

Ref: CommHR/DM/sf 047-2021

**Mr Igor Krasnov**  
Prosecutor General of the Russian Federation

Strasbourg, 30 November 2021

Dear Prosecutor General,

I am writing to you concerning the liquidation proceedings of two prominent Russian NGOs – the International Historical, Educational, Charity and Human Rights Society Memorial (hereinafter – International Memorial) and the Human Rights Centre Memorial, on the grounds of their alleged repeated non-compliance with the legislation governing the activities of non-commercial organisations receiving foreign funding, known as the “foreign agents” law.

As Council of Europe Commissioner for Human Rights, my mandate is to foster the effective observance of human rights in all 47 member states of the Council of Europe. In particular, the support and protection of human rights defenders and the development of an enabling environment for their activities lie at the core of my mandate. To this end, I engage in dialogue with the authorities of member states to raise issues related to the working environment of human rights defenders and to provide advice and recommendations to assist them in fulfilling their obligations.

In this regard, on numerous occasions, various Council of Europe bodies, including my Office, have assessed the aforementioned legislation and its implementation by the Russian authorities through the prism of applicable international and European human rights standards. The conclusions made by those institutions have been unanimous and clear, indicating that the “foreign agent” law and its application largely interfere with the rights of freedom of association and expression and have a significant chilling effect on the work of civil society organisations active in the field of human rights, the rule of law and democracy. In addition, the term “foreign agent” stigmatises the persons concerned, leading to their marginalisation in Russian society, which is why its use should be abandoned.

It is all the more disturbing to see that the liquidation proceedings against International Memorial and Human Rights Centre Memorial have been initiated as a result of non-compliance with the labelling requirements under the law in question, *de facto* imposing the obligation of self-stigmatisation on these NGOs under the risk of being closed down. Such practice, obviously, is at odds with the Russian authorities' duty to create a safe and enabling environment for the activities of civil society organisations and human rights defenders. In addition, it appears that those two NGOs and their leadership have been subjected to numerous administrative sanctions for the very same reason, having to pay disproportionate fines. In this context, the liquidation proceedings in those cases are far from appearing as necessary and proportionate measures taken by the authorities that could be justified under human rights standards.

I was also dismayed to learn that public scrutiny of domestic judicial decisions that has been carried out by Human Rights Centre Memorial over the years is now seen as a justification of extremist and terrorist activities by the prosecution authorities. In this regard, I would like to draw your attention to the fact that the Venice Commission, among other international bodies, carried out a thorough review of the Russian legislation countering extremism and terrorism and concluded that the definitions contained within it were too broad and imprecise, giving overly wide discretion in its interpretation and leading to arbitrariness in its application. More recently, I also drew the attention of the Russian authorities to the problem of the misuse of “anti-terrorism”, and “anti-extremism” legislation that limited legitimate reporting or criticism of state authorities and had a chilling effect on media and activists, contrary to Article 10 of the European Convention on Human Rights.

More generally, I regret to observe that the Russian authorities continue to restrict the space for independent civil society activities and free speech through the use of criminal law provisions and procedures. The recent expansion of the scope of the definition of a “foreign agent” to media and even individuals, as well as the intensive application of those new provisions against human rights groups, mass media outlets, journalists, lawyers and other individuals, including partners of my Office, for their legitimate activities, illustrate once again the repressive character of those provisions. There is an urgent need for the Russian authorities to change their attitude towards independent civil society actors.

In light of the above and taking into account the significant role played by International Memorial and Human Rights Centre Memorial in preserving the memory of victims of past human rights violations and defending human rights nowadays, I would respectfully urge you to discontinue the liquidation proceedings against them. Instead, I would encourage you to take an active role in contributing to bringing the relevant legislation and related practice into line with applicable human rights standards in accordance with Russia’s obligations as a Council of Europe member state.

From my side, I stand ready to provide any assistance, in accordance with my mandate, to promote the effective implementation of Council of Europe standards related to human rights protection, and I look forward to engaging in continued constructive dialogue with you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović