

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL RUS 5/2022  
(Please use this reference in your reply)

22 April 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 43/16, 43/4 and 41/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arrest, detention, persecution and ill-treatment of human rights defenders in the context of Russia's invasion of Ukraine.

Mr. **Alexander Teplyakov** is a human rights defender of civil and political rights. Since Russia's invasion of Ukraine in February 2022, he has been printing stickers reading "No to war" and placing them around Moscow.

Mr. **Alexei Dmitriev** is an environmental human rights defender who advocates for the protection of green areas in the city of Khimki in Moscow Oblast. In 2012, Mr. Dmitriev was severely beaten by unidentified individuals, believed to be in retaliation for his environmental rights activities, leaving him with long lasting injuries. Since February 2022, he has been openly critical of Russia's invasion of Ukraine.

Mr. **Abdureshit Dzhepparov** is a Crimean Tatar and defender of minority and indigenous peoples' rights. As a coordinator of non-governmental organisation Crimean Contact Group on Human Rights, he helps monitor human rights violations and investigates situations of enforced disappearance in Russia-annexed Crimea. The organisation also provides legal support to victims of alleged human rights violations.

We previously raised concerns with your Excellency's Government regarding the restriction of fundamental freedoms, arbitrary detentions and physical and verbal attacks by police forces in the context of anti-war demonstrations, in communication RUS 3/2022 sent on 28 March 2022. We look forward to receiving a response to that communication.

According to the information received:

### *Background*

Between 24 February and 8 April 2022, 15,416 people were reportedly arrested nationwide for their participation in peaceful demonstrations against the war in Ukraine. At least 75 of those have faced criminal prosecution.

On 12 March 2022, members of the police reportedly visited vast numbers of homes in Moscow and handed out warnings about "the inadmissibility of actions that create conditions for the commission of offences", which could be seen as an attempt to discourage peaceful demonstrations that were due to take place the follow day. Loudspeakers were reportedly placed in the centre of Moscow warning that citizens were at the location of a planned illegal event.

### *On the case of Alexander Teplyakov*

On 1 March 2022, Mr. Alexander Teplyakov was detained while going to pick up stickers he had ordered from a printing house that read, "No to war", and was taken to Presnensky District police station. He was reportedly threatened and beaten in the head by police officers who forced him to reveal the name of another anti-war activist. During the interrogation, one officer reportedly told Mr. Teplyakov that he would be returned to his parents either "as a corpse or a vegetable" and threatened him with a gun.

Mr. Teplyakov remained at the police station until 3 March 2022, after which he was transferred to a prison on Simferopol Boulevard in Moscow. Family visits were reportedly denied without justification, and he received a beating on one further occasion, reportedly from the same officer who threatened him at the police station. Mr. Teplyakov was released on 11 March 2022 and has since fled the country.

### *On the case of Alexei Dmitriev*

On 9 March 2022, police arrived to Mr. Alexei Dmitriev's home with a warrant to search the premises. He was subsequently arrested and brought into custody at a police station in the city of Khimki, Moscow Oblast. He remained there while attending court hearings at Khimki City Court on 10 and 11 March 2022, where he was convicted of "hooliganism" and sentenced to 15 days in prison. The prosecution alleges that the charge was based on obscene language used by Mr. Dmitriev during the home search.

On 24 March 2022, Mr. Dmitriev was presented before the same court on the basis of another charge that had been filed against him, "organising an unsanctioned rally". He was sentenced to a further eight days in prison.

On 1 April 2022 another hearing convicted Mr. Dmitriev on the charge of "disobeying a police officer" and sentenced him to 12 days in prison. The charge reportedly relates to an incident where Mr. Dmitriev fell severely ill in police custody and was unable to rise to his feet.

On 6 April 2022, he was convicted of “incitement of hatred and enmity”, on the basis of a post he had made on social media on 25 February 2022, denouncing the war and comparing the Russian leadership with Nazism. Mr. Dmitriev’s lawyers have reportedly been given very limited access to him in detention centres and at court hearings. Mr. Dmitriev was held at a detention centre in Elektrostal in Moscow until his release on 16 April 2022.

*The case of Mr. Abdureshit Dzhepparov*

Since 2014, Mr. Abdureshit Dzhepparov and his family have reportedly been subjected to repeated attacks and harassment from authorities. On 27 September 2014, two of his family members disappeared. No investigation was launched by authorities and their whereabouts have remained unknown ever since.

On 19 August 2019, Mr. Dzhepparov published a video to his social media channels in which he compared a Soviet-era military march song, “Aviator’s March”, with a song from Nazi Germany.

On 16 March 2022, members of the Federal Security Service of Russia (FSB) arrived with a warrant to search Mr. Dzhepparov’s home in Sary-Su village of Bilogorsk District in Russia-annexed Crimea. Officials seized a hard drive during the three-hour long search.

Mr. Dzhepparov’s lawyer was reportedly not allowed to be present during the search. Two of Mr. Dzhepparov’s relatives who arrived at the scene were also reportedly detained.

Mr. Dzhepparov and his lawyer appeared before the Belogorsk District Court that same day, on the charge of “propaganda and public display of Nazi paraphernalia and symbols” under Article 20.3 of the Code of Administrative Offences of the Russian Federation in relation to the aforementioned video he posted to social media in 2019. He was sentenced to 15 days of administration, which he carried out in Evpatoria Temporary Detention Centre. He was released on 31 March 2022, however he reportedly continues to have significant concerns for his safety.

Without wishing to prejudge the accuracy of the information, we express our deep concern regarding the apparent crackdown on human rights defenders in the context of Russia’s invasion of Ukraine. We are concerned that the information received would imply that those advocating against the human rights impact of the war, the Russian military, or government policy appear to be at heightened risk of criminalisation. We are deeply concerned in particular by the apparently retroactive criminalisation of Mr. Abdureshit Dzhepparov, who was imprisoned for a post he made to social media about the Russian army two and a half years prior. Of additional concern is the legislation used against him, which prohibits the promotion of Nazi paraphernalia, when the post in question appears to have raised those symbols in a negative light.

We are furthermore alarmed by allegations that human rights defenders have been tortured and ill-treated while in police custody. We are particularly disturbed by reports that Mr. Alexander Teplyakov was beaten multiple times while in detention

and received severe death threats from a member of the police force. We are also concerned by the multiple charges filed against Mr. Dmitriev, including a charge of “disobeying a police officer” after falling ill while in police custody. We are concerned that the repeated renewal of Mr. Dmitriev’s detention with new charges, may have unnecessarily prolonged his incarceration, preventing him from carrying out his legitimate human rights work.”

Finally, we remind your Excellency’s Government that failure to notify authorities of an assembly does not, under international law, render it unlawful and urge that the right to freedom of peaceful assembly be upheld in line with international standards.

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 any comment you may have on the above-mentioned allegations.
2. Please provide information regarding any investigation launched into allegations of torture and ill-treatment against Mr. Teplyakov.
3. Please provide information on the factual and legal basis for the multiple, sequential convictions of Mr. Dmitriev, in particular why he was criminalised for disobedience after having fallen seriously ill.
4. Please provide details on the factual and legal basis for the conviction of Mr. Dzhapparov, in particular how his actions amounted to the “promotion” of Nazi symbols.
5. Please indicate what measures have been taken to ensure that human rights defenders and the political opposition in the Russian Federation are able to carry out their legitimate work, including through the exercise of their rights to freedom of opinion and expression, of peaceful assembly and of association in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Irene Khan

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

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

## **Annex**

### **Reference to international human rights law**

While we do not wish to prejudge the accuracy of these allegations, we call the attention of your Excellency's Government to Articles 9, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights ("ICCPR"), ratified by the Russian Federation on 16 October 1973, which guarantee the right to which guarantee the rights not to be arbitrary deprived of liberty, to a fair trial, to freedom of opinion and expression and to freedom of peaceful assembly, and the right to freedom of association respectively.

We would like to draw the attention of your Excellency's Government to article 9 of the ICCPR, which in its first paragraph guarantees the right to freedom from arbitrary detention and establishes that no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as established by law. We wish to recall that any deprivation of liberty resulting from the legitimate exercise of the rights guaranteed by the ICCPR is arbitrary (see also CCPR/C/GC/35, para. 17). We would also like to refer your Excellency's Government to article 9(4) of the ICCPR, whereby anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

We further recall that detained persons should have access, from the moment of arrest, to legal assistance of their own choosing. In its most recent report to the Human Rights Council (A/HRC/45/16), the Working Group on Arbitrary Detention highlighted that the right to legal assistance is one of the key safeguards in preventing the arbitrary deprivation of liberty, and that such assistance should be available at all stages of criminal proceedings, namely, during pretrial, trial, re-trial and appellate stages, to ensure compliance with fair trial guarantees (see paras. 50-55).

The freedom of opinion and expression is integral to the enjoyment of the rights to freedom of peaceful assembly and of association (General Comment 34 of the Human Rights Committee para. 4). The Human Rights Committee has affirmed that "States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression and that paragraph 3 (of article 19) may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights" (id. para. 23). The penalisation of individuals solely for expressing critical opinions about the government or the social system espoused by the government is incompatible with article 19 (id. para. 42). Moreover, attacks on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, are incompatible with article 19 (id. para. 23). "All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (id. para. 23).

We wish to underscore that failure to notify authorities of an assembly does not render it unlawful, and consequently should not be used as a basis for dispersing the assembly. We further note that this applies equally in the case of spontaneous assemblies, where prior notice is otherwise impracticable or where no identifiable organizer exists (A/HRC/31/66 para. 23).

Article 19 of the ICCPR guarantees the right to freedom of expression, which includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. Under Article 19 (3) of the ICCPR, any restriction on the right to freedom of expression must be: (i) provided by law; (ii) serve a legitimate purpose; and (iii) be necessary and proportional to meet the ends it seeks to serve. In this context, we would like to recall that in its General Comment no.34, the Human Rights Committee emphasized that article 19 protects inter alia, political discourse, commentary on one’s own and on public affairs, discussion on human rights, journalism, cultural and artistic expression, teaching and religious discourse among others. The rights to freedom of opinion and expression also form the basis for the full enjoyment of a wide range of other human rights, including the right to freedom of association, as also stated in General Comment no.34. In this connection, we recall that the Human Rights Council, in its Resolution 12/16, called on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We wish to emphasise that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the legitimate aim. As the Human Rights Committee observed in General Comment No. 27 (CCPR/C/21/Rev.1/Add. 9), restrictive measures... must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected” (Paragraph 14).

We also recall that according to article 21 of the ICCPR, “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. The ‘provided by law’ requirement means that any restriction ‘must be made accessible to the public’ and ‘formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly’ (CCPR/C/GC/34).

We would also like to refer your Excellency's Government 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 Recognized 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 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a), which provides for the right to meet or assemble peacefully;
- article 6 (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- and article 12, paragraphs (2) and (3), 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 his or her legitimate exercise of the rights referred to in the Declaration.

Furthermore, we would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.