



EU-RUSSIA CIVIL SOCIETY FORUM ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

Stop the Persecution of “Soldiers’ Mothers of St. Petersburg” and the Institute for Freedom of Information Development

Statement of the Steering Committee of the EU-Russia Civil Society Forum

Reacting to the latest decisions of the Russian authorities concerning non-governmental organisations, the Steering Committee of the EU-Russia Civil Society Forum again strongly urges the Ministry of Justice of the Russian Federation and other relevant authorities to stop crackdown on NGOs, repeal or substantially revise the law No. 121-FZ (the so called “foreign agents” law) by removing the derogatory label of “foreign agent”, and restart dialogue with independent Russian civil society organisations. Moreover, the Steering Committee expresses its indignation and extreme concern about the instances of harassment of civic organisations and activists as retaliation or punishment for their activities, their position or their distribution of information on the conflict in Ukraine which is different from the official point of view.

On 28 August, 2014 the official list of NGOs registered as “foreign agents” (<http://unro.minjust.ru/NKOForeignAgent.aspx>; background story see below) was expanded by inclusion of two further prominent NGOs from St. Petersburg and members of the EU-Russia Civil Society Forum: the St. Petersburg Regional Public Human Rights Organisation “Soldiers’ Mothers of St. Petersburg” (<http://soldiersmothers.ru>) and the Institute for Freedom of Information Development Foundation (<http://svobodainfo.org>). By doing that, the Ministry of Justice of the Russian Federation used its power to include NGOs in this list, which was given to it by the amendments to the Federal Law No. 121-FZ, adopted on 4 June, 2014.

This decision of the Ministry of Justice, along with continued persecution of other NGOs in courts as well as the crackdown on civic activists is another example of the broad spectrum of abhorrent practices of politically motivated and selective application of laws in the country. This approach follows the experiences of other organisations, which received the derogatory label of “foreign agent” earlier this year¹.

¹ See statements by the Steering Committee of the EU-Russia Civil Society Forum from June 10, 2014 and July 23, 2014.

We pay particular attention to the fact that “Soldiers’ Mothers’ of St. Petersburg” was added to the list of “foreign agents” by the Ministry of Justice of the Russian Federation on 28 August immediately after Ella Polyakova, the organisation’s director and a member of the Presidential Council on Civil Society and Human Rights, made it public on 26 August that she had received information stating that about a hundred Russian military personnel apparently injured in the South-East of Ukraine had arrived in St. Petersburg for medical treatment.

Since the law on “foreign agents” came into force in November 2012, “Soldiers’ Mothers’ of St. Petersburg” had already experienced several inspections by the authorities and other forms of pressure. In February 2013, two separate inspections by the City Department of the Ministry of Justice and by the Police Anti-Extremism Centre took place. On 10 December, 2013, a member of the organisation, Olga Pavlova, was attacked and beaten at a meeting of the local military administration agency. The police refused to investigate the attack. On 18 April, 2014, Ella Polyakova was questioned by the Ministry of the Interior, and later in May the prosecutor’s office requested access to the NGO’s documents from the previous two years. The prosecutor’s office eventually decided that the NGO had carried out “political activities” through its publication of a 2013 report on human rights violations. “Soldiers’ Mothers of Saint-Petersburg” appealed the fact of inspection in court and notified the prosecutor’s office that it had ceased receiving foreign funding. Nevertheless, it didn’t help, and on 28 August the organisation was included by the Ministry of Justice in the list of “foreign agents”. Like their colleagues from other NGOs earlier, the organisation plans to appeal the decision by the Ministry of Justice.

Pressure on the organisation has intensified almost immediately after the decision of the Ministry of Justice. On 5 September, unknown persons who introduced themselves as journalists of the 5th TV Channel, tried to break into the apartment of Elena Popova, a former staff member of “Soldiers’ Mothers of St. Petersburg”. On the same day windows of the car of Olga Alexeeva, the NGO’s Executive Director, were broken. And in the same evening a crew of the infamous NTV television company invaded the office of the organisation, accusing its personnel of “destruction of the Russian army” and “involvement in political activities” and making recording without consent of the NGO. Based on this visit, a negative programme about the organisation was broadcasted on the NTV Channel on 7 September. All these acts of harassment as well as a decision of the Ministry of Justice which had preceded them and in fact made them possible cannot be interpreted other than retaliation for the distribution by “Soldiers’ Mothers of Saint-Petersburg” of information about events in Ukraine contradicting the official point of view, and an attempt to silence the NGO.

The Institute for Freedom of Information Development Foundation (IFIDF) has also faced already two intrusive inspections from the prosecutor’s office – in March 2013 and January 2014. On 27 January, 2014, the prosecutor’s office issued an official notice of violation of the law, obliging the institute to register as a “foreign agent”. The NGO appealed this prosecutor’s notice arguing that its activities are not “political” and are not aimed at changing state policy.

On 28 August, 2014, the Ministry of Justice registered the NGO as a “foreign agent” by its own decision, despite the fact that the court session on the appeal by the institute against the prosecutor’s decision did not take place yet. It was scheduled at the Moscow District Court of St. Petersburg for 5 September, 2014. After the decision of the Ministry of Justice the court expectedly turned down the appeal, while the prosecutor informed the judge that she learnt about the decision of inclusion of the NGO on the list of “foreign agents” on the webpage of the Ministry of Justice. The IFIDF is going to appeal the court decision. Moreover, a related case of pressure on the organisation and a striking example of violation of fundamental freedoms has been a recent deportation from Russia of Jennifer Gaspar, a US citizen and wife of the Chairman of the Board of the IFIDF, lawyer Ivan Pavlov, upon the cancellation of her residence permit by the Federal Migration Service on 5 August, 2014.

The Steering Committee of the EU-Russia Civil Society Forum urges the intergovernmental organisations, the international community and in particular the European Union authorities to pay close attention to violations of fundamental freedoms and the rule of law in the Russian Federation and continued pressure on independent NGOs, and to cooperate more closely with and support Russian civil society, which is an irreplaceable partner for all parties in this time of severe crisis in EU-Russia relations.

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The EU-Russia Civil Society Forum was established in 2011 by non-governmental organisations as a permanent common platform. At the moment 127 NGOs from Russia and the European Union are member 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 / ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

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Background Information²

According to the original provisions of the Federal Law No. 121-FZ (the so-called “foreign agents” law), which was enacted in November 2012, it was the responsibility of NGOs themselves to apply to the federal list of “foreign agents”. However, Russian NGOs unanimously condemned the law from the moment it was adopted and refused to put on this derogatory, false and damaging label which, in the Russian language, has clearly negative connotation and is tantamount to an admission of espionage. They have repeatedly stated that they are nobody’s agents and act according to their own mission and in the interests of the Russian public and the constituencies they serve. A large group of Russian NGOs submitted a complaint to the European Court of Human Rights in January 2013, claiming that the law on “foreign agents” contradicts the Russian Constitution and international legal norms.

Much to the anger of the Russian government, no independent NGOs have voluntarily registered as “foreign agents”. Until June 5, 2014, the federal list of “foreign agents” contained just one organisation which is considered established by and controlled by the authorities.

The government responded to this unanimous refusal by NGOs to comply with the unjust law by a massive wave of inspections by prosecutors and other government officials in spring and summer of 2013, targeting over a thousand NGOs. These inspections resulted in 25 organisations receiving “notices of violation” for failing to voluntarily register as “foreign agents”. They received penalties for the violation and an order to register within 30 days. 75 other NGOs received “warnings” that they would be required to register if they continued their “political activities” and receiving foreign funding. Affected NGOs include leading human rights, environmental, anti-corruption, and social research organisations.

Most of the groups which were found in “violation” of the law have appealed to courts and have been engaged in a legal battle for several months. Many NGOs have lost their cases while some have had their complaints upheld by courts. Trials continue in many regions. But even those who have won their cases are not immune from a new inspection and an order to register. Since this May, a campaign against NGOs has resumed: prosecutors have again come with inspections to dozens of NGOs across Russia.

As of now at least six Russian NGOs have been forced to shut down to avoid a threat of criminal prosecution of their leaders with up to two years of prison term for “repeated violations” of the law: “Golos” Association for the Protection of Voters’ Rights, its member organisation Moscow Centre “Golos”, Kostroma Centre for Civic Initiatives, Saratov Centre for Social Policy and Gender Studies, “Side by Side” NGO (LGBT film festival), and Antidiscrimination Centre “Memorial”. Three of them are members of EU-Russia Civil Society Forum. Other NGOs have suffered serious reputational damages, and their interaction with various institutions and experts has become impossible as a result of the Kremlin’s hostile rhetoric and the “foreign agent” label. Moreover, a much larger number of NGOs has engaged in self-censorship because it is impossible to predict now which activities would be qualified as “political” by the authorities. The law deliberately defines “political activity”, a main criterion of a “foreign agent”, vaguely and broadly, thus allowing almost any NGO activity to be defined as “political” and therefore giving grounds for selective application of the law.

According to the new changes to the law enacted on June 5, 2014, NGOs legally will be forced with the status of a “foreign agent” immediately from the moment of their inclusion into the federal list by a decision of the Ministry of Justice and will have to fulfil all the obligations entailed, including additional auditing and reporting. Most importantly, from that moment on they will be obliged to mark all their publications, press releases, interviews, and even oral statements as produced by a “foreign agent”. Since all NGOs categorically disagree with the law and consider it contradictory to the Russian Constitution and international norms, they will most likely not abide by these requirements. Sanctions for non-compliance may follow immediately and exponentially: NGOs will be penalised for every episode of violation at the level of 8,000 to 10,000 Euro (300-500 thousand rubles), to be followed by suspension of the work of the organisation and then its closure, and all the way up to the criminal persecution of the NGO’s leaders with

² Information gathered by the Steering Committee of the EU-Russia Civil Society Forum for the Statement of June 10, 2014 – abridged and complemented.

up to two years of prison term. These are highly inadequate and grossly disproportional sanctions from the perspective of international law.

At the moment the official list of “foreign agents” includes 14 non-governmental organisations: Association for the Protection of Voters’ Rights “Golos”, its member organisation Moscow Centre “Golos”, Kostroma Centre for Civic Initiatives, Human Rights Centre “Memorial”, “Public Verdict” Foundation, “Soldiers’ Mothers of St. Petersburg”, the Institute for Freedom of Information Development Foundation (all of them are members of the EU-Russia Civil Society Forum), Centre for Social Policy and Gender Studies, “Lawyers for Constitutional Rights and Freedoms”, the Kaliningrad Regional Public Organisation “Ecodefence-Women’s Council”, the Interregional Association of Human Rights Public Unions “AGORA”, Scientific Centre of International Research “PIR”, Nonprofit Partnership “Assistance to the Competitiveness Development in the CIS Countries”, and Regional Public Human Rights Organisation “Union of the Women of the Don”.

On 1 September, 2014 an important development took place: the Moscow City Court overturned the decisions of previous court instances that the Association for the Protection of Voters’ Rights “Golos”, an active member of the EU-Russia Civil Society Forum, is a “foreign agent”, and called off substantial financial penalties applied at the NGO and its director. On the basis of this decision, the Ministry of Justice should exclude the “Golos” Association from the list of “foreign agents”.

The Steering Committee of EU-Russia Civil Society Forum welcomes this important decision, which is a rare positive development in many months in relations between the state and civil society on the background of unabated pressure. Importantly, the “Golos” Association was the first NGO to become a target of crackdown in the framework of application of the law on “foreign agents” and in the course of the past year and a half has suffered substantial damage in terms of its ability to implement its mission without obstacles. Its activity has been very much paralysed by inspections and trials; its reputation has been tarnished as a result of attachment of the derogatory label of the “foreign agent”, provocations and defamatory publications and TV programmes; its financial capacity has been undermined by penalties; and the head of the organisation had to flee the country out of justified fear of criminal prosecution. As a result of unrelenting pressure the NGO announced in 2013 about suspension of its activity and a beginning of the process of self-liquidation.

This case vividly demonstrates that the “foreign agents” law should be substantially revised or repealed, while the decision of the Moscow City Court in the “Golos” Association case should be used as a precedent in the ongoing trials and for exclusion of other NGOs from the list of “foreign agents”.