

Mandates of 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 extrajudicial, summary or arbitrary executions

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Excellency,

We have the honour to address you in our capacities as 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 extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2, 24/5, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killing of Mr. **Boris Nemtsov** in Moscow, Russian Federation.

According to the information received:

On 27 February 2015, Mr. Boris Nemtsov, a prominent opposition leader, was shot dead by unknown assailants that drove past him while he was walking over a bridge near the Kremlin, in central Moscow. The killer escaped from the scene and has not been identified. The assassination took place three days before a large opposition demonstration was scheduled to take place in Moscow, and in which Mr. Nemtsov was actively involved and set to lead. Hours before his death he was speaking on the radio urging listeners to attend the march. Following his death, co-organizers cancelled the rally and instead called for a demonstration of solidarity with Mr. Nemtsov.

Mr. Nemtsov was a former Deputy Prime Minister, who spoke out strongly against Government corruption. He was previously arrested in connection with his role in peaceful protests. Mr. Nemtsov, together with other opponents of the Government, had been previously accused by State media and public officials of being a "traitor" and an "enemy of Russia" serving foreign interests.

The Government has launched an investigation into Mr. Nemtsov's killing and the President has vowed to personally ensure its progress. However, some

Government officials have already made public their opinions about the apparent motives behind the attack, which could prejudice the investigation.

A number of political murders and attacks had taken place in the Russian Federation in recent years which have remained unsolved, exacerbating a climate of impunity and fear.

Grave concern is expressed that Mr. Nemtsov may have been killed as a result of his peaceful and legitimate political activities. Further concern is expressed that public judgments by Government officials concerning the motives behind Mr. Nemtsov's killing may affect the impartiality and independence of the investigation.

While we do not wish to prejudge the accuracy of these allegations, we urge your Excellency's Government to take all necessary measures to ensure a prompt, thorough, independent and impartial investigation into the killing of Mr. Nemtsov and that the perpetrators and orchestrators of this crime are brought to justice.

In connection to 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 the details, and where available the results, of any investigation and judicial or other inquiries carried out into the killing of Mr. Boris Nemtsov.
3. Please provide detailed information about the composition, procedures and status of the body in charge of such investigation and how it complies with international standards of impartiality, effectiveness and independence.
4. Please indicate what measures have been taken to ensure the safety of political opponents and activists in the Russian Federation and to guarantee that they can carry out their activities, including meeting and assembling peacefully, without interference.

We would appreciate a response within 60 days.

While awaiting a reply, we urge your Excellency's Government that all necessary interim measures are taken to prevent the re-occurrence of these violations and to

guarantee a safe and enabling environment in which political opponents and activists can carry out their legitimate activities without interference.

Your 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.

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

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, and 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 to article 3 of the Universal Declaration of Human Rights and article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation on 17 October 1973, which provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. Moreover, we would like to refer to articles 19 and 21 of the ICCPR that provide for the right to freedom of expression and the right of peaceful assembly, respectively.

Additionally, in its General Comment No. 31, the Human Rights Committee observed that there is a positive obligation on States to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice and to redress the harm caused by non-state actors. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, stress the obligation to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

Furthermore, we would 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, in particular its 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.