

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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(Please use this reference in your reply)

31 March 2022

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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pursuant to Human Rights Council resolutions 43/16 and 42/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged search in Mr. Abubakar Iangulbaev's flat, his alleged questioning and seizure of electronic devices, as well as the alleged denial of access to legal assistance, all of which was reportedly in retaliation for his legitimate human rights work. We also bring to the attention of your Excellency's Government the alleged disproportionate use of force against his mother Mrs. Zarema Musaeva, her alleged arbitrary detention, criminalisation and denial of access to legal assistance. Moreover, we bring to the attention of your Excellency's Government the alleged arbitrary detention of Mr. Abubakar Iangulbaev's other relatives and the alleged smear campaign and physical threats against him and his family. Furthermore, we bring to the attention of your Excellency's Government the alleged disproportionate use of force against Mr. Sergey Babinets and two other lawyers affiliated with the Committee Against Torture, allegedly aimed at preventing them from providing legal assistance to Mrs. Zarema Musaeva.

Mr. Abubakar Iangulbaev

On 28 December 2021, law enforcement officers from the Ministry of Internal Affairs' ("MIA") Center for Countering Extremism and an investigator from the Investigative Directorate of the Investigative Committee for the Chechen Republic reportedly searched Mr. Abubakar Iangulbaev's flat in Pyatigorsk. They reportedly questioned him about his work and family. They also reportedly seized his work laptop and smartphone, both potentially containing sensitive information, and forced him to provide passwords from the seized devices, threatening to send him to the Chechen Republic. During about six hours of the search and questioning, Mr. Abubakar Iangulbaev was reportedly not allowed to leave the flat or consult with a lawyer.

Mr. Abubakar Iangulbaev's family

On the night of 22-23 December 2021, unidentified armed persons, some of whom wore law enforcement uniforms, reportedly forcibly arbitrarily arrested at least 37 of Mr. Abubakar Iangulbaev's relatives living in the Chechen Republic. The relatives were then reportedly held at the Directorate of the MIA for the City of Grozny (the capital of the Chechen Republic), Police Department

No. 1 in Grozny, and the Department of the MIA for the Urus-Martan District without any legal basis. Most of them were reportedly released within three days, and others were released on 3 February 2022 after publicly dissociating themselves from, and verbally attacking Mr. Abubakar Iangulbaev and his family.

In the late evening of 20 January 2022, unidentified Chechen law enforcement officers came to the flat in Nizhny Novgorod, where Mr. Abubakar Iangulbaev's parents lived. The reason for their visit was reportedly the interrogation of Mr. Abubakar Iangulbaev's mother, Mrs. Zarema Musaeva, as a witness in a criminal case. However, they reportedly refused to interrogate her in Nizhny Novgorod and forcibly took her to Grozny, over 1 800 km away.

For this, the law enforcement officers reportedly broke into the flat covered by the inviolability immunity due to Mr. Abubakar Iangulbaev's father's former federal judge status. The law enforcement officers then reportedly dragged Mrs. Zarema Musaeva out of the flat. They reportedly did not allow her to bring insulin required several times a day for her diabetes and warm clothes or shoes despite the freezing weather. When she was taken away, she fainted. For a day, the family did not know about her whereabouts. For 15 days, the lawyers have reportedly not been allowed to see or speak with her.

On 21 January 2022, the Leninsky District Court of Grozny sentenced Mrs. Zarema Musaeva to 15-day administrative detention under article 20.1 (1) of the Code of Administrative Offences ("petty hooliganism") for allegedly publicly insulting people upon her return to the Chechen Republic. Despite article 17 of the Federal Law No. 67-FZ dated 26 April 2013, which lists diabetes with complications, which she reportedly suffers, among the grounds preventing a person from serving administrative detention, she was reportedly placed at the special detention centre for administrative detainees in Grozny.

On 31 January 2022, a criminal case was reportedly opened against her under article 318 of the Criminal Code ("use of violence against a public official"). The criminal case reportedly relates to Mrs. Zarema Musaeva's scratching of the face of a police officer who was documenting her administrative offence. If convicted, she faces up to ten-year imprisonment. On 2 February 2022, the Staropromyslovsky District Court of Grozny reportedly ordered her to remain in detention until 1 April 2022 as a restraining measure in the criminal case. Mrs. Zarema Musaeva's health is reportedly deteriorating, and it is unclear if she receives adequate medical assistance, medications and diet required for her health condition.

Since 21 January 2022, Mr. Abubakar Iangulbaev and his family have been subjected to a smear campaign and have been receiving physical threats from Chechen public officials, including the death threats posted on Telegram by the Head of the Chechen Republic on 21 and 22 January 2022.

On 20 January 2022, a complaint regarding Mrs. Zarema Musaeva's forced transfer to the Chechen Republic was filed with the Investigative Committee of the Russian Federation. On 5 February 2022, a crime report about the statements

of public officials was filed with the Investigative Committee of the Russian Federation. The status of the investigations is unclear.

On 10 February 2022, the Supreme Court of the Chechen Republic upheld its previous decision to remand Mrs. Zarema Musaeva in detention and not to release her into house arrest.

Family lawyers

On 20 January 2022, unidentified Chechen law enforcement officers who reportedly broke into the Iangulbaevs' flat in Nizhny Novgorod and reportedly physically attacked the family's lawyers. Three lawyers affiliated with the CAT reportedly came to the Iangulbaevs' flat to provide legal assistance to the family. The female lawyer asked the law enforcement officers about the reasons for their attempts to enter the flat. The law enforcement officers reportedly hit her on the face and broke inside. They then reportedly beat up and pushed Mr. Sergey Babinets and another male lawyer into a spare room and locked them there to prevent them from protecting their clients.

Without wishing to prejudge the accuracy of the information received, we wish to express a concern as to the alleged search in Mr. Abubakar Iangulbaev's flat, his questioning and seizure of his electronic devices, which are reportedly related to his legitimate human rights work. We are gravely concerned with the alleged smear campaign and physical threats against Mr. Abubakar Iangulbaev and his family emanating from public officials, especially considering that Mrs. Zarema Musaeva is currently in detention.

We also wish to express concern as to the alleged disproportionate use of force against Mrs. Zarema Musaeva, her arbitrary detention and criminalisation, as well as the alleged arbitrary detention of Mr. Abubakar Iangulbaev's other relatives.

Finally, we are concerned with the alleged denial of access to legal assistance for both Mr. Abubakar Iangulbaev and Mrs. Zarema Musaeva, and the alleged disproportionate use of force against the latter's three lawyers, including Mr. Sergey Babinets, which was allegedly aimed at preventing them from providing legal assistance.

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 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 on the steps taken to ensure the physical and psychological security and integrity of Mr. Abubakar Iangulbaev and his family and, in particular, Mrs. Zarema Musaeva.
3. Please provide detailed information on the state of health of Mrs. Zarema Musaeva and whether she receives all necessary medical assistance, medications and diet in detention she requires.
4. Please provide the details, and where available the results, of any investigation, which may have been carried out in relation to the allegations of the physical threats against Mr. Abubakar Iangulbaev and his family and the alleged disproportionate use of force against Mrs. Zarema Musaeva and her lawyers.
5. Please provide information on the legal basis for the detention of Mr. Abubakar Iangulbaev's relatives, including the detention of Mrs. Zarema Musaeva and any administrative and criminal cases against her, as well as the search in Mr. Abubakar Iangulbaev's flat, his questioning and seizure of his electronic devices, and whether all abovementioned persons were provided access to legal assistance.
6. Finally, please also provide information regarding the measures taken to ensure that human rights defenders of Chechen origin, working in the Chechen Republic and on issues relating to the Chechen Republic are able to carry out their work without fear of intimidation, threats, attacks and reprisals.

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

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.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

We would like to refer your Excellency's Government to articles 6, 9, 14 and 17 of the International Covenant on Civil and Political Rights ("ICCPR"), ratified by the Russian Federation on 16 October 1973, which guarantee everyone the right to life, the right to liberty and security of person, the right to a fair trial, and the right not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, as well as to unlawful attacks on their honour and reputation.

We would also like to refer your Excellency's Government to the absolute and non-derogable prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, as enshrined in article 7 of the ICCPR and articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the Russian Federation on 3 March 1987.

We would also like to remind your Excellency's Government of its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the Russian Federation on 16 October 1973, in particular, article 12, which enshrines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. We also recall that States have a duty to protect the health of prisoners and detainees, in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), in particular, Rule 24.

We would also like to refer your Excellency's Government to the UN Basic Principles on the Role of Lawyers. Principles 1, 2, 7 and 8, in particular, contain the States' obligations to ensure prompt and effective access to lawyers. Moreover, Principle 16 requires governments to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

Furthermore, we would like to 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. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation 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.

Likewise, we would like to bring to the attention of your Excellency's Government article 12 (2) and (3) of the UN Declaration on Human Rights Defenders, which provides that the State shall take all necessary measures 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 their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.