

**Mandates of 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; and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE: AL  
RUS 5/2015:

2 September 2015

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 situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2, 25/18, 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 failure to prevent the killing and lack of proper investigation into the death of the Russian journalist Mr. Akhmednabi Akhmednabiyev, in addition to alleged violations of freedom of expression in Russia.**

Mr. Akhmednabi Akhmednabiyev was the deputy editor of the independent newspaper Novoye Delo, and a reporter for online news portal Caucasian Knot. Mr. Akhmednabiyev was openly critical of the police and Russian army and actively reported on their alleged human rights violations against Muslims.

According to the information received:

On 9 July 2013, Mr. Akhmednabiyev was shot dead by an unknown assailant in Makhachkala, Dagestan as he left for work that morning. Two years after Mr. Akhmednabiyev's killing, the perpetrators of his murder have still not been brought to justice.

Death threats against Mr. Akhmednabiyev were previously reported. In 2009, his name was placed on a "hit-list", which was circulated in Makhachkala. The list

also featured the names of other prominent journalists, one of whom, Mr. Khadjimurad Kamalov, was killed in December 2011.

Later, in January 2013, Mr. Akhmednabiyev was the subject of an assassination attempt. He allegedly reported to authorities that an unknown armed man fired at him several times outside his home. The assailant fired from a car in a manner very similar to the attack which claimed Mr. Akhmednabiyev's life in July 2013. The police reportedly wrongly classified the January 2013 assassination attempt as "property damage" and allegedly no further preventative measures were taken despite Mr. Akhmednabiyev's requests for protection. Only after his death, this incident was eventually classified as an assassination attempt.

During the past eighteen months, the investigation into the killing of Mr. Akhmednabiyev, led by the Dagestani Investigative Committee, has been suspended once and repeatedly delayed, with little progress made in the identification of perpetrators or instigators of this crime.

On 30 July 2014, a year after Mr. Akhmednabiyev's killing, the Investigating Division for the Kirov District of Makhachkala suspended the investigation into his killing as no perpetrators had been identified; however, the Division indicated that the investigation would be reopened if they received new information regarding the case that could be verified.

On 16 September 2014, the Kirov District's Prosecutor's Office overturned the above-mentioned decision of 30 July 2014, stating that there were no grounds for withdrawing this case and referred it to the above-mentioned Investigating Department for further investigation. However, the Prosecutor's Office also indicated that it would be the Regional Division who would continue the investigation into Mr. Akhmednabiyev's killing, rather than transferring the case to the Investigative Committee of the Russian Federation.

On 2 November 2014, in response to this statement, a group of 31 Russian and international non-governmental organizations wrote to Mr. Aleksandr Bastrykin, head of the above-mentioned Investigative Committee of the Russian Federation, calling on him to bring Mr. Akhmednabiyev's case from the regional level to the federal level, in order to ensure an impartial, independent and effective investigation. There has been allegedly no official response to this appeal.

Civil society has also reportedly expressed concern over recent investigative inefficiencies in relation to Mr. Akhmednabiyev's case. Most recently, in March 2015, a witness reportedly told police that he was approached to kill Mr. Akhmednabiyev by a particular individual in 2012, but refused to do so. Subsequently, there was an alleged attempt on the life of this witness, which has

reportedly not been investigated either. Despite this witness testimony, it appears that there has been little follow-up in investigation into the killing of Mr. Akhmednabiyev.

While we do not wish to prejudge the accuracy of these allegations, we express concern that the assassination of Mr. Akhmednabi Akhmednabiyev and the lack of investigation into his killing may be related to his journalistic work and the exercise his right to freedom of expression and opinion.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on any investigation or inquiry into the death of Mr. Akhmednabiyev, specifying how the authorities' actions were compatible with international human rights norms and standards.
3. In the event that alleged perpetrator(s) have been identified, please provide full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on these perpetrator(s)?
4. Please indicate what measures have been taken to ensure that human rights defenders, including journalists and civil society members at large, are able to carry out their legitimate work in a safe and enabling environment without fear or threats of intimidation and harassment 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.

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

## **Annex**

### **Reference to international human rights law**

We would like to draw your Excellency's Government's attention to article 6 of the International Covenant on Civil and Political Rights (ICCPR), 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 (article 6.1). Additionally in its General Comment No. 31, the Human Rights Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities. States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by private persons or entities could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

In addition, we would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. We urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. This principle was reiterated by the Human Rights Council in Resolution 26/12 on the "Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions" (OP 4).

We would also like to refer your Excellency's Government to the right to freedom of opinion and expression as set forth in article 19 of the Universal Declaration of Human Rights (UDHR) and article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation on 16 October 1973, 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." Any restriction to this right shall be provided by law; may only be imposed for one of the grounds set out in article 19 and subparagraphs (a) and (b) of paragraph 3 and must conform to the strict tests of necessity and proportionality.

In addition, in paragraph 23 of its General Comment No. 34, the Human Rights Committee urges that States parties should protect against attacks aimed at silencing those exercising their right to freedom of expression. The Committee has recognized that journalists are frequently subjected to threats, intimidation and attacks and has stated "[a]ll such attacks should be vigorously investigated in a timely fashion, and the

perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress.”

We would further like to refer to Human Rights Council resolution 21/12 on safety of journalists (A/HRC/RES/21/12) adopted on 27 September 2012, which “condemns in the strongest term all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;” and “calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies.”

We would also like to take this opportunity to refer to your Excellency’s Government to paragraphs 88–91 of the report of the former Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the Human Rights Council (A/HRC/14/23). The Special Rapporteur has stated that the right to receive information from various media “is a cornerstone of democracy and supports the construction of more democratic societies peopled by active citizens who hold informed opinions.” He has expressed his deep concern that providers of information, including journalists, have become targets for threats, assaults and even assassinations.

Furthermore, we 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, 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.

Finally, 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 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms; and

- 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.