

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

REFERENCE:  
AL RUS 10/2018

28 May 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, pursuant to Human Rights Council resolutions 35/15, 34/18 and 33/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **death of Mr. Maxim Borodin, a journalist, following the publication of his investigative work on the deaths and injuries of Russian individual contractors reportedly recruited by a private military company in Syria.**

Maxim Borodin was an investigative journalist for the online news site Novy Den in Ekaterinburg, and regularly wrote on crime and corruption, including about the deaths of Russian nationals connected to Wagner Group and involved in military operations in Syria.

The concerned private military company known as the Wagner Group is reportedly based in the Russian Federation. On 7 February 2018, several dozen Russian nationals were allegedly killed in an armed clash between pro-government forces in the Syrian Arab Republic and members of the United States-led coalition. The deaths and injuries of these Russian nationals were later confirmed by the Foreign Ministry of the Russian Federation in a public statement issued on 20 February 2018. The clash occurred in the vicinity of Deir al-Zour, a strategic, oil-rich territory. At the same time, reports came out that several hundred individual contractors working for the Wagner Group were reportedly killed or injured when fighting along pro-government forces in Syria.

According to the information received:

*On the case of Maxim Borodin*

On 13 April 2018, Mr. Maxim Borodin fell out of the window of his fifth floor apartment and sustained serious injuries. He was found by a colleague on the ground who called an ambulance. He was then brought to a local hospital where he died from his injuries on 15 April 2018. The press secretary of the Sverdlovsk

Region Interior Ministry stated that it was unlikely that his death was of a criminal nature. He said the door to Mr. Borodin's apartment was found to be locked from the inside with a latch, and that no suicide note had been discovered.

On 11 April 2108, Mr. Borodin had reportedly contacted a friend saying that his building was surrounded by "security forces" wearing camouflage and face masks. Mr. Borodin reportedly said that he believed his apartment was about to be searched and asked his friend to find him a lawyer. An hour later, Mr. Borodin called back his friend and said that he had been mistaken and that the security officers were conducting some sort of a drill.

Mr. Borodin had been writing exclusively about the deaths of Russian nationals who were involved in military operations in Syria. He had identified several fighters who originally came from the Urals and who were connected to the *Wagner Group*.

In 2017, Mr. Borodin had been attacked after he had given an interview to TV Rain about the film *Matilda* which focused on Tsar Nicholas' Polish mistress. Unknown assailants had hit him and his colleague on the head with a metal pipe.

We express serious concern at the death of Mr. Borodin. In light of his work as an investigative journalist and the previous attack he was subjected to in 2017, we call on the authorities to investigate his death in a thorough and transparent manner and to take immediate measures to ensure that journalists in the Russian Federation can perform their work in a safe environment. We express concern that the absence of an investigation may encourage future attacks against journalists to occur.

Moreover, we express our grave concern about the reported involvement of the *Wagner Group*, a private military company, in military operations in Syria and the deaths of a number of its Russian contractors in early February. In this regard, we wish to reiterate the call made by the Human Rights Council to all member States to exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts.<sup>1</sup>

Without prejudice to the above mentioned allegations, we would like to draw the attention of your Excellency's Government the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation on 16 October 1973, and which guarantees the right to life and the right to freedom of expression in articles 6 and 19, respectively. In this regard, we would like to highlight that the Human Rights Committee in General Comment 34 has stated that under no circumstance can an attack on a person, because of the exercise of his freedom of opinion or expression be compatible with article 19.

The Committee furthermore states that as journalists are frequently subjected to threats, intimidation and attacks because of their activities, all such attacks should be

---

<sup>1</sup> A/HRC/RWES/36/3 paragraph 5

vigorously investigated in a timely fashion, and the perpetrators prosecuted (CCPR/C/GC/34).

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/or comment(s) you may have on the above-mentioned allegations concerning the death of Mr. Borodin.
2. Please provide information about whether any investigation was launched in connection with the attack against Mr. Borodin and a colleague in 2017, and the result of such investigation. If no investigation took place, please explain why.
3. Please provide information about measures taken to improve the safety conditions of journalists in the Russian Federation.
4. Please provide any additional information and/or comment(s) you may have on the Wagner Group, including its alleged involvement in any military operations in Syria.
5. Please provide information on the exact number and identities of the Russian nationals who died in the clash in early February in Syria and to clarify their connection with the Wagner Group.

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.

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye

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

Gabor Rona

Chair-Rapporteur of the Working Group on the use of mercenaries as a means of  
violating human rights and impeding the exercise of the right of peoples to self-  
determination

**Annex**  
**Reference to international human rights law**

Without prejudice to the above mentioned allegations, we would like to draw the attention of your Excellency's Government the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation on 16 October 1973, and which guarantees the right to life and the right to freedom of expression in articles 6 and 19, respectively.

Article 6 of the ICCPR should not be narrowly interpreted, as confirmed by the Human Rights Committee in its General comment no. 6, and requires that States adopt positive measures to protect individuals from violations by their own State agents, and private entities and persons alike. The failure to do so may give rise to a breach of the ICCPR resulting in State responsibility. In this regard, we would also like to highlight that the Human Rights Committee in General Comment 34 has stated that under no circumstance can an attack on a person, because of the exercise of his freedom of opinion or expression be compatible with article 19. The Committee furthermore states that as journalists are frequently subjected to threats, intimidation and attacks because of their activities, all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted (CCPR/C/GC/34).

As underlined by the Special Rapporteur on freedom of expression, an attack against a journalist is not only a violation of his or her right to impart information, but also undermines the right of individuals and society at large to seek and receive information, both of which are guaranteed under articles 19 of the ICCPR. An attack against a journalist is therefore an attack against the principles of transparency and accountability, as well as the right to hold opinions and to participate in public debates, which are essential for democracy (A/HRC/20/17).

We would further like to stress that in all suspected cases of unnatural death, including cases where complaints have been received by relatives or through other reliable reports, the State is under an obligation to conduct thorough, prompt and impartial investigations as laid down in the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (CCPR/C/21/Rev.1/Add.13, para. 9) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).