

16 October 2018

Russia: Judicial harassment of defence lawyer Mikhail Benyash

On 10 October 2018, Krasnodar Regional Court upheld the administrative court's sentence of human rights defender **Mikhail Benyash**. He was sentenced to 40 hours of mandatory work on charges of violating rules for the organisation of public protests. Multiple criminal charges against the human rights defender are still pending.

[Mikhail Benyash](#) is a defence lawyer who has been working on civil and criminal cases for the last ten years in Sochi and Krasnodar Region, Russia. In the context of authorities' reluctance to sanction peaceful protests, the human rights defender has been providing legal assistance to the participants of rallies which were not officially approved. He has also attended a number of protests in order to monitor and prevent police brutality.

On 10 October 2018, Mikhail Benyash's appeal of the sentence on administrative charges of "organisation of public protests" was dismissed by the Krasnodar Regional Court. The human rights defender was accused of organising an unsanctioned protest on 9 September 2018 against a pension reform that is currently being implemented in Russia. The charges are based on his post on social media, in which he mentioned that the rally was not officially sanctioned. Moreover, the actual protest organiser testified before the Court that Mikhail Benyash did not participate in organisation of the rally.

On 9 September 2018, Mikhail Benyash was arrested by the police in Krasnodar, where he went to provide legal assistance to the participants of an unsanctioned protest against the pension reform. The police officers detained Mikhail Benyash on allegations of violating rules for the organisation of public protests, based on his Facebook post. According to the human rights defender, he was pushed into a car by the police officers who snatched his phone from his hands when he tried to make a call. They hit his head against the car seat and handcuffed him, forcing him to sit face down with his hands cuffed behind his back. Once the car arrived at the Krasnodar police station, Mikhail Benyash was pushed out of it which caused him to fall face down on the asphalt. He was then dragged into the police station and held incommunicado for almost eight hours. The human rights defender reports that during that time, one of the police officers hit him several times and pushed him, causing him to hit his head against a metal safe. Following this assault, he had difficulties with hearing and was later diagnosed with a bilateral otitis.

On 11 September 2018, the human rights defender was sentenced to 14 days of administrative arrest and to 40 hours of mandatory work for disobeying a police officer and violating rules for public protests. Mikhail Benyash appealed the sentence.

On 21 September 2018, Mikhail Benyash was charged with article 294 of the Criminal Code of Russia for obstruction of justice. The charges are related an incident that happened on 6 May 2018, when the human rights defender was dragged by the bailiffs out of the court hearing for interrupting the judge while he was representing a client. When Mikhail Benyash was being dragged out of the building, he seriously hurt his leg when he hit the door frame metal detector.

On 23 September 2018, the human rights defender was charged with article 318 of the Criminal Code of Russia for violence against a representative of the authority, a crime that he allegedly committed on 9 September 2018 during his arrest. The Investigative Committee claimed that Mikhail Benyash hit the police officer in the face three times and bit him in the arm. The human

rights defender claims that he did not exercise any violence against the police officers. The administrative arrest report, drafted on 9 September 2018, confirms this, as it does not contain information about any violence against police officers.

On 28 September 2018, the Leninsky District Court of Krasnodar prolonged the pre-trial detention of Mikhail Benyash to two months in relation to the criminal charges brought against him. The Court argued that the human rights defender could hide, threaten witnesses and destroy evidence. The Court did not take into account that Mikhail Benyash has a two months-old child and that his wife has to undergo a surgery in another region.

Front Line Defenders is seriously concerned about the detention of human rights defender Mikhail Benyash. Front Line Defenders believes that his arrest, ongoing detention and multiple charges brought against him are acts in reprisal for his work on the protection of the rights of protest participants.

Front Line Defenders urges the authorities in Russia to:

1. Immediately drop all charges against Mikhail Benyash and quash his convictions as it is believed that they are solely motivated by his legitimate and peaceful work in defence of human rights;
2. Carry out an immediate, thorough and impartial investigation into allegations of ill-treatment of Mikhail Benyash while in police custody, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
3. Ensure that Mikhail Benyash's treatment, while in detention, adheres to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
4. Guarantee in all circumstances that all human rights defenders including lawyers in Russia are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.