

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on minority issues and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

Ref.: AL RUS 15/2022  
(Please use this reference in your reply)

6 October 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 issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on minority issues and Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, pursuant to Human Rights Council resolutions 43/16, 46/7, 43/8 and 45/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the intimidation of Ms. **Yana Tannagasheva** during the 15th session of Expert Mechanism on the Rights of Indigenous Peoples (EMPRIP) of the UN Human Rights Council in Geneva, Switzerland.

Ms. Yana Tannagasheva is an indigenous human rights defender, working on protecting and promoting the rights of minorities and rights of the indigenous Shor people in the Russian Federation. She is a member of the International Committee of Indigenous Peoples of Russia (ICIPR).

The case of Ms. Yana Tannagasheva was included in the 2018 and 2019 reports of the Secretary-General on cooperation with the UN, its representatives mechanisms in the field of human rights on allegations of harassment, surveillance, threats, and intimidation against her and her relatives, representatives of the Shor indigenous peoples and minorities groups from South West Siberia, as reprisals for her cooperation with the Committee on the Elimination of Racial Discrimination, see [A/HRC/42/30](#) Annex II <sup>1</sup>.

On 12 September 2018, the Government responded to the allegations by Special Procedures and noted a preliminary investigation into the harassment and a criminal case was refused on 28 April 2018 on the basis of "absence of a crime." On 26 July 2018 this decision was overturned by the supervising procurator, and further investigations were ongoing. On 24 July 2019 the Government provided an update to OHCHR and noted that the investigation was ongoing.

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<sup>1</sup> 87. See also, A/HRC/39/41, para. 63, Annex I, paras. 90–91. In April 2018, as a consequence of the threats, they left Russia with their children. In May 2018, CERD raised their situation with the State party and, in June 2018, special procedures mandate holders raised concerns with the authorities (RUS 11/2018;151 OTH 34/2018; A/HRC/40/60/Add.1, paras. 512 and 677).

According to the information received:

On 4 July 2022, the first day of the EMRIP session, Ms. Tannagasheva took the floor to elaborate on the situation of the Shor people. In particular, she drew attention to the violations of the rights of indigenous peoples by the Russian authorities and mining companies. She elaborated on her village of origin, Kazas, located in the Kemerovo Oblast. The village was reportedly burned down by a coal mining company eight years ago because its residents refused to sell their lands to the company.

Ms. Tannagasheva further expressed her concern that the Russian authorities and mining companies such as Nor Nickel corrupt representatives of indigenous peoples, using their vulnerable position to promote the state policies and propaganda both on the national and the international level. She ended her speech by criticizing the lack of freedom of speech, the harassment, as well as the criminalization of indigenous activists in Russia and called on the UN Special Rapporteur on the rights of indigenous peoples to pay special attention to their situation.

As she was about to finish her statement, Ms. Tannagasheva was approached by a diplomat from the Permanent Mission of the Russian Federation in Geneva, who acted in an intimidating manner by asking her name, phone number and her business card in a reportedly aggressive manner. He allegedly demanded that Ms. Tannagasheva give him her business card, and asked whether she was based in the Dombass region. Those witnessing the incident in the conference room, including other NGO representatives and the Special Rapporteur on indigenous peoples, surrounded Ms. Tannagasheva protectively by this point, in an attempt to stop the intimidation. It is reported that the Russian diplomat later approached the Secretariat of the EMRIP session, asking for information about the list of speakers, including the speakers' names and the organizations they represent.

Immediately after the incident the International Committee of Indigenous Peoples of Russia (ICIPR), the organization Ms. Tannagasheva is part of, issued a statement condemning the assault on the website 'Indigenous Russia'. Just after publishing the statement, the director of Indigenous Russia received an email from the hosting provider of the website, saying it had received a request from the Russian government to remove the page from the Internet within 24 hours. The website regularly publishes information about violations of the rights of indigenous peoples in Russia.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we wish to express our serious concerns regarding the reported incident of intimidation during the session of a mechanism of the Human Rights Council, which may have a significant chilling effect on the participation and freedom of expression of representatives of indigenous peoples in the EMRIP and the Human Rights Council, from the Russian Federation and beyond.

In connection with these serious concerns, we would like to refer your Excellency's Government to relevant international human rights instruments and standards, cited in the **Annex on Reference to international human rights law** attached to this letter.

As it is our responsibility, under the mandate 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 comments you may have on the allegations mentioned above.
2. Please provide information on steps taken by your Excellency's Government to ensure that human rights defenders are able to exercise their right to freedom of expression and carry out their legitimate work freely and in a safe and enabling environment without acts of intimidation and harassment against them, their family members and loved ones.
3. Please provide information about steps taken by your Excellency's government to ensure that its diplomats do not conduct themselves in UN events and fora in a manner that may be contrary to the [UN Code of Conduct to prevent harassment at UN events](#), which could be perceived as intimidating, and consequently may amount to reprisals or intimidation for cooperation with the UN in the field of human right.

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.

In light of the allegations of intimidation for cooperation with the United Nations in the field of human rights, we reserve the right to share this communication - and any response received from your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to address this issue.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

David R. Boyd  
Special Rapporteur on the issue of human rights obligations relating to the enjoyment  
of a safe, clean, healthy and sustainable environment

Fernand de Varennes  
Special Rapporteur on minority issues

Marcos A. Orellana  
Special Rapporteur on the implications for human rights of the environmentally sound  
management and disposal of hazardous substances and wastes

## **Annex**

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

In connection with the 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 article 19 of the International Covenant on Civil and Political Rights ("ICCPR"), ratified by the Russian Federation on 16 October 1973, which guarantees the right to freedom of opinion and expression.

The right to freedom of expression includes the right to seek, receive, and impart information and ideas of all kinds. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include commentary on one's own and on public affairs, discussion of human rights, and journalism (paragraph 11). All means of expression and means of their dissemination are protected (paragraph 12).

Furthermore, we would 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 Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (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 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 the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6 (a), (b) and (c), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms; to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms. and to draw public attention to those matters;
- Article 9 (1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- Article 12 (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 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.

UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted in 2008 in its article 1 states that indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law. It further provides in article 2 that indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular based on their indigenous origin or identity.

UNDRIP states in its article 32 that ‘States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources

Furthermore, both the United Nations General Assembly and the Human Rights Council recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions A/RES/76/300 and A/HRC/RES/48/13. In this connection, we would like to draw the attention of your Excellency's Government to the Framework Principles on Human Rights and the Environment detailed in the 2018 report of the Special Rapporteur on Human Rights and the Environment (A/HRC/37/59). The principles provide that States must ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfill human rights (principle 1); States must respect, protect and fulfill human rights in order to ensure a safe, clean, healthy and sustainable environment (principle 2). In addition, principle 4 provides that “ States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence”.