

URGENT ACTION

TRIAL AGAINST GOVERNMENT CRITIC CONTINUES

The trial against Yekaterina Vologzheninova will continue on 21 January. She faces the charge of “inciting hatred or enmity”, which carries a maximum sentence of five years in prison, for her posts on social media criticizing Russia’s actions in Ukraine.

Yekaterina Vologzheninova, a shop assistant from Yekaterinburg, faces the charge of “inciting hatred or enmity” for her online criticism of Russia’s annexation of Crimea and Russia’s military involvement in Donbass, eastern Ukraine. Since the start of her trial on 27 October, three hearings have taken place and three of the prosecution’s five witnesses have been questioned.

One of the prosecution’s witnesses, Yekaterina Vologzheninova’s former colleague, withdrew the statement he had given during the investigation and said that a Federal Security Service (FSB) officer “had perverted his words”. The other two witnesses were staff members of Roskomnadzor (the official media and communications watchdog) and had been present during the search of Yekaterina Vologzheninova’s flat in December 2014. They claimed that Yekaterina Vologzheninova’s posts on social media insulted their feelings as citizens of the Russian Federation and were “aimed against the country’s citizens and its government”. However, they could not confirm that her posts were aimed at specific ethnic groups – which is an element of the crime Vologzheninova is accused of. The prosecution’s two remaining witnesses, an FSB officer who had conducted a search in her flat, and a woman Yekaterina Vologzheninova had never heard of, failed to attend the hearings and the court ordered that they should be brought to court by bailiffs. The trial against Yekaterina Vologzheninova will continue on 21 January.

In the current political climate in Russia, politically-motivated trials in cases like that of Yekaterina Vologzheninova are increasingly common.

Yekaterina Vologzheninova is the only provider for her teenage daughter and elderly mother.

On 12 October, Rosfinmonitoring (the federal agency responsible for combating money laundering and terrorism financing) included Yekaterina Vologzheninova in its List of Terrorists and Extremists. This has led to the blocking of her bank accounts and cards. She tried unsuccessfully to contest this decision in the Zheleznodorozhny District Court in Yekaterinburg. The court agreed with Rosfinmonitoring and took the view that being tried under “extremism” charges is sufficient for her inclusion in the List of Terrorists and Extremists.

Please write immediately in Russian, English or your own language:

- Urging the Russian authorities to close the criminal case against Yekaterina Vologzheninova and insisting that she is being prosecuted solely for exercising her right to freedom of expression;
- Urging them to ensure that her name is removed immediately from Rosfinmonitoring’s List of Terrorists and Extremists;
- Calling on them to respect and protect the right to freedom of expression for all persons in Russia.

PLEASE SEND APPEALS BEFORE 23 FEBRUARY 2016 TO:

Prosecutor General of the Russian Federation

Yurii Yakovlevich Chaika
Prosecutor General’s Office
ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7 495 987 5841 / +7 495 692 1725
Salutation: Dear Prosecutor General

Prosecutor of Sverdlovsk Region

Sergei Alekseevich Okhlopov
Ul. Moskovskaya 21
Yekaterinburg GSP 1036
620612 Russian Federation
Fax: +7 343 377 02 41
Email: sverdloblprokuratura@mail.ru
Salutation: Dear Prosecutor

And copies to:

Head of Federal Security Service (FSB)
Sverdlovsk Region
Viatkin, Aleksandr Petrovich
Ul. Vaynera 4
Yekaterinburg 620014
Sverdlovsk Region, Russian Federation
Email: sverdlovsk@fsb.ru

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 232/15. Further information:

<https://www.amnesty.org/en/documents/EUR46/2682/2015/en/>

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ADDITIONAL INFORMATION

Since the annexation of Crimea by Russia in March 2014, and the outbreak of fighting between Ukrainian forces and armed groups supported by Russia in Donbass, eastern Ukraine, in April 2014, several people have been sentenced in Russia for allegedly inciting hatred and enmity on the Internet in connection with posts that criticised Russia's policy towards Ukraine and the annexation of Crimea. The number of Internet users who have faced prosecution for their peaceful but critical views on Russia's current politics is growing. Article 280 ("public calls to commit extremist activities") and Article 282 ("publicly inciting hatred or enmity as well as denigrating human dignity") of the Russian Criminal Code are being increasingly used to silence dissent, and particularly those who criticise the official policy in relation to Ukraine.

The UN Human Rights Committee's General Comment 34, on the right to freedom of expression, states that "it encompasses even expression that may be regarded as deeply offensive". In any event, criminal sanctions for private social media posts would be excessive and disproportionate under international human rights standards, infringing on the right to freedom of expression.

On 12 December 2014, Yekaterina Vologzheninova's apartment was searched by law enforcement officials and she was taken to the police station for questioning. She then learned that a criminal case against her had been opened under Article 282, part 1, of the Russian Criminal Code, in connection with her posts on social networks. During the investigation of her case, the authorities solicited "psycholinguistic expertise" to analyse her postings and questioned her colleagues and other acquaintances in an attempt to prove that her motivation had been specifically to incite hatred. The investigation concluded that Yekaterina Vologzheninova's intention by criticizing the government's policies online (with only her friends) had been to incite hatred against the Russian government and the Russians fighting in eastern Ukraine. Yekaterina Vologzheninova's posts included content from Ukrainian sources, including a satirical cartoon depicting a man – with some remote likeness to President Vladimir Putin – with a knife in his hand over a map of Donbass. His hand is being stopped by another hand and the text under the image reads "Stop the pest!" She also posted some poems and statements in which Russians are described as "eternal slaves – body and soul", as having "brains of chicken", and state that those who fight in Donbass follow a "bloody covenant".

Yekaterina Vologzheninova told Amnesty International that her account on VKontakte was not public and only accessible to friends. She browsed Ukrainian media because she was looking for alternative information to that provided by the state-controlled television and other media in Russia, and shared some publications from Ukraine on her personal page. The investigation claimed that the "likes" under some of her online posts indicated that she did incite hatred via these posts.

For several months in 2014, she was subscribed to the email list of the Ukrainian nationalist group Pravy Sektor (Right Sector), an organization which was banned in Russia in November 2014 as extremist. The investigation claimed that Yekaterina Vologzheninova was a member of Pravy Sektor, something she vehemently denies.

In late September 2015 the case was forwarded to the Zheleznodorozhnyi Court in Yekaterinburg.

Name: Yekaterina Edvardovna Vologzheninova

Gender m/f: F.

Further information on UA: 232/15 Index: EUR 46/3179/2016 Issue Date: 12 January 2016