



General Assembly

Distr.: General
26 August 2014

English only

Human Rights Council

Twenty-seventh session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Article 19 – The International Centre Against Censorship, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-14741 (E)



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Russia must end impunity for attacks and threats against journalists

Summary

The Russian Federation has failed to respond adequately to crimes against journalists, including murders, physical attacks and threats, creating a climate of impunity that only encourages more severe violations of freedom of expression. Not a single case documented by ARTICLE 19 since 2000, has been fully solved – with instigators and the vast majority of perpetrators remaining at large.¹ Each case represents an attack on journalists as individuals and against the right of all people to seek, receive and impart information. The failure by the Russian authorities to ensure accountability is an assault on freedom of expression and democracy itself.

ARTICLE 19 urges the Russia to incorporate in full the 2012 Joint Declaration by UN and regional freedom of expression mandates on Crimes against Freedom of Expression (Joint Declaration),² to end impunity and prevent future attacks, ensuring the safety and security of all journalists.

Recommendations³

To the Russian Federation:

- Adopt all necessary policy and legal measures to end impunity, protect journalists and to protect and promote the right to freedom of expression;
- Publicly and unequivocally condemn all killings, attacks and disappearances of journalists, and refrain from smear campaigns against victims of such crimes;
- Ensure accountability for all attacks on journalists through the conduct of effective, prompt, thorough, independent, and transparent investigations, by bringing perpetrators as well as those who conspire to commit, aid and abet or cover up such crimes to justice, and by ensuring that victims have access to appropriate remedies;
- Establish a specialised body responsible for investigating crimes against freedom of expression, independent of regional and federal law enforcement authorities;
- To create specialised protection programmes, in consultation with the full and effective participation of journalists and media organisations, based on local needs and challenges, providing a range of tailored protection measures for individuals taking into account the individual circumstances of the person at risk;
- Provide training for public officials, including law enforcement, prosecutors and the judiciary, on the safety of journalists, including offering effective and rapid protection responses to threats of attack or harm;
- Remove statutes of limitations from the Russian criminal code on crimes against freedom of expression;
- Implement relevant judgments and decisions of the European Court of Human Rights and the UN Human Rights Committee concerning the safety of journalists;
- Respond positively and fully to UNESCO requests for information on the safety of journalists, including in relation to judicial inquiries into the killings of journalists.

To UN Human Rights Council Member States:

- Support a strong resolution for attacks on journalists at the 27th Session of the UN Human Rights Council, urging States to eradicate impunity;

¹ ARTICLE 19's report: "The Russian Federation: Journalists under Attack", December 2013 and in Russian.

² The 2012 Joint Declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information.

³ The recommendations on the individual cases are available at ARTICLE 19's report "Russian Federation: Journalists under Attack", December 2013.

To all States:

- Include as a priority ending impunity for attacks on journalists in regular human rights dialogues with Russian, including through their recommendations in the Universal Periodic Review process;
- Apply political pressure to Russia to comply with its obligations under international human rights law, including to implement the relevant judgments and decisions of international human rights bodies;
- Respond positively and fully to UNESCO requests for information on the safety of journalists, including in relation to judicial inquiries into the killings of journalists.

Impunity for Killings of Journalists

In June 2013, the third trial relating to the 2006 murder of journalist Anna Politkovskaya resulted in six perpetrators serving custodial sentences, but after almost 8 years the Russian authorities have still failed to bring the instigators to justice, nor take into consideration the victim's rights. These failures are an on-going violation of Russia's international human rights obligations, including the right to freedom of expression.

In July 2009, **Natalia Estemirova**, human rights defender and journalist, was murdered in Ingushetia after being kidnapped from Chechnya. Investigations lacking independence led to no one being held responsible for her murder.⁴ An effective and independent investigation to bring the instigators and perpetrators of Estemirova's murder to account should immediately follow this review.

The North Caucasus is the deadliest area for journalists in Russia, particularly the republic of Dagestan, with the highest level of impunity. The following murders remain unresolved, requiring immediate attention by the Federal Investigative Committee and regional investigative bodies to bring perpetrators and instigators to account:

- **Akhmednabi Akhmednabiyev**, a journalist at Kavkazsky uzel, who later joined an independent newspaper Novoye Delo as a deputy editor, murdered in July 2013, in Makhachkala, Dagestan. Ahmednabiev actively reported on human rights violations against Muslims by the police and Russian army. He previously received numerous threats and survived an assassination attempt in January 2013.⁵ The perpetrators are currently standing trial in the regional court of Makhachkala. The mastermind of his murder is known by the journalistic community, but not named by the authorities.
- **Khadjimurad Kamalov**, editor-in-chief of Chernovik newspaper, murdered December 2011 in Makhachkala, Dagestan, was a vocal critic of corruption and abuse of power, particularly by the police. His case has not been transferred to court yet. Perpetrators were only found following the pressure from the public. The mastermind is suspected to be the same person who ordered the assassination of Abdumalik Ahmedilov (2009) - a member of the national assembly of Dagestan.
- **Magomed Yevloyev**, founder of a critical website Ingushetia.ru, killed in August 2008 while in police custody in Nazran, in Ingushetia, was highly critical of the authorities in Ingushetia. His death was initially classified as an 'accident' and the police officer who killed him had his sentence reduced to two years of house arrest.
- **Maksharip Aushev**, one of the leaders of the Ingush opposition, who took over Ingushetia.ru after Yevloyev's murder; was killed in October 2009, in Kabardino-Balkaria. Charged in 2008 with organizing public protests, he was later acquitted. The investigation into Aushev's murder is still on-going, but nothing has yet been found.
- **Kazbek Gekkiyev**, a TV news presenter, shot dead in December 2012, in Nalchik, Kabardino-Balkaria, was outspoken in its critics on the fights against organised crime. The suspected perpetrator was shot dead by officers from the Interior Ministry only two month after Gekkiyev's murder.

Impunity for Physical Attacks

⁴ Evidence collected and presented in 2011 by Novaya Gazeta, Memorial and International Federation for Human Rights (FIDH), has made clear the need for an independent committee to review the investigation into Estemirova's murder to date.

⁵ This case was wrongly classified by the authorities as 'damage to property' rather than an attempted murder.

In September 2009, **Mikhail Afanasyev**, a journalist highly critical of the government response to the disaster at the Sayano-Shushensk hydroelectric dam, which resulted 70 workers dead, was attacked and beaten unconscious by two unknown young men on the street. Prior to this attack, local republican authorities pressed charges against him for his ‘inaccurate’ reporting, but after international criticism charges were dropped and the case closed in 26 August 2009. The authorities failed to launch an independent, speedy and effective investigation, classifying it as “common assault”, and no one apprehended nor charged. Impunity has been ensure as the statute of limitations (2 years) has expired.

Russia is failing, when dealing with crimes against freedom of expression, particularly in establishing special protection measures; conducting independent, speedy and effective investigations and prosecutions; and providing redress for victims.

- **Mikhail Beketov**, editor-in-chief of Khimki Pravda newspaper; victim of a murder attempt in 2008, died from related injuries in April 2013 in Khimki (Moscow). After publishing a series of critical articles regarding a controversial road project set to destroy parts of Khimki forest, he was repeatedly threatened, had his car set on fire and his pet dog left dead on his doorstep. In 2008, he was severely beaten with metal rods in a violent attack that left him crippled. Beketov later died in 2013 from health complications connected to his injuries, while the instigators behind his attack have still not been brought to justice.
- **Elena Milashina**, correspondent for Novaya Gazeta newspaper, was attacked and robbed together with human rights defender Ella Karamyants 4 April 2012, in Balashikha (Moscow). Police responded to Milashina’s call only after two hours, classifying the attack as “Robbery”. Two drug addicts were later tried, despite protests from Milashina and Karamyants that these were not the men that attacked them. Milashina has carried out investigations into counter-terrorism operations, as well as the murder of journalists, including Politkovskaya and Estemirova. She appeared as a major witness about Politkovskaya’s work at the 2008-2009 murder trial. She escaped an assassination attempt in Beslan, North Ossetia, but no investigation into this case was opened.
