



Crackdown on peaceful protests in January – February 2021 in Russia

Information about the organization

OVD-Info is a non-governmental human rights media project that monitors political repressions in Russia and provides legal assistance to victims of persecution. One of our priorities is freedom of assembly: in 2019–2020, our lawyers helped 3,000 detainees in police stations, litigated about 2,000 administrative cases and several dozen criminal cases, and filed over 500 complaints to the European Court of Human Rights. In the face of mass detentions in early 2021, we continue to monitor the situation and provide legal assistance.

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Publication date: February 19, 2021

About the report

The scale of detentions, administrative and criminal prosecution in connection with the protests of January-February 2021 is clearly the largest in the history of modern Russia. This is an overview of the main instruments that the authorities used to suppress peaceful protests and to persecute their participants.

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Introduction

In January–February 2021, at least 185 cities across Russia and the Crimean peninsula saw a series of protests in support of opposition politician Alexei Navalny and against corruption and political persecution. These rallies were met with unprecedented crackdown and violations.

Over 11,000 people were detained in more than 125 cities, and over 9,000 administrative cases were started along with 90 criminal cases. In Moscow alone, three times as many people were placed under administrative arrest on charges of violating the procedure for holding a public event as in the previous fifteen years combined. The crackdown included the detention of over 150 journalists and hundreds of bystanders, the use of force by the police, and multiple cases of violence, torture, threats, and inhumane treatment of detainees in prison vans, police stations, and detention centers.

Restrictions on communication with the outside world and the right to defense were widespread: detainees were not allowed phone calls, while defenders were barred from entering police stations and courts. Because of the huge number of people arrested by court decision, detention centers were overcrowded and arrestees were held in police vans for days; many were transported to serve their sentences dozens of kilometers away from the area where they had been initially detained by the police.

An information campaign was launched to discredit the protests; it included preventive measures such as detaining or putting pressure on activists and threats of dismissal from work or expulsion from universities for participation. In large cities, the authorities blocked off central streets and closed metro stations, shops, and cafés of the days of some protests.

The formal reason for the crackdown, detention and prosecution of protesters was the lack of protest permits and the restrictions imposed in connection with the COVID-19 pandemic. In some cities, including Moscow and St. Petersburg, the restrictions and even total bans on assembly have been in effect for almost a year; they allow for no alternative ways to exercise the right to freedom of assembly and public expression and are discriminatory in nature, since entertainment and other mass events are allowed in these same cities.

We are certain that the participants of public events in late January – early February must be protected by the right to freedom of peaceful assembly and freedom of expression, since the protests themselves were peaceful, and individual cases of violence are not enough to characterize the entire assembly as non-peaceful.

Below is a detailed description of the circumstances.

Inability to hold a permitted protest rally

The most notable protests took place on January 17, 18, 23, 31, February 2 and 14 in at least 185 Russian cities. They were triggered by several events: the return of the opposition politician Alexei Navalny to Russia on January 17; his detention at the airport Sheremetyevo; the decision by the judge of the Khimkinsky district court to hold an out-of-court hearing at the police station on January 18 and the subsequent decision to arrest Navalny for 30 days; the January 19 upload by Navalny's Anti-Corruption Foundation of the investigation titled "Putin's Palace" that contained allegations of Russian President Vladimir Putin's involvement in corruption; the decision by the Simonovsky district court of Moscow made on February 2 to replace Navalny's suspended sentence with a real incarceration term on charges of money laundering.

In the largest cities of Russia – Moscow and St. Petersburg – holding rallies and picketing had been prohibited since March 2020 in connection with the pandemic, it. By September 2020, such a ban had been in effect in 26 regions of Russia, while in many other regions a maximum limit of attendees had been set for public events. This ban, which the authorities have not compensated for in any way, seems excessive and discriminatory: other mass gatherings of people, such as attending schools and sports events, going to cafés and using public transportation are allowed.

Moreover, the current Russian legislation does not provide for the possibility of legally holding spontaneous rallies. The authorities must be notified about rallies no later than ten days before the event, and three or four days in advance in case of picketing. The lack of protest permits, even if the rally is peaceful, becomes the basis for crackdown, detention and prosecution of the participants and organizers.

The protests that took place in January and February were mostly spontaneous. However, even in cases where no notification had been given, the authorities were well aware of the planned rallies and prepared for them enacting measures such as shutting metro stations, blocking streets, and closing shops and cafes for the day.

Discrediting the protests

The authorities launched a campaign to discredit the protests, and their criticism was widely broadcast by officials and the state media. The non-permitted rallies, which pro-government outlets branded as "unauthorized" and "illegal", were virtually equated to mass riots before they could even start; the use of weapons and "bloodbaths" were predicted; the danger of such actions for minors and career risks for young people who participate in such protests were emphasized. The rallies were compared to the Civil War and the Revolution. The protests were widely labeled a tool of the Western special services, the West's attempt to "blow up Russia", "manipulation technologies" and "movements of zombies".

The Ministry of Internal Affairs published official announcements on its readiness to "prevent the destabilization of the situation." One of them states that "mass rallies on the grounds immediately adjacent to the buildings of state authorities are prohibited by law," although there is no such restriction in the Federal law on rallies, and at the

regional level such bans were declared unconstitutional in 2019 and almost universally excluded.

Preventive detentions and pressure, dismissals, expulsions

Numerous cases of preventive pressure on potential participants of the rallies, as well as extrajudicial pressure in their wake, such as visits by police officers and issuing of warnings, have been recorded.

Before the rallies on January 23 and especially on January 31, the alleged organizers, along with well-known activists and the coordinators of Navalny's regional headquarters had been detained all over the country. The police visited the permanent registration addresses of people who had been detained in previous years to draw up reports on participation in previous rallies or to hand in warnings. The visits included those who were out of town at the specified time, and even the dead.

The pressure on students was massive: in many universities they were forbidden to go to the rallies and threatened with expulsion. There are cases of expulsions of students and dismissals of lecturers who participated in the protests.

Mass detentions and administrative prosecutions

At the protests on January 23 and 31, and February 2, 2021, according to the lowest estimates, over 11,000 people were detained in more than 125 cities across Russia and the Crimean peninsula. The authorities did not report on the official number of detainees.

From January 17 to February 14, courts received over 9,000 administrative cases on violations of rules for holding public events (Article 20.2 of the Administrative Code). Most of the cases — more than 5,500 — were submitted to the courts of Moscow. Sometimes, cases were started against people who were not detained at the rallies: police officers broke into their homes or detained them near their houses and claimed that they were identified as participants of the rally by the face recognition system in video surveillance cameras.

People are accused of participating in non-permitted actions, shouting slogans, and interfering with transport and pedestrians. In addition, the participants were prosecuted under other articles, such as on disobedience to the legal requests of police officers or violation of regional quarantine measures.

One week after the rally on January 23, the Moscow courts reported 972 arrests and 1,232 fines — not a single acquittal was issued. The number of arrests and fines continues to increase every day.

The very procedure of instituting administrative action does not allow to implement many guarantees of the right to a fair trial, while the possible penalties are very large: fines of up to 300,000 rubles (approximately 3,370 euros as of February 17, 2021), or an arrest for up to 30 days. Those brought to justice are not provided with a free lawyer, so the protesters who have been held in detention up until the trial are virtually unable to find their own defenders and get legal advice. Additionally, the

process does not involve the participation of the prosecution, and this function is assumed by the judge. In practice, the situation is aggravated by the fact that detainees are not given enough time to familiarize themselves with the charges, and they are often denied the summons and questioning of both defense witnesses and prosecution witnesses, i.e. police officers. Usually, such proceedings last for several minutes.

Both the UN Human Rights Committee and the European Court of Human Rights have repeatedly identified human rights violations in connection with the administrative prosecution of participants in public events in Russia and raised the problem of mass detentions and the inadequacy of the security measures used by the police during peaceful protests.

Criminal cases

The police reported the initiation of 90 criminal cases in connection with the protests. The cases were started in 30 regions of Russia. Among them, cases on the use of non-hazardous violence against the police officer (Part 1 of Article 318 of the Criminal Code provides for punishment of up to five years in prison), blocking of roads and pavements (Part 1 of Article 267 of the Criminal Code, punishment of up to one year in prison), calls for mass riots (Part 3 of Article 212 of the Criminal Code, punishment of up to two years in prison), violation of sanitary and epidemiological rules (Part 1 of Article 236 of the Criminal Code, punishment of up to two years in prison), involvement of minors by means of public speaking in illegal activities that pose a risk to their lives (Part 2 of Article 151.2 of the Criminal Code, punishment of up to three years in prison), and several other articles. At least 27 people are under arrest in a pre-trial detention center, and at least 12 are under house arrest.

Violent acts and offences must be investigated and proven in court with the basic guarantees of the right to a fair trial. The incidents that prompted criminal proceedings should be considered in the general context of obstruction of the exercise of the right to freedom of assembly and aggressive actions by the police. In the practice of international bodies such as the ECHR, there are already a number of decisions that recognized the violations of the right to a fair trial and restrictions on freedom of assembly in criminal cases that were previously initiated against detained participants of protests in Russia. The identified systemic problems were not corrected by the Russian authorities.

The rapidly emerging new criminal cases allow both to prosecute individuals and to keep a wide range of people at risk of criminal prosecution, as well as to discredit the protests, their participants and the very idea of exercising the right to freedom of peaceful assembly.

According to reports, no criminal cases were initiated on the fact of the use of violence by law enforcement officers.

Violence, torture and threats by the police

In many cities, the police detained unarmed and peaceful citizens using unjustified and excessive violence, and there were cases of targeted beatings both at the rallies and after detention. People were beaten on the head with batons, thrown onto the

floor of a police van, kicked, forced to sit and lie on the snow, and the use of stun guns was reported. The detainees told OVD-Info about bruises, fractures, dislocations, broken heads and noses, and other injuries.

Cases of beatings and torture inside police stations were also recorded. At least in several Moscow precincts, detainees were taken to separate rooms and beaten (including with the use of special tools) until they agreed to fingerprinting, and were denied telephone access. Similar cases were also reported by detainees in St. Petersburg and Voronezh. In Moscow, one of the detainees had a plastic bag wrapped over her head. Some detainees were denied access to food and water for about 15 hours.

The detainees routinely faced pressure and were threatened with physical and sexual violence, increase in the detention period, arrest, criminal proceedings, and various other problems. The hours-long denial of the right to use the toilet both in police vans and police stations has been repeatedly reported. Sometimes this ban was applied only to those who refused to cooperate with the police – in these cases, some of the detainees were forced to defecate inside the police vans using improvised means. The detainees recounted how they were deliberately placed in cells with excrements.

Harsh conditions of detention

At all stages of detention, the protesters faced harsh conditions. It all started with police vans: the detainees complained about heat, cold, stuffiness, overcrowded vans standing for hours in the street at the entrance to precincts, the lack of seats and the need to stand for a long time, and the toilet ban. The time spent in the van could be many hours. In some cases, the detainees were held in the cold in front of buses and near police departments.

The detainees reported that they were not given them food and water inside police stations, were not allowed to use the toilet, denied the right to call an ambulance (or ER doctors refused to hospitalize the victims). Those who were kept in custody overnight before the trial were not provided with a proper bed, were kept in the basement without being able to lie down and were deliberately woken up several times during the night. Cases were recorded when patients with diabetes and epilepsy, pregnant women, and mothers of young children were left overnight.

In Moscow, about a thousand people were arrested in the course of the mass detentions. Due to the lack of space in detention centers, people arrested by court decision were kept in police vans for days. A video has spread on the Internet showing detainees pushing a stalled police van to the courthouse. Most of those arrested were sent to temporary detention centers for foreign citizens in Sakharovo (60 kilometers from Moscow) and Yegoryevsk (110 kilometers), while some were placed in detention centers in different cities of the Moscow region. In St. Petersburg, in addition to the only detention center in the city and several temporary detention centers, people were taken to detention centers in the Leningrad region. In St. Petersburg, people also had to wait for days to be in police vans or in the basements of police stations with bedbugs and leaking pipes. According to human rights activists, for the first time in history, even before the trials, detainees were sent to police stations located in the Leningrad Region, including Vyritsa located 58

kilometers from St. Petersburg.

Among the problems in the detention centers arrestees specifically mentioned cold, heat, stuffiness, toilets located right in the cells and separated only by a low wall so that it is used while other inmates and the staff of the detention center conducting surveillance may be watching, lack of toilet bowls, toilet paper and other toiletries, bad stench in the cell, cold water in the shower they were allowed to take only once a week, keeping smokers and non-smokers together, problems with telephone access, and in some cases, delayed meals, small portions, and cold food. The release of people who had served administrative sentences could be delayed for hours. To pass the necessary things and food, relatives of the arrested had to stand in line for hours in the cold, sometimes to no avail.

Violations in connection with the COVID-19 pandemic

The detentions carried additional risks for participants, as they were accompanied by health code violations in police vans, police stations, courts, and detention centers. The detainees were held for a long time in overcrowded police vans, without the ability to maintain social distance. Keeping the distance while serving administrative sentences was also difficult, and some detainees feared the possibility of catching infection from their cellmates.

According to the detainees in St. Petersburg, in one bus there was a sickly police officer in a without a mask: he coughed, sneezed, and complained to a colleague about his fever.

Inside the police stations, detainees were forced to remove medical masks, had masks forcibly torn off if they refused and were not provided with clean masks and gloves. In Vladivostok, the police explained the lack of masks to the detainees by the desire to infect them.

Violation of the right to defense

The restriction of the detainees' communications with the outside world was widespread. Immediately upon arrest or inside police stations, the detainees were deprived of their phones or forbidden to use them. In such cases, they did not have the opportunity to report violations, to know where they were, to receive food and medicines, or to consult a lawyer.

Threats were often used when the detainees tried to defend their rights, such as refusing illegal fingerprinting or photographing, not signing certain documents, not disclosing their smartphone password, demanding copies of the protocol, access to a lawyer; complaints about exceeding the detention period.

Lawyers and defenders, as well as municipal deputies who have the right to be present in police stations, were routinely denied entry. This not only limited the detainees' right to legal aid, but also concealed the violations and pressure that were taking place. Most often, to restrict the access of defenders to precincts, an opaque "Fortress" plan was announced. This is a special provision that can be implemented without a court decision and is supposed to protect the precinct against an armed attack.

Many detainees were sent to court immediately from the police station, without the opportunity to get familiarized with their cases, consult a lawyer and prepare a defense. Detainees who were released before the trial were sometimes notified of the hearing on the day of the trial or the day before.

Constant problems arose with the presence of lawyers and defenders at the hearing of administrative cases in court. Sometimes defendants were secretly taken from police stations directly to the courthouse without informing the lawyer; the lawyers were not allowed to enter the courthouse after the working hours, although proceedings continued on weekends and late at night. In the context of the pandemic, Russian courts independently determine the visiting procedures. Since the fall of 2020, many courts, including in Moscow and St. Petersburg, have imposed a ban on court presence for spectators and the press. Because of this restriction, the courts did not always allow lawyers and defenders who wanted to help victims of mass detentions, many of whom were sentenced to arrests of up to 30 days. Sometimes cases were heard through video conferencing, without the opportunity to invite a defense lawyer and file petitions. The detainees were persuaded to refuse defense lawyers in court, not to file petitions and to admit their guilt and promised a lesser punishment if they did so. During the proceedings, they were sometimes not allowed to speak in their own defense.

The detainees reported that in detention centers they were sometimes refused writing materials, i.e., pens and paper; their complaints, including about the conditions of detention, were not accepted; they did not have the opportunity to meet with a lawyer. Members of the Public Monitoring Commissions who visited the detention centers where the arrested were held reported that some submitted appeals of the first-instance court decisions were lost.

Obstructing the coverage of actions and the dissemination of information about them

The Russian Union of Journalists recorded over 200 violations of the rights of journalists who worked at protest rallies on January 23 and 31 and February 2, in 40 regions of Russia. OVD-Info is aware of more than 150 arrests of journalists covering the protests. Some journalists were beaten by police officers with batons or stun guns, and some received head injuries.

Several online outlets were forced to remove materials about the upcoming protest rallies on February 14 under the threat of being blocked by the authorities. The “Spectrum” website was blocked by Roskomnadzor “because of information containing calls to participate in mass events held in violation of the established procedure.”

Administrative proceedings were initiated against the editorial board of the “Novaya Gazeta” on the charge of dissemination of knowingly false information of public importance (Part 9 of Article 13.15 of the Administrative Code) after they published an article about an alleged training of pro-government provocateurs who would, under the guise of protesters, show aggression against the police. The Moscow Region Prosecutor’s Office claimed it had not been able to confirm the information; whether the check had actually been carried out is unknown: law

enforcement officers never contacted the editorial office of the “Novaya Gazeta” to obtain the necessary information.

People who published information about the upcoming protests on their social network pages were subjected to administrative prosecution: they were sentenced to arrests and fines on charges of organizing non-permitted events. In some cases, the publication of posts or videos in chats and social networks became the basis for initiating criminal cases on calls for mass riots, calls for extremist activities, or incitement to violation of sanitary and epidemiological rules.

The unprecedented scale and nature of persecution for peaceful assemblies

The scale of detentions, administrative and criminal prosecution in connection with the protests of January–February 2021 is undoubtedly the largest in the entire history of modern Russia. From 2004 to the end of 2019, about 280 administrative arrests were imposed in Moscow on charges of violating the procedure for holding public events – this is three times fewer than in the 10 days of 2021: according to official data, from January 23 to February 2, Moscow courts arrested 942 rally participants under this article. The persecutions have been recorded not only in the largest cities, but in dozens of localities across the country.

The new wave of persecutions differs not only in quantity, but also in quality. The percentage of arrests increased by an order of magnitude: after hearing the first 2,000 administrative cases on violation of the procedure for holding a public event in Moscow, the courts imposed an arrest in 43% of cases and a fine in 56%; in 2019, when rallies accompanied by mass detentions were also held in Moscow, the share of arrests was only 4% of all indictments.

The scale campaign to discredit the protests and intimidate students and potential members also increased, along with implementing other preventive measures, such as threats, warnings, detentions, including those that unreasonably affect the lives of all city residents: blocking off the main streets and metro stations, as well as restricting the work of cafés and shops.

In addition to the previously used instruments of pressure (such as the use of force, threats in police stations, and many others), new ones are being actively introduced. In Moscow, the authorities began to use facial recognition technologies to find participants of non-permitted events and bring them to administrative punishment. In 2020, these technologies had been implemented to track movements in order to ensure quarantine.

At least six criminal cases have been initiated under Article 267 of the Criminal Code, the new version of which has been valid since January 10, 2021. It provides for a penalty of up to a year in prison for obstructing the movement of vehicles and pedestrians, if this has created a threat to the health and safety of citizens or a threat of damage to property. At least three criminal cases were initiated under Article 236 of the Criminal Code on violation of sanitary and epidemiological rules, which has been valid in a new version since April 1, 2020. The participants of the rallies were also prosecuted for administrative offenses under articles on violation of restrictive

measures imposed in connection with the pandemic.

The application of the new administrative and criminal articles related to epidemiological measures, the use of technologies developed in the context of the COVID-19 pandemic, and the ban on holding public events in many large cities are only part of the negative consequences of the pandemic for freedom of assembly in Russia. The coronavirus restrictions become the basis for the non-admission of a wide audience, journalists and even defense lawyers to courts; the risk of infection increases for the participants of the rallies due to non-compliance with sanitary measures by the police and the impossibility of social distancing in police vans, police stations, and reception centers.

The events of the early 2021 demonstrated the complete lack of readiness on part of the authorities to respect the right of citizens to freedom of peaceful assembly and, conversely, their readiness to resist protests by any means, including illegal ones. The police, the National Guard, the Federal Security Service, lawmakers, officials, state media and universities were involved in the fight against the rallies. Intimidation and threats, court cases, and physical violence were used. However, there is not only an unprecedented scale of persecution, but also an unprecedented scale of solidarity: open letters are published in support of the dismissed teachers and arrested students, funds are raised for legal aid and providing the detainees with basic commodities, transfers and transport are organized so that people can return home after release. Unlike the authorities, the society has shown its readiness to defend the right to peaceful protest by legal means.