

Continuing acts of harassment faced by Ms. Anastasia Denisova

New Information

RUS 008 / 1009 / OBS 150.1

Search / Unlawful confiscation of equipment / Judicial harassment

Russian Federation

January 15, 2010

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in the Russian Federation.

New Information:

The Observatory has been informed by reliable sources about continuing acts of harassment faced by Ms. **Anastasia Denisova**, President of ETHnICS, a Krasnodar-based youth group promoting tolerance, and also a member of the Krasnodar section of the Memorial Human Rights Centre as well as of the coordinating council of the International Youth Human Rights Movement.

According to the information received, on January 11, 2010, Ms. Anastasia Denisova's apartment was searched during more than three hours by police officers from the Krasnodar Crimes Department, Messrs. Armen Gasparjan, Pavel Ignatenko and Vasily Linkov, who were allegedly looking for a pirate software in the framework of an investigation on "terrorism". The three police officers, who bore a warrant of which Ms. Denisova was not given any copy, informed Ms. Denisova that a criminal case had been opened against her during the New Year holiday, and seized her laptop, external hard drive and flash memory.

On January 12, Ms. Denisova was summoned for interrogation to the Krasnodar Police Department of Internal Affairs, accompanied by her lawyer, Ms. Marina Dubrovina. During the interrogation, Ms. Denisova refused to answer the questions, relying on Article 51 of the Russian Constitution, which provides that "no one shall be obliged to give evidence against himself or herself". Ms. Denisova is suspected of "illegal use of copyright objects or neighbouring rights" as well as "appropriation, storage, transportation of pirated copies of material for sale purposes on a large scale, with use of official position". If convicted, she could face a six-years prison term and a fine of up to 500,000 rubles (approximately 11,700 euros).

The Observatory denounces the above-mentioned acts of administrative and judicial harassment against Ms. Anastasia Denisova, which seem to be merely aimed at hindering her human rights activities.

The Observatory recalls that according to OP 2(iv.) of the Council of Europe (CoE) Declaration on Human Rights Defenders^[1], member-States shall “take effective measures to prevent attacks on or harassment of human rights defenders”. The Observatory also calls upon the Commissioner for Human Rights of the CoE to act in accordance with operative paragraph 4 of the CoE Declaration on Human Rights Defenders with regards to this situation.

The Observatory further urges the European Commission Delegation as well as European Union (EU) Member-States embassies in the Russian Federation to call upon the Russian authorities to comply with the relevant international norms and standards and take action on this situation, in line with the EU Guidelines on Human Rights Defenders.

The Observatory finally recalls that as a participating State of the Organisation for Security and Cooperation in Europe (OSCE), the Russian Federation acknowledges that “the [1998] UN Declaration on Human Rights Defenders [... places] a responsibility [...] on States to adopt and implement adequate legislation and administrative procedures that would provide for a conducive environment for human rights defenders to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”, and recognises “the need for particular attention, support and protection for human rights defenders by the OSCE, its Institutions and field operations, as well as by participating States”^[2].

Background information:

Over the past months, Ms. Anastasia Denisova has been subjected to repeated acts of harassment.

At the end of August 2009, Ms. Denisova and one of her colleagues, photo-correspondent **Yuriy Ivaschenko**, were stopped at the border on their way from Abkhazia, and interrogated during seven hours without any reason being provided.

On September 30, 2009, an article published in a Krasnodar administration newspaper accused Ms. Denisova of inciting national strife and hate through her writings on xenophobia in the region and her activities in support of Georgian-Russian dialogue.

On October 4, 2009, Ms. Denisova was prevented from attending the Human Dimension Implementation Meeting (HDIM) of the OSCE held in Warsaw, Poland. At Krasnodar airport, she was stopped at the customs by the Krasnodar Airport Security Services Officer Boris Dombrovski, who told her that he was following “orders”, and asked her to check-in her hand luggage that contained her laptop in the baggage hold. She refused arguing that her laptop was fragile. Ms. Denisova was denied boarding with her laptop in cabin, and could not take part in the OSCE HDIM.

On October 12, 2009 at 4.30 pm, agents belonging to the Investigation and Intervention Unit on Tax Offence pertaining to the Ministry of Internal Affairs raided the ETHnICS centre in Krasnodar and confiscated three central units, alleging they had received information according to which pirate softwares were being used in the office. The agents presented a warrant bearing an incorrect address and asked Ms. Anastasia Denisova to come with them for interrogation. She refused to follow them, claiming that the reasons for the interrogation had not been clearly stated.

Actions requested:

Please write to the Russian authorities and ask them to:

0. Guarantee in all circumstances the physical and psychological integrity of Ms. Anastasia Denisova, all members of ETHnICS as well as all human rights defenders in the Russian Federation;
0. Immediately and unconditionally return the confiscated equipment to Ms. Anastasia Denisova;
0. Put an end to all acts of harassment - including at the judicial level - against Ms. Anastasia Denisova, ETHnICS, its members as well as all human rights defenders in the Russian Federation;
0. Conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular its article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels”, and its article 12.2 which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
0. Comply with the provisions of the Document of the Copenhagen Meeting of the 2nd Conference on the Human Dimension of the Cooperation and Security Conference in Europe (CSCE) (1990), as well as with OP 2(iv.) of the Council of Europe Declaration on Human Rights Defenders, according to which member-States shall “take effective measures to prevent attacks on or harassment of human rights defenders, ensure independent and effective investigation of such acts and to hold those responsible accountable through administrative measures and/or criminal proceedings”;
0. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by the Russian Federation.

Addresses:

- Mr. Dmitri Medvedev, President of the Russian Federation, Kremlin, Moscow, Russian Federation, Faxes:+ 7 095 206 5173 / 230 2408;
- Mr. Yuriy Chaika, General Public Prosecutor of Russian Federation, 125993, Moscow, GSP-3, 15a B. Dimitrovka str. Russian Federation, Fax: +7 495 692-96-00 / +7 495 692 17 25;
-

- Chairwoman of the Presidential Human Rights Commission of the Russian Federation, Ella Pamfilova, 103132 g. Moskva, Staraya ploshchad, d 8/5,pod 3, Russian Federation, Fax:+70952064855
- Mr. Vladimir Lukin, Russian Federal Ombudsman for Human Rights, Fax: +7 495 207 3969 / +7 495 207-53-37
- Minister of Internal Affairs, Rashid Nurgaliev, ul. Zhitnaya, 16, 117049 Moscow, Russian Federation, Telegram: Rossiia, 117049, Moskva, Fax: + 7 095 237 49 25
- Minister of Foreign Affairs, Sergey Lavrov, Smolenskaya-Sennaya pl, 32/34, 121200 Moscow, Russian Federation, Telegram: Fax:+ 7 095 244 2203
- Permanent Mission of the Russian Federation to the United Nations in Geneva Av. de la Paix 15, CH-1211, Geneva 20, Switzerland, e-mail : mission.russian@ties.itu.int, Fax: +4122 734 40 44
- Embassy of the Russian Federation in Brussels, 31-33 boulevard du Régent, 1000 Brussels, Belgium, Fax: + 32 2 513 76 49.

Please also write to diplomatic representations of the Russian Federation in your respective countries.

Paris-Geneva, January 15, 2010

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

- Email: Appeals@fidh-omct.org
 - Tel and fax OMCT: + 41 22 809 49 39 / 41 22 809 49 29
 - Tel and fax FIDH: +33 (0) 1 43 55 25 18 / 01 43 55 18 80
-

[1] See Declaration of the Committee of Ministers of the Council of Europe for enhanced protection of human rights defenders, adopted on February 6, 2008.

[2] See OP 6 & OP 8 of the Resolution on Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions, adopted by the OSCE Parliamentary Assembly on July 10, 2007.

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.

Contact : omct@omct.org