place on May 27<sup>th</sup>, 2006. All those bans were upheld in court despite the unambiguous position of the European Court of Human Rights in *Plattform "Artze fur das Leben" v. Austria*, and *United Macedonian Organization Illinden and Ivanov v. Bulgaria*, where the Court underlines that possibility of counter protests is not a reason for limitations on freedom of assembly. It is symptomatic also that the violent counter protests that did take place both last and this year went completely unpunished despite a large number of people arrested.

In several other cases safety issues were a pretext for bans on peaceful assemblies. To list the most absurd cases: in Voronezh human rights activists were threatened by falling icicles, in Moscow ecological protesters were under a danger of landslides, in Orel a possibility of falling of a bridge was a reason to ban a demonstration of leftist groups. Needless to say that only activists on the specific days of manifestations were facing those “dangers” and no efforts were made “to ensure the safety” of the ordinary people.

The authorities often state that they have no possibility to block the traffic on the route of the manifestation, and thus for safety reasons the manifestation cannot take place. Such was a pretext, for example, for not allowing the demonstrators against conscript army to march on one of the central streets of Moscow on March 31, 2007. Yet, the traffic on the supposed route of the demonstration was blocked in advance: especially to prevent the manifestation to take place. The same picture could be seen on Nov. 7<sup>th</sup>, 2006 when the police blocked the central streets both to the traffic and to the demonstrators from the Communist Party, despite the fact that the impossibility to stop the transport was the official reason not to allow the demonstration.

Road blocks of all the neighboring streets to the demonstrator’s gathering point have become a common trend. The traffic in Moscow, St.Petersburg, Nizhny Novgorod, Voronezh was severely (and most of the time without any necessity) limited by the police during the Marches of Discontent - trademark rallies organized by the wide coalition of opposition groups “the Other Russia”. Traffic blocs in cases of official processions and various city festivities are also a common picture in most Russian cities and don't seem to be a problem neither to the city authorities nor to the police.

Nevertheless, the possible perturbations of traffic as well as possible accidents continue to be cited as reasons for not allowing the demonstrations to take place. It is evident, that coordinated efforts by the demonstrators and the authorities would make traffic disturbance less significant and ensure sufficient safety of the citizens.

Those specific means to provide for security – by banning the assembly all together - has been already upheld in court in the case of an antifascist demonstration organized on Nov.4<sup>th</sup>, 2006 by the representatives of Green Alternative (GROZA) and Youth Human Rights Movement. The decision was appealed by the Legal Team, yet considering the political pressure on courts in such cases, the Moscow city court would most likely uphold the decision, despite its evident contradiction with the logic of the European Court of Human Rights. The legal battles around that clause will certainly continue, as other cases are prepared to be taken to court.

## **2. Bans due to “the rights of other citizens”**

When the demonstrators want to march on pedestrian streets, another often cited reason for not allowing it is the reference to the clause of the Constitution that declares that the exercise of one’s rights and liberties should not violate the rights and liberties of other persons. This reason is often used to ban all kinds of moving processions in Moscow. The city authorities consider that the right of people “to walk through parks and squares” would be violated by the presence of a procession. Similar wording is used in other cities, as well, yet Moscow is an absolute champion: it is known of at least 15 marches that were banned in Moscow in 2007 alone for the sake of “the rights of other citizens”.

Clear and evident disproportional character of such restrictions doesn't embarrass the mayor's office as it continues more and more often to justify bans on processions on these grounds. Such was the case with the March in Memory of Slain Journalists on December 17, 2006 or with the March for the Freedom of Marches on April 1, 2007, both of which were organized by independent activists not affiliated with any opposition structures. The Marches were banned by the authorities for the sake of the rights of the "passers-by" and the organizers were proposed to limit themselves to a meeting. The same scheme was used for the Marches of Discontent in Moscow (Dec. 16, Apr. 14, June 11), in St.Petersburg (Mar.3, Apr. 15), in Nizhny Novgorod (Mar. 24), in Voronezh (May 29) and finally in Murmansk (Jun.13).

The bans on such general grounds are applicable to any type of manifestation and deprive the freedom of assembly of any real content. Nevertheless, the city authorities consider it sufficient enough and are prepared to defend it in courts. Symptomatic is the fact that the Gay Pride manifestation in 2007 was banned for the sake of "the rights of other citizens". This reason was apparently chosen by the mayor's office as, in their opinion, the most legally sound. Last year's Gay Pride was banned for the sake of the security of its participants – which in any case was not ensured neither this nor last year.

Those two specific reasons are the most widely used ones. Ironically enough they are sometimes accompanied by the citation of the Art. 11 of the European Convention on Human Rights and Fundamental Liberties, which in the point of view of the authorities provides grounds for limitation of freedom of assembly for those very reasons. Yet in order for this type of interference not to be considered a violation of ECHR it has to be specifically provided by the national law. In Russia the law doesn't allow for any type of preventive bans and so the actions of the authorities in those cases are in violation of the freedom of assembly.

### **3. Increased demands for a notification procedure.**

Russian law on manifestation follows the European standards in previewing a notice of intent on the part of the organizers, rather than a request of permission. Several types of assembly do not even require notification, notably individual picket and a stationary assembly without banners in a "place, specifically suitable for it" (i.e. in a building). Despite those provisions, the authorities continue to demand a notice for such events and the police often interfere even if it sees just one person with a banner or a flag. The authorities are clearly aimed at tight regulation of assembly, even if the law specifically establishes the contrary.

It is known of several cases in Murmansk and Yekaterinburg, when several individual pickets by ecological and human rights activists, who had a conflict with the city authorities, ended up each time in the arrest of its lonely participant. During the G8 summit, a member of the organizational committee of the Russian Social Forum, who intended to have an individual picket against G8, was met with 6 police cars and was sentenced to 7 days of arrest.

On October 2006, a gathering of car-drivers in the suburbs of Moscow, that drove up together to discuss changes to the law on traffic violations, was dispersed by the police. The leader of the movement of car-drivers that initiated the gathering was charged with organizing "an illegal meeting". The same story was repeated in Kaliningrad, where police also prevented cars from gathering on one place, by applying regulation on manifestation, checking documents and searching through vehicles. There were cases when law on public assemblies was applied to drivers that put colored ribbons on their cars to voice their disagreement with government initiatives or to display solidarity.

Yet, perhaps the most absurd case took place in the town Novorossiysk in Krasnodar region where a tea-party and a discussion over football with German volunteers organized in a local school by a human right organization "Frodo" was interrupted by policemen, representatives of special service, migration office and regional authorities. 15 officials intervened to stop the tea-party with foreigners. The organizers and participants of the tea-party were charged with an "illegal

gathering”, because they didn't “notify the authorities”. Even more amazing is the fact that the court found everyone guilty and imposed fines from 500 to 2000 rubles. Despite the fact that the law on manifestations specifically allows assemblies without advance notice, the decision was upheld by a higher-level court. Solidarity tea-parties, initiated by Youth Human Rights Movement and supported by other youth groups, took place around the country and abroad of Russia to highlight the absurdity of charges. Joking notifications were sent to the regional authorities of Novorossiysk that still doesn't acknowledge that it interfered illegally into a peaceful assembly.

The possibility of this absurd case to be transformed into a tendency was marked out by the discussion around Moscow law on notification for public assemblies. The original bill included the obligation to notify the authorities of every assembly. That provision was later taken out, but the deputies quite seriously discussed the obligation to notify authorities of each and every public gathering or discussion.

#### **4. Censorship of themes and slogans.**

The regional and local authorities tend to inspect scrupulously the declared themes of public events to filter out possible confrontational issues. A common practice, yet contrary to the law, is an inspection of proposed slogans or a demand to modify the topic. That was the case, for example, with an action of organization “We” under the slogans “Back to USSR” in June 2006. The proposed slogans were considered “too ironic” and the manifestation wasn't permitted to take place.

It is no secret that the groups considered “oppositional” to the government have a much bigger chance of having their public events banned and thus are much more likely to have problems with the police during their assemblies. The “oppositional” or “confrontational” character of the topic for the assembly is determined completely arbitrarily and “sensible” themes that raise questions have ranged from a big governmental business project of a pipeline near Lake Baikal to a simple demand of upholding the Russian Constitution

Quite emblematic is the fact that the only manifestations dealing with LGBT issues that were allowed to take place in Moscow legally (despite mayor Luzhkov's homophobic perseverance) were two pickets – one on July 19, 2006 in protest against death penalty for gays in Iran, another on May 26, 2007 against all forms of xenophobia and for the freedom of assembly. Both didn't cite LGBT issues in the official notification and chose abstract wording for the declared theme. Although most of the slogans of the recent picket (co-organized by the Green Alternative (GROZA), Youth Human Rights Movement and the Network of LGBT organizations) were specifically aimed against homophobia, yet they were not mentioned to the administration and thus passed their examination. It seems that such abstract wording is the only possibility to raise issues, particularly sensitive for the authorities. Of course, this should not be the case if freedom of assembly is truly considered to be a fundamental right and the authorities are determined to uphold it.

#### **5. Bans on specific places, proposing unacceptable place and time.**

Another worrisome trend has to do with attempts to modify the Law on manifestations, which is quite liberal to the protesters. In various regions there have been initiatives to make certain areas of towns completely void of any protests. The regional authorities have some possibility of regulation in this sphere, although absolute ban on public events in places that are not specified in the Federal Law is still illegal.

However, de facto, several places in many big cities have already been turned to “no-protest zones”. In Moscow, for example, this includes the squares in front of the City Hall and the Federal Security Service, where “official permissions” to manifest are not given out. A group of young activists have notified authorities 7 times that they wish to manifest in front of the City Hall against “systematic bans a pickets in front of the City Hall”. Each time the answer was a ban on the picket and a proposal to move to another place. Although, the authorities can not legally impose the

change of the place and can only suggest it, the first attempt to have a picket in the place that was originally declared on March 16, 2007 has ended in the arrest of the activists.

To give another example, in the town of Orel oppositional groups have been officially not allowed to demonstrate in the central place in front of the regional government, although various public events regularly take place there.

In some cases to prevent activists from marching on the central streets, the authorities use the possibility provided in the law to suggest a different place. The list of “alternative” places is usually limited to areas outside any busy areas, and sometimes those places are in parts of town, where no one can see the protest. This strategy is quite common in St.Petersburg, where rather than allowing the G8 protesters from the Russian Social Forum in June 2006 to march through the central streets, the governor offered to manifest behind a fence of a deserted stadium in a completely isolated area. This strategy is common not only to St.Petersburg, but to other big cities like Voronezh, Nizhy Novgorod, Yekaterinburg, etc.

In a recent statement the Public Chamber, a showcase of loyal civil society, has declared that it would be appropriate to limit protesters to few and selected areas. The idea was supported by the vice-prime-minister Sergei Ivanov and has been echoed by similar statements of regional authorities. It looks like this initiative will be developed into a law bill. If passed, it will give legal grounds to suggestions to carry out public assemblies on the city outskirts or outside of populated areas – out of sight and sound of public authorities.

Proposals to change the time of the protests most of the time are also aimed at making the manifestation void of any sense. During the G8 summit over 25 various public manifestations in St.Petersburg were in fact prevented from taking place, because the authorities demanded from the organizers to choose a date after the summit, when those manifestations would become pointless. The organizers of the picket in memory of the Beslan tragedy on its anniversary, Sep. 3, 2006, from the Movement “For Human Rights” have received suggestions to change the date: first under the pretext of “preparation for city festivities”, then for the reasons of “maximum safety”. The suggestions were clearly ill-founded not only because Sep. 3 is the officially declared “Day of Solidarity with the Victims of Terrorism”, but also because official events on the same topic were scheduled around the country. The organizers have appealed the ban to the next level authorities before Sep.3. Yet, during the attempt to hold a picket a significant part of the participants was arrested and charged with misdemeanors. The organizer of the picket Lev Ponomarev was sentenced to 3 days of prison. The ban was lifted afterwards by the higher authorities, yet the sentences were not repealed.

Although, according to the law, the organizers have a right to refuse proposals to change time and place that undermine the very sense of public protests, yet in reality any attempt to hold an event in the place and at the time other than indicated by the authorities would meet police resistance.

## **6. Changing the form of an action**

Limitations placed on public assemblies are not only about places and time but also about forms of protests. The authorities are by far more likely to refuse to consent to processions and marches than to stationary meetings and pickets. In Moscow virtually no processions besides the ones by major political parties and official trade unions are allowed to take place. In St.Petersburg the central streets are also limited only to processions, organized by the authorities themselves. To all other groups that want to march through downtown, the authorities suggest to have their protest voiced in another form, less noticeable and easily controlled.

It seems that the city authorities (especially in Moscow) are particularly concerned with moving processions and very seldom allow them to take place without interference. The only exception in 2007 in Moscow was May 1<sup>st</sup> celebration when all the processions including those of extreme-right groups were allowed to take place.

All other attempts of “the Other Russia” coalition to have their March of Discontent in a form of a

procession have failed, since the authorities each time demanded from the organizers to limit themselves to a meeting. The similar situation took place during November 4<sup>th</sup>, 2006 demonstrations, when all marches by all groups (both extreme right or fundamentalist orthodox from one side, and antifascist or human rights from the other) were not allowed to take place. Instead, there was a possibility to have meetings in various places around the city in a compromise that almost all groups accepted, despite the fact that the authorities clearly overstepped their competence.

One of the most recent and the most evident examples, demonstrating that “suggestions” by the authorities leave no choice to the organizers, was the March for the Freedom of Marches. The idea of the organizers from a coalition of various youth activist groups was to protests against systematic bans of marches on April 1 with foolish and joking slogans. The authorities suggested them to voice their protest in a form of a meeting. Yet, when the activists declined that suggestion and offered two-sided negotiations to find a compromise, there was no answer. The March attracted some 100 participants, yet all the organizers, several activists and a few passers-by were preventively arrested and the March took place discreetly from the police in a place, different from the one originally planned. In fact, the strategy of ignoring legal regulations has proved more fruitful, when the strategy of following all legal requirements, since it didn't allow the authorities to act in advance.

The negotiation procedures, provided by the law, clearly do not work. “Propositions” by the authorities are of imperative nature; in fact they leave organizers no choice and limit the forms of protests to those that are found to be convenient by the authorities. By making legal procedures void of any meaning the authorities themselves push activist groups into acting outside of the law and without notification. Notifications of the authorities serve not to coordinate efforts with the organizers, but to act against them in attempts to prevent them from taking protest to the street.

## **7. Limitations on numbers**

To make the protests even less visible the authorities often limit the number of its participants by various means. Sometimes decreasing the declared number of participants of an assembly is a prerequisite for “an official permission”. In other cases the police limit access to the area of protest to the number of people declared in advance, although the organizers have no obligation to know the exact number of possible participants of their public event. Because virtually every meeting that does take place is allowed behind police cordons and access to the “protest zone” is accompanied by obligatory searches for “security reason”, the police have an easy way to deny entrance as they wish. Police cordons have also been used to limit an area for the assembly and to make it less accessible for a large number of people.

By law the authorities have an obligation to inform the organizers of manifestations of space limitations in the places where the protesters wish to gather. Space limitations are set by regional legislation and also tend to limit the scale of assemblies. Most recently, for example, the number of demonstrators in Moscow was limited to two by square meter.

The obligation to inform of these norms has been virtually transformed into a power to determine how many protesters can gather at any given spot. This has already lead to curious situations when large city squares “officially” can fit a number of protesters by far less than number of “normal” citizens on a “normal” day. Yet even those absurd numbers are enforced by all means at the disposal of the police from tight cordons to direct prohibition to enter the area for people that exceed those completely arbitrary numbers.

## **8. Police interference**

A recent common feature of any public action is a heavy police presence. All manifestations that have an official approval of the authorities take place behind police cordons that limit possible participation. If action is not “approved” by the authorities, the police in most cases interfere right

away after banners are unfolded or signs taken out.

The law sets a certain procedure for dispersing an action that is perceived as “illegal”, which is in most cases simply ignored. On April 1, 2006 an action to protest against oil pipeline near Baikal was dispersed within 30 seconds, with disproportionate and unmotivated violence, without any warning being given out to the activists. All protests against the G8 summit in St.Petersburg met with unmotivated police brutality during dispersals. For example, batons were used to disperse an action of anarchist Network against G8 in front of Radisson-SAS-Slavyanskaya hotel although no resistance to the police took place and the protest was completely non-violent. Legal Team representative present to observe the police conduct was arrested when he tried to photograph the illegal use of force. At the end he was charged with the same offense as the participants of the action.

The photos and videos of the dispersal of opposition Marches of Discontent in Moscow on April 14 and St. Petersburg on Apr. 15, 2007 went around the globe. In St. Petersburg people were attacked by the riot police while exiting the place of the meeting and going to the subway. Several ended up in a hospital. In Moscow the official numbers stated 170 people arrested. The organizers spoke of 500 detained, including passers-by and journalists. In all cases the police forces outnumbered the participants and center of all cities where the Marches were to take place reminded of the military occupation zone. The most absurd cases were in Nizhny Novgorod where around a hundred participants were opposed by several thousand riot policemen and most recently Voronezh where several dozens protesters were met by several dozen buses full with police

In all cases the riot police make no difference between participants, passers by or journalists, arresting anyone who looks suspicious enough or just comes across. Psychological and physical intimidation and harassment of the arrested is common, the conditions of detainment at the police station fall far beneath the set standards and could be considered as inhumane and degrading punishment. Those are general problems of the police brutality and bad conditions of detainment, but in the case of protesters, considered as political, they are worsened by additional intimidation on the part of the special service officers.

In worst case scenario, special riot police, gathered in places of assemblies, is ready to use firearms. This was the case in Dagestan on April 25, 2006 when three participants of a demonstration of protest against a local mayor were severely wounded and later died from the inflicted wounds. The official version is that the police tried to withhold the mob by firing into the air and the wounded were hit by ricochet bullets. The eyewitnesses report that the police shot deliberately. On September 19, 2007 the police has opened fire at the participants of an assembly against forced disappearances in the centre of Nszaran, Ingushetia. Two participants were wounded.

Although cases of use of weapons are rare, unmotivated violence is a common trait and dispersal of action by riot police is a common occurrence even at actions where all the legal requirements have been scrupulously followed. The police prefers to act on specific orders to not allow a manifestation and leave the court decide whether it was “illegal”.

## **9. Preventive police measures.**

Aside from direct repressions, police more and more often resort to tactics of prevention. This applies not only to the events that are considered “illegal” by the authorities (as was, for example, with the preventive arrests of the organizers of April 1 March), but also to the assemblies that have official “consent”.

The police resort to “prophylactic measures” in order to prevent activists from coming to an assembly. Police officers visit activists in their homes, intimidate their relatives, neighbors, and university administration, “ask” to refrain from traveling to a place of assembly. Sometimes the

activists are asked to write “explanatory notes” and to promise not to take part in protest activities.

All those methods were widely used during the G8 summit in St.Petersburg, when records of previous political and social activities were used in tracking down possible participants of counter-summit activities. Around 216 cases of people being taken of the train or other vehicles have been reported to the Legal Team. The passport data was copied; sometimes documents and tickets were confiscated.

The extensive database of so called “extremists” as well as the methods, worked out during the summit, continue to be used before each opposition activity, touching even those activists that have nothing to do with the planned events. Preventive arrests are wide-spread under various, often absurd, pretexts.

Russia – EU summit that took place in Samara in May 2007 is a perfect example of using such methods to limit the scale of protest and to intimidate its participants. All the people whose name was mentioned in official notifications were called to the police for interrogation, exactly on the dates of the March. Those who had previous misdemeanors were sent to prison for the duration of the summit. National Bolsheviks that had suspended sentences convictions received real jail terms. Their houses were searched and their relatives interrogated. The portraits of the activists appeared on the informational stands “Wanted by the police”. Offices of many human rights and civil NGOs were searched and computers were confiscated, because of “the pirate software”. A house that hosted many NGOs was closed due to “emergency fire situation”. Except for the case when human rights activist Alexander Lashmankin was beaten up by several unidentified people with bats in front of his house, all other cases were based on sort of a legal pretext. Yet, they amount to a large picture of coordinated repression aimed at preventing large scale mobilization. Usual tactics of temporary detainment, confiscation of tickets and other measures aimed at preventing people from other parts of Russia from getting to the summit were launched in other regions as well.

The “black lists” of “extremists” and police tactics, worked out during the G8 summit continue to work against the activists.

## **10. Harsher sentences for violations. Fabrication of evidence.**

Symptomatically enough, a significant number of the arrests don't add up in any penalties for the arrested. Sometimes the police don't even bother to send the protocols to court, considering that several hours at the police station are a punishment in itself. Even if protocols are sent to court, the case doesn't not necessarily end in a penalty, because of the various violations of the procedure by the police. At the same time, acquittal sentences are almost impossible to get, which leaves the arrested with fewer legal possibilities to seek redress for an illegal arrest and detainment.

A recent negative trend is more severe penalties for participation in an action. Two years ago the most activists received for violating law on manifestations was a fine of 1000 rubles. Now, even though the law hasn't changed, penalties go up to 15 days in prison, because the police try to charge activists with misdemeanors that provide days in prison. In that case they are also allowed to hold a person in custody up to 48 hours without court interference.

The protesters are more and more often charged with disorderly conduct or refusing to obey the policemen's lawful demands and the grounds for conviction are the testimonials of the policemen themselves and the protocols. Such convictions are even easier to prove than a violation of the law on manifestations, especially when the courts disregard all the evidence in favor of the arrested. Charges like this permit to hold a person for up to 48 hours in police custody and are also very convenient to isolate protesters during big events like the G8 summit: fabricated sentences like this



were very common in St.Petersburg in June 2006. In all cases that the Legal Team for activists worked on in St.Petersburg the question of legality or illegality of an action was not considered, although it is exactly this question which is essential in determining whether orders from the police were lawful or not.

Yet, the trend is not limited to St.Petersburg or big government events. Harsh sentences have been occurring more and more often, especially during actions on issues sensitive for the government, like was the case on Sep. 3, 2006 during a human rights picket to commemorate Beslan tragedy. Although the ban of this action was later proved illegal, participants were fined for refusing policemen's orders to stop "a non-permitted action".

Most of charges of this type are fabricated – the police reports give distorted information or contain clear-cut discrepancies. If a group is detained, most likely they will all be charged with the same offense and the documents of the cases will be filed exactly the same, regardless of the concrete situation or the fault of the person.

One of the most illustrative examples of repressions against participants of manifestations is the case around the Moscow part of the Global Marijuana March that was supposed to take place on May 5<sup>th</sup>, 2007. 5 activists were arrested during an attempt to have a procession. 7 of their friends came to support them to the police station and were also arrested without any explanation and without any demands on the part of the police. The policemen directly turned to violence: hit their heads against the ground, choked them and dragged them on the pavement. Violence and intimidation was continued inside the police station, both by the police and the workers of the Drug Control Agency. All the detained, including the one ill with diabetes, were denied food and water. In order to justify the disproportionate use of violence, the charges of disobeying police orders were raised. Besides this, 11 activists were charged with violating the rules of a manifestation and propagating drugs. They were conveyed directly to court, which handed out sentences the whole night behind close doors. The last sentence was given out at 9 o'clock in the morning. All women were fined 3500 rubles (around 100 euros); all men received a fine of 2500 rubles and 10 days of prison. The official organizer got 5 days of prison more. The sentence went into force immediately. This is by far the harshest sentence for a public assembly. All were punished three times for the same action: going out with a banner for legalization, - action, in which most of the detained didn't even take part. The participants of the Legal Team that represented their interests report enormous amount of violations in the protocols and in the court procedure. Witnesses were summoned by the judge and provided by the police. At the same time the judge refused to accept evidence in defense of the arrested. During the appeal the lawyers were not allowed to work out a line of defense with the detained or even read through the documents. The detained were treated as criminals while not being given even a small part of the guarantees provided to the participants of the criminal process. This case is illustrative of the system of justice that the activists have to face: it sides with the police, performs the duties of persecution, disregards procedural rules and introduces presumption of guiltiness, regardless of any evidence in favor of the accused.

There are all types of indications that courts act on orders from the police and consider themselves as part of the repressive mechanism and not an independent judiciary branch.

**There are all reasons to expect a worsening of the situation with the freedom of assembly in the months to come, as the government, with the parliamentary and presidential elections in sight, will try to intimidate and suppress all possible spontaneous or oppositional protests by all means at its disposal.**