



## THE 2016 HUMAN DIMENSION IMPLEMENTATION MEETING

OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Warsaw, 19 – 30 September 2016

27 October 2016. Working session 12: Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief

### Statement by the Legal Information Centre for Human Rights (LCHR), Estonia

#### The Right to Express Opinions

*Larissa Semjonova, Deputy Director of the LICHHR*

Dear Chair, Dear High Commissioner, Dear participants,

In recent years, the authorities in Latvia and Estonia use the so-called “Black Lists” for persons whose ideas and opinions diverge from officially approved in. Toward these persons interior ministries use the ban for entry.

These states restrict the right to freedom of opinion and speech not for the citizens of third countries but also for Europeans. During recent years, two citizens of Russian Federation and three EU citizens addressed to the LICHHR, among them two journalists, one writer, one scientists and one public figure. The LICHHR jurists initiated four court cases: the case of professor V/ Tishkov, Citizen of the Russia; three cases of citizens of the EU – Professor V. Gushchin (Latvia); journalist A. Jakovlev (Latvia); journalist and public figure, former EP member J. Chiesa (Italy).

During court proceeding it turned out that the victims of “Black Lists” were infringed also in the right to access to evidences of their danger to Estonia; these evidences classified as state secrets, and thus the victims lost the right to protection and the right to fair trial.

At present moment for J. Chiesa case all measures in Estonia are exhausted, and the application toward the European Court is in preparation stage. In its judgments Estonian courts, with the reference to Interior Ministry decision of 12 December 2014, asserts that Mr. Chiesa is not going to change his beliefs and opinions, and hence “there is the ground to believe that it is

a question of a person who participate in the activities of Russian influence”. The Court assume that Mr. Chiesa may distribute a “false” viewpoint on the basis of his opinions, and thus erode the foundations and reliability of civil cohesion in Estonian society, what, in turn, represent the danger for the state security in Estonia.

In the court of cassation is the V. Tishkov case. The court of appeal in its decision of 26 August 2016 agreed with the Interior Ministry of Estonia that there are “relevant reason to assume” that professor of ethnology may be dangerous to the security of Estonia based on his attitudes (viewpoints). The court consider as the sufficient grounds for that the “reasonable suspicions” that Mr. Tishkov may, being in Estonia, express his positions on various events. It may result in inter-ethnic tension and, therefore, the danger to state security in Estonia.

Meanwhile, professor Tishkov is internationally recognized in the field of inter-ethnic relations, including human rights dimension, and he never call for ethnic violence or riots.

The same logic traced in the decisions of Estonian law enforcement bodies in the cases of Latvian citizens A. Jakovlev and V. Gushchin. Regretfully, Estonian courts did not find in such decisions restriction of individual rights to have an opinion and to express it.

Dissent views in Estonia restrict by other indirect measures, particularly in the Media. We already informed the ODIHR on the journalist M. Kornysheva case, who fired from rus.DELFI.ee portal for her position on the minorities situation in Estonia that differs from the official stand. During last three years a number of journalists of the Russian-speaking Media were persecuted for their views. Among them is the editor of the rus.Delfi.ee portal I. Kuldma and presenter on the Radio 4 J. Levik. The last case is of particular interest, because Mr. Levik was fired for his “pro-Russian” views expressed in private conversations with colleagues in his spare time.

The TV channel “Kanal 2” showed the plot of 3 May 2016 where activists of Ukrainian national-culture societies “lamented” that certain bookshops in Estonia sell publications of “pro-Russian” authors who “falsely” and critically describe the situation in Ukraine. TV journalists inquired that in the shops, and this was enough for immediate disappearance of the publications from the shelves of the bookshops. Moreover, given story disappeared also from the archive of the channel, so we unfortunately cannot present the reference.

*(Recommendations – see version in Russian)*