

2005. The assembly by the Nationwide Committee (hereinafter “the Committee”) was not merely a commemoration ceremony as the participants argue it to be. Given the Committee's past history, it was evident that this assembly would result in collective violence, and as a result, the assembly was prohibited. In fact, from January 2009 to March 2009, the Committee held five assemblies in which demonstrators engaged in serious acts of violence and attacked the police. Despite having been notified that the assembly was prohibited, the Committee occupied the road and illegally proceeded. The participants repeatedly refused to comply with a police order to disperse and perpetrated violence by attacking the police. As a result, they were arrested on charges of assault and obstruction of traffic under the Criminal Act.

2006. Mr. Park Lae-gun and Mr. Lee Jong-hoi did not respond to the police request which asked them to report to the police station for questioning, thus leading to the issuance of their arrest warrants in March 2009. Mr. Park Lae-gun and Mr. Lee-Jong-hoi were on the run roughly ten months before they were arrested and confined in January 2010. The arrest and confinement warrants were issued following a judicial review by an independent court. The Court reviewed the case for the issuance of the confinement warrants carefully and acknowledged the need for the incarceration of these two men. Mr. Park Lae-gun and Mr. Lee Jong-hoi were released on bail with the permission of the Court, and they are currently attending trial free of confinement.

2007. No complaints have been lodged to the police or to the prosecutors' office on behalf of Mr. Park Lae-gun or Mr. Lee Jong-hoi.

2008. The Republic of Korea's legal system guarantees the right of peaceful assembly and demonstration. Any restrictions on the exercise of the right are applied under strict requirements in accordance with the law. The relevant domestic laws are in compliance with international norms and standards, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Declaration on Human Rights Defenders. The Republic of Korea's Constitution and the Criminal Act prohibit arbitrary arrest and detention, uphold the principle of “*nullum crimen sine lege*” and guarantee a defendant's right to a fair trial. In conclusion, the arrest, confinement, and criminal trial of Mr. Park Lae-gun and Mr. Lee Jong-hoi have been carried out in accordance with the Constitution and the Criminal Act of the Republic of Korea, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Declaration on Human Rights Defenders.

Allegation letter (참여연대쪽 서한)

2009. On 1 July 2010, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an allegation letter concerning threats and investigations initiated against the staff of the People's Solidarity for Participatory Democracy (PSPD), a non-governmental organization in consultative status with the United Nations Economic and Social Council.

2010. According to information received, on 11 June 2010, the PSPD transmitted an open-letter, together with its 27-page report, to the Permanent Missions of the 15 Member States of the United Nations Security Council in New York. The report questioned the results of the investigation by the Joint Civilian-Military Investigation Group (JIG), which concluded that the Democratic People's Republic of Korea (DPRK) was responsible for launching a torpedo attack against the Republic of Korea's “Cheonan” naval vessel on 26 March 2010 that killed 46 navy personnel. The report also urged the Governments of the Republic of Korea and the DPRK to refrain from any provocative action which may threaten the peace on the Korean peninsula, and requested the Government of the Republic

of Korea to re-investigate the incident and to disclose all available information to the public.

2011. Since 14 June 2010, a number of statements have allegedly been made by high-level Government officials, including the President, the Prime Minister, and the Minister of Foreign Affairs and Trade, which have depicted the PSPD as hindering the Government's diplomatic efforts to push for action by the Security Council to hold the DPRK accountable for the incident. Such statements have allegedly incited members of the public to verbally and physically attack the PSPD and its staff, including threatening telephone calls and throwing of gas canisters and eggs at the building in which the PSPD office is located.

2012. On 16 June 2010, the Seoul Central District Prosecutor's Office reportedly initiated an investigation on the PSPD on charges of benefitting the enemy (the DPRK) in violation of the National Security Law, defaming the members of the JIG by spreading false information, and interfering in the official duties of the Government's diplomatic affairs. It has also been reported that Mr. Lee Tae-ho and Mr. Ko Gap-woo, PSPD staff who were involved in the compilation and submission of the letter and report to the Security Council Member States, are to be summoned for further investigation.

2013. Concern was expressed that the threats against and investigations of the PSPD staff are related to the peaceful exercise of their right to freedom of opinion and expression, which includes the right to impart information and ideas of all kinds regardless of frontiers.

Response from the Government (정부 답변)

2014. In a letter dated 15 September 2010, the Government informed that it is untrue that the Prosecutor's Office (hereinafter "PO") initiated an investigation as to whether the act of sending a letter to the United Nations Security Council by the People's Solidarity for Participatory Democracy (hereinafter "PSPD") can constitute a crime of benefitting the enemy, defamation, or obstruction of public duties. The PO is conducting a preliminary inquiry, not a criminal investigation, pursuant to its receipt of a petition requesting an investigation of the PSPD activists, as is further explained below. Additionally, it is baseless and presumptuous to allege that the comments made by high-level government officials on the PSPD's decision to send a letter to the UN Security Council have provoked verbal and physical attacks by conservative groups against the PSPD.

2015. On 11 June 2010, several civic organizations including RIGHT KOREA lodged a petition with the PO demanding that the PSPD be prosecuted for sending a letter to the 15 members of the United Nations Security Council in which it questioned the results of the investigation by the Joint Civilian-Military Investigation Group (JIG) of the sinking of the naval vessel Cheonan. The PO thereafter initiated a preliminary inquiry in accordance with Section 141(1) of the Regulation of Prosecutorial Affairs (Regulation of the Ministry of Justice). Currently, the PO is conducting a review of the case to determine whether or not the facts alleged in the petition are accurate and whether the petition has legal merit. If the review results in an affirmative answer on both counts, the PO will launch a criminal investigation in accordance with the Regulation of Prosecutorial Affairs, Section 143. Otherwise, the PO will discontinue the preliminary inquiry. Thus far, no competent Korean governmental authority has expressed its opinion on whether or not the government will prosecute the PSPD and whether or not the PSPD violated the law.

2016. Upon the PSPD's request, police officers were deployed to protect the PSPD during the civic group demonstrations that took place around the PSPD building from 15 to 18 June 2010. Moreover, a team of 5 officers remained to protect the PSPD's staff and its facility for an additional 3 weeks. Additionally, the police referred this case to the PO on 22

July for a decision on whether the demonstrations by 5 civic groups that took place from 15 to 18 June in front of the PSPD's building constitute a violation of the Assembly and Demonstration Act. The police are also currently working to identify a person suspected of engaging in violence against the PSPD staff and its facilities. Once the suspect's identity is verified, he will be charged in accordance with the law.

Observations (특별보고관 관찰의견)

2017. The Special Rapporteur thanks the Government for its detailed responses.

Russian Federation

Urgent appeal

2018. On 15 January 2010, the Special Rapporteur sent an urgent appeal concerning the situation of Ms. Anastasia Denisova. Ms. Denisova is the President of ETHnICS, a youth group based in Krasnodar promoting tolerance, as well as a member of the Krasnodar section of the Memorial Human Rights Centre and of the coordination council of the Youth for Human Rights Movement. Ms. Denisova was the subject of a previous urgent appeal sent on 22 October 2009 concerning acts of harassment against her and members of the Youth Group for Tolerance "YGT" ETHnICS. The Special Rapporteur acknowledged receipt of the reply from the Government dated 14 December 2009.

2019. According to the new information received, on 11 January 2010, the apartment of Ms. Denisova was allegedly searched by three police officers from the Krasnodar Crimes Department who were looking for pirate software in the framework of an investigation on terrorism. They allegedly refused to give her a copy of the search warrant but informed her that a criminal case had been opened against her. It is alleged that the police seized her laptop, external hard drive and flash memory.

2020. On 12 January 2010, the Krasnodar Police Department of Internal Affairs allegedly summoned Ms. Denisova for interrogation. During her questioning, in presence of her lawyer, she refused to answer questions, arguing that according to Article 51 of the Russian Constitution she should not be obliged to give evidence against herself. It is alleged that Ms. Denisova is suspected of "illegal use of copyright objects or neighboring rights", "appropriation, storage, transportation of pirated copies of material for sale purposes on a large scale, with use of official position".

2021. Concern was expressed that the house search and summons of Ms. Denisova might have been directly related to her work in defense of human rights and intended at restricting her peaceful human rights activities.

Response from the Government

2022. In a letter dated 19 February 2010, the Government responded to the communication sent on 15 January 2010 as follows. A claim was filed with the Krasnodar Internal Affairs Administration on 1 October 2009 against the Youth Group for Tolerance "ETHnICS", a voluntary association in the Krasnodar territory headed by Ms. Denisova, indicating that, according to available information, it was using software in violation of Russian copyright legislation; therefore, a request was made for an inspection to be carried out involving an expert specialized in identifying products not in conformity with licensed products. The