

RUSSIAN FEDERATION

KADYROV VS. ORLOV: THE DEFENCE OF HUMAN RIGHTS ON TRIAL

Analytical Note



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Cover: Court session at the Moscow's Khamovniki District Court.

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I. INTRODUCTION

1. Presentation of the mission

Following the announcement in August 2009 by the President of the Republic of Chechnya of his intention to take legal action against Mr. **Oleg Orlov**, Chairman of the Executive Committee of the Human Rights Centre "Memorial" (Memorial) for "defamation", and against a backdrop of a deteriorating working environment for human rights defenders in the Russian Federation, the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT), decided to closely monitor developments in this case.

Indeed this trial targeted the leader of Russia's mostly widely known human rights organisation and threatened to disrupt its operations. Moreover, this trial was linked to the assassination in Grozny of Memorial collaborator Ms. **Natalia (Natacha) Estemirova**, who had worked to expose the most flagrant human rights violations in Chechnya.

Initially, the Observatory sent a team to monitor proceedings at the civil trial, in 2009¹. It then mandated Ms. Françoise Daucé and Ms. Juliette Cadiot to monitor several hearings during the criminal trial, both during first instance and appeal court sessions, and to find out from human rights defence actors in Russia what impact the trial was having on their working environment.

2. Trial context: the situation of human rights defenders in Russia

While President Dmitry Medvedev has repeatedly expressed his commitment to improving human rights and the rule of law in the Russian Federation, the Russian authorities continue to severely restrict the freedoms of expression and peaceful assembly of human rights defenders, particularly in the context of the fight against terrorism and extremism where dissenting voices are considered a threat by the authorities and are stifled. Consequently, the legal and administrative framework of NGOs remains unfavourable and defenders are routinely subjected to prosecution for their activities under various pretexts. Impunity for the murder of prominent human rights defenders is the rule, and most such cases remain unresolved. In addition, physical attacks and threats against human rights defenders continue, while peaceful demonstrations are regularly suppressed by excessive force and lead to arbitrary arrests².

3. The impact of the Ramzan Kadyrov versus Oleg Orlov trial on the whole Russian civil society

From August 2009 to January 2012, Memorial and the Chairman of its Executive Committee, Mr. Oleg Orlov, were subjected to a relentless series of complex civil followed by criminal legal proceedings initiated by Mr. Ramzan Kadyrov, President of the Republic of Chechnya, for "defamation". The outcome of the trial was not foreseeable until the final criminal court hearing.

Mr. Orlov's acquittal in June 2011 should not obscure the difficulties posed by this case during two and a half years it lasted and the shadows it cast over the future of human rights defenders and their work in Russia. Throughout the trial period, legal and media blows rained down incessantly on Memorial and its leader. The legal victory obtained at the end of the trial should not overlook the fragility of the institutional regime of independent associations and the situation of human rights defenders in Russia. Beyond Memorial, the whole sector of the defence of human rights in Russia was affected.

1. See Observatory Judicial Observation Mission Report on the civil court hearings of September 25 and October 6, 2009, *Ramzan Kadyrov v. Oleg Orlov and the "Memorial" Human Rights Centre*, December 2009.

2. For further information see Observatory Annual Report 2011 and latest Urgent Appeals of the Observatory available on OMCT and FIDH websites.

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Memorial is one of the most important associations and best known human rights organisations in Russia. Founded in 1989, its first mission aimed to rehabilitate the victims of the Stalin era and to help survivors of that reign of terror. It then developed activities in defence of human rights in contemporary Russia. Besides its historical importance, it is now present in many regions of Russia. By attacking Memorial and supporting Mr. Kadyrov, the federal authorities, through a controlled judiciary, wanted to show their ability to rein in Russian NGOs at their discretion.

During the trial, many Russian and international human rights associations rallied behind Mr. Orlov and Memorial. By agreeing to bring a libel suit against Mr. Orlov, the judiciary participated in government moves to restrict freedom of expression. It repeatedly showed its complacent attitude vis-a-vis the authorities' representatives and its inability to guarantee its independence and the rights of the defence. This trial highlighted the legal risks that anyone who criticises the political authorities in Russia exposes themselves, including those who simply try to exercise their right and duty to defend human rights. It constituted a dissuasive alert for those defenders who might wish to criticise human rights abuses perpetrated by the authorities. Thus, this trial weighs heavily on the future of public debate on human rights in Russia.

In one way, the trial was a "case within the case" that helped mask the slowness or failures of the investigation into the murder of Ms. Natalia Estemirova, Memorial's collaborator in Grozny, in July 2009. For by focusing on the Orlov case, media and the judiciary diverted some of the attention away from that investigation. The Orlov case also relegated the prominence of the real debate on the situation in Chechnya to a lower level of intensity. However, violence persisted in Chechnya after the assassination of Ms. Natalia Estemirova. Memorial had to give up its activities in Chechnya for six months³.

At the end of 2011, the protests that followed the parliamentary elections of December 4, 2011 testified to the frustration of the population faced with the arbitrary and authoritarian methods of the government. To a certain degree, the demonstrators were protesting against perceived perverse aspects of the political and judicial systems of the country. These events occurred in an atmosphere of high tensions, notably characterised by the arrest and detention of human rights defenders⁴, representatives of the opposition and demonstrators.

In this context, the difficulties endured by Mr. Orlov and his organisation during the long defamation trial merit analysis to understand the nature and extent of the resources the authorities can deploy to weaken independent associations.

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3. See Observatory Annual Report 2010.

4. See Observatory Press Release, December 14, 2011.

II. THE TRIAL AGAINST OLEG ORLOV AND MEMORIAL: TWO YEARS AND A HALF OF THREATS

On July 15, 2009, Ms. Natalia Estemirova, a Memorial collaborator in Grozny, Republic of Chechnya, was abducted and found murdered a few hours later in Ingushetia, a neighbouring republic. This new assassination further aggravated the heavy tribute paid by human rights defenders in Russia in defending their cause. This murder added to the already long list of human rights activists killed in Russia, including – to name only some of the best known cases – Ms. **Anna Politkovskaia** (assassinated in 2006) and Mr. **Stanislav Markelov** and Ms. **Anastasia Babourova** (both assassinated in January 2009). The common denominator linking all these assassinated activists was that they had all denounced the abuses and violence committed in the Republic of Chechnya.

In this context, in the hours following the announcement of the death of Ms. Natalia Estemirova, Mr. Orlov stated in a press interview and then on the Memorial website: “I know for sure who is guilty of the murder of Natalia Estemirova; we all know this person. His name is Ramzan Kadyrov, the President of the Republic of Chechnya. (...) We do not know if he himself gave the order, or if it was given by one of his trusted lieutenants to please the boss”⁵. This statement angered the Chechen President, who wished to bring the case to court to defend his “sullied honour”. This was central to the legal proceedings which, from 2009 to 2011, pitted Mr. Orlov against the Chechen President. Mr. Orlov responded by saying he could not be accused of defamation by Mr. Kadyrov because he had only referred to the socio-political responsibility of the Chechen President for the murder of Ms. Natalia Estemirova, and had not implied any criminal liability on his part.

1. The civil trial⁶

The case brought by the Chechen President against Memorial leader took place in two stages, first civil and then criminal. In both cases, the procedure was long and complex, forcing Memorial in general, and Mr. Orlov and his lawyer, Mr. Genri Reznik, in particular, to mobilise their skills, resources and time to voice their convictions and defend their rights in court. This long process diverted the association’s attention away from its core activities.

In the days following the assassination of Ms. Estemirova and Mr. Orlov’s statement to the press, Chechen President Ramzan Kadyrov filed a civil suit against Mr. Orlov in the Tverskoi District Court of Moscow accusing him of an “attack on his honour, dignity and professional reputation”. He demanded ten million roubles in damages for “moral prejudice”. According to Mr. Andrei Krasnenkov, Mr. Kadyrov’s representative, this complaint also aimed to create a precedent for “limiting statements by human rights defenders, especially criticism against the executive authorities”. The political stakes were thus clearly identified: beyond Mr. Orlov, the objective was to silence human rights defenders in Russia.

On October 6, 2009, the Tverskoi District Court in Moscow, presided over by Judge Tatyana Fedosova, decided to give partial satisfaction to the plaintiff, ruling that Mr. Orlov’s remarks were prejudicial to Mr. Kadyrov. Mr. Orlov and Memorial were ordered to pay 20,000 rubles (around 450 euros) and 50,000 rubles respectively in damages for the prejudice suffered by the Chechen President. The court also ordered Mr. Orlov and Memorial to publish a retraction stating that their accusations against Mr. Kadyrov “did not correspond to reality”. Mr. Orlov

5. Non-official translation. Following is the statement in Russian: “Я знаю, я уверен в том, кто виновен в убийстве Наташи Эстемировой. Мы все этого человека знаем. Зовут его Рамзан Кадыров, это президент Чеченской республики. Рамзан уже угрожал Наталье, оскорблял, считал ее своим личным врагом. Мы не знаем, отдал ли он приказ сам или это сделали его ближайшие соратники, чтобы угодить начальству”. <http://www.memo.ru/2009/07/15/1507093.htm>.

6. See Observatory Judicial Observation Mission Report on the civil court hearings of September 25 and October 6, 2009, *Ramzan Kadyrov v. Oleg Orlov and the “Memorial” Human Rights Centre*, December 2009.

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and Memorial lodged an appeal against these rulings. As for Mr. Kadyrov, he asked the court to increase the financial damages he was to receive from Mr. Orlov and Memorial. The court's initial ruling was upheld in appeal on January 21, 2010, confirming the civil liability of Oleg Orlov and the financial damages to be paid which, though only symbolic, were synonymous with conviction. Following this ruling, Mr. Orlov lodged an appeal before the European Court on Human Rights (ECtHR). The appeal was still pending in February 2012.

Even though the damages Mr. Orlov and Memorial were ordered to pay were symbolic, by its decision the court ruled that the plaintiff's charges were justified and that the human rights defender had abused his right to freedom of expression. This first civil conviction can be seen as a warning to all human rights defenders in Russia that they may be ordered to pay damages and be subjected to a negative media campaign for the duration of the proceedings for any remarks criticising the political authorities in general and those in Chechnya in particular.

As stated by Mr. Haraszti Milklos, than Representative of the Organisation for Security and Co-operation in Europe (OSCE) for Freedom of the Media, this conviction came whereas "statements like those made by Mr. Orlov are perfectly legitimate in a democracy and should not be subject to either civil or criminal sanctions"⁷.

2. The criminal trial

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After the civil court verdict the Chechen President decided to revive a criminal complaint against Mr. Orlov. The criminal case No. 310555 was opened pursuant to paragraph 3, section 129 (defamation) of the Criminal Code of the Russian Federation on October 20, 2009. If proven guilty, Mr. Orlov risked up to three years' imprisonment, a sentence demanded by the plaintiff.

The first hearing before Circuit Court No. 363 in the Khamovnikij district of Moscow (ul. 1905 g. dom. 4, str.1) was held on September 13, 2010, under the presidency of Justice of the Peace (*mirovoy sudia*) Karina Morozova. At this first hearing, Mr. Orlov was present but Mr. Kadyrov was absent. The Chechen President was represented by Mr. Krasnenkov, while Mr. Orlov was defended by Mr. Genri Reznik, a well-known lawyer and member of the Social Chamber (*obscestvennaia palata*) of Russia. This first hearing was followed by 14 others between September 2010 and June 2011.

Five prosecution witnesses were called:

- A. Malsagova, President of the Civic Chamber of the Republic of Chechnya,
- O. Dzubajraev, Head of the Analysis Department in the Cabinet of the Special Envoy for Human Rights in Chechnya,
- U. Djumaliev, Chief of Cabinet of the Special Envoy for Human Rights in Chechnya,
- T. Kagirova, Head of the NGO "Search for the Missing" and member of the Social Chamber of Chechnya,
- N. Nukhajiev, Special Envoy for human rights in the Republic of Chechnya,

Seven defence witnesses were called:

- S. Gannushkina, member of the Executive Committee of the Human Rights Centre "Memorial",
- A. Tcherkassov, member of the Human Rights Centre "Memorial",
- E. Sokirianskaia, member of the Human Rights Centre "Memorial",
- T. Lokshina, Deputy Director of the Human Rights Watch Representation in Moscow,
- G. Shvedov, Editor-in-Chief of *Kavkazskij Uzel*,
- I. Kaliapin, Head of the Committee Against Torture,
- A. Mnatsakanian, former member of the Committee for the Defence of Journalists.

Two "technical" witnesses (I. Orlov, Director of the Memorial website, and Yu. Klimova, Press Secretary at Memorial) were also questioned and written evidence presented by the parties was also examined.

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7. See Mr. Milklos Haraszti, OSCE Representative on Freedom of the Media, Statement, October 29, 2009.

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The plaintiff, Mr. Ramzan Kadyrov, was not present at any of the hearings, except the one held on April 28, 2011 when he spoke via video link from Grozny. He said he refused to withdraw his criminal complaint because Mr. Orlov had not apologised for his remarks. Referring to Ms. Natalia Estemirova, he said: "She chatted. She did nothing useful or holy for our people. It is I who defends human rights and she did not help me"⁸. This statement suffices to illustrate the omnipotence and contempt of the Chechen President for independent human rights defenders, who were trying to work objectively in the Republic. Mr. Kadyrov described the moral prejudice suffered by his family, his mother, his seven children, and cited patriarchal reasons for difficulties he was encountering in marrying his children because of Mr. Orlov's remarks about him. These personal considerations demonstrated Mr. Kadyrov's refusal to consider the political and legal dimensions of this case.

At the hearing on May 16, 2011, five additional witnesses were interviewed: the Press Secretary of the Chechen Government, the Mayor of Grozny and his First Deputy, the journalist Ms. Zoia Svetova and Ms. Svetlana Gannushkina (summoned for the second time). The investigation phase ended with the second hearing.

On June 9, 2011, the court summoned both parties. During his closing arguments, the new public prosecutor, Mr. Artiom Sadovnikov, asked the court to convict Mr. Orlov and fine him 150,000 roubles (about 4,000 euros). He said that evidence of defamation had been established. Mr. Krasnenkov, representing the plaintiff, asked the court to sentence Mr. Orlov to three years' imprisonment (the maximum penalty).

On June 14, 2011, after 15 hearings and the passage of 20 witnesses, Judge Karina Morozova acknowledged the innocence of Mr. Orlov. After considering the elements at her disposal, the judge concluded that Mr. Orlov's statements did not constitute an offense (*prestuplenie*). "He only stated facts that were known to him", the judge concluded, pointing out that, in Russian law, if a person spreads information in good faith – even if the facts contradict that information – he cannot be held responsible. The judge also noted that she had taken into account the evidence of threats against Ms. Natalia Estemirova in deciding on the verdict.

3. The criminal trial appeal

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Following Mr. Orlov's acquittal, the prosecutor filed an appeal against the verdict (*kassatsionnaya zhaloba*), as did the plaintiff's counsel, Mr. Krasnenkov. The matter was brought before the Higher Court of Khamovniki in Moscow, and assigned to Federal Judge Andrei Lutov. Thus, Mr. Orlov's acquittal ruling did not enter into force.

The first appeal hearing was held on October 4, 2011. Besides the judge, Prosecutor Tatiana Popova and Plaintiff Representative, Mr. Krasnenkov, were present as were Mr. Orlov and his lawyer, Mr. Reznik. Mr. Kadyrov was excused. The parties agreed not to call up all the witnesses who had already been heard at the earlier civil court hearings. The judge then proceeded to read written statements from witnesses. The appeal hearings continued until October 28, 2011. Ms. Tatiana Popova was replaced by Mr. Artiom Sadovnikov. He had already participated in the previous trial stage and had appealed the verdict it produced. The trial continued until December 5, 2011. The judge continued to read out witness statements at these two hearings.

During the course of the appeal hearing, there was a major change in Russian legislation. In June 2011, President Medvedev introduced to Parliament a draft amendment modifying the Criminal Code, notably decriminalising defamation. This draft federal law "On the introduction of amendments in the Criminal Code of the Russian Federation" was adopted on its final reading in the Duma in November 2011 and signed by President Medvedev in December 2011⁹. The new law decriminalises defamation, which now comes under the Code of Administrative

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8. See *Kommersant Online*, April 28, 2011.

9. See Federal Law No.420 of December 7, 2011 "On the introduction of amendments in the Criminal Code of the Russian Federation and in other legislative acts of the Russian Federation". <http://www.rg.ru/2011/12/07/nakazanie-site.html>.

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Offences rather than the Criminal Code, as was the case previously. This legislative change justified the withdrawal of charges against Mr. Orlov in the context of the criminal proceedings brought against him under appeal. From October 2011 onwards, the judge – aware that this legislative change was imminent – chose to postpone proceedings until the new legislation entered into force, after which the Criminal Code would no longer apply to the case.

The final hearing that led to the abandonment of criminal charges against Mr. Orlov was held on January 20, 2012.



Oleg Orlov at the Moscow's Khamovniki District Court.



The video screen displays Chechen President Ramzan Kadyrov during a videolink hearing at Moscow's Khamovniki District Court, April 28, 2011.



Oleg Orlov and his lawyer, Genri Reznik, at the Moscow's Khamovniki District Court.

III. A BLOW FOR THE COMMUNITY OF HUMAN RIGHTS DEFENDERS

While the trial of Mr. Orlov and Memorial was first and foremost a setback for the defender and his organisation, it was also a blow to the whole community of human rights defenders in Russia. In solidarity with their accused colleague, many activists came out in his defence both in court and in the media. In so doing, they in turn exposed themselves to significant risks, particularly those regularly working in Chechnya. Subsequently, they also experienced the cumbersome nature and uncertainties of legal proceedings in defamation cases in Russia with potentially dramatic outcomes such as heavy fines or imprisonment if convicted. Through this show of solidarity, they were again able to measure the price of freedom of speech and the obstacles undermining its practice in Russia. These acts of solidarity by Russian defenders prompted international human rights associations and foreign State organisations to offer them their support and expertise.

1. A shallow victory for Memorial

Mr. Orlov's acquittal was of course a (relatively unexpected) victory both for him and Memorial. At the same time, the decriminalisation of defamation by the Russian President in December 2011 appears to show a softening of political pressure. However, these favourable developments must not obscure from view the damage inflicted on Mr. Orlov and Memorial throughout the long trial period. Memorial itself was often subjected to unfounded and at times slanderous public criticism by Chechen politicians, echoed by certain media.

The Ramzan Kadyrov versus Oleg Orlov trial was an opportunity for the prosecution to spread rumours about Memorial. The prosecution repeatedly claimed to be in possession of compromising information and documents regarding Memorial. Even though these claims were never substantiated by any concrete evidence, they may have had an impact on media coverage and on Russian public opinion in terms of discrediting that association. Some newspapers used the trial as a pretext to attack human rights defenders. In reference to Mr. Orlov, Pravda wrote: "The position of one of Russia's best known human rights defenders is strange. Having dedicated his life to the struggle for human rights, this man should not make such abrupt and baseless statements, (...) which also contradict the legal texts and even the Universal Declaration of Human Rights wherein "Nobody can be considered guilty except by judicial decision"¹⁰. Pravda thus uses the same arguments to criticise defenders as the latter use to uphold human rights.

While Mr. Orlov was being tried for defamation by the Chechen President, evidence and speeches supporting this claim often conveyed unfounded criticism of Memorial. In September 2010, the Chechen President's Representative, Mr. Krasnenkov, gave an interview to the *Russian news service (Russkaia Slujba Novostei)* in which he accused Mr. Orlov of violating his house arrest regime, and stating his belief that he should be imprisoned. In response, Mr. Orlov's lawyer pointed out that his client had not been placed under house arrest. In March 2011, Memorial was forced to file a complaint against Mr. Krasnenkov for moral prejudice and slurs against the reputation of the organisation. This complaint was in turn a response to one lodged by Mr. Krasnenkov, accusing Memorial of issuing a statement claiming that he had "induced" the media into publishing incorrect information¹¹.

This very long legal process hampered Memorial's daily operations, and notably the activities of its head. Indeed, Mr. Orlov was deprived of his international passport for the duration of the procedure, preventing him from conducting his professional activities abroad. Mr. Orlov was authorised to move around freely within Russia, despite (unsuccessful) repeated prosecution attempts to have him placed under house arrest in Moscow. Mr. Orlov also stressed that

10. See *Pravda.ru*, March 3, 2011.

11. See *Rikochet. Kasparov.ru*, March 5, 2011.

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the judicial process consumed much of his time and energy. As he explains: "It takes time to develop one's arguments, analyse documents, work with witnesses. That takes me away from my current affairs, my programmes"¹². At the same time, Mr. Orlov pointed out that this process was an opportunity to describe the situation in Chechnya through witness accounts which drew media attention to human rights abuses in that Republic.

2. Mobilisation of Russian human rights defenders

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Many Russian human rights organisations and their leaders mobilised in support of Mr. Orlov and Memorial. Some were defence witnesses at his trial, thus exposing themselves to risk by taking a public stand against the Chechen President. Ms. Svetlana Gannushkina (Memorial), Mr. Igor Kaliapin (Head of the Committee Against Torture), Mr. Grigorij Shvedov (Editor-in-Chief of the website "Kavkazskij Uzel"), Ms. Tatyana Lokshina (Deputy Director of the Human Rights Watch office in Moscow), Ms. Ekaterina Sokirianskaia (Memorial), Ms. Zoia Svetova (journalist) and Mr. Aleksandr Mnatsakanian (North Caucasus expert and journalist) all testified.

This was the community of Russian human rights defenders manifesting solidarity behind Mr. Orlov. Ms. Svetlana Gannushkina recalls that the statements made by Mr. Orlov concerning the death of Ms. Natalia Estemirova were discussed earlier among human rights activists "as we usually do"¹³, thus demonstrating publicly the unity of thinking and action among human rights defenders in Russia.

Russian human rights defenders mobilised to attend the various trial hearings and to comment on them in Russian media. This aimed to counterbalance the often misleading information disseminated in the media by the representative of the Chechen President. On several occasions, Russian human rights defenders launched petitions in support of Mr. Orlov. In November 2009, a first petition pressed the authorities to drop criminal proceedings against Mr. Orlov. In May 2011, as the trial was drawing to a close, human rights defenders collected signatures in support of Mr. Orlov. Numerous Russian human rights defenders signed a text stating: "Refusing to take responsibility for arbitrariness and illegality, Ramzan Kadyrov is trying to muzzle those who criticise his action or try to help the victims of his regime. Unfortunately, Oleg Orlov is not the first on this list and probably not the last. We are confident that the hour of judgement will also sound for Ramzan Kadyrov, but we do not want the path to justice to be punctuated by tragedies and the shattered destinies of the innocent"¹⁴.

3. Mobilisation of international partners

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Many international human rights organisations and some foreign government institutions mobilised in support of Mr. Orlov, although many States more or less openly ignored the Oleg Orlov versus Ramzan Kadyrov case in order to preserve their relations with Russia.

In the framework of the Observatory for the Protection of Human Rights Defenders, the FIDH and the OMCT regularly monitored and reported on Mr. Orlov's trial. In addition to making many urgent interventions, they released a judicial observation mission report on the civil trial hearings of September 25 and October 6, 2009¹⁵. The Observatory also monitored the judicial hearings held on June 9 and October 4, 2011.

Amnesty International, Human Rights Watch and Frontline demanded the cessation of criminal proceedings against Mr. Orlov, while several international organisations actively came out in defence of freedom of expression in Russia. On December 16, 2009, the international organisation Article 19 expressed its concern about the opening of criminal proceedings following the

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12. Discussion with Oleg Orlov, Moscow, October 4, 2011.

13. See *Vremia novostej*, Novembre 25, 2010.

14. See www.hro.org/node/11075.

15. See Observatory Judicial Observation Mission Report on the civil court hearings of September 25 and October 6, 2009, *Ramzan Kadyrov v. Oleg Orlov and the "Memorial" Human Rights Centre*, December 2009.

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civil court verdict in the Oleg Orlov versus Ramzan Kadyrov case. Article 19 considered that criminal prosecution for libel constituted an infringement of the fundamental right of freedom of expression.

With regard to intergovernmental mechanisms, the UN Human Rights Committee asked the Government of the Russian Federation to guarantee the right to freedom of expression in the context of Russia's obligations under the International Covenant on Civil and Political Rights (ICCPR). The UN Committee stated that the amendments to the media law and the "arbitrary use of defamation laws has [sic] served to discourage critical media reporting on matters of valid public interest, adversely affecting freedom of expression" in the country. The Committee recommended the decriminalisation of defamation, to make it a category of civil law punishable only by financial penalties¹⁶.

The European Court of Human Rights (ECtHR) also urged the Russian State authorities to exercise restraint in the face of public criticism, stressing that they had chosen to "perform certain functions" that exposed them to such criticism¹⁷.

At his trial, Mr. Orlov referred to reports of the Parliamentary Assembly of the Council of Europe (PACE) published between 2007 and 2010 to support his statements. Mr. Dick Marty, PACE MP and Rapporteur on the Situation of Human Rights in the North Caucasus, supported Mr. Orlov and corroborated his statements on the political situation in Chechnya¹⁸.

In 2009, Mr. Orlov received the Sakharov Prize for Freedom of Thought from the European Parliament, jointly with Ms. Lioudmila Alexeeva, Mr. Serguei Kovalev and Memorial¹⁹.

The prize and international supports did contribute to the defence of Oleg Orlov before the courts.

In October 2010, the European Parliament denounced as "cynical and absurd" attempts to implicate Memorial in "the crime of aiding terrorists" and condemned criminal investigations of libel against Mr. Orlov for statements it considered "legitimate in a democracy". The MEPs recalled that Mr. Orlov was "under [their] moral and political protection" since he had received the Sakharov Prize in 2009²⁰.

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16. See Final Observations of the UN Human Rights Committee, UN Document CCPR/C/RUS/CO/6, November 24, 2009.

17. At the ECtHR level, since decision *Lingens Vs. Austria*, July 8, 1986, it is established that "political figures and public officials must tolerate criticism and may not claim the same level of protection of their privacy than individuals. But the implementation of this principle always vary according to the circumstances of the case".

18. See notably Council of Europe Press Releases No. 557-2010, July 9, 2010, as well as APCE Resolution 1738, June 22, 2010, APCE Recommendation 1922, June 22, 2010 and the report by the APCE Commission dealing with legal and human rights issues on "Legal recourse in the event of human rights violations in the North Caucasus region", June 4, 2010.

19. See European Parliament Press Releases REF: 20091020STO62805, October 22 and December 16, 2009.

20. See European Parliament Press Release REF: 20101025STO89948, October 26, 2010.



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Conference organised on June 23, 2011 following the acquittal decision.

IV. MALFUNCTIONING POLITICAL AND JUDICIAL SYSTEMS

The libel suit filed against Mr. Orlov served to highlight the dysfunctional judicial system in Russia. It also confirmed the difficulties involved in trying to conduct an open and pluralistic debate with the Russian political authorities on human rights issues. Finally, during this trial, which lasted nearly two years, the situation in Chechnya showed no improvement and impunity for crimes committed there remained total. Abuses against human rights defenders continued. The authors of the assassination of Ms. Natalia Estemirova have not been fully identified. The lawsuit filed by Mr. Kadyrov against Mr. Orlov in one way served to distract public attention from abuses perpetrated in Chechnya. By presenting himself as a victim, despite being suspected of many crimes, the Chechen President attempted to turn the situation to his advantage, while the investigation into the murder of Ms. Natalia Estemirova stagnated and, even worse, appeared to have been deliberately directed down a blind alley.

1. Zero tolerance for critics of the political leadership

The trial of Mr. Oleg Orlov, initiated by Chechen President Ramzan Kadyrov, demonstrated the difficulty - even the refusal - of the Russian political authorities to accept criticism in the field of human rights. While the authoritarian methods of the Chechen President have been known and denounced for many years, those of the Russian authorities as a whole were more clearly demonstrated in this trial. By agreeing to open this libel case, the judiciary satisfied the exigencies of the political authorities in their stand-off with a representative of civil society. The public prosecutor's office, represented by Mr. Artiom Sadovnikov, contributed to the reopening of the case on appeal after Mr. Orlov's acquittal in June 2011. After his trial, Oleg Orlov noted that "The very fact that an investigation was initiated following the words I spoke and one wants to convict me of criminal charges constitutes an undisguised attack on freedom of expression".

This domination of political power over NGOs has become easier to exert following the eclipse of political pluralism in Russia in recent years. Associations find themselves at the top of the government target list for criticism. Against this backdrop, during the Oleg Orlov trial the prosecution also tried to exploit the tensions surrounding the political leadership of Vladimir Putin and Dmitry Medvedev. At one hearing, Mr. Krasnenkov, the Chechen President's representative, reproached Memorial for allegedly seeking the support of the Russian Prime Minister, who had effectively met previously with members of Memorial and congratulated one of them on the occasion of his birthday²¹. The prosecution also accused Mr. Orlov of trying to secure the intervention of Dmitry Medvedev to avoid criminal proceedings. The defence counsel denied this claim, pointing out that Mr. Orlov had never tried to evade his legal obligations under any pretext whatsoever.

The trial also contributed to straining relations between representatives of the authorities and human rights defenders, who sought to avoid falling into the trap of radicalisation laid for them. When asked by the prosecution counsel why human rights defenders refused any public debate with the authorities, Ms. Svetlana Gannushkina replied: "We do not want a duel with the authorities – that is not constructive. We prefer to try to collaborate"²². Despite their judicial confrontation with Mr. Ramzan Kadyrov, human rights defenders in Russia endeavoured to keep opportunities for dialogue with the administration open to enable them to continue working in the country.

2. The malfunctioning Russian judicial system

While the acquittal of Mr. Orlov is to the credit of the Russian judiciary, often accused of siding with the authorities in legal cases, this verdict should not obscure the fact that the Russian

21. See *Kavkazskij Uzel*, January 15, 2011.

22. See *Vremia novostej*, November 25, 2010.

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judicial system is dysfunctional. The verdict in the case of Mr. Orlov was to a certain extent circumstantial because it coincided with modifications in Russian legislation decriminalising defamation, in compliance with the international obligations of the Russian Federation. At its core, however, the functioning of the Russian judiciary remains far from satisfactory, as illustrated by the grey zones that hovered over this trial and the slow progress in the investigation of other cases.

It is striking that the defamation charges against Mr. Orlov were first brought before a civil court and afterwards before a criminal court. In order to respect the spirit of the law, the two court cases should have been dealt with separately. However, during the criminal proceedings, the prosecution based itself on the defence counsel civil court ruling which it sought to transform into a criminal code conviction. Although the defence counsel, Mr. Genri Reznik, pointed out that the civil court conviction should not be used as an argument in the criminal case, this fundamental rule of judicial procedure was violated. Throughout the entire trial process Mr. Kadyrov showed open contempt for the court proceedings. He was not physically present at any of the court hearings, and was interrogated only once by video-conference. Moreover, his representative repeatedly requested the postponement of hearings or the summoning of new witnesses, slowing down the proceedings. Messrs. Orlov and Reznik denounced "the systematic and deliberate procrastination" of the judicial process on the part of the prosecution. Conversely, Mr. Orlov was questioned for hours and repeatedly. This clearly demonstrated the inequality of treatment before the law between the legal representatives of the authorities and those they prosecute in court.

3. Human rights in disarray in Chechnya

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The court decision in the trial of Mr. Oleg Orlov is also a decision on Chechnya. Throughout the trial, from 2009 to 2011, the situation in Chechnya did not improve and the investigation into the murder of Ms. Natalia Estemirova failed to make any convincing progress²³. Two years after the murder of the activist, the investigation findings remain incomplete and are suspect. Based on traces of DNA found on the body of Ms. Estemirova, at least three people were allegedly involved in her abduction and assassination. In January 2010, investigators said the militant Alkhazur Bashaev and "other unidentified persons" had committed the kidnapping and murder. DNA analyses were not used to identify other suspects. By sticking to the "Bashaev hypothesis", the investigators seem to have overlooked other possible leads. An effective investigation can only be conducted with the help of the plaintiff, which is perfectly legal under the Russian Criminal Code and international law, but which is not currently being applied by the Russian judiciary.

In general, since the death of Ms. Natalia Estemirova, the situation in Chechnya has remained extremely worrying. Violence against human rights defenders has continued. The assassination of activists in Russia did not cease following the murder of Ms. Estemirova. Four weeks after her assassination, two staff members of the NGO "Save the Generation" (*Spasiom pokolenie*), Ms. Zarema Sajdulaeva and Mr. Alik Dzhabrailov, were abducted. Their bodies were found in the boot of their car. Human Rights defenders working in the North Caucasus are under considerable pressure, often from political authorities. At Mr. Orlov's trial, Mr. Igor Kaliapin told how, in February 2010, members of the Joint Mobile Group of the Russian Human Rights Organisations (*svodnaia mobil'naia gruppa*) were arrested and interrogated in Chechnya. According to his testimony, law enforcement agents in Chechnya recognize only one law – that of "Ramzan said so..."²⁴. In an interview given on July 3, 2010, Mr. Ramzan Kadyrov, citing Oleg Orlov, Memorial and its collaborators working in Chechnya, called human rights defenders traitors, "enemies of the people, enemies of the law and enemies of the State"²⁵.

As indicated by Mr. Orlov in June 2011, "The Chechen Republic leader Ramzan Kadyrov not only heads the civil administration, but he directs de facto the action of the administrations

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23. See Observatory Annual Report 2011 and Report of *Novaya Gazeta*, Memorial and FIDH, *Two Years after the Murder of Natalia Estemirova: The Investigation Continues along a False Path*, July 14, 2011.

24. See *Kavkazskij Uzel*, January 15, 2011.

25. See Observatory Press Release, July 3, 2010 and Amnesty International Press Release, August 11, 2010.

empowered to use force in the territory of the Republic of Chechnya. This means that he is responsible for their actions and their inaction. An atmosphere of impunity and total fear has been established in the territory of the Republic of Chechnya"²⁶. In two years, the statements of the head of Memorial have not changed in substance, reflecting the stagnation or even the worsening of the authoritarian situation in Chechnya. As stressed by Ms. Tatiana Lokshina, "The atmosphere of fear which dominates in Chechnya has thickened following the murder of Natacha. When we regularly speak to victims, they say to us : you were unable to protect your Natacha, and you cannot defend me either"²⁷. After his trial, Mr. Orlov recalled that in Chechnya, "Kidnappings have started again with a vengeance, as well as collective punishment aimed at intimidating the population. It has become extremely dangerous, almost impossible, to openly express an independent opinion. (...) It's almost a personal absolutist regime that has been installed in Chechnya. The atmosphere in the republic has become unbreathable"²⁸. By presenting himself as a victim of defamation by human rights defenders, Mr. Ramzan Kadyrov has diverted attention away from the suspected abuses perpetrated by him. The trial of Mr. Orlov and Memorial, which culminated in their acquittal, was the only legal response to the assassination of their colleague, Ms. Natalia Estemirova.



The Russian civil society mobilised in support of Oleg Orlov during the civil trial, October 2009.

26. See Article by Vladimir Kara-Murza. O sudebnom poedinke mezdu Kadyrovym i pravozachtchitnikami (The legal battle between Kadyrov and human rights defenders.), *Svobodanews.ru*, June 9, 2011, available at <http://www.svobodanews.ru/content/article/24234501.html>.

27. *Ibid.*

28. See final statements made by Mr. Oleg Orlov before the District Court of Khamovniki, Moscow, June 9, 2011.

V. CONCLUSION

The victory won by Mr. Oleg Orlov in the libel case brought against him by Mr. Ramzan Kadyrov does not reflect any deep and lasting improvement of the human rights situation in Russia. Mr. Orlov's acquittal in June 2011 and the abandonment of the trial due to the decriminalisation of defamation in January 2012 should not conceal the relentless pressures faced by independent representatives of civil society in the country. Until December 2011, the political climate in Russia made impossible to envisage official recognition of the work of human rights defenders. The absence of political pluralism in the country has prevented the establishment of an efficient institutional system as a counterweight to the executive power.

Since the parliamentary elections of December 4, 2011, the popular discontent triggered by the falsifications of the authorities is being expressed on a large scale. The demonstrators are protesting against the routine authoritarian methods employed by the Russian leadership, as reflected in electoral process and the Kadyrov versus Orlov case, among others. In a political climate that has become more uncertain following the disputed legislative elections, the fate of human rights defenders in Russia remains precarious.

This is true for all of Russia where human rights defenders generally face opposition from federal and local authorities, but particularly in the Chechen Republic where the functions assigned to President Kadyrov are not based on any democratic mechanism. The arbitrary political situation in this republic is particularly unfavourable for the work of human rights activists.

The case brought against Mr. Orlov by President Kadyrov demonstrated a desire to limit the freedom of speech of defenders. It is feared that this clear desire to bring civil society to heel will continue. The coming months, which will be marked by the presidential elections in March 2012, will be decisive in the evolution of the situation of human rights in Russia.

VI. RECOMMENDATIONS

In view of these elements, the Observatory recommends:

1. To the relevant authorities of the Russian Federation to:

- guarantee in all circumstances the physical and psychological integrity of all Russian human rights defenders;
- conduct a full, independent, effective, rigorous, impartial and transparent investigation into the assassination of Ms. Natalia Estemirova so that those primarily responsible are identified and duly tried and punished in accordance with Russian law and the international provisions for the protection of human rights;
- take all necessary steps to ensure that full, independent, effective, rigorous, impartial and transparent investigations are launched and, if necessary, that proceedings are initiated before an independent, competent and impartial court, in accordance with international and regional instruments for the protection of human rights, against any person suspected of threats, harassment or any other exaction against human rights defenders, and thus effectively fight against the impunity of perpetrators of violations of the rights of defenders in order to ensure the rights of victims to justice, truth and reparation and to work for the non-recurrence of violations of human rights;
- ensure the coherence of decisions made by courts of law in the Russian Federation with the European Convention on Human Rights and ECtHR case-law;
- take all necessary measures to end all forms of harassment against all Russian human rights defenders, to enable them to pursue their activities in defence of human rights freely and without hindrance;
- comply in all circumstances with the international and regional obligations of Russia regarding the protection of human rights and fundamental freedoms, and in particular the articles relating to freedom of expression and the right to a fair trial contained in the Convention for the Protection of human Rights and Fundamental Freedoms (European Convention on Human Rights) and the International Covenant on Civil and Political Rights;
- comply at all times with the provisions of the Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, in particular its Article 1 which states that “everyone has the right, individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms” at the national and international levels, and Article 12.2, which states that the State should all necessary steps “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 their legitimate exercise of the rights referred to in this Declaration”;
- comply at all times with the provisions of the Declaration of the Committee of Ministers of the Council of Europe on the protection of human rights and the promotion of their activities, notably:
 - Article 2.i), whereby the Committee calls on member States to create an enabling environment for human rights defenders, by allowing individuals, groups and associations to freely carry out activities, legally and in accordance with international standards, to promote and protect human rights and fundamental freedoms, without restrictions other than those authorized by the European Convention on Human Rights ;
 - Article 2.vi), whereby the Committee calls on states to ensure that national legislation, especially regarding freedom of association, peaceful assembly and expression, is consistent with internationally recognized standards and of human rights and, where appropriate, to seek the advice of the Council of Europe on this matter;

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– more generally, conform with the provisions of the Universal Declaration of Human Rights and with the regional and international instruments related to human rights ratified by the Russian Federation.

2. To the United Nations Special Rapporteur on the Situation of Human Rights Defenders to:

- call on the Russian authorities to guarantee the physical and psychological integrity as well as the rights of all human rights defenders;
- call on the Russian judicial authorities to investigate and punish those mainly responsible for the assassination of Ms. Natalia Estemirova in the framework of a fair trial.

3. To the European Commission Delegation in Moscow and to the embassies of European member States in Russia (on the basis of the European Union guidelines on human rights defenders), to embassies and parliamentarians of Council of Europe member States (on the basis of the Declaration of the Committee of Ministers and Resolution 1660 of the Parliamentary Assembly of the Council of Europe respectively), and to the Organisation for Security and Co-operation in Europe (on the basis of the Copenhagen Document of 1990) to:

- continue to meet and to express support with Russian human rights defenders;
- monitor court cases involving human rights defenders, both civil and criminal cases;
- report publicly, if possible jointly, on potential violations and points of concern observed during these court hearings;
- ensure follow-up of these situations within the framework of their respective activities;
- communicate on any issues of concern with the Russian authorities.

4. To the Council of Europe Commissioner for Human Rights to:

- continue to meet and to express support for members of Memorial and, more generally, for all Russian human rights defenders, and to report publicly on their situation, if security conditions permit;
- intercede with the relevant authorities, in whatever manner deemed appropriate, to help them find a solution, in conformity with their obligations, to ending the harassment suffered by Russian human rights defenders;
- continue to work on the question of human rights defenders in Russia in close cooperation with other institutions and intergovernmental organisations, in particular with the Focal Point for Human Rights Defenders at the OSCE-ODIHR, the European Union and the United Nations Special Rapporteur on the Situation of Human Rights Defenders, as well as with other existing mechanisms.

ANNEX

Translation of the final statements of Mr. Oleg Orlov, Chairman of the Executive Committee of Memorial Human Rights Centre, prior to the announcement of the verdict in the Ramzan Kadyrov versus Oleg Orlov trial on June 9, 2011



© Memorial

Oleg Orlov.

“ *Very honourable members of the Court,*

I will not repent for having publicly uttered the words for which I am reproached, nor for having published them in a press release from the Memorial Human Rights Centre

I will not repent, because my words do not constitute a crime.

This was brilliantly demonstrated by my lawyer, Henri Markovich Reznik, in his clear and convincing defence counsel arguments.

By demonstrating here my right to say these words, I defend the right of Russian citizens to express themselves freely. This right is guaranteed by the Constitution of the Russian Federation, the International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, the Universal Declaration of Human Rights of the UN, and by many other documents.

The very fact that an investigation was initiated following the words that I pronounced and that they seek to condemn me under criminal law is an undisguised attack on freedom of expression. All this shows once again that freedom of expression in Russia is under threat. In the Republic of Chechnya today, one can only express publicly opinions that fully correspond to those of one specific person: the President of this republic. In the rest of Russia, the repression of freedom of expression has not yet reached that level.

.....
The decision the Court will arrive at in this case will either bring our country closer to despotism or, conversely, contribute to the protection of fundamental human rights and the defence of the European image of Russia.

The second reason why I am not repenting is that I told the truth.

That was irrefutably demonstrated during this long trial.

It emerged from the testimony of witnesses - and not only from defence witnesses, far from it. The testimony of several witnesses called by the opposition also draws a very clear picture of the situation in Chechnya today.

That was justified in my own statements throughout the trial.

Your honour! I do not mean to say that nothing has changed in the Republic of Chechnya in recent years. The opposing party seeks to present myself and my colleagues as relentless slanderers of the situation in the Chechen Republic. This is not the case. We note with joy that people no longer perish in bombing and artillery attacks. The inhabitants of Chechnya have restored the destroyed towns and villages destroyed. We have highlighted these facts and we have specifically emphasized the merit of the authorities of the republic in this respect.

But this trend has not been confirmed.

Kidnappings are very much on the rise again, as well as collective punishment measures aimed at intimidating the population. It has become extremely dangerous, almost impossible, to openly express an independent opinion. Natacha Estemirova denounced through her words and writings. A near personal absolutist regime has been installed in Chechnya. The atmosphere in the republic has become unbearable.

Your honour, we have been working in Chechnya for 17 years. Even during the worst moments of military operations, when the bombing and "cleansing" operations were daily, we never saw such expressions of fear in the eyes of the inhabitants of Chechnya as we witness today.

The Court was presented with a lot of material and evidence of serious crimes committed by persons acting on behalf of the authorities of the republic and on the impunity surrounding these crimes. On the regular violations of the law throughout the republic. On the generalized climate of fear in Chechnya. On the pressures that officials of the Republic of Chechnya exert on human rights defenders, the insults they pour on them, the threats they make to those who dare to contradict them in public. And concretely on the insults and threats Kadyrov directed at Natalia Estemirova. Finally, on the significance meaning of such threats in Chechnya when they emanate from Kadyrov.

All these elements, all these testimonies show that there were no lies in my words. They prove that there were no lies in my words. They prove that my words reflected the truth. Consequently, I have no reason to repent.

Finally, there is another reason why I am not repenting. It is the main reason.

I owed the words I spoke publicly on July 15, 2009 to my assassinated friend, to that luminous and admirable person that was Natasha Estemirova.

Natasha Estemirova was by her very nature profound, unable to accept the arbitrariness, injustice and cruelty, whoever the perpetrators – whether federal forces, the authorities of the Republic of Chechnya or insurgents. This is why so many people spontaneously turned towards her, requesting her help. She fought to save victims of kidnappings and torture. For refugees expelled by officials from temporary camps where they found shelter, leaving them on the street. For the right of villagers from the mountains to return home. For parents can to find out what had happened to their son, taken from their home by armed men. For the dignity of women in Chechnya. And

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on top of all this, she still found the strength to deal with specific social issues: for example, she helped Chechen students to keep paying low fares on monopolistic transport company buses to enable them to reach Grozny from the countryside.

Natasha could rightly be called “protector of the people”. She sacrificed her life to others by defending their rights, their freedom, their lives.

I am certain: Natasha Estemirova is among the people who are the pride of the Chechen people, the pride of all of Russia.

I am certain: sooner than we think, the avenue that Natasha loved to Grozny and that now bears the name of Putin will recover its true name, Victory Avenue. And not far away from there will be a street named after Natacha Estemirova.

Her enemies were those who felt that the end justifies the means, that permits the dissimulation of all crimes, that brute force regulates everything. Those who do not value life and human dignity.

To not tell the truth about the responsibility for her death of the man who created an almost unlimited personal power system – a system of legalized illegality, a system openly hostile to people like Natalia Estemirova – not to speak that truth was impossible. That would have been an act of treason and cowardice. That’s why I took upon myself the responsibility of saying what needed to be said on that day.

Here in this court, I defend the words I pronounced. In doing so, I pay tribute again to the memory of that luminous person Natacha Estemirova. ””



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Created in 1985, the World Organisation Against Torture (OMCT) is today the main coalition of international non-governmental organisations (NGO) fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. With 311 affiliated organisations in its SOS-Torture Network, OMCT is the most important network of NGOs working for the protection and the promotion of human rights in the world.

Based in Geneva, OMCT's International Secretariat provides personalised medical, legal and/or social **assistance to victims of torture** and ensures the daily dissemination of **urgent interventions** across the world, in order to prevent serious human rights violations, to protect individuals and to fight against impunity. Moreover, some of its activities aim at protecting specific categories of vulnerable people, such as women, children and human rights defenders. OMCT also carries out campaigns relating to violations of economic, social and cultural rights. In the framework of its activities, OMCT also **submits individual communications and alternative reports** to the United Nations mechanisms, and actively collaborates in the **respect, development and strengthening of international norms** for the protection of human rights.

OMCT has either a consultative or observer status with the United Nations Economic and Social Council (ECOSOC), the International Labour Organisation, the African Commission on Human and Peoples' Rights, the Organisation Internationale de la Francophonie, and the Council of Europe.

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Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- international missions of investigation and solidarity;
- a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by OMCT and FIDH: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:

E-mail : Appeals@fidh-omct.org

OMCT Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29

FIDH Tél: + 33 1 43 55 25 18 Fax: + 33 1 43 55 18 80