

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Russian Federation: Criminal charges against human rights defender must be dropped**

Amnesty International is calling for the criminal case against Oleg Orlov to be dropped.

On 6 July 2010, the head of the Russian human rights centre Memorial, Oleg Orlov, was charged with slander against the Chechen President Ramzan Kadyrov, a crime under Russian law punishable by up to three years' imprisonment.

A year ago news broke about the kidnapping and murder of a leading member of Memorial in Chechnya, Natalia Estemirova. In his reaction to the killing of one of his staff members, Oleg Orlov stated that Ramzan Kadyrov was guilty of her murder. He stressed that President Kadyrov had threatened and insulted Natalia Estemirova, and had regarded her as his personal enemy. "We do not know whether he ordered her killing personally or this was done by his closest aides in order to please their superiors," said Oleg Orlov as he explained his position.

Oleg Orlov's words were published in a quote on Memorial's website, and were widely cited in the Russian and foreign media.

President Kadyrov filed a civil libel suit against Oleg Orlov and Memorial and took action to initiate a criminal investigation of slander against Oleg Orlov. As the head of Memorial explained in court, his words did not implicate Ramzan Kadyrov directly in the murder of the human rights defender Natalia Estemirova, but were implying his guilt "in the political and social sense" and were expressing his opinion about President Kadyrov's role in creating the perilous conditions for human rights defenders in Chechnya over recent years.

On 6 October 2009, a district court in Moscow found in favour of President Kadyrov's libel suit and ordered the defendants to publish a retraction on the Memorial website and pay 70,000 rubles (US\$2,300) for moral compensation – a decision which the defendants subsequently appealed.

During the libel hearing, Oleg Orlov and his colleagues presented the court with a number of public statements made by President Kadyrov and his closest associates in which they were issuing threats against human rights defenders and other critics of the leadership of Chechnya.

In February 2010, the media widely reported that President Kadyrov had "retracted" his complaint against Oleg Orlov suggesting the criminal case may be dropped. However, the criminal investigation proceeded, and on 6 July Oleg Orlov was charged under Article 129 of the Criminal Code.

Amnesty International stresses that human rights defenders have a right to speak out on the grave human rights violations taking place in Chechnya. Defamation laws should not be used in a way which stifles their legitimate work – work which takes place in a context where they face continual harassment, intimidation, threats and killings. It is well established in international law that officials should tolerate more, rather than less, criticism than private individuals. Defamation laws should not provide any special protection for public officials, nor

should public officials receive any assistance from the state in bringing private actions for defamation. Public authorities should take no part in bringing actions for alleged defamation of public officials. Any public official who wishes to bring an action for defamation should only be able to do so as a private civil litigant.

The killings of NGO activists in Russia, and in Chechnya in particular, did not stop with the death of Natalia Estemirova. Only four weeks after her murder, a member of the NGO Let's Save the Generation Zarema Saidulaeva and her husband Alik Dzhabrailov were also abducted, purportedly by men identifying themselves as law enforcement officials, and later found dead in the boot of their car.

Human rights defenders in Russia working on the North Caucasus have for a long time been facing huge pressure in their work. A number of officials, including Prime Minister Vladimir Putin in January 2010, stated that human rights organizations should be able to carry out their work in the region. Yet, the intimidation of human rights defenders in Chechnya has continued unchecked, and the criminal proceedings against Oleg Orlov take it a level further.

Amnesty International is greatly concerned that direct words of threat towards human rights defenders in Chechnya continue to come from the most senior officials. Thus, in an interview on 3 July 2010, President Kadyrov reportedly called human rights defenders traitors and "enemies of the people, enemies of the law, enemies of the state," and mentioned Oleg Orlov and the human rights group Memorial and its members of staff working in Chechnya in this context. Memorial regards this as a "direct and open threat," and is ever more wary about the safety of its staff.

## **Background**

In its judgment of 8 July 1986 on *Lingens v Austria* in 1986, the European Court of Human Rights stated: "*The limits of acceptable criticism are (...) wider as regards a politician as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance. No doubt Article 10 para. 2 enables the reputation of others - that is to say, of all individuals - to be protected, and this protection extends to politicians too, even when they are not acting in their private capacity; but in such cases the requirements of such protection have to be weighed in relation to the interests of open discussion of political issues*" (paragraph 42).

The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions require that "[s]uperiors, officers or other public officials may be held responsible for acts committed by officials under their authority if they had a reasonable opportunity to prevent such acts" [Principle 19].