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Written statement* submitted by United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Civil Society Appeal for Release of Russian Political Prisoner Vladimir Kara-Murza

This statement is delivered on behalf of a cross-regional coalition of NGOs led by United Nations Watch (“Civil Society Coalition”), as listed on our website(1)

The Civil Society Coalition believes that the war in Ukraine will stop when the Russian people are able to express their opposition to it. We therefore urge the Human Rights Council, the High Commissioner for Human Rights, the Secretary-General along with all other relevant UN human rights mandate-holders and special procedures to speak out and demand the release of all prisoners of conscience detained by the Russian Federation for the crime of opposing its aggression in Ukraine.

As a case study, this statement focuses on one of these detainees: Vladimir Kara-Murza, a prominent Russian opposition politician, author, and historian, who has been arbitrarily detained by the Russian Federation since 11 April 2022 for exercising his rights to freedom of opinion and expression.

On 11 April, Kara-Murza was arrested outside his Moscow home following a news interview in which he criticized the Russian Federation’s invasion of Ukraine. He has already been sentenced to 15 days in prison for allegedly attempting to evade police during the arrest.(2) On 22 April, he was prosecuted under a draconian new law that criminalizes the spreading of “fake news” about the Russian military. Kara-Murza’s lawyer Vadim Prokhorov said that his client is being prosecuted for “public dissemination of knowingly false information about the use of the Armed Forces of the Russian Federation.”(3)

Kara-Murza is a long-time government critic and a close associate of Boris Nemtsov—the Russian opposition leader murdered in 2015—who has survived two near-fatal poisoning attempts for his activism. In addition to being poisoned, Kara-Murza was also previously arbitrarily detained. One year ago, on March 14, 2021, Kara-Murza was among 200 arrested at a meeting of independent and opposition politicians in Moscow.(4) In that instance, a Russian court found Kara-Murza guilty of “carrying out the activities of an undesirable organization” on account of his opposition political activities.(5)

In 2020, Kara-Murza had vociferously campaigned against the Russian Federation’s candidacy for the Human Rights Council: “A regime that violates the most basic rights and freedoms of its citizens has no place on the world’s leading human rights body. It is my hope that the Kremlin’s candidacy will be decisively rejected.”(6) The Russian Federation was ultimately elected in October 2020, but after it invaded Ukraine in February this year the General Assembly rightly corrected this by voting to suspend the Russian Federation from the Council.

Despite the danger to his health and safety, Kara-Murza has refused to stay away from the Russian Federation and to give up his fight for democracy. After his release from prison last year, Kara-Murza addressed the 13th Geneva Summit for Human Rights and Democracy where he explained that “in Russia, the biggest gift that opponents of the regime could give the Kremlin would be to leave. This is what they [the Kremlin] want from us.”(7)

Kara-Murza could now be facing up to 15 years in prison under the new “fake news” law passed by the Russian parliament on 4 March 2022, just one month before his current arrest. The law imposes a jail term of up to 15 years for disseminating intentionally “fake” information about the army. According to news sources, the law “essentially criminalized objective reporting on Russia’s military actions in Ukraine,” and has resulted in at least 150 Russian journalists leaving the country.(8)

The Russian Federation’s detention of Kara-Murza violates his right to freedom of opinion and expression under Article 19 of the International Covenant on Civil and Political Rights (“ICCPR”) to which the Russian Federation is a party.

According to the Human Rights Committee, which reviews state compliance with the ICCPR, the right to freedom of opinion “permits no exception or restriction.” Furthermore, the right to freedom of expression is extremely broad and includes political discourse, commentary on public affairs and discussion of human rights. This right may be restricted only in very limited

circumstances—to respect the rights or reputations of others or to protect national security or public order—and any restrictions are subject to strict necessity and proportionality requirements.⁽⁹⁾

In its General Comment 34, the Committee is clear that restrictions cannot be used to silence advocacy for democracy or human rights and that attacks on individuals for exercising the right to freedom of expression, including arbitrary arrest, torture, threats to life, and killing are never compatible with Article 19. The Committee further adds that any restrictive laws must be “formulated with sufficient precision” and “must be compatible with the aims and objectives of the Covenant.” Laws should not be used to “withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders or others, for having disseminated such information.” The burden is on the state party to “demonstrate the legal basis of any restrictions imposed on freedom of expression.”⁽¹⁰⁾

The Russian Federation’s “fake news” law is not compatible with the covenant because it restricts criticism of the government’s invasion of the sovereign state of Ukraine. This is discourse of “legitimate public interest” which does not harm the Russian Federation’s national security.

In its working methods, the Working Group on Arbitrary Detention sets out five categories under which a detention is considered arbitrary. The detention of Kara-Murza is arbitrary under at least the first three of these five categories.

Category I renders detention arbitrary where there is no “legal basis justifying the deprivation of liberty.” In this case, as noted, the law under which Kara-Murza was detained is inconsistent with the ICCPR and thus does not provide a sufficient legal basis for the detention. Moreover, it is within the category of vague and overbroad laws targeting free speech which the Human Rights Committee has criticized as failing to comply with the requirements of ICCPR Article 19(3).⁽¹¹⁾

Category II renders a detention arbitrary if it relates to the exercise of a detainee’s rights to freedom of opinion and expression and association under Articles 19 and 20 of the Universal Declaration of Human Rights (respectively, Articles 19 and 21 of the ICCPR). Here, the very purpose of the “fake” news law is to punish freedom of expression and it has already led more than 150 journalists to leave the Russian Federation to avoid prosecution under that law. Furthermore, the Russian Federation has a history of targeting Kara-Murza for his political activism, including through attempted murder by poisoning and arbitrary detention. This arrest fits within that pattern of harassment.

Finally, the detention is arbitrary under Category III because of the Russian Federation’s failure to observe “the international norms relating to the right to a fair trial.” According to Freedom House, the Russian Federation’s judiciary lacks independence and due process guarantees are regularly violated, “particularly for individuals who oppose or are perceived as threatening to the interests of the political leadership and its allies.”⁽¹²⁾ The Human Rights Committee reached similar conclusions in its last concluding observations on the Russian Federation from 2015.⁽¹³⁾ Accordingly, it is hard to imagine how the arrest, detention and trial of Kara-Murza could comply with international due process norms.

The governments of the United States of America and Canada have already called for Kara-Murza’s release.⁽¹⁴⁾ The Civil Society Coalition now urges the Human Rights Council, UN Secretary-General Antonio Guterres, UN High Commissioner for Human Rights Michelle Bachelet, along with all other relevant UN human rights mandate-holders and special procedures, to condemn the Russian Federation’s imprisonment of leading Russian dissident Vladimir Kara-Murza and to demand his immediate release, along with all other prisoners of conscience detained for speaking out since the start of Putin’s war in Ukraine.

1. www.unwatch.org/FreeKaraMurza.

2. Madeline Halpert, Russia Opens Criminal Case Against Activist Vladimir Kara-Murza For Spreading Disinformation, Lawyer Says, FORBES (April 22, 2022),

<https://www.forbes.com/sites/madelinehalpert/2022/04/22/russia-opens-criminal-case-against-activist-vladimir-kara-murza-for-spreading-disinformation-lawyer-says/?sh=4ff36ee17ea4>.

3. *Id.*

4. @HillelNeuer, TWITTER (March 14, 2021, 12:29 AM), <https://twitter.com/HillelNeuer/status/1370864558886227971>.

5. @HillelNeuer, TWITTER (April 6, 2021, 7:14 PM), <https://twitter.com/HillelNeuer/status/1379467636266962948>.

6. @HillelNeuer, TWITTER (May 1, 2020, 2:53 AM), <https://twitter.com/HillelNeuer/status/1256008692912336896>.

7. Champions for Change with Yang Jianli, Evan Mawarire, Vladimir Kara-Murza, Melissa Mahtani, GENEVA SUMMIT (June 2021), <https://genevasummit.org/speech/panel-of-champions-for-change-at-2021-geneva-summit/>.

8. Fake news' law forced many Russian journalists abroad. Those who remain must weight truth against safety, CBC (April 4, 2022), <https://www.cbc.ca/news/world/russia-journalists-flee-law-1.6397505>.

9. General Comment 34, Article 19: Freedoms of opinion and expression, HUMAN RIGHTS COMMITTEE, UN Doc. CCPR/C/GC/34 (Sep. 12, 2011).

10. *Id.*

11. Concluding Observations of the seventh periodic report of the Russian Federation, Human Rights Committee, UN Doc. CCPR/C/RUS/CO/7 (April 28, 2015).

12. Freedom in the World: Russia, FREEDOM HOUSE (2022), <https://freedomhouse.org/country/russia/freedom-world/2022>.

13. Concluding Observations of the seventh periodic report of the Russian Federation, Human Rights Committee, UN Doc. CCPR/C/RUS/CO/7 (April 28, 2015).

14. @SecBlinken, TWITTER (April 12, 2022, 3:08 AM), <https://twitter.com/SecBlinken/status/1513670250306301953>; @melaniejoly, TWITTER (April 12, 2022, 8:35 PM), <https://twitter.com/melaniejoly/status/1513933821925806098>