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Opinions adopted by the Working Group on Arbitrary Detention at its eighty-seventh session, 27 April–1 May 2020

Opinion No. 10/2020 concerning Aleksandr Solovyev, Vladimir Kulyasov, Denis Timoshin, Andrey Magliv, Valeriy Shalev, Ruslan Korolev, Viktor Malkov, Yevgeniy Dechko, Vyacheslav Osipov, Valeriy Rogozin, Igor Egozaryan, Sergey Melnik, Valentina Vladimirova, Tatyana Galkevich, Tatyana Shamsheva, Olga Silayeva, Aleksandr Bondarchuk and Sergey Yavushkin (Russian Federation)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 42/22.

2. In accordance with its methods of work (A/HRC/36/38), on 3 January 2020 the Working Group transmitted to the Government of the Russian Federation a communication concerning Aleksandr Solovyev, Vladimir Kulyasov, Denis Timoshin, Andrey Magliv, Valeriy Shalev, Ruslan Korolev, Viktor Malkov, Yevgeniy Dechko, Vyacheslav Osipov, Valeriy Rogozin, Igor Egozaryan, Sergey Melnik, Valentina Vladimirova, Tatyana Galkevich, Tatyana Shamsheva, Olga Silayeva, Aleksandr Bondarchuk and Sergey Yavushkin. The Government submitted a late response on 20 April 2020. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

Submissions

Communication from the source

4. The source submits the case of 18 citizens of the Russian Federation, who are all Jehovah's Witnesses. They were each allegedly arrested under article 282.2 (2) of the Criminal Code of the Russian Federation (participating in the activity of an "extremist organization"), detained and placed in pretrial detention and/or under house arrest, for the peaceful exercise of their faith.

(a) Context

5. The source reports that, on 20 April 2017, a decision of the Supreme Court of the Russian Federation ordered the liquidation of the national Administrative Centre of Jehovah's Witnesses and all 395 local religious organizations of Jehovah's Witnesses in the country as so-called extremist organizations (hereafter "the liquidation decision"). This decision was upheld by the appellate Chamber of the Supreme Court on 17 July 2017.[1]

6. The source adds that, on 25 September 2019, the Committee of Ministers of the Council of Europe recalled their serious concerns about the blanket ban imposed on Jehovah's Witnesses by the 20 April 2017 liquidation decision of the Supreme Court of the Russian Federation. The Committee of Ministers noted with concern that, as a consequence of that ban, Jehovah's Witnesses were being arrested, prosecuted and sentenced merely for participating in peaceful religious services and making donations. Thus, the Committee of Ministers insistently urged the authorities to rapidly take all necessary measures to ensure that members of the Jehovah's Witnesses could enjoy the unhindered exercise of their individual right to freedom of religion.[2]

7. The source further submits that, as at 13 December 2019, at least 297 Jehovah's Witnesses throughout the Russian Federation had been charged for peacefully practising their faith under article 282.2 (organizing the activity of an "extremist organization") and/or article 282.3 (financing the activity of an "extremist organization") of the Criminal Code. According to the source, at least 126 of them have been placed in pretrial detention or under house arrest, including 16 women. The source adds that more than 740 homes of Jehovah's Witnesses have been subjected to police raids, with some raids alleged to have been very violent. Since the Supreme Court's liquidation decision, 18 Jehovah's Witnesses have been criminally convicted and sentenced under article 282.2 of the Criminal Code.

(i) Aleksandr Solovyev

8. Aleksandr Solovyev, born in 1970, was arrested in Perm, Russian Federation. According to the source, on 22 May 2018, the Perm Investigative Department opened a criminal case against Mr. Solovyev and other "unidentified" Jehovah's Witnesses, under article 282.2 (2) of the Criminal Code. The investigator alleged that, from 17 July 2017 to 22 May 2018, Jehovah's Witnesses in Perm, and specifically Mr. Solovyev, deliberately participated in carrying out the goals of Jehovah's Witnesses aimed at practising and disseminating faith, including preaching and propagandizing in public places and residences. By doing so, they reportedly promoted activities of a banned organization and directly participated in activities conducted by members of Jehovah's Witnesses, and also carried out other actions aimed at holding and participating in such events.

9. The source reports that, also on 22 May 2018, Mr. Solovyev and his wife were returning from an extended trip outside of the Russian Federation. When they disembarked at Perm train station at approximately 9.30 p.m., Mr. Solovyev was immediately arrested

[1] The source refers to A/HRC/WGAD/2019/11, paras. 5 and 6.

[2] See https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168097d39a.

and detained by the police. More than 20 police officers were allegedly present at the train station for the arrest. Mr. Solovyev was handcuffed in full public view and taken against his will to a waiting police car. He was then allegedly driven under armed police guard to the Perm Investigative Department, while his wife was brought to the couple's home, which was then searched. The police reportedly seized the couple's Bibles, religious literature, photographs, paper notebooks, computers, mobile phones, tablets and other personal items.

10. The source states that Mr. Solovyev was interrogated at the Investigative Department and then detained in a temporary holding facility. He was fingerprinted and subjected to a personal search. At 2.30 a.m. on 23 May 2018, Mr. Solovyev was taken to a temporary holding facility where he remained in police custody until approximately 5 p.m. on 24 May 2018.

11. The source submits that, at approximately 11 a.m. on 24 May, Mr. Solovyev was taken from the temporary holding facility and placed in a cell in the basement of the Sverdlovskiy District Court of the city of Perm. The investigator appealed for Mr. Solovyev to be placed in pretrial detention. The Court rejected this application concluding that the investigator's arguments were "inconclusive". Nonetheless, the source reports that the court, on its own motion and without referring to any evidence that provided reasonable suspicion that Mr. Solovyev had committed a criminal offence or that house arrest was necessary, ordered that he be placed under strict house arrest for two months on suspicion of committing an offence under article 282.2 (2) of the Criminal Code. According to the source, the court allegedly justified the measure as a means of preventing Mr. Solovyev from absconding or interfering with the investigation.

12. The source adds that Mr. Solovyev's house arrest was extended several times, the last time on 17 September 2018, when the Sverdlovskiy District Court granted the investigator's motion to extend the period of house arrest until 22 November 2018. On 19 November 2018, the Sverdlovskiy District Court decided to change the preventive measure to a ban on Mr. Solovyev sharing in certain activities.

13. The source submits that on 4 July 2019, the Ordzhonikidzevskiy District Court of the city of Perm convicted Mr. Solovyev under article 282.2 (2) of the Criminal Code and sentenced him to a fine of 300,000 roubles. According to the source, the court concluded that Mr. Solovyev was guilty of extremism because he had urged two individuals to continue to attend meetings of Jehovah's Witnesses and to read religious literature in order to strengthen their faith, and had encouraged other Jehovah's Witnesses to continue their religious activity, but in secret, in order to avoid arrest. The source further states that the court accepted, however, that Mr. Solovyev had never engaged in or encouraged violence and instead was kind, responsible, honest, polite, competent, conscientious, a qualified worker and not confrontational. On 5 September 2019, the Perm Territorial Court reportedly rejected Mr. Solovyev's appeal and upheld the trial decision, which is now final and in force.

(ii) Vladimir Kulyasov, Denis Timoshin and Andrey Magliv

14. The source reports that, on 15 July 2018, Vladimir Kulyasov (born in 1974), Denis Timoshin (born in 1980), and Andrey Magliv (born in 1984) were arrested in the city of Penza.

15. The source reports that, in Mr. Kulyasov's case, 18 heavily armed police officers raided the home where he and his family members were present. He was allegedly subjected to a humiliating body search. In Mr. Timoshin's case, the source reports that 15 police officers, including some who were allegedly heavily armed, raided the home where he and his family members were present. In Mr. Magliv's case, 7 reportedly heavily armed police officers raided the home where he, a family member and other four other guests were present. In all three cases, the police allegedly seized Bibles and other personal items during the home raids.

16. The source indicates that, also on 15 July 2018, Mr. Kulyasov, Mr. Timoshin and Mr. Magliv were taken to the Bessonovskiy Interdistrict Investigative Department where they were interrogated and then detained in a temporary holding facility until 17 July 2018.

17. According to the source, on 17 July 2018 the Pervomayskiy District Court of the city of Penza granted the investigator's motions and ordered that Mr. Kulyasov,

Mr. Timoshin and Mr. Magliv be detained under house arrest on suspicion of committing an offence under article 282.2 (2) of the Criminal Code. The court reportedly justified that suspicion by stating that each of the three men had been Jehovah's Witnesses for a long time, had a certain religious authority, had provided his residence for secret meetings of Jehovah's Witnesses and had collected funds from participants for their religious activity. The court reportedly failed to provide any reasons justifying house arrest, other than the need to prevent the three men from absconding or interfering with the investigation.

18. The source submits that, in each case, the Pervomayskiy District Court subsequently granted the investigator's repeated motions to extend the period of house arrest, for a total of more than 17 months, until 1 January 2020. According to the source, all appeals filed by Mr. Kulyasov, Mr. Timoshin and Mr. Magliv against the decisions extending their house arrest have been summarily rejected.

19. The source adds that, on 13 December 2019, the Leninskiy District Court in Penza convicted Mr. Kulyasov, Mr. Timoshin and Mr. Magliv, imposed two-year conditional sentences and released them from house arrest.

(iii) Valeriy Shalev, Ruslan Korolev, Viktor Malkov and Yevgeniy Dechko

20. The source reports that, on 25 April 2019, dozens of heavily armed police officers conducted simultaneous raids of three homes of Jehovah's Witnesses in Smolensk, seizing Bibles and other personal items. According to the source, at the conclusion of the raids, Valeriy Shalev (born in 1977), Ruslan Korolev (born in 1982) and Viktor Malkov (born in 1959) were taken to the Smolensk Investigative Department where they were interrogated and then detained in a temporary holding facility. On 26 April 2019, the Leninskiy District Court for the city of Smolensk reportedly ordered that Mr. Shalev, Mr. Korolev and Mr. Malkov be detained in pretrial detention for two months on suspicion of committing an offence under article 282.2 (2) of the Criminal Code.

21. The source states that, on 29 April 2019, Yevgeniy Dechko (born in 1989) was also arrested and taken to the Smolensk Investigative Department where he was interrogated and then placed in a temporary holding facility. On 1 May 2019, the Leninskiy District Court ordered that Mr. Dechko be placed in pretrial detention for two months on suspicion of committing an offence under article 282.2 (2) of the Criminal Code.

22. The source indicates that, in each case, the court failed to cite any evidence justifying the suspicion that the four men had committed an offence, other than stating that they had participated in the activities of Jehovah's Witnesses in Smolensk. The court reportedly failed to provide any reasons justifying their pretrial detention, other than the need to prevent the three men from absconding or interfering with the investigation.

23. According to the source, the Leninskiy District Court subsequently granted the investigator's repeated motions to extend the period of detention. All four men remain detained as follows:

(a) On 14 August 2019, the court changed the preventive measure pertaining to Mr. Korolev to house arrest, where he currently remains;

(b) On 22 November 2019, the court changed the preventive measure pertaining to Mr. Dechko to house arrest, where he currently remains;

(c) Mr. Shalev and Mr. Malkov remain in pretrial detention.

24. The source further indicates that all appeals filed by Mr. Shalev, Mr. Korolev, Mr. Malkov and Mr. Dechko against the decisions extending their pretrial detention and/or house arrest have been summarily rejected. Their respective criminal trials are now pending.

(iv) Vyacheslav Osipov, Valeriy Rogozin, Igor Egozaryan and Sergey Melnik

25. The source reports that, on 16 May 2019, dozens of heavily armed police officers conducted simultaneous raids of seven homes of Jehovah's Witnesses in Smolensk, seizing Bibles and other personal items. At the conclusion of the raids, Vyacheslav Osipov (born in 1970), Valeriy Rogozin (born in 1962), Igor Egozaryan (born in 1965) and Sergey Melnik (born in 1972) were taken to the Volgorod Investigative Department where they were allegedly interrogated and then detained in a temporary holding facility.

26. The source adds that, on 18 May 2019, the Tsentralnyy District Court for the city of Volgograd ordered that Mr. Osipov, Mr. Rogozin, Mr. Egozaryan and Mr. Melnik be detained in pretrial detention for two months on suspicion of committing an offence under article 282.2 (2) of the Criminal Code. In each case, the court reportedly failed to cite any evidence justifying the suspicion that the four men had committed an offence, other than stating that they were leaders of Jehovah's Witnesses in Volgorod. The court failed to provide any reasons justifying their pretrial detention, other than the need to prevent the four men from absconding or interfering with the investigation.

27. The source indicates that, in each case, the Tsentralnyy District Court subsequently granted the investigator's repeated motions to extend the period of pretrial detention. According to the source, the men continue to be held in pretrial detention and all the appeals they filed have been summarily rejected. Their respective criminal trials are now reportedly pending.

(v) Valentina Vladimirova and Tatyana Galkevich

28. The source reports that, on 16 May 2019, heavily armed police officers conducted simultaneous raids of the homes of Valentina Vladimirova (born in 1956) and Tatyana Galkevich (born in 1959) in Smolensk, seizing their Bibles and other personal items. Both women were then taken to the Smolensk Investigative Department where they were allegedly interrogated and then detained in a temporary holding facility.

29. The source indicates that, on 18 May 2019, the Leninskiy District Court ordered Ms. Vladimirova and Ms. Galkevich to be placed in pretrial detention for two months on suspicion of committing an offence under article 282.2 (2) of the Criminal Code. As grounds for that suspicion, the court reportedly stated that the two women had committed a criminal offence by having religious discussions among themselves and their co-believers, including praising Jehovah (God), praying and discussing religious meetings. According to the source, the court reportedly failed to provide any reasons justifying the pretrial detention, other than the need to prevent the two women from absconding or interfering with the investigation.

30. The source adds that, in each case, the Leninskiy District Court subsequently granted the investigator's repeated motions to extend the period of pretrial detention. On 21 and 22 November 2019, the Leninskiy District Court decided to change the preventive measures to house arrest. All appeals filed by Ms. Vladimirova and Ms. Galkevicha against their pretrial detention orders and extensions of pretrial detention have reportedly been summarily rejected. Their respective criminal trials are now reportedly pending.

(vi) Tatyana Shamsheva and Olga Silayeva

31. The source reports that, on 11 June 2019, dozens of heavily armed police officers conducted simultaneous raids of the homes of 22 Jehovah's Witnesses in the Bryansk Region, in the cities of Unecha and Novozybkov and the villages of Klimovo and Dobrik, including in the homes of Tatyana Shamsheva (born in 1977) and Olga Silayeva (born in 1988). During the raids, the police reportedly seized Bibles and other personal items of the occupants of the 22 homes. Ms. Shamsheva and Ms. Silayeva were then taken to the Novozybkov Investigative Department where they were allegedly interrogated and then detained in a temporary holding facility.

32. The source reports that, on 13 June 2019, the Novozybkov City Court of the Bryansk Region ordered Ms. Shamsheva and Ms. Silayeva to be placed in pretrial detention on suspicion of committing an offence under article 282.2 (2) of the Criminal Code. As grounds for that suspicion, the court reportedly stated that the two women had committed a criminal offence by continuing to disseminate the ideology of Jehovah's Witnesses among the residents, to distribute the literature of Jehovah's Witnesses and to involve other persons in their religious activity. According to the source, the court failed to provide any reasons justifying the pretrial detention other than the need to prevent the two women from absconding or interfering with the investigation.

33. The source submits that, in each case, the Novozybkov City Court subsequently granted the investigator's repeated motions to extend the period of pretrial detention.

During those proceedings, both women were allegedly held in metal cages, a treatment that was held as degrading by the European Court of Human Rights.[3] All appeals filed against their pretrial detention orders and extensions of those orders have reportedly been summarily rejected. Their respective criminal trials are now pending.

(vii) Aleksandr Bondarchuk and Sergey Yavushkin

34. The source reports that, on 22 July 2019, heavily armed police officers conducted simultaneous raids of the homes of Aleksandr Bondarchuk (born in 1974) and Sergey Yavushkin (born in 1960), seizing their Bibles and other personal belongings. Both men were then taken to the Kemerovo Investigative Department where they were allegedly questioned and then detained in a temporary holding facility.

35. The source submits that, on 24 July 2019, the Kemerovo Regional Court ordered that both men be detained in house arrest for two months on suspicion of committing an offence under article 282.2 (2) of the Criminal Code. As grounds for that suspicion, the court reportedly concluded that Mr. Bondarchuk and Mr. Yavushkin had committed an offence by participating in religious services in Kemerovo and continuing their religious activity as Jehovah's Witnesses. According to the source, the court failed to provide any reasons justifying this measure, other than the need to prevent the two men from absconding or interfering with the investigation. In each case, the Kemerovo Regional Court subsequently granted the investigator's repeated motions to extend the period of house arrest. Both men have now reportedly been in house arrest for nearly five months and their respective criminal trials are pending.

(b) Analysis of alleged violations

(i) Violations of article 9 of the International Covenant on Civil and Political Rights

36. The source argues that the 18 above-mentioned individuals have been subjected to arbitrary arrest and detention with respect to the period during which they were held in police custody and/or a temporary holding facility and the period of their court-ordered pretrial detention and/or house arrest.

37. With respect to the period of detention in police custody and/or temporary holding facilities, the source submits that the sole purpose of the police raids, arrests and detentions was because the complainants were practising their faith as Jehovah's Witnesses, including by meeting for peaceful worship, all of which are legitimate activities protected under the International Covenant on Civil and Political Rights.

38. With respect to the period of pretrial detention and/or house arrest, the source submits that the domestic courts did not refer to any evidence that established a reasonable suspicion that the complainants had committed a crime. The sole reason they were arrested and placed in pretrial detention and/or under house arrest was because they were Jehovah's Witnesses and continued to meet with fellow believers to read and study the Bible, rights that are fully protected by the Covenant. The source further states that the Human Rights Committee has held that pretrial detention should be the exception and that bail should be granted, except in situations where the likelihood existed that the accused would abscond or destroy evidence, influence witnesses or flee from the jurisdiction of the State party.[4] The source further argues that the State must produce evidence proving that pretrial detention is necessary and refers to the Human Rights Committee's jurisprudence, which states that mere conjecture does not justify an exception to the rule laid down in article 9 (3) of the Covenant.[5] In that case, the source submits that the State provided no evidence proving that any form of detention was necessary. Accordingly, the source concludes that there has been a violation of articles 9 (1) and (3) of the Covenant, in the case of all 18 individuals.

[3] The source refers to *Maria Alekhina and Others v. Russia*, No. 38004/12, 17 July 2018, para. 142; and *Svinarenko and Slyadnev v. Russia* [GC], Nos. 32541/08 and 43441/08, 17 July 2014, paras. 135–138.

[4] CCPR/C/59/D/526/1993, para. 12.3.

[5] Ibid.

(ii) Violations of article 17 of the Covenant

39. The source argues that the fact that the police had a court order authorizing the searches in some of the cases does not turn an otherwise unlawful search into a lawful one. The source refers to the Human Rights Committee, which has stated that the term "unlawful" means that no interference can take place except in cases envisaged by the law. Interference authorized by States can only take place on the basis of law, which itself must comply with the provisions, aims and objectives of the Covenant.[6]

40. The source further submits that the searches of the complainants' homes and the seizure of their personal goods were based on a reportedly flawed and discriminatory criminal investigation in which it was claimed that it was illegal for Jehovah's Witnesses to gather for worship and practice their faith, in accordance with their right to freedom of religion and freedom of association protected by the Covenant. The source adds that the European Court of Human Rights stated that it was undeniable that the collective study and discussion of religious texts by the members of the religious group of Jehovah's Witnesses was a recognized form of manifestation of their religion in worship and teaching, which attracted the protection of article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).[7]

41. The source concludes that the alleged police raids and searches of the complainants' homes and the seizure of their personal belongings, including religious literature, were arbitrary and unlawful, contrary to articles 17 (1) and (2) of the Covenant.

(iii) Violations of article 18 of the Covenant

42. The source submits that the Human Rights Committee has explained that the right to freedom of religion includes the freedom to prepare and distribute religious texts or publications[8] and that freedom of expression includes canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching and religious discourse.[9] The European Court of Human Rights has held that freedom of religion protects the reading of sacred texts and that it is undeniable that the collective study and discussion of religious texts by Jehovah's Witnesses is a recognized form of manifestation of their religion in worship and teaching.[10]

43. The source argues that the decision to arrest the complainants and place them in pretrial detention and/or under house arrest because of their religious beliefs and practices as Jehovah's Witnesses has interfered with their rights under article 18 (1) of the Covenant. The source adds that this interference cannot be justified in this case and refers to Human Rights Committee general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, and to related jurisprudence.[11]

44. The source explains that, far from being a criminal offence, the complainants' peaceful religious activity is protected by article 18 of the Covenant and that none of their activities, or the activities of their co-believers, could legitimately be described as "extremist". According to the source, the Bible, the religious publications of Jehovah's Witnesses and the religious services of Jehovah's Witnesses are entirely peaceful and do not contain calls to violence, incite religious hatred or contain statements that are "gratuitously offensive".[12]

[6] Ibid., para. 3.

[7] European Court of Human Rights, *Kuznetsov and Others v. Russia*, application No. 184/02, 11 January 2007, para. 57.

[8] CCPR/C/21/Rev.1/Add.4, para. 4.

[9] Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression, para. 11.

[10] European Court of Human Rights, *Kuznetsov and Others v. Russia*, para. 57.

[11] CCPR/C/112/D/2131/2012, paras. 9.3–9.4.

[12] Council of Europe, European Commission for Democracy Through Law, "Report on the relationship between freedom of expression and freedom of religion: the issue of regulation and prosecution of blasphemy, religious insult and incitement to religious hatred", Study No. 406/2006, CDL-AD(2008)026, 23 October 2008, paras. 68–69 and 73.

45. The source further submits that State authorities only justified these acts by asserting that the 20 April 2017 liquidation decision banned all religious activity of Jehovah's Witnesses throughout the Russian Federation, including congregations ("religious groups" under articles 6 and 7 of the Religions Act). The source argues, however, that the liquidation decision is itself contrary to the fundamental principles protected by the Covenant, including the rights to freedom of religion and freedom of association. According to the source, even if the liquidation decision was lawful, the State authorities still violated the complainants' freedom of religion because the liquidation decision does not purport to ban the activity of religious groups, which, under article 7 of the Religions Act, includes the right to meet with fellow believers for worship. The liquidation decision was limited to liquidating all religious legal entities (articles 7 and 8 of the Religions Act) of Jehovah's Witnesses and did not purport to impose a ban on religious groups (congregations) of Jehovah's Witnesses. The source therefore concludes that there has been a violation of the complainants' rights under articles 18 (1) and (3) of the Covenant.

(iv) Violations of article 7 of the Covenant

46. The source submits that the complainants have been subjected to inhuman or degrading treatment in connection with their arrest (during which they were subjected to police raids, with some allegedly being very violent), detention and criminal prosecution. The source argues that such acts violate the prohibition contained in article 7 of the Covenant, whose provisions aim to protect both the dignity and the physical and mental integrity of the individual and relate not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.[13]

(v) Violations of article 26 of the Covenant

47. The source argues that the State's actions were motivated by a discriminatory aim to stop the religious practice of Jehovah's Witnesses in the Russian Federation. The complainants were allegedly treated differently in comparison with believers from majority religions in the country, who are able to worship freely without having to suffer raids, arrests, home searches and detention. According to the source, the complainants reportedly suffered debasing treatment and were treated as if they were terrorists or viewed as extremists, without any objective or reasonable justification. The only reason for the difference in treatment is the difference in religious beliefs. In addition, the source argues that this difference in treatment violates the State's duty of neutrality and impartiality toward religious beliefs and practices. Accordingly, the source concludes that the complainants have suffered a violation of their rights under article 26 of the Covenant.

48. The source concludes that the complainants' religious activity was entirely peaceful and that their respective arrests violated articles 2, 7 and 18 of the Covenant and are arbitrary under category II. The source also concludes that the domestic courts failed to provide any justifiable reason to impose pretrial detention and/or house arrest, in violation of articles 7 and 9 of the Covenant, and that these detentions are arbitrary under category I (and/or category III). The source further concludes that the complainants have not committed any offence, are victims of State persecution because of their religious beliefs and that, accordingly, their pretrial detention and/or house arrest is discriminatory, which is contrary to articles 2, 7 and 26 of the Covenant and arbitrary under category V.

49. In the light of all these submissions, the source requests that the criminal convictions of Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin and Mr. Magliv be annulled, that the criminal proceedings against the other complainants be terminated and that they be immediately released from pretrial detention or house arrest. The source also requests that the complainants should each be afforded an enforceable right to compensation and other reparations, in accordance with international law.

[13] Human Rights Committee, general comment No. 20 (1992) on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, paras. 2 and 5.

Additional information from the source

50. On 30 April 2020, the Working Group was informed that, on 25 March 2020, the Penza Regional Court had overturned the trial court decision in the cases of Mr. Kulyasov, Mr. Timoshin and Mr. Magliv and sent their cases back for a new trial.

Response from the Government

51. On 3 January 2020, the Working Group transmitted the allegations from the source to the Government under its regular communications procedure. The Working Group requested that the Government provide, by 3 March 2020, detailed information about the current situation of Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin, Mr. Magliv, Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Dechko, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva, Ms. Silayeva, Mr. Bondarchuk and Mr. Yavushkin, and that it clarify the legal provisions justifying their continued detention, as well as its compatibility with the obligations of the Russian Federation under international human rights law, in particular with regard to the treaties ratified by the State. Moreover, the Working Group called upon the Government of the Russian Federation to ensure their physical and mental integrity.

52. On 31 January 2020, the Government requested an extension of the deadline, in accordance with paragraph 16 of the Working Group's methods of work, which was granted on 3 February 2020 with a new deadline of 3 April 2020. On 20 April 2020, the Working Group received a reply, which was after the extended deadline. Therefore, the Working Group cannot accept the reply as if it were presented within the time limit.

Discussion

53. In the absence of a timely response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

54. The Working Group has in its jurisprudence established the ways in which it deals with evidentiary issues. If the source has established a prima facie case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations (A/HRC/19/57, para. 68). In the present case, the Government has chosen not to challenge the prima facie credible allegations made by the source in a timely manner. Therefore, in accordance with paragraph 16 of its methods of work, the Working Group shall consider the case with all information available to it.

55. Before examining the substance of the claims made by the source, the Working Group will first address a preliminary issue.

56. The Working Group notes that according to the source, Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin, Mr. Magliv, Mr. Bondarchuk and Mr. Yavushkin are not detained in a detention facility. In fact, Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin and Mr. Magliv have received non-custodial sentences, while Mr. Bondarchuk and Mr. Yavushkin remain under house arrest. The source has claimed that the restrictions imposed by these house arrests were severe without any explanation of the specific measures and restrictions imposed upon them.

57. In its jurisprudence, the Working Group has consistently maintained that house arrest amounts to a deprivation of liberty, provided that it is carried out in closed premises that the person is not allowed to leave.[14] In determining whether this is the case, the Working Group considers whether there are limitations on the person's physical movements, on receiving visits from others, and on various means of communication, and also considers the level of security around the place where the person is allegedly detained.[15] It is therefore incumbent upon the Working Group to examine each instance of

[14] See e.g. opinions No. 13/2007 and No. 37/2018; see also Deliberation No. 1 on House Arrest, E/CN.4/1993/24.

[15] See opinion No. 16/2011, in which the Working Group concluded that the house arrest amounted to deprivation of liberty, and contrast with opinion No. 37/2018, in which it concluded that the

alleged deprivation of liberty in the light of the individual circumstances of that case.[16] Therefore, noting the insufficient information on the conditions imposed by the house arrests of these individuals, the Working Group is unable to conclude whether these amounted to deprivation of liberty.

58. However, the Working Group observes that all these individuals, as well as others named in the source's communication, have allegedly been arrested for the sole reason of being Jehovah's Witnesses, a fact that has not been contested by the Government in its late reply. Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin and Mr. Magliv have received conditional sentences, which means that it is possible that they might be imprisoned, should there be a breach of their release conditions. It also means that these four individuals have a criminal record as sentenced persons. The Working Group also considers that the present case raises a serious issue as it concerns the impact of the liquidation of the Jehovah's Witnesses legal entity in the Russian Federation. Consequently, and consistently with paragraph 17 (a) of the Working Group's methods of work – in which it reserves the right to render an opinion, on a case-by-case basis, whether or not the deprivation of liberty was arbitrary, notwithstanding the release of the person concerned – the Working Group shall proceed to examine the submission.

59. The source argued that the arrest and detention of the 18 individuals named in the communication falls under categories I, II, III and V of the Working Group. The Government has chosen not to respond to these allegations in a timely fashion, although it had the opportunity to do so. The Working Group shall proceed to the examination of the allegations in turn.

Category I

60. The Working Group initially observes that the source has not submitted that the arrests of any of the 18 individuals took place without a warrant. The source notes that some of the searches carried out at homes of the 18 individuals were authorized by the judiciary, but does not specify which ones were not authorized (see para. 39 above). The source has also submitted that after the arrest, all 18 individuals were presented before a judge, and the Working Group notes that, according to the source, this took place within 48 hours of the arrest in all 18 cases. The Working Group is therefore unable to comment further on the legality of the initial arrests and searches, noting that it will examine whether those fall under category II of the Working Group below (see paras. 67–73 below).

61. The source has submitted that Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva and Ms. Silayeva were subjected to pretrial detention, an allegation which the Government has chosen not to contest.

62. The Working Group recalls that it is a well-established norm of international law that pretrial detention should be the exception and not the rule, and that it should be ordered for as short a time as possible.[17] Article 9 (3) of the Covenant provides that it shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings and, should the occasion arise, for execution of the judgement. It follows that liberty is recognized as a principle and detention as an exception in the interests of justice.[18]

63. The provisions contained in article 9 (3) of the Covenant can be summarized as follows: any detention must be exceptional and of short duration, and release may be accompanied by measures intended only to ensure representation of the defendant in judicial proceedings.[19] The Working Group also wishes to refer to paragraph 38 of Human

conditions of the house arrest did not amount to deprivation of liberty. See also opinions No. 21/1992, No. 41/1993, No. 4/2001, No. 11/2001, No. 11/2005, No. 18/2005, No. 47/2006, No. 12/2010, No. 30/2012 and No. 39/2013.

16 Deliberation No. 1 on House Arrest, contained in E/CN.4/1993/24.

17 See opinions No. 28/2014, No. 49/2014 and No. 57/2014. See also A/HRC/19/57, paras. 48–58; A/HRC/30/19; CCPR/C/107/D/1787/2008; CAT/C/TGO/CO/2, para. 12; A/HRC/25/60/Add.1, para. 84; E/CN.4/2004/56, para. 49; A/HRC/19/57, para. 48; and CCPR/C/TUR/CO/1, para. 17.

18 A/HRC/19/57, para. 54.

19 Ibid., para. 56.

Rights Committee general comment No. 35 (2014) on liberty and security of person, according to which pretrial detention must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances.

64. In the case of Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva and Ms. Silayeva, the Working Group notes that the Government has chosen not to explain the reasons that led to the decision to remand them in custody. The Government has also chosen not to respond to the allegations made by the source that in granting and then extending the pretrial detention of these individuals, the respective courts failed to provide any reasons that would justify the imposition of the measure. Equally, the Government has chosen not to address the allegations made by the source that the courts also summarily dismissed the appeals against the extension of pretrial detention of these individuals.

65. The Working Group therefore accepts the submissions made by the source and concludes that the imposition of pretrial detention upon Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva and Ms. Silayeva without the provision of any reasons justifying such detention, as well as the summary dismissal of the appeals against the extension of pretrial detention by the courts, constitute violations of article 9 (3) of the Covenant. Moreover, noting the findings of the Working Group under category II, the Working Group also considers that the pretrial detention of these individuals were of excessive length.

66. The Working Group therefore finds that the pretrial detention of Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva and Ms. Silayeva had no legal basis as the respective courts had failed to comply with the basic premise for its imposition. Consequently, their pretrial detention falls under category I.

Category II

67. The source submitted that all 18 individuals were arrested and detained, at different dates and cities in the Russian Federation, merely for peacefully exercising their religious beliefs. The underlying reasons for the arrests included having religious texts and Bibles in their possession, gathering together for worship with fellow believers, gathering money for the activities of Jehovah's Witnesses, and worshipping. According to the source, in doing so, they were exercising the right to freedom of religion and freedom of expression as guaranteed by articles 18 and 19 of the Universal Declaration of Human Rights and articles 18 and 19 of the Covenant. The Working Group was informed that the Supreme Court of the Russian Federation on 20 April 2017 ruled on the liquidation of the Jehovah's Witnesses organization and its regional branches in the country owing to their extremist activities. According to the Government's views, since all 18 individuals had continued the work of an alleged extremist organization and organized its work in the various cities in the country, they had committed a criminal offence for which they were prosecuted as required by the country's legislation.

68. The Working Group observes that article 18 (1) of the Covenant states that everyone shall have the right to freedom of thought, conscience and religion, and that that right shall include freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching. As this right applies to everyone, it undoubtedly applies to the Jehovah's Witnesses' religious practices and manifestations[20] and also involves the right to gather for worship.[21]

69. In paragraph 4 of its general comment No. 22 (1993), the Human Rights Committee explains that the freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to the building of places of worship. In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, including the freedom

[20] See opinions No. 40/2018, No. 69/2018, No. 11/2019 and No. 34/2019.

[21] Human Rights Committee, general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, para. 4.

to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.

70. The Working Group recalls that the right to hold or adopt a religion or belief is an absolute right upon which no restrictions can be permitted and from which no derogations are possible.[22] However, the freedom to manifest religion is not an absolute right and article 18 (3) of the Covenant permits restrictions to the right to manifest religion if these are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. As argued by the Human Rights Committee in paragraph 8 of its general comment No. 22 (1993), limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated.

71. The Working Group is mindful that this is the third case concerning the Jehovah's Witnesses in the Russian Federation that has come before it over the past 12 months.[23] All 18 individuals named in the source's communications have been charged with various forms of "extremist activities". Yet, in the view of the Working Group, none of the activities described could be construed as such. Moreover, the Working Group has neither been presented with, nor can it establish itself, any reasons that might justify the limitation of the rights of these 18 individuals under article 18 of the Covenant. The Working Group considers that all of the activities that they engaged in constituted the peaceful exercise of their right to freedom of religion under article 18 of the Covenant. These actions were the sole reason for the arrest of all 18 individuals and for the court proceedings against them.

72. Moreover, the private homes of all 18 individuals were subjected to searches during which Bibles and other religious texts were seized, which the Working Group considers to be a further breach of articles 17 and 18 of the Covenant.

73. The Working Group therefore concludes that the arrests of Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin, Mr. Magliv, Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Dechko, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva, Ms. Silayeva, Mr. Bondarchuk and Mr. Yavushkin fall under category II. The Working Group refers the present case to the Special Rapporteur on freedom of religion or belief for appropriate action.

Category III

74. Given its finding that the deprivation of liberty of the 18 individuals is arbitrary under category II, the Working Group wishes to emphasize that none of them should have been arrested and held in pretrial detention, and no trial of any of them should take or should have taken place. However, some of them were held and remain in pretrial detention, some have been sentenced and some remain under house arrest. The Working Group shall therefore proceed to examine these allegations, noting that the Government has chosen not to respond to them in a timely fashion.

75. Moreover, the source submitted that Ms. Shamsheva and Ms. Silayeva were kept in cages in the courtrooms during the hearings regarding the extension of their pretrial detention, a claim that the Government has chosen not to contest in a timely manner. In this regard, the Working Group recalls that article 14 (2) of the Covenant recognizes that every person charged with a criminal offence shall have the right to be presumed innocent until proven guilty in accordance with the law. In that connection, the Working Group recalls paragraph 30 of Human Rights Committee general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, in which the Committee states that defendants should normally not be shackled or kept in cages during trials or otherwise presented to the court in a manner indicating that they may be dangerous criminals. The Working Group finds this to be a violation of the principle of the presumption of innocence and a breach of article 14 (2) of the Covenant.

76. Furthermore, the Working Group observes that the initial arrests of all 18 individuals took place with extraordinary force. Although there were no allegations that any of the 18 individuals resisted their arrest or were violent, all arrests were executed with the

[22] Ibid., para. 3; see also opinion No. 69/2018.

[23] See opinions No. 11/2019 and No. 34/2019.

presence of a large number of police officers and use of force (see paras. 9, 15, 20, 25, 28, 31 and 34 above). The Working Group is mindful that, even in its late reply, the Government has chosen not to address these submissions. The Working Group considers that there were no grounds justifying such action on behalf of the police and that it was carried out with the aim of intimidating the 18 individuals in breach of their presumption of innocence as encapsulated in article 14 (2) of the Covenant. The Working Group therefore concludes that the detention of all 18 individuals was arbitrary and falls under category III of the Working Group.

Category V

77. The source further asserts that State authorities targeted all 18 individuals for prosecution simply because they are Jehovah's Witnesses, arguing that their arrests and prosecution were ostensibly based on the 20 April 2017 liquidation decision of the Supreme Court, which bans the religious activity of Jehovah's Witnesses. The source therefore submits that the arrest and detention of the 18 individuals falls under category V. The Working Group notes that the Government has chosen not to challenge these allegations.

78. The Working Group recalls that it recently examined two similar cases concerning the Russian Federation.[24] It also observes that there have been multiple joint actions by special procedures mandate holders since 2015 expressing concerns about the banning of the religious activities of Jehovah's Witnesses in the Russian Federation; [25] about amendments under the Yarovaya Law, including restrictions on religious expression and activities; and about the violations of the rights to freedom of expression and freedom of association and peaceful assembly of Jehovah's Witnesses in the Russian Federation.[26] The Working Group specifically wishes to emphasize the latest joint appeal, in which special procedures mandate holders expressed concerns about an issue of systemic and institutionalized persecution of Jehovah's Witnesses.[27]

79. The Working Group is also mindful that, on 14 May 2018, the universal periodic review for the Russian Federation took place. Among the recommendations addressed to the Russian Federation were recommendations to refrain from outlawing religious groups, including Jehovah's Witnesses, as "extremists".[28]

80. As stated earlier, the actions of the 18 individuals have been peaceful, and there is no evidence that any of them have been violent or have incited others to violence. The Working Group notes that these 18 individuals are part of a now ever-growing number of Jehovah's Witnesses in the Russian Federation who have been arrested, detained and charged with criminal activity on the basis of mere exercise of freedom of religion, a right protected by article 18 of the Covenant. The Working Group therefore concludes that the arrest and detention of Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin, Mr. Magliv, Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Dechko, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva, Ms. Silayeva, Mr. Bondarchuk and Mr. Yavushkin was discriminatory on the basis of religion and therefore falls under category V of the Working Group.

81. The Working Group observes that while this is the third case to come before its regular communications procedure on the situation of Jehovah's Witnesses in the Russian Federation, numerous other such cases have been raised through the joint urgent action procedure by the Working Group and other special procedures (see para. 78 above). All these cases concerned the branding of the peaceful religious activities of Jehovah's Witnesses as "extremist activities", which has resulted in arrests and detentions of individuals belonging to this religious group. Therefore, although the present opinion

[24] Ibid.

[25] See communications AL RUS 6/2015, dated 11 November 2015; AL RUS 2/2017, dated 23 March 2017; AL RUS 19/2018, dated 14 September 2018; and AL RUS 22/2018, dated 20 December 2018. Available at https://spcommreports.ohchr.org/.

[26] Ibid. See also communication AL RUS 7/2016, dated 28 July 2016. Available at https://spcommreports.ohchr.org/.

[27] See communication AL RUS 22/2018.

[28] A/HRC/39/13, recommendations 147.199–147.204.

concerns the particular circumstances of the 18 named individuals, the Working Group emphasizes that its findings in this opinion apply to all others in similar situations.

Disposition

82. In the light of the foregoing, the Working Group renders the following opinion:

(a) The deprivation of liberty of Valeriy Shalev, Ruslan Korolev, Viktor Malkov, Vyacheslav Osipov, Valeriy Rogozin, Igor Egozaryan, Sergey Melnik, Valentina Vladimirova, Tatyana Galkevich, Tatyana Shamsheva and Olga Silayeva, being in contravention of article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights, is arbitrary and falls within category I;

(b) The deprivation of liberty of Aleksandr Solovyev, Vladimir Kulyasov, Denis Tismoshin, Andrey Magliv, Valeriy Shalev, Ruslan Korolev, Viktor Malkov, Yevgeniy Dechko, Vyacheslav Osipov, Valeriy Rogozin, Igor Egozaryan, Sergey Melnik, Valentina Vladimirova, Tatyana Galkevich, Tatyana Shamsheva, Olga Silayeva, Aleksandr Bondarchuk and Sergey Yavushkin, being in contravention of articles 2, 7, 9 and 11 (1) of the Universal Declaration of Human Rights and articles 2, 14 (2), 17, 18 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories II, III and V.

83. The Working Group requests the Government of the Russian Federation to take the steps necessary to remedy the situation of Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin, Mr. Magliv, Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Dechko, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva, Ms. Silayeva, Mr. Bondarchuk and Mr. Yavushkin without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

84. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Dechko, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva, Ms. Silayeva, Mr. Bondarchuk and Mr. Yavushkin immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law. In the current context of the global coronavirus disease (COVID-19) pandemic and the threat that it poses in places of detention, the Working Group calls upon the Government to take urgent action to ensure the immediate release of the above-mentioned persons. The Working Group also considers that the appropriate remedy for Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin and Mr. Magliv is to release them unconditionally, expunge their criminal records and accord them an enforceable right to compensation and other reparations, in accordance with international law.

85. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin, Mr. Magliv, Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Dechko, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva, Ms. Silayeva, Mr. Bondarchuk and Mr. Yavushkin and to take appropriate measures against those responsible for the violation of their rights.

86. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on freedom of religion or belief for appropriate action.

87. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

Follow-up procedure

88. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Dechko, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva,

Ms. Silayeva, Mr. Bondarchuk and Mr. Yavushkin have been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin, Mr. Magliv, Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Dechko, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva, Ms. Silayeva, Mr. Bondarchuk and Mr. Yavushkin;

(c) Whether an investigation has been conducted into the violation of the rights of Mr. Solovyev, Mr. Kulyasov, Mr. Timoshin, Mr. Magliv, Mr. Shalev, Mr. Korolev, Mr. Malkov, Mr. Dechko, Mr. Osipov, Mr. Rogozin, Mr. Egozaryan, Mr. Melnik, Ms. Vladimirova, Ms. Galkevich, Ms. Shamsheva, Ms. Silayeva, Mr. Bondarchuk and Mr. Yavushkin and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of the Russian Federation with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

89. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

90. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

91. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.[29]

[*Adopted on 1 May 2020*]

[29] Human Rights Council resolution 42/22, paras. 3 and 7.