

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

REFERENCE:
AL RUS 3/2018

7 February 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 34/5 and 34/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arson attack on the offices of the Human Rights Centre Memorial, in Nazran, Ingushetia and the search of Memorial's Grozny office and the torching of Memorial's car in Dagestan.

Memorial is a human rights organization which provides legal assistance to victims of human rights violations.

In this connection we wish to recall that on 10 January 2018, the Special Rapporteur on the situation of human rights defenders sent an urgent appeal to your Excellency's Government, concerning the arbitrary arrest and detention on fabricated charges of Mr Oyub Titiev, the head of the Chechnya office of Memorial (UA RUS 1/2018).

According to the new information received:

On 17 January 2018, around 3:35 a.m. two unknown, masked men attacked the Nazran office of the Human Rights Centre Memorial. They entered the premises by climbing on a ladder and unsuccessfully attempted to destroy the CCTV camera, which eventually captured their arrival and departure.

The two men set fire to the offices, which resulted in serious damage to three out of the six rooms, despite the rapid intervention of the fire brigade. As a result of the arson attack, documents and electronic equipment were destroyed.

On 16, 18 and 19 January 2018, police conducted three searches in Memorial's office in Grozny, Chechnya and tried to intimidate staff members, as well as the landlady housing the offices.

On 19 January 2018, in the morning, policemen arrived to the Grozny office of Memorial, and inquired about Mr. Oleg Orlov. When informed that he was not there, they decided to wait for him, and subsequently conducted a search of the office premises. Staff and an attorney present did not raise complaints regarding

the manner in which the search had been conducted, but had serious doubts as to the origin of some objects found during the search, including cigarette butts.

From 18 January 2018, the lawyer of Mr. Titiev, Mr. Petr Zaikin, has been followed by unknown individuals and might be under surveillance.

On 22 January 2018, the car of one of the drivers of Memorial was set on fire in Dagestan. After the torching of the car, Memorial received repeated text messages on their office mobile phone, saying “You’re walking on the edge of the abyss. Shut down! Next time we’ll burn your office, with you inside. The car is just a warning.”

On 25 January 2018, the Supreme Court of Chechnya confirmed the pre-trial detention of Mr. Oyub Titiev in an appeal hearing.

While we do not wish to prejudge the accuracy of the information made available to us, we would like to express our serious concern at allegations of a deliberate arson attack on the Ingushetia office of Memorial, which appears to be part of a larger intimidation campaign against Memorial, including the arrest and arbitrary detention of Mr. Oyub Titiev.

These events, when taken together, appear to point at a coordinated and escalating intimidation campaign aimed at Memorial Human Rights Centre, which may have a chilling effect on human rights defenders working in the North Caucasus region. We express serious concerns regarding the physical and psychological integrity of the staff of Memorial Human Rights Centre in the North Caucasus region and beyond, and wish to remind the Government of its obligation to protect the security and safety of all human rights defenders, and to carry out thorough investigations into the events mentioned.

We 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 International Covenant on Civil and Political Rights (ICCPR), that the Russian Federation ratified on 16 October 1973.

We wish to also 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, 5, 9 and 12. Article 12 (2) of the Declaration provides that “The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore 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 status and finding of the investigation, and if available, prosecution into the arson attack on the Nazran office of Memorial.
3. Please provide information on the steps taken to ensure the physical and psychological integrity of the staff working for Memorial.
4. Finally, please also provide information regarding the measures taken to ensure that human rights defenders in the North Caucasus are able to carry out their work without fear of intimidation, threats, attacks and reprisals.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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.

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

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

Annex

Reference to international human rights law

In connection with the 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.

In particular, we 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.

We would also like to refer to Human Rights Council resolution 24/5, reminding States of their "obligation to respect and fully protect the rights of all individuals to ... associate freely, online as well as offline, ... including persons espousing minority or dissenting views or beliefs, human rights defenders, ... 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"

We refer likewise 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, also known as the UN Declaration on Human Rights Defenders. Articles 1 and 2 of the Declaration 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. Article 5 provides that "[f]or 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: (...) (b) To form, join and participate in non-governmental organizations, associations or groups; (c) To communicate with non-governmental or intergovernmental organizations. Based on article 12 (2), ... State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

Finally, we 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).