

**Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL RUS 2/2025  
(Please use this reference in your reply)

3 February 2025

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; Working Group on Arbitrary Detention; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/7, 51/8, 53/14, 53/4, 52/9, 51/21, 52/4 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged serious and critical state of health and lack of access to adequate and timely medical care of a number of Ukrainian civilians from the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (hereinafter "Crimea")<sup>1</sup> who are presently being deprived of liberty, reportedly for political reasons, in the Russian Federation. In at least two of the cases, the injuries needing medical attention were caused by being beaten by prison staff, and in one case the beating was so severe it fractured the individual's lumbar spine.

At the outset, we wish to refer to [AL RUS 8/2023](#), which a number of special procedures sent to your Excellency's Government in June 2023. The letter raised allegations of widespread use of torture and/or other cruel, inhuman or degrading treatment or punishment inflicted by Russian military officials against Ukrainian civilians and prisoners of war, held in detention facilities run by Russian military forces in Ukraine, within the context of the full scale armed attack by the Russian Federation against Ukraine.<sup>2</sup> Unfortunately, no reply to the letter has yet been received.

We also wish to recall the report of the Special Rapporteur on torture or other cruel, inhuman or degrading treatment or punishment on her country visit to Ukraine.<sup>3</sup>

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<sup>1</sup> References to Crimea should be read and understood in full compliance with General Assembly resolution 68/262 (A/RES/68/262).

<sup>2</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28124>

<sup>3</sup> A/HRC/55/52/Add.1:  
<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F55%2F52%2FAdd.1&Language=E&DeviceType=Desktop&LangRequested=False>

Based on the information gathered during the visit, the Special Rapporteur considered that torture and ill-treatment was a part of the war policy of the Russian Federation, carried out in an organized and systematic manner. She called on the Government of the Russian Federation to take measures to immediately end and prevent all acts that could amount or contribute to torture and ill-treatment of Ukrainian civilians and prisoners of war held by Russian armed forces; and to investigate all conflict-related allegations of torture or ill-treatment, in accordance with international standards. She reminded your Excellency's Government of the basic requirement to provide adequate medical care to all those held in your custody. The Special Rapporteur on the Russian Federation's report also pointed out that at least 100 Ukrainians in Russian detention were in a critical state of health and being denied adequate and timely medical care.<sup>4</sup> Her report also documented systematic and deeply entrenched practice of torture in Russian prisons.

According to the information received:

Hundreds of Ukrainian civilians are currently being held in situation of deprivation of liberty in Crimea, since the start of its occupation and the subsequent illegal annexation by the Russian Federation, ten years ago.<sup>5</sup>

Many of them are allegedly held for reasons based on political grounds and are reportedly being denied access to adequate medical care. As a result, the health situation of such individuals has been severely deteriorating, and it is reported that some of them have developed serious illnesses or medical conditions during their stay in detention.

1. *Case of Ms. Irina Danilovich*

On 29 April 2022, Ms. Irina Danilovich, a human rights defender and citizen journalist, working as a nurse, was reportedly abducted from a bus stop in the town of Koktebel. Her family, friends, and colleagues allegedly remained with no information on her whereabouts for 13 days.

On 28 December 2022, Ms. Danilovich was reportedly convicted of charges she had not been informed of, and sentenced to 7 years in prison, subsequently reduced on appeal to one month. She was transferred to Penal colony n. 7, in Zelenokumsk, Russian Federation.

Since the beginning of the detention, Ms. Danilovich suffered from excruciating earache, due to an otitis since November 2022 which she had contracted in the pre-trial detention centre in Simferopol. However, she was reportedly given no access to adequate medical treatment. Instead, she was allegedly told that once the nerve in her ear atrophied, she would become deaf and the pain would end.

On 26 October 2023, Ms. Danilovich was reportedly taken to a local hospital in the Stavropol Region, but no medical examination took place, the doctor merely

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<sup>4</sup> A/79/508, para. 98.

<sup>5</sup> See OHCHR, Ten Years of Occupation by the Russian Federation: Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine: <https://ukraine.un.org/en/261831-ten-years-occupation-russian-federation-human-rights-autonomous-republic-crimea-and-city>

copied the information from her medical records from the penal colony.

According to reports, Ms. Danilovich has now lost hearing in her left ear, and suffers from constant headaches. She has problems with her body coordination and may have even suffered from a stroke. Her medical records reportedly show lesions in the ‘cerebral white matter’ which is probably related to her untreated underlying otitis, and which also risks that the infection will spread further to her central nervous system and brain. She needs urgent medical examination and diagnostic by a specialized doctor and subsequent specialized medical treatment.

Ms. Danilovich’s alleged enforced disappearance, arbitrary detention, ill-treatment, criminalisation, home search, designation as a “mass media foreign agent”, and seven-year prison sentence have been raised in two communications sent to your Excellency’s Government by special procedures mandate holders (AL RUS 10/2022 and AL [RUS 6/2023](#)). While we thank your Excellency’s government for its [reply](#) to AL RUS 10/2022, we regret that no reply to AL RUS 6/2023 has yet been received.

## 2. Case of Mr. Azamat Eyupov

On an unspecified date, Mr. Azamat Eyupov, an activist, was reportedly sentenced to 17 years in prison. He is currently held in the Pre-trial detention centre n. 1 in Rostov-on-Don, Russian Federation.

While deprived of liberty, Mr. Eyupov, who suffers from a heart disease, suffered from an ischemic stroke on four occasions.

On an unspecified date, at the request of his lawyer, Mr. Eyupov was allowed to undergo a full medical examination at an unspecified hospital, outside prison, at the expense of his family. Doctors concluded that Mr. Eyupov’s life was in danger and he needed immediate hospitalization.

In July 2023, Mr. Eyupov’s health situation reportedly deteriorated. At present, he has difficulties moving around.

## 3. Case of Mr. Servet Haziyeu

Mr. Servet Haziyeu is a member of the Crimean Solidarity Movement.

On an unspecified date, he was reportedly sentenced to 13 years in prison for “participating in the activities of a terrorist organization” and “preparing for actions aimed at the forcible seizure of power”. He is currently being held in the Pre-trial detention centre n. 5, in Rostov-on-Don, Russian Federation.

According to reports, Mr. Haziyeu’s health situation severely deteriorated while in prison and he has not been given access to adequate medical care.

In May 2021, a court hearing of his trial was allegedly postponed due to his health situation, as he was unable to stand.

Mr. Haziyeu reportedly suffers from chronic cholecystitis, which causes him abdominal pain, vomiting and fever. In June 2021, he suffered from a stroke.

In September 2021, he was allegedly beaten by prison staff and had his beard forcibly shaved after he was transferred to a psychiatric ward of the prison's hospital.

According to his relatives, Mr. Haziyeu's ability to talk is now severely impaired, including due to a part of his face being distorted. He also has problems with blood pressure, pain in the arms, legs and back, suffers from chronic hypertension and headaches, and went through a severe weight loss.

#### 4. Case of Mr. Emir-Useyin Kuku

Mr. Emir-Useyin Kuku is a human rights defender and member of the Crimean Contact Group for Human Rights.

In 2015, during detention, members of the Federal Security Service of the Russian Federation (FSB), reportedly beat Mr. Kuku and broke his lumbar spine. After the beating, doctors reportedly warned that a spinal injury would cause problems to the entire skeletal system. However, Mr. Kuku's injuries were never treated.

In 2019, Mr. Kuku's leg became swollen and a lump appeared on his kneecap.

In 2023, Mr. Kuku was taken to the hospital due to an attack of pain in the kidney and underwent emergency surgery.

After a few days, he was returned to prison, without allegedly being provided with any information on what kind of surgery he underwent and/or any medical recommendation.

At present, Mr. Kuku is being held in Penal colony n. 16 in Salavat, Russian Federation

#### 5. Case of Mr. Zekiria Muratov

Mr. Zekiria Muratov, a Crimean Tatar, is a former music teacher. He is 66 years old.

On an unspecified date, he was reportedly sentenced to 11 years and 6 months in prison for "participating in the activities of a terrorist organization" and "preparing for actions aimed at the forcible seizure of power".

At present, he is being held in prison in Balashov, Saratov region, Russian Federation.

According to reports, he has a disability of the 3<sup>rd</sup> group<sup>6</sup> and other diseases, including high blood pressure, heart problems, numbness in the left leg, frequent falls, muscle atrophy, and weight loss in the left leg. He has one kidney that is prolapsed, causing severe pain.

During his detention, Mr. Muratov has reportedly undergone several surgeries, including to treat inguinal hernia, umbilical hernia, for gallbladder removal, cholelithiasis, and chronic hypertension.

It is submitted that his continued detention may pose a risk to his life.

6. Case of Mr. Rustem Sheykhaliyev

Mr. Rustem Sheykhaliyev, a Crimean Tatar, is a journalist of the Crimean Solidarity movement.

He is currently detained in the Pre-trial detention centre n. 3, in Novocherkassk, Rostov region, Russian Federation, serving a 14-year sentence for allegedly “participating in the activities of a terrorist organization” and “preparing for actions aimed at the forcible seizure of power”.

Mr. Sheykhaliyev reportedly suffers from chronic pyelonephritis, prolapse of the right kidney, varicose veins on his legs, and various dental problems.

In January 2024, Mr. Sheykhaliyev experienced heart problems. The prison administration has reportedly not yet allowed him to undertake an electrocardiogram.

7. Case of Mr. Amet Suleimanov

Mr. Amet Suleimanov is a Crimean Tatar, working as a journalist.

On an unspecified date, he was reportedly sentenced to 12 years house arrest. At some point, however, he was allegedly taken away from home and placed in a prison.

According to reports, Mr. Suleimanov suffers from a serious heart disease which resulted in a 2<sup>nd</sup> group disability.<sup>7</sup> He also reportedly suffers from arthrosis in the legs.

On 21 March 2019, Mr. Suleimanov underwent a medical examination at the Amosov Cardiovascular Surgery Institute, where he was reportedly prepared for heart valve replacement surgery.

While Mr. Suleimanov’s health situation is considered in the Russian Federation as one incompatible with detention, at present, he is reportedly held

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<sup>6</sup> In Ukrainian medical terminology, group 3 is reportedly the mildest degree of disability. It normally corresponds to a moderate disability, which does not necessarily exclude the possibility of performing certain activities.

<sup>7</sup> In Ukraine, the 2<sup>nd</sup> group of disability is reportedly assigned to persons who have significant functional impairment but can maintain a certain level of independence.

in Prison n. 2 in Vladimir Central, Russian Federation, since October 2023.

His health is allegedly deteriorating. He has no access to necessary medicines; his tonometer and pulse oximeter were taken from him. The food provided in prison does not meet his health requirements.

8. Case of Mr. Oleksandr Sizikov

Mr. Oleksandr Sizikov is a Muslim resident of Crimea, affiliated with the civic movement “Crimean Solidarity”, a non-registered initiative launched by relatives of detained Crimean Tatars. He has a visual impairment, which amounts to a 1<sup>st</sup> degree disability. Furthermore, he has a chronic stomach disease and a disease of the cervical spine which requires regular treatment, rehabilitation, and medical supervision.

On 7 July 2020, his house in Oktyabrskoye village was searched by the Federal Security Service of the Russian Federation. He was subsequently arrested on suspicion of terrorism for his alleged membership of Hizb ut-Tahrir (Islamic organization not prohibited by Ukrainian law). He was put in house arrest on the same day, which has since been prolonged several times.

On 17 May 2023, the Southern District Military Court of Rostov-on-Don, sentenced Mr. Sizikov to 17 years of imprisonment in a penal colony, and following that, a year and a half of restriction of liberty, including the obligation not to attend public events and gatherings. On 13 September 2024, the Vlasikha Court of Appeal upheld his sentence. On 14 September 2024, he was moved to the Bakhchisarai temporary detention facility. On 19 September, he was transferred to the pre-trial detention centre (SIZO) №1 in Simferopol, where he remained until 9 December 2024.

Despite his mother’s request, the authorities in the pre-trial detention center reportedly refused to perform a medical examination on him. During this time, Mr. Sizikov expressed to his mother that detention conditions were “hard” for him. On 9 December 2024, he was deported to Krasnoyarsk Krai in the Russian Federation.

Mr. Sizikov’s mother was only informed of his transfer on 15 December 2024. Reportedly, Russian authorities refused to consider the medical documents she provided regarding her son’s health.

Mr. Sizikov’s family received a letter from him on 19 January, which stated that he was still on transfer to the final destination and that conditions were tough. At the writing of this communication, his family has no information on his whereabouts or health status, despite the attention he regularly requires.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we wish to recall that all persons deprived of liberty must always be treated in a humane manner and with respect for their inherent dignity. They shall always have access, *inter alia*, to adequate medical assistance; prompt judicial review of their deprivation of liberty; remedies for any violations; and the possibility to communicate

with a lawyer of choice, their relatives and to be visited by independent human rights monitoring bodies.<sup>8</sup>

We stress that inadequate conditions of detention, including lack of access to adequate medical care, can contribute to deaths and serious injury and illnesses in detention. When medical attention is seriously inadequate or denied, as it is alleged in the cases reported above, they can constitute an immediate or long-term danger to life and constitute forms of torture or other cruel, inhuman or degrading treatment or punishment by means of omission. States must respect the right to health and ensure equal access for all persons, including those deprived of their liberty, to preventive, curative and palliative health services. Detainees should enjoy at least the same level of access to health care as that available in the community.<sup>9</sup> Furthermore, States have a heightened duty to protect the lives of individuals deprived of their liberty requiring them to take any necessary measures to ensure their physical and mental integrity, including by providing them with the necessary medical care and regular monitoring of their health.<sup>10</sup>

On this basis, we warn that the reported allegations, if established, could amount to a violation of the above-mentioned individuals' rights to life, protected by article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation in 1973; to liberty and security, per articles 9 of the UDHR and of the ICCPR, to be treated humanely and with dignity at all times when deprived of liberty, per article 10 of the ICCPR; to be free from torture and other cruel, inhuman or degrading treatment or punishment, per article 5 of the UDHR, 7 of the ICCPR, article 15 of the Convention on the Rights of Persons with Disabilities, ratified by the Russian Federation in 2012, and inter alia articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the Russian Federation in 1987, to a fair trial, per article 10 of the UDHR and article 14 of the ICCPR; to the enjoyment of the highest attainable standard of physical and mental health, recognised in article 12 of the International Covenant on Economic, Social and Cultural Rights, also ratified by the Russian Federation in 1973; and to the applicable provisions of international humanitarian law governing detention in armed conflict.

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.

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<sup>8</sup> Committee against Torture, General Comment No. 2, CAT/C/GC/2, para. 13.

<sup>9</sup> See Report of the United Nations High Commissioner for Human Rights, Human Rights in the administration of justice (A/HRC/42/20): <https://documents.un.org/doc/undoc/gen/g19/247/98/pdf/g1924798.pdf?OpenElement>. Nelson Mandela Rules, United Nations Standard Minimum Rules for the Treatment of Prisoners, which offer extensive guidance to States on how to implement access to health care in detention, namely Rules 26, 27, 30, 31, 32, 33, 34 and 35: [https://www.un.org/en/events/mandeladay/mandela\\_rules.shtml#:~:text=The%20Nelson%20Mandela%20Rules%20represent,safety%2C%20security%20and%20human%20dignity](https://www.un.org/en/events/mandeladay/mandela_rules.shtml#:~:text=The%20Nelson%20Mandela%20Rules%20represent,safety%2C%20security%20and%20human%20dignity;); and to the Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the right to health in the context of confinement and deprivation of liberty (A/HRC/38/36): <https://documents.un.org/doc/undoc/gen/g18/101/42/pdf/g1810142.pdf?OpenElement>

<sup>10</sup> General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, paragraph 25.

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 as to the factual and legal basis for the arrest, detention and conviction of each of the above-mentioned individuals, including the exact charges on the basis of which each individual was detained and convicted. Please explain the compatibility of these measures with the obligations of your Excellency's Government under international human rights law and international humanitarian law.
3. Please provide detailed and updated information on the present state of physical and mental health of the above-named individuals. Please explain what measures have been taken, or may be envisaged to be adopted, to protect their life, protect them from torture and other cruel, inhuman or degrading treatment while detained, and preserve their health and well-being, including timely access to adequate medical care, as appropriate.
4. Please provide detailed and updated information on the conditions of deprivation of liberty of each of the abovenamed individuals. Please assess the conditions in which they are being held against international human rights law and standards, in particular the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including the requirement of humane and dignified treatment in detention and the Nelson Mandela Rules specific to the provision of medical care as well as reporting and investigating of any signs of torture or other ill-treatment.
5. Please provide explanations if and/or how the conditions are compatible with the protection of their right to life; right to liberty and security; and the right to due process and fair trial. Should they be not in alignment, please explain the steps that have been taken to remedy and improve the conditions in which the above-mentioned individuals are held.
6. Please provide information on whether the individuals with disabilities detained, had any procedural accommodations, including individualized assistance, during their interrogation and subsequent trial proceedings as per the Convention on the Rights of Persons with Disabilities. Further, please explain how these individuals are being ensured reasonable accommodation in their places of detention and appropriate health services in light of their impairments.
7. Please explain whether there have been any investigations on the cases mentioned above, as required by international law, and please provide the results of them, including in terms of accountability of persons possibly found responsible for any violation.

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.

In light of the above and while awaiting a reply we respectfully urge your Excellency's Government to provide urgent, adequate and comprehensive medical care, treatment and monitoring of the health situation for those above-mentioned individuals, as appropriate to their specific cases, including in a civil hospital outside prison, if required.

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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

Please note that a copy of the present allegation letter will be sent to Ukraine for information.

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

Matthew Gillett  
Chair of the Working Group on Arbitrary Detention

Heba Hagrass  
Special Rapporteur on the rights of persons with disabilities

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan  
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Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable  
standard of physical and mental health

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Ben Saul  
Special Rapporteur on the promotion and protection of human rights and fundamental  
freedoms while countering terrorism

## Annex

### Reference to international human rights law and international humanitarian law

In connection with above alleged facts and concerns, we would like to recall your Excellency's government's obligations under international human rights laws, norms and standards and international humanitarian law.

#### *Right to life*

We recall that article 3 of the UDHR and article 6 of the ICCPR recognize and protect the right to life of all human beings.

The right to life is the supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation. The right to life has crucial importance both for individuals and for society as a whole. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights (general comment no. 36).

Article 6 of the ICCPR is included in the list of non-derogable rights in article 4 (2) of the Covenant. Hence, the guarantees against arbitrary deprivation of life contained in article 6 continue to apply in all circumstances, including in situations of armed conflict and other public emergencies. Wars and other acts of mass violence [are] a scourge of humanity resulting in the loss of many thousands of lives every year. Efforts to avert the risks of war and any other armed conflict, and to strengthen international peace and security, are among the most important safeguards of the right to life (general comment no. 36).

In its general comment no. 36, the Human Rights Committee provided that "States parties also have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their life and bodily integrity, and they may not rely on lack of financial resources or other logistical problems to reduce this responsibility. The same heightened duty of care attaches to individuals held in private incarceration facilities operating pursuant to an authorization by the State. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriately regular monitoring of their health."

We wish to stress that the obligation to respect and to ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life even if such threats and situations do not result in loss of life.<sup>11</sup>

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<sup>11</sup> See Human Rights Committee, General comment no. 36, Article 6: right to life (CCPR/C/GC/36): <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstrdB0H115979OVGGB%2bWPAXhNI9e0rX3cJImWwe%2fGBLmVrGmT01On6KKBQgqmxPNjrlLdefuuQjjN19BgOr%2fS93rKPWbCbgoJ4dRgDoh%2fXgwn>

*Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment*

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 and 2 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) establish the absolute prohibition of torture or other cruel, inhuman or degrading treatment or punishment. We wish to recall that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is an *erga omnes* and *jus cogens* norm.

It is absolute and non-derogable, and it applies in all contexts without exception, including in war. There can be no justifications for torture or other inhuman treatment. The orders of a superior officer or public authority do not exonerate subordinate or public officials from criminal liability. There can be no temporal limits on prosecution (also known as “statutes of limitations”), amnesties or immunities.<sup>12</sup>

Attached to the peremptory and absolute prohibition of torture are obligations to criminalize and investigate all acts of torture and other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to victims.<sup>13</sup>

We refer the Russian Federation to the applicable provisions in the United Nations’ Standard Minimum Rules for the treatment of prisoners, namely rules 26, 27, 30, 31, 32, 33, 34 and 35. If in the course of examining a prisoner upon admission or providing medical care to the prisoner thereafter, health care professionals who become aware of any signs of torture or other cruel, inhuman or degrading treatment or punishment, shall document and report such cases to the competent medical, administrative or judicial authority (rule 24). Such documentation shall be prepared in line with the United Nations Manual on the Effective Documentation and Investigation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, version 2022).

At present, the situation in Ukraine including Crimea is characterized as an international armed conflict between the Russian Federation and Ukraine, pursuant to common article 2 of the four Geneva Conventions of 12 August 1949.

Torture, cruel treatment and outrages upon human dignity committed during armed conflict are war crimes; they constitute crimes against humanity when committed as part of a widespread or systematic attack, with knowledge of the attack, directed against a civilian population.<sup>14</sup>

The Russian Federation is bound by international humanitarian law, in particular treaty provisions and customary rules of international humanitarian law applicable to international armed conflicts and occupation, primarily the four Geneva Conventions of 1949, the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), the

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<sup>12</sup> See A/HRC/55/52/Add.1, quoted above.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

Convention respecting the Laws and Customs of War on Land and the Regulations annexed thereto (Hague Regulations).

International humanitarian law similarly prohibits torture and related ill-treatment. Article 17 (4), of the 1949 Geneva Convention III relative to the Treatment of Prisoners of War provides: “No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.” Article 87 (3), of the 1949 Geneva Convention III provides: “Any form of torture or cruelty is forbidden.” Article 89 of the 1949 Geneva Convention III provides: “In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.”

Article 32 of the 1949 Geneva Convention IV relative to the Protection of Civilian Persons in Time of War provides: “The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering ... of protected persons in their hands. This prohibition applies not only to ... torture ... but also to any other measures of brutality whether applied by civilian or military agents.”

According to article 50 of the 1949 Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, article 51 of the 1949 Geneva Convention II for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, article 130 of the 1949 Geneva Convention III and article 147 of the 1949 Geneva Convention IV, “torture or inhuman treatment” and “wilfully causing great suffering or serious injury to body or health” are grave breaches of these instruments.

Further, international humanitarian law provides for the obligation to enact legislation to provide penal sanctions for persons committing, or ordering to be committed, torture and inhuman treatment; to search for such persons to bring them to justice; and to prosecute suspects of acts of torture as having committed grave breaches under universal jurisdiction.

The obligation to prosecute or extradite alleged perpetrators of torture as a war crime or crime against humanity is also considered to form part of customary law, applicable within the context of an international armed conflict. This requires the Russian Federation to establish jurisdiction and investigate war crimes and crimes against humanity allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, to prosecute the suspects.

In terms of international human rights law, the Russian Federation is a party to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other core human rights instruments.

Article 2 (2) of the Convention against Torture states that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. It has therefore an explicit duty to establish all acts of torture as offences under domestic

law, to exercise jurisdiction over such offences, to receive complaints and examine them promptly and impartially, and to investigate allegations promptly and impartially. All accused persons must be protected from torture and other coercive or abusive treatment during questioning, and no information or confessions extracted through the use of torture or other ill-treatment shall be invoked as evidence in any proceedings, except in proceedings to establish torture or other ill-treatment. States have an obligation to investigate, prosecute or extradite accused persons to stand trial and, pursuant to the Convention against Torture, to cooperate in such investigations and provide mutual legal assistance. The Convention may also serve as an extradition treaty between States parties. Victims are to be protected from reprisals or intimidation during investigations and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.

#### *Rights of persons with disabilities*

Furthermore, we would like to refer to the Convention on the Rights of Persons with Disabilities, ratified by the Russian Federation on 25 September 2012. In particular, we would like to stress articles 5 (equal treatment including an obligation to provide ‘reasonable accommodation’), 14 (right to liberty and security of persons), 16 (freedom from exploitation, violence and abuse), 17 (protection of the integrity of the person) and 25 (health) of the Convention. These provisions provide, respectively, that any person with a disability deprived of his/her liberty should be provided with ‘reasonable accommodation’ in places of detention and that persons with disabilities have the right to respect for their physical and mental integrity on an equal basis with others, including in places of detention. Moreover, article 25 of the CRPD requires States, inter alia, to provide those health services needed by persons with disabilities specifically because of their disabilities.

#### *Right to liberty and security of persons*

Furthermore, we believe that the above-mentioned allegations could also amount to a violation of the right to liberty and security of the person, protected by articles 9 of the UDHR and the ICCPR; as well as the right to due process and fair trial, established in article 10 of the UDHR and 14 of the ICCPR.

Article 9 of the UDHR and article 9 of the ICCPR prohibit arbitrary detention. Specifically, article 9 of the ICCPR that no one shall be deprived of his or her liberty (unless it is in accordance with appropriate laws), and that anyone who is arrested shall be brought promptly before a judge or officer authorized by law to exercise judicial power, and that anyone arrested shall be entitled to trial within a reasonable time. Article 9 (2) of the ICCPR specifically provides that anyone arrested must be informed of the reasons for the arrest at the time of the arrest, and promptly informed of any charges against him or her.

In addition, in accordance with general comment no. 35 and the jurisprudence of the Working Group on Arbitrary Detention, deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by the ICCPR is considered arbitrary. The Working Group on Arbitrary Detention has also concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

We stress that States parties to the ICCPR have an obligation to respect and to ensure the rights under article 9 of the Covenant to all persons who may be within their territory and to all persons subject to their jurisdiction.

### *Right to a fair trial*

We further recall that article 10 of the UDHR and article 14 of the ICCPR enshrine the right to a fair trial. In particular, article 14 (3) of the ICCPR guarantees the right to be informed promptly and in detail in a language which the person arrested understands of the nature and cause of the charge against him or her. As stated by the Human Rights Committee, this right “is the first of the minimum guarantees in criminal proceedings of article 14” (general comment no. 32, para. 31).

### *Human rights while countering terrorism*

With respect to the apparent use of counter-terrorism as justifications for the detention and investigation of some of the above-mentioned individuals, we would like to stress that counter-terrorism legislation with penal sanctions should not be misused against individuals exercising their rights protected under international law. We remind your Excellency’s Government of the many resolutions of the United Nations General Assembly, Security Council and Human Rights Council that reaffirm that any measures taken to combat terrorism or violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.<sup>15</sup> Counter-terrorism measures must also conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. Failure to respect these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society. States must ensure that measures to combat terrorism and preserve national security do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.<sup>16</sup> We remind your Excellency’s Government that the General Assembly has unanimously recognized that effectively combatting terrorism and ensuring respect for human rights are not competing but complementary and mutually reinforcing goals in the Global Counter-Terrorism Strategy (A/HRC/60/288).

### *Right to freedom of opinion and expression*

With regards to the allegations concerning journalists or citizen journalists, we note that article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

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<sup>15</sup> Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

<sup>16</sup> See [A/HRC/RES/22/6](#), para. 10(a).

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

#### *Human Rights Defenders*

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 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. We would also like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- 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.

Both the General Assembly and the Human Rights Council repeatedly urged the States to create and maintain a safe and enabling environment in which human rights defenders can operate free from hindrance, reprisals and insecurity (e.g., the General

Assembly resolutions 74/146 (A/RES/74/146) and 70/161 (A/RES/70/161), and the Human Rights Council resolutions 22/6 (A/HRC/RES/22/6) and 13/13 (A/HRC/RES/13/13)). They also repeatedly called upon the States to take all measures necessary to ensure the rights and safety of human rights defenders who exercise the rights to freedom of opinion, expression, peaceful assembly and association (e.g., the General Assembly resolutions 74/146 (A/RES/74/146), 72/247 (A/RES/72/247), 70/161 (A/RES/70/161), 66/164 (A/RES/66/164), and the Human Rights Council resolution 22/6 (A/HRC/RES/22/6)).