

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the independence of judges and lawyers**

Ref.: AL RUS 2/2023  
(Please use this reference in your reply)

27 February 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 43/16, 43/4, 50/17 and 44/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged impromptu inspection and dissolution of the Moscow Helsinki Group.

**The Moscow Helsinki Group** ("MHG") is the oldest Russian human rights organisation. Since 1976, it has been monitoring, documenting and reporting on human rights violations, including to international bodies and the United Nations human rights mechanisms, providing legal assistance in human rights cases, taking measures to bring Russian legislation and law enforcement practice in line with international human rights obligations, and improving public oversight over the activities of public authorities. The MHG has also been organizing a human rights movement in Russia and protecting other human rights defenders.

According to the information received:

*Impromptu inspection*

On 26 October 2022, the Moscow City Prosecutor's Office requested the Main Directorate of the Ministry of Justice of the Russian Federation for the City of Moscow ("Main Directorate") to conduct an impromptu inspection and check MHG's activities for compliance with the law, as well as goals and objectives set out in its Charter. On 31 October 2022, the Main Directorate ordered an inspection to be held from 8 to 28 November 2022.

On 2 November 2022, the MHG allegedly received an inspection notice requiring them to provide a large number of internal documents for the years of 2019-2022 by 8 November (within three working days, considering public holidays). The request was reportedly vague and allowed for different interpretations.

On 3 November 2022, the MHG allegedly notified the Main Directorate that the executive director, the only authorised officer who could collect all documents, was abroad on official leave until 15 November, and asked for a deadline extension. The Main Directorate allegedly replied that, according to their interpretation, the law did not allow extensions, but they would be willing

to accept documents until 16 November 2022. After 16 November, they requested several additional documents.

Most of the requested documents were provided on 8 November 2022, and several more were provided by the executive director upon her return – on 16, 23 and 25 November 2022. As a result, all documents were submitted and accepted by the Main Directorate before the end of their analysis and drafting of the report for the Moscow City Prosecutor’s Office.

On 1 December 2022, the Main Directorate sent to the MHG a report on the inspection results. The inspection alleged “gross violations” of the law, including:

- 1) Violation of the territorial scope of activities. Despite MHG’s status as a Moscow-based regional public organisation, the Main Directorate had identified a few instances of its human rights work in other regions: trial observation and appealing a denial of access to the trial for the MHG observer, participation in human rights events (including online events), and joining a collective appeal of human rights organisations calling to lift the COVID-19 pandemic-related restrictions on the freedom of assembly;
- 2) Failure to provide proof of the proper frequency of the MHG Council meetings;
- 3) Several deficiencies in the wording of the MHG Charter; and
- 4) Failure to submit a complete set of documents requested for the inspection.

On 16 December 2022, the MHG submitted its objections to the report, in which it disagreed with the inspection results, explained the inconsistency of the alleged violations and provided documents that, in the opinion of the Main Directorate, had not been previously provided. The objections were reportedly submitted within the statutory time limits.

### *Dissolution*

On 14 December 2022, the Main Directorate filed an administrative lawsuit with the Moscow City Court requesting to shut down the MHG. Based on the results of the impromptu inspection, and without waiting to receive MHG’s objections, the Main Directorate concluded that the violation of the territorial scope of the organisation’s activities was a gross violation and that the revealed examples testified to their “systemic and irremediable nature” warranting the dissolution and a ban on any further MHG activities in Russia.

Importantly, the MHG had never been subject to administrative liability for any violations prior to this. Moreover, the Ministry of Justice did not consider MHG’s activities in other regions a violation neither during a similar inspection in 2014, nor during the certification of MHG’s amended Charter in 2018.

On 25 January 2023, the Moscow City Court ordered the dissolution of the organization. The judge reportedly did not allow the defence to invite witnesses and refused a defence lawyer's motion to review the case file to be able to represent their client. Despite the significance of the process for civil society, trial monitoring by independent observers and press presence were reportedly limited through administrative measures, including through choosing a small courtroom and pre-filling it with court interns.

Without wishing to prejudge the accuracy of the information received, we wish to express grave concern at the decision on dissolving the MHG, which appears to be aimed at preventing the organization from continuing its legitimate human rights work and levied against it in response to such work, particularly documenting and reporting on human rights violations and expressing solidarity with human rights organisations in other regions of Russia. Restricting human rights advocacy and expressions of solidarity to the boundaries of one region is contrary to the very idea of human rights defence and the freedom of association. We are seriously concerned that the dissolution of MHG appears to be manifestly disproportionate to the administrative irregularities upon which the decision is based. Moreover, it is deeply concerning that the authorities allegedly did not give the organisation a chance to rectify them or even provide objections, and the court decision was reached without due respect to the right to a fair trial.

We further express our most serious concern regarding what appears to be a trend of dissolving prominent human rights organizations, including International Memorial (AL RUS 13/2021), Human Rights Center "Memorial" (AL RUS 13/2021), Legal and Social Support Charitable Foundation "Sphere" (AL RUS 7/2022), and the Journalists' and Media Workers' Union ([press release dated 14 September 2022](#)). We are gravely concerned at the chilling effect this trend may have on human rights defenders, press freedom and civic space more broadly in Russia.

We are very concerned that the application of restrictive legislation on NGOs, media, and other civil society actors is severely limiting their ability and willingness to carry out their activities in the country, leading to self-censorship, and inhibiting cooperation with international actors. We also fear that it will have major implications for the enjoyment of human rights of all Russian citizens, who can no longer count on the support of many civil society organizations in cases where their rights are violated. We will continue to closely monitor this and engage with Your Excellency's Government on the matter.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please explain how the dissolution of the Moscow Helsinki Group is in compliance with article 22(2) of the International Covenant on Civil and Political Rights and other human rights obligations of the Russian Federation.
3. Please explain how the process leading to the dissolution of the Moscow Helsinki Group complied with article 14(1), article 19 (2) and article 22 of the International Covenant on Civil and Political Rights and other human rights obligations of the Russian Federation
4. Please provide a complete list of all human rights organisations that have been ordered to forcibly dissolve in the Russian Federation in the past ten years and the legal basis for such dissolutions.
5. Please provide information on measures taken by your Excellency's Government to ensure that human rights defenders and civil society organisations are able to carry out their legitimate and peaceful work freely in an enabling and safe environment, in line with its human rights obligations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, We call the attention of your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights ("ICCPR"), ratified by the Russian Federation on 16 October 1973, which guarantee the right to freedom of opinion and expression and the right to freedom of association. In General Comment 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, which includes inter alia political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights and journalism.

We wish to emphasise that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the legitimate aim. As the Human Rights Committee observed in general comment no. 27 (CCPR/C/21/Rev.1/Add.9), "restrictive measures must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected" (paragraph 14).

We would also like to refer your Government to article 14 of the ICCPR, which enshrines that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal in the determination of their rights and obligations in a suit at law.

Lastly, we would like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5(b), which provides for the right to form, join and participate in non-governmental organisations, associations or groups.
- Article 6(a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

- Article 6(b) and (c), which provides for the right to freely publish, impart or disseminate to others' views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters.
- Article 8(2), which provides for the right, individually and in association with others, to submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms.
- Article 9(1) and (3), which provides for the right to benefit from an effective remedy and to be protected in the event of the human rights violations, and inter alia individually and in association with others:
  - (a) to complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
  - (b) to attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
  - (c) to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms; and
- Article 12(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.