



EU-RUSSIA CIVIL SOCIETY FORUM ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

Situation for Russian Civil Society Deteriorates in 2019 Despite Russia's Return to PACE: Strong Reaction by the Council of Europe Is Needed

Statement by the Board of the EU-Russia Civil Society Forum

Despite the Russian Federation having reaffirmed its membership in Council of Europe and having had its voting rights in the Parliamentary Assembly of the Council of Europe restored this summer, the situation of civil society and human rights in Russia has further deteriorated throughout 2019. At the same time, violations by the Russian Federation of international law have continued as regards the annexed Crimea and the situation in the east of Ukraine, contrary to decisions of inter-governmental organisations. The Board of the EU-Russia Civil Society is deeply concerned about the current developments and urges Russian authorities at all levels to fully adhere to Russia's obligations as a member of the Council of Europe. The Board calls on the relevant bodies of the Council of Europe to use all possible means to ensure that Russia's compliance with its obligations on human rights and rule of law substantially improves.

This year has seen a range of further worrying developments in Russia, marked with systematic violations of fundamental rights, including freedom of assembly, freedom of association, freedom of expression, freedom from arbitrary detention, freedom from torture, and the right to fair trial, among others, and the continued erosion of rule of law.

The human rights situation in the North Caucasus remains severe. Gross violations of human rights continue there, including unlawful persecution of LGBT people and human rights defenders. In February, Russian authorities remained silent as Igor Kochetkov, Programme Director of the Russian LGBT Network, was receiving death threats for having requested the Investigative Committee to investigate new repressions against LGBT people in Chechnya. Official investigation into the allegations of unlawful detention in secret prisons and torture of LGBT people has been ineffective and did not produce any results.¹ The Council of Europe's Committee for the Prevention of Torture stated in March 2019 that the Russian government had failed to cooperate with the Committee on this subject.² In March, Oyub Titiev, director of the regional branch of Human Rights Centre "Memorial" in Grozny, was sentenced to four years in a penal colony settlement on trumped-up charges of drug possession in a process that was widely condemned as lacking fair trial guarantees.³

Similar tactics by the authorities of bringing fabricated charges with alleged and often absurd crimes have been used in a number of other cases across Russia aimed at stopping the work of NGOs and activists,

¹ See <https://www.pytkam.net/ru/news/evropeyskiy-sud-kommuniciroval-zhalobu-maksima-lapunova-na-pytki-i-neeftivnoe-rassledovanie> (in Russian)

² See <https://rm.coe.int/16809371ee>

³ See <https://eu-russia-csf.org/wp-content/uploads/statements/en/StatementOyubTitiev19.03.2019.pdf>

intimidating them and humiliating them in the eyes of the public. Persecution of the head of Memorial Society's branch in Karelia Yuri Dmitriev has caused the strongest protest in Russia and beyond.⁴ A historian and researcher of the GULAG killing fields and sites of mass burial of victims of summary executions in the Stalin times, Dmitriev has received national and international recognition for his remarkable work over the past three decades. In December 2016, he was arrested and charged with child pornography. In April 2018, after 13 months in detention, Dmitriev was fully acquitted of this charge. Nevertheless, in June 2018 the Supreme Court of Karelia overturned the verdict and ordered a second trial. A new charge of molesting a child was brought against Dmitriev; he was re-arrested and has since been held in custody, as the slow-moving second trial proceeds. If convicted on these ridiculous and humiliating charges, Dmitriev faces a sentence of up to 15 years in a penal colony.

More recently, the Perm branch of Memorial Society has been a target of unlawful persecution on absurd charges.⁵ In August 2019, Perm Memorial co-organised an international search expedition to the village of Galyashor in the Perm region. Volunteers from Lithuania, Italy and Russia worked together to clean up the area around a memorial sign in the local cemetery in memory of special settlers from Lithuania and Poland who were deported to Galyashor between 1940 and 1950. Relatives of repressed victims of Stalinist terror were among the participants. During the expedition, police officers came to the camp and claimed that the participants were illegally occupying the territory and allegedly felling trees. The police opened two criminal cases on "illegal tree felling" and "fictive registration of a foreign citizen" and an administrative case on "unauthorised occupation of forest land". The expedition participants assert that they have not been engaged in the tree felling. Later, officials from the FSB, the Centre for Combatting Extremism, and the police held searches of the office of Memorial and the apartment of its director.

Crackdowns on peaceful assemblies, mass detention of protests participants, criminal cases against many of them, and raids of activists' homes and offices occurred across Russia repeatedly throughout 2019. Following a protest on 26-27 March in Ingushetia⁶, the Investigative Committee opened criminal cases against 31 persons on charges of violence against the police that are not supported by clear and convincing evidence or by no evidence at all. So far, two persons have been sentenced⁷ for assaulting the police while at least 28 defendants are still on remand and awaiting trials, facing up to 10 years in prison. Starting in the summer, police forces clamped down on peaceful protests in Moscow against the exclusion of independent candidates for the 8 September elections to the Moscow City Duma.⁸ Several thousand protest participants were detained, hundreds were beaten by the law enforcement personnel who applied unjustified and disproportionate force while policing the assemblies, during apprehension of the participants or in the police transport. NGOs have documented hundreds of ill-treatment episodes by the police, but not in a single case the complaint was even treated as a message about a crime and none of the complaints have been investigated.⁹ Thus, impunity for the unlawful police violence has prevailed. Many dozens of protestors have been fined for alleged violation of the legislation on assemblies and almost 30 persons have been arrested and charged, on very dubious grounds, with assaulting the

⁴ See <https://dmitrievaffair.com/2019/11/21/petition-free-yury-dmitriev/>.

⁵ See the joint statement by the Forum's Solidarity Group and Historical Memory and Education Working Group on the persecution of Perm Memorial: <https://eu-russia-csf.org/stand-with-perm-memorial/> and a public appeal on the subject: <https://bit.ly/35L3q0g>

⁶ For background information on the Ingushetia incidents, see the Board's statement of [17 May 2019](#)

⁷ See <https://ovdinfo.org/express-news/2019/12/13/sud-vynes-vtoroy-prigovor-po-mitingu-v-ingushetii> (in Russian)

⁸ For more information on the regional elections, see the Board's statement of [16 September 2019](#)

⁹ See <https://www.pytkam.net/ru/news/primeneniye-nasiliya-etim-letom-k-protestuyushchim-v-moskve-rassledovatsya-ne-budet> (in Russian)

police and other crimes in the framework of the so-called “Moscow Case”.¹⁰ Twelve of them have already been convicted and sentenced to prison terms of up to 4 years.¹¹

Violations of electoral rights of Russian citizens in 2019 have been accompanied by growing pressure on independent election observers. An example of the latter was the house arrest of Roman Udot, board member of the GOLOS movement, a leading Russian election observation NGO.¹² In November, he was sentenced to 320 hours of correctional labour for alleged death threats to two NTV journalists, although video material sows serious doubts about the charges, which seem clearly politically motivated.¹³

Repression on religious grounds has accelerated in 2019 in Russia. In the end of the year, out of 317 people included by “Memorial” in the list of political prisoners in Russia, 253 are persecuted on religious grounds.¹⁴ In particular, 23 criminal cases against Jehovah’s Witnesses have been opened across the country, with more than 200 believers suspected or already charged with “extremism” for peacefully practicing their faith. Fourteen people have been found guilty and convicted to different sentences, including to six years in a penal colony, and 42 more people are awaiting their trials under arrest.¹⁵

For civil society organisations and especially human rights defenders, the situation escalated further towards the end of the year.¹⁶ The two last months of 2019 saw a new trend of formally liquidating human rights organisations by a court decision at the request of the Ministry of Justice on extremely formal grounds that are contrary to international norms. Driven by the intention to close the NGOs they targeted, authorities would not allow them to make simple corrections in reporting papers. On 1 November, the Supreme Court of Russia liquidated, on the Ministry of Justice’s request, the All-Russia Movement “For Human Rights”, one of the most respected and oldest human rights organisations in the country.¹⁷ Similarly, on 11 December, the Ministry of Justice of the Mari El republic requested a court to liquidate “Man and Law”, the leading human rights organisation in the region.¹⁸

The authorities have drastically increased pressure on a number of leading human rights organisations by repeatedly imposing numerous and heavy financial penalties on them for not marking their online publications, including in the social media, with the derogatory “foreign agent” label. This new wave of pressure has been applied to a number of the Forum members, threatening them with bankruptcy and closure. Pressure on Memorial Society and Memorial Human Rights Centre is particularly striking, with over 3 million roubles (over 43,000 Euro) of penalties already imposed by courts on these two NGOs based on 16 notices of violations submitted by the authorities, with the review by court of 12 more notices of violations for the amount of at least 2.6 more million roubles (37,500 Euro) still pending.¹⁹

¹⁰ See <https://www.hrw.org/news/2019/10/30/moscow-case-what-you-need-know>

¹¹ See <https://ovdinfo.org/story/delo-27-iyulya-2019-goda> (in Russian)

¹² See the Board’s statement on Roman Udot’s house arrest of [21 May 2019](#)

¹³ See <https://www.hrw.org/news/2019/11/28/russia-conviction-politically-motivated-case>

¹⁴ See <https://memohrc.org/ru/monitorings/chto-takoe-spisok-politzaklyuchennyh-i-zachem-ego-vedut> (in Russian)

¹⁵ See <https://memohrc.org/ru/monitorings/byt-muchenikom-rossiyskie-cvideteli-iegovy-prodolzhayut-poluchat-realnye-sroki-za> (in Russian)

¹⁶ See, for example, the Board’s statement on the inclusion of Czech NGO “People in Need” in the list of “undesirable organisations” of [26 November 2019](#)

¹⁷ See the Board’s statement of [29 October 2019](#)

¹⁸ See <https://novayagazeta.ru/news/2019/12/10/157579-minyust-mariy-el-potreboval-likvidirovat-pravozaschitnyuyu-organizatsiyu-chelovek-i-zakon> (in Russian)

¹⁹ See https://memohrc.org/ru/news_old/summa-shtrafov-naznachennyh-memorialam-za-nemarkirovku-saytov-i-socsetev-dostigla-3-mln and <https://www.vedomosti.ru/opinion/articles/2019/12/17/818853-spasat-memorial> (in Russian)

On 2 December, the “foreign agent” legislation²⁰ was extended again to apply not only to NGOs and media outlets but to any individual who receives money from foreign sources (or from organisations who received money from abroad) and distributes information to the public. Any individual, who distributes materials of the media that have been included in the “foreign agent” list, can also be labelled a “foreign agent”. The State Duma has confirmed that both foreigners and Russians may be labelled “foreign agents” under the new law.²¹ The new law further curbs the freedom of speech and free media and is another mechanism of selective and politically motivated repression.

In sum, the execution of the existing “foreign agent” legislation in 2019 and the new amendments adopted in December further discourage and impede civil society actors’ cooperation with partners abroad, block the possibility of developing international relations in all sectors, including media, science and culture, and contribute to Russia’s increased international isolation.

The current developments are intolerable and must end. The Board of the EU-Russia Civil Society Forum demands that the Russian government adheres to its obligations as a member of the Council of Europe and guarantees respect to and protection of human rights, democracy and the rule of law. Accordingly, we call on the Committee of Ministers and all other relevant bodies of the Council of Europe to use all possible means to ensure that Russia’s compliance with its obligations in human rights and rule of law substantially improves. The Board expresses solidarity with and support to all those in Russia who face unlawful persecution for exercising their fundamental rights and freedoms.

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Contacts:

Elena Shakhova, *Board Member, EU-Russia Civil Society Forum / Director, Citizens’ Watch, Saint Petersburg*; evshakhova@gmail.com

Nina Berezner, *Board Member, EU-Russia Civil Society Forum/ Director, Association D’EST, Paris*; nina.berezner@gmail.com

The EU-Russia Civil Society Forum was established in 2011 by non-governmental organisations as a permanent common platform. At the moment, 180 NGOs from Russia and the European Union are members or supporters of the Forum. It aims at development of cooperation of civil society organisations from Russia and EU and greater participation of NGOs in the EU-Russia dialogue. The Forum has been actively involved, inter alia, in the questions of facilitation of visa regime, development of civic participation, protection of the environment and human rights, dealing with history and civic education.

EU-Russia Civil Society Forum e.V.
Berliner Volksbank
IBAN:DE07100900002706439008
BIC BEVODE33

EU-Russia Civil Society Forum
44, Bad St., 13357 Berlin,
Germany
Tel. +49 30 46 06 45 40
www.eu-russia-csf.org · info@eu-russia-csf.org

Гражданский Форум ЕС-Россия
Бадштрассе 44, 13357 Берлин,
Германия
Тел. +49 (0) 30 46 06 45 40
www.eu-russia-csf.org · info@eu-russia-csf.org

²⁰ For background information on the “foreign agents” law, see, e.g., statements by the Steering Committee/ Board of the EU-Russia Civil Society Forum dated [10 June 2014](#), [23 July 2014](#) and [20 January 2015](#)

²¹ See <https://www.themoscowtimes.com/2019/12/02/russias-new-foreign-agent-law-explained-a68311>