



EU-RUSSIA CIVIL SOCIETY FORUM ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

ON THE PERSECUTION OF THE MEMORIAL ANTI-DISCRIMINATION CENTER

Statement by the EU-Russia Civil Society Forum Steering Committee

The Steering Committee of the EU-Russia Civil Society Forum expresses its profound concern regarding the December 12 judgment by the Leninsky District Court of St. Petersburg in a civil lawsuit brought by the prosecutor's office against the Memorial Anti-Discrimination Center. The court recognized the organization to be a 'foreign agent' and ordered the Center to register as such. The Memorial ADC is a member of the EU-Russia Civil Society Forum and one of Russia's most effective human rights groups defending discriminated minorities.

We believe that the judgment against the Memorial ADC marks a new stage in the crackdown on independent civil society organizations in Russia. The court did not only order the Memorial ADC to register as a 'foreign agent' but also found the entire activity of this human right organization to be 'political activity'. Moreover, the court failed to even consider the issue or assess the organization's activity for signs of 'political activity' in the meaning of Russia's 'foreign agents' law. Without any discussion whatsoever, the judge satisfied the prosecutors' new requirement presented during this court hearing thereby violating the fundamental principles of a fair trial such as equality of parties and adversarial process.

After what appeared to be a pause in the enforcement of the 'foreign agents' law in the recent weeks when courts in some Russian regions passed judgments in favor of NGOs and a number of trials in cases against Russia's leading non-governmental organizations were adjourned awaiting the judgments of the Russian Constitutional Court and the European Court on Human Rights on complaints against the said law, the situation has once again changed in the past few days.

We are extremely concerned over the prosecutors' new tactic of bringing civil lawsuits against non-governmental organizations on behalf of 'unspecified groups of people' whose rights have allegedly been affected by the NGO's failure to register as a 'foreign agent'. Thus in addition to imposing fines as they did in administrative proceedings, courts can also issue direct orders for respondent NGOs to register as 'foreign agents'. We know of at least three other similar cases against non-governmental organizations in St. Petersburg, Saratov, and Novocheerkassk.

The EU-Russia Civil Society Forum Steering Committee has on a number of occasions expressed its clear position that the Russian 'foreign agents' law should be repealed or at least fundamentally revised and has urged the Russian authorities to enable unhindered operation of civil society organizations in accordance with international standards. In August, Russian President Vladimir Putin agreed that the law needs to be amended but nothing has been done over the past months. We reaffirm our position and stress that the repressive and unfair judgment against our colleagues at the Memorial Anti-Discrimination Center further emphasizes the urgency of abolishing the 'foreign agents' law as incompatible with international standards and dramatically restricting the freedom of association.

We call upon the Russian authorities to assume responsibility for meeting their international human rights obligations, in particular those concerning the freedom of association. The established principles of international law require that any restrictions of rights and liberties, including those affecting the work of non-governmental organizations, must have a legitimate purpose, be

proportional and necessary in a democratic society. We share the positions expressed by the UN Special Rapporteurs and the Council of Europe Commissioner for Human Rights who have criticized the Russian 'foreign agents' law as clearly inconsistent with the above principles and stated that the law goes beyond what can be described as reasonable restrictions and therefore should be abolished. The Russian authorities have an obligation to ensure a normal environment for civil society to operate and must stop its crackdown campaign on independent civil society organizations.

We express solidarity with our colleagues at the Memorial Anti-Discrimination Center and hope for a fair review of the judgment on appeal, and we invite all people who care to support Russian NGOs persecuted for their activities.

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Address (Secretariat): DEMAS – Association for Democracy Assistance and Human Rights, Pohorelec 6, 11800 Praha 1, Czech Republic

Website: www.eu-russia-csf.org **E-mail:** info@eu-russia-csf.org

Facebook: [EU-Russia Civil Society Forum / Гражданский Форум ЕС-Россия](https://www.facebook.com/EU-Russia-Civil-Society-Forum/) **Twitter:** [@EU_Russia_CSF](https://twitter.com/EU_Russia_CSF)

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