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Mr Josep Borrell Fontelles

EU High Representative for Foreign Affairs and Security Policy/ Vice-President
European External Action Service (EEAS)

Cc: Ministers of Foreign Affairs of EU Member States

02 February 2021

Dear High Representative,

Dear Ministers of Foreign Affairs,

Ahead of the High Representative's upcoming visit to Moscow, we are writing to urge the EU to take robust and public action to support those in Russia who courageously defend human rights in the face of spiralling levels of repression. It will be crucial that the High Representative uses this visit to send a strong signal that empowers civil society and counters any perception that business with the EU continues as usual while the Russian authorities orchestrate a wide-scale clampdown on human rights and dissent.

The High Representative's visit comes against the backdrop of the arbitrary, politically motivated detention of opposition activist, Aleksei Navalny, and the violent suppression of the nationwide protests that erupted after his arrest. Over the past weeks, the authorities have unleashed a spate of reprisals in a bid to dampen the wave of discontent and silence government critics. Thousands of peaceful protesters have been arbitrarily detained amid widespread police brutality, while scores of lawyers, journalists, and civil society activists, have been "preventatively arrested" and penalised for spurious administrative "offences" or targeted as criminal suspects under unfounded charges. The authorities have also conducted raids on the homes and offices of journalists and leading opposition activists, including the office of Navalny's Anti-Corruption Foundation that was involved in unearthing allegations of top-level corruption in Russia.

These actions fall squarely within a longstanding pattern of repression and come on top of a slew of oppressive bills recently signed into law. Ahead of the new year, President Putin adopted various laws introducing sweeping new restrictions on the right to freedom of assembly, access to online information and the already severely constricted space for independent civil society in Russia. Among other things, these laws drastically expanded the scope of individuals and groups that can be designated as "foreign agents" and increased restrictions and requirements imposed on them along with sanctions for their violation; granted the authorities near total control over independent civil society organisations; empowered Russia's federal media watchdog (Roskomnadzor) to block online resources found to "discriminate" against Russian media; banned rallies in front of police or other security services, curbed the right to participate in single picket protests and imposed additional restrictions on journalists covering these protest.

While dialogue can offer important avenues for engagement on these pressing human rights concerns, dialogue on its own will not suffice in the face of Russia's sharp and sustained disregard for human rights and the increasingly extensive and severe reprisals imposed on those in Russia who try to exercise them. It will therefore be crucial that the High Representative's visit is also accompanied by strong and visible signals of support to human rights defenders and those

facing reprisals for exercising their right to freedom of expression and peaceful assembly. This can be done by involving a variety of rights defenders, including recently targeted lawyers and journalists in the [planned](#) meeting with civil society and by adopting unambiguous public messaging celebrating their crucial work. This would be in line with recent [calls by the Council of the EU](#) to step up support for Russian civil society and human rights defenders, the EU's commitments under the recently adopted [EU Action Plan on Human Rights and Democracy](#) and previously adopted practice of both [EU](#) and [EU member state leaders](#).

In the absence of robust signals, a visit, coming amidst the ongoing crackdown in the country, risks suggesting that the EU's human rights concerns are separate from broader EU efforts to engage with Russia and will have minimal consequence on the EU's relations with the Russian authorities. This would send a harmful message to the many individuals in Russia who continue to believe in and stand up for human rights and risks being used to legitimize the policies and practices of the Russian authorities. Indeed, state-led media in Russia regularly celebrates government policies while seeking to depict the EU's human rights policy as incoherent and marred by double standards.

EU engagement with civil society and other independent actors is essential to any strategic and impactful EU policy towards Russia. In light of this, we would urge you to ensure that the High Representative's upcoming visit contributes to protecting human rights and the space for human rights defenders and civil society to operate, including by:

- 1) **Using the meeting with Foreign Minister Lavrov to raise serious concerns about the crackdown on human rights and seek tangible commitments from the Russian authorities towards:**
 - **The immediate and unconditional release of Aleksei Navalny and the opening of a criminal investigation into his poisoning**, ensuring all those responsible are brought to justice in fair trial proceedings.
 - **The immediate and unconditional release of all peaceful protesters and other civil society activists who have been arrested and detained for spurious administrative "offences" or prosecuted on spurious criminal charges solely for peacefully exercising their rights to freedom of expression and peaceful assembly:** This includes journalists, lawyers, opposition activists and other civil society actors, including the staff members and associates of Aleksei Navalny and his Anti-Corruption Foundation.
 - **The immediate and unconditional release of all other prisoners of conscience detained solely for exercising their rights, including in previous years.**
 - **Opening effective investigations into reported cases of use of unlawful force by law enforcement authorities** against peaceful protesters during the 23 and 31 January, and earlier protests.
 - **Repealing recently adopted legislation which introduces sweeping new restrictions on independent civil society, the rights to freedom of peaceful assembly and association, and access to online information:** Russia should review and bring its legislation in line with international human rights law and the country's own Constitution.
 - **Reviewing and bringing in line with international human rights law, other laws that are used to restrict freedom of expression**, including Russia's 'fake news', counter-extremism and counter-terrorism legislation.
 - **Ending criminal prosecutions against HRDs and activists, under the Law on "foreign agents" and the Law on "undesirable organisations"** with the aim of abolishing these laws as soon as possible.
- 2) **Publicly raising concern about the clampdown on human rights and dissent in the country while also expressing strong and unambiguous support for human rights defenders and underlining the important role they play in Russia:** In addition to deploring the politically motivated detention of Aleksei Navalny and the crackdown on peaceful protesters, journalists and other civil society activists, the High Representative's public statements should raise concern about the recently adopted legislation imposing new restrictions on human rights defenders and independent civic activism in Russia and confirm that these issues were addressed in the meetings with his Russian counterparts.
- 3) **Ensuring that a variety of human rights defenders, including recently targeted lawyers and journalists are involved in the foreseen meeting with civil society and that the meeting is visibly publicized with consent of the participants:** The High Representative should likewise ensure that concerns raised by human rights defenders, inform the EU's engagement with the Russian authorities during this trip and beyond. This would be an important gesture of support to Russia's embattled civil society and to those facing reprisals for exercising

their right to freedom of expression and peaceful assembly. It would offer further legitimacy to the important work they do and would help to counter the stigmatization they regularly face.

- 4) **Reaffirming that respect for human rights and a thriving, independent civil society are central to the EU's engagement with Russia at all levels and in all fields of cooperation.**

We thank you in advance for your sustained engagement and remain at your disposal should you require any further information.

Sincerely yours,



Eve Geddie

Head of Office and Advocacy Director

Amnesty International – European Institutions Office