

A draft UNGA resolution proposed by dissidents and human rights activists, as adopted in the Declaration of Dissidents for Universal Human Rights, at the We Have A Dream: Global Summit Against Discrimination and Persecution, United Nations, New York City, 22 September 2011. www.ngosummit.org

Draft resolution for the General Assembly

Situation of human rights in the Russian Federation

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfill the obligations they have undertaken under the various international instruments in this field,

Welcoming the 2009 Report of the Special Rapporteur on the independence of judges and lawyers on his mission to the Russian Federation and urging the Government of the Russian Federation to adopt the Special Rapporteur's recommendations, particularly on the establishment of an administrative court system to effectively fight corruption and ensure accountability of state officials and on conducting independent and impartial investigations into serious human rights violations,

Recalling its resolution 60/251 of 15 March 2006, particularly paragraph 8, which states that the General Assembly may suspend the rights of membership in the Human Rights Council of a member of the Council that commits gross and systematic violations of human rights,

1. *Decides* to suspend the rights of membership in the Human Rights Council of the Russian Federation;
2. *Condemns* the systematic and widespread violation of human rights in the Russian Federation and the Government's failure to take effective steps to end them;
3. *Urges* the Government of the Russian Federation to reform the judicial system in order to ensure the independence of the judiciary, prevent conflicts of interest and collusion between prosecutors, investigators and police, and to work to guarantee fair trials for all;
4. *Calls* upon the Government of the Russian Federation to redress the grave violations of fundamental human rights found by the European Court of Human Rights in its judgment with respect to the first trial of Mikhail Khodorkovsky;

5. *Demands* that the Government of the Russian Federation cease violating its citizens' right to freedom of assembly, including by the violent dispersal of peaceful demonstrations, and enable the exercise of said right in an environment free from harassment and intimidation;

6. *Expresses grave concern* at the ongoing intimidation and harassment of journalists, social activists, members of the political opposition, and human rights defenders, and calls upon the Government of the Russian Federation to safeguard the right to freedom of expression of all its citizens in an environment free from violence, harassment, and intimidation;

7. *Calls upon* the Government of the Russian Federation to carry out impartial and independent investigations of all attacks on journalists, social activists, members of the political opposition, and human rights defenders and to bring those responsible for said attacks to justice, including the attack on journalist Oleg Kashin in November 2010, the murder of human rights defender Natalia Estemirova in July 2009, and the murder of journalist Anna Politkovskaya in October 2006;

8. *Urges* the Government of the Russian Federation to stop ongoing violence against migrant workers and to prosecute those responsible for it, noting with regret the racially motivated murder of dozens of individuals in the last year, as well as the murder of Judge Eduard Chuvashov in April 2010, after he sentenced perpetrators of hate crimes to prison;

9. *Expresses grave concern* at the volatile security situation and the precarious human rights situation in the Northern Caucasus republics, where there have been reports of extensive human rights violations including, but not limited to, unlawful detention, torture, and extrajudicial executions, among them attacks by law enforcement officers on lawyers Sapoyat Magomedova and Dzhamilya Dagiroya in two separate incidents in Dagestan, the extrajudicial execution of Mustafa Mutsolgov and Vakha Sapraliev by law enforcement officers in Ingushetia, and the firing of paintball guns at unveiled women in Chechnya, which Ramzan Kadyrov, President of the Chechen Republic, justified in a July 2010 television interview;

10. *Calls upon* the Government of the Russian Federation to launch credible and independent investigations into human rights abuses in the Northern Caucasus republics and to bring those responsible for them to justice, thereby rendering violators of human rights accountable for their actions and bringing an end to the worrying status quo in which very few abuses have been investigated and even fewer have led to prosecutions;

11. *Demands* that the Government of the Russian Federation end the abuse of prisoners and abysmal conditions for detainees, and act to ensure their proper treatment, noting in particular the death in custody of lawyer Sergei Magnitsky in November 2009, following repeated torture, abuse, and denial of medical treatment;

12. *Welcomes* the July 2011 Report on the death of Sergei Magnitsky by Russia's Presidential Human Rights Council, yet deplores the Interior Ministry's rejection of its conclusions, the complete failure of the Russian authorities to act upon its findings, as required by Article 12 of the UN Convention Against Torture, and the alarming decision by the Interior Ministry and the Russian General Prosecutor Office to reopen the case against Mr. Magnitsky;

13. *Calls upon* the Russian authorities to stop intimidation of the Magnitsky family with summonses for questioning, launch without any further delay a criminal case to investigate the torture of Sergei Magnitsky, as required under Article 12 of the UN Convention Against Torture, and place under investigation, as required by Russian law, the Interior Ministry officials named in the Presidential Human Rights Council's Report, for their role in the false arrest and prosecution of Mr. Magnitsky, and in the reported \$230 million theft that he had uncovered.