

# THE OBSERVATORY

## for the Protection of Human Rights Defenders

L'OBSERVATOIRE

pour la Protection des Défenseurs des Droits de  
l'Homme

EL OBSERVATORIO

para la Protección  
de los Defensores de Derechos Humanos

### URGENT APPEAL - THE OBSERVATORY

**RUS 003 / 0309 / OBS 052**

Judicial harassment

**Russian Federation**

March 24, 2009

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in the **Russian Federation**.

#### **Brief description of the situation:**

The Observatory has been informed by the Russian-Chechen Friendship Society (RCFS) about the judicial harassment against Ms. **Elena Maglevannaya**, a free-lance journalist for the Moscow-published *Svobodnoje Slovo* newspaper ("Free Word") in Volgograd, southern Russia. Ms. Maglevannaya also collaborates with web editions of several Russian newspapers. In her articles, she regularly raises cases of political prisoners as well as of torture and ill-treatment in prisons. She has also helped several of them to lodge appeals in courts and raised money to pay their medical expenses.

According to the information received, on February 18, 2009, the administration of Volgograd prison colony LIU-15 lodged a suit against Ms. Elena Maglevannaya for "honour and business reputation protection" (Article 152 of the Russian Civil Code), accusing her of spreading information on Mr. Zubayr Isaevich Zubayraev in order to destroy their reputation. The suit directly refers to the articles Ms. Maglevannaya published on Mr. Zubayraev, a Chechen detained in Volgograd since 2007<sup>1</sup>, on [civitas.ru](http://civitas.ru) as well as to one of her article from the *Svobodnoje Slovo* newspaper that was re-published on the webpage of the Islamic Committee of Russia. In those articles, Ms. Maglevannaya denounced Mr. Zubayraev's conditions of detention as well as the ill-treatments he has been subjected to while in detention.

The first court hearing has been scheduled for March 26, 2009 before the Kirovskiy District Court of Volgograd.

The Observatory expresses its deepest concern about the judicial harassment against Ms. Elena Maglevannaya, which seem to merely aim at sanctioning her human rights activities.

The Observatory recalls that according to OP 2(iv.) of the Council of Europe (CoE) Declaration on Human Rights Defenders<sup>2</sup>, member-States shall "take effective measures to prevent attacks on or harassment of human rights defenders, ensure independent and effective investigation of such acts and to hold those responsible accountable through administrative measures and/or criminal proceedings". Accordingly, the Observatory calls upon the Commissioner for Human Rights of the CoE to act in accordance with operative paragraph 4 of the CoE Declaration on Human Rights Defenders with regards to this situation.

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<sup>1</sup> In August 2007, Mr. Zubayr Isaevich Zubayraev, a 30-year-old Chechen, was sentenced to five years in high security prison and sent to prison colony IAR- 154/25 in Frolovo, Volgograd region, where he was tortured by prison colony officers throughout the period he was held there. Following complaints on Mr. Zubayraev's situation, he was reportedly admitted to the prison hospital (penitentiary colony ЯР-154/15) in February 2008. However, instead of receiving adequate medical care and treatment, he was again subjected to torture and other forms of ill-treatment. On February 18, 2009, Mr. Zubayraev was again beaten, most probably as punishment for his case going public. For more information, See OMCT Urgent Appeal Case RUS 190209:

<http://www.omct.org/index.php?id=OBS&lang=eng&actualPageNumber=1&articleSet=Appeal&articleId=8368>

<sup>2</sup> See Declaration of the Committee of Ministers of the Council of Europe for enhanced protection of human rights defenders, adopted on February 6, 2008.

The Observatory further urges the European Commission Delegation as well as European Union (EU) Member-States embassies in the Russian Federation to call upon the Russian authorities to comply with the relevant international norms and standards and take action on the above-mentioned judicial acts of harassment, in line with the EU Guidelines on Human Rights Defenders.

The Observatory recalls that the Russian Federation was elected to the Human Rights Council in June 2006 for three years and is committed, in this regard, to “uphold the highest standards in the promotion and protection of human rights”. In addition, as a participating State of the Organisation for Security and Cooperation in Europe (OSCE), the Russian Federation acknowledges that “the [1998] UN Declaration on Human Rights Defenders [... places] a responsibility [...] on states to adopt and implement adequate legislation and administrative procedures that would provide for a conducive environment for human rights defenders to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”, and recognises “the need for particular attention, support and protection for human rights defenders by the OSCE, its Institutions and field operations, as well as by participating States”<sup>3</sup>.

#### **Actions requested:**

The Observatory urges the authorities of the Russian Federation to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Elena Maglevannaya, as well as all human rights defenders in the Russian Federation;
- ii. Put an end to all acts of harassment, including at the judicial level, against Ms. Elena Maglevannaya as well as against all human rights defenders in the Russian Federation, and ensure in all circumstances that they be able to carry out their work without unjustified hindrances;
- iii. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with Article 1, which provides that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”, as well as with Article 12.2 (“the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”);
- iv. Comply with the provisions of the Document of the Copenhagen Meeting of the 2<sup>nd</sup> Conference on the Human Dimension of the Cooperation and Security Conference in Europe (CSCE) (1990), and uphold in all circumstances the principles and provisions enshrined in the international and regional human rights instruments ratified by the Russian Federation and which, in particular, guarantee freedoms of association, demonstration, expression and opinion, in particular the European Convention on Human Rights and the International Covenant on Civil and Political Rights;
- v. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by the Russian Federation.

#### **Addresses:**

- Dmitri Medvedev, President of the Russian Federation, Kremlin, Moscow, Russian Federation, Faxes:+ 7 095 206 5173 / 230 2408
- Mr. Yuriy Chaika, General Public Prosecutor of Russian Federation, 125993, Moscow, GSP-3, 15a B. Dimitrovka str. Russian Federation, Fax: +7 495 692-96-00 / +7 495 692 17 25
- Chairwoman of the Presidential Human Rights Commission of the Russian Federation, Ella Pamfilova, 103132 g. Moskva, Staraya ploshchad, d 8/5,pod 3, Russian Federation, Fax:+70952064855
- Vladimir Lukin, Russian Federal Ombudsman for Human Rights, Fax: +7 495 207 3969 / +7 495 207-53-37
- Minister of Internal Affairs, Rashid Nurgaliev, ul. Zhitnaya, 16, 117049 Moscow, Russian Federation, Telegram: Rossiia, 117049, Moskva, Fax: + 7 095 237 49 25

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<sup>3</sup> See OP 6 & OP 8 of the Resolution on Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions, adopted by the OSCE Parliamentary Assembly on July 10, 2007.

- Minister of Foreign Affairs, Sergey Lavrov, Smolenskaya-Sennaya pl, 32/34, 121200 Moscow, Russian Federation, Telegram: Fax:+ 7 095 244 2203
- Permanent Mission of the Russian Federation to the United Nations in Geneva Av. de la Paix 15, CH-1211, Geneva 20, Switzerland, e-mail : mission.russian@ties.itu.int, Fax: +4122 734 40 44
- Embassy of the Russian Federation in Brussels, 31-33 boulevard du Régent, 1000 Brussels, Belgium, Fax: + 32 2 513 76 49.

Please also write to the diplomatic mission or embassy of the Russian Federation in your respective country.

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Geneva-Paris, March 24, 2009

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

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