

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; 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; the Special Rapporteur on the situation of human rights in the Russian Federation and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL RUS 30/2023  
(Please use this reference in your reply)

8 January 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; 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; Special Rapporteur on the situation of human rights in the Russian Federation and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/4, 51/8, 52/9, 50/17, 51/25 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary arrest and indictment of five human rights defenders associated with the non-profit organization Vesna, ostensibly in relation to their human rights activities in the context of the Russian Federation's invasion of Ukraine.

**Vesna** is a youth democratic movement established in St. Petersburg in 2013. The group advocates for human rights in Russia, organizes peaceful protests, conducts election monitoring and campaigns against corruption and unfair welfare reforms. In response to the invasion of Ukraine in February 2022, Vesna and its members have participated in peaceful demonstrations protesting the war and shared information about the details of planned protests on its Telegram channel, as well as disseminating open letters criticizing the invasion.

Mr. **Timofey Vaskin** is 22 years-old, is a human rights defender, and a member of Vesna, and has previously been involved with the human rights organization OVD-Info and the Movement for Defence of Voters' Rights (Golos).

Mr. **Ivan Drobotov** is 28 years-old, a human rights defender and previously worked for the Anti-Corruption Foundation (ACF), whilst also being involved in election observation, political activism and Golos.

Ms. **Angelina Roshchupko** is 25 years-old and is a journalist, her reporting focused primarily on human rights and media issues.

Mr. **Roman Maksimov** is 28 years-old and is a member of Vesna and a political activist.

Mr. **Yan Ksenzhepolsky** is 23 years-old and is a human rights defender and a political activist. Prior to February 2022, he was affiliated with Vesna and also with Golos.

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, which began on 24 February 2022, in the communications [RUS 3/2023](#) and [RUS 3/2022](#). We thank your Excellency's Government for its [response](#) to RUS 3/2023, however we regret that no response was received for RUS 3/2022. In addition, in [RUS 28/2023](#), we have raised concerns about the fact that under Russian law, the declaration of an organization as extremist entails its immediate dissolution and individuals and human rights defenders involved in the operation of the organizations declared extremist may face criminal charges. We regret that no response was received for this communication.

According to information received:

*Concerning designation of Vesna as a foreign agent and an extremist organization*

In the days following the invasion of Ukraine in February 2022, Vesna called for participation in and shared information through its channels about anti-war demonstrations taking place. The group also planned to take part in the annual Immortal Regiment commemoration - held annually on 9 May as part of Victory Day celebrations to pay tribute to those who fought in World War II – joining the procession under the banner “they did not fight for this”.

In response to Vesna's criticism of and mobilization against the invasion of Ukraine, a number of actions have been taken by the authorities against the group and its members, including the blocking of Vesna's page on the social network VK by the governmental internet monitoring agency Roskomnadzor, searches of the homes of its members, and arrests of members in St. Petersburg, Novgorod and Moscow.

In early May 2022, a criminal case was opened against Vesna and its members, including Mr. Timofey Vaskin, Mr. Ivan Drobotov, Ms. Angelina Roshchupko and Mr. Roman Maksimov, among other members, under article 239 of the Criminal Code for “the creation or leading of a non-profit organization (NPO) whose activities are associated with persuading citizens to refuse to perform civic duties or to commit other illegal acts”. According to the investigation, the human rights defenders had induced citizens to participate in unauthorized protests from 25–27 February 2022, thereby involving them in illegal activities.

On 21 September 2022, the “partial mobilization” of military reservists was announced by the Government, in response to which Vesna and other human rights organizations called for demonstrations that same day.

On 23 September 2022, it was announced that an additional charge was filed against Vesna in the same case, under article 212 (1.1) of the Criminal Code for purportedly inciting mass riots. In the same month, the St. Petersburg Public Prosecution Office filed a case for Vesna to be designated as an extremist group.

On 14 October 2022, the Ministry of Justice included Vesna on the register of alleged “foreign agents”, citing “foreign nationals” as sources of funding for the group.

On 6 December 2022, the City Court of St. Petersburg recognized Vesna as an extremist organization. During the judicial proceedings, which were reportedly held in secret and members of Vesna were disallowed from participating in, the judge cited the speeches by Vesna members against the invasion of Ukraine, the demonstrations against the invasion, as well as its social media posts which it alleged were aimed at "disseminating information of a discrediting nature about the activities of the Russian Armed Forces", contain "disrespect for the Day of Military Glory" and express "hostile attitudes towards social groups", specifically the United Russia party,

In June 2023, another case was filed against six members of Vesna, including Mr. Yan Ksenzhepolsky, reportedly based on Vesna’s social media posts from 2022. The Vesna members were indicted on four charges: the dissemination of deliberately false information about the use of the Armed Forces of the Russian Federation (article 207.3(2), points (b) and (d) of the Criminal Code); public calls for actions infringing on state security, committed by an organised group (article 280.4(3) of the Criminal Code); the organization of an extremist community with the aim of developing plans and/or conditions for the commission of extremist crimes (article 282.1 of the Criminal Code); public dissemination of information expressing obvious disrespect to society about the days of military glory and important events in Russia’s history related to the defense of the Motherland (article 354.1(4) of the Criminal Code).

It is reported that at the time of writing, the investigation against Mr. Timofey Vaskin, Mr. Ivan Drobotov, Ms. Angelina Roshchupko and Mr. Roman Maksimov under article 239 of the Criminal Code is ongoing, and all four human rights defenders remain on a wanted list.

#### *Concerning Mr. Timofey Vaskin*

On 8 May 2022 at approximately 8pm, officers from the Main Investigative Department of the Investigative Committee conducted a search of Mr. Vaskin’s apartment, lasting until approximately 3am the following morning. During the search, the officers reportedly seized documents related to his work with OVD-Info and Golos, as well as personal IDs, his laptop, tablet, phone and his wife’s phone, among others, only some of which have since been returned.

On the morning of 9 May 2022 following the search, Mr. Vaskin was arrested on the charge of “the creation or leading of a non-profit organization (NPO) whose activities are associated with persuading citizens to refuse to perform civic duties or to commit other illegal acts” (article 239 of the Criminal Code). He was reportedly taken to the Main Department of the Investigative Committee of the Russian Federation, before being taken to a temporary detention centre.

On 10 May 2022, the Court of Basmanny district of Moscow imposed a restraint measure against Mr. Vaskin until 11 March 2023. According to the

conditions of the restraint measures, Mr. Vaskin was prohibited from: leaving the house between 8.00 p.m. and 8.00 a.m. each day without the written authorization of the investigator; to communicate with witnesses, accused, or suspects in the present case without the written permission of the investigator; to send or receive letters, except for correspondence from investigative and judicial authorities; to use means of communication except in certain emergency cases. On appeal, the decision of the Court of Basmany to impose the restraint measures was upheld. As part of the restraint measures imposed on him, Mr. Vaskin was required to wear an electronic monitoring bracelet, however he was reportedly never visited by a police officer.

Mr. Vaskin reportedly fled the Russian Federation after about seven months of the imposed restraint measures.

*Concerning Mr. Ivan Drobotov*

On 9 May 2022, an arrest warrant was issued for Mr. Drobotov on the charge of the “creation of a non-profit organisation infringing on the person and rights of citizens” (article 239 of the Criminal Code). However, Mr. Drobotov was at the time administratively detained on the charge of repeated violation of the Law on Public Events (article 20.2(8) of the Code of Administrative Offences) in the special detention centre for administrative detainees in Sakharovo.

On 10 May 2022, the Court of Basmany district of Moscow imposed a restraint measure against Mr. Drobotov until 6 June 2022. According to the conditions of the restraint measures, Mr. Drobotov was prohibited from: leaving the house between 8.00 p.m. and 8.00 a.m. each day without the written authorization of the investigator; to communicate with witnesses, accused, or suspects in the present case without the written permission of the investigator; to send or receive letters, except for correspondence from investigative and judicial authorities; to use means of communication except in certain emergency cases. On appeal, the decision of the Court of Basmany to impose the restraint measures was upheld.

On 26 May 2022, he was released from the Sakharovo detention centre and taken to his home, where the monitoring bracelet for his restraint measure was installed. Mr. Drobotov was reportedly summoned once to the Federal Penitentiary Service to check-in.

On 5 June 2022, Mr. Drobotov fled the Russian Federation.

*Concerning Ms. Angelina Roshchupko*

On 9 May 2022, Ms. Roshchupko was arrested in Moscow by officers from the Main Investigative Department of the Investigative Committee on the charge of “the creation or leading of a non-profit organization (NPO) whose activities are associated with persuading citizens to refuse to perform civic duties or to commit other illegal acts” (article 239 of the Criminal Code). She was reportedly taken to the Main Department of the Investigative Committee of the Russian Federation, before being taken to a temporary detention centre.

On 10 May 2022, the Court of Basmanny district of Moscow imposed a restraint measure against Ms. Roshchupko until 11 March 2023. According to the conditions of the restraint measures, Ms. Roshchupko was prohibited from: leaving the house between 8.00 p.m. and 8.00 a.m. each day without the written authorisation of the investigator; to communicate with witnesses, accused, or suspects in the present case without the written permission of the investigator; to send or receive letters, except for correspondence from investigative and judicial authorities; to use means of communication except in certain emergency cases.

As part of the restraint measures, Ms. Roshchupko wore an electronic monitoring bracelet and met with a police officer once a week. Every two days or so, the police officer reportedly called Ms. Roshchupko's husband to say there was an issue with the electronic bracelet.

The restraint measures imposed on Ms. Roshchupko were extended by the Court of Basmanny district of Moscow on three separated occasions: for the first time on 4 July 2022, the second time on 5 October 2022 and on 9 December 2022 until 11 March 2023. On appeal, each of the three extensions were upheld by the Court.

On 9 January 2023, Ms. Roshchupko was declared wanted, following her fleeing the Russian Federation.

#### *Concerning Mr. Roman Maksimov*

On 8 May 2022, Mr. Maksimov was arrested in Veliky Novgorod by officers from the Main Investigative Department of the Investigative Committee on the charge of "the creation or leading of a non-profit organization (NPO) whose activities are associated with persuading citizens to refuse to perform civic duties or to commit other illegal acts" (article 239 of the Criminal Code). Mr. Maksimov was taken to the Main Department of the Investigative Committee of the Russian Federation and then to a temporary detention centre in Moscow. Mr. Maksimov was reportedly detained for 89 hours, as the investigator gathered character references of the defendants in the case.

On 11 May 2022, the Court of Basmanny district of Moscow imposed a restraint measure against Mr. Maksimov until 6 October 2022. According to the conditions of the restraint measures, Mr. Maksimov was prohibited from: leaving the house between 8.00 p.m. and 8.00 a.m. each day without the written authorisation of the investigator; to communicate with witnesses, accused, or suspects in the present case without the written permission of the investigator; to send or receive letters, except for correspondence from investigative and judicial authorities; to use means of communication except in certain emergency cases. Mr. Maksimov wore an electronic monitoring bracelet as part of the restraint measures, and was visited by a police officer infrequently, on approximately 10 occasions.

On 5 July 2022, the restraint measure imposed on Mr. Maksimov was extended until 6 October 2022. On appeal, this extension was upheld by the Court.

On the expiration of the restraint measures on 6 October 2022, they were not extended as Mr. Maksimov had reportedly fled the country, and so was declared wanted.

*Concerning Mr. Yan Ksenzhepolsky*

On 8 June 2023, Mr. Ksenzhepolsky was arrested in Tver by officers from the Main Investigative Department of the Investigative Committee on charges of the dissemination of deliberately false information about the use of the Armed Forces of the Russian Federation (article 207.3(2), points (b) and (d) of the Criminal Code); public calls for actions infringing on state security, committed by an organised group (article 280.4(3) of the Criminal Code); the organization of an extremist community with the aim of developing plans and/or conditions for the commission of extremist crimes (article 282.1 of the Criminal Code); public dissemination of information expressing obvious disrespect to society about the days of military glory and important events in Russia's history related to the defense of the Motherland (article 354.1(4) of the Criminal Code).

Mr. Ksenzhepolsky was detained in Pre-Trial Detention Center No.7 in Moscow, despite the fact he lives in Tver, purportedly due to the severity of the allegations and fear that he would abscond. On appeal, the pre-trial detention of Mr. Ksenzhepolsky was upheld by the Court of Basmany district of Moscow and has been extended a number of times since his initial arrest.

On 4 December 2023, the pre-trial detention of Mr. Ksenzhepolsky was extended until 6 March 2024. Two additional charges were also brought against Mr. Ksenzhepolsky under article 239 of the Criminal Code for “the creation or leading of a non-profit organization (NPO) whose activities are associated with persuading citizens to refuse to perform civic duties or to commit other illegal acts”, and article 212(1.1) of the Criminal Code for the alleged inducement, recruitment or other involvement of a person in the commission of mass disorder.

Mr. Ksenzhepolsky is currently detained in pre-trial detention centre No. 7 in Kapotnya.

Without prejudging the accuracy of the above-mentioned allegations, we wish to express our concern in response to the allegedly arbitrary arrest, detention and charges against human rights defenders Mr. Timofey Vaskin, Mr. Ivan Drobotov, Ms. Angelina Roshchupko, Mr. Roman Maksimov and the prolonged pre-trial detention of Mr. Yan Ksenzhepolsky, in relation to their association with the human rights organization Vesna. It would appear that the charges against them are related to their legitimate human rights activities in the context of the invasion of Ukraine, and their exercising of their rights to freedom of expression, association and assembly to peacefully oppose the invasion.

We are further concerned about the inclusion of Vesna as a “foreign agent” in the relevant registry, as well as its designation as an extremist organization. We are concerned that such categorizations, which a number of Special Procedures mandate holders have communicated to your Excellency's Government on numerous occasions, form part of a broader pattern of systematic labelling of NPOs, NGOs and

other organizations expressing dissent or views contrary to those of your Excellency's Government relating to the invasion of Ukraine. We are concerned that such designations and forced dissolutions of civil society organizations results in the stifling of civic space and impedes the enjoyment of fundamental freedoms not only for the organizations in question and their members, but society more broadly, in particular through the chilling effect on freedom of expression and freedom of peaceful assembly and association.

We recall that "the term 'extremism' has no purchase in binding international legal standards and, when operative as a criminal legal category, is irreconcilable with the principle of legal certainty; it is therefore per se incompatible with the exercise of certain fundamental human rights" (A/HRC/43/46, para. 14). We recall that the principle of legal certainty under article 15(1) of the ICCPR, ratified by Russia on 16 October 1973, requires that criminal laws are sufficiently precise so it is clear in advance what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. This principle recognizes that ill-defined and/or overly broad laws are inherently susceptible to arbitrary application and abuse, including discrimination; and cannot serve as a lawful basis for necessary or proportionate restrictions on rights or freedoms (A/HRC/43/46, para. 15).

In 2022, in its Concluding Observations on the eighth periodic report of the Russian Federation on the observance of the International Covenant on Civil and Political Rights (CCPR/C/RUS/8/CO) the Human Rights Committee raised its concerns about "the vague, open-ended and regularly modified definition of 'extremist activity' in the federal law on combating extremist activity, which does not comply with the principles of legality, legal certainty and proportionality required for such legislation under article 19 of the Covenant. The Committee is concerned about the frequent use of the law to target political opponents, human rights defenders, journalists, religious communities, artists and lawyers in order to limit civic space, including freedom of expression, for example through extrajudicial blocking of Internet sites or censorship of books, songs and other artistic expression" (at para. 30).

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 provide information on the factual and legal basis for the arrest, detention, and charging under article 239 of the Criminal Code of Mr. Timofey Vaskin, Mr. Ivan Drobotov, Ms. Angelina Roshchupko, and Mr. Roman Maksimov, and explain how these actions comply with the Russian Federation's obligations under international human rights law.

3. Please provide information on the factual and legal basis for the arrest, detention and charging of Mr. Yan Ksenzhepolsky under articles 207.3(2), 280.4(3), 282.1, 354.1(4), 239 and 212 of the Criminal Code.
4. Please provide information on the factual and legal basis for the repeated extension of the restraint measures imposed on Ms. Angelina Roshchupko and Mr. Roman Maksimov.
5. Please provide information as to the factual and legal basis for the prolonged pre-trial detention of Mr. Yan Ksenzhepolsky.
6. Please provide information on the factual and legal basis for the inclusion of Vesna in the relevant registry as a “foreign agent” and the designation of Vesna as an “extremist” organization, the process required and undertaken to support such a determination; and how these measures are compatible with the Russian Federation’s international human rights obligations regarding the principles of legality, necessity, proportionality, nondiscrimination, due process, and judicial protection. Furthermore, please indicate the available domestic remedies to challenge such a designation and the subsequent dissolution of the organization, and how this is compliant with the Russian Federation’s obligations under international human rights law, specifically article 22 of the International Covenant on Civil and Political Rights (ICCPR).

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.

Further, we would like to inform your Excellency’s Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Matthew Gillett  
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Irene Khan  
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freedoms while countering terrorism

## **Annex**

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

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government of its international obligations under 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 expression, and to peaceful assembly and association.

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 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. As interpreted by the Human Rights Committee in General Comment no. 35 (CCPR/C/GC/35), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same General Comment (para. 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary. Further, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it 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. In this respect, the Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

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 no. 34, 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 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).

Furthermore, we would like to refer to article 22 of the ICCPR, which guarantees the right to freedom of association with others and remind your Excellency’s Government that article 22 (2) provides that no restrictions may be placed on the exercise of this right other than those which are prescribed by 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. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right. The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights also state in para. 30 that national security cannot be invoked as a reason for imposing limitations to prevent merely local or relatively isolated threats to law and order.

We further remind your Excellency’s Government that the right to assemble peacefully and associate freely extends to “persons espousing minority or dissenting views or belief, human rights defenders [...] and others, including migrants, seeking to exercise or promote those rights” (A/HRC/26/29, para. 22; A/HRC/RES/24/5). Therefore, any targeting of activists or associations for expressing critical or dissenting views constitute a severe violation of the rights to freedom of assembly and of association.

We would also 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 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.

The Special Rapporteur on the situation of human rights in the Russian Federation also expressed concern in her first report to the Human Rights Council of 15 September 2023 (A/HRC/54/54) about the use of anti-extremism legislation to limit freedom of expression:

- “64. Laws on anti-terrorism, anti-extremism and historical remembrance are also used to limit freedom of expression.
  
- 65. Federal Law No. 114-FZ of 25 July 2002 ‘on counteracting extremist activity’ is part of a very complex set of regulations used to prosecute extremism. The law’s definition of extremism consists of a long list of ‘extremist activities’ that has been progressively expanded. The broadness and vagueness of this definition has been criticized by the Human Rights Committee and the Venice Commission of the Council of Europe. A number of organizations have been banned as extremist, such as the Jehovah’s Witnesses and the Anti-Corruption Foundation.”

Since its passing in 2002, the Federal Law on Countering Extremist Activity has seen a multitude of amendments that broadened its application to vaguely defined acts and toughened the punishments. The law gives “too wide discretion in its interpretation and application, thus leading to arbitrariness” and carries “potential dangers to individuals and NGOs” of being “interpreted in harmful ways” (see the case of *Taganrog LRO and Others v. Russia*, paras. 129-130).