

Xenophobia,  
Freedom of Conscience  
and Anti-Extremism  
in Russia in 2007

**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 2007: A collection of annual reports by the SOVA Center for Information and Analysis** / [Alexander Verkhovsky, Galina Kozhevnikova, Olga Sibireva; translation – I. Savelieva] – M.: SOVA Center, 2008. – 140 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 2007.

The first report addresses pressing issues such as the growth of nationalism, hate crime, and the efforts of government and society to combat these problems. Annual reports on these themes are included in other collections published by the SOVA Center.

The second report focuses on the increasingly visible tendency to misuse legislation against what is now referred to as 'extremism'.

The third report explores various problems relating to freedom of conscience in contemporary Russia. This is the second annual report of the SOVA Center on this topic.

These reports were compiled at the end of March 2008. 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*

## Radical Nationalism and Efforts to Counteract it in 2007

### Summary

The 2007 results of our monitoring are disturbing.<sup>1</sup>

Racist violence continues to grow at the same fast rate. Not only are neo-Nazi skinhead attacks increasing in number, but so are 'everyday' attacks motivated by ethnic and racial hatred. In contrast, the criminal prosecution of violent crimes has decreased for the first time since 2003.

Right-wing radical groups remain active. In addition to organizing numerous, well-coordinated events, they are actively provoking ethnic conflicts and riots and are often in the public eye as major newsmakers winning media airtime. They come under little pressure from law enforcement and other government agencies responsible for monitoring their activity, while a certain 'loss of momentum' discernible among the ultra-right in the second half of 2007 was due to internal conflicts rather than the government's efforts to keep the ultra-right under control.

Frequently it is government representatives, pro-government political parties and groups themselves who are responsible for provoking xenophobic sentiments amongst the general public. In 2007, this was witnessed in the anti-Estonian campaign, in a series of xenophobic and often explicitly racist public actions staged by pro-Kremlin youth movements and other, similar events. Indeed, in this respect the Kremlin was in direct competition with ultra-right groups.

As before, the government sought to discredit political opponents by using anti-fascist and anti-extremist rhetoric, and also suppressed dissent via the

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<sup>1</sup> This report is based on monitoring conducted by the SOVA Center, details of which are available on our website (<http://sova-center.ru>). Please note that this report contains only partial coverage of issues related to religious xenophobia because these are addressed in detail in a separate report by A. Verkhovsky and O. Sibireva on 'Restrictions and Challenges in 2007 on Freedom of Conscience in Russia', below. This report also does not explore the use of xenophobic slogans in electoral campaigns, the subject of a further report currently being compiled at SOVA. Footnoted texts are available in Russian, unless it is stated that they are available in English.

improper application of anti-extremist legislation. The authorities invested considerably more effort in developing and refining this abusive practice than they did in suppressing truly dangerous manifestations of xenophobia.

Positive outcomes were few in 2007, but there were some. In particular, the definition of extremism was substantially streamlined and thus rendered more useful. However, the anti-extremist legislation remains riddled with defects, with new problems emerging in 2007. The main positive development in 2007 was the substantial progress made in the prosecution of xenophobic propaganda. More cases were brought to court, and increasingly regional leaders of right-wing radical groups were targeted. It remains to be seen whether this trend will continue.

## Manifestations of radical nationalism

### Violence

Unfortunately, the year 2007 did not bring about any improvements in the situation with regard to racist and neo-Nazi violence. At the time of publication (May 2008), we know of 669 victims of such violence, including 80 fatalities. In 2006, we knew of 565 victims, of whom 62 died (see appendix 2 for further details).<sup>2</sup> Thus the number of victims of xenophobic attacks in 2007 was 18% higher than in the previous year, and doubtless the number of victims – and therefore this percentage – will rise, as new cases are discovered.

There are no official statistics of hate crime in Russia, and we collate our data from the mass media and a limited number of regional observers. Our statistics, therefore, reflect only a partial appraisal of actual violence.<sup>3</sup> Furthermore, we do not include events in the North Caucasus (such as Ingushetia, where a series of attacks against ethnic Russians were reported between 2006 and 2007), mass fights, and assaults where the main motive was robbery and/or

<sup>2</sup> Reports about victims from 2006 continued to surface throughout the year 2007. Cf. reports of victims in 2006: by March 2007, we knew of 54 people killed and 485 wounded in 2006. By mid-January 2008, we had learned of 62 people killed and 502 wounded – that is, since the publication of the 2006 report, the number of known victims increased by 22, including seven fatalities (cf.: Galina Kozhevnikova, ‘Radical nationalism in Russia and efforts to counteract it in 2006’ available on the SOVA Center website at <http://xeno.sova-center.ru/6BA2468/6BB4208/93A572E>).

<sup>3</sup> For example, according just to evidence collected by representatives of the Tajik diaspora, 40 of the 60 Tajik nationals killed in 2007 were the victims of racist attacks. Compare this with SOVA Center’s information, Appendix 2.

where firearms were used (except in cases where the police uncovered racist motives). Finally, we do not include victims targeted for being sexual minorities or homeless in our statistics. It should also be borne in mind that for a few months between mid-May and mid-September, the Russian mass media did not report any incidents of hate crime – a phenomenon that we observed, but are unable to explain.<sup>4</sup>

In 2007 there were numerous high-profile crimes connected with the activities of the ultra-right. Just as in the past, virtually anyone could be a target and a victim of neo-Nazi aggression: women and men, Russian citizens and foreigners, civil servants and migrant workers alike. A victim might be targeted simply because ‘*in the dark of the night, and without adequate light,*’ they were ‘*mistaken for a non-Slav*’ – as happened in January 2007 in Ekaterinburg, according to the indictment read at the trial.

These more high-profile cases included the killing of Stanislav Korepanov – a teenage skater from Izhevsk accidentally targeted by neo-Nazis hunting local antifascists – in the spring of 2007; the summer attack against Valentina Uzunova, a prominent expert in hate crime viciously beaten on the eve of a trial in which she was to testify and robbed of the materials she was to submit as evidence; and the beating in St. Petersburg of Sayana Mongush – a journalist from Tuva – and a passerby who intervened to help her.<sup>5</sup>

It is immediately obvious that racist violence has increased in cruelty, with more attacks resulting in death. While in 2006 there were 44 fatal attacks, in 2007 this number has already risen to 80.<sup>6</sup>

Racist attacks were also better organized than before, the most illustrative example being the infamous neo-Nazi ‘raid’ on Moscow city streets on 20 October. Notably, the perpetrators belonged to more than one group: the Moscow Prosecutor’s Office admitted that a number of separate neo-Nazi groups had acted simultaneously in different districts of the city by prior arrangement. According to official (and presumably underestimated) reports,

<sup>4</sup> This gap in reporting is particularly noticeable if we look at the dynamics of this type of crime: before May, we had documented 10 or 11 new victims each week, and from mid-September around 12 or 13 victims, but during the summer (with the exception of the two mass battering incidents outside Angarsk and Irkutsk) the average number was five victims each month, in most cases reported to us by eyewitnesses.

<sup>5</sup> At the time of writing, the St. Petersburg Prosecutor’s Office is investigating all attacks of December 1, in which one person was killed and at least four beaten up, under one criminal case.

<sup>6</sup> It should be remembered that in 2006 one single incident – the explosion in Cherkisovo market – killed 13 people. This explains why the number of fatal incidents reported in 2006 was far less than the number of deaths.

this ‘raid’ resulted in at least 27 victims, of whom four died.<sup>7</sup> The St. Petersburg Prosecutor’s Office acknowledged two similar raids, resulting in at least 10 victims, one of whom died. An attack against an ecologists’ camp in Irkutsk Oblast on 21 July evoked a huge public response. It should be noted that this attack was well-planned: early in the morning the attackers – who had come to Angarsk from several neighboring cities armed with metal rods and other weapons – reached the camp located outside the city and attacked the campers while shouting neo-Nazi slogans. One of the ecologists, Il’ia Boro-daenko, died a few hours later; another victim spent more than six weeks in hospital. Although the local law enforcement authorities arrested most of the suspected attackers, some of whom made no attempt to hide their ultra-right gang membership, the same ecologists have come under neo-Nazi attack several times since.

The terrorist potential of neo-Nazi skinheads is increasingly obvious. In St. Petersburg alone, they are suspected of arranging and/or executing at least three explosions, one in a flower kiosk outside Vladimirskaya Metro Station, one in a McDonald’s restaurant, and an attempted terror attack in the ‘Rocks-Club’. In Moscow, neo-Nazis are suspected of involvement in at least two similar incidents,<sup>8</sup> and ‘Cherkizovetsy’ – followers of Nikolai (Nikola) Korolev, so-called since their bomb attack on Cherkizovo market – claimed responsibility for two further explosions and two arsons committed in November and December 2007. Nevertheless, the so-called ‘military patriotic clubs’ where the ultra-right are trained in martial arts and in handling various explosives and weapons (including grenade launchers), remain beyond the law enforcement authorities’ scope of attention. In the meantime, such clubs elevate their status by alleging patronage by the authorities and the Russian Orthodox Church,<sup>9</sup> and by collaborating with prominent athletes. For example, neo-Nazi groups such as the Slav Union (*Slavianskii soiuz*) and National Socialist Society (*Natsional-sotsialisticheskoe*

<sup>7</sup> Ultra-right websites claimed fifty or so casualties.

<sup>8</sup> An explosion in Manezhnaia Square at the end of 2007 and a bomb hoax in Cherkizovskii District Court on the first day of the Cherkizovo bombers’ trial.

<sup>9</sup> In particular, letters of thanks from various government officials and the Moscow Patriarchate are posted on the website of one association of military patriotic clubs, a board member of which is from the Russian Order (Russkii poriadok) group. This website is part of the ‘Ring of Patriotic Resources’, a webbing of national-patriotic sites – some more radical than others. It should be stressed that this does not mean the authorities or the Russian Orthodox Church offer any real support to such clubs, or that all clubs of this type are ultra-nationalist, but that ultra-right clubs and groups in particular are likely to exploit any contacts, acquaintances, and especially any official rewards or thanks to promote themselves to young people who do not yet share any specific ideology, as well as to appear influential in the eyes of potential stakeholders.

*obshchestvo*, NSO) began to openly advertise their links with Russian *mixfighters* (Mixed Martial Arts fighters) in 2007. These Mixed Martial Arts championships have gained particular popularity in Russia since President Putin attended one of them in April of that year.<sup>10</sup>

The aforementioned attempt to block media coverage of hate crimes over the summer served to disprove the widely-held assumption that a lack of publicity would discourage neo-Nazi skinhead activity. This might have worked a few years ago, but currently the reverse is true, and a lack of publicity provokes neo-Nazis to commit (or fake) other acts – on top of their ‘regular’ attacks, unfortunately perceived as part of everyday life – that are simply impossible to ignore. In addition to the attack against the ecologists’ camp outside Angarsk, such actions included the posting of a video on the internet at the end of August which showed a double murder. One may argue indefinitely about the purpose of the video and whether the killing was real,<sup>11</sup> but its authors succeeded in returning the ultra-right to the limelight and provoking public debates which lasted for at least two weeks.

At the same time, the ultra-right are also able to take advantage of media failure to report xenophobic violence. Given the perception of skinheads in Russian public opinion as dangerous and powerful,<sup>12</sup> and the lack of official reports about their crimes and – even more importantly – their punishments, various rumors are easily spread. Thus, just before 20 April (the anniversary of Hitler’s birth), at least three regional centers in Russia – Belgorod, Ryazan and Izhevsk – were struck by panic amidst rumors of forthcoming skinhead invasions, mass fights and riots. Without doubt, the neo-Nazis themselves were largely responsible for spreading these rumors. Similar situations have occurred in previous years, but never before have rumors proved so effective in

<sup>10</sup> After the SOVA Center published a report on alleged links between Russian Mixed Martial Arts fighters and ultra-right groups, the fight club mentioned in the report issued a statement denying any ideological aspect to their cooperation. Soon afterwards, some neo-Nazi websites published an interview with fighter Roman Zentsov in which the latter explicitly spoke about the need to protect Russian ‘purity of blood’ from foreigners. The club was informed about the interview, but did not respond.

<sup>11</sup> In our opinion, if not the video per se, then at least its publication and the statements that followed (a mythical National-Socialist Party of Rus’ claimed responsibility for the killings and made the far-fetched declaration that they were the ‘combat unit’ of Dmitrii Rumiantsev’s National Socialist Society, which was followed by the latter’s denial and other commentaries) revealed internal conflicts and competition among the ultra-right – a rather heterogeneous community.

<sup>12</sup> See, for example, Leonid Sedov, ‘Oppozitsiia. Kritika vlasti. Ektremizm (po dannym dekabr’skikh oprosov)’ Levada Center, 15 January 2007 ([www.levada.ru/press/2007011504.html](http://www.levada.ru/press/2007011504.html)).

creating mass hysteria: parents kept their children home from school; teachers supported them in this precaution; and the police were overwhelmed by calls from anxious residents.<sup>13</sup>

Also as in previous years, in addition to the activities of neo-Nazi skinheads, some attacks were perpetrated by non-affiliated xenophobic individuals. We know of at least 10 such attacks in 2007. This reflects a real growth (we observed around three to four such incidents in previous years), even though this type of violence is difficult to identify as racially motivated and is rarely reported as such. The most outrageous examples included the beating of an elementary school student in Voronezh Oblast for his refusal, as a Protestant, to participate in an Orthodox religious service (notably, with the open connivance of the class teacher), and a murder carried out by a drunk General of Rosspetsstroï (the federal service for military construction) in Arkhangel'sk Oblast at the beginning of September.<sup>14</sup> In contrast to previous years, there were few if any reports of racist fighting during the Navy Day celebrations, during which drunken ex-Navy servicemen traditionally indulge in xenophobic violence.<sup>15</sup>

It is important to mention spontaneous, mass ethno-nationalist conflicts. In fact, most such incidents in 2007 took on an ethno-nationalist coloring largely thanks to the involvement of right-wing radical groups eager to replicate the Kondopoga model (see below). However, at least one such conflict was, apparently, truly spontaneous. This was the mass attack against the ethnic Russian inhabitants of Kytsigirovka village, Irkutsk Oblast, which was carried out under nationalist slogans by visitors from neighboring communities (apparently ethnic Buriats) in August. At least 26 people were injured during the hour-long attack. Unfortunately, as usually happens in this type of situation, after the initial reports of the pogrom, the local administration and law enforcement authorities denied there was any xenophobic aspect to this conflict, and blamed the media for increasing tensions. A lack of reliable information about this type of incident, however, only aggravates existing tensions and leads to panic and/or xenophobic rumors.

<sup>13</sup> See, for example, 'Gorozhane obespokoeny slukhami o bande skinkhedov', BelMedia.ru, 20 April 2007 ([belmedia.ru/newspage/id/7579.html](http://belmedia.ru/newspage/id/7579.html)); Ivan Loginov, 'Bol'shaia panika, kotoruiu sotvorila malen'kaia utka', Golos Belogor'ia, 26 April 2007 ([golosbelog.livejournal.com/5472.html](http://golosbelog.livejournal.com/5472.html)); 'Uroki "Dela skinkhedov"', IA 'Den' (Udmurtia), 26 April 2007 ([www.dayudm.ru/lenta.php?id=20092](http://www.dayudm.ru/lenta.php?id=20092)).

<sup>14</sup> For further details see 'P'iani general sovershil rasistskoe ubiistvo', SOVA Center, Natsionalizm i ksenofobiia v Rossii, 16 October 2007 (<http://xeno.sova-center.ru/45A29F2/9FC947D>).

<sup>15</sup> According to our data, in addition to the single officially reported incident in Perm, attacks occurred on the same day in Moscow, St. Petersburg, and Tiumen. However, we were unable to discover any further details.

## Antisemitism

As before, antisemitism was not the dominant manifestation of xenophobia; however, a few alarming trends were observed in 2007, primarily concerning violence against Jews.

We have noted on numerous occasions that Jews are rarely targeted by racist violence simply because, in most cases, they are not easily identifiable in a crowd. But last year, the number of violent incidents targeting Jews increased dramatically. While in 2004 three Jews were affected by racist violence, four in 2005, and four in 2006 (not including the nine individuals injured in A. Koptsev's synagogue attack), in 2007, nine violent incidents – of which the most well-known was the attack against religious Jews in Ivanovo during the summer – affected at least 13 people. Moreover, an incident was recorded in which an aggressive antisemite sought to provoke a fight on board a plane, but was overpowered. We should emphasize that violent attacks against Jews have increased for no apparent reason. It is also worth noting that at least three incidents were due to individual 'everyday' xenophobia: a teenager in a village outside Volgograd was beaten by an antisemitic neighbor, a police officer in Irkutsk Oblast threatened a woman with a pistol because of her Jewish surname, and the row on the plane was caused by a man describing himself as a 'Don Cossack'.

Another trend observed in 2007 was the increasing use of antisemitic rhetoric by the DPNI (*Dvizhenie protiv nelegal'noi immigratsii*, the Movement Against Illegal Immigration). The DPNI leader, Alexander Belov, publicly pronounced antisemitic slogans for the first time during the 2006 Russian March, and in 2007 movement members began to regularly use antisemitic slogans.

Two antisemitic incidents which occurred in 2007 during international sports events deserve particular mention. Fans were reported to be chanting antisemitic slogans during a basketball game between Dynamo (Moscow) and Ha-Poel (Jerusalem), and during a football match between Alliance (Vnukovo) and Maccabi (Tel Aviv). Racist and neo-Nazi hooliganism during football matches is not new in Russia, and it is rarely – if ever – punished. These two incidents are worth noting firstly because sports fans rarely use antisemitic rhetoric ('classical' racism is far more widespread), and secondly because it is unusual to encounter racist fans in other types of sport.

One should also note that the 'xenophobic potential' of the new Duma elected on 2 December 2007 consists basically of antisemites, signatories of the infamous 'Letter of the Five Hundred' (see below).

However, in most cases, antisemitic sentiments were manifested – as in previous years – in acts of vandalism and the dissemination of antisemitic

materials. Antisemitic vandalism was the prevailing type of hate-motivated vandalism in 2007: of the 90 incidents observed, 32 (across 18 regions of Russia) were antisemitic. In terms of numbers, however, antisemitic vandalism declined, with fewer incidents in 2007 than in 2006, when 36 such incidents were recorded.

We also observed that – as in 2006 – no scandalous antisemitic publications were to be found in the mainstream media in 2007. Antisemitism remained localized in marginal publications with small circulations.

### Islamophobia

Muslims – as members of a religious group, as opposed to as ‘people of non-Slav appearance’ – are also rarely targeted by xenophobic violence; or rather it is difficult to distinguish such incidents from the wider body of xenophobic attacks. We do, however, know of three violent assaults in 2007 which targeted Muslim believers, resulting in at least five victims (three of whom were women). These were an attack in Kostroma on the local imam and his pregnant wife; an incident in Perm on 2 August where a group of drunken Navy servicemen destroyed a butchery attached to the local mosque, beat the butcher and hit a saleswoman; and an assault against a Muslim woman in Ekaterinburg in the autumn.<sup>16</sup>

As in previous years, Muslims and Islam were the usual targets of xenophobic publications in mainstream print media. Such publications do not usually trigger any reaction from the general public; the only exception in 2007 was a scandal caused by Ekaterina Sazhneva’s article entitled ‘*The Russian Wound of the Koran: They have change names and homeland, and adopted the faith of the enemy.*’ This article was about Russian expats who have adopted Islam and now live in Egypt. It was perhaps the year’s most scandalous publication and elicited a tremendous protest from Russian Muslims, so large that the Russian Council of Muftis made an official statement of protest. It seems likely that this is what forced Pavel Gusev, editor-in-chief of the newspaper *Moskovskii Komsomolets* in which the offensive article was published, to offer a public apology (possibly the first he has ever made in this type of situation).

We also observed fewer acts of vandalism against Muslim targets in 2007, in comparison to the previous year – we are aware of seven such incidents of vandalism across four regions (as opposed to 11 incidents in 2006).

<sup>16</sup> It seems probable that she was targeted specifically for being a Muslim believer because the attackers not only beat her, but attempted to force vodka down her throat.

### Other Incidents of Xenophobic Vandalism

We registered at least 90 acts of xenophobic and neo-Nazi vandalism in total during 2007,<sup>17</sup> which was somewhat higher than in 2006 (70 incidents). In most cases (66 incidents), vandals targeted the religious premises and objects of worship of various faiths and denominations.

We also observed a decline in the number of attacks targeting Jewish, Orthodox and Muslim property, formerly the vandals’ primary targets – 32, 6, and 7 respectively in 2007 as opposed to 36, 12 and 11 in 2006. In contrast, attacks on the property of Protestants of various denominations increased, with at least 16 incidents across seven regions, as opposed to eight incidents in 2006. This may well be the result, at least partly, of the constant vilification of these denominations in the mass media.<sup>18</sup>

It is also worth noting that while the occurrence of ‘targeted’ neo-Nazi vandalism (such as the desecration of memorials to Soviet soldiers killed in WWII, the drawing of swastikas and the Star of David on communist monuments etc.) did not increase, with six incidents recorded in 2007 as opposed to eight the year before, ‘targetless’ neo-Nazi graffiti seems to have developed into an organized campaign. Thus, in 2007, a large-scale campaign of xenophobic graffiti was organized in at least two cities, Volgograd and Vladimir. At the end of 2007, the ultra-right attempted to organize an even broader graffiti campaign (possibly, on a national scale) over the internet.<sup>19</sup>

Just as with violent crime, vandalism was increasingly demonstrative and/or organized. In Izhevsk, for example, the night after Stanislav Korepanov’s murderers were sentenced, the local Jewish community center was covered with neo-Nazi graffiti. In Briansk Oblast, a Jewish school was attacked five times over six weeks, while in Saratov Oblast, over a period of 24 hours, vandals desecrated an Adventist prayer house in Engels and attempted to blow up a synagogue in Saratov.

<sup>17</sup> It should be remembered that this report does not cover incidents of vandalism in general, but only those where there is no doubt as to the hate motive.

<sup>18</sup> Attempts by Protestants to sue the journalists concerned usually fail. For example, in 2007 (as in 2006) we know of only two warnings issued by Rossviaz’okhrankul’tura (a federal body supervising media, amongst other things) to media outlets for their xenophobic ‘anti-sectarian’ publications.

<sup>19</sup> The action began on 24 December 2007. During the first ten days of January 2008, the website used by the vandals for coordination was blocked for ‘incitement to vandalism and the overthrowing of legitimate government’ and ‘the promotion of racial hatred and Nazism’. Later, however, the site was active again.

It seems that in a few cases, right-wing radicals – such as the Eurasian Youth Union (*Evraziiskii soiuz molodezhi*, ESM) activists for example, who attacked the office of the Russian Family Planning Association in Orenburg and the Mormon Church office in Samara – were confident of their impunity. The ESM publicly claimed responsibility for the attacks, saying that they would continue their pressure against the ‘sectarians’ because ‘acts of vandalism are extremely important for the building of a sovereign democracy and a healthy civil society in Russia’. Despite this, not one pronouncement by ESM has prompted the law enforcement agencies to investigate this organization, which is totally loyal to the current political regime and sees its mission as preventing ‘an orange revolution’ in Russia.

## The Activities of Right-Wing Radical Organizations

### Preparation for Elections, Coalitions and Splits

Throughout the year, except for the final month, the ultra-right declared their intent to participate actively in the election campaign. This did not come as a surprise: election campaigning, even with no chance of success, gives campaigners an opportunity to promote themselves to a broader public than usual and to reach audiences normally inaccessible to the ultra-right.

In recent years, it has become a tradition for nationalists to be actively involved in local election campaigns, which appear to be less regulated than regional and federal-level campaigns. In particular, in the spring of 2007 a few ultra-right candidates ran for regional elections in Moscow Oblast.<sup>20</sup> We cannot estimate with any degree of accuracy how effective their xenophobic messages may have been, however. Firstly, we do not know to what extent the candidates relied upon this type of rhetoric, and secondly, it is difficult to evaluate other factors contributing to the candidates’ success or failure. However, we reiterate that the mere possibility of xenophobic agitation as part of election campaigning is even more important than its effectiveness. Therefore, the ultra-right are not in the least prepared to stay away from regional and local elections in the future.<sup>21</sup>

Understandably, the federal State Duma elections were the main focus of 2007. By the end of 2006, when the ultra-right held a series of major conferences, their serious approach to the federal elections was already clear. In 2007, they continued in the same vein, making two (failed) attempts to register ultra-right political parties for the State Duma elections; the first attempt went largely unnoticed, but the second one had broad public resonance. In the winter of 2007, organizers filed

<sup>20</sup> The elections were held on 11 March 2007.

<sup>21</sup> In particular, it is known that at least one ultra-right candidate will run for the Moscow municipal government on 2 March 2008.

for the registration of the Rus’ Party in Defense of the Russian Constitution (*Partiia zashchity rossiiskoi konstitutsii*, PZRK – also an easily recognizable acronym for an anti-aircraft missile), which was based on the remaining active fragments of Russian National Unity (*Russkoe natsional’noe edinstvo*, RNE). In March, they were denied registration, and after a series of litigations and appeals, by early May the organizers had given up hope of getting it registered. It is notable that Rus’ PZRK engaged in public activities and explicit collaboration with D. Rumiantsev’s National Socialist Society (NSO) after the final denial of registration.

Almost immediately after the failed attempt by former members of Barkashev’s group to establish their own political party, the same attempt was made by their competitors in the DPNI, the Russian All-National Union (Igor Artemov’s RONS, *Russkii obshchenatsional’nyi soiuz*), fragments of Motherland (*Rodina*), the Russian National Bolshevik Front (*Russkii natsional-bol’shevistskii front*, RNBF), and other ultra-right groups. The Great Russia Party (*Velikaia Rossiia*) held its founding congress on 6 May and elected Duma deputy Andrei Savel’ev as party chairman. For a few months, whether the Great Russia Party would be allowed to register for elections was the main talking point of the election campaign. Eventually, just like the Rus’ party, they were denied registration on technical grounds – for falsifying membership details and because their founding documents were deemed incompatible with relevant legislation. This latter reason for denial of registration to the Great Russia party appears rather cynical, given that the organizers had copied the founding documents, word for word, from those of the already-registered A Just Russia (*Spravedlivaia Rossiia*) Party.

As a result, by September 2007, the ultra-right had only Sergei Baburin’s party at their disposal. At the end of March this party, the People’s Will (*Narodnaia volia*), was reorganized and renamed the People’s Union (*Narodnyi soiuz*);<sup>22</sup> at this point, it brought together a wide range of ultra-right groups, mostly of Orthodox and monarchist orientation (the most significant of which was RONS). In addition, Gennadii Semigin’s Russian Patriots party (*Patrioty Rossii*) offered to include ultra-right candidates in its list. This rather obscure party – a spin-off of the Communist Party chaired by the former leader of the Popular-Patriotic Union of Russia (*Narodno-patrioticheskii soiuz*), a broad left-wing nationalist coalition formed around the Communists – signed a General Agreement with the Great Russia Party to establish an electoral coalition (electoral blocs of any type are prohibited by law).<sup>23</sup>

<sup>22</sup> Of course, this choice of party name was not accidental; the idea behind it was to attract the extreme right to Baburin’s organization: the acronym of the People’s Union (NS) is the same as that of National Socialism or National Socialist – a popular term among Russian neo-Nazi skinheads.

<sup>23</sup> Gennadii Semigin, ‘My stanovimsia sil’nee!’, *Patrioty Rossii*, September 2007, № 4 (<http://www.patriot-rus.ru/newspaper.php?article=35>).



Most of the campaign's 'xenophobic potential' was concentrated in the candidate lists of these two parties. While the Russian Patriots party list included only Great Russia Party functionaries, the People's Union list contained a broad mix of candidates representing virtually all active ultra-right groups, from RONS to Rus' PZRK to unaffiliated neo-Nazi skinheads.

This 'dispersion' of ultra-right forces between the two party lists aggravated already existing conflicts among them, evoked mutual blame for the split, and provoked a certain degree of jealousy and competition in preparing for the Russian March. Great Russia supporters were on one party list, while RONS and Baburin's supporters were on the other list, so they felt it inappropriate to share the Russian March, because each side suspected the other (with some justification) of seeking to use the march to advance their own election campaign.

On 28 October, the People's Union was denied registration of their candidate list, because some of the signatures were found to be faked.<sup>24</sup> It might have been expected that, after this, the ultra-right members of Russian Patriots would do their best to engage those voters who shared their xenophobic sentiments, but this never happened. Neither Andrei Savel'ev nor less well-known radicals were visible in the pre-election month. The Great Russia website was stagnant, there was virtually no campaigning, and towards the end of the election campaign period Savel'ev, alongside other ultra-right activists, urged his supporters to stay away from voting booths. Apparently, Savel'ev and others were aware that not only would they fail to cross the 7% threshold necessary to win seats, they would not achieve anything like this degree of support. Indeed, on 2 December, the Patriots scored a negligible 0.9% of the vote. (Admittedly, this number reflects the broader situation as regards party politics in Russia rather than the level of public support for particular ideas, because all political parties which were not supported by the Kremlin – with the exception of the Communist Party of the Russian Federation – scored similar or even lower results.)

In parallel with active pre-election organizing, the existing ultra-right coalitions sank deeper into a quagmire of squabbles and discord in 2007.

Serious conflicts were already apparent among right-wing radicals in winter – the underlying reasons for which an outsider may find difficult to understand. A discernible portion of these conflicts related to Alexander Potkin (Belov), leader of the Movement Against Illegal Immigration (DPNI), who came under criticism for being an agent-provocateur, collaborating with the Kremlin's 'political technologists' and spreading lies which discredited right-wing radicals. By spring, this initially private wrangle had moved into the public domain, and after NSO leader Dmitrii Rumiantsev publicly hit Belov in the face, accusing

<sup>24</sup> This ruling was upheld by the Supreme Court on 2 November 2007.

him of financial dishonesty, the NSO and Format 18 effectively discontinued all joint activities with DPNI. Even on landmark dates for the Russian ultra-right they opted to organize separate events (e.g. on 21 April two separate rallies were held in Moscow to mark the anniversary of Hitler's birth, and on 26 May, two separate homophobic meetings were organized).

Besides financial squabbles and power struggles for the *führer* position, digression from 'framework' slogans was behind some of the conflicts which entered the public eye in 2007. An unexpectedly stormy conflict, for example, was triggered by the posting on an ultra-right blogger's site of a program for the 9 May celebrations – WWII Victory Day. The program included placing flowers on a memorial to those White Guard officers who had fought on the side of Nazi Germany in WWII.<sup>25</sup> The controversy around this program graphically demonstrated firstly that far from all right-wing radicals are neo-Nazi and supporters of Hitler, and secondly, that a split of this ostensibly monolith movement is imminent every time they are required to define their ideological positions beyond mere generic slogans.

In May 2007, the split in the Union of Russian People (*Soiuz Russkogo naroda*, SRN) was finally formalized. The group was originally established in 2005 to bring together a broad spectrum of Orthodox and monarchist nationalists, some more radical than others. A serious conflict broke out in the Union immediately following the death of their leader Viacheslav Klykov in June 2006. Even though the group's second congress in November 2006 managed to avoid a formal split, very soon radicals led by Konstantin Dushenov (St. Petersburg), Mikhail Nazarov (Moscow) and Alexander Turik (Irkutsk) refused to accept the new leader, General Ivashov, and dismissed his election as 'a provocation staged by security agents and a takeover'. An alternative (third) SRN congress was convened in Irkutsk in May, formalizing the split of the radical branch from General Ivashov's 'moderate' SRN.

The National Bolshevik Front also split when a more radical group with neo-Nazi ideas (led by Ivan Strukov) left the NBF. Currently, this spin-off group – calling themselves the RNBF – are acting in a coalition with the DPNI.

By September, one of the best known neo-Nazi groups, the National Socialist Society (NSO), had also formally split. Power struggles escalated in the NSO in the summer of 2007 following the arrest of Maksim (Tesak) Martsinkevich, the Format 18 leader who had closely collaborated with the NSO. These developments led to a split between supporters of the NSO leader Dmitrii Rumiantsev

<sup>25</sup> For further details see 'Skandal vokrug pamiatnika belogvardeitsam na Sokole', SOVA Center, Natsionalizm i ksenofobiia v Rossii, 10 May 2007 (<http://xeno.sova-center.ru/45A29F2/92AA278>).

(who retained control of the organization's official website) and supporters of Sergei (Maliuta) Korotkikh.

By the end of the year the Eurasian Youth Union (ESM) was in a serious crisis. Having declared its mission as 'the fight against orange revolutions', the ESM made Ukraine its main focus. In addition to their own chapters in Ukraine, they enjoyed the support of a few local ultra-nationalist groups, the best known of which is Dmitro Korchinskii's 'Brotherhood' (*Bratstvo*). On 18 October, ESM activists staged an anti-Ukrainian action on Goverla mountain and vandalized the state symbols of Ukraine. As a result, they not only lost the support of their Ukrainian allies, but caused their own Ukrainian nationalist members to leave the organization. Very soon, more troubles followed: ex-members, apparently using what they had learned from ESM against their former comrades, hacked into the ESM website, incapacitating it for a few hours, and were probably behind the raid on the organization's office a few days later.

### Legally Permitted Mass Events

The ultra-right's street activism, which had received a powerful boost back in 2006 with the organization of legally permitted mass events and the successful provocation of xenophobic riots, evolved in two directions. However, if in the past they had been making headway and showing the strong potential of right-wing radical consolidation, in 2007 the situation appeared more complex.

The ban on the 2006 Russian March, the way the authorities treated its participants and the smart use of this situation by ultra-right propagandists increased enthusiasm amongst right-wing radicals. Evidently it was this enthusiasm that was the main reason for the success of their nationwide action 'in support of political prisoners' held on 28 January 2007. In some respects it was the most successful public event organized by the ultra-right last year. In addition to being nationwide (rallies and other activities were held in at least 15 regions), it demonstrated the ability of ethno-nationalist groups of different ideological affiliations to coordinate their actions on a national scale, and to agree on shared slogans and formats for public events.<sup>26</sup> Not once during the rest of the year did the ultra-right manage to achieve the same degree of coordination. Even the 2007 Russian March, with all the effort invested in its organization, failed to demonstrate the same degree of visible unanimity and

<sup>26</sup> Some obvious reasons behind the success of right-wing radicals included their human rights slogans and their willingness to welcome all sorts of potential participants as well as the prisoners they advocated for (each region nominated their own 'political prisoner candidates' – in Kurgan, for example, they nominated Vitalii Sulima, a local national-patriot convicted and sentenced for an 'ordinary' murder).

agreement. Preparations for the Russian March unfolded amidst numerous clashes, of which only a small fraction was obvious to outsiders. As a result, by October the event had two separate organizing committees, with as many as three separate actions by the ultra-right scheduled for 4 November 2007 (with the DPNI, Nikolai Kur'ianovich and Sergei Baburin), two of which were named 'The Russian March'. All three gatherings were permitted by the Moscow City Government.

A truce was made for the period of the main march (under the aegis of DPNI): the event brought together, in one form or another, all active ultra-right groups in Moscow, even those groups ordinarily in conflict with one another (e.g. NSO and the Slav Union) – a total of 2,500 to 3,000 people.

However, the fact that the event was officially permitted and that the authorities made no attempt to prevent or halt it, plus the allocated venue (a fairly isolated embankment), combined to reduce the impact of the event, and weakened the aura of sacrifice and heroism which surrounded participants a year earlier.

Just as in 2006, right-wing radicals celebrated 4 November (People's Unity Day, a holiday established by Putin in 2005) on a national scale. In addition to Moscow, rallies, pickets and marches took place in at least 22 other regions, and in a further two regions events were prevented as the organizers came under strong administrative pressure. The scope was wider than in 2006, when around 15 regions joined the event. One should note, however, that firstly, just as in Moscow, in some cities the events were organized by groups competing for supporters or audiences, and secondly, contrary to normal practice the ultra-right have not yet published a full list of cities where the actions were held.<sup>27</sup>

Of course, legally permitted public activism of the ultra-right groups in 2007 was not limited to these two events; pickets, rallies, and marches, some of them quite large, were held throughout the year. For example, the First of March Walk held by the DPNI at the VDNKh exhibition grounds was the first legally organized march of the ultra-right since 4 November 2005. It is worth observing that in contrast to previous years, they almost totally abandoned any pretense of 'public benefit': while previously rallies and pickets were held under the slogans of the fight against drugs, protesting against the installation of ugly monuments etc., in 2007, DPNI slogans were solely political and ethno-nationalist.

However, the key difference was not so much the frequency and strength of the gatherings, but the authorities' increased tolerance of them. This issue is

<sup>27</sup> Konstantin Krylov has posted the longest list available so far on the internet, yet some of the activities that we know of are missing from his list.

not about banning rallies and marches; we have stated on many occasions that a preventive ban would be unlawful. That said, right-wing radicals increasingly provide the police with reasons to intervene lawfully: they give the Nazi salute, use offensive language both in the crowd and from the podium, and explicitly call for pogroms. For example, during the 2007 Russian March a crowd of some 1,500 people chanted '*Death to Yids!*' for several minutes, and '*Russia will be Russian or unpopulated... Good hunting, wolves*' was heard from the podium at the NSO's homophobic rally on 26 May.

All of this took place against a background of the total ban and fierce suppression of actions by the political opposition – 'Dissenters' Marches' – in Moscow, St. Petersburg and other cities. This emphatically different treatment of peaceful opposition demonstrations and provocative, neo-Nazi gatherings underscores the authorities' unwillingness to live up to their numerous declarations and suppress unlawful ultra-right manifestations, confirming the popular assumption (perhaps a false one) that ultra-right groups enjoy top-level political support.

### **The Provocation of Mass Riots**

In 2007, the ultra-right (particularly the DPNI) continued their efforts to replicate the Kondopoga riots. Having discovered a working model, the nationalists seek to apply it whenever and wherever appropriate, taking advantage of any conflict resulting in serious injuries or death which involve persons of different ethnicities.

Any such fight is presented as an 'interethnic conflict' and just another manifestation of 'the outrageous behavior of non-Russians, who seek to exterminate ethnic Russians'. The town is then flooded by right-wing radical activists (particularly DPNI members) from neighboring cities and even from Moscow, the walls of buildings are covered with provocative, discriminatory leaflets (anti-Caucasus, anti-immigrant, etc.). The nationalists organize a 'popular gathering' which does not require official permission, unlike a meeting or a rally. In the case of a death, they link this 'popular gathering' to the funeral ceremony, where the emotions of loss and grief are skillfully channeled by their propaganda. Traditionally they use the DPNI web forum to coordinate their actions. They get the 'popular gathering' to adopt a pre-written resolution, and this is followed by clashes with police and attempts to initiate pogroms.

However, it is worth noting that they have not been able to implement this entire scenario since the Kondopoga events, because not only the right-wing radicals but also the police and authorities are familiar with this format, and manage to prevent the violence.

In 2007, at least three conflicts with a high 'pogrom potential' occurred: two in Stavropol Krai (in February and June), and one in Saratov Oblast (in March).

The biggest incident of this type occurred in Stavropol Krai in early summer. On 24 May, a common fight broke out in one part of the city,<sup>28</sup> and rapidly led to mass conflict and interethnic tensions, panic and rumors alleging that 'dozens of Russians were killed by natives of the Caucasus', attempts to set fire to buildings and sites whose owners were from the Caucasus, etc. The situation worsened after the murder of two ethnic Russian students on 3 June, allegedly by 'Caucasian men'. Rumors about the killings were similar to those in Kondopoga at the time of the conflict: in Kondopoga they alleged that the victims' 'ears were ritually cut off'. In Stavropol, rumor had it that the victims' heads were cut off. Local ultra-right groups mobilized, supported from the outside – in particular by DPNI and RONS, whose leaders Alexander Belov and Igor Artemov headed for Stavropol to participate in the 'popular gathering' scheduled for 5 June. The gathering was held without Belov, who was preventatively detained by the authorities as he entered the city. As a result, the crowd was deprived of a powerful, riot-inciting stimulus from the DPNI leader – undoubtedly a strong motivational speaker who knows how to handle his audience – and the local police anticipated disturbances and were able to prevent riots. A few cars were damaged, but otherwise serious harm was avoided.

The Stavropol authorities, to give them due credit, did their best to prevent 'a Kondopoga scenario'. They mobilized the city's emergency services, temporarily limited the opening hours of the city's restaurants, clubs, and other entertainment facilities. That said, they made a number of mistakes which, in the short term, added to the tensions already existing in the community, and in the longer term may have paved the way for a recurrence of similar incidents in the future. Firstly, as in most such incidents, the authorities attempted to withhold information about what was coming, which immediately caused panic and rumors. When official information about the conflict became available, it was too late – the rumors persisted. The level of panic was so high in the community that the university in Stavropol imposed a curfew on the students to protect them from 'mass killings and rapes of young people'.<sup>29</sup> Secondly, the police obviously lacked clear guidance on how to respond to the ultra-right's 'unusual' conduct, particularly at the peak of the conflict. As a result, the situation was exploited by two competing local ultra-right groups active in the community at that time: while the authorities suppressed the local RONS chapter, their

<sup>28</sup> It was revealed later that this fight had been preceded by an attack on two young Chechen men, which the police refused to register or respond to. Iulia Fil', 'Khoroshaia mina pri plokhoi igre, Stavropolskaia Pravda, 21 July 2007 ([http://www.stappravda.ru/20070721/Horoshaya\\_mina\\_pri\\_plohoj\\_igre\\_738.html](http://www.stappravda.ru/20070721/Horoshaya_mina_pri_plohoj_igre_738.html)).

<sup>29</sup> 'Na grani paniki', *Ibid.*, 5 June 2007 (<http://www.stappravda.ru/2007/06/05/2007-06-05-06.shtml>).

competitors – the Stavropol Union of Slav Communities (*Soiuz slavianskikh obshchin Stavropol'ia*, an ultra-right neo-pagan group) – joined forces with the city authorities, ostensibly to assist them in resolving the conflict. At the same time, there was an attempt to present the Stavropol events to the public as the actions of ‘a professional hand which has done a lot of evil deeds in Yugoslavia, Ukraine, Georgia, and Kyrgyzstan, and now seeks to “help” Russia’.

The above story makes one suspect that the real reasons and masterminds behind the riots will never be identified, and that therefore similar events may occur in the future. Moreover, the ‘people’s militias’ introduced as a by-product of the conflict may result in the emergence of ultra-right paramilitary units closely collaborating with law enforcement authorities. We note that the local authorities in Saratov Oblast responded to a similar situation in the same way: mobilizing all their resources at the peak of the conflict, refusing to identify the agitators and suggesting the establishment of ‘people’s militias’ to protect ethnic Russians.

In addition, the authorities’ tendency to cover up conflicts not only leads to the spread of rumors and panic, as was the case in Stavropol. In a situation of governmental control over mainstream media and the authorities’ tendency (probably a knee-jerk reaction) to withhold information about events with a xenophobic component, the DPNI increasingly acts as the only newsmaker; but rather than just report an event, they construct their own version of it. Common fights and interpersonal conflicts, even failed ultra-right attacks, are presented by the DPNI and associated communication channels as ‘major interethnic clashes’; ‘terror acts targeting the Russian people’ etc. In the absence of alternative coverage, it creates a certain information background which persists even after the truth is revealed. The nationalists’ attempts to win over the media sphere and use it to disseminate their messages will be successful as long as officials withhold information about conflicts.

The June 2007 events in Stavropol were perhaps the biggest ‘success story’ for ultra-right groups seeking to transform a local conflict into ethnic riots. Similarly to Kondopoga, a lack of accurate official reporting provoked a xenophobic hysteria in the mass media, which the right-wing radicals used to their benefit.

Soon after the above events, on 21–22 June, a minor (and probably interpersonal) conflict was exploited in an attempt to provoke a mass fight in Manezhnaia Square in the center of Moscow. Even though police tried to stop the fighting, it broke out elsewhere, outside the Presidential Administration offices (we are not aware of the exact number of victims, but at least one man was hospitalized). At the same time, rumors were spread about alleged interethnic clashes in Omsk.<sup>30</sup>

<sup>30</sup> For further details see Galina Kozhevnikova, ‘Zuby drakona’, Grani.Ru, 15 June 2007 (<http://grani.ru/opinion/kozhevnikova/m.123451.html>).

Three weeks later, as the activity dwindled, there was an unsuccessful attempt to provoke mass fighting in Zelenograd outside Moscow.

It is interesting to trace the geographic spread of such provocations. Whereas back in 2006 they were focused on smaller cities and communities, today the agitators aim at regional capitals and even Moscow. Ironically, this development may have been enabled by the authorities’ efforts to prevent riots. The DPNI has never had, and does not have, sufficient resources available to it for organizing riots; the only thing DPNI activists can do – as they did in Kondopoga – is to exploit a spontaneous public protest and coordinate its actions, but their attempts are virtually doomed every time the authorities offer genuine resistance. In any case, they feel that a failure is more ‘honorable’ in a big city than in a small rural community. For example, the DPNI exploited the June 2007 events in Stavropol to their advantage, as opposed to the disgraceful and weakening events of February 2007, also in Stavropol Krai, when they attempted to provoke a riot after the killing of Cossack ataman Andrei Khanin: not only did the DPNI fail to attract people to their meeting, but – having announced the date and venue of the gathering – they themselves failed to turn up.

The June 2007 events in the center of Moscow provoked a strong hysterical reaction, even though doubtless they could never have developed into anything more serious. The law enforcement agencies’ reaction to this ultra-right activity was strikingly inappropriate: they not only failed to prevent a series of violent clashes in the city center, but also detained random bystanders who looked like natives of the Caucasus instead of identifying and arresting the agitators or fighters. Belov did whatever he could to make people believe that the Moscow police favored his organization; in fact, some of this alternative evidence suggests that he was at least partially right.

But regardless of the attitude of the Moscow police towards these events in the center of Moscow, fighting in front of the Presidential Administration windows was clearly off limits. Even if it is true that over the next few days police selectively stopped young natives of the Caucasus to prevent more clashes, right-wing radicals also faced consequences, although somewhat later. The best known consequence was the arrest of the Russian skinhead idol, the leader of the Format 18 group Maksim ‘Tesak’ Martsinkevich, even though he may not have been directly involved in the fighting. His arrest showed that the right-wing radicals’ conduct was pushing the limits of the authorities’ tolerance: Tesak was on the federal list of wanted suspects for his appearance at the Bilingua Club in February, where he attempted to disrupt a political discussion by yelling neo-Nazi slogans. However, as is usually the case, for quite a while no one bothered to search for him: Tesak was seen outside the court building during the trial of the murderers of Alexander Riukhin, an anti-fascist killed in Moscow in 2006; some individuals identified

him to the police and asked them to arrest him, but the officers refused. However, after the fighting on the 22 June the authorities found him within a few days and promptly arrested him. Access to his website, and to the blogs of some of those involved in the fighting in Manezhnaia Square, was blocked.

By the end of July, this type of right-wing radical activity dwindled away almost completely. In early September they attempted to organize public meetings to mark the Kondopoga events, and in October, they planned a rally in support of the Kharagun rioters;<sup>31</sup> however, these attempts were either unsuccessful, or their attendance was sparse. Then the right-wing radicals apparently shifted their focus and all their resources to preparation for the Russian March and the election campaign.

## Xenophobia on behalf of the State

### Xenophobia as an electoral resource

In 2007, most Russian political parties, as well as ultra-right organizations, showed their readiness to use xenophobic sentiments as an electoral resource – most notably A Just Russia and United Russia (*Edinaia Rossiia*), the parties of the ruling bureaucracy.

The former was involved in scandals throughout the year for welcoming more or less (in)famous xenophobes into its ranks. The case involving Oleg Pashchenko, an antisemite from Krasnoiar'sk, is particularly illustrative. The scandal broke out in the spring of 2007, when Pashchenko was running for the Legislative Assembly of Krasnodar Krai (by then merged into one federal region together with a number of Autonomous Districts). In February, Just Russia leader Sergei Mironov personally pledged to oust Pashchenko from the party, but this statement did not prevent Pashchenko from being elected as a deputy to the regional legislature, nor from being included on the list of Just Russia candidates for federal parliamentary elections a few months later. In fact, A Just Russia was plagued by numerous 'nationalist' problems besides Pashchenko. In particular, a strange incident was reported in the spring of 2007, as a result of the investigation against the Mayor of Stavropol, Alexander Kuzmin, a Just Russia member running for the State Duma. A search conducted as part of the investigation into his alleged official misconduct found Nazi symbols in his office. We do not have in-depth knowledge of Kuzmin's actual attitudes and values, although he, of course, benefited from the support of nationalists – notably Dmitrii Rogozin, who supported him on behalf of the Congress of Russian Communities (KRO,

<sup>31</sup> The trial against perpetrators of an anti-Azeri pogrom in the village of Kharagun, Chita Oblast, began in October 2007.

*Kongress russkikh obshchin*) at the regional elections in March. There is no doubt that the investigation against Kuzmin was triggered by a tough confrontation with the regional (Krai) administration and his party's competition with United Russia. But we cannot imagine how the Nazi paraphernalia could have been 'planted' in the Mayor's office, and it is even less clear why anyone would want to keep such objects in their office. Anyway, out of a dozen nationalist candidates on the Just Russia party lists only one was elected to the Duma – Anatoli Greshnevikov, a signatory to the Letter of Five Hundred.

United Russia was far more subtle. In February 2007 they announced the launch of the so-called 'Russian Project', an obscure – even to party members – discussion about 'Russianness'. Even then, regardless of the party's declarations that the new project would serve to promote responsible citizenship etc., experts suspected that the 'Russian Project' would serve to stimulate and legitimize ethnocentric and ethno-nationalist rhetoric, taking it to government level. After the 'Russian Project' website was launched on 16 May, this suspicion became certainty: the project's information partners included – amongst others – Konstantin Dushenov's *Orthodox Rus (Rus' Pravoslavnaia)* – even though Dushenov was at the time facing charges under article 282 (for incitement to ethnic and religious hatred); *Russian Special Forces (Russkii Spetsnaz)*, a right-wing radical paper (in December 2007, the Pskov Oblast Prosecutor's Office challenged some of their content in court as extremist); the *Golden Lion (Zolotoi Lev)* magazine, whose editorial board was headed by Great Russia leaders Andrei Savel'ev and Sergei Pykhtin; the websites of the Eurasian Youth Union and Eurasia group of Alexander Dugin (now playing the role of a respectable 'expert', but better known as an ideologist and promoter of proto-fascist, fascist and 'new right' ideas in Russia); and other, equally odious resources. Eventually, *Orthodox Rus* and the *Golden Lion* were ousted as project partners, but the overall xenophobic flavor of the website (whose contributors still include well-known nationalist ideologists such as Egor Kholmogorov, Konstantin Krylov, Vitalii Aver'ianov and others) remains intact.

The Communist Party of the Russian Federation (*Kommunisticheskaia partiia Rossiiskoi Federatsii*, KPRF) and Zhirinovskii's Liberal Democratic Party of Russia (*Liberal'no-Demokraticheskaia Partiiia Rossii*, LDPR) caught up with the party in power. The former announced its intention to 'raise the [ethnic] Russian issue in a broad aspect' at a conference in March.<sup>32</sup> Incidentally, in addition to

<sup>32</sup> It is revealing that during the election campaign we identified only one significant instance of ethnocentric material used in the party's campaign, which was written not by Communists but by the leader of the Union of Russian People (Soiuz Russkogo naroda) Leonid Ivashov. L. Ivashov, 'Est' li mera litsemeriiu?', *Pravda*, 21 September 2007.

some signatories of the Letter of Five Hundred, the KPRF's list included even more exotic figures: their second candidate from Kamchatka, for example, was ex-RNE member Nikolai Fatnev.<sup>33</sup>

The LDPR have learned from the previous election campaign (where their slogan *We Are for the [Ethnic] Russians, We Are for the Poor* cost them a substantial number of votes in constituent ethnic republics), and in 2007 rephrased their campaign slogan into a more positive one — *If [Ethnic] Russians Are Happy, Everybody Is Happy*. However, campaign materials disseminated by the party carried conflicting messages: in one of them, for example, Zhirinovskii argued for the need to welcome immigrants to Russia and proposed a social education program for newcomers, while elsewhere he appealed to xenophobic, Russia-centric stereotypes.<sup>34</sup>

Some Union of Right Forces (*Soiuz Pravykh Sil*, SPS) representatives also failed to appear politically correct: Boris Nemtsov made an extremely offensive statement about the growing Muslim birthrate being 'dangerous' for Russia,<sup>35</sup> and Alexander Bialko, a star of the *What, When, Where* show, gave a rather clumsy performance during the *K Barieru* TV debates in May.<sup>36</sup> One should, however, note that in the latter case the SPS party apologized and condemned the antisemitic phrases heard on air during these debates.<sup>37</sup>

Of all the major parties, Yabloko was the most cautious. They genuinely refrained from tapping into nationalist sentiments in their election campaign. Nevertheless, we note that outside the parliamentary election campaign the Yabloko Party, in contrast to the SPS, did not once officially condemn the nationalist behavior of its members. In 2007 this failure to respond placed the party in a dubious position twice. Firstly, in summer a scandal broke out when part of Yabloko's chapter in Krasnoïarsk, including the local party leader Vladimir Abrosimov, migrated to

<sup>33</sup> In September 2006, when he was vice-governor of Kamchatka Oblast, Fatnev was asked what he thought of RNE and replied that 'at the moment he did not fully share' RNE's ideology. Vladimir Khitrov, 'Berem primer so spetsnava', Argumenty i fakty, Kamchatka, 27 September 2006 ([http://kamchatka.aif.ru/issues/1352/03\\_01?print](http://kamchatka.aif.ru/issues/1352/03_01?print)).

<sup>34</sup> Cf., for example, Russkaia vlast' LDPR, 29 October 2007; 'My idem v Dumu, shtoby vernut' Rossiū russkim!', Vremia Zhirinovskogo, 29 October 2007.

<sup>35</sup> 'B. Nemtsov schitaet povyshenie rozhdæemosti v musul'manskikh regionakh opasnym dlia Rossiï', SOVA Center, Religiiā v svetskom obschetve, 17 October 2007 (<http://religion.sova-center.ru/events/13B748E/43A77A5/9FDA5F4>).

<sup>36</sup> The show was aired on 24 May 2007. A. Bialko seconded Nikolai Zlobin in his debate with V. Zhirinovskii. See <http://semen-serpent.livejournal.com/461666.html> for a transcript of the show. It reveals a clumsy attempt to expose Zhirinovskii's antisemitic statements, rather than Bialko's own antisemitism. Nevertheless, the words came out and were perceived by all, including SPS, as antisemitism.

<sup>37</sup> 'Zaiavlenie Predsedatelia Federal'nogo politicheskogo soveta Politicheskoi partii "Soiuz Pravykh Sil"', SPS official website (<http://sps.ru/?id=220872>).

Great Russia. Vladimir Abrosimov came under public scrutiny on several occasions for ethno-nationalist and ethnocentrist pronouncements, none of which were officially disowned or commented on by Yabloko. Explaining his migration from Yabloko to the Great Russia party, V. Abrosimov stated publicly that the latter suited his beliefs more than any other political party.<sup>38</sup> We should also note Yabloko's response to another member's conduct — that of Aleksei Naval'nii, a leader of the People (*Narod*, also meaning 'Folk') movement, which is part of The Other Russia (*Drugaiā Rossiia*). Naval'nii's comments on the 2006 Russian March provoked a serious scandal.<sup>39</sup> He was ousted from the party on 14 December, some time after the Duma elections, reportedly 'for causing political damage to the party, in particular, for nationalist activity'.<sup>40</sup> To be fair, however, we should point out that Naval'nii had not been nominated to run for the Duma.

The appeal to voters' nationalist sentiments was not as prevalent as had been expected earlier in the year, and the number of xenophobes in the new Duma is considerably reduced. Some of the antisemites — signatories of the Letter of Five Hundred — retained their seats in parliament, but they are now five as opposed to 19 (out of the 11 who ran in these elections). Just two members of the new Duma are open about their contacts with the neo-Nazis — LDPR members Sergei Ivanov (who is collaborating with the NSO) and Ivan Musatov (a member of the organizing committee of the 2006 Russian March). The composition of the new Duma leaves the ultra-right in a weaker position, since they had enjoyed the support of many more members in the previous parliament. Formerly, by their status alone Duma members had helped the ultra-right in many ways — from facilitating their gatherings under the pretext of 'meeting the voters' to applying political pressure (in the form of parliamentary enquiries and advocacy for example), to influencing investigations and trials involving right-wing radicals.

### The Anti-Estonian Campaign

Since the anti-Georgian campaign in the autumn of 2006, Russia has been through a similar anti-Estonian campaign, although with less tragic consequences. It unfolded in the spring of 2007 and was triggered by the relocation of a memorial

<sup>38</sup> 'Bez Kas'ianov. Kastiny edinykh kandidatov oppozitsii. Konflikty v SPS i v "Iabloke". Vse te zhe litsa: starye novye gubernatory', Radio 'Svoboda', 9 July 2007. (<http://www.svobodanews.ru/Transcript/2007/07/09/20070709122722047.html>).

<sup>39</sup> See, for example, G. Kozhevnikova, 'Autumn 2006: Under the Kondopoga Banner' available on the SOVA Center website, 4 January 2007 (<http://xeno.sova-center.ru/6BA2468/6BB4208/884A3C7>).

<sup>40</sup> 'Biuro RODP "Iabloko" o parlamentskikh i prezidentskikh vyborakh, situatsii v strane i partii', Official website of the Yabloko Party St. Petersburg chapter, 16 December 2007 (<http://www.spb.yabloko.ru/pbl/3430.php?PHPSESSID=a290d6b0505b6b48ec53c>).

to Soviet soldiers from the center of Tallinn to a military cemetery. We will not discuss here any of the ethical or political issues concerning the preservation of World War II memorials in Russia, Estonia and other countries, but we note that just as in the autumn of 2006, the political campaign promptly developed into a campaign of xenophobic propaganda and discrimination, although happily without human casualties (unlike the previous anti-Georgian campaign).

The picketing, or, rather, the siege of the Estonian Embassy in Moscow did not only involve vandalism and threats to foreign diplomats, but nearly resulted in violence when Marina Kaljurand, the Estonian Ambassador to the Russian Federation, was attacked at a press conference on 2 May by pro-Kremlin youth groups – Nashi (which translates as ‘Ours’), the Locals (*Mestnye*), Young Russia (*Rossiia molodaia*), and the New People (*Novye liudi*) – who broke into the office of the *Arguments and Facts* (*Argumenty i fakty*) newspaper hosting the press briefing.

At the end of April, offensive and discriminatory signs could be seen on the walls of some Russian cities. In Yaroslavl, a local cafe put up a sign that read ‘Estonians and dogs not allowed.’ In Murmansk, a poster ad inviting the public to Victory Day celebrations in a local club read ‘*Balts and Poles need not bother*’ – and it was displayed at bus stops all over the city. Similar posters were reported in Moscow and Kostroma.

In April 2007 in Stavropol, Cossack ataman (leader) Mikhail Serkov published a statement in the local media saying that ‘*Cossacks will campaign to identify Estonians in Stavropol Krai and create extremely unfavorable conditions for their stay in Russia, their business activities and any other type of activity.*’

In early May, the Spiritual Heritage (*Dukhovnoe nasledie*) news agency in St. Petersburg (Director Anton Vuima) announced a contest to create a monument to the ‘Dumb Estonian’, and a transnational PR campaign ‘*to discredit Estonians’ intellectual abilities around the world.*’ The statement (which was not published on the agency’s website) invited ‘*any ideas for a monument showing the low intellectual ability of Estonians and the extremely sluggish nature of Estonians as a nation.*’

In Murmansk, Stavropol, Yaroslavl and St. Petersburg, community activists complained to the law enforcement authorities, demanding that such conduct should be suppressed and assessed from a legal perspective, but in all instances the prosecutorial offices either refused to open criminal proceedings or failed to respond altogether.

### **The activities of Pro-Kremlin Youth Groups**

Pro-Kremlin youth groups increasingly caused concern by their xenophobic and sometimes explicitly racist practices.

We refer in particular to The Locals (*Mestnye*), a group which was behind a series of scandals over several months.

At the end of June, this group announced an ‘Illegal Taxi campaign’, ostensibly to suppress illegal private taxis. This campaign was explicitly racist however, from the visual images contrasting a Slav woman to an arrogant ‘native of the Caucasus’ to references invoking the Ivannikova case.<sup>41</sup>

The xenophobic aspect of the campaign was so obvious and striking that in June a few high-ranking officials independently urged the prosecutor’s office to review The Locals’ campaigning for incitement to racism. However, three days later one of the applicants – the speaker of the Moscow City Duma Vladimir Platonov – withdrew his complaint, allegedly because the campaigners had altered their messages to make them more appropriate. This was blatant disinformation, because campaign images and texts remained untouched on the Locals’ website for several months afterwards. The law enforcement agencies’ failure to respond to an explicitly racist campaign, as well as V. Platonov’s maneuvers, confirmed once again that the suppression of xenophobic propaganda in Russia has little to do with the danger it presents to society and everything to do with the authors’ loyalty to the current government.

On 29 August, the Locals staged another campaign – ‘No to Sects in Our Land’ – resulting in at least one violent attack motivated by religious hatred. A few hours after their actions, on the night of 29 to 30 August, an Orthodox Cultural and Educational Center – which the attackers mistook for a Jehovah’s Witnesses’ Center – was broken into, and two staff members were beaten.

Yet another scandal was reported in September, when the Federal Migration Service used this group for provocation, reportedly, to detect illegal immigrants: allegedly, some Mestnye activists ‘hired’ 80 immigrants and reported them to the FMS, which then arrested 72 of the immigrants. The Locals displayed a banner in the market, depicting airplanes and a caption: *Time to Fly South!* Even more revolting than their action however was the statement made by the FMS Director Konstantin Romodanovskii two days later, when he made it clear that FMS intended to collaborate with the group and to encourage their racist conduct in the future.

In the summer of 2007, another pro-Kremlin movement – Georgievtsy (‘followers of St George’ – the patron saint of Moscow, whose icon also appears on Russia’s coat of arms), co-chaired by the State Duma staff member Stepan Medvedko – entered the limelight. Before June, this small group had not been involved in xenophobic actions and had operated simply as a Russian

<sup>41</sup> The case of a Moscow woman who stabbed and killed a rapist in self-defense; the rapist happened to be an ethnic Armenian. The Ivannikova case was used in one of DPNI’s first major promotional campaigns. See G. Kozhevnikova, ‘Skinkhedy v otpusk ne ukhodiat’, SOVA Center, Natsionalizm i ksenofobiia v Rossii, 2 October 2005 (<http://xeno.sova-center.ru/29481C8/627AD6D#r3>).

Orthodox Christian youth club. However, inspired by the authorities' obvious encouragement of homophobic violence after the failed Gay Pride march in May, the movement announced that they would 'cleanse' Il'inskii Square (a popular meeting place for gay men in Moscow) of homosexuals. This self-appointed 'patrol' was immediately joined by the ultra-right (in particular, members of the Slav Union) whose assistance was welcomed. Even though their conduct was obviously illegal, the police failed to respond to the homophobes in any way. It was obvious from the start that the 'patrol' would not be non-violent, as it had declared itself to be, but would engage in numerous provocative acts. At least one violent attack by a Slav Union member against a gay man near the Plevna Heroes Monument was documented. There is no doubt that at least some members of the self-appointed anti-gay patrol were involved in the fighting between right-wing radicals and young natives of the Caucasus in Slavianskaia Square on 22 June. It was only after this fight that the Georgievtsy picket was stopped, and access to the square blocked for months under the pretext of repairs.

The launch of A Just Russia's youth wing – the Victory (*Pobeda*) movement – in the spring of 2007 ended in a scandal. Its leader Iuri Lopusov gave a long interview in which he quoted extensively from Hitler's *Mein Kampf* – without reference to the source, but immediately recognizable to observers. As the scandal unfolded, Lopusov's links (albeit indirect) with KRO and DPNI activists were revealed.

The Eurasian Youth Union (ESM) also deserves a separate mention. This ultra-right and ideologically cohesive (in contrast to the artificially manufactured 'mass movements' such as Nashi etc.) group, is also pro-Kremlin, and one of the select youth groups regularly invited to meetings at the Presidential Administration. It is also a member of the same coalition as Nashi, Young Guard, and others.

As noted above, the ESM openly engages in xenophobic vandalism, claims responsibility for such acts and remains, just like other organizations of the same type, totally unpunished. In 2007, the ESM organized a number of explicitly nationalist rallies (even though encouraging the crowd to 'eat the Germans who have not been drowned in Lake Chud' – a reference to a much mythologized medieval battle – is more exotic than the usual 'Russia for the Russians!'). Additionally, at least once during the traditional first of May celebrations ESM members made a (failed) attempt to attack Vanguard of Red Youth (*Avangard Krasnoi Molodezhi*, AKM) activists, reviving their former – and somewhat neglected in recent years – role as 'political stormtroopers'.<sup>42</sup>

<sup>42</sup> In 2005 ESM was involved in a number of attacks against street actions of political opposition. See G. Kozhevnikova, 'Radical Nationalism and Efforts to Counteract it in 2005', available in English from the SOVA Center website, 14 February 2006 (<http://xeno.sova-center.ru/6BA2468/6BB4208/AC15D1E>).

## Counteraction to radical nationalism

### Public Opposition

Generally, the efforts of NGOs and civil society activists to counteract xenophobia and radical nationalism in 2007 remained within the scope of their traditional projects.

Perhaps the most remarkable activities were organized in St. Petersburg. In March, different local groups held a series of events, often independently of one another. Put together, these events evolved into a festival of public actions against xenophobia for diverse target audiences. These included a public discussion of hate speech, an international interdisciplinary conference on right-wing radical trends among youth, an anti-fascist film festival called 'Open Your Eyes!', a series of photo exhibitions, and some other events.

The fourth (and already traditional) March Against Hatred was held in St. Petersburg in autumn, attracting between 500 and 800 participants. Unfortunately, the organizers failed to make it a non-partisan event, which gave rise to a series of conflicts – aggravated, in particular, by the pro-Kremlin Young Guard's attempt to get involved in the march and being told they could not display their party symbols, while the SPS and Yabloko participated in the rally under their symbols. As to the Meeting Against Fascism and Xenophobia on 4 November in Bolotnaia Square in Moscow, it could hardly have been non-partisan since it was organized by Yabloko.

The summer of 2007 was marked by increased public activity of anti-fascist leftist youth, largely in response to the attack against the ecologists' camp outside Angarsk. Pickets and other events in the memory of Il'ia Borodaenko – a young man killed by the attackers – were held in Moscow, St. Petersburg, Samara, Tiumen, Vladivostok and other Russian cities. Of course, radical antifa continued to engage in street violence against neo-Nazis, but it should be noted that in 2007 we did not observe any attacks as serious as those in the autumn of 2006 in St. Petersburg and Moscow.<sup>43</sup>

One landmark event in 2007 was the first-ever punishment in the history of Russian professional football to be imposed on a club for the racist conduct of their fans. On 11 August, during a game in Samara against the local team Kryl'ia Sovetov, Spartak fans displayed a racist banner insulting one of their own players, the black Brazilian footballer Welliton. Even though racist offenses are common during football matches in Russia, for some reason this incident

<sup>43</sup> In autumn 2006 a group of radical antifa attacked a peaceful DPNI rally in St. Petersburg. A few days later, in Moscow, the audience at a neo-Nazi concert was attacked.



provoked an enormous public reaction (possibly because a video of double racist murder was posted on the web at the same time). Spartak Moscow was fined 500,000 rubles. It was the first known sanction for racism enforced by the Russian Football Union, although the RFU has been a member of FIFA for years and is obliged to punish clubs for such conduct.

We do not yet see any evidence that anti-racist practices will be implemented in a systematic manner in football. For example, in November, the Khimki Football Club just received a warning – without any additional sanctions – for the racist chants of their fans. However, even these limited sanctions mark some serious progress in contrast to previous years, when even formally documented racist conduct of football fans was ignored by the RFU.

We should note that the Russian Anti-Fascist Front, which was organized in 2006 in the hope of uniting different forces and coordinating their anti-racist activities on a non-partisan basis, did not appear to make any difference in 2007.

The Public Chamber (*Obshchestvennaia palata*) made virtually no difference either. In August 2007, the Subcommission for Counteraction to Extremism and Xenophobia (chaired by Mavlit Bazhaev) prepared a report on counteraction to radical nationalism, approved in November by the Public Chamber's Commission on Tolerance and Freedom of Conscience (chaired by Valerii Tishkov), but the fate of this document, just like the Chamber's other recommendations, remains unknown.

## Lawmaking

In 2007, a whole series of amendments was again introduced to Russia's anti-extremist legislation. These amendments are increasingly divorced from efforts to counteract racism and xenophobia.<sup>44</sup> Therefore here we will confine ourselves to mentioning some of the less significant draft laws launched in this sphere in 2007.

The anti-extremist amendments to electoral legislation were merely technical and designed to bring it into line with other, previously amended laws.<sup>45</sup>

Three other legislative proposals, one of which eventually became law, show clearly that the fight against extremism is proving a good pretext for some political and public figures to demonstrate their loyalty to the current govern-

<sup>44</sup> The package of amendments which came into effect on 12 August, and the amendments introduced in May to the Criminal code and the Code of Administrative Offences relating to vandalism and the dissemination of Nazi symbols, are analysed below in the report on anti-extremist legislation by A. Verkhovsky.

<sup>45</sup> Amendments to the electoral laws came into force on 11 May 2007.

ment. Few, however, are genuinely interested in putting machinery in place to make existing laws work.

We are referring to the amended Laws on the Public Chamber and on the Media, and to a law with a long and obscure title: 'on Amending Certain Legal Acts of the Russian Federation for Better Administration in the Sphere of State Registration (Concerning the Government Agency Responsible for the State Registration of Certain Types of Legal Entities)'.

The first proposal, designed to bar 'extremists' from the Public Chamber, was launched by the United Russia party and passed into law on 3 July. The new law makes no sense whatsoever, because the Chamber is appointed by authorities rather than elected by the population.<sup>46</sup>

A second draft law was proposed, designed to prohibit any mention of ethnicity in crime reports published by the media, and it was definitely one of the most scandalous legislative proposals of the year. At the end of 2006, when the Moscow City Duma decided to launch this draft law in the State Duma, the proposal itself appeared so absurd that few people took it seriously. However, it was introduced in the federal parliament on 18 March 2007 and was scheduled to be debated at the first reading in autumn. By that time, negative opinions of the draft had been expressed by virtually everyone available for comment (from the Public Chamber to the United Russia parliamentary party). Nevertheless, the fate of the draft law has not yet been decided; its first reading has been postponed four (!) times, and now the new State Duma will have to resolve the issue. Incidentally, the year 2008 began with a campaign in support of this draft law.

However, another genuinely necessary draft law, launched in the State Duma by the President at the end of April 2007, got bogged down in parliament. The proposed law would make Rosregistration officially responsible for maintaining a register of extremist materials and organizations, and issuing warnings to the latter. The problem is that before 2004 Rosregistration, as part of the Ministry of Justice, was responsible for ensuring that organisations complied with anti-extremist legislation. Since 2004, however, Rosregistration – or the Federal Registration Service (FRS) – has been a separate governmental department. The FRS interpreted this to mean that they were no longer empowered to issue warnings or maintain a register of extremist materials. The proposed amendments would restore these functions to FRS and by doing so, establish a practical mechanism for the enforcement of the Law on Combating Extremist Activity. However, by the end of 2007, the draft law had only passed the first

<sup>46</sup> See further details see 'Gosduma ogradila Obshchestvennuiu palatu ot ekstremistov', SOVA Center, Natsionalizm i ksenofobiia v Rossii, 28 May 2007 (<http://xeno.sova-center.ru/89CCE27/89CD14E/9426CD4>).

reading. That said, the technical problem caused by one Presidential Decree had been partially resolved by another decree issued in May 2006, which made FRS responsible for maintaining a register of extremist materials and the government-owned, official publication *Rossiiskaia gazeta* (*The Russian Newspaper*) responsible for publishing these lists.

## Criminal prosecution of right-wing radicals

### Violence

Unfortunately, the main visible outcome of 2007 in the criminal prosecution of racist violence was a considerable decline of the rate of such prosecution. While in the years prior to 2007 we saw the number of convictions which took into account the hate motive doubling each year, in 2007 this trend discontinued. This fact is alarming, given that racist violence has been growing at the same fast pace.

We know of only 24 prosecutions of racist violence which ended in convictions in 2007. Held across 17 Russian regions, these trials sentenced at least 68 people.<sup>47</sup> In 2006, 33 trials sentenced 109 people.

In 2007, high-profile trials included: the case of murdered student from Congo, the Timur Kacharava murder case, and the Groznyi-Moscow train bombing case. It took a jury two attempts – and one change of jury composition – to find the defendants guilty in the case of the murdered student from Congo. The initial non-guilty verdict returned in 2006 was subsequently overruled by the Supreme Court, and we have reason to believe that threats against the jurors were the reason behind the Supreme Court's judgment. So this case, once again, raised the issue of security with regard to participants in such trials in St. Petersburg.<sup>48</sup> The trial of the anti-fascist Timur Kacharava murder case in St. Petersburg was remarkable, because the court officially recognized the neo-Nazi motives of the perpetrators. While the court could not yet apply the aggravating circumstance of 'ideological hatred',<sup>49</sup> a solution was found by recognizing the anti-fascists as a social group and qualifying the motive behind the attack as 'social hatred'. As to the Groznyi train blast, it was the first 'anti-terror' trial where members of ultra-right groups were found guilty.<sup>50</sup>

<sup>47</sup> In some cases, the exact number of sentenced offenders is unknown.

<sup>48</sup> We have every reason to believe that a well-organized neo-Nazi underground operates in this city.

<sup>49</sup> Relevant amendments to the Criminal Code became effective later, in August 2007.

<sup>50</sup> The only similar cases in Russia were an attempted blast attack on a synagogue in Novgorod (2005) committed by a lone antisemite, and the explosion of a bomb attached to an antisemitic poster in Tomsk (2006), where banditry was involved in addition to antisemitism.

It is important to note that the proportion of violent crimes under article 282 part 2 and other articles of the Criminal Code where hatred is recognized as an aggravating circumstance remained the same. Article 282 was applied in eight out of 23 convictions,<sup>51</sup> which, as we have argued on many occasions, is almost always inappropriate (as compared to 13 out of 33 convictions in 2006, so the legal classification of such cases, unfortunately, has not improved). The number of cases where a racist motive was recognized alongside the acquisitive motive dropped from nine in 2006 to two in 2007.

As regards punishments, they were applied as follows:

- Two convicted offenders got off with monetary fines;
- Probational sentences were meted out to 19 offenders;
- Five offenders were sentenced to a maximum of two years of prison;
- Nine were sentenced to a maximum of five years of prison;
- A total of 22 were sentenced to a maximum of 10 years of prison;
- A total of seven were sentenced to a maximum of 15 years of prison;
- Three were sentenced to a maximum of 25 years of prison;

Compulsory treatment was prescribed by the court in one case, and we do not know the sentences of two further offenders. In addition, three offenders were held not to have been criminally responsible, because they were under the age of 14 at the time of the incident.

Unfortunately, the above list reveals that the Russian courts have not abandoned the tradition of releasing aggressive racists on probation: in 2006, at least 20 of 96 violent offenders got off with probational sentences, and in 2007 probational sentences were meted out to 19 out of 67 perpetrators. We have to reiterate that probational, rather than real, punishments serve to reinforce the impunity felt by neo-Nazi skinheads.

However, we should also note a few positive developments.

Firstly, the Moscow City Prosecutor's Office made visible progress in its treatment of racist violence. While in 2006 four of the five such trials in Moscow were for high-profile crimes which the authorities could not possibly ignore or allow to go unpunished, in 2007 at least five trials ended in convictions, but none of them were high-profile cases. Another piece of evidence revealing that the Moscow Prosecutor's Office might have altered its approach to violent hate crimes was not only did it admit that the events on 20 October were a 'raid,' but also acknowledged the well-organized, racist nature of the attacks and made public the number of victims – 27. Such a degree of openness was unprecedented

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Public opinion did not perceive these two incidents as terrorist attacks.

<sup>51</sup> It should be noted that in one case it was applied as a seemingly redundant 'appendage' to art. 112(d)(e) (bodily harm of medium seriousness, inflicted out of ethnic hatred).

for prosecutors in Russia. It is possible that consistent efforts by the Moscow City Prosecutor's Office along the same lines may curb the spread of ultra-right violence in the city.

Secondly, courts did not take long to apply the August 2007 amendments of the Criminal Code. We have stressed repeatedly that there is usually a long time lapse between the adoption of anti-extremist amendments and their enforcement in Russia. In 2007, however, just four months after the amendment came into effect in August 2007, we saw the first conviction under one of the Criminal Code articles to which the hate motive had been added as an aggravating circumstance. In December, a court in Stavropol Krai convicted a local resident for starting a xenophobic fight in a restaurant in September. The defendant was found guilty of battery and intentionally inflicting minor damage to the victim's health out of racist hatred (par. a, 'b', p. 2, art. 115, 116 of the Criminal Code). At least one other case is under investigation in Ivanovo Oblast under the amended Criminal Code articles.

The fact that investigators and prosecutors are willing to recognize the hate motive where they can apply it as an aggravating circumstance under certain articles of the Criminal Code makes us wonder why they fail to apply the hate motive as a general aggravating circumstance (as provided for in article 63 of the Criminal Code) to any article of the Criminal Code. To the best of our knowledge, this provision of article 63 was not used in 2007, just as it had not been in previous years.

We would also like to mention a few convictions for violence motivated by the ideological (i.e. neo-Nazi) attitudes of the attackers. We are aware of three such convictions in 2007, including the attack against a Tiumen journalist covering the 'Food Not Bombs' public event, the killings of the anti-fascist Alexander Riukhin in Moscow and skater Stanislav Korepanov in Izhevsk. We believe the hate motive is absent from all three verdicts for a good reason: it was added to the Russian Criminal Code as an aggravating circumstance in August 2007, whereas the crimes in question had been committed earlier. However, a court in St. Petersburg invented a solution in the trial of Timur Kacharava's murderers by taking into consideration the attackers' hatred of anti-fascists as a social group.

In addition, little is known about sentences for obviously racist crimes where the investigators and the courts failed to identify a motive of hatred. In 2007, we are aware of just one obvious example where a court failed to find a hate motive: the case of an attack against a Sudanese student in Krasnodar. However, it is possible that similar cases are not revealed by our monitoring precisely because the courts fail to recognize the racist motives of the crimes, and therefore no reference is made to this factor in the media.

Positive developments of the year 2007 also included two sentences for cemetery vandalism in Voronezh and Samara Oblasts, in which the hate motive was recognized. These are worth mentioning if only because the hate motive is hardly ever recognized in this type of case (for example, in 2005 only one sentence was meted out with this qualification,<sup>52</sup> and in 2006 there were none).

### **Propaganda and Campaigning**

The prosecution of xenophobic propaganda, as opposed to racist violence, improved significantly in 2007.

Most importantly, such prosecution was generally much more active than in previous years; we know of 28 trials in 22 regions, resulting in 42 convictions. For the sake of comparison, in 2006 a total of 17 trials resulted in 19 convictions.

However, the legal quality of judgments showed only a slight improvement. In particular, nine (=39%) of the 28 convictions in 2007 led to probational sentences without any additional penalties. In 2006, six (=35%) of the 17 sentences were probational. The proportion of real prison sentences was 29% of the total (eight sentences) in 2007, as opposed to 24% (four sentences) in 2006. This proportion is high, suggesting that punishments for propaganda may be excessively tough, but we should note that in our opinion, five of the nine prison sentences were tough for a reason: either for a repeat offense or for propaganda linked in some way to a violent crime.<sup>53</sup> Back in 2006, only one of the four sentences was understandably tough.

- Punishments for hate propaganda were as follows:<sup>54</sup>
- Probational penalties without additional sanctions — 12 people;
- Monetary fines — 5 people;
- Correctional labor — 3 people;
- A ban on activity/occupation (membership in an organization) — 5 people;

<sup>52</sup> Originally, there were two of them. But later one of them — the sentence for vandalizing a cemetery in the village of Iandyki — was revisited, the hate motive deleted, and the vandals' punishment reduced accordingly. It should be recalled that it was this mitigation of the punishment which provoked the anti-Chechen riot in Iandyki in August 2005.

<sup>53</sup> Such were the sentences of Pavel Ivanov (Novgorod) and Igor Kolodezenko (Novosibirsk), each of them having prior convictions for xenophobic propaganda; the sentence of a soldier from Dagestan (tried in Novosibirsk) where propaganda was combined with a number of more serious offenses; the sentence of Kaluga teenagers who filmed racist battering on video; and the sentence of Sergei Kotov, leader of the NNP chapter in Ekaterinburg, charged for the creation of an extremist community, as well as propaganda.

<sup>54</sup> In one case, two types of punishment (deprivation of liberty and a ban on occupation) were combined, therefore the number of punishments (42) is different from the number of convicted offenders (41).

- Prison terms of a maximum of 2 years— 11 people;
- Prison terms of a maximum of 4 years— 2 people;
- Prison terms of a maximum of 5 years— 5 people.

Often the people convicted under article 282 of the Criminal Code are little known or completely unknown to the public, whereas high-profile hate promoters escape punishment. This is easily observed, in particular, by looking at the regional distribution of sentences: in 2007 in St. Petersburg no one was convicted for hate propaganda, while only one conviction, resulting in a probational sentence, was reported in Moscow.

However, there were a few honorable exceptions where appropriate punishments were meted out to xenophobes. Thus, in August two leaders of a RNE chapter in Ryazan were banned by the court from being members of RNE or taking leadership positions in the group, even though the Prosecutor's Office had requested one year of probation for each, without additional sanctions.

Incidentally, a ban on certain occupations or activities (or, as was the case with Ryazan RNE, a ban on membership in an organization) was imposed by four judgments in 2007 (as opposed to two judgments in 2006).

Another example of legally sound and appropriate punishment for ultra-right offenders was reported at the end of November in Obninsk, where eight neo-Nazi skinheads faced trial and were convicted for posting videos of racist attacks on the web. This trial was unprecedented, because for the first time ever (as far as we know) in such a case, the attackers (or those who faked the attacks) were found. Usually it is only those who upload the videos on the web (and very often, the latter do not share the attackers' attitudes) who are identified. The investigation failed, however, to identify the victims. Apparently, they never reported the attacks, or their complaint may not have been accepted — it is unfortunately common practice for the police to refuse to accept a statement from the victim in these sorts of cases. In the absence of victims, the Prosecutor's Office could not charge the youngsters with a violent offense, so they prosecuted (and the court agreed) under an article criminalizing the incitement to ethnic hatred perpetrated by a group or involving violence — which, we believe, was the only appropriate thing to do given the circumstances. All defendants were sentenced to real, rather than probational, prison terms of 18 months each.

On 19 September 2007 in Cheboksary, members of the local Hizb ut-Tahrir chapter were convicted in what was the first and, as far as we know, the only conviction where Hizb ut-Tahrir members were charged with xenophobic propaganda, rather than alleged terrorist attacks or just membership of the organization (under article 282-2 of the Criminal Code). We are not aware of the exact content of the leaflets which, according to the indictment, the defend-

ants had disseminated, but we know that many of Hizb ut-Tahrir's materials do indeed contain incitement to hatred. However, we find prison terms of around four and a half years for the dissemination of leaflets and membership in a banned organization to be an excessively tough punishment.

We believe that another substantial positive change in the prosecution of xenophobic propaganda was the fact that some regional leaders of ultra-right groups faced charges. Prosecution of leaders and ideologists, even on the regional scale, substantially affects the activity of right-wing radicals. For example, after the arrest and imprisonment of Iuri Ekishev, leader of the local Union of National Revival (*Soiuz natsional'nogo vozrozhdeniia*) and the local DPNI and NDPR chapters, the activity of his followers significantly dwindled. At least 11 of the 37 offenders convicted for hate propaganda in 2007 were leaders of regional organizations, including regional chapters of DPNI, the National Imperial Party of Russia (*Natsional'no-Derzhavnaia partiia Rossii*, NDPR), the People's National Party (*Narodnaia natsional'naia partiia*, NNP) of Alexander Ivanov (Sukharevskii), the 'Unity' Conceptual Party (*Kontseptual'naia partiia "Edinenie"*, KPE), and the SRN.

Some of the idols of the ultra-right also came under pressure. In October, M. Martsinkevich, leader of the Format 18 group, faced trial for incitement to hatred;<sup>55</sup> in the autumn, a criminal investigation was opened against NSO leader Dmitrii Rumiantsev.

Thirdly, law enforcement authorities began prosecuting for xenophobic propaganda on the internet. Five of the 27 convictions were for web-based propaganda, such as the websites of the Kaliningrad DPNI and the Kurgan Skinheads Nazi group. It confirms that there is no need for specific legislation in order to suppress web-based hate propaganda. However, a review of these cases also reveals that in prosecuting xenophobia (even where such xenophobia is real rather than imagined, as in the Savva Terent'ev case — see the report by A. Verkhovsky in this volume for further details), rather than suppressing explicitly racist and neo-Nazi web resources often used to coordinate violent actions, authorities target individual web forum participants who rarely make any real impact on the audience.<sup>56</sup> This practice suggests selective enforcement.

In addition, while the authorities fail to prosecute owners and contributors of major ultra-right websites, it appears plausible that multiple, well coordinated

<sup>55</sup> He was sentenced to three years' imprisonment in February 2008.

<sup>56</sup> Except, of course, web forums which are an integral part of radicals' websites used for coordination of their actions; but again, rather than persecute an individual member, it would be more logical to address the website materials in their entirety, or better still, investigate the activities of the site owners.

distributed denial-of-service (DDoS) attacks against DPNI servers and related websites in the first six months of 2007 were either implemented or facilitated by Russian security agencies: the timing of such attacks was linked to public events involving the DPNI (although in the second half of 2007 there were hardly any attacks of this kind against right-wing radical web resources).<sup>57</sup> Ironically, it means that the State avoids taking legal action against right-wing radicals, but prefers to impede their activity by hack attacks, legitimizing both ultra-right activity and hacking.

### Other Measures of Suppression

In 2007 the legal requirement concerning the official publication of materials found to be extremist by courts was finally complied with: on 14 July, *Rossiiskaia gazeta* published the first official list of 14 banned materials, subsequently updated on 24 October, 15 and 29 December. By the end of 2007, the list contained 79 materials banned by courts between April 2004 and October 2007.<sup>58</sup>

Most of the items are what can be described as, with certain reservations, ‘Muslim’ materials. Almost two thirds – 49 of the 79 items on the banned list – belong to this category. In addition, the list includes religious/political materials which may be described, also with some reservations, as ‘neo-pagan’ (antisemitic, anti-Christian, 14 items in total), and ‘ideological’ – which includes (neo) Nazi texts.

Even though the grounds for finding some of these materials extremist are questionable,<sup>59</sup> the official publication of this list is a positive development, providing at least some guidance to the law enforcement agencies and general public.<sup>60</sup>

Authorities continued to enforce prohibitions on the display of Nazi and similar symbols. Unfortunately, no statistics of such cases are maintained, and as long as these are administrative rather than criminal prosecutions,

<sup>57</sup> We should also point out that websites of left or liberal opposition organizations were attacked at least as often as web resources of the ultra-right.

<sup>58</sup> And, to the best of our knowledge, this list is incomplete. See Appendix 3 of this report and also ‘Spisok materialov, priznannykh rossiiskimi sudami ekstremistskimi’, SOVA Center, *Natsionalizm i ksenofobii v Rossii*, December 2007 [updated April 2008] (<http://xeno.sova-center.ru/4DF39C9/8F8DBA0>).

<sup>59</sup> For further details see A. Verkhovsky’s report in this book.

<sup>60</sup> For example, the author witnessed police on duty at an ultra-right rally checking the titles of distributed literature against their list of banned texts. On the other hand, an appeal is now pending in a criminal case based on the fact that the prosecution for dissemination of extremist materials had been launched before the official publication of the banned list.

media reports are rare. In Russia, offenses may be prosecuted either under the Criminal Code (UK, *Ugolovnyi kodeks*), or the Code of Administrative Offenses (KoAP, *Kodeks ob administrativnykh pravonarusheniakh*). The latter applies to lesser offenses such as public disorder and traffic offenses, and can apply only small fines or detention for up to 15 days in punishment. The few available reports reveal, however, that efforts to suppress such offenses have remained stable (we know of about two dozen such administrative rulings in 2007).

Last year, one newspaper was banned by courts after numerous ‘anti-extremist’ warnings. *For Faith, Tsar, and Fatherland (Za Veru, Tsaria i Otechestvo)* in Buzuluk, Orenburg Oblast, was closed on 4 October. In fact, this was only the second of this type of judgment passed since the anti-extremist legislation was adopted, not counting the controversial judgment in 2005 concerning the *General Line* newspaper (*General’naia liniia*),<sup>61</sup> and the clearly unfounded judgment concerning the *Rights-Defense (Pravo-Zashchita)* newspaper in 2007.

Attempts to close the Moscow *Duel* newspaper, edited by the well-known antisemite Iuri Mukhin, are, as yet, unsuccessful. The first ruling made against the paper on 14 November 2007 was overturned by the Moscow city court on 28 February 2008, and the case was returned for reconsideration. If two of the warnings on the basis of which they tried to close *Duel* are questionable,<sup>62</sup> the paper received two more warnings – one of them for publicizing a speech of Hitler’s in direct violation of the anti-extremism law – while litigation was underway in 2007.

Also in 2007, Rossviaz’okhrankul’tura (the government body responsible for regulating mass media) issued at least 43 ‘anti-extremist’ warnings to mass media outlets (seven were issued by the agency’s central office, and 36 by its local offices). This number is about the same as in 2006 (42 warnings). Even though not all of the warnings were legally well-founded, most of them, we believe, were appropriate.

Unfortunately, information about ‘anti-extremist’ warnings by prosecutors remains virtually secret.

On the other hand, some regional prosecutorial offices began to publish reports (though very superficial ones) on local administrations’ compliance with anti-extremist legislation. Of course, without in-depth knowledge of local

<sup>61</sup> It is as yet unknown what exactly happened after the paper was liquidated by court. NBP members insisted that they had not received a copy of the ruling. Anyway, these details are irrelevant since the ban of the NBP.

<sup>62</sup> See more details in A. Verkhovsky’s report in this collection.

circumstances it is difficult to judge whether the prosecutorial inquiries were effective and their warnings well-founded.<sup>63</sup> However, it is important that such inquiries are carried out and their findings made public, and that local administrations are reprimanded for inaction leading to xenophobia and the propagation of conflict likely to result in ethnic riots. The Chita Oblast Prosecutor's Office deserves praise for not only taking the Kharagun Azeri riot case to court, but insisting that the court should identify the local administration's inaction under the circumstances as a violation of the law – the first precedent of this type in Russia that we know of.

Bans on merely technical grounds persist.

In particular, in December the right-wing radical paper *Watch (Dozor)* was closed for failure to provide its founding documents, while in the spring a blanket inspection of political parties for compliance with the amended Russian legislation on political parties resulted, *inter alia*, in the liquidation by the Russian Supreme Court of two parties of nationalist-patriotic orientation: the Popular Patriotic Party of Russia (*Narodno-patrioticheskiia partiia Rossii*, NPPR) headed by ex-Minister of Defence Igor Rodionov and the formerly well-known nationalist patriot Vladimir Miloserdov) and Konstantin Petrov's 'Unity' Conceptual Party (KPE). Anyway, the NPPR was not active at the time, while the KPE, in accordance with legislation, was soon transformed into a non-governmental association.

### Anti-fascist rhetoric used to discredit political opponents

The year 2007 was marked by increasingly abusive enforcement of anti-extremist legislation. This happened along the same lines as observed in 2006, including finding materials extremist, the persecution of civil society activists, NGOs, and mass media. The practice of harassing dissenters seems to have been adopted much faster than that of counteracting racist crime. The most typical examples of such practices reported in 2007 are described in detail in A. Verkhovsky's report included in this collection of papers. Here we also address some of the key examples showing the use of anti-fascist rhetoric to discredit political opponents and dissenting activists in and outside Russia. This prac-

<sup>63</sup> For example, it is known that some prosecutorial warnings were triggered by the administration's failure to adopt a specific program of counteraction to extremist activity; in Sverdlovsk Oblast, the reason for warning was that a school teacher had received visitors (people he prepared some translations for) in the school building, but the visitors had not signed their names with the school security guards, etc.

tice, supplementing the real pressure against NGOs and opposition politicians evident since 2005, has been gradually expanding into clearly definable shapes. Moreover, it has been increasingly exploited by government officials, as well as by pro-Kremlin activists.

At the beginning of 2007 we had already observed a campaign unleashed by the Nashi movement describing the opposition as 'fascists' accomplices.'<sup>64</sup>

United Russia's Young Guard added their voices to Nashi's 'anti-fascist' campaigning, followed by several 'adult' political parties. We refer to Eduard Limonov's interview in the newspaper *Gazeta* in early April 2007 and the relating scandal. Shortly after publication, the websites of United Russia, SPS, LDPR and Mikhail Barshchevskii's 'Civil Force' (*Grazhdanskaia sila*) publicly criticized the interview as '*giving column space to an extremist.*' Even though eventually all the above parties except United Russia retracted their statements, explaining them as errors of their press officers, only the LDPR actually removed the 'anti-Limonov' statement from their website.<sup>65</sup> However, a parliamentary enquiry urging the Prosecutor General's Office '*to look more closely into, and take appropriate measures*' with regard to the interview published by *Gazeta* was launched by a Duma member from the LDPR, Sergei Abel'tsev.

In the spring and summer of 2007, police joined in the efforts to discredit the political opposition. In particular, their allegations that the Dissenters Marches had been organized by skinheads, or that it was the dissenters who had provoked xenophobic riots in Slavianskaia Square on 22 June, added an innovative twist to anti-opposition propaganda.<sup>66</sup>

While the Russian public is used to these propaganda tricks, it was somewhat unusual to see this anti-extremist hysteria spill over into the international arena. We refer to the Russian officials' strong reaction to the support of the Russian-Chechen Friendship Society (*Obshchestvo rossiisko-chechenskoii družby*, OR-ChD) by international organizations. It started on 29 March 2007, at the OSCE Meeting on the Freedom of Assembly, Association and Expression in Vienna, where the Russian Government's representative expressed official indignation

<sup>64</sup> 'Kto v Rossii iavliaetsia fashistom?' Ekho Moskvy, 11 April 2007. ([www.echo.msk.ru/programs/exit/50939](http://www.echo.msk.ru/programs/exit/50939)).

<sup>65</sup> See, for example, 'Propovedniki ekstremizma i ksenofobii dolzhny ostat'sia nikomu ne nuzhnyimi marginalami', *Grazhdanskaia sila* 6 April 2007 ([www.gr-sila.ru/document\\_id3037.html](http://www.gr-sila.ru/document_id3037.html)); See also the statement of the Union of Right-wing Forces (SPS) Party press office concerning E. Limonov's interview to *Gazeta*, available in Russian on the SPS Party official website, 6 April 2007 ([sps.ru/?id=219825](http://sps.ru/?id=219825)) and in English at <http://sps.ru/?id=219934>.

<sup>66</sup> 'The dissenters' faced these allegations in Nizhnii Novgorod and in Samara. 'Skinheads' were also mentioned in reports of cruelly suppressed marches in Moscow and in St. Petersburg on 14 and 15 April, respectively.

at the presence of the ORChD, describing it as ‘an extremist organization.’ In addition, the well-known Russian political scientist Sergei Markov who came to the meeting with the official delegation strongly criticized the ORChD’s attendance, claiming that the group was not just ‘extremist,’ but also ‘maintained links with terrorists.’

The scandal was fueled by the fact that OSCE meetings are open to all NGOs which apply, as long as they are not involved in political violence (as the EU spokesman noted). Moreover, even though ORChD had been liquidated, it had not been formally found an ‘extremist’ organization; plus, allegations that it had ‘links’ with terrorists lacked any legal grounds.

Nevertheless, Russian officials continued along the same lines throughout the year, with the scandal escalating. In particular, on 28 September 2007 at the OSCE annual Human Dimension Implementation Meeting in Warsaw, Poland, the Russian delegation left the room in protest when the chair announced an ORChD speaker. Apparently, Russia had launched the campaign against ORChD within the OSCE in order to justify its own and some other CIS countries’ subsequent move to change the rules and require the relevant States’ endorsement for NGO attendance at OSCE conferences.

*Alexander Verkhovsky*

## Anti-Extremist Legislation, its Use and Misuse

The enforcement of laws usually described as ‘anti-extremist’ began to attract increasing attention in 2006 and particularly in 2007. We hardly need prove that this legislation has been used as an instrument of political pressure and manipulation; in fact, suspicions in this respect were initially voiced by observers at the time of the adoption of the Law on Combating Extremist Activity in 2002,<sup>1</sup> and the first experience of its enforcement supported these suspicions.<sup>2</sup>

Numerous recent media reports and political opposition statements have not been much help in creating a clear picture of what exactly is going on. The complicated, confusing text of this anti-extremist legislation does not contribute to a better understanding either. For these reason, few of those writing about the anti-extremist law have managed to avoid blunders and misinterpretations.

This report seeks to give the reader an understanding of how the set of legal norms which we call ‘anti-extremist legislation’ is organized and how it works, to analyze amendments introduced in 2006 and 2007, and most importantly, to review the abusive enforcement practices observed over the five years since the law was adopted.<sup>3</sup>

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This report has been substantially rewritten and expanded since its first version presented by SOVA in September 2007.

<sup>1</sup> For the first (and not identical) criticism of this law see Lev Levinson, ‘S ekstremizmom budut borot’sia po-stalinski’, in *Rossiiskii biulleten’ po pravam cheloveka* 2002, No. 16; A. Verkhovsky, *Gosudarstvo protiv radikal’nogo natsionalizma. Shto delat’ i chego ne delat’?* (Moscow, 2002), pp. 105-118.

<sup>2</sup> A. Verkhovsky, ‘Polgoda protivodeistviia. Kratkii obzor primeneniia i neprimeneniia zakona “O protivodeistvii ekstremistskoi deiatel’nosti”’, in *Rossiiskii biulleten’ po pravam cheloveka* 2003, No. 17; A. Verkhovsky, G. Kozhevnikova, ‘Tri goda protivodeistviia’ in *Tsena nenavisti. Natsionalizm v Rossii i protivodeistvie rasistskim prestupleniam* (Moscow: SOVA Center, 2005), pp. 111–129.

<sup>3</sup> This report is based on information collated by the SOVA Center in the section ‘Nepravomernyi antiekstremizm’ (<http://xeno.sova-center.ru/89CCE27>), where you may find further information about all issues mentioned in this report.

## The structure of anti-extremist legislation

The Federal Law on Combating Extremist Activity was adopted in July 2002. It defines extremist activity (synonymous to *extremism*, as set out by this law) and provides specific guidelines for punishments applicable to all types of non-governmental groups and mass media found guilty of extremism (political parties are excluded because they are still subject to the same procedures which existed before the introduction of this law). The main targets of the anti-extremist law are organizations (whether registered or not) and mass media.

At the same time, a number of other laws have been amended, primarily in order to bring them into line with the Law on Combating Extremist Activity. Among others, the Criminal Code and the Code of Administrative Offenses have been changed to provide definitions of new crimes and offenses relating to extremist activity.

Throughout the report, the Law on Combating Extremist Activity together with relevant amendments of other laws will be referred to as ‘anti-extremist legislation’ or ‘the 2002 Law,’ even though more amendments have been introduced in subsequent years.

The definition of *extremism* in the 2002 Law does not refer to the meaning attached to this term in common or political usage. This definition gives no indication of general characteristics, but instead describes extremism through certain acts. The list of such acts may be changed at will and has in fact been changed twice already. The definition is quoted in Appendix 1 (different fonts are used to highlight changes made at different times). One has no choice but to interpret this list of acts literally, because the law fails to provide any conceptual framework to facilitate interpretation.

The original definition of extremism provided in this law included fairly diverse acts. The list was expanded in 2006 and then substantially shortened in 2007, but it has remained excessively heterogeneous. Unless stated otherwise, we will refer to the most recent definition here.

The current definition of extremism includes very dangerous acts, such as attempts to overthrow the constitutional government, and ‘terrorist activities’ (these acts of terrorism are defined in a separate law;<sup>4</sup> in fact, terrorism is already a crime, and its suppression does not rely on anti-extremist law).

<sup>4</sup> The following definitions from article 3 of the Law on Counteracting Terrorism, 2006 (current version):

‘1) terrorism is an ideology of violence and the practice of influencing the decisions of government, local self-government or international organizations by terrorizing the population or through other forms of illegal violent action;

The definition of extremism also includes acts described as certain criminal offenses, but given that the interpretation is broader in the anti-extremist law than in the Criminal Code, they do not necessarily have to cause serious public danger – a key characteristic of a crime in the Criminal Code. This is true, for example, of such an important element of the definition as ‘*inciting social, racial, ethnic or religious discord.*’ This phrase relates to crimes described in article 282 of the Criminal Code (incitement to hatred or animosity based on a certain group characteristic, including the above four), but also to similar behaviors which are not really crimes. As a result, a paper may now be closed for a certain publication, although the author of the publication will not face criminal charges (e.g. this is how the *General Line (General'naia liniia)* newspaper, the mouthpiece of the National Bolshevik Party, was closed in 2005).

The notion of ethnic and other ‘discord’ can be traced to the Constitution (it also existed before in Soviet law), but its application without appropriate limits may lead to excessive restrictions on freedom of expression and other liberties. Indeed, *discord* is a broader concept than *hatred* or *hostility*, and discord may arise as an indirect consequence of certain acts or statements, not necessarily intended to produce this effect, and not necessarily antisocial. No one should face liability for the remote, not to mention hypothetical, consequences of his/her acts, as this wording implies. This problem is not new in judicial practice, and the solution proposed by the Law on Combating Extremist Activity is contrary to that contained in the case-law of the European Court of Human Rights. Punishment for statements which may spark discord, but do not incite hatred or encourage illegal acts, is contrary to article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (see, for example, *Ceylan v. Turkey*, 1999).

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2) terrorist activity is an activity which includes:

- a) organization, planning, preparation, financing, and implementation of a terrorist act;
  - b) incitement to a terrorist act;
  - c) setting up an illegal armed formation, a criminal community (a criminal organization), an organized group for carrying out a terrorist act, or participation in any such structure;
  - d) recruitment, armament, training and employment of terrorists;
  - e) informational or other types of aiding and abetting with regard to planning, preparation or implementation of a terrorist act;
  - f) propaganda of terrorism, dissemination of materials or information which call to terrorist activity, justify or excuse the necessity of such activity;
- 3) a terrorist act is the carrying out of an explosion, arson or any other actions which intimidate the public and cause danger to human life, risks of substantial property damage or an environmental disaster or any other particularly grave consequences, for such purposes as illegal influence upon the decisions of government, local self-government or international organizations, or a threat of committing such actions for the same purposes.’



The wording of ‘incitement to social discord’ is worth mentioning as a particularly dangerous one, because it may refer to any type of social conflict or controversy. Therefore, anyone who publicly refers to a conflict or opposes someone else may be technically held liable for ‘an extremist statement.’

Some types of acts included in the list may vary significantly – from fairly high to very low – in their intensity and danger to the public. This includes, for example, *preventing the legitimate activities of government authorities and other organizations, combined with violence or threats of violence, etc.* Violence as defined in the law may vary from serious to insignificant, whereas threats may in actuality be very serious, completely unrealistic or anything in between. Moreover, the incident itself may have other motives than *preventing legitimate activities*, for example, in interpersonal conflict.

Sanctions for some other acts mentioned in the law are questionable: for example, ‘extremism’ includes making claims of religious supremacy – a sentiment shared by many religious believers and presenting no danger to society.

According to the definition in the 2002 Law, any – even merely technical – assistance to extremist activity is also qualified as extremism. Therefore, the finding of extremism against a certain group, or even a certain type of conduct, may lead to similar findings against a wide range of organizations or mass media involved in any way with those found to be extremists. Given that assistance to extremism is included in the definition of extremism, technically, liability for extremism on such grounds may be extended to an infinite number of persons.

Liquidation of a group or media outlet for extremist activity is the main sanction for extremism. The absence of milder sanctions may perhaps be explained by the extraordinary nature of extremism, but on the other hand, Russian legislation lacks milder sanctions for many other types of offenses. In early 2006, legislators considered a package of amendments introducing, in particular, fines as a penalty for mass media, but the proposal was dumped. This was, in fact, a very positive development, because other amendments in the package were extremely inappropriate.<sup>5</sup>

Liquidation (closure) may be preceded by one or more warnings against extremist conduct. The commonly-held assumption that liquidation should always be preceded by two warnings – or even by two warnings within one year – is based on an established interpretation, rather than on the law per se. Currently the Law on Combating Extremist Activity provides for three procedures.

By the first and the most logical procedure, an organization or a mass media outlet, according to articles 7, 8, 9, and 11, faces liquidation (ban, or closure)

<sup>5</sup> A. Verkhovsky, ‘Antiekstremistskie popravki: bessmyslenno zhestkie i obshchesvenno opasnye’, SOVA Center, Natsionalizm i ksenofobiia, 8 February 2006 (<http://xeno.sova-center.ru/29481C8/6D183E2>).

‘if it fails to correct the violations which have given rise to the warning... before the deadline indicated in the warning.’

The second procedure corresponds to current practice and has been used more often than the others: ‘if within twelve months of the warning new evidence of extremism is revealed.’

The third procedure, addressing a potential emergency, is described in articles 9 and 11: ‘in case of .... extremist activity which has caused the violation of human rights and civil liberties, harm to individuals, public health, environment, public order, public security, property, legitimate economic interests of natural persons and/or legal entities, society and state, or constitutes a real threat of such harm.’ Apparently, it is assumed that the consequences described above are so severe that no prior warnings are necessary. But one could question the need to liquidate an organization or a mass media outlet unless their conduct causes any of the above consequences. The third procedure has been enforced a few times against organizations regarded as terrorist.

Before the administrative reform of 2004, warnings were issued to organizations by registering authorities, i.e. by the Ministry of Justice. Since the reform, the new Federal Registration Service (FRS) is not legally a body of the Ministry of Justice, and does not issue warnings (a bill which would empower and obligate FRS to issue warnings is currently being considered by parliament). Mass media outlets are warned by the Federal Service for the Supervision of Mass Media, Communications and the Preservation of Cultural Heritage (Rossviaz’okhrankul’tura). Until 2004, this was the responsibility of the Ministry of the Press, but this function was then delegated to an agency with a shorter name (Rosokhrankul’tura) which in the spring of 2007 merged with another body to form the current agency. Prosecutor’s offices may also issue warnings both to organizations and mass media.

Such warnings described in articles 7 and 8 of the Federal Law on Combating Extremist Activity should not be confused with cautions, which under article 6 may be issued to senior managers of organizations or mass media outlets. Such cautions do not have consequences for the organizations or mass media outlets. The cautioned manager, logically, should be liable for failure to comply with the requirements included in the caution, but the law under which he or she might be prosecuted (the Criminal and Administrative Codes) lacks the relevant provisions which article 6 refers to – and this omission is indicative of the poor quality of this interdependent legislation.

A warning is issued if the above-mentioned authorities find evidence of extremism. The same authorities may request a court to liquidate an organization or a media outlet for alleged extremism.

A warning may be appealed in court. If such an appeal is lost, or if the recipient of a warning simply fails to appeal it in court, liquidation may follow (articles

7 and 8 of the Law). This is the fourth procedure of liquidation, in addition to the three described above. This rather bizarre rule has never been applied independently as sufficient grounds for liquidation, but it was mentioned, *inter alia*, in the judgment of 19 April 2007 banning the National Bolshevik Party (NBP).

A warning which has not been cancelled has the same effect as a judgment of extremism in court, even though a warning may never have come before a judge. It means that the warned group will not be allowed to nominate candidates to the Public Chamber for a year (which makes no practical sense anyway, because Chamber members are appointed, rather than elected, but the rule implies that a warning effectively means an official finding of extremist conduct).

An organization must officially disown its leaders and distance itself from their actions if the latter are found to be extremist, and it must dismiss such persons from its governing bodies. If the organization fails to do so, liquidation may follow (which is what has happened to the Russian-Chechen Friendship Society, see below).

An organization may be suspended without the decision of a court under an indictment pending liquidation, for up to six months or until such time as the activities identified as extremist cease. It is an administrative offense under article 20.2.1 of the Code of Administrative Offenses to continue operating following suspension.

An organization which is not officially registered (whether stripped of its registration for reasons other than extremist activity, or without registration in the first place) may be banned for extremist activity.

It is a crime under article 282-2 of the Criminal Code to continue the activities of an organization which has been banned or liquidated for extremist activity. Punishment for this offense is a maximum sentence of up to three years for the organizers, and for members up to two years of prison. The minimum punishment is a fine of 100,000 rubles for the organizers, and none for members.

Under the 2007 amendments, authorities must publish the names of organizations officially found to be extremist, but at the time of writing (March 2008) none had been published, because as yet it had not been decided which authority would be responsible for this. On 7 March 2008, the second reading of a law which would make the Federal Registration Service responsible for the publication was passed by the Duma.<sup>6</sup>

An individual may be *cautioned* (as opposed to *warned*) by the Prosecutor's Office for alleged extremist activity, and may appeal such a caution in court. An

<sup>6</sup> See a list of known judgments in Appendix 4, and 'Spisok organizatsii, priznannykh rossiiskimi sudami ekstremistskimi', 2 November 2007, on the SOVA Center website (<http://xeno.sova-center.ru/4DF39C9/A12DD8E>). Since this report was compiled, this law has come into force. It was published in the official newspaper Rossiiskaia gazeta on 6 May 2008.

individual cannot be punished for extremism per se, unless his/her conduct falls under the Code of Administrative Offenses or the Criminal Code.

Punishable, in particular, are public appeals to extremist activity (see article 280 of the Criminal Code). It is notable that while extremist activity, as already mentioned, is not always a punishable criminal offense, urging someone to engage in such activity may result in a prison term of up to three years under article 280-1 of the Criminal Code, or up to five years under article 280-2 if an appeal is made through the mass media; no minimum punishment is indicated, and article 280-2 provides for a prison term. Comparing article 280 with the legal definition of extremism we will find, for example, that a public invitation to draw swastikas may be punished by years in prison, but the actual drawing of swastikas in public places is punishable by a maximum of ten days detention.

Also punishable is incitement to hatred and animosity (article 282 of the Criminal Code) by anything from a fine of 100,000 rubles to two years of prison, or even up to five years if aggravated by the use or threat of violence, abuse of official position, or for an offense committed by an organized group. Punishable administrative offenses include the demonstration and dissemination of Nazi symbols (article 20.3 of the Code of Administrative Offenses) and mass dissemination of extremist materials (article 20.29 of the Code of Administrative Offenses).

Any material (in print or other format) may be found extremist by a court in a specific judgment; the only materials presumed extremist without judgment are 'works by the leaders of the National Socialist German Workers' Party and the National Fascist Party of Italy'. A text cannot be presumed extremist even after its author has been found guilty under article 282 of Criminal Code or after a periodical has been warned for publishing it. The list of materials legally found to be extremist has to be published; the first list was published in July 2007 and now, under article 20.29, the publication of materials included in this list is punishable (that said, a few rulings have not been reflected in the list for some reason).

Notably, sanctions under article 20.29 of the Code of Administrative Offenses, in addition to detention for up to 15 days, fines, and the confiscation of equipment and materials, now also include the suspension of the organization for up to 90 days (if the offender is an organization, rather than an individual). Apparently, a mass media outlet may be held liable as an organization (a legal entity, as the law says).

Dissemination of extremist materials, which is not considered to be 'mass dissemination', does not fall under this article of the Code of Administrative Offenses. What can and what cannot be considered 'mass dissemination' is left to judicial discretion. On the other hand, the same actions may prompt criminal charges under article 280 or 282 of the Criminal Code.

The 2002 Law did not contain an inventory of crimes which should be considered extremist. Such an inventory containing ‘crimes of extremist nature’ was provided in article 282-1 of the Criminal Code, punishing the establishment of an ‘extremist community’ – i.e. the setting up a group with an intention of committing such crimes. However, the inventory was clearly incomplete and certainly did not correspond with the broad definition of extremism (therefore the Prosecutor General’s Office came up with their own inventory for statistics collation).

The 2007 amendments established that ‘extremist-oriented crimes shall mean in this Code [i.e. the Criminal Code - *Author*] any crimes motivated by political, ideological, racial, ethnic or religious hatred or animosity, or by hatred or animosity towards any social group, stipulated in relevant articles of the Special Part of this Code and paragraph ‘e’, part one, article 63 of this Code.’ All such crimes are also regarded as extremist activity.

Par. ‘e’, part 1, art. 63 of the Criminal Code stipulates that the above are considered as aggravating circumstances with respect to any crime, warranting a tougher punishment. The said motives are also considered as qualifying characteristics, i.e. they always warrant tougher punishments under 11 other articles of the Criminal Code. Before 1997, these included articles 105 (murder), 111 (intentional infliction of serious damage to health), 112 (intentional infliction of moderate damage to health), 117 (torture), and 244 (abuse of corpses and burial places). In 2007, more articles were added, firstly art. 214 (vandalism), and then articles 115 (intentional infliction of minor damage to health), 116 (beating), 119 (threat to kill or to cause serious damage to health), 150 (involvement of minors in crime), and 213 (‘hooliganism’ – i.e. a public order offense).

Recently, the notion of extremism has been increasingly used in the Russian legislation. It was used, in particular, in early 2006 as part of the restrictive amendments of legislation regulating non-profit organizations (NGOs). An individual found by a court to have engaged in extremist activity is not even allowed to be a member (participant, founder) of an NGO (art. 15, par. 1.2.4 of the Law on Non-profit Organizations; this corresponds to art. 19 of the Law on Civil Society Associations which covers various types of civil society organization such as foundations and other NGOs), let alone be part of the governing body of an NGO. Apparently this applies not only to someone convicted under a criminal article, but also, for example, to the author of material deemed extremist.

Since reform of the electoral law in the autumn of 2006, a court may ban a candidate (or a political party list) from elections for extremist conduct during the election campaign. Most importantly, candidates may be banned for prior statements made over a period equal to their potential term in office (usually four years), if such statements included calls to extremist activity, justification

of such activity, or incitement to ethnic, racial, religious, and social hatred (art. 76, par. 7 ‘g’ of the Federal Law on Main Guarantees of Election Rights and the Right to Referendum in the Russian Federation – the foundation of electoral legislation in Russia; this provision does not apply to any statements made before December 2006).<sup>7</sup>

All mass media, whenever they mention an organization liquidated or banned for extremist activity, must, under threat of a fine (art. 13.15 of the Code of Administrative Offenses) also mention that the organization has been liquidated or banned.

### An analysis of 2006 amendments

In July 2006, the definition of extremism was substantially expanded. Some added provisions were clearly designed to remove inconsistencies in other legislation relevant to extremism, but a hasty adoption of the amendments resulted in even more inconsistencies. Overall, the amendments made the already imperfect 2002 Law notably worse.

Fundamental changes in the definition of extremism concern the prohibition of any attempts to hinder the operation of government establishments (and also voluntary and other associations) accompanied by violence or threats of violence. A paragraph was added concerning ‘an attempt on the life of a statesperson or public figure’ (the Russian law fails to clarify who should be considered a public figure), even though this provision is essentially already included under ‘terrorist activity.’

The definition of extremism even included violent acts targeting individual civil servants, regardless of motivation, context, and the degree of public danger of such attacks. Under the 2006 definition, a drunk man who threatens a policeman for stopping him is an extremist offender. Should an NGO leader pronounce a threat against any civil servant, the NGO could face sanctions.

Any public justification of terrorism or extremism was also recognized as extremism (it should be recalled that terrorism is already included in the definition of extremism, so the wording is redundant). At the same time, the notion of ‘justification’ was included in the anti-terrorist article of the Criminal Code (art. 205-2): a note explaining this article says that ‘public justification of terrorism shall be understood as public statements which recognize terrorist ideology and

<sup>7</sup> Notably, incitement to political and ideological discord is not in the least of grounds for removal of a candidate, nor is it mentioned in article 282 of the Criminal Code. On the other hand, ‘justification of extremist activity’ is still there, even though it has been deleted from the definition of extremism.

practice as legitimate and deserving of support and emulation.’ It appears inappropriate that such an interpretation (fairly reasonable and workable) should be applied to the much broader – and not necessarily criminalized – object of the Law on Combating Extremist Activity, and in fact, the meaning of ‘justification’ in the Russian language is not limited to the definition above.

As long as ‘justification of extremism’ was included in the definition of extremism, it was technically possible to prosecute ‘justification of justification of extremism’ ad infinitum, just as in the case of ‘assistance to extremism.’

The definition of extremism was amended to include making a knowingly false accusation of extremism aimed against ‘anyone holding an official position in the Russian Federation, or a subject of the Russian Federation while on official duty or in connection with his/her official duties.’ People ‘holding official positions’ include bureaucrats of almost all levels in the administrative hierarchy, and members of the Russian parliament (federal and regional). Of course, slander is an offense, but this provision raised public concerns over a potential source of official abuse. These concerns have turned out to be justified.

And finally, it is unclear why the amended definition of extremism included an almost verbatim description of discrimination based on race, language, etc., which is already a crime (art. 136 of the Criminal Code). It clearly does not fit in the definition of extremism, however diverse its characteristics may be. By including discrimination, the legislators may have intended to encourage the enforcement of article 136, which is hardly ever enforced today; if so, they missed the mark.

Overall it seems that the amendments were targeted against any type of street protest, because protesters often do things which may be interpreted – in good faith or otherwise – as violence or the threat of violence against the authorities or specific officials. Should any such episode be found extremist, all organizations involved could face bans and other sanctions.

### **An analysis of 2007 amendments**

The amendments adopted in July 2007 (effective as of 12 August) are rather diverse, so they are grouped and analyzed below under a number of themes.

The amendments substantially expanded the definition of ‘hate crime’ in the Russian Criminal Code, and this innovation is highly controversial.

Formerly, article 63 of the Criminal Code contained a very brief list of hate motives taken into account as aggravating circumstances for whatever the crime: ‘racial, national or religious hatred or animosity’ (the word ‘national’ in Russian law is understood to mean ‘ethnic’). The recent amendments added ‘political,’ ‘ideological,’ and also ‘in relation to any social group.’

It had been felt for a long time that other types of motivation should be added: for example, neo-Nazi murders of anti-fascist activists were clearly motivated by political or ideological hatred, but it was not possible to take this into account when meting out punishment; the same applies to ‘ideologically-motivated’ killings of homeless people or attacks against gay men.

On the other hand, making political and ideological hatred an aggravating circumstance will result in tougher punishments even for minor offenses committed during any political or other public event, because virtually any event has an opponent strongly disliked by the participants for political or ideological reasons. We see no need for the option of tougher punishments: it is extremely rare for judges to mete out maximum possible sentences for hate offenses committed during public events, so even the former provisions of the Criminal Code left ample room for punishing hate offenders more severely. On the contrary, in Russia today, the public and political spheres are not so much affected by politically motivated offenses, riots and vandalism – deplorable as such incidents are – but rather by excessive administrative pressure and over-regulation.

The motive of ‘hatred against a social group’ does not seem functional, because Russian law lacks a definition of ‘a social group,’ and there is no shared understanding of the term in academic or everyday language, which gives too much discretion to enforcers. This has already been demonstrated in cases under article 282 of the Criminal Code, where this hate motive has been included since the end of 2003. At the time of writing, there have been three sentences passed where incitement to hatred against a social group was taken into account. In one instance – namely the Timur Kacharava murder case – article 282 was applied in addition to the main charges of murder and disruption of public order (‘hooliganism’), and the court referred to anti-fascists as a social group targeted by the offenders. In two other instances related to ‘hate propaganda’ the main charges were under article 282, and the targeted social groups were the Russian Army (the Stomakhin case, see below), and even the Government of Marii El Republic (the Tanakov case, see below), respectively. In fact, political hatred was involved in all three cases.

The hate motive has been reformulated not only in article 63 of the Criminal Code, but in all articles where this qualifying characteristic is present, and it has been added as a qualifying characteristic to the new articles listed above.

The amended article 213 (‘hooliganism’) deserves a special mention. Before the amendments, Russian law distinguished between two types of ‘hooliganism,’ or public order offenses. The first type is a small misdemeanor punishable under article 20.1 of the Code of Administrative Offenses: ‘Petty hooliganism, i. e. using obscene language in public places, offensive molestation of citizens, and other acts explicitly violating public order and security.’

The second type is a serious offense punishable under the Criminal Code — i.e. public order offenses committed ‘using weapons or objects employed as weapons’.<sup>8</sup> The new wording suggests that hooliganism either means such serious offenses (para. ‘a’) or ‘a gross violation of public order’ without the use of any weapons or violence, but with the hate motive (para. ‘b’). Will there be any difference in treatment with regard to ‘gross violations of public order reflecting explicit disrespect of the public’ punishable under the Criminal Code — and ‘actions explicitly violating public order and security’ punishable under the Code of Administrative Offenses? We doubt it. Apparently even a small misdemeanor, where it is hate-motivated, is punishable under article 213 of the Criminal Code by up to five years of prison, or by up to seven years, if a group or obstruction of police are involved.<sup>9</sup>

Without doubt this amendment of the Criminal Code may result in numerous, excessively tough sanctions against political and ideological protesters, whether racist or not, because the conduct of protesters can often be described (and sometimes rightly so) as ‘hooliganism.’ To emphasize, this excessively strict article is unfair not only with regard to people who disrupt public order for environmental or other public concerns and ideals, but also to those who vent their racist and similar sentiments.

The expanded definition of hate motives has also changed article 214 of the Criminal Code (vandalism) in a radical and dangerous way.<sup>10</sup> The painting

<sup>8</sup> As of December 2003. Before that date, the wording of article 213 of the Criminal Code was broader, but still included ‘the use or threat of violence against individuals, as well as causing destruction or damage to another’s property.’

<sup>9</sup> The Supreme Court has explained that aggravating circumstances with regard to article 213 apply only if the offender resists the enforcement officer at the moment of the latter’s intervention to suppress a public order offense (hooliganism), rather than before or after such intervention. The Supreme Court emphasized in the same ruling that hooliganism *per se* should not be confused with other, including violent, offenses driven by ‘hooligan motives’ — i.e. ‘intentional attacks against an individual or his/her property without any reason or for an insignificant reason.’ Also, ‘inflicting damage to health or killing’ out of hate motives should be treated under a relevant article, rather than article 213. See: Ruling No 45 of the Russian Federation Supreme Court Plenary of 15 November 2007, available on the website of the Russian Supreme Court ([http://www.supcourt.ru/print\\_page.php?id=5066](http://www.supcourt.ru/print_page.php?id=5066)).

<sup>10</sup> An expanded definition of hate motives had been added to this article before (the law introducing this amendment came into effect on 10 May 2007, see ‘Ocherednoe antiekstremistskoe uzhestochenie’, SOVA center, 18 April — 17 May 2007, (<http://xeno.sova-center.ru/45A2A1E/90DE333>), while the amendment described here introduced some minor editorial changes. At the same time, the maximum punishment under article 244 of the Criminal Code (abuse of corpses and burial places) was raised from three to five years of prison, which was totally senseless, because cemetery vandals have never been sentenced to as much as three years in the rare cases when they were found and brought to justice.

of graffiti on walls or on anything else may be, and has been, prosecuted as vandalism. This article does not provide for incarceration under part 1, but in part 2, which deals with vandalism committed by a group or hate-driven, including political and ideological motives, provides for a prison sentence of up to three years. Painters of political graffiti thus may face imprisonment, even though they rarely, if ever, present a danger to the general public, and usually cause only minor property damage. At the time of writing, a National Bolshevik in St. Petersburg faces charges under article 214, part 2, for graffiti criticizing a city official.

One should also note that this expanded hate motive was not applied to article 282 of the Criminal Code, meaning that the propaganda of political and ideological hate is still, in and of itself, not a crime.

The amendments have substantially changed the definition of extremist activity for the better, at least from the legal and technical perspectives.

Firstly, this definition now includes all hate crimes in a new, broader understanding consistent with article 63 of the Criminal Code. It finally reflects what has been intuitively clear since 2002, namely that the anti-extremist legislation is designed to suppress any crimes or offenses of an ‘ideological’ nature including, but not limited to, those traditionally described as *hate crime*.<sup>11</sup>

Secondly, a few elements have been deleted. We assume that some of them have been found too vague, some others redundant, and still others related to other spheres of regulation. I can only add in brackets the main reasons why I believe they were deleted. Here are the components deleted from the definition of extremism (some of which were added just a year before):

- undermining the security of the Russian Federation (the wording was too vague);
- seizure or usurpation of power (generally, such acts have nothing to do with political or other hatred; as to a hypothetical political insurgency, its participants will apparently be punished in some other manner);
- debasement of national dignity (this lame wording referring to an undefined type of dignity was deleted from article 282 of the Criminal Code a long time ago);
- mass disturbances, hooliganism and vandalism motivated by ideological, political, racial ethnic or religious hatred or animosity, and also

<sup>11</sup> Anglo-Saxon law defines a hate crime — and this definition is increasingly common across Europe — as a crime targeting a victim for his/her real or assumed membership in a certain group: ethnic, religious, gender, etc. In contrast, in the Russian legal tradition the offender’s motive, rather than their choice of victim, is important. The idea of broadening the scope of hate motives was raised in debates about extremism long before it was finally adopted.

motivated by hatred or animosity towards any social group (absorbed by the general definition of hate crimes);

- establishment of illegal armed formations (treated under separate, anti-terrorist legislation);
- attempts on the life of a government official or public figure with the purpose of terminating this person's official or political activity, or in revenge for such activity (as above);
- use of violence against a representative of government authority, or threats to use violence against a representative of government authority or his family in connection with his exercise of official duties (as opposed to the previous year, 'extremism' now does not include any violence against any official or police officers under any circumstances — which was clearly absurd; in particularly serious cases such violence may fit the definition of terrorism, and violent disruption of the work of government establishments, etc., has been retained in the definition of extremism).

It is also very important that the 'justification or excuse of extremist activity' is no longer interpreted as extremism. The provision expanding the definition of 'extremists' to include anyone who tries to defend them has also been deleted.

There have been some other improvements:

- the provision against unequal treatment has been aligned even more with article 136 of the Criminal Code ('discrimination'), even though it remains clearly redundant in the anti-extremist law;
- the provision on 'hindering legitimate activity of government authorities' was extended to include 'local self-government, ... voluntary and religious associations, and other organizations' — i.e. now this provision protects other people, and not just government bureaucrats;
- extremism during elections is not limited to interference with the election committees, but also interference with what citizens do.

On the other hand, one of the vaguest elements of the definition — the incitement to hatred against members of certain groups — has been stripped of the reservation concerning violence or encouragement to violence. The excessive vagueness of the latter term may result in official abuse in the absence of this reservation.

A necessary proviso was deleted from the provision concerning false accusations against a government official alleging his/her extremist activity: formerly, the reservation required that 'libel should be established by a court.'

A few other important new details should be mentioned. To begin with negative ones, we should highlight, firstly, the requirement to indicate the relevant

judicial ruling every time any organization deemed 'extremist' is mentioned. Secondly, broader powers have been given to authorities to tap the phone conversations of people suspected of, or charged with, grave or very grave crimes, and those suspected of moderately serious crimes (i.e. the majority of offenses, including extremist offenses). Notably, a similar provision in article 8 of the Law on Detective Operations also allows tapping the phones of 'persons who may possess information on the said crimes' — i.e. a very broad range of people.

Some of the recent amendments are definitely positive, though. Thus, provocation by law enforcement agencies was expressly forbidden as part of the criminal investigation of extremist or, indeed, any other cases.

Generally speaking, the 2007 amendments have resulted in the qualitative improvement of the 'extremist activity' definition. Even though many inconsistencies and defects remain, the law is now much more applicable and contains fewer provisions likely to impose inappropriate restrictions on civil rights and liberties.

New types of hate motives added to the Criminal Code create the potential for both appropriate and inappropriate enforcement. It is premature to assess this particular amendment before some enforcement practices have emerged, even though the trends we have observed over the past year (see below) give us every reason to be concerned that this reform of the Criminal Code may have more negative than positive consequences. To reiterate, this particularly concerns article 213 ('hooliganism') and article 214 ('vandalism').

## Unwarranted enforcement

Anti-extremist legislation is not designed, of course, as an instrument to be used exclusively for the politically-motivated suppression of civil liberties. In many instances one cannot but welcome the enforcement of such legislation. In fact, appropriate enforcement is increasingly common (although not yet as common as it should be).<sup>12</sup>

That said, I will focus only on unwarranted enforcement here.

## Criminal Sanctions

The most large-scale example of unwarranted anti-extremist criminal sanctions is the enforcement of article 282-2 against members (actual or assumed) of Hizb ut-Tahrir. This radical Islamist organization was banned in

<sup>12</sup> See details in Galina Kozhevnikova's report in this book.

Russia by the Supreme Court on 14 February 2003 (alongside fourteen other groups) for terrorism, rather than ‘propaganda’ (which would have been understandable in principle), even though Hizb ut-Tahrir does not practice violence. This obvious judicial error still has not been corrected,<sup>13</sup> and has resulted in many questionable trials ending in convictions of Hizb ut-Tahrir members under article 282-2 and even article 205-1 (‘involvement in terrorist activity’; the charges have been lifted since the amendment of this article by Federal Law No 153 at the end of July 2006).<sup>14</sup> Members of other organizations banned for extremism – some regional chapters of the Russian National Unity (RNE) for example – have never been convicted under the same article (although the trial of a few RNE activists in Tatarstan under article 282-2 began in December 2007).

In the eyes of the public, the main anti-extremist article remains article 282 of the Criminal Code (‘incitement to hatred and animosity, as well as denial of human dignity’). The term ‘extremism’ is often associated with this article, even though this is far from correct. Instead, article 280 of the Criminal Code (‘public calls to extremist activity’) should be considered the main anti-extremist article.

The first clearly ill-founded conviction under article 282 involved the organizers of *Beware, religion!* exhibition on 28 March 2005. The exhibition displayed items of modern art which used Christian symbolism, and many believers found it offensive. No one raised the issue of banning the exhibition – perhaps because it was promptly raided and destroyed by radical Orthodox activists. Instead, the organizers faced charges of incitement to religious and, for some reason, national (in other words ‘ethnic’) hatred against Orthodox Christians and ethnic Russians, respectively. The verdict was based on expert opinions which were extremely ideological and very remote from the principle of secular government.<sup>15</sup> Iuri Samodurov and Liudmila Vasilovskaia were sentenced to fines of 100,000 rubles each. It could be argued to what extent the exhibits were offensive and whether banning the exhibition would have been justified, but offending religious

<sup>13</sup> In 2007, the Supreme Court refused to extend the deadline for appeal, which had been missed by the interested parties simply because the judgment was not published. See ‘Otkaz v pravosudii’ on the Memorial Society website, 19 March 2007 (<http://www.memo.ru/2007/03/20/2003071.html>).

<sup>14</sup> For details of some of these trials, see the report by A. Verkhovsky and O. Sibireva in this book.

<sup>15</sup> The full text of this verdict is deserves attention. See ‘Opublikovan polnyi tekst prigovora po delu organizatorov vystavki “Ostorozhno, religii!”’, SOVA Center, Religiiia v svetskom obshchestve, 31 March 2005, ([http://religion.sova-center.ru/events/13B74CE/13DC3A3/533A18D?pub\\_copy=on](http://religion.sova-center.ru/events/13B74CE/13DC3A3/533A18D?pub_copy=on)).

sentiments is not a crime under article 282 of the Criminal Code. Consequently, the suspicion arose that the verdict was motivated not only to protect religious sentiments, but also to target the Sakharov Center and Museum (headed by Iuri Samodurov) for their human rights activity.

In June 2007, a similar case was opened under article 282 against another exhibition, *Banned Art – 2006*, also organized by the Sakharov Museum.

Yet another, even less appropriate sentence was meted out to the director of the Russian-Chechen Friendship Society (*Obshchestvo rossiisko-chechenskoi družby*, ORChD), human rights activist Stanislav Dmitrievskii on 3 February 2006 for publishing statements by Aslan Maskhadov and Akhmed Zakaev in his paper *Pravo-Zashchita (Rights-Defense)*. Understandably, both texts were biased and strongly critical of Russia’s policy-makers, but the texts did not contain anything that could be interpreted as incitement to ethnic hatred; bringing charges against the publisher was totally inappropriate. However, Dmitrievskii was sentenced to two years of probation.

Incidentally, even if we assume that Maskhadov’s and Zakaev’s statements contained evidence of a punishable offense, the verdict would have contravened the European Court of Human Rights judgment in the high-profile *Jersild v. Denmark* case: journalists should not face criminal liability for the offensive statements of people whose views they report. Therefore, Dmitrievskii’s application to the ECHR has good prospects of success.

The third sentence of this type dated 25 December 2006 targeted Vitalii Tanakov, an activist of the Mari nationalist movement and hereditary priest of the traditional (pagan) religion of the Mari. In his brochure *A Priest Speaks (Zhrets govorit)*, Tanakov criticized the authorities of Marii El Republic, affirmed his religion as superior to other religions and ‘civilizations,’ but did not incite hatred against people of other faiths or origins. Tanakov was not found guilty of incitement to ethnic and religious hatred, but was found guilty of debasing other people for their ethnic or religious affiliation, which is also a very questionable judgment, since Tanakov repeatedly emphasized in his brochure that he makes a distinction between cultures and religions on the one hand, and their followers on the other.

Tanakov was also found guilty of debasing a certain ‘social group’ – members of the Government of Marii El Republic – who did indeed face some rather offensive criticism from Tanakov. This excessively broad definition of a ‘social group’ raises even more doubts as to the legitimacy of his conviction.

A similar case under article 282 of the Criminal Code was opened in the Komi Republic against rock musician Savva Terent’ev, who made a rude comment in his LiveJournal blog against police corruption. Terent’ev was unfairly charged with incitement to hatred against the entire police force as a social

group, and even though the reason for the prosecution was devoid of substance, and in spite of strong public protests, the case went to court at the end of March 2008.

A less dramatic example of inappropriate punishment was the conviction of community activist Boris Stomakhin on 20 November 2006 in Moscow.<sup>16</sup> Stomakhin was found guilty of incitement to hatred against the Russian Army as a social group. We believe that incitement to hatred against the army and against Russians as an ethnic group was in fact proven in court, although Stomakhin's pronouncements to this effect did not appear to pose any public danger. Stomakhin's indictment under article 280 of the Criminal Code was more appropriate, because he had made public appeals to Chechen separatists to conduct new terrorist attacks, and applauded those already committed.<sup>17</sup> However, the punishment meted out to Stomakhin – five years in prison – is unprecedented in its severity under article 280 and 282, and it is particularly strange in view of the low popularity of the newsletter and the website which carried Stomakhin's publications. It raises suspicions that Stomakhin's sentence was particularly severe because of its content, which differed from the pronouncements of other offenders convicted under these articles (neo-Nazi, racists etc.).

There have been more than a few cases of article 280 being used to threaten and intimidate people, rather than prosecute them, but the thin line can be easily crossed, as a recent example has demonstrated. Charges under article 280 were brought against Petr Gagarin, a retired resident of Orel, for publicly saying at a Communist Party rally in August 2007 that the local Governor should be executed. On 14 December, a magistrate court dropped charges under article 280, but imposed a fine on Gagarin for offending the Governor. In February 2008 an appeal was launched before a federal court.

On 4 May 2007, a city court in Rybinsk sentenced Andrei Novikov, a journalist who was popular in the 1990s, to involuntary psychiatric treatment under article 280 (he was released in November). Of the articles mentioned in the indictment, only two – as far as we know – were available on the internet, and these did not contain any appeals to violence. Such appeals could have been found in other texts linked to Novikov, but apparently, these have never been published.

<sup>16</sup> See the full text of his indictment and sentence in 'Prigovor Borisu Stomakhinu', SOVA Center, Natsionalizm i ksenofobiia, 30 November 2006, (<http://xeno.sova-center.ru/4DF39C9/85671E4>).

<sup>17</sup> I do not agree with those human rights activists who argue that Stomakhin's statements did not cross the boundary of the legally acceptable. See the Za Borisa! [For Boris!] website for their arguments (<http://www.zaborisa.narod.ru/>).

## Sanctions against Organizations

Since mid-2002, many organizations which might have been found extremist, including nationalist groups, have been liquidated (i.e. stripped of their registration) in Russia. In most cases, however, the formal reason of their liquidation was not a violation of the 2002 Law, but other, more formal, violations (such as failure to file required activity reports, etc.). This is true, in particular, with regard to the high-profile liquidation of the National Imperial Party of Russia (*Natsional'no-derzhavnaia partiia Rossii*, NDPR) in 2003: they were liquidated for having failed to register a sufficient number of regional branches before the deadline. Charges of non-compliance with formal requirements have not been sufficiently convincing in many cases (the NDPR case was also arguable), and very often the practice has been quite selective. Sanctions taken under formal pretexts may hinder the activity of dangerous groups, but at the same time they undermine the government policies in this area.

Earlier we mentioned the Supreme Court judgment of 2003 banning 15 organizations as terrorist. This judgment was effectively made behind closed doors, and even the list of banned organizations (which has since grown by two names) was not officially published before July 2006.<sup>18</sup> Therefore the public cannot adequately discuss the judgment and form an opinion as to whether it was well-founded in respect of all banned groups.

There have been a number of verdicts banning organizations for a single 'extremist' offense, namely the use of a symbol resembling a swastika. In particular, courts referred to swastika-like symbols when they banned certain RNE organizations. This application of the Russian law appears dubious, because even though the RNE's symbol looks like a Nazi swastika and this resemblance certainly has something to do with their ideological kinship, we cannot say that the RNE's 'spiked wheel' resembles a swastika to the extent of being confused with it – and this is the standard established by law.

However, there have been a few cases of well-founded liquidations for extremism, such as the liquidation of certain neo-pagan organizations affiliated with the so-called Old Believer-Inglings in Omsk in 2004 and of two small groups in Krasnodar Krai in 2006.

In the high-profile case of the Russian-Chechen Friendship Society (ORChD), the 2002 Law was enforced to liquidate a group which was clearly not extremist, even though the liquidation was consistent with the law. The ORChD was liquidated by a court order on 13 October 2006 (the judgment came into

<sup>18</sup> '17 osobo opasnykh', Rossiiskaia gazeta, 28 July 2006.



force after it was upheld by the Supreme Court on 23 January 2007), because ORChD leader S. Dmitrievskii was found guilty of an extremist crime (see above). However, the organization did not disown him, as they were required to do by the 2002 Law, and refused to remove him from their governing bodies, as required by the legislation on NGOs since 2006. The formally lawful judgment ordering the ORChD's liquidation is based on an unlawful verdict against Dmitrievskii.

There was public controversy with regard to the Moscow City Court judgment of 19 April 2007 banning the National Bolshevik Party (*Natsional-bol'shevistskaia partiia*, NBP) as extremist. On 7 August, the Supreme Court upheld the judgment, and it came into force.

Some of the NBP's actions may be described as petty political hooliganism (we believe that the courts were excessively tough on them by qualifying the NBP's occupation of some government offices as criminal offenses, which resulted in prison terms for more than 30 National Bolsheviks). NBP activists have been caught committing even more serious offenses, including the storage of weapons. In the past, the NBP has conducted all sorts of propaganda which could be described as inciting violence or racist. In this sense, the judgment warranting the closure of the party's paper, *Limonka*, in 2002, was well-founded; and the judicial order to close *Limonka's* successor, *General Line*, in 2005, was partially legitimate. In fact, recently there have been progressively fewer cases of violence or ethnic and racial hate propaganda in the NBP's actions (even though ethnic Russian nationalism, in a milder form, is still a feature of NBP rhetoric).

The judgment banning the NBP (the organization was not officially registered anyway) was based on three former warnings. Two of them were for invading the St. Petersburg Legislative Assembly (*Zakonodatel'noe sobranie*, ZAKS) sessions and an election committee in Moscow Oblast. Members of the party hindered the work of ZAKS and the election committee, but they only used minimal violence. A third warning was triggered by truly dangerous publications in one of the NBP's regional papers, but the people responsible for the publications had long before left the NBP, alongside other hardcore nationalists unhappy with the NBP's new political course. It appears obvious that the three episodes were not sufficient to ban such a large organization (not to mention the substantial procedural violations associated with the ban). In particular, the court failed to establish the use of violence by National Bolsheviks.<sup>19</sup>

On 21 March 2007, the Moscow Prosecutor's Office suspended the NBP pending a judgment. The NBP continued their activity anyway, but administra-

<sup>19</sup> See detailed comments on this judgment in A. Verkhovsky, 'Pochemu sleduet otmenit' reshenie o zaprete NBP', SOVA Center, Natsionalizm i ksenofobiia, 4 August 2007 (<http://xeno.sova-center.ru/29481C8/99C0ACC>).

tive penalties warranted by 20.2.1 of the Code of Administrative Offences were only imposed a couple of times.

Even before the NBP ban came into force, a few organizers of mass events were warned for cooperation with the NBP. As an illustration of the authorities' poor performance in the enforcement of anti-extremist legislation, such warnings did not refer to the suspension of the NBP, but rather to a ban – or, in some cases, to the former judgment warranting the liquidation of the NBP on technical grounds, but incapable of restricting the group's operation de facto (in fact, some of the warnings have been successfully challenged in court).

For some reason, the NBP's flag – deemed to resemble the Nazi flag – seems to play a major role in all these episodes. Indeed, the only difference between the NBP's flag and that of Hitler's National Socialist German Workers' Party is that a hammer and sickle emblem, rather than a swastika, is depicted in the circle, and this similarity is, of course, not accidental. It is also true that the said distinction does not make the two flags similar 'to the degree of confusion,' as stated in the definition of extremist activity and by article 20.3 of the Code of Administrative Offences. On two occasions, courts confirmed the difference between the NBP and Hitler's National Socialist Party flags and cancelled sanctions imposed on the group for the use of their flag (in Nizhnii Novgorod in 2003 and in Arzamas in 2007).

Since the ban of the NBP came into force, any action taken on behalf of the NBP falls under article 282-2 of the Criminal Code. The first criminal case was opened on 12 February 2008 against one of a group of National Bolsheviks protesting on the first night of *Kiss Me Off the Record* (*Potselui ne dlia pressy* – a film where the main characters are easily recognizable as Vladimir Putin and his wife). Before this event, authorities had used article 282-2 only to intimidate the National Bolsheviks, but now they have added selective enforcement to the threats. It should be noted that the case was opened against only one participant in the protest, and for an incident which would not have warranted any other criminal charges.

Another case under article 282-2 was opened against Dmitrii Isusov, a National Bolshevik leader in Arzamas (a small city outside Nizhnii Novgorod). Police conducted mass searches in Nizhnii Novgorod on 20 March in connection with this case, so we can expect a longer list of suspects.

The ban of the NBP, by virtue of the organization's size (they have at least several hundred active members), may have serious implications for other groups and individuals. Any assistance to the NBP (or anything which may be regarded as assistance) may also be considered extremist activity and may trigger sanctions against other organizations and mass media.

An example of how such sanctions may be imposed was a case of extremist charges against the Memorial Human Rights Society. In February 2006, Memo-

rial received a warning for extremist activity for a publication on their website which contained Mufti Nafigulla Ashirov's commentary on four brochures of the Hizb ut-Tahrir Islamic Party. Ashirov failed to see in them any appeals to violence or incitement to religious and national (ethnic) hatred. In fact, Ashirov did not express support for Hizb ut-Tahrir and did not even quote from their texts. Even if his opinion was wrong, the commentary as such neither incited any actions, nor did it justify any extremist behavior. What the Moscow Prosecutor's Office found extremist was a mere expression of disagreement with the Supreme Court. Ashirov and Memorial appealed the warning, but lost the appeal.

The NBP case highlighted yet another legal conflict. The decision to close the organization was based on three episodes, all of which were also considered in criminal proceedings. The question was: which type of proceeding – criminal, administrative or both – should establish the relevant facts of the case. In the NBP case, the court relied on a criminal verdict concerning one of the episodes and on preliminary findings of the criminal investigation into the other two episodes. This appears to contravene Russian law, because administrative proceedings may rely on a criminal verdict concerning the same circumstances (but not vice versa), whereas in the absence of such a verdict it is up to the court to assess the circumstances in administrative proceedings.

Besides, on 28 November 2007 the criminal case against the National Bolsheviks who had interfered with a ZAKS session was dropped, meaning that one of the three episodes did not matter any longer. The judgment was challenged accordingly, but on 11 February 2008, the Moscow City Court failed to acknowledge that the dropping of the criminal investigation concerning one of the episodes was 'a newly revealed circumstance,' warranting the judgment to be reconsidered. It appears that the violence used by a few National Bolsheviks in ZAKS was not found serious enough for a criminal verdict, yet it was sufficient for a ban of the entire organization. The same applies to a similar episode which occurred outside Moscow: two National Bolsheviks face charges under part 2, paragraph 'c', article 141 of the Criminal Code (interference with the work of election commissions by a group upon a prior agreement, or by an organized group), but not under paragraph 'a' of the same, which deals with violent attacks.

The Moscow City Court has effectively confirmed that those parts in the definition of *extremist activity* which resemble descriptions of criminal offenses are not crimes in reality, but such actions may be found extremist even though they are not criminalized.

The same problem was observed in the proceedings which banned the Council of Balkar Elders (*Sovet Stareishin Balkarskogo Naroda*, SSBN) in the Republic of Kabardino-Balkaria. The key evidence in the case was a statement

by the SSBN found by the Prosecutor's Office to be false accusing the President of Kabardino-Balkaria of terrorism and discrimination. The Supreme Court of Kabardino-Balkaria ordered the liquidation of the SSBN on 14 January 2008, even though proceedings are still pending in two criminal cases opened in connection with the same statement under part 3, article 129 of the Criminal Code (libel) in August and November 2007. The Supreme Court of Kabardino-Balkaria established that it was competent to consider the case on its merits without waiting for a criminal verdict, and unlike the Moscow court, referred in its judgment to grounds for finding the SSBN guilty of libel in its accusations against the president. In fact, these grounds were far from convincing.<sup>20</sup> The Federal Supreme Court quashed the judgment of the Kabardino-Balkaria Court on 18 March 2008 and sent the case back to be reconsidered.

The Federal Supreme Court should probably look into this legal conflict between the Law on Combating Extremist Activity and the Criminal Code, but it does not seem to be in their immediate plans.

In the meantime, the authorities have already attempted to liquidate the Voice of Beslan (*Golos Beslana*) organization on similarly unsubstantial grounds, for allegedly falsely accusing President Putin of aiding and abetting terrorism.

Another development which had strong resonance was a warning issued by the Prosecutor's Office in May 2007 to the Krasnodar Regional Chapter of the Yabloko Party for the distribution of books authored by political scientist Andrei Piontkovskii. At first the court cancelled the warning, perhaps because Piontkovskii's books were freely sold in Russia and their author had never been challenged for publishing them. But then prosecutorial officials did their homework, and on 14 August the same court upheld the warning. A day later a judicial hearing began in Moscow to ascertain whether two of Piontkovskii's books are extremist. On 2 October the Krai Court upheld the warning to Yabloko, making it final, even though the proceedings over Piontkovskii's books are still pending (at the time of writing, the end of March 2008).

In one instance, registration was denied a group on a clearly false pretext of allegedly extremist activity. In Tiumen Oblast, the local office of the Federal Registration Service denied registration to Rainbow House, a LGBT (i.e. sexual minorities) group, explaining that their proposed activities 'may undermine the security of Russian society and the state,' because they 'undermine the sovereignty and territorial integrity of the Russian Federation by reducing its population.' In theory, the outcome of this dispute is pre-determined by the recent removal

<sup>20</sup> See 'Analiz resheniia suda o likvidatsii Soveta stareishin balkarskogo naroda', *ibid.*, 24 January 2008 (<http://xeno.sova-center.ru/89CCE27/89CD1C9/A80953F>).

of the phrase about ‘undermining security’ from the definition of extremism; however, on 17 December 2007 Rainbow House was finally denied registration by the Tiumen Oblast Court and took the case to Strasbourg in March 2008.

### Sanctions against Mass Media

The 2002 Law made it very easy to close mass media outlets. With the vague definition of extremism and the fairly low level of political correctness in the Russian mass media, it is not hard to find a few articles among the multitude published in any Russian paper which would be punishable under at least one provision of article 1 of the Law on Combating Extremist Activity.

A newspaper may even be closed for such offenses without prior warning, but Rosokhrankul'tura has voluntarily decided to issue at least two warnings before seeking the closure of a publication,<sup>21</sup> and they usually comply with this self-imposed restriction.

Apparently due to uncertainty about applying the definition of extremism, the average number of publications closed for extremism was lower after the adoption of the law than it had been in the five years before the law (for similar motives). We know of just four publications closed under the 2002 Law for incitement to ethnic hatred and calls for extremist activity – *Russian Siberia (Russkaia Sibir, Novosibirsk)* and *For Faith, Tsar and Fatherland (Za Veru, Tsaria i Otechestvo, Orenburg)* (the sanctions were well-founded in both of these cases); *General Line* (controversially imposed); and *Rights-Defense* (the closure of this Nizhnii Novgorod newspaper was triggered by the same publications for which Dmitrievskii was convicted; in other words, it was unfounded), even though many more complaints seeking closures of publications have been filed.

The main form of pressure used by Rosokhrankul'tura (now renamed Rossviaz'okhrankul'tura) against mass media is a warning. Some editorial boards challenge such warnings in court, and sometimes they win. Generally speaking, warnings do not make a substantial difference to editorial policy. Rather, such warnings (particularly in cases of more than one warning) are both signals and instruments of informal pressure against a publication. In some cases, publications have been stopped or forced to switch to their web-based versions as a result of such pressure.

The overall number of warnings against extremist activity is unknown, because such warnings are issued both by Rossviaz'okhrankul'tura and the Prosecutor's Office, and the latter's data lack transparency. According to their

<sup>21</sup> Boris Boiarskov, 'Nas ne ustraivaet nechetkost' kriteriev. V rabote Federal'noi konkursnoi komissii griadut izmeneniia', *Nezavisimaa gazeta*, 29 November 2005 (<http://www.rosokhrankul'tura.ru/publications/17/>).

report, Rosokhrankul'tura issued 39 warnings in 2006 which were not cancelled by the courts,<sup>22</sup> and a total of 43 in 2007.<sup>23</sup>

There have been quite a few inappropriate warnings. At least six of the mentioned 39 Rosokhrankul'tura's warnings issued over 2006, and seven of the 43 issued in 2007 were unfounded, and three warnings were eventually quashed by the courts (moreover, we do not know enough about some of the cases to be able to assess them).

Unfounded warnings are often the result of an excessively literal approach to the law and/or of over-zealous efforts to protect ethnic and religious sensitivities. The definition of extremism in this respect is open to broad interpretation.

A number of inappropriate warnings were issued for the use of swastika to illustrate clearly anti-fascist materials, and such use is culturally acceptable and not prosecuted. It is true, however, that the law makes no reservations about this sort of use.

A series of episodes in February 2006 was linked to the so-called 'cartoon scandal'. Danish cartoons depicting the Prophet Mohammad were reprinted in a few publications to illustrate the debates around the scandal. Two papers were then warned by Rosokhrankul'tura, and the editor of yet another paper – *Our Region+ (Nash Region+, Vologda)* – faced criminal charges. The owner closed the paper, and the editor-in-chief Anna Smirnova was sentenced under article 282 of the Criminal Code to a fine of 100,000 rubles. Fortunately, a higher court acquitted Smirnova, but the paper (notably, a paper independent of the Oblast governor) never came out again.

At about the same time, the *Town News (Gorodskie Vesti, Volgograd)* was warned by the Prosecutor's Office and closed by its owner, the municipal administration, for a cartoon designed by the paper which depicted the founders of four world religions. Neither independent experts, nor even religious figures, found the cartoon offensive. Nevertheless, the cartoon offended the local United Russia Party chapter, and then the Prosecutor's Office. Shortly afterwards, the paper was reinstated by the municipality. This story is an example – unfortunately, just one of many examples – of politicians seeking publicity in inappropriate and harmful ways by exploiting the 'fight against extremism.'

<sup>22</sup> This figure is not quite right, because trials are often prolonged. At least one of these warnings has been successfully challenged in 2007.

<sup>23</sup> Apparently, more warnings have been issued; as with any government department, the statistics of Rossviaz'okhrankul'tura are not always accurate. See a list of such warnings with comments and references in 'Spisok preduprezhdenii Rossvia'okhrankul'tury za 2007 god', SOVA Center, *Natsionalizm i ksenofobia* 15 January – 1 March 2008 (<http://xeno.sova-center.ru/4DF39C9/A747495>).

There was a parallel attempt to liquidate, without prior warning, the *Bankfax* news agency in Altai just for one intolerant comment posted on their web forum (and promptly removed by the editors). After a long litigation, *Bankfax* scored a final victory in the Supreme Court on 12 September 2006. Criminal prosecution of the news agency staff and the author of the posting also failed. But this high-profile case affected the media and the internet community as the first attempted criminal prosecution for a posting on a web forum (see the Savva Terent'ev case, above), and especially as a prosecution against the owners of a web forum for postings made by a guest (later there were some criminal prosecutions triggered by postings on web forums and blogs, but the charges in those cases cannot be described as totally unfounded).

The *Erzian' Mastor* newspaper in Saransk (Mordovia) faces closure for kindling ethnic discord. Its publishers are, undoubtedly, Erzia nationalists advocating for separate cultural and political development, but not for separation from the Russian Federation. They do not incite hostility and hatred against other peoples, which is clear even from the examples quoted by the experts commissioned by the local FSB to produce an expert opinion in support of the prosecution. The only thing they could charge the paper with was 'a covert attempt to provoke actions based on national [ethnic] and religious intolerance.'

Even a neutral media report depicting the activity of nationalist groups may be found extremist. In 2006, Rosokhrankul'tura warned *Zyrian Life* (*Zyrianskaia zhizn'*, a Komi Republic newspaper) for the publication of extremist materials; the warning was triggered by a series of reports and an interview with a local nationalist leader Iuri Ekishev, where the reporter exposed the demagogical nature of nationalist slogans. The publishers lost their funding and were forced to close their paper-based version. Then the authorities attempted to close the paper altogether simply for quoting some politically incorrect statements made by the local ombudsman in an interview. Fortunately, Rosokhrankul'tura's action was dismissed on 5 June 2007 in the appeal proceedings before the Supreme Court of the Komi Republic.

Warnings are not necessarily linked to political disloyalty or even to administrative pressure by government of different levels against mass media on 'their' territory. For example, at the end of August, the major national daily newspaper *Izvestiia* (*News*) was warned for an article by D. Sokolov-Mitrich about ethnic problems in Yakutia. The article could hardly be described as objective or promoting ethnic tolerance in Yakutia, but it could hardly be considered extremist either.<sup>24</sup>

The case of *Zyrian Life* was not the only success story of a mass media outlet successfully defending itself from absurd accusations.

The *Saratov Reporter* (*Saratovskii reporter*) paper was warned twice within two days in September 2007. One of the items which provoked a warning showed President Putin as Von Schtirnitz [a character from a very popular mini-series 'Seventeen Moments of Spring' from the 1970s, about a Soviet spy in the Nazi high echelons of power], and Rossviaz'okhrankul'tura identified the propaganda of Nazi symbols in this image. The second item which triggered a warning was entitled *Do not Beat a Yid – Russia Is Saved* (paraphrasing the antisemitic slogan *Beat Yids and Save Russia*); however, the article, in our opinion, did not say anything offensive, and the title was not inappropriate. The editorial office received the warnings together with a court summons since the authorities had requested closure of the paper. On 31 January 2008, Saratov Oblast Court considered the controversy with Schtirnitz's Nazi uniform and judged in favor of the paper, denying the request to close it.

Also in Saratov, the local mid-Volga regional chapter of Rossviaz'okhrankul'tura lost a similar case. A local paper, *New Times in Saratov* (*Novye vremena v Saratove*), published a very critical article about the city university, illustrated by photos of a session of the University's Academic Board combined with images from Hitler's National Socialist German Workers' Party congress (stills from the 'Triumph of the Will' film). The publication clearly attached a negative meaning to the association with Hitler's party, but Rosokhrankul'tura agreed with the University, alleging that this was the propaganda of Nazi symbols. However, on 7 December 2007 the Saratov Court of Arbitration canceled Rosokhrankul'tura's warning.

Rossviaz'okhrankul'tura appears increasingly formalistic in the enforcement of its self-established rule: it should issue two warnings before seeking liquidation of a media outlet. The *New Petersburg* (*Novyi Peterburg*) newspaper received two warnings within a few days of each other in November 2007, and liquidation proceedings were launched immediately afterwards. Moreover, the paper was suspended, even though this interim measure is not provided by the anti-extremist law for mass media outlets, but for NGOs.<sup>25</sup> Unfortunately, we

<sup>24</sup> More precisely, the Law on Combating Extremist Activity and the Law on Mass Media differ in this respect. The former provides in article 11 that 'to suppress the dissemination of extremist materials, a court may suspend the distribution of the relevant issue of a periodical or the copies of an audio or video recording, or the broadcast of the relevant TV, radio or video program in exercising the preliminary injunction procedure,' whereas the latter says in article 16 that 'only an injunction may warrant suspension of a mass media outlet by a court (a judge)' if the registering authority (but not the Prosecutor's Office) seeks liquidation of the outlet by

<sup>24</sup> For more details see "Izvestiia" vyneseno preduprezhdenie o nedopustimosti ekstremistskoi deiatel'nosti', SOVA Center, Natsionalizm i ksenofobiia, 27 August 2007 (<http://xeno.sova-center.ru/89CCE27/89CD1C9/9BAAB62>).

cannot judge the lawfulness of one warning, as to the other warning, it was issued for an unpublished (!) article encouraging people to take part in the Dissenters' March (the printers rejected the paper with this article). *New Petersburg* is a mouthpiece of nationalists and it has provided many reasons for warnings, but the liquidation proceedings were launched, hastily and in violation of proper procedure, only after a publication about the Dissenters' March.

There are two more reasons why the *New Petersburg* case is notable. Firstly, the authorities have used pressure against an opposition paper in a number of ways simultaneously. The editorial board may be forced to abandon the publication even after changing its name. Secondly, even though the authorities have had many opportunities to close the paper legally, they have chosen an arbitrary pretext to do so.

To illustrate the latter tendency, we refer to a much more radical nationalist paper, *Duel*, which the authorities have been trying for months to close. It should have been easy to find a few intolerant articles in *Duel* to justify closure of the paper. Instead, the case relied on two controversial warnings issued for material entitled 'Your Vote – Your Judgment.' This is a text which has been published regularly in every other issue of the paper for years, calling for a nationwide referendum, the adding of a new article to the Constitution and the adoption of a related law whereby the Russian President and Duma members are held liable and face punishment (up to and including the death penalty) for the deterioration of living standards. The text contains a number of clearly unlawful provisions, such as a proposal to outlaw bureaucrats who harm the people. However, an appeal for a referendum is not an extremist offense, and the text did not encourage anything illegal, except maybe the vague phrase 'Should anyone interfere with our intention to walk this legal path, the AVN will force them to comply with Russian law.'<sup>26</sup>

And finally, speaking about unwarranted pressure against mass media, we should mention a new practice that emerged in the spring of 2007. Usually publications suspected of extremism are reviewed by experts (linguists, social psychologists, etc.). There have been many incidents with The Other Russia's publications where the authorities confiscated dozens of copies, and even entire print-runs, under the pretext of reviewing them for extremism.

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a court – meaning that the anti-extremist law offers a pragmatic solution of suspending only the questionable materials investigated by a court, while the Law on Mass Media allows a court to suspend the entire media company sued by Rossviaz'okhrankul'tura.

<sup>26</sup> The Will of the People Army (Armiia voli naroda, AVN) is a small organization consisting of the followers of Iuri Mukhin, editor-in-chief of *Duel*.

This practice was dramatically scaled up during the recent presidential and especially the parliamentary election campaigns.

## Other Sanctions

### Finding Materials Extremist

The 2002 Law allows authorities to ban certain texts, films, and other materials. A court judgment finding material extremist results in sanctions for its mass dissemination under article 20.29 of the Code of Administrative Offences. This new article of the Administrative Code has not been applied yet.

The current list of extremist materials is rather short. Apparently, courts simply forget to find extremist those materials which they refer to when convicting individuals or banning organizations.

There have been a few striking examples of inconsistent judgments. On 20 February 2008 a court, following lengthy proceedings which are probably still ongoing, refused to find the brochure *A Priest Speaks* by Vitalii Tanakov (see above) extremist, despite Tanakov's conviction under article 282 of the Criminal Code for having produced the brochure. The Court explained that 'debasement of other people' is not part of the definition of extremist material (see Appendix 1), and that Tanakov did not do anything which is mentioned in the definition, such as encourage extremist activity etc.

This is yet another example which confirms a lack of consistency in the assessment of the same actions under different procedures of the anti-extremist legislation.

A federal list of extremist materials required by the 2002 Law was published for the first time on 14 July 2007, but it was incomplete. Technically, it had been impossible to enforce article 20.29 of the Code of Administrative Offences before the list was published. At the time of writing, the official list published in *Rossiiskaia gazeta* has 101 items (books, articles, issues of magazines, films, music albums, etc.), and in addition we know about seven other verdicts finding certain materials or groups of materials extremist.<sup>27</sup>

Notably, 62 items on the 101 officially banned materials are Islamic, and 14 are neo-pagan.

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<sup>27</sup> See a list of extremist materials, including the official list published in *Rossiiskaia gazeta* (last updated on 14 March 2008) and other banned materials known to us in Appendix 3 and in "Spisok materialov, priznannykh rossiiskimi sudami ekstremistskimi" SOVA Center, *Natsionalizm i ksenofobiia*, 2 – 26 April 2008 (<http://xeno.sova-center.ru/4DF39C9/8F8DBA0>).

In a landmark judgment made in May 2007 by a court in Novosibirsk, but for some reason absent from the official list published in *Rossiiskaia gazeta*, the court found extremist four Islamist and separatist websites of the North Caucasus: Kavkaz Center, Chechen Press, Daimokkh, and Alani (Karachaevo-Balkar) News Agency. The judgment referred to the entire websites, rather than to certain materials published on them.<sup>28</sup> This judgment per se was incapable of restricting access to the said websites hosted outside Russia; to enforce the judgment, the court ordered four local providers to block their clients' access to these websites. This judgment is unprecedented and needs further analysis. Its effect (blocked access for some local users) is limited, and the judgment contravenes the terms of the contract between a provider and its customer (at first the providers intended to challenge the judgment, but then decided to comply).

The banned materials vary widely as to the degree of public danger they pose. In many cases, such danger is questionable. Among other things, the *Fundamentals of Tawheed* by Al-Wahhab, founder of Wahhabism, was banned in Russia in April 2004: it seems strange to ban an eighteenth century religious treatise.

Serious concerns were raised by the 21 May 2007 judgment of Koptevskii Court in Moscow upheld by the Moscow City Court on 18 September banning the Russian translations of 14 books by the twentieth century Turkish theologian and philosopher Said Nursi. Of course, Nursi is an anti-secular author, but he is a widely recognized Muslim theologian, his books are not banned in Turkey, and we have no reason to believe that his followers in Russia are members of extremist communities. Since the judgment, these groups have come under attack and face charges of extremism if suspected of distributing books written by their religious teacher. Formerly suspended criminal proceedings against 'Nursists' were resumed,<sup>29</sup> and a series of searches were conducted, but at the time of writing, no one faces charges.

The current procedure for finding materials extremist also causes some other problems, exemplified by the so-called 'Buguruslan list.' In August 2007, a court in Buguruslan (Orenburg Oblast) found 16 texts – confiscated earlier in the Al

<sup>28</sup> We did not analyze the content of these websites, but even a cursory look suggests that the judgment was not unfounded, at least with regard to Kavkaz Center.

<sup>29</sup> The Nursists' Case dates back to mid-2005, when it was opened together with other investigations against independent Muslim groups in Tatarstan, but it was soon suspended, perhaps because Dzhabul Isabaev who was charged under article 282 for the dissemination of Nursi's books was acquitted on 6 April 2005 in Omsk. Later the Tatarstan Prosecutor's Office requested that the RF Supreme Court find these books extremist, and then the case was taken to the Koptevo Court.

Furkan Madrasah case –<sup>30</sup> extremist. The judgment's reasoning is vague,<sup>31</sup> while an unusually strong reaction from the Russian Council of Muftis suggests that they are not convinced by the reasons given for banning some of the texts which are very popular among Russian Muslims. The judgment remained virtually unknown to broader public until the publication of an updated banned list in *Rossiiskaia gazeta* at the end of December; for some reason, the list only contained the titles without other details, making it impossible to identify the texts. The publishers of books and brochures banned by the court had either changed their addresses, or no longer existed, or there was no publisher in the first place, therefore none of the interested parties attended the proceedings. As a result, they missed the deadline for an appeal. People affected by the ban – i.e. those who possess the books – do not have the possibility of challenging it. Moreover, the court refused to provide a copy of the judgment to the lawyer, Rustem Valiullin. He has taken the case to the ECHR,<sup>32</sup> but it is still possible to correct the procedural problems by appealing to the Supreme Court before going to Strasbourg.<sup>33</sup>

Finally, we have observed the courts' increasing interference in purely theological debates. On 7 March 2006, a court in Samara found a website extremist for an article describing the celebration of No Ruz, and warned the imam and the muezzin of the local mosque against dissemination of this article. The author of the article argued that No Ruz had pagan origins and so it cannot be considered a Muslim holiday. Apparently, the reason for the ban is that many people associate this type of statements with armed supporters of 'pure Islam' who reject local customs and traditions, but this reason is neither legal nor sensible.

Since the end of 2007 and the beginning of 2008, Prosecutor's Offices in different parts of Russia appear to be trying very hard to find extremist materials. Some proceedings have been simply absurd, as demonstrated by just two examples observed in January and February 2008.

The Moscow Prosecutor's Office seeks to ban a book by Professor Alexander Ermakov entitled *The Nation's Henchmen. The Wehrmacht in Nazi Germany (Oruzhenostsy natsii. Vermakht v natsistskoi Germanii)*. This research paper about the Wehrmach is by no means sympathetic to Nazism, but the Prosecutor's Of-

<sup>30</sup> See details in the report by A. Verkhovsky and O. Sibireva in this book.

<sup>31</sup> The verdict is available in SOVA Center's archive.

<sup>32</sup> See details on R. Valiullin's website at (<http://www.lawfulstate.ru/civbuguruslan.html>).

<sup>33</sup> After stormy protests from the Russian Council of Muftis, the Executive Secretary of the governmental commission on religious associations – Andrei Sebestov – promised that they would monitor the response to complaints voiced by the Russian Muslims. Hopefully, they will reach an appropriate, legally sound solution.

fice, relying as usual on the findings of some obscure experts, suspects that ‘the information contained in the book may promote the formation of nationalist views.’ The real reason may be that the book has been confiscated during a search in an ‘extremist’ investigation, and also the reputation of the publisher: indeed, the Iauza Publishing House is known for producing xenophobic and radical nationalist literature.

In Volgograd, the Prosecutor’s Office found evidence of extremism in Hitler’s biography by Joachim Fest, a classic first published in Germany in 1973.

### **Bans in the Context of Election Campaigns**

In Russia, hardly any political candidates or party lists have been banned for extremism, even though some candidates have engaged in radical racist campaigning in recent years. The single widely known and, indeed, the most significant case was the removal of the Motherland (*Rodina*) Party from the Moscow City Duma elections in the fall of 2005. The party was not allowed to stand in elections after they televised a campaign video entitled ‘Let’s clean our city of garbage,’ where a court, quite understandably, found incitement to ethnic hatred and animosity. We may argue about whether a single episode is sufficient for a party to be banished from elections; the law leaves it to the court’s discretion.

We have no doubt, however, that the decision was selective and political. Firstly, the LDPR was not removed from the same elections, even though its campaigning was also xenophobic (and most importantly, very similar in principle to Rodina’s) – in fact, this type of campaigning has never caused the LDPR to be removed from elections. Secondly, within a few months of 2006, Rodina was banned from elections in all but one region where they attempted to stand for local legislatures; some of the bans were triggered by their xenophobic campaigning, while others were based on merely technical grounds.

Since then, hardly anyone has been removed from elections ‘for extremism,’ even though many incidents have occurred which warranted it. Apparently, removal from elections for a political reason – and charges of extremism are interpreted as political – is considered undesirable.

The most recent incident of removal from elections was clearly unfounded. On 17 March 2008, in Saratov, the district election commission annulled the registration of a Communist Party candidate, Sergei Mikhailov, editor-in-chief of the *Saratov Reporter*, for additional elections to the City Duma, referring to an effective warning of his paper for the article *Do not Beat a Yid – Russia Is Saved* (see above). Whether or not the warning was inappropriate, the annulment of Mikhailov’s registration was unfair, because he had not committed any crime

or made any statements which could have legally warranted such a restriction of his rights.

As mentioned above, authorities confiscated some political parties’ campaign materials en masse during the parliamentary election campaign of 2007, including leaflets and other promotional publications. They confiscated millions of campaign leaflets from SPS and returned them to the party immediately after the elections. At the same time, some TV channels refused to air election campaign videos of some parties (SPS, the Just Russia Party, KPRF) suspecting extremism in their calls to punish corrupt bureaucrats, particularly in the KPRF clips which showed a poster saying ‘Put Chubais in the Electric Chair!’ The suspicions of extremism were never confirmed, but the campaign videos were not televised anyway.

Even though in some cases courts have found administrative sanctions unwarranted, we are not aware of any bureaucrats punished for such violations. This impunity, of course, encourages bureaucrats to continue their abusive practices.

On a few occasions during the federal election campaign, local officials banned representatives of the political opposition from holding public events on the pretext that extremist statements might potentially be pronounced there (examples include Komsomolsk-on-the-Amur and Barnaul).

## **Conclusion**

In the first few years after its adoption, the 2002 Law was rarely enforced, therefore incidents of excessive and abusive restrictions related to such enforcement were also rare. The situation changed drastically in 2006. Abusive enforcement has been on the rise since then, yet this is not the whole story.

Firstly, the 2007 amendments rendered the definition of extremism much more consistent. The amendments and enforcement practices clarified the meaning and the purpose of the anti-extremist legislation. In short, extremism is a collective term for illegal acts (including those made illegal by the 2002 Law) involving some form or another of racial, ethnic, religious, political, ideological or social hostility, any of which may be interpreted rather broadly.

The government refused to make a distinction between truly dangerous acts (such as terrorism, preparation of riots, organized violent actions, etc.) and less dangerous offenses (minor public order offenses inevitable during street protests, certain manifestations of intolerance, etc.). Moreover, the government sends a clear signal that the vague boundary between unacceptable extremism and acceptable protest may be shifted arbitrarily to a large degree. Indeed, the signal has been received.

Secondly, the Russian law enforcement authorities are learning step by step to apply the extensive and rather complex anti-extremist provisions. Generally speaking, at first no one dares to enforce a new rule, then the circumstances warrant its application once or twice, and then the authorities pick up and scale up the new practice. Admittedly, this is not always the case (e.g. no scaling up of unwarranted convictions under article 282 of the Criminal Code has been observed), however one can expect further growth of unwarranted anti-extremist enforcement in its diverse forms as the authorities realize the potential of the 2002 Law.

We should emphasize that such enforcement has always been, and will always be, selective, because consistent enforcement may lead to an overwhelming number of cases. Rather than massive suppression, the law is likely to be used for large-scale intimidation through selective enforcement in ‘model cases’.<sup>34</sup> A law designed to be enforced selectively and affecting fundamental civil rights and liberties can be extremely damaging for the entire legal system and for society at large.

Thirdly, over the last couple of years the term *extremism* has strongly penetrated the enforcement practices and the rhetoric of Russian officials, but the meaning usually attached to it is unacceptably vague and arbitrary, as opposed to that defined in the law. Even though the law requires a judicial ruling to find certain materials, organizations or action extremist (more precisely with regard to actions: a judicial ruling after appropriate unchallenged warnings), according to our observations, people do not stick to accurate usage of this term (of course, we refer to people in their official capacity, rather than private individuals who cannot be expected to use accurate legal terminology every time).

We have mentioned denials of permission to hold a public meeting on a mere suspicion that extremist actions may occur. Prosecutors sometimes refer to certain ‘lists of extremist organizations’ in their possession, even though they really mean lists of organizations (usually youth groups) *suspected* of extremism.

Police are guided by these obscure lists to stop activists of such organizations for frequent ID checks, and also refer to them as ‘lists of extremists.’ Apparently, they use the term inaccurately, but the mere existence of such lists used for excessive and unwarranted ID checks (in the absence of evidence or suspicion of crime) is unacceptable.

In fact, the government suggests the existence of a certain broadly defined public evil, and the public has almost taken in the message that the evil is there and has to be suppressed. The policy framework is such that law enforcement authorities are just partially and inconsistently engaged in counteracting this

phenomenon, whereas a range of non-state actors, such as TV companies, not to mention politicians and public figures, become gradually involved in it alongside some opposition leaders: representatives of the KPRF and Yabloko have, for example, complained to the Prosecutor’s Office requesting that it investigate the United Russia Party’s allegedly extremist proposals to change the Constitution, even though proposals as such cannot be illegal.

Increasingly, the authorities repress truly dangerous groups – such as neo-Nazis – but on the other hand, unwarranted restriction of civil and political rights in connection with anti-extremist sanctions are even more visible and numerous than before. The fight against extremism, even though some of the ‘fighters’ are inconsistent and unreasonable, has almost developed into a systematic campaign designed to further limit civil liberties. In fact, we can say that ‘anti-extremism’ may be the main instrument used today for this purpose.

<sup>34</sup> Note that this applies to unfounded, as well as appropriate, enforcement.



*Alexander Verkhovsky, Olga Sibireva*

## Restrictions and Challenges in 2007 on Freedom of Conscience in Russia

The SOVA Center for Information and Analysis presents its second annual report on freedom of conscience in the Russian Federation.<sup>1</sup> The goal of this report is to identify major trends and problems in this sphere, therefore only the most significant and typical incidents are mentioned in this analysis. Events that occurred prior to 2007 were presented in the previous report,<sup>2</sup> therefore many elements of this report are updates of earlier developments.

### Summary

Events in 2007 generally reflected trends set in recent years. As before, religious organizations and groups continue to face obstacles in their relations with authorities particularly with regard to the construction of religious buildings and accommodation rental. In this context, the Russian Orthodox Church, and in some regions Muslim and Buddhist organizations, enjoyed increasing patronage of the authorities, whereas religious organizations perceived as ‘non-traditional’ faced serious difficulties.

Amendments to the legislation on non-profit organizations triggered a wave of inspections of such organizations, including religious groups (even though the Government agreed to simplify the cumbersome reporting requirements for religious organizations); therefore, organizations faced the problem of registration or revoked registration as before.

Usually Russian citizens experience restrictions on their freedom of conscience in cases where their religious practices differ from those of mainstream society. This is true of the religious behavior of representatives of religious minori-

ties, of religious groups which have adopted positions opposed to those of the religious establishment (primarily Muslim groups), and of public expressions of religious or anti-religious intolerance, even though intolerance against particular convictions, including religious, is not against the Constitution.

Foreign (or partially foreign) religious groups faced visa problems and politically motivated restrictions, as in the case of Falun Dafa.

Last year religious organizations won three cases against the Russian Federation in the European Court of Human Rights (ECHR), but so far these cases have not had an impact on the overall situation in the country. However, the implementation of ECHR judgments in Russia is generally extremely problematic.

Vandalism against religious establishments increased in comparison to the previous year.

As it has done in previous years, the State failed to protect religious groups and organizations from aggressive xenophobia (the target of which is, naturally, predominantly religious minorities) and has even itself engaged in discrimination. As a result, religious inequality is perceived as ‘normal’ in Russian society. As before, the State waged an indiscriminate and often unlawful fight against the threat of radical Islam, causing many Muslims to view government policies as anti-Islamic.

Continuing discussion on all levels about the ways in which religion should be present in the public educational system remained rather unconstructive on both sides, at least in the public domain. We believe – unlike most of those who take part in this discussion – that this discussion should address the form of society’s secularity, rather than focus on the secularity of society per se. Unfortunately the discussion is hampered not only by anti-clerical and anti-secular emotions, but also by this issue’s relevance to the construction of an official, state ideology.

### Key Issues for the Freedom of Conscience in Russia

#### Legislation on religious organizations

As in previous years, there was a failed attempt to amend the Federal Law on the Freedom of Conscience and Religious Associations. The author of the draft amendments, communist Victor Tiul’kin, proposed deleting the phrase about the ‘most respected religions’ (usually referred to as ‘traditional’) from the preamble, simplifying registration procedures for religious associations, and ensuring the

<sup>1</sup> This report is based on data from the SOVA Center monitoring program. This information is presented in its entirety in the *Religiia v svetskom obshchestve* [Religion in Secular Society] section (<http://religion.sova-center.ru>; mostly in Russian), including references to media and Web sources. We only provide references to those sources which are not to be found on the website.

<sup>2</sup> A. Verkhovsky, O. Sibireva, ‘Problems Relating to Freedom of Conscience in Russia in 2006’, SOVA Center, *Religiia v svetskom obshchestve*, 22 March 2007 (<http://religion.sova-center.ru/publications/194EF5E/90C6C44>).

equal rights of atheist organizations to engage in secular education alongside religious organizations. The Government did not support this initiative. The Duma has not considered the draft yet, but it will undoubtedly be rejected.

There were two attempts to increase punishment for crimes against priests. Such initiatives were launched by Alexander Chuev, a member of the State Duma, and Issa Kostoev, a member of the Federation Council. Neither initiative was supported.

On 13 November the State Duma adopted the first reading of a bill providing for state accreditation of religious schools' curricula.<sup>3</sup> According to the legislature, religious educational establishments may be state-accredited without becoming public (state-run) institutions. Graduates of religious universities and schools would receive official diplomas without state symbols. This would allow graduates of religious schools to pursue professional employment opportunities in secular organizations, which these graduates were not allowed to do before.

This bill was criticized for violating the strict principle of the separation of religion and public education. In this particular case we believe this digression from strict principle to be well-founded because current regulations discriminate against religious educational establishments compared to other private schools. Incidentally, obtaining an educational license is more difficult for religious establishments, and the adoption of stricter controls over non-governmental organizations has made it even more challenging.<sup>4</sup>

On 31 October Federal Law No 212 (from 24 July 2007) came into effect, amending other legal acts of the Russian Federation by specifying conditions and procedures of state-owned land appropriation. The amendment allows religious organizations to retain their current land plots for unlimited use until 1 January 2010. Until the current amendment there was no legal mechanism for the privatization of land plots by religious organizations.

In July, November and December, a working group of the Governmental Commission on Religious Associations considered the 2006 Ministry of Justice proposals concerning restrictions on missionary activities. Since the early 1990s this issue has been the subject of numerous proposals, and has been discussed by parliament and the government many times. Ministry of Justice proposals have been returned by the Commission for further revisions.

The newly elected State Duma inherited several bills concerning religious organizations. Thus, on 9 October a bill amending articles 7, 24, and 38 of the

<sup>3</sup> The law was signed by the President on 29 February 2008.

<sup>4</sup> See, for example, the opinion of the Orenburg madrasah rector Abdulla Sharipov: 'Protseess litsenzirovaniia medrese uzhestochilsia', Islam News, 29 January 2008 (<http://www.islamnews.ru/news-9421.html>).

Federal Law on Advertising was introduced in the Duma: this proposal would restrict advertisements for magicians, healers and sorcerers.

On 25 October a bill on Introducing Amendments to Certain Legislative Acts of the Russian Federation Concerning the Activities of Non-profit Organizations was launched in the State Duma. The proposal would introduce a notification procedure (rather than seeking permission) to allow religious organizations to revise their non-constitutive documents. If adopted, this amendment would be relevant for religious, as well as other, organizations.

Regional legislative initiatives did not contradict those on the Federal level. Thus, St. Petersburg and Nizhnii Novgorod adopted laws to regulate the transfer of property and land to religious organizations.

On 22 November the Moscow City Duma approved the new Moscow City Code of Administrative Offences. They deleted a provision from the original draft, which had caused some concern, which established administrative liability for religious proselytizing in public.

Finally it should be noted that in April the Government ratified administrative regulations relating to the 2006 Law on Non-profit Organizations which simplified reporting requirements exclusively for religious organizations.

### State patronage of religious organizations

As before, it was common practice for various levels of government to provide financial support for religious organizations.

After some debate, the Nizhnii Novgorod State Legislature took the practice even further by deciding to allocate a total of 11 million rubles to all organizations of traditional religions in the Oblast; the money was distributed based on the number of adherents in each of the four traditional denominations. How the money would be spent was left to the organizations' discretion.

Most often authorities financed the renovation of churches, many of which are cultural heritage sites. The governments of Moscow, St. Petersburg, Lipetsk and Tver Oblasts provided funds for this purpose in 2007. Most frequently, but not always, the Russian Orthodox Church (ROC) was the beneficiary. The administration of Agin-Buriat Autonomous Region granted 21 million rubles for the construction of a Buddhist complex in Chita.

There were reports of administrations forcing local businesses to donate to religious organizations. For example, in April several private Moscow-based internet blogs published letters urging local businessmen to 'make charitable donations to finance the adornment of the Christ the Savior Cathedral' and to then send copies of the receipts to the district administration. Businesses that failed to pay before the deadline received overdue debt warnings from the district authorities.

In Bashkortostan, authorities forced public sector employees to donate a portion of their wages to construction of a mosque.

In December, Head of the Federal Agency for Culture and Cinematography, Mikhail Shvydkoi, urged more government funding to support the renovation of church buildings. Dmitrii Medvedev, speaking at an official dinner celebrating 90 years of the restoration of Orthodox Patriarchy, said that in 2007 more than 1.5 billion rubles had been allocated to such renovations, and that between 2008 and 2010 an additional 6 billion rubles would be provided.

The government has expressed interest in supporting religious education within the framework of 'traditional' religious organizations. This is especially true of Islamic education, and is motivated by the desire to compete with imported educational programs from Saudi Arabia and other Muslim countries. The President's Administration claims to have spent 400 million rubles on Muslim Educational Institutions (universities and madrasahs) in 2007.

Another form of support is the donation of land plots to religious organizations for gratis use, including land adjoining monasteries and churches, as well as agricultural (e.g. in Nizhnii Novgorod Oblast) and designated commercial plots. For example, the local Eparchy in Kemerovo Oblast received portions of a tourist route in the Alatau Mountains as a donation from the local authorities.

As previously, in 2007 more religious buildings were transferred to religious organizations. In most cases, we should note, the transfers were legal and conducted in a civilized manner, with the prior relocation of former occupants. Two such examples are the relocation of the Ul'ianovsk Oblast Archives from St. German Cathedral, and the transfer of the Academy of Sciences buildings in Ivanovo to the local Eparchy.

On 17 August 2007, the Russian Federal Service for the Supervision of Mass Media, Communications and the Preservation of Cultural Heritage (Rossviaz'okhrankul'tura) signed a Cooperation Agreement with the Russian Orthodox Church. Rossviaz'okhrankul'tura agreed to give prompt attention to the ROC's applications for the appropriation of religious buildings, including architectural heritage sites. The Head of Rossviaz'okhrankul'tura, Boris Boiarskov, noted the 'exemplary care taken by the Russian Orthodox Church to protect the federal heritage.' There are, however, many instances of architectural treasures suffering irreparable damage after transfers to the Church.<sup>5</sup>

At the same time, the transfer of buildings remained a major source of conflict. In 2005, a high profile clash over the Ryazan Kremlin Complex ignited between the Ryazan Kremlin Historical and Cultural Museum and the Ryazan

<sup>5</sup> See, for example, A.E. Musin, *Vopiiushchie kamin: russkaia tserkov' i kul'turnoe nasledie Rossii na rubezhe tysyacheletii*, (St Petersburg: Peterburgskoe Vostokovedenie, 2006).

ROC Eparchy. In August 2007, the Museum, instructed by the Federal Agency for Federal Property Management (Rosimushchestvo), ceded five churches of the complex to the Eparchy. Nevertheless, on 10 December, Mikhail Shvydkoi, the Head of the Federal Agency for Culture and Cinematography, fired Museum Director Liudmila Maksimova, explaining that 'all directors of secular cultural heritage sites must be able to find a common language with the Church leadership.'

The Museum staff made numerous appeals to the Prime Minister, the City Council and the public, reporting frequent violations in the decisions which affected the Museum's fate, but none of the officials expressed any concern or took any measures. At the time of writing, no final decision has been reached. The Eparchy continues to claim the non-worship-related buildings of the Complex. The Museum will cease to exist and a substantial part of its collection will be lost if the Museum is relocated out of the Ryazan Kremlin Complex.

In 2007 it was clear that another museum would cease to exist in its current form. In November, M. Shvydkoi announced that the Solovki Museum would be transformed into Museum of the Russian North. In August, the Government decided to cede a large part of the Solovki Monastery complex to the ROC. Museum workers were not invited to attend the meeting where the issue was discussed, as was the case with the Ryazan Kremlin negotiations. The Roskul'tura agency will only keep some of the fortifications; the museum will be moved away from the monastery and transformed into a 'Malye Korely' Reserve. The Solovki Museum Director Mikhail Lopatkin reported that experts were dissatisfied with the maintenance of 58 buildings already transferred to the ROC.

### Difficulties with regard to places of worship

As before, religious organizations often faced problems with the construction of religious buildings and use of the existing facilities. In 2007 Muslims, Russian Orthodox believers (both the ROC and the Old Believer Church) and Protestants faced such difficulties.<sup>6</sup>

**Problems with the construction of religious buildings.** In October, the Russian Council of Muftis published a list of 13 cities in the Moscow region where

<sup>6</sup> Throughout this report we are not describing all incidents, but giving a selection to illustrate general trends. In addition to incidents described below for example, a whole series of cases involving Baptist communities may be found in: 'Analiz situatsii v oblasti sobliudeniia religioznykh prav i svobod veruiushchikh tserkvei Rossiiskogo Soiuza evangel'skikh khristian-baptistov za 2007 god', RSEKhB website, 30 January 2008 (<http://baptist.org.ru/articles/articles/208>).

Muslim communities faced resistance from local bureaucrats in constructing new mosques. Local authorities refused to allocate land, hindered construction on allocated sites, or failed to respond to the Muslims' requests. In particular, in Kolomna the local authorities demanded that the Muslim community should coordinate plans to construct a mosque with the ROC and that Metropolitan Iuvenalii of Krutitsk and Kolomna endorse the construction. In Naro-Fominsk and Podolsk, land plots allocated to Muslims were later withdrawn by the authorities. According to Arslan Sadriev, the Head of the Moscow Region Muhtasibat, such discrimination could be explained by Moscow Oblast Governor Boris Gromov's personal attitude and the reluctance of local administrations to oppose the Governor.

In 2007, Muslims in the city of Sochi seeking permission to construct a mosque again failed to obtain permission.

In Dzerzhinsk, Nizhnii Novgorod Oblast, local public hearings issued a resolution to deny the Jehovah's Witnesses' request for land on which to construct a lecture hall.

In 2007, Orthodox Old Believers in Togliatti had to interrupt the construction of their church complex. The administration of Stavropol District challenged in court the Togliatti mayor's decision to allocate gratis land to the Old Believer community; the District administration claimed that 25 years ago the same land plot had been assigned to the Central District Hospital. In August, the Samara Oblast Arbitrary Court upheld the district administration's claims and overturned the decision to give the land to the Old Believers. This is the second time that a land plot has been taken away from the Old Believers in Togliatti. (Later, in 2008, the Povolzhskii Arbitrary Court nullified prior judgments and sent the case back for reconsideration by a new panel of judges).

A few reverse cases were reported, when religious organization supported by the authorities insisted on the construction of a house of worship against both public opinion and the law. For example, in February the construction of an Orthodox Cathedral began in the center of Briansk, even though the building occupied a legally protected natural heritage site. The construction began amidst protests from both the general public and the Oblast Duma Committee on Ecology, but senior city and oblast officials nevertheless attended a ceremony to mark the laying of the first stone.

**Problems encountered by active houses of worship.** In the Tiumen village of Matmasy the authorities attempted to demolish two mosques: one in use and one under construction. The first mosque was built in 2001 and lacked official permits. In 2003, construction began on a second mosque adjacent to the first. The village's Muslim community was not formally registered, so was unable to

legalize the mosque as its property. The Head of Tiumen administration, Sergei Smetaniuk, requested a court order to demolish both buildings, and the court hearings began in January. In May the court issued a preliminary ruling not to demolish the mosques.

There were reports in 2007 of government authorities instituting unreasonable demands regarding the use of churches and other houses of worship. Thus, the Fire Safety Agency (Gospozhnadzor) demanded that the iconostasis in a rural Orthodox church in the Vorkuta Eparchy be dismantled, because 'the wooden screen' created a fire hazard. There were more complaints from the Vorkuta Eparchy about demands from the Fire Safety Agency with which it was either impossible to comply, or which would interfere with religious ceremonies, such as placing icon lamps in metal boxes, screwing candle holders to the floor, and moving the church building to another place.

The Church of Divine Grace in Kirovo-Chepetsk (Kirov Oblast) was fined 10,000 rubles by the Fire Safety Agency; church representatives believe that the Agency's demands were without basis and unreasonable.

There was the controversial case of a Roman Catholic Church in Irkutsk, currently occupied by the City Philharmonic. The Catholic community claimed the church, but authorities resisted the idea of transferring the newly renovated building, which had an expensive organ and had been designated a cultural heritage site, to the Catholic diocese.

**The positive resolution of conflicts involving houses of worship.** At the same time, several longstanding conflicts were fully or partially resolved in favor of religious organizations in 2007.

We note some progress in regard to the situation with Mosque No 34 in Astrakhan, which the local authorities sought to demolish. The Russian Supreme Court, having upheld the demolition ruling in 2006, agreed to reconsider the case in May 2007. On 17 July the European Court of Human Rights decided to prioritize the application for a hearing from the Astrakhan mosque.

In May, Muslims in Kostroma won a third suit concerning the construction of a Muslim Spiritual and Cultural Center. The Nizhnii Novgorod Arbitrage Court upheld the decision of prior court rulings in Kostroma and Kirov and denied the request by the Kirov Oblast Prosecutor, Iuri Ponomarev, to return the premises of the active mosque to the city authorities.

In October, the Bethany Church of Evangelical Christian Baptists (a member of the Russian EKhB Union) successfully defended its right in court to a land plot for the construction of a prayer house, opposed by officials for years.

Sloppy paperwork and the negligence of both secular and religious officials nearly caused the liquidation of a ROC convent in the village of Razdol'noe,

Primorskii Krai. The Church's rights to use the complex had expired, and the buildings were sold to a businessman. The convent was saved only when the buyer, after lengthy negotiations, agreed to transfer to the ROC the buildings he had acquired.

Such situations are not infrequent: as property is resold, its occupants, including religious organizations, are not fully protected from eviction, especially if their agreement with the previous owner concerning the use of the facility was more or less informal.

In 2007, the ECHR approved two cases brought by religious organizations against Russia. In January, the Strasbourg court found the abrogated rent contract with Jehovah's Witnesses in Cheliabinsk in 2000 to be in violation of the European Convention on Human Rights. In July the Court ruled illegal the ban imposed in 2003 by the authorities in the city of Chekhov (Moscow Oblast) on prayer meetings of the Evangelical Christian church 'Divine Grace'.

### Other examples of discrimination

**The liquidation of religious organizations.** Increased staff numbers and activity of the Federal Registration Service (FRS) in connection with the well-known 2006 amendments to the law on non-profit organizations has given rise to a wave of inspections affecting, among others, religious organizations.

We are not aware of any statistics collated specifically in regard to religious organizations, but in Tiumen Oblast alone 25 Muslim, several Protestant, one Russian Orthodox and one Roman Catholic organization were closed in 2007 at request of the FRS, for failure to comply with reporting requirements. In the Republic of Chuvashia the FRS sent 11 petitions to courts requesting the liquidation of religious organizations and issued 28 warnings of non-compliance, not to mention minor violations. In Nizhnii Novgorod Oblast 55 religious organizations were warned for non-compliance, but the violations were fairly minor: religious organizations missed reporting deadlines, digressed from their own charters, and used their property for purposes other than those officially designated. The Oblast FRS Office sent several petitions to courts seeking closure of religious associations.

Without challenging the specific decisions made by the FRS and the courts, one should note that such decisions are rarely without foundation, but almost always these violations are due to the fact that religious organizations (just like other non-profit organisations), particularly smaller ones, find it understandably difficult to comply with the numerous standards and varied reporting requirements.

The type of sanctions for non-compliance vary, depending on the relationship between the organization in question and the regional authorities, and also

on the attitudes of those authorities, especially the FRS (cf. their practices in Tiumen and Nizhnii Novgorod Oblasts).

We are aware of only a few specific episodes in other regions. Thus, in the city of Balashovo, Saratov Oblast, the FRS and the Tax Inspectorate closed the Church of Evangelical Christian Baptists for failing to file tax returns over a long period. The organization was liquidated in absentia, without prior warnings of the violation. In Yaroslavl, a district Tax Inspectorate retroactively revoked the registration of an Old Believer Christian community, forcing the community to reapply for registration and repeat the entire procedure.

Some religious schools (educational establishments) were liquidated after they had operated for years without proper licenses to conduct education. Educational establishments closed by courts in 2007 for this reason included a madrasah affiliated with the Mordovia Muslim Spiritual Authority, a branch of the Saifulla Kadi Islamic University in Dagestan, and a Biblical Center of Evangelical Christians (Pentecostals) in the Republic of Chuvashia.

On 12 July the St. Petersburg City Court approved a suit brought by the City Prosecutor seeking the liquidation of the Scientology Center in St. Petersburg. The Court found violations in the Center's educational and religious activities because the Center was registered as a social association. The Supreme Court upheld the ruling in November.

While this ruling set an important precedent for scientologists, it may have wider implications. Indeed, the self-definition of Scientology as an 'applied religious philosophy' — not a religion, branch of medicine or education — does not fit into the established official categories of legal entities and types of activities. The state has set up an inflexible system of licensing different types of activity, and most importantly, sharply distinguishes between religious and other types of organizations, without a uniform legal definition of a religion. Certain religious (and, more broadly speaking, world outlook) movements are not prepared to accept the rules proposed by the government. Scientology groups are registered in Russia both as religious and as other types of organisation, particularly where they encounter problems registering as religious organizations. Resorting to this sort of tactic can be counterproductive, as we see.

We note that in 2007 scientologists won a case against Russia in the ECHR for denial of registration of their religious organization in Moscow. It seems that persistent attempts to register such groups as religious organizations have better chances of success.

**Discrimination against 'non-traditional' religious organizations.** As before, many officials continue to believe that there is a legal distinction between 'traditional' and 'non-traditional' religious organizations. On many occasions

throughout the year, government and law enforcement officials have made negative statements about representatives of Protestant churches and new religious movements (in bureaucratic rhetoric, these movements are usually described as ‘non-traditional religions’ or ‘totalitarian sects’), emphasizing their ‘alien’ nature and foreign funding, and accusing these groups of espionage.

More often than not, officials can count on ROC support in acts of discrimination against ‘members of sects’. Provisions on the ‘fight against sectarians’ are included in official cooperation agreements between the regional Departments of the Ministry of the Interior and Orthodox Eparchies, for example, in Belgorod Oblast and in the Republic of Chukotka.

In June, several Protestant churches in Tula Oblast were not allowed to hold a festival of Christian music in the town of Uzlovaia, even though the city administration had permitted it; police demanded that the organizers halt preparations for the festival and only then the city administration withdrew their permission. According to the organizing committee chairman, Aleksei Afonin, problems with the police began after the authorities received phone calls from the FSB. In the Republic of Yakutia, the first Christian Festival of original songs in the Yakut language was disrupted and stopped by the republic’s authorities.

In April, the Federal Service for Intellectual Property, Patents and Trade Marks (Rospatent) refused to register the emblem of ‘The Light of Awakening’ (*Svet Probuzhdeniia*) Association of Christian Churches in Altai Krai as a trade mark. Rospatent explained that official registration of the emblem would be ‘against the public interest,’ because the emblem was being used by ‘a sect.’

In several cases, similar attitudes of local governments restricted the access of religious organizations to the mass media. In January, President Kirsan Iliumzhinov of Kalmykia, talking about inter-faith relations in the Republic, referred to his own directives prohibiting ‘all broadcasts of sectarian video’ on local television stations. ‘Kalmykia is no place for sects,’ he said.

In August, the Saratov Oblast Duma members supported the appeal by Bishop Longin of the local ROC Eparchy to the Governor, Chairman of the local legislature, and the Oblast Prosecutor. The Bishop urged them to terminate an agreement between the Regional Ministry of Investment Policies and the Perm TVS broadcasting company for allegedly ‘offering air time to sectarian TV channels.’ The contract with the TV Company was eventually terminated.

One should also note the discrimination against the followers of Falun Dafa (Falun Gong) who are consistently denied temporary asylum by the Federal Migration Service.

Moreover, Falun Dafa members were effectively denied freedom of assembly. In May and September, Falun Dafa followers were detained by police in Nizhniy Novgorod for performing their exercises in the city park and distributing leaflets

with information about their movement and persecution in China. Police accused the Falun Dafa members of conducting an unsanctioned public meeting.

In March, Falun Dafa followers were denied permission to hold public rallies during Chinese President Hu Jintao’s official visit to Moscow. The Russian authorities based their refusal on article 8 of the Russia-China Treaty for Good Neighborliness, Friendship and Cooperation of 16 July 2001, whereby ‘neither of the contracting parties shall allow the setting up of organizations or gangs in its territory which harm the sovereignty, security and territorial integrity of the other contracting party.’ Activists who attempted to hold individual pickets which do not require special official permission were detained by police.

At the same time, Moscow authorities and police prevented Buddhists from staging a protest outside the buildings of the Russian Foreign Ministry and the Chinese Embassy. The Buddhists had wished to express their protest against the situation of Tibetans in China. A bus bringing Buddhists from Kalmykia was denied entry to Moscow. Two women protesters were detained outside the Chinese Embassy.

Even members of ‘traditional’ religious groups may face discrimination, however, especially given the lack of a clear distinction between ‘traditional’ and ‘non-traditional’ organizations. For example, in the village of Akbashevo, Argaiashskii District, Cheliabinsk Oblast, police opposed a ceremony of the laying of the first stone to mark the construction of a new mosque; the police alleged that the ceremony organizers were Wahhabis and insisted that ‘no mosque will ever be built here.’ Notably, police and the staff of the Ministry of Emergency Situations had prevented a Christmas service in a Protestant church in the same village in 2006.

Visa restrictions faced by foreign religious workers deserve a separate mention. As in previous years, the Russian Foreign Ministry refused to issue a visa to the Dalai Lama, once again denying Russian Buddhists an opportunity to meet with their spiritual leader.

In October, a Russian Conference of Catholic Bishops expressed concern over entry visa restrictions faced by Catholic priests; many were only issued visas valid for 90 days during a six-month period, making their ministry in Russia virtually impossible.

### **The situation in the army and the penitentiary system**

As previously, legal provisions have not been adopted to regulate the issue of the presence of religious workers in the army.

ROC clergy predominate over representatives of other denominations offering spiritual guidance to military servicemen. Muslim clergy come second;

imams are only present in troops located in regions with a high proportion of Muslims in the population. In 2007, a number of ROC Eparchies and Muslim Spiritual Directorates signed cooperation agreements with the agencies of various uniformed services.

A new development was the signing in December of a cooperation agreement between the Russian Ministry of Defense and the Russian Federation of Jewish Communities (*Federatsiia Evreiskikh obshchin Rossii* FEOR). This agreement ensures the presence of rabbis in army units located in seven Military Districts. The agreement demonstrated that the clergy of denominations with few adherents in the military may still gain access to army units. However, representatives of other religious confessions, including those with considerable numbers in the army, are still denied access to their adherents in the military.

A number of military and police institutes taught courses on the Fundamentals of Russian Orthodoxy; in some regions, courses on various religions were organized for the police.

In addition to national conferences, a conference of military chaplains was held in Nizhnii Novgorod Oblast in 2007.

The situation in the penitentiary system has not changed substantially since 2006. ROC chapels were established in many penitentiary institutions, and mosques were organized in a few.<sup>7</sup>

However, a few cases of discrimination against believers in prisons, particularly against Muslims, were reported. For example, the administration of Prison Colony No 13 in Khabarovsk Krai banned Muslim prisoners from receiving religious literature and objects. A few complaints of discrimination against Muslims came from prison colonies in Tatarstan, Nizhnii Tagil, and Kemerovo Oblast. Usually, the Muslim Spiritual Authorities (*Dukhovnoe upravlenie Musul'man*, DUM) do not interfere in such conflicts; moreover, in a few cases complaints from Geidar Djemal's Islamic Committee (*Islamskii komitet*) were denied by the DUM of Tatarstan. Possibly this difference of opinion was due to disagreement amongst Muslim leaders about the literature in question and the prisoners who brought the complaints.

In August, the directors of the Federal Penitentiary Service Head Office (*Glavnoe upravlenie Federal'noi sluzhby ispolneniia nakazanii*, GUF SIN) in Kemerovoi Oblast refused to sign an agreement with the local Kazayat Muslim

<sup>7</sup> We do not have enough information to present a full scale picture of the situation across Russia. Interesting regional reports are given by Sergei Burianov in *Neterpimost', ksenofobiia i diskriminatsiia po motivam religii ili ubezhdenii v sub'ektakh Rossiiskoi Federatsii* (Moscow: Moscow Helsinki Group, 2007), pp. 103-109.

Authority, dismissing the proposal as 'destructive.' GUF SIN's operative division, citing 'an instruction from Moscow', recommended ceasing cooperation with the local Muslim Authority after believers requested permission to hold lectures on religious topics in the penitentiaries.

In April, the administration of penitentiary institutions in the north of Tiumen Oblast terminated a two-year agreement between the Oblast Penitentiary Department and the local Muslim community, explaining that the penitentiary lacked the trained staff and material resources necessary to offer such services to prisoners.

Conflicts involving other religious communities are rare, but they do happen. For example, the administration of a SIZO (pre-trial detention center) in Saratov denied an Old Believer Orthodox priest permission to give communion to a prisoner, but this conflict was eventually resolved.

### Religion and secular education

In 2007, debates continued over the teaching of the Fundamentals of Orthodox Culture (*Osnovy pravoslavnoi kul'tury*, OPK) in schools.

In comparison to previous years, the geographic range of schools teaching this as a compulsory subject expanded, but at a slower rate. Throughout 2007, OPK courses were included as part of the school curricula in Voronezh Oblast and the city of Ul'ianovsk (but not the surrounding Oblast). Religious instruction in the form of an Orthodox Christian course ('God's Law') was introduced as part of the standard curriculum in the Cadet Corps and Cossack schools in Rostov Oblast. Many regions, however, preferred courses covering a few – usually 'traditional' – religions, rather than the OPK course that just focuses on Orthodox Christianity. Schools in some republics with majority Muslim populations offered Islamic courses, but we do not have information on the further expansion of this practice.

According to the Ministry of Education and Science, various disciplines relating to religious culture were taught in all constituent regions of the Russian Federation in 2007. The teaching of such disciplines was particularly widespread in the Central and Southern Federal Districts; courses in the Central Federal District mostly taught the basics of Orthodox Christianity, whereas schools in the Southern District preferred to teach the 'History of Religions' or 'World Religions'. Generally, however, according to Tatiana Petrova, Deputy Head of the Department for Educational Policy and Regulation of the Ministry of Education and Science, 'the farther they are from Moscow, the less active regions are in this respect.' She also said that 'approximately in one region out of ten, the number of students taking these courses exceeds ten thousand. In

one region out of five the number is between one thousand and ten thousand school students.<sup>8</sup>

Advocates and opponents of the OPK school course continued their advocacy through open letters, protests, and appeals to various authorities. In June, several patriotic organizations set up a headquarters to unite their efforts in defending OPK courses. The most high profile protest against religious instruction in schools was the Letter from Academicians, published in July 2007, from ten members of the Russian Academy of Sciences who expressed their concern over the 'growing clericalization of Russian society' and 'the Church's active penetration into all spheres of public life.' This letter was in response to the proposals of the 11th Worldwide Russian Popular Assembly (*Vsemirnyi russkii narodnyi sobor*) to include theology in the registry of academic specialties maintained by the State Commission for Academic Degrees and Titles (VAC), and to make OPK an integral part of the general school curriculum recognized in the Federal educational standard.

Citizens concerned over the introduction of religious disciplines into the school curriculum were more active in defending their position than in previous years. A staff member of the Russian Ombudsman's Office, head of the Freedom of Conscience Division, Mikhail Odintsov, speaking at a press conference in Ekaterinburg on 4 October said that the Ombudsman's Office had received many complaints from citizens in 16 Russian regions concerning the introduction of OPK in schools. Some violations of applicable legislation were effectively corrected; for example, in Belgorod Oblast, where OPK had been taught on a compulsory basis since 2006, the Oblast Department of Education made such lessons optional for students and subject to parental consent from September 2007. School administrations are now organizing class timetables so that OPK is either the first or the last lesson. According to the Slavic Legal Center, schools have become more meticulous about securing parental consent for their children's participation in activities of a religious nature.

Throughout the year officials at various levels, including the President himself, have made numerous statements in support of schools introducing the study of one religion or another, but only with the consent of the students and their parents. In August, the Department for Educational Policy and Regulation of the Federal Ministry of Education and Science sent out a 'Model Cooperation Agreement between educational authorities in the constituent units of the Russian Federation

<sup>8</sup> 'Istoriiia i kul'tura traditsionnykh religii izuchaetsia kak minimum v kazhdom vtorom regione Rossii', Interfax-Religion, 30 August 2007 (<http://www.interfax-religion.ru/?act=interview&div=146>).

and centralized religious organizations.' This document also stressed the need 'to ensure the right of citizens to free and voluntary introduction of their children to the values and traditions of Orthodox culture in public and municipal schools, taking into account the legitimate interests and rights of members of other religious organizations and the non-religious part of society'. Later, in response to critics who challenged the fact that the document mentioned only Orthodox culture, officials said that the document was not a regulation, but simply a model which may be used to draft agreements with other religious organizations.

On 1 December, the Russian President signed a Law Amending Certain Russian Federation Legal Acts to Modify the Concept and Structure of the State Educational Standard, adopted by the State Duma on 14 November on its third reading and approved by the Federation Council on 23 November. The law ended the division of educational standards into federal, regional and school components, and established uniform requirements for the structure and implementation of school curricula.

Since the teaching of OPK and other basic courses on religion has usually been introduced within the framework of the regional component, the law was adopted amidst numerous protests from OPK advocates.

At the same time, interested parties began looking for new opportunities to introduce religious studies in schools. The Church leadership once again urged that the OPK be included in the standard school curriculum, but already on 7 November the chief administrator of the Moscow Patriarchate, Metropolitan Kliment (Kapalin) of Kaluga and Borovsk, approached the Minister of Education and Science, Alexander Fursenko, with a proposal to introduce a new bloc of subjects to be taught in schools. Under Kliment's proposal, religion would be included 'in the basic curriculum as part of an educational initiative... with a provisional title of "Spiritual and Moral Culture".' The proposal also said that the subject would be taught as a part of the required curriculum, but 'on a voluntary basis, with an alternative of studying, in parallel, other subjects from the same field focusing on the history and culture of other religions or on non-religious ethics.'

In this way, the ROC has adopted a dramatically different approach to promoting religious education in schools and, therefore, we will explore it in some detail.<sup>9</sup>

Formerly, the ROC promoted culture-focused subjects, such as OPK, even though the actual teaching of such courses was not always focused on culture. A natural alternative to such courses was the History of Religions in which lessons provided similar knowledge of culture and history about a number of religions,

<sup>9</sup> The text of Metropolitan Kliment's concept is available from the authors' archives.



rather than just one. Accordingly, the History of Religions was the main target of OPK advocates' criticism and the main alternative promoted by their opponents.

'Spiritual and Moral Culture' is a bloc of subjects focused on personal development and on the ethical aspects of religion or any other belief system, so the History of Religions does not provide an alternative. Since it may not be possible to provide time for two courses on religion (the proposed course will take at least two hours of classes per week between grades 1 and 11, reassigned from the current regional and school components), we can assume that if this current religion-based approach is adopted, schools will have no room in the schedule to teach the cultural and historical aspects of religions.

Secular ethics are mentioned in the proposal as an alternative to courses about a given religion, but already the use of the term 'spiritual' in the title refers specifically to religious traditions, which is also key for future developments, although perhaps from an ideological, rather than a practical, perspective. The term 'spirituality' is already included in the text of the Federal Law of 1 December 2007, mentioned above.

Of course, religious minorities have a slim chance of accessing a school course related to their faith outside the regions where their communities live in large numbers. Under the proposal, for a certain religion to be taught there must at least be 12 to 14 students who wish to take the course, otherwise, religious minorities would be enrolled in the Philosophy and Ethics course. Followers of minority belief systems within mainstream religious traditions would also be excluded, because teachers would require the approval of the respective traditional religious organizations. The latter provision seems to digress from the principle of secularity and may not be adopted in the near future. In the long term, however, the latter provision may be important not only to the religious establishment, but also to the state, which wants to ensure that radical religious political theories do not find their way into schools.

The authors of this proposal understand that its introduction will be gradual, due to the lack of teachers, textbooks, and enthusiasm at the local level. As a temporary substitute, they propose the introduction of 'regional courses focusing on history, social sciences, spirituality and ethics,' or, where such courses cannot be organized, the mere addition of a few hours to regular history lessons.

According to Archpriest Vsevolod Chaplin, the idea behind the new bloc of courses is to convey the perception of 'Truth' inherent in a given religion or creed.<sup>10</sup> In effect, this constitutes religious instruction – or instruction in a certain creed – albeit without rituals and priests.

<sup>10</sup> 'Zachem učit' shkol'nikov pravoslavii?', Lenta.Ru, 15 January 2008 (<http://www.lenta.ru/conf/chaplin/>).

On 5 December the Russian Minister of Education, Andrei Fursenko, invited religious organizations to take part in the development of state educational standards. The Minister explained that the new law provided for creation of new standards for universities, secondary, and elementary schools. Religious organizations could take part in competitions to participate in the preparation of standards. (By that time, Metropolitan Kliment's proposal had already been presented to the Ministry of Education).

On 24 December, Patriarch Aleksii II announced that, at a conference in Kaluga entitled 'A New Generation of Education Standards in the Context of the Development of New Moral and Spiritual Values of Students', it had been agreed to include the bloc of subjects 'Spiritual and Moral Culture' proposed by Metropolitan Kliment in the standard school curriculum. The Ministry of Education and Science, however, did not confirm this information. According to the Ministry spokesperson, the ROC proposal had only been sent for consideration to the Russian Federation Academy of Education responsible for the development of standards.<sup>11</sup>

### Insufficient protection from defamation and attacks

**Attacks and vandalism.** In 2007, several priests were killed, but there is no evidence that the killings were motivated by religious hatred. In addition, numerous attempted killings and assaults on priests were reported in the North Caucasus, at least some of which may have been linked to conflicts between different groups and trends in Islam, but no reliable information is available to us. Nevertheless, a number of less dangerous but notable incidents occurred throughout the year which could accurately be described as aggressive acts motivated by religious hatred.

In April, unidentified attackers opened fire on Evangelical Christians attending a Sunday service in Moscow. No one was killed or wounded.

On 11 June, Rabbi Tsvi Hershovich, a Canadian national visiting a local Jewish community in the city of Ivanovo, was attacked by a group of young men described as skinheads as he walked in the street alongside members of the local Jewish community. The Rabbi and his family were not harmed, but some of those accompanying him sustained injuries.

On 5 July, unidentified young men sprayed pepper gas in a church during a Baptist service in Kirovo-Chepetsk (Kirov Oblast). The Russian Union of Evan-

<sup>11</sup> Reports of the new concept having been approved by the Ministry during the Christmas Readings in January 2008 should therefore be considered inaccurate and premature. See, for example, Pavel Korobov, 'Pravoslavie priveli k standartu', Kommersant, 29 January 2008.

gical Christian Baptists (RSEKhB) reported a number of less serious attacks in other communities, including in the cities of Novgorod and Kaluga.

In April, unidentified attackers sprayed pepper gas near the entrance to an Orthodox Christian chapel in Noril'sk, interrupting the service.

In August, an attack on the Orthodox Cultural and Educational Center was reported in Istrinskii District, Moscow Oblast. Three young men attacked the building supervisor and used a metal pipe to break the windows. The Center staff tried to convince the attackers to stop the destruction, but the young men said that they had come from Moscow specifically to beat the 'Jehovists.' (The incident occurred immediately following the 'anti-sectarian' campaign launched by the Locals movement, see below).

In Voronezh Oblast in September, David Perov, a first grade school student and son of the local 'Community of Christ' Protestant Church, was beaten by his classmates for refusing to take part in an Orthodox prayer led by a priest whose son was David's classmate.

In Moscow on 16 December, unidentified attackers fired an airgun at a charity bus with Orthodox Christian symbols painted on its sides, as the bus made its regular nighttime city tour to help homeless people. The homeless people and the charity workers inside the bus were not injured. It has not been determined at the time of writing whether or not this was a hate attack.

In 2007, a total of 27 incidents of vandalism were directed at houses of worship and churches, including Jewish (seven), Orthodox (six), Protestant (six), Muslim (four), Catholic (two), Jehovah's Witnesses and Mormons (one each).

In some cases, besides actual vandalism – the desecration of icons, graffiti painted on walls – the perpetrators carried out acts which could have caused human casualties. Thus, on 5 February in the city of Kuibyshev, Novosibirsk Oblast, an unidentified man set fire to the office of Jehovah's Witnesses. In March, an arson attack against the building of God's Assembly Evangelical Christian Church occurred in Moscow. On the night of 5 May, an explosive device went off in a synagogue in Saratov. In December, unidentified attackers broke windows in a synagogue in Makhachkala and in a Muslim house of prayer in Sergiev Posad; attackers broke a bedroom window in a rabbi's house in Derbent – the rabbi's entire family, including a nine-month-old child, were in the room during the attack.

In 2007, acts of vandalism in cemeteries increased dramatically: 34 (as opposed to 24 in 2006) incidents in Orthodox, Muslim and Jewish cemeteries. What was distinctive about this year was that many vandals were children and teenagers engaging in vandalism 'out of boredom'. Such incidents occurred in Altai Krai, Omsk, and in Novosibirsk, Ryazan and Cheliabinsk Oblasts.

Moreover, on five occasions, vandals targeted crosses installed at the construction sites of an Orthodox cathedral (St. Petersburg) and an Orthodox Charitable Center (Penza), a Civil War monument (Orenburg Oblast) and a Pentecostal Church information board (Voronezh).

It should be pointed out that some religious buildings and installations were targeted more than once. In November 2007, a mosque in Vladimir was attacked after being targeted twice in 2006. In 2007, a criminal investigation of the first attack was closed because the investigators failed to find evidence of a crime, and the other investigation was suspended due to failure to identify the suspects. The 2007 attack was qualified by the law enforcement agencies as 'hooliganism' (a public order offense, rather than a hate crime), even though the attackers were heard yelling chauvinistic slogans. Vandals painted swastikas on a synagogue in Vladivostok in 2007 and in 2006. A synagogue in Astrakhan was attacked by vandals twice, in 2006 and 2007. Offenders broke a cross installed at the construction site of an Orthodox cathedral in St. Petersburg twice within one year, in June and in September. A Catholic chapel in the Krasnodar region Krai was set on fire twice. The above-mentioned Baptist church in Kirovo-Chepetsk was vandalized a number of times.

**Defamation and exclusion from the public domain.** As in the previous year, the mass media continued to publish xenophobic articles in 2007, with the most frequent targets being Protestant churches, new religious movements and Muslims.

In 2007, negative reports about Protestants and new religious movements appeared, in particular, on the 'Russia' (*Rossia*) TV Channel and 'The Third [TV] Channel' (*Tretii kanal*), and in newspapers such as the national *Izvestiia*, the Rostov *Komsomol Truth* (*Komsomol'skaia pravda*), and the Syktyvkar *Red Banner* (*Krasnoe znamia*).

The mass media in Tula Oblast were particularly aggressive in their attacks against Protestants. Many local papers quoted Governor Viacheslav Dudka's claims that a US military intelligence agent had been detected in a Protestant missionary group, and Aleksei Iarasov from the Missionary Department of the ROC Tula Eparchy who talked about the dangers of 'sects.' Later, the Oblast administration denied that the governor had referred to a US intelligence agent and insisted that the story had been invented by journalists. At the same time, according to Protestant pastors in Tula, the 'anti-sectarian' rhetoric in the mass media provoked several attacks against Protestant believers.

Journalists frequently seek advice from the ROC when preparing reports about Protestant organizations; as a result, secular media transmit the ROC view of Protestants as 'sect members' who are a danger to society.

In addition, government officials often discuss the danger of ‘sects’ and ‘wrong’ Islamic trends.<sup>12</sup> While ‘sectarianism’ may be the subject of private conversations or statements by religious leaders and scholars, it is absolutely inappropriate for state bureaucrats to publicly use such vague terminology with clearly negative connotations.

Even Orthodox believers, who do not belong to the Moscow Patriarchate, are sometimes described as members of a ‘sect’. For example, NTV and TVTs television channels aired programs which tried to discredit the Russian Orthodox Autonomous Church (*Rossiiskaia pravoslavnaia avtonomnaia tserkov’*, RPATs).

Rybinsk-40, a TV channel in Yaroslavl Oblast, refused to air a paid advertisement of a forthcoming prayer service in an Old Believer church without the written endorsement of the ROC Eparchy. Marina Baskakova, chief of the channel’s advertising department, confirmed in a phone conversation with a representative of the Mayor’s Office that she had rejected the advertisement of the Old Believer church because it promoted a different faith to her own.

‘Anti-sect’ rhetoric in the mass media is just one type of defamation targeting Protestant believers and new religious movements. For example, in December a brochure was distributed in Obninsk, Kaluga Oblast, entitled ‘Beware: Sects!’ (*Ostorozhno: sekty!*) This contained 17 ‘characteristic features of a totalitarian sect’ and emphasized the danger of organizations having even one of these features. A few Protestant groups were mentioned as examples of dangerous totalitarian sects. Local Protestants suspected that the Holy Christmas Orthodox parish was behind the publication.

In Tiumen a local Theater of Puppets and Masks terminated their contract with Seventh-Day Adventists and cancelled the show they had prepared after they received a letter from Archpriest Sergei Shvaley of the ROC Eparchy’s Tiumen District. The Archpriest stated in his letter that the Seventh-Day Adventist Church was a ‘totalitarian sect’ causing ‘serious harm to the spiritual and mental health of Tiumen residents’ (similar letters had been sent to all authorities in the region).

We also note public ‘anti-sect’ actions staged by pro-Kremlin youth movements. In 2007, the Locals (*Mestnye*) organized a public action – ‘No to Sects in the Russian Land!’ – outside of Moscow, Nashi (‘ours’) held an ‘anti-sect’ picket in St. Petersburg, while the Young Guard (*Molodaia gvardiia*) picketed against Mormons in Saratov.

<sup>12</sup> Such cases are discussed in: S. Burianov, op. cit. pp. 56-58.

### Excessive measures aimed at protecting religious sentiments

In the examples mentioned above, defamation consisted of acts that were often illegal and aggressive against certain people or groups based on their religious beliefs. Many secular and particularly religious activists take a broader view of protection from defamation, even including the protection of religious values and sacred objects (of great importance for believers). Consequently, any assault on sacred objects is equated with discrimination or an attack directed against an individual believer. We do not share this approach as it has no basis in law. We believe that the state should not prosecute for offense against ‘sacred objects’ (unless it involves an offense punishable under the Criminal Code or the Code of Administrative Offenses) – even though believers (and anyone for that matter) may be strongly critical of any act of blasphemy.<sup>13</sup>

In June, the Taganskii Interdistrict Prosecutor’s Office in Moscow opened a criminal investigation under article 282 (part 1) of the Criminal Code against the organizers of the *Banned Art 2006 (Zapretnoe iskusstvo – 2006)* exhibition of artwork excluded from other art exhibitions in 2006. The exhibition was hosted by the Sakharov Museum, where the much-discussed *Beware, religion! (Ostorozhno, religii!)* exhibition was also held. In March the Prosecutor’s Office, prompted by the Popular Assembly (*Narodnyi sobor*) Orthodox Christian movement, launched an investigation. Orthodox activists believed that the exhibition was an ‘anti-Christian provocation,’ since some of the exhibits on display were distorted images of sacred objects.

The exhibition enjoyed the patronage of Andrei Erofeev, Director of the Tretyakov Gallery Recent Trends Department. Apparently, the involvement of this high-profile art expert was the reason why, in contrast to similar incidents in the past, a group of well-respected artists and art critics came to the defense of the exhibition – including Ernst Neizvestnyi, Alexander Genis, Solomon Volkov, Lev Rubinstein, Vladimir Papernyi, Leonid Bazhanov, Vassilii Tseretelii, etc. Their protests, however, did not stop the investigation. In January 2008, the museum was searched as part of the proceedings.

Yet another ‘cartoon scandal’ took place in 2007. The Federal Court of Moskovskii District in St. Petersburg agreed to examine a civil suit and launched

<sup>13</sup> The arguments offered by Orthodox and Muslim figures in such instances are well known and supported by many. But their cultural (and often religious) authority is not a substitute for legal arguments. For the sake of comparison, we may refer to a similar recent claim by neo-pagans urging sanctions for offensive statements against paganism. ‘Iazychniki prizyvaiut k otvetstvennosti za svoe slovo’, Slaviia, December 2007 (<http://slavya.ru/delo/pravo/07/word.htm>).

proceedings in the case of the ‘Jesus Christ cartoons.’ The plaintiff was political scientist George Gabrielian, assistant to State Duma member Alexander Chuev, who declared an illustration accompanying an article about relations between the Church and the State published in the *Petersburg Theme* (*Peterburgskaia tema*) newspaper to be offensive to Christians: the face of Sergei Mironov, the Federation Council Chairman, had been substituted for that of Christ. G. Gabrielian claimed financial compensation from the paper for the moral harm he had suffered as a Christian.

We note that civil proceedings are much more appropriate in such cases than requesting a prosecutor to initiate a ban or to open criminal proceedings. Under the principles and practices of civil courts in Russia, however, it is impossible to bring a civil suit on behalf of an indeterminate group of people – such as a faith community.

In November, the administration of the St Isaac Cathedral Concert and Exhibition Hall in St. Petersburg canceled the 1922 classic German expressionist film, ‘Nosferatu: A Symphony of Horror’, by F.W. Murnau, after protests from the ROC Eparchy. To avoid conflict, the administration decided to play the soundtrack, rather than show the film.

In January 2007 a four-year-long litigation over a *Moulin Rouge* magazine advert came to an end: the Arbitrary Court found the advert depicting a semi-nude model to be immoral. The court indicated that the ruling was based on an official instruction by the Federal Anti-Monopoly Service Department in Moscow which drew upon arguments from the Sermon on the Mount, ROC’s Fundamentals of the Social Concept, and the Quran. Notably, the advertising in question did not contain any religious images or symbols.

### Abuses linked to the ‘fight against extremism’

There is no doubt that, as demonstrated above, Russia continued to face serious problems with regard to violence, incitement to violence, and hate propaganda conducted under the flag of religion. This phenomenon, often described as religious extremism, was a concern for both government and society.

Serious concerns, however, were also raised by the unlawful acts of government officials in the context or under the pretext of counteracting such ‘religious extremism’,<sup>14</sup> which practically always proves to be of Islamic origin.<sup>15</sup>

<sup>14</sup> This problem is part of a wider problem with abusive anti-extremist law enforcement. See details in the report by A. Verkhovsky in this collection.

<sup>15</sup> The only exception is Vitalii Tanakov’s case. See details in: *ibid.*

This report does not address the situation in the most conflict-prone regions of the Russian Federation, i.e. in the North Caucasus, as they should be the subject of separate research.<sup>16</sup> Outside of the Caucasus, the most common target for anti-extremist law enforcement connected to religion remained Hizb ut-Tahrir. Throughout 2007, convictions for involvement in Hizb ut-Tahrir were reported in Orenburg Oblast, Tobol’sk, Naberezhnye Chelny, Bashkortostan, Cheboksary, and Cheliabinsk Oblast. According to the Memorial Human Rights Center and the Civic Assistance Committee, the prosecutions were marred by violations of due process, including the use of torture, so we have reason to doubt the legality of the verdicts.

Thus, the trend described in our previous report continued in 2007. The first case prosecuted under article 282 of the Criminal Code (‘incitement to hatred and animosity, *inter alia*, based on attitude to religion) against Hizb ut-Tahrir, should be mentioned. On 19 September 2007, in Cheboksary, five people were convicted and sentenced to more than four years in prison each under this article and article 282-2 (involvement in a banned extremist organization) for their membership in Hizb ut-Tahrir – these sentences were upheld by the Supreme Court of Chuvashia on 18 January 2008. Their crime under article 282 consisted, according to the verdict, of disseminating some Hizb ut-Tahrir leaflets in a mosque. Prosecution experts insisted that the leaflets contained incitement to hatred on religious and ethnic grounds, and incitement to violence.

It is difficult to comment on the experts’ opinion in its entirety, since we are only familiar with the content of three out of six incriminating leaflets. Two of these leaflets contained nothing of the sort, while the third leaflet, aggressively anti-Israeli, could indeed be interpreted as antisemitic. Generally, antisemitism is not uncommon in Hizb ut-Tahrir’s propaganda, therefore a verdict under article 282 may have been well-founded. However, the indictment and the verdict contained no arguments supporting the finding of incitement to hatred, except a general reference to the expert opinion. Therefore, we cannot describe the case as a successful effort to bring meaningful charges against Hizb ut-Tahrir.

According to a Civic Assistance Committee report of 10 January 2008, a total of four criminal investigations of radical Islamist offenses in 2007 led to 11

<sup>16</sup> In particular, abuse by law enforcement agents is much more common in the North Caucasus in general. Outside the not-so-peaceful regions such as Dagestan, Chechnya and Ingushetia, many complaints come from Muslim activists in Kabardino-Balkaria, even though the local situation is certainly better than before the insurgency in Nalchik. In Adygeya, the Prosecutor’s Office, without seeking a judicial ruling, banned the book *A Brief Introduction to the Islamic Faith* by Ali al-Tantawi, a prominent Islamic scholar, and the book *What You Want to Know about Islam* written by a team of the Muslim Spiritual Authority in Adygeia.

trials resulting in the conviction and sentencing of 31 offenders (25 involving prison terms). The number of sentences was about the same as in the previous two years (10 and 16 respectively), but the number of new cases was much smaller: between 2004 and 2006, a total of 14 criminal investigations were opened each year. These numbers offer hope that the fight against alleged 'Wahhabis' and members of 'Hizb ut-Tahrir', clearly disproportionate to the real threat they pose to society (again, we are not talking about the Northern Caucasus), may gradually dwindle.

The Russian authorities also continued their cruel, and in many instances, unlawful practice of sending political asylum seekers back to Uzbekistan. On the night of 5 December, the Russian authorities deported Abdugani Kamaliev (Tursinov). He was formally a Russian citizen, but the authorities found his Russian citizenship to have been obtained illegally. The Uzbek authorities accused Kamaliev of involvement with Wahhabi religious and political groups. The deportation contravened a 3 November ruling of the European Court of Human Rights which requested a halt of Kamaliev's deportation to Uzbekistan. While the Kamaliev case may have been the most striking incident in 2007, it was just one of many other similar cases. The Civic Assistance Committee is aware of more than a dozen cases – and it is probably a gross underestimation – where people suspected of radical Islamism were deported to Uzbekistan, even though they faced torture there.<sup>17</sup>

While criticizing actions by law enforcement bodies, we should recall that the need to suppress activities posing a public danger played a role in all prosecutions of Muslim groups, even though the involvement of specific defendants in such activities was often indirect or unproven. The same applies to the long-standing ban on the book written by the founder of Wahhabism, the *Fundamentals of Tawheed (Osnovy edinobozhiia)*: even though a ban on an eighteenth century treatise may not seem very reasonable, Wahhabism in Russia is nevertheless associated with anti-constitutional activities. Unfortunately, the ban on the book also makes those who are not involved in such activities vulnerable to the enforcement of anti-extremist measures.

On 6 April, officers of UBOP (Police Directorate against Organized Crime) and SOBR (Special Rapid Response Unit) searched the Islamic Cultural Center in St. Petersburg and questioned 30 men who had attended the Friday lecture. Law enforcement officers linked the search and questioning to the criminal proceedings opened under article 282 of the Criminal Code against

<sup>17</sup> For comparison, in November 2006 Minister of Interior Rashid Nurgaliev mentioned the extradition of more than 370 Islamist 'emissaries' over a year.

the Center's Director Mohammed Henni. He was suspected of distributing books by al-Wahhab.

In April, Henni was cleared of all suspicions, but the investigation into the alleged dissemination of the banned books continues, and Henni is a witness in the proceedings. It should be noted that even mass dissemination of a book, ruled extremist and banned by a court, is an administrative rather than a criminal offense, and we are uncertain as to the reasons behind the criminal prosecution in this case.

In 2007, however, efforts to search out Islamic extremism even where it does not exist were extended from the areas open to dispute to Islamic movements universally regarded as peaceful. On 21 May, the Moscow Koptevo Court banned books by the twentieth century Turkish theologian, Said Nursi. Court proceedings began in 2006 and continued behind closed doors. On many occasions, the Russian Islamic community and human rights defenders expressed concern over the progress of the judicial hearings. Respected Russian religious scholars confirmed that Said Nursi, even though he had spoken against a secular state, had never encouraged religious, or any other, enmity. The court, however, sided with the prosecution and ruled that Russian translations of Nursi's books be constituted extremist literature. On 18 September the Moscow City Court upheld the judgment.

In October, the Prosecutor General's Office launched a large-scale inspection of Tatar-Turkish Schools in Tatarstan linked to Nurcular, an organization of Nursi's followers in Turkey (where, incidentally, the ban on Nursi's books had long been lifted) and other countries.<sup>18</sup> It had been expected that the inspectors would find and confiscate the banned books, but they found none.

On 3 December criminal investigation into the activities of Nurcular supporters was resumed in Tatarstan. The case was originally opened on 28 March 2005, under article 282 (part 2-c) of the Criminal Code (incitement to hatred or animosity, and disrespect for human dignity via the misuse of an official position) and which had been suspended in 2006 due to lack of suspects. Since the investigation resumed in 2007, searches have been conducted in Kazan, Naberezhnye Chelny, Nizhnekamsk, Novosibirsk, Makhachkala, and other Russian cities.

The bans on the *Fundamentals of Tawheed* and Nursi's books have paved the way for further bans of other Islamic religious texts as extremist. This process

<sup>18</sup> No organization by this name exists either in Russia or in Turkey. There are a few radical illegal groups in Turkey by the name Nurcular, but otherwise, Nursi's followers operate entirely legally in Turkey.

was boosted by the publication, in the summer of 2007, of the Federal Banned List of Extremist Materials. By the end of 2007, two updates of the original Banned List were published.

The list included a series of neo-pagan materials, grossly intolerant of other religions (Christianity in particular), and often explicitly racist and antisemitic. Most of these materials were written by well-known ultra-right activists Aleksei Dobrovol'skii and Vladimir Vostriagov.

It is understandable that some materials of the banned organization Hizb ut-Tahrir are also to be found on the list. Tuimazinskii District Court of Bashkortostan ruled that four brochures of Hizb ut-Tahrir founder Takiuddin an-Nabhani and seven issues of their magazine *Al-Wa'i* constituted extremist materials.

We do not have information about the details of the banned *A Call to the Islamic Ummah. How Long Must We Wait?* DVD ruled to be extremist on 10 October 2007 by the Leninskii District Court in the city of Ufa.

The 16 books and brochures deemed extremist at two sessions of the Buguruslan city court in Orenburg Oblast, on 6 August and 19 October, are a special case. As a result of these court decisions, 16 texts were deemed to constitute extremist literature. Books from the Buguruslan list, later identified as 'Wahhabi materials,' were confiscated in the case involving the Al-Furkan madrasah. The former aide to the madrasah's rector, Ruslan Gizitdinov, was convicted of participation in Hizb ut-Tahrir on 29 May 2007, according to Article 282 (part 2), although the compatibility of Wahhabi ideas and Hizb ut-Tahrir remains at least questionable. The books are either published in Saudi Arabia or with its support, and are devoted to Wahhabism or Salafism, or simply included in the list of 'Wahhabi literature' put together some time ago by the Central Muslim Spiritual Board headed by Talgat Tadzhuddin. The court decision was based on psycholinguistic expertise which concluded that all these books incited religious hatred, although no details for this conclusion were provided.

Some of these books, apparently, had been widely read by Russian Muslims and had never attracted the attention of the law enforcement authorities before; the bans on certain books in the Buguruslan list triggered massive protests by Muslim organizations, including the Russian Council of Muftis. This was especially true regarding Muhammad Ali al-Hashimi's book 'the Identity of a Muslim shaped by Islam with the Help of the Quran and the Sunnah.'

## APPENDICES

## Appendix 1. Definitions of Extremism and Extremist Materials

Below we provide the definition of extremist activity as given in paragraph 1, article 1 of the Federal Law on Combating Extremist Activity.

More specifically, we attempt to show the evolution of this definition with each subsequent amendment:

- current provisions are in bold;
- parts deleted by the 2007 amendments are in regular, strikethrough font;
- and parts added by the same amendments are underlined;
- parts added by the 2006 amendments are in italics (some of them were subsequently deleted in 2007).

Where the changes were merely editorial in nature, this is indicated in the footnotes.

### Extremist activity (extremism):

~~the activity of social and religious associations, or other organisations, or mass media editorial staff [in practice, it is the media outlet as a whole which is held responsible and which faces closure], or individuals in planning, organising, preparing or acting to bring about~~

- **forcible change of the foundations of the constitutional system and violation of integrity of the Russian Federation;**
- ~~undermining the security of the Russian Federation;~~
- ~~seizure or usurpation of power;~~
- ~~establishment of illegal armed formations;~~
- **public justification of terrorism and other terrorist activity;<sup>1</sup>**
- **incitement to social, associated with violence or with calls to violence,<sup>2</sup> racial, national [ethnic] or religious discord;**
- ~~debasement of national dignity;~~
- ~~implementation of riots, hooliganism and vandalism motivated by ideological, political, racial, national [ethnic] or religious hatred or animosity, and also motivated by hatred or animosity towards any social group;~~

<sup>1</sup> A small editorial correction made in 2007.

<sup>2</sup> This proviso related exclusively to the incitement of social discord.

- **propaganda of exclusiveness, superiority or inferiority of an individual<sup>3</sup> based on his/her social, racial, national [ethnic], religious or linguistic identity, or his/her attitude to religion;**
- *violation of rights, liberties and legitimate interests of an individual and citizen; inflicting damage to the health and property of citizens in connection with their convictions; subject to his/her social, racial, ethnic, religious or linguistic identity or attitude to religion<sup>4</sup> or social background;*
- **impeding citizens from the exercise of their electoral rights and the right to participate in a referendum, or violating the secrecy of the vote, combined with violence or the threat of violence;**
- *impeding the legitimate activities of government authorities, local self-government, election commissions, and also legitimate activities of officials affiliated with the above authorities and commissions; public and religious associations or other organizations, combined with violence or the threat of violence;*
- ~~use of violence against a representative of government authority, or threatening to use violence against a representative of government authority or his family in connection with his exercise of official duties;~~
- ~~attempting to take the life of a government official or public figure with the intention of terminating this person's official or political activity, or in revenge for such activity;~~
- **committing crimes based on motives indicated in article 63, part 1 'e' of the Russian Criminal Code;**
- **propaganda and the public demonstration of Nazi attributes or symbols, or attributes or symbols resembling Nazi attributes or symbols to the point of confusion;**
- *public appeals to the exercise of said acts or the mass dissemination of materials known to be extremist, as well as their production or possession for the purposes of mass dissemination,<sup>5</sup> and also public calls and pronouncements which encourage the above activity, justify or excuse the exercise of activities listed in this article;*
- *publicizing a knowingly false accusation<sup>6</sup> against a federal or regional official alleging that they have, in their official capacity, committed acts*

<sup>3</sup> Earlier this said 'citizen'.

<sup>4</sup> Prior to the 2007 amendments, in place of 'religious identity' and 'attitude to religion' was simply 'creed'.

<sup>5</sup> Prior to the 2007 amendments the phrase 'about materials' read as follows: 'the creation and (or) dissemination of printed, audio, audiovisual and other materials (works) destined for public use and containing at least one characteristic stipulated in the current article'.

<sup>6</sup> Prior to the 2007 amendments it read simply 'public slander', which is synonymous in the Criminal Code.

*listed in this article and which are crimes, provided that the fact of slander has been determined in judicial proceedings;*

- organization and preparation of said acts, as well as incitement to committing them;<sup>7</sup>
- financing the above acts or any other support with their planning, organization, preparation and exercise, inter alia, by providing for the realization of the above activity: financial means; real estate; educational, printing, material and technical facilities, phone, fax and other types of communication or providing information services, other material and technical means.

It is also worth paying attention to the definition formulated for ‘extremist materials’ in the current edition of the law:

‘extremist materials are documents intended for public release or information transmitted by any media which calls for the realization of extremist activity or which substantiates or condones the necessity of the realization of such activity, including the works of the leaders of the National Socialist German Workers’ Party, the National Fascist Party of Italy, publications which substantiate or condone national and (or) racial superiority or condone the practice of perpetrating war or other crimes aimed at the full or partial destruction of any ethnic, social, racial, national or religious group.’

<sup>7</sup> Before the 2007 amendments, the definition began with a phrase (now deleted) related to all of the activities listed as extremist. The phrase included the concepts of planning, organization and preparation. ‘Public appeals’ also figured in the definition – it has now been replaced by the narrower concept of ‘incitement’.

## Appendix 2. Crime and Punishment Statistics

### Statistics of Racist and Neo-Nazi Attacks between 2004 and April 2008 (by city)<sup>1</sup>

City, region	2004			2005			2006			2007			2008		
	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
Moscow	18	62	80	16	179	195	38	219	257	47	216	263	31	82	113
St. Petersburg	9	32	41	4	45	49	6	53	59	10	111	121	11	16	27
Abakan	0	0	0	0	2	2	0	0	0	0	2	2			
Arkhangelsk	0	0	0	0	1	1	0	0	0	1	3	4			
Astrakhan	0	0	0	0	2	2	0	0	0	0	0	0			
Barnaul	0	0	0	0	1	1	2	1	3	4	4	8			
Belgorod	0	5	5	0	4	4	0	18	18	0	1	1			
Birobidjan	0	0	0	3	0	3	0	0	0	0	0	0			
Blagoveshchensk	0	2	2	0	7	7	0	1	1	0	0	0			
Briansk	0	0	0	0	1	1	0	1	1	1	2	3	0	10	10
Cheboksary	0	0	0	0	0	0	0	6	6	0	0	0			
Cheliabinsk	1	4	5	0	0	0	0	1	1	0	11	11	0	4	4

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



City, region	2004			2005			2006			2007			2008		
	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
Chita Oblast	0	0	0	0	0	0	1	0	1	0	3	3			
Irkutsk Oblast	3	0	3	2	5	7	0	8	8	1	53	54			
Iuzhno-Sa-khalinsk	1	0	1	0	0	0	0	0	0	0	0	0			
Ivanovo	0	1	1	0	0	0	0	0	0	0	4	4			
Izhevsk	0	0	0	0	1	1	0	1	1	1	6	7			
Kaliningrad	0	1	1	0	2	2	0	11	11	0	1	1	0	7	7
Kaluga	0	0	0	0	11	11	1	3	4	0	0	0	1	1	2
Kazan	0	0	0	0	0	0	0	8	8	0	1	1	0	9	9
Khabarovsk	0	0	0	0	3	3	0	0	0	0	0	0			
Kirov	0	0	0	0	1	1	0	0	0	0	0	0			
Kostroma	0	5	5	0	0	0	0	10	10	0	2	2			
Krasnodar	2	32	34	1	3	4	0	7	7	0	11	11			
Krasnoiar sk	0	0	0	1	1	2	0	3	3	0	3	3			
Kurgan	0	0	0	0	6	6	0	0	0	0	0	0			
Kursk	0	5	5	0	2	2	0	0	0	0	0	0			
Lipetsk	0	1	1	0	3	3	1	0	1	0	3	3			
Maikop	0	3	3	0	0	0	0	0	0	0	0	0			
Murmansk	0	0	0	0	1	1	0	1	1	0	5	5			

City, region	2004			2005			2006			2007			2008		
	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
Nizhnii Novgorod	1	5	6	4	12	16	0	36	36	1	41	42	0	5	5
Novgorod	0	0	0	0	5	5	0	0	0	0	0	0	0	1	1
Novosibirsk	2	12	14	1	9	10	0	9	9	1	5	6	1	0	1
Omsk Oblast	0	3	3	0	0	0	1	3	4	1	2	3			
Orel	0	8	8	0	0	0	0	9	9	0	0	0	0	1	1
Orenburg	0	0	0	0	0	0	1	1	2	1	1	2			
Penza	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Perm	0	1	1	3	2	5	0	0	0	0	3	3			
Petrozavodsk	0	0	0	0	2	2	0	0	0	0	0	0			
Pskov	0	0	0	0	1	1	0	0	0	0	0	0			
Rostov-on-the-Don	0	0	0	0	10	10	0	2	2	1	7	8	0	1	1
Ryazan	0	0	0	0	1	1	0	4	4	0	6	6	0	1	1
Samara	1	3	4	4	5	9	0	2	2	2	9	11			
Saratov	1	0	1	0	0	0	4	4	8	2	4	6			
Smolensk	0	0	0	0	2	2	0	0	0	0	0	0			
Stavropol	0	0	0	0	21	21	0	0	0	1	7	8	3	2	5
Sverdlovsk Oblast	1	7	8	6	6	12	0	6	6	3	17	20	4	6	10

City, region	2004			2005			2006			2007			2008		
	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
Syktvykar	0	0	0	0	4	4	0	4	4	0	0	0			
Tambov	0	3	3	0	6	6	0	0	0	0	0	0			
Tiumen Oblast	3	1	4	1	0	1	0	15	15	0	0	0			
Tomsk	0	3	3	0	6	6	0	4	4	0	5	5			
Tula Oblast	1	0	1	0	3	3	1	2	3	0	0	0	1	0	1
Tver Oblast	0	0	0	0	0	0	0	3	3	0	2	2			
Ufa	0	1	1	0	2	2	0	2	2	0	1	1			
Ulan Ude	0	0	0	0	0	0	0	0	0	1	0	1			
Vladimir Oblast	0	4	4	0	0	0	0	0	0	0	5	5			
Vladivostok	5	9	14	0	3	3	2	18	20	1	3	4	3	3	3
Volgograd	0	2	2	0	1	1	2	9	11	0	5	5			
Vologda	0	0	0	0	0	0	0	1	1	0	3	3			
Voronezh	1	2	3	1	21	22	1	6	7	0	16	16	1	10	11
Yakutia	0	0	0	0	0	0	0	0	0	0	2	2			
Yaroslavl Oblast	0	0	0	0	0	0	1	6	7	0	3	3			
Yoshkar Ola	0	1	1	0	15	15	0	5	5	0	0	0			
Total	50	218	268	47	418	465	62	503	565	80	589	669	53	160	213

### Consolidated Statistics of Racist and Neo-Nazi Attacks in 2004 – April 2008 (by season)

	2004 <sup>1</sup>			2005 <sup>2</sup>			2006 <sup>3</sup>			2007 <sup>4</sup>			2008		
	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
Winter included: Dec	9	25	34	12	74	86	9	113	122	26	178	204	45	122	167
Jan+Feb no date	–	–	–	4	14	18	4	57	61	8	50	58	9	35	44
Spring	9	22	31	7	54	61	5	47	52	16	105	121	32	87	119
Summer	0	3	3	1	6	7	0	11	11	2	23	25	4	0	4
Autumn	12	79	91	5	120	125	16	114	130	23	135	158	17	73	90
Year total	16	20	36	7	72	79	18	172	190	15	155	170	–	–	–
	9	80	89	23	109	132	15	109	124	15	136	151	–	–	–
	50	218	268	47	418	465	62	503	565	80	589	669	53	160	213

<sup>1</sup> In addition, we know of 13 killings of homeless people where the law enforcement authorities suspect an ideological (neo-Nazi) element.

<sup>2</sup> In addition, we know of 5 killings and 4 beatings of homeless people, where the law enforcement authorities suspect an ideological (neo-Nazi) element.

<sup>3</sup> In addition, on 27–28 May 2006, in Moscow alone, skinheads and other homophobes battered at least 50 gays. We also know of 7 killings and 4 beatings of homeless people, where the law enforcement authorities suspect an ideological (neo-Nazi) element. The statistics include 13 deaths and 53 other casualties of the blast attack in Cherkizovo Market on 21 August 2006.

<sup>4</sup> Not including the gay victims of the skinhead attack on 27 May 2007. We also know of 4 killings of homeless people where the law enforcement authorities suspect an ideological (neo-Nazi) element.

Consolidated Statistics of Racist and Neo-Nazi Attacks in 2004 - April 2008 (by category)<sup>1</sup>

	2004		2005		2006		2007		2008	
	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded
Total	50	218	47	418	62	503	80	589	53	160
<i>Including</i>										
Dark-skinned people	1	33	3	38	2	32	0	37	1	11
People from Central Asia	10	23	16	34	14	55	28	76	27	53
People from the Caucasus	15	38	12	52	15	72	23	54	14	22
People from the Middle East and North Africa	4	12	1	22	0	11	1	17	1	5
People from Asia-Pacific Region (China, Viet-Nam, Mongolia, etc.)	8	29	4	58	4	51	2	43	0	9
Other people of 'non-Slav appearance'	2	22	3	72	4	68	19	84	7	8
Members of youth subcultures and leftist youth	0	4	3	121	3	119	5	193	2	37
Others (including ethnic Russians), or not known	10	57	5	21	20	95	2	85	1	15

<sup>1</sup> Victims are categorized according to information available in media reports, and/or the assailants' perceptions of their victims.

## Statistics of convictions for violent crimes with a recognized hate motive, 2004 – April 2008

	Number of convictions	Number of offenders convicted	including probational sentences or release 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>	9	26	5
<b>2005</b>			
Moscow	2	4	0
Moscow Oblast	4 <sup>2</sup>	14	0
St. Petersburg	2	10	4 <sup>3</sup>
Blagoveshchensk	1	4	0
Ekaterinburg	1	3	0
Lipetsk	1 <sup>4</sup>	4	0
Murmansk	1	2	1
Perm	1	1	0
Tambov	1	1	0
Tiumen Oblast	1	5	0
Vladivostok	1	1	0
Volgograd	1	7	0
<i>Total</i>	17	56	5

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

<sup>2</sup> We are not sure of the exact date of one sentence for a killing motivated by ethnic hatred; we assume that it occurred in 2005.

<sup>3</sup> Another one was acquitted for lack of evidence.

<sup>4</sup> With a judicial determination addressed to the City Administration.

	Number of convictions	Number of offenders convicted	including probational sentences or release from punishment
<b>2006</b>			
Moscow	5	11	1
Moscow Oblast	3	18	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
Rostov-on-the-Don	1	2	0
Saratov	1	5	0
St. Petersburg	3	10	4
Tomsk	1	3	0
Ufa	1	3	3
Voronezh	1	13	7
Total	33	109 <sup>7</sup>	24 <sup>8</sup>
<b>2007</b>			
Moscow	5	13	0

<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, it is only known that a sentence has been passed.

<sup>7</sup> Estimated minimum.

<sup>8</sup> Estimated minimum.

	Number of convictions	Number of offenders convicted	including probational sentences or release from punishment
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
North Ossetia	1	1	0
Omsk	1	1	0
Stavropol	2	2	0
Syktyvkar	1	1	0
Tambov	1	1	0
Tiumen	1	6	2
Voronezh	1	4	0
Yaroslavl	1	1	1
<i>Total</i>	<i>24</i>	<i>68</i>	<i>18</i>
<b>2008</b>			
Moscow	1	1	0
Altai krai	1	3 <sup>9</sup>	0
Ivanovo	1	1	0
Novosibirsk	1	1	0
Omsk	1	4	0
Sverdlovsk oblast	1	2	0
Yaroslavl	1	1	1
<i>Total</i>	<i>7</i>	<i>13</i>	<i>1</i>

<sup>9</sup> Including one without a hate motive.

### Statistics of convictions for hate propaganda in 2004 – April 2008

	Number of convictions	Number of offenders convicted	including probational sentences or release 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>1</sup>	1
Khabarovsk	1	1	0 <sup>2</sup>
Kirov	1	1	0
Nalchik	1	1	1
Novgorod	1	3	0
Orel	1	2	2
Syktyvkar	1	1	1
<i>Total</i>	<i>12</i>	<i>15</i>	<i>6</i>
<b>2006</b>			
Moscow	1	1	0
Moscow Oblast	1	1	0
St. Petersburg	2	2	1

<sup>1</sup> One individual was convicted twice within one year; he faced the same charges, but for different incidents.

<sup>2</sup> The sentence was lifted due to expiry of the statute of limitations.

	Number of convictions	Number of offenders convicted	including probational sentences or release 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
Novgorod	1	1	0
Samara	2	2	2
Saratov	1	1	1
Syktyvkar	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
Novgorod	1	1	0

	Number of convictions	Number of offenders convicted	including probational sentences or release from punishment
Novosibirsk	3	3	0
Ryazan	1	2	2
Samara	1	2	2
Stavropol Krai	1	1	1
Sverdlovsk Oblast	1	1	0
The Komi Republic	3	3 <sup>3</sup>	0
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	1	1	0
St. Petersburg	1	1	0
Kaliningrad	1	1	0
Kursk	1	1	1
Maikop	1	1	0
Novosibirsk	1	1	1
Petrozavodsk	1	1	1
Samara oblast	3	3	1
Tiumen	1	1	0
Ulan-Ude	1	1	1
<i>Total</i>	<i>12</i>	<i>12</i>	<i>5</i>

<sup>3</sup> One individual was convicted twice within one year; he faced the same charges, but for different incidents.

### Appendix 3. Materials Found by Russian Courts to be Extremist

In addition to materials on the banned list officially published by the Russian Federal Registration Service (as of 14 March 2008), our list includes those where we already know of relevant judgments.

#### I. The federal list of banned extremist materials as of 14 March 2008

1. *Music of Whites [Muzyka belykh]* album, authored by Order music group, judgment by Pervomaiskii District Court, Omsk, of 23.11.2006;

2. *The Book of Monotheism [Kniga edinobozhiiia]*, authored by Muhammad ibn Sulayman at-Tamimi, published by Izdatel'skii dom "Badr", judgment by Savelovskii District Court, Moscow, of 02.04.2004;

3. *Letters of the Kuban Rada of the Spiritual Ancestral Russian Empire [Pis'ma Rady zemli Kubanskoii dukhovno-rodovoi derzhavy Rus']*, authored by N.M. Lozinskii and V.M. Gerasev, judgment by Pervomaiskii District Court, Krasnodar, of 20.03.2006;

4. Materials printed in the newspaper *For the Russian People [Dlia russkikh liudei]*, issues № 1(1), June 2002; № 2 (2), August 2002; № 3, October 2002; № 4, November 2002; № 5, December 2002; 2003, № 6, 7, judgment by Tikhvin City Court, Leningrad Oblast, of 25.05.2004;

5. *The Eternal Jew [Vechnyi zhid]* film, judgment by Tikhvin City Court, Leningrad Oblast, of 25.05.2004;

6. *Mother Earth: a Miraculous Miracle, a Wonderful Wonder. An Introduction to Geobiology [Mat'-zemlia: chudo-chudnoe, divo-divnoe. Vvedenie v geobiologiiu]* brochure, authored by A.A. Dobrovol'skii, published by KOGUP "Kotel'nichskaia tipografiia", judgment by Kotel'nichskii District Court, Kirov Oblast, of 09.03.2005;

7. *Paganism as Magic [Iazychestvo kak volshebstvo]* brochure, authored by A.A. Dobrovol'skii, published by KOGUP "Kotel'nichskaia tipografiia", judgment by Kotel'nichskii District Court, Kirov Oblast, of 09.03.2005;

8. *Who's Afraid of Russian National Socialism [Kto boitsia Russkogo natsional-sotsializma]* brochure, authored by A.A. Dobrovol'skii, published by KOGUP "Kirovskaia oblastnaia tipografiia", judgment by Pervomaiskii District Court, Kirov Oblast, of 29.07.2005;

9. *The Judeo-Christian Plague [Iudokhristianskaia chuma]* brochure, authored by A.A. Dobrovol'skii, published by KOGUP "Kirovskaia oblastnaia tipografiia", judgment by Pervomaiskii District Court, Kirov Oblast, of 29.07.2005;

10. *Sviatoslavie* brochure, authored by A.A. Dobrovol'skii, published by Tipografiia zavoda "Maiak", judgment by Leninskii District Court, Kirov, of 19.05.2005;

11. *One Day We Will Come with Rotten Tomatoes [Odnazhdy my pridem s gnilymi pomidorami...]* article, authored by A.A. Nikolaenko, published by Belovskaia kopeika newspaper, issue № 1 of 11 November 2002, judgment by Belovskii City Court, Kemerovo Oblast, of 26.12.2006;

12. *The SS Is Knocking at Your Door, Bastards [SS stuchitsia v Vamu dver', svolochi...]* article, authored by A.A. Nikolaenko, published by *Kurs* newspaper, issue № 49 of 6 December 2002, judgment by Belovskii City Court, Kemerovo Oblast, of 26.12.2005;

13. *The Acting Mastermind [Ispolniaiushchii obiazannosti vlastitelia dum]* article, authored by A.A. Nikolaenko, published by *Kurs* newspaper, issue № 8 of 21 February 2003, judgment by Belovskii City Court, Kemerovo Oblast, of 26.12.2006;

14. *The Most Constructive Party [Samaia konstruktivnaia partiia]* article, authored by A.A. Nikolaenko, published by *Kurs* newspaper, issue № 43 of 22 October 2004, judgment by Belovskii City Court, Kemerovo Oblast, of 09.09.2005;

15. *Through the Prism of Islam [Skvoz' prizmu islama]*, authored by Abd-al Hadi ibn Ali, no place or date of publication, judgment by Nal'chik City Court, of 15.01.2004;

16. Materials printed in *Ia - Russkii. Nizhnee Povolzh'e [I Am Russian. Lower Volga Region]* newspaper, № 1-2, 2005, judgment by Znamenskii City Court, Astrakhan Oblast, of 03.07.2007;

17. *Cerberus of Freedom [Tserbery svobody]* brochure, № 11, 2005, judgment by Znamenskii City Court, Astrakhan Oblast, of 03.07.2007;

18. Information materials, responses to the coverage of events in Kharagun on *Popular Control [Narodnyi Kontrol']* website, page 4, published in *Russkoe Zabaikal'e* newspaper, issue of 11.09.2006, judgment by Central District Court, Chita, of 18.04.2007;

19. *Vikhr'. National Socialist Publication Viatka № 1 [Vikhr'. Natsional sotsialisticheskoe izdanie Viatka № 1]* magazine, judgment by Shabalinskii District Court, Kirov Oblast, of 19.07.2007;

20. Printed materials, authored by A.A. Vostriagov, in *Russian state newspaper News [Gazeta russkogo gosudarstava Vest']*, published by Sanders (mass media company), judgment by Zavolzhskii District Court, Ul'ianovsk, of 12.07.2007;

21. *The Russian State [Russkoe gosudarstvo]* brochure, authored by A.A. Vostriagov, published by Sanders (mass media company), judgment by Zavolzhskii District Court, Ul'ianovsk, of 12.07.2007;

22. *The State is Us [Gosudarstvo – eto my]* brochure, authored by A.A. Vostriagov, published by Sanders (mass media company), judgment by Zavolzhskii District Court, Ul'ianovsk, of 12.07.2007;

23. *Kabbalah [Kabbala]* brochure, authored by A.A. Vostriagov, published by Sanders (mass media company), judgment by Zavolzhskii District Court, Ul'ianovsk, of 12.07.2007;

24. *Kabbalah – 2* brochure, authored by A.A. Vostriagov, published by Sanders (mass media company), judgment by Zavolzhskii District Court, Ul'ianovsk, of 12.07.2007;

25. *The Truth about the Origins of Jesus Christ and Virgin Mary [Pravda o proiskhozhdenii Iisusa Khrista i Devy Marii]* brochure, authored by A.A. Vostriagov, published by Sanders (mass media company), judgment by Zavolzhskii District Court, Ul'ianovsk, of 12.07.2007;

26. *The Russian People and the RF Constitution [Russkii narod i konstitutsiia RF]* brochure authored by A.A. Vostriagov, published by Sanders (mass media company), judgment by Zavolzhskii District Court, Ul'ianovsk, of 12.07.2007;

27. *Every [Ethnic] Russian Must Know This [Eto dolzhen znat' kazhdyi russkii]* brochure, authored by A.A. Vostriagov, published by Sanders (mass media company), judgment by Zavolzhskii District Court, Ul'ianovsk, of 12.07.2007;

28. *What Should Be Done... [Chto delal'...]* brochure, authored by A.A. Vostriagov, published by Sanders (mass media company), judgment by Zavolzhskii District Court, Ul'ianovsk, of 12.07. 2007;

29. *Saryn' na kichku* brochure, authored by A. Dobrovol'skii, published by ViatKA, judgment by Leninskii District Court, Kirov, of 22.08.2007;

30. *The Fall and Rise of Paganism [Iazychestvo: zakat i rassvet]* brochure, authored by A. Dobrovol'skii, published by ViatKA, judgment by Leninskii District Court, Kirov, of 22.08.2007;

31. *Division № 1 – the Newspaper of Russian Prikam'e, [Diviziia № 1 – Gazeta Russkogo Prikam'ia]* 2001, judgment by Industrial'nyi District Court, Izhevsk, Udmurtia Republic, of 26.07.2007;

32. *Izhevsk division № 2, 3, 4, 5 – the Newspaper of Russian Prikam'e, [Izhevskaiia diviziia № 2, 3, 4, 5 – Gazeta Russkogo Prikam'ia]* 2001, judgment by Industrial'nyi District Court, Izhevsk, Udmurtia Republic, of 26.07.2007;

33. *A Call to the Islamic Ummah. How Long Must We Wait? [Zov k islamskoi umme. Kak dolgo eshche?]* DVD, judgment by Leninskii District Court, Ufa, of 10.10.2007;

34. *The System of Islam [Sistema islama]* by Taqiuddin an-Nabhani, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

35. *The Islamic State [Islamskoi gosudarstvo]* by Taqiuddin an-Nabhani, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

36. *Democracy is a System of Faithlessness [Demokratiia – sistema bezveriiia]* by Taqiuddin an-Nabhani, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

37. *The Political Concept of Hizb ut-Tahrir [Politicheskaiia kontseptsiiia Khizb ut-Takhrir]* by Taqiuddin an-Nabhani, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

38. *Al-Wa'i [Al'-Vai]* magazine № 215, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

39. *Al-Wa'i [Al'-Vai]* magazine № 221, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

40. *Al-Wa'i [Al'-Vai]* magazine № 230, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

41. *Al-Wa'i [Al'-Vai]* magazine № 233, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

42. *Al-Wa'i [Al'-Vai]* magazine № 234, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

43. *Al-Wa'i [Al'-Vai]* magazine № 235, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

44. *Al-Wa'i [Al'-Vai]* magazine № 236, judgment by Tuimazinskii District Court, Republic of Bashkortostan, of 05.09.2007;

45. *Belief and Man [Vera i chelovek]*, “Risale-i Nur” collection by Said Nursi, published in 2000, translated by M.G. Tamimdarov, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

46. *The Foundations of Sincerity [Osnovy iskrennosti]*, “Risale-i Nur” collection by Said Nursi, published in 2000, translator not indicated, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

47. *The Immortality of Man's Spirit [Istiny vechnosti dushi]*, “Risale-i Nur” collection by Said Nursi, published in 2000, translation by M.Sh. Abdullaev, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

48. *The Truths of Belief [Istiny very]*, “Risale-i Nur” collection by Said Nursi, published in 2000, translator not indicated, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

49. *A Guide for Women [Putevoditel' dlia zhenshchii]*, “Risale-i Nur” collection by Said Nursi, published in 2000, translation by M.Sh. Abdullaev, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;



ment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

50. *The Fruits of Belief [Plody very]*, “Risale-i Nur” collection by Said Nursi, published in 2000, translated by M.G. Tamimdarov, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

51. *On Ramadan, Thanks, and Frugality [Ramadan. Berezhlivost'. Blagodarnost']*, “Risale-i Nur” collection by Said Nursi, published in 2000, translator not indicated, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

52. *Munadzhat [A Supplication]: The Third Ray [Munadzhat (Molitva). Tretii luch]*, “Risale-i Nur” collection by Said Nursi, published in 2002, translated by M.G. Tamimdarov, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

53. *Thirty-Three Windows [Tritsat' tri okna]*, “Risale-i Nur” collection by Said Nursi, published in 2004, translated by M. Irsal, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

54. *The Foundations of Brotherhood [Osnovy bratstva]*, “Risale-i Nur” collection by Said Nursi, published in 2004, translated by M.G. Tamimdarov, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

55. *The Way of Truth [Put' istiny]*, “Risale-i Nur” collection by Said Nursi, published in 2004, translation by M.Sh. Abdullaev, M.G. Tamimdarov, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

56. *The Staff of Musa [Posokh Musy]*, “Risale-i Nur” collection by Said Nursi, year of publication not indicated, translated by T.N. Galimov, M.G. Tamimdarov, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

57. *The Short Words [Kratkie slova]*, “Risale-i Nur” collection by Said Nursi, year of publication not indicated, translated by M.G. Tamimdarov, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

58. *Message for the Sick [Broshiura dlia bol'nykh]*, “Risale-i Nur” collection by Said Nursi, published in 2003, translated by M.G. Tamimdarov, judgment by Koptevskii District Court, Northern Administrative Okrug, Moscow, of 21.05.2007;

59. Materials published in *For Rus! [Za Rus'!]* newspaper, 2005, № 4 (49), publisher and editor S. Putintsev, judgment by Leninskii Court, Novorossiisk, of 21.06.2007;

60. Materials published in *For Rus! [Za Rus'!]* newspaper, 2006, № 1 (50), publisher and editor S. Putintsev, judgment by Leninskii Court, Novorossiisk, of 21.06.2007;

61. Materials published in *For Rus! [Za Rus'!]* newspaper, 2006, № 2 (51), publisher and editor S. Putintsev, judgment by Leninskii Court, Novorossiisk, of 21.06.2007;

62. Information materials in the article *Let's Croak [Davaite sdokhnem]*, PARA BELLUM newspaper № 9, December 2005, judgment by Sovetskii District Court, Cheliabinsk, of 25.09.2007;

63. Information materials in the article *Apotheosis of Preludes [Alofeoz preliudii]*, PARA BELLUM newspaper № 9, December 2005, judgment by Sovetskii District Court, Cheliabinsk, of 25.09.2007;

64. *Fundamentals of Islamic Teaching (Usus al-Akida) [Osnovy islamskogo veroucheniia (Usus al'-akida)]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: *bin Auda as-Sa-avi Muhammad. Osnovy islamskogo veroucheniia (Usus al-akida)*, place and year of publication not indicated (additional description specified in the judgment: “green paperback book”)<sup>1</sup>]

65. *Islamic Aqidah According to the Holy Quran and Authentic Sunnah [Islamskaia akida (verouchenie, ubezhdenie, vozzrenie) po Sviashchennomu Koranu i*

<sup>1</sup> Here and further in the ‘Buguruslan list’ (Nos 64–79) we attempted, on the basis of the text of the court’s judgment, to compile adequate bibliographical notes corresponding to the banned materials. Unfortunately this was not always possible, as in the texts of the court judgments the norms of bibliographical description are not respected, and the descriptions are extremely careless.

*dostovernym izrecheniiam proroka Mukhammada*], judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Zinu, Mukhammed ibn Dzhamil' [Zinu, Muhammad ibn Jamil]. Islamskaia akida (verouchenie, ubezhdenie, vozzrenie) po Sviashchennomu Koranu i dostvernoi Sunne / Mukhammed ibn Dzhamil Zinu. M., 1998, 125 pp.];

66. *As-Salafiya (Truth and Falsehood) [As-Salafiya (pravda i vymysel)]* brochure, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: As-Salafiya: Pravda i vymysel. M.: OAO IG "Progress", 2003. 31 pp.];

67. *The Life of the Prophet Muhammad (PBUH) [Zhizneopisanie proroka, da blagoslovit ego Allakh i privetstvuet]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Zhizneopisanie proroka, da blagoslovit ego Allakh i privetstvuet / Materialy podgot. Nauch. Komis. In-ta imamov i propovednikov Ministerstva po delam Islama, vakfov, prizyva i orientatsii Korolevstva Saud. Arabiia/Translated into Russian by: Astaf'ev I. A. — Izd. 1-e. M., 1998. 46 pp.];

68. *Islam Today [Islam segodnia]* brochure, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Al-Maududi, al'-Alia Abu, Islam segodnia. Izd. 1-e. M.: PK "Santlada", 1992. 37 pp.];

69. *Words on Unity [Slovo o edinstve]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Slovo o edinstve. M.: Lama Press, 1993. 55 pp.];

70. *Establishing Allah's Law [Ustanovlenie zakonov Allakha]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Mukhammad ben Ibrakhim Ben Abdel' Latifa al-Sheikh. Ustanovlenie zakonov Allakha / Translated from Arabic by Makhachkala (Dagestan), 1997. 16 pp.];

71. *Programs of Shariah Studies [Programmy po izucheniiu shariatskikh nauk]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this

to be: Programmy po izucheniiu shariatskikh nauk: Materialy podgotovleny Nauch. komis. In-ta imamov i propovednikov M-va po delam Islama, vakfov, prizyva i orientatsii Korolevstva Saud. Arabiia : Transl. and publ.: Ros. Fond "Ibragim Bin Abdulaziz Al' Ibragim" / Translated into Russian by: Vladimir Abdalla Nirsha, Astaf'ev I.A. — Izd. 3-e. M. : Ros. Fond "Ibragim Bin Abdulaziz Al' Ibragim" , 1999 — 414, [7] pp. razd. pag. il.];

72. *An Explanation of the Basics of Faith [Obiasnenie osnov very]*, a brief essay on the Islamic dogma, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Al-Usaimin, Mukhammad bin Salikh. Obiasnenie osnov very : : Krat. ocherk dogmatov Islama / Sheikh Mukhammad bin Salikh al'-Usaimin; Translated by: Nirsha V. (Abdalla); Per. proveren nauch. komis. Ros. Fonda "Ibragim"; Ros. Fond "Ibragim Bin Abdulaziz Al' Ibragim". — 1. izd. M. : Ros. Fond "Ibragim Bin Abdulaziz Al' Ibragim" , 1999 — 117 pp.; 17 cm — Tekst rus., arab. — Dop. tit. l. arab.];

73. *The Personality of a Muslim: the true Islamic personality as defined in the Qur'an and Sunnah [Lichnost' musul'manina v tom vide, kotoryi stremitsia pridot' ei islam s pomoshch'iu Korana i sunny]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Mukhammad Ali al'-Khashimi. Lichnost' musul'manina, v tom vide, kotoryi stremitsia pridot' ei islam s pomoshch'iu Korana i Sunny // Mukhammad Ali Al'-Khashim; Translated into Russian by: Vladimir Abdalla Nirsha. — 4. izd. M. , 2001 — 413, [1] pp.; 22 cm. — (Podarok). — Na per. avt. ne ukazan. — Tekst rus., arab. — Paral. tit. l. arab. — Na tit. l.: K 1400-letiiu Islama v Rossii. Per. proveren Nauch. komis. Ros. fonda "Ibragim Bin Abdulaziz Al' Ibragim".];

74. *Dispelling Doubt [Otvedenie somnenii]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Mukhammad ibn Suleiman at-Tamini (Vakhkhab). Otvedenie somnenii / Translated by Mukhammad Abdullakh. Sharzha: Tsentr "Blagotvoritel'naia kniga i kasseta", 2001. 35 pp.];

75. *The Book of Monotheism [Kniga edinobozhiia]*, Salih ibn Fawzan al-Fawzan, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Salikh ibn Favzan al Favzan. Kniga edinobozhiia. Makhachkala (Dagestan): Badr, 1997. 147 pp.];

76. *Explanation of the Fundamentals of Faith: Notes on the True Teaching [Raziasnenie osnov very: zametki ob istinnom verouchenii]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Ibn Usaimin, Mukhammad ibn Salikh. Raziasnenie osnov very: zametki ob istinnom verouchenii Er-Riiad: Ministerstvo po delam Islama, vakifov, prizyva i orientatsii Korolevstva Saudovskaia Araviia, 1423 po khidzhre [2003]. 128 pp.];

77. *The Life of Sheikh Muhammad ibn Abd al-Wahhab [Zhizn' sheikha Mukhammada ibn Abd al'-Vakhkhaba...]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Zhizn' sheikha Mukhammada ibn Abd al'-Vakhkhaba... / Suleiman ibn Abd ar-Rakhman al'-Khukai' M.: Progress, 2003.];

78. *The Fundamentals of Islam [Osnovy islama]*, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: Osnovy islama / Abul' Al'-Alia Al'-Maududi. Per. I. Mukhammed Sheik M: PK "Santlada" – 127.[1] pp.];

79. *Following the Sunnah of Allah's Messenger (PBUH) is Indispensable [Neobkhodimost' sobliudeniia «Sunny Poslannika Allakha» (da blagoslovit ego Allakh i privetstvet)]* brochure, judgment by Buguruslan City Court, Orenburg Oblast, of 06.08.2007, determination by Buguruslan City Court of 19.10.2007. [We understand this to be: BIN BAZ. Shaik Abdul Aziz bin Abdullakh. Neobkhodimost' sobliudeniia «Sunny Poslannika Allakha» (da blagoslovit ego Allakh i privetstvet). Er-Riiad: Ministerstvo Vakufov, prizyva i nastavleniia KSA, 1423 po khidzhre [2003]. 38 pp.];

80. *The Dance of Satan on the Wreckage of Russia [Bal satany na oblomkakh Rossii]* leaflet with an essay, signed "The Protocols of the Elders of Sakhalin" [Protokoly sakhalinskikh mudretsov], judgment by Iuzhno-Sakhalinsk City Court, of 31.10.2007;

81. Printed material *Russian Phalanx [Russkaia falanga]* № 14 (42) dated 25 December 2004, judgment by Oktiabrskii District Court, Izhevsk, of 5.10.2007;

82. Printed material *Republic [Respublika]* № 4 (18–24 April 2004), judgment by Oktiabrskii District Court, Izhevsk, of 5.10.2007;

83. Printed material *Our People's Observer [Nash narodnyi nabliudatel']* № 1 (November 2003), judgment by Oktiabrskii District Court, Izhevsk, of 5.10.2007;

84. *The Islamic faith [Islamskaia Vera]* brochure, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007.

85. *Drawing Near to Allah – the Path to Success [Priblizhenie k Allakhu – put' k uspekhu]* brochure, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

86. *Consciousness "al-Wa'i" [Soznanie "Al'-Vai"]* brochure, № 203, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

87. *Consciousness "al-Wa'i" [Soznanie "Al'-Vai"]* brochure, № 204, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

88. *Consciousness "al-Wa'i" [Soznanie "Al'-Vai"]* brochure, № 205, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

89. *Consciousness "al-Wa'i" [Soznanie "Al'-Vai"]* brochure, № 207, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

90. *Consciousness "al-Wa'i" [Soznanie "Al'-Vai"]* brochure, № 208, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

91. *Entry into Society [Vkhozhdenie v obshchestvo]* brochure, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

92. *Party Cohesion [Partiinoe splochenie]* brochure, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

93. *A Proclamation on the Course of Action [Proklamatsii otnositel'no khoda deistvii]* brochure, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

94. *The Path to Faith [Put' k Vere]* brochure, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

95. *Tafsir Ayat [Tafsir Aiatov]* brochure, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

96. *The System of Islam [Sistema Islama]* brochure, judgment by Pravoberezhnyi District Court, Magnitogorsk, Cheliabinsk, of 16.11.2007;

97. Leaflet with poem *Address to Russian Men on February 23 [Obrashchenie k russkim muzhchinam na 23 fevralia]*, signed “Russian women”, judgment by Iuzhno-Sakhalinsk City Court, of 14.12.2007;

98. Leaflet titled *Dear countrymen! [Uvazhaemye zemliaki!]*, concluded by the text “Join the Slavic Union! [Vstupajte v Slavianskii soiuz!]”, judgment by Iuzhno-Sakhalinsk City Court, of 14.12.2007.

99. *Slavic Union [Slavianskii soiuz]* leaflet with three images and the expression “Say ‘no’ to foreign bastards!!! Join the SS [Skazhi «net» inorodnoi svolochi!!! Vstupajte v SS]”, judgment by Iuzhno-Sakhalinsk City Court, of 14.12.2007;

100. *Chuda-Iuda* poem, signed ‘Nikolai Fedorov’, judgment by Iuzhno-Sakhalinsk City Court, of 14.12.2007;

101. *Russia Stabbed in the Back: Jewish fascism and the genocide of the Russian people [Rossiia s nozhom v spine. Evreiskii fashizm i genotsid russkogo naroda]* film, judgment by Leninskii District Court, Kirov, of 29.08.2007.

## II. Materials not on the federal list, but found extremist by courts, where the judgments are known to have taken effect

- Andrei Mikhailovich Boikov, Reflections after a Failure [Razmyshleniia posle neudachi] (article). Found extremist by the Federal Court of Leninskii District, Makhachkala, of 20 June 2004
- Cyclon B [Tsiklon B] music group, 12 songs:
  - The Expanses of Europe
  - Crystal Night

- In the Memory of Heroes
  - Yo Yo Rotten Rap
  - My Day Off
  - This is War
  - A Unit of Patriots
  - Death to Enemies!
  - Every Day under the Flag of Death
  - My Stigma
  - Children of the Hills
  - This is Our Century
- Found extremist by Nagatinskii Court, Moscow, in October 2007

- V. Kaliagin, *Religious Expansion or Spiritual Extremism? [Religioznaia ekspansii ili dukhovnyi ekstremizm?]* // *Chuiskie zori* (Altai Republic). 2007. May 24. Found extremist by Kosh-Agachskii District Court of the Altai Republic, presumably at the end of 2007 – beginning of 2008
- Leaflets *Appeal to the Law Enforcement Authorities of Dagestan [Obrashchenie k sotrudnikam pravookhranitel'nykh organov Dagestana]* and *In the Name of Allah, Mighty and Merciful [Vo imia Allakha, Milostivogo, Miloserdnogo]*. Found extremist by the Federal Court of Leninskii District, Makhachkala, of 12 May 2004
- Iurii Dmitrievich Petukhov. *The Fourth World War. Intrusion. Chronicles of the Eastern Hemisphere Occupation. [Chetvertaia mirovaia. Vtorzhenie. Khronika okkupatsii Vostonchnogo polushariia.]* – M.: Metagalaktika, 2004, 416 pp. Same author. *Genocide. Society. Extermination. Russian Holocaust. [Genotsid. Obshchestvo. Istreblenie. Russkii Kholokost.]* – M.: Metagalaktika, 2004, 384 pp. (Another version of the title: *Genocide. Society of Extermination. (Writer's Diaries 1999–2003) [Genotsid. Obshchestvo Istrebleniia. (Dnevnikii Pisatel'ia 1999–2003 gg.)]*) Found extremist by Perovskii District Court, Moscow, 5 February 2007.
- Websites:
  - Kavkaz-Tsenter
  - ChechenPress
  - Daimokkh
  - Alani (Karachaevo-Balkar) News Agency.
 Found extremist by Sovetskii District Court of Novosibirsk on 23 May 2007.

### III. Materials found extremist by courts, where we are not sure whether the judgments have taken effect

- [Video recording of a double murder on behalf of the National Socialist Party of Russia]. Found extremist by Novgorod City Court on 17 March 2008.
- Georgii Mikhailovich Znamenskii. *The Orange Retort [Oranzhevaia kolba]* // Severnyi rabochii (Severodvinsk, Arkhangelsk Oblast). 2006. 8 July. The article was found extremist by Severodvinskii City Court on 15 January 2007.
- [Russian Pagan Communities “The legacy of our ancestors” [Russkoi Iazycheskoi Obshchiny “Nasledie predkov”] leaflets.] Found extremist by Sovetskii City Court (Kaliningrad Oblast) on 12 February 2007.
- [Leaflet of neo-Nazi character]. Found extremist by Krasnoglinskii District Court (Samara Oblast) on 18 February 2008.
- Slavic almanac ‘Khors’ [Slavianskii al’manakh “Khors”] (№№ 1, 2, 3). Found extremist by Sovetskii District Court of Samara on 4 March 2008.

## Appendix 4. Organizations Found by Russian Courts to be Extremist

The following is a list of organizations found by Russian courts to be extremist over the period between 2002 and 2007. This is not an official list; it is based on the findings of our Center’s monitoring.

### 1. Organizations found by the Russian Supreme Court to be terrorist since 14 February 2003

All these organizations are also considered extremist.

1. High Military Council Majlisul Shura of the United Mujahideen Forces of the Caucasus [*Vysshii voennyi Madzhlisul’ Shura Obedinennykh sil modzhakhedov Kavkaza*]
2. Ichkeriia and Dagestan People’s Congress [*Kongress narodov Ichkerii i Dagestana*]
3. The Base (al-Qaida) [*Baza (Al’-Kaida)*]
4. Asbat al-Ansar
5. Holy War (al-Jihad, or Egyptian Islamic Jihad) [*Sviashchennaia voina (Al’-Dzhikhad ili Egipetskii islamskii dzhikhad)*]
6. Islamic Group (al-Gama’a al-Islamiyya) [*Islamskaia grupa (Al’-Gamaa al’-Islamiia)*]
7. Muslim Brotherhood (al-Ikhwan al-Muslimun) [*Brat’ia-musul’mane (Al’-Ikhvan al’-Muslimun)*]
8. Party of Islamic Liberation (Hizb ut-Tahrir al-Islami) [*Partiia islamskogo osvobodzheniia (Khizb ut-Takhrir al’-Islami)*]
9. Lashkar-e-Tayyiba [*Lashkar-I-Taiba*]
10. Islamic Group (Jamaat-e-Islami) [*Islamskaia grupa (Dzhamaat-i-Islami)*]

11. Taliban Movement [*Dvizhenie Taliban*]
12. Islamic Party of Turkistan (formerly Islamic Movement of Uzbekistan) [*Islamskaia partiia Turkestana (byvshee Islamskoe dvizhenie Uzbekistana)*]
13. Society of Social Reforms (Jamiat al-Islah al-Ijtimai) [*Obshchestvo sotsial'nykh reform (Dzhamiat al'-Islakh al'-Idzhtimai)*]
14. Society of the Revival of Islamic Heritage (Jamiat Ihya at-Turaz al-Islami) [*Obshchestvo vozrozhdeniia islamskogo nasledii (Dzhamiat Ikh'ia at-Turaz al'-Islami)*]
15. Al-Haramain Islamic Foundation (The House of Two Holy Places) [*Dom dvukh sviatyn' (Al'-Kharamein)*]
16. Islamic Jihad - Jamaat Mojahedin [*Islamskii dzhikhad – Dzhamaat modzhakhedov*]
17. Jund ash-Sham [*Dzhund ash-Sham*].

## 2. Other organizations found by Russian courts to be extremist in accordance with the Law on Combating Extremist Activity

1. Russian National Unity (*Russkoe natsional'noe edinstvo, RNE*) regional chapter in Omsk.  
Found extremist by Omsk Oblast Court on 10 October 2002.
2. The Asgard Slavic Community of the Belovod'e Asgard Ves' Spiritual Department, Old-Russian Ingling Church of Orthodox Old Believer-Ingling [Asgardskaia Slavianskaia Obshchina Dukhovnogo Upravleniia Asgardskoi Vesi Belovod'ia Drevnerusskoi Ingliiicheskoii tserkvi Pravoslavnykh Staroverov-Inglingov].  
Found extremist by Omsk Oblast Court on 30 April 2004.
3. The Kapische Vedy Perun Slavic Community of the Belovod'e Asgard Ves' Spiritual Department, Old-Russian Ingling Church of Orthodox Old Believer-Ingling [Slavianskaia Obshchina Kapischa Vedy Peruna Dukhovnogo Upravleniia Asgardskoi Vesi Belovod'ia Drevnerusskoi Ingliiicheskoii tserkvi Pravoslavnykh Staroverov-Inglingov].  
Found extremist by Omsk Oblast Court on 30 April 2004.

4. The Men's Spiritual Seminary - Institution of Professional Religious Education, Old-Russian Ingling Church of Orthodox Old Believer-Ingling [Muzhskaia Dukhovnaia Seminariia Dukhovnoe Uchrezhdenie professional'nogo religioznogo obrazovaniia Drevnerusskoi Ingliiicheskoii Tserkvi Pravoslavnykh Staroverov-Inglingov].  
Found extremist by Omsk Oblast Court on 30 April 2004.
5. RNE regional chapter in Tatarstan.  
Found extremist by the Supreme Court of the Republic of Tatarstan on 21 May 2003 (effective as of 5 June 2003).
6. The Kuban Council of the Spiritual Ancestral Russian Empire Rus' (Krasnodar Krai chapter of the Spiritual Ancestral Russian Empire Rus' organization) [Rada zemli Kubanskoi Dukhovno-Rodovoi Derzhavy Rus' (Krasnodarskoe kraevoe otdelenie organizatsii "Dukhovno-rodovaia derzhava Rus'")].  
Found extremist by Pervomaiskii District Court of Krasnodar on 27 April 2006 (effective as of 16 May 2006).
7. The Krasnodar Orthodox Slavic Community VEC RA (Vedic Culture of Russian Aryans) of Scythian Ves' Rasseniia [Krasnodarskaia Pravoslavnaia Slavianskaia Obshchina "VEC RA" (Vedicheskoi Kul'tury Rossiiskikh Ariei) Skifskoi Vesi Rassenii].  
Found extremist by Krasnodar Krai Court on 5 October 2006.
8. The National Bolshevik Party [Natsional-bol'shevistskaia partiia].  
Found extremist by Moscow City Court on 19 April 2007 (effective as of 7 August 2007).

## 3. Organizations liquidated before the Law on Combating Extremist Activity, but included in the Rosfinmonitoring list of extremist and terrorist organizations

1. RNE regional chapter in Primor'e.  
Banned by Primorskii Krai Court on 21 October 1999, in accordance with article 16 of the Federal Law on Civil Society Associations (prohibition of establishment and activity of non-governmental associations, whose goals or activities involve a forcible change of the foundations of the constitutional system and the violation of the integrity of the Russian Federation; undermin-

ing state security; establishment of armed units; incitement to ethnic, racial or religious hatred).

2. Slavic World NGO in Kuzbass [*Slavianskii mir*].

Liquidated by Kemerovo Oblast Court on 27 November 2001 pursuant to article 43 of the Federal Law on Civil Society Associations (failure by a non-governmental association to correct violations of the law within the established time frame). However, we do not know what violations were committed by the organization and whether they involved actual xenophobic activities or mere non-compliance with formalities.