

**Mandates of 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.**

REFERENCE: AL  
RUS 7/2014:

25 September 2014

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/5 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the allegations of a threat against Mr. **Ivan Pavlov** and the deportation of his spouse, Ms. **Jennifer Gaspar**, as well as the categorisation of Institute for Freedom of Information Development Foundation as a 'foreign agent'.

Mr. Ivan Pavlov is Head Counsel at the Institute for Freedom of Information Development Foundation, an independent non-governmental organisation campaigning for transparency in government and providing regular public monitoring of state authorities.

Ms. Jennifer Gaspar is the spouse of Mr. Pavlov and a citizen of the United States of America. She has lived in Russia since 2004, and has worked as a consultant with various non-governmental organisations operating in the Russia Federation on issues such as children's rights and HIV/AIDS.

According to the information received:

In October 2013, Ms. Gaspar applied for Russian citizenship and, on 18 March 2014, her application was denied by the Federal Migration Service. Reportedly, officials from the Federal Migration Service (FMS) told her informally that she would have to wait until US-Russian relations were "normalised" before her application for Russian citizenship would be successful.

Allegedly, on 5 August 2014, Ms. Gaspar received a letter from the FMS in Saint-Petersburg notifying her that her residence permit had been cancelled by the

authorities. According to reports, the letter declared that the decision to nullify the residence permit was made on 21 July 2014 on the basis of a “threat to national security”. Ms. Gaspar’s residence permit had allegedly been valid until February 2015. It is alleged that the letter stated that 5 August 2014 was the last day that she was permitted stay in Russia.

The same day, a threat was directed at Mr. Pavlov through the website of the Institute for Freedom of Information Development Foundation. The threat stated that if he didn’t leave the Russian Federation voluntarily, the senders would “help” him to do so.

According to reports, on 6 August 2014, Ms. Gaspar appealed the decision to the Frunzenskiy District Court in Saint-Petersburg, and hearings were held on 12 and 14 August 2014. During the hearings, representatives from the FMS allegedly referred to secret correspondence with the Federal Security Service (FSB), which claimed to cancel Jennifer Gaspar’s residence permit under the Federal Law “About the legal status of foreigners”. The law reportedly allows for the revocation of a residence permit where a “foreign citizen supports violent change of the constitutional order of the Russian Federation or threatens the security of Russia by other activities”. Allegedly, the judge refused Ms. Gaspar’s petitions for the disclosure of the reasons for the decision and for the summoning of a FSB representative to appear in court.

Reportedly, on 19 August 2014, the Frunzenskiy District Court upheld the decision to deport Ms. Gaspar. Following the trial, she reportedly left the Russian Federation and travelled to the United States of America. It is claimed that she intends to appeal the decision in a higher court.

Regarding the case of the Institute for Freedom of Information Development Foundation, according to the information received:

In March 2013, the Institute for Freedom of Information Development Foundation (IFIDF) underwent an inspection by the prosecutor’s office. Allegedly, on 11 July 2013, the IFIDF received a prosecutor’s warning for carrying out “political activities” and receiving foreign funding without being registered as foreign agents. The IFIDF was also cautioned that the group might have to register as a “foreign agent” as a result. The caution allegedly identified a number of items on the organisation’s website as being potentially “political”.

According to sources, on 27 January 2014, after a second inspection, the prosecutor’s office issued an official notice of violation obliging the IFIDF to register as a ‘foreign agent’. The group allegedly appealed the notice, arguing that its activities are not “political”, do not aim to change state policy, and in accordance with the Constitution of the Russian Federation.

Although the appeal remains pending, on 29 August 2014 the Ministry of Justice reportedly added the IFIDF to the list of ‘foreign agents’.

Concern is expressed at the alleged threat against Mr. Ivan Pavlov and the cancelation of the residence permit of his spouse, Ms. Jennifer Gaspar, as well as the categorization of the Institute for Freedom of Information Development Foundation as a ‘foreign agent’.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency’s Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations concerning Mr. Pavlov, Ms. Gaspar and the Institute for Freedom of Information Development Foundation.
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators of the threat?
5. Please indicate what measures have been taken to ensure that the legitimate rights to freedom of expression and opinion and to form, join and participate in non-governmental organizations are respected and that the physical and psychological integrity of those exercising these rights is guaranteed.
6. Please kindly indicate what measures have been taken to ensure that human rights defenders in the Russian Federation are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst

Special Rapporteur on the situation of human rights defenders

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like to refer to article 22 of the International Covenant on Civil and Political Rights, which provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders: article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups; and article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights.

We would also like to refer to Human Rights Council Resolution 22/6, which calls upon States to ensure that procedures governing the registration of civil society organizations are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration and are in conformity with international human rights law.

In this context, reference is also made to Human Rights Council Resolution 24/5 which “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

Concerning the issue of the funding of associations, the Special Rapporteur on the rights to freedom of peaceful assembly and of association further called upon States, in his report A/HRC/23/29, “[t]o ensure that associations – registered and unregistered – can seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments, including from individuals; associations, foundations or other civil society organizations; foreign Governments and aid agencies; the private sector; the United Nations and other entities; [and to] recognize that regulatory measures which compel recipients of foreign funding to adopt negative labels constitute undue impediments on the right to seek, receive and use funding” (paras. 82 (b) and (d)).