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HUMAN RIGHTS COUNCIL

**Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination,
xenophobia and related intolerance**

REFERENCE: AL G/SO 214 (78-15)
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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Human Rights Council resolution 16/33.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **allegations of glorification of Nazism in the country**.

According to the information received:

Mr. [REDACTED], a former Waffen SS during the Second World War, was buried in January 2014 in a solemn military funeral in Tori, near the Estonia Army Memorial Church. It is reported that Estonian officers in uniform followed the coffin and carried Mr. [REDACTED] orders and decorations, including his Iron Crosses with Nazi swastika. It is alleged that Mr. [REDACTED] was appointed to the grade of retired captain of the Estonian Defence Forces after independence in 1991 as a necessary precondition for granting him an officer's award and pension. In addition, he reportedly received several insignia from the Estonian, Defence Forces and civil associations which were related to his "achievements" during the Second World War when he joined SS.

It is alleged that although Estonia did not participate in the Second World War, its people served in the armies of both the Soviet Union and Germany. The source reported that since regaining its independence in 1991, there is a tendency to regard Estonians who joined the German Army (including SS divisions) as fighters for independence and national heroes.

Concerns have been expressed about this recent form of glorification of Nazism which indicates a trend to glorify the Estonian veterans who fought with the Nazi armed forces and as a consequence the Nazi regime and occupation

While taking into account the absolute condemnation of all totalitarian ideologies, including Nazism and neo-Nazism, I would like to recall the international human rights obligations as derived from the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) ratified by Estonia; the Durban Declaration and Programme of Action and the Outcome document of the Durban Review Conference.

I also wish to recall that article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination stipulates that States parties shall declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred [...]. I would also like to strongly reiterate the recommendation made by the European Commission against Racism and Intolerance to condemn all attempts to commemorate persons who fought in the Waffen SS and collaborated with the Nazis (CRI, 2012 (3), para. 87).

Moreover I would like to recall the provisions of the Durban Declaration and Programme of Action and particularly its paragraph 98 regarding the importance and necessity of teaching about the facts and truth of the history of human kind as well as of teaching about the facts and truth of the history, causes, nature and consequences of racism, racial discrimination, xenophobia and related intolerance, with a view to achieving a comprehensive and objective cognizance of the tragedies of the past. I would also like to recall General Assembly Resolution 68/150 which condemns any attempts of glorification of Nazism and denial of the Holocaust and requests that I continue to report on these practices that contribute to the fueling of contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Finally, I also wish to recall the recommendations made by my predecessor following his visit to Estonia (A/HRC/7/19/Add.2) which, amongst others, called the State to “establish a broad process of consultation with a view at diminishing the gap in historical perceptions between the Estonian and Russian-speaking communities. In particular, a collective writing by local and international scholars of a common history of the region that is accepted and recognized by all communities would represent a significant step to foster understanding and tolerance and would facilitate the teaching of history at schools, which is viewed as one of the main obstacles to the living together of the different communities (par. 93).” .

Moreover, as it is my responsibility under the mandates provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Please provide the details, and where available the results, of any investigation, judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please indicate how Estonia ensure that all those who disseminate ideas based on racial superiority or hatred are prosecuted and how it is engaged

in fighting the commemoration of persons who fought in the Waffen SS and collaborated with the Nazi regime.

I would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

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

Mutuma Ruteere
Special Rapporteur on contemporary forms of racism, racial
discrimination, xenophobia and related intolerance