

The Finnish-Russian Civic Forum

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Intervention at Working Session 3

Freedom of assembly and association in the Russian Federation.

The rights to freedom of peaceful assembly and association are intrinsic to any democratic society. The right to assemble peacefully is an essential condition for the exercise of other human rights, such as the freedom of expression. Participation in peaceful assemblies helps ensure that all people in a society have the opportunity to express opinions that they hold in common with others. This right is also enshrined in the basic document of a democratic country which is its Constitution. In Russia it is Article 31 which guarantees her citizens freedom of peaceful assembly which is one of basic freedoms which the authorities of the Russian Federation violate.

In summer 2009 the all-Russia civic non-violent movement in defense of Article 31 was launched by initiating holding peaceful rallies every other month in Moscow Triumphalnaya Square. By now the civic movement has spread to more than forty regions of Russia. Solidarity rallies are held in Berlin, New York, Kiev, Prague, Tel-Aviv, Helsinki, Turku, Brussels, London, Brno.

Action 31 civic non-partisan civic movement has been supported by Moscow Helsinki Group, Ludmila Alexeeva remaining one of the three organizers of the peaceful civic protest. In the course of Action 31 developing, it has gained support from Memorial human rights center, For Human Rights movement as well as other human rights groups and a number of social, political and ecological movements.

At that, Action 31 rallies in Moscow Triumphalnaya Square have never been authorized by the Russian authorities. Elected and administrative officials have denied people the fundamental freedoms of assembly and association. In Saint Petersburg Action 31 outside Gostiny Dvor has neither been authorized either.

Although it is Moscow and Saint Petersburg where the authorities apply the harshest measures against the protesters, in other regions of Russia not all demonstrations in support of Action 31 are sanctioned. Thus, the demonstration in Rostov on Don, already established and prepared was prevented on May 31, 2010, the same very date when the EU-Russia summit was held in the same region. We are convinced that EU-Russian summit could have benefitted from the possibility of holding such a peaceful demonstration, which - moreover – moves in the same direction of the constituent principles of both EU and Russian Federation as it is shown by many statements of President Medvedev.

It is the consistent and persistent deprivation of these freedoms and the suppression of civil society that will foster instability over the long run. True stability results from society being able to make their independent opinion based on numerous sources of information and allowing citizens to pursue their own individual aspirations.

The authorities of the Russian Federation give preference to different tactics of treating citizens of Russia as some kind of internal enemies and setting the pseudo-youth movements such as Molodaya Gvardia and Nashi against people. On several occasions these Kremlin-created and financed youth groups were selected by the authorities to act as provocateurs at Action 31 rallies.

Police have used excessive force in violently suppressing peaceful rallies. There have been regular cases of unlawful detentions and harassment of participants in Action 31 rallies.

We note the case of Sergey Mokhnatkin, currently serving two and a half years in detention camp for offering resistance to the police. At that, Sergey Mokhnatkin was just an accidental passer-by with no intention to participate in a demonstration. On December 31, 2009 he was on the way to his friends. Unfortunately for him, he had to take the detour because of police cordons around Triumfalnaya Square. There he saw a policeman brutally dragging an elderly woman to a police van. Sergey Mokhnatkin interfered and was detained. Later the police charged him with inflicting injuries to a heavily-armed policeman. Despite testimonies of witnesses proving his innocence, he was condemned and sentenced to real imprisonment.

At that, those policemen who apply excessive violence against peaceful protesters enjoy impunity as they are shielded from accountability. On July 31, 2010, during an Action 31 rally held outside the Gostiny Dvor one of the policeman was noticed because of his extraordinary and absolutely unmotivated violence towards both protesters and bystanders. He was later identified which became possible only due to the campaign carried out by journalists, human rights defenders and activists. It was them who identified the brutal policeman, not law-enforcement agencies which neglected written complaints from his victims demanding that authorities give legal evaluation of this unnecessary violence and bring the guilty to account.

The real respect for civil and political rights, such as to demonstrate peacefully, codified in the Universal Declaration of Human Rights and the International Covenant on civil rights, forming the basis of the Russian Constitution, are contradicted and not reinforced, at least symbolically, if the ban to march constituted a “precedent”, and not simply an unfortunate exception to the policy dictated by the Charter and the Declarations of intents of EU and Russian Federation.