

**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 and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL RUS 3/2023  
(Please use this reference in your reply)

17 April 2023

Excellency,

We have the honour to address you in our capacity 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 and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 43/16, 43/4 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the criminal charge filed against human rights defender Alexei Semyonov in the context of the Russian Federation's invasion of Ukraine.

Mr. **Alexei Semyonov** is an environmental human rights defender from the village of Izhma in the Komi Republic of the Russian Federation, he is also a paediatric doctor.

Mr. Semyonov has been an active defender of the right to a clean environment since 2009. In 2018, he actively participated in peaceful protests against the construction of a landfill near Izhma, and since 2021 he has been professionally engaged in the sorting of waste for recycling and disposal. Since February 2022, he has been openly critical of Russia's invasion of Ukraine.

We previously raised concerns with your Excellency's Government regarding the restriction of fundamental freedoms in the context of peaceful protests against the invasion of Ukraine by Russian forces since 23 February 2022, including instances of excessive use of force against protestors, and mass arrests of rally participants in communication RUS 3/2022 sent on 28 March 2022. We regret that no reply has been received from your Excellency's Government.

According to the information received:

On 22 March 2022, Alexei Semyonov published a post on his VK social media page about children killed as a result of Russia's invasion of Ukraine, for which he was prosecuted for the administrative offence of "discrediting Russian armed forces" (article 20.3.3 of the Russian Code of Administrative Offences, imposing a maximum fine of 50,000 roubles, equivalent to \$ 656)<sup>1</sup>.

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<sup>1</sup> <https://www.hrw.org/news/2022/03/07/russia-criminalizes-independent-war-reporting-anti-war-protests>

On 18 May 2022, Aleksei Semyonov was found guilty by the Izhemsky District Court of the Republic of Komi and fined 30,000 roubles (\$ 394).

On 24 September 2022, Semyonov published a post on social media critical of the mobilization in Russia for the war in Ukraine.

On 28 September 2022, Semyonov was arrested at the local House of Culture when he was expressing his opposition to the invasion of Ukraine by the Russian Federation and the mobilisation of 40 members of the Izhma Komi ethnic community. He was briefly held for questioning by police officers about the non-payment of his fine. He was confronted again on his way home by the same police officers about the non-payment of his fine; he went to the police station, after he initially resisted, and was detained upon his arrival there.

On 3 October 2022, he was sentenced to five days imprisonment for non-payment of the administrative fine, under article 20.25, part 1, of the Russian Code of Administrative Offences; and another 10 days for “disobeying police officers” at the time of his arrest, under article 19.3, part 1, of the Russian Code of Administrative Offences.

On 13 October 2022, the day Mr. Semyonov was to be released after serving the two consecutive administrative sentences, he was reportedly arrested by a Moscow-based investigator from the Interior Ministry who accused him of the criminal offence of “repeated discrediting” of the Russian armed forces (article 280.3, part 1, of the Russian Criminal Code). During his interrogation, his mobile phone was allegedly taken from his locker at the detention centre without his knowledge, and police forces entered and searched his apartment in the presence of his wife, seizing his tablet, laptop and data carriers.

On 14 October 2022, the Izhemsky district court in Komi Republic placed Mr. Semyonov under conditional house arrest. He is currently banned from having any contact with external parties, except for relatives, a lawyer, an investigator and an officer of the Federal Penitentiary Service. He is further prohibited from using his mobile phone (except to call emergency services), and from accessing Internet or email services. He has to wear an electronic ankle tag that is activated if he goes beyond a 7-meter radius of a stationary tracking device in the apartment corridor.

The investigation into the criminal charges brought against Mr. Semzonov was completed and no trial date has been set. If convicted, Mr. Semyonov could face a fine, or up to three years in prison. No further information was available.

Mr. Semyonov was reportedly offered the choice of appointing a lawyer at the start of the administrative case but he preferred not to, opting instead for a state-appointed council since he could not afford a lawyer.

Mr. Semyonov was previously detained for his legitimate activities in defence of human rights between 2009 and 2015. This was due in part to his peaceful

protests in a public square in which he advocated for freedom of expression, the right to enjoy a clean environment, and citizens' electoral rights. He also spoke out for those who had been illegally subjected to criminal prosecution. He won five court cases of illegal suppression of his protest pickets by the police, and received compensation for damages caused. He also was fined 10,000 roubles (\$ 131) for picketing near the residence of the Komi republic leader against the construction of an unsanitary landfill near Izhma, and another 150 roubles (\$2) for dismantling a fence surrounding the proposed landfill.

Without wishing to prejudge the accuracy of the information, we express our deep concern regarding the apparent crackdown on human rights defenders in the context of the Russian Federation's invasion of Ukraine. We are concerned that the information received would imply that those advocating against the human rights impact of the war, the Russian military, or government policies appear to be at heightened risk of criminalisation.

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 any comment you may have on the above-mentioned allegations.
2. Please provide details on the factual and legal basis for the charges made against Mr. Semyonov and for his house arrest.
3. Please indicate what measures have been taken to ensure that human rights defenders and civil society actors in the Russian Federation are able to carry out their legitimate work, including through the exercise of their rights to freedom of opinion and expression as well as peaceful assembly and of association in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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

Clément Nyaletsossi Voule

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

## Annex

### Reference to international human rights law

While we do not wish to prejudge the accuracy of these allegations, we call the attention of your Excellency's Government to articles 9, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights ("ICCPR"), ratified by the Russian Federation on 16 October 1973, which guarantee the rights not to be arbitrarily deprived of liberty, to a fair trial, to freedom of opinion and expression and to freedom of peaceful assembly, and the right to freedom of association respectively.

We would like to draw the attention of your Excellency's Government to article 9 of the ICCPR, which in its first paragraph guarantees the right to freedom from arbitrary detention and establishes that no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as established by law. We wish to recall that any deprivation of liberty resulting from the legitimate exercise of the rights guaranteed by the ICCPR is arbitrary (see also CCPR/C/GC/35, para. 17).

The freedom of opinion and expression is integral to the enjoyment of the rights to freedom of peaceful assembly and of association (General Comment 34 of the Human Rights Committee para. 4). The Human Rights Committee has affirmed that "States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression and that paragraph 3 (of article 19) may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights" (id. para. 23). The penalisation of individuals solely for expressing critical opinions about the government or the social system espoused by the government is incompatible with article 19 (id. para. 42).

Article 19 of the ICCPR guarantees the right to freedom of expression, which includes "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". Under article 19 (3) of the ICCPR, any restriction on the right to freedom of expression must be: (i) provided by law; (ii) serve a legitimate purpose; and (iii) be necessary and proportional to meet the ends it seeks to serve. In this context, we would like to recall that in its General Comment no. 34, the Human Rights Committee emphasized that article 19 protects inter alia, political discourse, commentary on one's own and on public affairs, discussion on human rights, journalism, cultural and artistic expression, teaching and religious discourse among others. The rights to freedom of opinion and expression also form the basis for the full enjoyment of a wide range of other human rights, including the right to freedom of association, as also stated in General Comment no. 34. In this connection, we recall that the Human Rights Council, in its Resolution 12/16, called on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities,

including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

The freedom of opinion and expression is integral to the enjoyment of the rights to freedom of peaceful assembly and of association (General Comment 34 of the Human Rights Committee para. 4). The Human Rights Committee has affirmed that “States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression and that paragraph 3 (of article 19) may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights” (id. para. 23). The penalisation of individuals solely for expressing critical opinions about the government or the social system espoused by the government is incompatible with article 19 (id. para. 42).

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 also recall that according to article 21 of the ICCPR, “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. The ‘provided by law’ requirement means that any restriction ‘must be made accessible to the public’ and ‘formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly’ (CCPR/C/GC/34).

We would also like to refer your Excellency's Government 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 Recognized 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 to promote and to strive for the protection and realization 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.

Furthermore, 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 (a), which provides for the right to meet or assemble peacefully;

- article 6 (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- and article 12, paragraphs (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 his or her legitimate exercise of the rights referred to in the Declaration.