



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Geneva, 17 May 2013

Excellency,

We have the honour to address you in our capacity as Chairperson and Rapporteur on reprisals, on behalf of the Committee against Torture, which is currently in session in Geneva, following the examination of the Russian Federation's fifth periodic report to the Committee during the 49th session, held in Geneva from 29 October to 23 November 2012.

In this connection, we would like to draw the attention of Your Excellency's Government to information received regarding the charges brought by the Prosecutor's Office of the Admiralty District of St-Petersburg against the Anti-Discrimination Centre "Memorial" and its leadership, in relation to the information submitted, with the support of the International Federation for Human Rights (FIDH), to the Committee at its 49th session, in accordance with the Committee's Rules of Procedure.

According to the information received:

On 26 March 2013, an inspection of the non-governmental organization (NGO) Anti-Discrimination Centre "Memorial", located at 7, Krasnoarmeyskaya Street, 25/14 St-Petersburg, was carried out. Subsequently, on 30 April 2013, the Prosecutor's Office of the Admiralty District of St-Petersburg submitted Ordinance No. 35-78-2013 to this NGO and its leadership, initiating an administrative case in relation to alleged violations of the Administrative Code of the Russian Federation under Article 19.34, Sections 1 and 2. Quotes from the information submitted by this organization to the Committee during its 49th session, contained in the report titled "Roma, Migrants, Activists: Victims of Police Abuse", were cited as the basis for the charges.

His Excellency
Mr. Alexey BORODAVKIN
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of the Russian Federation



We are concerned that, in accordance with the information received, the actions undertaken against the Anti-Discrimination Centre “Memorial”, and its leadership, may relate to the activities of this organization in providing information to the Committee against Torture.

In regard to the information cited above, we would like to refer Your Excellency's Government to article 13 of the Convention against Torture:

“Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.”

Furthermore, we would like to draw the attention of your Excellency's Government to paragraph 12 (b) entitled “Intimidation, harassment and violent attacks on human rights defenders” of the concluding observations of the Committee (CAT/C/RUS/CO/5), adopted on 22 November 2012, on the fifth periodic report of the Russian Federation:

“The Committee recommends that the State party should: [...] Ensure that no individual or group will be subjected to prosecution for communicating with, or for providing information to, the Committee against Torture, the Sub-Committee on Prevention of Torture or the United Nations Voluntary Fund for Victims of Torture or to other United Nations human rights organs in performing their respective mandates;”

In addition, we are concerned that the action undertaken by the Prosecutor's Office against the Anti-Discrimination Centre “Memorial” is part of the worrying shift in the legislative environment governing the enjoyment of the freedoms of assembly, association, speech and information that has been introduced through the adoption of the new administrative code. The restrictive new law on “non-commercial organizations”, adopted on 21 November 2012, may have a particularly detrimental impact on civil society organizations and may unduly obstruct or criminalize the work of human rights defenders on account of the origin of their funding.

Ordinance No. 35-78-2013 of the Prosecutor's Office states that “According to the information given by Direction the Ministry Justice in St-Petersburg, on the 30 April 2013, the Organization is not registered as non-commercial foreign agent.” It also states that “Thus, the actions of the Organization are showing signs of administrative offence, according to the parts 1 and 2 of article 19.34 of the Code of administrative offences of the Russian Federation.”




Allow us to recall that, on 18 July 2012, the High Commissioner for Human Rights indicated, inter alia, that she was concerned “that a series of legislative amendments in the Russian Federation would have a seriously negative impact on human rights in the country” and urged “the Government to ensure that its laws are in line with its international human rights commitments and national legal framework.” The High Commissioner also indicated that “It is very disappointing that laws are being passed that are restricting civil society space instead of ones designed to create an environment that would help civil society enhance human rights promotion and protection.”

In addition, on 14 May 2013, several mechanisms of the Human Rights Council, namely the Special Rapporteurs on the freedom of peaceful assembly and of association, on human rights defenders and on freedom of opinion and expression, voiced serious concern at the “obstructive, intimidating and stigmatizing effects” brought about by the current implementation in the Russian Federation of the law on “non-commercial organizations” (NCOs), adopted on 21 November 2012 by the Duma. The experts stated that “Since the law was passed, we now witness an unprecedented wave of inspections some of which have led to administrative cases against NCOs, including severe penalties.”

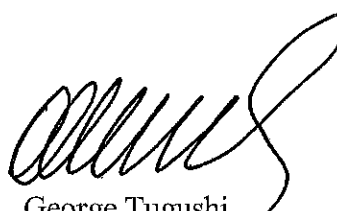
In view of the seriousness of the above-mentioned facts, we would appreciate receiving, as a matter of urgency, information on the measures taken by Your Excellency’s Government, in application of article 13 of the Convention and of paragraph 12(b) of the concluding observations of the Committee on the fifth periodic report of the Russian Federation, to ensure that civil society organizations, in general, and the Anti-Discrimination Centre “Memorial” and its leadership, in particular, are not subjected to any reprisals as a result of their legitimate activities, including providing information to the Committee against Torture in the context of procedures provided for in the Convention.

We would also appreciate receiving information on the impact of the legislation on organizations that have allegedly received foreign funding or that have engaged in advocacy work, in particular in the field of human rights, as also requested in the correspondence sent to Your Excellency’s Government on 9 April 2013 by the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders.

Accept, Excellency, the assurances of our highest consideration.



Claudio Grossman
Chairperson
Committee against Torture



George Tugushi
Rapporteur on reprisals
Committee against Torture

