

SOVA CENTER FOR INFORMATION AND ANALYSIS

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# Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2009

**A collection of annual reports  
by the SOVA Center for Information and Analysis**

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X44 **Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2009: A collection of annual reports by the SOVA Center for Information and Analysis;** [Verkhovsky Alexander, Kozhevnikova Galina, Sibireva Olga; translation - I. Savelieva] – M.: SOVA Center, 2010. – 131 pp.: tables (Academic publication).

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This collection of reports summarizes all the major areas of work addressed by the SOVA Center for Information and Analysis in 2009, in a similar fashion to the collection of reports issued a year ago.

There are three reports on themes which have become traditional for the SOVA Center in this collection: The first report addresses radical nationalism and hate crime, and the efforts of government and society to combat these phenomena. The second report addresses problems relating to freedom of conscience in contemporary Russia. The third report addresses the misuse and abuse of 'anti-extremism' measures.

The appendix provides details about hate crimes and the prosecution of such crimes. All data were compiled at the beginning of April 2010.

This translation of the published Russian text uses a modified Library of Congress system of transliteration for names and publications, except where there is an established alternative spelling (e.g. Yeltsin, not El'tsin, Yabloko, not Iabloko).

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*Galina Kozhevnikova*

## Under the sign of political terror: Radical nationalism and efforts to counteract it in 2009

### Summary

2009 was a year of significant change in terms of activities of radical nationalists and efforts to counteract manifestations of racism and xenophobia in the country.<sup>1</sup>

The main outcome of 2009 was a clear reduction in the number of victims of racist and neo-Nazi motivated violence for the first time in the six years that SOVA Center has been observing this phenomenon. To some extent, credit should go to the law enforcement agencies who suppressed the largest and most aggressive ultra-right groups in the Moscow region in the second half of 2008 and in 2009. However, despite all efforts, xenophobic violence remains alarming in its scope and extends over most Russian regions, affecting hundreds of people.

2009 saw an unprecedented growth in the activity of racist vandals. Vandalism in 2009 was primarily ideological, rather than (anti-)religious in nature.

Ultra-right groups are actively and deliberately switching to anti-state terrorism. Their objectives are to destabilize the government, to increase public distrust of the government, and to paralyze civil society organizations working to counteract racism and xenophobia. Apologists of ultra-right terror see their ultimate goal as provoking ‘a nationalist revolution’ and establishing a neo-Nazi regime in Russia.

The public activity of ultra-right groups changed noticeably in 2009. They increasingly abandon their explicit racist propaganda in favor of pro-social rhetoric and mimic official patriotic propaganda with slogans about fighting alcoholism and promoting sports and athletics, while explicitly racist propaganda

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<sup>1</sup> In the preparation of this report, we used the daily monitoring conducted by the SOVA Center and our regional monitoring of ultra-right activity in seven Russian regions, and data of regional human rights monitoring conducted by the Moscow Helsinki Group’s network.

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is often restricted to private events and discussions. New activists are recruited through symbolic actions (such as poster campaigns) and subcultural activities (particularly concerts).

Attempts to create ‘a Kondopoga scenario’ (i.e. to use everyday conflicts to provoke inter-ethnic clashes) failed in 2009, and we expect this method to be dropped altogether soon.

Russian Image (*Russkii obraz*, RO) and the DPNI (*Dvizhenie protiv nelegal'noi immigratsii*, Movement Against Illegal Immigration) were the two most prominent nationalist organizations operating legally in Russia in 2009. Today, the DPNI presents itself as an opposition movement, while Russian Image claims to be an ally of the government.

The expansion of nationalism into public life continues along the same lines as before. Xenophobic propaganda is consistently used in election campaigning by most political parties (including United Russia and A Just Russia). Pro-Kremlin youth movements continue to adopt the slogans of ultra-right groups. Government officials at various levels (especially law enforcers), in addition to using xenophobic rhetoric in public, have initiated a number of discriminatory campaigns. However, it should be noted that these trends, established in previous years, were significantly weaker in the second half of 2009.

In 2009, legal enforcement against right-wing radicals noticeably changed. Gradually, if slowly, relevant legislation is being updated and improved – in particular, several issues with regard to anti-extremist warnings to mass media were addressed and settled in 2009.

The prosecution of racist violence became vastly more active, and the quality of prosecution also improved. In a growing number of proceedings, violent racist gangs are being brought to justice. Virtually all relevant provisions of the Criminal Code are used in bringing charges against perpetrators of violent crimes. Courts deliver fewer suspended sentences for violence and punish xenophobic vandalism more often.

At the same time the authorities hardly ever impose custodial sentences for racist propaganda, which is not associated with violence.

Problems affecting the prosecution of ultra-right offenders remain largely those of previous years. The prosecution of racist propaganda is not improving (with regard to individuals as well as publications and entities engaging in hate propaganda). A large number of dangerous propagandists continue to enjoy virtual impunity. The authorities continue to focus too much on minor crimes and acts which hardly contribute to overall xenophobic attitudes and actions (e.g. prosecuting web trolls and graffitists, issuing warnings to libraries for the possession of extremist materials, etc.). There has been little progress

in terms of prosecution for participation in an extremist organization. Some of the legal issues hindering the implementation of the ban on the distribution of extremist materials have not been resolved. These problems create ample room for abuse, and discredit current efforts to counteract hate crimes and racist propaganda.

## Manifestations of radical nationalism

### Violence

2009 was the first year in more than six years of monitoring in which the number of incidents of racist and neo-Nazi violence decreased significantly. Nevertheless, it remains frighteningly high: according to preliminary data, in 2009 at least 72 were killed and at least 359 were injured in such incidents. In 2008, at least 109 people were killed and at least 486 were injured.<sup>2</sup> The data for 2009 are not yet finalized, but even now they clearly reflect a real change in the situation.

In 2009, violent incidents were reported in 40 Russian regions (in 2008, they were reported in 47 regions). Most attacks were perpetrated by the ultra-right; however, as in previous years, a few attacks by nationalists from the Caucasus and a few episodes of grassroots xenophobic violence were reported.

As before, most victims of xenophobic attacks were people from Central Asia (29 killed and 68 injured) and from the Caucasus (11 killed, 47 injured), but almost anyone can be a target.

As before, hotbeds of violence included the Moscow region (city and metropolitan area), with 38 killed and 131 injured (in 2008, 60 were killed and 217 injured, respectively), and St Petersburg and Leningrad region, with eight killed and 36 injured (in 2008, 15 were killed and 39 injured, respectively). For the second consecutive year, Nizhnii Novgorod and Sverdlovsk regions held the third and fourth places. In 2009 in Nizhnii Novgorod at least six people were killed and at least 21 were injured (in 2008, two and 16 people respectively), and in Ekaterinburg and Sverdlovsk region one was killed and at least 21 people were injured (in 2008, four and 16, respectively). We are not surprised by these

<sup>2</sup> Our statistics include incidents which we know, or may assume with a high degree of certainty, were hate crimes (according to the Russian Criminal Code), regardless of the identity of the assailant and the victim. Victims of mass brawls, unless a hate motive has been clearly attributed by law enforcement officials, are not included. The SOVA Center's monitoring does not cover any events in the republics of the North Caucasus – not because we do not observe radical nationalism there, but because our data collection methodology would be ineffective in the local situation.

findings, since the ultra-right underground in these four regions is known to be sustainable and to have numerous supporters.<sup>3</sup>

When comparing violent crime statistics, we can see why the number of victims nationwide is one and a half times lower than in the previous year. The law enforcement authorities in Moscow have either dispersed or destroyed some of the city's highly organized and extremely vicious neo-Nazi groups – in particular, the entire network of the National-Socialist Society (*Natsional-sotsialisticheskoe obshchestvo*, NSO). Previously, these groups had been systematically involved in violent and terrorist activities. Each of the neo-Nazi gangs arrested in 2008 and 2009 had a track record of bombings, dozens of violent attacks and killings. The Moscow region saw a twofold reduction of attacks as a result, and this change affected national statistics as a whole. We did not observe a significant change in the situation in other cities, however.

While we do not deny the improvement of the situation in Moscow, we do not believe that the actual reduction in the number of attacks across the country is as striking as our statistics suggest. Most of the reasons for coming to this conclusion are explained in our 2008 annual report.

Firstly, we note a dearth of reports of such incidents, especially in the regions. In some cases this lacunae is due to restrictions imposed on the publication of this information, and partially it can also be explained by little media interest in hate attacks.

Secondly, our statistics are increasingly affected by the limitations of our methodology. In many cases, we use circumstantial evidence to determine the hate motive and are careful to exclude cases where we are uncertain of the motive. Traditionally, we have not included attacks prompted by hooligan or mercenary motives, or attacks involving the use of firearms, 'non-lethal' weapons or explosives, unless we have reliable evidence for considering them to be hate crimes. Recently, however, explosives and firearms or 'non-lethal' weapons have increasingly been used, and racist attacks are often deliberately disguised as hooliganism or robbery.

### **Terrorist activities**

We observed the rapidly increasing use of explosives and arson in 2009, which in itself is a very dangerous trend. At the same time, the scale of ultra-

<sup>3</sup> We use the term 'underground' in this context to mean an organized network of small groups capable of coordinated (including demonstrative) actions. As a general rule, members of such networks do not know one another personally. See more information on the underground in: G. Kozhevnikova 'Radical nationalism in Russia in 2008, and efforts to counteract it' in *Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2008* (Moscow: 2009) pp. 5-42.

right terror is such that the Russian government has publicly acknowledged this danger. A memo published by the National Anti-Terrorist Committee on 11 March described ultra-right terrorism as the second biggest threat after terrorism in the North Caucasus.<sup>4</sup>

Neo-Nazi terror is gradually shifting from being purely racist (as in the Cherkizovo market bombing in Moscow) towards being more politically-oriented and anti-state. Terrorists increasingly target government buildings, police stations, military draft offices, and the homes of law enforcement personnel. For example, in 2009 at least five arson attacks targeted the premises of law enforcement agencies (in Moscow, Nizhnii Novgorod and Cheboksary). In Novosibirsk an attempt was made to set fire to the apartment of a police officer responsible for the investigation of racist crimes, and in Samara a traffic police post was blown up. Fortunately, no one was killed or injured in the above incidents. These attacks may be attributed to the ultra-right with a high degree of certainty.

A noticeable refocusing of neo-Nazi violence can be explained by the fact that in 2008 – for the first time in many years – racists faced substantial and consistent pressure from the state, reflected in the numerous detentions, arrests and trials (see below). Ultra-right activists, who previously ignored the authorities or even expected a degree of support and cooperation from them, now increasingly see the state as their main enemy.

They use fairly basic methods to coordinate violent campaigns and summon their supporters to participate in them, posting messages on popular neo-Nazi websites. After the death of NSO leader Maksim Romanov (Bazylev) in pre-trial detention, for example, a few ultra-right websites explicitly called upon their supporters to engage in violence in his memory by announcing a so-called Day of Wrath on 5 May. In our view, the appeal was nothing but a smart PR move by a small neo-Nazi group. The Russian mass media, however, gave the hypothetical action more publicity than the group could ever have hoped for. As a result, on and before 5 May at least four violent incidents were reported, probably involving some neo-Nazis. Members of various racist gangs claimed responsibility for virtually all violent attacks reported on that day, from criminal homicide clearly without racist motives to arson attacks, which may or may not have taken place in reality (at least ten incidents were reported in total).

Overall, in 2009 we recorded at least 20 terrorist attacks committed by the ultra-right, which in total killed at least one person and seriously injured a further two. Our statistics do not include cases where individual neo-Nazis resisted arrest. The most publicized incident of this sort occurred in early September

<sup>4</sup> 'NAK: Bandformirovaniia i neonatsistskie gruppirovki – osnovnaia terroristicheskaia ugroza v Rossii', Fontanka.Ru, 11 March 2009 ([www.fontanka.ru/2009/03/11/046](http://www.fontanka.ru/2009/03/11/046)).

2009, when former NSO activist Sergei Marshakov shot an FSB investigator who came to his home to apprehend him.

However, we reiterate that in the vast majority of cases ultra-right involvement in violent incidents is impossible to either confirm or deny, as is whether or not the incident in question actually occurred. In 2009 the ultra-right claimed responsibility for at least 50 arson attacks, bombings and bomb scares, including the widely reported bombing of the Neva Express train on 27 November 2009 (claimed by a group calling itself Combat 18-Ingermanlandia) which killed 26 people and injured about 100 more.

The ultra-right have switched to anti-state terrorism for various reasons. Some may have done so in revenge against the authorities, as in the aforementioned Day of Wrath example. Others use violence to step up pressure on the authorities, as was the case in late 2008, when a small ultra-right group killed and beheaded a native of Central Asia, left his severed head outside the district council's office and circulated a letter with a photo of the head and threats to target local officials unless they keep immigrants away.

Finally, the ultimate purpose of terror attacks may be to destabilize the state system and to cause panic in Russian society, which the terrorist masterminds believe will lead to a neo-Nazi revolution and ultimately to the establishment of 'White Power'. Such attempts at destabilization include various xenophobic provocations designed to appeal to anti-Caucasian and anti-Islamic sentiment in Russian society. In early 2009, guidelines on how to stage such provocations were widely disseminated in the ultra-right sector of the Russian-language internet; according to proposed scenarios, neo-Nazis would plant dummy explosive devices with fake messages attached, ostensibly left by Muslims or people from the Caucasus. The provocateurs expect such actions to trigger discriminatory security practices against natives of the Caucasus and Muslims (such as exceptional scrutiny of their businesses, arrests and searches). Racists also expect the media to cover these developments and to perpetuate anti-Caucasus/anti-Islamic stereotypes and hysteria. Such provocations are not a new development: over the past few years we have consistently received reports of offensive graffiti designed to appear as the handiwork of nationalists from the Caucasus or militant Islamists. However, it always transpires that such graffiti are left by the ultra-right in an attempt at self-promotion.

#### **Threats against civil society activists and participants in anti-racist trials**

In addition to terrorist attacks, another element of anti-state destabilization involved death threats against community activists, government officials, representatives of the judiciary, and others.

The year 2009 began with a double killing: prominent public figure, lawyer and anti-fascist Stanislav Markelov and *Novaia gazeta* reporter Anastasiia Baburova were shot dead in central Moscow on 19 January. Investigators immediately suspected neo-Nazi involvement. In November, the police arrested two suspects, Nikita Tikhonov and Evgeniia Khasis. Both had been, to varying degrees, involved with Russian Image (*Russkii obraz*, RO), the fastest-growing ultra-right group in 2009. Tikhonov was a co-founder of RO, and Khasis was on the staff of Russian Verdict (*Russkii verdikt*), one of RO's projects (see details below). We cannot be certain that Tikhonov and Khasis were indeed the perpetrators of the double killing or that the ultra-right were implicated, but it was impossible not to notice the elation amongst the ultra-right in connection with Stanislav Markelov's death.

The beginning of 2009 was marked by new death threats against SOVA Center's senior staff; one threatening letter stated explicitly that random killings of 'aliens' were less effective in terms of media coverage and publicity than the killings of civil society activists and journalists. Since June 2009 numerous threats were received by Konstantin Baranov, leader of the Young Europe NGO in Rostov (*Molodaia Evropa – Rostov*) who had protested against music concerts planned by the ultra-right in Rostov-on-Don. Baranov's NGO was targeted by provocations and attacks from the Rostov media on several occasions. In July 2009 Maksim Efimov, leader of a regional branch of the Youth Human Rights Movement (*Molodezhnoe pravozashchitnoe dvizhenie*, MPD), was attacked in Petrozavodsk. The ultra-right continued to threaten Sofiia Ivanova, Head of the Ryazan School of Human Rights, and Vadim Karastelev, Director of the Novorossiisk Committee for Human Rights. In September, a threatening letter was received by members of the Moscow Bureau for Human Rights.

However, civil society activists are not the only targets of such threats. Participants in the current Borovikov-Voevodin gang trial in St Petersburg have repeatedly been threatened and insulted by the neo-Nazis supporters of the defendants. At the time of DPNI leader Alexander Belov's trial, ultra-right web forums actively discussed the possibility of physically assaulting the judge. In the case of Vladimir Makarov, prosecuted and sentenced for a racist killing, some neo-Nazi websites published personal data of the jurors who had delivered a guilty verdict. There are other examples of similar practices.

#### **Confrontation between radical youth groups**

As before, members of youth subcultures and leftist anti-fascist groups were particularly targeted by ultra-right violence. In 2009 this category accounted for 22% of all known victims (five people were killed and at least 77 injured).



Note that very often neo-Nazis do not differentiate between their victims' political preferences and subcultures, but instead see them all as 'traitors of the white race' and 'anti-fascists'.

Concerts of music groups considered anti-fascist were consistently attacked by the ultra-right. This is most vividly illustrated by evidence available from the North-Western region, in particular St Petersburg, where witnesses noted the preparedness and coordination of the attackers, as well as their consistent use of 'non-lethal' weapons. Dozens of people were affected by such attacks. On 31 May, for example, ultra-right football hooligans in Murmansk attacked some 30 members of the audience and performers during a concert in support of Novosibirsk artist Artem Loskutov.<sup>5</sup> Exits from the room were blocked, empty bottles were thrown at the audience and tear gas was sprayed; people fleeing the building were attacked by numerous well-armed neo-Nazis. Also in Murmansk, a hand grenade was thrown at the audience of an anti-fascist concert, and in Nizhni Novgorod random onlookers were affected together with the audience of a punk concert. Overall in 2009 we documented at least 13 attacks against concert audiences in eight regions of the country, and this is probably a small fraction of the actual number of incidents.

Murders of anti-fascist leaders were, of course, the center of attention. Neo-Nazis appear to have progressed from random attacks against individual anti-fascists to targeted terror. This is a logical continuation of repeated threats and the publication of anti-fascists' personal data on neo-Nazi websites — a practice that for many years, before the violence started, law enforcement authorities hardly seemed to notice. In 2009, prominent anti-fascist activists Il'ia Dzhaparidze and Ivan Khutorskoi (Kostolom) were killed in similar circumstances.<sup>6</sup> The pattern of their killings is similar to the killing of Fedor Filatov (Fediai) in October 2008. The three victims were killed by hitmen waiting outside or in the entrance hall of the victim's home. The attacks were swift, using knives and/or 'non-lethal' weapons.

These carefully organized killings are part of a street war, hidden but ongoing for several years, between ultra-right and anti-fascist youth groups in Russia. The murdered anti-fascist activists used to be prominent figures in this street war. We have not seen any effective measures taken by the authorities to mitigate the confrontation. Both sides accuse the authorities of siding with their enemy, but as far as we can tell, the situation is not symmetrical. At minimum, anti-fascists find

<sup>5</sup> A. Loskutov, author and organizer of the so-called 'monstrations' — absurdist performances staged to look like mock political activism — was arrested on charges of drug possession.

<sup>6</sup> In this case we are talking about leaders of underground anti-fascist groups not known for their public activism, in contrast to activists like Stanislav Markelov.

it much easier than their opponents to cite specific examples of official patronage of ultra-right activists, and sometimes even examples of direct collaboration, as well as instances of excessively harsh measures taken to suppress left-wing and anti-fascist activity.<sup>7</sup> It is difficult to say whether or not this observed asymmetry in the authorities' response to different radical groups is a conscious policy, but in any case this practice has contributed to the confrontation.

### Religiously motivated violence

As before, religiously motivated violence is far less common than other forms of hate crime we have documented. Violent incidents of this type are rare and their rate has not increased. In 2009, we documented a few death threats and attacks against Jehovah's Witnesses, affecting at least two people. In summer, during an 'anti-sectarian' rally in Rostov region, a crowd consisting mainly of Cossacks and an official from the local administration attempted to storm a Witnesses' prayer house. Fortunately no one was hurt, but the fence around the building was broken. Such incidents are clearly part of an organized campaign targeting Witnesses throughout the country.

The most high-profile crime likely to have been motivated by religious hatred was the killing of Orthodox Priest Daniil Sysoev in Moscow, who was known for his missionary outreach to Muslims and his uncompromising polemic against Islam. The crime occurred on 19 November: a masked man entered the church and asked the congregation to identify Daniil Sysoev; then he shot point-blank, killing the priest and the church warden. Just three weeks later, another priest of the same church was severely beaten.

### Grassroots xenophobic violence

We traditionally know little about grassroots xenophobic violence committed by individuals who do not obviously belong to any ultra-right groups. This is not surprising, since such incidents rarely come to the attention of the media unless they result in criminal proceedings, and only occasionally is this information made available by private sources. That said, we are confident that the level of such violence has not decreased. Every year we document about a dozen violent grassroots incidents which are obviously motivated by racism. In February, passengers from Congo were attacked while riding a public mini-bus in Moscow; they were talking to each other in French when another passenger demanded they speak Russian and started a fight.

<sup>7</sup> See details in G. Kozhevnikova, 'The Ultra-Nationalist Renaissance, Autumn 2009: From RNE to Kolovrat', 5 January 2010, available on the SOVA Center website (<http://xeno.sova-center.ru/6BA2468/6BB4208/E2B627C>). Russian original posted 19 December 2009.

Many violent incidents occur on 2 August, the official Navy Day in Russia, when drunken veteran paratroopers occasionally start mass brawls, including overtly racist attacks. On 2 August 2009 at least one person was reported killed and six others injured, not including the casualties of two mass fights in Nizhnii Novgorod and outside Moscow.

Xenophobic attacks by racist police and military personnel are not limited to Navy Day. In July 2009 a military officer went on a racist rampage in response to a remark made by a store owner in the suburbs of Sochi, and in September several police officers in Moscow attacked an Armenian and yelled racist insults while beating him up.

### Vandalism

As before, vandalism was a common facet of xenophobic ultra-right activities.<sup>8</sup> As with violent crime, the pattern of vandalism had changed significantly compared to previous years. In 2009, we recorded at least 141 acts of vandalism in 50 Russian regions (87 incidents in 41 regions were reported in 2008). Such growth is unprecedented.

In 2009 most acts of vandalism were of an ideological nature; they targeted World War II memorials and monuments to Lenin, and included coordinated neo-Nazi graffiti-painting campaigns amongst other things – a total of 76 episodes. In 2008 there were just 26 incidents of this type. We do not include individual instances of swastika graffiti found on buildings or fences in these statistics. Jewish sites were the second largest target of attacks by vandals, with 22 incidents (in 2008 there were 24 incidents). These were followed by Orthodox sites, with 15 incidents (compared to 20 incidents in 2008), and Jehovah's Witnesses, who suffered 12 acts of vandalism (in 2008 there was just one incident).<sup>9</sup> Muslim sites accounted for seven incidents (six were reported in 2008); four Armenian and four Protestant buildings were attacked (two and six incidents in 2008, respectively), and in one case a Catholic church was vandalized.

<sup>8</sup> Note that in this report we only include incidents of vandalism where we have serious reasons to suspect hate and neo-Nazi motives. For example, these statistics do not include cases of cemetery vandalism where the vandals' only purpose was to steal metal objects from the graves, nor do we include incidents such as the arson attack against an Armenian chapel in Tomsk, where some homeless people started a fire in revenge for a conflict with a man who reprimanded them.

<sup>9</sup> Note that the dramatic increase of reported attacks against Jehovah's Witnesses' buildings does not reflect a real dynamic, but is due to better reporting, since in 2009 – in addition to media reports – we received information from the JW's Administrative Center.

Comparing recent vandalism with previous years, we note a sustained increase since 2007 of large-scale, well-coordinated graffiti campaigns by neo-Nazis. In 2009, these were predominantly graffiti and sticker campaigns organized by Russian Image and its close associates, Roman Zentsov's Resistance (*Soprotivlenie*) (see below). These accounted for approximately half of all graffiti/sticker campaigns in about two dozen Russian cities. For example, on the night of 31 May, Russian Image organized graffiti campaigns in at least six regions. Even though it was announced as an anti-abortion campaign, many of their slogans were explicitly racist.

We observed a drop in antisemitic vandalism and no increase in anti-Islamic activity for a third consecutive year. We also observed a lower intensity of vandalism motivated by religious hatred. The vast majority of attacks on religious sites resulted in graffiti, vandalized graves and broken windows. In 2009, there were 12 bombings and arson attacks against religious worship facilities, representing 21% of all cases of religiously motivated vandalism. In 2008 there were 19 arson attacks and bombings, representing 31% of the total number of attacks against religious sites. Perhaps this is due to the fact that the 'bombers' switched their attention to government buildings in 2009. Vandals were particularly aggressive towards Orthodox churches, with five arson attacks and one attempted bombing (in December, an improvised explosive device was thrown through the window of an Orthodox chapel in Vladimir).

The geography and intensity of vandalism largely coincided with the geography and intensity of racist violence. Regions with the largest number of vandal attacks were almost the same as regions with the highest rates of hate-motivated violence in 2009, including Moscow and St Petersburg, Nizhnii Novgorod and Ekaterinburg (eight incidents in each region). However, there is no strict correlation; sometimes random factors determined the local rates of vandalism. For example, Tver had one of the highest rates of vandalism in 2009, with at least nine incidents, six of which were probably committed by the same person and involved systematic attacks against Jewish graves in a local cemetery over a period of several months. Vandals were very active in Kaliningrad (at least five incidents reported); the city is home to a number of standalone neo-Nazi groups associated with Zentsov's Resistance.

### Public activity of ultra-right groups

The public activity of ultra-right groups was a continuation of the ongoing crisis which prompted a split in the DPNI back in 2008.

For obvious reasons, the following overview of ultra-right activities does not include standalone groups, which probably constitute the bulk of Russian



right-wing radical activists. Meanwhile, the number of ultra-right standalone groups is growing, while their allegiances (in terms of subculture) evolve: for example, Straight Edge supporters increasingly compete (and even engage in physical fights) with Nazi-skinheads.<sup>10</sup> Organizations operating in the legal field and familiar with the real situation amongst the ultra-right must respond to these changes.

### New rhetoric and tactics

It is now clear that key ultra-right ideologists and groups are adopting new rhetoric and tactics in an effort to avoid being marginalized in the current context, in which the new generation of the Russian ultra-right is much more radical than their predecessors (who came on the scene in the early 2000s or 1990s). The ‘veterans’ understand that the ultra-right scene is changing rapidly, and this understanding was clearly expressed in March 2009 by the ex-leader of the National Imperial Party of Russia (*Natsional’no-derzhavnaia partiia Rossii*, NDPR), Alexander Sevastianov, in a publication that can only be described as an apology for ultra-right terror.

But the ultra-right’s ideologists are limited in their actions by today’s political environment and, increasingly, by the real threat of criminal prosecution for xenophobic and/or anti-state propaganda; thus they are forced to seek new forms of public and legally permissible activity.

In 2009, this trend was clearly reflected in the activities of Russian Image, joined towards the end of the year by Resistance in St Petersburg, led by Roman Zentsov, a well-known mixed martial arts fighter. To develop successfully, they needed connections with high-status politicians as well as ultra-right groups. Russian Image had both.<sup>11</sup> Consequently, the organization’s public spokespersons made ‘patriotic’ statements in line with official propaganda, while on the level of subculture they organized ultra-right concerts, presentations, massive

<sup>10</sup> Straight Edge, abbreviated sXe, started within punk subculture in the eighties. However, they oppose punk lifestyle and make a commitment to refrain from destructive habits, such as drugs, alcohol, eating meat, sexual license, sometimes even coffee, etc. One of sXe’s basic principles used to be opposition to any discrimination, but in recent years, especially in Russia, a racist version of sXe is rapidly expanding. This variation interprets the commitment to ‘clean living’ as including ‘racial purity’. They ban ‘interracial’ sexual relations and permit killing and physical violence against those who ‘disgrace their race’, which potentially includes anti-fascists, homeless people, alcoholics, and Nazi-skinheads who abuse alcohol.

<sup>11</sup> Originally, Russian Image was a small corporation comprising a magazine, a music group and a number of ultra-right structures. In 2007, they engaged in close cooperation with Sergei Baburin’s Popular Union (*Narodnyi soiuz*, NS), then a parliamentary party. One of RO’s leaders, Dmitrii Taratorin, was a leading journalist employed by SPAS TV Channel. In 2008, RO established contacts with United Russia MP Maksim Mishchenko (see below).

graffiti campaigns and xenophobic rallies, and established strong connections with the most radical groups, including Nazi Straight Edge groups.

RO’s union with Resistance was a good tactical alliance. Zentsov had long been known on the ultra-right scene as a coach and supporter of Dmitrii Demushkin’s Slavic Union (*Slavianskii soiuz*, SS). However, until recently he was little if at all known outside the scene. His title of ex-world champion served as a good reference point for officials who knew little about his views and history<sup>12</sup> – so they endorsed the competitions he organized, particularly because these events were held under the slogans of fighting alcoholism and promoting healthy lifestyles, i.e. in line with the official anti-alcohol campaign. The ideological component of these activities remained behind the scenes.

Zentsov is an excellent recruiter for ultra-right organizations, since he appeals to young people of every persuasion. His statements may appear on the pages of National Bolshevik Party’s newspaper and on the website of United Russia’s Young Guard (*Molodaia gvardiia ‘Edinoi Rossii’*, MGER).

The RO-Resistance alliance allows these organizations to operate under different brands depending on the circumstances. For example, after the arrest of N. Tikhonov and E. Khasis who were closely associated with Russian Image, Resistance came to the fore. Absence of competition between Resistance and the DPNI (while competition between DPNI and RO was intense) allowed the supporters of both Resistance and RO to take part in the Russian March in Lublino.

The number of RO and Resistance regional chapters is growing rapidly. Like the DPNI in 2002–2004, their growth is due to the migration of activists from other organizations, or the accession of entire groups, rather than the emergence of new supporters (except for the natural succession of generations). Today RO has to make more of an effort to attract supporters than the DPNI initially had to, because the DPNI developed amidst a complete collapse of other ultra-right organizations, while RO has to compete against both the DPNI and SS. In particular, their repeated, lengthy and massive sticker/graffiti campaigns, in addition to spreading their messages, also encourage people to visit the organization’s website.

RO follows the path trodden by the DPNI and predecessors in other respects as well. For example, the RO/Resistance alliance tries very hard to present itself as operating under the direct patronage of government agencies (although the real situation is somewhat more complex). In particular, RO actively advertises every event attended by public officials and/or law enforcement officers which involves RO activists in one way or another. Their biggest success, both in terms of PR

<sup>12</sup> Zentsov has a previous conviction for a violent, probably racist, crime.

and communication with the authorities, was securing permission to organize a concert of the Kolovrat group in the center of Moscow on 4 November.<sup>13</sup>

In a similarly careful manner they are constructing an image of RO as an organization that provides legal and financial support to neo-Nazis under investigation or in custody.<sup>14</sup> This is what the project Russian Verdict is about. A review of Russian Verdict's practice reveals that they are not effective. However, PR support of their cases, 'leaks to the media' organized with the help of friendly reporters and other such tricks have so far concealed the fact that, from a legal perspective, their project is ineffective.

RO's competitors faced a worse situation in 2009 due to their inflexibility. Groups like the DPNI, SS or their collaborators never fully recovered from their confrontation with the authorities during the 2008 Russian March, and continue to hold on to their image as persecuted and marginalized groups. They faced a series of criminal trials and an increasing shortage of human resources (as a result of losing people to RO, for example).

Their efforts to change tactics and slogans, particularly noticeable in the second half of 2009, were inconsistent and unsuccessful.

Throughout the year, SS tried to organize a public relations campaign in support of Mitino police officers.<sup>15</sup> The group offered support to the police officers since the latter were 'suffering at the hands of people from the Caucasus', while the campaign's real purpose was to establish a relationship with law enforcement officers and disseminate neo-Nazi ideas amongst the police. However, the initiative does not appear to enjoy broad support amongst the ultra-right because, as noted above, the main trend now is opposition to the state in general and to the police in particular. Moreover, the group's support of the police added fuel to a long-standing debate on whether SS leader Demushkin might be an undercover security agent.

Similarly, their attempt to modify and 'radicalize' the group's messages also failed. They began by posting increasingly explicit anti-state texts on their website and then progressed to public statements. During the Russian March in Lublino on 4 November, Demushkin made a speech virtually calling for an armed uprising against the regime. It is not clear whether he hoped to have criminal proceedings initiated against him (which might have given him the aura of a political prisoner) or to win the loyalty of more radical activists.

<sup>13</sup> Prior to that, Kolovrat – an iconic group for Russian neo-Nazis – had for a long time been prevented by police from giving concerts anywhere in Russia.

<sup>14</sup> The ultra-right describe it as human rights defense.

<sup>15</sup> The police were accused of abuse of office whilst breaking up a fight involving natives of the Caucasus in January 2009. Later, one of the policemen faced charges for a racist attack.

Whatever his motives, this tactic failed to produce any tangible results or to generate publicity.

Similarly ineffective was an attempt made by a DPNI-led coalition to take advantage of a local crisis caused by the Moscow authorities' ill-conceived decision to close down Cherkizovo market. The DPNI was the first political group to play upon the sentiments of Muscovites concerned about the migration of the ousted Cherkizovo traders to other markets in Moscow.

Local residents' protests clearly had nothing to do with xenophobia – rather, the community was annoyed at the noise and congestion caused by delivery vehicles and traders. However, the DPNI attempted to use their tried and tested tactic of channeling social protest into ethnic conflict: there were rumors of mass rapes of 'Russian women' by 'migrants', warnings of 'the Chinese threat', etc. Rallies and other protest actions – invariably involving mobilized DPNI activists and Nazi-skinheads as well as local residents – occurred almost daily in late summer and early autumn of 2009. However, after the city council banned wholesale trade in the local Moskva Market in Lublino, the number of community rallies dropped, while the initiative group representing local residents publicly declared that their cooperation with the ultra-right had been useless and a mistake. Then the DPNI-led ultra-right coalition had to work hard to keep up panicky sentiments among local residents for a while, because they needed a crowd for their already scheduled Russian March in Lublino in November.

Towards the end of the year the DPNI repeatedly tried to provoke conflict in the guise of protest against the revival of Cherkizovo market in other areas in and around Moscow, but these attempts failed. Sometimes local people just would not come to a rally, and where local communities were indeed concerned, they immediately and vociferously refused to cooperate with the ultra-right and denounced their acts of provocation.

#### **Public events and efforts to provoke conflicts**

It became evident in 2009 that the 'Kondopoga scenario' no longer provokes riots. In 2008 we observed such provocations getting progressively less effective, mainly due to the fact that they are no longer unexpected and ways to respond to them are well known.

There were several attempts to provoke conflict in 2009, but they all failed. The most prominent attempts involved rumors about an alleged interethnic clash in Znamensk, Astrakhan region, and a letter allegedly written by Russian soldiers from the Aleisk Division complaining about the bullying they suffered at the hands of recruits from the Caucasus. Even though these two texts were

widely disseminated on the internet, there was no follow-up. One can assume that in 2010 the use of this technique will also be unsuccessful.

Similarly, public events organized by ultra-right groups were not very successful, with the only exception being yet another nationwide and massive Russian March, which in 2009 involved at least 12 regions (but again, at least 19 regions hosted the March in 2008). In Moscow, about three and a half thousand people took part in the March and about two thousand spectators attended Kolovrat's concert in Bolotnaia Square on the same day, but the numbers cannot be simply added together because some people attended both events. Even though its overall geography had shrunk, for the first time the Russian March in Moscow attracted a significantly (approximately 30%) bigger audience than before.

Most rallies and pickets organized to mark less significant events in Moscow or other cities did not attract many participants or publicity. The only exception was the nationwide celebration on 1 March. A rally organized by the DPNI and SS in Moscow attracted about 200 to 300 people, and a march organized by RO on the same day attracted between 350 and 400 participants. May Day rallies and marches were held in at least seven regions in 2009.

The year 2009 saw a return of the nationwide 'solidarity with political prisoners' campaign launched by the DPNI back in January 2007 and never repeated on the same scale again, despite several attempts. RO managed to revive the campaign in a new format. On 25 July,<sup>16</sup> the organization announced a day of solidarity with right-wing political prisoners. Various campaigns, some involving violence, were organized by right-wing radicals at least in 12 regions. The campaigns were not designed to attract masses of people, but instead to demonstrate ultra-right solidarity under the Russian Image aegis (by displaying graffiti and banners of solidarity with neo-Nazi prisoners, collecting money, etc.).

### Political organizing

It is clear that Russian Image and the DPNI are the two key players among Russian nationalist groups legally operating today, and political organizing/party building is unlikely to cause these or other groups to change their behavior in a radical way. However, to complete our overview of ultra-right activity, we will describe a few political campaigns. The year 2009 (especially the autumn) was rich in such activities.

For the first time since 2007 an attempt was made to create a formal political party of Russian nationalists. Since Baburin's People's Union (*Narodnyi soiuz*,

<sup>16</sup> The event was timed to coincide with the anniversary of the first anti-extremist legislation adopted in 2002.

NS) voluntarily renounced its status as a political party in December 2008, no such party has existed in Russia.

This intention was made public in May 2009. The preparatory period was long, however, and the founding congress of the 'Party for Our Motherland' (*Za nashu Rodinu*) was not held until 4 November. The ideological documents of the future party appear to have been based on the *Russian Doctrine* (its developers were included in the would-be party's organizing committee).<sup>17</sup> In addition, the fact that Mikhail Lermontov was appointed Chairman of the party's Election Committee suggests its ideological proximity to Oleg Kassin's People's Council (*Narodnii sobor*), of which Lermontov is deputy chair. However, the most prominent people involved in the creation of the party – political analysts Valerii Averianov and Sergei Kara-Murza, film director Nikolai Burliaev and others – were not included in the party's governing bodies. The would-be party seems to have neither a broad base of activists nor any prospect of being formally registered.

The second All-Russia Congress of the DPNI, held on 11 July 2009, revealed a dramatic fall in the organization's membership. The congress formalized the recent change in the DPNI's leadership, since Alexander Belov had voluntarily resigned (in connection with criminal proceedings against him) and been replaced in the DPNI National Council by Vladimir Ermolaev – someone with no experience in public policy. Belov's resignation (even though merely formal) was a tangible loss to the DPNI, which is now facing difficult times. In fact, it seems likely that the DPNI's failure to provoke conflicts following the closure of Cherkizovo market is a result of Belov's absence, since neither Vladimir Tor nor Vladimir Basmanov, let alone Vladimir Ermolaev, is an adequate substitute for Belov in addressing public rallies.

In autumn an unexplained surge of activity was observed among veterans of the Russian nationalist movement. The People's National Party (*Narodnaia natsional'naia partiia*, NNP) led by Alexander Ivanov (Sukharevskii) resumed its activities. Alexander Barkashov attempted to create a new organization by mobilizing veterans of October 1993 events. Finally, the Union of Russian People (*Soiuz russkogo naroda*, SRN) attempted to reunite, but split once again instead.<sup>18</sup>

<sup>17</sup> 'Russian doctrine' is the project of a few nationalist intellectuals which was actively developed between 2005-2007. The project attracted support from highly diverse forces – from the ultranationalist Great Russia (*Velikaia Rossiia*) party to Metropolitan (now Patriarch) Kirill (Gundiaev). The complete text of the *Russian Doctrine* book and other project materials can be viewed at the project site: <http://www.rusdoctrina.ru/>.

<sup>18</sup> See details in: G. Kozhevnikova, 'The Ultra-Nationalist Renaissance, Autumn 2009: From RNE to Kolovrat'.

### The ultra-right in search of coalitions

In 2009, after a rather long break, open collaboration resumed between the National Bolshevik Party (*Natsional-bol'shevistskaia partiia*, NBP) – banned, but still very active – and ultra-right organizations. So far this collaboration is not systematic, but looks like careful testing of potential shared areas of activity.<sup>19</sup>

On the one hand, the NBP shows interest in cooperating with the DPNI. In summer NBP activists attended the congress of Belov's DPNI as guests. In Nizhnii Novgorod, National Bolsheviks, the local DPNI branch, and Straight Edge activists all took part in the May Day march and rally.

On the other hand, the NBP is clearly interested in maintaining contacts with Roman Zentsov's Resistance, because this latter group, as already mentioned, does not have a clearly expressed ideology but instead promotes xenophobia in general and related opposition to the state. In summer NBP's website published a detailed interview with Zentsov, and in autumn the NBP and Resistance held a joint picket in St Petersburg to protest the enforcement of article 282 of the Criminal Code. However, it is as yet unclear how sustainable contacts between Limonov's NBP and the ultra-right will prove to be.

As in previous years, the ultra-right found a few allies among members of non-nationalist political organizations, while the latter turn a blind eye to such alliances. As a notable example, Sergei Zhavoronkov, a member of the Solidarity Movement Political Bureau, not only expressed his support for the DPNI but took part in the 2009 Russian March. Another example is Denis Chukov, leader of the Solidarity chapter in Saratov, who has collaborated with ultra-right groups (especially the DPNI) for years, and since mid-2009 has been the official head of the Saratov chapter of Konstantin Krylov's Russian Social Movement (*Russkoe obshchestvennoe dvizhenie*, ROD). Zhavoronkov and Chukov may not be the only Solidarity activists close to ultra-right groups.<sup>20</sup> This is implicitly confirmed by one of ROD's leaders, Nataliia Kholmogorova, who describes that wing of the Solidarity Movement where Zhavoronkov is a member as a potential ally.<sup>21</sup>

<sup>19</sup> We are not suggesting that the relationship between NBP and the ultra-right groups had been discontinued, but for about three years we have not observed any joint activities (with the only apparent exception being Krasnoiarsk krai, where ultra-right activists and the NBP maintain a long-standing coalition). The NBP cannot help but notice that its involvement with the broad democratic opposition is not as relevant (or welcome) as before, even though NBP activists are still very noticeable in street protests.

<sup>20</sup> D. Chukov, for example, mentions activist Mikhail Volkov from Penza, but we know nothing about him.

<sup>21</sup> Nataliia Kholmogorova, 'O kriteriakh politzakliuchennykh', available at N. Kholmogorova's Livejournal. 20 October 2009 (<http://nataly-hill.livejournal.com/1036852.html>).

### Xenophobic propaganda and elections

Xenophobic propaganda continues to be used in election campaigns. Ultra-right organizations, aware that 'non-system' candidates stand no chance of being elected, use election campaigns as a major PR opportunity. At the same time, those candidates and political parties who really aspire to be elected use xenophobic propaganda to build popularity.

#### The ultra-right in elections

The ultra-right made a noticeable, if unsuccessful, attempt to run for Moscow City Duma on 11 October 2009. Colonel Vladimir Kvachkov and the DPNI's formal leader Vladimir Ermolaev were not allowed to register as candidates. Sergei Baburin's Russian All-People's Union (*Rossiiskii obshchenarodnyi soiuz*, ROS) attempted to register a party list for the Moscow City elections, but the attempt did not make sense and predictably failed, because the organization was not a political party in the first place. Their claim to be victims of political persecution were nothing but an ill-conceived PR strategy.<sup>22</sup>

The ultra-right used election campaigns as a pretext for self-promotion in other Russian regions as well. The most notable, perhaps, was the campaign of the Union of Slavs of the Far East (*Soiuz Slavian Dal'nego Vostoka*, SSDV). On the eve of elections to the Vladivostok City Duma,<sup>23</sup> their activists (wearing T-shirts with symbols of the United Russia Party) put up posters advertising the organization all over the city. The SSDV had declared its intention to nominate candidates for the elections, but did not.

The ultra-right's greatest loss was the failure of the Russian All-National Union (*Russkii obshchenatsional'nyi soiuz*, RONS) leader Igor Artemev to be re-elected to the Legislative Assembly of Vladimir region,<sup>24</sup> where he had served for many years. It is not clear whether his failure was due to administrative pressure or to his finally losing popularity in the region.

The ultra-right's electoral cooperation with the Communist Party helped the former achieve more than they could have achieved on their own. At least some right-wing activists were registered as candidates. In particular, at least two DPNI activists ran on Communist Party lists in local elections in St. Petersburg

<sup>22</sup> See more about xenophobic candidates in 'Mosgorduma i kandidaty-ksenofoby: kto poidet i kto uzhe ne poidet na vybory', 14 September 2009. Available from the SOVA Center website, (<http://xeno.sova-center.ru/29481C8/D95BB2F>).

<sup>23</sup> They probably referred to the October 2009 by-election.

<sup>24</sup> The elections were held on 1 March 2009.



(the DPNI in St Petersburg claimed to have 20 candidates running for the local legislature).<sup>25</sup>

The Liberal Democratic Party (*Liberal'no-demokraticeskaja partiia Rossii*, LDPR) registered two openly ultra-right candidates running for Moscow City Duma – Aleksei Ivanov, a radical neo-pagan, and Sergei Ivanov, a former member of the State Duma who had openly collaborated with Dmitrii Rumi-antsev from NSO.<sup>26</sup>

None of these ultra-right candidates was elected, but the mere opportunity for extensive election campaigning was important to them under current circumstances.

### Xenophobic propaganda of political parties

Xenophobia is a traditional election campaigning tool for the LDPR and Communists, and 2009 was no exception, as witnessed in particular by elections to the Moscow City Duma.<sup>27</sup> In the case of the Communist Party it is perhaps worth noting that ‘poor understanding of the Russian question’ was cited as a major reason for replacing the head of the St Petersburg City Committee of the Communist Party, Vladimir Fedorov, in January 2009, i.e. before the elections. Overall, the Communist Party increasingly refers to the ‘Russian question’ and has integrated it in the Party’s new draft policy documents.<sup>28</sup>

The electoral competition in other regions and municipalities was less noticeable, but it is worth noting the use of xenophobic rhetoric to promote the United Russia and A Just Russia parties. Two electoral scandals may be worth mentioning since they ended up in court.

Vitalii Ustimenko of the Just Russia (*Spravedliviia Rossiia*) Party, running for the office of the Head of Administration in Tuchkovo (Moscow region),<sup>29</sup> used extensive and explicit anti-Armenian propaganda in his campaign. The matter went to court when his opponents demanded that the candidate should be banned and criminal proceedings initiated against him under article 282 of the Criminal Code. The complaint filed with the court cited two meetings with voters where Ustimenko accused Armenians of pedophilia, corruption, drug

<sup>25</sup> The elections were held on 1 March 2009.

<sup>26</sup> Notably, the NSO’s interview with Ivanov dated March 2006 is still available from LDPR’s official website.

<sup>27</sup> ‘Mosgorduma i kandidaty-ksenofoby’; ‘LDPR: Otkryt sezon ksenofobnoi predvybornoi propagandy’, 22 August 2009. Available from the SOVA Center website (<http://xeno.sova-center.ru/45A29F2/D4E8DC8>).

<sup>28</sup> The party’s program, available on the official site of the Communist Party (<http://kprf.ru/party/program/>).

<sup>29</sup> He was killed on 13 December 2009.

trafficking etc. However, neither the court nor the prosecutor’s office found the alleged statements to be illegal. A local newspaper received a warning from the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications (*Roskomnadzor*) for an anti-Armenian publication in support of Ustimenko; however, the warning did not mention xenophobia but focused instead on the fact that the paper ‘indicated a place where drugs may be purchased’ (i.e. the authorities de facto agreed with the xenophobic statements).<sup>30</sup>

Just a few months earlier, an election scandal was reported in the Volgograd region. Aleksei Gavshin, a United Russia candidate to the Kalach-on-the-Don Head of Administration issued a campaign leaflet saying that if elected, his team ‘would consist of local people of indigenous [i.e. Russian] ethnicity’ and he would never allow the building of a mosque in his jurisdiction (*Mecheti net i ne budet – [There is] no mosque and never will be*).<sup>31</sup> His competitors from A Just Russia Party immediately took the case to court, requesting that Gavshin be banned from the elections, but to no avail (though Gavshin lost the election anyway). However, United Russia made some revealing comments on the scandal. They claimed that the leaflet was not xenophobic, but rather it was a response to A Just Russia’s allegation that ‘Gavshin, if elected, would build a mosque and give all offices in the local administration to non-Russians.’ This example from Kalach-on-the-Don reveals that both pro-presidential parties tried to appeal to voters’ xenophobic sentiments in their competition for local offices.

## The expansion of nationalism into public life

### Activities of pro-Kremlin youth groups

Since Russian society does not regard the activities of pro-Kremlin groups as independent initiatives, people perceive their anti-immigrant and other xenophobic actions and publications as part of a populist trend in public policy.

In 2009, pro-Kremlin youth groups continued their attempts – initiated in 2007 and 2008 – to adopt ultra-right slogans. Such attempts were controversial and in some cases even scandalous, which seems to have forced the leaders of such groups to adjust their policies in the first half of 2009.

<sup>30</sup> ‘Armiane ne slomili soiuza desantnikov’, *Ruzskie vesti Novyi Den* (Moscow region), 9 October 2009, № 7 (45) (SOVA Center archives); ‘Redaktsiia gazet vneseny pis'mennye preduprezhdeniia’, available on the Roskomnadzor Office for Moscow and Moscow region official website, 21 October 2009 (<http://77.rsoc.ru/news/news6642.htm>).

<sup>31</sup> Mariia Churakova, ‘Ne podelili Kalach: Edinorossy i spravorossy skhvatilis’ za glavny raiona’, *Kommersant* (Volgograd), 24 June 2009. (<http://www.kommersant.ru/doc-y.aspx?DocsID=1192237>).



The first of these scandals erupted in February when MGER's official portal published an article about Holocaust denial. Its author was Nikita Tomilin, a well-known ultra-right activist who had joined MGER<sup>32</sup> and had already published a few explicitly xenophobic articles on the same website in support of Young Guards' anti-immigrant campaign *Our Money for Our People*.<sup>33</sup> Tomilin's 'revisionist' position was clearly shared by a few MGER's activists, because comments supporting and justifying his position continued to appear on the website over several days, until the article about the Holocaust and the entire discussion around it were removed from the website.

The *Our Money to Our People* campaign came to a halt in early 2009, although it was not officially abandoned. Moreover, in March 2009 MGER's activists announced that they were prepared to continue their cooperation with the Federal Migration Service.<sup>34</sup> The last burst of campaign activity was reported on 19 January, when the Young Guards held anti-migrant pickets at railway stations in a number of cities, meeting trains from Central Asia with posters that read, among other things *Illegal [migrant] = Thief*. The campaign's first announcement back in the autumn of 2008 called for all labor migrants to be expelled from Russia regardless of their status (some anti-fascists attempted to protest against MGER's campaign in Moscow, but were dispersed by police).<sup>35</sup>

The second scandal erupted in Khabarovsk after the prosecutor's office paid attention to the activities of MGER's local chapter. Back in 2008, MGER attempted to disrupt a festival of Indian culture by distributing anti-Krishna leaflets which we consider extremely xenophobic. The proceedings to find the leaflets extremist are ongoing,<sup>36</sup> but MGER faced other consequences as well. Firstly, their chapter in Khabarovsk received what we believe was a totally appropriate anti-extremist warning from the prosecutor. And secondly, a criminal

<sup>32</sup> He gave two reasons for joining MGER: career opportunities and use of semi-official channels for ultra-right propaganda.

<sup>33</sup> Tomilin's texts supporting the campaign emphasized the difference between 'migrants' and '[ethnic] Russians'. It should be noted that his were probably the only articles about the campaign published by MGER.

<sup>34</sup> MGER i FMS: 'Nashi den'gi – nashim liudiam!', available on MGER's official website, 15 March 2009 (<http://www.molgvardia.ru/groupchanges/2009/03/15/5089>).

<sup>35</sup> 'Nashi den'gi – nashim liudiam!', available on MGER's official website, 1 November 2008 (<http://www.molgvardia.ru/nextday/2008/11/01/2522>).

<sup>36</sup> The leaflet was deemed extremist and added to the Federal list of banned extremist materials, but the decision was then reversed and the leaflet delisted. The decision to delist it was appealed. See 'Listovki MGER v zakone?' 2 December 2009. Available from the SOVA Center website (<http://xeno.sova-center.ru/45A2A1E/E1CA054>).

investigation was opened into their xenophobic messages and revealed that some MGER members in Khabarovsk also belonged to ultra-right organizations.

In the autumn of 2009, the Nashi Movement attempted to steal the Russian March brand. Their idea was to hold a non-xenophobic rally under the same name as an alternative to the ultra-right action. But the outcome was not as intended. Anti-fascist activists expressed their outrage at a pro-government group's attempt to legitimize the Russian March, while the ultra-right were jubilant, since the Russian March organized by Nashi was perceived as recognition that ethnic nationalism has significant public support. Besides, the ultra-right expected to take advantage of the artificially massive pro-Kremlin event. To avoid further scandal, Nashi renamed the rally *Everyone is [one of] our own* (*Vse Svoi*), and the rally was advertised in the media under this name (although ultimately a Russian March banner was displayed on the stage alongside a *Vse Svoi* banner). They received little media publicity however, and could not compete with the DPNI and Russian Image events.

The Locals movement (*Mestnye*) did not stop their anti-migrant campaigning outside Moscow, even though their activities had triggered numerous complaints to the prosecutor who was urged to prosecute their activists specifically for racism.<sup>37</sup> In 2009, all references to their xenophobic campaigns were removed from the Locals' official website.<sup>38</sup> All reports of their campaigns have been moved to blogs set up to cover their anti-migrant projects. The content of these blogs is virtually the same as the DPNI's news feed: they selectively publish only those crime reports which mention the offender's presumed ethnicity.

The Locals did not refer to the DPNI as their ally; however, they mentioned Russian Image as their sole media partner in one of their 'patriotic' projects designed to oppose '*latent forms of customs inconsistent with the traditions of our [meaning ethnic Russian – G.K.] people.*'<sup>39</sup>

Due to the past years' scandals, the Locals now conduct their anti-migrant campaigning using less explicit symbols whose xenophobic meaning is not obvious unless one knows the context. Their banners, for example, reproduce a famous racist election poster of the Swiss People's Party, featuring three white sheep kicking a black sheep off the Swiss flag. Their anti-migrant stickers portray a fantasy war against aggressive space monsters (apparently representing illegal

<sup>37</sup> For example, after the Locals' first campaign in 2007, the Moscow City Duma Speaker Vladimir Platonov filed a complaint with the prosecutor, but soon withdrew it. See 'Pravozashchitniki trebuiut vozбудit 'ugolovnoe delo v svyazi s antimigrantskoi aktsiei' Mestnykh', 26 June 2007. Available from the SOVA Center website (<http://xeno.sova-center.ru/45A2A1E/968951A>).

<sup>38</sup> Reports of past years' campaigns can be found on the website using search engines.

<sup>39</sup> However, the project launched in late October was stopped by early December.

immigrants). These stickers first appeared in Moscow in December 2009 and triggered yet another complaint to the prosecutor's office, this time filed by the Yabloko Party.<sup>40</sup>

### Xenophobic rhetoric of law enforcement agents

Certain statements made by government officials legitimize xenophobia to an even greater extent than the campaigns of pro-Kremlin youth groups. In 2009, such statements were made by law enforcement officers in particular. We have repeatedly emphasized that we do not find most such statements made by police and other security officers to be ideologically motivated; instead, we believe that they reflect a lack of competence and thought. However, this does not cancel out their negative impact.

Many statements were in line with the anti-immigrant campaign begun in October 2008 in connection with the economic crisis. Some of the 'law enforcement experts' making such statements – for example, the Chief of the Russian Border Service Major-General Valentin Letunovskii – were not in a position to discuss general crime statistics.<sup>41</sup>

Some indications that the intensity of xenophobic rhetoric might eventually decrease appeared in the early months of 2009, when spokesmen of law enforcement agencies (mainly the FMS) began to criticize inappropriate crime reporting in the media and to remind the public that the proportion of crimes committed by foreigners in Russia does not exceed 3-4% of the total. But the change of rhetoric was neither sustained nor consistent.

A media interview with the Prosecutorial Investigative Committee Chief Alexander Bastrykin may be described as the peak of anti-immigrant rhetoric heard from law enforcement officials. The interview, given in May, was subsequently reproduced by the Russian media on numerous occasions. In his interview Bastrykin referred to isolated and apparently exotic criminal episodes involving foreign nationals in Russia, but presented them as a coherent, dynamic, and almost apocalyptic picture of 'migrant crime'.<sup>42</sup> Since the summer of 2009,

<sup>40</sup> 'Yabloko "trebuet vozбудit' ugovnoe delo v otnoshenii dvizhenii" Mestnye', available on TsentrInform, 4 December 2009 ([http://www.cinform.ru/index.php?ids=121&sub\\_id=23934](http://www.cinform.ru/index.php?ids=121&sub_id=23934)).

<sup>41</sup> 'Pogranichnyi triller: snova o migrantakh', 10 September 2009. Available from the SOVA Center website (<http://xeno.sova-center.ru/45A29F2/BAF7905>).

<sup>42</sup> Aleksei Ovchinnikov, Aleksandr Bastrykin, 'Bezrobotnye gastarbaitery ob' ediniautsia v bandy!' *Komsomol'skaia pravda*, 21 May 2009 ([kuban.kp.ru/daily/24297.4/491818](http://kuban.kp.ru/daily/24297.4/491818)); Dmitrii Babich, 'Migratsiia: son statistiki rozhdaet chudovishch', RIAN, 6 June 2009 ([/ www.rian.ru/authors/20090610/173924326.html](http://www.rian.ru/authors/20090610/173924326.html)).

however, there has been less anti-immigrant rhetoric from law enforcement agencies.

As a separate case, we should mention anti-Roma campaigns initiated and encouraged by law enforcement agencies in several Russian regions. In May a series of anti-Roma publications appeared simultaneously with a media campaign announcing the opening of a regional Center for Drug Trafficking Analysis (a subdivision of the Drug Control Office) in Rostov Oblast. In November, police departments in Kirov and Moscow regions issued formal statements that explicitly linked fraud with the Roma community.<sup>43</sup> In Kirov, these statements triggered an outburst of anti-Roma propaganda in the media.<sup>44</sup>

### Other developments

As always, instances of direct communication or cooperation between government agencies and ultra-right activists or of well-known xenophobes being appointed to high-status (even if formally non-governmental) positions continue to attract public attention.

Unfortunately, it is fairly common for the ultra-right to offer their services to the State as volunteer constabulary (*druzhinniki*). It is almost impossible to tell when ultra-right activists serve as volunteer patrolmen whether they have volunteered as private individuals. But sometimes this type of cooperation is formalized. Rubezh Severa, for example, an ultra-right organization in the Komi Republic, announced their intention to patrol the streets of the regional capital Syktyvkar in late June 2009, following their conclusion of an agreement with the local authorities.

The Moscow police's plan to set up a 'youth' section within their Public Council and include, amongst others, representatives of openly neo-Nazi groups such as SS, aroused strong public feelings, which may have been the reason why the plan was eventually shelved.

Xenophobic (particularly antisemitic) textbook scandals are occasionally reported. In 2009, the textbook in question was Vassilii Drozhzhin's *History of the Domestic State and Law 1985-1991 (Istoriia Otechestvennogo gosudarstva i prava 1985-1991 g.g.)*, which was being used by the Ministry of the Interior University in St Petersburg.

<sup>43</sup> 'Bud'te vnimatel'ny i osmotritel'ny!' The Kirov region Department of the Interior official website, 6 November 2009 (<http://www.uvd.kirov.ru/news/detail.php?ID=81223>); 'Tsygane s pomoshch'iu gipnoza zastavliaiut otdavat' im den'gi', The Moscow region Department of the Interior official website, 23 November 2009 ([http://www.guvdmo.ru/relez.23.11.2009\\_8.html](http://www.guvdmo.ru/relez.23.11.2009_8.html)).

<sup>44</sup> A short outburst of anti-Roma publications was also reported in Buryatia in March 2009, but there are no indications that the campaign might have been encouraged by the police.

In some cases, government officials either provoke aggressive outbursts by their careless conduct or even take part in attacks. After the mayor of Zlatoust (Chelyabinsk region) verbally attacked Jehovah's Witnesses, there were repeated attacks by vandals on the Witnesses' local Kingdom Hall. In Novocherkassk, the Deputy Head of the City Administration Demchenko personally participated in the storming of a building owned by the Witnesses.

But, of course, the most scandalous episode in 2009 was the cooperation between the ultra-right Russian Image and State Duma MP and Young Russia leader Maksim Mishchenko. After a radical change of Russian parliament membership, he remained the only federal-level politician who did not hide his connections with the ultra-right and openly lobbied for RO's initiatives.<sup>45</sup> However, the broader public paid attention to this cooperation only after certain RO's activists became suspects in the murder of Stanislav Markelov and Anastasiia Baburova. In November 2009 Young Russia's office was attacked by radical anti-fascists, who justified their attack by referring to contacts between the Young Russia leader and the 'fascists' (the attackers erroneously assumed that Young Russia's office hosted some kind of reception desk for RO). Mishchenko broke off his public contacts with RO in mid-November.

## Counteraction to radical nationalism

### Criminal proceedings

#### Violence

In 2009 there were no fewer than 45 successful prosecutions for violent crimes in which hate was recognized as an aggravating circumstance (in 2008 there were at least 35), in 25 Russian regions.<sup>46</sup> A total of 135 persons were convicted in these proceedings (compared to 118 in 2008).<sup>47</sup> Clearly, the authorities have stepped up their efforts to suppress violent racist crimes.

The following punishments were allocated:

- Five persons avoided punishment following conciliation of the parties;
- Three were released from punishment because the statute of limitations had expired;
- 28 received suspended sentences without additional sanctions;

<sup>45</sup> We emphasize that we refer here to open, public cooperation, with plenty of evidence available.

<sup>46</sup> 'Khronika obvinitel'nykh prigovorov za nasilie, v kotorykh priznan rasistskii motiv', 24 December 2009. Available on the SOVA Center website (<http://xeno.sova-center.ru/29481C8/E1AEC47>).

<sup>47</sup> However, we note that not all of them took the hate motive into account.

- Ten were sentenced to correctional work;
- One person was referred for compulsory treatment;
- Nine people received a custodial sentence of two to three years;
- 23 people received three to five years;
- 30 people received five to ten years;
- Nine people received ten to 15 years;
- Three people received 17 to 19 years;
- One person was sentenced to 23 years.

We do not know the length of custodial sentences handed down to some defendants in three trials involving many defendants. In the first trial, four persons were sentenced to terms ranging from 7.5 to 11 years; in the second trial, six people were sentenced to terms ranging from 3.5 to 10 years; and in the third trial, four people were sentenced to terms ranging from 14 to 17 years.

Our analysis of successful prosecutions reveals the following. Firstly, the proportion of suspended sentences without additional sanctions had dropped (albeit modestly). In 2009, 21% of the total number of all convicted persons received suspended sentences, compared to 25% in 2008. In some cases, suspended sentences for racist offenses were appropriate. We refer to trials with multiple defendants, in which some defendants agreed to cooperate with the investigation, which makes it impossible for them to return to the ultra-right scene later on. The case of the Wolves of Odin group in Barnaul is one such example. It was one of the few trials outside Moscow and St Petersburg where charges were brought against a group of seven people accused of serious crimes (murder, grievous bodily harm). Five of the seven defendants received custodial sentences ranging between 9.5 and 23 years, and the remaining two members of the group received suspended sentences, publicly explained by their cooperation with the investigation.

In other cases, however, suspended sentences for perpetrators of violent racist crimes foster a sense of impunity and rarely prevent perpetrators from breaking the law, since their violence is driven by ideology rather than momentary impulse. In 2006, a series of trials of the neo-Nazi Alexander Krinitsyn in Izhevsk illustrated how ineffective suspended sentences are in cases of ideologically motivated crime. Back in 2007 he received a suspended sentence for repeated vandalism against a Jewish cultural center in the capital of Udmurtia. In February 2009 he violently assaulted a young female anti-fascist activist. Nevertheless, law enforcement agencies in Izhevsk did not arrest the man (who, according to some sources, had given false victim and witness testimonies in cases fabricated against local anti-fascists). The investigation was fairly prompt, and by May his trial entered the final phase. Krinitsyn was detained towards the end of the proceedings against him (the reasons for his arrest at this stage are

unclear: either the court was concerned that the defendant might try to escape, or his detention was a preventative measure to keep him from participating in the Day of Wrath expected on 5 May). His arrest accidentally prevented a worse crime: the defendant, apparently certain of his immunity, had been preparing for a bomb attack and testing (unsuccessfully) a homemade bomb.

Another positive development was that fewer cases relied on article 282 to establish a racist motive in violent crimes. In fact, this has become a sustained trend over a few years. Thus, in only four of the 45 successful prosecutions (that is, 9%) was article 282 used. In 2008, article 282 was used in 22% of successful prosecutions for violent crime, and in previous years this has wavered between 30% and 50%. This shows a clear improvement in the way in which charges are being brought against perpetrators of violent crimes; law enforcement agencies are using the specific penalty enhancement of hatred in other Criminal Code articles to take into account the racist motives of the crimes.

Unfortunately, the legal literacy of the public lags far behind; therefore, charges which are appropriately brought often come under unwarranted criticism from those who believe that there is only one 'anti-racist' (or 'anti-fascist') article 282. In 2009, the Black Hawks case was a striking example of public misunderstanding leading to dissatisfaction with the charges brought and to unfair criticism of the law enforcement agencies. The Black Hawks were a group of young Azeri nationalists who had attacked young people of Slavic appearance. Seven members of the group faced charges for an attack committed in 2008; each of them was charged with a racist crime (one member of the group was accused of causing grievous bodily harm out of hate motives, and the rest were accused of racist hooliganism). Unfortunately, the law enforcement officials and mass media failed to explain to the public that the charges did, in fact, take into account the racist component. This lack of explanation allowed ultra-right groups (notably the DPNI and SS) to organize a massive and successful media campaign accusing the law enforcement and judicial systems of double standards, namely of allegedly lenient treatment of 'people from the Caucasus' as opposed to 'Russians'. This, however, did not affect the court's decision, and six members of the group were sentenced to various prison terms.<sup>48</sup>

Moscow had the highest number of successful prosecutions for racist violence: seven trials resulted in guilty verdicts for 35 people, including groups of serial killers, specifically some of the members of Arthur Ryno's gang (four persons, two killings and two attempted killings), and a gang led by Evgeniia Zhikhareva and Il'ia Shutko (ten persons, at least four attacks). Although we have

<sup>48</sup> The seventh defendant in this case, Rasul Khalilov, was killed on 3 September 2009 on his way to a trial hearing. We are almost certain that neo-Nazis were involved in the murder.

not observed an increase in the number of successful prosecutions in Moscow (in 2008 seven trials resulted in the conviction of 40 people), it must be remembered that although the majority of particularly dangerous gangs were arrested in 2008 and in 2009, investigation of such cases usually takes time, and we expect more proceedings against multiple defendants to take place in the future. The example of Moscow reveals that effective suppression of violent crime takes more than just the sheer number of prosecutions and also requires adequate penalties for crimes: only four of the 35 defendants in Moscow received suspended sentences, including three who had clearly cooperated with the investigation.

Nizhnii Novgorod region offers a contrasting example. The number of successful prosecutions has been growing, and in 2009 four trials resulted in the conviction of 13 people for racist attacks and killings (compared to one trial each in 2008 and 2007). Nevertheless, Nizhnii Novgorod region appears to be more lenient than other regions towards neo-Nazis and racists: in 2007 and 2008 they received suspended sentences, and in 2009 five of the 13 convicted persons received suspended sentences, while two others received non-custodial sentences and one person received a custodial sentence only because he had been convicted and received a suspended sentence before. Is it any wonder that Nizhnii Novgorod has had the highest rates of racist violence for years? Just one trial in Nizhnii Novgorod in September 2009 resulted in really tough sentences, when the killers of a student from Tajikistan were sentenced to 15 and 9.5 years in prison, respectively.

Unfortunately, prosecutions in 2009 did not reflect an appropriate law enforcement response to increasingly common cases of racist and mercenary motives combined. Only two of the 45 sentences (in Moscow and Vladimir region) took into account a mercenary motive alongside a hate motive (article 161, robbery), compared to nine sentences which took into account mercenary motives in 2008. Meanwhile robbery as a means of disguising the real motive of the crime is increasingly promoted in numerous 'instructions' distributed by the ultra-right. The main reason why it is promoted is not the severity of potential future punishment, but the expectation amongst the ultra-right that a mercenary crime will not be investigated as actively as a racist crime.

In some cases the victim may be attacked specifically with the aim of robbery, but singled out for attack because of his or her race. This crime is also a hate crime. Sometimes ultra-right offenders insist on the racist motives of their crime, but the investigation and the court choose not to take the hate motive into account.<sup>49</sup> This was the case with a series of robberies committed in mobile phone

<sup>49</sup> See more on the neo-Nazis' observed change of behavior in: G. Kozhevnikova, 'Radical nationalism in Russia in 2008, and efforts to counteract it'.



shops in St Petersburg and Leningrad region in 2005 and 2006. The gang leader, former mixed martial arts fighter Viacheslav Datsik ('Red Tarzan') expressly stated that ethnic hatred had determined his choice of targets (he robbed only those shops which he believed to be owned by 'non-Russians'). The prosecution, however, did not assess his crime in terms of hate motives. The court found him mentally incompetent anyway, and in October 2009 he was committed to a high-security psychiatric clinic.

Despite the fact that an increasing number of crimes perpetrated by organized neo-Nazi groups come before the court, use of article 2821 (organization of an extremist community) has not increased. As far as we know, this article was used in only three prosecutions in 2009 (in the Wolves of Odin case in Altai, the prosecution of a group of Nazi-skinheads in Orenburg, and a 'propaganda' case involving leaders of the Khabarovsk Union of Russian People (*Soiuz russkogo naroda*, SRN). In 2008 this article was used in six sentences delivered by courts. Why prosecutors avoid using this article when bringing charges in the first place is unclear, as is why charges of extremist organizing tend to fall apart in court (there have been a few such cases).

Finally, the denial of hate motives in explicitly racist crimes is still common, judging by the data available to us, but since we are unaware of many other cases where the hate motive was denied (because we often learn about the crime from the verdict, rather than vice versa), it is difficult to estimate the actual incidence of such cases.

However, our analysis of available data makes it possible to highlight some characteristics of such proceedings.

Firstly, denial of the hate motive is more typical of cases where the perpetrators are neither a large group, nor members of a racist gang (particularly in some regions having little or no experience with this type of proceedings). In 2009, for example, a court in Yaroslavl considered a case involving the killing of a native of Tajikistan on a bus on 1 January 2009.<sup>50</sup> The motive for the fatal attack was that the assailant and his companion did not like hearing natives of Tajikistan talk in their native language whilst on a public bus. Moreover, the offender had a previous conviction for assaulting an African. Nevertheless, the court found that the killing was caused by 'hooliganism' rather than racism.

Secondly, investigators and judges continue to be confused by the fact that victims often do not identify themselves with the group targeted by the attackers. A court in Krasnoyarsk did not find a hate motive in the case of hazing in the

<sup>50</sup> We are aware of only three anti-racist trials in Yaroslavl region: in 2006 two-Nazi skinheads were sentenced for vandalizing a mosque; in 2007 a man was sentenced for threatening to kill out of hatred, and in 2008 a man was sentenced for beating a young Armenian girl.

army, for example, which resulted in conscripts from North Ossetia committing suicide. On 29 November 2008, two Russian conscripts jumped from a train to escape bullying at the hands of fellow-servicemen – Ossetians. The investigation revealed that there were at least three victims of hazing, and a hate motive was not taken into account precisely because the third victim was Ossetian, rather than Russian. It is clear from the case file that the perpetrators did not consider him Ossetian; they beat him and forced him to admit that he was Tajik. However, the prosecution brought charges for 'hazing in the military with grave consequences' (part 3 of article 335 of the Criminal Code).

Finally, a decision on whether or not the perpetrators have acted out of racist motives is often delegated to external experts. In 2009, the most striking and outrageous example was an attack committed in February against two teenagers who looked like natives of the Caucasus. The attackers yelled 'Beat the Khach!' [an offensive term for natives of the Caucasus] etc., and the investigator requested the opinion of a linguist, even though this was clearly unnecessary. The linguistic expert was instructed to analyze the phrase, but not the circumstances of the case, and stated that the phrase may have a number of different meanings, including some which are not xenophobic, depending on the context of its use. This expert opinion resulted in the case being considered without the hate motive. It was only after a media scandal that the Prosecutorial Investigative Committee requested the case file from the police investigators for review (but again, they ordered a new, comprehensive expert opinion rather than rely on common sense).

### Vandalism

Successful prosecution of vandalism using articles 214 ('vandalism') and 244 ('desecration of the dead and their burial grounds'), taking into account the hate motive, is slowly growing. In 2009 successful prosecutions were completed in Moscow, Ivanovo region, Moscow region, Sverdlovsk region, and Krasnoyarsk krai.<sup>51</sup> Even though the number of appropriate sentences remains ridiculously low compared to the incidence of vandalism, this represents the maximum rate of prosecution since these articles have been used (in 2008 and 2007 there were just two successful prosecutions each year).

The number of sentenced offenders and the practice of punishment for these crimes are still too limited to identify trends. Six people were convicted in these proceedings: three of them received suspended sentences without additional

<sup>51</sup> See the list of sentences in: 'Chronicle of the Guilty Verdicts for Hate Motivated Vandalism 2009', 4 January 2010. Available on the SOVA Center website (<http://xeno.sova-center.ru/6BA2468/6BB4208/E2985E5>). Russian original posted 24 December 2009.



sanctions, and one received a custodial sentence because he had already been given a suspended sentence for extortion. The remaining two received (in our view, quite appropriate) custodial sentences: a Satanist was convicted in Ekaterinburg for having vandalized a cemetery at least three times, and a graffitist was sentenced in Achinsk for attempts to provoke anti-Caucasian sentiments (in 2008 the young man vandalized the Alley of Glory commemorating World War II veterans and painted anti-Russian slogans, ostensibly on behalf of nationalists from the Caucasus, on the walls of buildings).

### Propaganda

While noting an improvement in the prosecution of racist violence and xenophobic vandalism, we have not observed any progress in the prosecution of xenophobic propaganda.

In 2009 there were a total of 45 successful (and in our opinion, appropriate) prosecutions for xenophobic propaganda (35 under article 282, seven under article 280, and further three under both articles of the Criminal Code), compared to 49 successful prosecutions in 2008.<sup>52</sup> A total of 57 people were convicted in trials across 27 Russian regions.

The following punishments were allocated:

- Two were released without punishment because the statute of limitations had expired;
- 24 received suspended sentences without additional sanctions;
- 17 people were sentenced to correctional labor;
- Nine people were sentenced to fines;
- Five people received custodial sentences ranging from three to six years, but in all cases the defendants had previously been convicted and received suspended sentences;
- A further two were relieved of criminal responsibility, because they were too young.

This sentencing reveals that by 2009 the authorities had virtually stopped sending people to prison for propaganda.<sup>53</sup> In 2007 it was 29%. We particularly note the suspended sentences issued for public calls to extremist activity (almost 60% of all sentences for this offense).

<sup>52</sup> See the list of sentences in: 'Chronicle of the Guilty Verdicts for Hate Motivated Vandalism 2009'.

<sup>53</sup> We emphasize that this is only true for prosecutions which we consider well-founded, in contrast to political persecution. We refer to Irek Murtazin who was unfairly sentenced to an excessively severe penalty of one year and nine months in a settlement colony (his sentence came into effect on 15 January 2009, after an unsuccessful appeal).

Secondly, the allocation of penalties is somewhat striking. Many people (23 people out of 57) were prosecuted for graffiti (other than desecration of religious buildings), flyers and posts on web forums and blogs, i.e. for minor offenses; however, only six of these 23 received suspended sentences without additional sanctions. The others were sentenced to harsher punishments, although not custodial.

In contrast, many high-profile racist ideologists and propagandists who systematically engage in hate propaganda or engage in particularly dangerous forms of propaganda, such as public calls to violence, are consistently given suspended sentences without additional sanctions. Thus, in 2009, criminal proceedings were brought against DPNI leader Alexander Belov, regional DPNI leaders in Yakutia (Sergei Iurkov), Kursk (Sofia Budnikova), and the leader of a neo-pagan community in Omsk Alexander Khinevich,<sup>54</sup> SRN leaders in Khabarovsk Pavel Onoprienko and Sergei Chulkin, leader of the Slavic Union of the Far East A. Komarov, newspaper editors-in-chief Iurii Mukhin (*Duel*), Alexander Iaremenko (*Russkoe Zabaikal'e*), and Anatolii Bragin (*Russkaia pravda*). Of these, only Bragin and one of the Khabarovsk racists were sentenced to real punishments, while the others got away with suspended sentences. While whether some of these sentences were adequate or too lenient is debatable (for example, the sentence handed down to Alexander Belov),<sup>55</sup> some punishments clearly did not match the gravity of the crime. This primarily concerns the case of S. Iurkov, leader of the Russian Community in Yakutia, prosecuted for organizing the distribution of anti-migrant leaflets in a situation fraught with ethnic riots (however, members of the organization who physically distributed the leaflets received custodial sentences in 2008).

On the other hand, as long as the authorities find it necessary to prosecute this type of offender anyway, why let them get away without punishment, even a non-custodial one? A suspended sentence, as we have noted on many occasions, can only stop accidental offenders, rather than those who consistently and by choice engage in a certain type of criminal activity and accept the associated risks; the majority of convicted ultra-right offenders belong to the latter category. The only practical purpose for issuing them with suspended sentences may be to intimidate them into refraining from political activism, but this purpose is political rather than legal.

<sup>54</sup> Under article 2822 of the Criminal Code ('leading an organization recognized by the court to be extremist').

<sup>55</sup> See: Galina Kozhevnikova, 'The Spring of 2009: from Racist Killings to Political Terror', 29 July 2009 Available on the SOVA Center website (<http://xeno.sova-center.ru/6BA2468/6BB4208/D57F483>). Russian original posted 24 June 2009.

## Civil and administrative proceedings

We consider two civil lawsuits in Izhevsk, which ended in the summer of 2009 with awards of compensation to victims of neo-Nazi attacks, to be among the most important developments of the past year. The killers of Izhevsk skater Stanislav Korepanov were ordered by the court to pay his mother a million rubles, and Alexander Krinitsyn, charged with beating a young anti-fascist activist, was ordered to pay her 30 thousand rubles.

These were clearly not the first awards of damages to victims, but they were the first to be widely covered by the mass media: usually, pecuniary awards are ignored by a media focused in their reporting on the length of custodial sentences. On the other hand, these were perhaps the first civil proceedings in racist violence cases. Whatever the reason, we deem both the proceedings and the publicity they received extremely important – and not only because the victims are entitled to compensation for moral and physical damage. Another important point is that pecuniary awards are likely to undermine financial aid to ultra-right offenders. It is one thing to raise money to help a ‘comrade-in-arms’ and quite another to fundraise for payments to the victim. In addition, the financial obligations of the convicted person to the injured party make it difficult for them to be released on parole, and impose certain restrictions once they are released.

Yet another landmark judgment was issued by a magistrates court in Novgorod region in August 2009. The court not only fined a local resident under article 20.3 of the Administrative Code (‘public display of Nazi paraphernalia or symbols’) for a Nazi tattoo on the outside of his palm, but also ordered him to have the offensive tattoo removed.

Administrative penalties under article 20.3 of the Administrative Code are not uncommon, although we may only hear about some of them and not others. Usually they include sanctions for selling Nazi paraphernalia and objects marked with swastikas (in 2009 we know of at least 11 cases before courts), or for distributing books banned as extremist (at least six judgments). A few times each year, courts impose fines for Nazi tattoos (we are aware of four such rulings in 2009), but the problem is that the owner of an offensive tattoo may pay a fine, but keep the tattoo and thus continue committing the offense. Apparently, the magistrates court in Novgorod found a better solution, and we would like to see this practice adopted on a larger scale.

In 2009, two newspapers were closed as part of anti-extremist enforcement; such cases are fairly rare. On 19 May 2009 *Duel* was closed after a series of anti-extremist warnings, but its editors immediately re-registered the paper under a new name, *To the barrier* (*K Barieru*). Before the end of 2009 the new paper received two well-deserved anti-extremist warnings from the Federal Service

for Supervision in the Sphere of Communications, Information Technology and Mass Communications, and the latter has already filed a new request to liquidate the paper.

On 9 July 2009, the Chita regional court ordered the closure of *Russian Baikal* (*Russkoe Zabaikal'e*) for repeated publication of extremist materials.

In 2009, attempts were made to close two more publications: *Memory-Novosibirsk* (*Pamiat'-Novosibirsk*) and *Truth of Khakasia* (*Pravda Khakasii*, the mouthpiece of the local Communist Party), but the papers successfully challenged the rulings, in the Russian Supreme Court and in the Supreme Court of Khakasia respectively.

It should be noted that despite the many concerns over easy procedures for closing anti-extremist media, repressive practices in this sector of law enforcement (regardless of legitimacy) have not expanded, which is positive.

In contrast, the anti-extremist warnings issued to the media by the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications were clearly less effective and legitimate than in 2008. In total, the agency issued 33 warnings in 2009 (compared to 28 in 2008). However, we find at least 15 warnings issued in 2009 illegitimate, as opposed to six in 2008.<sup>56</sup>

The prosecutor's office continued to issue anti-extremist warnings and to pursue other anti-extremist sanctions. However, once again we cannot understand what exactly regional prosecutors mean when they report having issued dozens and hundreds of such documents. There is one positive development worthy of note, namely the fact that prosecutors increasingly reprimand municipal administrations and services for failure to remove Nazi graffiti. As a result, municipal services have recently been doing a better job of removing swastikas from the streets.

## The federal list of extremist materials

In 2009 the federal list of extremist materials was updated 36 times and grew from 301 to 467 items.<sup>57</sup> Unfortunately, it is impossible to assess the total number of materials listed, since certain items consist of long lists of texts or other types of media (video, CD) beyond identification. We can only say, therefore, that by end of 2009 there were 467 items on the list, and one of these items was eventually delisted (see below).

<sup>56</sup> See details in: ‘Spisok preduprezhdenii Roskomnadzora za 2009 god’, 29 December 2009. Available on the SOVA Center website (<http://xeno.sova-center.ru/29481C8/E2197F6>).

<sup>57</sup> Just one item was added to the federal list of extremist organizations in 2009, namely Tablighi Jamaat, but we consider the ban of this organization unlawful.

12% of the 166 items added to the list in 2009 were Islamic materials, mostly from the banned Hizb ut-Tahrir party (in 2008 they accounted for 37% of all items); 19% of new items were from leftist organizations and the political opposition, and also historical monographs or materials which we failed to identify even approximately (in 2008 these constituted 17% of listed materials); 52% were xenophobic and neo-Nazi materials (in 2008 these made up 45% of the list), and 17% were published by North Caucasus (especially Chechen) separatists (this new category of materials first appeared on the list in 2009). A larger proportion of neo-Nazi materials than the previous year, and a dramatic decrease in the share of Islamic materials on the list, are consistent with recent enforcement practices. Most materials were banned and listed after being seized from suspects in criminal proceedings; recently there have been more proceedings relating to racist attacks and significantly less relating to Hizb ut-Tahrir membership than before.

Overall, by the end of 2009 about one third (32%) of the federal list was made up of Muslim materials; 7% were materials seized from separatists from the Caucasus (mainly Chechens). Yet another 15% were materials removed from the National Bolshevik Party, leftist organizations, opposition activists, plus historical monographs and materials where the content is unknown and their titles offer no clue whatsoever as to why a court decided to ban them. The remaining 46% were texts and other materials of a neo-Nazi, racist and xenophobic nature.

None of the technical problems noted in 2007 and 2008 were solved in 2009. Moreover, we are unsure whether there have been any attempts made to solve these problems. The only relevant discussion we know of was a round table in Moscow on 25 February 2009 under the auspices of the State Public Historical Library, since libraries are increasingly and unfairly affected by anti-extremist enforcement.

Meanwhile, the quality of the list continues to deteriorate, due both to growing duplications (15 items were listed twice, and one was listed three times by the end of 2009), and to items that cannot be identified.

A scandal broke out in summer precisely because of the list's poor quality; specifically, the problem was with item 414, which contains an unsystematic list of titles apparently seized from some Nazi-skinheads during a search, and including a certain 'flag with a cross' with no additional description. Since flags with crosses are fairly common in Russia and include some official flags, the Ordzhonikidze court in Ufa (in late October), and then the Ministry of Justice (in late November) corrected the description of this banned material, so that now it reads: 'a poster depicting a firing militant with a caption "Sovest 8" and members of Ku Klux Klan with a caption "YOU KNOW, WITH HOODS ON,

*SOME OF THESE GUYS COULD PASS" and a flag with a cross.*' The correction does not make the description comprehensible, but at least it no longer applies to any flag depicting a cross.

Besides problems with identification making effective enforcement impossible, we note a few other technical issues.

Firstly, the moment at which someone may be held responsible for disseminating material deemed extremist remains unexplained. It would be logical to assume that responsibility occurs from the time the court's decision enters into force.<sup>58</sup> But it often happens that the effective date of the judgment is not available,<sup>59</sup> while the materials' entry into the banned list may be delayed for periods ranging from several months to a year and a half. In particular, the materials published in *Russian Truth* (*Russkaia pravda*) and banned in December 2007 made it to the federal list on 5 August 2009. Certain books by Iurii Petukhov were found extremist even earlier – in February 2007 – but have not yet been added to the list. If responsibility begins at the time the material in question is included on the list, what about the fact that the list is officially published twice, on the Ministry of Justice's official website and in *Rossiiskaia gazeta* (*The Russian Newspaper*). The list published on the Ministry's website may be amended retrospectively without notice, including minor corrections (e.g. a few spelling and continuous numbering errors were found and corrected in 2009), alongside fundamentally important things (such as titles, details of court decisions, delisted materials, etc.) In contrast, *Rossiiskaia gazeta* does not publish anything except additions to the list.

Secondly, the need for a mechanism to withdraw an item from the list following the reversal of a ban became relevant in 2009. In 2009 courts issued at least three decisions to lift earlier bans.

In January 2009, the publishers and authors of Vladimir Istarkhov's book *The Blow of the Russian gods* (*Udar russkikh bogov*) managed to reverse, for formal reasons, the ruling of Verkh-Isetskii district court in Sverdlovsk region which had resulted in the book being included in the federal list. The regional court sent the case back for retrial, and in April 2009 Verkh-Isetskii district court dismissed, on formal grounds, the prosecutor's request to reopen the case. In April, the

<sup>58</sup> As illustrated by the Ezhaev case of 2008, where a publisher faced prosecution for publishing a book after it had been banned by a court, but before it had appeared on the federal list. See details in: Alexander Verkhovskiy, Galina Kozhevnikova, 'Inappropriate enforcement of anti-extremism legislation in Russia in 2008', in *Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2008* (Moscow: 2009), pp. 68-89.

<sup>59</sup> For example, despite SOVA's request, Verkh-Isetskii Court of Sverdlovsk region failed to confirm or deny allegations of *Udar russkikh bogov* being banned once again in December 2009.

religious group Falun Gong successfully appealed a similar court decision in respect of four items (currently, the claim is being reconsidered). In September, a MGER chapter in Khabarovsk challenged the ban of their anti-Krishna leaflet and had it reversed; the leaflet disseminated back in the summer of 2008 was found not extremist by the court of first instance, following reconsideration on 26 November 2009.

However, only MGER's leaflet was eventually removed from the list.<sup>60</sup> The other materials are still on the list, even though their bans were reversed much earlier than in the MGER case. Moreover, the Ministry of Justice formally denied Falun Gong's delisting request, explaining that delisting may occur only after the final court decision; it is known, however, that MGER's anti-Krishna leaflet was delisted before the relevant court decision came into effect. Of course, one cannot but suspect the Ministry of Justice of selective and discriminatory enforcement, given that, firstly, the leaflet belonged to a pro-Kremlin youth movement and secondly, it was endorsed by Alexander Kuzmin, a member of the Ministry of Justice Advisory Board.

And, finally it is unclear what exactly is banned: a specific publication or certain textual and/or audio-visual content contained in the publication? For example, if the second edition of a book by author X is banned and it is an exact replica of the first edition of the same book, does the ban automatically apply to the first edition?

As for our substantive criticisms of the list (other than the questionable grounds of some bans), they remain the same as before.

Firstly, we have repeatedly questioned the practice of banning those leaflets which are distributed locally and dedicated to current events (such as elections, rallies or a local conflict).<sup>61</sup> No matter how offensive the texts may be, listing them as extremist does not make sense, and any efforts to ban them look like a pretense of anti-extremist enforcement. Meanwhile, the proportion of leaflets on the list has slightly increased since 2008 from 16.5% to 20%.

Secondly, banning websites which no longer exist does not make sense either. For example, in September 2009 a website of the Nizhnii Novgorod punk movement, by then nonexistent for more than six months, was deemed extremist and later added to the federal list. It is astonishing that the URLs of banned websites are deliberately distorted when the sites are added to the list, making the ban meaningless, since it refers to a non-existing resource (yes, we understand that the Ministry of Justice is avoiding publicizing extremist content,

<sup>60</sup> The exact date of its removal from the list is not known, but we can be certain that it occurred on or before the morning of 7 December.

<sup>61</sup> G. Kozhevnikova, 'Radical nationalism in Russia in 2008, and efforts to counteract it'.

but in this case the Ministry exceeds its mandate and effectively nullifies the ban). And we find the practice of banning private posts on web forums totally absurd, however offensive they may be. Regardless of the content, they are nothing more than remarks posted in response to specific circumstances. They are clearly not intended for dissemination (while the list is about offensive content intended for wide dissemination). Such, in particular, were the two banned postings (described in the list as an *article* and *material*) on the web forum of the Slavic Union of the Far East (see items 425 and 426 of the list).

If the list is going to continue to be used, it is necessary – at the very least – to resolve some of the major problems that have emerged over the years of its existence: to establish a mechanism for delisting, to apply bibliographic standards, to establish guidelines to ensure access for researchers to banned materials, to provide clarification on when liability begins, etc.



*Alexander Verkhovsky, Olga Sibireva*

## Freedom of conscience in Russia in 2009: Restrictions and challenges

The SOVA Center for Information and Analysis presents its fourth annual report on freedom of conscience in the Russian Federation.

This report is based on data collected through the SOVA Center monitoring program. This information is presented in its entirety in the Religion in a Secular Society section ([religion.sova-center.ru](http://religion.sova-center.ru)) of our website, which includes references to media and web sources. Throughout the report, we only reference sources that are not on the website.

The developments that occurred in previous years and were presented in our previous report are not described here;<sup>1</sup> therefore some parts of this report only provide updates on relevant stories. This report does not describe in detail the past year's developments in the public religious sphere; specific events mentioned here usually serve to illustrate trends.

Issues and incidents that are believed to be related to the improper application of anti-extremist legislation are presented in a separate report.<sup>2</sup> The latter also contains a separate chapter on violations of the freedom of conscience.

### Summary

Violations of freedom of conscience which occurred during recent years also continued in 2009, particularly related to the construction and also with the preservation of religious sites, even though the situation has slightly improved in this sphere. We observed few, if any, cases in which religious organizations were inappropriately subjected to legal dissolution. But these positive develop-

<sup>1</sup> A. Verkhovsky, O. Sibireva, 'Restrictions and challenges in 2008 on freedom of conscience in Russia', in *Xenophobia, Freedom of Conscience and Anti-extremism in Russia in 2008* (Moscow: SOVA Center, 2009), pp. 43–67 (see the original version at <http://religion.sova-center.ru/publications/194EF5E/CC6D157>).

<sup>2</sup> See in this collection.

ments do not mean that the overall situation is changing for the better. On the contrary, the situation is deteriorating

There are still many cases of discrimination against certain religious minorities.

In particular, we refer to the unprecedented persecution of Jehovah's Witnesses in 2009. It is noteworthy that the traditional complaints against them, such as their ban on blood transfusions, were not a primary focus of the recent campaign. That campaign began with multiple inspections of the Witnesses' organizations across the country by various authorities and led to numerous proceedings to ban Witnesses' organizations and publications as extremist. In addition to government pressure, there has been an increasing number of attacks by private citizens against Jehovah's Witnesses. Charges of extremism were based solely on the Witnesses' declarations that their faith is the only 'true' faith. Ever since a ban on one of their regional organizations entered into force and several dozen of their publications were listed on the Federal List of Banned Extremist Materials, Jehovah's Witnesses in Russia have been under threat.

The scale of this campaign against Jehovah's Witnesses raises questions about the authorities' motives for the persecution of a large and respectable religious organization with extensive international connections. Most repressive campaigns have clear, if not formally publicized, underlying motives. For example, Muslim groups have been targeted in connection with the fight against terrorism (even though the groups' association with terrorism may be questionable or even far-fetched), and Falun Gong followers have come under pressure for the sake of good relations with China. The unusually large-scale confiscation of church buildings from the Russian Orthodox Autonomous Church (ROAC) benefits the Russian Orthodox Church (ROC). However, we do not see any obvious reasons for pressure against the Witnesses.

Some other religious groups, in particular the Scientologists, Falun Gong and also certain Muslim and Protestant groups, were subjected to less visible, but increasing, pressure of various kinds.

In many cases, they were accused of extremism without any legal justification. We now have every reason to reconfirm our last year's finding that the anti-extremist legislation has indeed become the main instrument for restrictions on freedom of conscience. This applies not only to harassment and prosecution for one's faith, but also to prosecution for blasphemy, although this trend, fortunately, has not increased.

The year 2009 was marked by significant departures from the constitutional principle of secularism, perhaps the most significant since the adoption of the Law on Freedom of Conscience in 1997, or at least since 2002, when there were stormy debates about relationships between the state and religious organisations



over the privileges accorded 'traditional religious organizations' (i.e. those representing Orthodox Christianity, Islam, Buddhism and Judaism).

President Dmitrii Medvedev, unlike his predecessor, took decisive steps to develop a closer relationship with the 'traditional' religions and, especially, the Russian Orthodox Church. Unlike Vladimir Putin's policy which was marked by symbolic gestures and financial support, in 2009 there were landmark decisions in two areas of particular importance to the Russian Orthodox Church and other leading 'traditional religions': — namely, on military chaplains and on religious instruction in schools.

Neither of the decisions per se may be described as violations of freedom of conscience. On the contrary, providing pupils with an opportunity to study religion in school could reaffirm the principle of freedom of conscience. The benefits of providing religious servicemen with chaplains are even more obvious. However, freedom of conscience depends on freedom of choice. There is reason to doubt that voluntary choice will be consistently respected in schools, and one may be certain that it will not be respected in the army. The challenge now, therefore, is to monitor the situation in schools and in the army on a regular basis.

The President's decisions brought to a new level the government's cooperation with selected religious organizations. Previously, this cooperation had been through unofficial arrangements and private agreements with certain parts of the bureaucracy, and the selection of preferred religions was not formalized other than in the 'traditional religions' rhetoric in the preface to the religion law. Now, for the first time, the 'traditional four' religions are explicitly mentioned in the Presidential decrees and other regulations. In effect, it has been established that different religions will be treated differently. The explicit acceptance of 'traditional religions' as the exclusive partners of the Russian state is perhaps the most significant move away from the principle of secularism in the entire post-Soviet period.

One may still hope, however, that the officially accepted idea of 'traditional religions' will evolve and the list of 'recognized religions' (to use the term adopted in several European countries) chosen by the state for closer formal cooperation will expand. In December 2009 the President signed a decree establishing diplomatic relations with the Vatican, which may mark the beginning of such an expansion. Yet, by formally adopting a list of 'recognized religions', the authorities implicitly discriminate against the followers of other faiths. Given the Russian history of public policies towards religion, these concerns about religious discrimination do not seem far-fetched.

The President's steps towards meeting the expectations of the 'traditional four' can be interpreted as part of a policy, which was followed on a more general level in 2009, of the careful expansion of cooperation between the Russian

government and society. If this interpretation is valid and the trend continues, we may eventually see cooperation between the government and other religious organizations as well.

But the same measures can be understood as steps towards closer relations with the Russian Orthodox Church, which usually drives engagement with the government and the main beneficiary of the results achieved. The situation with chaplains in the Russian army and, more generally, the policy of Vladimir Putin's government towards religions, exhibits this dynamic. Our primary concern is not the government's support of the Russian Orthodox Church and a few other religious organizations; instead it is the drafting of a policy framework for the continued financial support and massive transfers of property (notably, Putin had pursued a more impartial policy towards religions during his presidency). This explicit reliance on the Russian Orthodox Church and, to some extent, on the 'traditional four' religions suggests that the government may be trying to construct an official ideology. If this interpretation is correct, then, regardless of what we may think of such an ideological construction, one can expect further departures from secularism and a move towards greater religious discrimination.

## Legal regulations concerning religious organizations

In 2009, several important laws concerning religious organizations entered the approval stage.

In February, the Ministry of Economic Development announced that it was working on a bill allowing religious organizations to become owners of assets they currently use, including religious buildings, land and movable property.

The bill provides for certain restrictions on the use of such property by religious organizations once they own it. In particular, they will not be allowed to change the designation of the property or pass it on to third parties for ten years. Moreover, prior tenants who are based at the property must be satisfactorily relocated before buildings and facilities can be appropriated for religious purposes. A religious organization may not own any monument or group of monuments on the UNESCO World Heritage List.

Many real estate experts believe that the Russian Orthodox Church will be the largest private owner of property in Russia once the bill becomes law. Museum representatives are concerned that the transfer of property to religious organizations may result in the loss of many historical treasures.

On 5 January 2010, Vladimir Putin said during his meeting with Patriarch Kirill that the Ministry of Culture was drafting a bill on the restoration of religious sites of historical and artistic value owned by religious organizations. The

upcoming bill would also regulate the transfer of formerly secular buildings to religious organizations.

At the moment, however, the parliament is far from adopting either bill.

In 2009, the Ministry of Justice made a major effort to improve its 'expertise', in an apparent effort to strengthen its policies in the sphere of freedom of conscience.

On 18 February 2009, the Ministry of Justice published an executive order concerning 'theological expertise'. The document set forth a new procedure of state-led theological review and invalidated the old procedure dating back to 1998, whereby only new religious groups were subject to 'theological expert review' to determine whether they qualify as 'religious organizations' for the purpose of official registration in Russia. The new regulation significantly broadens the scope of theological review. If the member of a religious group is charged with extremism or the materials of the group are found to be extremist, Justice Ministry officials may now consult with their Expert Board in order to ascertain whether or not the group, as a whole, should be considered extremist. In principle, this kind of review is appropriate, and the involvement of experts is desirable, but the idea of testing the entire organization for 'extremism' whenever an affiliated individual commits an offense is questionable, and particularly dubious when applied to massive religious organizations such as the Russian Orthodox Church.

Equally unacceptable is the application of additional tests for religious organizations to ascertain '*whether their actual practice is consistent with the basic doctrine, forms and methods declared at official registration.*' The implication is that the Ministry of Justice, via its experts, may test religions for strict adherence to their rules and practices, e.g. determine whether a parish of the Russian Orthodox Church is guilty of heresy.

The Ministry of Justice undermined hopes for objectivity by including only representatives of 'traditional' religious organizations in the Expert Board that it set up in April. The Board is chaired by Alexander Dvorkin, President of the Russian Association for the Study of Religions and Sects, who is also known for his religious affiliation and lack of theological education, as well as for his aggressive attitudes towards many religious minorities, including Pentecostals (Dvorkin and his associates on the Board describe them collectively as 'totalitarian sects'). The appointment was met with numerous protests from religious organizations, theologians and human rights defenders; a campaign, *No to Inquisition!*, was launched under the auspices of the Institute of Religion and Law. However, the Ministry of Justice dismissed the protest as unsubstantiated and failed to find any problem with the Expert Board's attitudes.

Similar boards were set up in Tatarstan, Arkhangelsk and Yamalo-Nenetsk autonomous district.

However, in 2009 Dvorkin's board considered only one case – the registration of a Yazidi community – and gave a positive opinion. So far, the main negative effect of the new Board has been its legitimization of Dvorkin's idea of repressive control over religious practice in principle, rather than actual persecution of specific groups.

In September the Ministry of Justice also established an Academic Advisory Board to check religious materials for extremism. Members of the Advisory Board include academics and representatives of religious organizations. The board's chair is Vitalii Naumkin, director of the Institute of Oriental Studies, and his deputy is Alexander Zaluzhnyi, Professor of the National Security Department in the Russian Academy of Civil Service. The board's function is to review any materials referred by judicial and law enforcement authorities, the Ministry of Justice, individual citizens and organizations. The board then issues a non-binding, advisory opinion to be published on the Ministry of Justice website. Should the board find signs of extremism, the opinion must be forwarded to the prosecutor's office.

The Ministry of Justice established its academic board in response to numerous requests from the leaders of Russian Muslims to improve the procedure of checking religious texts for extremism. The former practice had a negative effect on freedom of conscience in general and on many Muslims in particular. It is also possible that the establishment of an academic board was designed to offset the effect of Dvorkin's board.

Incidentally, towards the end of 2009, Naumkin's board received a complaint from the Word of Life (*Slovo zhizni*) Pentecostal Church in Saratov against Alexander Kuzmin, a member of Dvorkin's board, for his 'anti-sectarian' publications.

We are not yet aware of any results of the new board's deliberations.

A few parliamentary bills were dropped.

In October yet another draft of the would-be law against missionary activity was published; the Justice Ministry had been working on the bill for a few years. This time the bill was titled 'On Amending the Federal Law on Freedom of Conscience and Religious Associations and the Russian Federation Code of Administrative Offenses'. In addition to formerly rejected provisions on 'licensing' requirements for missionaries, the new draft would bar eligibility to those individuals convicted '*for inciting ethnic and religious hatred or other extremist offenses*' to serve as founders or members of religious organizations. Given the vagueness of the term 'member of a religious organization', this would certainly

be a repressive provision. The proposed amendments were opposed by religious organizations who viewed them as a ban on dissemination of their faith. The text of the bill was eventually removed from the Ministry of Justice's website.

Once again, an attempt was made to regulate the practice of healers and clairvoyants. In January, the Moscow City Duma member Nikolai Gubenko proposed licensing their practice and setting up a professional board to distinguish real psychics from fakes. The bill was rejected.

In November, a State Duma member, Communist Boris Kashin, introduced a bill to amend the Federal Law on the Russian State Anthem. His proposal was to delete the word 'God' from the national anthem and replace the phrase 'native land that God protects' by 'native land that we protect'. He argued that the current wording '*is not consistent with the worldview*' held by the significant proportion of Russian citizens who consider themselves atheists.

We also have observed a number of regional initiatives. In October, the Legislative Assembly of the Jewish autonomous region passed a law exempting religious organizations from property tax.

In December, the regional prosecutor's office in Belgorod proposed to amend the local law on missionary activity. According to prosecutors, the current '*ambiguous interpretation of the term "representative of a religious organization" prevents the legal prosecution of people who distribute banned religious literature.*'

## Problems relating to places of worship

### Problems with the construction of religious buildings

As in previous years, many religious organizations, particularly those of Muslims, faced difficulties relating to the construction and use of religious buildings in 2009. The local administration in Perm is not permitting Muslims to build a cultural center, which includes a mosque. The bureaucrats insist on public hearings, despite the fact that the prosecutor's office has confirmed they are not necessary in this particular case. In 2009 the city initiated the construction of an Orthodox church on the site of the Boeing 737 crash. According to the Perm Mufti Khamit Galiautdinov, the decision discriminates against Muslims. The plane crash victims belonged to different faiths, but the bureaucrats only authorized the construction of a Russian Orthodox church on the site. Mufti Galiautdinov also noted that the Mayor of Perm, Igor Shubin, had promised to build more Orthodox churches and chapels in the city; however, '*no mosques, synagogues, or, say, Buddhist temples were mentioned in this regard.*'

In Ozersk, Cheliabinsk region, the city administration has refused to allocate land to Muslims for construction for three consecutive years.

The Muslim community in Orel has been requesting an official permit for a land plot in order to build a mosque since 2000. In 2009 the situation remained unchanged, and the bureaucrats continued to refuse to allocate a plot.

The Muslim community in the village of Komsomol'skoe, Chuvashia Republic, has been trying to secure a land plot for a mosque for five years. The head of the district administration advised the Muslims '*to consult with traditional religious leaders*' of the district. '*Do not forget that the village of Komsomol'skoe is an ancient Christian settlement*', he declared.

In late 2008, the administration of Novocheboksarsk took away a land plot that had been allocated to local Muslims in 2007 for the construction of a mosque. In response, the Muslim community appealed to President Dmitrii Medvedev and Prime Minister Vladimir Putin in February 2009 asking them to intervene and support the mosque construction.

Problems with the construction of mosques sometimes arise even in 'Muslim' regions. For example, ever since 2008, the construction of a mosque in Cherkessk has often been postponed. The former President of Karachai-Cherkessia, Mustafa Batdyev, promised to allocate land for mosque construction, and the mosque design was commissioned in Turkey by the Chechen President Ramzan Kadyrov. However, the construction did not begin in 2009. All prospective sites in the city center had been sold to private owners, whilst areas on the outskirts were not acceptable to the Republic's Spiritual Directorate of Muslims.

In December 2009, the Izhevsk municipal administration refused to issue a permit for construction of the Faith Working Through Love (*Vera, deistvuiushchaia liubov'iu*) Evangelical Christian church, even though construction began in 2002. All the required documents had been filed, the project had been approved at a public hearing, and the foundation and basement of the church had already been built.

In February, a group of elected politicians from the Great Hural of Tuva appealed to the Human Rights Center of the World Russian People's Council (*Vsemirnyi russkii narodnyi sobor*). They reported difficulties that had arisen in Kyzyl during the construction of an Orthodox cathedral in honor of the icon of the Mother of God of Iversk. Construction stalled in 2006 when the cathedral was 60% complete. According to the authors of the appeal, funding shortfalls were not the only problem; they also faced a negative attitude on the part of the local authorities.

### Problems relating to existing religious buildings

It is fairly rare that houses of worship are confiscated from religious groups. Therefore, seizures of churches from the Russian Orthodox Autonomous Church (ROAC) in 2009 came as a surprise.

In 2009, proceedings initiated by the Federal Agency for State Property Management (*Rosimushchestvo*) resulted in seizures of the ROAC's churches in Suzdal. On 5 February, the Vladimir region Court of Arbitration ordered the confiscation of 13 churches, including Tsar Constantine (*Tsarekonstantinovskii*) Cathedral, and placed the structures under control of the state. The court of appeals upheld the verdict. In December, three of these churches were handed over to the Moscow Patriarchate. Parallel proceedings began in regard to confiscation of a number of the ROAC's rural churches. In February 2010, three of ROAC's rural churches in Suzdal district were seized, bringing to an end to a unique situation in which the Moscow Patriarchate had not dominated an alternative Orthodox jurisdiction in a particular city. The ROAC lost its main churches in this massive (and, since the end of the nineties, unprecedented) confiscation campaign.

In July, the Samara region Court of Arbitration ordered the Christ to the People (*Khristos – narodu*) Protestant charitable mission to vacate the premises of the former Vympel cinema theater in Samara. The building had been rented out to the community in 1996 and was being used as a church. The city Department of Property Management had found numerous violations in the way that the building was being used and had noted a delay in rent payments. The court ordered the termination of the contract with the church community.

In late 2008, the Vladivostok administration refused to renew a contract with the St Evsevii parish of the Russian Orthodox Church Outside Russia (ROCOR); the contract allowed the parishioners free use of the municipally-owned St Evsevii Cathedral (*Sviato-Evseevskii kafedral'nyi sobor*). The administration failed to explain the reasons for the termination of the contract. In December 2009, the Vladivostok Department of Municipal Property ordered the parish to vacate the premises within a month.

In 2009, the conflict surrounding the Moscow Church of the Resurrection (*Khram Voskreseniia Khristova*) in Kadashi again escalated. In 2007, the parishioners sought and won a court order to protect the land adjacent to the church, but, in a threat to the safety of the church community and in violation of the law on the protection of monuments, the construction of a Five Capitals residential complex resumed in 2009 in the church's immediate vicinity. Throughout the year, the defenders of the church staged a series of pickets.

### Positive resolution of conflicts concerning religious buildings

In January, the Samara region Court of Arbitration satisfied the request of the Federal Agency for State Property Management to terminate the contract with the Jewish community of Samara for the use of the Choral Synagogue building. The basis for terminating the contract was the community failure to fulfill its obligations concerning the maintenance of the building. However, the agency renounced its claims in October.

In Krasnodar krai, the city administration of Novorossiisk attempted to evict the Lutheran community from its church by terminating the community's lease contract citing the church's supposedly 'inefficient use' of the religious site. However, in December the Office for Protection, Restoration and Maintenance of Historical and Cultural Treasures (Heritage) in Krasnodar krai dropped the claim.

A longstanding conflict continued throughout 2009 over the Holy Trinity Church in Lipetsk, which has been used by a Baptist congregation since 1988. In 2007 the local government transferred use of the church to an Orthodox parish. The matter went to court and, at the same time, local Orthodox believers staged pickets demanding that the Orthodox diocese should have the church. A compromise was finally reached: the city council donated a former boiler-house to the Russian Orthodox Church that can then be transferred to the Baptist community in exchange for the renovated building of the Trinity Church. On 3 February 2010, the Lipetsk Court of Arbitration brokered a settlement between the Baptists and the Orthodox.

Despite a lease contract valid until 2017, the administration of Voronezh has attempted to evict the Roerich Center from its premises. In 2009, the local bureaucrats won ten lawsuits against the Center. The basement where the Center had been located was transferred to the Ministry of Defense to be put up for auction in Moscow on 9 September, along with other military property. However, on 4 September the Leninskii district court in Voronezh reversed the court decision.

This case is notable because local residents supported a 'non-traditional' religious organization, which is unusual in Russia. Residents of the building where the basement served as premises for the Center had initially attempted to legalize their ownership of the entire building in order to keep the organization on the premises, but they lost their claim. Once the court halted the auction of the basement, local community groups took the case to court in Voronezh and asked the judge to rule that the city government's actions were unlawful.

In March, a Muslim prayer hall opened in Balashikha, a city outside Moscow. The Muslim community had been active in Balashikha for 15 years



without a space of their own: they had been holding worship services in a private residence. In 2007, the Council of Muftis had listed Balashikha amongst the cities where local authorities refused to allow the construction of a mosque.

The authorities in Murmansk permitted the construction of a mosque; Muslims in Tambov and Maloiaroslavets (Kaluga region) were also provided with space for worship.

Orthodox believers in St Petersburg had been seeking permission to build a Church of All Saints Glorified in the Russian Land (*vo imia Vsekh sviatykh v Zemle Rossiiskoi prosiivshikh*) in the city's Victory Park since 2008. In October 2009, St Petersburg Governor Valentina Matvienko announced the construction of a chapel in the park on the site of a former crematorium that had existed during the WWII Siege of Leningrad.

Events in Novyi Urengoi may be described as somewhat positive. The local authorities suspended their decision to destroy one of the city's two functioning mosques. According to the Mayor's office, the mosque did not fit into the architecture of the city. The authorities advised the community to move to a new mosque, but the latter belonged to a different Muftiat. The Muslims organized the collection of signatures to protest the pending demolition of the mosque. Local public hearings on urban development resulted in a decision to postpone demolition of the mosque '*due to the crisis and shortage of money in the budget for developing the neighborhood.*'

### **Favors granted by the government to certain religious organizations**

As was the case in previous years, the federal and regional authorities allocated public funds towards the restoration of religious structures, many of which are cultural monuments. The funds were allocated from the public budgets of Moscow, Karelia, Komi, Krasnoyarsk, Nizhnii Novgorod, Rostov, Tver and other areas. In most cases, the Orthodox Church was the recipient of public funds, but other religions also accessed funding.

The funding process is likely to be regulated in the future. In November, President Dmitrii Medvedev ordered the establishment of a working group that will advise the authorities regarding the restoration of cultural heritage sites that are used for religious purposes. The working group is instructed to prepare and submit to the President and the government their recommendations concerning legal, financial and procedural aspects of monument restoration.

The 2010 budget includes 2 billion rubles for the maintenance of historical monuments already owned by religious organizations; this amount is 25% lower

than the corresponding expenditure in 2009 (probably due to overall budgetary problems).

Major state-owned companies and government agencies are also major donors. For example, Rossiiskii Kredit Bank donated 1.5 million rubles and the Kursk regional court contributed 270 thousand rubles to the Kursk Korennaia Pustyn monastery. The Gazprom Dobycha Yamburg Company contributed 1 million rubles as part of their 2009 charity program for the construction of a mosque in Novyi Urengoi.

A range of fundraising strategies were used to collect money for the construction of churches. For example, in Dzerzhinsk, Nizhnii Novgorod region, 120 thousand blank payment forms were printed to facilitate contributions for the construction of a church in honor of St Seraphim of Sarov. 100 thousand of them were placed in the mailboxes of local residents, along with utility bills, and another 20 thousand were supplied to banks and to the Orthodox parish. The forms contained details about the Seraphim of Sarov parish's bank account so as to simplify donations. Potential donors could simply enter the amount of their contribution in order to make a donation.

As was the case in previous years, property was transferred to religious organizations in 2009; in most cases the Russian Orthodox Church was the recipient. Usually, previous owners or tenants were relocated to similar premises; however conflicts did occur from time to time.

For example, in September 2009 the villagers of Elizarovo (Pskov district) sent a letter to their local legislature expressing concern over plans to create protected areas around the Savior-St Eleazar (*Spaso-Eleazarovskii*) convent. The villagers had not been informed about the conditions under which it had been proposed that 3000 hectares of land and about ten villages were to be included in the convent's protected area. The villagers had previously had a negative experience with the convent, which had blocked access to a store located on its territory in violation of a court ruling stipulating that access should be available.

Nevertheless, on 29 October, legislators of the Pskov Regional Assembly approved establishment of a protected area around the Savior-St Eleazar convent under the condition that the lives of members of the local community would not be affected. Severe restrictions were imposed on the convent, which is now obliged to coordinate some of its actions with the regional committee on culture.

Serious conflicts were associated with the transfer of valuable museum exhibits to the Russian Orthodox Church. In 2009, Russian art historians and restorers continued their petition campaign begun in 2008 to appeal to President Dmitrii Medvedev, Prime Minister Vladimir Putin and Patriarch Kirill to



protest the transfer of Andrei Rublev's Trinity icon from the Tretyakov Gallery in Moscow to the Trinity-St Sergius Lavra. The appeal was signed by some 900 people. As of now, the Trinity icon remains in the Tretyakov Gallery, but other ancient icons were transferred from museums to churches in 2009.

In particular, on 30 November a decision was made to temporarily transfer the icon of the Mother of God of Toropets (currently in the Russian Museum) to the Alexander Nevskii Church in the suburban village of Kniazh'e Ozero. No representatives of the Russian Museum's early Russian art division were present at the Restoration Board meeting that convened to discuss the possible loan of the icon to the church. However, Sergei Shmakov, the head of the company that had constructed the Kniazh'e Ozero residential area, was present. Earlier, the museum staff had stressed that the icon could not be safely transported and had offered to make a copy for the church.

2009 saw the continuation of the lengthy confrontation between the Ryazan Kremlin Museum and the Ryazan Russian Orthodox eparchy. In March, workers hired by the eparchy removed all museum exhibits from the Glory of the Fatherland room. In July, the Russian Minister of Culture Alexander Avdeev announced the establishment of a commission to prepare the transfer of 'movable property of a religious nature' from the reserves of the Ryazan Museum of History and Architecture to the Ryazan eparchy. On 19 August, 155 items from the museum were transferred to the eparchy for temporary free of charge use.

Mikhail Lopatkin, former director of the Solovki Museum, was elected head of the Solovki village in October and was replaced as museum director by Archimandrite Porfirii (Shutov). Before his appointment the latter had served as treasurer in the Trinity-St Sergius Lavra, and he lacked the necessary professional training to manage a museum. However, in December a Public Supervisory Council of 25 members was set up to monitor the situation in the village and the museum. The Council will cooperate with the director in developing joint programs that address the needs of the local community and will coordinate the actions of the local administration, the monastery and the museum. This development provides grounds to hope that the actions of the new museum director will be monitored.

As a positive example of engagement between the Russian Orthodox Church and a museum, there is an agreement signed in May between the Vladimir-Suzdal Museum and the Russian Orthodox Church eparchy in Vladimir on preservation of the frescoes in the Dormition (*Uspenskii*) Cathedral in Vladimir. Except for holidays, the eparchy promised to cancel evening services in the cathedral and the museum agreed to restrict tourist visits to view the frescoes. Under adverse weather conditions, the administration will close the cathedral to all tourists.

There are other types of official support for religious organizations.

In some regions, the authorities continued to rule that some religious holidays are non-working days; this decision is certainly convenient for believers. In Perm, at the request of Orthodox believers, a day of voluntary Saturday work (*subbotnik*) was rescheduled from Holy Saturday to another day. The Legislative Assembly in St Petersburg declared Easter a holiday for the entire city.

In January, the Prefecture of the Central Administrative District in Moscow denied permission for a public picket to protest the possible autocephalous status of the Ukrainian Orthodox Church. While formal reasons for the denial were provided, the Prefect's office informally quoted a letter they had received from the Moscow Patriarchate saying that the organizers of any 'spiritual' events first should be referred to the Patriarchate for approval.

In July, deputy secretary of the United Russia (*Edinaia Rossiia*) General Council Presidium and head of the State Duma Committee for Labor and Social Policy, Andrei Isaev, and Secretary of the United Russia General Council Presidium and Deputy Speaker of the State Duma, Viacheslav Volodin, met with Russian Orthodox Patriarch Kirill. According to Isaev, the parliamentarians agreed to send their draft legislative plans to the Patriarchate and consult with the Church in advance on all controversial matters '*in order to avoid misunderstanding.*'

The obvious protection enjoyed by the Russian Orthodox Church indirectly leads to pressure against any people perceived (or potentially perceived) as the Church's opponents, a group that is not limited to religious minorities.

In May, the Pskov Drama Theater canceled a tour featuring the *Jesus Christ Superstar* rock opera. Zinaida Ivanova, chair of the Pskov Committee on Culture, referred to the local eparchy's ban on the show and demanded that it be canceled.

In March, the Victor Savin Academic Theatre (Komi Republic) canceled a comedy show, *The Iron Woman (Zheleznaia zhenshchina)*, which featured a priest performing a wedding ceremony. The scene in question lasted no longer than five minutes, but the theater management decided to cancel the show due to Lent. It is not known whether this decision was reached due to action by the Russian Orthodox Church eparchy, but perhaps the theater administration decided to be on the safe side, recalling the clergy's attempt to ban Shostakovich's *Balda* opera in 2006.

## Other examples of discrimination and undue interference

### The liquidation of religious organizations

It is possible that the number of religious organizations closed for failure to submit their reports was lower in 2009 than before. However, we cannot verify this because we have no information on organizations closed for this reason.

Inappropriate decisions from the past were revoked. The Leninskii district court in Ekaterinburg quashed the decision of the Federal Tax Service in Sverdlovsk region which had revoked the registration of the Seventh Day Adventist Church in Krasnotur'insk. The organization was liquidated in 2007 but did not receive a notice of its legal dissolution until 2008. As a result of the court decision, the Adventist community can restore its registration.

In addition, two courts refused to revoke the legal status of the Center of Dianetics and Scientology in the city of Ufa (prosecutors had accused the center of selling vitamins illegally) and the Light of the World Church in Samara (accused of conducting educational activities without a license).

The Ministry of Justice continued its practice, introduced in 2008, of issuing early warnings to those religious organizations facing possible closure. For example, in October it was revealed that 580 of the 1087 the Muslim communities in Tatarstan had not filed the required reports on time. The Ministry of Justice office in Tatarstan informed the delinquent groups that they still had an opportunity to file the required reports and avoid liquidation.

As in previous years, Scientologists faced a particularly difficult situation. As can be seen from the following examples, certain activities by Scientologists are inconsistent with current Russian legislation that distinguishes between religious, commercial and social activities.

In April, the Oktiabr'skii district court in Rostov-on-Don dissolved the legal status of the Mission of Dianetics and Scientology for its teaching of Ron Hubbard's ideas in mainstream schools.<sup>3</sup> The court held that such lessons required an educational license which the organization lacked. At the same time, the group also faced criminal charges of illegally running a business operation.

The Dianetics Humanitarian Center in Naberezhnye Chelny was also closed for providing educational services without a license. In this case, Scientologists were not teaching in a general school, but, were instructing their own followers and did not need an education license. The court relied on the opinion of an

<sup>3</sup> Like some other Scientology groups mentioned here, the Mission was not registered as a religious organization.

expert who stated that the organization exerted '*social and psychological influence on the people who attended the classes.*' In addition, the Scientologists were also accused of running a medical service (which was probably merely interpreted as being medical).

A Dianetics Humanitarian Center was liquidated in the city of Barnaul. The city's Industrial district court found a violation in the center's '*religious activities aimed at dissemination and teaching of Scientology,*' i.e. the nongovernmental association was dissolved for religious preaching.

The prosecutor's office sent a warning to the Hubbard Humanitarian Center in the city of Omsk and ordered the center to stop organizational activities that allegedly were dangerous to the public — namely, teaching the center's students the methods of Scientology. The authorities opened a criminal case under article 238 part 1 of the Criminal Code ('Provision of services that do not meet requirements for the safety and health of consumers').

Scientologists were not the only ones wrongfully persecuted for conducting and organizing unlicensed educational activities. In Iuzhno-Sakhalinsk, a local organization of the Church of Jesus Christ of Latter-day Saints (Mormons) and its president were fined for providing educational services without a license, i.e. for organizing English language conversations between local believers and visiting Mormons.

However, some sanctions imposed for educational services were well-justified. Vyborgskii district court in St Petersburg, in response to the prosecutor's petition, ordered the Good News Christian Mission, a private mainstream school, to obtain a license for educational activity. The school administration faced administrative charges under article 19.20, part 1, of the Code of Administrative Offenses ('Running a nonprofit operation without the requisite license').

Also in St Petersburg, the prosecutor's office in Vyborgskii district found that the admissions policy at Menachem, a private Jewish school/daycare, violated the constitutional principle of secularism. According to its admissions policy, the school could deny admission to children who lacked documents proving matrilineal Jewish ancestry. The prosecutors reminded the school that Russia is a secular state and any restriction of citizens' rights, including the right to education, on the basis of race, ethnicity and religion is unacceptable. The school agreed to amend its by-laws, and proceedings against it were closed.

A positive development worthy of mention was a European Court of Human Rights ruling that upheld the right of two Scientology groups — in Surgut and in Nizhnekamsk — to be officially registered under Russian law. The judgment awarded 20,000 rubles to each applicant as compensation.

In April, the Ministry of Justice reinstated the registration of the Salvation Army in the city of Moscow (which had been facing possible closure since

1999). The European Court of Human Rights decided against the removal of their registration in 2006.

### Discrimination against 'non-traditional' religious organizations

As in previous years, pressure against new religious movements and other religious minorities continued, because officials and certain activist groups perceived them as 'non-traditional' and found their activities illegal and dangerous. Jehovah's Witnesses, Scientologists, Falun Gong, and some Protestant groups faced pressure more often than other religious groups.

For example, on 9 June, masked law enforcement officers broke into the Hubbard Humanitarian Center office in Moscow and conducted a search. The search warrant was later presented to the Center, which referred to a criminal investigation against the Center but failed to indicate under which article of the Criminal Code. The search was allegedly triggered by expert findings about which none of the Center's staff were informed.

A large-scale campaign was waged against Jehovah's Witnesses in various regions of Russia. In early 2009, their offices were subjected to literally hundreds of different checks and inspections, and some of the documents obtained by the Witnesses from law enforcement officials reveal that these checks had been initiated by the Russian Federation center at the level of the Prosecutor General or higher.<sup>4</sup>

In 2009, some members of Protestant churches and new religious movements were arbitrarily detained. In June, on the eve of the Shanghai Cooperation Organization summit attended by Chinese President Hu Jintao, alleged practitioners of Falun Dafa were detained in Moscow and Ekaterinburg. One of the detainees, a woman from Moldova who was visiting Russia, was deported to Chisinau as 'a particularly dangerous person.' The Falun Dafa Information Center's website was temporarily unavailable.

Baptist preachers were detained in Kaliningrad on two occasions. In July, following their arrest, members of the Baptist community were called to the prosecutor's office and informed that they could not engage in religious activities in Kaliningrad region without official registration (the community belongs to the Baptist Council of Churches that refuses to register as a matter of principle). In September, two Baptists were arrested for singing psalms in the

<sup>4</sup> See details in: Geraldine Fagan 'Russia: Nationwide strike at Jehovah's Witnesses', Forum-18, 13 March 2009, available online at [http://www.forum18.org/Archive.php?article\\_id=1267](http://www.forum18.org/Archive.php?article_id=1267).

streets. Police justified the arrest under the grounds that the Baptists were not permitted to hold public meetings. During their detention, a police officer said 'You have your laws, but we have our instructions', and accused the detainees of extremism. The detainees were fined 2,200 rubles for allegedly breaking the rules of public rallies (article 20.2, part 1 of the Administrative Code).

In some regions, various authorities increased pressure against Protestants and new religious movements. For example, the police, the FSB, the prosecutor's office, juvenile workers and environmentalists in Ryazan region raided a tent camp organized by 70 or so members of the Hope (*Nadezhda*) Church of Evangelical Christian Baptists in Korablinskii district. The police searched the camp in the presence of young children, and Pastor Andrei Krylov was summoned to the Criminal Police Chief, where his photograph (full face and profile) and fingerprints were taken. The campers were accused of swimming in a prohibited area (where locals and other holiday-makers were free to swim) and violating environmental safety regulations. They were told to halt their camping activities. A representative of the district administration told the pastor that religion had motivated the raid.

Unfortunately, the Baptist summer camp incident was not the only case in 2009 in which the children of believers were affected by state repression. In March 2009, there was a conflict at the ABC Academy kindergarten in Stavropol: the administration prohibited Pentecostal staff and their children, who were also attended the kindergarten, from discussing their faith, and the director told the children that they were 'sectarians'. In response to the Pentecostals' outrage over this unwarranted discussion of religion with their children, the kindergarten director threatened to fire the parents who worked at the school. The Juvenile Inspector of Oktiabr'skii district of Stavropol was called, but after he was informed about the parents' religious convictions, he demanded explanations from the parents instead of the director. The prosecutor's office did not find any violation of the Law on Freedom of Conscience in the events that had transpired and refused to initiate criminal proceedings against the kindergarten administration. Child welfare authorities, acting on the prosecutor's request, visited the homes of the Word of Life Church members under the grounds that some families had adopted children.

Bureaucrats, law enforcement agencies, and the public opposed not only faith-related activities, but also the social and educational programs of Protestants and new religious movements. In May, the Ministry of Education of the Komi Republic ordered the Syktyvdinsk municipal department of education to halt a campaign in local schools to prevent drug use, alcoholism and smoking; the campaign had been organized by the Revival (*Vozrozhdenie*) Foundation, which has close ties to the local Exodus Protestant Church.

In Bashkortostan, the regional office of the Federal Service for Drug Control opposed the Scientologists' Narconon program.

As previously, the *Feel the Force of Change (Oshchuti silu peremen)* anti-drug campaign conducted by Protestant churches aroused official discontent in Lipetsk, Ryazan, Saratov, and Yaroslavl; the prosecutor's office in Komi initiated an examination of the campaign's legality.

A conflict continued that had begun in 2008 over houses belonging to members of the Hare Krishna community that were deemed by local residents to be a settlement of 'sectarians' in the village of Kandinskoe, Tomsk region. In 2009 prosecutors took the matter to court, demanding that the buildings be torn down because they had allegedly been built on agricultural land, and the Federal Service for Veterinary and Phytosanitary Surveillance (*Rossel'khozadzor*) announced plans to recultivate the land.

### The situation concerning foreign clergy

A number of foreign religious leaders were expelled from Russia in 2009.

In February, Pervorechenskii district court in Vladivostok ordered the expulsion of Yisroel Zilberstein, Chief Rabbi of Primorskii krai and a U.S. citizen. The stated reason for expulsion was that his actual activities were not consistent with the purpose of his stay in Russia, as specified on his visa. Yisroel Zilberstein had applied for and been denied a work visa, which would have been more consistent with his activities in Russia than the visa that he was eventually granted. The regional court upheld the ruling, and Zilberstein left Russia without waiting for proceedings in the court of second instance.

In March, Zvi Hershovich, Chief Rabbi of Stavropol and a Canadian citizen was expelled from Russia in accordance with a decision by the district court in which the rabbi was held accountable for violating the law by failing to inform the Immigration Service of his change of residence within three days. The regional court upheld the ruling.

Baptists in Ivanovo unsuccessfully challenged the decision taken in 2008 to expel missionary Chris Willeck, a U.S. citizen. In May, Ivanovo regional court upheld the decision to deport the missionary on the basis of a statement by a local FSB officer who did not explain what violation Chris Willeck had committed. The agent instead said that the missionary's '*stay in the Russian territory is a potential threat to the security of the Russian Federation,*' and '*the court may not interfere*' with the FSB's authority and decisions.

In January 2009, Foreign Minister Sergei Lavrov said that his agency was prepared to consider a visit to Russia by the Dalai Lama XIV, but the Russian Buddhists have not yet succeeded in obtaining a visa for him.

In February, the European Court of Human Rights ruled in favor of the Unification Church missionary Patrick Nolan in his suit against Russia. In 2002 the missionary was denied entry to Russia (actually his re-entry, since Nolan had long lived in Russia and has a child with his Russian wife). The court decided that the ban was unfounded. However, the ECHR judgment may not prevent repressive bans against Protestant missionaries in the future because, according to some reports, Patrick Nolan is no longer a member of the Unification Church.<sup>5</sup>

### Other cases of discrimination and undue interference

As previously, there were several cases in which officials directly interfered in the affairs even of 'traditional' religious organizations. For example, although in 2008 authorities in Kemerovo had appointed imam Tagir Davletkulov without considering the opinion of the local Muslim community, in November 2009 he was replaced by Tagir Bekchintaev from the Omsk Muftiat.

According to our findings, there were more cases of individual discrimination on the basis of religion in 2009 than in 2008. Muslim women in certain areas were not allowed to wear a headscarf in educational establishments, such as secondary schools of the village of Batrak, Kamenskii district, Penza region, and the village of Shamkhal-Station in Dagestan. Female students in Arsk Teachers College of Tatarstan complained that they were not allowed to wear the hijab.

In September, at the request of Muslim female students and their parents, the administration of the Kazan Olympic Reserve School dismissed Nikolai Blinov, the ultrasound doctor, since Sharia does not allow women to be seen by a male physician. The school is a public institution funded by the federal budget. Later, Ekaterina Kosurova, spokesperson for the Ministry of Youth, Sport and Tourism, said that the reason behind the doctor's dismissal was a suspected breach of professional ethics.

In May, the administration of the College of Electronic Technology in Kuznetsk, Penza region, insisted on the dismissal of a female teacher, Nuriia Sabitova. In late 2008, she was allowed to take leave without pay to perform the Hajj, but the college administration subsequently ordered her to write a letter of resignation. Moreover, the college director ordered her not to wear a headscarf at her place of work. After the local Muslim community intervened, the college no longer insisted on her dismissal, and the director apologized.

<sup>5</sup> Igor Bogdanov, 'Kak ia byl posledovatelem San Men Muna', Aleksei Smirnov's blog, 26 February 2010 ([http://alexey1751.ya.ru/replies.xml?item\\_no=133&ncrnd=6959](http://alexey1751.ya.ru/replies.xml?item_no=133&ncrnd=6959)).



In May, a second-year Muslim student was expelled from the Novocherkassk Higher Military School of Communications. According to the website Islam.ru, he was expelled because he prayed according to Namaz on the school premises.

In early 2009, during the Smolensk mayoral election campaign, a newspaper entitled *A Special Issue of the Russian Union of Evangelical Christian Baptists (ECB) for Smolensk (Spetsvypusk Rossiiskogo soiuza evangel'skikh khristian-baptistov (EKhB) dlia Smolensk)* was circulated. It alleged that the Union supported a particular candidate, Sergei Maslakov. The newspaper circulated on behalf of the Russian Union of Evangelical Christian Baptists included offensive statements about members of the Russian Orthodox Church and false quotes from Union leader Iurii Sipko that discredited Baptists. The leader of the Smolensk Baptists asked the prosecutor to investigate and take requisite legal action. Candidate Maslakov was later withdrawn from the elections.

## Religion in the military and other uniformed forces

After several years of debate, in 2009 the Russian authorities decided to introduce the official institution of chaplains into the Russian army.

In July, President Dmitrii Medvedev said he supported the introduction of those clergy 'representing the traditional Russian religions' in the Army and Navy, and suggested that the ethnicity and religion of servicemen in each unit and formation should be taken into account when appointing clergy.

On 25 November, Deputy Defense Minister Nikolai Pankov officially announced the introduction of military clergy into the Russian armed forces in 2010.

On 1 December the position of Assistant Commander for Work with Believers – the official title of the Russian chaplains – was introduced, and that month the Defense Ministry also announced the establishment of a special office responsible for work with religious servicemen and for the management of chaplains. It was decided that in 2010 this group of chaplains would be sent to foreign Russian military bases, to the North Caucasus military district and other military units.

All official documents referred to the 'traditional four' i.e. Orthodox Christianity, Islam, Buddhism and Judaism. Thus the concept of a 'traditional religion,' which formerly had been a mere figure of speech, now has legal status.

However, despite the President's mention of 'traditional religions,' only Russian Orthodox chaplains are included in current plans: in December their military training was organized in the Rostov region. Commenting on this boot-

camp at the Bishops' meeting in February 2010, Patriarch Kirill noted that most would-be chaplains had no idea, '*where they were and why ... In the end, most of them dropped out, explaining that they could not sustain this type of service.*'

Despite the shortage of trained chaplains, the salaries of chaplains were defined and a job description for the position was adopted in February 2010. Depending on the location of their service, their salary ranges from 25 to 40 thousand rubles (higher than the average salary of a Russian officer).

As early as February 2010, it was clear that the rights of non-Orthodox believers will be violated: the request of the Spiritual Directorate of Muslims in Nizhnii Novgorod to introduce Muslim chaplains was denied.

Religious organizations and uniformed units in a number of regions continued to sign cooperation agreements, particularly with the Federal Bailiffs' Service. In June, Artur Parfenchikov, Director of the Federal Bailiffs Service, signed a protocol of cooperation with Archpriest Dmitrii Smirnov, President of the Russian Orthodox Moscow Patriarchate Department for Interaction with the Armed Forces and Law Enforcement Agencies.

Cooperation between bailiffs, the Russian Orthodox eparchies and Muslim Spiritual Directorates was reported in Bashkortostan, Buryatia, Karachai-Cherkessia, Tatarstan, Yakutia, the Jewish autonomous region, Altai and Stavropol regions, Leningrad region, and Ryazan region.

In April, Bishop Konstantin Bendas, First Deputy chairman and managing director of the Russian Union of Evangelical Christian Baptists circulated an appeal to their clergy mentioning '*increasingly frequent attempts to recruit informants from among the parishioners, staff and clergy of Protestant churches by members of the Federal Security Service.*'

Most likely, this practice is not limited to Evangelical Christians.

## Religion and secular education

There was also an important educational development in 2009 preceded by several years of debate. In July, President Dmitrii Medvedev said that several regions would introduce pilot courses on the history of religion, the fundamentals of secular ethics and the fundamentals of religious culture emphasizing the 'traditional four' religions. Students and their parents were expected to select one of six possible course modules and classes would be organized for each module, regardless of the number of students.

This arrangement represents a compromise between the opponents in earlier debates about the role of religion in Russian public schools. However, it is an imperfect compromise because the course does not include those religions that are not part of the 'traditional four.'



In August, the Ministry of Education and Science confirmed that the pilot courses would start in 19 regions of six federal districts and involve only fourth grade students. In total about 20 thousand classes in 12 thousand schools, or about 256 thousand students and 44 thousand teachers would participate. The first pilot lessons are due to begin in the spring of 2010, but it appears that the textbooks and teaching manuals are not yet ready (not to mention the training of teachers).

In November, the Government of the Russian Federation approved a pilot plan for a course on the fundamentals of religious cultures and secular ethics in 2009-2011. In December, the course curriculum, developed with input from the Russian Academy of Sciences, the Russian Academy of Education, the Federal Institute for the Development of Education, the Academy for Continued Training of Teachers, and representatives of religious organizations, was finally approved.

As of early 2010, the pilot course is limited to an average of one lesson every two weeks in accordance with Ministry of Education planning.

Even though the course is described as a study of culture, the portions of the proposed course which treat the 'fundamentals of religious cultures' are largely faith-oriented. For example, the editorial board responsible for the preparation of textbooks and teachers' manuals for the Fundamentals of Orthodox Culture module chose a textbook proposed by Archdeacon Andrei Kuraev for the module.

Neither those who support the teaching of religion in schools, nor its opponents, were satisfied with the proposed version of the pilot course. In July, a group of academics, human rights advocates, and parents began to collect signatures for a petition to President Dmitrii Medvedev to protest the 'clericalization of mainstream schools.' In October, at the opening of the Fifth Annual International Conference on Religion, Conflict and Peace in St Petersburg State University, students organized an anti-clerical campaign and distributed leaflets.

Russian Orthodox activists were unhappy because the parents in most pilot regions opted for the module on secular ethics instead of the module on Orthodox culture. For example, 58.2% of students in pilot classes in Krasnoïarsk krai selected secular ethics, while 60% of students in Novosibirsk and Kaliningrad chose the secular course. In most cases, the fundamentals of world religions was the second most popular module, followed by the fundamentals of Orthodox culture. There were a few exceptions: 55% of students in Tambov region and 60% in Smolensk region opted for the Orthodox culture module. In Chuvashia the majority (42.9%) were in favor of the course in world religions, 31% opted for the Orthodox culture course, and 24.4% chose secular ethics. Modules on Islam, Judaism and Buddhism were chosen by a minority of students in most regions.

In some regions, the Russian Orthodox Church attempted to influence the situation in its favor. For example, in January 2010, supported by Mayor Mikhail Astakhov, the Archbishop of Ekaterinburg and Verkhotur'e Vikentii (Morar') came to Kamensk-Ural'skii, Sverdlovsk region, to meet with school teachers for an 'explanatory conversation' after 93% of local parents opted for the module on secular ethics for their children. As a result, the city administration offered the parents of fourth-graders another opportunity to choose between a module on secular ethics and a module on one of the main religions.

There were also other reported efforts to influence the students' and their parents' choice of modules. In December, the Russian Orthodox Bishop of Ulan-Ude and Buryatia Savvatii (Antonov) accused the administration of School № 2 in Cheboksary of forcing the fourth-graders to choose the module on secular ethics. In his blog, the bishop published a picture of the course application form given to fourth-grade students by the school administration, with the pre-written phrase 'I choose the Fundamentals of Secular Ethics.'

Despite the above facts, the choice of secular ethics probably reflects the actual preferences of the Russian public. Members of the Russian public show their loyalty towards the Russian Orthodox Church but would prefer that their children not be instructed in the traditions of any particular religion.

In early 2009, Minister of Education and Science Andrei Fursenko appealed to Dmitrii Medvedev to lift the prior requirement to develop a system of theological education. The Minister said that dissertations in theology may be defended under the academic specialism 09.00.13 *Study of Religion, Philosophical Anthropology, Philosophy of Culture*, and there is no need for a separate academic specialty of theology. In February, the Ministry confirmed that it was not planning to create a new academic specialty in theology, because experts of the Russian Academy of Sciences had advised against these plans.

Since that time, however, Ministry officials have again changed their position. In February 2010, the director of the Ministry of Education, Science and Technology and Innovation Department, Alexander Naumov, said that by April 2009 the Russian Academy of Sciences, the Russian Union of University Presidents, the Federal Education and Science Supervision Service (*Rosobrnadzor*), and the Higher Attestation Commission were prepared to add theology to the list of academic specialisms.

As in previous years, schools collaborated with religious organizations in different regions of the country. Agreements on cooperation with Russian Orthodox eparchies were signed in Tver, Irkutsk, Ekaterinburg, and the Leningrad region. The government of Kirov region signed a cooperation agreement, which included the educational sphere, with the local Muslim Spiritual Directorate.

The University of Kabardino-Balkaria agreed to cooperate with Muslim, Orthodox and Catholic organizations in their republic.

### Insufficient protection against defamation and attacks

It is a natural and normal aspect of public life that the activities of certain religious organizations as well as criticism of certain religious beliefs and practices should spark protests among some members of the public. Sadly, however, citizens and government representatives don't always manage to remain within the limits of the law, which requires them not to incite hatred of other people based on religious prejudice and not to encourage criminal acts.

Some public protests have been based on discriminatory ideas. For example, the construction of a mosque in Syktyvkar was opposed by three national-patriotic organizations in Syktyvkar (Rubezh Severa, Slavic Union and DPNI) which collected signatures to protest the mosque construction. In December, members of Rubezh Severa submitted 3,200 signatures to the local United Russia Party office.

The prosecutor's office launched an investigation into the signature collection campaign. In January 2010, Chief Investigator of the Komi Republic, Nikolai Basmanov, supported the mosque construction and in February, the local United Russia Party Executive Committee held a round table that also supported its construction. Shortly thereafter, however, the leader of Rubezh Severa Aleksei Kolegov said that the decision to build a mosque would be further discussed at public hearings and called for a signature campaign to challenge the decision.

In this case, the authorities did not surrender to pressure from some elements in the local public to discriminate against Muslims and, as far as is known, the campaigners did not engage in incitement.

Officials, however, often fail to remain impartial with respect to advocacy groups that oppose certain religions. This was particularly true of the multiplying 'anti-sectarian' centers established in 2009 by Russian Orthodox eparchies in Voronezh, Murmansk, and Perm.

In May, the Law School of St Petersburg University held a conference titled *Totalitarian Sects and the Human Right to Security* organized by the Russian Association for the Study of Religions and by the European Federation of Centers of Research and Information on Sectarianism (FECRIS). In Europe, FECRIS has a reputation for its radical opposition to new religious movements and some other religious minorities. The Russian Minister of Justice, Alexander Kononov, sent a welcome note to conference participants and

conference organizers had announced his participation in the event. Instead, the Minister sent a written address and held a private meeting with the conference participants. A few days before the conference, chairman of the Ministry of Justice Expert Board and well-known Russian 'anti-sectarian' Alexander Dvorkin was elected vice president of FECRIS. Thus, the Minister of Justice continued to cooperate with groups that explicitly call for discrimination against religious minorities.

Undoubtedly, murder and attempted murder are the most severe form of pressure faced by religious and other ideological groups. In 2009, a number of attacks and killings of Muslim religious leaders were reported in the North Caucasus, but, as in previous years, it is not clear whether religious hatred was the actual motive behind the crimes. However, religious hatred was clearly the motivation behind some other violent crimes committed in 2009.

On 19 November in Moscow, Father Daniel Sysoev of the Apostle Thomas Church in Moscow, a priest known primarily for his missionary work among Muslims and tough anti-Islamic preaching, was shot dead in his church. Another person was wounded. The investigation is ongoing, but, according to one theory, the murder was religiously motivated. Fr Daniel had repeatedly received threats from people who called themselves Muslims. On 5 December, another priest of the same church was attacked and beaten.

In August, a fortuneteller was shot dead in Ingushetia. Attacks against fortunetellers in the North Caucasus have been reported in the past. Therefore, it is fair to assume that religious hatred served as a partial motive in the killing.

In the Kaluga region, a man admitted in June to killing another man on religious grounds: the victim was a Satanist, and the perpetrator believed that '*as a religious person, it was his duty to fight the enemies of Christ.*' The conclusions of the investigation are unknown.

The campaign of administrative pressure against Jehovah's Witnesses has apparently provoked violent attacks against members of this religious organization. Since early autumn, such attacks have become more frequent. According to the Jehovah's Witnesses' press service, a total of ten attacks were reported in Moscow, Yaroslavl, Tiumen, Penza and Rostov regions, Cheliabinsk, Voronezh, and Novorossiisk between September and December 2009. In most cases Jehovah's Witnesses were attacked during door-to-door meetings to spread their messages.

Another attack, in which a local resident threatened preachers with a knife, occurred in Novokiiybshevsk, Samara region. In this case, the offender was punished: in December he was given a 16 month suspended sentence with a year on probation.

Religious sites continued to be subject to vandalism. 2009 saw a total of 50 reported acts of vandalism of churches and prayer houses (compared to 36 in 2008). The largest number of attacks (21) targeted the premises of the Jehovah's Witnesses (due in part to the campaign against them and because Jehovah's Witnesses published detailed data). Vandals also attacked 12 Orthodox buildings, six Muslim buildings, four synagogues as well as Protestant churches, and made a total of three attacks on Catholic, Pagan and Armenian sites.

This number includes a store in Makhachkala that sells Islamic literature and was attacked by vandals twice during the year. In March, about 50 people entered the store, said that the owner was distributing Wahhabi literature, and removed some of the merchandise from the store (part of which was later returned to the owner). In August, the store was set on fire. The owner believes that supporters of Sufi Islam dominant in the Republic of Dagestan were behind the arson attack.

As was true in the past, dangerous forms of vandalism, including arson and stone throwing, were fairly common. Fortunately, no people were hurt in such attacks.

Russian Orthodox churches were attacked by arsonists on a number of occasions. Attackers threw several Molotov cocktails through the window of a synagogue in Khabarovsk. There were two unsuccessful attempts to set fire to a Baptist prayer house in Vladivostok.

Ultrationalists from Straight Edge in Petrozavodsk ransacked the Kingdom Hall of Jehovah's Witnesses. They used cans of paint to smash the windows; an explosion was then heard from the building. That group had previously claimed responsibility for an attack on the Christian Cultural Center in Kirov in which cans of paint had been thrown at the building.

There were 49 reports of cemetery vandalism (compared to 42 in 2008), including 41 in Russian Orthodox cemeteries, six in Jewish cemeteries, and one in Muslim and in Armenian cemeteries. In most cases, cemetery vandalism seemed to be random aggression, but the number of religiously motivated acts of vandalism apparently increased as well.

The Dmitrovo-Cherkasskii cemetery in Tver was attacked by vandals four times during the year: in April, in July and twice in September. The same cemetery had also been vandalized in 2006.

In addition, four Orthodox crosses, two cross-stones, an icon, a bell, a Menorah, a Hanukkah, a pagan idol and a sacred tree were vandalized nationwide in 2009.

Federal and regional media continued to publish xenophobic reports concerning religion.

In particular, on 2 June, the Rossiia Federal TV Channel showed Alexander Khabarov's film, *Fishers of Men (Lovtsy dush)*, as part of its Special Correspon-

dent series. The author talked about the dangers allegedly posed by Jehovah's Witnesses, the Society for Krishna Consciousness, Scientologists, and other 'sects.' It was not the first 'anti-sectarian' show broadcast by Rossiia. In March 2009 the Press Complaints Commission, after considering a complaint from the Light of Awakening Church, acknowledged that the October 2008 Rossiia broadcast about this church had been defamatory to the religious organization.

In September, representatives of Christ the Savior Baptist Church in Syktyvkar complained to prosecutors' offices of Syktyvkar and the Komi Republic about a 8 July 2009 publication in the Russian Orthodox newspaper *Diocesan Gazette (Eparchialnye vedomosti)*. The article, which was entitled 'Caution: Destructive Movements, Sects and Cults!' (*Ostorozhno: destruktivnye dvizheniia, sekty i kul'ty!*) was offensive towards 'sectarians' and, according to the plaintiffs, had provoked an attack against a Baptist prayer house. In 2008, the prosecutor's office had investigated a similar publication in the *Diocesan Gazette* and found no signs that the article incited religious hatred. In this instance, prosecutors made a reasonable decision: they refused to open a criminal case under article 282, but warned the author of the article and the paper not to publish defamatory statements that are offensive to the adherents of other religions.

The Press Complaints Commission ruled in favor of the Diocesan Administration of Evangelical Christian Baptists in the Southern federal district. The complaint concerned a June 2008 article titled "'Exodus' is Not an Option' (*'Iskhod' – ne vykhod*) in *Pravda Chto? (Is it True That?)* newspaper circulated in Volgograd, Rostov region. The Press Complaints Commission found hate speech in the article and said that the author's view of the Pentecostals was biased and incompatible with international freedom of conscience standards and the Russian Constitution. The commission, however, failed to find any signs that the article had deliberately incited religious hatred.

## Measures against the incitement of religious hatred

The definition of extremism in Russian legislation is extremely vague; particularly in regard to religion. Actions that counter extremism include measures to protect 'religious sentiments', including actions that protect religious beliefs, practices and symbols from the criticism and prosecution of those who incite religious hatred and perpetrate acts of violence and vandalism.

A separate SOVA report describes instances in which anti-extremist legislation was enforced inappropriately. Unfortunately, these incidents are increasingly common; in 2009 they affected Muslims, Jehovah's Witnesses and Falun Gong in particular. We mention here only those incidents in which anti-

extremist legislation was applied (or was not applied) appropriately, including controversial cases in which we consider the position taken by the law enforcement agencies and the courts to be legitimate.

Above, there was reference to certain cases in which law enforcement agencies refused to institute criminal proceedings in response to intolerant statements that did not present a serious danger to the public. Another similar case can be added: the prosecutor's office in the city of Komi, at the request of the NGO Komi-Memorial, reviewed antisemitic publications in the Russian Orthodox newspaper *Diocesan Gazette* in 2008 and refused to institute proceedings under article 282 of the Criminal Code.

On the other hand, in March criminal proceedings were opened under article 282 part 1 against Archimandrite Seraphim (Levitskikh). In 2007, the Russian Orthodox priest had visited a penal colony in the village of Voskhod, Varnavinskii district of Nizhnii Novgorod region (the priest served in the eparchy of Viatka). In addition to hearing confessions, the priest handed out video tapes of the film *Russia With a Knife in its Back: Jewish Fascism and the Genocide of the Russian People (Rossiia s nozhom v spine. Evreiskii fashizm i genotsid russkogo naroda)*, which had previously been banned as extremist material (later, in 2010, the film's author Konstantin Dushenov was sentenced to three years imprisonment).

In October, court proceedings began on a case against Svetlana Shestakova, a teacher of the Tiumen Oil and Gas University Humanities College accused of violating article 282 part 1. In April 2008, Ms Shestakova made offensive remarks against Catholics, Jews, Muslims and Hare Krishna members during a lecture delivered as part of a continued training course on the Fundamentals of Religious Culture.

*Alexander Verkhovsky*

## Inappropriate enforcement of anti-extremist legislation in Russia in 2009

### Preface

This report is our third annual analysis of inappropriate enforcement of anti-extremist legislation,<sup>1</sup> and reviews the events of 2009.<sup>2</sup>

There is now no need to prove the existence of the actual subject under scrutiny, but since we have been criticized for our approach and our use of the term 'inappropriate anti-extremism', it is worth beginning this report with a brief outline of SOVA Center's approach to anti-extremism, i.e. to the development and use of anti-extremist laws.

Our approach is being criticized from two perspectives. On the one hand we sometimes hear that the persecution of the activists who we (and our critics) think are socially harmful or even dangerous should not be considered inappropriate. In response to this, we can only repeat the commonplace thesis that civil rights and Russian legislation apply to everyone equally, regardless of one's views or even prior criminal convictions.<sup>3</sup> For instance, we believe that neo-Nazis have the same right to march in the streets as others, even if some of them are, with good cause, suspected of murder. Our legislation bans not a particular view or political affiliation, but particular actions, including the incitement of racial,

<sup>1</sup> See A. Verkhovsky, G. Kozhevnikova, 'Inappropriate enforcement of anti-extremist legislation in Russia in 2008', in *Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2008* (Moscow: 2009), pp.68-89; A. Verkhovsky, 'Anti-extremist legislation, its use and misuse' in *Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2007* (Moscow: 2008), pp.45-79.

<sup>2</sup> In this review, as with other SOVA reports, we do not take into account events in the North Caucasus, with the exception of several cases which relate to anti-extremist law enforcement as a whole. Other examples of the inappropriate enforcement of anti-extremist legislation in the North Caucasus are considered by Memorial human rights center, the Caucasian Knot website (<http://www.kavkaz-uzel.ru/>), Human Rights Watch and other international human rights organizations that work regularly in the region.

<sup>3</sup> In the case of civil rights there may be exceptions which nobody contests.



ethnic and religious hate. In other words, a rally is not illegal but the content of slogans and speeches at that rally may be. A rally can therefore only be suppressed if the law is being violated at it. Similarly, when *Duel* newspaper expressed views that we found very unpleasant but which didn't in any way break the law and was pursued by law enforcement officials for this, we opposed this harassment. However, when it was finally closed for clear violation of the law we did not find this judgment inappropriate. 'Inappropriate anti-extremism' is bad not because people who are 'good' or 'on our side' are being harassed, but because basic civil rights are being violated.

On the other hand, consistent advocates of freedom of expression think that anti-extremist legislation is inappropriate in principle, and that therefore we should not subdivide anti-extremism into appropriate and inappropriate.<sup>4</sup> They may even conclude that we thereby discredit human rights, contribute to the rise of xenophobia, etc.<sup>5</sup> Arguments of varying depth are made, but it is worth noting that some advocates of the annulment of Russian anti-extremist legislation do not fully represent its contents. Specifically, it is in precisely this legislation that one can find regulations aimed at combating violent hate crimes.<sup>6</sup>

It seems that the most substantial part of this dispute addresses a single question: whether there should be prohibitions relating to the content of public speech above and beyond those banning the direct incitement of criminal offenses (there is usually no dispute over other essential features of the anti-extremist legislation, although it has many serious defects).

To clarify our point of view concerning the limitation of freedom of expression: we respect the US approach (regardless of whether we agree with it or not), set out in the First Amendment to the United States Constitution, which prevents the introduction of such bans. But Russia both de facto and in a legal sense belongs to another tradition – the European one. In Europe (and all the more so in Russia), society relies less on the mechanism of self-regulation and more on the restrictions which are imposed on behalf of, and by the powers of, the democratic state. This tradition is fixed in several obligatory international

<sup>4</sup> Lev Levinson, expert of the Human Rights Institute: 'Idei Dushenova dolzhny rassmatrivat'sia na grazhdanskom protsesse. Lishat' svobody za idei nel'zia', Credo web portal, 12 February 2010 (<http://www.portal-credo.ru/site/?act=authority&id=1356>).

<sup>5</sup> *Svoboda sovesti v Rossiiskoi Federatsii. Spetsializirovannyi doklad za 2009 god.* (Moscow, Institute for Freedom of Conscience, 2010), available from SOVA Center's archive.

<sup>6</sup> See the relevant sections of the anti-extremist legislation in the appendix to the brochure by A. Verkhovsky and G. Kozhevnikova, *Monitoring agressivnoi ksenofobii. Rekomendatsii dlia obshchestvennykh aktivistov* (Moscow: SOVA Center, 2008). This publication is also available online at the SOVA Center website (<http://www.sova-center.ru/8B58424/>).

legal agreements, including the European Convention of Human Rights which allows for the possibility of limiting freedom of expression in part 2 article 10:

*The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

It is easy to see which sentences in this formula refer to counteracting extremism. It is more difficult to understand what restrictions and sanctions are really necessary for a democratic society to facilitate such counteraction. Every country achieves this balance of different social values in its own way, and the common balance for all countries which are members of the Council of Europe is being created by the precedents of the European Court of Human Rights. One may argue over certain rulings made by the European Court, or about certain national laws, but the need for such restrictions is now generally accepted.

If Russia withdraws from relevant international agreements and cancels the element of state regulation restricting the instigation of racial hate, a mechanism of social self-regulation similar to the US model will not work effectively enough. This is especially evident in today's Russia. The move towards self-regulation should be more gradual. Therefore, some sort of prohibitory legislation in Russia, as in the whole of Europe, is unavoidable.

We have always said that the Federal Law on Combating Extremist Activity (and the corresponding regulations in other legislation) was a poor and repressive initiative from the start. We ourselves do not use the term 'extremism' to define any action or group because the poor juridical definition has muddied understanding of this (political) term (the term 'anti-extremism' we do use, however, because it designates a well observed and clearly identifiable practice). Those who protest against this law today, however, should understand that many of its elements existed before, and will continue to exist if the law is annulled tomorrow. Primarily we mean those regulations relating to violent hate crimes, but also those limiting freedom of expression, including the current content of articles 280 and 282 of the Criminal Code ('Public calls for extremist activity and hate incitement'). That said, we should mention that the content of these restrictions must be thoroughly reviewed, narrowed and clarified.

Based on this interpretation, we cannot say that every line in the anti-extremist legislation is bad (even if it is bad as a whole) or that any punishment



for extremism (even for the expression of an opinion) is unacceptable, still less unjustifiable.

We can, however, speak about inappropriate or unjustifiable anti-extremism in the following two senses.

The first one is the lack of correspondence between legislative regulations and the letter and, above all, the spirit of the Constitution and the aforementioned European Convention. This lack of correspondence is displayed particularly in the fact that legislative restrictions on the freedom of expression are formulated in such a way that they cannot be considered necessary in the democratic society prescribed by the Constitution (for instance, the ban on claiming religious superiority). Furthermore, certain anti-extremist prohibitions are barely permissible in a democratic society (for example, the ban on 'the incitement of social hatred'). Some restrictions are necessary, but the punishment for their violation is clearly excessive. In general, we oppose the deprivation of liberty for utterances which do not call for violence. In brief, the anti-extremist legislation limits freedom of expression excessively, and in some instances it contradicts the spirit of international law.

We condemn such inappropriate legal regulations, but this is the current legislation and it does not make sense to criticize judges or officials, including those from law enforcement agencies, simply for its execution. We should note, however, that many poor regulations (for instance, the ban on the display of any image of a swastika, regardless of context) are applied very rarely, which means that many officials decline to apply absurd regulations. On the other hand, many regulations have a very broad interpretation (like the 'incitement to social hate') and we find it reasonable to criticize the application of such regulations in cases where there is no essential social danger, or indeed, no danger at all.

'Inappropriate anti-extremism' in the second sense relates entirely to law enforcement. Even poor legislative regulations can be either applied or violated. In many cases, the application of anti-extremist legislation does not correspond with the legislation itself. In some instances, one determines as 'extremist' something that is simply not covered by the legal definition. In others, particular clauses of the definition are interpreted too broadly. (Other laws, for example, procedural, may also be violated by anti-extremist practice, but this is not generally the subject of our analysis.)

Other cases of anti-extremist law enforcement, then, can be considered appropriate. We do not use the term 'appropriate anti-extremism' ourselves because those remaining cases may be questionable, in the first instance as regards the Constitution and international legal obligations. However, we believe it important to distinguish questionable cases from instances of arbitrariness on the part of legislators or law enforcement officials.

The following report is based on this understanding of the term 'inappropriate anti-extremism'. It does not present a mere list of facts related to inappropriate enforcement of anti-extremist legislation — one can look through them at the Sova center's website in the Inappropriate Anti-extremism section (<http://xeno.sova-center.ru/89CCE27>). The report offers an analysis of the main trends of law enforcement in this field. Within these trends, it is divided into subsections, following not causes *célébrés* but the most common tendencies in 2009.

## Summary

2009 saw no improvement in the regulatory framework for the counteraction of extremism. In particular, law enforcement based on the federal list of extremist materials seems to be more and more neglected. However, attempts to make the legislation worse were unsuccessful.

As in the previous year, inappropriate anti-extremist enforcement mostly targeted civil society activists, mass media and religious minorities rather than the political opposition. Political groups that suffered the toughest inappropriate pressure included Russian, Tatar and Bashkir nationalists. As a rule, the authorities still prefer to pursue National Bolsheviks and radical political Islamist movements. Regardless of our personal attitudes to any of the groups mentioned above, this report outlines the illegitimate methods being used against them.

Human rights organizations and activists can also become objects of inappropriate law enforcement, but last year no such cases resulted in real sanctions.

The practice of prosecution for 'the incitement of social hate' is steadily spreading, while what constitutes the 'social groups' in question is being defined according to current needs of those using the legislation to persecute or harass groups and individuals. This concept is obviously a flexible instrument for almost all kinds of repressive activity.

Anti-extremist legislation became a very powerful instrument for limiting freedom of conscience. The persecution of Muslim minorities continues, aimed particularly at those who have nothing to do with terrorism or other kinds of dangerous activity. An unusually large-scale campaign was launched against Jehovah's Witnesses. The attempts to prosecute for blasphemy have also not been forgotten. There are also other targets of 'inappropriate anti-extremism', starting with Falun Gong.

Although there were no print media outlets closed in 2009 as a result of inappropriate accusations of extremism, such accusations, in the form of warnings, are becoming more and more frequent. They are usually prompted by clearly exaggerated concern over intolerant expressions or the mention of

extremist organizations in the media. However, sometimes these accusations result in more than just warnings. The most serious case of pressure on the media was the criminal proceedings instigated against journalists of the *Rough Draft* (*Chernovik*) newspaper in Dagestan.

Last year the problem of law enforcement on the internet became more prominent. We often see how the impunity of real criminals is combined with various forms of pressure on those whose activity should hardly be attracting the attention of law enforcement agencies.

The machine that is the 'struggle against extremism' accelerates steadily. It is very likely that many cases arise only because the authorities need to demonstrate that they are participating in the fight. This does not mean that one cannot oppose the machine. On the contrary, there have been more than a few successful attempts to stop inappropriate law enforcement. Still, as a rule, these cases remain exceptions. The 'struggle against extremism' involves not only more and more officials, but also more and more ordinary citizens.

### The regulatory framework of anti-extremism

The generally low quality of anti-extremist legislation may be improved or worsened by radical review (as was the case in 2007) or by separate corrections or clarifications by supreme courts of Russia that have binding force for law enforcement as a whole. During the past two years, there has been no talk of radical review but individual changes were implemented in 2009, or at least attempts were made to implement them.

First of all, what was *not* done in 2009 or in the year before should be noted: there were no attempts to make the definition of 'extremism' at least more comprehensible and less open to free interpretation.

Of course, regulations limiting freedom of expression are not entirely clear in other countries either. They leave a 'corridor' to be narrowed by legal practice. But legal formulations must be clearer and not simply copy the articles of the Constitution as has been done in a series of cases of defining 'extremism'. The supreme courts can and must give necessary clarifications, summing up and developing law enforcement. However, nothing resembling this process has been observed yet.

Law enforcement agencies and courts overcome the problem of the lack of clear definitions by inviting experts. This can be done at every stage of the case, from the prosecutor's pre-trial examination of evidence to the court. The invitation of experts drags out cases (up to the expiration of the statute of limitations) and it also costs a great deal, although the quality of the expertise has already

become the subject of jokes. But whereas society often pays attention to the quality of the expertise, two more fundamental problems remain unnoticed.

First, in most cases the questions posed are beyond the sphere of the experts' academic expertise. In practice, experts are required to evaluate a particular action from the legal point of view rather than from a linguistic, historical or other perspective, when confronted by questions such as 'Are there traits of extremism in...?', 'Does this text incite hate? Towards whom?', etc. Experts have no right to answer questions which lie beyond the framework of their professional competence. Similarly, prosecutors, investigators and judges have no right to ask such questions. On the contrary, they must provide the legal assessment themselves. In current practice, responsibility is being passed to the experts, and decisions are being reached, strictly speaking, by violating legal procedures. But violation has already become customary and the participation of experts is considered by all sides an integral part of an extremist case.

Meanwhile, neither the law, nor any other government regulations, require the procuring of an expert opinion. Furthermore, in most cases the involvement of experts goes against common sense. If a public pronouncement (which is, as a rule, the issue in question) aims to incite certain feelings or actions amongst a wide circle of people, this should be evident to the investigator or the judge without the help of academics. If a text's intention can be only revealed with the help of advanced academic analysis, then its propagandist potential is extremely low; such propaganda is inefficient and thus poses no significant social threat. However, the text under consideration may also be addressed to a specific audience, such as people belonging to a sect or subculture which uses special slang or a conceptual framework inaccessible to the average citizen. That said, these sorts of cases are rather rare.

The obscurity of the law and the mutual interest of law enforcement officials and experts (who are by no means always incompetent, but almost always have a personal interest) make this practice very stable.<sup>7</sup> To change it, clear decisions should be made at federal level (by the parliament, the Supreme Court, etc.). At minimum, the procedure for requesting expert opinion during the investigation should be made more complicated in order to impede abuse on the part of law enforcement officials.

Thus far, however, the problem of the increasing use of expert witnesses has not even been discussed seriously.

<sup>7</sup> See Dmitrii Dubrovskii's speech at the European University at St Petersburg and the subsequent discussion: *Sotsiogumanitarnaia ekspertiza v delakh po razzhiganiuu nenavisti: kontrrevoliutsiia nauki?* Available on the European University at St Petersburg website, 10 April 2008 (<http://www.eu.spb.ru/index.php?option=content&task=view&id=879>).

The ruling of the Russian Supreme Court from 9 June 2009, which considered the appeal against the closure of the national patriotic newspaper *Memory-Novosibirsk* (*Pamiat'-Novosibirsk*), is very positive. The previous ruling was overturned because both warnings on which it was based were given for materials published before the first warning was issued. In this case it was therefore impossible to conclude that the newspaper's editorial board had failed to mend its ways after the first warning. The court proceeded from the premise that a warning is a preventive measure, which is not intended to facilitate liquidation of a media outlet but rather to point out any deficiencies that the editors are presumed to have ignored, and to discourage further violations. Now, according to the Supreme Court ruling, a reference to a warning will only have force if the material under discussion is published after this warning was issued. It thereby becomes illegal to close a media outlet the way that *New Petersburg* (*Novyi Peterburg*) was closed, for instance. The paper received a couple of warnings for materials published before the first warning was issued and was then closed on the basis of the sum total of these warnings.

On 6 October 2009, the Presidium of the Supreme Arbitration Court of Russia ruled on the jurisdiction of appeals against anti-extremist warnings issued to mass media. Until then, no uniform practice or system had existed, and editorial boards appealed both to courts of arbitration and to courts of general jurisdiction. The ruling was triggered by the URA.RU news agency case; since 2008, they had been trying to appeal against two warnings issued to them (inappropriately, in our opinion), for readers' comments posted on their web forum. The Supreme Arbitration Court Plenary decided that such cases are fully within the competence of general jurisdiction courts.<sup>8</sup> One may assume that this ruling will ensure that, henceforth, practice is indeed uniform, but there is no guarantee of this yet.

In spring 2009, during yet another escalation of the politicization of history, various projects emerged which aimed at changing the legislation in this field.

The idea of Rustem Shiiyanov, a member of the Federation Council, to move the article on displaying Nazi symbols from the Code of Administrative Offenses (article 20, part 3) into the Criminal Code was rejected in autumn, on a technicality. Shiiyanov's anti-Nazi initiative could have aggravated the current practice of inappropriate prosecution 'for the swastika', because neither the current law nor Shiiyanov's bill specifies what context makes the use of Nazi symbols illegal.

<sup>8</sup> See the text of the Resolution in 'Prezidium Vysshego arbitrazhnogo suda Rossii ob antiextremistskikh preduprezhdeniakh SMI', 13 January 2010. Available on the SOVA Center website (<http://xeno.sova-center.ru/4DF39C9/E35776C>).

The amendments to the Criminal Code proposed on the eve of May 9 by a group of United Russia (*Edinaia Rossiia*) deputies, led by the Duma speaker Boris Gryzlov, had far more chance of approval. The bill aimed to introduce criminal responsibility for the 'rehabilitation of Nazism'. The definition of the new corpus delicti was so vague that if the new article had been included in the Criminal Code as the deputies proposed, it would have made any historiographical discussion of contested wartime issues almost impossible. Suffice to say, the deputies proposed to criminalize any statement about crimes committed during the war by the Soviet Union or its allies.<sup>9</sup>

However, this political campaign against the 'falsifiers of history' failed, and the bill did not reach its first reading. In January 2010, the government responded negatively to the bill and the United Russia faction expressed willingness to prepare a project of a higher quality. Even if one removes the most odious elements from the project, however, there will still be space for purely political debate on who should or should not be considered 'Nazi accomplices'. Unfortunately, a certain level of history politicization is inevitable, but the criminalization of historiography is unacceptable and entirely possible to avoid.

In 2009, as in previous years, some excessively repressive legislative initiatives were either rejected or failed to even reach the Duma. On 6 November 2009 the State Duma rejected a bill proposing amendments to the Federal Law on Combating Extremist Activity introduced in May 2008 by the Bashkortostan Republic Kurultai. The measures proposed in the bill, which aimed to regulate the activity of internet providers, were so unrealistic that the government gave a negative response to the bill already in 2008.

A new project to amend the law On Freedom of Conscience (dedicated mostly to limiting the activity of missionaries), prepared in the Ministry of Justice, has not been introduced to the Duma. In October, it became known that the bill included a passage saying that 'people convicted for inciting national and religious hate or other extremist crimes cannot be founders, members and participants of a religious organization'. Considering the vagueness of the term 'member of a religious organization', and all the more 'participant', this regulation could threaten all large religious organizations since it is impossible for their leaders to control all of the 'participants', let alone know them all. As a result of pressure from different sides, the Ministry even removed the bill from its website.

<sup>9</sup> Below we cite the whole corpus delicti as proposed: 'Misrepresentation of the Nuremberg Trials or the trials of national courts or tribunals based upon the Nuremberg Trials committed for the purpose of the full or partial rehabilitation of Nazism and Nazi criminals, or declaration of the activity of country members of the Anti-Hitler Coalition as criminal, as well as publicly approving or denying the crimes of Nazism against the peace and security of humanity'.

A bill making provision for the introduction of probationary sentencing (which allows for electronic tagging and restriction on movement such as house arrest etc) as a punishment for minor crimes and those of medium seriousness became law.<sup>10</sup> This means, in particular, that probation may be used as the main or additional punishment for practically every article of the Criminal Code of the Russian Federation which relates to crimes motivated by hate. (Probationary sentencing was available as a punishment under the Criminal Code prior to the amendment, but it did not cover any of the ‘anti-extremism’ offenses).

We should note also the lack of progress in managing the federal list of extremist materials, which is perhaps the most scandalous element of anti-extremist legislation. Discussions on the need to modify this instrument, which have been taking place at least for two years on various levels, have not yet developed into any real initiatives.

However, law enforcement related to the list provides more and more examples which prove its lack of functionality.

The idea of the list itself was dictated by reasonable and even humane considerations. The list establishes a mechanism which makes it possible in some cases not to prosecute the distribution of extremist appeals under articles 280 and 282, for this is almost always complicated and often too harsh a step. Instead it uses administrative measures to restrict the distribution of those materials which one knows in advance (from the list) it is illegal to disseminate. But these good intentions have clearly not been realized.

Firstly, the definition of extremism doesn’t meet with the guarantees of freedom of expression set out in the Constitution, and inappropriate use of this definition worsens the problem. That is why the list contains a lot of materials that cannot be considered dangerous to society.

Secondly, the inclusion of material in the list does not significantly curtail its distribution, because a court only bans the particular material (be it book, leaflet or song) presented to it, and any new version of this material (e.g. a new edition of the book with another foreword, as in the Ezhaev case, see below) needs to be reconsidered afresh.

In fact, we know of very few cases of prosecution under part 29 article 20 of the Code of Administrative Offenses in which someone was held responsible

<sup>10</sup> The full title of the law is as follows: Federal Law of 27 December 2009 № 377-FZ ‘On amending certain legislative acts of the Russian Federation in connection with the enactment of provisions of the Criminal Code and the Criminal Procedure on restriction of freedom’ (<http://www.rg.ru/2009/12/30/arest-dok.html>). The law came into force on 10 January 2010.

for mass distribution of extremist materials. In 2009, only four such court decisions were recorded (one more was annulled because the ruling blacklisting the respective book as extremist was overturned). It is possible there may be more, but certainly not many.

Thirdly, materials are described in court decisions so carelessly that it is often impossible to find out which edition, or even what item, is being referred to, not to mention the cases in which courts ban entities that do not exist, such websites which have already been shut down.

Fourthly, a lot of technical and juridical problems relating to the maintenance of the list have emerged.<sup>11</sup>

All of these reasons contribute to the list’s failure to serve as an adequate legal instrument.

Its further functioning can only worsen the problem. Suffice to say that at the end of 2009 there were 467 items on the list, which means that it grew by one and a half times in size during the year, and this tempo shows no signs of slowing down: by 15 March 2010 there were already 573 items in the list. Such a long list of prohibited items simply loses its functionality as the grounds for prosecuting those found distributing materials known to be extremist.

The best solution seems to be to reject this inadequate and compromised instrument, or at least to stop adding to it (for instance, by a Supreme Court ruling) until the basic problems affecting its functionality are resolved.

## Persecution of political and social groups

Abuse of anti-extremist legislation increasingly attracts public attention, and this fact alone accords special significance to several cases. But their significance for us is not simply a matter of the degree of their publicity. No less important for the (as yet) very unstable anti-extremist law enforcement are the precedents created and decisions taken which may lead to new occasions of inappropriate prosecution. This chapter describes or mentions the cases of 2009 that are the most significant concerning all these criteria.

### Persecution of political groups

The anti-extremist legislation is often regarded as an instrument to suppress the peaceful political opposition, which gives no grounds to prosecute it for real illegal activities. The last few years have seen a considerable number of

<sup>11</sup> See further in G. Kozhevinkova, ‘Under the sign of political terror: Radical nationalism and efforts to counteract it in 2009’ in this collection.



such examples. Any organizations of the opposition attract the attention of law enforcement agencies, particularly that of the departments for the counteraction to extremism. We should note that the focus and intensity of this attention, as well as the amount of inappropriate action taken by the aforementioned agencies, varies from region to region. As one can see below, their main objects of attention are nationalist organizations of various types.

Nationwide, the amount of inappropriate activity against political organizations in 2009 decreased. This may be due, on the one hand, to the almost total cessation of electoral competition, and on the other hand, to the fact that the fear of something approaching a ‘color’ revolution has almost disappeared.

In comparison with the last two years, we recorded very few cases of the confiscation of print runs ‘for expert examination’ (they included the confiscation of copies of Konstantin Krylov’s brochure *17 Questions to a Russian Nationalist with Answers (17 voprosov russkomu natsionalistu s otvetami)* on the eve of their launch, and the withdrawal of 250 copies of the leftist newspaper *Ultimatum*). The number of arbitrary detentions according to lists of suspects also dropped (at the end of 2009, the prosecutor’s office displayed interest in police abuse: the prosecutor’s office of St Petersburg Kalinin region made a representation to the regional police authorities demanding that violations associated with the use of such lists be corrected). There were also few cases of serious persecution (and the case of Tiumen anarchists accused of drawing slogans on the walls of a military enlistment office, instigated in 2008, was dismissed). Only National Bolsheviks buck this trend (see below). The anti-extremist legislation, with all its scope for abuse, has clearly not become the main means of pressurizing the political opposition (except for certain radical movements that can be fairly subject to the legislation).

It is all the more important to mention here a case that clearly falls outside of common practice, perhaps due to the regional specifics of Bashkortostan Republic. Bashkir authorities, ruling the republic harshly, were earlier well-known for their suppression of radical Islamists and Bashkir nationalists of the opposition. There is, however, a group in the republic which opposes both the authorities and the two groups mentioned above – the circle around the *Ufa Gubernskaia* website, which opposes the authorities from the stance of moderate Russian nationalism. These people may not perhaps even qualify as political opposition, but the regional authorities are clearly treating them as such.

Paradoxically, the reason for their repression was the website’s publication of a text by the circle’s opponent, a fragment from the Bashkir nationalist and Islamist Airat Dil’ mukhametov’s brochure *Warriors Against Bastards (Voiny protiv ubliudkov)*. In May 2008, criminal proceedings were instigated under part 1 article 282 and part 2 article 280. The use of part 2 (‘calling for seizure

of power or violent change of the constitutional system with the help of mass media’) was inappropriate even formally because the website was not registered as media. On June 5 already, the Karmaskalinskii regional court of Bashkortostan designated the brochure itself as extremist material. In our view the brochure is written from the position of a Bashkir nationalist and does indeed include explicit elements of hate speech. Its designation as extremist material is therefore arguable, but it surely does not warrant the instigation of criminal proceedings. Dil’ mukhametov himself had already been given a suspended sentence under article 280 in 2006, and on 25 June 2008 he was again convicted under the same article (this sentence was suspended as well). The brochure provided a reason to instigate criminal proceedings against him for the third time. (He was detained in April 2009 in connection with a fourth criminal case, and at the end of the year this case went to court.)

This brochure provided a reason to pursue others, too. Already in May 2008 a group of activists and academics linked to *Ufa Gubernskaia* were searched but no one was charged. There were attempts to limit access to the website from the territory of the republic, but local providers later resumed access. The pressure campaign resumed in spring 2009.

On 5 March 2009, Kirovskii court of Ufa designated the whole website as extremist material although there were no serious grounds for doing so. It was indeed possible to find many examples of hate speech on the website, but in the visitors’ comments rather than in the website materials. Several days before that, criminal proceedings were instigated under article 282 against one of the website visitors: he was charged with writing a large number of xenophobic comments (the hearing is not over yet). By April local providers had already begun to limit access to the website on legal grounds, but outside the republic the decision to ban access to the website was not implemented. The website was renamed *Ufa Gubernia News (Novosti Ufimskoi gubernii)* and made accessible from another URL (<http://www.ufagubnews.ru>). Comments are now pre-moderated, but the number of harsh anti-Bashkir comments has not been reduced.

If the authorities aimed to deal firmly with anti-Bashkir rhetoric, they should have accelerated the criminal case investigation. Instead, they decided to terminate the activity of the editorial staff. On 4 August five people were arrested, including the website owner and editor-in-chief Nikolai Shvetsov. All of them were charged under part 2 article 280 (‘public calls to implement extremist activity with the help of the mass media’), part 2, point ‘c’, article 282 (‘hate incitement and insult to human dignity committed by an organized group’), part 2 article 282<sup>1</sup> (‘participation in an extremist community’), and Shvetsov personally was also charged under part 3 article 212 (‘calls for active contempt of legal demands of state representatives and for mass disorder,



calls for violence against citizens'). Such an array of charges has not been laid against people who are not involved in any violence before in Russia. Charges under article 282<sup>1</sup> have been very rare, even in cases where it would have been entirely appropriate.

Among those arrested was a senior research fellow from the Ethnological Research Center of the Ufa Academic Center of the Russian Academy of Sciences, Il'dar Gabdrafikov. He is a permanent correspondent of the Ethnological Monitoring Network led by Valerii Tishkov, director of the Institute of Ethnology and Anthropology of the Russian Academy of Sciences. It is likely that mediation at high levels saved the arrested at that moment. On August 13, according to the ruling of the Republican Supreme Court, four of them (including Shevtsov and Gabdrafikov) were released after pledging not to leave the area (a ruling on house arrest was later issued but it was also subsequently annulled).

At the time of writing, the case (opened more than a year and a half ago) has not yet reached court. It is suspended like several other cases (some of which are discussed below) that are extremely inappropriate, even by current standards of anti-extremist law enforcement.

In April the chairman of the Tatar Social Center (*Tatarskii obshchestvennyi tsentr*, TOTs) in neighboring Tatarstan, Rafis Kashapov, was found guilty under part 1 article 282 and given an eighteen-month suspended sentence. Kashapov was charged with writing and/or distributing several articles (via the TOTs blog in particular). Kashapov admitted authorship of only one of the articles, 'No to Christianization!'. (Later, on 4 September, all those texts were blacklisted by the court as extremist materials.)

Regardless of authorship, we have found neither calls to instigate any illegal actions nor ethnic or religious hate incitement in the articles mentioned in the sentence, with one exception. The author (or the authors) criticizes the Russian Orthodox Church, and mainly the national and religious policy of the Russian state in different periods, but criticism like this cannot be the subject of criminal prosecution.

One debatable issue is a call made by the editorial staff of the separatist website Ichkeriia.info which was reproduced on the TOTs blog. This call itself includes an appeal to fight for the separation of the Caucasus from Russia, and in the context of Ichkeriia.info this appeal read undoubtedly as a call to armed struggle. The Tatar Social Center also expressed solidarity with armed Chechen separatists (as it had done earlier). It might be possible to consider whether reproduction of this text is corpus delicti of article 280 ('public calls for extremist activity') but there can be found no incitement of ethnic hate, i.e. corpus delicti of article 282. The reproduction of the Chechen separatists' call was a dubious act from the legal perspective. But convicting the head of the Tatar social center on this count of the indictment under article 282 did not contribute to the sentence's appropriateness.

By the end of October 2009, the case of another Tatar nationalist, the editor of the *Youth of Naberezhnye Chelny (Chally iash'lere)* newspaper Damir Shaikhutdinov reached the court. He was charged with point 'b' part 2 article 282 ('hate incitement and insult to human dignity committed with the help of mass media by a person using his or her official position') for publishing the article 'Peter the Great's Secret Testament'. This article argues against the suggestion that some territories, including that of modern Tatarstan, 'peacefully joined the Russian state'. From our point of view, this article does not go beyond common anti-colonial rhetoric, and includes nothing that anyone should be prosecuted for. Nevertheless, on 14 January 2010 the city court of Naberezhnye Chelny gave Shaikhutdinov an eighteen-month suspended sentence with two years on probation.

The persecution of Shaikhutdinov is likely to be linked to the case of Milli Meclis, the principal organization of Tatar separatists in Tatarstan. The case was initiated on 26 December 2008, in response to the new declaration of Milli Meclis on Tatarstan sovereignty approved in December 2008. The texts with which Milli Meclis is charged include no rhetoric that could be called extremist except for the call for the separation of Tatarstan from Russia (the authors even proclaim a Tatar government in exile). Unfortunately, even a peaceful call for separatism can be interpreted as extremism as a result of the poor wording in the Constitution, reproduced in the definition of extremism: '*violent change of the foundations of the constitutional system and infringement on the Russian Federation's territorial integrity*'. It is unclear in this phrase whether the word 'violent' refers to its first part or to both parts.

It is worth noting that Milli Meclis activity met this reaction not only in Tatarstan. Already in January 2009 the Tatar national cultural autonomy of Magnitogorsk (Cheliabinsk region) 'Tatar rukhy' received a warning after its namesake newspaper published the aforementioned document. By June, a charge (so far only the one) was brought in the case of Milli Meclis against its leader Fauziia Bairamova. In November the case went to the court, and on 24 February 2010 she was given a one-year suspended sentence under part 1 article 282.

The 'natural' subject of anti-extremist arbitrariness, it seems, is any leftist group expressing anti-capitalist sentiments in which one can easily see the incitement of social hate. However law enforcement agencies fortunately do not, thus far, pursue this line – likely for fear of the wide scope for possible prosecutions. But this does not mean that leftist groups are not generally subject to arbitrariness.

On 28 August in Tver, for example, six leftist labor union leaflets which contained nothing but cartoons and calls for the establishment of 'militant labor unions' were designated as extremist materials.

At the end of June 2009, Khabarovsk local prosecutor's office instigated criminal proceedings under part 1 article 282 against Nataliia Ignat'eva for a

poem she recited at a rally on 1 May 2009. It was a satirical oeuvre written in the name of ‘the oligarchs’ and ‘officials’, addressing the common people as ‘Ivans’ and ‘Papuans’ mired in drug addiction and alcoholism. The prosecutor’s office pretended not to notice this satirical device and charged Ignat’eva with ‘insult to human dignity of a group of people on account of their ethnicity [*natsional’nosti*]’ (the case is not over yet).

### Unjust bans of organizations and the consequences thereof

The most widescale campaign of anti-extremist persecution in 2009 was that launched against National Bolsheviks. It was based upon article 2822, which criminalizes participation in the activity of a banned organization. In 2009 as a whole, ten sentences were passed against 13 National Bolsheviks under article 2822 (sometimes in combination with other articles), five of whom were sentenced to prison terms. Three sentences were passed against 14 activists of Hizb ut-Tahrir.<sup>12</sup> Many other cases launched in 2009, mostly against National Bolsheviks, are not yet over.

We do not believe this article contradicts the law, and we do not doubt that the National Bolshevik Party continues its activity. Finally, it was possible to file entirely different and appropriate accusations against the NBP both before and after the ban. But the decision to ban the party itself contradicted the letter of the anti-extremist legislation.<sup>13</sup> That is why we are convinced that the ban should be reconsidered, perhaps by considering some other episodes. Until that is done, bringing National Bolsheviks to trial solely because of their participation in Party activity is to continue misusing anti-extremist legislation.

In some of these cases the sentence is based on the sole fact of participation in NBP activity, as it was for instance in the *cause célèbre* of Aleksei Nikiforov, a National Bolshevik from Ekaterinburg. In other cases, in addition to acting on behalf of the NBP (article 2822), National Bolsheviks are charged with certain actions under other articles. This addition can be absolutely inessential, as in the case of Dar’ia Isaeva who was given a two-year suspended sentence on 20 February 2009. The girl was prosecuted for participation in a publicity stunt at the Moscow restaurant ‘Elki-palki’, in which two National Bolsheviks tried to pay with leaflets instead of money in protest against price rises. Qualification of this action under

<sup>12</sup> One more activist was sent for compulsory medical treatment.

<sup>13</sup> We have written on this subject more than once. The ban of the NBP is a result of the investigation of three episodes. One of them was imputed to the NBP due to an evident judicial error. Two more counts of the indictment were acts of violence not considered on their merits during the hearing on the ban. This violates the basic legal principle that evidence be examined during a court case. These two counts did not receive due consideration even later.

part 2 article 165 (‘causing property damage to an owner or another holder of property by deception or abuse of trust without the characteristics of theft’) is appropriate, but the deed itself is so insignificant that there is no doubt that Isaeva was actually being punished for her activity as a National Bolshevik.

So, although we also believe the ban of the National Bolshevik Party to be inappropriate, to evaluate the appropriateness of the prosecution one must also pay attention to the specific activities that the accused are charged with. Unfortunately, in some cases we do not have enough information. In other cases, the actual activities of National Bolsheviks turn out to be indeed illegal. At the end of 2009, for example, criminal proceedings were instigated against Mikhail Deev, a National Bolshevik from Orel, under articles 282 and 2822. His allies have every right to laugh at the investigation that found a call to overthrow the state in the slogan ‘Down with autocracy and succession to the throne’.<sup>14</sup> But the experts’ reasons were not included in the resolution relating to the instigation of criminal proceedings. There are materials in Deev’s case which contain hate speech against Chinese but, from our point of view, these do not merit criminal prosecution. On the other hand, Deev is charged with direct calls to armed rebellion and the murder of representatives of the ‘capitalist’ authorities (in an issue of *The Workers’ Struggle (Rabochaia bor’ba)* newspaper in December 2008). At the time of writing, Deev’s guilt has not been proven.

For the same reason, we consider bringing activists of the Islamist organization Hizb ut-Tahrir to trial under article 282<sup>2</sup> to be inappropriate, since the Supreme Court’s decision to ban it was absolutely groundless. This case should also be reconsidered.

The prosecution of Hizb ut-Tahrir members under article 282<sup>2</sup> continues. We know of only three sentences handed down in 2009. However, 12 individuals were convicted in one of the lawsuits (see above). Since we have no official data on the persecution of Hizb ut-Tahrir (in contrast to the previous year), it is hard to estimate the dynamics definitely. According to the data we do have, the situation has not changed since 2008.

It is worth noting, however, that a very important sentence (from the legal point of view) was passed on 29 October by the Supreme Court of Tatarstan Republic. The court found 12 people to be members of Hizb ut-Tahrir and guilty under parts 1, 2 article 282<sup>2</sup> (‘organization of an extremist community and participation in it’), part 1 article 205<sup>1</sup> (‘assistance to terrorist activity and recruitment’), article 278 and 30 (‘attempt to seize power by violent means’). Seven people were sentenced to four to eight years of imprisonment in a

<sup>14</sup> Georgii Sarkisian’s blog, 17 January 2010, (<http://g-sarkisian.livejournal.com/50051.html>).

strict regime labor colony, four were given three-and-a-half-year to five-year suspended sentences and one was found mentally incompetent and sent for compulsory medical treatment.

We do not know the grounds for the charge under article 205<sup>1</sup> in this case, i.e. whether all these people really attempted to involve someone in terrorist activity. But none of them was charged even with preparation of a terrorist attack in this case.

The charge of attempting a violent seizure of power under articles 30 and 278 is far more remarkable. The defendants seem not to have attempted anything of the kind. No weapon was found. Article 278 in the sentence is only explained by the fact that the goal of Hizb ut-Tahrir is to build a world caliphate, and since it is impossible to establish it in a democratic way (and the organization does not participate in elections on principle), the only way is by a coup d'etat. None of the organization's documents we are familiar with contain anything like preparation for a coup d'etat. (Hizb ut-Tahrir may reckon upon its Islamist propaganda, though peaceful in content, nudging someone else to commit such actions, but none of this has anything to do with Russia, of course.)

Thus we see that the persecution of Hizb ut-Tahrir activists, who are not numerous, is under way. It is based on a decision made without proper grounds by the Supreme Court on 14 February 2003. It is possible that the Supreme Court had at their disposal some information presented by the intelligence agencies, for instance, concerning the organization's involvement in terrorist activities. But no such information was included in the court's ruling and so it is impossible not only to contest the decision in a legal sense but even to discuss it properly. And it would indeed be worth discussing, because experts on radical Islamism agree that Hizb ut-Tahrir is not involved in terrorist activity.

One might consider the ruling a mistake, due to the novelty of the procedure of banning organizations, but in the last two years the Supreme Court has only consolidated the practice of banning organizations without disclosing its grounds for doing so. On 10 April 2008 the Nurcular (*Nurdzhular*) movement was banned as extremist, and on 7 May 2009 the Tablighi Jamaat movement was too (an appeal was rejected on 31 July). Both of these movements had no real organizations in Russia, but there are people in the country who may be called Nurcular or Tablighi Jamaat followers. And they are already experiencing problems.

The two movements differ significantly as regards their position in modern Islam and as regards their structure. Tablighi Jamaat is a real international organization, whereas Nurcular is the name given to various competing groups of followers of the Turkish theologian Said Nursi (whose books have been banned in Russia since 2007, absolutely inappropriately). What these movements have

in common is that many experts on radical Islamism consider both of them to be close to real terrorist structures. Tablighi Jamaat and almost all the groups that use the name Nurcular do not practice violence, but their propaganda – especially Tablighi Jamaat's sermons – are capable of leading some people to terrorism, and indeed do so.<sup>15</sup> Does this mean that the movements themselves are worth banning? The answer can only be determined after a thorough investigation of their activity (expert testimony always differs considerably in such cases). The activity of the groups functioning under these names in Russia should be investigated as well. But since the Supreme Court did nothing of the kind, its rulings should be considered inappropriate.

These decisions have clearly affected the freedom of conscience of a certain (small) section of Russian Muslims. But the influence of anti-extremist law enforcement on freedom of conscience as a whole will be examined below in a separate chapter.

There we will also consider one of the most significant events of inappropriate anti-extremist law enforcement in 2009; the campaign against Jehovah's Witnesses, including the ban of the organization and materials.

### The problematic term 'social group'

Perhaps the most celebrated anti-extremist sentence of the year was that of Irek Murtazin, political scientist and journalist, former press secretary to the Tatarstan president Mintimer Shaimiev. The criminal case began in December 2008, and in January Murtazin – who had already long opposed Shaimiev – was accused under three articles of the Criminal Code simultaneously: part 2 article 129 ('libel'), part 1 article 137 ('violation of privacy'), point 'a' part 2 article 282 ('social hate incitement with threat of violence'). On November 26, 2009, Murtazin was found guilty on all counts and sentenced to one year and nine months in a penal colony settlement, and in January 2010 the Supreme Court of Tatarstan left the sentence in place.

According to the court ruling, 'libel' consisted of accusing Shaimiev of conniving with corruption, etc. as well as posting a false report of the president's death in Murtazin's LiveJournal.

The sentence against Murtazin under article 282 was based on incitement of hatred towards a social group described as 'representatives of the government of Tatarstan Republic'. The court perceived incitement to hatred in the fact that

<sup>15</sup> For a review of assessments of Tablighi Jamaat see: Mariia Ivanovskaia, 'Tablighi Jamaat: Skrytaia ugroza mirnoi propovedi', Fergana.ru, 11 February 2009 (<http://www.ferghana.ru/article.php?id=6065>).

Murtazin portrayed the authorities and the people as being on opposing sides, and described republican officials – including Shaimiev – harshly in his book *Mintimer Shaimiev: The Last President of Tatarstan. Part 1 (Mintimer Shaimiev: Poslednii president Tatarstana. Kniga 1)* released in 2007,<sup>16</sup> in his blog and in the *Kazan News (Kazanskii vestnik)* newspaper.

There is no sense in disputing whether Murtazin's criticism of the republic's authorities was unacceptably rude (we don't think it was) or whether there were false claims made in his texts (this is the subject of article 129 in his sentence and we are not going to discuss it). One might also concede that the author aimed specifically to incite hate against Tatarstan officialdom and did this successfully. But it is impossible to agree with the statement that the republic's authorities constitute a social group defended by article 282 (and by anti-extremist legislation as a whole), otherwise it would mean a complete ban on criticism of the government and, even wider, of political opponents, which without doubt contradicts the Constitution.

On the other hand, the law does not define the concept of a 'social group' and Murtazin's sentence only replicates that of Vitalii Tanakov, passed three years earlier. In his case, however, the role of the social group was played by the authorities of Mari El.

This is why Murtazin's sentence should become a reason for the Constitutional Court to revise the corresponding elements in article 282 and in the anti-extremist legislation as a whole. We are not suggesting that political criticism may not be limited in any way (this would contradict both the Constitution and the European Convention of Human Rights), but we have no doubt that the right to express such criticism should be defended from the authorities' arbitrariness.

The ban on political criticism is not the only issue at stake. The obscure term 'social group' provokes other dubious collisions which we have written about more than once. In various criminal and civil cases investigated or the subject of preliminary inquiries in 2009, the actual or potential social groups defended by the anti-extremist legislation were 'law enforcement agencies officials', 'the military', 'investigation services officials', 'police officials', 'state employees', 'owners of domestic [Russian-made] motor transport'.

In December a court in Kostroma began hearing a case in connection with the distribution of a leaflet 'You have elected — You are to judge!' (*Ty izbral — tebe sudit'*) that had long been found extremist, from our point of view, inappropriately. The case was defined under part 1 article 282. The leaflet calls for a referendum on an amendment to the Constitution that would make it possible to put beyond the law, and to execute, officials who have harmed the people. Although it is impossible

<sup>16</sup> This means that Murtazin distributed his book freely for more than a year before the case was opened (which happened three months after the false report of Shaimiev's death).

not to consider such a proposal illegal and simply preposterous, in and of itself a proposal to hold a referendum on changes to the Constitution cannot be banned. Now the prosecutor's office has to prove in court that Roman Zamuraev used this leaflet to incite hate towards social groups such as 'representatives of government agencies' and even 'people who did not join the given movement' – that is, the so-called Army of the People's Will (*Armiia voli naroda*).

Various social activists sent requests to the prosecutor's office to initiate proceedings in defense of social groups such as 'human rights activists', 'the journalistic community' and even 'fans of SKA football team' (the latter demand was made by the fans themselves, after being insulted by the fans of another team). On the other hand, a court in Tambov ruled on 5 May 2009 that homosexuals 'cannot be treated as a separate and definite social group' in the sense provided by article 282. On top of all this, strange precedents are being established in connection with the persecution of the Falun Gong movement (see below in the section devoted to freedom of conscience): its members have been charged with, amongst other things, incitement of hate towards such groups as the Communist Party and the government of China.

In all these cases, different rulings are made. One cannot say that the law enforcement agencies and the courts always adopt a repressive stance. No case was opened for the incitement of hatred following the demands of the SKA fans, for example. And on 31 December 2009, the criminal prosecution of the blogger Dmitrii Solov'ev was halted. He had been accused under article 282 of inciting hate towards the officials of various law enforcement agencies, including the Federal Security Service. However, there are enough repressive decisions to conclude that the above-discussed provisions of the anti-extremist legislation are potentially repressive.

It is likely that further application of the regulations relating to 'social groups', before they have been examined in the Constitutional Court, or at least clarified at a plenary session of the Supreme Court, would be a profanation of the law and total arbitrariness.

### Pressure on human rights activists

The campaign of defamation and harassment against human rights activists that started in the later 2000s employed various legal instruments, and it was naturally to be expected that anti-extremist legislation would be also brought into play. But it turned out that inappropriate anti-extremist law enforcement affected human rights activists more often in association with other objects. Memorial, for example, received a warning in 2006 for publishing mufti Nafigullah Ashirov's expert opinion on Hizb ut-Tahrir. Anti-extremism could only be used to pressure human rights activists on pretexts which had absolutely nothing to



do with the activists themselves. This happened to Memorial in St Petersburg in December 2008, when a search in the center's office and the confiscation of their archive were conducted on the almost groundless pretext of Memorial's connection with the *New Petersburg (Novyi Peterburg)* newspaper charged with publishing extremist materials. However, after several court hearings the search was found illegal and the confiscated archive returned.

In some cases, anti-extremism is chosen as an instrument of pressure due to the law enforcement agencies' incompetence. In summer 2009, for example, Dmitrii Kraiukhin, a well-known human rights activist from Orel, found out by chance that his photo had been included on a police wanted list, in the section 'Leaders of Orel extremist organizations'.

Direct attacks were rare. The sentence passed on the organizers of the *Beware, religion! (Ostorozhno, religii!)* exhibition remains the most significant. Although this case really relates more to freedom of conscience, it was of no small importance that the exhibition took place in the Sakharov Center, a place often used for human rights activists' meetings.

The case of the *Beware, religion!* exhibition was swiftly followed by the almost identical case of the *Forbidden Art-2006 (Zapretnoe isskustvo-2006)* exhibition. The hearings, which started in summer 2008, are taking far longer than expected and at the time of writing they are nowhere near over.

The head of Perm Civil Chamber Igor Averkiev was brought to court under article 280 for his text 'In leaving the Caucasus, we will become freer and stronger' in which it is possible to discern a call for the separation of the North Caucasus from Russia. Concurrently, a case was launched to designate the article as extremist material.<sup>17</sup>

The definition of extremism, if one interprets it literally, can be taken to cover not only minorities' calls to separatism but also this kind of 'inverted separatism'. This statutory provision is clearly an excessive restriction on freedom of speech (whatever one's attitude to separatism) and it is applied extremely selectively. The idea of the separation of Chechnya and the whole North Caucasus has been discussed since the early 1990s, and will be discussed in the future. The Constitutional provision on the indivisibility of Russia is not irreversible. The Constitution allows for the possibility of its own amendment, and consequently, one cannot prohibit the discussion of amendments to the Constitution, whether the matter is Russia's integrity or, for instance, its republican system. However, this was not the only case in which calls to change the Constitution were deemed extremist.

<sup>17</sup> In 2008, Averkiev already was subject to inappropriate prosecution for his article 'Putin is our good Hitler'.

The case against Averkiev can be considered typical in another respect. In order to prosecute the activist, an article of his was chosen that is hard to defend. It is too insulting towards Chechens and other peoples of the Caucasus; it is a typical example of hate speech built on stereotyping via a series of accurate or not entirely accurate observations. But the degree of hate in this article is certainly insufficient to designate it as extremist material, let alone warrant criminal prosecution.

However, the case on the article ban was suspended and towards the end of the year the case against Averkiev came to a standstill. In April 2010 the case was closed.

The case of the closure of the Novorossiisk Human Rights Committee (*Novorossiisk komitet po pravam cheloveka*, NKPPC) on a charge of extremism could set a very serious precedent. This case is worth noting for the fact that the prosecutor's office, in its demand to the court in August 2009, directly cited clearly political accusations made against the NKPPC in a complaint made by the city authorities to the prosecutor's office. Aside from numerous and varied violations, the NKPPC case achieved 'fame' because the prosecutor's office found the slogan 'Freedom is not given, it is taken' extremist. (The slogan was used in connection with restricting the amount of time adolescents spend on the streets in the evening.)<sup>18</sup> The scandal around the NKPPC case had considerable resonance, which is probably why the prosecutor's office withdrew its demand on 30 September.

But the city authorities did not retreat completely. The prosecutor's anti-extremist acts issued against the NKPPC leadership in May 2009 remained in force. On 10 December, Vadim Karastelev, one of the NKPPC's leaders, was given a warning (which was also technically incorrect: he was issued with the type of caution known as a *preduprezhdenie*, whereas a citizen can only be given a *predosterezhenie*) for extremist activity. The city police department only found extremist Karastelev's attempts to attend a hearing on an ecologically significant topic, and the warning made no suggestion that Karastelev was involved in any violent acts. It should also be noted that the police have no legal authority to issue anti-extremist warnings. Thus, another anti-extremist act against the NKPPC is completely illegal.

<sup>18</sup> Further on the NKPPC case see 'Delo Novorossiyskogo komiteta po pravam cheloveka', 14 September 2009. Available on the SOVA Center website (<http://xeno.sova-center.ru/29481C8/D9601B2>).

## Limitation of freedom of conscience

### Persecution of Muslim groups

In a similar report a year ago, we argued that anti-extremist legislation has turned into a powerful instrument to limit freedom of conscience. We also wrote that the best known victims of this arbitrariness are several Muslim groups, but inappropriate anti-extremist law enforcement in the field of freedom of conscience is not restricted to Muslims. 2009 offered new and even more convincing proof that, unfortunately, this trend in law enforcement was accurately observed.

It may be argued that the persecution of Hizb ut-Tahrir, Tablighi Jamaat and several other groups (see above) does not qualify as limitation of freedom of conscience, because these people are persecuted not for their religious views but for real and (more often) assumed links to religiously motivated violent crimes. However, this argument doesn't hold up under scrutiny. Although, for instance, membership of Hizb ut-Tahrir does not entail following any special religious teaching, which might allow one consider this organization a separate Islamic movement (at least, we have never encountered the suggestion that it is religiously distinct), Tablighi Jamaat definitely is a distinct religious movement. Although it is being persecuted for supposed links with terrorist activity (this persecution is arbitrary but by no means groundless) the ban directly impacts upon a Muslim's freedom of religious choice.<sup>19</sup>

The persecution of Said Nursi's followers limits it even more. There are no grounds to lay any substantial anti-extremist charge against them aside from their statement on the superiority of their religious teaching, so the only complaint against Nursists is based upon overt limitation of freedom of conscience.<sup>20</sup> Meanwhile, in December searches were carried out in the homes of Nursists in Dagestan, where one would think that local law enforcement agencies already have a real enemy in the shape of the armed Salafist underground.

The ban of Nurcular had unpleasant consequences not only for Nursists. However, these consequences demonstrate again that those who persecute Nursists do not have a credible explanation for their activities.

<sup>19</sup> The authorities sometimes use the forces of 'official Islam' to implement the ban. Of course, the latter's interests in the persecution of religious dissidents often coincide with the former's, and there has always been plenty of evidence of that. But sometimes the authorities' influence is all too evident: for instance, on 10 September the Tatarstan government's Religious Affairs department requested that the muhtasibat (regional Muslim departments) exclude Tablighi preachers from mosques.

<sup>20</sup> In February 2010, Nursists were convicted under article 2821 for the first time.

On 14 December 2009, Moscow prosecutor's office released details of the anti-extremism warnings given to the editor-in-chief of *Izvestiia* newspaper and the director general of DA company for publishing an article by the Duma deputy Sergei Markov in February 2009. In his article, Markov praised Fethullah Gülen, the informal leader of modern Nursists. The warnings are surprising not only with regard to the people who received them, but also in regard to the reason they were issued. No matter what one thinks of Nurcular and Gülen, approval of the latter's activity is not included under the term 'extremism'. The law forbids only mentioning a banned organization without mentioning the ban itself (which the article cannot be accused of) and approval of terrorism (but neither Gülen nor the Nursists have any connection with terrorism).

A bit later, in January 2010, the same prosecutor's office issued a warning to Ravil Gainutdin, the chairman of the Council of Muftis, simply because in September 2009 an eighty-year-old Turkish citizen and former pupil of Said Nursi took part in a conference organized by the Council. It is hard to understand why the prosecutor's office displayed no interest in the immigration office that issued a visa to the man in question, or in Iurii Luzhkov, the Moscow mayor who participated in the same conference.

Aslambek Ezhaev, head of the Council of Muftis' publishing house, managed to evade criminal prosecution. In 2008 he was involved in proceedings instigated under article 282 for publishing *The Ideal Muslim: The True Islamic Personality as Defined in the Qur'an and Sunnah* (often shorted to *Lichnost' musul'manina* in Russian, *The Personality of a Muslim*), which was included in the federal list of extremist materials. When he published the book, Ezhaev simply could not have known that it had been banned in remote Buguruslan, because the book had appeared on the federal list very late. However, the charge of distributing extremist literature was dismissed not because of this, but because the new edition was not identical to the banned version – it had a different preface. Ezhaev, as an interested party, was – through no fault of his own – unable to appeal the Buguruslan ruling (which has already become an example of incompetent ban) in time. He therefore requested a further period in which to make an appeal. On 6 May the Orenburg regional court refused this request. Moreover, on 4 August the Uspenskii court of Krasnodar krai again banned *The Personality of a Muslim*. It may perhaps have been a different edition than that banned in Buguruslan, but there are little grounds for thinking that they differ significantly, or that the Uspenskii court was aware of the earlier ban.

On the other hand, however, a no less preposterous case on banning the article (published as a brochure) 'The Novruz holiday and Islamic doctrine' ('Prazdnik Novruz i islamskaia doktrina') culminated in an almost complete triumph of justice. The article simply stated that the traditional Novruz holiday

had non-Islamic roots. In April 2009, after a nine-month-long trial, Samarskii regional court in the city of Samara refused to satisfy the prosecutor's demand to designate both this brochure and the website 'Islam as It Is' (islam.boom.ru, where – amongst many other places – the text was posted) as extremist. On 15 June 2009 the court of Samara region approved this decision, thus cancelling a 2008 ruling by the Samarskii court which had banned the article. The website, however, was not restored.

As a whole, the number of cases of inappropriate prosecution of Muslim activists of various types has barely changed over the last two years.<sup>21</sup> Violations of freedom of conscience on anti-extremist grounds have increased, however – this field widened.

### Persecution of Jehovah's Witnesses

The most impressive anti-extremist campaign in the religious field in 2009 was that against Jehovah's Witnesses. During the year their religious communities became victims of some very diverse forms of pressure,<sup>22</sup> of which the most serious were the charges of extremism.

As far back as October 2007, the Rostov regional prosecutor's office had issued two anti-extremist warnings to the chairman of a religious organization of Jehovah's Witnesses in the city of Taganrog. These warnings were based on intolerance towards other religions, identified by experts in the Witnesses' texts and behavior. Since then, the substance of claims against the Witnesses has not changed.

In November 2007, the same prosecutor's office issued an anti-extremism warning to a religious organization of Jehovah's Witnesses in the city of Sal'sk.

In 2008, the pressure against Jehovah's Witnesses reached a new level.

Similar warnings were issued in May 2008 to Witnesses in Ekaterinburg and the city of Asbest (Sverdlovsk region). Although the court then refused to desig-

<sup>21</sup> Our data for 2009 coincide with those presented by Elena Riabinina (Institute of Human Rights). According to her data, the number of cases of inappropriate prosecution (4 sentences and 14 convicted) dropped in comparison to 2008 (6 sentences and 18 convicted), although this is perhaps explained by a lack of information. On 22 January 2010 there were two known cases under investigation and two cases before the courts.

As a whole, according to Riabinina's data, as of 22 January inappropriate sentences in the course of the fight against 'Muslim extremism' since 2004 have been passed against 142 people, 102 of whom were charged with Hizb ut-Tahrir membership. 106 people were sentenced to real prison terms (46 of them are still in prison), 31 were given suspended sentences (all of them within the Hizb ut-Tahrir cases) and 8 were sentenced to fines or to forced labor.

<sup>22</sup> For further detail, see our report on freedom of conscience in this collection.

nate the Witnesses' materials presented by the prosecutor's office as extremist, criminal proceedings under part 1 article 282 were instigated in June (the case was closed only in March 2010).

On 10 July 2008, Rostov regional court began to investigate the Taganrog prosecutor's request to close down 'Taganrog', the aforementioned local religious organization of Jehovah's Witnesses. One of the grounds for the request was the charge of extremism.

At the end of December, the prosecutor's office of Gorno-Altai demanded that the city court blacklist 29 Witnesses' materials as extremist.

In 2009, the anti-extremist campaign against the Witnesses continued and grew wider.

On 11 March 2009, the prosecutor of Krasnodar krai requested that the Pervomaiskii court of the city of Krasnodar blacklist standard Witness publications, distributed worldwide (three issues of the magazine *The Watchtower*, and the book *Draw Close to Jehovah*) as extremist. For some unknown reason, the expert examination of the material was conducted by order of the Krasnodar krai department of the Federal Security Service.

Sergei Fediaev (PhD), the main expert of the forensic expert center of Krasnodar krai police department, found calls for violence, religious hate incitement, as well as insult to human dignity in the texts he was presented with. The absurdity of Fediaev's interpretation of these religious texts can be seen in the fact that he defined a prophecy about the end of the world as a call for violence. The court was also presented with other expert testimony by more qualified specialists, but the Witnesses failed to repel this attack by the law enforcement agencies. Finally, the case of the Taganrog Witnesses was passed to the Rostov regional court.

On 11 September the court issued an unprecedented decision, designating 34 Witnesses' materials as extremist and closing down the Taganrog community as extremist. The Witnesses had faced closure previously (in 2004 in Moscow), but the matter had not been linked to extremism although the Federal Law on Combating Extremist Activity was already in existence. It is interesting that the case mentioned their prohibition on blood transfusions, which is the most serious accusation made against Jehovah's Witnesses. However, it has nothing to do with the definition of extremism. The total lack of grounds for the accusation allows hope for the lodging of a successful appeal.

However, on 8 December the Russian Supreme Court completely approved the Rostov sentence. Thus the 'Taganrog' religious community of Jehovah's Witnesses was officially designated as extremist, with all that this implies.

In the beginning of 2009, another expert in Ekaterinburg, S.A. Mochalova, a specialist at the forensic lab of the Sverdlovsk region Federal Security Service

department's technical operations section, also found signs of extremism in the Witnesses' texts. However, the specificity of Mochalova's expert testimony is that it is generally directed at proving the banal fact that the teachings of Jehovah's Witnesses differ from canonical Christian doctrine. As a matter of fact, the expert found no other grounds for her conclusion. Anyway, the criminal case in Ekaterinburg was closed on 6 July and the warnings issued earlier to the Witnesses were successfully contested in courts at around the same time. One might suppose that pressure on Witnesses in the region had lifted. But already on 31 July the ruling to close the criminal case was overturned. We are not aware of any progress in the investigation, however.

On 3 September in Novouralsk, another city in the region, the court began to investigate a demand to ban several more Witnesses' materials.

In March, the Samara regional prosecutor's office demanded that the regional court close down regional communities of Jehovah's Witnesses in Samara and Tol'iatti, and the Samara court appeared to be the only one that had not ratified the requests of the prosecution the year before. On 29 May the regional court found no violation of the law in the Tol'iatti community's activity (this decision was further approved by the Russian Supreme Court). In September 2009, the same court sent the materials of the case to the Ministry of Justice's institution of legal expertise for examination, and halted proceedings on 30 December.

On March 19 and 20, warnings were issued to two communities in North Ossetia. Strange as it may seem, they were issued after the prosecutor prepared a demand to the court to close down four communities in the republic, in Vladikavkaz, Alagir, Mozdok and Beslan. The hearing began in the republic's Supreme Court in April, but since May the case has made no progress in expectation of the commissioned expert testimony.

On 28 September the court in Gorno-Altai started proceedings following a demand to ban Witnesses' literature. It was based upon expert testimony, this time prepared by civilian experts from Kemerovo State University. The experts found extremism in the fact that the texts '*create a negative impression of Christian priests generally – as a social group*' and one may also see in them '*an inducement to refuse to fulfill civic responsibilities in connection with military service*'. Of course experts are not obliged to know the law, but the prosecutor's office is and it should have doubted that such accusations could be considered appropriate, given the definition of extremism outlined in the law. On 1 October the court issued a ruling banning 18 of the 29 materials under scrutiny, because the remainder had already been banned by the Rostov court (see above).

It is noteworthy that this is a rare and unexpected case of one court being aware of another court's activity in this field. The federal list of extremist ma-

terials, with 15 pairs of identical items and even one instance of three identical items, confirms that the courts are often unaware of each other's rulings. In this case, however, the Gorno-Altai court proceeded from the decision of the Rostov court, although it had not yet come into force.

On 17 December the Supreme Court of Altai Republic ruled that the case should be returned to the Gorno-Altai city court. The grounds it presented were quite unusual, but only to be expected given the fact that the case involves an international organization. The foreign organizations that were the publishers and copyright holders of the materials earlier designated as extremist filed a complaint, on grounds that they had not been summoned to the court. But this turned out to be only a formal delay. On 10 January 2010 the Supreme Court of the Altai republic finally approved the ruling banning the 18 items.

Thus, by the end of January 2010, one local organization of Jehovah's Witnesses was banned as extremist and several dozen Witness materials widely disseminated in Russia were similarly banned. This threatens the Taganrog organization with criminal prosecution under article 282<sup>2</sup>, and others with administrative punishment for the mass distribution of extremist materials.

Several more cases await judgment and new ones are likely to appear. On 23 December, for instance, the prosecutor's office in Adygeisk issued 11 warnings simultaneously to local Witnesses.

If the campaign of pressure on Jehovah's Witnesses continues, we will see some very concentrated inappropriate anti-extremist law enforcement. It will affect believers who it is impossible to suspect of really dangerous activity, and indeed, no one even raises such suspicions.

### Persecution of Falun Dafa followers

No one in Russia attempts to bring serious claims against Falun Gong either, another religious movement (otherwise known as the practitioners of Falun Dafa) which became the subject of a pressure campaign in 2009. This syncretic religious movement is known to be severely repressed in China, and the repressions against its followers in Russia cannot be explained by anything other than foreign policy motives.

In August 2008, four materials distributed by Falun Gong were found extremist in Krasnodar, and at the end of the year they were added to the federal list. Only then did the Russian leadership of the organization learn of the ban, and since then it has been attempting to contest the ruling. In 2009, they succeeded in annulling the ruling, but this was contested by the prosecutor's office. At the time of writing, the Ministry of Justice is still refusing to remove the materials from the list before the hearing is over, although by law the texts are



no longer banned once the ban has been lifted. The Ministry upheld its position in Tverskoi court of Moscow on 14 December 2009 and later in the Moscow city court on 16 February 2010. It explained that in order to remove an item from the list (as well as to add it) a court decision is required. This argument is evidently not based upon the law and contradicts practice: shortly before, the Ministry removed the anti-Krishna leaflet of United Russia's Young Guard from the list, although the court ruling had not yet come into force.<sup>23</sup>

Beside claims of intolerance toward other religious doctrines, which is traditional for modern religious persecution (we should note that the texts under consideration give very little grounds for such claims), Krasnodar prosecutors found two special reasons to ban Falun Dafa doctrinal texts, as well as a report by Canadian human rights activists on the Chinese practice of the forced harvesting of organs from Falun Gong members.

The first reason was the use of swastika traditional for many Eastern religions. Novorossiisk police demonstrated the same literalist attitude to the Buddhist swastika by fining the organizers of an exhibition devoted to Falun Dafa in March 2009 under part 3 article 20 of the Code of Administrative Offenses.

The second reason is unexpected in its frankness: '*statements inciting hostile activity against the official authorities of China*'. Either the Chinese authorities are considered a protected social group in this country, or the Krasnodar authorities are openly explaining this prosecution as motivated by foreign policy considerations.

In August 2009, Sverdlovsk transport prosecutor's office demanded that the Oktiabr'skii court of Ekaterinburg designate the book *Nine Comments on the Communist Party (Deviat' kommentariiev o kommunisticheskoi partii)*, edited by Falun Gong followers, as extremist. It is noteworthy that the preliminary examination was conducted by the expert S. Mochalova. However, unlike her conclusion in the case of Jehovah's Witnesses (see above), and unlike the Krasnodar experts, she found no extremism in Falun Dafa texts. She did, however, find extremism in the book that harshly criticizes the Chinese Communist Party's repressive policies. Since it is impossible to perceive any hostility other than that directed against the Communist Party of China, the expert concluded that the book incites hate between Chinese as well as '*between various nationalities, and specifically from the Russian-speaking population (since the book is written*

<sup>23</sup> This super efficiency on the part of the Ministry can be explained by two reasons: the Ministry is especially disposed towards either the Young Guard or the author of the appendix to the leaflet, Alexander Kuzmin, a 'fighter against sects' and a member of the Ministry's Expert Board.

*in Russian) towards those Chinese who are not members of Falun Gong and who support the Chinese government*'.

By April 2010, the case had already been closed.

### Other cases of limitation of freedom of conscience

The trial against the organizers of the exhibition *Forbidden Art-2006* lasted the whole of 2009 (including long breaks). This is a typical example of prosecution for blasphemy under the guise of prosecution for extremism. This trial almost duplicates that of the case of the exhibition *Beware, religion!* and is still clearly moving towards a conviction.

But, fortunately, we are not seeing the reproduction of this practice. An even more scandalous attempt at prosecution for blasphemy – which attempted to ban an episode of the cartoon South Park – was unsuccessful. On 2 June, the Basmannyi court of Moscow revoked the anti-extremist warning given to the channel 2x2 in September 2008 for a South Park episode in which the characters discussed the possibility of showing the prophet Muhammad in a cartoon. On 28 August 2009, Moscow city court approved this decision.

However, the prosecutor's office of St Petersburg central region attempted to keep up the tradition, and in June it issued a warning to the owner of a rock shop for selling symbols of the Bad Religion band (meaning the well-known symbol used by the band – a Christian cross in a circle with a diagonal line through it).

The Mari pagan priest Vitalii Tanakov, who was absolutely inappropriately convicted under article 282 for the incitement of religious, ethnic and even social hate in 2006, lost his litigation once and for all. He was convicted for his brochure *A Priest Speaks (Zhrets govorit)*, which was also blacklisted as extremist material. Tanakov long ago completed his insignificant punishment, but continued to contest the ban of his brochure. On 5 March 2009 the hearing resumed in Yoshkar Ola city court, and on 17 March the court banned it again, a decision approved by the republic's Supreme Court on 28 April. The brochure was included in the federal list.

Serious fears were raised in 2009 by the reorganization of the Expert Board on religion at the Ministry of Justice. Before 2009, the Board's task was to check the documents of applicants wishing to establish new religious organizations in order to find out whether they may be properly regarded as religious. Minister Alexander Konovalov's order, issued in February, significantly expanded the Board's scope of activity. This means that the Ministry intends to check religious organizations more thoroughly. Among other issues, the order provides for expert scrutiny in the following cases:

d) the coming into force of a court decision designating a citizen who is a member of (participant in) a religious organization as a person engaged in extremist activity  
 e) the coming into force of a court decision designating materials made or distributed by a religious organization as extremist.

Regardless of the essence of this expert scrutiny, it is easy to see that checks of this type may threaten religious organizations in many ways, and not only those who have already been subjected to direct anti-extremist persecution (such as Jehovah's Witnesses) but also big organizations which are unable to control exactly what their numerous and unregistered 'members' and 'participants' do and distribute.

There were strong complaints about the make up of the Expert Board, for it included several well-known anti-sect activists. The most odious of them, Alexander Dvorkin, was elected chairman, and one of his two deputies is Islamic theologian Roman Silant'ev, well-known for his radical stance against Muslim minorities.

However, the Board has done nothing to justify these fears since its first session in April. It is noteworthy that anti-extremist pressure against religious organizations does not come, in the main, from the Ministry of Justice.

## Harassment of the media

### Failed attempts to close newspapers

The anti-extremist legislation limits manifestations of freedom of expression most of all. That is why a considerable part of inappropriate law enforcement (and appropriate as well) affects the media, including the internet.

No publication was closed inappropriately in 2009. Generally speaking, closure for extremist activity is rare: from 2002 to 2009 seven publications were closed, only one of them inappropriately in our evaluation of the correspondence of court decisions with the law, and one case may be regarded as questionable.<sup>24</sup>

In particular, on 30 June 2009, the Supreme Court of Mordovia refused to close *Erzian' Mastor*, a newspaper of moderate Erzian nationalists, at the request of the republic's prosecutor's office (which has been long seeking the newspaper's closure). On 25 August this decision was approved by the Supreme Court of the Russia Federation. The prosecutor's office was unable to contest

<sup>24</sup> On media appropriately closed in 2009 see the report by G. Kozhevnikova, 'Under the sign of political terror: Radical nationalism and efforts to counteract it in 2009', in this collection.

the fact that 'the editors stand for the separate cultural and state development of the Erzia people but they do not call for separation from the Russian Federation, do not incite hate towards other peoples or adherents of any religion, do not call for action against any nation, race, religion, or separate persons'.<sup>25</sup>

However, certain media outlets were subjected to very serious pressure.

*Rough draft (Chernovik)* newspaper in Dagestan was the most seriously affected. It received anti-extremist warnings for several articles criticizing the authorities (and the law enforcement agencies above all) for their excessive cruelty during counterterrorist operations. A criminal case was initiated in order to close the newspaper. Moreover, the editor-in-chief and four journalists were called to account under article 282 for incitement of hate towards employees of law enforcement agencies as a social group. However, the case was stuck in court for a long time (in February 2010, the hearing was still going on).

Inappropriate pressure against *New Petersburg (Novyi Peterburg)*, a St Petersburg national-populist newspaper, was no less intense. The newspaper had already been closed in 2008, and in our previous report we wrote that although it was clearly xenophobic, there were inadequate grounds for requesting its closure. Finally, the editorial staff won almost all the cases, and on 27 January 2009 the Supreme Court agreed that the closure had been inappropriate. This allowed them to resume publishing.

Meanwhile, criminal proceedings under part 2 article 280 were launched as early as in 2008 against the newspaper's editor Nikolai Andrushchenko on almost the same grounds. Three of the articles used to incriminate him were designated as extremist in October 2009 and the ruling has not been reviewed since then. Andrushchenko's case came to a rather unexpected end in 2009. On 22 June, Dzerzhinskii court of St Petersburg changed the charge to part 1 article 282, meaning that Andrushchenko was only charged with inciting hate against the social group of employees of law enforcement agencies. This charge was accepted by the court, as well as a charge of insulting employees of St Petersburg prosecutor's office. Andrushchenko was given a suspended term and fined, but both penalties were waived because the statute of limitation had expired.

An unusual legal collision took place during the prosecution of *New Peterburg* in October 2008, and it has not yet been resolved. On 16 October Dzerzhinskii court of St Petersburg blacklisted three of Andrushchenko's articles as extremist, on – from our point of view – inadequate grounds. On 21 October, however, St Petersburg city court rejected a suit from the Federal Service for Supervision in the Sphere of Communications, Information Tech-

<sup>25</sup> The Supreme Court of Russia ruling on the closure of *Erzan Mastor*, 21 November 2009. Available on the SOVA Center website (<http://xeno.sova-center.ru/4DF39C9/DEF77D8>).

nology and Mass Communications (*Roskomnadzor*) that sought to close the newspaper, failing to find signs of extremism in the very same three articles. This, one would have thought, should have been reason enough to review the first decision, but it was not reviewed. Moreover, on 1 April 2009, two months after the Supreme Court approved the city court ruling, those three articles entered the federal list of extremist materials. And in June, as mentioned above, those same articles became grounds to pass sentence under article 282. However, the acquittals by the St Petersburg city court and the Supreme Court were not reviewed either.

### Warnings to media and excessive vigilance

A lot of inappropriate warnings were made in 2009. Unfortunately, we do not have information on all of the numerous warnings issued by prosecutor's offices. However, the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications, which is responsible for control over media, publishes the results of its work. We estimate the level of appropriateness of this service's activity in 2009 as extremely low – no less than 15 of 33 warnings were issued inappropriately.<sup>26</sup>

By the way, some of those warnings are indirect evidence of the campaign against the NBP. In spring 2009 at least two publications, *Perm Correspondent* (*Permskii obozrevatel'*) and *The Viatka Special Newspaper* (*Viatskaia osobaia gazeta*, Kirov) received warnings from the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communication for materials about the actions of National Bolsheviks. The warnings were probably issued because of the legal regulation which specifies that if a banned organization is mentioned in a publication, the ban itself should be also be mentioned (this regulation is itself questionable). However, the law relates to the banned organization itself (in this case, the NBP) and not to its followers, and both newspapers wrote about the latter without mentioning the Party. In Kirov, not only was the newspaper issued with a warning, but the editor-in-chief was fined four thousand rubles for publishing material on National Bolsheviks under part 15 article 13 of the Code of Administrative Offenses ('abusing the freedom of mass information'). Earlier, the editor-in-chief of the Astrakhan newspaper *Fact and Sleaze* (*Fakt i kompromat*) was fined under the same article for a very critical piece on the National Bolsheviks which failed to mention the ban explicitly.

<sup>26</sup> See further in 'Spisok preduprezhdenii Roskomnadzora za 2009 god', 29 December 2009. Available on the SOVA Center website (<http://xeno.sova-center.ru/29481C8/E2197F6>).

The ban on displaying Nazi symbols, which completely disregards the issue of context, remains a continual source of abuse of the law. (This poor regulation has been confirmed even by the Supreme Court.)<sup>27</sup> In June, for instance, *Smolensk Gubernia Gazette* (*Smolenskies gubernskie vedomosti*) received a warning for 'displaying a swastika', for their use of photo to illustrate an essentially anti-fascist article about a sentence handed down to a Nazi for publishing xenophobic materials in the internet. This photo depicted two people in front of a computer, watching a clip of the infamous video of the murder of Tajikistan and Dagestan natives against the background of a flag with a swastika.

2009 also reminded of us of the regulation which declares that a false accusation of extremism made against the authorities is extremist. This regulation, which has been subjected to criticism more than once, can be applied similarly broadly. In the beginning of June 2009, the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications issued a warning to editorial staff of the Novosibirsk newspaper *For people power!* (*Za narodnuyu vlast!*) for having published an open letter to Putin signed by a group of readers. This very critical document accused Putin of destroying the country in favor of the West, but such an activity doesn't fit the definition of extremism in law and consequently the accusation (be it true or false) cannot be called extremist.

An increase in pressure does not, however, mean that this pressure cannot be resisted. On 16 October 2009 the newspaper *Novaia gazeta v Peterburge* (*New Newspaper in Petersburg*) won a case contesting an obviously inappropriate warning it received in 2008 for quoting the anti-Georgian statements of an activist from a regional branch of the DPNI (*Dvizhenie protiv nelegal'noi immigratsii*, the Movement Against Illegal Immigration). But court hearings which drag on for months are also a form of punishment for media. That said, the case of *Novaia gazeta v Peterburge* was aggravated by a dispute over jurisdiction (see the above-discussed case of the URA.RU agency).

Warnings against media are still issued in cases when xenophobic views of any degree of radicalism are expressed by an interviewee but the interviewer in no way agrees with them, and may even contest them.

<sup>27</sup> In a 2007 ruling under which a really racist organization was banned it states: 'The sole and sufficient grounds for designating the activity as extremist is the fact of propaganda of swastika symbols, regardless of the propagandists' motives and their personal attitude to such symbols'. 'Opredelenie Sudebnoi kollegii po grazhdanskim delam Verkhovnogo Suda RF ot 6 fevralia 2007, No. 18-G07-1'. *Biulleten' Verkhovnogo suda* No. 12, 2007. Available on the Supreme Court website: [http://www.supcourt.ru/vscourt\\_detale.php?id=5125&w\[\]=свастика](http://www.supcourt.ru/vscourt_detale.php?id=5125&w[]=свастика).

One may suppose that these warnings are caused by concern that the publication should not cross the line between giving the floor to those who may promote violence or who are already known for such propaganda, and allowing the direct propaganda of hate on its pages. The latter is illegal; the former is not, because freedom of speech can be legally limited in regard to certain statements, but not in regard to particular persons. The journalists' task is to create a clear distance between interviewees who promote hate and themselves, as well as to make sure that the material as a whole does not promote hate. This does not mean, however, that someone can be banned from being interviewed.

Issuing a warning to a publication is not a mild preventive measure according to the law, since it may even lead to closure. There is no doubt that warnings should be only be issued in cases where the aforementioned line is really almost crossed. Otherwise, personal warnings or simply letters may be sent to an editor or journalist. But from time to time, prosecutor's offices and the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications evidently issue warnings without adequate grounds.

On 2 September, for instance, the prosecutor's office issued a warning to the newspaper *Evening Yakutsk (Jakutsk vechernii)* for publishing an interview with Sofron Osipov, a well-known local poet who spoke rudely about both of Yakuts and local Russians. Osipov's statements were of course full of hate speech, but the interviewer clearly argued with him and did not support him.

At the end of the year, the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications issued a warning to the magazine *Businessman Power (Kommersant vlast')* for publishing an interview with the Ingush writer Issa Kodzoev. In his conversation with reporter Olga Allenova, Kodzoev not only sharply criticized the Russian authorities and security services, but also allowed himself to make some negative generalizations about the Russian people. But the magazine's stance in the interview was emphatically neutral, so the magazine was in fact punished for its employee's professionalism.

### Problems with law enforcement on the internet

We do not consider just any kind of prosecution for statements on the internet (in blogs, in particular) inappropriate. A statement made on the internet, if not restricted in distribution (for instance, posted in friends-only mode at Livejournal.com) can be considered public. The only assessment criterion is the number of possible readers, just as the publicity of a statement made in the street can be estimated according to the number of people who hear it. Offline practice considers statements to be public if they are addressed not to several people, or even to two dozen, but to a considerably

larger number. This sort of numerical criteria should apply equally to the internet. But one should take into account the fact that prosecution attracts widespread attention to the statement in question if it is still available online (as it was in the case of the well-known remark about 'unfaithful cops' posted by Savva Terentiev, whose case is currently awaiting its turn at the European Court of Human Rights).

Thus the prosecution of Irek Murtazin, for instance, is inappropriate because of the accusation's content (see above), not because he wrote what he wrote in his own blog. Murtazin's blog is popular, and his postings may indeed be considered public statements.

Just as offline, each case should be considered on its individual merits; the nature of the incriminating evidence, how the charge corresponds with the text disseminated, as well as how widely the text was disseminated. This is not known in every case. It is, for example, hard to evaluate whether the decision of the Sovetskii regional magistrate's court in the case of Samara blogger Dmitrii Kirillin was appropriate. On 6 October 2009 the court gave him a suspended one-year sentence under part 1 article 280. His blog was full of hate speech and inflammatory remarks but we do not know exactly which of them were used in evidence against him.

But the specificity of the internet lies in the fact that readers' comments cannot be controlled as effectively as the content of an interview or a newspaper readers' column, since not all web-based interactive services are supplied with pre-moderation. The editorial staff of a website or an author can therefore not prevent illegal comments. It is possible to oblige an editorial staff by law to remove such comments in accordance with a court ruling or a request from law enforcement agencies, with the right to appeal this decision in court. As a rule, editors do not contest these orders. Moreover, they (and even hosting providers) will often remove putative illegal content after a private complaint. It is, however, impossible to fully control the content of large portals, all the more so in real time. But the law does not take these essential and unavoidable conditions into account, and what is more, law enforcement practice tends to hold the editorial board responsible for the contents of comments even after these comments have been removed.

For precisely these reasons, the URA.RU web agency was given two anti-extremist warnings in 2008 by the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications. On 20 April 2009, the Moscow court of arbitration dismissed the agency's appeal against these warnings. Fearing further such incidents, which might easily lead to a demand to close the agency, the latter closed its web forum and thus lost its interactive connection with readers. This is not an isolated case. In spring another web media, the Rosbalt agency, received an anti-extremist warning for a similar reason.



A ban on extremist materials is especially hard to implement on the internet. Firstly, according to the Code of Administrative Offenses, the ban should mean punishment for the mass distribution of the banned materials in question. But it is hard to identify who should be punished. Courts can issue rulings (and they do) ordering web providers to block access to websites, but these decisions are implemented badly because they contradict the law On Communications, as well as the providers' commercial obligations which are based upon it. Secondly, the ban should refer to a particular text or to a group of texts. A whole website should be banned quite rarely, if and only if it is proved in court that it publishes extremist materials regularly (as happens in the case of offline media). But in practice not all bans uphold these principles, even setting aside the arbitrary evaluation of specific texts. For instance, it is possible to understand the reasons for the ban of Kavkaz Center website, but impossible to understand those for banning the Samizdat server, as Cherepovets city court in Vologda region did on 13 April 2009. Samizdat formed part of the well-known digital library of Maksim Moshkov; those interested may search the site themselves for extremist materials at <http://zhurnal.lib.ru>. The last ruling was made in connection with the designation as extremist of a single text written by one of the numerous authors included on the site. However, both Samizdat and Kavkaz Center are still accessible to Russian internet users.

### Concluding notes

The above-noted improvements of 2009 do not alter the fact that various kinds of persecution and administrative pressure linked to anti-extremist legislation continue to expand, affecting the whole life of the country. Suffice it to mention the continuing delivery of numerous prosecutors' acts to libraries and schools. Such activity is, and can be, of no public benefit, and exerts pressure on people who have not violated any law. (Prosecutors even withdraw books that are not banned, such as works by the founder of Scientology, for example. However, any withdrawal of books without a court decision violates the law On Librarianship. The dispute between librarians and prosecutors concerning the application of anti-extremist legislation to libraries is not over yet.)

The Ministry of the Interior department for the counteraction of extremism and its regional centers play a special role in this situation. After the department was established (in effect it began work at the beginning of 2009) the investigation and suppression of serious hate crimes substantially intensified, especially in Moscow. But many employees of the so-called 'E' centers in various regions focused their activity on low-hazard or even inoffensive groups rather than on really dangerous criminals. It is absolutely impossible to understand what employees of Novosibirsk 'E' center, for example, were aiming for while pursuing

Artem Loskutov, an artist and organizer of yearly comic 'monstrations' (absurdist performances that parody political demonstrations).

There are a lot of claims, often well-grounded, against employees of 'E' centers for the misuse of anti-extremism legislation. There has been more than one proposal to liquidate this new operative structure. We oppose such a solution because the problem is not in the structure but in the counterproductive framework of its activities, determined by the current definition of extremism.<sup>28</sup>

More and more state bodies are joining the 'fight against extremism'. For instance, customs officers are able to detain literature from Jehovah's Witnesses for a long time, although it takes half an hour to look through the federal list (regardless of whether the bans of Witnesses' materials were appropriate or not). Customs officers in Sochi, pretending they were searching for extremist materials, copied everything from a notebook belonged to reporter Iurii Ivashchenko, who was entering from Abkhazia. On 26 January 2010 Prikubanskii court of Krasnodar dismissed Ivashchenko's complaint against Sochi customs.

Judging by the above, a widening circle of officials is being nudged (by instructions or by their neighbors' example) to make their own contribution to the 'fight against extremism'. The prosecutor's office requires the creation of plans for the fight against extremism even at village council level. The fact that we sometimes see the most outrageous kinds of abuse of anti-extremist legislation being curtailed indicates that higher officials are, at times, forced to limit their subordinates' zeal.

However, even the highest bodies sometimes interpret anti-extremism legislation in a most surprising way. For instance, on 18 June 2009, the Prosecutor General's office – conducting a check on how well the Federal Law on Combating Extremist Activity was being implemented – made a representation to the minister of health and social development Tatiana Golikova: it found violations considered to be extremist in the increase of quotas for attracting foreign labor migrants as it '*contributes to the violation of Russian citizens' priority in the employment field, and to establishing grounds for international conflict*'. Extremism was also found in the way in which the alternative to conscription (national service) was organized.

It can be seen from the above-mentioned example of the *New Petersburg* newspaper that even Supreme Court rulings do not always overturn inappropriate decisions. Such inaction can be seen in other cases when a campaign of inappropriate pressure is stopped but there is no exoneration of those who were inappropriately accused.

<sup>28</sup> See further details of SOVA Center's position in 'O memorandum po povody struktur MVD po protivodeistviu ekstremizmu', 17 June 2009. Available on the SOVA Center website (<http://xeno.sova-center.ru/29481C8/D206A8A>).

The case of the Balkar People's Council of Elders (*Sovet stareishin balkarskogo naroda*, SSBN) is one extreme example. The prosecutor's office of Kabardino-Balkar republic earlier prosecuted the SSBN because its activists, while criticizing the authorities, allegedly accused the republic's authorities of extremist activity. The case of the SSBN's closure was handed back to the Kabardino-Balkar Supreme Court by the Supreme Court of the Russian Federation in March 2008, but was not reconsidered in the republic. The SSBN is still included on the Ministry of Justice's list as the (sole) organization whose work has been suspended because of extremist activity, although the suspension term expired more than a year and a half ago.

A different example is the criminal case which began two years ago in Voronezh before being closed in April 2009 due to the absence of corpus delicti. Proceedings were instigated under a rare combination of articles meaning not hate incitement, but an attempt at it. Finally, the law enforcement agencies found no signs of such an attempt and brought no charge, but a witness Viktor Potryvaev did not get back most of the items confiscated from him, including hard discs, because these objects had been destroyed.<sup>29</sup>

We are not aware of any official being punished for abusive practices. If there really are no or few instances of officials being punished, and we continue to hear calls to intensify the 'fight against extremism', there can be little doubt that abusive practices linked to anti-extremism legislation will only increase.

It is not only officials who are to blame for the fact that anti-extremism has gradually become a multi-purpose and flexible instrument of repression.

We have already mentioned that attempts to undermine the anti-extremist legislation by carrying it to the point of absurdity can do nothing other than legitimize arbitrariness. This is simply because the legal system, in contrast to the art world or political system, cannot be changed in this manner. Such attempts continue to be undertaken, however. The most preposterous is a flash mob, participants of which write complaints to prosecutor's offices about the Bible's intolerance. This campaign was initiated by radical neo-pagans but taken up by quite neutral people. That said, it is hard to surpass the absurdity of several representatives of our law enforcement agencies. Suffice it to remember the warning from the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications to the newspaper *Evening Tiumen (Vecherniaia Tiumen)* for an ironic rendering of the hagiography of St Peter and St Fevronia,

<sup>29</sup> It is not only in Voronezh that law enforcement officials can destroy objects not designated by the court as banned or subject to destruction for any other reason presumed in article 81 of the Criminal Code. For instance, in Ekaterinburg a SOVA Center book confiscated from National Bolshevik Aleksei Nikiforov was destroyed, although the court found no signs of extremism in it.

or the attempt by the prosecutor's office in Samara to ban the well-known anti-fascist film 'Russia-88' (the Prosecutor General's office withdrew the case from the Samara court for reconsideration in January 2010).

Many religious organizations and activists are notably increasing the spread of anti-extremist arbitrariness by regularly calling on prosecutors and other law enforcement agencies to use anti-extremist legislation against criticism of their faith or practice. In order to counteract criticisms of belief a widened interpretation of extremism is needed (and it is hard to understand why defenders of faith do not fear that this practice will boomerang against them). As regards protecting religious practice, any organization can file a civil suit to protect its professional reputation.

We also oppose any attempts to transfer social polemics into the sphere of prosecution for hate incitement towards a 'social group'. The St Petersburg and Leningrad region Union of Journalists attempted to instigate criminal proceedings under article 282 against Professor Alexander Zapesotskii, the chancellor of St Petersburg Labor Union University of the Humanities (*Sankt-Peterburgskogo gumanitarnogo universiteta profsoiuzov*), for inciting social hate against journalists. And our colleagues from the AGORA human rights association demanded that criminal proceedings be instigated against deputy Sergei Abel'tsev for inciting hatred towards human rights activists as a social group.<sup>30</sup>

We are convinced that, given the existing disagreement on the appropriateness of various anti-extremist legal regulations, we (both officials and ordinary citizens) must not indulge such a serious threat as expansion of anti-extremist arbitrariness for the sake of victory in one minor conflict or another.

<sup>30</sup> We had a public discussion of our disagreement with our colleagues. See 'Nepravomernye obvineniia v adres deputata Abel'tseva' 15 April 2009. Available online at the SOVA Center website (<http://xeno.sova-center.ru/89CCE27/89CD2B5/CCD3C5A>); 'Polemika s AGOROY po ee obrashcheniiu protiv deputata Abel'tseva, Ibid. (<http://xeno.sova-center.ru/29481C8/CCDC0E1>).

## Appendix. Crime and Punishment Statistics

### Statistics of racist and neo-nazi attacks in 2004 – 2009 by city<sup>1</sup>

	2004			2005			2006			2007			2008			2009		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
<b>Total</b>	<b>50</b>	<b>218</b>	<b>268</b>	<b>49</b>	<b>419</b>	<b>468</b>	<b>66</b>	<b>522</b>	<b>588</b>	<b>89</b>	<b>618</b>	<b>707</b>	<b>110</b>	<b>487</b>	<b>597</b>	<b>72</b>	<b>359</b>	<b>431</b>
Moscow (& oblast)	18	62	80	16	179	195	40	228	268	53	222	275	61	217	278	38	134	172
St.Petersburg (& Leningrad oblast)	9	32	41	4	45	49	6	56	62	11	118	129	15	39	54	9	36	45
Abakan	0	0	0	0	2	2	0	0	0	0	2	2	1	0	1	0	0	0
Arkhangelsk	0	0	0	0	1	1	0	0	0	1	7	8	0	5	5	0	4	4
Astrakhan	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0
Barnaul	0	0	0	0	1	1	2	1	3	2	5	7	0	0	0	0	3	3
Belgorod	0	5	5	0	4	4	0	18	18	0	1	1	0	2	2			
Birobidzhan	0	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0
Blagoveshchensk	0	2	2	0	7	7	0	1	1	0	0	0	0	2	2	1	10	11
Briansk	0	0	0	0	1	1	0	1	1	1	2	3	0	13	13	0	2	2
Cheboksary	0	0	0	0	0	0	6	6	6	0	0	0	0	2	2	0	2	2

	2004			2005			2006			2007			2008			2009		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
Cheliabinsk	1	4	5	0	0	0	0	1	1	0	11	11	1	7	8	0	11	11
Chita oblast	0	0	0	0	0	0	1	0	1	0	3	3	0	0	0	0	0	0
Iuzhno-Sakhalinsk	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ivanovo	0	1	1	0	0	0	0	0	0	0	4	4	0	0	0	0	0	0
Izhevsk	0	0	0	0	1	1	0	1	1	1	6	7	0	5	5	0	1	1
Irkutsk oblast	3	0	3	2	5	7	0	8	8	1	53	54	0	1	1	0	0	0
Ioshkar-Ola	0	1	1	0	15	15	0	5	5	0	0	0	0	0	0	0	0	0
Kazan	0	0	0	0	0	0	0	8	8	0	1	1	0	9	9	0	3	3
Kaliningrad	0	1	1	0	2	2	0	11	11	0	1	1	0	10	10	2	2	4
Kaluga	0	0	0	0	12	12	1	4	5	2	1	3	2	2	4	2	1	3
Kemerovo oblast	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	1
Khabarovsk	0	0	0	0	3	3	0	0	0	0	0	0	2	5	7	0	0	0
Kirov	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	4	4
Kostroma	0	5	5	0	0	0	0	10	10	0	3	3	0	0	0	0	1	1
Krasnodar	2	32	34	1	3	4	0	7	7	0	11	11	1	2	3	0	4	4
Krasnojiarsk	0	0	0	1	1	2	0	3	3	0	4	4	1	2	3	0	0	0
Kurgan	0	0	0	0	6	6	0	0	0	0	0	0	1	1	2	0	0	0
Kursk	0	5	5	0	2	2	0	0	0	0	1	1	0	2	2	0	5	5
Lipetsk	0	1	1	0	3	3	1	0	1	0	3	3	0	3	3	0	0	0
Maikop	0	3	3	0	0	0	0	0	0	0	0	0	0	1	1	0	7	7
Murmansk	0	0	0	0	1	1	0	1	1	0	5	5	0	0	0	0	8	8

<sup>1</sup> The cities are arranged in alphabetical order, except Moscow and St Petersburg - two major centers of racist violence.

	2004			2005			2006			2007			2008			2009		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
Nizhni Novgorod	1	5	6	4	12	16	0	36	36	1	44	45	2	16	18	5	22	27
Novgorod	0	0	0	0	5	5	0	0	0	0	0	0	0	3	3	0	1	1
Novosibirsk	2	12	14	1	9	10	0	9	9	1	5	6	3	7	10	1	6	7
Omsk oblast	0	3	3	0	0	0	1	3	4	1	2	3	0	2	2	0	4	4
Orel	0	8	8	0	0	0	0	9	9	0	0	0	0	1	1	0	6	6
Orenburg	0	0	0	0	0	0	1	1	2	1	1	2	0	0	0	1	0	1
Penza	0	0	0	0	0	0	0	0	0	0	1	1	0	15	15	0	2	2
Perm	0	1	1	3	2	5	0	1	1	0	3	3	2	3	5	0	0	0
Petropavlovsk-Kamchatskii	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
Petrozavodsk	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	6	6
Pskov	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Rostov-on-Don	0	0	0	0	10	10	0	2	2	1	7	8	0	4	4	0	6	6
Ryazan	0	0	0	0	1	1	0	4	4	0	6	6	1	9	10	1	4	5
Samara	1	3	4	4	5	9	0	2	2	2	9	11	0	3	3	2	3	5
Saratov	1	0	1	0	0	0	4	4	8	2	4	6	0	0	0	0	0	0
Sverdlovsk oblast	1	7	8	6	6	12	0	6	6	3	17	20	4	16	20	1	21	22
Smolensk	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0
Stavropol	0	0	0	0	21	21	0	1	1	1	8	9	3	10	13	2	10	12
Syktvykar	0	0	0	0	4	4	0	4	4	0	0	0	0	1	1	0	0	0

	2004			2005			2006			2007			2008			2009		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
Tambov	0	3	3	0	6	6	0	0	0	0	0	0	0	1	1	0	2	2
Tver oblast	0	0	0	2	0	2	2	7	9	0	2	2	1	2	3	0	0	0
Tomsk	0	3	3	0	6	6	0	4	4	0	5	5	0	0	0	0	0	0
Tula oblast	1	0	1	0	3	3	1	2	3	0	0	0	1	3	4	1	0	1
Tiumen oblast	3	1	4	1	0	1	0	15	15	0	0	0	3	3	6	0	0	0
Ulan Ude	0	0	0	0	0	0	0	0	0	1	1	2	0	0	0	1	0	1
Ul'ianovsk	0	0	0	0	0	0	0	0	0	0	0	1	12	13	1	0	1	1
Ufa	0	1	1	0	2	2	0	2	2	0	1	1	0	4	4	0	1	1
Vladivostok	5	9	14	0	3	3	2	18	20	1	3	4	2	6	8	1	8	9
Vladimir oblast	0	4	4	0	0	0	0	0	0	5	5	0	7	7	0	7	7	7
Volgograd	0	2	2	0	1	1	2	9	11	1	5	6	0	4	4	0	2	2
Vologda	0	0	0	0	0	0	1	1	0	3	3	0	1	1	0	0	0	0
Voronezh	1	2	3	1	21	22	1	6	7	0	17	17	2	22	24	0	5	5
Yaroslavl oblast	0	0	0	0	0	0	1	6	7	0	3	3	0	1	1	2	5	7
Yakutia	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0

Victims of attacks in the North Caucasus are not counted in this and the following tables; victims of mass brawls and homeless victims are only counted where a hate motive has been attributed by law enforcement officials.



### Statistics of racist and neo-nazi attacks in 2004 - 2009 by category of victims

Year	2004		2005		2006		2007		2008		2009	
	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded
<b>Total</b>	<b>50</b>	<b>218</b>	<b>49</b>	<b>419</b>	<b>66</b>	<b>522</b>	<b>89</b>	<b>618</b>	<b>110</b>	<b>487</b>	<b>72</b>	<b>359</b>
<b>Including</b>												
Dark-skinned people	1	33	3	38	2	32	0	38	2	23	2	41
People from Central Asia	10	23	18	35	17	60	33	81	57	122	28	73
People from the Caucasus	15	38	12	52	15	72	27	61	25	75	11	53
People from the Middle East and North Africa	4	12	1	22	0	11	1	21	1	12	0	9
People from other countries of Asia	8	29	4	58	4	52	2	45	1	40	7	18
Other people of 'non-Slav appearance'	2	22	3	72	4	69	19	91	14	53	13	39
Members of youth subcultures, anti-fascists and leftist youth	0	4	3	121	3	119	5	195	3	84	5	77
Others (including ethnic Russians), or not known	10	57	5	21	21	107	2	86	6	78	6	49

This table reflects the identity of the victim as perceived by their attackers, rather than any 'real identity'. In other words, if a Slav was mistaken for someone from the Caucasus, he would be registered in the category 'people from the Caucasus'.

We also know about attacks on homeless people which the police suspect were motivated by ideology. We are aware of 13 murders of this kind committed in 2004, in 2005 – about 5 murders and 4 beatings, in 2006 – 7 murders and 4 beatings, in 2007 – 4 murders and at least 2 beatings, in 2008 – 7 murders and 1 beating, and in 2009, one murder.

### Statistics of convictions for violent crimes with a recognized hate motive in 2004 – 2009

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
<b>2004</b>			
Moscow	4	11	not known
St Petersburg	2	10	4
Novgorod	1 <sup>1</sup>	1	0
Vladimir oblast	1	1	1
Voronezh	1	3	0
<i>Total</i>	<i>9</i>	<i>26</i>	<i>5</i>
<b>2005</b>			
Moscow	2	4	0
St Petersburg	2	10	4 <sup>2</sup>
Blagoveshchensk	1	4	0
Ekaterinburg	1	3	0
Lipetsk	1 <sup>3</sup>	4	0
Moscow oblast	4 <sup>4</sup>	14	0
Murmansk	1	2	1
Perm	1	1	0
Tambov	1	1	0
Tiumen oblast	1	5	0
Vladivostok	1	1	0

<sup>1</sup> For threats to blow up a synagogue.

<sup>2</sup> For threats to blow up a synagogue.

<sup>3</sup> With a special court ruling against the city administration.

<sup>4</sup> With a special court ruling against the city administration.

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
Volgograd	1	7	0
<i>Total</i>	<i>17</i>	<i>56</i>	<i>5</i>
<b>2006</b>			
Moscow	5	11	1
Moscow oblast	3	18	4
St Petersburg	3	10	4
Altai Krai	1	1	1
Belgorod	1	11	1
Ekaterinburg	3	8 <sup>5</sup>	0
Iuzhno-Sakhalinsk	1	1	0
Jewish autonomous oblast	1	3	0
Kaluga oblast	1	2	0
Kostroma	2	7	5
Nizhnii Novgorod	4	6	not known
Novosibirsk	1	not known	not known
Orel	2	6 <sup>6</sup>	2 <sup>4</sup>
Rostov-on-Don	1	2	0
Saratov	1	5	0
Tomsk	1	3	0
Ufa	1	3	3
Voronezh	1	13	7
<i>Total</i>	<i>33</i>	<i>109<sup>7</sup></i>	<i>24<sup>8</sup></i>

<sup>5</sup> Including three convicted for setting up an extremist community, and also for a murder where the hate motive was not recognized.

<sup>6</sup> Estimated minimum; in one case, we only know that a sentence has been passed.

<sup>7</sup> Estimated minimum.

<sup>8</sup> Estimated minimum.

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
<b>2007</b>			
Moscow	4	11	0
St Petersburg	2	11	3
Belgorod	1	2	0
Ekaterinburg	3	9	0
Kaluga	1	3	2
Krasnoiarsk	1	2	1
Leningrad oblast	1	1	0
Nizhnii Novgorod	1	9	9
Omsk	1	1	0
North Ossetia	1	1	0
Stavropol	2	2	0
Syktvykar	1	1	0
Tambov	1	1	0
Tiumen	1	6	2
Voronezh	1	4	0
Yaroslavl	1	1	1
<i>Total</i>	<i>23</i>	<i>65</i>	<i>18</i>
<b>2008</b>			
Moscow	7	40	4
Moscow oblast	2	11	3
St Petersburg	4	9	2
Altay krai	1	3 <sup>9</sup>	0
Arkhangelsk oblast	1	1	1
Ivanovo	1	1	0

<sup>9</sup> Including one convicted without mentioning the hate motive.

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
Kaluga	2	13	6
Kostroma	1	1	0
Krasnodar	1	1	0
Lipetsk	1	1	1
Nizhnii Novgorod	1	2	2
Novgorod	1	2	0
Novosibirsk	2	9	5
Omsk	1	4	0
Penza oblast	1	1	0
Samara	1	1	1
Sverdlovsk oblast	2	9	0
Stavropol	1	2	1
Tambov	1	3	3
Vladimir oblast	1	2	0
Yaroslavl	1	1	1
<i>Total</i>	<i>35</i>	<i>118</i>	<i>31</i>
<b>2009</b>			
Moscow	7	35	4
St Petersburg	3	6	1
Barnaul	1	7	2
Belgorod	1	2	0
Cheboksary	1	7	2
Cheliabinsk	1	4	4
Izhevsk	1	1	0
Kaluga oblast	2	7	2

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
Kirov	1	2	0
Khabarovsk	2	3	1
Kostroma	1	1	0
Krasnoiarsk	1	1	0
Kursk	1	2	0
Moscow oblast	3	5	2
Maikop	1	1	1
Nizhnii Novgorod	4	13	5
Novgorod	1	1	0
Novosibirsk	3	7	2
Orenburg	1	3	0
Samara oblast	1	6	6
Sverdlovsk oblast	1	1	0
Tver	1	1	0
Vladimir oblast	2	2	0
Volgograd	1	9	1
Voronezh	3	10	0
<i>Total</i>	<i>45</i>	<i>137</i>	<i>31</i>

### Statistics of convictions for hate propaganda in 2004 – 2009 <sup>1</sup>

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
<b>2004</b>			
Izhevsk	1	1	1
Novgorod	1	1	0
Novosibirsk	1	1	1
<i>Total</i>	<i>3</i>	<i>3</i>	<i>2</i>
<b>2005</b>			
Moscow	1	1	1
Ekaterinburg	1	1	0
Kemerovo oblast	4	4 <sup>2</sup>	1
Khabarovsk	1	1	0 <sup>3</sup>
Kirov	1	1	0
Nalchik	1	1	1
Novgorod	1	3	0
Orel	1	2	2
Syktvykar	1	1	1
<i>Total</i>	<i>12</i>	<i>15</i>	<i>6</i>
<b>2006</b>			
Moscow	1	1	0
St Petersburg	2	2	1

<sup>1</sup> The table does not include sentences which we see as open misuse of the law.

<sup>2</sup> One individual was convicted twice within one year; he faced the same charges, but for different incidents.

<sup>3</sup> The sentence was lifted due to expiry of the statute of limitations.

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
Astrakhan oblast	1	1	0
Cheliabinsk	1	3	0
Ekaterinburg	1	1	0
Kemerovo	2	2	2
Kirov	1	1	0
Krasnodar	1	1	0
Moscow oblast	1	1	0
Novgorod	1	1	0
Samara	2	2	2
Saratov	1	1	1
Syktvykar	1	1	0
Yaroslavl	1	2	1
<i>Total</i>	<i>17</i>	<i>20</i>	<i>7</i>
<b>2007</b>			
Moscow	1	1	1
Barnaul	1	1	1
Blagoveshchensk	1	1	0
Cheboksary	1	4	0
Cheliabinsk	1	1	0
Gornoaltaisk	1	2	2
Kaliningrad	1	1	1
Kaluga	1	8	0
Kirov	1	1	0
Krasnodar	3	3	1
Kurgan	1	1	0



	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
Novgorod	1	1	0
Novosibirsk	3	3	0
Komi Republic	3	3	0
Ryazan	1	2	2
Samara	1	2	2
Sverdlovsk oblast	1	1	0
Stavropol krai	1	1	1
Ul'ianovsk	1	1	1
Vladimir	1	1	0
Vologda oblast	1	1	1
Yakutia	1	2	0
<i>Total</i>	<i>28</i>	<i>42</i>	<i>12</i>
<b>2008</b>			
Moscow	2	4	3
St Petersburg	3	3	0
Astrakhan oblast	2	4	0
Barnaul	1	1	0
Blagoveshchensk	2	4	2
Briansk	1	1	0
Cheliabinsk	2	2	1
Dagestan	1	2	2
Kaliningrad	1	1	0
Kazan	1	6	1
Kirov	1	1	0
Krasnodar	2	3	20

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
Kursk	1	1	1
Nenetskii okrug	1	1	0
Leningrad oblast	1	1	1
Lipetsk	1	1	0
Maikop	1	1	0
Novgorod	2	2	0
Novosibirsk	1	1	1
Penza	1	1	1
Petrozavodsk	2	2	2
Rostov-on-Don	2	2	1
Samara	3	3	1
Stavropol	1	1	0
Syktvykar	2	2	0
Tiumen	1	1	0
Ulan-Ude	1	1	1
Ulyanovsk	1	4	0
Vladimir oblast	1	1	0
Vladivostok	1	1	1
Voronezh	1	1	1
<i>Total</i>	<i>44</i>	<i>60</i>	<i>22</i>
<b>2009</b>			
Moscow	4	6	2
Arkhangelsk	3	3	1
Cheliabinsk	1	1	0
Cherepovets	1	1	0

Chita	1	1	1
Ivanovo	1	1	0
Kaliningrad	2	2	1
Kemerovo	1	1	1
Khabarovsk	3	5	4
Krasnodar	1	1	0
Kursk	1	1	1
Moscow oblast	1	1	0
Murmansk	1	1	1
Nizhnii Novgorod	1	1	0
Novgorod	1	1	0
Petropavlovsk	1	2	2
Samara	1	1	1
Syktvykar	3	3	2
Omsk	2	3	1
Orenburg	1	4	0
Sverdlovsk oblast	1	2	0
Tomsk	1	1	0
Tiumen oblast	1	1	0
Vladimir	2	2	1
Vladivostok	1	1	1
Yakutia	1	1	1
<i>Total</i>	<i>38</i>	<i>48</i>	<i>21</i>

### Statistics of convictions for incitement to extremism (article 280 of Criminal Code) in 2005 – 2009<sup>1</sup>

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
<b>2005</b>			
Kemerovo	3	3	2
Kirov	1	1	1
<i>Total</i>	<i>4</i>	<i>4</i>	<i>3</i>
<b>2006</b>			
Moscow	1	1	0
Astrakhan oblast	1	1	0
Cheliabinsk	1	3	0
Kemerovo	2	2	2
Nizhnii Novgorod	2	2	0
<i>Total</i>	<i>7</i>	<i>9</i>	<i>2</i>
<b>2007</b>			
Cheliabinsk	1	1	0
Kemerovo	1	1	0
Krasnodar	1	1	0
Novgorod	1	1	0
<i>Total</i>	<i>5</i>	<i>5</i>	<i>0</i>
<b>2008</b>			
Moscow	1	1	0
Ekaterinburg	1	1	0

<sup>1</sup> The table does not include sentences which we regard as overt misuse of the law.

	Number of convictions	Number of offenders convicted	Convicted offenders who received suspended sentences or were released from punishment
Kazan <sup>2</sup>	1	6	1
Kaluga oblast	1	1	0
Samara	2	3	3
Vologda oblast	1	2	1
<i>Total</i>	<i>7</i>	<i>15</i>	<i>6</i>
<b>2009</b>			
Moscow	1	1	1
Arkhangelsk	1	1	1
Birobidzhan	1	2	2
Blagoveshchensk	2	3	2
Kemerovo oblast	1	1	1
Khabarovsk	2	2	1
Samara	1	1	1
Vladivostok	1	1	1
<i>Total</i>	<i>10</i>	<i>12</i>	<i>9</i>

<sup>2</sup> The verdict for Kazan Russian National Unity members includes also article 282 of the Criminal Code.