



The "Dadin Clause" is Back at Play: We Demand Full Acquittal of Yulia Galyamina

Statement by the Solidarity Task Force of the EU-Russia Civil Society Forum

We are absolutely outraged by the sentence to Yulia Galyamina and call for the full acquittal in her case. Yulia Galyamina, a municipal deputy in the Timiryazevsky district of Moscow, was convicted under the so-called "Dadin Clause" for "repeated violation of the established procedure for organising a rally, demonstration, march or picketing" (Article 212.1 of the Criminal Code of the Russian Federation). Today, the Moscow Tver District Court condemned Yulia Galyamina to 2 years of suspended sentence for participation in the protests in summer 2019 and because of calling for participation in unsanctioned demonstrations against Constitutional amendments in summer 2020.

The charges were based on a court decision about the payment of two administrative fines for participation in two protests. The first one took place in 2019 against the exclusion of independent candidates from the Moscow City Duma elections.¹ During the protests, protesters were dispersed by the police, and Yulia herself was charged with Article 20.2 of the Administrative Code (violation of the rules for holding a rally), followed by the payment of an administrative fine based on a court decision.²

This year, Yulia was accused of calling for participation in an unsanctioned rally on 15 July 2020. The application to hold the rally was not approved by the Moscow authorities; nevertheless, the event took place and subsequently the rally turned into a march at which, according to police officers, security measures against the spread of COVID-19 were not respected, and the traffic on the city roadway was disrupted. During the rally, as Galyamina's defence insists, she and her associates were only collecting signatures against the constitutional amendments³.

However, it was enough for the indictment and sentencing today under the so-called "Dadin clause". Yulia became the fourth person convicted under this article (the first person charged under Article 212.1 of the Criminal Code of Russian Federation was Ildar Dadin in 2015)⁴. The case of Dadin was heard by the Constitutional Court, which clarified that criminal proceedings may be initiated if the rally carried a real threat "of harming the constitutionally protected values: the health of citizens, property, the environment, public order, security, etc." and, moreover, the reality of this threat must be confirmed by the specific actions of the person involved in the case.⁵ In the case of Yulia Galyamina, the threat is understood to be the threat of contracting coronavirus. However, the

¹ See <https://zona.media/article/2020/12/18/galyamina> (in Russian)

² See <https://zona.media/news/2019/12/24/glmm> (in Russian)

³ See <https://www.svoboda.org/a/31010419.html> (in Russian)

⁴ See <https://meduza.io/feature/2015/12/07/za-uporstvo-i-neprimirnost> (in Russian)

⁵ See <https://www.vedomosti.ru/politics/articles/2020/01/27/821555-konstitutsionnii-sud-opredelil-peresmotret> (in Russian)

defence side casts doubt on the existence of a real threat, as the case contains no data confirming the cases of infection as a result of participation in the rally.¹

As Yulia herself told MediaZona, the real reason for the conviction was her intention to run for the State Duma elections in 2021.² As a result of the May 2020 amendments to the federal law “On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum”, requirements for candidates were tightened - citizens with a criminal record, including under the "Dadin Clause", cannot be elected for another five years after their convictions are expunged.³

The Solidarity Task Force of EU-Russia Civil Society Forum condemns the decision of the Moscow court and demands the full acquittal of Yulia Galyamina. The trial of Galyamina is nothing less than a violation of the right to freedom of assembly, so we call upon the authorities of the Russian Federation to ensure that it is guaranteed in accordance with international standards and the provisions of the Russian Constitution.

We also appeal to human rights organisations around the world, governments, international institutions and the European community not to stand aside and support the activist convicted as a result of political persecution.

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Contact information:

Olga Salomatova, *Solidarity Task Force of the EU-Russia Civil Society Forum / Helsinki Foundation for Human Rights (Warsaw, Poland)*, olga.salomatova@hfhr.pl

Natalia Taubina, *Solidarity Task Force of the EU-Russia Civil Society Forum / “Public Verdict” Foundation (Moscow, Russia)*, nata.taubina@gmail.com

The EU-Russia Civil Society Forum was established in 2011 by non-governmental organisations as a permanent common platform. At the moment, 184 NGOs from Russia, the European Union and the United Kingdom are members or supporters of the Forum. It aims at development of cooperation of civil society organisations from Russia and EU and greater participation of NGOs in the EU-Russia dialogue. The Forum has been actively involved, inter alia, in the questions of facilitation of visa regime, development of civic participation, protection of the environment and human rights, dealing with history and civic education.

¹ See <https://zona.media/article/2020/12/18/galyamina> (in Russian)

² Ibid. (in Russian)

³ See <https://zona.media/news/2020/05/13/vbrdm> (in Russian)