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8 October 2010

REGARDING CRIMINAL PROSECUTION OF NADEZHDA NIZOVKINA AND TATIANA STETSURA

We, the participants of the conference “*Human Rights: Between Law and Morals*” and partner organisations of the project “Electronic Human Rights Education for Lawyers”, express our concern regarding the criminal prosecution of lawyer and journalist Nadezhda Nizovkina and lawyer Tatiana Stetsura.

According to the information we received during the conference, Nadezhda Nizovkina and Tatiana Stetsura had been held defendants in a criminal case for inciting hatred against the Russian bodies: Federal Security Service (FSB), the Ministry of Interior, Russian Federal Penal Service (FSIN) and the Russian army (based on Article 282 of the Criminal Code of the Russian Federation). The cause for initiating the criminal case was two articles co-written by Ms. Nizovkina and Ms. Stetsura. The first article addressed the deportation of Bakhtiar Umarov, Imam of the Muslim Buryatia community to Uzbekistan. The second was about journalist Elena Maglevannaya and a leaflet commemorating the Stalin deportations of people, timed to coincide with the Defender of the Fatherland Day.

We have reasons to believe that the charges against Ms. Nizovkina and Ms. Stetsura are directly related to the performance of their professional duties. We remind that according to Article 16 of the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, the government must ensure that lawyers “are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” and additionally “shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.”

International and European laws provide for a system of standards for journalists who in their field of work must resort to criticisms against the authorities. In accordance with these standards, Nadeszhda Nizovkina, as a journalist, deserves such international protection, including the protection of the European Court of Human Rights.

In addition, under Article 6(c) of the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on 9 December 1998, “Everyone has the right, individually and in association with others to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.”

In line with the above, we underline that the prosecution of Ms. Nizovkina and Ms. Stetsura on the basis of their advocacy and professional activities would violate the guarantees enshrined in the UN Basic Principles on the Role of Lawyers and the UN Declaration on Human Rights Defenders, as well as the vital international conventions governing the protection of fundamental rights and freedoms. The Russian Federation is a member of the European Convention on Human Rights and is responsible for the fulfillment of these obligations.

We, therefore, call upon you **to ensure an objective investigation into the charges brought against Nadezhda Nizovkina and Tatiana Stetsura**, in order to prevent them from being prosecuted in connection with their professional activities and in violation of their right to the freedom of speech. We hope that the investigation will be conducted in compliance with the standards for the protection of the profession, the right to fair trial will be respected and the legal process will not lead to a breach of the international obligations of the Russian Federation.

Sincerely,

- Participants of the conference "*Human Rights: Between Law and Morals*", organised on 18-20 September 2010 in Vilnius (Lithuania) within the framework of the project "Electronic Human Rights Education for Lawyers"

Organizations implementing the project:

- Human Rights House Foundation (Norway, Switzerland)
- Belarusian Human Rights House in exile (Lithuania)
- European Humanities University (Lithuania)
- Human Rights House Baku (Azerbaijan)
- Helsinki Foundation for Human Rights (Poland)
- Russian Research Centre for Human Rights (Russia)
- Human Rights Centre (Georgia)
- Legal Education Society (Azerbaijan)
- Mission of the Union of Soldiers' Mothers Committee of the Murmansk Region and Southern Fleet (Russia)

Copies sent to:

- Committee for Interethnic Relations, Relations with Public, Religious Associations, and Information attached to the Presidential administration and the Government of the Republic of Buryatia
- United Nations Human Rights Committee
- Special Procedures Division - Human Rights Defenders, Office of the United Nations High Commissioner for Human Rights
- Council of Europe Commissioner for Human Rights
- OSCE/ODIHR