

Mandates of 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 independence of judges and lawyers and the Independent expert on the promotion of a democratic and equitable international order

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(Please use this reference in your reply)

19 February 2025

Excellency,

We have the honour to address you in our capacities as 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 independence of judges and lawyers and Independent expert on the promotion of a democratic and equitable international order, pursuant to Human Rights Council resolutions 51/8, 52/9, 50/17, 53/12 and 54/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the detention and prosecution of Mr. Peterson, which would allegedly be connected to his work as a political activist. Mr. Aivo Peterson is an Estonian national and advocate for improved relations between Estonia and Russia. His case raises serious human rights concerns related to the suppression of political dissent, procedural fairness, and the rights of minority groups within Estonia.

According to the information received:

Mr. Aivo Peterson, an Estonian national of mixed Estonian and Russian descent, is a political activist and leader of the not-for-profit organization Together for Peace in Estonia (KOOS). The KOOS movement advocates for better relations between Russia and Estonia and improved treatment of ethnic Russians and Russian speaking minorities in Estonia. Mr. Peterson has been actively involved in politics, advocating for peaceful dialogue and the promotion of human rights and democratic participation.

On 10 March 2023, Mr. Peterson was arrested at his residence in Narva, by the Estonian Internal Security Service (KAPO) immediately upon his return from a visit to Russia and the Russian-occupied territories in Ukraine. During his visit, Mr. Peterson participated in various meetings and media engagements to foster dialogue between Estonia and Russia. He reportedly aimed to report on the situation, including potentially on Russian media outlets. It is important to note that the European Union ban on Russian media outlets, in the form of sanctions, which have also been enforced at the national level in Estonia was imposed after Mr. Peterson's arrest. Mr. Peterson was charged under section 235 of the Estonian Penal Code, read with section 232, with conspiring to commit treason by non-violent means against the Republic of Estonia. Following his arrest, Mr. Peterson was transferred to Tallinn Central Prison, where he remains in detention. Since his arrest, Mr. Peterson has been held in strict isolation, which

has reportedly taken a severe toll on his mental and physical health. Despite his medical issues and repeated requests from his legal team, authorities have refused to provide the necessary medical attention, exacerbating his health issues.

On October 7, 2024, the Harju County Court set bail for Mr. Aivo Peterson at an extraordinary 150,000 euros, making it the highest in Estonia's history. This decision came after he was previously denied release on bail for over a year. The previous lack of bail and this unprecedented sum raise serious human rights concerns about proportionality and the fundamental right to liberty.

There has been concern that the charges against Mr. Peterson are politically motivated rather than based on legitimate legal grounds, aimed at silencing his dissent and neutralizing his influence within the KOOS movement. The legal proceedings against Mr. Aivo Peterson have been marked by significant lack of transparency and procedural irregularities. Classified evidence relied upon by the prosecution has not been disclosed to the defence, despite repeated requests for access to crucial materials such as surveillance permits and photographic evidence. Furthermore, there have been closed court sessions, and denial of bail, despite the lack of clear evidence supporting the charges against him. Additionally, the defense has been denied the opportunity to call witnesses, limiting their ability to challenge the prosecution's case. These procedural restrictions have significantly hindered Mr. Peterson's ability to mount an effective defence.

A coordinated media campaign in Estonia, allegedly led by KAPO, has disseminated unverified claims portraying Mr. Aivo Peterson as a threat to national security. Media outlets and TV programs have amplified this narrative, citing anonymous sources and alleging foreign connections. Social media efforts have further spread defamatory content, tarnishing Mr. Peterson's reputation and stigmatizing dissent. The circumstances of Mr. Peterson's detention have also raised broader concerns about the suppression of political dissent and the treatment of the Russian-speaking minority in Estonia.

Without making any judgment as to the accuracy of the information received, we are concerned about the detention and prosecution of Mr. Peterson, which would allegedly be connected to his work as a political activist. We are particularly troubled by reports indicating alleged periods of solitary confinement which reportedly contributed to the deterioration of his mental and physical health condition. Furthermore, lack of access to critical evidence, and the classified nature of materials presented against him, all of which have severely impacted his ability to defend himself and may violate his fundamental rights under international law.

If the above allegations prove to be accurate, they appear to be in contravention of Mr. Peterson's rights to life, not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, not to be deprived arbitrarily of his liberty and to be afforded fair proceedings before an independent and impartial tribunal, to freedom of thought, conscience and religion or belief, the right to express his opinion in a peaceful manner and the right to be equal before the law and are entitled without any discrimination to the equal protection of the law as set out in articles 3, 5, 9, 10, and 18

of the Universal Declaration of Human Rights (UDHR) and articles 6, 7, 9, 10, 14, 18, 19 and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Estonia on 21 October 1991. We also refer to the obligations enshrined in the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, ratified by Estonia on 21 October 1991.

We are also concerned about allegations suggesting that Mr. Peterson's detention and prosecution are part of a broader strategy reportedly aimed to suppress political dissent and marginalize minority advocates. If accurate, such actions appear incompatible with articles 9, 10, and 14 of the International Covenant on Civil and Political Rights (ICCPR), which protect the right to liberty, humane treatment in detention, and fair trial guarantees, as well as articles 19, 21 and 25 of the ICCPR regarding freedom of expression and peaceful assembly. The use of laws in an overly broad and vague manner to criminalize legitimate political opinions, particularly when aimed at minority rights advocacy, risks discriminatory practices and violates article 26 of the ICCPR, which guarantees equality before the law.

We are further alarmed by the reported lack of transparency in the legal proceedings, including the closed hearings and reported refusal to provide Mr. Peterson's defence with access to key evidence. The prolonged use of solitary confinement, reportedly requested by state authorities, raises concerns of inhuman or degrading treatment, contrary to article 7 and 10 of the ICCPR and the United Nations Standard Minimum Rules for the Treatment of Prisoners, including the Nelson Mandela Rules. Moreover, the intrusion into Mr. Peterson's private life through extensive surveillance and the denial of communication with his family members violates his rights under article 17 of the ICCPR, which protects against arbitrary or unlawful interference with privacy, family, home, or correspondence.

In addition, we highlight that Mr. Peterson's criminal prosecution for allegedly non-violently supporting the views and actions of Russia would appear to clearly breach his rights under article 10 of the European Convention on Human Rights (ECHR), which guarantees freedom of expression and the right to hold opinions and receive and impart information and ideas without interference by public authorities and regardless of frontiers, as well as article 6 of the European Convention on Human Rights, which ensures fair trial rights.

We further assert that Mr. Peterson's criminal prosecution appears to be in direct conflict with the views of the Human Rights Committee under ICCPR, and contrary to the principles outlined in the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information, as well as the UN/OSCE/OAS/ACHPR Joint Declaration on Freedom of Expression and "Fake News", Disinformation and Propaganda. The EU, which Estonia is a member of, has adopted the Digital Service Act, which focuses on taking down alleged "fake news" rather than criminalizing them.

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 about the factual and legal basis for the arrests, detention and charging of Mr. Peterson and explain how this actions comply with Estonia's obligations under international human rights law.
3. Please clarify how Mr. Peterson's, prosecution, and conditions of confinement comply with Estonia's obligations under international human rights law.
4. Please provide detailed information regarding the procedural safeguards in place to ensure that his trial adheres to fair trial standards, particularly given the reported classification of evidence.
5. Please explain the justification for Mr. Peterson's prolonged pre-trial solitary confinement and clarify whether measures are in place to ensure his mental and physical well-being while in detention.
6. Please provide any information on whether Estonia's national security and anti-state laws are subject to periodic review to ensure compatibility with international human rights standards.

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.

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.

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

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Vice-Chair on communications of the Working Group on Arbitrary Detention

Irene Khan
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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the following provisions of international human rights law.

The right to life, not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, not to be deprived arbitrarily of liberty and to be afforded fair proceedings before an independent and impartial tribunal, to freedom of thought, conscience and religion, the right to express opinions in a peaceful manner and the right to be equal before the law and entitled without any discrimination to the equal protection of the law, as set out in articles 3, 5, 9, 10, and 18 of the Universal Declaration of Human Rights (UDHR) and articles 6, 7, 9, 10, 14, 18, 19, 21, 22 and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Estonia on 21 October 1991. We also refer to the obligations enshrined in the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, ratified by Estonia on 21 October 1991.

The right to liberty and security of person, enshrined in article 9 of the ICCPR, guarantees that no one shall be subjected to arbitrary arrest or detention. Furthermore, the prohibition of torture and cruel, inhuman, or degrading treatment is enshrined in article 7 of the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The right to a fair trial, as stipulated in article 14 of the ICCPR, ensures the right to a fair and public hearing by a competent, independent, and impartial tribunal. Additionally, the right to freedom of expression is protected under article 19 of the ICCPR and article 10 of the European Convention on Human Rights (ECHR). The right to participate in public affairs, guaranteed by article 25 of the ICCPR, ensures every citizen the right to vote and be elected through free and fair elections that reflect the genuine will of the people. Moreover, article 26 of the ICCPR ensures that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. The right to privacy, protected under article 17 of the ICCPR, guards against arbitrary or unlawful interference with privacy, family, home, or correspondence. Humane treatment in detention is mandated by articles 7 and 10 of the ICCPR, along with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The rights to peaceful assembly and association are protected under articles 21 and 22 of the ICCPR.

Under article 19 ICCPR, the right to freedom of expression includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to

freedom of expression (CCPR/C/GC/34, para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34).

The Johannesburg Principles on National Security, Freedom of Expression, and Access to Information emphasize that restrictions on freedom of expression for reasons of national security must be necessary and proportionate. The UN/OSCE/OAS/ACHPR Joint Declaration on Freedom of Expression and "Fake News," Disinformation, and Propaganda underscores the importance of protecting freedom of expression while addressing disinformation. The European Union Charter of Fundamental Rights (CFR), particularly article 11 and 21, guarantees the right to freedom of expression and information and non-discrimination. Article 14 of the European Convention on Human Rights (ECHR) as well as article 2 of the ICCPR addresses the prohibition of discrimination, legislative measure in place regarding these issues as well as effective remedies.

As established in general comment 35, “Arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), freedom of association (art. 22), freedom of religion (art. 18) and the right to privacy (art. 17).” (CCPR/C/GC/35).

The Special Rapporteur for the Rights of Freedom of Assembly and of association indicated that negative and hostile narratives increasingly used to vilify and criminalize civil society and activists, whether intentional or not, especially when propagated by authorities misrepresents legitimate exercises of freedom as illegal and those involved as criminals or threats to national security, public order or morals. This fuels harmful stereotypes, fosters hostility, justifies punitive measures and triggers undue restrictions on the right to freedom of association. Of the stigmatizing processes, one of the more harmful is labelling civil society and activists as “foreign agents” and “agents of foreign influence”; this labelling undermines the public trust needed for civil society and activists to be able to do its work freely (A/79/263).

In light of these international human rights standards, we urge your Excellency’s Government to take all necessary measures to ensure that the rights are fully respected and protected. We also request that any person(s) responsible for the alleged violations

be held accountable, and that steps be taken to prevent the recurrence of such violations in the future.