

Ref: CommHR/DM/sf 003-2021

Mr Vladimir KOLOKOLTSEV
Minister of Interior of the Russian Federation

Strasbourg, 5 February 2021

Dear Minister,

I am writing to you to raise certain human rights issues related to the policing of demonstrations that have taken place in many Russian cities over the last few weeks.

While the holding of those large-scale protests was not agreed with the Russian authorities, they have remained predominantly peaceful, thereby imposing the obligation on the authorities to secure peoples' right to freedom of assembly as enshrined in Article 11 of the European Convention on Human Rights (ECHR). This includes in particular an obligation of tolerance and restraint towards peaceful assemblies in situations where relevant procedures and formalities have not been followed.¹

Holding large-scale public events may represent certain risks related to the spread of the COVID-19 pandemic and, therefore, the right to peaceful assembly may be restricted to protect public health. However, to meet international human rights standards, such restrictions should always be absolutely necessary and proportionate to the aim pursued. In this regard, I am concerned that the policing of the protests in question does not seem to have responded to public health considerations in an appropriate manner.

I am concerned by the unprecedented number of individuals apprehended all across Russia during demonstrations in recent days. According to the independent project OVD-Info focusing on the monitoring of assemblies, on 23 January the law enforcement authorities apprehended no less than 4,033 individuals, including 49 journalists, across 125 Russian cities.² The project also recorded that a week later, on 31 January at least 5,754 protesters, including 91 journalists, were apprehended in 86 cities all over the country.³ During the evening of 2 February alone, the Russian authorities reportedly apprehended at least 1,463 individuals in ten cities.⁴ Many journalists, human rights defenders and civil society observers also reported that the law enforcement officials carried out arbitrary arrests during the protests irrespective of the behaviour of the demonstrators concerned.

In this regard, I would like to respectfully request clarifications and your comments about the Ministry of Interior's policy, methods and guidelines concerning the dispersal of peaceful assemblies and the deprivation of peaceful demonstrators' liberty. I would also like to receive clarifications as to the reasons for the arrests of journalists and media workers reporting on those rallies, as these constitute serious restrictions of freedom of expression and media freedom as guaranteed in the ECHR.

I was particularly dismayed to receive numerous reports of excessive use of force and violence against peaceful protesters by servicemen exercising public authority during those demonstrations. Human rights NGOs recorded at least 132 cases where individuals⁵ including a dozen journalists,⁶ were beaten or sustained injuries, including serious ones, such as broken bones, concussions and loss of consciousness⁷. Many media reported that in Moscow, St. Petersburg, and other cities, law enforcement officers employed electric stun devices (tasers) against several individuals who had not offered any resistance. Severe beatings and ill-treatment of peaceful demonstrators by law enforcement

¹ [Guidelines](#) on Freedom of Peaceful Assembly by the Venice Commission and OSCE/ODIHR (para.76).

² [Overview](#) of the rally of 23 January 2021 by OVD-Info.

³ [Overview](#) of the rally of 31 January 2021 by OVD-Info.

⁴ [Overview](#) of the rally of 2 February 2021 by OVD-Info.

⁵ [Communication](#) by "Apologiya Protesta" NGO.

⁶ [Statement](#) by OVD-Info.

⁷ [Press release](#) by human rights NGO Committee Against Torture.

officers have also been reported in Khabarovsk, Novosibirsk, Krasnoyarsk, Orenburg, Ulyanovsk, Ryazan, Kazan, Chelyabinsk and other Russian cities.

Many individuals apprehended during the protests have allegedly been ill-treated while in custody. For example, a lawyer reported to the media that he had witnessed severe beatings of several individuals handcuffed to cell bars in the Penza city police station No.3. An activist claimed that she had been severely ill-treated in the police station of the Donskoy district of Moscow where a police officer allegedly choked her by putting a plastic bag on her head to extract her smartphone password. According to another witness, at least seven other individuals were beaten for the refusal to unlock their mobile phones for content observation by servicemen of the same police station in Moscow.

Furthermore, a number of open sources report that police did not secure the rights of those detained in dozens of Russian cities in the context of these protests. One of the most commonly reported issues was the refusal to provide legal or medical assistance to persons in detention. In some regions, members of independent monitoring commissions were not allowed to access police premises to check the conditions of detention. Many detained individuals have also complained about the lack of food, drinking water, timely access to sanitary facilities, heating and appropriate sleeping places due to overcrowding. This has been particularly relevant to those persons who had to spend long hours in police vans while being transported to outlying detention facilities or awaiting processing in police stations in Moscow and St. Petersburg. Four days after the arrests, I continue to receive extremely alarming reports that dozens of demonstrators are still kept in police vans in appalling conditions due to the inability of the relevant authorities to provide them with due facilities. Such a situation, if confirmed, amounts to inhuman and degrading treatment and should stop immediately. I urge you take all the necessary steps to ensure that the rights of those in detention, wherever they are kept, are fully respected as a matter of urgency. I call on you to use your authority to ensure that law enforcement authorities immediately stop the practice of apprehending individuals who exercise their right to peaceful assembly and, more generally to bring policing of demonstrations in line with applicable human rights standards as a matter of priority.

I trust you would agree that, as persons exercising public authority, law enforcement officers have particular responsibilities, and their main task is to protect citizens and their human rights. It is all the more worrying therefore to learn that some police officers have acted in a way that is in contradiction with the right not to be subject to violence or treatment in breach of Article 3 of the ECHR.

I would appreciate receiving information about any action taken by the Russian authorities to ensure accountability of law enforcement officers for any cases of arbitrary use of force or any other human rights violations committed against demonstrators during the rallies or afterwards.

I stand ready to provide any assistance, in accordance with my mandate, to promote the effective implementation of Council of Europe standards related to human rights protection, and I look forward to continuing a constructive dialogue with you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović