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Tom Lantos Human Rights Commission

Hearing  
on

Human Rights in Russia on the 5th Anniversary of the Nemtsov Assassination

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2200 Rayburn Office Building

Statement of Kate Watters  
Executive Director  
Crude Accountability

**CRUDE ACCOUNTABILITY**

**Trends in Intimidation and Retaliation against Environmental Defenders in the Russian Federation**

An alarming trend of violence and intimidation targeting environmental defenders is occurring worldwide, including in the Russian Federation. Environmentalists are at greater risk than ever before as the Russian government, corporations, and hired thugs disregard the large body of international law, standards, and best practice, which defines the rights of environmental defenders. Violation of environmental rights is often connected to cases in which defenders uncover corruption by business and government, kleptocratic behaviors, and destruction of the environment or human health in violation of existing legislation. This often involves environmentalists' exposure of vanity projects by bureaucrats and oligarchs.

*Trends of Harassment*

In the Russian Federation, environmental defenders are faced with an increasingly repressive regime, which seeks to marginalize independent NGOs working in many areas. The regime uses a variety of weapons to attack environmentalists, including legal, administrative, and physical threats. In addition to direct threats from the government, environmental defenders are also at risk from governmental "proxies," who threaten defenders in a variety of ways, and are rarely prosecuted by the authorities for their crimes. Pro-government media also marginalize and discredit environmental defenders, accusing them of pursuing political agendas, being hired by corporate competitors, or undermining the country's economic growth.

Today I will focus on four key ways in which environmental defenders are experiencing significant pressure, reprisals, and retaliation in Russia. These include: 1) the creation of onerous laws designed to pressure environmental defenders; 2) legal harassment, using existing laws to create administrative and

criminal legal difficulties for environmental defenders; 3) character assassination and smears in the media, including on social media; and 4) violence against defenders.

### Who Are the Environmental Defenders?

First, I want to provide a bit of information about the types of environmental work we are looking at. There are two kinds of environmental defenders on which I will focus my remarks today. One is the organized civil society organization, which has been operating for years, and the other is less formally organized activists organized around a specific issue.

For the most part the first type includes registered organizations with a mandate, a leader, and a history of engaging in environmental activity. These include groups like Environmental Watch on the North Caucasus, based in Krasnodar; Ecodefense, an anti-nuclear group based in Kaliningrad region; and the Center for Support of Indigenous Peoples of the North. These groups are comprised of activists who have been protecting the environment for years, and have formal structures. There are many of them operating in Russia, but they have been forced into a smaller and smaller civic space.

The authorities have specifically targeted a number of environmental organizations, including those listed above. Crude Accountability has documented over 140 violations against Environmental Watch and its members. Seventy of these violations occurred between 2012 and 2016, with a range of violations from beating and arbitrary detention to imprisonment to intrusive document checks, trumped up lawsuits, and character defamation. Repression against EWNC ramped up significantly in 2012 prior to the Sochi Olympics, against which the organization led an environmental campaign to hold the International Olympic Committee and the Russian government accountable for multiple violations of environmental and other law.<sup>1</sup>

Ecodefense in Kaliningrad has also suffered sustained attacks by the authorities, and as of mid-2019, five criminal cases had been opened against its leader, who was forced to flee to Germany to avoid arrest.<sup>2</sup>

The Center for Support of Peoples of the North emerged when the leadership of RAIPON, formerly the key indigenous rights group, had its documents revoked by the Russian government not long after the 2012 foreign agent law came into effect, and spent over a year working to get reinstated. Presently, some of the former leaders of RAIPON have been forced into exile and many indigenous leaders do not believe the organization represents the interests of the community.<sup>3</sup>

The other type of environmental defender, which has emerged in the past couple of years is that of the common citizen, organizing with others around an immediate threat to the community. The so-called “garbage protests” (also called waste-management protests) are an example of this. Individuals in a

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<sup>1</sup> <https://time.com/2828/sochi-winter-olympics-environmental-damage/>, accessed September 29, 2019.

<sup>2</sup> <https://bellona.org/news/russian-human-rights-issues/2019-06-activist-from-ecodefense-under-pressure-from-russias-foreign-agent-law-flees-to-germany>

<sup>3</sup> <https://www.rcinet.ca/eye-on-the-arctic/2019/11/27/russia-yamalo-nenets-indigenous-rights-arctic-council-salekhard/>

community learn of a new or worsening threat to their home, organize, and protest against it, filling the streets with citizens exercising their right to assembly and freedom of expression.

In 2018-2019, the “garbage protests” against the operation of existing landfills and construction of new ones across Russia gained unexpected momentum, and also suffered harsh reprisals, with protesters threatened, arrested, and physically attacked by the authorities. These protests have grown into a broad grassroots movement including people who represent broad political interests covering, according to various estimates, some 25-30 of Russia’s 85 constituent regions, and growing.<sup>4</sup> The perception that elites in Moscow seek to benefit themselves at the expense of rural citizens in areas far from the center has galvanized grassroots activists around the country.<sup>5</sup>

The Shiyes protests, which oppose the transport of Moscow garbage to a proposed dump in the Russian Far North, have galvanized local community members, and according to a Levada Poll, over 95 percent of local residents are opposed to the dump, which would not only endanger the health of local residents, but threaten local wetlands, and destroy local hunting, fishing, and gathering grounds for locals.<sup>6</sup>

These protests are an expression of fatigue with perceived corruption and a disregard for the welfare of citizens living outside of the capital city.

### Repressive Legislation

The introduction of deliberately tough legislative and regulatory measures against NGOs, including those protecting the environment, is part of a growing trend.

In Russia, legislation designed to limit the activity of civil society broadly has severe impacts for environmental defenders as well. The **2012 law on “foreign agents”**<sup>7</sup> has since been used to label NGOs as foreign agents effectively interpreted as “enemies of the people.” Amnesty International’s 2016 report, “Agents of the People. Four Years of “Foreign Agents” Law in Russia: Consequences for Society,” notes that the foreign agent law “has contributed to the creation of an atmosphere of suspicion and intolerance and the end result is that many organizations that have made a significant contribution to promotion of human rights, civil society and to the wellbeing of citizens have been forced to close down” and provides examples of enforcement targeting environmental NGOs.<sup>8</sup> This legislation has been used against environmental organizations, including Ecodefense and Environmental Watch on the North Caucasus in an effort to stop their activity. The environmental NGO Sakhalin Environmental Watch,

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<sup>4</sup> <https://www.rbc.ru/business/12/10/208/5bbf1ff49a794f4167dfd2>

<sup>5</sup> <https://novayagazeta.ru/articles/2018/04/10/76122-kak-musornyy-krizis-mobilizoval-obschestvo>

<sup>6</sup> <https://www.themoscowtimes.com/2019/08/27/locals-overwhelmingly-oppose-landfill-in-russias-north-poll-a67032>

<sup>7</sup> Federal Law No 121-FZ of 20 June 2012, on Amending Certain Federal Laws in Regard of Regulating the Activities of Nonprofit Organisations Performing the Functions of Foreign Agents (the “foreign agents” law), published by Rossiiskaya Gazeta on 23 July 2012. See <https://rg.ru/2012/07/23/nko-dok.html>, with amendments at [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_132900/](http://www.consultant.ru/document/cons_doc_LAW_132900/)

<sup>8</sup> Agents of the People. Four Years of “Foreign Agents” Law in Russia: Consequences for Society, Amnesty International, 2016, <https://www.amnesty.org/en/documents/eur46/5147/2016/en/>

which was labeled a foreign agent in 2015, returned funding it received from the DiCaprio Foundation to protect Sakhalin Island from environmental threats in order to be taken off the foreign agent list.<sup>9</sup> Thus, environmental protection activity by NGOs is effectively curtailed by the government's use of the foreign agent law to suppress civic activity.

In July 2014, the Russian Ministry of Justice entered the environmental group, Ecodefense, into the foreign agent registry. The stated reason was that Ecodefense had campaigned against the construction of a nuclear power plant in Kaliningrad Region. The environmentalists had persuaded potential investors not to invest in the environmentally unsafe nuclear power plant project, stopping construction.<sup>10</sup> The Ministry labeled Ecodefense's work as political activity, but Ecodefense refused to accept the label. The Ministry of Justice has initiated twenty-eight administrative legal cases against Ecodefense for alleged non-compliance with the foreign agent law. The organization has been unable to pay some of the fines it was charged with, and in December 2018, the organization's bank account was frozen by the authorities for failure to pay some 2.2 million rubles in fines and penalties.

Similarly, Environmental Watch on the North Caucasus, based in Krasnodar, was placed on the Foreign Agent registry in 2016.<sup>11</sup> The organization challenged the ruling in court, but lost, and then in September 2017 sent a letter to the Ministry of Justice requesting they be removed from the list. In January 2018, they learned that they had been removed, but there was no public announcement of the fact.<sup>12</sup> Both the organization and Andrey Rudomakha, its leader, were repeatedly fined for failure to state their membership in the registry in published materials, underwent extensive financial and administrative scrutiny, and had organizational bank accounts frozen during the 2 years the organization was labeled a foreign agent. In addition, the stigma of being considered a foreign agent was damaging personally and professionally to the organization and its members.

In addition to the foreign agents label, since 2015, Russia has instituted legislation regarding **"undesirable organizations,"** which are international groups forbidden from working inside Russia. **"Undesirable organizations"** are forbidden from opening their own branches in Russia, distributing materials within Russian borders, and organizing events or programs. Russian banks are also supposed to freeze their assets. Russian citizens who work with these organizations can face penalties."<sup>13</sup> This has created significant difficulties with financing and working with international partners for many civil society organizations in Russia, including environmental groups.

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<sup>9</sup> <https://www.rferl.org/a/russia-leonardo-dicaprio-environmental-group-forced-to-return-donation/27266457.html>

<sup>10</sup> <https://bellona.org/news/russian-human-rights-issues/2019-06-activist-from-ecodefense-under-pressure-from-russias-foreign-agent-law-flees-to-germany>

<sup>11</sup> <https://globalvoices.org/2018/07/05/wrongly-labeled-as-foreign-agents-russian-environmentalists-face-regulatory-punishment-and-violent-threats/>, accessed September 29, 2019.

<sup>12</sup> <https://globalvoices.org/2018/07/05/wrongly-labeled-as-foreign-agents-russian-environmentalists-face-regulatory-punishment-and-violent-threats/>

<sup>13</sup> <https://meduza.io/en/feature/2019/04/24/the-trials-of-open-russia>.

In 2018, the US environmental nonprofit organization, Pacific Environment, was named by the Russian government as an undesirable organization, sending a chilling signal to environmental defenders working in partnership internationally.<sup>14</sup>

In 2019, for the first time, individual environmental activists—members of EWNC—were accused of being members of an undesirable organization.<sup>15, 16</sup> EWNC was raided by authorities as part of the “investigation” into these charges.<sup>17</sup>

### Legal Threats and Harassment

Russian authorities also use legal threats, both criminal and administrative, to impede the work of environmental defenders. Burdensome legal fees; administrative checks, including financial monitoring and reporting mandated by new legislation to control civil society organizations; and accusations of libel and slander can tie civil society organizations and defenders up in legal processes that detract from their ability to do their environmental work.

In many cases, the authorities attack environmental organizations in violation of their right to assembly. Russian legislation on freedom of assembly has become much more restrictive in recent years, and the Council of Europe has recommended that it be thoroughly revised to be less restrictive.<sup>18</sup>

Crude Accountability documented 43 cases involving violation of EWNC’s right to freedom of assembly. In 31 of these cases, participants in rallies, demonstrations, inspections, and other peaceful public events were arrested and/or detained. For example, on February 27, 2011, Environmental Watch conducted an environmental inspection of construction of luxury properties by former governor of Krasnodar Krai Tkachev in a protected forest on the Black Sea, in violation of existing Russian environmental legislation. The inspection ended with the arrest and administrative detention of three activists and as a result, Suren Gazaryan and Yevgeniy Vitishko were sentenced to suspended three-year prison terms, with two years’ probation, under Article 167, part 2 of the Russian criminal code.<sup>19</sup> Gazaryan was forced to leave Russia in order to avoid a new criminal case against him. He received asylum in Estonia,<sup>20</sup> and he continues his scientific and environmental work outside of Russia. Vitishko was sent to a settlement colony outside of Tambov, far from Krasnodar Krai.<sup>21</sup> Public pressure inside and outside of Russia forced the authorities to release Vitishko on December 22, 2015, following a court

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<sup>14</sup> <https://www.reuters.com/article/us-russia-politics-group/russia-bans-undesirable-u-s-environmental-group-as-security-threat-idUSKCN1LE0VQ>

<sup>15</sup> <https://www.business-humanrights.org/en/12092019-environmental-watch-on-the-north-caucasus>

<sup>16</sup> <https://www.wilsoncenter.org/blog-post/russias-undesirable-organization-law-marks-new-level-repression>

<sup>17</sup> <https://golos-kubani.ru/na-kubani-proxodyat-obyski-u-storonnikov-navalnogo-i-v-ofise-ekovaxty/>

<sup>18</sup> <https://www.coe.int/en/web/commissioner/-/the-law-on-freedom-of-assembly-in-the-russian-federation-needs-thorough-revision>

<sup>19</sup> <http://www.ewnc.org/node/13314>

<sup>20</sup> Grant Podelco, “Russian Environmentalist Granted Asylum in Estonia,” RFE/RL, June 13, 2013, <https://www.rferl.org/a/russia-activist--gazaryan-gazarian-estonia-asylum/25015788.html>

<sup>21</sup> <https://ovdinfo.org/documents/2013/12/25/postanovlenie-o-zamene-evgeniyu-vitishko-uslovnogo-sroka-na-realnyy>

ruling of November 10, 2015 to mitigate his punishment and replaced the unserved portion of his sentence with restriction of liberty.<sup>22</sup> His sentence expired on March 22, 2017. He was named a prisoner of conscience by Amnesty International.<sup>23</sup>

Environmental Watch's Andrey Rudomakha and Dmitry Shevchenko were accused of defamation by Alexander Remezko, former vice-governor of Krasnodar Krai, in connection with their environmental activism.<sup>24</sup> Rudomakha was also accused of a libel attack on a judge.<sup>25</sup>

Over the course of the past five years, there have been numerous raids on the office of Environmental Watch. In 2019 alone, EWNC was raided three times by the local authorities. The first two raids, in April and in July, occurred at around 6AM.<sup>26</sup> Some members of the organization had spent the night in the office, and were awoken when the authorities broke down the door, raiding the space carrying automatic weapons, riot gear, and balaclavas. They took computers, hard-drives, flash-drives, paper files, and cellular phones, broke open the office safe, and destroyed furniture and other items in the building. They were also violent with members of EWNC, including Rudomakha.<sup>27</sup> In September 2019, the office was raided again, however, the police did not take materials and equipment this time. Authorities claimed they were seeking information about members of the organization who they claimed were also members of Open Russia, an "undesirable organization" in Russia. EWNC has no connection to Open Russia.

In the case of Ecodefense, five criminal cases were opened against Alexandra Koroleva, the organization's leader in Kaliningrad, allegedly for "malicious non-compliance with a court's decision," which carries a sentence of up to two years in prison.<sup>28</sup> Koroleva was forced to leave the country and seek political asylum in Germany.

Some of the "garbage protesters" were criminally charged in connection with their activism. Nikita Baryshnikov was arrested in Shiyes and accused of "exceeding his rights," disobeying police officers, and violent assault. As part of his punishment he was required to undergo a psychiatric examination at a clinic in Arkhangelsk, although criminal charges against him were eventually dropped. Another activist

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<sup>22</sup> <http://ewnc.org/node/20372>, <http://www.ewnc.org/node/20087>

<sup>23</sup> <https://amnesty.org.ru/node/2799/>

<sup>24</sup> <https://www.novayagazeta.ru/news/2017/04/14/130734-v-krasnodare-proshli-obyski-i-vyemki-v-dome-gde-ne-bylo-ni-ofisapravozaschitnoy-organizatsii-ni-kogo-by-to-ni-bylo-iz-ee-uchastnikov>

<sup>25</sup> <https://www.novayagazeta.ru/news/2013/10/31/78541-v-sochi-zaderzhan-izvestnyy-ekolog-andrey-rudomaha-podnimayuschiy-vtom-chisle-ekologicheskie-problemy-olimpiady>

<sup>26</sup> <https://zona.media/news/2019/05/22/krasnodar>, <https://zona.media/news/2019/07/30/ekovaxta>, accessed September 29, 2019.

<sup>27</sup> <https://video.search.yahoo.com/search/video; ylt=A2Klfs00CZFdeg8ArBhXNyoA; ylu=X3oDMTB0N2Noc21IBGNvbG8DYmYxBHBvcwMxBHZ0aWQDBHNIYwNwaXZz?p=%D0%BE%D0%B1%D1%8B%D1%81%D0%BA+%D0%AD%D0%BA%D0%BE%D0%BB%D0%BE%D0%B3%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%B0%D1%8F+%D0%92%D0%B0%D1%85%D1%82%D0%B0&fr2=piv-web&fr=mcafee#id=2&vid=683e0e6c8de4b532d1697c7e3ceaf818&action=view>

<sup>28</sup> <https://ecodefense.ru/2019/06/19/five/>

from Shiyes, Andrey Borovikov, was charged with organizing an unsanctioned rally on April 7, 2019 and sentenced to 400 hours of compulsory labor.

### Character Assassination and Smears in the Media

Environmental defenders are subject to character assassination in the media and on social media. Accusations of pedophilia, working for a foreign government, undermining the national interests of the country, and other smears are common among environmental defenders. Results of this include losing one's job, shunning in the community, being called an extremist, and other unpleasant and dangerous labels.

In a shocking example, on September 19, 2019, throughout the city of Krasnodar, posters were hung up claiming that Andrey Rudomakha is a pedophile, leading a group of pedophiles associated with EWNC. It also urged people to demand Rudomakha be removed from the Governor's Environmental Council (of Krasnodar Krai), of which Rudomakha is a member. The posters contained pictures of Rudomakha and included his home address. This crude and degrading attempt to defame Rudomakha's character is especially alarming in the environment of violence and harassment in which the organization is operating. The international Civic Solidarity Platform wrote a statement in defense of Rudomakha and sent it to the President's Council on Human Rights, to the Governor of Krasnodar Krai, and to representatives of member states to the Organization for Security and Cooperation in Europe demanding protection of Rudomakha and that the authorities stop this gross harassment.<sup>29</sup>

### Violence

Sadly, violence against environmental defenders is a growing trend throughout Russia. Defenders face physical violence, threats to their families and themselves, damage to property—including their homes, offices, and property—and verbal violence in the media, including on social media. This is often perpetrated by individuals hired by officials or corporate actors who do not carry it out themselves.

In 2010 and 2011 members of EWNC suffered numerous physical attacks, including against Yevgeny Mamula, who was assaulted and beaten by the Abinsk Forest Service on May 11, 2010.<sup>30</sup> Aleksandr Biriukov, a member of Environmental Watch's board, was attacked and beaten outside his home on April 30, 2011.<sup>31</sup> Both men suffered concussions and brain injury. Environmental Watch member Igor Kharchenko was almost run over by a car on May 15, 2012, while at a court hearing for Suren Gazaryan and Yevgeny Vitishko, after someone slashed the tires of one of EWNC's cars.<sup>32</sup>

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<sup>29</sup> <https://www.civicsolidarity.org/article/1623/international-civic-solidarity-platform-condemns-recent-defamation-russian>

<sup>30</sup> EWNC, <http://ewnc.org/node/5454>, [http://ewnc.info/files/lines-doc/t-rosha/051310\\_Mamula-SME.pdf](http://ewnc.info/files/lines-doc/t-rosha/051310_Mamula-SME.pdf), <http://ewnc.org/node/5474>, see also <http://ewnc.org/node/6955>.

<sup>31</sup> <https://rg.ru/2011/05/12/birukov.html>, accessed September 29, 2019.

<sup>32</sup> EWNC, <http://ewnc.org/node/8399>, <http://ewnc.org/node/9523>, <http://www.ewnc.org/node/8421>, <http://ewnc.org/node/9285>. YouTube, <https://www.youtube.com/watch?v=bMwQucQT6tY> Caucasian Knot, <http://www.m.kavkazuzel.ru/articles/209889/>. EWNC, <http://ewnc.org/node/8692>. EWNC, <http://ewnc.org/node/9523>

Threats of physical violence, intended to intimidate members of EWNC, were made against Andrey Rudomakha, Dmitry Shevchenko, Gayane Antonova, Vladimir Perebeinos, Suren Gazaryan, Maria Ukhova, and Vladimir Yurkevich during environmental inspections and rallies. In 2014, Vladimir Kimayev was injured in what he believes was an engineered car accident connected with his efforts to promote compliance with the law in the context of preparing for the 2014 Sochi Olympics.<sup>33</sup>

On December 28, 2017, Andrey Rudomakha, Viktor Chirikov, and Alexander Savelev returned from an independent environmental inspection to the EWNC office by car in the evening, after it was already dark. As they opened the gate to the office to park the car inside, three men fell on them, and attacked Rudomakha brutally. They managed to separate Chirikov and Savelev from Rudomakha, who they savagely beat and kicked. Rudomakha was taken to the hospital by ambulance, where he was treated for a concussion, fractured skull, broken nose, and other injuries. He spent over two weeks recovering in the hospital before doctors released him. He also required significant dental work following the attack because of severe damage to his mouth and teeth. The attack was captured on video because following previous harassment and raids, EWNC had installed security cameras at the entrance to their office.<sup>34</sup> The video was provided to the police, shows the attack clearly, and contains in focus images of the attackers; however, no-one has been arrested in relation to the attack.

On January 9, 2018, less than two weeks after Rudomakha was attacked, he and EWNC then deputy coordinator Dmitry Shevchenko received death threats by email.<sup>35</sup> The threats came from the email address, [smertrudomakhe@gmail.com](mailto:smertrudomakhe@gmail.com) (death to Rudomakha). Both emails were accompanied by doctored photos of the activists. Rudomakha's lawyer requested state protection for Rudomakha considering the seriousness of the threats and the brutality of the attack he suffered in December. Unfortunately, that protection was not provided.

### Conclusion

Environmental defenders in Russia are under increasing scrutiny from the authorities, and are at risk of legal threats—both administrative and criminal—and character assassination and violence. The trend seems to be getting worse rather than better. Prior to 2012, it was pretty clear what the “rules of the game” were and what sort of activity was likely to result in negative response from the authorities. Currently, environmentalists appear to be fair game for corrupt officials and businesses, and for the thugs who carry out their dirty work.

The US should remain vigilant in holding firm on sanctions regimes, visa restrictions for those found in violation of human rights and corruption laws, and in demanding compliance with international human rights and other standards and the rule of law.

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<sup>33</sup> <http://ewnc.org/node/17887>

<sup>34</sup> <https://youtu.be/-Rpp9Ww0B9M>, accessed September 29, 2019.

<sup>35</sup> <https://es-la.facebook.com/ewnc.russia/posts/death-threats-against-ewncless-than-two-weeks-after-the-brutal-attack-on-ewnc-co/10156183802209434/>