



Гражданский Правозащитный Проект  
**ЗА ПРАВА ЧЕЛОВЕКА**



**Justice for Journalists**  
Foundation for International  
Investigations of Crime against Media

**Submission by the NGOs Human Rights Center “Memorial”, OVD-Info, Committee against Torture, Public Verdict Foundation, The Moscow Helsinki Group, “For Human Rights” civil project, Information Center “Indigenous Russia”, International Indigenous Fund for development and solidarity “Batani” (Batani Foundation), “Tak-Tak-Tak” assistance Funds to mass communications and legal education’s development, Legal and Social Support Charitable Foundation Sphere, Justice for Journalists Foundation (JFJ)**

**under Rule 9.2 of the Rules of the Committee of Ministers  
for the Supervision of the Execution of Judgments  
and of the Terms of Friendly Settlements**

**on implementation of the general measures**

**in the case of *Lashmankin et al. v. Russia*,**

**applications nos. 57818/09 and 14 others**

**judgement of 7 February 2017, final of 29 May 2018**

18 January 2022

# Introduction and summary

1. On 20 April 2020, Human Rights Centre Memorial (hereinafter, “Memorial”) and OVD-Info filed a submission under Rule 9.2 to the Committee of Ministers on the implementation of the general measures in case № 57818/09 “Lashmankin and others v. Russia” (hereinafter, “Lashmankin”). In that submission Memorial and OVD-Info provided a detailed description of the problems existing in Russian law and practice concerning the issue of freedom of assembly. On 27 April 2021, “Memorial”, OVD-Info, Committee against Torture and Public Verdict Foundation provided a further update to that submission. The current submission is an update to the submission of 27 April 2021.
2. This submission has been prepared by the following Russian NGOs and projects working, *inter alia*, on the issue of the freedom of assembly in Russia and related issues:
  - Human Rights Center Memorial,
  - OVD-Info,
  - Committee against Torture,
  - Public Verdict Foundation,
  - The Moscow Helsinki Group,
  - “For Human Rights” civil project,
  - Information Center “Indigenous Russia”,
  - International Indigenous Fund for development and solidarity “Batani” (Batani Foundation),
  - “Tak-Tak-Tak” assistance Funds to mass communications and legal education’s development,
  - Legal and Social Support Charitable Foundation Sphere,
  - Justice for Journalists Foundation (JFJ).
3. Below we state that problems, indicated by the ECHR in Lashmankin, have not been tackled by Russian authorities. On the contrary, the situation with regard to freedom of assembly in Russia has become even more severe.
4. In addition, the space for dialogue between the state and civil society is narrowing dramatically. Despite NGOs’ efforts, the Government is not communicating with us or taking real action aimed at the protection of the right to freedom of assembly in Russia. On the contrary, the Government pursues and punishes those NGOs and activists who try to raise problematic issues with the freedom of assembly.
5. Moreover, **OVD-Info was “punished” for, *inter alia*, submitting these reports under the Rule 9.2.** On 29 September 2021, Russian authorities labeled OVD-Info as a “foreign agent”, because, as stated in the court’s decision, it received foreign financing and engaged in political activity, including *publishing reports on the freedom of assemblies to the Council of Europe, where it described problems in Russian legislation and gave a list of recommendations on its improvement in this regard.*<sup>1</sup>

---

1

[https://ovdinfo.org/sites/default/files/files/delo\\_02a-1595\\_2021\\_motivirovannoe\\_reshenie\\_dokument\\_-\\_obezlichennaya\\_kopiya.pdf](https://ovdinfo.org/sites/default/files/files/delo_02a-1595_2021_motivirovannoe_reshenie_dokument_-_obezlichennaya_kopiya.pdf), p. 3

# 1. Legislation on freedom of assembly (an update since April 2021)

6. **Necessary reforms were not adopted.** To date, Russian authorities have not adopted any changes in legislation necessary for the implementation of the Lashmankin judgment. Spontaneous non-approved protests are still prohibited, procedure of public events' approval is still unsatisfactory, there are heavy administrative fines and administrative arrests for participation in non-approved peaceful assemblies, criminal liability is still possible for participation in non-approved peaceful protests.<sup>2</sup> There are still strict anti-covid regulations in most of the regions, prohibiting either mass public assemblies, or any public events, including solo-pickets (e.g. in Moscow, Saint-Petersburg). It is still our view that these regulations are non-proportionate, since other mass events (e.g. cultural, sport) are not prohibited, cafes and restaurants are not closed.
7. **Additional restrictive laws were introduced.** Since 27 April 2021, the authorities passed new laws that do not concern freedom of assemblies *per se*, but have had or will have an indirect negative impact on it.
- a) Foreign social media platforms are now obliged to open local offices in Russia<sup>3</sup>. The respective law allows Russian authorities to strengthen their control of the internet and communication tools that are frequently used for the mobilization and organization of protests.<sup>4</sup>
  - b) The law of 4 June 2021<sup>5</sup> introduced a five-year ban on leaders and management of extremist organizations to run for any elections, as well as a three-year ban on supporters and staff of such organizations. There is no certain definition of "supporters", therefore it may concern participants of public assemblies announced by such organizations (for example, assemblies organized by the Anti-Corruption Foundation (hereinafter, "FBK") in January and April 2021).
  - c) The law of 30 December 2021 allows non-judicial bans of websites that allegedly justify extremism.<sup>6</sup> The decision on whether a website justifies extremism or not, lies with the Chief Prosecutor or his deputies, and may be immediately executed by Roskomnadzor<sup>7</sup>. There is a risk that such a quick procedure and uncertain grounds for a ban may be used to promptly remove online announcements of non-approved peaceful assemblies.

---

<sup>2</sup> See in detail our NGO's submissions under Rule 9.2 of 27 April 2021 (p. 5) and of 20 April 2020.

<sup>3</sup> Federal law of 1 July 2021 No. 236-FZ "On foreign persons' activity in the information-communication network "Internet" on the territory of the Russian Federation"

<sup>4</sup> <https://reuters.com/technology/putin-signs-law-forcing-foreign-it-firms-open-offices-russia-2021-07-01/>

<sup>5</sup> Federal law on amendments of Art. 4 of the federal law "On basic guarantees of Russian citizens' electoral rights and the right to participate in referendums" and Art. 4 of the federal law "On elections of the deputies of the Russian Federation State Duma of the Federal Assembly"

<http://publication.pravo.gov.ru/Document/View/0001202106040014>

<sup>6</sup> Sec. 1 of the Article 15.3 of the Federal law "On information, information technologies and protection of information". [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_61798/](http://www.consultant.ru/document/cons_doc_LAW_61798/)

<sup>7</sup> The Federal Service for Supervision of Communications, Information Technology and Mass Media

- d) The draft amendments allow police to put fences in places where public assemblies are held.<sup>8</sup> The draft has been approved in the Duma's second hearing and has not yet passed.

#### 8. Constitutional Court's positions:

- a) *No moral damage for illegal non-approval of public assemblies.* The courts refused to award the compensation of moral damage to the organizers of the public protests that had been refused approval, despite that refusals having been found illegal in judicial proceedings. The Constitutional Court did not find any violations of the Constitution in this case and refused to consider the application.<sup>9</sup>
- b) The Constitutional Court confirmed prohibition of the "serial" non-approved single pickets.<sup>10</sup>

## 2. Freedom of assembly in practice (an update since April 2021)

### Suppression of public events and detentions

- 9. Russian authorities still tend to refuse approval of public assemblies. "Non-approved" assemblies result in a significant amount of mass detentions during protests.
- 10. The last massive non-approved protest was held on 21 April 2021 by FBK. That day, protest actions in support of Alexei Navalny were held throughout Russia (Moscow, St.Petersburg, Kazan, Nizhniy Novgorod, Tula, Ufa, Khabarovsk, Voronezh, Sochi, Ekaterinburg, etc.). The police detained around 2246 people on the day of the assembly and around 378 people afterwards (see the section "*post factum* detentions" below).
- 11. After FBK had been recognized as an extremist organisation by the Russian authorities (June 2021), there were no mass protests of the same scale. However, the tendency to suppress non-approved peaceful assemblies and solo pickets remained:
  - a) On September 17–19, 2021 elections were held to the Russian Parliament (State Duma), regional and municipal legislative assemblies, as well as the elections of 12 governors. During these days, at least 20 people were detained for solo pickets demanding fair elections and freedom for political prisoners.<sup>11</sup>
  - b) The Communist Party of the Russian Federation (CPRF) applied to the Moscow Mayor's Office to hold a rally against violations in the elections planned on September 20, 21 and 25, 2021. After the application had been denied, the party organized and held meetings with deputies on the same days. During the meeting of 25 September 2021 the police turned on loud patriotic music in order to drown out the

---

<sup>8</sup> Federal Law No 3-FZ "On Police"

<sup>9</sup> The Constitutional Court's Ruling of 30 November 2021 No.2443-O.

<sup>10</sup> The Constitutional Court's Ruling of 30 November 2021 No.2389-O.

<sup>11</sup> <https://ovdinfo.org/news/2021/09/18/zaderzhaniya-na-akciyah-v-edinyy-den-golosovaniya-2021-goda-onlayn>

speech of the leaders.<sup>12</sup> From 20 September 2021 till 3 October 2021 the police detained at least 119 people in connection with the said assemblies, as well as single pickets and announcements of the election protests in social networks.

### **Violence, torture, and other aggressive actions by the police**

12. During the protests on 21 April 2021, detentions were characterized by unjustified and excessive violence by law enforcement officers against peaceful protesters:
- a) The police used special equipment such as batons and stun guns. Detainees and witnesses of the detentions reported to OVD-Info about the use of stun guns on at least 14 people.<sup>13</sup>
  - b) Transportation of detainees sometimes lasted for hours. Law enforcement officers in St. Petersburg used large passenger buses, placing 40-60 detainees at once in them, and the detainees had to stand in the bus for hours; they complained about the lack of food, water, and access to lavatory. Some detainees in the police vans became sick, cases of calling ambulances were recorded.<sup>14</sup>
  - c) At police stations, lack of food, water, normal places to sleep, non-admission of parcels were reported to OVD-Info. In six stations, detainees complained that the police refused to call an ambulance for the injured or let doctors in. There were also certain problems related to the rights of children and parents.<sup>15</sup>
  - d) The police prevented the access of defenders and lawyers to the detainees on numerous occasions (at least 68 cases of denial of access in 2021)<sup>16</sup>, collected personal information and fingerprints.
13. In 2021, OVD-info received reports on detentions of journalists during public assemblies<sup>17</sup>.
14. Sometimes force is used against lawyers of detainees at protest actions: for example, the police carried out attorney Dmitry Zakhvatov from his client, who was detained at the rally.<sup>18</sup> The lawyer Ivan Pavlov is under criminal prosecution at the moment.<sup>19</sup>

---

<sup>12</sup> <https://kprf.ru/actions/kprf/205664.html>

<sup>13</sup> OVD-Info. (2021). Suppression of the April 21 protests  
<https://ovdinfo.org/reports/suppression-april-21-protests#4>

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> See other examples:

<https://ovdinfo.org/reports/effective-remedies-access-justice-and-accountability-context-freedom-assembly-russia#3-2>

<sup>17</sup> <https://ovdinfo.org/tags/zaderzhanie-zhurnalista>

<sup>18</sup> See other examples:

<https://ovdinfo.org/reports/effective-remedies-access-justice-and-accountability-context-freedom-assembly-russia#3-2>

<sup>19</sup>

<https://ovdinfo.org/express-news/2021/04/30/fsb-zaderzhala-glavu-komandy-29-ivana-pavlova-k-it-specialistu-p-roekta>

## ***Post factum* detentions**

15. Practice of detaining people after assemblies is widely used by law enforcement officers. Authorities widely use facial recognition systems to detain people post-factum. For example, during the weeks following the assembly of 21 April 2021 at least 378 people were visited by the police.
16. Detentions occur in public places, as well as at homes. OVD-Info received numerous reports of police turning the electricity off to lure people out of their apartments.<sup>20</sup> Most of the detentions related to the meetings with deputies of the Communist Party of the Russian Federation happened before the action or *post factum*.

## **Administrative prosecution**

17. For the first six months of 2021, more than 16 000 administrative cases related to protests (Article 20.2 of the Administrative Code) were reviewed by Russian courts, with more than 14 000 indictments. Only 438 cases were dismissed. To compare, in the previous four years the courts rendered 13 760 indictments for the same article<sup>21</sup>.

## **Criminal prosecution**

18. In 2021, the Russian Investigative Committee initiated 7 new criminal cases for the repeated violation of the public assemblies' legislation (Art. 212.1 of the Criminal Code).<sup>22</sup> As for the cases initiated before, in 2021 one person (Vyacheslav Egorov) was sentenced to imprisonment (1 year and 3 months) under this Article. Nevertheless, on 15 November 2021 the prosecution appealed this decision requesting to increase the punishment even more. The appeal case is now pending<sup>23</sup>.
19. **The “Palace case”.** 170 criminal charges have been brought as a consequence of the opposition protests on January 23 and 31, February 2 and April 21, 2021 in Russia.<sup>24</sup> Protesters are charged with violation of sanitary and epidemiological rules<sup>25</sup>, blocking roads and pedestrian walkways<sup>26</sup>, use of violence against police officers<sup>27</sup>, involvement

---

<sup>20</sup>

<https://ovdinfo.org/express-news/2021/09/24/v-moskve-policeyskie-vtoroy-den-massovo-obhodyat-doma-uchastnikov-akcii-kprf>,

<https://ovdinfo.org/news/2021/04/27/policiya-vsyo-nedelyu-zaderzhivaet-predpolagaemyh-uchastnikov-akciy-21-aprelya>

<sup>21</sup> Cdep.ru. <http://www.cdep.ru/index.php?id=79&item=5896>

<sup>22</sup> <https://ovdinfo.org/tags/dadinskaya-statya>

<sup>23</sup>

[https://kolonna--mo.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&name\\_op=case&case\\_id=323626090&case\\_uid=b94c331c-5548-4ad3-adb9-cbd6bbcb198d&delo\\_id=1540006](https://kolonna--mo.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=323626090&case_uid=b94c331c-5548-4ad3-adb9-cbd6bbcb198d&delo_id=1540006)

<sup>24</sup> <https://palace.ovdinfo.org/>

<sup>25</sup> Art. 236 of the Criminal code

<sup>26</sup> Art. 267 of the Criminal code

<sup>27</sup> Art. 318 of the Criminal code

of minors in illegal activities that pose a risk to their lives<sup>28</sup>, and several other offences (**Exhibit 1** - the detailed table of criminal cases in 2021).<sup>29</sup>

20. In June 2021, the Moscow City Court declared the Anti-Corruption Foundation (“FBK”) an extremist organisation.<sup>30</sup> The organisation was banned from sharing information in the media, online or organizing public events, partaking in elections and referendums. After that, Russian authorities initiated a new criminal case against opposition leaders Alexei Navalny, Ivan Zhdanov, Leonid Volkov and others. They were accused of creating an extremist community (Part I, Article 282.1 of the Criminal Code, which sets forth 10 years prison term as a maximum penalty). The prosecutors claim that this community (FBK) was aimed at destruction of the constitutional order of Russia, its leaders organized “illegal” mass public assemblies that “destructured social security and order”.<sup>31</sup> Other former participants of FBK are being prosecuted to date.

### **Other methods of pressure**

21. On April 21, state authorities issued several statements stressing the illegality and danger of the protest, advising people not to participate<sup>32</sup>. Moreover, people were threatened with termination of employment and expulsion from universities. On the eve and in the morning before the action of 21 April 2021, numerous visits of representatives of law enforcement agencies, preventive detentions were reported throughout the country.
22. Law enforcement officers interfered with traffic and pedestrian movement to prevent people from accessing the place of assembly on April 21, 2021.<sup>33</sup>

## **3. Civil society’s relations with the government**

### **Prosecution of human rights organizations that defend freedom of assembly in Russia**

23. On 29 September 2021, Russian authorities included OVD-Info in the list of “unregistered public associations performing the functions of a foreign agent.” OVD-Info challenged this decision, however the court upheld it. As stated in the court’s decision<sup>34</sup>, OVD-Info was labeled a “foreign agent”, because it received foreign financing and engaged in political activity, including:

---

<sup>28</sup> Art. 151.2 of the Criminal code

<sup>29</sup> <https://palace.ovdinfo.org/#about>

<sup>30</sup> <https://www.rbc.ru/politics/09/06/2021/608670e09a7947709c4de06c>

<sup>31</sup> <https://ovdinfo.org/express-news/2021/09/28/sk-vozbudil-protiv-alekseya-navalnogo-i-ego-soratnikov-delo-ob>

<sup>32</sup> OVD-Info. (2021). Suppression of the April 21 protests  
<https://ovdinfo.org/reports/suppression-april-21-protests#4>

<sup>33</sup> Ibid.

<sup>34</sup> <https://ovdinfo.org/articles/2021/11/19/novosti-o-zaderzhaniyah-na-akciyah-i-politicheskikh-presledovaniyah>



- publishing of information on detentions during non-approved public assemblies, information on political repressions, and respective legal instructions and advice;
- publishing reports on the freedom of assemblies to the Council of Europe, where OVD-Info described problems in Russian legislation and gave a detailed list of recommendations on improvement of the Russian legislation in this regard.

24. In December 2021, the Russian authorities blocked OVD-Info's official website. As stated in the Lukhovetsky local court's decision<sup>35</sup>, the website was blocked because some materials contained information that justified extremism or terrorism. For example it was stated that in the article "OVD-Info's position regarding mass suppression of public assemblies on 23 January"<sup>36</sup> OVD-Info allegedly justified *"unapproved public assemblies aimed at destabilization of the political situation in Russia in connection with the detention of the extremist organisation's leader Alexey Navalny"*. Thereby, the article was intended to persuade readers to participate in non-approved assemblies, violate legislation and ignore legal orders by the authorities. This information induces opinion in the society that crimes and administrative offences are not followed by the punishment, as well as undermines authority of the Russian government.

25. On December 28, 2021, the Supreme Court of the Russian Federation ordered the liquidation of the "International Memorial" for alleged violation of the "Foreign Agent Law". On December 29, 2021, the Moscow City Court ordered the dissolution of HRC Memorial on the same grounds of alleged violation of the "Foreign Agent Law".

26. This shows an example of how the space for dialogue between the state and civil society is narrowing.

---

<sup>35</sup>

[https://luhovitsy--mo.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&name\\_op=doc&number=337449901&delo\\_id=1540005&new=0&text\\_number=1](https://luhovitsy--mo.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=337449901&delo_id=1540005&new=0&text_number=1)

<sup>36</sup>

<https://ovdinfo.org/articles/2021/01/29/poziciya-ovd-info-po-massovym-presledovaniyam-v-svyazi-s-akciyami-23-yanvarya>



## 4. Recommendations

27. In light of the above, we would like to propose to the Committee of Ministers the following measures:

- 1) To adopt an Interim resolution recognising a consistent non-implementation by the Russian authorities of the ECHR's judgment on Lashmankin's case. We suggest to make in this Interim resolution a detailed list of recommendations in order to help Russian authorities to implement this judgment.
- 2) To remind the authorities about the necessity of adopting the recommendations made by the Committee of Ministers in its previous decision.
- 3) To propose to the authorities the adoption of the list of recommendations made by “Memorial” and OVD-Info in their previous submission to the Committee of Ministers on 20 April 2020<sup>37</sup> (p. 41-45 - **Exhibit 2**).
- 4) To remind the authorities that the most important reforms deriving from the case of Lashmankin have still not been adopted by the authorities and to urge them to adopt these reforms, specifically those aimed at:
  - a) providing that spontaneous events and events with few participants may be held without prior notifications of the authorities.
  - b) guaranteeing the right to hold solo-pickets without a need for their prior approval;
  - c) excluding possibility of criminal liability and administrative arrests for repeated participation in non-approved peaceful assemblies;
  - d) substantially reducing amount of fines for violation of the rules concerning public assemblies;
  - e) reforming system of approval of public assemblies, so as to make it more flexible and favourable to organisers.
- 5) To condemn the new restrictive laws adopted by Russian authorities during the last 2 years and to state that the authorities must withdraw these laws.
- 6) To indicate that the practice of the Constitutional Court and regional laws must be more consistent and fully follow the findings of the ECHR in the Lashmankin case.
- 7) To remove local laws that prohibit solo-pickets due to the pandemic, as well as to indicate that the restrictions due to the COVID-19 pandemic must not be applied in a discriminative and non-proportional way.
- 8) To condemn the mass arrests, administrative and criminal prosecutions of participants in peaceful assemblies, perpetrated by the authorities during the last years.
- 9) To decide to consider again the Lashmankin case during the next session of the Committee of Ministers.
- 10) To propose that authorities create a working group at a federal level consisting of experts and civil society to discuss the reforms necessary for the implementation of the Lashmankin case.

---

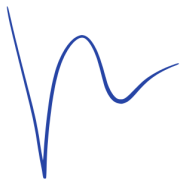
<sup>37</sup> <https://rm.coe.int/09000016809e42da>

- 11) To stop pressure and prosecution of the NGOs and journalists that defend freedom of assembly and/or cover the respective issues in Russia, whether such pressure is implemented by means of application of “foreign agent legislation” towards them, or otherwise.

Respectfully submitted,

Grigory Okhotin

OVD-Info



Tatiana Chernikova

HRC Memorial



Olga Sadovskaya

Committee against Torture



Svetlana Astrakhantseva

The Moscow Helsinki  
Group



Natalia Taubina

Public Verdict Foundation



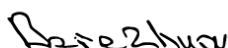
Pavel Sulyandziga

International Indigenous  
Fund for development and  
solidarity "Batani" (Batani  
Foundation)



Dmitry Berezhkov

Information Center  
“Indigenous Russia”



Victor Yukechev

“Tak-Tak-Tak” assistance  
Funds to mass  
communications and legal  
education’s development



Maria Ordzhonikidze

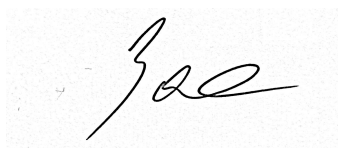
Justice for Journalists  
Foundation (JFJ)



Svetlana Zakharova

Lev Ponomarev

Legal and Social Support "For Human Rights" civil  
Charitable Foundation project  
Sphere



Exhibits:

1. The table of criminal cases related to participation in public assemblies;
2. Submission to the Committee of Ministers by “Memorial” and OVD-Info on 20 April 2020, list of recommendations (p. 41-45).