



Russia: New tactics in NGO “foreign agents” trials trigger alarm

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In the latest development in the implementation of the controversial so-called Foreign Agents Law in Russia, prosecutors are pursuing civil actions against NGOs. This apparent change of tactics has triggered fresh alarm.

Hearings in the cases of two NGOs accused of violating the Foreign Agents Law – prominent human rights organisations ADC Memorial and Women of the Don – took place on Monday this week. Both organizations are facing civil actions initiated under the country’s Civil Procedure Code, which allows prosecutors to file civil suits to protect the rights, freedoms and lawful interests of, among others, “undefined groups of persons or interests of the Russian Federation.” In the case of ADC Memorial, the prosecutors’ office filed a civil suit after an administrative case on similar charges was turned down by court earlier this autumn, while the prosecutors in the case against Women of the Don opted for a civil action right away. Similar civil actions have also been brought against two other organisations: the Centre for Social Policy and Gender Studies and Coming Out.

“This new tactic of enforcing the Foreign Agents Law is a legal abnormality that is highly worrying. It shows that prosecutors are intent on finding new ways of harassing human rights and advocacy groups,” said Brigitte Dufour, Director of International Partnership for Human Rights (IPHR) that is coordinating a Civic Solidarity project to monitor the “foreign agents” trials of Russian NGOs.

At the hearing against ADC Memorial in St. Petersburg on 25 November, the arguments used by the prosecutor’s office had changed little from the administrative case against the group. Roemer Lemaitre, a Russia-based Belgian human rights lawyer who monitored the trial described the case as “particularly weak,” noting that the supposed ‘evidence’ was thin and

the case badly prepared. This was the primary reason the case was previously rejected by the administrative court. The new hearing was adjourned until 12 December.

The Foreign Agents Law, which entered into force in November 2012, requires any NGO receiving foreign funding and engaging in ill-defined "political activities" to register as a "foreign agent" - a synonym for "spy" in Russian. If found guilty of violating the law, NGOs may face large fines of over 10,000 EUR, suspension of their operations, and even prison terms of up to two years for their leaders. The law has been widely criticized for violating international standards protecting freedom of expression and freedom of association.

ADC Memorial was founded in 2007 and helps protect and defend the rights of vulnerable groups including children, Roma, ethnic minorities and migrants. Its alternative report to the UN Committee against Torture: "Roma, Migrants, Activists: Victims of Police Abuse" was singled out by the prosecutor's office as constituting "political activity" and, under this pretence, the NGO was charged with violating the Foreign Agent's Law. The organization has never attempted to hide the fact that it receives foreign donations – this is clearly stated on its website and helps sustain its work.

Stephania Kulaeva, leader of ADC Memorial says it is "ludicrous" to describe the work of her organization as political. "We are an NGO. We don't do politics but it appears to have become easy to scapegoat us for perceived problems related to Roma and migrants in Russia." She also says that the new civil case against her organisation "shows the lengths to which Russian authorities will go to persecute NGOs like ours," noting that the protracted campaign against the group is "seriously undermining" its work.

A hearing in the civil action against the NGO Women of the Don likewise began in Novochoerkassk on 25 November. Active since the 1990s, this NGO seeks to protect the civil, political, economic and social rights of women. In May this year, it was warned that it was potentially in breach of the Foreign Agents Law, with its annual report to the Russian Ministry of Justice cited as one of the grounds why its work supposedly qualifies as "political activity." At Monday's hearing, the defense asked the court to appoint experts to conduct a comprehensive investigation to help establish the facts in the case, but this was rejected by the judge. Instead, the court agreed to call an expert witness for the prosecution when the case resumes next month. The next hearing was set for 4 December.

ADC Memorial and Women of the Don were both first targeted by their local prosecutor's offices in connection with a government campaign of mass inspections of NGOs this spring. These inspections were carried out in an intrusive way and inspectors demanded that targeted NGOs present a wide range of documents. For example, during the inspection of ADC Memorial, officials demanded documents proving that its office met government regulations on climate, lighting and acoustics control, as well as chest x-rays of employees to confirm that they did not have tuberculosis.

So far three NGOs have been closed down under the Foreign Agents Law, and at least 80 organisations have received warnings or orders from prosecutors' offices to register as "foreign agents" due to their work on issues such as the transparency of elections, monitoring human rights violations and discrimination against lesbians and gays. Many NGOs have appealed prosecutors' decisions, and trials are under way. A judgment on the law is pending from the European Court of Human Rights (ECtHR) in Strasbourg, while Russia's Constitutional Court is also considering the constitutionality of the law.

The Civic Solidarity Platform – a network of NGOs committed to improving the human rights situation in Europe, Eurasia and the United States – has called for the Foreign Agents Law to be repealed or substantially revised, in line with Russia's international human rights obligations. The Platform believes that continued and strong support for Russia's NGOs by international actors is vital at this time and calls on European Union, Council of Europe, OSCE and United Nations bodies to insist that the Russian authorities must stop persecuting NGOs under the Foreign Agents Law.