

To: Ms. Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; hrc-sr-freedex@un.org
Ms. Ana Brian Nougrères, Special Rapporteur on the right to privacy; hrc-sr-privacy@un.org
Ms. Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers; hrc-sr-independencejl@un.org
Ms. Gina Romero, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; hrc-sr-freeassembly@un.org
Mr. George Katrougalos, Independent Expert on the promotion of a democratic and equitable international order; hrc-ie-internationalorder@un.org
Mr. Matthew Gillett, Chair-Rapporteur of the Working Group on Arbitrary Detention; hrc-wg-ad@un.org

31 July 2024

Dear Special Procedures Mandate Holders,

Justice pour Tous Internationale extends its respectful greetings to the esteemed Special Procedures mandate holders of the UN Human Rights Council. We submit this complaint on behalf of Mr. Aivo Peterson, who is currently facing serious human rights violations by the Government of Estonia. Mr. Peterson's daughter, as detailed in the attached document, has provided written consent for his name and full identity to be communicated to the Estonian Government and for his name to be published in the Special Procedures' communications report to the Human Rights Council.

We are deeply concerned about the ongoing and severe human rights violations against Mr. Peterson, a political activist and human rights advocate, who has been targeted for his peaceful political activities and expressions. The urgency of Mr. Peterson's situation is underscored by his continued arbitrary detention, lack of fair trial guarantees, and restrictions on his fundamental freedoms, which threaten to severely undermine his human rights and personal security.

The complaint is based on the detailed legal analysis provided by Emeritus Professor Douwe Korff, whose findings highlight the misuse of state power and legal instruments by the Estonian authorities, particularly the Estonian Internal Security Service (KAPO). Professor Korff's analysis elucidates the pattern of abuse that not only violates Mr. Peterson's rights but also undermines democratic principles and the rule of law. Notably, the Estonian authorities have weaponized the legal system through Strategic Lawsuits Against Public Participation (SLAPPs) and the misuse of state security legislation to silence Mr. Peterson's political dissent and advocacy.

We urge you to process this complaint expeditiously and issue a joint communication to the Estonian government to halt all suppressive actions against Mr. Peterson, ensuring that no further harm comes to him or his family while his case is being reviewed. Additionally, we request the issuance of a press release to bring broader awareness to Mr. Peterson's plight and to advocate for his immediate release and the cessation of all discriminatory and punitive measures against him.

We also seek to bring this complaint to the attention of the Working Group on Arbitrary Detention, requesting them to consider Mr. Peterson's case under its regular procedure and issue an opinion on the arbitrary nature of his detention and the violations of his rights.

The details of Mr. Peterson's case, including a summary, a chronological timeline of allegations, legal assessments and conclusions, and applicable international human rights standards for the attention of the Estonian government, are attached herewith. This documentation is intended to facilitate a comprehensive review and prompt action.

Attachments include:

1. A detailed legal analysis by Emeritus Professor Douwe Korff.
2. A letter of authorization from Mr. Peterson's daughter.

We respectfully request that you acknowledge receipt of this urgent complaint and provide us with any follow-up queries or requirements for further information. Our organization is fully prepared to cooperate and assist in any subsequent investigations or procedures necessary to protect Mr. Peterson's rights and ensure his immediate release.

Thank you for your immediate attention to this critical matter. We look forward to your swift response and are hopeful for a positive resolution that upholds the principles of human rights and justice.

Sincerely,



Sharof Azizov
Founder and Executive Director
Justice pour Tous Internationale

CC: Mr. Volker Türk, United Nations High Commissioner for Human Rights;

volker.turk@un.org

Mrs. Riia Salsa-Audiffren, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Estonia to the United Nations Office and other international organizations in Geneva; mission.un@mfa.ee

ASSOCIATION “JUSTICE POUR TOUS INTERNATIONALE”

COMPLAINT TO THE UNITED NATIONS

AIVO PETERSON vs ESTONIA

31 July 2024

VICTIM’S PROFILE

This complaint is submitted on behalf of Mr. Aivo Peterson, an Estonian citizen of mixed Estonian and Russian descent, a political activist, and an advocate for peaceful coexistence in Estonia and between neighboring countries Estonia and Russia. Mr. Peterson is a human rights advocate who has faced severe repression by the Estonian authorities due to his political activities and expressions. This includes detention, denial of due process, and suppression of his fundamental rights to freedom of expression and association. Mr. Peterson's background and the context of his persecution provide critical insights into the nature of the violations against him.

Mr. Peterson was born in 1970 in Otepää, Estonia, into a family deeply affected by historical persecution and hardship. His grandmother, Maria Peterson, and grandfather, Karl Johannes Peterson, endured severe persecution during and after World War II. This family history of trauma and resilience profoundly influenced Mr. Peterson's lifelong commitment to peace and human rights. Growing up in a family that experienced significant poverty, Mr. Peterson was determined to achieve success and make a meaningful impact on society.

His education included studying agronomy and serving in the Soviet army. Following Estonia's regained independence, he continued his public service as a customs officer, eventually rising to the position of head of the cordon until he was medically retired in 1995. His political engagement began during the Estonian Liberation in the Singing Revolution, where he participated in rallies advocating for Estonia’s freedom in 1988. These early experiences laid the groundwork for his later political career, characterized by a steadfast commitment to transparency, accountability, and democratic principles.

EXECUTIVE SUMMARY

This complaint is submitted by Justice pour Tous Internationale (JPTi) to highlight the serious human rights violations committed by the Estonian authorities against Mr. Aivo Peterson. Central to Mr. Peterson’s case is the violation of his right to freedom of expression and the government's attempts to silence his political dissent. These actions are primarily driven by his political activities and expressions, which challenge the status quo and advocate for democracy, equality, and human

rights. The Estonian authorities, particularly the Estonian Internal Security Service (KAPO), have weaponized the legal system through Strategic Lawsuits Against Public Participation (SLAPPs) to suppress and deprive Mr. Peterson of his public participation and advocacy.

Mr. Peterson, a prominent public figure, has been subjected to arbitrary detention by the Estonian authorities. On 10 March 2023, he was detained on charges under KarS § 2351 lg 1, which relate to anti-state activities. The formalization of his detention on 11 March 2023 extended his incarceration without providing concrete evidence to substantiate the allegations. This detention contravenes Article 9 of the ICCPR, which safeguards individuals from arbitrary arrest or detention. The lack of substantial evidence and the arbitrary nature of his detention underscore a blatant disregard for due process and the principles of necessity, predictability, and fairness that are fundamental to the rule of law.

The Estonian authorities have systematically denied Mr. Peterson and his defense team access to critical evidence necessary for his defense. Requests for evidence on 16 March, 20 March, and 5 September 2023, including access to surveillance operation permits and photographic evidence, were repeatedly denied. This denial violates Article 14 of the ICCPR, which guarantees the right to a fair trial, including the presumption of innocence, necessary defense guarantees, and equality before courts and tribunals. The withholding of evidence has severely undermined Mr. Peterson's ability to prepare an adequate defense, indicating procedural irregularities and potential biases within the judicial process.

In addition to his unlawful detention, Mr. Peterson has faced disproportionate restrictions on his communication with family members and legal counsel. Formal complaints filed on 27 April and 10 May 2023 highlighted the punitive nature of these restrictions, which have prevented Mr. Peterson from maintaining family connections and adequately consulting with his defense team. These restrictions violate Article 17 of the ICCPR, which protects against arbitrary or unlawful interference with privacy and ensures the protection of personal information. The harmful impact of these measures on Mr. Peterson's well-being and family life underscores the inhumane treatment he has been subjected to while in detention.

Mr. Peterson's political activities and expressions, which focus on advocating for peace and democratic principles, have been unduly suppressed by the Estonian authorities. The charges against him are based on his public statements and political engagements, which do not constitute incitement to violence or hate speech. These actions violate Article 19 of the ICCPR, which protects the right to freedom of opinion and expression. The politically motivated nature of the charges highlights an attempt to silence dissent and stifle legitimate political discourse, further exacerbating concerns about the state of freedom of expression in Estonia.

The suppression of Mr. Peterson's right to participate in public affairs and express his political views, the denial of his ability to participate freely in elections, and restrictions that undermine his access to public service violate his right to participate in the conduct of public affairs, as provided in

Article 25 of the ICCPR. This includes the right to vote and be elected at genuine periodic elections and to have access to public service on general terms of equality.

The discriminatory treatment of Mr. Peterson in the application of criminal laws and the imposition of disproportionate restrictions on his political activities and expressions violate his right to equality before the law, as provided in Article 26 of the ICCPR. This principle ensures non-discriminatory treatment of all individuals, including political activists and human rights defenders.

The abuse of state security legislation by Estonian authorities, particularly KAPO, has been a critical issue in Mr. Peterson's case. The use of such legislation to suppress political dissent and target activists raises significant human rights concerns, violating Articles 2 and 4 of the ICCPR. Article 2 ensures the right to an effective remedy for violations of rights, while Article 4 prohibits derogation of rights in situations of emergency. KAPO's actions contravene these principles by not providing adequate legal recourse for affected individuals and by utilizing security legislation to justify actions that are disproportionate and unnecessary.

JPTi emphasizes the work of Emeritus Professor Douwe Korff, who has undertaken an enormous effort to conduct a comprehensive study of the case and the situation in Estonia. His legal assessment is central to our findings and conclusions. As noted by Professor Korff, "the charges against Mr. Peterson lack a credible factual basis and appear to be primarily driven by his political dissent and advocacy for peace," which highlights a misuse of state power.

Based on our findings and Professor Korff's thorough analysis, JPTi urges the Estonian authorities to immediately halt the persecution, drop all charges, and release Mr. Peterson. We also recommend that the Special Rapporteurs conduct an on-site visit to Estonia to assess the human rights situation and monitor the ongoing proceedings against Mr. Peterson. Additionally, we would like to ask the Working Group on Arbitrary Detention to consider this case under its regular procedure and issue its Opinion.

We urge the Special Rapporteurs to investigate these violations and call upon the Estonian government to comply with its international human rights obligations. Specific actions of the Estonian government should include immediate release and dropping of charges, ensuring a fair trial, cessation of suppressive actions, rectifying procedural violations, preventing misuse of anti-state charges, as well as enhanced protections for activists and defenders.

The actions against Mr. Aivo Peterson reflect a pattern of arbitrary and politically motivated persecution by the Estonian state. His advocacy for peace, transparency in governance, and the protection of human rights have made him a target for state authorities. The politically charged nature of the charges and the procedural irregularities in his case indicate an attempt to suppress his political influence and silence his dissenting views. This persecution contravenes multiple provisions of the ICCPR, including Articles 9, 10, 14, 17, 19, 21, 22, 25, and 26, which collectively protect individuals' rights to liberty, humane treatment, a fair trial, privacy and respect for family life, freedom of

expression, peaceful assembly, freedom of association, participation in public affairs, and equality before the law.

Mr. Aivo Peterson's case exemplifies serious human rights violations by the Estonian authorities. This complaint seeks to bring international attention to these violations and urges the Special Rapporteurs to investigate and call upon the Estonian government to comply with its international human rights obligations, ensure a fair trial for Mr. Peterson, and cease all actions aimed at suppressing his fundamental freedoms.

BACKGROUND

Mr. Aivo Peterson, an Estonian citizen, is widely recognized as a prominent political activist committed to advocating for peaceful dialogue and the promotion of human rights. Over the years, Mr. Peterson has utilized various platforms, including social media, public forums, and civic organizations, to voice his opinions and foster discussions on critical national and international issues. His activism focuses on promoting democratic principles, transparency in governance, and the protection of fundamental human rights.

Mr. Peterson's efforts are characterized by his steadfast commitment to peaceful advocacy. He has organized and participated in numerous peaceful demonstrations and public discussions aimed at encouraging open dialogue and civic engagement among Estonian citizens. His initiatives often address sensitive topics, such as government accountability, corruption, and the rights of minority groups. Through his work, Mr. Peterson has established himself as a key figure in the Estonian civil society, advocating for reforms and greater political participation.

Mr. Peterson has consistently expressed his political views through various channels, including blogs, social media posts, and contributions to independent media outlets. His commentary frequently challenges the status quo, critiquing government policies and advocating for alternative approaches to governance and public policy. Despite the contentious nature of some of his opinions, Mr. Peterson has always emphasized non-violence and constructive dialogue as the means to achieve political change.

However, Mr. Peterson's outspoken nature and his critical stance towards the government have made him a target for state authorities. The Estonian government has increasingly viewed his activities as a threat to national stability, leading to heightened scrutiny and surveillance of his actions. The authorities have alleged that Mr. Peterson's engagements amount to anti-state activities, a charge that he vehemently denies.

Mr. Douwe Korff, Emeritus Professor of International Law, emphasizes that the charges against Mr. Peterson are a manifestation of Europe's Cold War-like attempts to suppress media perceived as spreading "pro-Russian propaganda." Korff argues that this case exemplifies the misuse of legal instruments to stifle non-violent political speech, likening it to McCarthyism. He warns that

if the case against Peterson is not urgently halted, it could set a dangerous precedent for criminalizing dissent not only in Estonia but also across Europe. This concern is heightened by the fact that on 15 July 2024, Prime Minister Kaja Kallas resigned to become the EU's foreign policy chief. Kallas, who was appointed as a candidate for the High Representative of the European Union for Foreign Affairs and Security Policy, had led the Estonian government since early 2021, under whose watch the persecution of Mr. Peterson took place.

In the months leading up to his arrest, Mr. Peterson and his movement, KOOS, were actively involved in various protests and political activities. On 22 October 2022, KOOS organized a demonstration at Tallinn's Town Hall Square, calling it the beginning of a new era for Estonia. The protest addressed several issues, including energy prices and government policies. Mr. Peterson, one of the leaders of this demonstration, voiced his dissatisfaction with the ultimatum given to Metropolitan Eugene of the Estonian Orthodox Church of the Moscow Patriarchate (EOCMP) and questioned the involvement of the Orthodox Church in the armed conflict between Russia and Ukraine. He also protested against the relocation of a World War II tank monument from Narva, advocating for the protection of Narva and its residents. These actions underscored his commitment to peaceful advocacy and civic engagement.

Members of KOOS hoped to transform their movement into a political party, aiming to unite people across Estonia under common goals of peace and economic stability. Mr. Peterson's increasing influence and his movement's growing support posed a significant challenge to the Estonian authorities, further intensifying their scrutiny of his activities.

On 10 March 2023, Mr. Peterson was detained by Estonian authorities under charges of anti-state activities as per KarS § 2351 lg 1. The formalization of his detention on 11 March 2023 extended his incarceration without providing concrete evidence to substantiate the allegations. The charges against him are perceived to be largely motivated by his political engagements and dissenting views rather than any legitimate threat to national security.

The charges against Mr. Peterson include accusations of undermining the sovereignty and stability of the Estonian state. These accusations are predicated on his public statements and participation in activities that the authorities claim could incite public unrest or destabilize the government. However, the lack of concrete evidence and the nature of his advocacy work, which has consistently promoted peaceful dialogue, suggest that these charges are politically motivated.

According to Korff's detailed analysis, the substantive charges against Mr. Peterson involve allegations of "anti-Estonian relationships" with Russian institutions and individuals, as well as travel to Russia and Russian-occupied territories. These relationships and activities are claimed to have been aimed at influencing Estonian society and politics in favor of Russian interests. However, these assertions are largely unsubstantiated, and the evidence presented is insufficient to justify such serious charges.

Mr. Peterson's defense counsel has highlighted the lack of concrete evidence in the prosecution's case. The charges are primarily based on unsubstantiated claims, and the defense has been denied access to crucial evidence. This lack of transparency and due process further undermines the legitimacy of the charges against Mr. Peterson.

Mr. Peterson's arrest has had a chilling effect on civil society in Estonia, raising concerns among other activists and human rights defenders about the increasing crackdown on dissent. His detention has sparked a broader debate about the state of freedom of expression and political participation in Estonia. The actions against him are seen as part of a wider strategy to suppress political opposition and silence critical voices.

The arrest and detention of Mr. Peterson have raised significant legal and human rights concerns. The arbitrary nature of his detention, the lack of access to evidence, and the restrictions on his communication with family and legal counsel are clear violations of his rights under international human rights law, particularly the International Covenant on Civil and Political Rights (ICCPR). These actions by the Estonian authorities undermine the principles of due process, fair trial, and the right to freedom of expression and association.

Mr. Aivo Peterson's case highlights the tensions between political activism and state authority in Estonia. His commitment to peaceful advocacy and his critical stance towards the government have led to his arrest on charges that appear to be politically motivated. The actions taken against him raise serious concerns about the state of human rights and the suppression of dissent in Estonia, warranting urgent attention and intervention by international human rights bodies.

The case of Mr. Aivo Peterson demonstrates a concerning trend in Estonia of using legal frameworks to stifle political dissent and suppress freedom of expression. The lack of concrete evidence and the procedural irregularities in his case underscore the need for immediate intervention by international human rights mechanisms to ensure that Mr. Peterson's rights are protected and that similar abuses are prevented in the future.

POLITICAL AFFILIATIONS AND ACTIVITIES OF MR. PETERSON

In 2004, Mr. Peterson joined the Centre Party, where he actively fought against corruption, particularly in the Ida-Virumaa region. His passion for politics led him to run for local government in 2009. Mr. Peterson's political philosophy centers on peaceful dialogue and the promotion of human rights, which he has consistently advocated through various platforms.

The escalation of the war in Ukraine in 2014 significantly shaped Mr. Peterson's activism. He began advocating for peace, emphasizing that Estonia should pursue a path of peace and avoid involvement in conflict. This stance made him a unique and sometimes controversial figure in Estonian politics. In 2020, he founded the Progressive-Conservative Party of Estonian Patriots, aiming to unite all nationalities living in Estonia under a common goal of peace and economic stability. The movement grew quickly, and by 2023, it had garnered significant support, as reflected

in the parliamentary elections where Mr. Peterson and his colleagues received a substantial number of votes.

In addition to his involvement with the Progressive-Conservative Party, Mr. Peterson played a pivotal role in the establishment of the KOOS movement. KOOS, which means "together" in Estonian, is a political and social movement aimed at fostering unity and cooperation among Estonia's diverse communities. The movement advocates for inclusive policies, social justice, and equitable development. Mr. Peterson's leadership in KOOS further solidified his reputation as a unifying figure in Estonian politics, dedicated to bridging divides and promoting collaborative governance.

In 2023, Mr. Peterson decided to visit Ukraine as a journalist to witness the conflict firsthand and provide an unbiased perspective. His intention was to highlight the horrors of war and advocate for peaceful resolutions. However, upon his return to Estonia, he was arrested. This arrest is widely believed to be politically motivated due to his increasing influence and his party's electoral success.

Mr. Peterson's detention and the charges against him have several significant implications:

- The charges appear to be a tool to remove Mr. Peterson as a political rival and silence his advocacy for peace and economic stability. The allegations against him are seen as part of a broader strategy to suppress political opposition and silence critical voices, reflecting an abuse of state security legislation.
- His arrest has had a chilling effect on other activists and has raised concerns about the state of freedom of expression in Estonia. The actions taken against Mr. Peterson have discouraged other political activists and human rights defenders from expressing dissenting views or participating in political activities, fearing similar repercussions.
- His detention without evidence, denial of access to legal counsel, and restrictions on family communication are clear violations of his rights under international human rights law and the Estonian Constitution. These actions undermine the principles of due process, fair trial, and the right to freedom of expression and association.

ABUSE OF STATE SECURITY LEGISLATION BY ESTONIAN AUTHORITIES

The case of Aivo Peterson, a prominent political activist in Estonia, epitomizes the misuse of state security legislation and the coordinated effort to suppress political dissent through the abuse of legal instruments, smear campaigns in local media, and judiciary complicity. Central to this persecution is the Estonian Internal Security Service (KAPO), which has systematically targeted Mr. Peterson using measures ostensibly designed to protect national security but, in reality, serve to silence political opposition. This section explores the roles played by various state agencies, including KAPO, the prison authorities, the prosecutor's office, the Estonian judiciary, and local media, in orchestrating and executing Strategic Litigation Against Public Participation (SLAPPs) against Mr. Peterson, along with the role of a smear campaign allegedly coordinated by KAPO.

Reportedly, KAPO stands at the forefront of the campaign against Mr. Peterson, exemplifying a systemic abuse of power where security measures are co-opted for political repression. KAPO's

actions reflect an abuse of state security legislation, using legal instruments intended to protect national security to target political dissenters and non-violent activists. This misuse of power by KAPO highlights systemic issues within the Estonian security apparatus, where, in the absence of rule-of-law-abiding checks and balances and human rights compliance, the line between legitimate security concerns and political repression becomes blurred. KAPO, inter alia, has conducted extensive surveillance and investigations into Mr. Peterson and KOOS without providing concrete evidence to justify such actions. These surveillance activities include monitoring his communications, public activities, and political engagements, all under the guise of safeguarding national security. However, allegedly, the true intent behind these actions is to intimidate and suppress a vocal political opponent.

Reportedly, a significant aspect of KAPO's strategy has been the denial of critical evidence to Mr. Peterson's defense team. Despite multiple requests for access to surveillance operation permits and photographic evidence, KAPO has persistently refused to provide this crucial information. This denial not only hampers the defense's ability to prepare an adequate case but also contravenes the principles of a fair trial as stipulated in international human rights law.

Moreover, KAPO appears to have deliberately framed Mr. Peterson's peaceful political activities as anti-state actions. His advocacy for peace and democratic reforms has been mischaracterized to fit a narrative of subversion, thereby justifying his detention under anti-state charges. This deliberate distortion of his activities reflects a gross misuse of state power, aimed at delegitimizing his political stance and neutralizing his influence. The charges of anti-state activities and treason against Mr. Peterson are based on his public statements and advocacy work, which have been framed as threats to national security. However, these charges lack concrete evidence and appear to be politically motivated, aimed at discrediting and silencing a prominent political figure. This arbitrary use of anti-state charges is a violation of Mr. Peterson's rights to freedom of expression and political participation.

The legal proceedings against Mr. Peterson have been marred by a lack of transparency and procedural fairness. KAPO has systematically denied access to crucial evidence necessary for Mr. Peterson's defense, including surveillance operation permits and photographic evidence. This lack of transparency and due process is a significant violation of his right to a fair trial.

The prison authorities have played a complicit role in the persecution of Mr. Peterson by imposing restrictions that severely limit his political participation and communication during his 2024 EU parliamentary elections. These actions highlight a broader coordination among state bodies to suppress political dissent. The prison authorities' decisions to restrict Mr. Peterson's political activities and impose communication barriers with his family and legal counsel are indicative of a punitive approach designed to isolate and weaken him. Such measures violate his fundamental rights to participate in public affairs and maintain personal relationships, further underscoring the repressive tactics employed by the state. The prison authorities' actions, including imposing restrictions that severely limit his political participation and communication during the 2024 EU parliamentary

elections, illustrate a coordinated effort led by KAPO to suppress political dissent. This coordination ensures that various state bodies work in concert to undermine and neutralize political opposition.

The judiciary in Estonia has consistently legitimized and reinforced the actions taken by KAPO and other state agencies against Mr. Peterson. By upholding decisions such as the refusal to release him on bail and endorsing the imposition of state secrecy status on the case, as well as holding hearings in camera and imposing other restrictive measures, the judiciary provides legal cover for discriminatory practices. This complicity undermines the principle of judicial impartiality and reflects the manipulation of the judiciary to serve political ends.

Judicial decisions have repeatedly supported the imposition of restrictive measures on Mr. Peterson, including limitations on his communication and deprivation of liberty. These rulings align closely with KAPO's narrative and contribute to the broader strategy of political suppression. The judiciary's role in legitimizing arbitrary detentions and reinforcing unjust measures against Mr. Peterson illustrates a significant departure from the principles of justice and fairness.

A coordinated smear campaign in the Estonian media has further exacerbated the persecution of Mr. Peterson. Allegedly orchestrated by KAPO, this campaign has involved disseminating false and misleading information about Mr. Peterson's activities and intentions. The media portrayal of Mr. Peterson as a subversive element and a threat to national security has served to shape public opinion against him, making it easier for state agencies to justify their actions.

This media campaign has included the publication of defamatory articles. Various media outlets have published articles that paint Mr. Peterson as a dangerous agitator, often citing anonymous sources or unverified claims. These articles contribute to a hostile environment that stigmatizes political dissent. TV programs have aired segments that focus on Mr. Peterson's supposed connections to foreign entities and alleged anti-state activities, further reinforcing the state's narrative. Coordinated efforts on social media have amplified the defamatory content, spreading it widely and quickly to tarnish Mr. Peterson's reputation.

The impact of this smear campaign is significant. It not only isolates Mr. Peterson socially and politically but also creates a climate of fear among other activists who might otherwise support him. The media's role in disseminating KAPO's narrative reflects a broader strategy of character assassination and public manipulation to stifle dissent. By framing certain political affiliations as threats, the Ministry supports and amplifies KAPO's narrative, enabling further legal and extrajudicial actions against dissenters. This approach facilitates a broader crackdown on political dissent under the guise of national security.

KAPO's central role in the persecution of Mr. Peterson is marked by its extensive use of surveillance, manipulation of state agencies, and creation of a hostile environment for dissenters. KAPO coordinates and controls other state bodies, including the prison authorities and local media, manipulating their roles to further its objectives of suppressing political dissent. This coordination is evident in the influence over the prison authorities' decision to impose restrictions on Mr. Peterson.

This manipulation is evident in the judiciary's consistent alignment with state security arguments, legitimizing KAPO's broader strategy of harassment and intimidation, thus violating democratic principles and human rights standards. The judiciary's consistent alignment with KAPO's arguments and its role in legitimizing discriminatory practices further illustrate the extensive reach of KAPO's influence. This complicity undermines the principle of judicial impartiality and reflects the manipulation of the judiciary to serve political ends. This alignment underscores the judiciary's role in reinforcing the broader strategy of political suppression.

The actions of the Estonian authorities in prosecuting and detaining Mr. Aivo Peterson, including hindering Mr. Peterson's campaign to be elected in the EU Parliament and other activities, amount to SLAPPs and illustrate a broader pattern of political repression. These actions raise serious concerns about the state of democracy in Estonia. Mr. Aivo Peterson's case exemplifies the broader issues of political repression and human rights abuses in Estonia. His dedication to non-violent activism and his critical stance towards the government have led to his unjust persecution. This complaint seeks to bring international attention to his plight and to advocate for the protection of his fundamental rights, urging immediate action to ensure justice and uphold democratic principles in Estonia.

The case of Aivo Peterson reveals a disturbing trend of state agencies and the judiciary in Estonia abusing their power to suppress political dissent. The coordinated efforts by KAPO, the prison authorities, and the judiciary reflect a systemic approach to stifling political opposition and undermining human rights. These actions not only violate Mr. Peterson's fundamental rights but also pose a significant threat to democratic principles and the rule of law in Estonia. The added dimension of a media smear campaign coordinated by KAPO further exemplifies the lengths to which the state will go to silence dissent and manipulate public perception.

SPECIFIC ALLEGATIONS IN CHRONOLOGICAL ORDER RELATED TO MR. PETERSON'S ACTIVITIES

Prior to his arrest, Mr. Peterson was subjected to increasing scrutiny and harassment by the Estonian authorities, particularly KAPO. His political activities, especially those associated with the KOOS movement, were perceived as threats to national stability. KAPO's actions included surveillance and public statements aimed at discrediting Peterson and his movement. This pattern of harassment was indicative of a broader strategy to suppress dissent and stifle political opposition.

Throughout 2022, Mr. Aivo Peterson was actively involved in forming the KOOS (Together) movement, which aimed to unite diverse communities in Estonia under a common goal of peace and economic stability. The movement was particularly vocal about issues such as government accountability, high energy prices, and the rights of minority groups. In October 2022, KOOS organized a significant demonstration in Tallinn's Town Hall Square, advocating for these issues and

criticizing the Estonian government's policies, including its stance on energy prices, the Russian Orthodox Church, and its handling of relations with Russia.

In February 2023, Mr. Peterson traveled to Russian-occupied Donbas and Mariupol, which sparked significant controversy in Estonia. This visit, which Peterson claimed was to observe and report on the humanitarian situation, was perceived by many in Estonia as politically provocative and raised suspicions about his motives and allegiances. The trip was widely covered in the media and led to heightened scrutiny by Estonian authorities, who began to monitor his activities more closely.

In the context of Mr. Aivo Peterson's arrest, there is a particularly questionable moment captured in an interview conducted on the day of his detention. The video footage, which can be found on TV3's website at the 10:50 mark, shows an unusual interaction that raises serious concerns about potential entrapment. According to the account, on the day of the arrest, journalists visited Mr. Peterson's residence and conducted an interview outside his home. During this interview, an unknown man approached Mr. Peterson and claimed to have known him for a very long time, despite Mr. Peterson not recognizing him. The man then made a suspicious statement, saying, "Aivo, do you remember how we talked about how great life was in the USSR?"

This incident appears staged and can be interpreted as an attempt to manipulate the narrative surrounding Mr. Peterson's political stance and to fabricate evidence against him. The timing and nature of the man's statement are highly suspicious and suggest a deliberate effort to entrap Mr. Peterson and create a misleading portrayal of his views. The video can be viewed here at the 10:50 mark, where this interaction is recorded. This questionable incident adds to the concerns about the fairness and integrity of the proceedings against Mr. Peterson, further illustrating the broader pattern of harassment and politically motivated actions by the Estonian authorities. The use of such tactics undermines the legitimacy of the charges and highlights the need for a thorough and impartial investigation into the circumstances surrounding his arrest.

On 10 March 2023, Mr. Peterson was detained by Estonian authorities on charges under KarS § 2351 lg 1, which pertains to anti-state activities. This action was part of a broader operation where three individuals, including Peterson, were arrested. This action came shortly after his participation in the 2023 parliamentary elections, where he stood as a candidate for the United Left Party and received significant voter support in the Ida-Viru County. The authorities accused him of engaging in activities that allegedly threatened the sovereignty and stability of Estonia. The basis for his detention included his interactions with Russian entities and his public advocacy for peaceful resolutions in conflicts involving Russia. Despite these allegations, there was no concrete evidence provided at the time of his arrest to substantiate the charges.

The formalization of Mr. Peterson's detention on 11 March 2023 extended his incarceration without providing substantial evidence to justify the severe charges against him. The Harju County Court initially ordered his detention for two months. This action was perceived as an attempt to silence his political dissent and restrict his freedom of expression. The lack of transparency in the

evidence presented raised significant concerns about the fairness of the judicial process and the potential for political motivation behind the charges.

On 16 March 2023, Mr. Peterson's defense team requested access to the evidence necessary to prepare his defense. The prosecution denied these requests, significantly undermining his right to a fair trial. Access to evidence is a fundamental component of due process, ensuring that the accused can adequately challenge the charges against them. The refusal to grant access to crucial evidence further indicated a lack of due process and transparency in the legal proceedings against Mr. Peterson.

Further requests for evidence were systematically denied on 20 March 2023, including access to surveillance operation permits and photographic evidence that were essential for Mr. Peterson's defense. These denials not only violated his rights but also hindered his legal team's ability to effectively contest the charges. This pattern of evidence suppression suggested an effort to weaken Mr. Peterson's defense and avoid scrutiny of the prosecution's claims.

An appeal against the detention order was filed on 21 March 2023. The appeal emphasized the lack of substantial evidence and the arbitrary nature of Mr. Peterson's detention. The appeal highlighted procedural irregularities and questioned the legitimacy of the charges, arguing that the detention was politically motivated. This step was crucial in attempting to bring attention to the violations of Mr. Peterson's rights and to seek a fair judicial review of the case.

On 10 April 2023, the Tallinn Circuit Court reviewed and denied an appeal from Peterson's defense counsel against his continued detention. The court supported the prosecution's position that Peterson, if released, could potentially interfere with the investigation or continue alleged criminal activities.

On 24 April 2023, an appeal to the Supreme Court was filed against the detention order and the additional restrictions imposed on Mr. Peterson. The appeal emphasized procedural violations and the need for transparency in the judicial process. It argued that the restrictions were disproportionate and aimed at suppressing Mr. Peterson's political activities. This appeal was part of the ongoing efforts to ensure a fair legal process and to challenge the legitimacy of the charges against him.

A formal complaint was lodged on 27 April 2023 against the imposition of additional restrictions, such as prohibiting communication with family members. These restrictions were deemed disproportionate and harmful to Mr. Peterson's family life. The complaint highlighted the punitive nature of the restrictions and their impact on Mr. Peterson's well-being and ability to maintain family connections. It further argued that these measures violated his rights under international human rights law.

Mr. Peterson contested the extension of his detention on 3 May 2023, stating the lack of new evidence and the undue prolongation of his detention without just cause. He argued that the extension was unwarranted and further demonstrated the arbitrary nature of the charges against him. The defense highlighted the arbitrary nature of the detention, further stressing procedural irregularities.

This contestation was an effort to challenge the continuous violation of his rights and to seek his release from unjust detention.

On 10 May 2023, a complaint was filed specifically against the prohibition of communication with Mr. Peterson's children. This complaint highlighted the violation of his family rights and the impact on his children's well-being. The denial of communication was seen as an additional punitive measure aimed at isolating Mr. Peterson and undermining his mental and emotional health. The complaint sought to restore his ability to maintain family ties and to challenge the unjust restrictions imposed on him.

In September 2023, the Estonian State Prosecutor's Office charged Aivo Peterson and Dmitri Rootsi with treason, while Russian citizen Andrey Andronov faced charges for non-violent actions against the Estonian state. The charges allege that between October 2022 and 10 March 2023, Peterson and Rootsi, under instructions from the Russian Federation, assisted Russia in non-violent activities against Estonia's sovereignty and territorial integrity. The prosecution claims they aimed to create a political association in Estonia that supports Russian foreign policy narratives, thus threatening Estonia's constitutional order and influencing its domestic and foreign policy.

On 5 September 2023, requests for access to video files, photographs, and surveillance operation permits were again denied by the prosecutor. This denial further violated Mr. Peterson's defense rights and hindered his legal team's ability to prepare an effective defense. The continuous refusal to provide access to critical evidence underscored the lack of transparency and fairness in the judicial process.

An appeal was submitted on 11 September 2023 against the prosecutor's refusal to provide access to necessary evidence. This appeal reinforced the argument that the denial of evidence access violated Mr. Peterson's defense rights. The appeal sought to compel the prosecution to adhere to due process and to ensure a fair trial for Mr. Peterson.

On 6 October 2023, a motion was filed to ensure the trial's public nature. The motion emphasized the importance of transparency and public scrutiny in the context of the charges against Mr. Peterson. A public trial was deemed essential to ensure accountability and to prevent further abuses of the judicial process. This motion was part of the broader efforts to uphold Mr. Peterson's rights and to challenge the legitimacy of the prosecution's case.

Mr. Peterson's statement to the media on 18 October 2023 highlighted the political nature of the charges against him and the broader implications for freedom of expression and political dissent in Estonia. In his statement, Mr. Peterson reiterated his commitment to peace and democracy and condemned the actions taken against him as politically motivated. This public declaration aimed to garner international support and to bring attention to the human rights violations he was enduring.

The trial of Aivo Peterson and his co-defendants began in Harju County Court in February 2024. Neither Mr. Peterson nor his alleged co-defendants admitted guilt. The prosecution presented an indictment divided into three parts, accusing Peterson and others of collaborating with Russian

entities to undermine Estonia's sovereignty and stability. The State Prosecutor's Office has accused Mr. Peterson of engaging in a systematic campaign to support Russian foreign policy narratives, which allegedly threatened Estonia's constitutional order. The charges also include claims of Peterson attempting to establish a civil protection unit similar to those in Ukraine's Donbass region, supposedly for humanitarian purposes but allegedly in Russia's interest. The proceedings are partially closed, a common practice in similar cases in Estonia. The decision to partially open Peterson's trial came in response to public protests and petitions demanding greater transparency.

From 3 to 9 June 2024, while still in prison, Mr. Peterson was registered as a candidate in the European Parliament elections. Despite a petition submitted on his behalf, his participation in the election was severely restricted. The prison administration's actions deprived him of the necessary means to communicate with his campaign team, access the internet for election-related activities, and engage with voters. These restrictions not only undermined his personal political rights but also compromised the integrity of the European electoral process. This interference represents a clear violation of Article 39 of the EU Charter of Fundamental Rights, which guarantees the right to stand as a candidate in elections to the European Parliament under the same conditions as nationals of the Member State in which they reside.

In the 2024 European Parliament elections, Mr. Peterson, despite these severe restrictions, managed to secure a notable level of support, especially from the Ida-Viru County. This region has a significant Russian-speaking population that has shown strong support for candidates advocating for their rights and interests. The results from this election indicated a significant voter turnout in favor of Mr. Peterson, highlighting the widespread discontent with the current political climate and the support for his platform of peaceful dialogue and minority rights. The actions of the Estonian authorities in hindering Mr. Peterson's campaign activities illustrate a broader pattern of political repression and raise serious concerns about the state of democracy in Estonia. The restriction of his political rights and the suppression of his ability to engage with the electorate not only affected the fairness of the elections but also showcased the lengths to which the authorities were willing to go to stifle dissenting voices. This interference has been criticized by various human rights organizations and observers, who have called for greater transparency and respect for democratic principles in Estonia.

On 10 July 2024, the defense began presenting their case. The trial is expected to be lengthy, with hearings scheduled once a month and approximately eight more sessions anticipated. This indicates the complexity and drawn-out nature of the proceedings, further highlighting the challenges faced by Mr. Peterson in seeking a fair and expeditious resolution to his case. The protracted legal process underscores the procedural difficulties and the substantial efforts required by the defense to navigate the judicial system, ensuring that all aspects of the charges are thoroughly examined and contested. On the same day, a rally was held in Tallinn in support of Mr. Peterson, demanding an open trial and calling for his immediate release. Supporters gathered outside the state prosecutor's office, emphasizing the importance of transparency and fairness in the judicial process. The rally

underscored the ongoing public concern and the impact of Mr. Peterson's detention on civil society in Estonia.

LEGAL ASSESSMENT AND CONCLUSIONS

On behalf of Mr. Aivo Peterson, Justice pour Tous Internationale invites the Special Rapporteurs on freedom of opinion and expression, freedom of peaceful assembly and association, and the independence of judges and lawyers to transmit the allegations of human rights violations in the presented chronological order and request clarifications from the Government of Estonia. We would be grateful if you could call the attention of the Government of Estonia to Articles 9, 10, 14, 17, 19, 21, 22, 25, and 26 of the ICCPR, which guarantee the rights to liberty, personal security, a fair trial, privacy, freedom of opinion and expression, participation in public affairs, and equality before the law and protection against discrimination, respectively. This systemic persecution is a stark violation of the democratic principles and human rights standards that Estonia is obligated to uphold under international law, particularly violating Articles 2 and 4 of the ICCPR.

Central to Mr. Peterson's case is the violation of his right to freedom of expression and the government's attempts to silence his political dissent. According to our findings and the detailed legal assessment provided in the Opinion of Emeritus Professor Douwe Korff, the Estonian Internal Security Service (KAPO) has systematically utilized legal instruments to infringe upon fundamental freedoms of speech and public participation. KAPO's actions effectively transform these legal measures into Strategic Lawsuits Against Public Participation (SLAPPs), aimed at suppressing and stifling Mr. Aivo Peterson. This tactic not only seeks to neutralize Mr. Peterson's political influence but also serves to instill fear among members of his political movement and his sympathizers within the broader Estonian population.

As noted by Professor Korff, "the charges against Mr. Peterson lack a credible factual basis and appear to be primarily driven by his political dissent and advocacy for peace," which highlights a misuse of state security legislation.

The arbitrary detention of Mr. Peterson, without concrete evidence to substantiate the charges, constitutes a clear violation of his right to liberty and security of person as enshrined in Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR), Article 5(1) of the European Convention on Human Rights (ECHR), and Article 6 of the European Union Charter of Fundamental Rights (EU Charter). These provisions collectively safeguard individuals from arbitrary arrest or detention and obligate States to exercise due diligence in preventing threats from both governmental and private entities. The deployment of SLAPP tactics by KAPO, as highlighted in Professor Korff's assessment, exemplifies a gross misuse of state power to undermine democratic principles and human rights in Estonia.

Mr. Peterson's detention was formalized on 11 March 2023 without substantial evidence, illustrating a clear breach of Article 9 of the ICCPR, Article 5 of the ECHR, and Article 6 of the EU

Charter. The charges against him lack concrete evidence, as detailed in his autobiography and legal assessments. The arbitrary nature of his detention, highlighted by the absence of transparent and credible evidence, contravenes international standards protecting individuals from unlawful and arbitrary deprivation of liberty.

The denial of access to evidence necessary for Mr. Peterson's defense, the refusal to hold public hearings, and the undue prolongation of his detention without just cause violate his right to a fair trial as provided in Article 14 of the ICCPR, Article 6 of the ECHR, and Article 47 of the EU Charter. This includes the presumption of innocence, necessary defense guarantees, and equality before courts and tribunals. The systematic denial of evidence on 16 and 20 March 2023 severely undermined Mr. Peterson's right to a fair trial. His defense was deprived of critical surveillance operation permits and photographic evidence essential for contesting the charges. The refusal to hold public hearings and the undue extension of his detention underscore the procedural irregularities and the lack of due process, infringing on his Article 14 rights. Douwe Korff's analysis emphasizes these violations, highlighting the broader implications for judicial independence and fairness in Estonia.

The UN Guidelines on the Role of Prosecutors and the Basic Principles on the Independence of the Judiciary emphasize the importance of prosecutorial and judicial impartiality, which have been compromised in Mr. Peterson's case. The ECHR case of *Klass and Others v. Germany* established that surveillance measures must be strictly necessary and proportionate, which parallels the arbitrary denial of evidence in Mr. Peterson's case.

The imposition of additional restrictions, such as prohibiting communication with family members, and the denial of access to surveillance operation permits and photographic evidence, violate Mr. Peterson's right to privacy, as provided in Article 17 of the ICCPR, Article 8 of the ECHR, and Article 7 of the EU Charter. These provisions protect against arbitrary or unlawful interference with privacy and ensure the protection of personal information. On 27 April 2023, Mr. Peterson filed a formal complaint against the disproportionate restrictions on his communication with family members. These restrictions are not only punitive but also violate his privacy rights. The denial of access to crucial evidence further compounds this violation, as it hinders his ability to prepare an adequate defense. The invasive measures taken by the authorities reflect an arbitrary interference with his personal and family life, as outlined in Article 17.

The charges against Mr. Peterson for his political activities and expressions, which do not constitute incitement to violence or hate speech, violate his right to freedom of opinion and expression, as provided in Article 19 of the ICCPR, Article 10 of the ECHR, and Article 11 of the EU Charter. Any restrictions on these rights must be lawful, serve a legitimate purpose, and be necessary and proportionate to the aim pursued. Mr. Peterson's political activities, including his advocacy for peaceful dialogue and his visit to Ukraine, are protected under Article 19. The charges brought against him for these activities are baseless and constitute an unlawful restriction on his freedom of expression. His statements and actions have consistently promoted non-violence and constructive dialogue, demonstrating that the charges are politically motivated rather than grounded in any

legitimate concern for national security. The opinion by Douwe Korff underscores the misuse of legal instruments to suppress non-violent political speech, likening the situation to historical instances of political repression.

SLAPPs are the utilization of legal actions or the weaponization of the legal system aimed at intimidating and silencing critics by burdening them with the cost of a legal defense until they abandon their criticism. KAPO's actions against Mr. Peterson fit this pattern as they aim to drain his resources and stifle his advocacy.

The suppression of Mr. Peterson's right to take part in public affairs and to express his political views, the denial of his ability to participate freely in elections, and restrictions that undermine his access to public service, violate his right to participate in the conduct of public affairs, as provided in Article 25 of the ICCPR, Article 3 of Protocol No. 1 to the ECHR, and Article 39 of the EU Charter. This includes the right to vote and be elected at genuine periodic elections and to have access to public service on general terms of equality. Mr. Peterson's detention and the restrictions imposed on him have effectively barred him from participating in public affairs and elections. His political activities and the formation of the Progressive-Conservative Party of Estonian Patriots are direct expressions of his rights under Article 25. The punitive measures taken against him, including his arrest following the 2023 parliamentary elections, highlight the politically motivated efforts to suppress his participation in public affairs. These actions not only violate his individual rights but also undermine the democratic process in Estonia.

The persecution of Mr. Peterson has had a chilling effect on other activists in Estonia, as evidenced by the reluctance of several human rights organizations to publicly support him due to fear of similar reprisals.

The discriminatory treatment of Mr. Peterson in the application of criminal laws and the imposition of disproportionate restrictions on his political activities and expressions violate his right to equality before the law, as provided in Article 26 of the ICCPR, Article 14 of the ECHR, and Article 21 of the EU Charter. This principle ensures non-discriminatory treatment of all individuals, including Mr. Peterson. The selective targeting of Mr. Peterson for his political activities demonstrates a clear violation of Article 26. The disproportionate application of restrictive measures, denial of evidence, and arbitrary detention reflect discriminatory practices intended to silence political dissent. Douwe Korff's legal analysis reinforces the argument that Mr. Peterson's treatment is emblematic of broader systemic issues concerning equality before the law and non-discriminatory treatment in Estonia.

Mr. Peterson's case has broader implications for freedom of expression and political participation in Estonia. The targeted actions against him, based on his peaceful advocacy and dissenting political views, raise serious concerns about the state of human rights and democratic principles in the country. The chilling effect on civil society and the suppression of political activism underscore the need for urgent reforms to protect the rights of activists and ensure compliance with international human rights standards.

The actions against Mr. Aivo Peterson represent significant oversteps, infringing upon his human rights as protected under the ICCPR, ECHR, and EU Charter. The lack of evidence, denial of due process, and arbitrary restrictions on his rights indicate a politically motivated attempt to suppress his advocacy and participation in public affairs. Justice pour Tous Internationale urges the Special Rapporteurs to investigate these violations and call upon the Estonian government to comply with its international human rights obligations, ensure a fair trial for Mr. Peterson, and cease all actions aimed at suppressing his fundamental freedoms.

Specific actions should include immediate release and dropping of charges, ensuring a fair trial, cessation of suppressive actions, rectifying procedural violations, preventing misuse of anti-state charges, as well as enhanced protections for activists and defenders. In particular:

1. The Estonian authorities must immediately halt the persecution, drop all charges, and release Mr. Peterson. The continued detention and prosecution of Mr. Peterson constitute severe violations of his human rights and undermine democratic principles in Estonia. Immediate action is required to rectify these injustices and uphold the rule of law.
2. Immediate measures should be taken to provide Mr. Peterson with a fair trial, including full access to all evidence, public hearings, and an impartial judicial process free from external influences and biases.
3. The Estonian authorities must cease all actions aimed at suppressing Mr. Peterson's fundamental freedoms, including his rights to freedom of expression, association, and participation in public affairs.
4. The government must rectify the procedural violations and ensure due process in Mr. Peterson's case, including reviewing and reforming legal and procedural frameworks to prevent future human rights violations.
5. Safeguards must be implemented to prevent the misuse of anti-state charges to target political opponents and suppress dissent, ensuring that such charges are applied fairly and justly.
6. Enhanced protections must be provided for political activists and human rights defenders to engage in their legitimate activities without facing threats, harassment, or criminalization.

The abuse of state security legislation by Estonian authorities, particularly the Estonian Internal Security Service (KAPO), has been a critical issue in Mr. Peterson's case. The use of such legislation to suppress political dissent and target activists raises significant human rights concerns, violating several provisions of the International Covenant on Civil and Political Rights (ICCPR). Douwe Korff's analysis highlights the misuse of state security provisions to silence non-violent political speech and activism. The actions of KAPO in Mr. Peterson's case illustrate a pattern of abuse that undermines democratic principles and the rule of law.

KAPO's core activities include extensive surveillance and investigation of Mr. Peterson's and KOOS' activities. This surveillance has often involved intrusive monitoring of KOOS leaders'

communications and movements, creating an environment of fear and mistrust within the KOOS members and sympathizers. Aivo Peterson's case is particularly illustrative, where KAPO's surveillance and subsequent arrest and criminal prosecution for non-violent activities were justified on the grounds of his alleged ties to the Kremlin and the Russian state security authorities. This decision not only disrupted his role within the political movement but also sent a strong message to KOOS' movement and its sympathizing population of Estonia, reinforcing the idea that any association with Russia or its institutions could lead to severe repercussions. Through these actions, KAPO has sought to portray Mr. Peterson and the political movement KOOS as a security threat, thereby justifying its broader campaign of harassment and intimidation.

Moreover, KAPO's role extends to coordinating and controlling other state bodies, such as the prison authorities, manipulating their functions to serve its goals. For instance, this manipulation has involved leveraging the prison and other authorities to propose the designation of Mr. Peterson and KOOS as an anti-state element, thereby pushing the boundaries of legal and social norms to stigmatize the opposition political movement KOOS. KAPO's ability to orchestrate these actions highlights its central role in a broader strategy to suppress the opposition, aligning various state apparatuses in a coordinated effort to dismantle the political influence and operational capabilities of KOOS.

KAPO's actions are further compounded by its use of state security rhetoric to legitimize its campaign against Mr. Peterson. By framing KOOS' activities within a narrative of national security threats, KAPO has not only isolated the political movement but also undermined its standing in the broader public sphere. This narrative has been instrumental in demonizing Mr. Peterson and KOOS, further crippling the movement's ability to function. KAPO's pervasive influence has thus created a climate where KOOS members feel continuously monitored and marginalized, with little recourse to challenge the state's actions effectively. This systemic persecution is a stark violation of the democratic principles and human rights standards that Estonia is obligated to uphold under international law, particularly violating Articles 2 and 4 of the ICCPR.

Article 2 of the ICCPR ensures the right to an effective remedy for violations of rights, while Article 4 prohibits derogation of rights in situations of emergency. KAPO's actions contravene these principles by not providing adequate legal recourse for the affected individuals and by utilizing security legislation to justify actions that are disproportionate and unnecessary, even under the guise of national security. The agency's activities disrupt the lives and rights of political activists, imposing severe restrictions without proper legal justification or accountability.

KAPO's central role in the persecution of Mr. Peterson and KOOS members is marked by its extensive use of surveillance, manipulation of state agencies, and creation of a hostile environment for the political opposition. Through these actions, KAPO not only undermines political freedoms but also consolidates political power, silencing dissent and enforcing a uniformity of belief that contravenes Estonia's commitments to human rights and democratic values. The ongoing harassment

and intimidation, executed with KAPO's coordination and support, underscore the urgent need for a comprehensive international response to protect the rights of political activists in Estonia.

KAPO's actions contribute to a broader environment of discrimination against the political opposition. The agency's focus on potential political affiliations infringes on the community's right to freedom of association and expression, as guaranteed by the International Covenant on Civil and Political Rights (ICCPR). The actions taken by KAPO violate several ICCPR articles, including Articles 9, 10, 14, 17, 19, 21, 22, 25, and 26, which collectively protect individuals' rights to liberty, humane treatment, a fair trial, privacy and respect of family life, freedom of expression, peaceful assembly, freedom of association, participation in public affairs, and equality before the law.

In this context, we urge the Special Rapporteurs to conduct an on-site visit to Estonia to assess the human rights situation and monitor the ongoing proceedings against Mr. Peterson. Additionally, we would like to ask the Working Group on Arbitrary Detention to consider this case under its regular procedure and issue its Opinion.

LIST OF QUESTIONS

This list of questions contains potential inquiries that Justice pour Tous Internationale (JPTi) recommends be addressed to the Government of Estonia by the UN Special Procedures mandate holders. The questions aim to address the severe repression faced by Mr. Aivo Peterson due to his political activities and expressions, including his detention, denial of due process, and suppression of his fundamental rights to freedom of expression and association. By addressing these questions, the UN Special Procedures mandate holders can help ensure that Estonia upholds its international human rights obligations and protects the fundamental rights of political activists and human rights defenders like Mr. Aivo Peterson.

1. *Could the Government of Estonia detail the steps it has taken to ensure that political activists and human rights defenders can engage in their legitimate activities without facing threats, harassment, or criminalization?*
 - o The case of Mr. Aivo Peterson highlights significant concerns regarding the treatment of political activists in Estonia. Mr. Peterson's advocacy for peace and his critical stance towards government policies led to heightened scrutiny, surveillance, and ultimately his detention on charges that appear politically motivated. The government's actions against Mr. Peterson raise questions about the broader environment for political activism and human rights defense in Estonia. Douwe Korff's analysis underscores the misuse of legal instruments to suppress non-violent political speech, indicating a systemic issue that requires thorough investigation and redress. Despite his non-violent approach, Mr. Peterson has faced significant repression, suggesting a need for greater protections for activists. The opinion

document by Korff further elaborates on the concerning trend of criminalizing dissent, drawing parallels with historical instances of political repression.

2. *Could the Government of Estonia provide detailed information on the legal and factual basis for the prosecution of Mr. Peterson?*
 - The prosecution of Mr. Peterson appears to be based on charges under KarS § 2351 lg 1, which relate to anti-state activities. However, these charges lack substantial evidence and seem to be politically motivated. The formalization of Mr. Peterson's detention on 11 March 2023 extended his incarceration without clear and detailed evidence to substantiate the charges. The legal opinion by Douwe Korff highlights the ambiguity and lack of transparency in the charges, suggesting a failure to meet the standards required under international human rights law.
3. *What measures have been implemented to ensure that Mr. Peterson's defense lawyer has prompt and full access to all case materials, including both inculpatory and exculpatory evidence?*
 - Access to evidence is a fundamental aspect of a fair trial, ensuring that the accused can adequately prepare their defense. In Mr. Peterson's case, repeated denials of access to crucial evidence, including surveillance operation permits and photographic evidence, have severely undermined his right to a fair trial. The systematic withholding of evidence points to procedural irregularities and potential biases within the judicial process. The chronology of events detailed in the complaint highlights multiple instances where requests for evidence were denied (16 March, 20 March, and 5 September 2023). These actions violate Mr. Peterson's rights under Article 14 of the ICCPR. Douwe Korff's legal analysis emphasizes the importance of transparency and access to evidence in ensuring judicial fairness and integrity.
4. *How does the Government of Estonia ensure Mr. Peterson's right to be informed promptly, in detail, and in a language he understands of the charges against him?*
 - Article 14 of the ICCPR guarantees the right to be informed promptly and in detail of the charges against an individual. This ensures that the accused can understand the allegations and prepare an appropriate defense. In Mr. Peterson's case, the charges appear to lack substantial detail and evidence, raising concerns about compliance with international standards. The legal opinion by Douwe Korff highlights the ambiguity and lack of transparency in the charges, suggesting a failure to meet the standards required under international human rights law.
5. *What legal basis exists for the prolonged detention and the imposition of additional restrictions on Mr. Peterson, and how do these measures comply with international human rights standards?*

- Prolonged detention and additional restrictions, such as prohibiting communication with family members, must be justified by a clear legal basis and comply with international human rights standards. In Mr. Peterson’s case, the prolonged detention without new evidence and the imposition of restrictive measures appear arbitrary and disproportionate. The appeals filed on 24 April and 3 May 2023 contested the legality and justification of the prolonged detention and additional restrictions. The formal complaints lodged on 27 April and 10 May 2023 further highlighted the punitive nature of these measures. Douwe Korff’s analysis underscores the lack of legal justification and the potential violations of Articles 9 and 17 of the ICCPR.
6. *Could the Government of Estonia explain the measures taken to prevent discrimination against those expressing dissenting opinions from the official government narrative?*
- Discrimination against individuals for expressing dissenting opinions contravenes international human rights standards, particularly those enshrined in Article 26 of the ICCPR. Ensuring non-discriminatory treatment is crucial for upholding democratic principles and protecting the rights of all citizens. Mr. Peterson’s political and human rights activities and the legal analysis by Douwe Korff detail instances of discriminatory treatment based on his political views and advocacy for peace. The targeted actions against him suggest a broader issue of intolerance towards dissent, necessitating a thorough examination of the measures in place to prevent such discrimination.
7. *What steps are being taken to ensure that legislative provisions criminalizing public expression and speech are in line with international standards and principles?*
- Legislative provisions that criminalize public expression and speech must adhere to international standards, ensuring that restrictions are lawful, serve a legitimate purpose, and are necessary and proportionate. The charges against Mr. Peterson for his political activities and expressions raise concerns about the compliance of Estonian laws with these principles. The charges under KarS § 2351 lg 1 and the subsequent legal actions against Mr. Peterson highlight potential misuse of legislative provisions to stifle dissent. Douwe Korff’s opinion draws attention to the need for legislative reforms to align with international human rights standards, protecting freedom of expression and preventing arbitrary criminalization of political speech.
8. *How does the Government of Estonia ensure the independence and impartiality of the judiciary in cases involving political activists and dissenters?*
- The independence and impartiality of the judiciary are crucial for ensuring fair trials and the rule of law. Concerns about political influence and bias in the judiciary need to be addressed to uphold these principles. Douwe Korff’s legal opinion highlights procedural irregularities and potential biases within the judicial process in Mr.

Peterson's case. The consistent denial of evidence and the nature of the charges suggest possible undue influence on judicial decisions.

9. *How does the Government of Estonia justify the denial of public hearings in Mr. Peterson's case, and what steps are being taken to ensure transparency in judicial proceedings?*

- Transparency in judicial proceedings is crucial for maintaining public trust and ensuring accountability. The denial of public hearings in Mr. Peterson's case raises concerns about the fairness and openness of the judicial process. The motion filed on 6 October 2023 emphasized the importance of a public trial for Mr. Peterson to ensure transparency and public scrutiny. Douwe Korff's analysis highlights the procedural irregularities and the lack of transparency in the case, suggesting a need for reforms to ensure open and fair trials.

10. *What mechanisms are in place to protect the rights of detainees, including access to legal representation and communication with family members?*

- Ensuring the rights of detainees, including access to legal representation and the ability to communicate with family members, is essential for humane treatment and due process. Restrictions on these rights can lead to significant human rights violations. The formal complaints lodged on 27 April and 10 May 2023 highlight the severe restrictions on Mr. Peterson's communication with his family and legal counsel. These actions violate his rights under international human rights law and necessitate a review of the mechanisms in place to protect detainees' rights.

11. *What measures are in place to protect the family rights of detainees, particularly regarding communication with family members, and how does the Government of Estonia address violations of these rights?*

- The right to maintain family connections is a fundamental human right. Restrictions on communication with family members must be justified and proportionate. In Mr. Peterson's case, the prohibition on communication with his children and sister raises significant human rights concerns. The formal complaints filed on 27 April and 10 May 2023 highlighted the punitive and harmful nature of these restrictions. Douwe Korff's legal analysis underscores the violation of Mr. Peterson's right to family life, as protected under Article 17 of the ICCPR.

12. *How does the Government of Estonia ensure that individuals facing politically motivated charges receive a fair and impartial trial, free from external influences and biases?*

- Ensuring judicial independence and impartiality is crucial for upholding the rule of law and protecting individuals from politically motivated prosecutions. Mr. Peterson's case raises concerns about external influences and biases within the judicial process. The appeals and legal motions filed by Mr. Peterson's defense highlight significant

procedural irregularities and potential biases. Douwe Korff's opinion emphasizes the importance of judicial independence and the need for measures to protect against political interference in legal proceedings.

13. What steps are being taken to address and rectify the procedural violations and lack of due process in Mr. Peterson's case?

- Addressing procedural violations and ensuring due process are fundamental to the integrity of the legal system. Mr. Peterson's case reveals significant procedural flaws that need to be rectified. The appeals and complaints filed by Mr. Peterson's defense team detail numerous procedural violations, including denial of evidence and arbitrary detention. Douwe Korff's analysis reinforces the need for corrective measures to ensure justice and compliance with international standards.

14. What safeguards are in place to prevent the misuse of anti-state charges to target political opponents and suppress dissent, and how does the Government of Estonia address allegations of such misuse?

- Charges related to anti-state activities must be applied judiciously to prevent misuse for political purposes. Ensuring that these charges are not used to suppress legitimate political dissent is crucial for maintaining democratic freedoms. The misuse of anti-state charges to target political opponents and suppress dissent undermines democratic principles and the rule of law. Mr. Peterson's case exemplifies the potential for such misuse. The charges under KarS § 2351 lg 1 and the subsequent legal actions against Mr. Peterson suggest a politically motivated effort to suppress his advocacy and political activities. Douwe Korff's analysis calls for safeguards to prevent such misuse and to ensure that anti-state charges are applied fairly and justly. His opinion underscores the importance of safeguarding against the misuse of such charges to protect democratic principles and human rights.

15. What measures are in place to ensure transparency and accountability in the handling of cases involving political activists and human rights defenders?

- Transparency and accountability are essential for maintaining public trust in the legal system and ensuring fair treatment of political activists and human rights defenders. The lack of transparency in Mr. Peterson's case, including the denial of access to evidence and the absence of public hearings, raises serious concerns. Douwe Korff's analysis calls for greater transparency and accountability in such cases to uphold justice and human rights.

16. How does the Government of Estonia address the broader implications of Mr. Peterson's case for freedom of expression and political participation in the country?

- The treatment of Mr. Peterson has broader implications for freedom of expression and political participation in Estonia. Ensuring that individuals can freely express dissenting opinions and participate in political processes is fundamental to a healthy democracy. Mr. Peterson’s political and human rights experience detailed above and the legal analysis by Douwe Korff highlight the chilling effect his arrest has had on civil society and political activism in Estonia. The suppression of his political participation underscores the need for measures to protect and promote democratic engagement and freedom of expression.
17. *What steps are being taken to review and reform the legal and procedural frameworks that allowed for the alleged human rights violations in Mr. Peterson’s case?*
- Reviewing and reforming legal and procedural frameworks is essential to prevent future human rights violations. Mr. Peterson’s case highlights significant gaps and issues within the current system. The detailed analysis provided by Douwe Korff emphasizes the need for comprehensive legal and procedural reforms. Ensuring that laws and practices align with international human rights standards is crucial for protecting individuals from arbitrary and unjust actions.
18. *How does the Government of Estonia address the allegations of abuse of state security legislation by the Estonian Internal Security Service (KAPO) in Mr. Peterson’s case?*
- The abuse of state security legislation by Estonian authorities, particularly by KAPO, has been a critical issue in Mr. Peterson’s case. The use of such legislation to suppress political dissent and target activists raises significant human rights concerns. Douwe Korff’s analysis highlights the misuse of state security provisions to silence non-violent political speech and activism. The government should provide detailed information on how it ensures that KAPO’s actions comply with international human rights standards and do not violate the rights of individuals like Mr. Peterson.
19. *What mechanisms are in place to ensure checks and balances on KAPO’s activities, ensuring their accountability and compliance with Estonia’s international human rights obligations?*
- Ensuring that KAPO operates within a framework of accountability and compliance with international human rights obligations is crucial for protecting the rights of political activists and dissenters. What oversight mechanisms are in place to monitor KAPO’s activities, and how does the government ensure that these activities are not misused to suppress political dissent? Douwe Korff’s analysis highlights the need for robust checks and balances to prevent abuse of power by security agencies.
20. *What immediate measures will the Government of Estonia take to halt the persecution, drop all charges, and ensure the immediate release of Mr. Peterson?*

- JPTi advocates for halting the persecution of Mr. Peterson, dropping all charges against him, and ensuring his immediate release. The continued detention and prosecution of Mr. Peterson constitute severe violations of his human rights and undermine democratic principles in Estonia. Immediate action is required to rectify these injustices and uphold the rule of law.

LIST OF APPLICABLE HUMAN RIGHTS PROVISIONS AND STANDARDS

In addressing the case of Mr. Aivo Peterson, it is essential to consider various provisions of the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), and the European Union Charter of Fundamental Rights (EU Charter). These instruments are cornerstones of international and regional human rights law to which Estonia is a party. This section outlines the relevant articles and specific concerns related to their application in Mr. Peterson's case.

Article 9(1) of the ICCPR, Article 5(1) of the ECHR, and Article 6 of the EU Charter all emphasize the right to liberty and security of person, prohibiting arbitrary arrest or detention. JPTi is deeply concerned about the arbitrary detention of Mr. Aivo Peterson. The absence of concrete evidence to substantiate the charges against him indicates a violation of his right to personal security. The Human Rights Committee's General Comment No. 35 and the European Court of Human Rights' rulings emphasize that detention must not be arbitrary and must be based on grounds and procedures established by law. The political motivation behind Mr. Peterson's detention highlights a misuse of legal processes to silence dissent, thus contravening these protections.

Article 9(3) of the ICCPR, Article 5 of the ECHR, and Article 6 of the EU Charter further stipulate that anyone arrested or detained on a criminal charge shall be brought promptly before a judge and entitled to trial within a reasonable time or to release. The prolonged detention of Mr. Peterson without new evidence and the lack of a clear legal basis for the restrictions imposed on him highlight significant procedural violations. General Comment No. 35 elaborates that pre-trial detention should be an exception and justified only when necessary. Mr. Peterson's extended detention without substantiating evidence contravenes these principles, reflecting an abuse of the state's power to detain individuals arbitrarily.

Article 10(1) of the ICCPR, Article 3 of the ECHR, and Article 4 of the EU Charter all mandate that all persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person. JPTi is concerned about the additional restrictions placed on Mr. Peterson, such as prohibiting communication with family members. These restrictions undermine his dignity and well-being, violating these articles. General Comment No. 21 underscores the importance of humane treatment and respect for the dignity of detainees, insisting on proper conditions that preserve their rights and dignity. The punitive measures against Mr. Peterson do not align with these standards.

Article 14(1) of the ICCPR, Article 6(1) of the ECHR, and Article 47 of the EU Charter provide for the right to a fair and public hearing by a competent, independent, and impartial tribunal established by law. Central to Mr. Peterson's case is the right to a fair trial. The denial of access to evidence necessary for his defense, the refusal to hold public hearings, and the undue prolongation of his detention without just cause all violate his right to a fair trial. General Comment No. 32 on Article 14 emphasizes that the principles of equality before the law and the presumption of innocence are fundamental to a fair trial. The procedural irregularities and potential biases within the judicial process in Mr. Peterson's case undermine these principles.

Article 17(1) of the ICCPR, Article 8(1) of the ECHR, and Article 7 of the EU Charter protect individuals from arbitrary or unlawful interference with their privacy, family, home, or correspondence. The restrictions on Mr. Peterson's communication with family members and the denial of access to surveillance operation permits and photographic evidence constitute arbitrary interference with his privacy. General Comment No. 16 clarifies that interference with privacy must be lawful and not arbitrary. The punitive nature of these restrictions reflects a disregard for Mr. Peterson's privacy rights and highlights a misuse of state power.

Article 19(2) of the ICCPR, Article 10(1) of the ECHR, and Article 11 of the EU Charter all state that everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds. The actions taken against Mr. Peterson for his political activities and expressions violate his right to freedom of opinion and expression. General Comment No. 34 on Article 19 stipulates that any restrictions on these rights must be lawful, serve a legitimate purpose, and be necessary and proportionate. Mr. Peterson's activities, which do not incite violence or hate speech, are protected under these articles, and the charges against him are thus illegitimate and punitive.

Article 21 and 22 of the ICCPR, Article 11 of the ECHR, and Article 12 of the EU Charter provide for the right to peaceful assembly and association. The suppression of Mr. Peterson's right to participate in peaceful assemblies and his associations with political groups violate these protections. General Comment No. 37 on Article 21 and General Comment No. 31 on Article 22 emphasize that any restrictions on these rights must be narrowly construed and necessary in a democratic society. The restrictions imposed on Mr. Peterson, based on his peaceful political activities, are disproportionate and unjustified.

Article 25 of the ICCPR, Article 3 of Protocol No. 1 to the ECHR, and Article 39 of the EU Charter provide for the right to participate in public affairs. The suppression of Mr. Peterson's right to participate in public affairs and express his political views, the denial of his ability to participate freely in elections, and restrictions that undermine his access to public service violate these articles. The politically motivated charges and actions against Mr. Peterson effectively disenfranchise him, undermining democratic principles.

Article 26 of the ICCPR, Article 14 of the ECHR, and Article 21 of the EU Charter all state that all persons are equal before the law and are entitled without any discrimination to the equal

protection of the law. The discriminatory treatment of Mr. Peterson in the application of criminal laws and the imposition of disproportionate restrictions on his political activities and expressions violate his right to equality before the law. General Comment No. 18 emphasizes that the principle of non-discrimination is fundamental, ensuring equal treatment of all individuals. The selective targeting of Mr. Peterson for his political views underscores a broader issue of intolerance towards dissent.

Article 2(1) of the ICCPR, Article 13 of the ECHR, and Article 52 of the EU Charter obligate States Parties to respect and ensure all the rights in the Covenant to all individuals within their jurisdiction. In Mr. Peterson's case, the Estonian authorities have failed to uphold their obligations under these instruments. General Comment No. 31 clarifies that States must take positive measures to ensure the protection of Covenant rights. The failure to protect Mr. Peterson from arbitrary detention, ensure a fair trial, and respect his fundamental freedoms necessitates urgent intervention to rectify these violations and ensure compliance with international human rights standards.

Article 4 of the ICCPR allows for derogation from certain obligations during times of public emergency that threaten the life of the nation, but such derogations must be strictly regulated. No formal declaration of emergency has been made in Estonia to justify the measures taken against Mr. Peterson. The use of state security legislation by KAPO to target Mr. Peterson for his political activities without following the required procedural safeguards constitutes a de facto derogation from Estonia's international obligations. This misuse of state power to suppress dissent and political opposition without a legitimate and declared state of emergency violates the principles of necessity, proportionality, and non-discrimination, which are fundamental to the integrity of Article 4.

In Mr. Peterson's case, these provisions collectively provide a comprehensive framework to assess the actions of the Estonian authorities. The application and adherence to these international and regional human rights standards are crucial in ensuring that Mr. Peterson's rights are protected and upheld. The violations against him represent significant oversteps by the Estonian authorities, infringing upon his human rights as protected under international and European law. The misuse of state security legislation, particularly by KAPO, to target Mr. Peterson for his political activities and expressions, underscores a broader pattern of intolerance towards dissent. It is imperative that the Estonian government takes immediate and concrete actions to uphold its human rights obligations, halt the persecution of Mr. Peterson, drop all charges against him, and ensure his immediate release to ensure justice and compliance with international human rights standards.

End of Report