



## **Russia: Leading human rights organisation ordered to register as “foreign agent” in unprecedented civil case**

*Brussels, 12 December 2013.* Today ADC Memorial, a leading Russian human rights organisation, was ordered by court to register as a “foreign agent” in an unprecedented civil action brought under the repressive legal regime that entered into force in November 2012. International Partnership for Human Rights (IPHR) is seriously concerned that this decision, which dealt another harsh blow to the freedom of civil society in Russia, constitutes a new disturbing trend of abusing the Russian civil code to repress human rights defense.

The Leninsky district court of Saint Petersburg ruled against ADC Memorial, an organisation dedicated to protecting the rights of vulnerable groups including children, ethnic minorities, migrants and Roma populations in a civil suit brought by a local prosecutor’s office on “behalf of an undefined group of persons” after an administrative case on similar charges was turned down by court earlier this autumn. The court substantiated the prosecutors’ claim that the organisation had engaged in “political activity” while receiving foreign funding and ordered it to register immediately as a “foreign agent” in accordance with the requirements of the 2012 law.

As “foreign agent” is a synonym for “spy” in Russian, registering under this status would effectively amount to a death sentence for ADC Memorial by undermining its credibility, public support for its work, as well as the confidence of partners and donors. If it fails to register, NGOs may be ordered to pay fines over 10,000€ and its activities may be suspended, while its leaders may face criminal charges and a sentence of up to up to two years in prison.

Having failed in the earlier administrative case against ADC Memorial, the St. Petersburg prosecutor’s office abused the country’s civil code to push for conviction in a civil hearing. This code allows prosecutors to file civil suits to protect the rights, freedoms and lawful interests of, among others, “undefined groups of persons or interests of the Russian Federation,” which was the claim made in this suit. As noted by Stephania Kulaeva, ADC Memorial’s representative, it is “ludicrous” to describe the work of her organisation as political. “We are an NGO. We don’t do politics, but it appears to have become easy to scapegoat us for perceived problems related to Roma and migrants in Russia.”

In their failed administrative case, the prosecution had attempted to prove that the organisation took part in “political activity” by submitting an alternative report titled “Roma, Migrants, Activists: Victims of Police Abuse” to the UN Committee against Torture. Indeed, during hearings in the civil case on 25 November, the prosecution invoked the same arguments and made virtually no attempt to substantiate their decision to pursue a civil case.

Yesterday, in an unexpected turn, the prosecution abandoned their attempt to prove the political nature of the alternative UN report. Instead, the prosecutor’s office introduced a new request,

indicating that the NGO should not only register as a foreign agent, but urged the court to recognize all activities of ADC Memorial as those of a foreign agent. The court ruled that ADC Memorial was indeed “guilty in its activities”. The ruling demonstrates just how malleable the “rule of law” in Russia has become and adds yet another weapon to the arsenal of those intent on suppressing NGO activity in defense of human rights within the Russian Federation.

The decision is the first conviction obtained by prosecutors on civil grounds under the Foreign Agents’ Law. However, several other NGOs have also faced prosecution in civil cases, including Women of the Don, the Centre for Social Policy and Gender Studies and Coming Out.

So far, four NGOs have been forced to close down under the Foreign Agents Law. Several dozen organisations have received warnings or orders from prosecutors’ offices to register as “foreign agents” due to their work on issues such as the monitoring of election and human rights violations and discrimination against the LGBT community. Many NGOs have appealed prosecutors’ decisions and a series of trials are underway. A judgment on the law is pending in the European Court of Human Rights in Strasbourg, while Russia’s Constitutional Courts is also considering the constitutionality of the law.

Continued and strong international support for Russia’s civil society is vital. We call on internal community actors to convey concerns about the new trend of using civil suits to go after foreign-funded NGOs, and on Russian authorities to stop persecuting ADC Memorial and other NGOs under the Foreign Agents Law.

### **Background:**

The Brussels-based International Partnership for Human Rights (IPHR) is currently coordinating a project to monitor and raise awareness about “foreign agents” trials against NGOs in Russia on behalf of the Civic Solidarity Platform (CSP), a network of human rights NGOs from across Europe, the former Soviet Union and North America.