



Deteriorating Situation of NGOs and Infringement of the Right to Association in Russia

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Introduction

In the last several months since the third round of EU-Russia consultations on human rights took place in Vienna in early March 2006 the situation of non-governmental organizations (NGOs) in Russia has deteriorated even further and the freedom of association has become even more restricted. In 2006 attacks of the Russian government on the independence of NGOs have intensified. Among numerous manifestations of growing government pressure on NGOs in 2006 there are the following: coming into force of the new restrictive NGO legislation in April this year, extremely problematic process of mandatory re-registration of foreign NGOs in September and October, increasing use of anti-extremist and counter-terrorist legislation against NGOs and activists, shutting down of Russian-Chechen Friendship Society in October, a first group falling victim of repressive provisions of the new law, attempts to close several leading nation-wide human rights organizations on charges of tax evasion and poor reporting, new phenomenon of wide-scale detainment and harassment of NGO activists traveling to conferences, growing use of unlawful restriction of the right for peaceful assembly by illegitimately forbidding activists to organize demonstrations and pickets and beating, detaining and levying administrative penalties on participants of demonstrations, continued government inaction in response to threats and violence against human rights activists from neo-Nazi groups, and, finally, continued hostile rhetoric by government officials against independent NGOs and human rights defenders accusing them in working against national interests, undermining political stability, engaging in espionage and being paid by hostile foreign governments and domestic political opposition. It is continued hostility of the state officials against independent activists that made possible the horrendous murder of internationally renowned investigative journalist and human rights defender Anna Politkovskaya in early October this year. Pressure on independent civil society organizations in Russia has taken truly a systemic form in 2006, with the government putting the issue of the work of NGOs firmly in the context of security concerns and an alleged threat they pose to political stability and the state itself.

Russia Leading a New Global Assault on Independent Civil Society

While governments across the globe after 9/11 widely use security and counter-terrorism concerns to justify crackdown on human rights defenders, a new global phenomenon has emerged in the last two years when authoritarian states and "electoral democracies" with imitational democratic institutions started to vigorously oppose international human rights cooperation and democracy promotion work, in essence organizing a global backlash against independent civil society, using the argument of the alleged use by foreign governments of NGOs to interfere in political life and destabilize and undermine ruling regimes.

Today, more than 20 regimes across the world impose tough control over civil society under the pretexts of ensuring security, political stability and non-interference in the country's "internal affairs." These regimes include openly authoritarian governments and semi-authoritarian states, or "hybrid democracies," where democratic transition has been stalled and democratic institutions are dysfunctional and often imitational, creating only a façade of democracy. These governments are placing unlawful restrictions on NGO activities, constrain and silence their work, harass and intimidate civil society activists. Particularly targeted are those NGOs that advocate for human rights and democracy. They are the ones that draw the most fire from those governments who view them as a threat to their power and are growing increasingly intolerant to independent thought and speech.

Authoritarian governments feel threatened by work of NGOs and are developing tools to suppress and silence these organizations. They create restrictive laws and regulations. They impose burdensome registration and tax requirements. Charges are vague, such as "disturbing social order," and implementation and enforcement are arbitrary, fostering a climate of self-censorship and fear. Russia is not the only country where NGOs face serious legal challenges. In Belarus, China, Venezuela, Zimbabwe, Eritrea, Ethiopia, Burma, Uzbekistan, Azerbaijan, Egypt, Algeria and other countries on different continents new restrictive NGO legislation has been adopted or is in the making.

Governments play favorites, deeming NGOs "good" or "bad", and they treat them accordingly. NGOs deemed "good" are often ones created and funded by governments themselves – Government Organized NGOs or "GONGOs".

When states find that their efforts to pass or apply restrictive laws and regulations against NGOs are not enough, they resort to extralegal forms of intimidation or persecution, including imprisonment, torture, threat to lives, enforced disappearances and even murder. Often these regimes justify their actions by accusations of treason, espionage, subversion, foreign interference or terrorism. These are rationalizations; the real motivation is political. This is not about defending their citizens from harm, this is about protecting positions of power.

From Russia to China, Zimbabwe to Venezuela, no region of the world has been spared this new backlash. Russia has emerged as a leader of this global process with several authoritarian governments now copying Russian restrictive NGO legislation and practices, including Venezuela and Central Asian states. A decisive role in the growing suspicion of Russian government officials towards foreign funding of NGOs has been played by what many experts call "orange paranoia." After the so-called "colour revolutions" in neighbouring countries, many politicians and state officials in Russia came to believe that these events were fully instigated and directed from abroad through foreign support for NGOs within these countries. The role of members of the general public outraged by manipulations at the elections is disregarded.

This assessment has resulted in seeing by the state officials of those Russian NGOs who receive foreign funding as potentially dangerous and threatening political stability. In 2005-2006 we have seen dozens of statements to this effect by government officials and numerous articles in the media, many of which can be categorized as smear and defamation campaigns, including media frenzy around the infamous British "spy rock scandal" in January this year. The fact that in a globalized world NGOs work across and beyond borders in their international projects and that the practice of provision of funding by donors from other countries has become a recognized norm of life is not taken into account and is obscured by plot theories, isolationist tendencies, and irrational fear of hostile foreign interests allegedly using Russian NGOs to undermine the regime and interfere in domestic politics.

Adoption of Restrictive NGO Legislation

These unfounded fears of the government and its hostility against NGOs lead to the introduction to the State Duma and swift adoption at the end of 2005 of fundamental amendments to the NGO legislation, often referred to as “the new NGO law.” NGOs and numerous domestic and international experts believe it is a politically motivated and poorly written law which is difficult to implement. Driven by suspicion towards foreign funding and international cooperation of Russian NGOs and by the premise of their impermissible “political activity,” the law imposes strict control over international finding and partnerships of Russian civil society groups.

It requires Russian organizations to report in detail on their use of foreign funds while authorities can prohibit foreign NGOs from providing funds to specific Russian partners or order stopping any of their programs if they “threaten constitutional order, territorial integrity, public health and morals and rights of third parties.” Registration Service officials can do it by their own decision rather than file a case to a court. Registration Service, in addition to reviewing annual reports by NGOs, can conduct full-fledged inspections of NGOs, request and evaluate their administrative, programmatic and financial documentation, attend their meetings without warning, and on the grounds of their observation decide whether an organisation operates in compliance with the goals stated in its charter, and initiate liquidation if they believe this is not the case. Such sweeping powers of the state control bodies to interpret compliance of the organisation’s work with its own goals clearly constitute interference in private civic initiatives and the work of independent organisations.

Foreign NGOs are singled out for even more extensive reporting requirements, including submission of papers describing their planned activities and expenses and quarterly financial reports, subject to comparison and review by authorities. Authorities may deny or revoke registration of a foreign organization whose activity, goals and objectives are found to “...create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage and national interests of the Russian Federation.”

In addition, the law imposes unconstitutional restrictions on who may be a founder and a participant of an NGO, including foreigners not legally present in Russia, people serving a prison term or persons previously convicted on “extremist” charges. Concern about unconstitutionality of these provisions as well as about overall excessively restrictive character of the law that negatively affects all civil society institutions has been expressed not only by NGOs but by the Council of Europe, Russian Ombudsman Vladimir Lukin and the chair of the presidential Council on Civil Society and Human Rights Ella Pamfilova.

Above-mentioned and several other provisions of the law are not based on legal notions and do not contain clear and unambiguous definitions. This constitutes the most problematic aspect of the legislation. Excessively vague wording grants public officials broad powers to interpret and apply provisions of the law at their discretion. There are well-grounded fears that because government deems NGOs “good” or “bad” (loyal and independent) and views some NGOs as suspicious, the law will be implemented accordingly, on a selective basis. Although all NGOs will suffer from increased administrative burden by having to fill in numerous reporting forms, including description of every event and activity they have organised throughout the year, it is the chilling effect of potential selective application of the law that is most problematic and leads to self-censorship and stopping of activities of many groups. There are reports coming from the provinces that smaller organizations are seriously considering to stop working because of their expected inability to cope with increased administrative burden or of fear of being singled out for special treatment.

The law has the potential to cripple the vital work of many NGOs, including foreign NGOs who support local groups, and could retard Russia’s democratic development. The Russian foreign

ministry has claimed on its web site that the new NGO law is similar to that of Western countries. However, according to an expertise of a leading expert organisation in this field, International Centre for the Not-for-Profit Law, the Russian law is “substantially different from the laws of the selected countries” and is “more restrictive”, both in terms of the specific provisions of the Russian law and in its cumulative effect.

Reasons for possible selective application of the law not on the basis of legal requirements but on political interpretation of its provisions or, more precisely, of its spirit, are quite strong. In November last year, when spelling out the key goal of the legislation, President Putin said it was to block foreign-funded Russian NGOs from “carrying out what amounts to political activity... Whether these organizations want it or not, they become an instrument in the hands of foreign states that use them to achieve their own political objectives.” During the “Civic G8” international NGO conference this July President reiterated that his only concern was about possible use of foreign funds for political activity of NGOs that may interfere in political life of the country and undermine political stability. The key problem is that while the law does not contain any definition of impermissible “political activity” every implementing official has to guess and figure out on his or her own what exactly the President means. Negative rhetoric by the state officials, often bordering with hostility towards foreign-funded public interest groups will very likely influence this process.

The President stated at the same conference in July that if he is provided with sufficient evidence that the law impedes development of civil society, he will personally introduce amendments to the State Duma. Russian NGO experts believe that among the most immediate tasks are development and discussion with the government of amendments eliminating unconstitutional restrictions on founding and participation in NGOs, changing the vague wording of several other key restrictive provisions, and eliminating burdensome reporting of NGOs and excessive powers of the state bodies to what amounts to intervention in the work of NGOs. Parallel to that there is an urgent need for analysis and public discussion, including one with the government, of the notion of “political activity.” It is crucially important to clarify this key issue and confirm full legitimacy of the work of human rights, freedom of speech, anti-corruption, environmental, democracy promotion and other NGOs and their funding from any legal sources while confirming and strengthening an already existing ban on foreign funding for election campaigns and activity aimed at taking over political power.

The first test of the implementation of the new legislation has been quite negative. The law required mandatory re-registration of all foreign and international NGOs present in Russia by October 18 this year. Just two weeks before the expiration of the deadline, only 50 organisations out of estimated 500 foreign groups were registered. This was a result of extremely restrictive and excessive application of requirements by the Registration Service. Foreign NGOs were told to provide information that is not required by the law, including translation into Russian of their national laws pertaining NGOs which many countries do not have as separate laws; personal data such as home addresses and telephones about their founders and Board members, leading to absurd situations when founders were long time dead; internal documents of the organizations and decisions of their Boards that do not exist; etc. Many groups had to spend several thousand Euro on translation, certification by notary public and apostil, resubmit their applications several times. Registration Service had only three hours a week for consultations and never provided written explanation of why they turned down applications. As a result of international outcry and anticipating a huge looming scandal, the Registration Service changed its approach in the last two weeks, increased the number of office hours and somewhat liberalized its requirements. It also announced that groups that would fail to get re-registered by October 18 will not have to close down, pack their suitcases, and leave country but rather suspend all their programmatic activity as they await the decision on re-registration. As a result some 100 groups were registered before the

deadline while several dozens more were still awaiting the decision or re-submitting their applications. A number of leading human rights groups had to suspend all their work in Russia, including Human Rights Watch, Amnesty International, Medicines Sans Frontiers, and Penal Reform International. In the last two weeks already after the deadline several more groups have been registered now totaling more than 130 with many more still awaiting their fate. Registration Service blamed the problem on NGOs claiming they were irresponsible, “undisciplined” and not up to rigorous Russian standards. This highly bureaucratic process not only undermined the work of many leading organizations and threatened their legitimacy in Russia but clearly manifested hostile and suspicious attitude of Russian authorities towards international civil society organizations.

Russian authorities have made repeated accusations against NGOs and allegations that independent civil society groups in Russia are financed by the country's enemies – foreign intelligence services, oligarchs, terrorists, criminal gangs, etc. An ugly example of anti-NGO smear campaign in mass media was the so-called “spy scandal” in 2006, when a number of leading Russian human rights groups were accused of being financed by the British intelligence services. Increasingly hostile rhetoric by public authorities creates a climate of suspicion against NGOs in society, marginalizes them, and effectively encourages arbitrary actions of the law enforcement and tax authorities against civil society groups.

Increasing Use of Anti-Extremism and Counter-Terrorism Legislation against NGOs

In this climate of hostility Russian law enforcement authorities increasingly use anti-extremism and counter-terrorism legislation against NGOs. Anti-extremist legislation was originally adopted in 2002 and since then has been continuously amended with new provisions adopted every year expanding the definition of “extremist” activity. Encompassing a very broad range of deliberately vaguely defined public actions and statements, including such indefinite concept as “other actions aimed at undermining the state security,” this definition is a subject of major concern by human rights defenders. The first instance of the use of anti-extremist legislation against NGOs took place in 2004-05 when director of Andrey Sakharov Museum and Public Center Yuri Samodurov was convicted for alleged extremist incitement to religious hatred by organizing a controversial modern art exhibition on religious freedom issues. The key problem here is that the new NGO law of 2006 forbids persons convicted with extremist crimes to be founders, members or participants in NGOs while the anti-extremism law requires the organization to condemn its member and dissociate itself from his or her activity after the court verdict comes into force.

These provisions of the law laid ground to the first historical decision of a court in Nizhny Novgorod to liquidate Russian-Chechen Friendship Society in October this year. It became the first Russian NGO victim of the new NGO law. The group has been a subject of judicial, administrative, and verbal harassment during the last two years for its unrelenting and uncompromising coverage of continued human rights violations in the North Caucasus. Attack was waged on numerous fronts – through the Ministry of Justice, tax inspection, prosecutors office, defamation against and death threats to its leaders, etc., culminating in criminal conviction on extremist charges of its director Stanislav Dmitrievsky in February 2006 for alleged incitement to ethnic hatred by placing anti-war appeals of rebel Chechen leaders in a newspaper published by the organization. The court verdict was based on a highly biased linguistic expertise and completely disregarded testimonies of other experts and numerous witnesses of the defense. It is exactly because the organization did not “condemn” Dmitrievsky for his “extremist” actions and did not disassociate itself from him after he was convicted the Society was announced liquidated in October.

A leading Russian human rights organization, International Memorial Society, received official warning on February 26 this year from Moscow city prosecutor for incriminated violation of the anti-extremist law by allegedly using Internet for extremist activity by publishing on its web site an

expert assessment by an Islamic religious scholar of materials of Islamic movement Hizb-ut-Tahrir which had been forbidden by the Russian government as an extremist organization. The scholar claimed that the materials of the movement did not contain extremist content. Memorial was warned that it would be liquidated if it did not eliminate this expertise from its web site. The organization complied with the requirement to avoid closure.

Increasing number of NGOs and activists in the North Caucasus are charged with extremism or with participation in terrorist activities, assisting terrorist groups, preparation of terrorist acts and illegal possession of weapons.

Among such cases is the case of the Chechen Committee of National Salvation based in Nazran (Ingushetia) opened in 2004 is still being investigated. The NGO is accused in publishing "extremist" materials allegedly "inciting to ethnic hatred, discrediting law enforcement agencies and justifying activities of illegal armed formations on the territory of Chechen Republic."

Another example is persecution of Osman Boliev, director of "Romashka" NGO in Khasavyurt (Dagestan) who pressed charges against local law enforcement bodies for enforced disappearances and a murder of a six-year old girl by the police, including by submitting complaints to the European Court of Human Rights. An attack against him intensified when the Court in Strasbourg admitted the complaint with high priority, and Boliev was accused in illegally possessing a grenade. When the investigation made allegations this spring that he had been involved in assisting the hostage taking in the Nord-Ost theatre in 2004, Boliev had to flee for his life and applied for an asylum in Sweden which he was successfully granted this summer.

On October 13, the state-controlled television network NTV showed a documentary entitled "Humanitarian Issue" which made damaging accusations against several human rights and humanitarian organizations and an editor of a Chechen independent newspaper.

According to the authors of the TV programme, several NGOs purposefully or through foolish ignorance help the terrorist cause. One of them was a local humanitarian NGO "Save the Generation" whose leader, Murad Muradov, was killed on April 15, 2006, during a special operation conducted by the military and security services in a residential building in Grozny where a group of rebels was hiding for the night. It was stressed in the story that Muradov was fighting on the side of the rebels, that his body was discovered in his apartment with a gun and ammunition next to it, and that apartment was used as weapon storage. The story included a comment from a representative of the law enforcement explaining that Muradov used his charity organization as a convenient cover to finance terrorist activity and transport wounded rebels abroad for treatment. At the same time, the authors of the programme failed to mention that the several residents of the seized building actually saw Muradov beaten by the military in the yard after the siege, following to which he disappeared. They also spoke nothing of the fact that after these events the authorities returned Muradov's body to his family. This detail is quite significant: according to the Russian law, corpses of individuals involved in terrorist activity cannot be released to their families, therefore it is evident that the law-enforcement did not find Muradov guilty of such crimes. Also, according to the UN sources, in their official correspondence with the prosecutor's office they were provided no evidence that Muradov was involved in terrorist activity. It should be stressed that with the organization portrayed that way in a programme on one of the national TV channel, the staff of "Save the Generation" NGO are now in particular danger.

Moreover, the programme effectively defamed and put in danger Timur Aliev, an editor of the "Chechen Society" weekly newspaper who was described as linked with the recently killed terrorist leader Shamil Basayev responsible for the Beslan school hostage-taking and many others terrible terrorist acts. This story in the programme revolved around the abduction of Elina Ersenoyeva, who

used to work for the “Chechen Society” as a free-lance correspondent. Ersenoyeva was kidnapped in Grozny in August 2006. Less than a week after her abduction, Russian and foreign media reported that the young woman was in fact the last wife of Shamil Basayev. The programme featured an excerpt from an interview with Timur Aliev where he said that he had indeed published a number of Elina’s articles devoted to different problems in the social sphere but had no idea about her connection with Basayev. Then, a text of a “letter” allegedly found in the archive of Abdil-Khachim Sadulaev, Aslan Maskhadov’s successor as President of Ichkeria killed in summer this year, was read (with the words appearing as if on a computer screen). The letter was supposedly written by Shamil Basayev and ran as follows: “Elina has problems because of me. Therefore, we have to suspend your plan to use Timur once again. His “Chechen Society” as such really works in our interests, though he doesn’t understand this himself. The more people like him, the better”. In that “letter” Basayev also suggested that Sadulaev give an interview to the press and clearly indicated that local journalists would do everything for free and paying foreign reporters would not be a problem because the money were to be provided by a certain charity organization.

This programme, which was not announced in the TV guide, was shown on Friday night, prime time, to a 120-million Russian audience and is not only enormously detrimental to the image of international humanitarian organizations, local NGOs and independent media but also raises concerns for the security of several individuals, including Timur Aliev and “Save the Generation” activists.

Use of Taxation Laws and Reporting Requirements to Undermine the Work of NGOs

Repressive tax laws make virtually every NGO in Russia a potential tax offender. Many leading civil society groups have recently been targeted for lengthy, biased tax inspections, resulting in very high penalties threatening bankruptcy. As a rule, such inspections are triggered by an organization’s “excessive activity” and criticism of government’s actions and are aimed at paralyzing an organization’s work and threatening it with closure. Absurd tax violation charges often include claims of profit tax on charitable grants, personal income tax and social tax on compensation for expenses of volunteers, compensation for travel expenses of participants of conferences, and awards to winners of high school student essay competition. Similarly, legal requirements on NGO reporting to the Ministry of Justice and the Registration Service are excessively and often frivolously used against leading human rights groups.

The year 2006 has witnessed an intensified attack on tax and reporting grounds against a number of internationally renowned NGOs. Most recent targets of harassment by tax and controlling authorities in 2006 include “Memorial” Society, Russian-Chechen Friendship Society, Open Russia Foundation, Union of Soldiers’ Mothers Committees, Russian Research Center for Human Rights, Russian Pen Centre, Forum of Migrant Organizations, Center for International Protection (this leading NGO in submitting complaints to the European Court of Human Rights was charged with more than 135 thousand Euro in unpaid taxes on grants), and, most recently, in October, “International Standard” NGO in Ufa (Bashkortostan) against which a liquidation motion was initiated without even a required initial warning.

Government Inaction in Response to Death Threats against Activists and Attacks by the Neo-Nazi Groups. Impunity of the Perpetrators.

Encouraged by the government’s anti-NGO attitudes, law enforcement authorities fail to respond to increasing number of death threats and attacks by neo-Nazi groups against NGO activists and offices, creating a climate of impunity conducive of repeated attacks, death threats, and murders of human rights defenders.

Death threats increasingly used neo-Nazi groups and other haters of independent NGOs against human rights activists remain ignored and uninvestigated by authorities. They include death threats against Oksana Chelysheva of Russian-Chechen Friendship Society in Nizhny Novgorod and Dmitry Krayukhin of United Europe Institute in Oryol. Names and home addresses of Svetlana Gannushkina of "Civic Assistance" Committee and Memorial Human Rights Center and numerous other activists were published in various lists of "enemies of Russian people" on neo-Nazi web sites with calls for extermination and with no reaction by public officials. The name of assassinated journalist Anna Politkovskaya was also on these lists for long while before her murder in October this year. A murder of a leading expert in racial extremism and human rights activists Nikolay Girenko in St Petersburg in 2005 still remains unsolved. It is the impunity of the perpetrators and government inaction that makes violence against activists possible.

Boris Kreyndel, director of Tomsk Regional Public Human Rights Commission who has been active in advocating the rights of the Roma people in Siberia received death threats against his 16-year old daughter in a form of leaflets posted in his neighborhood with her name and address appearing after a defaming article was published in a national daily *Izvestiya* claiming he was protecting drug dealers. Kreyndel and his family were closely followed by unidentified people. Having failed to find protection from the law enforcement bodies despite of appeals by NGOs and the Russian Ombudsman Vladimir Lukin, Kreyndel and his family had to find refuge in the USA where they were granted official asylum.

Lidya Yussupova, a defense attorney from Grozny (Chechnya) who headed the local office of the "Memorial" between 2000 and 2005 and remains a committed activist of that organization was nominated for the Nobel Peace Prize in 2006. Her name was put on the list of the top ten candidates a few days before the Nobel Prize Committee was to announce the winner. In this context, Lidya, who had already won the very prestigious Martin Ennals Human Rights Award for her very courageous work in extreme danger, was interviewed by numerous Russian and foreign media outlets and spoke a lot of the continuing human rights crisis in Chechnya. On October 12, the day before the announcement of name of the actual recipient of the Nobel Peace Prize for 2006, Lidya Yussupova received a threatening phone call from a stranger on her mobile phone. The man said in Chechen: "You're a lawyer? And you've been dreaming of that prize? Do you think with this prize you'll be able to do all these things in Chechnya like you're doing now? You'll have to live long enough to see that prize!" He also used obscene language. Lidya Yussupova herself was not gravely concerned over that incident. However, her colleagues are very worried for her safety, particularly as the threats were made just a few days after the murder of Anna Politkovskaya.

Harassment of Participants of NGO Conferences and NGO Demonstrations

A new phenomenon of wide-scale detainment and harassment of NGO activists traveling to conferences that irritate the government emerged in 2006. Two incidents were particularly striking, and both happened in July in the context of G8 summit in Russia. NGOs organized a number of parallel activities aimed at drawing attention of the international community to democracy backslide and growing human rights violations in Russia. Some of them were deemed by the government as particularly dangerous, namely "Another Russia" conference of NGOs and opposition political parties in Moscow, and the Second Social Forum of left-wing and alter-globalist groups in St Petersburg. A total number of more than two hundred activists from across Russia were detained, beaten, harassed, their documents and tickets unlawfully confiscated, and they being charged with various violations ranging from minor offence of allegedly insulting the police or urinating in public to serious crimes of possessing weapons and explosives. All this was aimed at preventing their participation in these events during the G8 summit. Prosecutor General's office acknowledged the unlawful character of these actions later in September.

Similarly, growing use of unlawful restriction of the right for peaceful assembly has been increasingly taking place in 2006 by illegitimately forbidding NGO activists to organize demonstrations and pickets and by beating, detaining and levying administrative penalties on participants of demonstrations.

The most notorious recent cases include unlawful forbidding of a memorial picket on the anniversary of the Beslan tragedy in September 2006 in Moscow leading to detainment of several activists who came to Lubianka square with flowers and candles and administrative detention for three days of Lev Ponomarev, director of All-Russia Movement for Human Rights, and violent dispersal of a memorial picket for Anna Politkovskaya in Nazran, Ingushetia.

On October 16, 2006, in Narzan (Ingushetia) local human rights defenders planned a picket to commemorate Anna Politkovskaya, a journalist of "Novaya Gazeta", assassinated in Moscow on October 7. The picket was supposed to start at 4 p.m. at the Memorial to War Veterans. On October 12, a notification about the planned picket was sent to the head of city administration of Nazran by Magomed Mutsolgov, the leader of Ingush human rights NGO "Mashr". The day before the event, on October 15, Mutsolgov received a strange letter "banning" the picket. This document, which had no letterhead, was signed a certain "A. Tsetchoev", who identified himself as "the head" ('the head' of what was not specified). This seemed particularly strange, since the head of the city administration of Nazran was "M. (Magomed) Tsetchoev, not "A. Tsetchoev". By the time when the picket was supposed to start, the area around the Memorial to War Veterans was encircled by the police and young men in civilian clothing who stopped people on their way to the picket site and ordered them to leave in a very insulting manner. Those who tried to inquire about the reasons why the picket was banned were physically abused.

When Magomed Mutsolgov arrived to the monument with his colleagues from organization "Mashr", a crowd of people in civilian clothing immediately surrounded them. The crowd was joined by policemen in uniform, who were standing in cordon. Together they pushed the newly arrived, insulted them, screamed obscenities and used physical force – hit on the head, back and other parts of body, grabbed documents from the hands of Mutsolgov, threw them to the ground and trampled over them. Mutsolgov tried to make a phone call, but the policemen trying to take away his phone, twisted his arms, forced him into a police car and left for Nazran city police station.

Then, several representatives of the "Memorial" Human Rights Center – Shamsudin Tangiev, Ekaterina Sokirianskaia, Zarema Mukusheva, Zoja Muradova, Fatima Yandieva, Albert Khantygov – arrived, carrying portraits of Anna Politkovskaya and flowers. The men in civilian clothing and the policemen, including senior officers, started screamed obscenities at them, snatching pictures and bouquets from their hands and throwing them into the mud. Shamsudin Tangiev said to the police colonel swearing in presence of females, in particular, is not appropriate for policemen. At that point he was pressed to a nearby car and physically attacked. At the same time, a young man in a dark baseball cap with white strip and longish hair hit Ekaterina Sokirianskaia in the face. Later that day, in the hospital she was diagnosed with an open fracture of her nose and a brain concussion.

Albert Khantygov, Fatima Yandieva, Zarema Mukusheva and Zoja Muradova were detained and brought to the Nazran police station. The three women were detained when they already left the place of the picket. Several armed men forced them into a car under threat of violence. When they asked the attackers to identify themselves and explain the situation, one of them said responded "Consider yourself abducted". The women-activists were taken to the Nazran police station, where Magomed Mutsolgov and Albert Khantygov were also held.

The detained activists had their passport information was copied and their fingerprints taken. Policemen photographed the women using the camera on their mobile phones. The rights of the

detained were not explained to them. The women demanded a lawyer, but were refused. When a staff lawyer of the “Memorial” entered the room with the writ, she was expelled. The women were held for approximately eight hours. It is only after several media reportages and inquiries from the Federal Ombudsman’s office that a judge was brought to the police station to make a decision on the fate of the detainees. With no lawyer present, the judge ruled that the three female staff-members of the “Memorial” were guilty of administrative misdemeanor and fined them by 500 rubles each. The two male activists, Albert Khantygov and Magomed Mutsogov refused from the very start to speak in the absence of their lawyer. At midnight (after 8 hours of detention) their defense attorney was finally admitted to the police station. The judge postponed the hearing on their case for the next day, then for the day after.

Finally, the hearing was held on October 31, 2006, at the Nazran Court. The judge insisted that the three female activists also participate. As a result of the hearing, the Court actually ruled to close the case in connection with alleged breach of administrative law by all the four staff-members of the “Memorial”, namely Albert Khantygov, Fatima Yandieva, Zarema Mukusheva and Zoja Muradova, “due to the absence of any breach of law in their actions”. Magomed Mutsolgov from “Mashr”, on the other hand, was found guilty in breaching Art 20.2 of the Russian Administrative Code (violation of rules for organizing rallies, pickets, etc.) and fined by 1000 roubles.

To note, all of the aforementioned illegally detained activists submitted individual complaints to the prosecutor’s office. Those complaints are currently looked into by the prosecutorial officials. No preliminary results of their work are known to date. On October 31, Ekaterina Sokirianskaya, who had promptly lodged a complaint in connection with her injury, was questioned by an investigator of the Nazran prosecutor’s office regarding the circumstances in which she suffered bodily harm.

It is particularly important to stress that, although the policemen present at the picket site were obviously collaborating with the men in civilian clothing and never stopped them from insulting and physically abusing the activists, the press-secretary of the Ingushetia Interior Ministry stated that all the actions of the policemen involved were aimed at maintaining public order and breaking the fight between the activists and the men in civilian clothing. The leadership of the “Memorial” received the same unsatisfactory answer from the Administration of the President of Ingushetia. It should be also stressed that while Magomed Mutsolgov from “Mashr” is attempting to appeal the judicial decision on his case and protest against his illegal detention The Ingushetia Interior Ministry officials are questioning the registration documents of his organization, which Mashr works to support relatives of those residents of the republic who were abducted and “disappeared” in the course of the “anti-terrorist operation”.

Most recently, on November 4, Alexander Bragin of the local branch of the Russian Anti-Fascist Front and an activist of Yabloko Party in Ulyanovsk, was detained along with his two colleagues for an attempt to lawfully organize a demonstration “For Russia without Fascism” and charged with “extremist activity”. Earlier in July Alexander was told not to participate in “Another Russia” conference in Moscow and was looked for by the police for questioning when he nevertheless arrived at the conference.

RECOMMENDATIONS

1. EU should publicly express concern with deteriorating situation of NGOs in the Russian Federation and implementation of the freedom of association.
2. Call on the Russian government to promptly amend the NGO legislation to repeal its restrictive provisions and make it enabling, not restricting for the development of civil society and implementation of the freedom of association.

3. Closely monitor implementation of the law and call on the Russian government and international organizations, in particular, the Council of Europe, to conduct an official assessment of the law and its implementation in a period of one year after it came into force (in spring 2007). It is important to note that legal expertise of the draft law by the Council of Europe in November 2005 played a very important positive role in the process of its adoption. In February 2006 after the law was adopted the Secretary General of the Council of Europe issued a statement saying that a lot will depend on how the law will be applied and that the organisation will monitor its implementation. It is crucial to follow up on this statement.

4. Consider conducting series of expert meetings involving Russian authorities and NGOs on key problematic aspects of the law such as the issue of “political activity” of NGOs.

5. Call on the Russian government to create enabling conditions for the work of foreign and international NGOs and, in particular, promptly re-register all those foreign NGOs whose applications are still pending.

6. Call on the Russian government to stop restrictive use of anti-extremist, counter-terrorist and tax legislation against Russian NGOs and in particular stop persecution of the Chechen Committee of National Salvation.

7. Call on the Russian government to review the cases of Stanislav Dmitirevsky and the Russian-Chechen Friendship Society and stop persecution of the organization and its leaders.

8. Call on the Russian government to refrain from using hostile rhetoric against NGOs and accusing them in anti-government activity and working against national interests.

9. Call on the Russian government to promptly investigate cases of murder of Nickolay Girenko and Anna Politkovskaya and punish the perpetrators according to the law.

10. Call on the Russian government to provide adequate protection in cases of death threats against NGO activists, promptly investigate such cases and punish the perpetrators.

11. Call on the Russian government to stop restriction of the right for peaceful assembly of NGO activists and violence against participants of peaceful demonstrations.

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