

## URGENT APPEAL - THE OBSERVATORY

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**RUS 005 / 1111 / OBS 130**  
Arbitrary arrest / Release /  
Judicial harassment  
**Russian Federation**  
November 28, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in the **Russian Federation**.

### Description of the situation:

The Observatory has been informed by reliable sources about the arbitrary arrest and judicial harassment against Ms. **Anna Udyarova** and Mr. **Philippe Kostenko**, members of the Anti-Discrimination Centre (ADC) "Memorial", Saint Petersburg.

According to the information received, on November 26, 2011, at approximately 4 pm, Ms. Anna Udyarova and Mr. Philippe Kostenko were arrested by the police as they were picketing near the Embassy of Belarus to request the release of Mr. Ales Bialiatski, FIDH Vice-President and President of the Human Rights Centre "Viasna" in Belarus, and, more generally, all political prisoners in the region.

They were participating to the international mobilisation called by FIDH to request the release of Mr. Ales Bialiatski, who was sentenced to four years and a half of prison the day before<sup>1</sup>.

Four days before, ADC "Memorial" had requested the permission to organise a picket but the permission was denied by the authorities. Therefore, the organisation decided to organise one-person pickets, which does not require any authorisation from the authorities. Ms. Anna Udyarova and Mr. Philippe Kostenko, who were carrying two posters calling for the release of political prisoners and the release of Mr. Bialiatski, arrived in front of the Embassy of Belarus, at the time and place where the action had been initially planned and announced. The two stood at approximately 30 meters from each other close to the Embassy building.

As soon as they arrived, a large group of police officers surrounded and arrested them, on the pretext of having committed an offence by disobeying police orders. The police argued that though the two were not standing together they were picketing in front of the same building and that, therefore, it was not a one-person picketing. Mr. Philippe Kostenko was forcefully carried to the police car and Ms. Anna Udyarova was also arrested. Afterwards, as the ADC "Memorial" Director, Ms. **Olga Abramenko**, was walking towards the building, carrying another poster as well as balloons, the police tried to stop her under the pretext that she was walking and that therefore it was not an authorised one-person picket but a demonstration. Ms. Olga Abramenko stopped walking and remained where she was standing.

Meanwhile, Ms. Anna Udyarova and Mr. Philippe Kostenko, were transferred to two police stations (N76, N78 and then again N76). Their posters were confiscated as they were considered as illegal material by the police. They were later finally released during the night after eight to nine hours of detention following mobilisation in their favour, both at the national and international level. They were released under the condition that they appear before the police on November 28, 2011, at 11 am. At that time, they were informed by the police that they had been charged of two administrative offences, "illegal picketing" and "disobeying the

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<sup>1</sup> See Observatory Press Release, November 24, 2011,

police”, punishable by fines and administrative detention.

The Observatory condemns the arbitrary arrest and judicial harassment against Ms. Anna Udyarova and Mr. Philippe Kostenko since they seem to merely aim at sanctioning their human rights activities and expresses its deep concern about the ongoing attempts to hinder the right of human rights defenders to freedom of assembly.

**Actions requested:**

Please write to the authorities of Russian Federation, urging them to:

i. Guarantee in all circumstances the physical and psychological integrity of Ms. Anna Udyarova, Ms. Olga Abramenko and Mr. Philippe Kostenko as well as of all members of ADC “Memorial” and all human rights defenders in the Russian Federation;

ii. Put an end to any act of harassment - including at the judicial level - against Ms. Anna Udyarova and Mr. Philippe Kostenko as well as against all human rights defenders in the Russian Federation, and ensure in all circumstances that they are able to carry out their legitimate activities without any hindrance and fear of reprisals;

iii. Comply with the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:

- its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”,
- its Article 5, which provides that “everyone has the right, individually and in association with others, at the national and international levels (a) to meet or assemble peacefully”;
- its Article 6 (b) and (c), which states that “everyone has the right, individually and in association with others [...] as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms and [...] to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters”,
- and Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

iv. Comply with the provisions of the Declaration of the Committee of Ministers of the Council of Europe on the protection of human rights defenders and the promotion of their activities, and in particular With Article 2.i), in which the Committee calls on member States to “create an environment conducive to the work of human rights defenders, enabling individuals, groups and associations to freely carry out activities, on a legal basis, consistent with international standards, to promote and strive for the protection of human rights and fundamental freedoms without any restrictions other than those authorised by the European Convention on Human Rights;;

v. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by the Russian Federation.

**Addresses:**

- Mr. Dmitri Medvedev, President of the Russian Federation, Ilinka Str, 23, Moscow,

103132, Moscow, Russian Federation, Faxes: + 7 495 606 5173 / 630 2408

- Minister of Internal Affairs, Mr. Rashid Nurgaliev, ul. Zhitnaya, 16, 117049 Moscow, Russian Federation, Telegram: Rossiia, 117049, Moskva, Fax: + 7 495 637 49 25
- Minister of Foreign Affairs, Mr. Sergey Lavrov, Smolenskaya-Sennaya pl, 32/34, 121200 Moscow, Russian Federation, Telegram: Fax: + 7 495 644 2203
- Mr. Alexander Ivanovich Bastrykin, Chairman of the Investigations Committee of the Russian Federation, Building 28, house 15, Naberezhnaya Akademika Tupoleva, Moscow, 105005, Russian Federation.
- Permanent Mission of the Russian Federation to the United Nations in Geneva Av. de la Paix 15, CH-1211, Geneva 20, Switzerland, e-mail : [mission.russian@ties.itu.int](mailto:mission.russian@ties.itu.int), Fax: +4122 734 40 44
- Embassy of the Russian Federation in Brussels, 31-33 boulevard du Régent, 1000 Brussels, Belgium, Fax: + 32 2 513 76 49.

Please also write to the diplomatic mission or embassy of the Russian Federation in your respective country.

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Paris-Geneva, November 28, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

To contact the Observatory, call the emergency line:

- E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)
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