

(Translated from Russian)

PERMANENT MISSION OF THE RUSSIAN FEDERATION TO THE UNITED
NATIONS OFFICE AT GENEVA AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

No. 2704

The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to joint enquiry AL RUS 6/2022 of 3 May 2022 from a number of the special procedures of the Human Rights Council regarding the attorneys, Mr. A. S. Kalugin and Mr. S. V. Podolsky, has the honour to transmit herewith information from the Russian Federation.

The Permanent Mission takes this opportunity to convey to the Office of the United Nations High Commissioner for Human Rights the renewed assurances of its highest consideration.

Addendum: as mentioned, 7 pages

Geneva, 27 June 2022

Office of the United Nations High Commissioner for Human Rights,
Geneva

**Information from the Russian Federation in response to the joint enquiry of the
United Nations Human Rights Council special procedures concerning Mr. Aleksei
Sergeevich Kalugin and Mr. Sergei Vladimirovich Podolsky**

Reference: AL RUS 6/2022 of 3 May 2022

1. The Russian Federation, having studied the joint enquiry of the United Nations Human Rights Council's special procedures, has the honour to confirm that Mr. A.S. Kalugin and Mr. S.V. Podolsky are members of the Bar Association of the Leningrad Region and the City of Saint Petersburg, respectively.

On 7 March 2022 at about 5 a.m. they arrived at the building of police department No. 31 of the Ministry of Internal Affairs of the Russian Federation, responsible for the Kirovsky district of Saint Petersburg, to provide legal assistance to K., a detainee. However, the officer on duty at the department, using the intercom at the gate, refused to let the men through, citing an order from his superiors and informing them that an officer would come out to them. From that moment on, Mr. Kalugin began using his cell phone to record the events on video.

Approximately 25 minutes later, [REDACTED], head of the police department, came out to them in the uniform of an officer of the Russian Ministry of Internal Affairs. When he approached the gate, he required Mr. Kalugin to stop videorecording, as the building is a secure facility. When Mr. Kalugin came to the entry door, [REDACTED] grabbed him by the jacket and began dragging him into the police station and tried to snatch the cell phone, which, as a result, fell to the ground. Then [REDACTED], with the help of another police officer, D., handcuffed Mr. Kalugin. The handcuffs were removed immediately after he was taken into the police station.

During the conversation at the police department, [REDACTED] insisted that Mr. Kalugin erase the video, to which he agreed; he was released after an identity check, at around 6 a.m.

The above facts were investigated by the Russian Department of Internal Affairs responsible for Kirovsky District of Saint Petersburg, which ascertained the following.

The Instructions regarding access to local police departments of the Russian Ministry of Internal Affairs responsible for Kirovsky district in Saint Petersburg, approved by Order No. 42 of the Head of the Russian Ministry of Internal Affairs department responsible for Kirovsky district of Saint Petersburg on 11 February 2022, provide that the filming, photographing, and sound and video recording in the buildings and structures of the local police departments and in areas adjacent to them is permitted only by order of the head of the local police department or a person performing his duties. In this regard, on 25 March 2022, a conclusion was issued finding no indications of a disciplinary offence in [REDACTED] actions.

Another check was carried out in response to a statement by Mr. Kalugin himself, on the basis of articles 144 (Procedure for considering a reported crime) and 145 (Decisions made after considering a reported crime) of the Code of Criminal Procedural of the Russian Federation, on 10 March 2022, by officers of the department of the main investigative department of the Investigative Committee of the Russian Federation responsible for Kirovsky district in the city of Saint Petersburg.

In the course of the investigation, explanations were heard from [REDACTED] and from D. and G., officers at police department No. 31, from which it was ascertained that on 7 March 2022 some unknown persons had been seen at the gate of the department making video recordings. A citizen, who later turned out to be Mr. Kalugin, emphatically refused to comply with repeated requests to stop. Therefore, after coming out of the gate, [REDACTED] asked him to go to the department to explain the reasons for his behaviour. After he failed to comply, special means (handcuffs) were applied to the latter and he was taken to the office, where they were immediately removed. There, Mr. Kalugin stated that he was a lawyer, and after verification, he was released.

Forensic medical examination No. 127-P-K of 1 April 2022 established that the injuries to Mr. Kalugin in the form of abrasions on the wrists caused no short-term problems and were not harmful to his health.

In view of the above, and as a result of a verification, on 8 April 2022 an order was issued to dismiss the criminal case on the grounds that the actions of [REDACTED], D. and G. did not constitute an offence under paragraphs article 286 (3) (a) and (b) (Exceeding official authority) of the Russian Criminal Code, on the basis of article 24 (1) (2) (Grounds for the dismissal or termination of criminal proceedings) of the Russian Criminal Code, and also on the grounds of an offence covered by article 306 (2) (Deliberately misleading reporting of a crime) of the Russian Criminal Code, on the basis of article 24 (1) (2) of the Russian Code of Criminal Procedure, in the light of the lack of elements of an offence in Mr. Kalugin's actions.

This procedural decision was found to be without grounds and was overturned by the procurator's office of the Kirov district of Saint Petersburg on 26 May 2022. An additional verification was ordered; it has not yet been completed. In that verification, it will be necessary among other things to obtain explanations from other police officers who may also have witnessed the events and to study the video recordings from cameras on the Russian Ministry of Internal Affairs's building in the Kirovsky district of Saint Petersburg. The Office of the Procurator General of the Russian Federation is monitoring the progress of this verification.

On 11 March 2022 Mr. Kalugin filed a complaint with the procurator's office of Kirovsky district of Saint Petersburg, alleging illegal actions by officers of police department No. 31. After consideration, the district's deputy procurator responded on 7 April 2022.

In turn, on 13 and 19 April 2022 the State investigative department of the Investigative Committee of the Russian Federation in Saint Petersburg received complaints filed by B, a lawyer, arguing that officers of the 31st police department had committed illegal acts against Mr. Kalugin. On 15 and 22 April 2022, respectively, the complaints were referred to the head of the local division, for consideration. The answers to these complaints were given on 18 May 2022, taking into account the requirements of article 161 (Inadmissibility of disclosure of preliminary investigation data) of the Russian Code of Criminal Procedure.

The situation of Mr. Kalugin and Mr. Podolsky is being closely monitored by the Commission for the Protection of Lawyers' Rights, of the Council of the Russian Federal Bar Association.

2. Under article 29.1 (1) of Federal Act No. 82-FZ of 19 May 1995 on Voluntary Associations, a voluntary association which operates without acquiring the rights of a legal person, which receives money and/or other assets from foreign sources and which takes part in political activities in the Russian Federation, or which intends to receive money and/or other assets from such sources and take part in political activities in the Russian Federation, must notify the federal State registration body or a local branch thereof, in accordance with the procedure and within the time limit prescribed by the federal State registration body.

In addition, under article 2 (6) of Federal Act No. 7-FZ of 12 January 1996 on Non-Profit Organizations, organizations, apart from political parties, are deemed to take part in political activity in the Russian Federation if, regardless of the aims and purposes set forth in their constituent instruments, they engage in State-building activity, the defence of the pillars of the constitutional order of the Russian Federation or the federal structure of the Russian Federation, the defence of the sovereignty and the securing of the territorial integrity of the Russian Federation, the preservation of legality, law and order, State and public security, national defence, foreign policy, the socioeconomic and national development of the Russian Federation, and also the development of the political system, the activity of State and local government bodies, the legal regulation of human rights and freedoms and citizens' rights and freedoms, in order to influence the devising and implementation of State policy, the establishment of State and local government bodies, or their decisions and action.

In pursuance of the applicable provisions resting on article 29.1 (5) of the Federal Act on Voluntary Associations, in the event that a voluntary association which operates without acquiring the rights of a legal person is found to receive money and/or other assets from

foreign sources and take part in political activity in the Russian Federation without notification in accordance with paragraph 1 of the above-mentioned article, the federal State registration body places it on the register of unregistered voluntary organizations acting as foreign agents (referred to below as “the Register”).

Under the regulation entitled “Issues of the Ministry of Justice of the Russian Federation”, approved by Presidential Decree No. 1313 of 13 October 2004, this Register is kept by the Ministry of Justice. In addition, in accordance with paragraph 9 of the Procedure for keeping the Register, approved in turn by Order No. 92 of 1 June 2001 of the Ministry of Justice, the basis for including a voluntary association in the Register is an order issued based on:

(a) Notifications;

(b) Documents of the authorities of the Russian Federation confirming that a voluntary association which operates without acquiring the rights of a legal person and without registering in accordance with article 29.1 (1) of the Federal Act on Voluntary Associations has received money and/or other assets from foreign sources and that it takes part in political activity in the territory of the Russian Federation.

The requirements of all the above-mentioned legislation comply fully with the international human rights obligations of the Russian Federation.

According to information supplied by the Moscow procurator’s office, and judging from the website <https://ovdinfo.org>, the OVD-Info media project was financed by the [REDACTED], a human rights centre included in the Register of non-profit organizations acting as foreign agents and also recognized by the [REDACTED]. The total external support it received amounted to more than 22 million roubles in 2020 alone.

In addition, according to the data of the Federal Financing Monitoring Service, the [REDACTED] which financed OVD-Info, itself received money from several foreign sources:

OVD-Info material was disseminated through its own website and resources with similar content and identical names on several social networks and Internet channels, with the participation of 34 persons, but without the requisite notification. In this regard, by Order No. 1091-r of the Ministry of Justice of Russia, dated 29 September 2021, the media project was included in the Register.

On 14 December 2021, the Lukhovitsy municipal procurator of the Moscow region applied to the Lukovitsy district court of the Moscow region under article 30 of the Code of Administrative Procedure (Participation of the procurator’s office in an administrative case) to have the dissemination of information on the [REDACTED] prohibited in the Russian Federation.

The procurator’s office demonstrated that there had been systematic posting on the above-mentioned websites of information aimed at justifying the activity of extremist, terrorist associations, of material justifying the actions of members of such associations and of opinions that motivated and prepared Internet users to commit offences against the public order.

On 20 December 2021, the Lukhovitsy district court of the Moscow region, having examined the application, decided to satisfy the submitted requests.

At present, access to the resources of OVD-Info in the Russian Federation is restricted by the Federal Service for Supervision of Communications, Information Technologies and Mass Media, in accordance with the powers granted to it in the context of the implementation of article 15.1 of Federal Act No. 149-FZ of 27 July 2006 on Information, Information Technologies and Data Protection.

However, the registers of the Ministry of Justice of the Russian Federation contain no information about Mr. Kalugin and Mr. Podolsky as participants in the OVD-Info media project.