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To the Special Rapporteur on the situation of human rights defenders

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United Nations Office at Geneva
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Attention: Mr Michel FORST

Re: situation with two Russia based NGOs - "Legal Assistance – Astreya" (Moscow), Foundation "Justice Initiative" (Nazran, Republic of Ingushetia) in the aftermath of Moscow protests of July and August 2019

Dear Mr Forst,

Please find attached a submission on behalf of two Russian NGOs - two non-governmental organizations "Legal Assistance – Astreya", located in Moscow, and Foundation "Justice Initiative," located in Nazran, Republic of Ingushetia (Russian Federation) which were raided by the Russian security agencies in the immediate aftermath of peaceful demonstrations which took place in Moscow on 27 July and 3, 10 August 2019.

Please acknowledge this letter to srji.org@gmail.com . Copies may be sent to: PO Box 19318, Utrecht 3501 DH, the Netherlands.

Best regards,

Egbert Wesselink Board chair, Stichting Justice Initiative
Encl: Submission.

INTRODUCTION

1. This submission is made by the non-governmental organization *Stichting Justice Initiative* (SJI), in the interests of two Russian non-governmental organizations “Legal Assistance– Astreya,” located in Moscow, and “Justice Initiative,” located in Nazran, Republic of Ingushetia (Russian Federation) in respect of which the Russian authorities recently took actions with the aim of intimidation and deterrence of their activities.

2. Both NGOs - Foundation “Justice Initiative” in Nazran as well as the NGO “Legal Assistance – Astreya” in Moscow, are the two leading partner organizations of Stichting Justice Initiative (SJI). SJI’s mandate includes the legal protection of fundamental human rights with the use of international mechanisms in the North Caucasus region of Russia.¹ In July 2019 SJI made submission to the Special Rapporteur on the rights to freedom of peaceful assembly and of association concerning punitive actions taken by the authorities of the Russian Federation against 7 prominent leaders and participants of peaceful protests against local authorities, which took place in the Republic of Ingushetia in March 2019. Since 2006, SJI has won over 200 judgments at the European Court of Human Rights concerning fundamental rights in the North Caucasus and secured over 17 million euro in compensation for victims of human rights violations from this region.

RAID ON AUGUST 14 AT LEGAL ASSISTANCE - ASTREYA

3. On 14 August 2019, at about 9.40 am, a group of representatives from law enforcement agencies arrived at the office of “Legal Assistance – Astreya” in Moscow. Part of the group was from the “Fast response” brigade (SOBR), in masks and with automatic weapons. The remaining two introduced themselves as representatives of the Federal Security Service (FSB) and the Ministry of Internal Affairs (MVD).

4. Law enforcement officials sealed the surveillance camera situated above the entrance to the office belonging to the organization and began a search in one of the rooms of the organization’s office. They seized a smartphone from one of their employees, made her unblock it under threats, and read text messages in the messenger installed on the smartphone, barred the organization’s employees from leaving the room, and tried to get into other rooms of the office premises which were locked. They also took pictures of staff lists that were attached to the landline phones and scanner machine.

5. Law enforcement officials did not present any documents confirming that their actions were legal. After some time, the law-enforcement representatives explained that they had a search warrant for the entire office building and that they came to search one of the companies located on the same floor as ANO Astreya. Despite this explanation, the law enforcement officers did not leave the premises and continued their inspection.

6. Representatives of law enforcement agencies allowed the employees to leave the office at about 12.00 pm. They left the office with the employees, took nothing with them, and no documents were drawn up as a result of the search in the office of Astreya. After returning to the office, staff noticed that while they were gone, someone was inspecting the organization’s server, which was in one of the rooms and trying to pick up the keys to the rooms that were locked.²

¹ Stichting Justice Initiative: www.srji.org, “Legal Assistance – Astrea”: <https://ano-astreya.ru/>

² Inrefax, “Legal Initiative NGO employees were informed that they had been searched in the case of organized crime groups” <https://www.interfax.ru/russia/672722>, BFM, “Law enforcers came to the office of NPO Legal Initiative” <https://www.bfm.ru/news/421899>, Kommersant, “They came to the office of NGO Legal Initiative with a search” <https://www.kommersant.ru/doc/4060674>

SEARCH OF 16 AUGUST AT THE JUSTICE INITIATIVE IN NAZRAN

7. Two days later, on 16 August 2019, a group of law enforcement officials came to the office of the Justice Initiative in Nazran. The head of the organization was handed a written order which authorized an *search* at the office of the organization. A search is a so-called “open operational measure” and is carried out in cases where the investigating authorities are looking for evidence of a crime and differs from searches carried out in the context of a criminal case. A search is usually carried out before the initiation of criminal proceedings. From the order provided to the head of the organization, it followed that the inspection was initiated by the Main Directorate of the Ministry of Internal Affairs of the Russian Federation for the North Caucasus Federal District due to the fact that the Justice Initiative may be involved in coordinating the protests that occurred on 27 July and 3 August 2019 in Moscow. After a six-hour inspection, the investigators seized all the organization’s documentation, including the organization’s contracts with lawyers, agreements with other organizations, including SJI, for the period 2017 - 2019.³

SUBSEQUENT VISIT BY UNIDENTIFIED PERSONS TO “LEGAL ASSISTANCE – ASTREYA” ON 22 AUGUST

8. On 22 August, two unidentified persons tried to enter the organization’s premises, introducing themselves as reporters of the “Izvestia” news publication. They did not show documents that would confirm their identity as journalists and did not provide their names. They asked questions such as “*is it true that you are financing the protests, if not, why is everyone saying you are?*” “*Why are you working in secret and hiding your office?*” The nature and aggressive manner of the questions, as well as the fact that these people did not show any documents confirming that they were journalists of this particular news publication, in our opinion, indicate an attempt to organize a provocation against the organization and its employees. In 2017, the *NTV* crew, a pro-government channel, already invaded the office of “Astreya,” as a result of which a propaganda story was released on the channel that attempted to discredit the work of several non-governmental organizations, including Astreya.⁴

SUMMARY OF EVENTS

9. The described events occurred immediately after a series of protest rallies held in Moscow on 27 July, 3 and 10 August 2019. The direct connection of past events with searches in the offices of Astreya and the Justice Initiative in Nazran is indicated by an order of the Main Directorate of the Ministry of Internal Affairs of the Russian Federation for the North Caucasus Federal District of 15 August 2019.

10. The raid of 14 August was carried out in the absence of any document confirming the authority of law enforcement officers, as a result of which the organization’s employees were deprived of their freedom of movement, the employee’s smartphone was seized, and documents were examined.

11. The search of the premises of the Justice Initiative in Nazran of 15 August was carried out with formal observance of the rule of law. But it raises several concerns because the organization has provided and continues to provide legal assistance to persons persecuted by the authorities for participating in peaceful demonstrations in Ingushetia at the end of 2018 and the beginning of 2019, providing them legal counsel at the national level, with the subsequent intention of applying to the European Court. As already

³ Kommersant, “Traces of Moscow rallies are sought in the North Caucasus, Police searched the office of Legal Initiative in Nazran” <https://www.kommersant.ru/doc/4065149>, Kommersant, “The punishable “Initiative” Siloviki link Moscow protests with the North Caucasus” <https://www.kommersant.ru/doc/4065363>, Novaya Gazeta, “Steeper than the mountains, only SOBRs. Siloviks are looking for organizers of the Moscow "riots" in the North Caucasus” <https://www.novayagazeta.ru/articles/2019/08/17/81638-kruche-gor-tolko-sobry>

⁴ Caucasus. Realities. “Two unknown persons from NTV Channel came to the office of the partners of Legal Initiative in Moscow”: <https://www.kavkazr.com/a/28382181.html>

mentioned, we made a submission to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association with details on the detentions of protestors.

12. Representatives of both organizations express their bewilderment at the fact that state bodies are trying to establish links between the work of these organizations and the protests in Moscow.

13. Despite the obvious absurdity of these assumptions, we express concern at the potential threat of prosecution against any staff or associates of the organizations, under any pretext, including through administrative and/or criminal prosecution.

In connection with the above, we request:

- To inquire with the authorities of the Russian Federation - on what basis was the raid conducted in the office of Astreya on 14 August 2019?
- Call on the authorities of the Russian Federation to take all measures in order to ensure legality, publicity and transparency in the procedures relating to the examination of seized documents, to prevent the leakage of sensitive information about victims of human rights whose interests are represented by lawyers working with the Justice Initiative, and to take all measures for the timely return of these documents.