

**Mandates of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; 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; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: AL  
RUS 4/2015:

7 August 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; 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 Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 19/10, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged targeting, stigmatization and criminalization of Ms. **Nadezdha Kutepova**, environmental human rights defender, and the inclusion of the organisation **Planet of Hopes** to the list of "foreign agents".

Ms. Kutepova is director of the human rights organization "Planet of Hopes" (Planeta Nadezhd). The organisation works to protect the rights of victims of the major nuclear disaster, which took place at the Mayak plutonium plant in 1957 (Kyshtym disaster), resulting in the contamination of thousands of square kilometres of territory, known as the Eastern Ural Radioactive Trace. In the framework of its work, the organisation prepares and lodges complaints to the European Court of Human Rights and advocates for the declassification of Ozersk in Chelyabinsk region as a closed city. The NGO Planet of Hopes was the subject of a previous communication sent to your Excellency's Government from the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, dated 20 June 2014. We acknowledge the response of your Excellency's Government received on 4 September 2014, which among other things, confirmed that "there was no information indicating that Planet of Hopes has taken part in any political activities, and no evidence of any illegal activity was found during the [city procurator's] verification".

According to the information received:

On 15 April 2015, the organisation Planet of Hopes was included on the “foreign agents” list by the Ministry of Justice in implementation of the Law on Introducing Amendments to Certain Legislative Acts Regarding the Regulation of Activities of Non-commercial Organisations Performing the Functions of Foreign Agents. The decision was appealed by the organisation, which claimed its activities to be of a non-political nature. An interview that Ms. Kutepova had given concerning violations of rights of victims of nuclear contamination in the Chelyabinsk region was cited by the Ministry of Justice as an official reason for recognising the organisation Planet of Hopes as a “foreign agent”.

On 26 May 2015, the Ozersk City District Court ordered the organisation to pay a fine of 300,000 roubles (approximately 4,988 USD) for refusing to voluntarily register as a “foreign agent”.

On 27 May and 24 June 2015, the national TV channel ‘Russia-1’ broadcast reports on the decision of the Ozersk City District Court, disclosing the funding sources of the organisation Planet of Hopes and accusing Ms. Kutepova of industrial espionage.

On 1 July 2015, the TV channel ‘Russia-1’ repeated the content of the two previous broadcasts, and also revealed Ms. Kutepova’s home address.

Serious concern is expressed at the reported targeting, including the smear campaign against, and criminalisation of Ms. Nadezhda Kutepova in relation to her legitimate human rights activities. Concern is also expressed at the inclusion of the organisation Planet of Hopes into the “foreign agents” list and the fine imposed upon it in an alleged attempt to hinder its work to promote and protect human rights.

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.

In connection with the above alleged facts and concerns, please refer to the **Reference to International Law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 any comment you may have on the above-mentioned allegations.

2. Please provide information on how the implementation and interpretation of the provisions contained in the Law on Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-commercial Organizations Performing the Functions of Foreign Agents are in line with the obligations of the Russian Federation under international human rights law.

3. Please indicate details of the measures taken to ensure that the rights to freedom of association and freedom of expression are respected and that those exercising this right may do so free of threat of criminalization or any form of intimidation or harassment.

4. Please indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and criminalization of any sort.

We would appreciate receiving a response within 60 days.

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(s) responsible for the alleged violations.

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.

John Knox

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

David Kaye

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 association

Michel Forst

Special Rapporteur on the situation of human rights defenders

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights, ratified by the Russian Federation on 16 October 1973, which guarantees the right to freedom of expression and the right to freedom of association.

Moreover, we would like to draw your Government attention to the principles enunciated by Human Rights Council resolution 24/5, and in particular operative paragraph 2, which "reminds States of their obligation to respect and fully protect the [right] of all individuals to... associate freely, ... including human rights defenders... seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the [right] to freedom of... association are in accordance with their obligations under international human rights law".

Furthermore, we would like to refer to the second thematic report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association to the Human Rights Council (A/HRC/23/39), in which he called on Member States to:

- "[E]nsure that associations – registered and unregistered – can seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments, including from individuals; associations, foundations or other civil society organizations; foreign Governments and aid agencies; the private sector; the United Nations and other entities" (para. 82(b));

- "[R]ecognize that regulatory measures which compel recipients of foreign funding to adopt negative labels constitute undue impediments on the right to seek, receive and use funding" (para. 82(d)); and

- "[A]dopt measures to protect individuals and associations against defamation, disparagement, undue audits and other attacks in relation to funding they allegedly received" (para. 82(e)).

We would like to also 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;

- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights; and

- article 13, point b) and c), which provides for the right to solicit, receive, and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedom.

We would also like to refer to Human Rights Council resolution 22/6, which provides that domestic law should create a safe and enabling environment for the work of human rights defenders (PPs 10-13), and which urges States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law (OP 5).

We wish to refer to Human Rights Council resolution 13/13, which 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.

Finally, we would wish refer to the Concluding Observations by the UN Committee against Torture which reviewed the fifth periodic report of the Russian Federation at its forty-ninth session in November 2012. During this review, the Committee expressed its concern about acts of intimidation, harassment and violent attacks on human rights defenders. More specifically, the Committee voiced its serious concern about "the approach taken by the State party toward the work of individuals and organizations that monitor and report on human rights conditions in the State party. This includes a 2012 requirement that organizations receiving financial support from sources outside the State party register and identify themselves publicly as "foreign agents," a term that seems negative and threatening to human rights defenders (...)". The Committee recommended that the Russian Federation recognizes that human rights defenders are at risk and have been targeted due to the performance of their human rights activities, which play an important role in a democratic society; amend its legislation requiring human rights organizations that receive foreign funding to register as "foreign agents" (...)".