



TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 18 June 2014

A/TO: **Ms. Nicola Harrington-Buhay**
UN Resident Coordinator in the Republic of Moldova

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OBJET/SUBJECT: **JOINT URGENT APPEAL FROM SPECIAL PROCEDURES**

Please find attached a joint urgent appeal sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention; 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.



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

Mandates of the Working Group on Arbitrary Detention; 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:
UA OTH 8/2014:

18 June 2014

Dear Ms. Harrington-Buhay,

We have the pleasure to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteurs 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 24/7, 25/2, 24/5, and 25/18.

As Special Rapporteurs, we have been mandated to examine allegations and incidents that are incompatible with international human rights law and standards, inter alia, the Universal Declaration on Human Rights and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and to recommend remedial measures as appropriate.

In this connection, our attention was drawn to the situation of Mr. **Andrey Rezanov**, the Chair of Fair Justice, a non-governmental organization in the Transnistrian region of the Republic of Moldova that works to defend the rights of detainees and prisoners.

We would be grateful if you could transmit the attached letter to the relevant authorities in the Transnistrian region of the Republic of Moldova. In this context, we would like to emphasize the importance of ensuring that there are no human rights protection gaps and that all persons can effectively enjoy their fundamental rights and freedoms wherever they live.

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Ms. Nicola Harrington-Buhay
UN Resident Coordinator in the Republic of Moldova

With many thanks in advance for your collaboration, sincerely,

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frank La Rue
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



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REFERENCE:
UA OTH 8/2014:

18 June 2014

Dear Ms. Shtanski,

We have the honour to address you in our capacities as Chair-Rapporteur of the Working Group on Arbitrary Detention; 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 24/7, 5/2, 24/5, and 25/18.

In this connection, we would like to bring to your attention information we have received concerning the detention and ill-treatment of Mr. **Andrey Rezanov** in light of his human rights activities.

Mr. Andrey Rezanov was recently appointed the Chair of Fair Justice, a non-governmental organization working in the Transnistrian region of the Republic of Moldova to defend the rights of detainees and prisoners. He reports on prison conditions and engages in advocacy towards the international community.

According to the information received:

On 11 April 2009, Mr. Rezanov was detained by the authorities in Bender. Reportedly, Mr. Rezanov suffered ill-treatment in custody; specifically, the authorities deprived him of water, they kept the light on in his cell throughout the days and nights, and deprived him of sleep. He was reportedly held in a cell without windows, ventilation or daylight, and he was not permitted to go outside for walks. After this treatment, Mr. Rezanov allegedly admitted guilt to the charges.

In May 2010, Mr. Rezanov was convicted to 15 years' imprisonment by the Bender court on charges related to drug-dealing. Between 2010 and 2014, Mr. Rezanov remained in Glinnoe prison, Grigoriopol district. During this period, it is

reported that he denounced human rights violations in the region and submitted information to the local and international community.

On 21 January 2014, Mr. Rezanov was reportedly released because of good behaviour. Moreover, his previous sentence of 15 years' imprisonment was reportedly amended to one of two years' correctional labour. Upon release, Mr. Rezanov was appointed Chair of Fair Justice, a non-governmental organization working to defend the rights of detainees and prisoners.

In April 2014, Mr. Rezanov was allegedly informed that his release may have been in error and that the Grigoriopol court had decided to reconsider his case on 4 April 2014. According to the information received, Mr. Rezanov has since been detained in Glinnoe prison, and his release and the amendment to his sentence on 21 January 2014 have reportedly been quashed and his original sentence of 15 years' imprisonment restored.

According to the reports received, since his detention in April 2014, Mr. Rezanov was denied access to water for drinking and washing during four days. In addition, an amnesty requested for his case was denied by the competent authorities on 27 May 2014.

Concern is expressed at the detention and ill-treatment of Mr. Rezanov after his release and the amendment of his sentence in January 2014. Grave concern is expressed that this renewed imprisonment may be linked to his human rights activities, more recently with Fair Justice. Given that his sentence had been previously amended and he had been released because of good behaviour, the decision to re-examine the case raises concerns as to its connection to his work promoting and protecting human rights and fundamental freedoms.

In this context, we would like to emphasize the importance of ensuring that there are no human rights protection gaps and that all persons can effectively enjoy their fundamental rights and freedoms, including rights to liberty and security of person, to freedom of opinion and expression and freedom of association, wherever they live.

In connection with above allegations and concerns, and without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Rezanov is arbitrary or not, we would like to appeal to you to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

We would also like to call your attention to articles 20 of the UDHR and 22 of the ICCPR which guarantees the right to freedom of association.

Regarding the allegations received indicating that the situation of Mr. Rezanov is linked to his human rights work, we would also like to refer you 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, and in particular articles 1 and 2, 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.

Furthermore, we would like to bring to you attention the following provisions of the mentioned Declaration on human rights defenders: article 5 point b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups; article 9, paragraph 1, which provides for the right to an effective remedy; and article 12, paragraphs 2 and 3, which urges States to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of the rights referred to in the Declaration.

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

In view of the urgency of the matter, we would appreciate a response on the initial steps taken to safeguard the rights of Mr. Rezanov in compliance with 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 any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the renewed detention of Mr. Rezanov, and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration on Human Rights and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

3. Please kindly provide information regarding allegations received indicating that Mr. Rezanov was denied access to drinking water during four days during his ongoing detention.

4. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in a safe and enabling environment, and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

5. Please provide information concerning access of human rights monitors and independent civil society representatives to Glinnoe prison, and to all places of detention.

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.

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

Kindly note that a letter with the same information has been transmitted to the authorities of the Republic of Moldova. Please also note that this letter does not in any way imply the expression of any opinion concerning the legal status of any country, territory, city or area, or of its authorities.

Please accept, Ms. Shtanski, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
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