

URGENT ACTION

ACTIVIST IS RELEASED BUT WILL STAND TRIAL

On 17 August, Mikhail Iosilevich was released from pre-trial detention following his lawyers' petitions to the investigator and court. He was arbitrary held on remand since January for allegedly threatening a witness in the case – the claim proven by the experts' reports to be unfounded. His prosecution for alleged cooperation with an “undesirable” organization is ongoing and the trial might start in September. Mikhail Iosilevich is being targeted for peacefully exercising his rights to freedom of expression and association. Charges against him must be dropped and he must be able to continue his peaceful activism without fear of prosecution.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Prosecutor of Nizhnii Novgorod Region

Andrey Aleksandrovich Travkin

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Dear Prosecutor of Nizhnii Novgorod Region,

I welcome the news that on 17 August civil society activist Mikhail Iosilevich was released from pre-trial detention. However, I am dismayed that his criminal prosecution is ongoing.

On 8 October 2020, Mikhail Iosilevich was charged under Article 284.1 of the Russian Criminal Code for alleged cooperation with an “undesirable organization”. The investigators accused him of having provided the premises for a training conducted by Open Russia, an organization whose UK registered namesake is listed as “undesirable”. While this is a “crime” only under Russian legislation, which itself contravenes Russia's international human rights obligations and must be repealed, the prosecution of Mikhail Iosilevich is also based on false grounds. He insists that the training had been conducted by another organization, Golos, a Russian movement of election monitors, and that there is no evidence of his involvement with Open Russia.

Mikhail Iosilevich has spent over six months on remand for allegedly making a threatening phone call to a “witness” in his case - the claim proven by the experts' reports to be unfounded. On 18 August, the Moskovsky District Court issued a new restriction measure against Mikhail Iosilevich – a prohibition of certain activities, including use of internet, telephone and mail services and participation in public actions until 28 August. It is expected that his case will then be submitted to court. Mikhail Iosilevich has committed no internationally recognisable criminal offence. He is being targeted for his peaceful activism and for the peaceful exercise of his right to freedom of expression and association.

I urge you to ensure an end to unfounded criminal prosecution of Mikhail Iosilevich.

Yours sincerely,

ADDITIONAL INFORMATION

The “undesirable organizations” law was adopted in May 2015 as part of the Russian authorities’ ongoing crackdown on freedom of association and expression (see details here: <https://www.amnesty.org/en/documents/eur46/2223/2015/en/>) and introduced amendments to several Russian laws. According to the law, the Office of the Prosecutor General can designate a foreign or international non-governmental organization “undesirable” if it deems that the organisation poses a threat to the country’s “constitutional order, defence potential or state security”. An “undesirable” organization must immediately stop all activities in Russia from which point any cooperation or association with it is deemed unlawful and an offense. Until recently, a person could be prosecuted for cooperation with an “undesirable” organisation under Article 284.1 of the Criminal Code following two penalties within a year’s period under Article 20.33 of the Code of Administrative Offences. In June and July 2021, President Putin signed laws introducing further grounds of administrative and criminal prosecution and harsher punishments for cooperation with “undesirable” organisations. Under the amended law, the criminal prosecution could follow after a single administrative penalty. While the maximum sentence for “participation” in the activities of an “undesirable” organization has been reduced to four years imprisonment, the maximum sentence for “organization” of those activities remains six years. The law has been used arbitrarily to ban from Russia a number of foreign organisations, mostly those providing funding and other support for civil society. Currently, the “undesirable organizations” register includes 42 organizations with 11 of them added in May-August 2021.

On 26 April 2017, the Prosecutor General’s Office declared “undesirable” the UK-registered organisations Otkrytaya Rossia and Open Russia Civic Movement (both founded by an exiled critic of President Vladimir Putin, Mikhail Khodorkovsky). There is a Russian movement Otkrytaya Rossia (Open Russia) - an initiative that brought together activists in Russia - which is neither a registered “organisation”, nor is a foreign one. Nonetheless, activists who are associated with Otkrytaya Rossia are regarded by the Russian authorities as members of a banned foreign organisation and face prosecution. Dozens of activists have been fined for their activities under the Code of Administrative Offences. Three people have so far been convicted for alleged cooperation with an “undesirable” organization. In February 2020, a court in Yekaterinburg (the Urals) sentenced Otkrytaya Rossia’s ex-coordinator Maksim Vernikov to 300 hours of community service. In October 2020, a court in Krasnodar (southern Russia) sentenced another former Otkrytaya Rossia coordinator and activist Yana Antonova to 240 hours of community service. Finally, on 18 February 2021, a court in Rostov-on-Don (southern Russia) sentenced Anastasia Shevchenko - also a former co-ordinator of Otkrytaya Rossia and the first person to face criminal prosecution under this law - to four-year suspended imprisonment and four years on probation.

Mikhail Iosilevich is a civil society and political activist and the local leader of Pastafarians (or followers of the Church of the Flying Spaghetti Monster). He supported and organized a number of local events, including an anti-corruption rally, a “Monstration” (a march under absurd slogans in protest against restrictions of freedom of expression) and other events. He was fined twice in July 2019 and June 2020 under Article 20.33 of the Russian Code of Administrative Offences (“Carrying out activities of an undesirable organization”) for providing the premises (his café, which also houses the local Pastafarian church) for civic initiative Free People forum attended by opposition activists, including those from Otkrytaya Rossia. The criminal case against Mikhail Iosilevich was initiated on 29 September 2020. The investigation alleges that between 2 and 9 September 2020 Mikhail Iosilevich provided his café to an opposition group associated with Otkrytaya Rossia, for the training of election monitors. On 1 October, law enforcement officials conducted searches in Mikhail Iosilevich’s flat, his café and homes of five other Nizhnii Novgorod activists, including prominent independent journalist and editor of online media Koza Press Irina Slavina. The day after the search, Irina Slavina committed suicide by self-immolation in front of the local Ministry of Interior. She had left a message on her Facebook page saying; “Russian Federation is to blame for my death”. For months, the authorities had targeted her with prosecution and fines.

In January 2021, a second criminal case was initiated against Mikhail Iosilevich for his alleged failure to report his second (Israeli) citizenship to the Russian authorities. The activist maintains that he had duly informed the authorities as prescribed by law. On 30 January, the Nizhnii Novgorod Moscow District Court ruled that he must be detained on remand in connection with alleged threats to a witness in a case. In April, the investigation opened the third criminal case against the activist under Article 119 (2) of the Criminal Code in relation to the threats despite experts’ reports confirming that the voice in the recording was not of Iosilevich.

PREFERRED LANGUAGE TO ADDRESS TARGET: Russian.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 30 September 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Mikhail Iosilevich (he/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/eur46/4503/2021/en/>

ADDITIONAL TARGETS

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