

**Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights in the Russian Federation**

Ref.: AL RUS 12/2023

(Please use this reference in your reply)

19 June 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the situation of human rights in the Russian Federation, pursuant to Human Rights Council resolutions 52/7, 52/9, 50/17, 52/4, 44/8 and 51/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged targeting of Crew Against Torture, a human rights non-governmental organisation working to provide assistance, through investigation and legal representation, to alleged victims of torture or other cruel, inhuman or degrading treatment or punishment.

According to the information received:

Crew Against Torture is an informal union of Russian lawyers and human rights defenders, who, in their individual capacity, assist alleged victims of torture, particularly through investigation and legal representation.

Crew Against Torture continues the work of the "Committee against Torture", a prominent human rights non-governmental organisation, established in 2000, that worked on investigating allegations of torture and providing legal representation to alleged torture's victims, including before the European Court of Human Rights. The "Committee against Torture" was shut down on 10 June 2022, following its designation by the Ministry of Justice as an unregistered public organization operating as a "foreign agent". Staff of the "Committee against Torture" had been regularly subjected to defamation campaigns, physical attacks, detentions, and judicial persecution.

On 14 April 2023, a group of seven law enforcement officers raided the premises of the North Caucasus division of the office of Crew Against torture in the city of Pyatigorsk. As a result of the raid, a flash drive and a laptop belonging to Crew Against Torture were seized.

On 28 April 2023, the premises of the office of Crew Against Torture in the city of Nizhniy Novgorod were searched by law enforcement officers of the Centre for Countering Extremism of the Ministry of Internal Affairs. On this occasion, no technical equipment or documents were seized. In addition, the

officers also searched the private homes of three lawyers of Crew Against Torture.

On 4 May 2023, the premises of the office of Crew Against Torture in the city of Krasnodar was searched by law enforcement officers of the Centre for Countering Extremism of the Ministry of Internal Affairs. On this occasion, no technical equipment or documents were seized.

According to reports, these searches were carried out within the context of a criminal investigation opened against Crew Against Torture for alleged violations of the national legislation on the activities of organisations designated as “foreign agents”.

Crew Against Torture claims that the aforementioned criminal investigation is unfounded and instead that the real reason for the raids is to exert pressure on the organisation and to intimidate its members owing to their work towards combating torture, particularly in connection with a case of alleged torture in North Ossetia region. Information reports that the searches were authorised by the investigator and the court in North Ossetia.

Without prejudging the accuracy of the information received, we wish to recall at the outset that Your Excellency’s Government is under an obligation to uphold the fundamental principles of the rule of law and the prohibition of arbitrariness, which consist, *inter alia*, in the duty to ensure that all people in the country can enjoy all their human rights fully; and that civil society representatives are able to carry out their work without fear of intimidation, harassment or retaliation.

Within this context, we stress that article 13 read in conjunction with articles 1 and 16 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), ratified by the Russian Federation in 1987, places an obligation on States parties to ensure that any individual who alleges to have been subjected to torture or other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction has the right to complain (...), and that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given<sup>1</sup>. This right would be seriously impaired if human rights defenders are prevented from advocating on behalf of torture victims<sup>2</sup>.

The United Nations Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (Istanbul Protocol, 2022 edition) provides that alleged victims of torture or ill treatment, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any form of intimidation that may arise pursuant to the investigation (paragraph 195). The Special Rapporteur on Torture’s latest report on the duty to investigate reiterates the rights of every complainant to legal advice and representation (A/HRC/50/32). The State is obligated to investigate all such

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<sup>1</sup> See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/52/30): <https://www.ohchr.org/en/documents/thematic-reports/ahrc5230-good-practices-national-criminalization-investigation>; and Question of torture and other cruel, inhuman and degrading treatment or punishment, Interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment (A/55/290): <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/605/08/PDF/N0060508.pdf?OpenElement>

<sup>2</sup> See Interim report (A/55/290), op. cit., footnote 1

obligations promptly and impartially (article 12).

We also bring to your Excellency's Government's attention, article 17 of the International Covenant on Civil and Political Rights, ratified by the Russian Federation in 1973, which protects everyone from arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honor or reputation; and article 22 of the International Covenant on Civil and Political Rights which protects the right to freely associate with others to pursue common interests, as well as the collective right of association to pursue its activities, without unlawful interference by the State.

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<sup>3</sup>, everyone has the right to, *inter alia*, offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms (article 9, paragraph 3 (c)).

The Declaration further stipulates that States shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 (article 12, paragraph 2).

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 information about the legal decision and grounds which placed the Committee against Torture, the predecessor of Crew against Torture, on the list of unregistered public organizations operating as "foreign agents", and how this decision is in compliance with the obligations of the Russian Federation under international human rights law.
3. Please explain on what grounds the premises of the Crew Against Torture offices were searched, and whether such grounds, as well as the overall conduct of the search operations were in compliance with the Russian Federation's international human rights obligations.
4. Please explain whether the flash drive and the laptop reportedly seized as a result of the search of the office of Crew Against Torture in

<sup>3</sup> <https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/Declaration/declaration.pdf>

Pyatigorsk were returned to the organisation. If not, please explain why.

5. Please provide information about measures taken by the Government of the Russian Federation to ensure that human rights defenders in the country, including informal associations, are able to carry out their legitimate human rights activities without any fear of judicial harassment, reprisals or intimidation of any kind, in an enabling environment.

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.

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.

Alice Jill Edwards

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

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Mariana Katzarova

Special Rapporteur on the situation of human rights in the Russian Federation

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to article 5 of the Universal Declaration of Human Rights (UDHR); article 7 of the International Covenant on Civil and Political Rights (ICCPR); and article 2 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) which establish the absolute prohibition of torture or other cruel, inhuman or degrading treatment or punishment<sup>4</sup>. Attached to such prohibition are obligations to investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to victims<sup>5</sup>.

Within this context, we stress that victims of torture are to be protected from reprisals or intimidation (article 13) and that they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (article 14)<sup>6</sup>. We refer to the Istanbul Protocol and the United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power and the Special Rapporteur on Torture's report A/HRC/50/32.

We also refer to article 17 of the ICCPR which protects everyone from arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honor or reputation and article 22 of the ICCPR, which protects the right to freedom of association. This right includes the right of individuals to form and join associations, and the collective right of an association to pursue its activities, without unlawful interference from the state. No restrictions shall be placed on the exercise of this right other than those which are prescribed by law, and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.

We would also like to recall that article 19 of the ICCPR guarantees the right to opinion and expression. In the general comment 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, including inter alia 'political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism', subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. An attack on a person because of the exercise of his or her freedom of opinion or expression,

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<sup>4</sup> See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/77/502): <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/610/77/PDF/N2261077.pdf?OpenElement>

<sup>5</sup> See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/52/30): <https://www.ohchr.org/en/documents/thematic-reports/ahrc5230-good-practices-national-criminalization-investigation>  
Ibid.

including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19. (GC34 paragraph 23)

We would also like to bring to the attention of your Excellency's Government 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.

Lastly, we would like to further refer to article 9 (c) of the UN Declaration which states that everyone has the right to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms; as well as to 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.