

URGENT ACTION

NGOS GIVEN HEFTY FINES, RISK CLOSURE

Golos Association and four other Russian NGOs have received heavy fines for refusing to register as “foreign agents”. They and many other NGOs risk closure, while their leaders may face possible criminal prosecution.

Under the “foreign agents law”, every NGO receiving any amount of foreign funding must register as an “organization performing the functions of a foreign agent”, and point this out on all of its publications, if it engages in “political activity”, which is very loosely defined. Five Russian NGOs have already been taken to court by the authorities for refusing to do so, and issued with heavy fines, the latest being LGBTI organization Vyhod (‘Coming Out’) on 19 June 2013. **Golos Association** was the first NGO fined and the only one so far that has already had its appeal against the penalty heard on 14 June, and lost, which makes the decision against it final. Golos Association will have to pay 300,000 Roubles (US\$9,600), and its leader, **Lilia Shibanova**, a further 100,000 Roubles (US\$3,200).

After the “foreign agents law” came into force in November 2012, the offices of hundreds of NGOs across Russia were “inspected” by prosecution officials and other officials. Apart from those already given fines, the Prosecutor’s Office ordered a further 17 NGOs to register as “foreign agents” within a month or face legal action, and warned at least 38 other NGOs that they would be violating the law if they received foreign funding and engaged in political activities but failed to register as “foreign agents”. Under the law, if an NGO continues to refuse to register as “foreign agents” its leader may be criminally prosecuted and face up to two years’ imprisonment, while the NGO would be shut down.

Please write immediately in Russian, English or your own language:

- Urging the authorities to stop the harassment of Golos Association and other independent civil society organizations through inspections and fines,
- Calling on them to repeal Federal Law 121-FZ of 20 July 2012 (the “foreign agents law”) as non-compliant with Russia’s obligations under international human rights law and its national Constitution;
- Urging them to withdraw the fines, as well as the orders and warnings already issued by the Prosecutor’s Office to NGOs under this law.

PLEASE SEND APPEALS BEFORE 31 JULY 2013 TO:

Prosecutor General

Yurii Ya. Chaika
15 A, Bolshaia Dmitrovka
125993 Moscow
Russian Federation
Fax: +7 495 692 17 25
Email: prgenproc@gov.ru

Salutation: Dear Prosecutor-General

Minister of Justice

Alexander Kononov
14, ul. Zhitnaya,
119991 Moscow
Russian Federation
Fax: +7 495 955 59 99
Electronic appeals via website:
<http://minjust.ru/electronic-appeal/email>

Salutation: Dear Minister

Chairman of the State Duma

Sergei Yevgenievich Naryshkin
State Duma of the Russian Federation
ul. Okhotny Ryad 1 Moscow 103265
Russian Federation
Fax: +7 495 697 42 58
Email: stateduma@duma.gov.ru

*** * * Fax machines may be switched off outside office hours (GMT+4) * * ***

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The full official name of the “foreign agents law” is Federal Law no. 121-FZ ‘On Introducing Changes to Certain Pieces of Legislation of the Russian Federation as Regards Regulation of Activities of Non-Commercial Organizations Performing the Functions of Foreign Agents’. It was adopted on 20 July 2012, without any public consultation and in spite of widespread criticism, and came into effect in November 2012. It has been widely used to subject independent civil society organizations across Russia to pressure, intimidation, harassment and smear campaigns. In March and April 2013, hundreds and possibly thousands of Russian NGOs received unannounced “inspection” visits by teams of officials from the Prosecutor’s Office, Ministry of Justice and tax authorities, and sometimes others, who demanded statutory, financial and other documents for inspection and copied them. Leaders of some NGOs were later summoned by prosecution authorities for questioning about their organizations’ activities. Dozens of NGOs received official orders to register as “foreign agents” or warnings about the need to do so if they were in receipt of foreign funding and engaging in broadly defined “political activities”; more are expected to follow. The law allows for severe administrative and even criminal sanctions for failure to comply with it. The law contravenes the Russian Federation’s obligations under international human rights law, including the right to freedom of association.

The Russian authorities have attempted to justify the introduction of this new legislation by the need to ensure transparency and accountability of civil society organisations. This is despite the fact that existing legal regulations already ensured NGOs were submitting detailed financial and activity reports to the authorities, and were also making this information publicly accessible online. At the same time, the term “foreign agent” in Russian means something close to “spy” or “enemy”, and the NGOs concerned find it highly offensive and intended to damage their reputations and discredit their work.

Golos Association played a prominent role in organizing election monitoring and reporting allegations of electoral fraud during the much-contested 2011 parliamentary, and 2012 presidential, elections. The organization, members of its staff, and its civil society partner organizations have been the subject of a protracted smear campaign – even on national television – and harassment by the authorities, culminating in ongoing legal action. On 15 May 2013, Justice Minister Aleksandr Kononov warned that if Golos continued to refuse to register as a “foreign agent” the Ministry would seek its closure through a court decision. Later the Minister was reported as saying that around a hundred Russian NGOs were probably going to have to register as such.

Apart from Golos Association and Vyhod, the other NGOs already fined in court are the LGBTI film festival Bok o Bok (“Side by Side”), the Kostroma Centre for the Support of Public Initiatives and Golos Regional Public Organization. Of these, Vyhod and Bok o Bok received the highest fines of 500,000 Roubles (US\$15,700) each, and the leader of Vyhod has also been fined, similarly to the leader of Golos Association. Only Golos Association has so far had its appeal against the fine heard in court, and lost. The activities and even the existence of all these organisations, and of other NGOs ordered by the authorities to register as “foreign agents”, are at imminent risk. The Anti-Discrimination Centre Memorial (ADCM), a prominent human rights organization, is awaiting court hearings on similar administrative charges, which may also result in heavy fines. The ADCM in particular has been identified by the Russian authorities as a “foreign agent” in connection with its submission to the UN Committee against Torture of a briefing on Russia in October 2012, disregarding the fact that cooperation with UN human rights bodies is a regular NGO practice.

The court hearings at which these NGOs have received heavy fines under the new law also raise serious concerns about impartiality and the principles of fair trial. Thus, during both court hearings involving Golos Association, the judges ignored the arguments of the defence, including the fact that the NGO is not receiving any foreign funding (which, according to the law, is an essential feature of a “foreign agent”). Earlier, the NGO had received the Andrei Sakharov Freedom Award from the Norwegian Helsinki Committee, which involved a cash prize, but it turned down the money. Nonetheless, this was regarded as evidence of foreign funding and led to the subsequent court decisions.

Names: Golos Association, Lilia Shibanova (f)

Further information on UA: 110/13 Index: EUR 46/019/2013 Issue Date: 19 June 2013