

**Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; and the Special Rapporteur on freedom of religion or belief**

REFERENCE:  
UA RUS 8/2020

22 September 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 43/20, 42/22 and 40/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **Teimur Rza-ogly Abdullaiev**, subjected to prolonged and indefinite solitary confinement on arbitrary grounds at Colony No. 2 of the Federal Penitentiary Service of the Russian Federation, located in the city of Salavat.

According to the information received:

On 12 October 2016, officers of the Federal Security Service of the Russian Federation ("FSB") arrested Mr. Abdullaiev at his home in Simferopol District of the Autonomous Republic of Crimea, Ukraine, temporarily occupied by the Russian Federation (Crimea). He was allegedly arrested on suspicion of having committed a crime under Article 205(5) (1) ("setting up a terrorist organization") of the Criminal Code of the Russian Federation. Mr. Abdullaiev was accused for alleged membership in Hizb ut-Tahrir, a religious organization banned as terrorist under Russian law, but operating freely in Ukraine. On 13 October 2016, the Kievskiy District Court of Crimea remanded Mr. Abdullaiev in prison.

On an unspecified date in 2018, the Russian Federation authorities deported Mr. Abdullaiev from Crimea to the Pre-trial Detention Center No. 1 in Rostov-on-Don, Russian Federation.

On 18 June 2019, the Severo-Kavkazskiy circuit military court of the Russian Federation seated in Rostov-on-Don found Mr. Abdullaiev guilty as charged and sentenced him to 17 years in prison followed by one and a half years of limitation of liberty.

On 24 December 2019, the Supreme Court of the Russian Federation seated in Moscow upheld the verdict on substance but lowered Mr. Abdullaiev's sentence to 16 and a half years in prison.

The Russian Federation authorities transferred Mr. Abdullaev for serving his sentence from Rostov-on-Don to the colony No. 2 in the city of Salavat, Republic of Bashkortostan, Russian Federation. On 7 March 2020, Mr. Abdullaev was transferred and admitted to the colony.

On 10 March 2020, Mr. Abdullaev was placed in solitary confinement in a disciplinary cell (so-called “SHIZO”) for having committed a minor disciplinary offence (reportedly, he had failed to appear before the prison administration for an introductory meeting and did not properly make his bed). His initial reprimand was for 7 days.

On 14 March 2020, while in solitary confinement, the colony’s administration extended Mr. Abdullaev’s placement in the disciplinary cell for an additional 7 days for having committed a minor disciplinary offence (reportedly, he failed to say ‘hello’ to a prison guard).

On 25 March 2020, while still in solitary confinement, the colony’s administration extended Mr. Abdullaev’s placement in the disciplinary cell for an additional 10 days for another disciplinary offence (reportedly, he covered the lens of the CCTV camera installed above the toilet with a sheet of paper. According to Mr. Abdullaev, covering the CCTV cameras while going to toilet is a common practice among all detainees in this colony usually tolerated by the administration. In his case, however, this incident prolonged his solitary confinement).

One of the colony’s officers informed Mr. Abdullaev that his placement in the disciplinary cell would end only if he agrees to cooperate and becomes their informant. In particular, Mr. Abdullaev was requested to provide information on alleged followers of Hizb ut-Tahrir in Crimea. When Mr. Abdullaev refused, the officer said: “You will rot in SHIZO (disciplinary cell) then”.

Since 25 March 2020, the colony’s administration extended Mr. Abdullaev’s detention in the disciplinary cell, measuring 2 x 3 m, without disclosing the grounds for extension. On 5 July 2020, Mr. Abdullaev was released briefly but returned to the disciplinary cell the following day on 6 July 2020, where he is being detain in solitary confinement to date.

During the first month in the disciplinary cell, he was required to remain inside his cell for 24 hours per day, except for one day in a week when he could exercise in the inner exercise yard for one-hour. Starting from April 2020, Mr. Abdullaev is permitted exercise every day for 40 minutes.

While in the cell, between 6:00 AM and 10:00 PM, sitting or lying down on the bed is forbidden and most of the day, Mr. Abdullaev is required to maintain a standing position. His cell is equipped with a CCTV camera installed right above the toilet, which deprives him of privacy and causes additional distress.

Mr. Abdullaiev is completely isolated from the outside world and other detainees. He received visits from his lawyer on four occasions, once a month between March and June. In March, the lawyer filed a complaint (No. 03-20/16) with the prison authorities to clarify the disciplinary offences that warranted solitary confinement. In a response from the Assistant to Head of the Federal Penitentiary Service, 15 disciplinary offences were cited but no detailed information concerning the nature of the offences and the imposed sanctions referring to the “internal regulations” were provided. On 4 May 2020 and 25 June 2020, Mr. Abdullaiev’s lawyer filed separate complaints with the Prosecutor’s Office of the Republic of Bashkortostan, asking inter alia to take action against the management of the Federal Penitentiary Service for having failed to provide information upon the lawyer’s request in accordance with Article 5.39 of the Code of Administrative Offences of the Russian Federation. The Prosecutor’s Office forwarded the lawyer’s complaint to the Federal Penitentiary Service. However, no response from the Prosecutor’s office to date has been received.

Mr. Abdullaiev’s family is unable to visit him due to the remote location of the detention center and its distance from their hometown. His correspondence with the outside world is limited – during his time in the colony, he received only two letters from his family members (both with significant delays). Nearly 20 other letters addressed to Mr. Abdullaiev have been blocked by the colony’s administration waiting for the censorship clearance. Between March and May 2020, Mr. Abdullaiev was not allowed to make phone calls to his relatives. Following numerous complaints from Mr. Abdullaiev family, in May 2020, he was allowed to make his first phone call. Since then, his phone calls are limited; in total, he has made six phone calls (four to his mother and two to his wife).

Although there is no available medical documentation which confirms deterioration of Mr. Abdullaiev’s health, his family members believe that he requires urgent medical assistance due to a stroke which he had allegedly suffered in 2019.

While we do not wish to prejudge the accuracy of these allegations, we are expressing our most serious concern over what appears to be a pattern of arbitrary disciplinary measures and punishment by subjecting Mr. Abdullaiev to prolonged solitary confinement in poor conditions, without access to adequate medical attention and exacerbated by cruel, inhuman and degrading treatment, including prolonged, forced standing, intimidation and deprivation of privacy. Should the allegations be confirmed, they would contravene, inter alia articles 7, 9, and 10 of the International Covenant on Civil and Political Rights (ICCPR), to which the Russian Federation is a party since 16 October 1973; as well as articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) ratified on 3 March 1987.

We wish to remind your Excellency's Government that the use of prolonged or indefinite solitary confinement never constitutes a legitimate instrument of the State, as it may cause severe mental and physical pain or suffering (A/66/268). A previous report of the Special Rapporteur on Torture concluded that, "prolonged isolation of detainees may amount to cruel, inhuman or degrading treatment or punishment and, in certain instances, may amount to torture. ... [T]he use of solitary confinement should be kept to a minimum, used in very exceptional cases, for as short a time as possible, and only as a last resort. Regardless of the specific circumstances of its use, effort is required to raise the level of social contacts for prisoners: prisoner prison staff contact, allowing access to social activities with other prisoners, allowing more visits and providing access to mental health services" (A/63/175, paras. 77 and 83).

Furthermore, due to the prisoner's lack of communication, as well as the lack of witnesses inside the prison, solitary confinement may also give rise to other acts of torture or ill-treatment, in the case of Mr. Abdullaiev, he was reportedly intimidated and subject to coercion by prison guards.

We urge your Excellency's Government to act in accordance with the international standards set forth in the UN Standard Minimum Rules for the Treatment of Prisoners<sup>1</sup> (Mandela Rules), which make it clear in Rule 43 that, "in no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment...in particular indefinite or prolonged solitary confinement."

We would like to respectfully remind your Excellency's Government of its obligations under the ICCPR, and in particular article 18, which guarantees the right to freedom of thought, conscience and religion or belief. Any limitations to this right should be strictly interpreted and be proportionate to the specific need on which they are predicated and are not to be applied in a manner that would vitiate the rights guaranteed by the article 18.

We wish also to recall the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which in its Article 2 (1): "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief." In Article 4 (1), the General Assembly further states that: "All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]" Furthermore, we would like to refer your Government to Article 4(2) according to which: "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

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<sup>1</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by the General Assembly on 17 December 2015, available at <https://undocs.org/A/RES/70/175>

Furthermore, we would like to recall that the General Assembly, in its resolution 63/181 paragraph 9 (j) urges States “To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided.”

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.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned person 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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information about the factual and legal grounds for the solitary confinement of Mr. Abdullaiev, please explain why and how this is compatible with the international human rights obligations of the Russian Federation.
3. Please provide the details and, where available, the results of any investigation and judicial or other inquiries which may have been carried out, or which are foreseen, into the allegations of torture and other cruel, inhuman or degrading treatment or punishment alleged to have been inflicted upon the above mentioned individual. If no such enquiries have been conducted, please explain why, and how this is compatible with the Russian Federation’s obligation under international human rights law.

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.

We would like to inform your Excellency’s Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief