**STATEMENT**

adopted by the participants of the conference

*“Free Legal Aid: Challenges and Implementation Concepts”*

*in framework of the Human Rights House Network Program “International Law in advocacy”*

held in Veliky Novgorod on February 18 – 19, 2014

February 19, 2014

On February 18 – 19, 2014, in **Veliky Novgorod**, the conference *“Free Legal Aid: Challenges and Implementation Concepts”* was held for legal practitioners and lawyers from Azerbaijan, Belarus, Moldova, Russia and Ukraine.

**Vyacheslav Tsurkan, a Moldovan lawyer, the Chairman of the international NGO *Human Rights Embassy*,** was invited to take part in this international conference as an expert, a lecturer and a moderator. However, upon his arrival at the Domodedovo Airport (Moscow), Vyacheslav was informed by the border control officers that, **according to the instructions given by the Federal Security Service of the Russian Federation, he may not enter the Russian Federation until October 16, 2018, and therefore was deportable**. The border control officers refused to provide any comments about the reasons for the banishment and suggested applying to the Embassy of Russia in Chisinau (Kishinev) with a request to lift the ban on entry imposed by the FSS.

After that, the border control officers **seized Vyacheslav Tsurkan’s passport** and asked him to sign the Report on Deportation from Russia. Then, having not permitted him to enter the airport transit area and to return home, the officer instructed Vyacheslav to follow them.

**The human rights defender was detained** **wrongfully** and placed in a detention facility, which is commonly known as “a monkey house” (a cell with bars instead of walls), where he was kept from 11.00 to 23.30 of February 16, 2014. When he was placed to the detention facility, Vyacheslav Tsurkan was not informed how long he would be detained there, as well as the rest of the detainees (from 35 to 60 people kept simultaneously within about 20 m²). The detention facility described is referred to as “the room for the passengers deported” and is located on the ground floor at the Domodedovo Airport.

**“In accordance with the international legal standards, placement in this detention facility may be qualified as unlawful deprivation of liberty, and the detention conditions may be viewed as a form of torture,** – Vyacheslav Tsurkan commented as a lawyer. – **All this actions taken together constitute a violation of Article 3 and Article 5 of the European Convention on Human Rights, signed by Russia in 1998.”** According to the lawyer, under the law, all the persons pending deportation should have been convoyed to the airport transit area.

The human rights defender pointed out that no reason at all existed for the measures applied against him**.** **“I have never and under no circumstances violated the laws of the Russian Federation.** I have never even happened to have signed a report on a violation committed by me – neither in Moldova, nor in Russia, – Vyacheslav Tsurkan said. – I think the ban on entry to Russia was **an act of revenge on the part of the Russian FSS, because I have conducted and I still conduct the cases against Russia in the European Court of Human Rights (ECHR), trying to protect the rights of children from the Moldovan schools located in the Transdniestrian region of the Republic of Moldova (the complaints to the ECHR were sent on behalf of the following persons: pupils of the Eureka Lyceum in Rybnitsa and their parents; pupils of the boarding school in Tiguina; Drach, a citizen of Ukraine; Alimpiyev, the former Chairman of the City Court of Tiraspol; Shapoval (now deceased), a former accountant in the Border Troops of the unrecognised Moldovan Transdniestrian Republic; Ionova, the former head of the Transdniestrian Republican Bank, etc.).** This is the only possible explanation of what is happening, although I could never assume that Russia would apply the measures like that against me.”

The notification about the ban on entry, issued for Vyacheslav Tsurkan just before his expulsion from the Russian Federation, specifies the criteria for the ban on entry in accordance with Article 27, Part 2 of the Russian Federal Law on Border Crossing Procedures, as of September 15, 1996. Since none of the criteria, provided for in Part 2 of Article 27 of the Federal Law, applies, by any means, to the Moldovan human rights defender, we assume that V. Tsurkan was deported because of his professional activities, as a lawyer and a human rights defender.

Proceeding from the above, the participants of the Conference call on the Government of the Russian Federation to take the following steps:

1. Urgently charge the General Procuracy of the Russian Federation with the task of investigation into the detention and deportation of Vyacheslav Tsurkan, a lawyer, a human rights defender and the Conference participant, in order to change the unjustified decision about his deportation and the ban on the entry to Russia until October 16, 2018;

2. Inspect the premises referred to as “the room for the passengers deported” at the Domodedovo Airport and the detention conditions for a considerable number of “passengers deported”;

3. Upon the inspection, adopt a resolution defining the actions/inactions of the officials who are responsible for the detention of persons, pending their deportation from the Russian Federation, for a long period (from several hours to several weeks) in the “room for the passengers deported” at the Domodedovo Airport, as *corpus delicti*. The detention conditions within this facility result in numerous violations of human rights, such as arbitrary deprivation of freedom and cruel and inhuman treatment, reaching the level of torture, for a large of number persons (from several dozens to several hundred at the same time).

4. Take all the necessary steps to prevent these violations in future and to avoid the international legal responsibility for the Russian Federation, in particular, for the gross and systematic violations of the European Convention on Human Rights by the officers of the Federal Security Service (the border control unit at the international airport Domodedovo);

5. Officially apologize for the sufferings caused to the detainees in “the room for passengers deported” at the Domodedovo Airport and ensure that each of them is awarded and paid adequate compensation for the damage caused;

6. Urgently stop using detention facilities of this type to prevent any further similar violations on the territory of the Russian Federation;

7. Publicize the investigation results;

8. Forward the information about the consideration of this Statement to the following address: