



CRUELTY IN RUSSIAN ACTIVIST'S CASE SHOWS TRUE DAMAGE OF 'UNDESIRABLE ORGANIZATION' LAW

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Trial Grade: D

CHARGES

Repeated Participation in an "Undesirable Organization"

ALLEGED CONDUCT

Participation in an Authorized Picket and Political Meeting

OUTCOME

Suspended Four-Year Sentence

TRIAL MONITOR

Human Rights Embassy

EXPERT REVIEWER

Katerina Hadzi-Miceva Evans, Legal Expert on Freedom of Assembly and Association

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The trial of a Russian democracy activist violated her human rights and caused serious harm to her and her family, the Clooney Foundation's TrialWatch team said today. Anastasia Shevchenko was prosecuted for participation in an 'undesirable organization' because she held up a flag that said "#FEDUP" at a peaceful protest and spoke at a meeting about an organization that advocated for free and fair elections.

The TrialWatch Report on the case, co-authored by Katerina Hadzi-Miceva Evans and Human Rights Embassy, is being released as Russia increases its use of its 'undesirable organization' law: in the past two months, Russia has designated [four religious organizations](#) and a [Belgian human rights organization](#) as 'undesirable,' meaning they are no longer allowed to operate in Russia and repeated 'participants' are exposed to lengthy prison terms.

The legal proceedings against Ms. Shevchenko — the first criminal case under the law— violated her rights to a fair trial, freedom of expression, freedom of peaceful assembly and association, and privacy. She spent more than two years under arbitrary house arrest and could not visit her 17-year-old terminally ill daughter until the day before her daughter's death. Authorities also installed a hidden camera above Ms. Shevchenko's bed—from which they filmed her in her underwear and having personal conversations.

"The proceedings seem to have been intentionally cruel, with the court denying Ms. Shevchenko the right to visit her dying daughter and weaponizing surveillance footage," said Katerina Hadzi-Miceva Evans, an expert on freedom of association and assembly and a member of the TrialWatch Experts Panel who evaluated the case.

The trial, which was monitored by Human Rights Embassy as part of the Clooney Foundation for Justice's TrialWatch initiative, shows the role the 'undesirable organizations' law plays in Russia's crackdown on civil society. The law provides nearly unfettered discretion to designate any foreign organization as "undesirable." Anyone who "participates in" or "manages" such an organization is subject to prosecution under laws that ultimately carry a maximum penalty of 6 years imprisonment and that are **"insufficiently precise" and implemented through procedures "riddled with uncertainty," according to the report.**

In this case, the prosecution case was especially remote as it conflated Public Network Movement Open Russia, the organization with which Ms. Shevchenko was affiliated, with "Network Civic Movement 'Open Russia' (Great Britain)," an organization allegedly registered in the UK that had been listed as 'undesirable.'

The law is "abusive" and "the whole aim of the proceedings appears to have been intimidation" since "the prosecution' didn't even prove that they had designated the

relevant organization Ms. Shevchenko was in fact affiliated with as ‘undesirable’ under their already-expansive scheme,” said Hadzi-Miceva Evans.

The Report on the case also finds that Ms. Shevchenko’s conviction violated her right to the presumption of innocence because the court convicted her without considering defense evidence (it simply said, without analysis, that such evidence “cannot be recognized ... as valid”). Conversely, there is no mention in the court’s judgment of the acute discrepancies in the accounts of prosecution witnesses such as Alexei Shilchenko, who was unable to recall any specific details about the Open Russia event about which he testified and who later admitted that he based much of his testimony on speculation. **“From authorizing and renewing an unjustified house arrest, to convicting Ms. Shevchenko despite the lack of evidence, this case meets all the criteria for an abuse of process under European Court and international standards,” Ms. Hadzi-Miceva Evans concluded.**

BACKGROUND

Anastasia Shevchenko was formerly the regional coordinator of the Public Network Movement Open Russia (PNM Open Russia), an association established by Russian citizens with the aim of “creating conditions for the effective implementation of the rights and freedoms of citizens of the Russian Federation,” including through free and fair elections. In 2017, the Russian Prosecutor General’s Office designated two organizations entitled “Open Russia” and allegedly registered in the UK as ‘undesirable.’ At the time a representative of the office clarified that the Russian association Open Russia was *not* ‘undesirable.’

Over the course of 2018, Ms. Shevchenko was twice prosecuted and convicted of the administrative offense of participating in an ‘undesirable’ organization: the first time for taking part in a political debate; the second time for organizing meetings and lectures about upcoming regional elections. Later that year, the authorities obtained a secret warrant to surveil Ms. Shevchenko, on the theory that she might be using her apartment to meet “with unidentified persons in order to discuss with them possible criminal activity, including planning and preparing crimes against public security and the state.” One of the cameras was set up in her bedroom, directly above her bed, without her knowledge, and yet the surveillance found nothing that could be used as evidence against her, demonstrating its arbitrariness and futility.

Following her convictions under the Administrative Code, a criminal case was then opened based on her supposed continued participation in an ‘undesirable’ organization—all of which flew in the face of the previous assurance that PNM Open Russia was not on the ‘undesirable’ list. She was arrested in January 2019 and kept under house arrest for over two years, until the judgment in the case was handed down in February 2021. Ms. Shevchenko repeatedly sought review of her house arrest, which prevented her from caring for her minor children and her elderly mother—with the authorities, for instance, denying her request to take her son to an allergist appointment. Courts at various levels refused to review the imposition of house arrest in any serious way, relying on abstract suppositions like the investigator’s speculation that Ms. Shevchenko might flee to a country in the Baltics. Notably, under the strict terms of the house arrest, Ms. Shevchenko was prevented from visiting her terminally ill daughter until the day before she died.

During the trial, numerous witnesses testified to the fact that PNM Open Russia had no ties to the UK. In fact, the defense presented evidence that no such organization even existed in the UK. These witnesses’ testimony was summarily dismissed by the court. For instance, the court said of evidence that the organization did not exist in the UK that “this information does not reflect the opinion of state bodies.”

The court further asserted that Ms. Shevchenko had acted “intentionally, in order to infringe on the foundations of the constitutional order and security of the state, posing a threat to the protection of the interests of Russian citizens,” despite a complete lack of evidence as to any such intent. For these reasons and others, the Fairness Report concludes that the trial and judgment violated Ms. Shevchenko’s right to the presumption of innocence.

The Fairness Report also finds that:

- “The covert surveillance measures used against Shevchenko and her family violated her right to privacy.” The Russian law authorizing surveillance fails to meet international and regional standards requiring safeguards against abuse. Additionally, the surveillance in this case was neither necessary nor proportionate;
- There was no legitimate reason to prosecute Ms. Shevchenko, rendering the case a violation of her rights to freedom of expression, peaceful assembly, and association.

For a full legal analysis of the trial and explanation of the grade that has been provided, please see the [Fairness Report](#).

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE’S TRIALWATCH INITIATIVE



The Clooney Foundation for Justice’s [TrialWatch](#) initiative monitors and grades the fairness of trials of vulnerable people around the world, including journalists, women and girls, religious minorities, LGBTQ persons and human rights defenders. Using this data, TrialWatch advocates for victims and is developing a Global Justice Ranking measuring national courts’ compliance with international human rights standards.