

16 November 2016

### **Russian Federation- Migrant human rights defender, Tatiana Kotlyar, criminally indicted**

On 14 November 2016, the Obninsk Interrogation Department of the Ministry of Internal Affairs issued an indictment against human rights defender, Ms **Tatiana Kotlyar**, which accuses her of ‘fictitious’ registration of foreign citizens under Article 322.3 of the Criminal Code of the Russian Federation.

[Tatiana Kotlyar](#) is the Chair of the *Kaluga Movement For Human Rights*, which defends the rights of minority groups and migrants, as well as a member of the [Migration Rights Network of the Memorial Human Rights Centre](#) (Memorial), an organisation that focuses on the protection of labour migrants’ rights, the rights of stateless persons, asylum seekers and refugees in the Russian Federation. Tatiana Kotlyar actively campaigns for the improvement of the Federal Law Number 376, article 3, which the human rights defender argues is insufficient and has a discriminatory effect on migrants and refugees resettling in the Russian Federation.

On 14 November, Tatiana Kotlyar was issued an indictment by the Obninsk Interrogation Department of the Ministry of Internal Affairs. In the indictment, Tatiana Kotlyar is accused of the deliberate ‘fictitious’ registration of foreign citizens at her address, without the intention of using her flat as a place of temporary or permanent residence for foreign residents. Tatiana Kotlyar will be filing an appeal against the indictment before the General Prosecutor’s Office.

On 4 November 2016, the Obninsk Department of the Ministry of Internal Affairs interrogated Tatiana Kotlyar on the basis of an accusation of violating Federal Law on Migration registration 376.3. During the interrogation the migrant rights defender was given a ‘notice of suspicion’ regarding the ‘fictitious registration’ of 185 citizens of Ukraine and two citizens of Kyrgyzstan at her apartment during 2015. On 3 November, 2016 the husband of Tatiana Kotlyar was also brought in for an interrogation, though he refused to give any testimony regarding this criminal case. In the three months prior to filing this accusation, the Interrogation Department of the Obninsk police summoned Tatiana Kotlyar multiple times as a ‘witness’, and she has been subjected to pre-trial restrictions such as obligatory attendance for interrogations. Tatiana could face up to three years of imprisonment or an administrative fine if convicted.

The Federal Law on Migration obliges migrants and refugees resettling in the Russian Federation to register at a place of residence within a week of arrival in order to legalize their status, and to have access to public services, social assistance and support. Tatiana Kotlyar has campaigned to expose the discriminatory nature of this law, which places criteria that are nearly impossible to comply with for applicants, and complicates their settlement. Since 2013, Tatiana Kotlyar has registered foreigners under her own address, in accordance with the law, so that their status could be legalised. The law does not stipulate a limit for the number of individuals who can be registered at a given address, nor does it define ‘fictitious registration’, the case under which she is indicted. The human rights defender made her actions known to the migration authorities during the process of organizing the migrants’ registration.

In March and October 2014 two criminal cases under Articles 322.2 and 322.3 of the Criminal Code of the Russian Federation (criminal liability for fictitious registration at the place of stay or at the place of residence of citizens or foreigners of the Russian Federation) were initiated against Tatiana Kotlyar by the Obninsk Investigative Committee for “the fictitious registration of migrants and refugees” in her flat during 2013 and 2014. Although Tatiana Kotlyar informed the Russian authorities about every registration being made by her, the Court disregarded her voluntary surrender which is considered as an exculpatory ground according to Article 322.3. On 9 November 2015 the Magistrate court of Obninsk found Tatiana Kotlyar guilty, but immediately granted her amnesty.

Front Line Defenders expresses concern over the repeated judicial harassment of human rights defender Tatiana Kotlyar and calls on Russian authorities to drop the charges against her, as it believes that she is being targeted as a result of her legitimate human rights work.

**Front Line Defenders urges the authorities in the Russian Federation to:**

1. Immediately drop all charges against Tatiana Kotlyar as it is believed that it is solely motivated by her legitimate and peaceful work in defence of human rights;
2. Cease all harassment of the human rights defender;
3. Guarantee in all circumstances that all human rights defenders in the Russian Federation are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.