



**FIDH - Fédération internationale des ligues des droits de l'Homme**

## **Briefer on the Human Rights Situation in Russia: Repressive legislation and practices to silence civil society**

**Paris, 19 February 2013**

Since Vladimir Putin's return for a third presidential term in May 2012, the situation for civil society in Russia has deteriorated significantly. The Russian authorities have initiated a large-scale crackdown on civil liberties, passing a raft of new repressive measures in record time whilst intensifying repressive practices against opposition members, human rights defenders, artists and minority groups.

Since the end of 2011, thousands have attended massive anti-government rallies in Moscow and throughout Russia in protest against the fraudulent conduct of Russia's legislative and presidential elections. This contestation has weakened President Putin's authority, leading him to implement widespread oppression in order to prevent any kind of criticism concerning human rights violations committed by the Russian authorities.

This hardening of the repression of dissent voices evidences Russia's flagrant refusal to comply with international human rights standards.

### **REPRESSIVE LEGISLATION**

#### *Law on demonstrations*

On 8 June 2012, President Putin signed a draconian set of amendments to the Administrative Code fining anyone participating in unsanctioned protests up to 300,000 Rubles (about 7,540 Euros) - a sum close to the average annual income in Russia. Organizers of illegal protests will further be fined up to 1 million Rubles (24,600 Euros), and those having violated the rules on public demonstration at past events will be banned from organising future events. These laws were approved by the State Duma and the Federation

Council of Russia within the space of barely two weeks.<sup>1</sup>

### *Law on foreign funding for Non-commercial Organisations*

On 18 July 2012, the Federation Council of Russia adopted a new law requiring Non-Commercial Organisations (NCOs) receiving funds from foreign sources for the conduct of so called “political activities” to register as “foreign agents” with a special governmental agency.<sup>2</sup> All information published on their behalf using any media must state that the author is a “foreign agent”. Failure to comply with this obligation, is punishable with up to two years imprisonment or up to 480 hours of corrective work under the Russian Criminal Code. In the event of failure to comply with requirements regarding “foreign agents”, NCOs themselves will face an administrative fine of up to 500,000 Rubles (approximately 12,500 Euros), while their legal representatives, members and participants will face an administrative fine of up to 30,000 Rubles (approximately 750 Euros).

This law entered into force on 21 November 2012 and is a major legislative setback for the freedoms of association and expression. It further transmits an inaccurate, prejudicial and extremely negative message about the nature of activities carried out by human rights organisations in Russia, placing such organisations’ members at serious risk of judicial harassment and attack. On the day the law came into force, several NGO offices were targeted by vandals in Moscow, including the Human Rights Centre “Memorial” whose facade was defaced with the words “Foreign Agent (loves) USA”.

On 5 February 2013, 11 NGOs lodged a complaint against Russia with the European Court of Human Rights, regarding the so-called “foreign agents” bill.<sup>3</sup> The complaint states that the law infringes Articles 10, 11 and 14 of the European Convention on Human Rights, respectively on freedom of expression and association, as well as the prohibition of discrimination.

On 28 January 2013, the Ministry of Justice published a draft bill on its website<sup>4</sup> to amend Article 32 of the Federal law of 12 January 1996 “On Non-Commercial Organizations”. This new law will extend the grounds for unscheduled inspections to all registered NGOs, and not only to those considered to be “foreign agents”. This will *de facto* relieve the Ministry of Justice from its legal obligation to define and prove the so-called “political activities” of an NGO before being permitted to conduct unscheduled inspections.

### *Libel and slander law*

In July 2012, the Russian parliament also passed a bill to recriminalize libel and slander, despite these offences having been downgraded from criminal to administrative offences by President Medvedev only in December 2011. The bill, which entered into force on 10 August, fines individuals up to five million Rubles (around 125,000 Euros) or 480 hours of community service for misinformation intentionally disseminated to damage reputation.

### *Internet censorship*

On 18 July 2012, the Federation Council amended the federal law “On the protection of children from information detrimental to their health and development” with vague clauses that it is feared will be used to

<sup>1</sup> The State Duma approved the draft bill on 22 May 2012, and the Federation Council of Russia on 6 June 2012.

<sup>2</sup> This new law is entitled “Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-commercial Organisations, which Carry Functions of Foreign Agents”. For more information, see the Observatory press release “A sombre horizon for civil society organisations as the new Law on Non-Commercial Organisations has come into force”, 29 November 2012, available at <http://www.fidh.org/RUSSIAN-FEDERATION-A-sombre-12512>.

<sup>3</sup> The complaint is available in Russian at <http://www.memo.ru/uploads/files/950.pdf>.

<sup>4</sup> Available in Russian at <http://docs.pravo.ru/document/view/29761023/30479061/>.

restrict legitimate freedom of expression on the Internet. Article 15, in particular, threatens access to information by establishing a register of blacklisted websites, effectively censoring the Russian language segment of the Internet.<sup>5</sup>

### *Treason law*

In October 2012, parliament adopted a series of amendments to the law on treason and espionage,<sup>6</sup> expanding the definition of treason to “providing financial, technical, advisory and other assistance to a foreign State or international organisation [...] directed at harming Russia’s security”. It thereby *de facto* criminalised contact with foreign entities, an act punishable with the disproportionate sanction of up to 20 years in prison. These amendments to the Russian Criminal Code entered into force on 14 November 2012.

### *“Anti-Magnitsky” law*

On 1 January 2013, the so-called “Anti-Magnitsky” law came into force<sup>7</sup> in response to the Magnitsky Act passed by the U.S. Senate on 6 December 2012. The new Russian legislation (law N°186614-6 “On measures against persons involved in the violation of the rights of citizens of the Russian Federation”) not only bans certain U.S. citizens from entering Russia or adopting Russian orphans, but also seriously stifles Russian civil society. The law bans any NGO involved in so-called “political activities” from receiving financial support from any U.S. based individual or organisation on the basis that it would pose “a threat to the interests of the Russian Federation”. NGOs face suspension of their activities by a simple decision of the body responsible for their registration, and Court seizure of their funds and property<sup>8</sup>.

### *“Propaganda of homosexuality”*

On 25 January 2013, the State Duma voted in the first parliamentary reading of a bill prohibiting the “propaganda of homosexuality”.<sup>9</sup> The bill will amend the Code of Administrative Offences to make “the propaganda of homosexuality among minors” a federal offense attracting fines of up to 5,000 Rubles (125 Euros) for individuals, and 500,000 Rubles (12,500 Euros) for organisations. The term “propaganda of homosexuality” remains undefined in the draft legislation, sparking fears that this already highly discriminatory law will be interpreted very broadly.

Similar bans already exist in nine regions of Russia, including St Petersburg where a bill prohibiting public activities “promoting homosexuality, lesbianism, bisexuality and transgenderism among minors” was approved after a third reading by the Legislative Assembly on 29 February 2012. On 4 May 2012, LGBT rights activist Nikolai Alexeyev became the first person to be sentenced under this law, receiving a 5,000 Ruble fine from Zentralnyi District Municipal Court. He had been arrested on 12 April 2012 for picketing alone in front of Smolny Institute holding a sign stating “homosexuality is not a perversion”.<sup>10</sup>

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<sup>5</sup> For more detailed information, see the Open letter to the president of the Russian Federation Mr. Vladimir Putin, published on 23 July 2012, available from: <http://www.fidh.org/Open-Letter-to-The-President-of,11991>.

<sup>6</sup> These amendments were approved by the Duma on 23 October 2012.

<sup>7</sup> The law was adopted by the Russian Duma on 21 December, by the Federation Council on 26 December, and signed by President Putin on 28 December 2012.

<sup>8</sup> See Law N°186614-6 “On measures against persons involved in the violation of the rights of citizens of the Russian Federation”, Article 3.

<sup>9</sup> See Russia's Duma website on draft federal law N°44554-6 : <http://asozd2.duma.gov.ru/main.nsf/%28Spravka%29?OpenAgent&RN=44554-6&02>

<sup>10</sup> See the Observatory urgent appeal « Russian federation : sentencing of LGBT rights activist Nikolai Alexeyev », published on May 10, 2012 : <http://www.fidh.org/Russian-Federation-Sentencing-of>

Other initiatives currently under examination show that this repressive legislation tends to divide civil society into actors that are “acceptable” partners and those that are “troublesome” in developing a highly selective and repressive arsenal. Thus, for example, on 6 February 2013, a draft bill prepared by MP Yaroslav Nilov from the Liberal Democratic Party of Russia (LDPR) and to be examined by the State Duma in the coming weeks was released to the public. The bill aims to grant special status to NGOs combating illegal immigration so that they can be considered “socially useful” and thus benefit from State support, tax exemptions, and other advantages.

## **REPRESSIVE PRACTICES: JUDICIAL AND POLICE HARASSMENT**

Repressive practices are now an everyday feature of Russian society.

On 19 December 2012, police officers from the anti-extremism department and investigators from Moscow began early morning searches of the private homes of activists, including human rights defender Natalia Zvyagina. The official pretext was an investigation into the case of Sergei Usaltsov, Loenid Razvozzhaev and Konstantin Lebedev who are suspected in plotting mass disorder. The searches were also conducted in the office of the Solidarnost political movement and, later, the Human Rights House Voronezh premises.<sup>11</sup> Shortly before 16:00pm police and investigators entered Human Rights House Voronezh premises to search all offices belonging to the organisations united by Voronezh. A search warrant was issued for the whole building, not distinguishing between NGOs, commercial organisations and political groups with separate rental agreements. Investigators conducting the search refused to identify themselves or furnish search orders, locking several activists in one of the rooms and refusing them access to an attorney. Two private computers, two hard disks and USB-disks were confiscated from one of the offices, before the unidentified plain-clothed officers left.

Members of Human Rights House Voronezh include the International Youth Human Rights Movement, an NGO with Council of Europe participatory status; the Inter-regional Human Rights Group; regional branches of “Memorial” and “Golos”; the Civil Initiative “Green Alternative”; the Union of Professional Writers; the Centre for Civic Initiatives; the “Confederation of Free Labour” trade union organizations; the Inter-regional Free Student Union; Lawyers for Labour Rights; and other local human rights groups. The building also hosts a public reception office and the regional representatives of Transparency International-Russia.

On 6 December 2012, Stanislav Dmitrievsky, head of the Russian-Chechen Friendship Society, a human rights organisation, was summoned to court in Dzerzhinsk, a city of the Nizhny Novgorod region. A case had been opened against him after the Prosecutor of Dzerzhinsk requested that the book International Tribunal for Chechnya, co-authored and edited by Dmitrievsky, be designated an extremist publication under Article 13 of the Federal Law on Countering Extremism. This 1,200-page book, which was published in 2009, documents human rights violations committed by all parties during the conflict in Chechnya. On 11 January 2013, while Dmitrievsky's case was heard for the second time, several inaccuracies emerged from the statements of Ms. Larisa Teslenko and Ms. Irina Zhiganova, the two authors of a document of linguistic research which formed the basis of the Prosecutor's claim.

Igor Kalyapin, a well-known defender investigating human rights violations in Chechnya, and Chairman of the Committee against Torture (CAT), and Oleg Orlov, Chairman of the executive Committee of the Human Rights centre “Memorial”, have also been summoned to testify. Kalyapin has been particularly targeted over the past year, with several criminal proceedings initiated against him.<sup>12</sup> A number of his colleagues on the

<sup>11</sup> See Human Rights House Network press release published on December 19, 2012 : <http://humanrightshouse.org/Articles/18977.html>.

<sup>12</sup> See the urgent appeals of the Observatory, respectively published on 19 January 2012 and 11 July 2012: <http://www.fidh.org/Judicial-harassment-against-Mr.11158> and <http://www.fidh.org/Russian-Federation-Ongoing>.

Joint Mobile Group, a structure investigating forced disappearances and torture in Chechnya, have also been threatened and intimidated by state agents.<sup>13</sup>

On 13 November 2012, police officials arrested Andrey Yakimov, a staff member of Anti-Discrimination Centre “Memorial”. Yakimov was leading a peaceful rally held in St. Petersburg in commemoration of the seventh anniversary of Timur Kacharava’s death, a young antifascist activist who was fatally stabbed on 13 November 2005. At the police station, Yakimov was charged for “exceeding the number of participants initially planned for a rally”. Despite a lack of incriminating evidence, an initial hearing was scheduled on 14 November 2012 in St. Petersburg. Although the Court decided to dismiss the case for insufficient evidence on 21 January 2013, one of the police officers involved appealed this decision on 5 February.

This harassment forms a clear and consistent trend already indicated in the so-called “Bolotnaya” case. In the aftermath of mass protests held on 6 May 2012 to denounce Vladimir Putin's return to presidency, 18 participants were arrested and detained on charges of organizing and participating in mass disorder under Article 212 of the Russian Criminal Code. They now face up to 10 years of imprisonment. On 9 November 2012, one defendant was sentenced to four and a half years in prison after cooperating with investigators and pleading guilty to the charge. Lawyers for the defendants have been harassed by the authorities. The overall situation of these defenders renders compliance with fair trial standards in their cases doubtful.

The case of Leonid Razvoziaev, a member of the opposition party Left Front, is symbolic of the persecution of opposition activists in Russia and has provoked a large-scale international response. Kidnapped on 19 October 2012 whilst applying for refugee status at the UNHCR in Kiev, Razvoziaev reappeared in Moscow three days later charged with “preparing the organization of mass disturbances”. Razvoziaev publicly reports having admitted guilt under torture and threats that his family would be killed. Sergei Oudaltsov, the leader of the Left Front, was also charged in October 2012 with “preparation for the organization of mass disturbances”.

In December 2012, investigations were initiated against another symbolic opposition figure, blogger Alexey Navalny, as well as his brother. Navalny’s parents's house was also searched.

The targeted repression of social activists, journalists and human rights defenders reflects a general perversion of the administration of justice in Russia as well as the prevailing impunity of law-enforcement bodies.

Some particularly vulnerable groups in Russia also suffer from daily police abuse, including Roma, migrants and members of other minorities. Abuses range from ethnic profiling and daily abuse of authority, to “special operations”, beatings in police stations and torture that sometimes leads to death. This not only violates international treaties prohibiting torture, but is also a blatant contradiction of Russia’s new police legislation, which entered into force in March 2011 and asserts principles of police accountability and non-discrimination against ethnic, linguistic and other minorities.<sup>14</sup>

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<sup>13</sup> See the Observatory urgent appeal published on 6 June 2012: <http://www.fidh.org/Russian-Federation-human-rights.11801>.

<sup>14</sup> For more information, see joint report of ADC Memorial and FIDH “Police abuses against Roma, migrants and activists : Russia's record before the UN Committee against torture”, released on 7 November 2012, and available on <http://www.fidh.org/Police-abuses-against-Roma-12395>.