

Liquidation of the Memorials

Dangerous attack on freedom of association and human rights defenders in Russia

On 11 November 2021, the news broke that the Office of the Prosecutor General of the Russian Federation filed a lawsuit to the Supreme Court seeking liquidation of one of the oldest Russian NGOs, International Memorial. In addition, the Moscow Prosecutor's Office asked the Moscow City Court to liquidate the Memorial Human Rights Center. The reason is the repeated violation of the legislation on "foreign agents". The Human Rights Center is additionally accused of justifying extremist and terrorist activities.

The hearing for the liquidation of the International Memorial is scheduled for November 25. The preliminary hearing on the liquidation of the Human Rights Center Memorial is scheduled for November 23.

International Memorial researches the history of political repressions in the USSR. In 1989, the first independent public organization was registered in the Soviet Union - the All-Union Historical and Educational Society "Memorial", which was chaired by academician and Nobel Peace Prize laureate Andrei Sakharov. The International Memorial was registered in 1992. At present, the International Memorial is one of the largest research centers for political repression in the USSR and modern Russia, contributing to the moral and legal rehabilitation of persons subjected to political repression. Memorial is the main founder of perennial civic initiatives in remembrance of the victims of Soviet repressions, such as "Returning the Names", "The Last Address" and guided tours "Topography of Terror".

Memorial has always been engaged not only in history but also in the fight against human rights violations in modern Russia. The Human Rights Center Memorial was established in 1993. Over the past decades, the Human Rights Center has dealt with human rights issues in Chechnya, the rights of migrants, supporting political prisoners, defending the rights of Russian citizens in the European Court of Human Rights (ECHR) and has become one of the largest and most respected human rights organizations in the country. Having launched the ECHR program in 2000, Memorial HRC lawyers have since won 140 cases, helping 361 individuals obtain legal redress and secure their rights under the European Convention. To this day, around 250 applications lodged by Memorial HRC lawyers are still pending, including the case of 61 NGOs on the quality of the Russian Foreign Agents Act (*Ecodefense and Others v. Russia, application no. 9988/13*). If Memorial HRC is eliminated, it would also seriously affect the work on the implementation of the ECHR judgments.

The liquidation of the International Memorial and Human Rights Center Memorial is not just the suspension of the activities of these organizations, which help thousands and tens of thousands of people. The Memorial is primarily a symbol of Russian civil society, and that is why the state seeks to destroy it. This is a clear message to all civil society and non-profit organizations.

This decision will also affect OVD-Info. The Human Rights Center is the long-term partner of the project, with whom it carries out many joint projects. In 2021 alone, with the infrastructural support of Human Rights Center Memorial, OVD-Info was able to provide legal assistance to almost three thousand people in police departments, assist in 2,874 administrative cases, file more than 500 applications to ECHR. Currently, OVD-Info lawyers are also involved in 44 criminal cases. The liquidation of the Human Rights Center will jeopardize OVD-Info ability to provide legal assistance to people.

In the case of the International Memorial, the only reason for the claim are repeated administrative fines for not labeling "materials published or disseminated by foreign agents". The Prosecutor's Office equates two dozen charges with such administrative offences with "persistent disregard of the law".

Almost all administrative charges referred to in the claim were brought in the same period, in the fall of 2019. In fact, many offence records were drawn up at the International Memorial and its chairman at once for not labeling various web pages and different social media accounts. Those charges were based on a new and unpredictable interpretation of the law, and all such violations were corrected. Only one protocol was drawn up later, in 2020. Obviously, no "systematic violation of the law" can be found here.

Additionally, the Moscow Prosecutor's Office bases its claims for liquidation on alleged attempts to justify extremist and terrorist activities. They refer to Human Rights Center Memorial's publications on the political nature of the persecution of groups and organizations recognized by the Russian authorities as terrorist and extremist. The Prosecutor's Office claims such publicity is justifying the activities of such organizations to make them appear legitimate and acceptable. Memorial believes that an expert assessment of the political nature of the persecution of such groups and organizations does not mean justification of terrorism. Moreover, when recognizing their individual members as political prisoners, Human Rights Center Memorial states that such recognition does not imply their approval and includes a disclaimer distancing itself from the person's actions, views, and statements.

The sanction, which is absolutely disproportionate to the offense, once again emphasizes that the "foreign agents" legislation exists mainly for the suppression of civic activity and the liquidation of civic organizations. This legislation is extremely vague, its application is constantly expanding. The legislation in itself is fundamentally discriminatory. It is a serious organizational and financial burden and brings the risk of administrative and criminal prosecution. The foreign agents legislation and its enforcement practice in Russia are one of the tools which are used against human rights defenders and the media, significantly restricting freedoms of association and expression. The negative impact of such practices and regulations has been repeatedly expressed by international bodies and experts in the field of human rights such as the Venice Commission, the United Nations Human Rights Committee, the Council of Europe Commissioner for Human Rights. The European Court of Human Rights has communicated dozens of complaints from Russian NGOs about their inclusion in the lists of foreign agents.

The latest inclusions in the foreign agents lists (including of OVD-Info itself) took place amid a [broad public campaign](#) for the abolition of the legislation on foreign agents, which was initiated by OVD-Info and both Memorials, among others, and which has already been joined by 239 institutions and more than 238,000 people across the country.

We believe that the existence of the foreign agents legislation is incompatible with the human rights obligations Russia has. Furthermore, we are convinced that the existence of NGOs is crucial for the democratic society, and the repressive foreign agents legislation is a dangerous tool in the hands of the authorities. The only way to stop the abusive and repressive practices is to repeal the legislation on foreign agents completely. The authorities must also stop other forms of pressure on civil society institutions.