

Memorial considers member of the IGHR “FRG” Kirill Barabash a political prisoner

On December 17, 2015 supporter of the Initiative Group for the Holding of a Referendum “For a responsible government” (IGHR “FRG”), retired Air Force lieutenant-colonel Kirill Barabash was detained and a search was conducted at his flat. The following day, December 18, 2015, Barabash was remanded in custody by a decision of judge of Khamovnichesky district court of the city of Moscow M.S. Filchenko. The court hearing on pre-trial measures and the questioning of Barabash as a suspect, and after the presentation of charges under **part 1 of article 282.2 of the Russian Criminal Code** (“*Organising the activity of an extremist organisation*”) also as a defendant, were conducted without informing his lawyer Alexei Chernyshev, in the presence of a state-appointed lawyer.

Kirill Barabash was previously charged under **part 1 of article 282 of the Russian Criminal Code** (“*Inciting hatred or enmity, and insulting human dignity on the basis of membership of a social group*”) for speeches at three demonstrations in May 2012 and April and May 2013, during which he sharply criticised employees of the law-enforcement structures, and in particular the Russian Interior Ministry. That case was stopped by a court in connection with the expiration of the statute of limitations.

Kirill Barabash is the fourth person to be charged in the case of the IGHR “FRG”. Previously the Memorial human rights centre recognised Yuri Mukhin, Valery Parfenov and Alexander Sokolov, involved in the same criminal case, as political prisoners. We can state that all the signs of illegality in the prosecution of participants in the IGHR “FRG” are also present in Barabash’s case.

We remind you that the investigation based its accusation of continuing the activity of the banned organisation “Army of the People’s Will” under the name IGHR “FRG” on the fact that the accused set themselves the previous aims and tasks, and specifically the creation of initiative groups for a referendum and the subsequent holding of a referendum with the aim of making amendments to the Russian Constitution concerning the responsibility of the highest government bodies to the people. According to the investigation, the accused thus acknowledged that their true aim was to “*shatter the political situation in the Russian Federation by destabilising it, and also change the existing government by illegal means*”.

We believe that the investigation’s claims about a “true aim” and its acknowledgement by the accused do not correspond with the actual circumstances associated with the activity of the IGHR “FRG”. The investigation, in essence, bases itself on the groundless attributing of unproven subjective characteristics to the accused, which in no way flow from the circumstances of the case.

Moreover, the charge of the presence of the aim of “shattering the political situation in the Russian Federation by destabilising it” is not punishable and does not indicate any sign of a crime. The statements and actual typical activity of the IGHR “FRG” over the past five years, aiming to hold a referendum, are also not criminal.

The inter-regional movement “Army of the People’s Will” was banned in 2010 in connection with its distribution of a text with the headline “You voted – it’s up to you to judge!”, which consists of the APW’s proposed amendments to the Russian Constitution and the law “On a trial by the people of Russia of the president and members of the Russian Federal Assembly”, recognised by a court as extremist, although, in our view, also groundlessly. However, in characterising the activity of the IGHR “FRG” as the continuation of the activity of the banned APW movement under another name, the investigation does not mention this lone sign of “extremist activity” which would serve as a basis for a legal ban.

Thus the investigation’s claim about the continuation of the activity of the APW under the name IGHR “FRG” is the only basis for opening a criminal case, not even formally justified, and the criminal case under **article 282.2 of the Russian Criminal Code** was opened illegitimately.

We believe that Kirill Barabash is being subjected to criminal prosecution and imprisonment exclusively because of his political convictions, and also in connection with the non-violent implementation of his freedom of thought, freedom to express opinions and information, and

freedom of peaceful assembly and association, which are guaranteed in Russia's international agreements.

The pre-trial measure that has been chosen in relation to Barabash in the form of holding him in custody is not justified by law and is being implemented with a violation of his right to a defence.

In connection with the above, the Memorial human rights centre considers Kirill Barabash a political prisoner and believes that he should be immediately released from custody, and his criminal prosecution under article 282.2 of the Russian Criminal Code should stop.

Recognising a person as a political prisoner or as prosecuted for political reasons does not mean that the Memorial human rights centre agrees with his views or statements, or that it approves of his statements or actions.

More detailed information and the position of the Memorial human rights centre can be found [here](#).