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## Russian NGOs cynically treated like enemies of the state

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Earlier this week the Human Rights Centre "Memorial" received official notification from Russia's Ministry of Justice that, after carrying out a check of the organization's website, it had found materials that "undermined the constitutional order of the Russian Federation by calling for the overthrow of the government and a change in the political regime."

This notification marks the beginning of a procedure which could have devastating consequences for the organization.

In theory the organization has 15 days to appeal against the 9 November decision, but in fact the Ministry of Justice informed the press on 11 November that it had already passed the report to the Prosecutor General for action. The members of the Human Rights Centre "Memorial" must now wait to learn their fate which could range from a fine under the Code on Administrative Violations, to criminal prosecution, or even closure of the organization.

Closure would be a huge loss for Russian civil society and would be another heavy blow against freedom of expression, which has been increasingly under siege since Vladimir Putin's return to presidency in 2012. Set up initially as an historical and educational association, Memorial is a network of organizations and associations, which focus on past and present human rights violations. The Human Rights Centre "Memorial" is part of this network of civil society activists.

Memorial's mission, as stated on its website, is to urge "society not to forget the cruel and massive human rights violations in our country's past, but also not to ignore that human rights violations continue to occur".

The Council of Europe's Secretary General spoke out in support of the Human Rights Centre "Memorial" this week, calling it "one of the most respected and well-known human rights organizations".

So what had Memorial done to rattle the Ministry of Justice so? What appears to have drawn such ire was the organization's publication of articles criticizing Russia's involvement in the conflict in Eastern Ukraine

and describing it as aggression, and denouncing the criminal prosecution under trumped-up charges of demonstrators who had taken part in an opposition rally in Bolotnaya Square in Moscow in May 2012.

This latest blow to Memorial is only one more in a series of attacks on NGOs which seem to be aiming to silence all criticism of government policy. In 2012 in the wake of the "colour revolutions" and the "Arab Spring" elsewhere in the world, which in Russia were portrayed as foreign-funded subversive movements, parliament passed the so-called "foreign agents law". The law introduced the requirement that all NGOs receiving foreign funding register as "an organization performing the functions of a foreign agent" and to put this label on all their public documents. According to the law, to be labelled a "foreign agent" the NGO also needs to engage in "political activities" - but these are defined in law, and interpreted by the authorities, so vaguely that every NGOs receiving foreign funding is seen as engaged in them.

Failure to brand its publications accordingly entails hefty fines for the NGO, and similar fines and even criminal responsibility and up to two years' imprisonment for its leaders. In a decision that flew in the face of common sense and called into question the independence of the judiciary, the Constitutional Court ruled in April 2014 that the term "foreign agent" had no negative connotations and that the law does not violate the rights of NGOs. In Russian, the term "foreign agents" has strong associations with Cold War-era espionage.

Most NGOs refused to register as "foreign agents" and so the law was amended in May 2014 making it possible for the Ministry of Justice to register groups without their consent. Memorial was among the first five NGOs to be compulsorily put on the list in July 2014. Since then, the Ministry of Justice's list of "foreign agent" NGOs has swelled to 101 organizations. Among others it includes ecological organizations, a Jewish cultural organization, and a foundation for the promotion of science.

In a further move in May 2015 the Russian authorities decided to obstruct the foreign foundations that fund many NGOs in Russia by passing a law on "undesirable organizations". While the "foreign agents law" was intended to discredit and stigmatize NGOs in the eyes of the general public by using Cold War terminology to brand them as spies, the new law was designed to cut off their funding.

"While the "foreign agents law" was intended to discredit and stigmatize NGOs in the eyes of the general public by using Cold War terminology to brand them as spies, the new law was designed to cut off their funding." Heather McGill.

According to this law, the Office of the Prosecutor General can decide that a certain foreign organization "poses a threat" to the country's "constitutional order, defence potential or state security", and effectively outlaw any activities by that organisation in Russia, or any cooperation with it. Once the decision is made public, any work with, or assistance to, the organization becomes unlawful and punishable by hefty fines. If this "offence" is repeated, criminal sanctions may be imposed, including imprisonment.

On 28 July the US-based charity National Endowment for Democracy (NED), was the first organization to be officially blacklisted in this way by the Russian authorities. Over the years, NED's funding has supported frontline human rights and other civil society activities in Russia. More than two dozen Russian NGOs listed on the "foreign agents" register - including several known for their authoritative and principled human rights work - have benefited from NED's funding in recent years.

This week's new attack on Memorial is clearly a sign that the government is tightening the screws still more and intends to go for an all-out attack on civil society, in an ever more aggressive and cynical way. As Aleksander Cherkassov, the Chair of Memorial's Board said: "This Ministry of Justice Document takes us back to the struggle between the Soviet regime and the dissidents."

It would seem that any discussion or criticism of government policy is now out of bounds.

By stifling peaceful dissent in this way the Russian authorities are preventing individuals and NGOs from making a positive contribution to their society and to government policy. In the end, Russia will be the poorer for it.

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