



[www.msk-stimul.eu](http://www.msk-stimul.eu)

**The LGBT-group STIMUL (Moscow)**

## **Submission to the Special Rapporteur on the Independence of Judges and Lawyers**

**for the report to be presented at the session of the Human Rights Council (June 2022)**

**26 November 2021**

### **Introduction**

1. The LGBT-group “Stimul” is a Russian civic initiative created in 2015 with the aim of fighting for equal rights and ensuring human dignity regardless of sexual orientation and gender identity. Our main activities are providing legal aid to victims of hate crimes or discrimination and representing their interests in police and courts. We also monitor human rights violations, assist LGBT-refugees and do international advocacy, including the individual applications to the ECHR and the UN HRCtte. Currently, our lawyers deal with more than 50 legal cases. In 2017-2018, “Stimul” submitted its observations to the UN CAT and the UN CESCR, in 2020 – to the UN HRCtte and the UN CEDAW, in 2021 – to the UN CAT, the Special Rapporteur on the rights to freedom of peaceful assembly and the Independent Expert on protection against violence and discrimination based on SOGI. These submissions can be found on the official web-pages of the relevant bodies or experts.

### **Questions from the Special Rapporteur on the Independence of Judges and Lawyers**

2. *“Please provide information on any case where lawyers in your country have been subject to intimidation, hindrance, harassment or improper interference, whether from State authorities or non-State actors, for action taken in accordance with their recognized professional duties. Please also describe the measures that State authorities have taken to investigate and bring perpetrators to justice. Please describe the measures and policies you would suggest to better protect and guarantee the free exercise of the legal profession.”*

### **Scope of the submissions and prevailing problems**

3. As noted in par. 1, the main activity of our organization is to provide professional legal aid to LGBT+ people and their relatives who have suffered from discrimination and hate crimes based on sexual orientation or gender identity. Such assistance consists in providing free consultations on a wide range of issues, conducting legal cases in national and international courts, and various interactions with authorities. The above means that a significant proportion of our employees are lawyers, and the

organization constantly cooperates with attorneys admitted by national bar associations to carry out advocacy in Russia.

4. Unfortunately, the sphere in which our organization operates in Russia predetermines the nature of the threats and obstacles that our lawyers periodically have to face. In addition to the general situation with the observance of human rights in the Russian Federation, as well as the restrictions that NGOs, especially human rights organizations, are subjected to in our country, we are influenced by the increasing level of homophobia and intolerance that we can observe in Russia in recent years.

5. In particular, below one can find a number of examples when our lawyers faced threats or violations of their rights while carrying out their work to protect the freedoms of LGBT+ people. Generally, such pressure comes from non-State actors. The main problem in such situations is that the authorities do not respond to these actions performed by xenophobic groups, thereby ultimately encouraging the intensification of the activity of attackers. We hope that the provided information will be useful for the Special Rapporteur's forthcoming report to the Human Rights Council (2022) that will focus on protection of lawyers from undue interferences lawyers may face in the free and independent exercise of the legal profession.

#### **Examples of obstacles and violations against the organization's lawyers**

6. Since the mid-tenths, hate crimes and extremist rhetoric against LGBT+ people have intensified in Russia. Unfortunately, the authorities have not been able to boast of effective measures against such offenders. One of the most obvious examples of the state's connivance towards homophobic extremists is the systematic attempts to disrupt the international LGBT film festival "*Side-by-Side*" in Moscow and St. Petersburg<sup>1</sup>. In 2018 and 2019, our lawyers were present at the festivals held in Moscow, and by agreement with the organizers were ready to provide legal assistance in case of problems with the authorities or in case of attacks towards visitors.

7. In 2018, the police unit, that arrived on a false call from homophobes, detained one of Stimul's lawyers and took him to the police station; a few hours later the lawyer was released.

8. In May 2019, during all four days of the screenings, the event was assaulted by various nationalist groups<sup>2</sup>. From May 24 to 26, unknown persons reported to the police about the bombs planted within the festival's premises. These disruptions were accompanied not only by false terrorist attacks, but also by other illicit actions, such as spills of poisonous liquids both inside the film premises and at the entrance, attacks and insults against the guests (including an employee of the Canadian embassy). Our lawyers were also there, and were similarly insulted and attacked by malefactors. Both the organizers of the festival and the victims (including the injured security guard) filed the corresponding complaints to the state bodies. However, investigations into these allegations are completely ineffective. No criminal cases were opened. Despite numerous complaints to the prosecutor's office, the court, and higher-ranking officers, the local police did not even notify the victims that some enquires had taken place at all.

---

<sup>1</sup> *Side-by-Side LGBT International Film Festival* ([www.bok-o-bok.ru](http://www.bok-o-bok.ru)) examines the topics of LGBT in the context of film art. It declares its desire to create an open cultural space within which Russian society and representatives of the LGBT community can engage in wide discussion, establish a positive dialogue, thereby contributing to the fight against discrimination based on gender, sexual orientation and gender identity. In Moscow, the festival has been held annually since 2012.

<sup>2</sup> <https://theins.ru/news/158361>

9. The described events are linked with the activities of an infamous hater, residing in St. Petersburg, Mr. Timur Bulatov. He is known for scandals and his public calls to fight against LGBT-activists. Mr. Bulatov files complaints to the police against teachers, whose homosexual orientation has become public, demanding to dismiss them and bring them to justice<sup>3</sup>, or against minor LGBT+ youngsters, asks the prosecutor's office to check LGBT+ organizations and activists<sup>4</sup>, etc. Conversely, complaints submitted by LGBT+ people themselves requesting an assessment of Mr. Bulatov's extremist and discriminatory steps are left without proper attention of state bodies<sup>5</sup>.

10. Similarly, the authorities did not take any meaningful actions in 2019, when the Russian LGBT+ community was stunned by the appearance of the so-called *Saw* (*Пила*) movement, which publicly sent threats to LGBT+ activists, and offered monetary rewards for executions, kidnappings and harassment of LGBT+ people<sup>6</sup>. There was also information about allegedly committed crimes (including abductions and murders, about 50 cases), or about upcoming perpetrations. In particular, the page states that the attackers "prepared very dangerous and cruel gifts" for the listed citizens (well known Russian LGBT activists and human rights defenders), as well as for the editorial board of media "Novaya Gazeta" and "Radio Liberty". The lists of *Saw*, among others, included the director of "Stimul", Mr. Petrov, as well as the organization's senior lawyer, Mr. Ryzhov<sup>7</sup> (See the notarized report on the threats, Annex No. 1). Despite the massive amount of complaints lodged before the RF Federal Security Service, the police and the prosecutor's office by LGBT+ organizations and activists from all over Russia, the community has no information about who is behind this movement, not to mention the capture of any of the perpetrators.

11. Other projects and movements adhering to homophobic and transphobic rhetoric also appear and quickly begin to gain supporters. For example, "Men's State" (*Мужское государство*) is an extremely misogynistic channel in the Telegram messenger, where the haters treat both women and LGBT+ people with equal dislike. The creator and leader of the channel is Mr. Pozdnyakov. The resource publishes the personal information (address, contact numbers) of girls who are accused of dissolute behavior, but often also of LGBT+ people, activists and lawyers. The publications contain direct calls for discrimination and violence. This movement finally was declared extremist by the Russian courts only in October 2021<sup>8</sup>. Mr. Pozdnyakov is hiding abroad, but his supporters continue to send threats to LGBT+ people and their defenders.

12. The activities of homophobic groups on the *Vkontakte* social network are also worth to mention. For instance, the group "Your friend is a homonegativist" («ОТЦ») makes 10-15 publications per day. Group administrators and authors of publications use

---

<sup>3</sup> <https://theins.ru/news/174884>

<sup>4</sup> <https://www.sibreal.org/a/30319434.html>

<sup>5</sup> <https://meduza.io/news/2017/01/20/tomskiy-shkolnik-poprosil-proverit-na-ekstremizm-piterskogo-bortsa-s-lgbt-kotoryy-dobiyaetsya-uvolneniya-uchiteley>; <https://meduza.io/news/2019/03/19/pravozaschitnik-napisal-zayavlenie-v-sk-na-bortsa-s-geyami-iz-peterburga-timura-bulatova>; <https://zona.media/news/2019/06/03/bulatov>

<sup>6</sup> <https://www.dw.com/ru/пила-против-лгбт-от-ск-требуют-найти-создателей-гомофобного-проекта/a-49763029>; <https://www.svoboda.org/a/30133801.html>; <https://www.svoboda.org/a/30451558.html>

<sup>7</sup> Mr. Ryzhov is an expert in international law, analyst and senior lawyer of Moscow LGBT-group «Stimul»; he represents victims of hate crimes, torture and discrimination before the European Court of Human Rights and the UN bodies since 2007.

<sup>8</sup> <https://meduza.io/news/2021/10/18/muzhskoe-gosudarstvo-ob-yavili-ekstremistskoy-organizatsiyey>

specific vocabulary and wording to bypass legislative norms that prevent incitement of hatred or enmity against social groups and humiliation of dignity. The administrators delete comments with calls for violence and murder. Although the publications still clearly sound as discriminatory towards LGBT+ people, complaints about this community have long been ignored by law enforcement agencies.

13. On 24 May 2020, on the *Vkontakte* social network in the group named “Against LGBT propaganda”, an unknown person published a comment from his account with the personal data of a number of individuals. Soon, similar comments appeared on behalf of other users of this social network. One of those people, whose data (including the address of residence) was made public, was an attorney cooperating with Stimul, Mr. Lapov<sup>9</sup>.

14. This circumstance, among other things, jeopardized his personal safety, since Stimul's lawyers, by virtue of their activities, periodically face threats against them. According to Articles 23 and 24 of the Constitution of the RF, everyone has the right to privacy. The collection, storage, use and dissemination of information about the private life of a person without his consent is not allowed. In addition, such comments incite hostility and hatred towards the LGBT social group, encourage extremist actions and violence. The persons whose data were published are well-known LGBT activists, therefore such a publication not only violates their rights, but also endangers their lives and health.

15. Believing that the actions of those people who published the comments contain signs of a crime (illegal dissemination of information about a person's private life, Article 137 of the Criminal Code), on 26 May 2020, the attorney filed a crime report with the Main Department of the Investigative Committee of the RF in Moscow (Annex No. 2). The report, among other things, contained a request to inspect the relevant web pages, to establish the owners of the profiles by sending appropriate requests to the *Vkontakte* administration. The screenshots were attached to the report.

16. On 25 June 2020, the deputy head of one of the investigative departments of Moscow, Mr. Nefedov, came to the conclusion that there are no grounds for conducting even an criminal check (Annex No. 3). At the same time, this letter was not sent to the attorney, so for several months the victim did not have the opportunity to familiarize himself with Mr. Nefedov's arguments. At first, the lawyer had to file a relevant complaint with the court, and only at the hearings in the Presnenskiy district court of Moscow, held on 31 August 2020, he was handed this answer. Mr. Nefedov points out that according to Art. 137 of the Criminal Code, a person can be held criminally liable in the event of illegal dissemination of information about the private life of a person, constituting his personal and family secrets, without his consent. At the same time, according to the meaning of the law, - Mr. Nefedov continues, - the concept of "private life" includes that area of human activity that refers to an individual, concerns only him and is not subject to control by society and the state, if it is not illegal character. Thus, the official concludes, there are no grounds for conducting a check.

17. Therefore, the investigative body didn't carry out a proper investigation, even didn't interview the victim.

18. The lawyer challenged the answer of Mr. Nefedov in court. As a result, after a series of trials we won, the investigation was carried out by the Investigative committee

---

<sup>9</sup> Mr. Lapov passed the bar exam in April 2015. He advises on topics related to discrimination on SOGI, hate crimes, the law on "gay propaganda", family rights of LGBT+ people. He has been cooperating with “Stimul” since November 2019.

only in the fall of 2021, that is, a year and a half later (!) after the committed crime. It is not surprising that it ended in nothing: on 5 October 2021, the investigator, Mr. Varfolomeev, refused to open a criminal case, citing the fact that “there were no violations of Mr. Lapov’s privacy” (Annex No. 4). However, the investigator did not even try to identify the persons who published the personal data of the attorney. At the moment we are challenging this decision of the investigator as unlawful.

19. In 2021, our attorney again faced a violation of his rights. In August, a post appeared on the *Men’s State* channel (see par. 11 about this movement) in the *Telegram* messenger, assessing the activities of “Stimul” in a negative way and containing a link to Mr. Lapov’s profile on the *Instagram* social network. On 8 August, the lawyer began to receive insults and death threats from unknown persons in *Instagram*.

20. Part 2 of Art. 119 of the Criminal Code of Russia states that the threat of murder or grievous bodily harm, if there was reason to fear the implementation of this threat, committed on the basis of political, ideological, racial, national or religious hatred or enmity, or on the basis of hatred or enmity in relation to any social group, as well as in relation to a person or his relatives in connection with the performance of this person’s official activities or the performance of a public duty, is punished by law.

21. In response to these threats, in August 2021, the attorney filed a crime report with the police (Annex No. 5), but so far we do not have information about any opened inquiry or its results. We have already appealed against this inaction of the investigating authorities to the Moscow prosecutor’s office, but we do not expect that the investigation into the threats will be carried out effectively.

### **Final conclusions**

22. Based on the analysis of the cases described above, we can draw the following conclusions. Our organization’s lawyers and advocates who provide assistance to LGBT+ people find themselves under constant pressure from non-State actors. The authorities, having duty to respond to such manifestations of intolerance and extremism, in practice do not conduct a proper investigation into these facts, delay the investigative steps and miss the opportunity to collect basic evidence.

23. We call on the Russian authorities to investigate all cases of undue interferences our lawyers face in the exercise of their legal profession and to effectively respond to all incidents of aggression and hatred from radical groups.

24. We hope that the above information on the unpunished crimes committed against Russian lawyers, who handle cases of violations of the rights of LGBT+ people, will be covered in the forthcoming report of the Special Rapporteur on the Independence of Judges and Lawyers.

*List of Annexes (in Russian):*

- 1) *Protocol of examination of screenshots by a notary.*
- 2) *Crime report by Mr. Lapov dated May 26, 2020.*
- 3) *Reply of the Investigative Committee of the Russian Federation dated June 25, 2020.*
- 4) *Decision of the Investigative Committee of the Russian Federation dated October 10, 2021.*
- 5) *Crime report by Mr. Lapov dated August 13, 2021.*