



Ref: CommHR/DM/sf 070-2018

Mr Yury CHAIKA

Prosecutor General of the Russian Federation

Strasbourg, 11 July 2018

Dear Mr Chaika,

I am writing to you concerning the situation of Mr Oyub Titiev, the leading member of the Human Rights Centre Memorial in the Chechen Republic, who was deprived of his liberty in January this year and subsequently remanded in custody and criminally prosecuted for alleged drug possession. Mr Titiev is known for his important work in defending human rights in the North Caucasus and, in particular, for his quest for accountability for serious human rights violations by officials belonging to law enforcement agencies or other security structures.

Last month, the Council on Human Rights and Civil Society Development under the President of the Russian Federation (hereinafter – the Presidential Human Rights Council) issued an [expert opinion](#) of the follow-up given to Mr Titiev's own statement alleging that the charges against him had been fabricated by law enforcement officials who had, according to him, "planted the evidence". The aforementioned expert opinion concluded that the verifications undertaken following Mr Titiev's counterclaim to the drug possession charge against him had been "artificially and unlawfully" circumscribed, with the aim of excluding information which would lead to the conclusion that the criminal case against Mr Titiev had been fabricated. Furthermore, the Presidential Human Rights Council observed that "all the refusals to open a criminal investigation following Mr Titiev's complaints have been unsubstantiated and unjustified". I understand that there has been a decision by your institution to conduct an inquiry into the shortcomings identified by the Presidential Human Rights Council.

As Commissioner for Human Rights, I have a special duty in relation to human rights defenders. As such, it is my role to recall the key principle in this area: that states must create an environment conducive to the work of human rights defenders, enabling individuals, groups and associations to freely carry out activities, to promote and strive for the protection of human rights and fundamental freedoms, without any restrictions. This is all the more important in settings which already present considerable challenges to the protection of human rights

In addition, I have noted that the Human Rights Commissioner (Ombudsman) of the Russian Federation, Ms Tatyana Moskalkova, and the Head of the Presidential Human Rights Council, Mr Mikhail Fedotov, have repeatedly called for Mr Titiev's case to be "transferred" outside the North Caucasus. The fact that they have done so demonstrates doubts as to the likelihood that Mr Titiev's rights will be safeguarded if the case remains in the Chechen Republic.

As regards Mr Titiev's continued detention on remand over a prolonged period, I trust you would agree that deprivation of liberty may only be applied as a measure of last resort where other less restrictive measures cannot ensure the interests of justice. I would therefore be most grateful if you could provide information regarding the specific actions taken by your institution following the findings of the Presidential Human Rights Council in relation to Mr Oyub Titiev. In the meantime, I believe that decisive steps should be taken to ensure respect for his rights, including by urgently releasing him from custody.

I stand ready to give my support, in accordance with my mandate, in order to promote the effective implementation of Council of Europe standards related to human rights protection. Please note that I intend to publish this communication, as well as any comments that you would wish to provide regarding the issues raised therein, and I look forward to continuing a constructive dialogue with you.

Yours sincerely,

Dunja Mijatović