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Delegation of the Russian Federation

**STATEMENT BY MR. ANVAR AZIMOV,  
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,  
AT THE MEETING OF THE OSCE PERMANENT COUNCIL**

27 January 2011

**Regarding the circumstances surrounding Boris Nemtsov's detention**

Mr. Chairperson,

We should like to make the following comments with regard to the expressions of concern by the delegations of the European Union and the United States of America at the detention of Boris Nemtsov and a number of other persons on 31 December last year for various offences.

It is well known that the right of Russian citizens to assemble peacefully without weapons, to hold meetings, rallies, demonstrations and marches, and to picket is laid down in the Constitution of the Russian Federation. The procedures for the conduct of such events are regulated by legislation. The sanctioned demonstration in defence of article 31 of the Constitution which took place on New Year's Eve at Triumphal Square was orderly and without serious incidents. The detained persons violated Russian administrative law by their actions. In particular, the arrests in St. Petersburg mentioned in the United States statement related to persons who were holding a rally which had not been approved by the authorities of the city where the rally was held. Boris Nemtsov and his supporters were detained for disobeying the legitimate demands of the law enforcement authorities while attempting to break through a police cordon. The actions of the Russian law enforcement authorities were intended to stop the deliberate and provocative violation of the law and of public order. Incidentally, the court subsequently found that there had been a violation of the law.

The United States delegation's interpretation of the decisions of the Russian courts is therefore puzzling. The United States delegation states that Boris Nemtsov, Eduard Limonov and Ilya Yashin were sentenced to administrative arrest for "exercising their constitutional rights". In fact, not one constitution in the world gives its citizens the right to break the law. It is the prerogative of the judicial system to examine claims against the authorities. Disseminating conjecture and insinuations in order to exert pressure on the court is unacceptable.

We are gaining the impression that there is creeping corrosion of fundamental principles in the very countries that are most vociferous and categorical in accusing others of

violating human rights in this area. This is corrosion not only of principles, but also of their practical application.

A recent incident in the state of Georgia in the United States is revealing. Two journalists from the television station Russia Today (RT) were seized, handcuffed, dressed in prison uniform and held in a cell with criminals for more than 24 hours. The next day, they were found guilty of participating in an “unlawful assembly”, fined, charged a large sum as bail, and can expect a new hearing on the charge of “disobedience of the authorities”, which was not withdrawn.

Where else in the world are journalists placed on the same footing as demonstrators? This sends out a disturbing message. What concerns us in this situation is not just the absence of proper coverage of this incident in the United States and European media, but also the fact that, as is clear from the State Department’s response to the Representative on Freedom of the Media, Dunja Mijatović, the United States federal authorities did not express the slightest concern about the prosecution of journalists who were doing their professional duty. It is quite obvious that the journalists were not and could not have been participating in any kind of rally, whether legal or illegal, but were merely covering the events taking place in the city. We shall closely monitor the development of the situation, including the judicial investigation, which is obviously being dragged out, and shall reserve the right to respond to and comment on the situation in the United States with regard to ensuring the freedom of the media.

In addition, the methods used to disperse demonstrations in the European Union, which advocates the right of freedom of assembly and association, cannot fail to arouse concern. Recent broadcasts in the leading world media of the actions of police in dispersing rallies in a number of European countries testify to the fact that tear gas, pepper spray, water cannons and rubber bullets are sometimes used for this purpose. There are known cases of assault and maiming of demonstrators.

The Russian Federation remains available for public discussion of the human rights situation in all the OSCE participating States.

Thank you for your attention.