

## **Third party submissions in the proceedings concerning the case of**

*Dianova and 1 other application v. Russia,*

**applications nos. 21286/15 and 26805/15**

**prepared by the Institute for Law and Public Policy**

1. By virtue of the Court's letter dated 3 February 2022 the Institute for Law and Public Policy<sup>1</sup> (hereinafter – “the Institute”) was granted leave, under Rule 44 § 3 of the Rules of Court, to make written submissions to the Court in the cases of *Dianova v. Russia* (application no. 21286/15) and *Zakharova v. Russia* (application no. 26805/15).

### **Subject matter of the present submissions**

2. As stated in the leave to intervene in the present proceedings (Institute's letter of 1 December 2021), the Institute shall provide the Court with materials related to the Russian domestic practices on foreseeability of the Russian legislation on freedom of expression and assembly, including in-depth analysis of existing legislation and judicial / administrative practice.

3. Being mindful of the Court's directions as regards the content of the present submissions, the Institute shall focus primarily on the question (a) of the Questions to the Parties which reads as follows:

*(a) Did the applicants' protest action in form of a hunger strike in the open air fall under the definition of a “public event”, namely “static demonstration”, within the meaning of the Public Events Act?*

*If so, could the applicants foresee that their hunger strike would be qualified as an assembly rather than a form of expression (see *Tatár and Fábér v. Hungary*, nos. 26005/08 and 26160/08, §§ 36-42, 12 June 2012)?*

4. Accordingly, the present submissions shall be focused on three main issues.

5. **First**, the terms “*public event*” and “*static demonstration*” shall be analysed from the standpoint of their interpretation in the domestic legislation, judicial and administrative practice.

6. **Second**, the meaning of the term “*hunger strike*” shall be clarified by way of examination of the Russian legislation, Russian judicial and administrative practice.

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<sup>1</sup> Institute for Law and Public Policy webpage <https://ilpp.ru/eng>.

7. **Third**, the Institute shall give an overview of the tendencies in the interpretation of the Public Events Act and comment on the current situation with the exercise of the rights provided for by Articles 10 and 11 of the Convention in Russia.

### **Summary of conclusions**

8. The Public Events Act provides for legal definitions of the terms “public event” and “static demonstration”, while the Code of Administrative Offences of the Russian Federation (hereinafter – “CAO”) contains Articles 20.2 and 20.2.2 that establish liability for failure to comply with legal procedure of organisation or conduct of public events (those falling within the scope of the Public Events Act) *and* other forms of expression occurring in public but not falling within the scope of the Public Events Act respectively. Those Articles, however, seem to apply in such a manner that does not allow to establish what forms of expression can be qualified as a public assembly within the meaning of the Public Events Act and the autonomous meaning of the Convention *and* what forms of expression, although occurring in public, do not fall within the meaning of a public event or assembly.

9. Apart from the penal law context, Russian legislation lacks definition of a hunger strike. Russian judicial practice demonstrates, however, that hunger strikes in rather small groups (from 2 to 15 persons) have been prosecuted under Article 20.2 of CAO and, therefore, are regarded as public events/assemblies (static demonstrations) within the meaning of the Public Events Act.

10. The Russian practice in the context of freedom of expression and freedom of assembly, although abiding to a preliminary distinction between public events (assemblies) and other forms of public expression that do not fall within the scope of public assemblies, does not seem to contain criteria relevant for distinguishing between the two concepts. As regards the notion of a “static demonstration” Russian practice seems to bend toward unforeseeable interpretation of this term and fails to take into account the test elaborated in the Court’s practice.

### **Conclusions**

#### **Issue 1 – Definitions of the terms “public event” and “static demonstration” in Russian legislation and their interpretation in administrative and judicial practice**

##### 1. Relevant legislation

###### *(a) Legislative definitions: Public Events Act of 2004*

11. Article 2(1) of the Public Events Act defines a public event as an open, peaceful action accessible to all, held in the form of a gathering, a meeting, a demonstration, a march, or a static

demonstration or in various combinations of these forms, organised at the initiative of the citizens of the Russian Federation, political parties, other public or religious associations, including [events] held with the use of vehicles. The aim of a public event is the free expression and development of opinions, and putting forward demands on issues of political, economic, social and cultural life in the country, as well as issues of foreign policy. In 2017 the respective Article was amended to include the aim of informing voters about the activities of a deputy of a legislative (representative) body or of a representative body of a municipal entity in case of their meeting with their voters.

12. Article 2(6) of the Public Events Act defines a static demonstration as a form of public expression of opinion that does not involve movement or use of loudspeaker equipment, where one or more citizens with banners, posters or other means of visual expression assemble near the target object of the static demonstration. In 2016 the respective Article was amended to include prefabricated demountable constructions.

*(b) Forms of liability: Code of Administrative Offences*

13. The Code of Administrative Offences of the Russian Federation (hereinafter – “CAO”) provides for two separate administrative offences in case of breaches of the established procedure for the organization or conduct of public gatherings, meetings, demonstrations, marches or static demonstrations (Article 20.2 CAO) and the organisation of mass gatherings and (or) movement of citizens in public places disturbing the public order (Article 20.2.2 CAO).

14. Therefore, the Russian legislation contains liability provisions not only in case of violation of the Public Events Act but also for cases of organisation of mass gatherings that do qualify as public assemblies (in the sense these terms are defined in the Public Events Act).

15. Distinction between the two types of offences was clarified by the Constitutional Court of the Russian Federation in its Decision of 24 October 2013 no. 1721-*O*: Article 20.2.2 of CAO is applied to public gatherings which are characterised by the common aim of the participants and free access of any person to take part therein, but do not amount to public events within the meaning of the Public Events Act. In the respective case the applicant, Mr Sherstyuk A.V., was convicted of an administrative offence under Article 20.2.2 § 1 of CAO for having taken part in the “Pillow Fight” in Saint Petersburg in June 2012.

16. Notably, both provisions contain references to creation of obstacles to movement of persons or transport as an additional ground for liability (Article 20.2 § 3 and § 6.1 and Article 20.2.2 § 1).

17. As noted in the case-law analysis conducted by the Nizhniy Novgorod Regional Court<sup>2</sup> events organised for mainly for commercial purposes, staff meetings, meetings of members of horticultural associations or of household associations, and other similar gatherings do not amount to public events within the meaning of the Public Events Act.

## 2. Judicial and administrative practice

### (a) *As regards Article 20.2 of CAO*

18. Analysis of the case-law of the Russian courts revealed that there are some examples of persons being charged with Article 20.2 of CAO with convictions being later on quashed by higher courts or cases being discontinued. The examples include mere approaching of a person holding a solo static demonstration in order to take a look at a sign they were holding<sup>3</sup>; while in court's lobby, holding a piece of paper in hands<sup>4</sup>; taking a quick photo with a banner on a court's front stairs<sup>5</sup>; collecting signatures against the construction of a chemical waste recycling plant<sup>6</sup>; carrying a mock coffin in public in order to bring it home from the Investigating Committee's office.<sup>7</sup>

19. However, Article 20.2 of CAO seems to apply to a broad range of events that occur in public. For instance, a flashmob conducted by four people and that included protesting against a city facial recognition system by way of painting their faces was condemned under Article 20.2 § 5 of CAO<sup>8</sup> as falling within the scope of the Public Events Act. Article 20.2 § 5 of CAO was also applied in case of a static demonstration held by four people who used a funeral wreath with a ribbon containing the text criticising actions of Moskomarkhitektura.<sup>9</sup> Finally, recent examples concern various gatherings to support Alexey Navalnyy after his arrest.<sup>10</sup>

### (b) *As regards Article 20.2.2 of CAO*

20. Article 20.2.2 of CAO applies in case of organisation of different events that take different forms in terms of freedom of expression. Those events, by way of application of Article 20.2.2 of CAO, did not fall within the scope of the Public Events Act. Those include: activity of street

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<sup>2</sup> Analysis of Case Law of the Justices of the Peace and the District (Town) Courts of Nizhniy Novgorod and the Nizhniy Novgorod Region prepared by the Nizhniy Novgorod Regional Court.

<sup>3</sup> Judgment of the Supreme Court of the Russian Federation of 26 November 2021 no. 5-A/21-77-K2.

<sup>4</sup> Judgment of the Supreme Court of the Republic of Bashkortostan of 5 February 2019 no. 4A-108/2019-(4A-2755/2018).

<sup>5</sup> Decision of the Saint-Petersburg City Court of 1 August 2019 no. 1135/2019 in case no. 5-253/2019.

<sup>6</sup> Decision of the Saratov Regional Court of 19 September 2019 in case no. 12-156/2019.

<sup>7</sup> Decision of the Oryol Regional Court of 15 September 2017 in case no. 12-100/2017.

<sup>8</sup> Decision of the Moscow City Court of 26 August 2020 in case no. 7-8721/2020.

<sup>9</sup> Decision of the Moscow City Court of 13 July 2021 in case no. 7-9489/2021.

<sup>10</sup> By way of example, see Decision of the Saint Petersburg City Court of 6 June 2021 no. 12-1593/2021 in case no. 5-227/2021.

portraitists,<sup>11</sup> photographers<sup>12</sup> and those making videos;<sup>13</sup> proselytising;<sup>14</sup> offering pony rides for children;<sup>15</sup> taking part in gatherings relating to ethnic conflicts;<sup>16</sup> taking part in flash mobs;<sup>17</sup> taking part in political and social events (including gatherings to support Alexey Navalnyy after his arrest;<sup>18</sup> participants of voters' protests,<sup>19</sup> anti-corruption demonstrations,<sup>20</sup> protest against the blocking of Telegram messenger,<sup>21</sup> gatherings to support the suspects in highly discussed criminal cases (such as cases of Novoye Velichye" («Новое величие») and "Set" («Сеть»)),<sup>22</sup> protests against the pension reform,<sup>23</sup> environmental protests<sup>24</sup>).

21. Notably, in 2016 Article 20.2.2 of CAO was also applied by Moscow City Court in respect of static demonstrations:

- Decision of the Moscow City Court of 8 April 2016 in case no. 7-3467/2016: the city court upheld the administrative conviction of Ms R. who had been charged with an administrative offence under Article 20.2.2 § 1 of CAO for having organised a mass gathering of about thirty persons in the street in Moscow. The courts established that Ms R. had been holding a static demonstration near a museum building and had had a banner in her hands, thus, creating obstacles for the free movement of pedestrians in the area and citizens' access to the social infrastructure facilities, including the museum.

- Judgment of the Moscow City Court of 29 April 2016 in case no. 4a-661/2016: the city court upheld the administrative conviction of Mr M. who had been charged with an administrative offence under Article 20.2.2 § 1 of CAO for having organised a mass gathering of five persons in

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<sup>11</sup> See Annex 2 and, for instance, Decision of the Moscow City Court of 28 September 2016 in case no. 7-11048/2016.

<sup>12</sup> Decision of the Moscow City Court of 14 June 2016 in case no. 7-4423/2016.

<sup>13</sup> See, among other cases listed in Annex 2, Decision of the Moscow City Court of 6 July 2016 in case no. 7-8229/2016.

<sup>14</sup> See Annex 2 and, for example, Decision of the Moscow City Court of 24 November 2015 in case no. 7-12297/2015.

<sup>15</sup> Decision of the Moscow City Court of 10 May 2016 in case no. 7-4396/2016.

<sup>16</sup> Decisions of the Penza Regional Court of 22 August 2019 in cases nos. 12-143/2019, 12-145/2019 and 12-144/2019 in respect of persons who participated in the gathering aimed at the expulsion of the Roma population from their villages.

<sup>17</sup> See Annex 2 and, for example, Judgment of the Samara Regional Court of 22 December 2014 in case no. 4a-908/2014.

<sup>18</sup> See, for example, Decision of the Kaluga Regional Court of 26 February 2021 in case no. 12-49/2021; Decision of the Saint Petersburg City Court of 1 July 2021 no. 12-1732/2021 in case no. 5-223/2021. For more cases see Annex 2.

<sup>19</sup> See, for example, Decision of the Saint-Petersburg City Court of 12 September 2019 no. 12-1315/2019 in case no. 5-930/2019.

<sup>20</sup> Decision of the Kaluga Regional Court of 2 February 2021 in case no. 12-33/2021.

<sup>21</sup> See Article 2 and, for instance, Decision of the Moscow City Court of 20 April 2018 in case no. 7-4914/2018.

<sup>22</sup> Among cases listed in Annex 2 see also Decision of the Saint Petersburg City Court of 9 April 2019 no. 12-486/2019 in case no. 5-483/2018.

<sup>23</sup> Judgment of the Saint Petersburg City Court of 6 February 2019 no. 4a116/2019 in case no. 5-333/2018.

<sup>24</sup> See, for example Judgment of the Supreme Court of the Russian Federation of 16 January 2020 no. 1-А/19-8, Decision of the Supreme Court of the Komi Republic of 18 December 2019 in case no. 12-319/2019(5-611/2019); Decision of the Supreme Court of the Republic of Tatarstan of 5 February 2020 in case no. 7-97/2020. Other cases are listed in Annex 2.

Moscow. The courts established that Mr M. had been sitting on a stool, holding the Russian national flag and recited poems and, thus, had created obstacles for free movement of pedestrians in the area and citizens' access to the social infrastructure facilities.

22. The protests against blocking of Telegram messengers were specific in the manner of expression chosen: for example, Mr E. took part in a mass gathering held by a group of twelve persons in front of the entrance to the building of the Federal Security Service in Moscow and that they were making and throwing paper planes at the building. Mr E. was convicted under Article 20.2.2 § 1 of CAO.<sup>25</sup>

23. Interestingly, the judicial practice as regards performance of street musicians differs. For instance, and among other cases,<sup>26</sup> in 2017 Moscow City Court quashed conviction of a street musician stating that he had intended to organise a gathering of people in a public place.<sup>27</sup> Analogously, the Orenburg Regional Court found that a music concert was not a public assembly within the meaning of the Public Events Act.<sup>28</sup> Nevertheless, in several cases Article 20.2.2 of CAO was applied to street musicians in comparable circumstances. In particular, and among other cases,<sup>29</sup> Moscow City Court convicted a musician for a concert with seven listeners on the Manezhnaya Square (*i.e.* right next to the Red Square) due to the obstacles for free movement of pedestrians in the area and for citizens' access to social infrastructure facilities.<sup>30</sup>

24. To conclude, analysis of the above cases did not allow the Institute to reveal any guidance as regards the factual or legal circumstances leading up to decision on which Article of CAO is to be applied in each particular case.

## **Issue 2 – Interpretation of the term “hunger strike” in Russian law and practice**

25. Under the Russian legislation as it currently stands, the concept of a hunger strike is only used in the penitentiary law and is described as a refusal of food by a suspected, accused or a convicted person. In particular, Article 42 of the Custody Act (no. 103-FZ of 15 July 1995) (*Федеральный закон «О содержании под стражей подозреваемых и обвиняемых в совершении преступлений»*) prescribes procedure to be followed in case a suspect or an accused refuses to eat. Likewise, Article 101 of the Code on Execution of Punishments (no. 1-FZ of 8

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<sup>25</sup> Decision of the Moscow City Court of 30 May 2018 in case no. 7-5481/2018.

<sup>26</sup> See Annex 2 for further examples.

<sup>27</sup> Judgment of the Moscow City Court of 20 February 2017 no. 4a-7686/16.

<sup>28</sup> Decision of the Orenburg Regional Court of 18 November 2016 in case no. 12-152/2016.

<sup>29</sup> See, by way of example, Decision of the Moscow City Court of 28 July 2014 in case no. 7-6452/2014: Mr R.S. was playing the guitar in the street in Moscow. For more cases see Annex 2.

<sup>30</sup> Decision of the Moscow City Court of 10 November 2016 in case no. 7-13503/2016.

January 1997) allows forced feeding on medical grounds in cases a convicted person faces threat to life as a result of a hunger strike.

26. Recent Russian judicial practice demonstrates that a hunger strike outside the penal context can be prosecuted under the CAO provisions, namely, Article 20.2 of CAO.

27. In particular, the Central District Court of Kaliningrad found Mr Dolgov guilty of Article 20.2 § 2 of CAO breach for holding an unauthorised static demonstration together with another person (*несогласованное в установленном порядке публичное массовое мероприятие – пикетирование*).<sup>31</sup> According to the court’s decision, Mr Dolgov used a banner with the text “Hunger strike” and his car was equipped with a moving message display showing the following text – “Administration, do not take away private property from defenseless elderly” (*Администрация не отнимай частную собственность у беззащитных стариков*). As commented by Mr Dolgov himself, he actually resorted to an open-air hunger strike in order to protest against the actions of the city administration.<sup>32</sup>

28. Another example is a 2016 hunger strike near the Edinaya Rossia political party office in Moscow which was held by several persons awaiting social housing in Moscow. Participants were convicted under Article 20.2 § 5 of CAO.<sup>33</sup> For instance, Mrs Strashinina E.Yu. was found guilty of breach of Article 20.2 § 5 of CAO since together with other 14 persons she took part in an unauthorised static demonstration in a form of a hunger strike.<sup>34</sup>

29. Accordingly, despite the absence of any specific legal definition of the term “hunger strike” in the field of freedom of expression, judicial practice follows the path of application of the Public Events Act and respective provisions of the CAO to hunger strikes.

### **Issue 3 – Overview of the current Russian practices regarding the right to public assembly and the right to freedom of expression**

30. The Institute would like to draw the Court’s attention to the cases of Mrs Irina Nikiforova and of Mr Ilya Shablinsky brought by the Institute before the Constitutional Court of the Russian Federation. Noteworthy, complaints by Mrs Nikiforova (no. 55240/20) and Mr Shablinsky (no. 12145/21) are currently pending before the European Court.

31. The case of Mrs Nikiforova concerned the definition of a solo static demonstration (*одиночный пикет*) and the question of how a series or a queue of solo static demonstrations can

<sup>31</sup> Decision of the Central District Court of Kaliningrad of 2 June 2021 in case no. 5-1716/2021.

<sup>32</sup> See newspiece “ The court fined for 10000 roubles a Kaliningrad’s resident for holding a hunger strike by the mayor’s office “, URL: <https://www.newkaliningrad.ru/news/briefs/community/23933152-sud-oshtrafoval-na-10-tys-rublej-kaliningradtsa-ustroivshego-golodovku-u-merii.html>.

<sup>33</sup> See Annex 1 and, for example, Decision of the Moscow City Court of 12 April 2017 in case no. 7-4198/2017.

<sup>34</sup> Decision of the Moscow City Court of 22 May 2017 in case no. 7-5659/2017.

be characterised in terms of current Russian legislation and practice and, therefore, distinguished from the term ‘public assembly’. The Constitutional Court found that the unity of place, aim and theme of solo static demonstrations is not sufficient to define them as a public assembly (static demonstration held by a group of people). To the contrary, those demonstrations must rather be regarded as a queue of solo static demonstrations. The Constitutional Court, however, only held that the national courts erroneously applied the law in Mrs Nikiforova’s case and ruled that the national legislation does not appear to be unconstitutional.<sup>35</sup>

32. The case of Mr Shablinskiy also concerned a queue of solo static demonstrations that were allegedly united by the common theme and, therefore, characterised as a static demonstration that requires prior authorisation. In his complaint to the Constitutional Court Mr Shablinskiy relied on the same provisions as Mrs Nikiforova did. The Constitutional Court dismissed the complaint stating that there was no uncertainty as regards the norms Mr Shablinskiy complained against.<sup>36</sup>

33. These examples demonstrate that the Constitutional Court appears to see no issue with the current Russian legislation as regards the notion of a static demonstration in its different forms and whether it should or should not be qualified as a public event within the meaning of the Public Events Act. According to the Constitutional Court, the problem lies within the judicial and administrative practice. It must be noted, however, that the case of Mrs Nikiforova has not been re-examined by the Supreme Court to date.

34. The same tendency appears in the judicial decisions of courts of ordinary jurisdiction. By way of example, the Sverdlovsk Regional Court upheld an administrative conviction of Ms Vetrova E.A. who had been charged with an administrative offence under Article 20.2 § 5 CAO for having held a static demonstration in front of a church in Yekaterinburg without having obtained a prior authorisation from the local authorities. According to the facts of the case, the applicant was standing near the front stairs of the church holding a banner “Who should decide whether to get an abortion or not: the church, the husband, the government, the parents or the woman herself? Accessible abortion is an inalienable right of all women” (*«Кто должен принимать решение об аборте – церковь, муж, правительство, родители или сама женщина? Доступный аборт – неотъемлемое право всех женщин»*), while another person

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<sup>35</sup> Judgement of the Constitutional Court of the Russian Federation of 17 May 2021 No. 19-*II* in the case on the verification of the constitutionality of Article 7(11) of the Federal Law "On Gatherings, Meetings, Demonstrations, Marches and Static Demonstrations" and Article 20.2 § 2 of the Code of Administrative Offenses of the Russian Federation in connection with the complaint of Ms I.A. Nikiforova.

<sup>36</sup> Ruling of the Constitutional Court of the Russian Federation of 30 November 2021 No. 2389-*O* on the refusal to accept for consideration the complaint of Mr Shablinsky Ilya Georgievich about the violation of his constitutional rights by Article 20.2 § 5 of the Code of Administrative Offenses of the Russian Federation and Article 7(11) of the Federal Law "On Gatherings, Meetings, Demonstrations, Marches and Static Demonstrations".

was standing on the other side of the stairs with a banner “Remember: the Russian Federation shall be a secular state. No religion may be established as the State religion or as obligatory. Art. 14 of the Russian Constitution” (*«Помните: Российская Федерация – светское государство. Никакая религия не может устанавливаться в качестве государственной или обязательной. Ст. 14 Конституции РФ»*). The court held that since the content of both banners expressed the same opinion against the church’s interference with the citizens’ and the State’s affairs and considering the type of the target object of the static demonstration, namely, a place of worship, the static demonstration had been held in a group and therefore had been subject to a prior authorisation by the local authorities.<sup>37</sup>

35. The Institute would further like to respectfully make several observations as regards the development of the Russian practice in the field of freedom of assembly and freedom of expression in light of the Court’s case law, in particular, the case *Tatár and Fáber v. Hungary*.

36. It appears that the Russian legislative, administrative and judicial practice does not make any clear distinction between forms of expression that occur in public and constitute public events (in the sense of the Public Events Act) and, therefore, falling under the scope of Article 11 of the Convention **and** the forms of expression that occur in public but do not constitute public events in the sense of the Public Events Act and, therefore, fall within the scope of Article 10 of the Convention alone.

37. Indeed, there appears to be a general distinction between the two types of forms of expression that occur in public as it is evident from Articles 20.2 and 20.2.2 of CAO. Therefore, the Russian legislation and practice seems to follow the Court’s test and agree that “*the mere fact that an expression occurs in the public space does not necessarily turn such an event into an assembly*” (*Tatár and Fáber v. Hungary*, § 38).

38. Still, there appears to be no distinction based on specific issues of public order since both Articles 20.2 and 20.2.2 of CAO refer to obstacles to the movement of pedestrians or vehicles.

39. Based on the analysis of the Russian legislation and administrative / judicial practice, it appears that there is no foreseeable distinction made between two types of events. This conclusion is firstly made due to the fact that very similar forms of expression can be prosecuted either under Articles 20.2 or under Article 20.2.2 of CAO (see section Issue 1 above) with no clear reason as to the choice of an applicable legal provision. Second, the Court’s test (as elaborated in the *Tatár*

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<sup>37</sup> Decision of the Sverdlovsk Regional Court of 31 January 2018 in case no. 71-57/2018.

The Institute for Law and Public Policy is included in the register of non-commercial organisations performing the functions of a foreign agent, provided for in paragraph 10 of Article 13.1 of the Federal Law "On Non-Commercial Organisations"

Институт права и публичной политики включён в реестр некоммерческих организаций, выполняющих функции иностранного агента, предусмотренный пунктом 10 статьи 13.1 Федерального закона «О некоммерческих организациях»

*and Fáber v. Hungary*) is not followed in the Russian legislation or practice (see in more detail below).

40. According to the *Tatár and Fáber v. Hungary*, § 38, public assembly possesses certain identifiable threats: it “constitutes a specific form of communication of ideas, where the gathering of an indeterminate number of persons with the identifiable intention of being part of the communicative process can be in itself an intensive expression of an idea. The support for the idea in question is being expressed through the very presence of a group of people [in a public place]. Furthermore, an assembly may serve the exchange of ideas between the speakers and the participants, intentionally present, even if they disagree with the speakers”.

41. A form of expression that does not possess these characteristics is rather intended to send a certain message rather than to gather people and, as a general rule, would not require prior authorisation as public order issues are normally unlikely to arise. Use of this notification requirement to these forms of expression that fall outside the scope of public assemblies would create a restraint which might be incompatible with the free communication of ideas and might undermine freedom of expression and, as a consequence, lead to chilling effect on public speech (*Tatár and Fáber v. Hungary*, §§ 38, 40-41).

42. The Institute is of the opinion that the test described above is not applied by the domestic authorities, including courts, and is not derived from the legal provisions even when interpreted by highest judicial bodies such as the Constitutional Court or the Supreme Court.

43. To conclude, the Institute sincerely hopes that the present submissions will be useful for the Court in the proceedings in the cases of *Dianova v. Russia* and *Zakharova v. Russia*.

44. The present submissions are sent to the Court within the time-limit fixed in the Court’s letter of 3 February 2022.

Respectfully,

Olga Sidorovich

(on behalf of the Institute for Law and Public Policy)

22 February 2022

## Summary of case-law under Article 20.2 of CAO

### Cases when Article 20.2 of CAO was not applied

#### ▪ **Approaching a person holding a solo static demonstration**

Judgment of the Supreme Court of the Russian Federation of 26 November 2021 no. 5-АД21-77-К2: the Supreme Court quashed the administrative conviction of Ms Shaynazarova S.K. who had been charged with an administrative offence under Article 20.2 § 5 CAO for having held an unauthorised static demonstration in front of the building of the Ombudsman of the Russian Federation together with another person holding a banner “Inaction. Bureaucracy. Protection Racket” («Бездействие. Волокита. Крышевание»). According to Ms Shaynazarova, she did not take part in the static demonstration and came closer to the person holding the banner to see what was going on after that person had been approached by the police officers. The Supreme Court referred in its judgment to the photos in the case file showing that Ms Shaynazarova had not been holding any banner at the material time and the lower courts’ failure to examine her version of events and to summon the respective police officers to the hearings. The Supreme Court held that there was no evidence in the case file attesting to the actions attributed to the applicant and discontinued the administrative proceedings.

#### ▪ **Holding a piece of paper in the court’s lobby**

Judgment of the Supreme Court of the Republic of Bashkortostan of 5 February 2019 no. 4А-108/2019-(4А-2755/2018): the regional court quashed the administrative conviction of Mr G. who had been charged with an administrative offence under Article 20.2 § 5 CAO for having been sitting in the lobby of a court building and holding a sheet of paper in front of him with a request to issue him with some documents. The regional court held that there was no evidence in the case file that Mr G. had been holding a static demonstration in the court’s building or that he had in any way disturbed the public order, and discontinued the administrative proceedings against him.

#### ▪ **Taking a photo with a banner on the court’s front stairs**

Decision of the Saint-Petersburg City Court of 1 August 2019 no. 1135/2019 in case no. 5-253/2019: the city court upheld the decision to discontinue the administrative proceedings against Mr V.D.S. who had been charged with an administrative offence under Article 20.2 § 5 CAO for having spent about one minute and a half on the front stairs of the Commercial Court of Saint-Petersburg and the Leningrad Region with a banner in his hands and having been photographed

by his acquaintance. The city court held that there had been no evidence in the case file that Mr V.D.S. had intended to publicly express his opinion on any political issue.

- **Collection of signatures against the construction of a chemical waste recycling plant**

Decision of the Saratov Regional Court of 19 September 2019 in case no. 12-156/2019: the regional court upheld the decision to discontinue the administrative proceedings against Mr K.D. who had been charged with an administrative offence under Article 20.2 § 5 CAO for having organised a series of static demonstrations against the construction of a chemical waste recycling plant without obtaining a prior authorization from the local authorities. The courts referred to the lack of any evidence in the case file attesting to the use by Mr K.D. of propaganda material, expression of his stance on the subject or campaigning against the construction, and relied on the witness testimony explaining that Mr K.D. had merely been collecting signatures for the petition against the construction.

- **Carrying a mock coffin in public**

Decision of the Oryol Regional Court of 15 September 2017 in case no. 12-100/2017: the regional court upheld the decision to discontinue the administrative proceedings against Mr. N who had been charged with an administrative offence under Article 20.2 § 5 CAO for having carried in public a mock coffin signed “Potomskiy’s mind, dignity and conscience” less than 50 metres away from another person, Mr Z.A.B., who was carrying a banner “Authorities, restore the order”. Relying on the video record in the case file, the courts established that Mr N. had come to the Investigating Committee to take the mock coffin, previously seized by the investigating officers, home; in the street, he was followed by Z.A.B. who was holding the abovementioned banner; Mr N. told Mr Z.A.B. not to follow him and asked the police officer taking the video to protect him from Mr Z.A.B., however, the police officer refused to do so; later, when the police officers ordered Mr N. to stop the unlawful actions, he repeatedly explained that he was merely carrying the mock coffin home.

### **Cases when Article 20.2 of CAO was applied**

- **Flash mobs**

Decision of the Moscow City Court of 26 August 2020 in case no. 7-8721/2020: the city court upheld the administrative conviction of Ms N. who had been charged with an administrative offence under Article 20.2 § 5 CAO for having participated in a public event in a group of four persons. The courts established that Ms N. had painted her face and had been giving an interview to the journalists regarding the aim of the event – expression of the discontent with the city facial recognition system. Ms N. argued that she had taken part in a flash mob rather than in a public

assembly. The city court rejected that argument and noted that a flash mob fell under the notion of a public event within the meaning of the Public Events Act.

- **Static demonstrations**

Decision of the Moscow City Court of 13 July 2021 in case no. 7-9489/2021: the Moscow City Court quashed the administrative conviction of Ms Ya. and discontinued the administrative proceedings against her on procedural grounds. Ms Ya. had initially been convicted under Article 20.2 § 5 CAO for having participated in a static demonstration held by a group of four persons without a prior authorisation from the local authorities. The aim of the static demonstration was to express their opinion about the activities of the Moskomarkhitektura and its influence on the Moscow social life. The participants were using a funeral wreath with a ribbon containing the text on the subject.

- **Gatherings to support Alexey Navalnyy after his arrest**

Decision of the Saint Petersburg City Court of 6 June 2021 no. 12-1593/2021 in case no. 5-227/2021: the city court upheld the administrative conviction of Mr P.P.S. who had been charged with an administrative offence under Article 20.2 § 5 CAO for having taken part in an unauthorized public event in the form of a march held with the aim to attract public attention to a matter of political importance – to express support for Alexey Navalnyy.

- **2016 Hunger strikes near the Edinaya Rossia political party office**

Moscow residents took part in a hunger strike with a slogan “Hunger strike of those placed in a waiting list against genocide of Moscow residents” (*«Голодовка очередников против геноцида Москвичей»*). All participants were charged under Article 20.2 § 5 CAO and convicted:

[Decision](#) of the Moscow City Court of 12 April 2017 in case no. 7-4198/2017;

[Decision](#) of the Moscow City Court of 12 April 2017 in case no. 7-4199/2017;

[Decision](#) of the Moscow City Court of 12 April 2017 in case no. 7-4200/2017;

[Decision](#) of the Moscow City Court of 12 April 2017 in case no. 7-4201/2017;

[Decision](#) of the Moscow City Court of 12 April 2017 in case no. 7-4202/2017 (case terminated on procedural grounds);

[Decision](#) of the Moscow City Court of 22 May 2017 in case no. 7-6434/2017;

[Decision](#) of the Moscow City Court of 24 May 2017 in case no. 7-5696/2017;

[Decision](#) of the Moscow City Court of 24 May 2017 in case no. 7-6557/2017;

[Decision](#) of the Moscow City Court of 24 May 2017 in case no. 7-6558/2017;

[Decision](#) of the Moscow City Court of 26 May 2017 in case no. 7-6641/2017;

[Decision](#) of the Moscow City Court of 26 May 2017 in case no. 7-6643/2017;

[Decision](#) of the Moscow City Court of 26 May 2017 in case no. 7-6644/2017.

See also the following decisions without direct reference to the hunger strike:

- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-12551/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-12552/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-12260/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-12562/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-12857/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-12960/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-13003/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-14588/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-14589/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-12768/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-12769/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-14778/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-14782/2016;
- [Decision](#) of the Moscow City Court of 16 November 2016 in case no. 7-14781/2016;
- [Decision](#) of the Moscow City Court of 30 May 2017 in case no. 7-6565/2017.

## Summary of case-law under Article 20.2.2 of CAO

### Cases when Article 20.2.2 of CAO was not applied

#### ▪ **Street musicians**

Judgment of the Moscow City Court of 20 February 2017 no. 4a-7686/16: the city court quashed the administrative conviction of Mr S.D. who had initially been charged with an administrative offence under Article 20.2.2 § 1 CAO for having playing the cello in the pedestrian area of the street surrounded by ten other persons listening to his music. The city court held that there was no evidence in the case file that Mr S.D. had intended to organize a gathering of people in a public place.

Judgment of the Moscow City Court of 13 March 2017 no. 4a-7829/2016: the city court quashed on procedural grounds the administrative conviction of Mr K. who had initially been charged with an administrative offence under Article 20.2.2 § 1 CAO for having playing the violin in an underground walkway in Moscow surrounded by ten other persons listening to his music.

Judgment of the Moscow City Court of 27 October 2017 no. 4a-6066/2017: the city court quashed on procedural grounds the administrative conviction of Mr D.K.Yu. who had initially been charged with an administrative offence under Article 20.2.2 § 1 CAO for having playing the cello in an underground walkway in Moscow surrounded by ten other persons listening to his music.

Ruling of the Moscow City Court of 18 October 2017 no. 4a-6065/2017: the city court quashed on procedural grounds the administrative conviction of Mr T. who had initially been charged with an administrative offence under Article 20.2.2 § 1 CAO for having playing the cello in an underground walkway in Moscow surrounded by ten other persons listening to his music.

#### ▪ **Music concerts**

Decision of the Orenburg Regional Court of 18 November 2016 in case no. 12-152/2016: the regional court quashed the administrative conviction of Mr Z. who had initially been charged and convicted of an administrative offence under Article 20.2 § 2 CAO for having held a music concert in the yard between the residence buildings without having obtained a prior authorization from the local authorities. The regional court held that a music concert is not a public event within the meaning of the Public Events Act. It also referred to the lack of any evidence that Mr Z. had in any way disturbed the public order and discontinued the administrative proceedings against him.

### Cases when Article 20.2.2 of CAO was applied

#### ▪ **Street musicians**

Decision of the Moscow City Court of 10 November 2016 in case no. 7-13503/2016: the city court upheld the administrative conviction of Ms S. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having been playing the gusli in Manezhnaya Square surrounded by seven other persons listening to her music. According to the testimony of the police officers and the administrative offence record, Ms S. had gathered a crowd in the public place which created obstacles for free movement of pedestrians in the area and for citizens' access to social infrastructure facilities.

Similar findings in the following court decisions:

Decision of the Moscow City Court of 28 July 2014 in case no. 7-6452/2014: Mr R.S. was playing the guitar in in the street in Moscow;

Decision of the Moscow City Court of 16 September 2014 in case no. 7-7958/2014: Mr S.A. was having been playing the guitar in in the street in Moscow;

Decision of the Moscow City Court of 10 August 2015 in case no. 7-8237/2015: Mr A.A. was playing the saxophone in in the street in Moscow;

Decision of the Moscow City Court of 16 September 2015 in case no. 7-9797/2015: Mr P. was playing the drum in in the street in Moscow;

Decision of the Moscow City Court of 18 December 2015 in case no. 7-14024/2015: Mr K. was singing songs in the street dressed a Neptune costume;

Decision of the Moscow City Court of 4 April 2016 in case no. 7-3092/2016: Mr F. was playing the saxophone in in the street in Moscow;

Decision of the Moscow City Court of 26 July 2016 in case no. 7-8387/2016: Mr V. was playing the musical saw in in the street in Moscow;

Decision of the Moscow City Court of 10 November 2016 in case no. 7-13551/16: Ms M.V. was playing the domra in Manezhnaya Square.

▪ **Flash mobs**

On 6 January 2013 the police dispersed the snowball fight flash mob in Saint Petersburg, two participants were charged with an administrative offence under Article 20.2.2 § 1 CAO. The outcome of the administrative proceedings is unknown.

Judgment of the Samara Regional Court of 26 December 2014 in case no. 4a-907/2014: the regional court upheld the administrative conviction of an unnamed individual who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having taken part in a public workout session. The courts concluded that the respective event had created obstacles for the free movement of pedestrians in the area.

Similar findings in the following court decisions:

Judgment of the Samara Regional Court of 22 December 2014 in case no. 4a-908/2014;

Decision of the Samara Regional Court of 3 July 2014 no. 12-243/2014;

Decision of the Samara Regional Court of 26 June 2014 no. 12-235/2014.

- **Street portraitists**

Decision of the Moscow City Court of 28 September 2016 in case no. 7-11048/2016: the city court upheld the administrative conviction of Mr R. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having been drawing portraits in an underground walkway in Moscow surrounded by a group of ten persons. According to the testimony of the police officers and the administrative offence record, Mr R. had gathered a crowd which created obstacles for free movement of pedestrians in the area and for citizens' access to social infrastructure facilities.

- **Religious propaganda**

Decision of the Moscow City Court of 30 June 2016 in case no. 7-7862/2016: the city court upheld the administrative conviction of Mr S. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having organised a mass gathering of ten persons in the street in Moscow. The courts established that the applicant, dressed in a yellow uniform jacket of the Moscow Scientology Church, had been handing out leaflets to the pedestrians inviting them to attend a workshop "How to smile more often?" (*«Как чаще улыбаться?»*), thus, creating obstacles for free movement of pedestrians and citizens' access to social infrastructure facilities.

Similar findings in the following court decisions:

Decision of the Moscow City Court of 24 November 2015 in case no. 7-12297/2015: Mr Zh. was promulgating the Krishnaite religion and handing out Krishnaite merchandise on behalf of the local religious organisation the Novosibirsk Society for Krishna Consciousness;

Decision of the Moscow City Court of 18 March 2016 in case no. 7-2407/2016: Mr R.A. was promulgating the Krishnaite religion and handing out Krishnaite merchandise on behalf of the local religious organisation the Novosibirsk Society for Krishna Consciousness;

Decision of the Moscow City Court of 4 April 2016 in case no. 7-3090/2016: Mr Z. was promulgating the Krishnaite religion and handing out Krishnaite merchandise on behalf of the local religious organisation the Novosibirsk Society for Krishna Consciousness;

Decision of the Moscow City Court of 4 April 2016 in case no. 7-3246/2016: Mr Z. was handing out leaflets in the street on behalf of an unnamed religious organization;

Decision of the Moscow City Court of 30 June 2016 in case no. 7828/2016: Mr M. was handing out leaflets in the street on behalf of the Moscow Scientology Church.

- **Ethnic conflicts**

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Decision of the Penza Regional Court of 22 August 2019 in case no. 12-143/2019: the regional court upheld the administrative conviction of Ms B. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having participated in a mass gathering of citizens in her village which had not amounted to a public event. Namely, the courts established that the applicant had taken part in a gathering of about thirty people aimed at the expulsion of the Roma population from two villages and that that gathering had created obstacles for the free movement of transport in the area.

Similar findings in the following court decisions:

Decision of the Penza Regional Court of 22 August 2019 in case no. 12-145/2019: Mr D. participated in the same gathering aimed at the expulsion of the Roma population from the villages;

Decision of the Penza Regional Court of 22 August 2019 in case no. 12-144/2019: Ms T.O.AB. participated in the same gathering aimed at the expulsion of the Roma population from the villages.

▪ **Street photo services**

Decision of the Moscow City Court of 14 June 2016 in case no. 7-4423/2016: the city court upheld the administrative conviction of Ms L.V. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having organised a mass gathering of 5 persons by offering to take photos of them with her doves. The courts held that Ms L.V. had created obstacles for free movement of pedestrians in the area and citizens' access to the social infrastructure facilities. The city court referred to the Decision the Constitutional Court of the Russian Federation of 24 October 2013 no. 1721-O to distinguish that situation from public events within the meaning of the Public Events Act.

Similar findings in the following court decisions:

Decision of the Moscow City Court of 28 April 2016 in case no. 7-4658/2016: Mr Iglesias B. was offering the pedestrians to take photos of them with his doves;

Decision of the Moscow City Court of 22 April 2016 in case no. 7-4422/2016: Ms Lapshina was offering the pedestrians to take photos of them with her doves.

▪ **Static demonstrations**

Decision of the Moscow City Court of 8 April 2016 in case no. 7-3467/2016: the city court upheld the administrative conviction of Ms R. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having organised a mass gathering of about thirty persons in the street in Moscow. The courts established that Ms R. had been holding a static demonstration near a museum building and had had a banner in her hands, thus, creating obstacles for the free movement of pedestrians in the area and citizens' access to the social infrastructure facilities, including the museum.

Judgment of the Moscow City Court of 29 April 2016 in case no. 4a-661/2016: the city court upheld the administrative conviction of Mr M. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having organised a mass gathering of five persons in Moscow. The courts established that Mr M. had been sitting on a stool, holding the Russian national flag and recited poems and, thus, had created obstacles for free movement of pedestrians in the area and citizens' access to the social infrastructure facilities.

- **Pony rides**

Decision of the Moscow City Court of 10 May 2016 in case no. 7-4396/2016: the city court upheld the administrative conviction of Ms M. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having organised a mass gathering of 30 persons by offering to ride their children on a pony. The courts held that Ms M. had created obstacles for free movement of pedestrians in the area and citizens' access to the social infrastructure facilities.

- **Environmental protests**

Judgment of the Supreme Court of the Russian Federation of 16 January 2020 no. 1-АД/19-8: the Supreme Court upheld the administrative conviction of Mr Shemendyuk A.V. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having taken part in a mass gathering of citizens near the train tracks at the Shiyes railway station in the Arkhangelsk Region, thus, blocking the movement of an auto crane.

Similar findings in the following court decisions:

Decision of the Supreme Court of the Komi Republic of 18 December 2019 in case no. 12-319/2019(5-611/2019);

Decision of the Supreme Court of the Komi Republic of 18 December 2019 in case no. 12-318/2019(5-605/2019);

Decision of the Supreme Court of the Komi Republic of 18 December 2019 in case no. 12-302/2019(5-589/2019);

Decision of the Supreme Court of the Komi Republic of 11 December 2019 in case no. 12-300/2019(5-588/2019);

Decision of the Supreme Court of the Komi Republic of 20 November 2019 in case no. 12-290/2019(5-561/2019);

Decision of the Supreme Court of the Komi Republic of 6 November 2019 in case no. 12-281/2019(5-553/2019);

Decision of the Supreme Court of the Republic of Tatarstan of 5 February 2020 in case no. 7-97/2020;

Decision of the Supreme Court of the Republic of Tatarstan of 5 February 2020 in case no. 7-88/2020;

Decision of the Supreme Court of the Republic of Tatarstan of 29 January 2020 in case no. 7-67/2020;

Decision of the Supreme Court of the Republic of Tatarstan of 22 January 2020 in case no. 7-95/2020;

Decision of the Supreme Court of the Republic of Tatarstan of 22 January 2020 in case no. 7-91/2020;

Decision of the Supreme Court of the Republic of Tatarstan of 22 January 2020 in case no. 7-73/2020;

Decision of the Supreme Court of the Republic of Tatarstan of 22 January 2020 in case no. 7-65/2020;

Decision of the Supreme Court of the Republic of Tatarstan of 22 January 2020 in case no. 7-105/2020;

Decision of the Supreme Court of the Republic of Tatarstan of 22 January 2020 in case no. 7-103/2020.

▪ **Gatherings to support Alexey Navalnyy after his arrest**

Decision of the Kaluga Regional Court of 26 February 2021 in case no. 12-49/2021: the regional court upheld the administrative conviction of Ms P. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having taken part in a mass gathering not amounting to a public event held with the aim to support Mr Navalnyy A., thus, creating obstacles for free movement of pedestrians and citizens' access to social infrastructure facilities.

Similar findings in the following court decisions:

Decision of the Kaluga Regional Court of 19 February 2021 in case no. 12-52/2021;

Decision of the Kaluga Regional Court of 18 February 2021 in case no. 12-48/2021;

Decision of the Kaluga Regional Court of 16 February 2021 in case no. 12-43/2021;

Decision of the Kaluga Regional Court of 16 February 2021 in case no. 12-38/2021;

Decision of the Kaluga Regional Court of 04 February 2021 in case no. 12-35/2021;

Decision of the Kaluga Regional Court of 2 February 2021 in case no. 12-33/2021;

Decision of the Saint Petersburg City Court of 1 July 2021 no. 12-1732/2021 in case no. 5-223/2021;

Decision of the Saint Petersburg City Court of 1 July 2021 no. 12-1535/2021 in case no. 5-220/2021;

Decision of the Saint Petersburg City Court of 1 July 2021 no. 12-1534/2021 in case no. 5-219/2021;

Decision of the Saint Petersburg City Court of 1 July 2021 no. 12-1532/2021 in case no. 5-218/2021;

Decision of the Saint Petersburg City Court of 1 July 2021 no. 12-1533/2021 in case no. 5-200/2021;

Decision of the Saint Petersburg City Court of 10 June 2021 no. 12-1602/2021 in case no. 5-774/2021;

Decision of the Saint Petersburg City Court of 10 June 2021 no. 12-1300/2021 in case no. 5-340/2021;

Decision of the Saint Petersburg City Court of 10 June 2021 no. 12-1303/2021 in case no. 5-210/2021;

Decision of the Saint Petersburg City Court of 10 June 2021 no. 12-1304/2021 in case no. 5-208/2021;

Decision of the Saint Petersburg City Court of 10 June 2021 no. 12-1301/2021 in case no. 5-206/2021;

Decision of the Saint Petersburg City Court of 10 June 2021 no. 12-1699/2021 in case no. 5-1234/2021;

Decision of the Saint Petersburg City Court of 10 June 2021 no. 12-1700/2021 in case no. 5-1233/2021;

Decision of the Saint Petersburg City Court of 8 June 2021 no. 12-1637/2021 in case no. 5-457/2021;

Decision of the Saint Petersburg City Court of 1 June 2021 no. 12-1520/2021 in case no. 5-219/2021;

Decision of the Saint Petersburg City Court of 27 May 2021 no. 12-1513/2021 in case no. 5-1230/2021;

Decision of the Saint Petersburg City Court of 25 May 2021 no. 12-1450/2021 in case no. 5-267/2021;

Decision of the Saint Petersburg City Court of 25 May 2021 no. 12-1471/2021 in case no. 5-188/2021;

Decision of the Saint Petersburg City Court of 25 May 2021 no. 12-1479/2021 in case no. 5-182/2021;

Decision of the Saint Petersburg City Court of 25 May 2021 no. 12-1480/2021 in case no. 5-168/2021;

Decision of the Saint Petersburg City Court of 20 May 2021 no. 12-1417/2021 in case no. 5-294/2021;

Decision of the Saint Petersburg City Court of 20 May 2021 no. 12-987/2021 in case no. 5-236/2021;

Decision of the Saint Petersburg City Court of 20 May 2021 no. 12-986/2021 in case no. 5-232/2021;

Decision of the Saint Petersburg City Court of 20 May 2021 no. 12-1428/2021 in case no. 5-129/2021;

Decision of the Saint Petersburg City Court of 13 May 2021 no. 12-1343/2021 in case no. 5-703/2021.

- **Voters protest**

Decision of the Saint-Petersburg City Court of 12 September 2019 no. 12-1315/2019 in case no. 5-930/2019: the city court upheld the administrative conviction of Mr M.R. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having organised a mass gathering of citizens not amounting to a public event to protest against the violation of their electoral rights which had created obstacles for the movement of transport in the area. The courts established that Mr M.R. and others were crossing non-stop a pedestrian crosswalk which stopped the traffic for about ten minutes.

Similar findings in the following court decisions:

Decision of the Saint Petersburg City Court of 10 October 2019 no. 12-1475/2019 in case no. 5-1115/2019.

- **Anti-corruption gatherings**

Decision of the Kaluga Regional Court of 2 February 2021 in case no. 12-33/2021: the regional court upheld the administrative conviction of Mr P. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having taken part in a mass gathering not amounting to a public event. The courts established that Mr P. took part in the gathering in Teatralnaya Square in Kaluga organised to discuss and support investigation of the corruption by public officials, thus, creating obstacles for free movement of pedestrians and citizens' access to social infrastructure facilities.

- **Video production**

Decision of the Moscow City Court of 6 July 2016 in case no. 7-8229/2016: the city court upheld the administrative conviction of Mr S.A. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having been shooting a video in a group of five people and having hung an inflatable doll down from the Bolshoy Moskvoretskiy Bridge, thus, creating

obstacles for the free movement of pedestrians and citizens' access to social infrastructure facilities.

Decision of the Moscow City Court of 22 January 2019 in case no. 7-1157/2019: the city court upheld the administrative conviction of Ms L. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having been shooting a video in the traffic area together with some other people, thus, creating obstacles for the free movement of transport.

Similar findings in the following court decisions:

Decision of the Moscow City Court of 22 January 2019 in case no. 7-1159/2019: Mr M.D.A. was shooting a video in the traffic area of the street together with other people.

- **Protest against the blocking of Telegram**

Decision of the Moscow City Court of 30 May 2018 in case no. 7-5481/2018: the city court upheld the administrative conviction of Mr E. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO. The courts established that Mr E. took part in a mass gathering held by a group of twelve persons in front of the entrance to the building of the Federal Security Service in Moscow protesting against the blocking of Telegram, and that they were making and throwing paper planes at the building and, thus, polluting the pedestrian and traffic areas of the street, limiting access to the FSB's building and creating obstacles for free movement of pedestrians and transport.

Similar findings in the following court decisions:

Decision of the Moscow City Court of 20 April 2018 in case no. 7-4914/2018;

Decision of the Moscow City Court of 16 May 2018 in case no. 7-6747/2018;

Decision of the Moscow City Court of 16 May 2018 in case no. 7-6745/2018;

Decision of the Moscow City Court of 30 May 2018 in case no. 7-5480/2018;

Decision of the Moscow City Court of 30 May 2018 in case no. 7-5479/2018;

Decision of the Moscow City Court of 30 May 2018 in case no. 7-5478/2018;

Decision of the Moscow City Court of 30 May 2018 in case no. 7-5477/2018;

Decision of the Moscow City Court of 30 May 2018 in case no. 7-5476/2018;

Decision of the Moscow City Court of 30 May 2018 in case no. 7-5475/2018;

Decision of the Moscow City Court of 30 May 2018 in case no. 7-5474/2018.

- **Gatherings to support the suspects in a criminal case**

Decision of the Saint Petersburg City Court of 9 April 2019 no. 12-486/2019 in case no. 5-483/2018: the city court upheld the administrative conviction of Mr Kh. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having taken part in a mass gathering of citizens not amounting to a public event to support the suspects in the "Novoye

Velichiye” («Новое величие») and “Set” («Сеть») criminal cases. The courts established that a group of no less than thirty persons had been blocking the sidewalk, thus, creating obstacles for the free movement of pedestrians and their access to the transport infrastructure facilities.

Similar findings in the following court decisions:

Decision of the Saint Petersburg City Court of 17 January 2019 no. 12-2087/2018 in case no. 5-1014/2018;

Decision of the Saint Petersburg City Court of 10 January 2019 no. 12-3/2019 in case no. 5-485/2018;

Decision of the Saint Petersburg City Court of 20 December 2018 no. 12-1993/2018 in case no. 5-1006/2018;

Decision of the Saint Petersburg City Court of 20 December 2018 no. 12-1982/2018 in case no. 5-1010/2018;

Decision of the Saint Petersburg City Court of 20 December 2018 no. 12-1947/2018 in case no. 5-1009/2018;

Decision of the Saint Petersburg City Court of 18 December 2018 no. 12-2046/2018 in case no. 5-486/2018.

▪ **Protest against the pension reform**

Judgment of the Saint Petersburg City Court of 6 February 2019 no. 4a-116/2019 in case no. 5-333/2018: the city court upheld the administrative conviction of Mr T. who had been charged with an administrative offence under Article 20.2.2 § 1 CAO for having taken part in a mass gathering of citizens to protest against the pension reform. The courts established that a group of no less than one hundred people had been moving in Nevskiy Prospekt shouting various slogans on the subject.