

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on violence against women, its causes and consequences.**

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (89-15)  
RUS 9/2011

24 August 2011

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on violence against women, its causes and consequences pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 17/5, 17/2, 16/4, 16/5 and 16/7.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the lack of progress made in the investigation of the killing of human rights defender **Ms. Natalia Estemirova** on the second anniversary of her death. Ms Estemirova was a prominent human rights defender and researcher working with the Russian non-governmental organization Memorial, which works on human rights abuses in Chechnya. Ms. Estemirova received several prizes for her outstanding work, including the "Right to Life" award from the Swedish Parliament; the Robert Schuman Medal of the European Parliament and the Anna Politkovskaya prize.

Ms. Estemirova was the subject of a previous communication by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 20 July 2009, following information received concerning her killing. The Special Rapporteur thanks Your Excellency's Government for its response to this communication dated 27 August 2009.

The case of Ms. Estemirova was also the subject of an allegation letter sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 14 January 2011, regarding an alleged pattern of impunity regarding the deaths of lawyers and human rights activists. Unfortunately, to date, the Government of Your Excellency has not provided a response to this communication.

In connection to this case, a communication was also sent by the Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders on 3 December 2010, relating to proceedings issued against Mr. Oleg Orlov, Chairman of Memorial, regarding comments he made in relation to the killing of Ms. Estemirova.

The Special Rapporteurs thank your Excellency's Government for its response to this communication dated 21 February 2011 and we acknowledge that the Investigation Committee of the Procurator's Office of the Russian Federation opened a criminal case and that a range of investigative and operational activities to identify the perpetrators of the crime were initiated. We also acknowledge information indicating that searches were carried out at various locations and that material evidence for the forensic analysis was gathered.

However, according to the information received:

It is reported that Chechen authorities had publicly criticised the reporting of Ms. Natalia Estemirova regarding sensitive cases of human rights abuses, alleged kidnappings, torture and extra-judicial killings by Russian Government troops or militias in Chechnya. It is alleged that Ms Estemirova, worked closely with other reporters, including Anna Politkovskaya, who was murdered in 2006, and wrote articles on human rights violations committed in Chechnya for the renowned newspaper "Novaya Gazeta".

On 15 July 2009, Ms. Estemirova was reportedly abducted outside her home in Grozny and her body, showing evidence that she had been shot, was allegedly discovered in the Republic of Ingushetia later the same day.

On 9 October 2009, Mr. Oleg Orlov, Chair of Memorial, was reportedly found guilty of defamation following the publication of a statement in which Mr. Orlov indicated his belief that the President of the Chechen Republic, Mr. Ramzan Kadyrov or his administration was responsible for the murder of Ms. Estemirova. Criminal proceedings were also allegedly issued against Mr. Orlov for slander based on the same comments, however, these charges were dismissed by the court of Khamovniki district court of Moscow on 14 June 2011.

According to the new information received, on 14 July 2011, a joint report was published by human rights organisations outlining apparent shortcomings in the investigation into the killing of Ms. Estemirova. It is alleged, that despite repeated assurances by the Russian authorities that the investigation is progressing, little progress has in fact been made. Reportedly, there was a failure to collect DNA samples from a wide range of suspects in Chechnya, there were discrepancies found in the evidence taken from the car allegedly used in the killing of Ms. Estemirova, and there was a lack of willingness to look into the role played by the Kurchaloi district police, who Ms. Estemirova had exposed in connection with an extrajudicial execution two weeks before her death.

Concern is expressed regarding the lack of progress made in the investigation into the killing of Ms. Natalia Estemirova two years after her death. This concern is deepened by the fact that, over the course of her work with Memorial, she allegedly exposed human rights violations in Chechnya and investigated the involvement of the local officials in such violations. Finally, concern is expressed that the killing of Ms Natalia Estemirova was directly related to her peaceful and legitimate work in defence of human rights in particular in Chechnya and that the physical and psychological security and integrity of other human rights defenders working in the region may be at risk.

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 Article 8 of the Universal Declaration of Human Rights and Article 2 of the International Covenant on Civil and Political Rights, stating the respect of the right to effective remedy of everyone whose rights or freedoms are violated.

With regard to the allegation on the lack of progress and shortcomings in the investigation into the killing of Ms. Estemirova, we would like to call upon your Excellency's Government to ensure respect of the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, and in particular of the following provisions:

12. Prosecutors shall, in accordance with the law, perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights, thus contributing to ensuring due process and the smooth functioning of the criminal justice system.

13. In the performance of their duties, prosecutors shall: (a) Carry out their functions impartially and avoid all political, social, religious, racial, cultural, sexual or any other kind of discrimination; (b) Protect the public interest, act with objectivity, take proper account of the position of the suspect and the victim, and pay attention to all relevant circumstances, irrespective of whether they are to the advantage or disadvantage of the suspect;

We would like to further refer to the report of the Special Rapporteur on the Independence of Judges and Lawyers to the 65<sup>th</sup> Session of the General Assembly, dated

10 August 2010, and in particular to her recommendations on the fight against impunity through strengthened criminal justice systems.

Regarding allegations that Ms. Estemirova was killed in connection to her peaceful and legitimate work in defence of human rights exposed human rights violations in Chechnya, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, 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, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 9, para.1 which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights; and

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We also wish to bring to your Excellency's Government's attention to the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/USR/CO/7, 2010, paragraphs 32 and 33) regarding the harassment, violent attacks and murders of female journalists and human rights defenders in the country, in particular those working in the northern Caucasus, including in the Chechen Republic of the Russian Federation. The Committee called on the State party to take immediate and effective steps to ensure the protection of journalists and human rights defenders monitoring and reporting violations of women's rights from intimidation and from any unfavourable circumstances they might suffer as a result of their professional activities. The Committee also urged the State party to ensure the prompt, impartial and effective investigation and punishment of such cases. In this regard, we recall Article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

We would also like to draw your Excellency's Government's attention to the concluding observations of the Human Rights Committee (CCPR/C/RUS/CO/6, 2009, paragraph 16) in which the Committee expressed concern at the alarming incidence of threats, violent assaults and murders of journalists and human rights defenders in the State party and regretted the lack of effective measures taken by the State party to protect the right to life and security of these persons, guaranteed in articles 6, 7, and 19 of the International Covenant on Civil and Political Rights (ratified by the State party on 16 October 1973). The Committee urged your Excellency's Government to, inter alia, take immediate action to provide effective protection to journalists and human rights defenders whose lives and security are under threat due to their professional activities and ensure the prompt, effective, thorough, independent, and impartial investigation of threats, violent assaults and murders of journalists and human rights defenders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts. Indicating the urgency and seriousness of the matter, the Committee (CCPR/C/RUS/CO/6, 2009, paragraph 30) requested your Excellency's Government to provide it with information on the implementation of this recommendation within one year. *On the basis of information submitted by the Government to this effect (CCPR/C/RUS/CO/6/Add.2, paras. 12-15, 2010), the Committee decided on 27 July 2011 (102<sup>nd</sup> session) that the State party had not implemented this specific recommendation.*

We urge your Excellency's Government to take all necessary measures to guarantee that the killing of Ms. Estemirova is investigated in an prompt, effective and impartial manner and that accountability of any person found guilty is adequately ensured. We also request that your Excellency's Government adopts effective measures to prevent the recurrence of these acts.

Moreover, it is our responsibility under the mandates provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the killing of Ms. Natalia Estemirova.
3. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please provide information on the measures taken to ensure that the physical and psychological integrity of human rights defenders is duly protected to enable them to carry out their legitimate activities in defence of human rights.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Rashida Manjoo  
Special Rapporteur on violence against women, its causes and  
consequences

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers