

URGENT ACTION

NGO LEADER CHARGED UNDER 'FOREIGN AGENTS' LAW

On 2 June, prominent Russian human rights defender Valentina Cherevatenko was officially charged with "malicious evasion from performance of duties" under the "foreign agents" law. If convicted, she could face up to two years in prison. Her conviction could start a dangerous trend of criminal prosecution of NGO leaders.

On 2 June, **Valentina Cherevatenko** and her lawyer were summoned to the Investigation Committee in Rostov-on-Don, south-western Russia, where the investigator gave them an official resolution accusing Valentina Cherevatenko of the crime of "malicious evasion of duties imposed by the law on non-profit organisations performing the functions of a foreign agent" under Article 330.1 of the Russian Criminal Code. She could face up to two years in prison if convicted.

Valentina Cherevatenko is a prominent human rights defender from Novocheerkassk, Rostov Region. She is the founder and chair of the human rights NGO Women of the Don Union and the chair of the Women of the Don Foundation for Civil Society Development and Human Rights.

The resolution stated that Valentina Cherevatenko "intentionally, maliciously evaded her duties to submit documents necessary to include Women of the Don Foundation for Civil Society Development and Human Rights into the foreign agents register". That is, effectively that she did not voluntarily register her organization as a "foreign agent". As part of its work, the Foundation, which was set up in August 2013, was implementing the project "Support of public leaders and initiatives in the North Caucasus" sponsored by the Heinrich Böll Foundation (a German foundation which provides funding for human rights and development projects). The project was aimed at "providing support to most vulnerable groups of population, development of the democratic dialogue, promotion of tolerance, peace building and gender equality in the North Caucasus". This was classified by the Russian authorities as "political activity" and in June 2014, the Union of the Don Women was included in the "foreign agents" register by the Ministry of Justice. In October 2015 the Ministry of Justice also included the Foundation in the "foreign agents" register.

Valentina Cherevatenko is the first NGO leader to be accused of a criminal offence under Article 330.1 and it represents an ominous precedent for civil society in Russia.

Please write immediately in Russian, English or your own language:

- Urging the Russian authorities to immediately end any criminal proceedings and drop all charges against her;
- Calling on them to stop the harassment of Valentina Cherevatenko and any members of the NGOs Union of the Don Women and Women of the Don Foundation for Civil Society Development;
- Reminding them of their responsibility to ensure human rights defenders can carry out their legitimate activities free of harassment and without fear of reprisals, as set out in the UN Declaration on Human Rights Defenders.

PLEASE SEND APPEALS BEFORE 21 JULY 2017 TO:

Prosecutor of Rostov Region
Yuri Alekseevich Baranov
Prosecutor's Office of Rostov Region
Per.Khalturinskiy, 101
Rostov-on-Don 344011
Russian Federation
Fax: +7 863 210 5599 8 (if voice answers, ask for "Fax")
Salutation: Dear Prosecutor

Human Rights Ombudsman of the Russian Federation
Tatiana Nikolaevna Moskalkova
ul. Miasnitskaia, 47
107084, Moscow
Russian Federation
Fax: +7 495 607 7470 / +7 495 607 3977
Salutation: Dear Human Rights Ombudsman

Head of Investigation Directorate for Rostov Region
Yuri Vasilievich Popov
Investigative Committee
Ul. Moskovskaya, 51/15
344002 Rostov-on-Don,
Russian Federation
Fax: +7 863 227 0193
Salutation: Dear Head of Investigation Directorate

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR ALEXANDER VLADIMIROVICH YAKOVENKO, Embassy of Russia, 6-7 Kensington Palace Gardens, London W8 4QP, 020 7229 6412

Please check with your section office if sending appeals after the above date. This is the second update of UA 121/16. Further information: <https://www.amnesty.org/en/documents/eur46/4373/2016/en/>

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ADDITIONAL INFORMATION

The investigation against Valentina Cherevatenko has been ongoing since 6 May 2016 when she was first summoned for questioning by the Seventh Investigation Directorate of the Investigative Committee. This unit is tasked with investigating "crimes of great public resonance", such as those resulting in numerous deaths or most serious crimes committed by state officials. On 24 June 2016, during a search of her organization's office she was informed that she had been declared a suspect under Article 330.1 of the Criminal Code. Since that time she and her colleagues have been summoned many times by the investigator for questioning.

In the resolution issued on 2 June, the investigator claimed, among other things, that concluding a contract with Heinrich Böll Foundation constituted proof of Valentina Cherevatenko's "criminal intention aimed at malicious evasion of her duties" under the "foreign agents" law and that the project's final conference was a "political action financed by a foreign organization." In the investigator's view, some of the initiatives of North Caucasus women NGOs supported by the project including such as "One must be able to build one's own happiness", "Women's Answer" and "Intercultural Dialogue" provided a clear sign of political orientation of the project implemented by the Women of the Don Foundation.

Union of the Don Women has worked tirelessly for over 20 years on a range of issues, from human rights to humanitarian relief and peacebuilding, in Rostov Region and the neighbouring regions, including in the North Caucasus. It is one of the most highly regarded and authoritative NGOs in Russia.

Both Union of the Don Women and Women of the Don Foundation for Civil Society Development and Human Rights have challenged their inclusion in the "foreign agents" register by the Ministry of Justice. On 29 February 2016 the Ministry of Justice officially removed Union of the Don Women from the register stating that the organisation "had stopped performing the functions of a foreign agent".

The "foreign agents' law" was passed in 2012 as part of the Russian authorities' crackdown on the right to freedom of association in the country. When the law was adopted, Article 330.1 was inserted in the Criminal Code in 2012. It introduced the crime of "malicious evasion of duties imposed by the law on non-profit organisations performing the functions of a foreign agent", for which there are severe penalties, ranging from heavy fines to two-year imprisonment for NGO leaders.

The introduction of this law has had a chilling effect on many organisations and civil society activists in Russia. The law compels Russian NGOs to register as "organisations performing the functions of foreign agents" if they receive foreign funding and engage in vaguely defined "political activities". The law requires NGOs declared "foreign agents" to mark all their public materials with this label and imposes on them additional reporting and other onerous requirements. The smearing "foreign agents" label effectively blocks NGOs from meaningful cooperation with the authorities, educational institutions and other public bodies. Its aggressive implementation by the authorities has resulted in a number of prominent NGOs choosing to close down, several more facing bankruptcy for refusing to brand themselves "foreign agents" and being issued with heavy fines, and has hampered the normal work of dozens of NGOs across Russia.

The attempt to instigate criminal proceedings against Valentina Cherevatenko creates a dangerous precedent and takes the clampdown against independent civil society in Russia a whole step further.

Further information on UA: 121/16 Index: EUR 46/6461/2017 Issue Date: 9 June 2017