

Joint Press Release

The Observatory for the Protection of Human Rights defenders Anti-Discrimination Centre Memorial Public Human Rights Organisation "Citizen Watch"

Russian Federation: NGOs officially portrayed as “foreign agents”, “anti-constitutional” and “anti-Russian”, what next?

Geneva-Paris, November 23, 2015. The “war” against the human rights movement in Russia is reaching a new stage. While more than a hundred NGOs have been officially labelled as “foreign agents” since June 2013, they are now being targeted for so-called “anti-constitutional” and “anti-Russian” activities - accusations reminiscent of the Soviet era repressive rhetoric. Several recent draft laws would allow the Constitutional Court to overrule decisions handed down by international jurisdictions, prohibit Russian citizens from providing information to international organizations without the authorities' permission, and criminalise “public expression of non-traditional sexual relationships”. While the law on “foreign agents” has drastically restricted freedom of association, the Observatory fears that this new legislative attack simply aims at eradicating the entire human rights movement in Russia.

Following an inspection planned and conducted in October 2015, the Ministry of Justice concluded that the Human Rights Center “Memorial” “undermines the Constitution”, “calls for the dismantling of the authority and changing the country’s political regime”, expresses in its statements and publications “disagreement to the authorities” and contributes to the “formation of negative public opinion towards the official policy pursued by the Russian authorities”. Furthermore, the Ministry of Justice reportedly sent its findings to the Prosecutor General, in violation of the law in force, according to which an NGO has two weeks to challenge the findings of the audit. If the court agrees with the Ministry of Justice's findings, “Memorial” may be shut down.

“The accusations of being anti-constitutional, anti-Russian, or in “disagreement with the authorities” are not only vague and legally absurd, but also mark a new step in the attempt by the Russian authorities to silence human rights defenders and annihilate the very idea of human rights protection”, declared Karim Lahidji, FIDH President.

On November 6, 2015, another human rights organisation, Mashr (“Peace”), a human rights organisation operating in Ingushetia, led by Mr. **Magomed Mutsolgov**, was subjected to a search on suspicions of conducting “anti-Russian” and “extremist” activities. A dozen national security agents, with some wearing masks, raided the offices of the NGO, confiscating documentation, computers, and mobile phones. The operation was based on a search warrant issued by the Chief Department for Investigation in Russia’s North Caucasus Federal District on allegations that Mr. Mutsolgov carried out acts of sabotage to incite inter-religious conflicts in the North Caucasus. This raid occurred while Mashr had successfully undergone several administrative inspections. In November 2015, a court decision confirmed the legality of its activities. Under these circumstances, the Observatory fears that the search conducted recently aims at intimidating local human rights defenders.

“Defending the rights set out in the Russian Constitution should be the states and citizens duty. Sadly, in the Russia of today, exercising and defending the very rights protected in the Constitution and in the treaties ratified by the Russian State can be declared unconstitutional, anti-Russian or subversive”, said Gerald Staberock, OMCT Secretary General. ***“And it can get worse: the potential control of any communication on human rights violations to global organisations is a new dimension of suffocating any critical voice leaving victims of torture and other violations unheard”,*** he added in a comment.

A new bill, introduced in November before the Parliament, if adopted, will allow the prosecution of Russian citizens and organisations for communicating information to any international body, in violation of Russia's human rights obligations under international law. Offenders risk fines of a maximum of 50,000 Rubles (approx. 700 Euros) if they are natural persons, of one million Rubles (approx. 14,000 Euros) managers and 10 million Rubles (approx. 140,000 Euros) legal entities. The new provisions blatantly contradict the right to access and communicate with international bodies as enshrined in the UN Declaration on Human Rights Defenders. Similarly, another bill risks to deprive citizens of their right to seek remedies for human rights violations before regional and international courts by authorizing the Constitutional Court of Russia to overlook decisions handed down by such courts.

In the current period, every week, new draft laws marked by very repressive provisions are being introduced before the Parliament. These new attacks targeting human rights organisations add to previous legislative initiatives allowing the authorities to impose the label of “*foreign agent*” or “*undesirable organisation*” against independent civil society organisations critical of the country's human rights record. These concepts were introduced into the Russian legislation despite their pejorative and non-legal character. The defence of universal human rights, such as the prohibition of torture and ill-treatment, is considered by Russian courts as “political activity”. As a result, the Anti-Discrimination Centre “Memorial” (ADC Memorial) became the first human rights organisation officially declared to be a “foreign agent” in April 2014; last week, the media NGO Glasnost Defence Foundation (GDF) and Human Rights Institute led by Mr. **Sergei Kovalev** were included in the register of “foreign agents”.

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