

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group on Enforced or Involuntary Disappearances; 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; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: UA
RUS 10/2014:

22 December 2014

Excellency,

We have the honour to address you in our capacity as the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; 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; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/17, 27/1, 25/2, 25/18, 26/7, 22/8, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received in relation to **allegations of an arson attack against the premises of the human rights organisation "the Joint Mobile Group", intimidation and harassment of human rights lawyers Mr. Igor Kalyapin, Mr. Sergei Babinets and Mr. Dmitry Dimitriev, and the arbitrary arrest of Mr. Sergei Babinets and Mr. Dmitry Dimitriev.**

Mr. Igor Kalyapin is a human rights lawyer, the chairperson of the non-governmental organization Interregional Committee Against Torture, and founder and president of the non-governmental organization Joint Mobile Group (JMG). He is also a member of the Presidential Council for Civil Society and Human Rights in the Russian

Federation. **Mr. Sergei Babinets** and **Mr. Dmitry Dimitriev** are human rights lawyers working for the JMG.

The Interregional Committee Against Torture investigates allegations of ill-treatment and torture committed by law enforcement agencies. The Joint Mobile Group, coordinated by the Interregional Committee, investigates grave human rights abuses, including abductions, enforced disappearances, torture and extrajudicial executions in the Chechen Republic and provides legal assistance and rehabilitation services to survivors, including urgent medical, psychological and psychiatric assistance. Since 2010, the JMG has received a grant from the United Nations Voluntary Fund for Victims of Torture; the JMG was also awarded the Front Line Defenders Award in 2011 and the Martin Ennals Award for human rights defenders in 2013.

Mr. Kalyapin was the subject of two previous communications. The first communication dated 29 February 2012 (RUS 1/2012) was sent by 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, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while counter-terrorism and the Chair-Rapporteur of the Working Group on enforced or involuntary disappearances.

The second communication was sent on 31 March 2014 (RUS 4/2014) by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment, and expressed concerns in relation to allegations of stigmatization of Mr. Kalyapin, through a series of TV broadcasts on State television, concerning his role as a human rights lawyer. While we welcome the responses of your Excellency's Government, dated 22 May 2012 and 6 October 2014, we express renewed concern in light of the allegations below.

According to the information received:

On 5 December 2014, the Head of the Chechen Republic, Mr. Ramzan Kadyrov, declared publicly that the relatives and families of the members of the armed groups reportedly involved in a terrorist attack against law enforcement officials that had taken place on 4 December 2014 in Grozny would be expelled from the Chechen Republic and that their houses would be demolished. Since this public announcement, nine houses in five towns have been set on fire.

On 9 December 2014, Mr. Igor Kalyapin presented a request in his own capacity to the General Prosecutor and the Head of the Investigative Committee of the Russian Federation asking them to assess whether Mr. Kadyrov's statement could

constitute a criminal act under Article 286 of the Russian Criminal Code which relates to abuse of authority.

On 10 December 2014, Mr. Kadyrov publicly, through his Instagram account, claimed that Mr. Kalyapin was assisting terrorism in the Chechen Republic, including by means of passing on money to insurgents.

On 11 December 2014, a joint press conference was organized by the non-governmental organization Human Rights Watch and four prominent Russian groups working to combat collective punishment in the Chechen Republic. Mr. Kalyapin, who was one of the speakers at that conference, was insulted by several men who also threw eggs at him.

On 13 December 2014, it is reported that an anti-terrorism demonstration of approximately 50,000 participants took place in Grozny. Participants carried banners bearing slogans such as “Kalyapin go home” and “Stop the lying activists”. Later that day, two human rights lawyers, Mr. Sergei Babinets and Mr. Dmitry Dimitriev, members of the JMG and working in Grozny, realized they were being followed by armed, masked men in a car believed to belong to Chechen law enforcement officials. The same day, unidentified men, at least one of whom was armed, tried to gain access to the apartment rented by JMG for its staff members and situated on the same floor as JMG’s offices in Grozny. The same evening the office of the JMG was largely destroyed by a fire in what appears to have been an arson attack.

On 14 December 2014, Mr. Sergei Babinets and Mr. Dmitry Dimitriev arrived at the apartment rented by JMG in Grozny in order to take note of the fire that had taken place in JMG’s offices on the same floor and called the police to file a complaint. Several Chechen police officials of the Leninskyi District Office of Internal Affairs (ROVD), accompanied by two unknown gunmen and a representative of the Investigative Committee, entered the apartment at around 1:00 p.m. and, without taking note of the fire incident, forcibly searched and arrested Mr. Babinets and Mr. Dimitriev, and held them until approximately 2:30 p.m. This arrest was allegedly made without a warrant and no notice was given to Mr. Babinets and Mr. Dimitriev about the charges against them. Furthermore, the police officials seized the human rights lawyers’ mobile phones, computers and CCTV cameras. The police officials also said that Mr. Babinets looked suspicious because he wore a beard.

Mr. Kalyapin has since been receiving threatening phone calls and text messages, including death threats, from unknown individuals.

Grave concern is expressed about the allegations of intimidation and harassment suffered by Mr. Kalyapin, Mr. Babinets and Mr. Dimitriev, as well as the arbitrary arrest of Mr. Babinets and Mr. Dimitriev, which appear to be related to the legitimate exercise of their functions as lawyers, their human rights activities, and the legitimate exercise of

their right to freedom of opinion and expression. Grave concern is further expressed in relation to the allegations regarding the destruction of nine houses and an arson attack against the premises of the Joint Mobile Group and that the arson attack was not properly inspected by the police officials. Further concern is expressed about the negative impact that the events described above will have on the activities of the JMG in the Chechen Republic, as well as the chilling effect this may have on other human rights defenders and the enjoyment of the right to freedom of opinion and expression.

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 the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), which the Russian Federation ratified in 1973, and in particular article 9 on the right to not be subjected to arbitrary arrest, article 19 on the right to freedom of opinion and expression, and article 21 and 22 on the rights to association and peaceful assembly. Furthermore, we would like to mention General Comment No. 34 of the Human Rights Committee, in particular paragraph 23, which expresses concern regarding threats and intimidation towards lawyers who engage in human rights-related activities. We would also like to refer to the Basic Principles on the Role of Lawyers, in particular principles 16 (a) and (c), 17 and 18, which protect the professional activities of lawyers. In this context, we would also like to draw the attention of your Excellency's Government to paragraph 8a of Human Rights Council resolution 16/23, which reminds States that "Intimidation and coercion, as described in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture."

We would further like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6, 9 and 12. Human Rights Council resolution 13/13 also urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

In addition, these allegations appear to be in contravention with General Assembly resolution 68/178 and Human Rights Council resolution 25/7, which emphasize that States must adhere to international human rights while countering terrorism.

With regard to the allegation of an arson attack against the premises of a human rights organisation and intimidation and harassment of Mr. Igor Kalyapin, Mr. Sergei Babinets, Mr. Dmitry Dimitriev, and the arbitrary arrest of two of them, Mr. Sergei

Babinets and Mr. Dmitry Dimitriev, as a consequence of their human rights work, including investigations on enforced disappearances, we would like to bring to your Excellency's Government's attention the rights and obligations set out in the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, in particular articles 13 (1), 13 (3) and 13 (5).

With regard to the allegation of destruction of homes, we bring to the attention of your Excellency's Government article 11.1 of the International Covenant on Economic, Social and Cultural Rights, providing for the right to an adequate standard of living including adequate housing. The Committee on Economic, Social and Cultural Rights in its General Comment No. 4 has stressed that the right to adequate housing should not be interpreted in a narrow or restrictive sense and it should be seen as the right to live somewhere in security, peace and dignity, and paragraph 9 notes that the right not to be subjected to arbitrary or unlawful interference with one's home constitutes a very important dimension in defining the right to adequate housing. In its General Comment No. 7 on forced evictions, in particular paragraphs 15 and 16, the Committee has underscored that house demolition as a punitive measure is also inconsistent with the norms of the Covenant.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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 the above-mentioned persons in compliance with the above international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and comment which you may have on the above-mentioned allegations.
2. Please provide details, and where available, the results, of any investigation, administrative and judicial or other inquiries or proceedings carried out in relation to the claim lodged by Mr. Igor Kalyapin to the General Prosecutor and the Head of the Investigative Committee of the Russian Federation in relation to Mr. Kadyrov's statement and allegations of abuse of authority.
3. Please provide detailed information on any investigation, administrative and judicial or other inquiries or proceedings carried out in relation to the intimidation and harassment suffered by Mr. Kalyapin, Mr. Babinets and Mr. Dimitriev, as well as the alleged arson attack against JMG's premises.
4. Please provide information concerning the legal grounds for the arrest of Mr. Sergei Babinets and Mr. Dmitry Dimitriev and how such arrest was compatible

with international norms and standards on personal liberty and security and due process as stated, inter alia, in the ICCPR.

5. Please provide detailed information on the measures taken to ensure the right to physical and mental integrity, as well as to security, of human rights lawyers Mr. Igor Kalyapin, Mr. Sergei Babinets and Mr. Dmitry Dimitriev.
6. Please indicate what measures have been taken to ensure that human rights defenders, including civil society representatives, activists and lawyers, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind in the Chechen Republic.
7. Please explain how the alleged setting fire to nine homes as a form of punishment complies with the Russian Federation's international human rights obligations under the ICESCR and other treaties. Also, please explain the measures taken to investigate each of these incidents, the destruction of property included, and the accountability mechanisms available for these incidents.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We would also like to inform your Excellency's Government that we are reserving the right to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Leilani Farha

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Ariel Dulitzky

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David Kaye
Special Rapporteur on the promotion and protection of the right to
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Michel Forst
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