

**Mandates of the Special Rapporteur on the situation of human rights in the Russian Federation  
and the Special Rapporteur on the situation of human rights defenders**

Ref.: AL RUS 5/2024

(Please use this reference in your reply)

23 July 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Russian Federation and Special Rapporteur on the situation of human rights defenders.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the recent arrest and detention of the human rights defender, Mr. Alexey Sokolov, on charges of "repeated demonstration of extremist symbols" for displaying the Facebook logo online (part 1 of article 282.4 of the Criminal Code of the Russian Federation). Mr. Alexey Sokolov is a human rights defender based in Yekaterinburg, Russia, who focuses on prisoners' rights. He was a member of the Public monitoring commission of places of detention in the Sverdlovsk region, mandated to ensure public monitoring and reporting on the conditions of detention and the treatment of detainees, and to advocate for enhanced compliance with human rights standards.

On 5 July 2024, during the police search at Mr. Sokolov's home, the law enforcement seized a number of documents, including powers of attorney for representing victims before United Nations treaty bodies, which raises significant human rights concerns, including reprisals for cooperation with the United Nations.

*According to the information received:*

In 2005, Mr. Alexey Sokolov established the non-governmental organization "Pravovaya Osnova" (Legal Basis) in Yekaterinburg, Sverdlovsk region. "Pravovaya Osnova" was dedicated to addressing human rights violations in detention in Russia, including contributing to the punishment of those responsible for torture and ill-treatment in the Sverdlovsk region penal colonies, and raising awareness about the prisoners' right to be protected from torture and other cruel, inhuman or degrading treatment or punishment. Allegations about some of the gravest violations were publicly disclosed on the organization's website and the Telegram channel called "Ural Human Rights Defenders".

In 2009, Mr. Alexey Sokolov was arrested on accusations of "theft and armed robbery" and sentenced to five years' imprisonment, which was subsequently reduced to three years on appeal. However, Mr. Sokolov has maintained his innocence and denied all accusations against him. In 2017, the European Court of Human Rights in a judgment on Mr. Sokolov's case found that Russian authorities have violated Mr. Sokolov's rights to liberty and security of person and freedom from arbitrary deprivation of liberty.

In 2011, upon release from prison, Mr. Alexey Sokolov returned to Yekaterinburg and continued his work on prisoners' rights. For his human rights work he has faced harassment and intimidation. For example, his activities, including exposing abuses within the penitentiary system, led to several instances of him being arbitrarily arrested and fined on charges related to "posting defamatory materials against the Federal Penitentiary Service of Russia (FSIN) through the Telegram channel "Ural Human Rights Defenders". In 2015, "Pravovaya Osnova" was included on the Ministry of Justice's register of "foreign agent", forcing it to reduce its activities and eventually denying access for members of the NGO to places of deprivation of liberty in Russia.

On 11 October 2023, the Leninsky District Court of Yekaterinburg sentenced Mr. Alexey Sokolov to five days of detention for posting the Facebook logo (part 1 of article 20.3 of the Code of Administrative Offenses of the Russian Federation). The court based its decision on several reports filed in by the employees of the Sverdlovsk Federal Penitentiary Service stating that the website "Ural Human Rights Defenders" contained a hyperlink to a Facebook page of the same name, as well as the social network's logo. Mr. Sokolov denied being the administrator of the website.

In this way he became the first person in Russia to be convicted for displaying Facebook's logo online after the Tverskoy District Court of Moscow on 21 March 2022 banned Meta, the parent company of Facebook and Instagram, from operating in Russia for what it deemed "extremist activities". Russian prosecutors have accused the social media platforms of ignoring Government requests to remove what they described as "fake news about Russian military actions in Ukraine and calls for anti-war protests in Russia".

On 5 July 2024, law enforcement officers conducted searches in the apartment of Mr. Alexey Sokolov and seized documents authorizing Mr. Sokolov to represent prisoners before the UN treaty bodies. The photos of these documents were later published in a pro-government Telegram channel alleging that Mr. Sokolov was part of a foreign intelligence network.

On the same day Mr. Alexey Sokolov was arrested on the charges of "repeated demonstration of extremist symbols" (part 1 of article 282.4 of the Criminal Code of the Russian Federation). He was not informed about the grounds for his arrest for more than six hours. According to reports, during his arrest, law enforcement officers subjected Mr. Sokolov to ill-treatment including forcibly holding him face down on the floor and questioning him about his "status in the criminal underworld", as shown in videos released by pro-government Telegram channels.

On 6 July 2024 the Leninskiy District Court of Yekaterinburg authorized a 72-hour administrative detention of Mr. Sokolov. The investigator motioned against the public hearing in the case due to the "secret nature of the preliminary investigation," which was approved by the court.

On 8 July 2024 the court authorized his pre-trial detention until 1 September 2024, on charges of "repeated demonstration of extremist symbols" (part 1 of

article 282.4 of the Criminal Code of the Russian Federation) for posting the Facebook logo on the Telegram channel “Ural Human Rights Defenders”. The human rights defender faces up to four years of imprisonment.

The investigation claims that from October to December 2023, Mr. Sokolov posted materials discrediting the penitentiary system of the Russian Federation and publicly displayed the Facebook symbols. Prior to his arrest Mr. Alexey Sokolov was investigating several cases of ill-treatment of prisoners in the detention facilities of Sverdlovsk region. On 1 July 2024, a news agency released an article about the brutal beating of an inmate at Correctional Penal Colony No. 10 in Yekaterinburg, an incident which was first revealed by Mr. Sokolov. The video of the beatings was circulated in the media.

On 11 July 2024, Mr. Sokolov’s lawyers filed an appeal against his placement in pre-trial detention, the date of the hearing is yet unknown.

Without wishing to prejudge the accuracy of the information received, we wish to express concern about the arrest and detention of Mr. Alexey Sokolov, on grounds which appear to be in connection with his human rights activities, including the exercise of his rights to freedom of expression and freedom of peaceful assembly and of association. Moreover, we would like to raise serious concerns regarding allegations of ill-treatment of Mr. Alexey Sokolov by law enforcement officers during his arrest, and non-observance of the guarantees of his right to a fair trial, which may render his deprivation of liberty arbitrary.

We similarly wish to express our concern about the searches carried out in the home of Mr. Alexey Sokolov, and the subsequent seizure of documents authorizing him to represent alleged victims of torture and ill-treatment in state custody before the United Nations treaty bodies. Notably, these actions were conducted with due process violations and in the absence of lawyers. A police search and seizure of confidential documents from a human rights defender’s home raise significant human rights concerns, including reprisals for cooperation with the United Nations. Such actions can deter other human rights defenders from engaging in their work with the United Nations human rights mechanisms due to fear of intimidation and similar reprisals or harassment.

These actions, if confirmed, suggest a broader pattern of reprisals against human rights defenders in Russia, particularly those who work on issues such as prisoners’ rights and expose grave violations such as torture and ill-treatment in detention by law enforcement.

We remain concerned at the serious chilling effect the aforementioned actions may have on human rights defenders and on fundamental freedoms, notably the freedom of expression, as well as the right to seek, receive and impart information and ideas of all kinds, including research and publications. Both the targeting of Mr. Alexey Sokolov, as well as the continued persecution and targeting of civil society organizations, including through their designation as “foreign agents” reveal the continuing alarming trend of closing further civic space in Russia.

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 and/or comments you may have on the allegations of ill-treatment of Mr. Alexey Sokolov during his arrest and adequate investigation into the matter.
3. Please provide detailed information on the legal and factual bases for the charges against Mr. Alexey Sokolov, his arrest, search of his home and seizure of confidential documents. Please also explain how these charges and actions are compatible with Russia's obligations under international human rights law.
4. Please explain what measures have been put in place to secure Mr. Alexey Sokolov's right to a fair trial, including the opportunity to present his case, present evidence, and be heard by an independent judicial authority.
5. Please indicate what measures have been taken to ensure that human rights defenders in Russia are able to carry out their legitimate work and exercise their rights to freedom of expression and freedom 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, including reprisals for engaging in their work with the United Nations and its human rights mechanisms.

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 a public statement 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. Such public statement or a 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.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

## 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.

On this occasion, we wish to emphasize article 5 of the Universal Declaration of Human Rights (UDHR); article 7 of the International Covenant on Civil and Political Rights (ICCPR); and, at least, articles 1, 2 and 16 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.

Attached to such prohibition are obligations to criminalize and 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>1</sup>.

Victims of torture are to be protected from reprisals or intimidation (article 13 CAT) and have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (article 14 CAT)<sup>2</sup>.

We also recall 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 forms of expression and means of their dissemination are protected (paragraph 12). As stated by the Special Rapporteur in the field of cultural rights, academic freedoms include the right for researchers and the academic community, individually or collectively, to pursue, develop and transmit knowledge and ideas through research, teaching, study, discussion, documentation, production, creation or writing. She stressed that history teaching should promote critical thinking and adopt a broad and multifaceted approach, taking into account the right to freedom of opinion and expression, the right to information and education, academic freedoms and the rights of individuals and groups to have access to their cultural heritage and that of others (A/68/296).

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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-nationalcriminalization-investigation>;

<sup>2</sup> See Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition): <https://www.ohchr.org/en/publications/policyand-methodological-publications/istanbul-protocol-manual-effective-0>; as well as the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: <https://www.ohchr.org/en/instrumentsmechanisms/instruments/declaration-basic-principles-justice-victims-crime-andabuse#:~:text=Victims%20should%20be%20treated%20with,harm%20that%20they%20have%20suffered.>

We would like to remind your Excellency's Government that any restrictions to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 19 (3) of the ICCPR. Under these standards, restrictions must be provided for by law and conform to the strict tests of necessity and proportionality. Article 19 (3) may never be invoked to justify the muzzling of any advocacy of human rights (paragraph 23). Nor, under any circumstance, can an attack 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, be compatible with article 19 (Id.). In addition, in its general comment No. 34, para. 49, the Human Rights Committee stated that laws that penalize the expression of opinions about historical facts are incompatible with the International Covenant on Civil and Political Rights, which does not permit general prohibitions of expressions of an erroneous opinion or an incorrect interpretation of past events.

We would also like to refer your Excellency's Government to articles 14 and 17 of the ICCPR, which provide for the right to a fair trial and the right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence.

We note that article 21 of the ICCPR recognizes that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the Covenant and resolutions 15/21, 21/16 and 24/5 of the Human Rights Council. In its resolution 24/5, the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs and human rights defenders (A/HRC/26/29, para. 22.). We also recall article 22 of the ICCPR protects the right to freedom of association, which protects the rights of everyone to associate with others, to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and the restrictions must be a necessary and proportionate means of achieving that purpose within a democratic society, with a strong and objective justification. The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights also state in para. 30 that national security cannot be invoked as a reason for imposing limitations to prevent merely local or relatively isolated threats to law and order.

We would like to also refer your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted on 7 September 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba). According to principle 16 (a), Governments shall 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 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.

We also underline that any restriction on expression or information that a government seeks to justify on the grounds of national security and counter terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34). We would like to stress that national security legislations with penal sanctions should not be misused against individuals who peacefully exercise their rights to freedom of expression and freedom of peaceful association and assembly. These rights are protected under ICCPR and non-violent exercise of these rights is not a criminal offence.

Finally, we would like to stress the obligation of States to provide and protect the full range of fair trial and due process rights as required under international human rights law, to all individuals deprived of their liberty. In particular, we emphasize the legal and procedural safeguards provided for in article 14 of the ICCPR, including the presumption of innocence and the right to legal representation.