

**Mandates of the Special Rapporteur on the situation of human rights in the Russian Federation;
the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health and the Special Rapporteur on the situation of human
rights defenders**

Ref.: UA RUS 8/2024
(Please use this reference in your reply)

9 October 2024

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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 54/23, 51/21 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the deteriorating health of **Zarema Musaeva, due to a lack of access to timely and adequate medical care and appropriate monitoring of her health while in detention, which are placing her life at risk.**

Ms. Musaeva is the mother of human rights defender and lawyer Abubakar Iangulbaev. She was previously the subject of two communications to your Excellency's Government sent on 31 March and 22 August 2022 ([UA RUS 12/2022](#) and [JAL RUS 4/2022](#)), in which concerns were raised regarding her detention and criminalization, allegedly related to the legitimate human rights work of her son, as well as the lack of specialized medical care while in detention and of protective measures for the threats she received. Most recently, on 5 July 2023, Special Rapporteur on the situation of human rights in the Russian Federation raised concerns in relation to the violent attack endangering the lives and safety of human rights lawyer, Alexander Nemov, and journalist, Yelena Milashina, while they were on their way to attend Ms. Musaeva's trial in the Chechen Republic of the Russian Federation ([UA RUS 13/2023](#)). No reply to this communication was received.

According to information received:

In late 2021 and early 2022, dozens of relatives of public critics of the Chechen authorities were abducted, including Zarema Musaeva.

On 20 January 2022, at least seven armed men, identifying themselves as members of the Chechen Ministry of Internal Affairs, forcibly entered Ms. Musaeva's apartment in Nizhnii Novgorod. Using physical violence, they abducted and forcibly transferred her to Grozny for questioning as a witness in a criminal case, the details of which remain undisclosed to the public.

On 21 January 2022, a report was filed against Ms. Musaeva for alleged unlawful conduct during police questioning, and she was subsequently placed in a special temporary detention center of the Ministry of Internal Affairs for 15 days on charges of "petty hooliganism".

On 27 January 2022, prior to the expiration of her administrative arrest, the Investigative Committee of the Russian Federation for the Chechen Republic brought criminal proceedings against Ms. Musaeva under article 318 (2) of the

Criminal Code of the Russian Federation, concerning the use of violence against a public official. She was formally charged on 31 January 2022 and placed in pre-trial detention by the order of the Staropromyslovsky District Court in Grozny.

From the day of her arrest, Ms. Musaeva's health has been at risk of deterioration due to the lack of adequate medical care in detention. At 55 years old, she has been diagnosed with type 2 diabetes, complicated by diabetic polyneuropathy and nephropathy, hypertensive and atherosclerotic cardiovascular disease, stage 3 arterial hypertension, chronic tubulointerstitial nephritis in remission, chronic kidney disease, mixed encephalopathy, morbid obesity, anemia of mild mixed origin, chronic pancreatitis; and other chronic illnesses.

On 13 February 2022, the European Court of Human Rights granted interim measures under rule 39 of the Rules of the Court and ordered the Russian Government to provide Ms. Musaeva necessary medical treatment and asked for regular updates on her state of health. Russia stopped complying with this order in March 2022.

On 4 July 2023, Ms. Musaeva was sentenced to five-and-a-half years' imprisonment by the Akhmetov's District Court in Grozny. On 12 September 2023, the Supreme Court of the Chechen Republic upheld her conviction on appeal, reducing the term of imprisonment to five years in a lower security penal settlement colony. She is currently serving her sentence in a penal settlement colony no. 3 of the Chechen Republic in Argun.

Ms. Musaeva's numerous requests for parole have been rejected thus far, despite her rapidly deteriorating health condition. On 28 February 2024, the Supreme Court of Chechnya partially granted Ms. Musaeva's appeal on refusal of release on parole, sending the case back to the court of first instance for a review. On 5 March 2024, the Fifth Cassation Court of Russia reduced her sentence by three months, bringing it down to four years and nine months.

After repeated requests from her lawyers, Ms. Musaeva's underwent a medical examination, which confirmed the deterioration of her ability to move independently, as well as high blood pressure and dangerously elevated blood sugar levels. Despite this, she is not being provided access to a full medical examination and adequate treatment, and her health continues to decline, causing her intense suffering.

In one instance, after one month of requesting medical help for intense pain in her leg, an ambulance was finally called to the colony on 11 April 2024. However, no examinations were carried out and she only received painkillers.

Most recently, on 24 September 2024, the Supreme Court of Chechnya postponed the appeal hearing on Ms. Musaeva's release on parole by one month due to the absence of the injured police officer. This was done despite the colony's request to the Ministry of Health of the Chechen Republic of Ms. Musaeva's transfer to a hospital for full examination and proper medical treatment. The colony doctors reported that the penitentiary medical system is unable to provide the necessary level of care in severe cases like

Ms. Musaeva's. However, no reply was received as of 2 October 2024.

In September 2024, Ms. Zarema Musaeva's blood sugar level has been continuously reaching 30 mmol/L, dangerously nearing the point of 33 mmol/L, where the risk of hyperglycemic coma becomes significantly high.

Diabetes of severe level with complications is included in the list of diseases exempting from imprisonment, as per the Decree No. 54 of the Government of the Russian Federation dated 6 February 2004, with its subsequent amendments, "On Medical Examination of Convicts Presented for Release from Serving the Sentence Due to Illness". It is listed under item 13 of the List of Diseases Preventing Serving of a Sentence (ICD-10 codes E10.7, E11.7). In accordance with article 175 of the Criminal Executive Code of the Russian Federation, detainees with such medical conditions are exempt from serving their sentence.

By means of this urgent appeal we call on the Russian authorities to ensure, without further delay, Ms. Musaeva's access to timely and adequate medical treatment, based on a full specialised examination, and continuous health monitoring. This should be done in line with international human rights law, ensuring she is treated with humanity, protected from torture and ill-treatment and that her right to health and life in dignity is fully respected.

In this context, we would like to remind your Excellency's Government of its obligations under article 12 of the International Covenant on Economic Social and Cultural Rights, which the Russian Federation ratified in 1973, to ensure the right to the highest standard of physical and mental health. This obligation includes respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative and palliative health services (see general comment no. 14 on the right to the highest attainable standard of health E/C.12/2000/4, para. 34). The Committee confirms that States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant, including essential primary health care (general comment No. 3, para. 10).

The "Nelson Mandela Rules" provide that prisoners in need of specialized treatment shall be transferred to specialized institutions or to civil hospitals promptly (rule 27 (1)). Furthermore, it is imperative that Russian authorities apply domestic provisions and regulations in a non-discriminatory and non-arbitrary manner, particularly those that exempt individuals from imprisonment or other forms of custodial detention due to medical conditions requiring specialised treatment that cannot be provided in detention.

The denial of prompt and adequate medical care to safeguard Ms. Musaeva's health, along with the intentional suffering inflicted on her, could amount to torture or other cruel, inhuman or degrading treatment or punishment in violation of article 7 of the International Covenant on Civil and Political Rights, and articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by the Russian Federation in 1987. On 28 May 2024, the European Court of Human Rights delivered a judgment in the case of *Zarema Musayeva and Others v. Russia*, where it found that she was not provided with necessary medication. The Court ruled that she was subjected to ill-treatment and

severe mental suffering amounting to inhuman and degrading treatment.

We are seriously concerned that Ms. Musaeva's health has rapidly deteriorated since her arbitrary detention on politically motivated grounds, placing her health and life at risk, as punishment against vocal critics of the Head of the Chechen Republic (see A/HRC/57/59, para. 124), who has publicly threatened to "eliminate" the Iangulbaev family members. The continued detention of Ms. Musaeva despite her deteriorating health conditions may have a chilling effect, silencing human rights defenders and discouraging them from carrying out their legitimate work in the Russian Federation and particularly the Chechen Republic because of fear of retaliation targeting their family members.

We wish to remind your Excellency's Government that article 6 of the International Covenant on Civil and Political Rights extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health. States assume a heightened duty of care and must take all necessary measures to protect lives of individuals deprived of their liberty (see CCPR/C/GC/36 para. 25).

Once again, we call for Ms. Musaeva's rights to be fully respected and for her immediate and unconditional release from detention, in line with Russian Federation international human rights obligations under articles 9 and 14 of the International Covenant on Civil and Political Rights that require respect for the right to liberty and security of person, protection from arbitrary detention, and ensuring access to due process and fair trial.

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 person in compliance with international instruments.

As it is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to my 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 explain how the Russian Federation purports to ensure Ms. Musaeva's human rights are fully respected, especially the right to liberty and security of person, protection from arbitrary detention, and ensuring access to due process and fair trial.
3. Please provide updated and detailed information on the present state of Ms. Musaeva's health and measures that have been taken, or are envisaged to be adopted, to protect her life and preserve her health and her physical and psychological well-being, including timely access to adequate medical care, as appropriate.

4. Please provide information on what measures are taken to prevent torture and other cruel, inhuman or degrading treatment or punishment from being perpetrated against Ms. Zarema Musaeva.
5. Please provide information about measures taken to ensure that human rights defenders, as well their relatives, are able to carry out their legitimate human rights activities in an enabling environment, without fear of reprisals, harassment or criminal sanctions.

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 are considering to publicly expressing concerns in the near future as the information at hand is sufficiently reliable to indicate a matter warranting immediate attention. Any public statement will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

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.

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

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