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## **Another attack on civil society in Russia**

October and November 2019 witnessed another attack on the independent civil society of Russia by the government. The attack focuses on so-called «foreign agents» or those organizations that used to be «foreign agents»: International Movement «Memorial» got millions' Russian rubles' fines, two independent organization - public movement «For Human Rights» and Center for Support of Indigenous Peoples of North were liquidated by the decisions of the courts.

On November 21, 2019 the lower chamber of the Russian parliament (Gosudarstvennaya Duma) adopted amendments to legislation regarding media which allows to recognize natural persons as foreign agents. The bill still will be considered by the upper chamber of the Russian Parliament and signed by the President. It is expected to enter into force on 1 February 2020.

According to the bill, the person (both citizens of Russia and foreigners) who disseminates publications of media, including in the Internet, recognized as foreign agents and receives funds or property from abroad or from Russian sources funded from abroad could be recognized as foreign agents.<sup>1</sup> The persons recognized as foreign agents should report to the Russian Ministry of Justice on their «foreign funding». The decision on recognition of the foreign agents will be taken by Ministry of Justice and Ministry of Foreign Policy. The fines are prescribed for violation of this legislation.

Moreover, according to the amendments the media-foreign agents should establish legal person in Russia for operation and should have mark that they are produced by foreign agent. Nowadays, nine media - Voice of America, Radio Free Europe/Radio Freedom, Current Times, «Idel.Realii», Kavkaz.Realii, Crimea.Realii, Azatliq Radiosi, Siberia Realii, Faktograf - recognized as foreign agents in Russia, but the state officials already announced that this number will grow. Moreover, NGOs that recognized as foreign agents and working with media materials (ones as OVD-info, and SOVA) could be covered by this bill.

The author of the bill - Leonid Levin, the chairman of the parliamentary committee on informational policy commented that the newly adopted amendments will concern only persons writing on public and political issues, and not those who writes about sports, culture, music.<sup>2</sup> However, he stated that not only professional journalists, but also bloggers could become «foreign

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<sup>1</sup> Gosudarstvennaya Duma website, Bill No 345523-7, <https://sozd.duma.gov.ru/bill/345523-7> [in Russian]

<sup>2</sup> TASS, Mirror Measure. Committee of State Duma corrected the bill on citizens-foreign agents, <https://tass.ru/obschestvo/7110180> [in Russian]

agents».<sup>3</sup> That already demonstrates that the authorities will use this law as an instrument to persecute those disloyal to the authorities. The provisions of the bill prescribes that foreign person could become not only those who write publications themselves, but also who facilitate the creating of publications or disseminate them. This widens seriously the number of potential «foreign agents».

To add, the experience of implementation «foreign agent» legislation demonstrates that the Russian state authorities extend it in practice and apply it retroactively.

These measures and ones described below demonstrate a pattern of serious violations of freedom of assembly and freedom of speech by the Russian Federation against independent civil society organizations that aimed at their shut down. *We request the stakeholders concerned to support Russian civil society and influence the Russian governments to change its policies.*

### **Persecution of «Memorial» movement: International Movement Memorial and its director and Perm' Memorial**

#### *International Movement Memorial and Human Rights Center Memorial*

In October 2019 Ingushetia FSB department reported to the Federal Service to Supervision of Communications, informational Technology and Mass Media (Roskomnadzor) the lack of marking of foreign agents in the websites and social networks pages of International Movement «Memorial» and Human Rights Center «Memorial». Based on that there were composed 20 protocols of administrative offense - dissolution of information by the organization-foreign agent in the internet without indication of «foreign agent» (part 2 article 19.34 Code of Administrative offenses). Six protocols have been considered by the Tver district court of Moscow, and took decision to fine the organizations and its chairpersons - for the total sum of 1,4 mln Russian rubles (19 thousand EUR). The total sum of fines could reach 4 mln Russian rubles (54 thousand EUR).

The position of defense is that there is not necessity to mark each publication in the social networks with foreign agent reference, as all the publications on which FSB complained directed to the website which marked appropriately as «foreign agent». Human Rights Center Memorial was recognized as a foreign agent in 2014, international movement «Memorial» - in 2016.

#### *Perm' Memorial*

On October 22, 2019 the Ministry of Forestry Management fined the Perm' «Memorial» for 200 thousands rubles. The chairman of the organization - Robert Latypov - was fined for 50 thousands rubles. The ground for fines became accusation in unauthorized occupation of forest patches (article 7.9 Code of Administrative Offences) during the expedition to abandoned cemetery of Polish and Lithuanian repressed persons in Galiashor, Kudymkar district, Perm kray in August 2019. The participants of expedition tried to improve that territories and to install the memorial signs. On October 15, 2019 the two citizens of Lithuania - Stanislavas Ulinskas and his son Vladas - who participated in the expedition was fined for 20 thousand rubles for the same reason.

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<sup>3</sup> Novaya Gazeta, Even Nobel candidates can not relax: the interview with Leonid Levin, <https://www.novayagazeta.ru/articles/2019/11/21/82815-rasslablyatsya-nelzya-dazhe-laureatam-nobelevskoy-premii> [in Russian]

On October 31, 2019 the search was conducted in Perm Memorial office by police, Center of counter-extremism, Ministry of Internal Affairs and the Investigative Committee. The documents and computers were confiscated. At the same day the search was conducted in the apartment of the head of Perm Memorial - Robert Latypov.

We would remind that in August 2019 during the expedition itself the criminal case was initiated upon expedition. The police accused Perm Memorial and participants of the expedition in illegal cutting down forests (article 260 Criminal Code). However, the participants of the expedition state they did not cut down the forest, they cut the grass and dead wood at the cemetery. The local citizen - Leonid Ladanov - was accused in fictive registration of foreign citizens (article 322.2 Criminal Code).

### **Liquidation of two organization - «For Human Rights» and «Center for Support of Indigenous Peoples of North» in November 2019**

#### *Liquidation of NGO «For Human Rights»*

On November 1, 2019 the Supreme Court of the Russian Federation took decision to liquidate the public movement «For Human Rights», working since 1997, upon the request of Ministry of Justice. The ground for this decision became a number of violations identified by the Ministry of Justice - absence of some data in the single registry of legal persons, mistakes at elections of delegated during the general assembly of the organization and some gaps in the statute (inconveniences with the new version of Civil Code which was adopted after the statute), and the several fines for dissolution of the information without reference to «foreign agent» (part 2 article 19.34 Code on administrative offences).

Movement «For Human Rights» requested Ministry of Justice to correct the violations at the autumn assembly of the organization in 2019. But the state officials did not allow. The organization appealed the decision on liquidation. On November 30 it will conduct general assembly of the organization to resolve the violations identified by Ministry of Justice.

The organization was added to the registry of foreign agents on February 2019. Earlier this year the movement and its chairman Lev Ponomorev was fined for different sums from 100 to 300 thousands rubles for violations of the law of foreign agents (on 24 April 2019, 15 August 2019, 24 September 2019, 1 October 2019, 4 October 2019 and 10 October 2019). During these months the head of the organization Lev Ponomorev was fined for a sum around 2 mln rubles. The organization tried to build constructive dialogue with the government and work in cooperation with the government.

#### *Liquidation of NGO «Center for Support of Indigenous Peoples of the North»*

On November 6, 2019, the Moscow City Court decided to liquidate the Center for Support of Indigenous Peoples of the North (CSIPN). The formal reason for the court decision became indication of an irrelevant legal address, outdated provisions of the charter and conduction of the educational trainings without a license.

CSIPN is the main expert organization of the Russian Indigenous Peoples with almost 20 years of experience that supports representatives of indigenous peoples at all levels by providing

informational, educational, expert and legal support. The organization was the only independent organization of the indigenous peoples of Russia and the one that openly reported oppressions of the indigenous peoples at the international level having a special status and accreditation with UN agencies such as UNESCO, UNEA, FAO, the Convention on Biological Diversity (CBD), the UN Economic and Social Council (ECOSOC) and others.

During hearings, the representatives of the Center provided documents to address above-mentioned shortcomings, but the Court refused to provide any time for needed adjustments and chose the highest possible punishment. CSIPN will appeal the decision of the court.

The persecution of the CSIPN started in 2014. In 2015, the organization was placed in 'the foreign agents' registry. The Center was fined for violating the procedures for NGOs-"foreign agents" on self-declaration of foreign agent and for refusing to include them voluntarily in the register of 'foreign agents'. In 2018, the organization searches were carried out in the Center's office and in the apartment of the head of the organization. The computers and documents were seized and the organization was fined.

The Russian state bodies several times prevented Mr. Sulyandziga to take part in the conferences or seminars devoted to the indigenous peoples. In September 2014, Mr. Sulyandziga could not attend the UN World Conference on Indigenous Peoples in New York as the Russian Border police prevented him from leaving the country. In December 2016, Mr. Sulyandziga was not prevented from attending the Forum of indigenous peoples in Moscow, because early in the morning he was stopped by the police, which organized a search in his house to look for any traces of the criminal activities of him and his brother Pavel Sulyandziga (also an indigenous peoples' activist who emigrated to the USA in a search of an asylum due to threats and persecutions of FSB). After a search, Mr. Sulandziga was taken to the police station for interrogation, where he spent several hours.

#### **Recognition of international NGO «People in Need» as non-grata organization**

On 7 November 2019 Czech international organization «People In Need» was added to «the list of foreign and international non-governmental organizations, the activities of which recognized as undesirable in the territory of Russia» by Ministry of Justice upon the request of deputy General Prosecutor based on law «About measures of exposure of persons involved in violation of fundamental human rights and freedoms, rights and freedoms of citizens of Russian Federation». However, the Russian authorities did not provide any comments or explanation to this decision. The Czech Minister of Foreign Affairs stated that this decision is absurd as the organization working for human rights and democracy.<sup>4</sup>

There are 18 other international organizations in the list. The accounts of NGO in Russia will be frozen and subsidiary companies will be closed. If the organization continues its activities, it could be fined, and its employees could be brought to administrative and criminal prosecution.

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<sup>4</sup> Romea, Russia designates Czech aid group People in Need an "undesirable organization"  
<http://www.romea.cz/en/news/world/russia-designates-czech-aid-group-people-in-need-an-undesirable-organization>