

**Mandate of the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
UA/RUS/1/2018

10 January 2018

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolution 34/5.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the alleged arrest and arbitrary detention of Mr. **Oyub Titiev**.

Mr. Oyub Titiev is a human rights defender who works at Human Rights Center Memorial, a human rights organization which provides legal assistance to victims of human rights violations. Since 2009 he has been the head of the Chechnya-based office of the organization. He is also involved in research work and human rights education. In recent years, Mr. Titiev has received numerous threats linked to his peaceful and legitimate human rights work.

According to the information received:

On 9 January 2018 Mr. Titiev's car was stopped by five police officers on the road to Kurchaloy, Chechnya and the human rights defender had to get out of his car. His whereabouts remained unknown for several hours.

The lawyer of Mr. Titiev went to the Kurchaloy police station and was initially told that Mr. Titiev was not among the detainees.

Several hours later, the head of Kurchaloy police station confirmed that Mr. Titiev was detained there. Six hours after the detention of Mr. Titiev, his lawyer was admitted to the police station and was able to meet with him.

Mr. Titiev's lawyer was informed that during the search of his defendant's car, police officers had found a black plastic bag containing 180 grams of marijuana. Subsequently a criminal investigation was opened for "Illegal Making, Acquisition, Storage, Transportation, Sending, or Sale of Narcotic Drugs or Psychotropic Substances" according to Article 228 of the Criminal Code of the Russian Federation.

Mr. Titiev's colleagues at Human Rights Center Memorial have alerted the Russian Ombudswoman Mrs. Tatiana Moskalkova and the Chairman of the

Presidential Council for Civil Society Institutions Development and Human Rights Mr. Mikhail Fedotov about situation of Mr. Titiev.

In addition, my mandate has received reports indicating that, there have been past instances of invoking Article 228 of the Criminal Code against human rights defenders by the Chechen authorities with the apparent aim of discrediting and judicially harassing them.

While I do not wish to prejudge the accuracy of the information made available to me, I would like to express my serious concern at allegations of arrest and arbitrary detention of human rights defender Mr. Oyub Titiev, which I have strong reasons to believe are motivated by his peaceful human rights activities and aim at deterring Mr. Titiev from exercising his legitimate rights to freedom of expression and freedom of association. I am equally alarmed by the fact that the alleged arrest and arbitrary detention of Mr. Titiev would dissuade other human rights defenders from carrying out their work, researching and highlighting alleged human rights abuses in Chechnya and providing legal assistance to victims of such violations.

I would like to appeal to your Excellency's Government to take all necessary steps to secure the peaceful exercise of the rights to liberty, security, freedom of opinion, expression, peaceful assembly and of association of all human rights defenders working in the Russian Federation in accordance with articles 19, 21 and 22 of the ICCPR, that the Russian Federation ratified on 16 October 1973.

I should also refer to Human Rights Council resolution 24/5, reminding "States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, 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 rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law"

I further refer 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 Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, and in particular articles 1, 2, 5, 6 and 12.

Finally, I would like to recall the legal obligation of the Russian Federation to see to it that the rights not to be deprived arbitrarily of one's liberty and to fair proceedings before an independent and impartial tribunal, are respected in accordance with articles 9

and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

As it is my responsibility under the mandate 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. 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 arrest and alleged arbitrary detention of Mr. Oyub Titiev. In particular, please provide information about the evidence used to charge him and the circumstances of the search carried out on Mr. Titiev's car.
3. Please kindly indicate what measures have been taken to ensure that human rights defenders in the Russian Federation are able to carry out their legitimate work, and exercise their rights to freedom of expression and freedom of association, in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

In view of the urgency of the matter, I would appreciate a response at the earliest opportunity on the initial steps taken by your Government to safeguard the rights of Mr. Titiev in compliance with international standards.

While awaiting a reply, I 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 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 my highest consideration.

Michel Forst  
Special Rapporteur on the situation of human rights defenders