

URGENT ACTION

GOVERNMENT CRITIC'S CONVICTION UPHELD

Yekaterina Vologzheninova's appeal was rejected on 26 April and she must serve 320 hours of "corrective labour". She was convicted for criticising online the Russian annexation of Crimea and Russia's military involvement in Donbass, eastern Ukraine. She will be appealing her sentence.

Yekaterina Vologzheninova's appeal was rejected on 26 April by the Sverdlovsk Regional Court, in the Urals region. She was found guilty on 20 February of "inciting hatred and enmity" for her social media postings. The appeal court's judge rejected all pleadings by Yekaterina Vologzheninova's lawyer, including a request for amnesty. The sentence has now come into force and Yekaterina Vologzheninova – a single mother and a sole carer for her elderly mother - will now have to serve 320 hours of unpaid "corrective labour". Her laptop and computer mouse will be destroyed as the "weapons of crime".

In a separate proceeding which took place on 13 April, three judges of the same Sverdlovsk Regional Court ruled that Yekaterina Vologzhenina must remain on the List of Terrorists and Extremists compiled by Rosfinmonitoring - the official Russian agency which set up to combat money laundering and terrorism funding - and her bank account and cards remain blocked. She will be taking her case to the European Court of Human Rights (ECHR).

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

- Urging the Russian authorities to immediately take the necessary steps to overturn Yekaterina Vologzheninova's conviction and stressing 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 the 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 24 JUNE 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

Human Rights Ombudsperson

Tatiana Nikolaevna Moskalkova
Ul.Miasnitskaia, 47
101000 Moscow
Russian Federation
Fax: +7 495 607 7470/ +7 495 607 3977

Salutation: Dear Ombudsperson

Also send copies to diplomatic representatives accredited to your country. EXCELLENCY MR ALEXANDER V. YAKOVENKO, Embassy of the Russian Federation (Residence of the Ambassador), 13 Kensington Palace Gardens, London W8 4QX tel: 020 7229 3620 or 020 7792 1408 email: info@rusemb.org.uk

Please check with your section office if sending appeals after the above date. This is the third update of UA 232/15. Further information: <https://www.amnesty.org/en/documents/EUR46/3522/2016/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 purportedly inciting hatred and enmity on the Internet in connection with their posts that criticised Russia's policy towards Ukraine and the annexation of Crimea. The number of Internet users who have faced prosecution for expressing online their 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 often used to silence dissent, and particularly those who criticise the official policy in relation to Ukraine.

On 12 December 2014, Yekaterina Vologzheninova's apartment was searched by law enforcement officials and she was taken to the local police station for questioning. She then learned that a criminal case had been opened against her under Article 282, part 1, of the Russian Criminal Code, in connection with her posts on social networks. The investigation concluded that, by criticizing the government's policies online, Yekaterina Vologzheninova's intention had been to incite hatred against the Russian government and the Russians fighting in eastern Ukraine.

Yekaterina Vologzheninova told Amnesty International that her account on the Russian social media site VKontakte (VK) 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" placed by other users under some of her online posts indicated that she did incite hatred via these posts.

In late September 2015 the case was forwarded by the Prosecutor's office to Zheleznodorozhnyi Court in Yekaterinburg. The trial started on 27 October and on 20 February 2016 she was found guilty of "inciting hatred and enmity".

Among the materials reposted by Yekaterina Vologzheninova and on which an expert opinion was requested was a poem called "Confession of a Russian from Ukraine" condemning the "treacherous stabbing in the back" of Ukraine by Russia and declaring that ethnic Russians living in Ukraine would defend it from Russia's aggression. There were also two pictures, one 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!" Another is depicting a young woman in a Ukrainian ethnic costume holding a Kalashnikov assault rifle with a caption saying "I am Banderivka. I am Ukrainian. Death to Moscow occupiers." The pictures' style is similar to that of the posters issued in the Soviet Union during the Second World War calling the citizens to defend their country from the occupiers.

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.