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Authorities in Moscow disperse peaceful assembly and fail to protect participants from violence by counter-demonstrators

The Russian authorities continue to use the restrictive national law governing street gatherings to arbitrarily deny the right to freedom of assembly to people in Russia and penalise peaceful demonstrators. At the same time, the authorities also fail to protect protesters against violent attacks by counter-demonstrators.

On 7 August 2013, a group calling themselves Russian Pastafarian Church of Flying Spaghetti Monster sent a formal notification to the local authorities, as required by the Russian Law “On assembly, meetings, demonstrations, rallies and pickets”, that it intended to hold a “Pasta Procession” on Arbat, a popular pedestrian street in central Moscow. The organisers’ stated aim was to attract attention to the diversity of religious beliefs in the country and to express their support and solidarity with this newly found group. However, in an official notification of 9 August, the authorities refused the organisers a permission to proceed with their plans because, as it stated, there were no provisions in the Law for any such public rally as “Pasta Procession”. The authorities also argued that the event might block the pedestrian pathway and obstruct local residents’ access to their homes. At the same time they failed to suggest an alternative location or timing for the proposed event as the Law prescribes them.

On 17 August 2013, several dozen members of the group met in a different central location in Moscow. They were wearing pirate costumes, tricorns and colanders as hats, and carrying pasta. According to an organiser of the event interviewed by Amnesty International, this was a peaceful non-political gathering. The participants carried no placards and made no public announcements, and did not act disorderly or engage in any behaviour or activity that was not peaceful, violated traffic rules or caused other disruption. These claims are corroborated by the video footage of the event which widely available on the internet.

However, soon after the group assembled it was approached by aggressive men who called themselves Orthodox activists. These men disrupted the Pastafarians’ gathering claiming that the event was an insult to the Russian Orthodox Church. They brought two police officers with them. The officers interviewed the leader of the Pastafarians and initially refused to interfere with their peaceful meeting. The counter-demonstrators then reportedly phoned some other police officials, who promptly arrived and started detaining the Pastafarians.

According to the leader of the Pastafarians and the video footage of the event, the police officials failed to explain the reasons for breaking up the gathering and detaining its participants. Meanwhile, the counter-demonstrators began pouring ketchup on the Pastafarians and punched and otherwise assaulting several of them. The police officials did not interfere. They ignored the Pastafarians’ requests for help and failed to stop the violence, and detained several of the victims of these attacks instead.

Altogether eight Pastafarians were arrested and released later the same day. They are now facing trial for the alleged administrative offence of organising, or participating in, an unauthorised street rally. This offence carries heavy penalties of up to RUB 30,000 (approx. USD 900) in fine. The trial is scheduled on 27 and 28 August 2013. In accordance with the above Law, if found guilty, the organisers of the Pastafarians’ gathering on 17 August will also be banned from organising public events in future.

Amnesty International is concerned about the progressively restrictive approach to the freedoms of assembly and expression by the Russian authorities. This latest episode, in which peaceful individuals were prevented from exercising these, follows a stream of arrests of peaceful protesters in Moscow and elsewhere in Russia over the past year. Amnesty International has documented numerous such cases in its report *Freedom under threat: The clampdown on freedom of expression, assembly and association in Russia*¹.

The above-mentioned Federal Law requires that organizers of demonstrations inform (*uvedomliat*) local authorities in advance of the planned street action so that their safety and public order can be ensured. The local authorities are obliged to acknowledge the receipt of this information, and have the authority to respond with a “substantiated proposal” (*obosnovannoe predlozhenie*) to change the place or timing of the action. Notifications of the intention of LGBT organisations, opposition groups and other social movements critical of the authorities to hold demonstrations are regularly arbitrarily refused. Subsequent or spontaneous street gatherings by these groups, however small in numbers and peaceful in nature, are routinely disrupted by the authorities as “unauthorised”, with their organisers and participants subjected to administrative penalties.

Amnesty International has repeatedly expressed concern about the latest amendments to the Federal Law of the Russian Federation “On assembly, meetings, demonstrations, rallies and picketing” that came into force on 9 June 2012. The amendments have, amongst other things, drastically increased the penalties for unauthorised street gatherings but also expanded the scope of what constitutes administrative violations in the course of such events.

Amnesty International is also concerned about the Russian authorities’ failure, during this latest incident and during other similar events in the past, to protect peaceful protesters from violent attacks by counter-demonstrators.

Amnesty International reiterates its call on the Russian authorities to bring national legislation governing street gatherings and practice in line with its international human rights obligations.

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¹ AI Index: EUR 46/011/2013, available at <http://www.amnesty.org/en/library/asset/EUR46/011/2013/en/d9fb0335-c588-4ff9-b719-5ee1e75e8ff5/eur460112013en.pdf>