

*Permanent Representation of the Republic of Estonia  
Geneva*

*No. 19.1-6/104-1*

*The Permanent Mission of the Republic of Estonia to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit the enclosed response from the Government of the Republic of Estonia to the joint communication of the UN Special Procedures JAL EST 1/2025 from the 19th February 2025.*

*The Permanent Mission of Estonia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.*

*Geneva, 23 April 2025*



*To the Office of the High Commissioner for Human Rights  
GENEVA*

Enclosure

**RESPONSE of the Government of the Republic of Estonia to the joint Communication of the UN Special Procedures AL EST 1/2025 of 19 February 2025**

The Estonian Government highly values the work of the UN Special Procedures mandate holders in protection and promotion of human rights and fundamental freedoms. Estonia is a strong supporter of the United Nations and its founding values and committed to its international human rights treaty obligations. Freedom, democracy, the rule of law, human rights are the guiding principles of the constitutional order as well as the foreign policy of the Government.

The Government would like to thank the UN Special Procedures mandate holders for their letter of 19 February 2025 addressed to the Minister of Foreign Affairs and is pleased to submit its comments to the issues raised in the Communication.

**General observations**

**Firstly**, Estonia is deeply concerned about the current security situation in Europe and the ongoing unprovoked full-scale war of the Russian Federation against Ukraine and temporary occupation of some parts of the Ukrainian territories, including Luhansk and Donetsk regions, in blatant violation of international law and the UN Charter. Estonia deeply deplores this grave violation of international law and will never recognize this change of borders by force in violation of Ukraine's independence, sovereignty and territorial integrity.

**Secondly**, Estonia is seriously concerned with the alarming rise in disinformation in the region with the aim to destabilise democratic processes, undermine public trust, and threaten the freedom of the media and information. There have been several disinformation campaigns and propaganda attacks targeting Estonia. These defamation and slander tactics, designed to confuse and mislead, seem to become increasingly sophisticated and frequent. In this regard, Estonia refers to the concerns expressed by Volker Türk, the UN High Commissioner for Human Rights, who has consistently addressed the challenges posed by disinformation and misinformation, and highlighted the risks associated with the widespread production of powerful propaganda and disinformation, emphasising that such disinformation often oversimplifies complex issues, relying on scapegoating and dehumanisation, fostering hate and violence, and undermining human rights.

**Thirdly**, it is recalled that the European Union has progressively imposed restrictive measures on Russian media outlets and other entities, including the Foundation for the Support and Protection of the Rights of Compatriots Living Abroad, since March 2022, in response to Russia's unprovoked and unjustified war of aggression against Ukraine. All suspended Russia's media outlets are under the permanent direct or indirect control of the authorities of the Russian Federation, essential and instrumental in bringing forward and supporting the war of aggression against Ukraine, and in engaging in continuous and concerted disinformation and information manipulation actions targeted at the EU and neighbouring civil society, gravely distorting and manipulating facts. In particular, propaganda, information manipulation and

interference activities have repeatedly and consistently targeted the European political parties, especially during election periods, as well as civil society, the Russian ethnic minorities, and the functioning of democratic institutions in the EU and its member states. The European Union's prohibition on broadcasting content from specific Russian media outlets has been deemed lawful by the General Court of the European Union (26 March 2025 judgment in T-307/22, A2B Connect and Others v. Council). The Court found that the measures, which were in response to actions by the Russian Federation that destabilise the situation in Ukraine, were proportionate and adequately justified, aligning with the Union's objectives of promoting democracy, the rule of law, and respect for human rights.

Russian Federation, through the Foundation for the Support and Protection of the Rights of Compatriots Living Abroad which is under the EU sanctions, financed the attempts to influence the criminal proceedings and fair trial of the case of Aivo Peterson. The disclosure to the public of the statement of criminal charges against Aivo Peterson and others is just one example.

**Fourthly**, Russian Federation has also conducted several hybrid operations in Europe and Estonia with an aim to raise tension in the societies, to weaken the trust in the decisions of our governments and the support to Ukraine (<https://investigations.news-exchange.ebu.ch/playing-with-fire-are-russias-hybrid-attacks-the-new-european-war/>). Kaja Kallas, the High Representative of the European Union for Foreign Affairs and Security Policy has stated that this war is going on in the shadows. We use the term hybrid threats, or hybrid war, but what is important is to understand that these kinds of attacks against us are on the rise, and not just in those countries which are bordering Russia, but in the whole of Europe.

In recent years there have been several criminal activities committed in the context of Russian hybrid operations in Estonia that have been investigated and prosecuted. For example, reference is made to an incident concerning destruction of property of a public figure, accompanied with the dissemination of false information. In February 2024, A. M. set fire to a vehicle with a UA license plate and wrote KOOS on it. The court determined that A. M. was tasked by the Russian Federation.

The activities of the political movement KOOS (Vmeste) and its leader Aivo Peterson can also be seen as part of hybrid operations.

The KOOS movement, where Aivo Peterson is a leading figure, planned to organise, together with the Estonian Orthodox Church of the Moscow Patriarchate, a joint prayer and a political public meeting on 22 February 2023 to mark one year from Russia's commencement of its war of aggression against Ukraine. On 30 January 2023, KOOS published a video message in which the Metropolitan of the Russian Orthodox Church in Tallinn, along with KOOS leaders Aivo Peterson and Oleg Ivanov, called on people to take part in a joint prayer at the Nevsky Cathedral on 22 February 2023. The rhetoric justifying Russia's aggression against Ukraine was used. The joint prayer was later cancelled by the metropolitan due to public condemnation. As the Russian Orthodox Church withdrew from the initiative, only a registered demonstration organized by KOOS took place in front of the Estonian parliament building on 22 February 2023.

## **Overview of basic principles of human rights and fundamental freedoms in Estonia relevant to the Communication**

### **International human rights treaties**

Estonia is a party to the most important international human rights treaties and has committed itself to guaranteeing the rights and freedoms stemming from those treaties to everyone on its territory. As reflected in Estonia's high rankings in international assessments, Estonia consistently upholds the rights and freedoms. In 2024, Estonia ranked sixth freest country out of 180 measured in the 2024 World Press Freedom Index. In the 2025 Freedom in the World report, Estonia scored 96 out of 100, earning the status of "Free". In the 2025 Human Freedom Rating, Estonia scored 8.73 points out of 10 on the freedom rating scale, ranking the third place. This index covers 165 countries. Estonia has always shown strong compliance with its obligations under the European Convention on Human Rights and in implementing the judgments of the European Court of Human Rights.

### **Freedom of expression, media freedom**

Estonia is strongly committed to protecting human rights and freedom of expression, both online and offline. The media is free in Estonia. Since 2023, Estonia is a co-chair of the 51-member Media Freedom Coalition and advocates actively for media freedom, journalist safety, and tackling disinformation. The right to freedom of expression is a fundamental right enshrined in the Constitution of the Republic of Estonia. The Constitution guarantees freedom of expressions with internationally accepted exceptions for the protection of others' rights, such as preventing defamation, hate speech, and incitement to violence. Secondary legislation expressly ensures the right of journalists to protect their sources, fosters media freedom in the radio and television sector and provides safeguards for the independence of the public service broadcaster. The right to information is also explicitly recognised in the Constitution, in the Public Information Act and in the Personal Data Protection Act.

### **Freedom of assembly and association**

The right to peaceful assembly and association are also enshrined in the Constitution of the Republic of Estonia. The aforementioned rankings underscore Estonia's commitment to maintaining a democratic environment where freedoms of assembly and association are respected and protected.

### **Detention**

The Estonian legal system places strong emphasis on protecting individuals from arbitrary detention, which is a key component of international human rights law. Any measures that involve detention must be justified, subject to review, and compliant with international human rights norms. Detainees are entitled to legal representation, and the reasons for detention must be communicated to the individual promptly.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a periodic visit to Estonia from 29 May to 8 June 2023. The main objective of the visit was to review the measures taken by the Estonian authorities in response to the recommendations made by the Committee after

previous visits. In this connection, particular attention was paid to the treatment and conditions of detention of persons in police custody and penitentiary establishments, especially those placed in solitary confinement. The CPT report positively indicates that no recent credible allegations of ill-treatment by Police and Border Guard officers were received from persons who were or had been held in police custody. Regarding the fundamental legal safeguards against ill-treatment (notification of custody, access to a defence council and to a doctor), the CPT's findings suggest that the situation had generally improved as compared to its previous periodic visit to Estonia in 2017. In March 2023, the delegation visited, among others, Tallinn Prison, where Aivo Peterson is detained.

### **Independence of judges and prosecutors**

In Estonia, judicial independence is a constitutional value that encompasses both the independence of the judge as an individual and the independence of the court as an institution. The independence of courts is ensured by §146 of the Constitution. The independence of judges is ensured by §149 of the Constitution.

It is important to emphasise that the Estonian court is independent in its activities and interprets the law in accordance with the constitution and laws. This is also confirmed by the fact that Estonia is one of the leading countries in terms of the impartiality of the criminal justice system (9/142) <https://worldjusticeproject.org/rule-of-law-index/>.

According to the 2024 EU Justice Scoreboard, judicial independence is largely respected in Estonia. Overall, 67% of the general population and 58% of companies perceive the level of independence of courts and judges to be 'fairly good or very good'.

According to the EU 2024 Rule of Law Report, the length of proceedings in Estonia continues to be among the shortest in the EU. According to the European judicial systems – CEPEJ 2024 Evaluation report the length of criminal proceedings in first instance courts in Estonia is the shortest amongst the surveyed Council of Europe countries. <https://rm.coe.int/cepej-evaluation-report-part-1-en-/1680b272ac>

This confirms that Estonia is at the forefront of the world in terms of the impartiality and speediness of its criminal justice system.

According to the Prosecutor's Office Act, the Prosecutor's Office participates in activities necessary for the prevention and detection of crimes, conducts pre-trial criminal proceedings, ensuring their legality and effectiveness, represents the state prosecution in court and performs other tasks assigned by law. In performing all these tasks, the Prosecutor's Office is independent and acts based on the Prosecutor's Office Act, other laws and legal acts issued on their basis. The Prosecutor's Office is not guided by any political force or other force in its activities, including filing charges and representing the state prosecution in court.

These general observations are relevant to the criminal case of Aivo Peterson, and hereby an overview of the criminal case against Aivo Peterson is given together with comments of the Government.

### **Criminal proceedings against Aivo Peterson**

## Background

Aivo Peterson is a citizen of the Republic of Estonia with permanent residence in Narva-Jõesuu. He is one of the leading members of the KOOS movement and ran as a candidate in the 2023 Riigikogu elections on the list of the United Left Party (EÜVP) in Ida-Viru County, collecting 3,969 votes. The United Left Party of Estonia itself received 14,605 votes in the election, which is 2.4% of the valid votes. According to § 127 of the Political Parties Act, a party that receives at least 2% but less than 3% of the votes in the elections is entitled to an annual allocation of 30,000 euros from the state budget. The funds allocated to the party were transferred to the United Left Party's account through the Ministry of the Interior, the government agency designated by the Government of the Republic of Estonia. Although the criminal proceedings were initiated against Aivo Peterson, he was detained and has been in custody since March 2023, he has still been able to run as a candidate for the KOOS party in the 2024 European Parliament elections (the elections were held from 6-9 June 2024). According to the European Parliament elections website, Aivo Peterson, as the only KOOS representative, received 3.1% of the votes in the 2024 elections in Estonia.

In March 2023 Aivo Peterson visited Donbass region in Ukraine, that is the temporarily occupied Ukrainian territory by Russia, during its war of aggression. He justified the Russian war of aggression and occupation of Ukrainian territories in social media and media of the Russian Federation. When he returned to Estonia after his visit on 6 March 2023, he was questioned at the border crossing point in Narva regarding his visit to Donetsk, Ukraine. After his arrival to Estonia, he gave interviews to the Estonian Public Broadcasting ERR, to the investigative programme *Pealtnägija*, and to the TV program *Laser*. During his detention he has been able to use his freedom of expression and he has given several interviews to different media outlets in Estonia and on social media using YouTube, for example, in July 2023, while in custody, he gave an interview to ██████████, a videoblogger and social media channel owner, who has through social media, online groups, and media networks, played an active role in pushing pro-Kremlin narratives to divide Estonian society, and, in August 2024, an interview with him was published in ██████████, one of Estonia's leading weekly newspapers, known for its investigative journalism and in-depth reporting.

Aivo Peterson has been able to establish and lead a political party, participate in elections and to express himself freely in the media and social media. Therefore, his allegations that his freedom of association and expression as well as election rights have been violated are unjustified.

## Detention of Aivo Peterson

On 10 March 2023 Aivo Peterson was detained by the police in Narva suspected of having committed a crime of maintenance of a relationship with a foreign state with the aim of committing a criminal offence under Article § 235<sup>1</sup> of the Penal Code. Peterson was detained along with two other suspects. He was suspected as a private individual of having committed an offence through his personal activities. During the entire proceedings no charges have been presented against the organisation, political party, or movement KOOS.

Aivo Peterson was committed in custody accordance with the Estonian Code of Criminal Procedure (CCPr) §§-s 130; 131; 131<sup>1</sup>, 132. He has been granted the legal right of appeal to the decision to be committed in custody. CCPr § 131<sup>1</sup> (1) states that a person suspected or accused of a criminal offence of the first degree may not remain committed in custody for more than six months. This limit was upheld during the pre-trial phase. According to CCPr § 275 (2) where the accused has been committed in custody pending proceedings before the court, the court of its own motion must verify the justifiability of their committal in custody at least once every six months and make a corresponding written order. Harju District Court before whom the case is pending has verified the justifiability of Aivo Peterson's committal in custody on 6 September 2023; 7 November 2023 (written order on 15 November 2023); 26 April 2024 (written order on 2 May 2024); 29 September 2024 (written order on 7 October 2024). The justifiability was last verified on 31 March 2025 (written order on 3 April 2025).

Therefore, the court has upheld its obligation to verify the justifiability of Aivo Peterson's committal in custody in accordance with Estonian legislation.

Aivo Peterson and his defence council requested on 7 November 2023 that the detention be replaced with electronic monitoring or a ban on leaving the place of residence. By the court's order of 15 November 2023, the court denied the motion, since the imposition of electronic monitoring as a substitute for detention would not help prevent the risk of committing new crimes against the state. Namely, while under electronic monitoring, only the accused's freedom of movement is limited and controlled. At the same time, he will retain the opportunity to receive guests, including persons with instructions from the Russian Federation, communicate with them via social media and mobile phone, make appearances on (social) media from home, etc. In addition, electronic monitoring is also impossible at the requested Narva-Jõesuu address, his permanent residence, due to technical reasons. Regarding the address in Õismäe, Tallinn, indicated by Aivo Peterson as his actual place of residence, the court expressed doubt as to whether it is his actual place of residence, as he did not know the surname of the contact person living at that address. On 19 January 2024, the Circuit Court dismissed his appeal against the order of 15 November 2023. His further request to replace arrest with electronic was dismissed on 2 May 2024 by the District Court and his appeal against the order was dismissed by the Circuit Court as unfounded.

For the first time, Aivo Peterson submitted a request for the application of bail on 15 July 2024, which was discussed at the hearing on 26 September 2024. Aivo Peterson asked in the application submitted and at the hearing on 26 September 2024 that the court set the amount of bail at its discretion. By an order of 7 October 2024, Harju District Court granted Aivo Peterson's application to replace custody with bail as a substitute measure. The amount of bail was set at 150,000 euros. The District Court also imposed on Aivo Peterson the prohibition of departure from his place of residence on the basis of § 135(5<sup>1</sup>) of the CCPr. According to the Code of Criminal Procedure, bail is a substitute measure that can be applied to replace arrest, which means that when applying bail, it is necessary to establish the necessary prerequisites for custody in accordance with § 130 of the CCPr.

The court has not deviated from its position during the proceedings that in the case of Aivo Peterson all necessary prerequisites for his detention exist, including the fact that it has consistently identified the need for detention, i.e., the risk of committing new crimes and the risk of absconding. However, the court considered the application of bail to be an appropriate measure in lieu of detention in accordance with the order of 7 October 2024, with which to mitigate Aivo Peterson's right to family life that was interfered with during the time he was in custody.

In the same order, the court also considered the possibility of applying other substitute restraints and found that electronic monitoring would not ensure the court proceedings most effectively, since, compared to bail, the application of electronic monitoring does not involve the defendant's own contribution and the accompanying sense of material responsibility; also, the location where electronic monitoring is applied would be very close to the Russian border, which is why the risk of the person evading criminal proceedings and leaving Estonia cannot be ruled out.

When determining the bail amount, for which neither the accused nor his defence council made any proposals, the court took into account the presumed value of his size of the share in common ownership of his place of residence, i.e., that if Aivo Peterson wanted to, he would be able to collect the bail amount by selling his size of the share. Thus, the court took into account his financial situation, the serious accusation of treason against him and the possible sentence if convicted for this offence (§ 135(4) of the CCPr). In the order, the court thoroughly reasoned the determination of the amount of the bail. During the proceedings neither the defence counsel nor Aivo Peterson have contested the bail amount as being unreasonably high, nor have they requested its reduction.

The prosecutor's office appealed against the District Court's order of 7 October 2024 contesting the application of the bail and asked for continuation of the custody of Aivo Peterson. By an order of 14 October 2024, the Tallinn Circuit Court dismissed the prosecutor's appeal against the order, because pursuant to § 385(20) of the CCPr, an appeal cannot be filed against an order on the resolution of a party's application in court proceedings. The prosecutor's office contested the order of the circuit court.

With the order of 19 February 2025 (<https://www.riigikohus.ee/et/lahendid?asjaNr=1-23-5023/245>) the Supreme Court left the 7 October 2024 order unchanged and dismissed the appeal of the prosecutor. According to established case law, the application or non-application of bail, if it occurs as a result of resolving a party to the legal proceedings' application, cannot be contested.

As of 15 April 2025, Aivo Peterson remains in custody as he has not posted the bail.

Various court instances/panels, applying the preventive measure of custody of Aivo Peterson and assessing its justification, while examining the evidence collected, have found that it has at all times been reasonable to suspect of Aivo Peterson of having committed a crime. The proceedings against Aivo Peterson are currently pending before the courts that perform their duties impartially and independently. The courts have not found that this is a politically motivated process in any way and they conduct an evidence-based trial in accordance with national law. There are extensive procedural

guarantees surrounding Aivo Peterson's remand in custody: courts are required under the law to regularly and frequently examine justifications for committal in custody. Aivo Peterson was able to lodge applications for release at reasonable intervals; hearings were held in his presence or that of his representatives; and significant decisions were and are amenable to appeal and are examined by various judges.

### **Conditions of detention**

Regarding the conditions of custody of Aivo Peterson, the communication restrictions were applied only during the initial phase of the criminal case, i.e., from 10 March 2023 to 31 January 2024, i.e., for less than 1 year. From 31 January 2024, Aivo Peterson was allowed to correspond and communicate by telephone with his child and spouse, and from July 2024 there have been no restrictions whatsoever.

Aivo Peterson has raised the question of various past medical problems before the court, including surgery in 2021. At the court hearing of 26 April 2024, he and his defence council raised the issue that Aivo Peterson had a medical incident/case while in custody in March 2024, at the same time he admitted that his claim about the extreme danger to his health condition is not reflected in his medical records.

Aivo Peterson has received medical care in the prison during his detention, additionally, he has been taken to a hospital in Tallinn for a medical check-up, from where he was referred back to prison after the examination, as nothing extraordinary was found. Altogether he has been taken for a medical check-up 15 times since his detention at his own request. There are no documents or evidence of Aivo Peterson's dangerous health condition during his detention. Appropriate medical care is available and guaranteed in Tallinn Prison. During his detention Aivo Peterson has never been in a life-threatening/health-threatening situation. It also has to be taken into account that health data belong to a special category of personal data in Estonia and appropriate safeguards apply to processing of personal data of special categories. An individual himself/herself can make a request to a medical institutions to get access to his/her health data and make it public.

### **Court proceedings**

Currently the criminal case is pending before the Harju District Court that is a first instance court. On 6 September 2023 Estonian State Prosecutor's Office has sent the criminal case to court, charging Estonian citizens Aivo Peterson together with D. R. of having committed a crime of treason under Article 232(1) of the Penal Code. Russian citizen A. A. is also accused of the crime of committing non-violent actions against the Estonian state by a foreigner.

According to the statement of charges, between October 2022 and 10 March 2023, Peterson and D. R., based of instructions from the Russian Federation, knowingly and in an organised manner, assisted Russia and persons acting on behalf of the Russian authorities in non-violent activities directed against the independence, sovereignty and territorial integrity of the Republic of Estonia.

According to the statement of charges, the defendants participated in a conscious influence campaign aimed at creating a political association in Estonia that supports Russian foreign

and security policy narratives and propaganda messages. The aim of this association, according to the charges, was to enable Russia to threaten Estonia's constitutional order, interfere in Estonia's domestic politics and influence foreign policy.

Peterson is also alleged to have assisted A.A. in committing non-violent actions with the aim of violating Estonia's independence, sovereignty and territorial integrity.

The proceedings of the Harju District Court are already at the final stage. The first-instance proceedings have reached the final stage of examination of evidence, meaning all evidence has been submitted to the court by the parties to the proceedings and examined at the hearings. On 31 March 2025, both the prosecution and the defence submitted their written statements to the court. After concluding examination of evidence, the closing arguments commence by a closing speech from the prosecutor followed by the defence counsel. After the closing arguments, the judge offers the accused the right to make a final statement. After the final statement of the accused, the court withdraws to the deliberation room. The hearing scheduled for 22-23 April 2025 was postponed due to the illness of the defence counsel of Aivo Peterson. Before the start of the court hearing supporters of Aivo Peterson organized a public demonstration in front of the District Court building.

When the court last verified the justifiability of the detention period on 3 April, the court indicated that **the expected time of pronouncement of the judgment will be in the summer or autumn of 2025**. In assessing the justification for the length of detention, the court has analysed the speed and efficiency of the court proceedings and has consistently held that the proceedings have been conducted rather quickly and efficiently, with planned hearings being cancelled only due to illness of the parties to the proceedings or the addition of a new defence attorney.

In accordance with the Constitution, court hearings are public. Restricting the public nature of hearings is exceptional and can only be done by reasoned court order, and the court may decide to do so on its own initiative or at the request of a party to the court proceedings (Criminal Procedure Code § 12 (2)). A court may impose restrictions on public access to a trial or hearing on four grounds – 1) in order to protect a state or business secret or classified information of foreign states; 2) in order to protect morals or the private and family life of a person; 3) in the interests of a minor; 4) in the interests of justice, including in the cases where public access to the court session may endanger the security of the court, a party to the court proceeding or a witness. (Criminal Procedure Code § 12(1)).

Taking into account that the party to the offence, which is the subject of this criminal case, is a foreign state, which is recognised, according to the principles of Estonian security policy, as the greatest security threat to the Republic of Estonia, it was necessary to protect the witnesses, the parties involved in the court proceedings and the information concerning the work of the security agency and prevent it from falling into a hostile foreign state. Based on the above, the court has decided to restrict public access to some of the hearings -in the interests of justice on the basis of § 12 (1) (4) and (2) of the Criminal Code.

The vast majority of hearings have been public. At the request of the prosecutor, the court held closed hearings on 20 May 2024, 22 May 2024, 10 July 2024, 12 June 2024, 14 June 2024 and 19 June 2024, and the hearing of 21 February 2024 and 10 July 2024 partially closed. At the request of the defence, the court declared the hearing of 7 October 2024 and 24 January 2025 partially closed. The media is free in Estonia, and the media can and has freely covered what is discussed at public hearings of the court.

Aivo Peterson requested the examination of 17 witnesses in court, 2 of whom were citizens of the Russian Federation. The court partially denied the applications by a order of 15 November 2023 and granted the application in respect of 5 witnesses, since the other witnesses, the defence counsel was unable to explain their relevance. 3 witnesses were heard at the hearings, as Aivo Peterson defence counsel withdraw his request of questioning 2 other witnesses.

As to alleged lack of access to evidence, the district court by a order of 15 November 2023, partially granted Aivo Peterson's defence counsel's request, stating that the court will inspect the information in the classified files of the security agency. The court stated at the hearing on 11 November 2024 that it had fulfilled its statutory duty as a guarantor and had examined the relevant material, and considered the evidence to be admissible. When examining the material, the court found that the restriction of access to the defence counsel to the original material contained in the classified files were justified based on the need to ensure national security.

These kinds of situations have also been addressed in human rights case law. The European Court of Human Rights has confirmed that the accused and his/her defence council do not have an absolute right to access all evidence. There may be competing interests in criminal proceedings, e.g., national security vs. fair trial. In such a situation, the European Court of Human Rights has accepted a situation where, in order to ensure a fair trial, a national court accesses classified information in order to fulfil its obligation as a guarantor of fair trial. (*Rowe and Davis v. the United Kingdom*, (28901/95, § 61)). In some cases, it may be necessary to withhold certain evidence from the defence so as to preserve the fundamental rights of another individual or to safeguard an important public interest. However, only such measures restricting the rights of the defence which are strictly necessary are permissible under Article 6 § 1 (*Van Mechelen and Others v. the Netherlands* judgment of 23 April 1997, § 58). Moreover, in order to ensure that the accused receives a fair trial, any difficulties caused to the defence by a limitation on its rights must be sufficiently counterbalanced by the procedures followed by the judicial authorities (*Van Mechelen and Others* judgment cited above, § 54).

The European Court of Human Rights has explained (*Leas v. Estonia*, no. 59577/08, §§ 77-81, 6 March 2012) that in essence whilst the principle of equality of arms and adversarial proceedings must be preserved, this does not necessarily require the full disclosure of all materials in every circumstance, if there are sufficient procedural safeguards (counterbalancing measures) in place to ensure that the overall trial remains fair).

Therefore, the disclosure and examination of information [in the case file] thus took place in full conformity with the principle of fair trial.

Judgment of the Harju District Court, the first instance court, is open to appeal to the Circuit Court and then to the Supreme Court, that has to grant leave to appeal.

**Conclusion:**

Aivo Peterson has been guaranteed freedom of association and expression according to the national legislation that is in conformity with international human rights law. As concerns criminal proceedings against Aivo Peterson, the Government is of the position that he has been granted all human rights and fundamental freedoms in accordance with national legislation and international human rights treaties. In any event, as the criminal proceedings are pending before domestic courts, Aivo Peterson has every opportunity to raise alleged violations of his rights in those proceedings and the domestic courts could remedy any potential wrongs.

The Government remains at the disposal of the UN Special Procedures mandate holders to provide any additional information or comments, if required.