

Ref: CommHR/DM/sf 028-2019

Mr Vladimir KOLOKOLTSEV
Minister of Interior of the Russian Federation

Strasbourg, 2 August 2019

Dear Minister,

I am writing to you to raise certain issues relating to the dispersal of the protests in Moscow on 27 July 2019. I am aware that the police and other law enforcement agencies employed force in this context, and that well over a thousand protesters were apprehended. I have also taken note that the public gathering had not been duly agreed with the Moscow municipal authorities and that this had caused disruptions to the movement of traffic in the city centre. However, as the demonstrators reportedly behaved, on the whole, in a peaceful manner, the failure to respect the formal notification procedure should not by itself have led to its dispersal.¹ In this respect, I would like to highlight that the case-law of the European Court of Human Rights [provides](#) that isolated incidents of sporadic violence² committed in the course of a demonstration cannot by themselves justify extensive restrictions or dissolutions of assemblies and their peaceful participants (see *Annenkov and Others v. Russia*, application no 31475/10, judgment of 25 July 2017, paras. 98 and 124 to 126).

According to the official data provided by the General Department of the Ministry of Interior of the Russian Federation in Moscow, 1074 persons were apprehended during the assembly of 27 July 2019,³ 256 of whom reportedly remained detained in police stations during the next two days.⁴ The Chairman of the Council on Civil Society and Human Rights under the President of the Russian Federation (the Human Rights Council), Mikhail Fedotov, noted that he had seen “unfounded apprehensions” during the rally.⁵ Another member of the Human Rights Council present at the demonstration, Ilya Shablinskiy, told a newspaper that “the crowd behaved peacefully” and that law enforcement officials had seized dozens of peaceful protesters out of the crowd, dragging them into police vans.⁶

It has also come to my attention that dozens of protesters sustained injuries, some of them serious, reportedly as a result of force used by law enforcement officials. For example, it was reported that several policemen broke the leg of Konstantin Konovalov, a graphic designer, while pinning him to the ground just before the protests started. Other officers reportedly struck Alexandra Parushina, a member of the municipal council of Moscow’s Khamovniki District, on the head with batons while she was in the crowd, apparently causing her to lose consciousness. Alexander Verkhovskiy, a member of the Human Rights Council and Director of the “Sova” Centre for Information and Analysis (a well-known NGO), reported that in many cases, law enforcement personnel apprehended individuals violently by pinning them down and twisting their hands, even though the individuals concerned were not offering any resistance.⁷

¹ See [Guidelines on Freedom of Peaceful Assembly](#), published by the Venice Commission and the OSCE/ODIHR on 8 July 2019, paragraph 112 with reference to the case-law of the European Court of Human Rights (see *Novikova and Others v. Russia*, application nos 25501/07, 57569/11, 80153/12, 5790/13 and 35015/13, judgment of 26 April 2016, para. 163).

² The Investigative Committee [opened several criminal investigations](#) into alleged use of violence against law enforcement officials and mass disorders (Sections 318 and 212 of the Criminal Code), citing inter alia that the protesters “broke through barriers” and “obstructed traffic”.

³ See the [press release](#) of the General Department of the Ministry of Interior of the Russian Federation in Moscow of 27 July 2019.

⁴ See [information](#) provided by OVD-Info on 29 July 2019.

⁵ See [comments](#) given by Mikhail Fedotov to Interfax on 27 July 2019.

⁶ See [comments](#) given by Ilya Shablinskiy to Kommersant on 29 July 2019.

⁷ See [comments](#) given by Alexander Verkhovskiy to Human Rights Watch on 29 July 2019.

Furthermore, I learned that law enforcement officials also used force against and/or apprehended at least fifteen journalists who were reporting on the protests that day. Some of them required medical assistance because of the injuries they sustained.⁸

It has also been reported that the rights of those apprehended during the rally continued to be restricted afterwards. According to OVD-Info, an independent human rights monitoring group, in many cases lawyers were prevented from accessing and extending legal assistance to persons detained in police stations. Some of the detainees were reportedly not provided with food, water or basic hygiene items, and a number of those held overnight were given no place to sleep.⁹

I am very concerned about the above information, and would like to respectfully request your comments and/or clarifications on the following points:

- In view of the **large number of apprehensions** during the protests in Moscow on 27 July 2019, I urge you to review the methods and criteria applied by police officers to identify and apprehend individuals in the context of peaceful assemblies. According to the applicable human rights standards, detention may be used only if it is absolutely necessary to prevent the commission of serious criminal offences, and protesters should not be detained solely for expressing disagreement with police actions during an assembly.¹⁰
- Law enforcement officers have a particular responsibility while exercising public authority, and their main task in the context of public assemblies is to protect peaceful protesters and their rights.¹¹ Given the numerous reports of **excessive use of force** by law enforcement personnel during the protests of 27 July 2019, I urge you to ensure that police officers involved in maintaining public order are provided with adequate training in line with human rights standards, particularly the right not to be subjected to violence or treatment in breach of Article 3 of the European Convention on Human Rights.
- In order to ensure **accountability** for any cases of ill-treatment or excessive use of force by law enforcement officials in the policing of demonstrations, during apprehensions, or subsequently, I would like to enquire whether there have been any proceedings initiated in relation to human rights violations committed by law enforcement officials during the protests in Moscow on 27 July 2019? If so, how many officers have been identified and held to account?
- **The possibility to identify law enforcement officials** policing public gatherings is an essential safeguard against ill-treatment and impunity. In this respect, it has come to my attention that some of the law enforcement officials policing the rally of 27 July wore masks concealing their faces, which hampered their identification when allegations of abuses and ill-treatment were made.¹² In order to prevent arbitrary actions and misconduct by law enforcement personnel and ensure their accountability in the context of public assemblies, I urge you to consider, in close cooperation with national human rights structures, the adoption by your Ministry and by other law enforcement agencies of certain concrete measures, such as the use of portable video recording devices by law enforcement officers and their clear identification during public gatherings.

⁸ See [statistic data](#) provided by OVD-Info on 27 July 2019.

⁹ See [information](#) provided by OVD-Info on 29 July 2019.

¹⁰ See [Guidelines on Freedom of Peaceful Assembly](#), paragraph 220.

¹¹ See [Memorandum on maintaining public order and freedom of assembly in the context of the “yellow vest” movement in France](#), published by the Council of Europe Commissioner for Human Rights on 26 February 2019, paragraph 26.

¹² European standards require that this practice should be strictly controlled and only used in exceptional cases which are duly justified. See the [28th Annual Report of the CPT](#), paragraph 64 and the [14th General Report of the CPT](#), paragraph 34.

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 stylized flourish at the end.

Dunja Mijatović