



Assassination of Mr. Stanislav Markelov

RUS 001 / 0109 / OBS 010

Assassination

Russian Federation

January 19, 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 Memorial and the Russian-Chechen Friendship Society (RCFS) about the assassination of Mr. **Stanislav Markelov**, the lawyer of the family of Ms. Elza Kungaeva, a Chechen girl abducted and murdered by Colonel Budanov, who was sentenced to 10 years in prison in 2003 and released on January 15, 2009 prior to the end of his prison term.

According to the information received, on December 24, 2008, the Court had decided to release Colonel Budanov prior the end of the term. Mr. Stanislav Markelov was representing the interests of Ms. Elza Kungaeva's family trying to appeal the court ruling. On January 11, 2009, the Court had rejected Mr. Markelov's appeal against the release decision.

On January 19, 2009, Mr. Stanislav Markelov was shot dead at around 2 pm, when he was coming back from a press conference entitled "Unlawful release of Budanov: neglecting by court and direct advantage of militants: who to do next?". Mr. Markelov stated at the press conference that he was about to appeal the denial made by the court of Dimitrovgrad city to consider the appeal on Colonel Budanov's early release. Ms. Anastacia Baburova, a journalist at Novaya Gazeta who also took part in the conference and who has covered amongst others the case of Mr. Budanov, was also shot and is currently in a critical state in hospital.

Mr. Markelov was involved in a number of trials: he represented the victims in the Nord-Ost case, the family of Mr. Zelimkhan Murdalov, who was subjected to torture and who disappeared in 2004^[1], as well as the interests of Mr. Mikhail Beketov, the chief editor of the Khimkinskaya Pravda, who was severely beaten on November 13, 2008^[2].

Recently, Mr. Markelov had received death threats both in text messages and phone calls.

The Observatory expresses its deepest concern about Mr. Stanislaw Markelov's assassination, and believes that such an assassination is directly linked to his human rights and legal defence activities.

The Observatory urges the Russian authorities to order an immediate, thorough and impartial investigation into his assassination, in order to identify all those responsible, bring them before a competent and impartial tribunal and apply to them the penal sanctions provided by the law.

The Observatory also recalls that according to OP 2(iv.) of the Council of Europe (CoE) Declaration on Human Rights Defenders^[3], 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 OP 4 of the CoE Declaration on Human Rights Defenders so that a thorough and impartial investigation into Mr. Markelov's assassination take place in the shortest delays.

The Observatory further urges the European Commission Delegation as well as European Union (EU) Member-States embassies in the Russian Federation to urge the Russian authorities to comply with the relevant international norms and standards and to report on all breaches of human rights standards, 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”^[4].

Actions requested:

The Observatory urges the authorities of the Russian Federation to:

0. Guarantee in all circumstances the physical and psychological integrity of all human rights defenders in the Russian Federation;
0. Order a thorough and impartial investigation into Mr. Stanislaw Markelov's assassination, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and

apply to them the penal sanctions provided by the law;

0. Provide Mr. Stanislav Markelov's family adequate reparation;
0. Put an end to all acts of harassment 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;
0. 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”);
0. Comply with the provisions of the Document of the Copenhagen Meeting of the 2nd 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;
0. 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, Russia, Faxes:+ 7 095 206 5173 / 230 2408, Email: president@gov.ru;
- Mr. Yuriy Chaika, General Public Prosecutor of Russian Federation, 125993, Moscow, GSP-3, 15a B. Dimitrovka str. RUSSIA, Fax: +7 (495) 692-96-00
- 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: +7 495 607 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;
- 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.

Geneva-Paris, January 19, 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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[1] See 2004 Annual Report.

[2] See Observatory Urgent Appeal Urgent Appeal RUS 011 / 1108 / OBS 195.

[3] See Declaration of the Committee of Ministers of the Council of Europe for enhanced protection of human rights defenders, adopted on February 6, 2008.

[4] 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.