



EHRAC report: Case and management meetings

Moscow September 2013

Overview

On 23rd September 2013, Prof. Philip Leach (Director), Jessica Gavron (Senior Lawyer), Amy Reed (Programme Manager) and Oksana Popova (Case and Project Support Officer) of EHRAC travelled to Moscow, accompanied by Prof. Bill Bowring, Chair of the International Steering Committee.

The purpose of the trip was two-fold: to review and update NGOs and international representatives on the situation regarding the 'Foreign Agent' law in Russia, and to hold the annual International Steering Committee meeting. During the trip, staff from EHRAC met with: representatives of the NGOs that EHRAC and Memorial are representing in the 'Foreign Agent Law' case submitted in February to the European Court of Human Rights (ECtHR); NGOs from areas of Russia outside of the capital, and diplomats and other members of the international community.

Roundtable: applicants in the 'Foreign Agent Law' case at the ECtHR

On 24th September, EHRAC and Memorial staff met with representatives from Golos, Public Verdict, Citizens' Watch, and the Moscow Helsinki Group. The purpose of the roundtable was to discuss the different options available to NGOs in Russia to challenge this law, and to agree a strategy for the applicants in this case to ensure their actions in relation to the law support each other and reinforce their case.



Each NGO provided an update on the interactions they had had to date with the Russian authorities. Depending on the organisation, this has included: inspections; warnings or notices; fines to the NGO; fines to individual directors of the NGO, and the possibility of liquidation.

Although the attendees at the roundtable are all applicants in the case before the ECtHR, they have expressed concern over the lengthy timescales of the ECtHR, even if urgent measures are applied. Should a decision arrive from the ECtHR in the

usual (non-urgent) timescales, there was a concern that irreparable damage may already have been done to civil society in the meantime.

It was agreed by the applicants that there should be frequent and open communication between them as the case and the situation for NGOs in Russia progress. The options available would continue to be assessed.

Briefing: regional NGOs affected by the Foreign Agent law

Also on the 24th September, EHRAC and Memorial staff met representatives from NGOs whose work has already been affected by the Foreign Agent law but who have yet to take any action at the European level.

These organisations included:

- St Petersburg Anti-Discrimination Centre, Memorial
- Kostroma Center Supporting Public Initiatives
- Jurix
- International Youth Human Rights Movement

Each of these NGOs has been subject to checks by the Prosecutors Office and has received a statement requesting them to register as a Foreign Agent. After Golos, Kostroma was the second organisation to be named as a Foreign Agent. The organisation has received a fine of 300,000 Rs and the Director has received an individual fine of 100,000 Rs. As they are a small NGO, unable to pay the fines, they are now facing closure.



The NGOs were briefed on the existing Foreign Agent law case at the ECtHR, and provided with information on how to proceed should they wish to lodge an application. The implications of doing so were also discussed.

Meeting: EHRAC International Steering Committee

The 10th EHRAC-Memorial project steering committee meeting took place on the 25th September. The progress of each organisation over the past 12 months was presented and reviewed, and a report from EHRAC's partner in Georgia, the Georgian Young Lawyers Association (GYLA), was also shared.

EHRAC's progress in Armenia was discussed, along with the introduction of a new UK-based Advisory Group formed of experts in finance, fundraising, media, and other professional skills, to guide the development of EHRAC as an organisation. Given this, the development of partnerships in Azerbaijan, and the likelihood of expanding into Ukraine, it was agreed that the Steering Committee should be reviewed in order to include representatives from each country and for the region as a whole, to offer EHRAC a more genuine regional perspective. The existing members were asked for recommendations of representatives from the other countries.

Briefing: Foreign Agents law

On the 26th September, members of the international community were invited to attend a briefing by EHRAC on the impact of the Foreign Agent law on civil society in Russia.

The briefing was attended by representatives from the embassies of France, Italy, Sweden and Denmark, from the EU Russia-Europe Cooperation Programme, the EU Political section, and from the Council of Europe.

Lawyers from Memorial gave background information on the Foreign Agent law and provided an update on the most recent actions, the total numbers of NGOs affected, and their analysis of the implications. Prof. Philip Leach explained the detail of the case at the ECtHR, including the arguments used and the rationale for the approach.

The briefing was extremely well received – representatives from one Embassy commented that they found it very useful and are preparing their own report based on EHRAC's briefing. They also commented they would want to meet EHRAC again on our next visit to Moscow. The representatives also requested a simple guide to the history of the Foreign Agent law and its implications, and for an illustration of the tension between the new law and international conventions, along with monthly updates on the situation. EHRAC and Memorial plan to provide these resources.