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Constitutional Court Orders Changes to Rally Law

By Alexander Winning

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The Constitutional Court on Thursday ordered lawmakers to rework parts of a law toughening protest rules that was passed last year in response to a wave of anti-Kremlin demonstrations.

The court found that the legislation, which hikes penalties for people who violate regulations on public rallies, imposes disproportionate fines on rally attendees. The court said lawmakers should slash the minimum fines, according to a summary of the ruling published on the court's website.

The rally law, which came into force June 9 after barely passing in the State Duma days earlier, is regularly cited by the political opposition and international rights groups as evidence that the Kremlin has sought to tighten the screws on opponents.

The law imposes fines of between 10,000 rubles and 300,000 rubles ($330 to $10,000) or up to 200 hours of community service on individuals who break rally rules. But the Constitutional

Court said courts could assign reduced fines until the State Duma amends the legislation.

During Thursday's hearing, the court's top judge, Valery Zorkin, urged authorities not to clamp down on rally organizers and participants for political reasons and to provide citizens with the opportunity to gather peacefully.

Judge Olga Khokhryakova, who at one point took over for Zorkin in the four-hour reading of the court's verdict, said community service should be mandatory only for those who psychically harm people or damage property.

When applied to rallygoers who had barely violated the law, the measure could be seen as a "method of crushing dissent," the ruling said.

Among other faults with the rally law, Constitutional Court judges cited a provision that means rally organizers can be held responsible for the conduct of individual protesters. Judges said the provision contravened established legal practice and was therefore unconstitutional.

But Zorkin and others stopped short of deeming the legislation unconstitutional, saying that it doesn't infringe on people's rights and that State Duma deputies could simply tweak specific clauses of the law.

Referring to clauses that ban protesters from wearing masks and attending demonstrations while drunk, the court said that the demands were justified and that such efforts were "exclusively aimed at maintaining order and guaranteeing people's safety," the Rapsi legal news agency reported.

The court also left in place the rule that one-person pickets, which don't require official permission, should be at least 50 meters from one another and a provision barring people convicted of two or more misdemeanors in the year leading up to a demonstration from being one of its organizers.

The Constitutional Court was asked to pass judgement on the rally law after nationalist Eduard Limonov and lawmakers from A Just Russia and the Communist Party complained about it in November.

At the time, the group of lawmakers said the law was passed with significant procedural violations and without proper discussion, a charge upheld Thursday by the Constitutional Court.

The court also ruled that Moscow's Tverskoi District Court should review its August verdict against Limonov, leader of the unregistered Other Russia party. Limonov was fined by the court for violating rally rules and told he wasn't allowed to organize demonstrations.

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