

**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 Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
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15 September 2011

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/4, 15/21 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the arrests of Messrs. **Victor Chirikov**, **Aleander Onufrienko** and Ms. **Valery Semergei** on 27 August 2011, and their subsequent administrative detention.

Mr. Victor Chirikov is an activist of the movement "Solidarity", Mr. Aleander Onufrienko and Ms. Valery Semergei are members of the Galendzhik Human Rights Centre. All three human rights defenders are supporters of the Campaign for the Defence of Khimki forest, aimed at preventing the development of a motorway through this forested area in the Moscow region.

According to the information received:

On 27 August 2011, at approximately 5:00 p.m., it is reported that Messrs. Victor Chirikov, Aleander Onufrienko and Ms. Valery Semergei were stopped by the police while participating in a peaceful demonstration. They were allegedly approached by police officials and were talking to them when an individual dressed in plain clothes came up to Mr. Chirikov and hit him in the face. When Mr. Chirkov asked the police officers to stop his attacker he reportedly discovered that the police officers were in fact subordinate to the assailant. According to information received, the three human rights defenders were subsequently arrested and detained at Dzhugba police station.

It is reported that the aforementioned human rights defenders were walking along the banks of the Bzhid River as part of a demonstration which was being held near the summer residence of the Governor of the Krasnodar region when they were confronted by the police officers. This demonstration was allegedly part of a series of demonstrations, organised by a number of non-governmental organisations and carried out in various locations in the Russian Federation, to show solidarity for the Khimki forest defenders and support for the Campaign to Defend Khimki Forest.

On 28 August 2011, Messrs. Chirikov and Onufrienko and Ms. Semergei were reportedly brought in front of a closed court session . They were allegedly charged with “disobedience to the licit requests of the police officers”. Mr. Chirikov was sentenced to 15 days of administrative detention, the maximum punishment for an administrative offence, and Mr. Onufrienko and Ms. Semergei were sentenced to five days of administrative detention.

Mr. Chirkov lodged an appeal against the decision. However, it is alleged that on 30 August 2011 Tuapse District Court upheld the sentence against him.

The arrests and administrative detention of the aforementioned human rights defenders reportedly come in the context of on-going acts of harassment and attacks, over the course of 2010 and 2011, against environmental activists involved in the Campaign to Defend Khimiki Forest.

Concern is expressed regarding the fact that the arrest and subsequent detention of Messrs. Victor Chirikov, Aleander Onufrienko and Ms. Valery Semergei took place as

they participated in a peaceful demonstration. Further concern is expressed that their arrest and subsequent administrative detention may be directly related to their legitimate work of human and environmental rights and, in particular, their involvement in the Campaign to Defend Khimki Forest.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.

We would also 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 International Covenant on Civil and Political Rights, which provides that "[e]veryone 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 further appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the International Covenant on Civil and Political Rights, which provides that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.

Regarding allegations received indicating that Messrs. Victor Chirikov, Aleander Onufrienko and Ms. Valery Semergei have been arrested in relation to their legitimate work of human and environmental rights and, in particular, their involvement in the Campaign to Defend Khimki Forest, we wish to draw the attention of 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 5, point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- 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.

- 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 urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Messrs. Chirikov and Onufrienko and Ms. Semergei are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Messrs. Chirikov and Onufrienko and Ms. Semergei in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us 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, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of this 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 this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide the full details of any legal basis for the arrest and subsequent administrative detention of Messrs. Victor Chirikov, Aleander Onufrienko and Ms. Valery Semergei.
4. Please provide details of any measures put in place to ensure the physical and psychological integrity of activists involved in the Campaign to Defend Khimki Forest.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

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

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of
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