



EU-RUSSIA CIVIL SOCIETY FORUM ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

The Lawsuit by the Ministry of Justice of the Russian Federation to Shut Down Russian “Memorial” Society Is Unlawful and Unconstitutional

Statement of the Working Group “Historical Memory and Education” and the Steering Committee of the EU-Russia Civil Society Forum

The Working Group “Historical Memory and Education” and the Steering Committee of the EU-Russia Civil Society Forum urge the Ministry of Justice of the Russian Federation to recall its lawsuit, submitted to the Supreme Court of the Russian Federation, to close the Russian Historical, Educational, Charity and Human Rights Society “Memorial” as well as to stop the crackdown on its member organisations. If the Ministry does not recall its lawsuit and the Supreme Court will review the case, we expect the Supreme Court to act in full accordance with the rule of law, norms of the Russian Constitution and the international law.

Registered in 1992, the Russian Society “Memorial” is one of Russia's oldest and most prominent human rights and research organisations. With a broad spectrum of activities ranging from work on historical memory, culture of remembrance, gathering of and verifying information on victims of political repression, and investigations of extrajudicial executions, enforced disappearances, and other crimes in the conflict regions nowadays, it is one of the few organisations which for many years has advocated for historical truth in Russia and support for political prisoners.

The crackdown on several “Memorial” organisations, which has its origins in November 2012, when the infamous law No. 121-FZ (the so-called “foreign agents” law) came into force, is an outrage for a state, which should stand by the law and the Constitution. Nevertheless, the Ministry of Justice of the Russian Federation included the Human Rights Centre “Memorial”, a member of “Memorial” Society, in the list of “foreign agents”¹ on 21 July, 2014² - along with a further 14 NGOs (as of today).

The most recent move against the “Memorial” Society, the umbrella organisation, undertaken by the Ministry of Justice – though not necessarily having a political background - is no less striking, as long as it affects the oldest entity. As explained by Arseni Roginsky³, Chair of the Board of the “International Memorial” Society, a member in the EU-Russia Civil Society Forum, the Ministry claim

¹ See <http://unro.minjust.ru/NKOForeignAgent.aspx>

² For the background story see Statements of the Steering Committee of the EU-Russia Civil Society Forum from [10 June, 2014](#), [23 July, 2014](#), and [12 September, 2014](#)

³ See <http://tinyurl.com/pemsw2v> for more information

is related to the Russian “Memorial” Society’s organisational structure. In his words, ‘the Ministry of Justice believes that regional member organisations of the Russian “Memorial” Society must have the word “branch” in their official names.’ The authorities ignore the fact that “Memorial” has had a horizontal structure with equal rights for member NGOs, more than 60 across Russia, from the very beginning – and this is stated in its Charter. This fact did not bother the Ministry for 20 years, but now this question has suddenly become a basis for a lawsuit on dissolving the organisation, despite the fact that the legislation in this respect had not changed.

Another proof for the claim not being in accordance with Russian law is that when the position of the Ministry of Justice was upheld by several courts in 2013, no references to legal norms were provided by the Ministry. Nevertheless, “Memorial” showed respect for the Moscow City Court decision and called up, fully in accordance with its Charter, a conference of representatives of all its member organisations to make the requested changes in the structure. The conference is scheduled for 20 November, 2014. However, it was announced without any explanations that a session of the Supreme Court where the “Memorial” case will be reviewed will be held on 13 November, 2014, a week before Society’s conference.

Needless to say, according to international legal norms on freedom of association, a decision to close an NGO can be applied by the authorities only in extreme situations when an organisation has committed a crime, violates human rights, or threatens public order, law or morale. Undoubtedly, a decision to close “Memorial” Society would also violate guarantees for freedom of association enshrined in the Russian Constitution.

Ensuring accurate and professional media coverage of the dramatic situation with the Russian Historical, Educational, Charity and Human Rights Society “Memorial” is very important for giving the public a real picture in times when an on-going attack against independent NGOs has intensified in recent months and includes smear campaigns – both written publications and TV programmes. The Working Group “Historical Memory and Education” and the Steering Committee of the EU-Russia Civil Society Forum urge Russian and international media to examine the facts more thoroughly in order to avoid misunderstandings and prevent false perceptions of the case, given its importance in the public sphere. We ask the mass media to exercise professionalism, which in this case means making the effort to obtain first-hand information and not to follow intentionally perverted and defamatory reports like the one from the notorious NTV Channel broadcast on 10 October, 2014⁴.

We call upon the international community – NGOs, public officials, and individuals – to express their solidarity with “Memorial” and to closely watch whether the situation develops in accordance to the rule of law and international norms.

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⁴ See <http://www.ntv.ru/novosti/1234596> for more information

The EU-Russia Civil Society Forum was established in 2011 by non-governmental organisations as a permanent common platform. At the moment 129 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.

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