



General Assembly

Distr.: General
25 February 2022

English only

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Yakutia - Our Opinion, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Stop illegal persecution of Chief of Non-governmental organization "Yakutia - Our Opinion" in Special Consultative Status with the United Nations Economic and Social Council. Russian Citizen Stepan Petrov, Illegally Recognized By Russian Authorities As A Foreign Agent, And Other Russian Foreign Agents

Below is a mandatory message for foreign agents,
as required by Russian law

“THIS MESSAGE (MATERIAL)
WAS CREATED AND (OR)
DISTRIBUTED BY FOREIGN MEDIA
THAT PERFORMS THE FUNCTIONS
FOREIGN AGENT, AND (OR) RUSSIAN
LEGAL ENTITY THAT PERFORMS
THE FUNCTIONS OF FOREIGN AGENT”

In the Russian Federation, there is a critical situation with human rights and, in particular, with the rights of those who defend them.

Currently, many independent public figures in the Russian Federation are being subjected to unreasonable and arbitrary persecution.

They are subjected to significant monetary fines, their participation in public life is restricted, administrative and criminal cases are initiated, and their organizations are forcibly closed.

In the Russian Federation, a massive repressive policy is being pursued against the human rights community and civil society.

State and law enforcement agencies of the Russian Federation terrorize human rights defenders, civil activists and journalists.

One of the tools to suppress civil society in the Russian Federation is the legislation on so-called foreign agents, adopted in violation of international law.

Stepan Petrov, Chief of NGO "Yakutia - Our Opinion" is a foreign agent twice.

For the first time He became a foreign agent, as an individual, August 20, 2021.

For the second time He became a foreign agent, as the Chief of a legal entity NGO "Yakutia - Our Opinion", October 14, 2021.

In the case of foreign agent Stepan Petrov, 2 trials took place:

- December 6, 2021 in Moscow, where the decision of the Russian Ministry of Justice to include him in the register of foreign agents was appealed and the removal from the register was unlawfully denied (1);
- December 17, 2021 in Yakutsk, where he was illegally convicted under Article 19.34.1. of the Code of Administrative Offenses of the Russian Federation (2).

After two administrative violations, he is threatened with criminal liability under article 330.1 of the Criminal Code of the Russian Federation.

In this case, Stepan Petrov can be sentenced to a fine of 5 million rubles or even put in jail for 5 years.

In both Moscow and Yakut cases, judges Rubtsova and Alekseeva issued a deliberately unjust judicial act.

These judges violated the norms contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention for the

Protection of Human Rights and Fundamental Freedoms, the Bangalore Principles of Judicial Conduct have been violated.

The norms relate to:

- equality of all before the law;
- the right to a fair trial;
- the right to an effective remedy;
- the right to effective restoration of violated rights;
- the right to have the case heard by a competent, independent and impartial tribunal.

As of the end of January 2022, there are 113 individuals and legal entities in the register of foreign media performing the functions of a foreign agent. The number of foreign agents is increasing almost weekly.

During this time, many individuals tried to appeal the decision of the Ministry of Justice on their inclusion in the register in the courts.

However, in almost all cases they were denied this.

In politically motivated case of Petrov, the prognosis is negative.

This is indicated by the clear bias and political engagement of the courts of first instance.

Evidence of politically motivated persecution of Petrov can be that Yakut city court violated right to be tried in his presence, given that the two types of protection (the right to defend oneself in person or through counsel) are not mutually exclusive, which is enshrined in paragraphs 36, 37 of General Comments No. 32 to Article 14 of the International Covenant on Civil and Political Rights and Article 45 of the Russian Constitution.

Also, in absence of Petrov, a Roskomnadzor drawn up the protocol that had been sent for consideration to the Yakut city court.

Thus, his basic right to personal participation in the conduction of legally significant actions against him was violated in the most gross way.

Under these conditions, when Petrov is tried and a protocol is drawn up in his absence, he can not hope for the observance of rights in the courts of appeal, cassation and supervisory instances.

Also evidence of politically motivated persecution and continuation of further arbitrariness can be the fact of a double violation of his presumption of innocence:

- for the first time, by the Ministry of Justice, when Petrov was included in the register of foreign agents out of court on the basis of secret information that was not provided to him or his lawyer;
- for the second time, by the Zamoskvoretsky Court of Moscow, when the judgment was made on the basis of insufficient evidence - instead of primary documents, secondary documents were considered that do not meet the criterion for the admissibility of evidence and can be falsified or erroneous unreliable information may be presented in them, in conditions of non-acceptance of judicial measures on the fact that the Ministry of Justice of the Russian Federation evaded the obligation to prove.

Thus, it makes the further administrative and criminal prosecution of Petrov and other citizens-foreign agents illegal and criminal, which is initiated in connection with their status as foreign agents,

since foreign agents are initially included in the register of foreign agents in violation of the law - out of court on the basis of secret information and during further consideration of cases in courts, this information is hidden.

This violates paragraph 2 of Article 24 of the Constitution of the Russian Federation, which stipulates the obligation of state authorities to familiarize citizens with documents that directly affect their rights and freedoms.

As a result, people do not even know on what basis they were included in the register of foreign agents, and their further persecution is illegitimate.

It is noteworthy that not a single foreign agent has been excluded from the register in the course of the procedure prescribed by law.

Given the arbitrariness of the exclusion of individuals from the register, it can be concluded that the most real and fastest way to terminate the status of a foreign agent-individual is the death of a person.

Such a blasphemous way of terminating the status of a foreign agent is offered by the legislation of the Russian Federation.

This can be interpreted as a provocation of the state authorities of the Russian Federation of suicides of foreign agents - individuals and inducement of third parties to the physical destruction of foreign agents.

In general, the legislation on foreign agents is extremely negative and unacceptable for a democratic constitutional state.

Illegal, unreasonable, unfair and unmotivated judicial acts were issued against Petrov in both the Moscow and Yakut cases.

The issuance of deliberately unjust judicial acts, the absence of a fair trial in the courts of first instance, the failure to take effective measures to restore violated rights of Petrov predetermine the exhaustion of effective legal remedies within the Russian Federation from the violations.

In this regard, the complaint was filed to the UN and the EU (3).

Non-governmental organization "Yakutia - Our Opinion" offer russian government:

1. To stop persecution of Stepan Petrov and other Russian foreign agents;
2. To repeal the legislation on foreign agents adopted in violation of international law.

Authorized international bodies need to point out to the Russian Federation the need to comply with international legal obligations assumed voluntarily.

In this case, there are two options: the Russian Federation complies with international norms or does not comply with them.

If the political leadership of the Russian Federation does not want to fulfill its international legal obligations, then the Russian Federation needs :

- to withdraw from the UN, other international and interstate organizations,
- and to terminate the European Convention for the Protection of Human Rights and Fundamental Freedoms and other international treaties.

That is all. And it will be fair.

Everything is very simple. You can not "sit on two chairs."

It is impossible to lie all the time that international norms are observed, but actually violate them.

The total violation of human rights in the Russian Federation against the backdrop of a cynical demonstration of alleged adherence to international law only increase the legal crisis in the country, when state bodies cease to perform their direct functions, and the state turns into some kind of incomprehensible entity, the processes in which are not in the interests of citizens and not according to the law but for the benefit of individuals who have power and money.

This cannot go on indefinitely and the protest potential will come out sometime.

And it will be unstoppable.

Therefore, a decision must be made.

1. Judgment, available at: <https://cloud.mail.ru/public/KCt7/oiTeGXyt7>
2. Judgment, available at: <https://cloud.mail.ru/public/4cr7/rbq9JGMeL>
3. Complaint, available at: <https://drive.google.com/file/d/17Ykq00rTWajjXuhFZcPfxJEocri3qo5-/view>