

Mandate of the Special Rapporteur on the situation of human rights in the Russian Federation

Ref.: UA RUS 18/2023

(Please use this reference in your reply)

25 July 2023

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights in the Russian Federation, pursuant to Human Rights Council resolution 51/25.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning Mr. Vladimir Kara-Murza's ongoing imprisonment on charges that appear related to the legitimate exercise of his human rights, as well as his deteriorating health and lack of access to timely and adequate medical care in detention which constitute an immediate or long-term danger to life.

Mr. Vladimir Kara-Murza, a citizen of the Russian Federation and the United Kingdom of Great Britain and Northern Ireland, was born on 7 September 1981 in Moscow. He is a prominent opposition-political activist, award-winning journalist and author, and a human rights defender. Mr. Vladimir Kara-Murza also served as vice-president of the "Free Russia Foundation", which worked to support civil society in the Russian Federation and human rights advocacy. On 28 June 2019, the "Free Russia Foundation" was declared undesirable organisation on the territory of the Russian Federation by Ministry of Justice Decree No. 814-r. Following this, in August 2020, he stepped down from his position as vice-president of the "Free Russia Foundation".

According to the information received:

On 11 April 2022, Mr. Kara-Murza was arrested in Moscow in front of the apartment building where he resided. It is reported that the arrest took place several hours after he appeared on CNN criticising the incumbent Russian authorities.

On 12 April 2022, Moscow's Khamovniki District Court Judge, [REDACTED], sentenced him to 15 days of administrative detention under article 19.3 (1) of the Code on Administrative Offenses of the Russian Federation for defying police orders, based on police accounts asserting that Mr. Kara-Murza "changed the pace and the trajectory of his movement after seeing the police officers who were patrolling the area and ignored orders to stop and identify himself". Mr. Kara-Murza rejected this accusation and recounted that as he was driving into the courtyard of the apartment block, he noticed a white van and two people filming the incident on camera. Five individuals approached his vehicle and ordered him out of the car. Without being provided any further information, his mobile phone was taken, and he was escorted into the white van and transported to the police station. His

lawyer was not allowed to see him in the police department. Mr. Kara-Murza appealed the administrative detention order at the Moscow City Court, however, his appeal was denied by Judge [REDACTED].

It is reported that, on the same day when Mr. Kara-Murza's administrative detention was ordered, 12 April 2022, the Special Investigator assigned to the Chief Investigative Directorate of the Investigative Committee of the Russian Federation, Mr. [REDACTED], ordered the initiation of the criminal case against Mr. Kara-Murza, allegedly based solely on his expression of anti-war views.

On 22 April 2022, Mr. Kara-Murza was formally charged with "public dissemination of knowingly false information about the army of the Russian Federation motivated by political hatred" under article 207-3 (2) (d) of the Criminal Code of the Russian Federation, as amended by Federal Law No.32-FZ of 4 March 2022. Moscow's Basmanov District Court Judge, [REDACTED], ordered Mr. Kara-Murza's pre-trial detention.

The investigation cited Mr. Kara-Murza's speech at the Arizona state legislative assembly, delivered on 15 March 2022, as the basis for the criminal charges. In his speech, Mr. Kara-Murza said, "Today, the whole world sees what the Putin regime is doing to Ukraine. The cluster bombs on residential areas, the bombing of maternity wards and hospitals and schools—the war crimes, these are war crimes that are being committed by the dictatorial regime in the Kremlin against a nation in the middle of Europe". Additional charges were added later, and his pre-trial detention was repeatedly extended.

In addition, on 22 April 2022, the Deputy Minister of Justice of the Russian Federation, Mr. [REDACTED] designated Vladimir Kara-Murza a "foreign agent" under the Federal Foreign Agents Law No. 121-FZ dated 20 July 2012, with subsequent amendments.

On 3 August 2022, a new charge was brought against Mr. Kara-Murza under article 284-1(1) of the Criminal Code of the Russian Federation on "carrying out the activities of an undesirable organization". Mr. Kara-Murza was accused of using funds from the U.S.-based Free Russia Foundation to organise a conference at Moscow's Sakharov Center in October 2021.

On 6 October 2022, a third criminal charge was mounted against Mr. Kara-Murza under article 275 of the Criminal Code of the Russian Federation. The high treason charge relates to Mr. Kara-Murza's expressed criticism of the Russian authorities at public events. Specifically, the prosecutor incriminated Mr. Kara-Murza for his address to the NATO Parliamentary Assembly, the speech at the Norwegian Helsinki Committee award ceremony for Mr. Yuri Dmitriev, and the testimony before the U.S. Congress's Helsinki Commission. According to the indictment, the speeches "threatened the security and constitutional order of the Russian Federation," "damaged the international reputation of the Russian Federation," and gave Russia an "image as an aggressor state in the eyes of the international community."

Based on a series of court orders prolonging his pre-trial detention, Mr. Kara-Murza was kept in custody at the Federal Penitentiary Institution No.5 “Vodnik” in Moscow. He appealed the pre-trial detention measure, but the court refused to change it to a non-custodial alternative. Moreover, the prosecutor prohibited Mr. Kara-Murza from talking to his children on the phone contending that such conversations “could pose a threat to the conduct of criminal proceedings.”

In a closed hearing, on 6 April 2023, prosecutors requested a 25-years prison sentence for Mr. Kara-Murza, calling him “an enemy who must be punished.” On 17 April 2023, the Moscow City Court satisfied the prosecutorial request by sentencing Mr. Kara-Murza to a cumulative term of 25 years in prison for “high treason”, “disseminating false information about the army of the Russian Federation”, and participation in an “undesirable organization”.

It is reported that Moscow Municipal Court Judge, [REDACTED], who presided over the trial, was one of the first persons sanctioned by the United States of America under the Magnitsky Act for ordering Sergey Magnitsky’s arrest in 2008. He continued to be involved in the case against Mr. Kara-Murza despite the lawyer’s request for [REDACTED] removal. Two other individuals sanctioned under the Magnitsky Act were directly involved in Mr. Kara-Murza’s case. Namely, [REDACTED], the head of the Investigative Committee of the Russian Federation overseeing Mr. Kara-Murza’s case and [REDACTED], head of the Federal Penitentiary Institution No.5 in Moscow where Mr. Kara-Murza is imprisoned.

In 2015 and 2017, Mr. Kara-Murza fell ill while travelling in Russia, allegedly due to intentional poisoning. In both cases, he was hospitalized in critical condition and Russian doctors said that he had suffered the toxic effects of an “unidentified substance”. Recovery and subsequent medical rehabilitation after each of the poisonings took a significant amount of time. Following these incidents, Mr. Kara Murza has been diagnosed with polyneuropathy, a medical condition characterised by peripheral nerve damage. Despite allegations of targeted poisoning attempts, no criminal investigation was initiated by the Russian authorities.

Since his arrest and detention in April 2022, Mr. Kara-Murza’s health declined rapidly. He lost over 20 kg and started losing sensitivity in his limbs. On 23 February 2023, he started to experience numbness in his feet and was unable to stand on his feet, for which apparently he was placed in a punishment cell on grounds of “lying on the bunk after the wake-up”. On 2 March 2023, Mr. Kara-Murza underwent an examination at the Federal Penitentiary Institution No.5 with the participation of the Chief Neurologist of the Federal Penitentiary Service of Russia in Moscow, who officially confirmed his diagnosis of lower distal polyneuropathy. The trial was delayed in view of the deterioration of Mr. Kara-Murza’s health. On 16 March 2023, Judge [REDACTED] read out a certificate from the medical unit of the Federal Penitentiary Institution No.5 indicating that Mr. Kara-Murza could not

take part in judicial and investigative actions for health reasons.

Mr. Kara-Murza has been prescribed treatment for lower distal polyneuropathy within the medical facility of the penitentiary. Despite the administered treatment, Mr. Kara-Murza's health condition continued to decline and the numbness continued to spread in both legs and the left arm. On 27 March 2023, Mr. Kara-Murza underwent an examination at the Moscow City Clinical Hospital named after A.K. Eramishantsev. During the examination, the progression of the disease was confirmed, with polyneuropathy documented not only in both lower extremities but also in one upper extremity.

In accordance with the International Classification of Diseases and Related Health Problems (ICD-10), approved by the World Health Organization, Class VI "Diseases of the nervous system" includes polyneuropathies and other disorders of the peripheral nervous system - codes G60-G64. Specifically, code G62.2 refers to polyneuropathy caused by toxic substances. According to authoritative medical research, polyneuropathy can progress rapidly, leading to muscle atrophy, trophic ulcers, paralysis of the legs and respiratory muscles, and risk of death, including due to asphyxia.

Polyneuropathies are included in the list of diseases exempted from imprisonment, as per the Decree No.54 of the Government of the Russian Federation dated 6 February 2004, with its subsequent amendments, "On Medical Examination of Convicts Presented for Release from Serving the Sentence Due to Illness". They are listed under item 29 of the List of Diseases Preventing Serving of a Sentence (ICD-10 codes G60-G62, G64). In accordance with article 175 of the Code on Criminal Procedure of the Russian Federation, prisoners with such medical conditions are exempt from serving the sentence.

At the time of writing, Mr. Kara-Murza was still imprisoned at the Federal Penitentiary Institution No.5 in Moscow, pending the court hearing in the First Appeals Court in Moscow to review his case on 31 July 2023. The allegations described above reportedly form part of the increasingly repressive crackdown on freedom of expression and political opposition in the Russian Federation (see [A/HRC/RES/51/25](#)).

By means of this urgent appeal I urge the Russian authorities to ensure without further delay Mr. Kara-Murza's release from detention in line with international human rights law requirements that he be treated with humanity and respect for his right to life in dignity and Russia's own legislation and regulations on persons exempt from imprisonment or other forms of custodial detention due to their medical condition.

I wish to recall that, by depriving persons of their liberty, States assume responsibility to care for their life and bodily integrity. Due to this heightened duty of care, States must take any necessary measures to protect the lives of individuals deprived of their liberty. I, therefore, urge the State to respond urgently and effectively in order to protect Mr. Kara-Murza's right to life which is contingent on

access to adequate physical and mental health care, rehabilitation and specialised treatment that cannot be ensured in detention. I am seriously concerned that Mr. Kara-Murza's health appears to have rapidly deteriorated since his arrest and imprisonment, aggravated by a lack of adequate specialised treatment and health management necessary for his condition. The rapid weight loss of 20 kilograms without caloric restriction and numbness experienced by Mr. Kara-Murza are some of the extremely alarming signs of life-threatening risks.

It is particularly disturbing that Mr. Kara-Murza is kept in detention when his diagnosis, which was independently confirmed by the Chief Neurologist of the Federal Penitentiary Service of Russia in Moscow and the A.K. Eramishantsev City Clinical Hospital in Moscow, is on the list of medical health conditions exempting individuals from imprisonment. I, therefore, call for Mr. Kara-Murza's immediate release from detention, in line with Russian Federation's own legislation.

I would like to further refer the Russian Federation to its obligations under international human rights treaties. Namely, the right to the highest attainable standard of physical and mental health as per article 12 of the International Covenant on Economic Social and Cultural Rights, ratified by the Russian Federation in 1973. This includes access to an independent and confidential medical examination and treatment for all persons deprived of liberty. I recall that the UN Standard Minimum Rules for the Treatment of Prisoners (reviewed on 17 December 2015 and renamed the "Mandela Rules"), in particular rule 24 that establishes that the provision of health care for prisoners is a State responsibility and that the State should ensure continuity of medical treatment for chronic conditions; rule 27 (1) provides that prisoners in need of specialized treatment shall be transferred to specialized institutions or to civil hospitals promptly, as well as rule 58 which establishes that prisoners shall be allowed to communicate with their family and friends at regular intervals.

If confirmed, Mr. Kara-Murza's deteriorating health and lack of access to prompt and adequate medical assistance in detention, as well as the suffering inflicted by the denial of medical care, could amount to torture or other cruel, inhuman or degrading treatment or punishment in violation of article 7 of the International Covenant on Civil and Political Rights, and articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by the Russian Federation in 1987. In addition, and pursuant to the Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), access to independent medical professionals is essential for detecting and documenting signs of torture, cruel or inhuman treatment, preventing further harm and providing healthcare for restoring and repairing the harm suffered by victims of human rights violations in state custody.

In relation to the apparent continuous disregard for foreseeable threats to life and life with dignity ensuing from Mr. Kara-Murza's rapidly deteriorating health condition, I wish to reiterate that the right to life constitutes a *jus cogens* and customary international law norm, which cannot be derogated from. Under article 6 of the International Covenant on Civil and Political Rights, the obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats

and life-threatening situations that can result in loss of life. By depriving persons of their liberty, States assume a heightened duty of care and must take all necessary measures to protect their lives (see CCPR/C/GC/36 para. 25).

While I do not wish to prejudge the accuracy of allegations concerning Mr. Kara-Murza's arbitrary detention on politically motivated charges, I express concern about what appears to be Mr. Kara-Murza's persecution on charges that relate solely to his political views and for the legitimate exercise of his rights to freedom of expression, association, and participation in public life.

Deprivation of liberty for the exercise of human rights constitutes arbitrary detention under international human rights law. The International Covenant on Civil and Political Rights, to which the Russian Federation has been party since 1973, also sets out obligations regarding the right to a fair trial, including the right to a fair and public hearing. Given the above concerns, I respectfully urge review of Mr. Kara-Murza's case in light of relevant international human rights standards, including the right to freedom of opinion and expression, and that his immediate and unconditional release from detention be considered without delay as well as he is provided access to remedy and reparation.

In its concluding observations issued on 1 December 2022, the Human Rights Committee expressed grave concern about the increase in allegations of harassment and violence against opposition politicians, journalists, lawyers, and human rights defenders in the Russian Federation, specifically noting Mr. Kara-Murza's case, among others (CCPR/C7RUS/CO/8, paras. 26-27).

In connection to national legislation which gave rise to charges against Mr. Kara-Murza, I refer your Excellency's Government to concerns raised by the United Nations human rights mechanisms concerning the last year's amendments to the Criminal Code, adopted by the Russian Parliament on 4 March 2022. Article 207.3 on disseminating "knowingly false information" about military operations introduces prison terms of up to 15 years. The provisions have broad and vague definitions that may allow arbitrary application and restrict the freedom of expression and opinion in the Russian Federation in relation to the armed conflict in Ukraine. These concerns were included in the Human Rights Committee's Concluding observations on the eighth periodic report of the Russian Federation (see CCPR/C/RUS/CO/8 paras. 28-29 [here](#)) and were the subject of a press release and communications sent by Special Procedures (see press release dated 11 March 2022 [here](#) and AL RUS 7/2023).

Since their adoption in 2012 and 2015, respectively, the United Nations human rights mechanisms have repeatedly communicated to the government of the Russian Federation their concerns about Federal Foreign Agent Law and the Law on Undesirable Foreign and International Organisations with their subsequent amendments, in view of lack of compatibility with the international human rights norms and standards, and its negative impact on restricting fundamental freedoms and censoring independent voices. These concerns were reiterated in the Human Rights Committee's Concluding observations on the eighth periodic report of the Russian Federation (see CCPR/C/RUS/CO/8 paras. 34-35 [here](#)) and were the subject of more

than a dozen communications sent by Special Procedures, of which the latest is dated 30 November 2022 (see OL RUS 16/2022).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

I am issuing this appeal in order to safeguard the rights of the abovementioned individual from irreparable harm and without prejudicing any eventual legal determination.

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, I 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 what immediate steps would be taken by the Russian Federation authorities to ensure Mr. Kara-Murza's humanitarian release under the legislation in force in the Russian Federation.
3. Please provide updated and detailed information on the present state of Mr. Kara-Murza's health.
4. Please explain what measures have been taken, or are envisaged to be adopted, to protect his life and preserve his health and well-being, including timely access to adequate medical care, as appropriate.
5. Please provide information on what measures are taken to prevent torture and other cruel, inhuman or degrading treatment or punishment from being perpetrated against Mr. Kara-Murza in detention.

While awaiting a reply, I 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 responsible of the alleged violations.

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

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

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

Mariana Katzarova
Special Rapporteur on the situation of human rights in the Russian Federation