

Mandates of the Special Rapporteur on the situation of human rights in the Russian Federation; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women and girls, its causes and consequences

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(Please use this reference in your reply)

5 July 2023

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Russian Federation; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 51/25, 52/9, 52/4, 52/7 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the violent physical attack endangering the lives and safety of human rights lawyer, **Mr. Alexander Nemov**, and "Novaya Gazeta" journalist, **Ms. Yelena Milashina**, as well as alleged torture or other cruel, inhuman or degrading treatment inflicted against them in retaliation for their journalistic work and human rights defense work related to the criminal proceedings against Ms. Zarema Musaeva (UA RUS 12/2022 and JAL RUS 4/2022), in the Chechen Republic of the Russian Federation.

Mr. Alexander Nemov is a human rights lawyer and human rights defender who cooperates with the Russian NGO "Crew Against Torture". He is one of the defense lawyers representing Ms. Zarema Musaeva in the ongoing criminal proceedings against her.

Ms. Yelena Milashina is a human rights defender and prominent journalist, specializing on investigating human rights abuses in the Chechen Republic, she works for the Russian independent newspaper "Novaya Gazeta". Ms. Milashina wrote numerous articles about enforced disappearances, extra-judicial killings, torture and other grave human rights abuses in the North Caucasus, in particular in the Chechen Republic. Previously, due to her activity as a journalist reporting critically on policies of the Chechen authorities, she received numerous death threats and fled from Russia for a period of time due to risks to her life and safety. She is currently working in Russia as a journalist.

According to the information received:

At around 5 a.m. on 4 July 2023, while on their way from the airport to the city of Grozny, the capital of the Chechen Republic, to participate in the criminal proceedings and the announcement of the verdict regarding

Ms. Zarema Musaeva, Mr. Alexander Nemov and Ms. Yelena Milashina's taxi was blocked by three black cars.

About a dozen masked armed men dressed in civilian clothing stopped the car, they dragged Mr. Alexander Nemov and Ms. Yelena Milashina out of the car. The group of armed men tied their hands, forced them on their knees and started severely beating and kicking them on their heads and body with their feet, plastic pipes and truncheons, and kicking them in the face as they laid on the ground.

The masked armed men held pistols to the heads of the two victims and threatened to execute them. Throughout the physical assault, the armed men repeatedly stated: "You were warned. Get out of here and do not write anything". The attackers claimed that their actions were punishment for the human rights activities of Ms. Yelena Milashina and Mr. Alexander Nemov in the Chechen Republic.

Using force, the armed men ordered Mr. Alexander Nemov and Ms. Yelena Milashina to unlock their mobile phones. Their personal belongings, including laptops, filming equipment and documents were seized. Subsequently, Mr. Alexander Nemov used the mobile phone of the taxi driver to report the attack. The taxi driver was unaffected.

Later, when the attackers left, with the help of the taxi driver, Mr. Alexander Nemov and Ms. Yelena Milashina were admitted to a hospital in Grozny in a grave medical condition. Due to further concerns about their lives and safety they were later transferred to a medical facility in Beslan, the Russian Republic of North Ossetia, accompanied by Mr. Mansur Soltaev, the Human Rights Ombudsman of the Chechen Republic.

In the medical facility, Mr. Nemov experienced difficulty speaking and moving, he used a wheelchair. Allegedly, he was stabbed with a knife in his right leg by the attackers.

Ms. Yelena Milashina was diagnosed with a closed head injury, and she periodically lost consciousness in the hospital. The fingers of her both hands have been broken, reportedly for refusing to unlock her phone. Her body was covered in bruises, and her head has been reportedly shaved by the attackers, which is a severe form of humiliation against women in the North Caucasus. Furthermore, her head has been doused with brilliant green.

This is not the first instance when human rights lawyers have been targeted in connection to the case of Ms. Zarema Musaeva, who is the mother of former "Crew against Torture" staff member Mr. Abubakar Yangulbayev. Instances of armed surveillance targeting the attorneys, representing Ms. Zarema Musaeva, in Grozny, were reported to the Ombudsman of the Chechen Republic and the Russian Federation Security Service, however, they were dismissed, and no action followed.

The UN Special Procedures have sent two communications to the Russian authorities regarding the abduction, ill-treatment and criminal proceedings against Ms. Zarema Musaeva (UA RUS 12/2022 and JAL RUS 4/2022). It is alleged that Chechen law enforcement officials abducted Ms. Zarema Musaeva on 20 January 2022, from Nizhny Novgorod, Russia, in retaliation against her sons' work, who are vocal critics of the President of the Chechen Republic, Ramzan Kadyrov, who personally threatened her and her family with death. On his social media he stated that: "Yangulbaev's family is waiting for a place either in prison or in the ground" and that his family members "will no longer be able to walk freely enjoying life" as they "deeply hurt the honour of Chechens".

On 4 July 2023, the Akhmatovskiy District Court of Grozny convicted Ms. Musaeva of fraud under article 159 para. 3, and of physically assaulting a police officer under Article 318 para. 2 of the Criminal Code. The court imposed a prison sentence of five years and six months in a common-regime correctional colony. Ms. Yelena Milashina and Mr. Alexander Nemov were aiming to attend this trial.

Similarly to threats against Ms. Musaeva and her family, Chechen President Kadyrov threatened Ms. Yelena Milashina due to her journalist activity and critical views on the human rights situation. On 23 January 2022, he claimed on his social media channel that Ms. Yelena Milashina is a "terrorist supporter" and was quoted saying that: "We have always eliminated terrorists and their accomplices, between whom there is no difference, and we will continue to do so. We have cleansed our land from them and now we mercilessly fight them wherever they may be". Ms. Yelena Milashina had to temporarily leave Russia in light of the threats against her from the leadership of the Chechen Republic.

Without prejudging the accuracy of this information, we are extremely disturbed by the use of physical violence threatening the life, and of a form that could constitute torture or other cruel, inhuman or degrading treatment, inflicted on human rights lawyer, Mr. Alexander Nemov, and "Novaya Gazeta" journalist, Ms. Yelena Milashina, in retaliation for their journalism and other work in defence of human rights relating to the criminal proceedings against Ms. Zarema Musaeva.

To ensure impartiality and independence, the case of the violent attack against Ms. Yelena Milashina and Mr. Alexander Nemov should be initiated and transferred to another region for a prompt and thorough investigation, ensuring that all perpetrators involved in the attack and the ones who ordered it are identified, prosecuted, and appropriately punished according to the seriousness of their actions. Mr. Alexander Nemov and Ms. Yelena Milashina should be provided immediate and adequate medical assistance, taking into account their current health condition, as well as all necessary forms of redress, including legal, medical, and psychological support to aid in their recovery and rehabilitation. Protective measures to guarantee their safety and security should be put in place, including identification of all potential risks they may face and taking necessary precautions to eliminate those risks and threats. Relevant authorities should make all efforts to find and return the unlawfully seized

belongings, including laptops, documents, and any other personal items, to Mr. Nemov and Ms. Milashina.

This continuous cycle of intimidation against independent journalists, lawyers and human rights defenders in the Russian Federation is deeply worrying. These allegations appear to constitute State-endorsed persecution, including the use of torture or other cruel, inhuman or degrading treatment or punishment.

Should these new allegations be confirmed, they would violate articles 6, 7 and 19 of the International Covenant on Civil and Political Rights, enshrining the inherent right of every individual to life, and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, also prohibited by the Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the Russian Federation in 1987; as well as and the right to freedom of expression. We would like to encourage your Excellency's Government to take all possible measures to prevent the recurrence of such incidents, including putting an end to harassment and persecution of human rights defenders and journalists in the North Caucasus, in particular in the Chechen Republic. It is crucial to address the climate of impunity and promote a safe environment for those working to defend human rights and freedom of the press.

Furthermore, since the victims in question are human rights defenders, we deem appropriate to remind you of the important and legitimate role that human rights defenders play and the protection they are entitled to by international law. We wish to highlight in particular the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms also known as the Declaration on Human Rights Defenders, and 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 the primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Specifically, we would like to draw your attention to the General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights.

As indicated by the UN Special Rapporteur on Violence Against Women and Girls in her report to the Human Rights Council on Combating Violence Against Women Journalists (A/HRC/44/52), gender-based violence against women journalists highlighted that "many women journalists also face intersectional discrimination and gender-based violence because of other characteristics such as, but not limited to, race, religion, ethnicity or minority affiliation".

The full texts of the human rights instruments and standards recalled above are available on 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 persons 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 response and 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 clarify what measures are being taken to investigate the alleged violent attack against Mr. Alexander Nemov and Ms. Yelena Milashina, to identify perpetrators and those who ordered it and to bring them to justice, including measures for an independent investigation of the case at the Federal level given concerns about the lack of independent institutions in the Chechen Republic.
3. Please inform us on the efforts taken to find and return the unlawfully seized belongings, including laptops, documents, and any other personal items, to Mr. Nemov and Ms. Milashina.
4. Please indicate which measures your Excellency's Government has adopted to protect the rights and safety of the aforementioned individuals, and more broadly all journalists, media workers and human rights lawyers working in the Russian Federation, particularly in the Chechen Republic and the region North Caucasus.
5. Please inform us of any investigation into the publicly made official threats against Ms. Zarema Musaeva, her family and Ms. Yelena Milashina and what was the result of these investigations.
6. Please explain what measures have been taken to ensure that all human rights defenders in Russia, in particular those reporting on human rights violations, can carry out their peaceful and legitimate activities without fear of [judicial harassment/violence], or other restrictions.

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 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.

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.

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

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

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

Reem Alsalem
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