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**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**

Mandate of the Special Rapporteur on the situation of human rights defenders

REFERENCE: UA G/SO 214 (107-9)
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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 16/5.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received concerning the attack against **Mr. Bakhrom Khamroev**, member of the Human Rights Centre "Memorial" and who works for the rights of migrants from Central Asian countries in the Russian Federation.

On 20 December 2010, Mr. Khamroev was the subject of a joint urgent appeal sent by 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. Unfortunately, to date, no response has been received from your Excellency's Government to this communication.

According to the information received:

On 6 June 2011, Mr. Khamroev was reportedly returning home to pick up his luggage to travel to Murmansk where he had planned to meet with Mr. Yusip Kasymakhunov. Mr. Kasymakhunov is an activist, citizen from Uzbekistan, member of Hizb ut-Tahrir (Party of Liberation), who is currently detained in Murmansk. His prison sentence was scheduled to end on 9 June 2011 and Mr. Khamroev had been requested to be present during the release of Mr. Kasymakhunov, as the latter reportedly feared to be immediately extradited to Uzbekistan, where he reportedly risks to be tortured and to be sentenced again for the same reasons as he was in the Russian Federation.

It is alleged that when Mr. Khamroev arrived in front of the building he noticed an unknown man who seemed to make a phone call when he saw him. As he entered the building, Mr. Khamroev noticed another man standing between the first and the second floor. Then a third man, wearing leather gloves, came out of the elevator and reportedly started to violently beat Mr. Khamroev without saying a word. The man standing between the first and second floor also started beating Mr. Khamroev. Then, one of men sprayed Mr. Khamroev's face with a chemical product which caused him temporary blindness. Once the attackers abandoned the scene, Mr. Khamroev arrived to his apartment and his wife called the emergency services.

An ambulance took Mr. Khamroev to a nearby hospital where he underwent first-aid treatment before going back to his apartment. That evening, at 10:00 p.m., the Department of Interior Affairs was informed of the attack and the Head of the Investigation Service of the Direction of Interior Affairs of the South-East Area of Moscow reportedly arrived on the scene shortly afterwards to inspect the scene. According to the information received, a criminal case will be opened.

Concern is expressed about the physical and psychological integrity of Mr. Khamroev and the allegations received indicating that the reported attack against him could be related to his work in defence and promotion of human rights, particularly his work in defence of the rights of migrants from Central Asian countries in the Russian Federation.

While I do not wish to prejudge the accuracy of these allegations, I wish to draw your Excellency's attention to the right to physical and mental integrity of Mr. Bakhrom Khamroev.

In this connection, I would 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, I would like to bring to the attention of your Excellency's Government 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.

I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Bakhrom Khamroev 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. I 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, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Bakhrom Khamroev in compliance with the above international instruments.

Moreover, it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I 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 the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide the details, and where available the results, of any investigation, medical examinations, 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.
4. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide information of the measures taken to ensure the safety of Mr. Bakhrom Khamroev and that of other human rights defenders working for the promotion and protection of human rights and fundamental freedoms.

I undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report I 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