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Moscow Pride March **27 May 2006**

Detailed account of the events

by Maxim Anmeghichean
ILGA-Europe Programme Director
maxim@ilga-europe.org

Detailed account of the events by ILGA-Europe

On 27 May 2006, 11:00 am at a press conference given by the Moscow Pride organizers, Nicolai Alexeev announced that there would be no Pride parade. Instead two separate actions would take place. Members of the Moscow LGBT community and guests were invited to come individually to the Tomb of the Unknown Soldier, a monument against fascism next to the Kremlin walls in the Alexander Garden, to lay flowers at 14:30. Then later at 15:00 the community and guests were invited to gather around the Monument to an ancient Russian ruler, Iuriy Dolgorukii, across from the Moscow City Hall on Tverskaya Street, a five minutes walk from the Tomb. The latter would be an authorised manifestation, declared to the Moscow authorities by the Russian Green Party (GROZA).

One of the guests of honour of Moscow Pride, the grandson of Oscar Wilde, Mr. Merlin Holland describes what happened at the start: "We were in the car of a German TV station, driving around the place where we were supposed to lay flowers: I, Nicolai Alexeev, Peter Tatchell and a couple of other people. At 14:25 we got out of the car and started to walk with flowers towards the garden. The three of us, Nicolai, I and Ed Murzin [LGBT-friendly parliamentarian from Bashkortostan, an autonomous republic in Russia] were walking towards the gates, which were closed. There were journalists with cameras who started to come around. They were 4-5 meters away from the gates [to the Alexander Garden], and suddenly everything became closed in, it became very squashed, and then Orthodox chanting started. We were sort of protected by the cameras, and beyond the journalists neo-nazis were standing. Everyone was coming closer and closer, the circle became very small. The police came into the circle from the outside, pushed through to join the people at the gates, and then started to push everybody back. Then we were all pushed back, and I was still with Nicolai. At that point the OMON [special police forces] managed to separate off Nicolai from Ed Murzin and myself. Nicolai was dragged into the van by OMON. I was totally oblivious of the hatred at that stage, all the hate chanting. The sheer hate of these people was horrifying. And then I went out into the square and found Peter Tatchell, who said: "One thing we have to do is keep together, don't wander off to see what happens, let's stay together. If we stick together, on the bad side they will recognize us as a group. But on the good side they will be less able to take one person and beat them up." So we stuck together, and the police separated off all the neo-fascist groups. Then there was a pause of about 10 minutes, the neo-fascists re-assembled and looked as if they were going to cause more trouble. People started to head towards Tverskaya Str., and somebody (a woman) recognized me and threw an egg at me. And then at the



Russian Orthodox Extremists Protesting against the Parade

beginning of Tverskaya str., at the crossroads with Okhotny ryad, neo-nazis fired flares in the air, and there was smoke after that. That created a diversion, and so we were able to move on. At that point Robert [Wintemute, Professor of Human Rights Law at King’s College, London] and I realized that people were going up Tverskaya str. It was a Saturday afternoon, and there were so many violent people on the main street of Moscow! And then Sophie [In’t Veld, MEP] and Laetitia [Sophie’s assistant] joined us. I felt

something personally as a non-gay person, how gays feel. I am leaving the country tomorrow, but people are staying. What is their life going to be like? The tragedy is that you can’t fight this with reason. You are dealing with people whose only means of communication is violence.”

In total there were around 30-40 Pride event participants at the gates to the Alexander Garden, mostly foreigners, and anywhere between 200-300 extremist opponents, and according to the local news reports, over 1,000 OMON officers to ensure public order. Pride participants, Russian Orthodox extremists and nationalists were dragged by OMON into special buses and taken to the police station. No difference was made by the police between Pride participants and opponents in the way people were treated. The extremists were chanting Orthodox songs, sprinkling ‘holy’ water, throwing eggs and potatoes at Pride participants. They were shouting “Moscow is not Sodom”, “No Faggots in Russia”, “Clean Moscow for Russians”, etc. A number of people were detained right away, including Nicolai Alexeev. The advisor to the mayor of Paris Philippe Lasnier was also dragged to the bus.

Around 14:50 a mixture of Pride participants and neo-nazis started to move towards the monument to Iuriy Dolgorukii on Tverskaya Street across from the Moscow City Hall. Very few LGBT people made it. German parliamentarian Volker Beck was attacked, his face bleeding, and then dragged together with his French partner by OMON to a special bus. There



Neo-Nazis Setting Off Flares



Neo-Nazis and Orthodox Extremists Walking Together up Tverskaya Street

were at least 50 journalists with cameras waiting at the monument, but there was no one there to address them on behalf of the community. Then out of nowhere appeared Russian parliamentarian Nicolai Kurianovich from the Liberal Democrats Party of Russia, who addressed the journalists, saying that the parade was a provocation from the West, that there was no place to sodomites in Russia and that this was the start of a campaign for a 'clean' Russia. When journalists asked who else he planned to clean from Russia, he could not come up with an answer. The parliamentarian and some of his supporters started to chant "No sodomites in Russia". Then Evgenya Debryanskaya, one of the Pride organizers and one of the first lesbian activists in the USSR back at the end of the 80's, appeared and journalists turned towards her. She spoke only for a couple of minutes before someone from the crowd sprinkled soda at her and she was roughly dragged by OMON into a bus, at some point on the way finding herself on the pavement with her face down. Mr. Kurianovich, and an Orthodox priest with crosses and icons in his hands, who made his appearance a bit later, continued to give interviews to the journalists and gather crowds around them. Things became even more chaotic, and the police started to push people away from the monument. More people were dragged into the OMON buses, mostly neo-nazis. Two Russian journalists, from the Russian TV channel RTVI and the Russian edition of Newsweek were beaten and taken to the police station. The parade participants were pushed away from the square next to the monument and the street towards the crowds of skinheads. The latter were approaching LGBT people and supporters, shouting in their faces "Faggots, go away from Russia". The police were standing right there just watching and only interfering after the acts of violence occurred, not to prevent them.



ILGA-Europe Board Member Kurt Krickler after Being Attacked by NeoNazies

After the picket was dispersed, hundreds of skinheads and Russian Orthodox extremists were running around the Tverskaya Str. in groups of 10-15 tracking down and beating up anyone who looked "LGBT" or was a foreigner. Local reports say that around that time two black men were severely beaten on Tverskaya Str. despite not having anything to do with the Pride. ILGA-Europe board members Pierre Serne (France) and Kurt Krickler (Austria) were tracked down by groups of skinheads and beaten. Pierre was not hospitalised, but had bruises almost everywhere, including his face. One of his legs was badly hurt. Kurt had a bruise on his eye.

All Pride participants detained by the police were released the same day. No reports of ill-treatment at the police stations were received. Russian TV channels and some news agencies covered the events in a rather negative way, ridiculing the parade.

The events clearly illustrate that the problem is the opponents of Pride. A small number of peaceful demonstrators were attacked by hundreds of aggressive opponents. The official position of the city of Moscow is that peaceful LGBT demonstrations are not allowed, because they don't have enough police to provide security (in the court hearing on Thursday city officials said there were only 400 police officers in Moscow). The city did provide security for an anti-fascist march in December 2005, along exactly the same route that the Moscow Pride would have taken. They justified this difference of treatment on the basis that the anti-fascist march was supported by the majority of the population. According to Professor Robert Wintemute these reasons given in the court by the city of Moscow are not valid justifications under the case law of the European Convention on Human Rights. Art. 11 specifically protects unpopular demonstrations and political opinions. It is the duty of the state to provide protection if the fact that a demonstration is unpopular means that it attracts violent opponents.

The refusal of the Moscow city authorities to agree to the demonstration made it difficult for the police to protect participants moving between the two unauthorised events which followed when Pride participants insisted on their "Article 11" rights. The police could only deal with specific incidents they came across. But any LGBT participant not close to the police had no protection. Walking up Tverskaya Str., a gang of extremists kicked Merlin Holland when there were no police around. An approved route could have been more easily protected at all stages.

A further problem arose because the police did not make a distinction between Pride participants and extremists, who were forced together when the police cleared the main event sites. However the task of identifying Pride participants was sometimes made difficult by the fact that they had to remove any distinguishing signs to avoid violence.

Sophie In't Veld, member of the European Parliament from the Netherlands (D66), who came to Moscow to support the Pride and was part of the street events, said: "I will do all in my power to make sure that the European Union and the Council of Europe put pressure on the Russian government for what has happened. It is unacceptable that only on Thursday EU leaders have met with Mr. Putin for the EU-Russia summit, and none of them have raised the issue of the banned parade. The right for a peaceful demonstration is a basic human right. It is not some sort of a Western value. Everyone in the world wants to leave in peace, security, speak out for who they are and march down the streets peacefully".

Role of Politicians in Inciting to Hatred and Violence

Russian politicians and the Moscow government played a significant role in inciting to violence and hatred against the LGBT communities before and during

the parade. On 26 May, in an interview on the Russian radio station Echo Moskvy, the mayor of Moscow, Yurii Luzhkov, declared: "I believe that such a parade is inadmissible in our country above all for moral considerations. People should not make public their deviations. Gay parades are absolutely unacceptable for Moscow, for Russia... As long as I am mayor, we will not permit these parades to be conducted".

Moreover, ILGA-Europe has a copy of a written instruction dated March 2006 and signed by the Mayor to the Deputy Mayor and leaders of the Moscow boroughs, which states:

"The position of principle on this "event" has already been expressed. It is necessary to take concrete measures to prevent the holding of public and mass gay events in the capital. Work out additional suggestions and plans for our actions according to the existing legislation and the legal regulations of the Moscow government. Organise an active campaign in the mass media and through social advertisement using appeals from citizens, religious and public organisations. Report on measures taken".

On 17 March Mr. Luzhkov received a response from the deputy mayor, Mrs. L.I. Shevtsova, on 'measures taken', which among other things states the following:

"Homosexuality and lesbianism have always been considered sexual deviations in our country, and in the past were even prosecuted. At present these actions are not legally prohibited, but the propaganda in favour of them, in particular by means of holding gay festivals and gay parades can be judged as propaganda of immorality, which can be prohibited by legislation in the future".

These letters illustrate that the Moscow government made no effort to allow the first gay parade in Moscow, and the real grounds behind the ban are not legal, but moral.

The letter goes on to explain that current Russian legislation provides few opportunities to prohibit the parade, but that local Moscow legislation may be used.

In a popular TV show on a Moscow TV channel the day before the parade the Chair of Moscow Duma Mr. Platonov declared: "Today we will allow a parade... Tomorrow someone will want to take his sheep to a cinema and show their sexual deviations", making a parallel between homosexuality and zoophilia.

Russian parliamentarian Natalia Narochinskaya, who is also a member of the Parliamentary Assembly of the Council of Europe within the Unified Left Grouping, declared in a press-conference on May 23: "I believe that if they [LGBT] go out on the streets, they won't be the better off, we are united in this with Russian Muslims". She went on to suggest that sexual minorities who have

the courage to go out on the streets will “have garbage and eggs thrown at them”.

None of the major Russian parties or politicians has spoken in favour of the parade.

Role of Faith Organisations in Inciting to Hatred and Violence

Different faith organisations played a major role in promoting hatred and violence towards LGBT communities in Russia. One of the main opponents to the parade was the Union of Orthodox Gonfaloniers (Horugenostsy), created in 1992 with the blessing of Mitropolit Ioann of Saint Petersburg and Ladoj Region of the Russian Orthodox Church. Horugenostsy were present at the gates to the Alexander Garden and in front of the Moscow City Hall chanting homophobic songs, sprinkling ‘holy’ water, throwing eggs and potatoes at the Pride participants and directly manifesting violence. The Russian Orthodox Archbishop Vikentii of the Yekaterinburg proposed criminalisation of same-sex acts, as it is a deadly sin according to the tenets of his religion.

The senior Muslim Cleric Talgat Tadjuddin made a public statement saying that “This should in no case be allowed, but if they still take it to the streets, then one will have nothing to do but thrash them”. The following day Principal Russian Rabbi Berl Lazar said to the Interfax news agency that if the parade is allowed, it would be “a blow for morality”. “I think that it will be perceived as an insult not only by believers but by the absolute majority of the populations of our city” he added. The official representative of the Russian Orthodox Church declared: “the gay parade is propaganda and an attempt to romanticize sin to make it attractive - we are simply obliged to come out strongly against such an activity”. While freedom of speech is at the heart of the global human rights concept, it has to be used responsibly, and in a way that is not inflammatory. Statements of the type outlined above can only put the safety of LGBT human rights defenders at risk.

“We told the police of our public demonstration plans well in advance”

Testimony by Nicolai Alekseev, Moscow Pride Organiser

In the morning I talked to several high-ranking police officers, including the head of the police district of Kitai-Gorod. And I talked to many other policemen as well from the special department of criminal investigations, and a colonel who was responsible for this particular event. I and Edvard Murzin told the police that we were going to have a peaceful action, and that if they needed to arrest anyone that they should arrest us as the organizers and not touch the foreigners who had nothing to do with us. We [also told them we] were planning to walk with rainbow flags on our shoulders. They said ok, but still advised us to cancel the action. They mentioned that they knew there were hostile groups in different places in Moscow gathering to disrupt the event. I said it was not possible to cancel the event.

Then we announced at the press conference the plans for the [flower laying ceremony at the] Alexander Garden and the [demonstration at the] the monument by the city hall.



I arrived [at the Alexander Garden] with a few people: Peter [Tatchell – British human rights activist], Merlin Holland [grandson of Oscar Wilde], Nicolai Baev [co-organizer of the pride events] and a few other people in a German TV car.

We passed to the square through the underground shopping centre, and then walked to the [Alexander] Garden. I saw a big crowd of people gathered there. I said that I was not going to stop and that I was going to walk to the gates [of the Alexander Garden]. So I did. People were shouting anti-gay slogans. I almost reached the gates, which were closed. The media came immediately and started to surround us with the cameras. Ed [Murzin] came to me from the crowd and we were together, and Merlin Holland was on the right. Nationalists started to scream



at us: “Go to your “Three Monkeys” [main gay club in Moscow], but we will not allow you to put anything here. Our grandfathers were fighting against people like you”. I responded that my grandfather was also fighting against people like them.

The police started to push us back from the gates. This was the regular police. OMON officers [special riot police] were at the back. And then someone took me from the back and started to push me through the crowd, where people were shouting homophobic things. They pushed me through the square into the bus. My hand was cut on the way, but I don't know how. Then they put me into the OMON bus, where I spent about an hour. Then they brought a guy from the nationalists, so the two of us were in the bus. He said to the police: "Look, I saw him on the NTV [one of main Russian TV channels] show; he even graduated from the Moscow State University and is now doing such things". There was one policeman with us in the bus. Then he said "Ah, you are a minority".

Later they put me into a metal cage in a police car where I could not see anything. They brought me over to the Kitai-Gorod police station. I spent several hours there. First I wrote the explanation of what happened from my point of view. After that I thought I would be released, but they were waiting for a call from someone higher ranked. Then they decided to charge me with a civil offence. They took my finger prints, took my photos, and opened a case file on me.

There were groups of nationalists in the same police station. There were more and more arriving. They were making written reports about each of them. Many of them recognised me and started to insult me, but there was no physical violence. They were shouting homophobic remarks and insulting me. The police were fine. One of the policemen said: "Nicolai, everything is fine". I was kept there till 6 o'clock. Then they took me with a car to the main street, where I was met by Scott [Long, Human Rights Watch].

The police were more polite with me than with the nationalists. While they were making the report, there was a report on Echo Moskvyy radio station about the parade, and the policeman was kind of normal and interested. The way they treated nationalists was worse, they talked to them roughly. One of the nationalists was born in 1993, so he was 13!

In the report they wrote that I organized an illegal group to lead to the Alexander Garden for an illegal picket. On Monday the case will be heard in the court. I am not going to attend the hearing, as nationalists could be there as well. They will probably fine me. I am not going to pay any fines and am ready to go all the way up to the ECHR.

“I Saw a Duma Parliamentarian Holding an Unauthorised Meeting”

Testimony by Evgenia Debryanskaya, one of the pride organizers

It was useless to approach the gate [to Alexander Garden] and lay flowers. I saw Nicolai taken by the police and understood that if I am detained as well, there will be no one to talk in front of the city hall. The police know me very well as an activist and a human rights activist. So I jumped into a car and we came to the square in front of the city hall. There was a line of OMON [riot] police. I approached them and said that I would like to get to the monument, and they let me in. Then I approached and saw an unsanctioned illegal meeting headed by a Russian Duma parliamentarian, who was talking with a megaphone and addressing the journalists, and no one was interrupting him or interfering. I was very appalled by it. I climbed a few stairs to the monument and turned around. The journalists know my face so they turned towards me and I started to talk,



Evgenia Debryanskaya Detained by the OMON



saying that I came to express my civic position about the unfair ban of the gay parade and I said that I hoped that next year there will be more of us. But I did not manage to say much because the ultranationalist opponents started to throw eggs at me, spit and sprinkle soda. Then I saw three big stars on the shoulders of a policeman, who got through the line of journalists and told me politely that my actions were illegal. So I followed him and was immediately taken hold of by two OMON officers, one on each side.

I am not sure how rough their actions were. I could not see the whole situation. Maybe they were just trying to provide security for me. But they grabbed me roughly, and it was painful. And then by chance they dropped me and I fell into a puddle, so they grabbed me and Capa [Capitolina, Evgenia's friend who was filming the event] and threw me into a bus. Capa ran after me and they threw her into the bus also. They took me to the Krasnopresnenskiy ROVD (police station). They treated me very well and politely. They gave me a summons to appear in court. There were also two people from the Green party (Alexei Kozlov and Dima) and one person from the Radicals (Nicolai Kramov) at the police station. The four were charged with organizing an illegal demonstration. Capa said she was passing by, so she was charged as a participant. Organizers get a bigger fine. The police treated everyone well.

There were about 50/50 nationalists and pride participants at the police station. We spent a couple of hours together and talked. By the end we were even serving tea to each other. Their main argument against us was very strange: homosexuals rape 3-4 years old boys. I told them that they were talking about a crime, not homosexual relations. I explained that sex with children is a penal crime. These words caught their attention.

Only one Russian channel "Ren-TV" showed me speaking, but the rest of the channels ignored my short speech. I believe they were following orders. To give the impression there were no homosexuals on the streets. Most of the Russian TV channels and newspapers said the parade took place without LGBT people.

There was a clear difference in how nationalists and LGBT people were treated. Homosexuals were treated better than nationalists. The police were telling the skinheads that they only attack people who are weak, but if they are alone they are weak themselves and timid. They are only take action when in a gang.

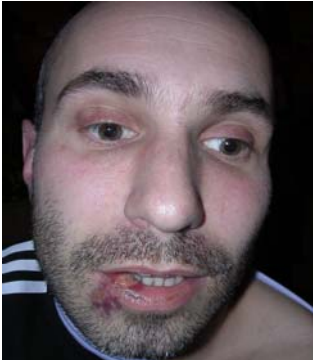
I think that the police were rather professional, as they prevented public disorder. There was little violence. I am convinced therefore that they would be able to provide security for us if the parade was legal. They have enough people to surround us and keep the nationalists outside a protective circle, so that we can have our meeting and the extremists can stay outside the circle and chant their homophobic songs.

27 of May was a historic day, and next year there will be more people. I will always take part in the demonstrations which are not authorised by the authorities. If a meeting is allowed I don't go. I am tired a bit. But if there is a banned event I always like to come and to support. I have a good experience with banned demonstrations; I know how they [the police] function, how they take out the leaders and prevent them from leading the demonstration. I took part in public meetings when there were no meetings at all in the USSR. So they created specifically for us the law on meetings and marches, in 1988 during Gorbachev times.

I and Nicolai need to develop other tactics. We need to create a working group for organising demonstrations. People need to know how to behave with the police, what to say to the police, how to sign statements or not to sign them. To make lists of all the people that are with you in the bus, in the police station, so that people are traceable. People need to document all of the violations of their rights which take place in the police station. 2-3 groups of people will be trained on this. This legal awareness needs to exist.

“I Thought I Was Going to Die”

Testimony by Pierre Serne, ILGA-Europe board member



ILGA-Europe Board Member Pierre Serne After Being Attacked by Neo-Nazis

Physical consequences: leg damaged and aches, bruises on the shoulders and lower back, lumps on the back of the head and on the neck, a lump on the lip, one of the teeth aching and bleeding, scars all over the body.

Pierre tells the story:

After the events at the city hall everything was confused. We walked up the Tverskaya Street with Mexence [board member of the International Lesbian and Gay Youth Organisation] and came across two Russian girls from an anti-fascist NGO, who took us to a coffee house on Tverskaya, where we stayed for an hour and had a coffee. And then we felt that the demonstration was over and people left. I wanted to tell my friends where we were and decided to go out on Tverskaya and down the street to meet my friends. When we walked down the street I saw that there were little groups of skinheads, and they were all around. And suddenly one of the groups recognised me; they looked at me, talked and then ran at me. It was group of about 12 very young men. I fell on the ground and they started to hit me with their feet. I thought I was going to die. And no one was trying to help me. People were not stopping or looking at me. After about 30 seconds I was bleeding and they left me. I decided to walk up the street towards the police and on the way was asking people to help me, but no one was helping. The gang saw I was still alone and started to follow me again.

I saw two Russian photographers and approached them to ask for help. It was nearly in front of the city hall. The skinheads started to hit all three of us again, but mostly me. Then the police arrived and chased some of them. They brought me to the police van. Then they detained some of the skinheads and asked me to identify them. I called my friend at the embassy.

The police took me to the police station. The French consul came and helped me with the report. They reported the events as if I was a tourist who had been mugged. The consul told me that if I reported the case as a hate crime, it would have taken much more time, but that the Embassy would follow it up later. But the police knew exactly why I was attacked. The police did not seem interested in helping me, but only in catching the guys who assaulted me. I asked the police three times to escort me to a safe place away from the street, before they took me to a bus.

The police were only interested in me identifying the guys. One of the skinheads was filming how I was beaten up, and when they caught him, they took

possession of the camera with the film. I was able to identify some of them. They detained five guys, and we were all put in the same bus. The guys were just laughing in the bus and at the police station, as if they had no fear of consequences. I recognised one guy for sure, and one 'maybe'. They asked me if I could tell definitely who it was, but I was covering my face with my arms when they were beating me and could not tell for sure as I saw little.

The Consul helped me. The police telephoned the Embassy the following day to ask me to come back and make another statement, but the Consul refused. The Consul will make a report of the whole story to the police.

I leave Monday afternoon. I am not sure if I will be following the case from Paris, but I will try. The French LGBT organisations want to make a joint appeal to the French Foreign Minister to summon the Russian ambassador and ask for explanations. The Green Party is very concerned; they will meet me at the airport when I arrive.



My impression of the whole event and police actions is the following. The police were not in control of the situation, everything was very confused. They didn't make any distinction between opponents of the march and LGBT people. After Nicolas [Nicolai Alexeev, the organiser of the Pride events] was dragged to the OMON bus, one of the 'babushkas' came to me and broke an egg against my head. Philippe Lasnier started to shout at the babushkas 'don't touch him' and the police came and detained him. Then we started to walk up Tverskaya Str. through the underpass. We didn't want to go there, it was dangerous. We walked towards the city hall, and when we arrived there was only media there. I was interviewed by the French television. A nationalistic Russian parliamentarian arrived. The police were pushing us, media and skinheads all in the same direction – up the street. Then some skinheads started to throw eggs at us, but they fell on some other skinheads. Then it became totally confused and we went into the café.

After getting out of the police station we went to the Embassy. Then we collected Philippe Lasnier from the police station and went back to the Embassy, where I tried to reach my mother because I knew that she would be worried as there were already press-releases. Then I tried not to fall apart psychologically.

MOSCOW LESBIAN AND GAY PRIDE 2006:

Robert Wintemute's report - Tuesday, 30 May 2006 (from notes made on 26 and 27 May 2006)

Thursday, 25 May 2006 (111th anniversary of Oscar Wilde's conviction for "gross indecency", ie, private consensual sexual activity with another adult male, and sentence to 2 years imprisonment with hard labour)

At about 6:30 pm at the Library of Foreign Literature, Merlin Holland, a heterosexual man who is the grandson of Oscar Wilde, began giving a lecture on the effect of Oscar Wilde's imprisonment on his wife and children. After about 10 minutes, the lecture was disrupted by 15 to 20 neo-fascist Russian nationalists, who stood up and chanted "homosexual propaganda", and "Russia, Russia, Russia". I heard one woman say: "ЭТО НАША СТРАНА!" (This is our country!). One of the nationalists released a gas as they left the lecture theatre. The gas caused people still in the theatre to choke and cough. The lecture had to be moved to another room.

Friday, 26 May 2006

At about 10:45 am, a judge of the Tverskoy District Court (ТВЕРСКОЙ РАЙОННЫЙ СУД) heard the appeal of Nikolai Alexeyev (chief organiser) against the decision of the Mayor's Office of Moscow (МЭРИА ГОРОДА МОСКВЫ) to refuse permission for the 1st Lesbian and Gay Pride March in Moscow, on exactly the same route as an approved anti-fascist march held in December 2005. I attended the hearing with Mr. Alexeyev, his lawyer Dmitri Bartenev, and John Fisher of ARC International. The judge listened sympathetically, but (after about 50 minutes) she issued an order (with reasons to follow) upholding the decision of the Mayor's Office.

It is not yet clear why she thought that the decision could be justified despite the guarantees of freedom of assembly in Russian legislation, the Russian Constitution, and Article 11 of the European Convention on Human Rights. The Mayor's Office argued that they could not provide security for the march because there are only 400 police (militia) in Moscow (available for this purpose?). This was hard to believe, because Moscow has a population of over 10,000,000 and recently applied to host the 2012 Olympic Games. The Mayor's Office also argued that the December 2005 march against fascism was approved, and security provided, because the march was supported by the majority of the population. The trial judge's decision will be appealed to the Moscow City Court. If that appeal is rejected, no further appeals will be possible and the case will proceed to the European Court of Human Rights.

Saturday, 27 May 2006 (13th anniversary of the decriminalisation of same-sex sexual activity in Russia)

It had been decided that the participants in the Moscow Pride 2006 World Conferences ("International Gay and Lesbian Cultural Network" on 25 May and "International Day Against Homophobia" on 26 May) would go to the Tomb of the Unknown Soldier, in the Alexander Garden outside the wall of the Kremlin, at 2:30 pm to lay flowers in memory of past victims of fascism. They would then walk from the Garden across Manezhnaya Square and up Tverskaya Street to the Mayor's Office of Moscow. At 3:00 pm, a short demonstration would be held in the small square across the street from the Mayor's Office. Participants would display rainbow flags, a few signs, and a large banner reading: "СВОБОДА МЕНЬШИНСТВ - СВОБОДА КАЖДОГО! ГОМОФОБИЯ СОСТАВНАЯ ЧАСТЬ КСЕНОФОБИИ" ("Freedom of minorities - Freedom of everyone! Homophobia is a constituent part of xenophobia!").

To prevent the laying of flowers, police closed the Alexander Garden and locked the gate to the entrance from Manezhnaya Square. When I arrived, there was a crowd around the entrance, including Nikolai Alexeyev, Merlin Holland and Ed Murzin (a heterosexual member of a Russian regional legislature), who were attempting to lay their flowers. They were surrounded by journalists with television cameras, and opponents of the Moscow Pride (neo-fascist Russian nationalists and members of the Russian Orthodox Church). There was a scuffle. I saw two police officers pull Mr. Alexeyev from the crowd and lead him (one officer was on each side of him holding one of his arms) to a police van. (He looked like Oscar Wilde being taken away to prison.)

After the arrest of Mr. Alexeyev, I remained in Manezhnaya Square. I saw nationalists running away (one removing a black balaclava mask as he did so), chased by OMON riot police (ОМОН was written in Cyrillic on the backs of their uniforms). I saw religious protesters with crosses and icons. Some were chanting: "МОСКВА НЕ СОДОМ!" ("Moscow is not Sodom!"). Because it was raining, I opened my rainbow umbrella. Maxim Anmeghichean of ILGA-Europe suggested that I close it, because nationalists nearby were looking at it. I did so, but journalists asked me to open it so that they could take my picture with it. It remained open as I walked across Manezhnaya Square to the south end of Tverskaya Street (one of the main shopping streets of Moscow, comparable to Oxford Street or Regent Street in London), where nationalists were releasing tear gas and setting off flares, near the Duma (Parliament) of the Russian Federation. I saw the riot police arrest 20 or 30 nationalists and put them in a police van. (For video coverage, see <http://news.bbc.co.uk/1/hi/world/europe/5023466.stm>; "Scenes from the streets of Moscow").

I walked up Tverskaya Street with Merlin Holland. Sophie in 't Veld (a Dutch Member of the European Parliament) said that I should put away my rainbow umbrella. I asked how it was different from the rainbow flag carried by Volker Beck (a Member of the Bundestag in Germany) and his partner Jacques Tessier, who were a few feet ahead of me. I said that I was in a European capital city on

a main street on Saturday afternoon, that there were police around, and that it was only an umbrella.

A few minutes later, a gang of 30 to 50 nationalists ran up the street. (I would estimate that there were between 200 and 500 nationalists at large, compared with 50 to 100 Moscow Pride participants.) One of the nationalists (a tall, well-built man) seemed to recognise Merlin Holland from the attempt to lay flowers and kicked him in the back. I shouted: "Leave him alone!" Merlin and I moved out of their way and stayed at the edge of the pavement by the street. I put away my rainbow umbrella and took off my Moscow Pride 2006 badge. There were no police in the area.

Once things had calmed down, we continued up the street and watched the attempt to hold a demonstration in the small square opposite the Mayor's Office. The demonstration consisted mainly of journalists with television cameras conducting interviews with participants. The protest signs and the large banner could not be seen. (At one point, a nationalist punched Volker Beck in the eye as he was giving an interview, resulting in a bleeding cut below his eye and a black eye. This assault was caught on video and broadcast by EuroNews that evening. Volker's partner, Jacques Tessier, told me that nationalists grabbed their rainbow flag, snapped in two the stick to which the flag was attached, threw the flag on the ground, and stamped on it.)

Eventually, the OMON asked people to leave the square. We were pressed onto the pavement to the north of the square, on the east side of the street. I was asked to give an interview via mobile telephone to a journalist working for Agence France Presse. I told him what I had seen. (See <http://www.lemonde.fr/web/article/0,1-0@2-3214,36-776936,0.html>.) A group of nationalists began walking towards me. I told the journalist that they were approaching and said: "I've got to leave." One of the nationalists had singled me out and walked towards me. I tried to avoid him by leaving the pavement and walking into the street. He backed me up against a parked car and stood a few inches from my face, shouting: "ПИДАРАСЫ ВОИ ИЗ РОССИИ!!!" ("Pederasts/queers/faggots get out of Russia!!!"). I pointed to the 10 or so OMON officers who were standing a few feet away (hoping that their presence would deter the nationalist from beating me up), and also gestured at the officers (hoping that they would help me). Finally, one of the officers got the nationalist to move away.

However, another officer was soon trying to get me and other Moscow Pride participants nearby to move back onto the pavement, into the middle of the group of nationalists. I said to the officer, "It's not safe", and asked Maxim (who was nearby) to translate this. We were allowed to stay where we were until the nationalists had been cleared from the pavement. We were then moved onto the pavement, and found ourselves unable to move north or south, because there were nationalists in both directions. While we were waiting there, a group of

Russian Orthodox women approached, wearing headscarves and carrying icons. One of them squirted water on us from a large bottle of mineral water.

Eventually, we crossed to the west side of Tverskaya Street and sought refuge in a branch of КОФЕ ХАУЗ (Coffee House). Merlin Holland was with us and told me that, in addition to being kicked, he had had an egg thrown at him, as well as a potato, which had knocked off his glasses.

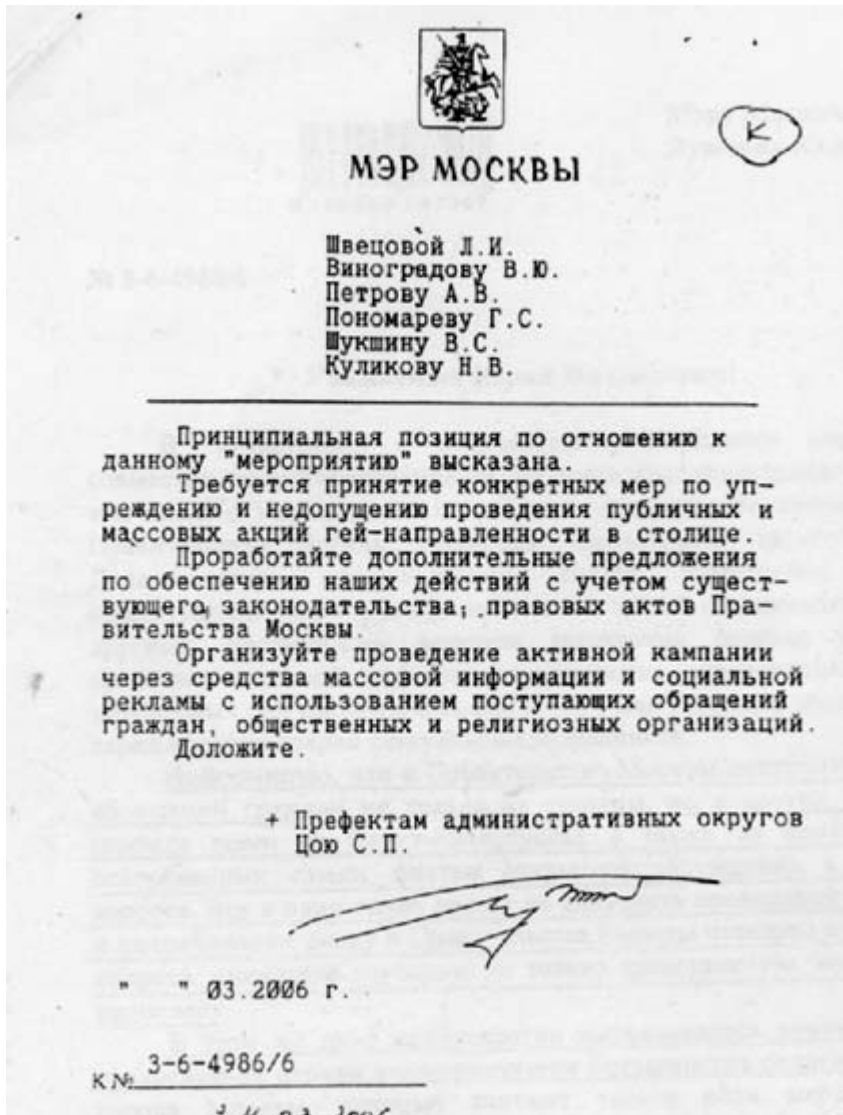
This experience of "Chaos on Tverskaya Street" left me feeling shaken. In my sheltered life, I had never seen such a breakdown of law and order: gangs of thugs running wild on Saturday afternoon on one of the main streets of a European capital city. The man who shouted in my face, his own face contorted with anger and hatred, gave me a small taste of what it must have been like to be Jewish and facing a pogrom in 19th-century Russia, or a Nazi officer during World War II. All I could think was: "You don't know me. What have I done to you?"

But this experience was also an inspiring visit for a human rights academic to the front lines of the struggle to defend human rights. It was obvious that the Moscow Pride participants, carrying flowers and flags, were trying to defend democracy in Russia, which requires that groups of private citizens be allowed to demonstrate peacefully to draw attention to problems in society. The nationalists were there to attack democracy, and impose censorship by force. We could have been in the closing stage of Germany's Weimar Republic. The most shocking feature of the events of 27 May 2006 was that the Mayor's Office of Moscow, and (as Sophie in t' Veld pointed out in her letter of 29 May 2006 to European Commission President José Manuel Barroso) the protesting members of the Russian Orthodox Church, chose to align themselves with the violent and anti-democratic nationalists.

We will be back in Moscow next year for the 2007 Pride. And we will be looking forward to a strong statement from the European Court of Human Rights, in cases from Poland, Moldova and Russia, that public officials who ban Lesbian and Gay Pride Marches are violating Article 11 of the European Convention on Human Rights, and undermining their own democracies.

Annex 1

Written Instruction from the Mayor of Moscow, March 2006



Annex 2

Written Instruction from the Mayor of Moscow (translation)

THE MOSCOW MAYOR

To: Shvetsova L.I., Vinogradov V. Y., Petrov A. V., Ponomarev G.S., Shukshin V.S., Kulikov N. V.

General attitude to this “event” has already been stated.

It’s necessary to take concrete measures to prevent holding public and mass gay-events in the capital.

Please, work out additional suggestions and plans for our actions according to the existing legislation and legal acts of Moscow government.

Organize active campaign in mass media and also by means of social adds, using appeals from citizens, religious and public organizations. Report on the measures taken.

cc: prefects of the administrative districts, Tsoi S.P.

Signature of Mayor Luzhkov

March, 2006

Annex 3 Response from Deputy Mayor Mrs. Shevtsova on "measures taken"

Мэру Москвы
Лужкову Ю.М.

№ 3-6-4986/6

Уважаемый Юрий Михайлович!

В соответствии с поручением в Комплексе социальной сферы совместно с заинтересованными органами исполнительной власти города, в том числе с Управлением по работе с органами обеспечения безопасности Правительства Москвы, Правовым управлением Правительства Москвы, Департаментом международных связей, комитетами по культуре, общественным связям, межрегиональным связям и национальной политике и другими, рассмотрены вопросы достаточно широко обсуждаемого в средствах массовой информации намерения определенных российских и зарубежных сил организовать в Москве в мае текущего года гей-фестиваль и парад представителей сексуальных меньшинств.

Информирую, что в Правительство Москвы поступило свыше двухсот обращений граждан не только из столицы, но и других регионов России (прежде всего из Санкт-Петербурга), а также из ближнего зарубежья, оскорбленных самим фактом открытого обсуждения в прессе данного вопроса. Все в один голос просят не допустить проведения указанных акций и поддерживают Вашу и Правительства Москвы позицию в решении данного вопроса, имеющего глубокую не только нравственную, но и политическую подоплеку.

В этом же духе неоднократно высказывались руководители Русской православной церкви и представители большинства религиозных конфессий города Москвы, которые считают такого рода мероприятия прямой агитацией в пользу безнравственности, оскорбляющей честь и достоинство подавляющего большинства москвичей и жителей России различных национальностей и подрывающей моральные устои общества.

Гомосексуализм и лесбиянство в нашей стране всегда считались половыми извращениями, а ранее даже преследовались в уголовном порядке. В настоящее время указанные действия законодательно не запрещены, но агитация за них, в том числе в форме гей-фестиваля и парада сексуальных меньшинств, — это уже пропаганда безнравственности, которая может быть запрещена законом.

Статья 11 «Свобода собраний и объединений» Конвенции о защите прав и свобод (Рим, 4 ноября 1950г.) с изменениями от 21 сентября 1970г., 20 ноября 1971г., 1 января 1990г., 6 ноября 1990г. и 11 мая 1994г. гласит: «Каждый имеет право на свободу мирных собраний и свободу объединения с

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другими, включая право создавать профессиональные союзы и вступать в таковые для защиты своих интересов.

Осуществление этих прав не подлежит никаким ограничениям, кроме тех, которые предусмотрены законом и необходимы для охраны здоровья и нравственности или защиты прав и свобод других лиц».

По мнению Правового отдела Правительства Москвы указанное публичное мероприятие может иметь отношение к Федеральному закону от 12.06.2004г. № 54-ФЗ «О собраниях митингах, демонстрациях, шествиях и пикетированиях», которым предусмотрен уведомительный порядок, исключая возможность наложения запрета на его проведение. Однако в соответствии со ст. 12 этого закона организатором мероприятия можно предложить изменить место и время его проведения, определить территорию, исключая значительное скопление населения. Кроме того, ст. 16 позволяет прекратить мероприятие при создании реальной угрозы для жизни и здоровья граждан, имущества физических и юридических лиц, совершения участниками противоправных действий и умышленного нарушения требований закона в части порядка проведения мероприятия.

В случае, если проведение подобного мероприятия планируется в форме, которую можно отнести к действию распоряжения Мэра Москвы от 05.10.2000г. № 1054-РМ «Об утверждении временного положения о порядке организации и проведении массовых культурно-просветительских, театрально-зрелищных, спортивных и рекламных мероприятий в г. Москве», то п. 6 распоряжения предусматривает возможность вынести мотивированное решение органа исполнительной власти об отказе.

По мнению Управления по работе с органами обеспечения безопасности Правительства Москвы, в случае агитации и пропаганды гомосексуализма в тех или иных формах в соответствии с п. 2 ст. 56 Конституции Российской Федерации в целях защиты нравственности, прав и законных интересов граждан можно воспользоваться правом принятия федерального закона об ограничении прав и свобод лиц указанной категории.

Следует также принять во внимание, что имеется целый ряд обстоятельств, которые могут привести к существованию обостренной ситуации. В частности, в апреле с.г. предполагается широко рекламируемый в СМИ и по каналам телевидения показ в России скандального фильма «Горбатая гора» о гомосексуальных отношениях двух ковбоев. Нет никакого сомнения в том, что во многом искусственно нагнетаемый ажиотаж вокруг содержания этого фильма приведет к резкой активизации заинтересованных в проведении гей-парада сил, что может повлечь за собой всевозможные провокационные публичные акции с участием многочисленных (в том числе, возможно, и полуофициальных) делегаций из-за рубежа.

Учитывая изложенное, компетентным органам исполнительной власти города необходимо предпринять дополнительные шаги по всесторонней доработке проблемы и определить реальные меры по недопущению каких-либо акций, в том числе публичных, связанных с пропагандой и проведением гей-парада и фестивалей.

В частности, серьезным противовесом этим провокационным и безнравственным акциям могли бы стать мероприятия ежегодно проводимых в эти сроки Дней славянской письменности и культуры, которым следует придать возможно более широкий и массовый характер, а также организуемые в этот период культурно-спортивные, молодежно-патриотические, научно-просветительские и другие акции.

В случае Вашего, уважаемый Юрий Михайлович, согласия прошу дать необходимые поручения соответствующим органам исполнительной власти города.

17 MAR 2006
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Первый заместитель Мэра
Москвы в Правительстве Москвы

И.И. Швецова

19 03 06

РУКОВОДИТЕЛЬ АППАРАТА
МЭРА И ПРАВИТЕЛЬСТВА МОСКВЫ

Иванцов И.И.

Прошу рассмотреть совместно с заинтересованными организациями и доложить В.М. Лужкову по данному вопросу.

+ Виноградову В.В.
Кудякову В.В.
Чербаченко И.И.

С уважением

17.02.2006 г.
3-6-4986/6
К.М.

17.02.2006

Annex 4

Translation of the Response from the Deputy Mayor Mrs. Shevtsova “on measures taken”

To Moscow Mayor Luzhkov
registration no. 3-6-4986 / 6

Dear Uriy Mikhailovich!

Following the request in Social field complex and in cooperation with executive bodies of the city concerned, including Security Administration of the Moscow government, Legal Administration of the Moscow government, Department of International Affairs, we have considered all aspects of widely discussed in mass media intention of certain Russian and foreign associations to held gay-festival and gay-parade in Moscow in May 2006.

By this we notify, that the Moscow Government has received more than two hundred of letters from citizens not only of Moscow, but also of other Russian regions (mostly of Saint-Petersburg), as well as of CIS, who are feeling themselves deeply insulted by the mere fact, that the conduction of gay-fest and parade is widely discussed in mass media. They all as one demand to forbid holding this kind of events and support your personal position and position of the Moscow government in regard with this matter, which has serious moral and even political hidden motives.

Representatives of the Russian Orthodox Church and representatives of the majority of other Moscow religious confessions have expressed the same opinion many times already; they all consider events of this kind to be direct propaganda in favour of immorality, insulting honour and dignity of the overwhelming majority of the Muscovites and habitants of Russia of different nationalities, undermining moral principles of the society.

Homosexuality and Lesbianism have been always considered to be sexual perversions in our country and even were objects of criminal prosecution some time before.

At the current time above mentioned forms of sexuality are not forbidden by legislation, but the propaganda in favour of them in particular by means of holding gay-festivals and gay-parades can be judged as propaganda of immorality, which might be forbidden by legislation in future.

Clause 11 “Freedom of meetings and unifications” of the Convention about protection of rights and freedoms (Rome, November, the 4th, 1950), amended on September, 21st 1970, November 20th 1971, January 1st 1990, November 6th 1990, May 11th 1994 says: “Each person has the right for freedom of peaceful

meetings and freedom of unification with others, including the right to establish trade unions and to enroll into them for protection of their own interests. These rights can not be object of any limitation, but for the exceptional cases, stipulated in legislation and **necessary for protection of health and morality or for protection of rights and freedoms of other persons.**”

According to the opinion, expressed by the Legal Department of the Moscow Government, this kind of public event can be referred to the Federal law of June 19th 2004 # 54FL “About meetings, mass-meetings, demonstrations, picketing”, which stipulates procedure of notification, excluding the possibility to impose a ban on it. However, according to clause 12 of this law, it could be suggested to the organizers of the event to change its time or place, choosing for example less crowded place for holding it. Besides, clause 16 allows stopping the event if a threat for lives and health of citizens, for property of private persons or legal entities is aroused, and also in cases if participants of the event are committing any illegal activity in the course of it or are breaking intentionally the requirements of law, concerning the procedure of holding this kind of event.

If this event is planned to be held in form, coming under Moscow Mayor’s decree of October the 5th 2000, #1054 RM “About ratification of the temporary regulations about procedure of organization and conduction of mass cultural and educational, theatrical and spectacle, sportive and promotional events in Moscow”, then item 6 allows the authorities to take a motivated decision to ban the event.

According to the opinion expressed by the Security Administration of the Moscow government, in case of homosexuality propaganda by different means according to item 2 of clause 56 of the Constitution of the Russian Federation for protection of morality, rights and legal interests of citizens, a law can be promulgated in order to limit rights and freedoms of people of the mentioned category.

Please, take it into account, that there exist quite a number of circumstances that can lead to further aggravation of the situation. For example, the release of the scandalous gay-drama “Brokeback Mountain” in Russian cinema-halls is scheduled for April, which tells the story of homosexual relationship between two cowboys. This movie is widely promoted on TV and by mass media. There is no doubt, that artificially forced interest to the dubious content of this movie will provoke sudden increase of activity of the associations interested in holding gay-parade, that can entail provocative public actions involving numerous (and maybe partially-official) delegations from abroad.

Summing up all above written, we recommend that competent executive bodies should take additional steps for all-aspect solving of the problem and define concrete measures for banning of any actions, including public, connected with propaganda and holding gay-festivals and gay-parade.

Annex 5

Joint Petition of the Representatives of Civil Society of the Russian Federation

FASCIST MOVEMENT IN RUSSIA ASSUMES A SYSTEMATIC CHARACTER

Attacks at representatives of sexual minorities, which took place on the 30th of April and 1st of May, 2006 in Moscow, were premeditated and deliberately planned action, carried out by a number of ultra-right organizations (RONS, DPNI etc.), which have a long reputation of holding propagandistic actions and acts of violence against immigrants, Jews and other “non-Russian” groups of people. Following repeating attacks and murders of foreigners and people of non-Russian origin in Russian cities and towns, they are starting now physical and psychological terror against gay community. It indicates that fascists in Russia are spreading their field of activity. The question is: who will fall their next victim?

Fascist organizations are gaining nerve, being supported by some political and religious figures, as well as feeling impunity and with connivance of the authorities.

At the end of April, at the same time when some threats were cast by extremists to the organizers of the gay- and-lesbian culture fest “Rainbow without borders”, a deputy of the Russian State Duma, Mr. Chuev, has brought in for debates his bill about introducing criminal prosecution for so called “popularisation of homosexuality”. Any person who will read this “legal monument”, will clearly see, how far back into the past it can throw us, back to the age of totalitarianism. Chuev suggests that people should be punished just for being themselves. Another Duma’s deputy, Mr. Vasilyev, a member of group “Edinaya Rossiya”, has recently supported Chuev’s ideas.

Priests of the Russian Orthodox Church took an active part in pogrom massacre on the 30th of April-1st of May. They gave their blessings to drunken fighters, in that way instigating their violence. Everybody also remembers previous call of mufti Talgat Tadjuddine “to beat gays”.

Islamic and Orthodox fundamentalists are not willing to give an open support to the crimes based on national hatred, but they use homophobia as a pretext to give their blessings to obviously fascist organizations. On the other hand, the latter get the chance to cover their misanthropic ideology by the pretence of fighting for “moral values of traditional religions”.

Representatives of authorities also use homophobic speeches of right ultras as pretence to keep eyes shut to their activities.

Organizers of the fest “Rainbow without borders” made two unsuccessful attempts to hand in to Moscow law protecting state bodies applications concerning received threats and acts of violence being planned.

One of the officers answered bluntly: “We do not accept applications from *these* kind of people”. Militia has received information four days before the attacks of nationalists and has taken no measures to prevent them.

Thus, the events of 30th of April – 1st of May in Moscow indicate that fascist movement in Russia is going to a new level. Having distracted a part of their attention to gays and lesbians, right ultras gain a legal ideological substantiation for their activity, lobby in parliament and silent approval of representatives of executive and law-protecting state bodies. It is enough to turn fascist thugs from marginals into a real political force, claiming to assume power.

This trend couldn't but wake deep concern among democratically minded layers of society. It's time for everybody to understand, and the world history gave a lot of warnings to that, – aggressive homophobia is an attribute of fascist ideology and stays in one row with racism and anti-Semitism.

Realizing our responsibility for the future of the Russian Federation, we – representatives of political parties, sexual minorities' organisations, as well as representatives of anti-fascist and law-protecting organisations, – consider it to be our civil duty to join our efforts to oppose activity of fascist organisations and also to promote the ideas of tolerance in our society.

We demand of the law-protecting state bodies:

1. To impose *criminal* responsibility on initiators and participants of the attacks on 30th of April – 1st of May, 2006.
2. To consider a question of eliminating RONS and other organization which are connected with the attacks and are widely and for a long time known for their xenophobic and racist actions.
3. To stop immediately propaganda of discrimination and violence towards national, religious and sexual minorities through newspapers, magazines and Internet-sites.
4. To impose responsibility on those officers of law protecting state bodies who took no measures to prevent attacks.

We demand of the President of the Russian Federation, as the chief guarantor of civil rights and freedoms observance:

1. To take under his personal control investigation of the events of 30th of April – 1st of May, 2006 in Moscow
2. To give a public condemnation to activity of people and organisations, calling to violence towards sexual minorities, to their segregation and discrimination.
3. To enter a legislative initiative into the State Duma about introducing additions to legislation, stipulating responsibility:
 - for crimes of hatred on homophobic grounds and instigating to these crimes;
 - for discrimination on the basis of sexual orientation;
 - for propaganda of hatred towards sexual minorities

We appeal to leaders of the states of the “Big Eight” and to the Council of Europe with the request:

1. To turn attention of the Russian authorities to urgent need of providing legislative and administrative guarantees to observance of sexual minorities’ rights.
2. To assist in regular monitoring of sexual minorities’ rights observance in Russia.
3. To support activity of non-governmental organizations in Russia, which are providing monitoring, protection of minorities’ rights and civil control of the authorities’ activity in this field.

We appeal to political parties, public organizations and to all citizens, who care for the fate of their Motherland, to put aside absurd prejudice and to join together in active counteraction against fascists, their propaganda and their acts of violence irrespective of who they are aiming at.

For more information:

Olga Suvorova: osuvorova@yandex.ru

Alexey Khodorkovsky: khodorkovsky@mail.ru