



URGENT APPEAL AND INDIVIDUAL COMPLAINT

The Case of Vladimir Kara-Murza

To the attention of:
United Nations Working Group on Arbitrary Detention

cc: 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 association; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Russian Federation

New York, June 3, 2024

Urgent Appeal and Individual Complaint prepared and submitted by:

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A. Procedural elements

a. Standing to submit an urgent appeal and an individual complaint

Pursuant to the mandate of the Working Group on Arbitrary Detention (“WGAD”), the “Manual of Operations of the Special Procedures of the Human Rights Council”¹ and the publication “Working with the United Nations Human Rights Programme, a Handbook for Civil Society,”² the Human Rights Foundation, Centre de la protection internationale, Freedom House, Free Russia Foundation, Global Justice Advisors, McCain Institute, and the Raoul Wallenberg Centre for Human Rights (“Petitioners”), all nongovernmental human rights organizations, can provide information on a specific human rights case or situation in a particular country, or a country’s laws and practices with human rights implications.

b. Consent given by the victim

The victim’s representative has authorized the Petitioners to submit this urgent appeal and individual complaint on his behalf to the WGAD. Unless otherwise referenced, the factual circumstances presented in this urgent appeal and complaint have been provided by the victim to the Petitioner through correspondence with their representative.

B. Urgent appeal

As explained in the below individual complaint, the Russian Federation (“Russian State”) is arbitrarily depriving Vladimir Kara-Murza, a renowned Russian opposition leader, pro-democracy advocate, and human rights defender, of his liberty under *Categories I, II, III, and V* of the working methods of the WGAD.

Mr. Kara-Murza has been detained since April 11, 2022. Since January 26, 2024, he has been held in solitary confinement in a punishment cell at Penal Colony No. 7 (“IK-7”) in Omsk, Siberia. Before this, from September 17, 2023, to January 26, 2024, Mr. Kara-Murza was held in solitary confinement in Penal Colony No. 6 (“IK-6”), a maximum-security facility in Omsk, Siberia. He was transferred to both facilities without notice to his family or lawyer. In IK-6, he was held in a 9.8-foot by 4.9-foot (4.5 square meters) isolation cell, equipped only with a table and bench, bed attached to the wall. Since his arrest, Mr. Kara-Murza has not been allowed to meet his family, communicating with them only through letters except for one 15-minute phone call with his children.

Mr. Kara-Murza has been denied the necessary medical care and exercise to treat his polyneuropathy, a disease affecting his peripheral nerves. He developed the condition after two poisonings in May 2015 and February 2017, almost certainly perpetrated by the Russian FSB Criminalistics Institute. If left untreated, the condition can lead to the loss of

¹ See Manual of Operations of the Special Procedures of the Human Rights Council (Aug. 2008) ¶¶ 23, 38 and 133, available at https://www.ohchr.org/Documents/HRBodies/SP/Manual_Operations2008.pdf.

² See Working with the United Nations Human Rights Programme, a Handbook for Civil Society (2008), available at https://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf.

sensation in arms and legs and even paralysis and respiratory failure. Under the Russian Criminal Code, a polyneuropathy diagnosis would require release from pretrial detention.³

Mr. Kara-Murza has lost more than 50 pounds (22 kilograms) since his arrest and has started to feel numbness in his limbs. Mr. Kara-Murza's continued detention and prison conditions threaten his health and endanger his life.⁴ Accordingly, independent medical experts estimate that Mr. Kara-Murza will not survive another year under the present circumstances.

Urgent action is therefore justified because, as explained below, there is sufficiently reliable information that Mr. Kara-Murza is being arbitrarily deprived of his liberty in violation of *Categories I, II, III, and V*. The violations are time-sensitive because Mr. Kara-Murza's ongoing detention threatens his life and health due to his rapidly deteriorating condition. Accordingly, we respectfully request the WGAD to consider this submission pursuant to its urgent action procedure and its regular communications procedure.

C. Questionnaire

a. Identity

Family name: <i>Kara-Murza</i> First name: <i>Vladimir</i> Sex: <i>Male</i> Birthdate: [REDACTED] Identity Document: - Place of Issue: - Date: - No: -	Nationality/Nationalities: <i>Russian (citizenship of the Russian Federation and the United Kingdom of Great Britain and Northern Ireland)</i> Profession: <i>opposition politician, pro-democracy advocate, journalist</i> Address of usual residence: <i>Virginia, United States</i>
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b. Chronology of events

Mr. Kara-Murza is a renowned Russian opposition leader, pro-democracy advocate, and journalist. For the last two decades, he has been a key figure in the Russian opposition movement and a close associate to other critics of the Putin regime, such as Boris Nemtsov, a prominent opposition leader assassinated in Moscow in 2015. Mr. Kara-Murza has worked for numerous organizations that promote human rights and democracy in Russia, such as the Boris Nemtsov Foundation for Freedom and Free Russia Foundation. Currently, he is a senior advisor at Human Rights First and a senior fellow at the Raoul Wallenberg Centre for Human Rights. His critical articles about the Russian State's authoritarianism have been published in *The Washington Post*, *The Wall Street Journal*, and *Novaya Gazeta*, among others.

Mr. Kara-Murza was instrumental in implementing the United States' Magnitsky Rule of Law Accountability Act of 2012, which led to the sanctioning of thirteen Russian

³ Criminal Code of the Russian Federation, art. 110(1.1).

⁴ See also U.N. Office of the High Commissioner for Human Rights, *Russia: Kara-Murza's continued detention threatens his life and violates his human rights, says UN expert* (July 28, 2023), available at <https://www.ohchr.org/en/press-releases/2023/07/russia-kara-murzaz-continued-detention-threatens-his-life-and-violates-his>.

individuals and allowed for further sanctions against foreign officials who violate human rights. Mr. Kara-Murza also lobbied for Canada and European countries to pass similar legislation.

In 2003, Mr. Kara-Murza ran as a candidate for the Duma, resulting in attempts by his United Russia opponent to have him excluded from the ballot.⁵ In May 2015 and February 2017, Mr. Kara-Murza survived two poisonings, which the investigative journalism group Bellingcat linked to the FSB Criminalistics Institute, the group behind the 2020 poisoning of Alexei Navalny.⁶ As a result, Mr. Kara-Murza developed polyneuropathy, a medical condition that causes the malfunction of peripheral nerves and, if left untreated, can lead to the loss of sensation in arms and legs and even paralysis and respiratory failure. Russian officials did not conduct any investigation into either poisoning.⁷ Despite the attempts on his life, Mr. Kara-Murza continued to speak out against the Russian State. Mr. Kara-Murza strongly condemned Russia's invasion of Ukraine and has continued to criticize the regime also while in detention, using his appearances in court to call for democracy and continuing to contribute to *The Washington Post*.⁸ Following the death of Alexei Navalny in February 2024, Mr. Kara-Murza urged Russians to keep fighting for democracy.⁹

On April 11, 2022, Mr. Kara-Murza was driving to his Moscow apartment after calling the Russian State “a regime of murderers” in an interview with CNN.¹⁰ Upon his arrival, he saw five police officers running toward him, with a police bus parked in the yard of the apartment.¹¹ As he got out of his car, the officers surrounded his vehicle.¹² Mr. Kara-Murza was arrested for “failure to follow a lawful order of a police officer” (Article 19.3 of the Code of Administrative Offences of the Russian Federation).¹³ The officers noted that he “behaved inadequately after seeing police officers, changed the trajectory of his movement [*i.e.*, started walking a different direction], started moving faster, ignored the officers’ demand to stop, and tried to escape.”¹⁴ The officers seized Mr. Kara-Murza’s phones, rejected his

⁵ The Moscow Times, *Who Is Opposition Activist Vladimir Kara-Murza?* (Apr. 17, 2023), available at <https://www.themoscowtimes.com/2023/04/17/kara-murza-a80853>.

⁶ Bellingcat, *Vladimir Kara-Murza Tailed by Members of FSB Squad Prior to Suspected Poisonings* (Feb. 11, 2021), available at <https://www.bellingcat.com/news/uk-and-europe/2021/02/11/vladimir-kara-murza-tailed-by-members-of-fsb-squad-prior-to-suspected-poisonings/>.

⁷ Amnesty International, *Russian Federation: Activist Jailed for 25 Years for Anti-War Views* (Apr. 17, 2023), available at <https://www.amnesty.org.uk/urgent-actions/activist-jailed-25-years-anti-war-views>.

⁸ See Vladimir Kara-Murza, *I am proud to have spoken against Putin’s crimes in Ukraine*, *The Washington Post* (Apr. 3, 2024 8:06 AM EDT), available at <https://www.washingtonpost.com/opinions/2024/04/03/vladimir-kara-murza-statement-court-russia/>.

⁹ The Moscow Times, *Jailed Kremlin Critic Warns Against ‘Despair’ After Navalny Death* (Feb. 22, 2024), available at <https://www.themoscowtimes.com/2024/02/22/jailed-kremlin-critic-warns-against-despair-after-navalny-death-a84203>.

¹⁰ CNN, *Russian ‘Regime of Murderers’ Revealed by Twice-Poisoned Putin Critic* (Apr. 11, 2022), available at <https://www.cnn.com/videos/world/2022/04/11/russia-putin-poison-vladimir-kara-murza-bigpicture-cnnplus.cnn>.

¹¹ CBS News, *Vladimir Kara-Murza, prominent Russian dissident, arrested hours after predicting Ukraine war will end Putin’s reign* (Apr. 12, 2022), available at <https://www.cbsnews.com/news/vladimir-kara-murza-russia-arrest-ukraine-war-vladimir-putin/>.

¹² Rachel Treisman, *U.S. calls for the immediate release of a vocal Kremlin critic detained in Moscow*, NPR (Apr. 12, 2022 2:16 PM ET), available at <https://www.npr.org/2022/04/12/1092330352/vladimir-kara-murza-detained-moscow>.

¹³ Code of Administrative Offences of the Russian Federation, art. 19.3.

¹⁴ Radio Free Europe / Radio Liberty, *Russian Opposition Activist Mr. Kara-Murza Sentenced to 15 Days in Jail* (Apr. 12, 2022), available at <https://www.rferl.org/a/russia-kara-murza-arrested/31798286.html>.

request for a lawyer, and prevented him from contacting his family.¹⁵ They also filmed the event — an atypical practice in Russian law enforcement — demonstrating a degree of premeditation for his arrest. Mr. Kara-Murza was taken to an administrative arrest center in Mnevniki, Moscow.

On April 12, 2022, the trial before the Khamovniki District Court began. Despite his requests since his arrest, Mr. Kara-Murza was denied the right to a lawyer until just before the court hearing. Mr. Kara-Murza denied the administrative charge brought against him and was not allowed to question the police officers who arrested him. The court rejected Mr. Kara-Murza’s arguments and sentenced him to 15 days in prison.¹⁶

On April 22, 2022, Mr. Kara-Murza was set to appeal against the administrative arrest in the Moscow City Court. However, while preparing for the hearing, Mr. Kara-Murza’s lawyer learned that in less than an hour, the Basmany District Court,¹⁷ would consider a separate request for Mr. Kara-Murza’s arrest on criminal grounds.¹⁸ The defense requested the criminal hearing be postponed until April 25, 2022, but the court denied the motion, stating that there was sufficient time for preparation, and the hearing proceeded.¹⁹ On the same day, the Basmany District Court decided to detain Mr. Kara-Murza until June 12, 2022.²⁰ Mr. Kara-Murza and his lawyers were then summoned to the Investigative Committee to be presented with charges.²¹

On April 22, 2022, Mr. Kara-Murza was charged with “public dissemination of knowingly false information about the army of the Russian Federation and the exercise of powers by the public authorities of the Russian Federation abroad” (Article 207.3(2)(d) of the Criminal Code), facing up to 10 years in prison. According to the charge:

“Kara-Murza V.V. . . . distributed, under the guise of reliable reports, deliberately false information containing data on the use of the Russian Armed Forces to bombard residential areas, social infrastructure facilities, including maternity homes, hospitals, and schools, as well as on the use of prohibited means and methods of warfare during a special military operation in Ukraine, thus causing substantial harm to the interests of the Russian Federation.”²²

The charges stemmed from Mr. Kara-Murza’s speech on March 15, 2022, before the Arizona House of Representatives. In the speech, Mr. Kara-Murza discussed democracy and human

¹⁵ Human Rights Watch, *Russia: New Bogus Charge Against Opposition Politician* (Aug. 8, 2022), available at <https://www.hrw.org/a/russia-kara-murza-arrested/31798286.html>; (“When the police detained Mr. Kara-Murza in April, they denied his lawyers access to him at the police station for at least 12 hours, and his defense team is experiencing difficulties transmitting case materials to and from his detention facility”).

¹⁶ Aleksandr Podrabinek, *An Orwellian Trajectory. What the jailing of Vladimir Kara-Murza means* *Rights in Russia* (Apr. 13, 2022), available at <https://www.rightsinrussia.org/podrabinek-38/>.

¹⁷ Novaya Gazeta Europe, *Volodya believes that he has no moral right to call on people to fight if he himself is safe* (Apr. 23, 2022), available at <https://novyagazeta.eu/articles/2022/04/26/volodya-believes-he-has-no-moral-right-to-encourage-people-to-fight-if-he-himself-is-safe>; see also MediaZona, *Дело о «фейках» про армию. Арест Владимира Кара-Мурзы* [The Case of “Fakes” About the Army. Arrest of Vladimir Kara-Murza] (Apr. 22, 2022), available at <https://zona.media/online/2022/04/22/kara-murza>.

¹⁸ MediaZona, supra note 17.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Investigative Committee of the Russian Federation, *Request for the Arrest of Vladimir Kara-Murza* (Apr. 22, 2022).

rights in Russia and the war in Ukraine.²³ He criticized Vladimir Putin’s policies, condemned the “appeasement” of the Kremlin by the West, and stressed the importance of the protest movement in Russia.²⁴

On May 5, 2022, Mr. Kara-Murza was transferred to Pretrial Detention Center No. 5 in Moscow,²⁵ notorious for torture and mistreatment.²⁶

On August 3, 2022, Mr. Kara-Murza was charged with “carrying out the activities of an undesirable foreign organization” (Article 284.1(1) of the Criminal Code)²⁷ for allegedly using funds from the US-based Free Russia Foundation — listed as an “undesirable” organization in 2019 by Russian officials — to organize a conference in October 2021 to support political prisoners in Russia. Co-organizers of the conference stated publicly that the Free Russia Foundation was not involved with the conference.²⁸

On October 6, 2022, Mr. Kara-Murza was charged with “high treason” (Article 275 of the Criminal Code) for having “cooperated with one of the NATO countries,” which is “prove[n]” by his critical public speeches. Mr. Kara-Murza gave the referred speeches on October 8, 2021, at a NATO Parliamentary Assembly Economics and Security Committee Meeting in Lisbon, Portugal;²⁹ on October 29, 2021, at the Norwegian Helsinki Committee Sakharov Freedom Award Ceremony in Oslo, Norway;³⁰ and on March 29, 2022, at the Helsinki Commission hearing in Washington, D.C., US.³¹ In Lisbon, Mr. Kara-Murza spoke about the illegitimacy of election campaigns in Russia, including the 2024 presidential elections.³² In Oslo, he criticized the high number of political prisoners in Russia, stating that “Russia is no longer a place where human rights reign.”³³ In Washington, D.C., he noted that those speaking against the war were in danger of criminal prosecution.³⁴

On March 6, 2023, the Moscow City Court did not allow Mr. Kara-Murza’s lawyers to

²³ Arizona House of Representatives, *Russian Opposition Leader Vladimir Kara-Murza Addresses the Arizona House of Representatives* (Mar. 15, 2022), available at <https://www.youtube.com/watch?v=9GY1srohskk>; McCain Institute, Transcription of Vladimir Kara-Murza’s Mar. 15th, 2022 Speech at the Arizona House of Representatives (Oct. 7, 2022), available at <https://www.mccaininstitute.org/resources/in-the-news/statement-on-vladimir-kara-murza/>.

²⁴ McCain Institute, supra note 23.

²⁵ See Vladimir Kara-Murza, *Opinion: I Intend to Vote Against the War on Ukraine*, The Washington Post (July 25, 2022), available at <https://www.washingtonpost.com/opinions/2022/07/25/vladimir-kara-murza-i-intend-vote-against-war-ukraine/>.

²⁶ NPR, *Opposition Politician Vladimir Kara-Murza and Other Dissidents Detained in Russia* (June 11, 2022), available at <https://www.npr.org/2022/06/11/1104368981/opposition-politician-valdimir-kara-murza-and-other-dissidents-detained-in-russi>.

²⁷ Human Rights Watch, supra note 15.

²⁸ Meduza, *Vladimir Kara-Murza Facing New Charges* (Aug. 4, 2022), available at <https://meduza.io/en/news/2022/08/04/vladimir-kara-murza-facing-new-charges>; Human Rights Watch, supra note 15; Confirmed by contact with knowledge of the situation, Aug. 19, 2022.

²⁹ NATO Parliamentary Assembly, *Summary of the Meeting of the Economics and Security Committee*, 172 ESC 21 E (Oct. 9, 2021), available at <https://www.nato-pa.int/download-file?filename=/sites/default/files/2021-12/172%20ESC%2021%20E%20-%20ESC%20Meeting%20Summary%20-%20Annual%20Session%202021.pdf>.

³⁰ Norwegian Helsinki Committee, *The 2021 Sakharov Freedom Award Ceremony* (Nov. 5, 2021), available at <https://www.nhc.no/en/the-2021-sakharov-freedom-award-2021-ceremony/>.

³¹ U.S. Helsinki Commission, *Putin’s War on Truth: Propaganda and Censorship in Russia* (Mar. 29, 2022), available at <https://www.csce.gov/hearings/putins-war-truth/>.

³² NATO Parliamentary Assembly, supra note 29, at 3–4.

³³ Norwegian Helsinki Committee, supra note 30.

³⁴ U.S. Helsinki Commission, supra note 31.

present medical documents proving his polyneuropathy and extended Mr. Kara-Murza's pretrial detention until August 27, 2023. The First Court of Appeals upheld the decision.

At a closed preliminary hearing on March 6, 2023, the defense filed a motion to dismiss Judge Podoprigrorov, sanctioned under the Sergei Magnitsky Rule of Law Accountability Act of 2012 — a law lobbied by Mr. Kara-Murza. A few days earlier, on March 3, 2023, the US State Department and the US Treasury Department had announced a new round of Magnitsky sanctions against those involved in Mr. Kara-Murza's detention.³⁵ The sanctions list now included Khamovniki District Court Judge Mischenko, Basmany District Court Judge Lenskaya, Moscow City Court Judges Kozlov and Podoprigrorov, expert witness Mikheev, Special Investigator Zadachin, and Deputy Minister of Justice Sviridenko.³⁶ The motion also asked the judge to consider the case in a public hearing and to return the case to the prosecutor. The court rejected the motion.

On March 13, 2023, the defense again challenged Judge Podoprigrorov's participation because he was on the Magnitsky list. Two other judges on the panel refused this request. When Mr. Kara-Murza attempted to speak, the judge interrupted him and told him not to "slip into politics."³⁷ Furthermore, Mr. Kara-Murza's lawyers' request to present international documents (documents of the UN, OSCE, and reliable reports on Russia's atrocities in Ukraine) as evidence was denied. Mr. Kara-Murza was kept in a cage throughout his trial.

Mr. Kara-Murza's second court hearing on March 16, 2023, did not take place as his poor health prevented him from being transported from the pretrial detention center. According to the certificate issued by the medical unit of the pretrial detention, Mr. Kara-Murza could not participate in court until the end of his course of treatment.³⁸

On April 17, 2023, the Moscow City Court convicted Mr. Kara-Murza as charged and sentenced him to 25 years in prison. In addition, he was handed a fine of 400,000 rubles (approximately USD 5,000), a 1.5-year restriction of freedom, and a 7-year ban on journalistic activities. This was the maximum possible sentence for the charges and one of the longest sentences imposed on an opposition figure since the death of Stalin in 1953.³⁹ This was also the first time an individual was convicted of high treason in Russia for simply speaking in public, without any allegations of collaboration with an enemy, revealing state secrets, espionage, or other similar activities. UN Human Rights Chief Volker Türk called the sentence "another blow to the rule of law and civic space in the Russian Federation."⁴⁰

³⁵ Antony J. Blinken, Secretary of State, *Designating Russian Nationals Involved in Serious Human Rights Abuses against Vladimir Kara-Murza* (Mar. 3, 2023), available at <https://www.state.gov/designating-russian-nationals-involved-in-serious-human-rights-abuses-against-vladimir-kara-murza/>; see also Radio Free Europe/Radio Liberty, *Detention Of Russian Opposition Politician Mr. Kara-Murza Extended Despite Serious Illness* (Mar. 6, 2023), available at <https://www.rferl.org/a/russia-kara-murza-detention-extended/32305666.html>.

³⁶ Antony J. Blinken, *supra* note 35.

³⁷ Vadim Prokhorov, Facebook Post (Mar. 14, 2023), available at <https://www.facebook.com/share/p/oEJK4LNQwgxeKiUJ/>.

³⁸ Vadim Prokhorov, Facebook Pos (Mar. 16, 2023), available at <https://www.facebook.com/share/p/i8vnFxF63MUWQmKG/>.

³⁹ Reuters, *Russian Dissident Kara-Murza Moved to Isolation Cell in New Siberian Prison* (Jan. 30, 2024, 6:58 AM), available at <https://www.reuters.com/world/europe/russian-dissident-kara-murza-transferred-punishment-cell-new-prison-media-cites-2024-01-30/>.

⁴⁰ AP News, *Top Kremlin Critic Convicted of Treason, Gets 25 Years* (Apr. 17, 2023, 11:39 PM), available at <https://apnews.com/article/russia-kara-murza-sentence-b9d389feeb468ca3d19171d0440faa7d>.

On May 30, 2023, Mr. Kara-Murza's lawyers appealed the decision before the First Court of Appeals in Moscow, which upheld the decision on July 31, 2023.⁴¹

On September 4, 2023, Mr. Kara-Murza was transferred from Moscow's Pretrial Center No. 5 to an unknown location.⁴² On September 17, 2023, his whereabouts were revealed when he was brought to a maximum-security prison, IK-6, in Omsk, Siberia, some 1,670 miles (approximately 2,687 kilometers) from Moscow.⁴³ He was placed in a 9.8-foot by 4.9-foot (4.5 square meters) isolation cell equipped only with a table and bench, bed attached to the wall.⁴⁴ Mr. Kara-Murza was disciplined for using his hands after he was told to collect bedding outside of his cell, despite the rule that prisoners must keep their hands behind their backs outside of their cells.⁴⁵ IK-6 is notorious for the systematic abuse of inmates, with multiple media reports of druggings, beatings, rapes, and humiliation.⁴⁶ According to Mr. Kara-Murza's lawyer, the conditions threatened Mr. Kara-Murza's health.⁴⁷

On January 26, 2024, Mr. Kara-Murza's whereabouts became again unknown. On January 30, 2024, his whereabouts were revealed. On January 26, 2024, he had been transferred to another Siberian penal colony, IK-7, and was placed in solitary confinement in a punishment cell.⁴⁸ He has been allowed a pen only 90 minutes per day.⁴⁹ Mr. Kara-Murza has not been permitted to self-treat the symptoms of his polyneuropathy, which is necessary for him to keep sensation in his arms and legs and prevent muscle atrophy. During Mr. Kara-Murza's detention, physicians have examined him and confirmed his polyneuropathy at least three times: on March 3, 2023, March 27, 2023, and April 2023.

Throughout his detention, Mr. Kara-Murza's health has deteriorated significantly, especially during solitary confinement in a punishment cell from February 21-25, 2023. He has lost more than 50 pounds (22 kilograms) since his arrest and is suffering from numbness in his limbs.⁵⁰ Throughout his detention, he has only been allowed to communicate with his family through letters, except for one 15-minute phone call with his

⁴¹ Reuters, *Russian Opposition Politician Kara-Murza Loses Appeal Against Treason Sentence* (July 31, 2023), available at <https://www.reuters.com/world/europe/russian-opposition-politican-kara-murza-loses-appeal-against-treason-sentence-2023-07-31/>.

⁴² Meduza, *Maybe the Most Dangerous Period: Russian Opposition Politician Vladimir Kara-Murza Transferred Out of Moscow Detention Center* (Sept. 4, 2023, 4:48 PM), available at <https://meduza.io/en/news/2023/09/04/maybe-the-most-dangerous-period-russian-opposition-politician-vladimir-kara-murza-transferred-out-of-moscow-detention-center>.

⁴³ BBC News, *Putin Opponent in Isolation Cell in Siberian Jail* (Sept. 24, 2023), available at <https://www.bbc.com/news/world-europe-66907510>.

⁴⁴ *Id.*; see also Radio Free Europe/Radio Liberty, *Imprisoned Russian Opposition Activist Kara-Murza's Wife Concerned For His Life* (Nov. 16, 2024), available at <https://www.rferl.org/a/russia-kara-murza-health-prison/32687261.html>.

⁴⁵ ABC News, *Life Inside Russia's Penal Colonies for Vladimir Putin's Political Prisoners*, available at <https://www.msn.com/en-au/news/australia/life-inside-russia-s-penal-colonies-for-vladimir-putin-s-political-prisoners/ar-BB1j7K2i>.

⁴⁶ The Washington Post, *Navalny reportedly moved to high-security prison infamous for abuse* (June 14, 2022), available at <https://www.washingtonpost.com/world/2022/06/14/navalny-russia-prison-melekhovo/>.

⁴⁷ *Id.*

⁴⁸ Reuters, *supra* note 39.

⁴⁹ Economist, *Life and Death in Putin's Gulag* (Feb. 22, 2024), available at <https://www.economist.com/1843/2024/02/22/life-and-death-in-putins-gulag>.

⁵⁰ The Globe and Mail, *If the World Doesn't Act, Canada's Newest Honorary Citizen Will Die* (Apr. 24, 2024), available at <https://www.theglobeandmail.com/opinion/article-if-the-world-doesnt-act-canadas-newest-honorary-citizen-will-die>.

children.⁵¹

On May 14, 2024, the Supreme Court heard Mr. Kara-Murza's complaint in the presence of his lawyers. Mr. Kara-Murza was not allowed to attend the hearing via videoconference due to alleged state secrets. Mr. Kara-Murza refused to be transferred from Omsk to Moscow for the hearing due to the long distance, expected incommunicado detention during the transfer, and his poor health. On May 14, 2024, the Supreme Court rejected the appeal.

On June 14, 2023, the Human Rights Foundation, Free Russia Foundation, Global Justice Advisors, McCain Institute, and Raoul Wallenberg Centre for Human Rights submitted an urgent appeal to the WGAD, 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 association, Special Rapporteur on the situation of human rights defenders, and Special Rapporteur on the independence of judges and lawyers.

b. Describe the circumstances of the arrest and/or the detention and indicate precise reasons why you consider the arrest or detention to be arbitrary.

i. Background information

1. The political system of Russia

Vladimir Putin has ruled Russia almost uninterrupted since 1999. Russia's parliamentary body, the State Duma, is controlled by United Russia, a party supporting Putin.⁵² The UN human rights experts, among others, have raised concerns regarding the independence of the judiciary and the fairness of the judicial process in Russia.⁵³ The Special Rapporteur on Russia stated in 2023 that the judiciary is subject to political influence and manipulation, acting as a mouthpiece of the executive branch.⁵⁴ Since 2005, Freedom House has consistently ranked Russia as "not free."⁵⁵

Russian security forces regularly silence and detain activists and dissidents. Russia currently holds an estimated 704 political prisoners.⁵⁶ Numerous Putin critics have been killed, including Boris Nemtsov, Anna Politkovskaya, and, more recently, Alexei Navalny.

2. Freedom of expression, peaceful assembly and association, and participation in public affairs in Russia

The Russian Constitution guarantees the rights and freedoms of individuals, including

⁵¹ Economist, *supra* note 49.

⁵² Freedom House, *Freedom in the World 2024: Russia*, available at <https://freedomhouse.org/country/russia/freedom-world/2024>.

⁵³ U.N. Office of the High Commissioner for Human Rights, *Russia: UN Experts Raise Fair Trial Concerns Over Case of Gulag Historian Yuri Alexeevich Dmitriev* (Feb. 1, 2021), available at <https://www.ohchr.org/en/press-briefing-notes/2021/02/russia-un-experts-raise-fair-trial-concerns-over-case-gulag-historian>.

⁵⁴ U.N. Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in the Russian Federation*, A/HRC/54/54 (Sept. 15, 2023), available at <https://www.ohchr.org/en/documents/country-reports/ahrc5454-situation-human-rights-russian-federation-report-special>.

⁵⁵ Freedom House, *Country Rankings from 1973 to 2009*, available at <https://arquivo.pt/wayback/20090713223547/http://www.freedomhouse.org/template.cfm?page=439>.

⁵⁶ Memorial, *Поддержка Политзаключённых* [Support for Political Prisoners], available at <https://memopzk.org>.

freedom of expression and association.⁵⁷ However, human rights violations have increased sharply under President Putin’s rule. Russia has eroded the freedom of expression, peaceful assembly and association, and participation in public affairs through several laws.

In 2012, Russia introduced the “foreign agent” law, enabling it to designate organizations and individuals as “foreign agents” if they receive foreign funding or are deemed to be under “foreign influence.”⁵⁸ The law is used to exclude groups or individuals from public life and to subject the so-called “foreign agents” to monitoring by the Ministry of Justice.⁵⁹

In 2015, Russia adopted the “undesirable organization” law, targeting non-profit and non-governmental organizations that receive funding from foreign sources — mainly from Europe and the United States.⁶⁰ Under this law, Russian prosecutors can designate a foreign or international organization as “undesirable” if it undermines Russia’s security, defense, or constitutional order.⁶¹ Many human rights organizations, including Amnesty International and Human Rights Watch, have criticized this unconstitutional law.⁶²

Since its February 2022 invasion of Ukraine, Russia has further intensified its efforts to stifle dissent. Anti-war expression has been suppressed by the criminalization of “disseminating false news relating to” or “discrediting” the armed forces, carrying a sentence of up to 15 years.⁶³ The law does not define the term “false,” though Russia’s censorship and media regulatory agency, Roskomnadzor, issued a statement obliging media to use only information received from official sources when covering the Ukraine war,⁶⁴ suggesting that information coming from anywhere but Russian officials would be considered “false.”⁶⁵ Even sharing information online about the death of civilians at the hands of the Russian military or opposing state-promoted pro-war symbols can result in prison sentences. The Russian Constitutional Court has upheld these restrictions as compatible with the constitutional rights to the freedom of expression and assembly.⁶⁶

⁵⁷ See Constitution of the Russian Federation (Russian Federation), available at https://constituteproject.org/constitution/Russia_2014.pdf.

⁵⁸ Reuters, *Russia’s Putin Signs NGO “Foreign Agents” Law* (July 21, 2012, 6:46 AM), available at <https://www.reuters.com/article/idUSBRE86K05M/>.

⁵⁹ See U.N. Human Rights Council, *supra* note 54, ¶ 24.

⁶⁰ Radio Free Europe/Radio Liberty, *Rights Watchdog Condemns ‘Baseless’ Treason Charges Against Kremlin Critic Mr. Kara-Murza* (Oct. 9, 2022), available at <https://www.rferl.org/a/russia-kara-murza-treason-charges-rights-watches/32071895.html>.

⁶¹ Human Rights Watch, *supra* note 15.

⁶² Human Rights Watch, *Russia: Stop Draft Law on ‘Undesirable’ Groups: New Bill Would ‘Squeeze the Life’ From Civil Society* (May 15, 2015), available at <https://www.hrw.org/news/2015/05/15/russia-stop-draft-law-undesirable-groups>.

⁶³ See U.N. Human Rights Council, *supra* note 54, ¶32; [“The human rights group Memorial, for example, was dissolved in 2021 amidst accusations that it had breached the foreign agent law and had been engaging in terrorism and extremism”].

⁶⁴ News 18, *Russia Warns Media About What is Published on Situation in Eastern Ukraine* (Feb. 25, 2022), available at <https://news18.com/news/world/russia-warns-media-about-what-is-published-on-situation-in-eastern-ukraine-4807436.html>.

⁶⁵ Amnesty International, Russian Federation: End Censorship on Voices Against the War, Public Statement (Mar. 14, 2022), available at <https://www.amnesty.org/en/wp-content/uploads/2022/03/EUR4653452022ENGLISH.pdf>.

⁶⁶ U.N. Human Rights Council, *supra* note 63, ¶14.

ii. The arbitrary nature of the detention pursuant to *Category I*, *Category II*, *Category III*, and *Category V*

As a UN member state, Russia has committed to protect, promote, and respect the individual rights and fundamental freedoms laid out in the Universal Declaration of Human Rights (“UDHR”).⁶⁷ Moreover, as a state party to the International Covenant on Civil and Political Rights (“ICCPR”),⁶⁸ Russia is bound to uphold its commitment to respect and protect the rights and freedoms recognized under the Covenant.

a. Deprivation of liberty was arbitrary under *Category I*

Arrest is arbitrary under *Category I* when it is clearly impossible to invoke any legal basis justifying the deprivation of liberty. Article 3 of the UDHR protects everyone’s right to liberty, while Article 9 of the UDHR and Article 9(1) of the ICCPR prohibit arbitrary arrest or detention. The WGAD has held that deprivation of liberty will be arbitrary where there is a lack of legal basis for arrest and detention and where the subsequently laid charges are vague.⁶⁹

(1) Enforced disappearance and incommunicado detention

Enforced disappearance and incommunicado detention lack any valid legal basis and are inherently arbitrary, as they place the victim outside the protection of the law and deprive them of any legal safeguards.⁷⁰ Article 6 of the UDHR and Article 16 of the ICCPR guarantee everyone the right to recognition everywhere before the law. Principle 16(1) of Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (“Body of Principles”)⁷¹ protects a detainee’s right to notify or have the authorities notify her family members promptly after arrest. Principle 15 limits the denial of a detainee’s communication with the outside world to “a matter of days.” Principle 19 protects a detainee’s right to be visited by and to correspond with, in particular, members of their family and guarantees a detainee adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions.

Mr. Kara-Murza was not allowed to notify or have the official notify his family about his arrest on April 11, 2022. Family visits have been denied since his arrest. He has been

⁶⁷ Universal Declaration on Human Rights, G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 2, 1948), available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁶⁸ Rwanda ratified the ICCPR on Oct 16, 1973; See International Covenant on Civil and Political Rights (Dec. 16, 1966), S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en.

⁶⁹ 61 Individuals v. United Arab Emirates, Working Grp. On Arbitrary Detention, Opin. No. 60/2013, (Nov. 22, 2013), ¶ 22, available at <http://hrlibrary.umn.edu/wgad/60-2013.html>.

⁷⁰ Human Rights Comm’t, General Comment No. 35 Article 9: Liberty and security of person, U.N. Doc. CCPR/C/GC/25 (Dec. 16, 2014), ¶ 17, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11; Sheikh Mohammad bin Hassan Al Habib v. Saudi Arabia, Working Grp. on Arbitrary Detention, Opin. No. 86/2020 (Nov. 26, 2020), ¶ 63, available at https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_86.pdf.

⁷¹ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Adopted by General Assembly resolution 43/173 (Dec. 9, 1988), available at <https://www.ohchr.org/Documents/ProfessionalInterest/bodyprinciples.pdf>.

allowed to communicate with his family only through letters and through one 15-minute phone call with his children.

Mr. Kara-Murza has been subjected to enforced disappearance and incommunicado detention — with no opportunity to communicate with the outside world — twice: from September 4-17, 2023 and from January 26-30, 2024.

By subjecting Mr. Kara-Murza to enforced disappearance and keeping him incommunicado beyond a time period acceptable under international law, the Russian State violated Article 6 of the UDHR, Article 16 of the ICCPR, and Principles 15, 16(1), and 19 of the Body of Principles. These violations render Mr. Kara-Murza’s detention legally baseless and arbitrary under *Category I*.

(2) Detention despite domestic law affording the right to await trial free from detention

Article 9 of the UDHR and Article 9(1) of the ICCPR prohibit arbitrary arrest or detention. According to Article 110(1.1) of the Russian Criminal Procedure Code, pretrial detention “is changed to a less severe measure if the suspect or accused is found to have a serious illness that precludes their detention, as certified by a medical report issued following a medical examination.” Serious illness, defined in the Decree of the Government of the Russian Federation of 14.1.2011 Nr. 3, includes “[s]evere forms of atrophic and degenerative diseases of the nervous system with a progressive course, with persistent impairment of motor, sensory and vegetative-trophic functions.”

Physicians confirmed Mr. Kara-Murza’s polyneuropathy diagnosis — which falls under the definition of a “serious illness” — at least three times during his pre-trial detention: on March 3, 2023, March 27, 2023, and April 2023. Mr. Kara-Murza’s polyneuropathy diagnosis would have created grounds for him to await trial out of detention. However, on March 6, 2023, the Moscow City Court did not allow medical documents proving the diagnosis as evidence and extended Mr. Kara-Murza’s pretrial detention. The First Court of Appeals upheld the decision. Mr. Kara-Murza’s condition was so poor that he was unable to attend the court hearing on March 16, 2023.

Because Mr. Kara-Murza has a serious illness as defined by Russian law, his pretrial detention should have been changed to a less severe measure in light of applicable Russian law. Therefore, the Russian State violated Article 9 of the UDHR and Article 9(1) of the ICCPR, rendering his detention legally baseless and arbitrary under *Category I*.

(3) Violation of the principle of legality

Article 11(2) of the UDHR and Article 15(1) of the ICCPR embody the principle of legality, requiring that laws “be formulated with sufficient precision so that the individual can access and understand the law and regulate his or her conduct accordingly.”⁷² According to WGAD, restrictions on freedom of expression cannot be justified by vague and general references to interests of national security or public order and that detention based on these

⁷² See also Working Grp. on Arbitrary Detention, *10 individuals associated with the newspaper Cumhuriyet v. Turkey*, Opin. No. 41/2017, U.N. Doc. A/HRC/WGAD/2017/41, ¶¶ 98–101; see also Working Grp. on Arbitrary Detention, *Wang Quanzhang, Jiang Tianyong and Li Yuhua v. China*, Opin. No. 62/2018, ¶¶ 57–59; and Human Rights Comm’t, *supra* note 70, ¶ 22.

statutes is arbitrary under *Category I*.⁷³ General Comment No. 35 requires the grounds for arrest and detention to be “prescribed by law” and that the law “should be defined with sufficient precision to avoid overly broad or arbitrary interpretation or application.”⁷⁴

Article 207.3(2) of the Russian Criminal Code criminalizes the “public dissemination of knowingly false information about the army of the Russian Federation and the exercise of power by the public authorities of the Russian Federation abroad.” According to the Special Rapporteur on Russia, this article has been interpreted broadly without any legal certainty.⁷⁵ Without a definition of what constitutes “false information,” any criticism of the Russian army is potentially illegal under this provision. This is apparent in Mr. Kara-Murza’s case, where his motion to include accurate international reporting of the Ukraine war as evidence was denied. Mr. Kara-Murza could not have predicted that criticizing the Russian army’s actions in Ukraine in his speeches would constitute criminal behavior under Article 207.3(2)(d). Therefore, the article violates the principle of legality.

The criminalization of “carrying out the activities of an undesirable foreign organization” (Article 284.1(1) of the Criminal Code) is similarly problematic from the perspective of the principle of legality. Article 5 of the Federal Law of 23.05.2015 N 129-FZ determines the status of the undesirability of a non-governmental organization on the following broad grounds: “threatening the foundation of the constitutional order of the Russian Federation, the country’s defense capability, or the security of the State.” Under this law, the Russian State would be free to prosecute any individual who has any contact with organizations the prosecutor’s office has deemed “undesirable.” The Criminal Code does not specify what actions would constitute “carrying out the activities.” Therefore, it is not clear whether using funds of an organization classified as “undesirable” while planning a conference would constitute “carrying out activities” on behalf of that organization. Therefore, the article violates the principle of legality.

Finally, Article 275 of the Criminal Code defines “high treason” as “espionage, disclosure of state secrets, or any other assistance rendered to a foreign State, a foreign organization or their representatives in hostile activities to the detriment of external security of the Russian Federation.” Russia’s overly broad application of this provision, equating Mr. Kara-Murza’s criticism of Russia to espionage on behalf of foreign States, demonstrates the vague nature of Article 275. WGAD has previously noted that “vague provisions on national security did not distinguish between violent acts capable of threatening national security and the peaceful exercise of rights.”⁷⁶ Mr. Kara-Murza was peacefully exercising his right to freedom of expression, and doing so to a Western audience does not in itself lead to the detriment of Russia’s external security. Therefore, the article violates the principle of legality.

Therefore, by applying the above-mentioned vague and overly broad provisions, the Russian State violated the principle of legality, enshrined in Article 11(2) of the UDHR and Article 15(1) of the ICCPR, thus rendering Mr. Kara-Murza’s detention legally baseless and arbitrary under *Category I*.

⁷³ See, e.g., Working Grp. on Arbitrary Detention, *Mbanza Judicaël v Rep. of Congo*, Opin. 44/2014, U.N. Doc. A/HRC/WGAD/2014/44 (Feb. 4, 2015), ¶ 26, available at <http://hrlibrary.umn.edu/wgad/44-2014.pdf>.

⁷⁴ U.N. Human Rights Comm’t, supra note 70, ¶ 22.

⁷⁵ U.N. Human Rights Council, supra note 54, at 35.

⁷⁶ Working Grp. on Arbitrary Detention, *Mohamed Ramadhan Isa Ali Husain and Husain Ali Moosa Hassan Mohamed v. Bahrain*, Opin. No. 4/2021, U.N. Doc. A/HRC/WGAD/2021/4, (May 31, 2021), ¶ 73, available at <https://www.ohchr.org/en/opinions-adopted-working-group-arbitrary-detention-its-90th-session>.

b. Deprivation of liberty was arbitrary under *Category II*

Deprivation of liberty is arbitrary under *Category II* when it results from a violation of the exercise of fundamental rights and freedoms, such as the right to freedom of opinion and expression, guaranteed under Article 19 of the UDHR and Articles 19(1) and 19(2) of the ICCPR, the right to freedom of peaceful assembly and association, guaranteed under Article 20(1) of the UDHR and Articles 21 and 22(1) of the ICCPR, and the right to take part in the conduct of public affairs, guaranteed under Article 21(1) of the UDHR and Article 25(a) of the ICCPR.

Mr. Kara-Murza's charge of "public dissemination of knowingly false information about the army of the Russian Federation and the exercise of power by the public authorities of the Russian Federation abroad" stemmed from his public speech in a peaceful assembly before the Arizona House of Representatives on March 15, 2022⁷⁷ where he discussed democracy and human rights in Russia and the war in Ukraine.⁷⁸ He criticized Vladimir Putin's policies, condemned the "appeasement" of the Kremlin by the West, and stressed the importance of the protest movement in Russia.⁷⁹ Effectively, Mr. Kara-Murza exercised the right to freedom of opinion, expression, public assembly, and participation in public affairs.

The charge for "carrying out the activities of an undesirable foreign organization" stemmed from Mr. Kara-Murza allegedly using funds from the Free Russia Foundation, an "undesirable organization," to organize a conference in October 2021 to support political prisoners in Russia. Effectively, Mr. Kara-Murza exercised or aimed to exercise his right to freedom of peaceful assembly, association, and participation in public affairs.

The "high treason" charge stemmed from Mr. Kara-Murza's peaceful public speeches in peaceful assemblies on October 8, 2021, at a NATO Parliamentary Assembly Economics and Security Committee Meeting in Lisbon,⁸⁰ on October 29, 2021, at the Norwegian Helsinki Committee's Sakharov Freedom Award ceremony in Oslo,⁸¹ and on March 29, 2022, at the US Helsinki Commission hearing in Washington, D.C.⁸² Just hours before his arrest, he referred to the Russian government as "a regime of murderers" while speaking to CNN.⁸³ In Oslo, he criticized the high number of political prisoners in Russia, stating that "Russia is no longer a place where human rights reign."⁸⁴ In Washington, D.C., he noted that those speaking against the war were in danger of criminal prosecution.⁸⁵ According to his lawyer, these speeches "did not pose any threat; it was public, open criticism."⁸⁶ Effectively, Mr. Kara-Murza exercised his right to freedom of opinion, expression, public assembly, and participation in public affairs.

⁷⁷ Aleksandr Podrabinek, *supra* note 16.

⁷⁸ Arizona House of Representatives, *supra* note 23; McCain Institute, *supra* note 23.

⁷⁹ McCain Institute, *supra* note 23.

⁸⁰ Human Rights Watch, *supra* note 15.

⁸¹ Human Rights Watch, *supra* note 62.

⁸² NATO Parliamentary Assembly, *supra* note 29.

⁸³ Amnesty International, *supra* note 7.

⁸⁴ Norwegian Helsinki Committee, *supra* note 30.

⁸⁵ U.S. Helsinki Commission, *supra* note 31.

⁸⁶ The Guardian, *Kremlin critic Vladimir Kara-Murza accused of 'high treason'* (Oct. 6, 2022), available at <https://www.theguardian.com/world/2022/oct/06/kremlin-critic-vladimir-kara-murza-accused-high-treason>; Vadim Prokhorov, Facebook Post (Oct. 7, 2022), available at <https://www.facebook.com/vadim.prokhorov.12/posts/pfbid0SPHQv69owkH8jzkBvgTqFHe2c8azC2nLDaCJns6tALGRMoGaRjbbjMBcLgTJVN8fl>.

According to Article 19(3) of the ICCPR, restrictions to the right to freedom of opinion and expression must be provided by law and “necessary: (a) [f]or the respect of the rights or reputations of others; (b) [f]or the protection of national security or of public order (ordre public), or of public health or morals.” Articles 21 and 22(2) of the ICCPR, respectively, provide for restrictions on the right to freedom of peaceful assembly and association, requiring them to be provided by law and to be “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.”

According to General Comment 34, the restrictions “may not put in jeopardy the right itself.”⁸⁷ According to General Comments 34 and 37, these restrictions must not be used to stifle the expression of political opposition, challenges to authority, calls for democratic changes, or human rights advocacy.⁸⁸ Furthermore, restrictions on the freedom of expression of journalists critical of the government or the political system are never deemed necessary.⁸⁹ The WGAD has consistently established that peaceful political and social discourse cannot be restricted on the basis that it represents a threat to national security. In 2022, the Human Rights Committee specifically urged Russia to repeal Articles 207.3 and 275 of the Criminal Code because they unduly restrict the freedom of expression⁹⁰ and provisions on “foreign” agents and “undesirable” organizations because they restrict freedom of association.⁹¹ Therefore, none of the international grounds justifies the restrictions on Mr. Kara-Murza’s peaceful criticism of Russia’s war and human rights violations.

Mr. Kara-Murza’s deprivation of liberty resulted from the peaceful exercise of their right to freedom of opinion, expression, peaceful assembly, association, and participation in public affairs. Therefore, as the Russian officials’ actions do not fall under the recognized exceptions to these freedoms, the Russian State violated Articles 19, 20(1), and 21(1) of the UDHR, Articles 19(1), 19(2) 21, 22(1), and 25(a) of the ICCPR, giving Mr. Kara-Murza’s deprivation of liberty an arbitrary character under *Category II*.

c. Deprivation of liberty was arbitrary under *Category III*

Detention is considered arbitrary under *Category III* where the “total or partial non-observance of the international norms relating to the right to a fair trial including those spelled out in the UDHR and other relevant international instruments accepted by

⁸⁷ See U.N. Human Rights Comm’t, General Comment No. 34, Article 19: Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34, (Sept. 12, 2011), ¶ 21, *available at* https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11.

⁸⁸ U.N. Human Rights Comm’t, *supra* note 87, ¶ 23; U.N. Human Rights Comm’t, General Comment No. 37, Article 21: Right of peaceful assembly, U.N. Doc. CCPR/C/GC/37, (Sept. 17, 2020), ¶ 49, *available at* https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11.

⁸⁹ U.N. Human Rights Comm’t, *supra* note 87, ¶ 42.

⁹⁰ Human Rights Comm’t, *Concluding observations on the eighth periodic report of the Russian Federation*, U.N. Doc. CCPR/C/RUS/CO/8, (Dec. 1, 2022), ¶ 29(a), *available at* <https://documents.un.org/doc/undoc/gen/g22/589/65/pdf/g2258965.pdf?token=NEd8junkoVhJBSJXfZ&fe=true>.

⁹¹ *Id.*, ¶ 35.

the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.”⁹²

As explained below, the Russian State violated several norms of international human rights law relating to the right to a fair trial, such that Mr. Kara-Murza’s deprivation of liberty has an arbitrary character under *Category III*.

- (1) Denial of legal assistance, adequate time and facilities for the preparation of defense, and equality of arms

Principles 15, 17, and 18 of the Body of Principles guarantee a detained person the right to legal assistance and communication with a lawyer. According to Principle 18 of the Body of Principles, a detained person shall have adequate time and facilities for consultation with his lawyer. Principle 9 of the UN Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (“UN Basic Principles and Guidelines”) guarantees legal assistance at any time during the detention.⁹³

Article 11(1) of the UDHR guarantees a criminally charged person a public trial where the individual has “all the guarantees necessary for his defence.” Article 14(1) of the ICCPR guarantees equality before the courts and guarantees a fair and public hearing in the determination of criminal charges, embodying the principle of “equality of arms” between the prosecution and defense.⁹⁴ The denial of legal assistance at any stage of criminal proceedings can jeopardize the entire process and infringe the defendant’s fair trial rights.⁹⁵

After his April 11, 2022 arrest, Mr. Kara-Murza — despite his requests — was granted access to a lawyer only on the following day, just before his administrative trial began at the Khamovniki District Court. At the administrative trial, Kara-Murza was not allowed to question the police officers who arrested him. Furthermore, on April 22, 2022, Mr. Kara-Murza’s legal team received less than an hour’s notice of the Basmany District Court’s consideration of a request to place him under pretrial detention on criminal grounds. His legal team’s request for a postponement was denied.

On March 6, 2023, the Moscow City Court rejected Mr. Kara-Murza’s request to present medical documents on his polyneuropathy. Later, the same court rejected Mr. Kara-Murza’s request to present legitimate international documents on Russia’s atrocities as evidence.

During Mr. Kara-Murza’s transfers to penal colonies from September 4-17, 2023 and

⁹² Working Grp. on Arbitrary Detention Methods of Work, A/HRC/36/38, para 8(c), <https://www.ohchr.org/en/documents/reports/methods-work-working-group-arbitrary-detention>.

⁹³ Basic Principles on the Role of Lawyers, Adopted by the Eighth U.N. Congress of the Prevention of Crime and Treatment of Offenders (Sept. 7, 1990), *available at* <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>; This is supported by the 2020 Report of the Working Grp. on Arbitrary Detention that states, “[t]he right to legal assistance applies from the moment of deprivation of liberty and across all settings of detention”, *see* “Arbitrary Detention,” *Report of the Working Grp. on Arbitrary Detention*, Human Rights Council on its 55th Sess., U.N. Doc. A/HRC/45/16, (Jul. 24, 2020), ¶ 51, *available at* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/190/76/PDF/G2019076.pdf?OpenElement>.

⁹⁴ U.N. Human Rights Comm’t, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. No. CCPR/C/GC/32, (Aug. 23, 2007), ¶ 13.

⁹⁵ *Id.*, ¶ 10.

January 26, 2024, his lawyers were not notified of the transfers nor was Mr. Kara-Murza been able to communicate with his lawyers during those periods. After the January 26, 2024 transfer, he could communicate with his lawyers only on January 30, 2024.

By denying Mr. Kara-Murza's access to a lawyer at the beginning of his detention and during his transfers, depriving him of the right to question witnesses at the administrative trial, depriving him of adequate time and opportunities to prepare for the first pretrial hearing, and denying him the right to present crucial evidence at the criminal trial, the Russian State violated Article 11(1) of the UDHR, Article 14(1) of the ICCPR, Principles 15, 17, and 18 of the Body of Principles, and Principle 9 of the UN Principles and Guidelines, rendering Mr. Kara-Murza's detention arbitrary under *Category III*.

(2) Denial of a public hearing before an independent and impartial tribunal

One component of a fair trial is that it be public, as enshrined in Article 10 of the UDHR, Article 14(1) of the ICCPR, and Principle 36(1) of the Body of Principles. According to Article 14(1) of the ICCPR, a trial may be held in closed court only for reasons of morals, public order, or national security in a democratic society when the interest of the private lives of the parties so requires, or in special circumstances where publicity would prejudice the interests of justice.

Mr. Kara-Murza's trial before the Moscow City Court was conducted in closed court, justified by claims of classified materials in the case. However, the alleged criminal acts were Mr. Kara-Murza's public speeches, which are easily accessible online. The actual motive for the closed proceedings, as the prosecution openly admitted in a subsequent appeals hearing, was to block Mr. Kara-Murza from leveraging the trial as a platform for political expression, specifically to prevent him from publicly denouncing Putin as a murderer.⁹⁶ The Russian State's failure to try Mr. Kara-Murza in a public trial violates Article 10 of the UDHR, Article 14(1) of the ICCPR, and Principle 36(1) of the Body of Principles. Therefore, Mr. Kara-Murza's right to a fair trial was violated.

Another component of a fair trial is that it be adjudicated by an independent and impartial tribunal, as enshrined in Article 10 of the UDHR and Article 14(1) of the ICCPR. Independence requires, among other things, the actual independence of the judiciary from political interference by the executive branch and legislature.⁹⁷ Impartiality requires two elements. First, the judge must not be influenced by harbored preconceptions about the particular case he or she is dealing with or promote the interests of one of the parties over those of the other.⁹⁸ Second, the tribunal must be seen to be impartial by a reasonable observer.⁹⁹

The Human Rights Committee and several human rights organizations have raised deep concerns about the Russian judiciary's independence, noting the President's power in appointing and dismissing the presidents and judges of the federal courts and the

⁹⁶ Vladimir Kara-Murza, *Many Russians Refuse to Become Silent Accomplices to Putin's War — At Great Cost*, Wash. Post (Aug. 15, 2023, 7:00 AM), available at <https://www.washingtonpost.com/opinions/2023/08/15/kara-murza-anti-war-russian-arrests-protests/>.

⁹⁷ U.N. Human Rights Comm't, supra note 94, ¶ 19.

⁹⁸ *Id.*, ¶ 21; see also U.N. Human Rights Comm't, *Karttunen v. Finland*, Communication No. 387/1989, (Nov. 5, 1992), ¶ 7.2, available at <http://hrlibrary.umn.edu/undocs/html/dec387.htm>.

⁹⁹ U.N. Human Rights Comm't, supra note 94, ¶ 21.

politically-motivated convictions.¹⁰⁰ Several cases of political convictions have been reported, including the 7-year sentence of Aleksey Gorinov, a Moscow municipal deputy, for disseminating “knowingly false information about Russia’s armed forces” by criticizing the invasion of Ukraine at a municipal council meeting.¹⁰¹ Therefore, the courts involved in Mr. Kara-Murza’s case were not independent.

The courts involved in Mr. Kara-Murza’s trials also failed to act impartially and demonstrated a bias against Mr. Kara-Murza. As noted above, the Khamovniki District Court denied him at his April 22, 2022 trial the right to question the police officers who arrested him. Furthermore, the Moscow City Court denied the request of Mr. Kara-Murza’s lawyer to dismiss Judge Podoprigrorov, the chairman of the panel of judges who heard his criminal case, on the basis that he is sanctioned under the Magnitsky Act — a bill advocated for by Mr. Kara-Murza. Therefore, Mr. Kara-Murza’s trials were not held before impartial courts.

The Russian State violated Article 10 of the UDHR, Article 14(1) of the ICCPR, and Principle 36(1) of the Body of Principles, rendering Mr. Kara-Murza’s detention arbitrary under *Category III*.

(3) Torture or other cruel, inhuman or degrading treatment

Article 5 of the UDHR, Article 7 of the ICCPR, and Principle 6 of the Body of Principles prohibit cruel, inhuman or degrading treatment, while Article 10(1) of the ICCPR, Principle 1 of the Body of Principles, and Rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners¹⁰² (“Nelson Mandela Rules”) require detainees to be treated with humanity and respect for the inherent dignity of the human person. Articles 2, 13, and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁰³ (“UNCAT”) require states to prevent torture and other cruel, inhuman, or degrading treatment and investigate allegations of them.

Rule 13 of the Nelson Mandela Rules requires prison accommodation to meet all requirements of health, particularly regarding minimum floor space.

Rule 58 protects the detainees’ right to communicate with their family and friends by telecommunication and other electronic and digital means and by receiving visits. Rule 43 prohibits prolonged solitary confinement, which, according to Rule 44, refers to solitary confinement lasting more than 15 consecutive days. According to the WGAD, solitary

¹⁰⁰ U.N. Human Rights Comm’t, *supra* note 90, ¶ 24; Freedom House, *supra* note 52 ; Julia Kepcynska & Pavel Kutsevol, *Show Trials and Political Persecution: Judiciary in Putin’s Russia*, Human Rights Foundation (Aug. 11, 2023), available at <https://hrf.org/show-trials-and-political-persecution-judiciary-in-putins-russia/>.

¹⁰¹ Working Grp. on Arbitrary Detention, *Alexey Gorinov. v. Russian Federation*, Opin. No. 78/2022, (Nov. 16, 2022), available at <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session95/A-HRC-WGAD-2022-78-AEV.pdf>.

¹⁰² The United Nations Standard Minimum Rules for the Treatment of Prisoners, Adopted by General Assembly Resolution 70/175 (Dec. 17, 2015), available at https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

¹⁰³ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Adopted by General Assembly Resolution 39/46 (Dec. 10, 1984), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>; Russia ratified the UNCAT on March 3, 1987. Ratification Status for Russian Federation, U.N. Treaty Body Database, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=144&Lang=EN.

confinement is only acceptable in exceptional cases as a last resort, for as short a time as possible, subject to independent review, and authorized by a competent authority.¹⁰⁴

Rule 24 guarantees detainees access to necessary health services, while Rule 27 guarantees access to specialized treatment in specialized institutions or civic hospitals for those in need. Rule 30 requires a physician or other qualified healthcare professional to examine and identify healthcare needs and take all necessary measures for treatment. Rule 23 guarantees detainees at least one hour of suitable exercise in the open air daily.

In IK-6, Mr. Kara-Murza was held in a small, 9.8-foot by 4.8-foot (4.5 square meters) isolation cell equipped only with a table and bench, bed attached to the wall. He was disciplined for using his hands after he was told to collect bedding outside of his cell, despite the rule that prisoners must keep their hands behind their backs outside of their cells.¹⁰⁵ Mr. Kara-Murza has been denied family visits and has been allowed only one phone call with his children.

During his enforced disappearances, from September 4-17, 2023 and January 26-30, 2024, he was unable to communicate with the outside world. The transfers appeared to be an attempt to influence his health and spirits. Amnesty International has described Russia's practice of transporting prisoners as a "legacy of the GULAG," with cramped transport conditions, no ventilation or natural light, little water, and infrequent access to toilets.¹⁰⁶ During their transport, prisoners are unable to contact family or lawyers, who are left without information about where the prisoners are being transferred, when they were moved, or when they will arrive at the new prison.¹⁰⁷

Mr. Kara-Murza has been held in prolonged solitary confinement from February 21-25, 2023 and since September 17, 2023. Mr. Kara-Murza has been denied the necessary medical care and self-treatment for polyneuropathy. On March 16, 2023, a court hearing was canceled due to his health condition. Mr. Kara-Murza has lost more than 50 pounds (22 kilograms) during his detention and is experiencing numbness in his limbs.

These stressful and abusive conditions have impaired Mr. Kara-Murza's abilities to prepare for his defense and reached the level of torture or other cruel, inhuman or degrading treatment. Therefore, the Russian State inhibited Mr. Kara-Murza's right to a fair trial by violating Article 5 of the UDHR, Articles 7 and 10(1) of the ICCPR, Principles 1 and 6 of the Body of Principles, Articles 2, 13, and 16 of the UNCAT, and Rules 1, 13, 23, 24, 27, 30, 43, 44, and 58 of the Nelson Mandela Rules, rendering his detention arbitrary under *Category III*.

(4) Denial of the right to be presumed innocent

Under Article 11(1) of the UDHR, Article 14(2) of the ICCPR, and Principle 36(1) of the Body of Principles, a criminally charged person has the right to be presumed innocent until proved guilty under the law.

¹⁰⁴ Working Grp. on Arbitrary Detention, *Sergey Tihanovski v. Belarus*, Opin. No. 23/2021, (Sept. 6, 2021), ¶ 105, available at

https://www.ohchr.org/sites/default/files/2021-11/A_HRC_WGAD_2021_23_AdvanceEditedVersion.pdf.

¹⁰⁵ ABC News, *supra* note 45.

¹⁰⁶ Amnesty International, *Russia: Prisoner transport conditions evoke GULAG era legacy* (Oct. 25, 2017), available at

<https://www.amnesty.org/en/latest/press-release/2017/10/russia-prisoner-transport-conditions-evoke-gulag-era-legacy/>.

¹⁰⁷ *Id.*

According to WGAD, certain violations in the criminal investigation and trial may indicate that the suspect was not presumed innocent.¹⁰⁸ These violations include, among others, an arrest without a legal basis, solitary confinement, lack of access to a lawyer,¹⁰⁹ and presenting the defendant to the court in a manner indicating they may be dangerous criminals,¹¹⁰ for example, in shackles.¹¹¹

As explained earlier, leading up to his conviction, Mr. Kara-Murza was held in solitary confinement from February 21-25, 2023 and from September 17, 2024 onwards, was kept in pretrial detention, despite Russian law ordering a less serious measure, was denied necessary medical care with the result of deteriorating health, and was denied other communication with his family, except through letters. Finally, throughout his trial, Mr. Kara-Murza was held in a cage.

These violations demonstrate that the Russian State violated Mr. Kara-Murza's right to be presumed innocent in violation of Article 11(1) of the UDHR, Article 14(2) of the ICCPR, and Principle 36 of the Body of Principles, rendering his detention arbitrary under *Category III*.

d. Deprivation of liberty was arbitrary under *Category V*

Detention is arbitrary under Category V when “the deprivation of liberty 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.”

Article 2 of the UDHR and Article 2(1) of the ICCPR grant all people fundamental rights and freedoms without any distinction, including political opinion. Article 7 of the UDHR and Article 26 of the ICCPR provide for equality before the law and equal protection of the law.

Mr. Kara-Murza's political opinion is central to the present case. Mr. Kara-Murza was targeted for his peaceful pro-democracy advocacy in Russia and for criticizing the Russian State for its human rights abuses and invasion of Ukraine in 2022. Mr. Kara-Murza has suffered a long pattern of discrimination and persecution, with attempts to keep him off the ballot for the Duma in 2003 and two near-fatal poisonings in 2015 and 2017, almost certainly perpetrated by the Russian State.

Mr. Kara-Murza's discrimination is part of a larger trend of oppression against dissent and opposition in Russia, with over 1,000 people imprisoned on politically motivated charges.¹¹²

¹⁰⁸ Jared Genser, *The UN Working Group on Arbitrary Detention: Commentary and Guide to Practice* (2020), at 298–303, available at <https://www.perseus-strategies.com/the-un-working-group-on-arbitrary-detention/>.

¹⁰⁹ Working Grp. on Arbitrary Detention, *Jagtar Singh Johal v. India*, Opin. No. 33/2008 (Nov. 19, 2021), ¶ 114, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/332/82/PDF/G2233282.pdf?OpenElement>.

¹¹⁰ U.N. Human Rights Comm't, *supra* note 94, ¶ 30.

¹¹¹ Working Grp. on Arbitrary Detention, *Hamdi Al Ta'mari and Mohamad Baran v. Israel*, Opin. No. 5/2010 (May 6, 2010), ¶ 30, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/115/98/PDF/G1111598.pdf?OpenElement>.

¹¹² Dasha Litvinova, *With dissent stifled, some Russians help political prisoners by writing them letters of support*, AP News (Mar. 8, 2024), available at <https://apnews.com/article/russia-political-prisoners-crackdown-protests-navalny-8ad5c35d3b481500f8cca3e5ee9a27a4>.

Mr. Kara-Murza has faced discrimination through similarly politically motivated charges, Russian officials' refusal of a medical examination for his polyneuropathy, and repeated isolation in prison. The larger context of suppression of dissent in Russia, the long history of persecution of Mr. Kara-Murza, and his subsequent treatment in detention indicate that he was discriminated against because of his status as an opposition member, human rights defender, and pro-democracy advocate.

By discriminating against Mr. Kara-Murza, the Russian State violated Articles 2 and 7 of the UDHR, and Articles 2(1) and 26 of the ICCPR, rendering his detention arbitrary under *Category V*.

D. Identity of the person submitting the case on behalf of the Petitioners

1. Family name: González
2. First name(s): Roberto
3. Status: Chief Advocacy Officer, Human Rights Foundation
4. Address (telephone, fax, e-mail):
 - 350 Fifth Avenue, Suite 6500
 - New York, NY 10118
 - Tel: +1 (212) 246-8486
 - E-mail: roberto@hrf.org
 - Website: www.hrf.org
5. Confidentiality: The Petitioners waive their right to confidentiality.

E. Petition

Following the resolution 51/8 of 6 October 2022, the Petitioners submit this individual complaint to the WGAD and respectfully call on it to initiate the procedure involving the investigation of individual cases toward reaching an opinion of the WGAD declaring Mr. Kara-Murza's detention to be arbitrary and in violation of international law. The Petitioners will pursue the regular communications procedure before the WGAD to have the ability to provide comments on any State response. Specifically, the Petitioners calls on the WGAD to:

- a. Request that Russia take the steps necessary to remedy Mr. Kara-Murza's situation without delay and bring it into conformity with the relevant international norms, including those set out in the UDHR and ICCPR;
- b. Initiate an investigation of Mr. Kara-Murza's case and send an allegation letter to Russia inquiring about the case generally and specifically about the legal basis for their arrest and detention, which are arbitrary and violate international law;
- c. Issue an opinion declaring Mr. Kara-Murza's deprivation of liberty and detention to be arbitrary and in violation of international law, due to *Category I*, *Category II*, *Category III*, and *Category V* violations;
- d. Declare that, taking into account all the circumstances of the case, the appropriate remedy would be to guarantee Mr. Kara-Murza's liberty of person

and afford him an enforceable right to compensation and other reparations, following international law as set out in Deliberation No. 10 on reparations for arbitrary deprivation of liberty (A/HRC/45/16, annex I);

- e. Ask Russia to take measures to guarantee that Mr. Kara-Murza will not be subjected to any further form of torture or cruel, inhumane, and degrading treatment;
- f. Urge Russia to ensure a prompt, thorough, independent, and impartial investigation of the circumstances surrounding Mr. Kara-Murza's arbitrary deprivation of liberty and to take appropriate measures against those responsible for violating his rights; and
- g. Request that Russia translate, publish, and disseminate the opinion regarding Mr. Kara-Murza's case through all available means and as widely as possible (see opinions No. 51/2019, para. 90; and No. 82/2020, para. 85).

