

# Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2017

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

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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 2017.

Traditionally, we are presenting our annual reports on problems with realizing the right to freedom of conscience and the principle of state secularism, and on misuse of measures to counteract whatever falls under the definition of “extremism”.

Unlike in previous years, instead of one large report, devoted to radical nationalism, hate crimes, and the efforts by the state and the society to counteract these phenomena, this collection contains two reports: the first one covers the subject of hate crimes and counteraction to them, the second one discusses other aspects of anti-extremist policies (besides those described in the above-mentioned reports).

The reports are updated versions of original texts on the SOVA Center website.

The appendix provides details about hate crimes and the prosecution of “extremist crimes”. All data were compiled at February 20, 2018.

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On December 30, 2016, the Ministry of Justice forcibly included SOVA Center on the list of “non-profit organizations performing the functions of a foreign agent”. We disagree with this decision and have filed an appeal against it.

The SOVA Center website, which includes publications and news,

can be found at <http://sova-center.ru>

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## Xenophobia in Figures: Hate Crime in Russia and Efforts to Counteract It in 2017

The present report focuses on the phenomenon, known as hate crimes – that is, on ordinary criminal offenses committed on the grounds of ethnic, religious or other similar enmity or prejudice.<sup>1</sup>

### Summary

The number of attacks motivated by racist or neo-Nazi-ideology declined in 2017, according to the SOVA Center monitoring; however, the true scope of ideologically motivated violence is not known. The drop number of attacks against ethnic “others” accounts for much of this decrease, although they still remain the largest group of victims. However, the number of attacks against “ideological opponents” shows a substantial increase, with a large subset targeting individuals viewed by their attackers as national traitors.

Conversely, the activity of vandals, motivated by religious, ethnic or ideological hatred, increased in comparison with its level in the preceding year. This growth also reflects an increase in attacks against the sites of “ideological opponents.” These “opponents” include state agencies as well as buildings associated with the “fifth column.” The number of attacks against religious sites remained constant, comprising about two-thirds of the total.

As for the law enforcement practice, the number of sentences for hate-motivated crimes has been decreasing year after year. This drop can be partially attributed to the decrease in the actual number of attacks, but racist and other ideologically motivated violence has by no means disappeared, and the reluctance of law enforcement agencies to step up work in this area is alarming.

<sup>1</sup> Hate Crime Law: A Practical Guide. Warsaw: OSCE/ODIHR, 2009 (available on the OSCE website in several languages, including Russian: <http://www.osce.org/odihhr/36426>).

Verkhovsky, Alexander. Criminal Law on Hate. Crime, Incitement to Hatred and Hate Speech in OSCE. Participating States. The Hague: 2016 (available on the SOVA Center website: <http://www.sova-center.ru/files/books/osce-laws-eng-16.pdf>).

### Systematic Racist and Neo-Nazi Violence

In 2017, at least 71 people became victims of violence, motivated by racist or neo-Nazi-ideology. Fewer than 6 people died; the others were injured. As usual, our data does not include victims in the North Caucasus and Crimea or victims of mass brawls. We see a drop in numbers compared to 2016, when 10 people were killed, 82 injured and 3 more threatened with murder.<sup>2</sup> Of course, our conclusions about the trend can only be preliminary – the 2017 data is still far from final, and, alas, these numbers will inevitably grow,<sup>3</sup> since, in many cases, the information only reaches us after a long delay.

Unfortunately, collecting the statistics on the attacks is becoming increasingly difficult every year. The media coverage of this topic has long been either suppressed or delivered in a way that a hate crime is almost impossible to identify. Information from unofficial sources is also very hard to obtain. The victims are not at all eager to publicize the incidents; they rarely report attacks to non-governmental organizations or the media, let alone the police and law enforcement agencies. Meanwhile, attackers, who often used to post online the videos of their actions, have grown more cautious. Quite often, we only learn about the incidents several years after the fact.

The attacks of 2017 occurred in 19 regions of the country (vs. 18 regions in 2016). Unexpectedly, St. Petersburg is in the lead with the highest level of violence (1 killed, 24 injured), while victims in Moscow were uncharacteristically few (9 injured). A significant number of people were attacked in the Novosibirsk Region (5 injured), the Republic of Tatarstan (1 killed, 4 injured), the Rostov Region (2 killed, 2 injured), the Oryol Region (3 injured), and the Khabarovsk Region (2 killed, 1 injured). When compared to 2016, the situation has improved in the Moscow Region (2 people injured in 2017 vs. 6 in 2016), but deteriorated in Tatarstan (1 killed, 2 injured in 2016).

A number of regions (the Vladimir Region, the Lipetsk Region, the Nizhny Novgorod Region, the Omsk Region, the Samara Region, the Primorye Region and the Stavropol Region) have disappeared from our statistics this year, but, on the other hand, crimes were reported in several new places (the Belgorod Region, the Kirov Region, the Oryol Region, the Yaroslavl Region, and the Mari El Republic).

According to our data, in addition to Moscow, St. Petersburg and the Moscow Region, the centers of ethnic tension in the last seven years (2011-2017) can be identi-

<sup>2</sup> Data for 2016 and 2017 cited as of January 18, 2018.

<sup>3</sup> Our similar report for 2016, for example, reported 9 dead, 72 injured, 3 murder threats. See: Alperovich, V., Yudina, Natalia. Old problems and New Alliances. Xenophobia and Radical Nationalism in Russia and Efforts to Counteract Them in 2016 // SOVA Center. 2017. 8 May (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2017/05/d36995/>).

fied as the Novosibirsk Region, the Orenburg Region, the Rostov Region, the Sverdlovsk Region, the Tula Region and the Republic of Tatarstan. However, it is possible that these regions simply do a better job of informing the public about such crimes.

### Attacks against Ethnic “Others”

People, perceived by their attackers as “ethnic outsiders,” still constituted the largest group of victims. In 2017, we recorded 28 attacks motivated by ethnic considerations. In comparison with the preceding year, the percentage of such attacks decreased – we reported 44 such victims (7 of them dead) in 2016.

Migrants from Central Asia were the most numerous group in this category of victims – 11 injured (vs. 3 killed and 25 injured in 2016), followed by individuals of unidentified “non-Slavic appearance” (5 injured); most likely, the overwhelming majority of these people were also from Central Asia, since their appearance was described as “Asian” (vs. 2 killed and 8 injured in 2016). Migrants from the Caucasus take the next place with 3 injured (vs. 3 killed and 1 injured in 2016).

Attacks against other “ethnic outsiders” with the use of xenophobic slogans were also reported. In August 2017, three students from Iraq were beaten up in Oryol. Mahjub Tijani Hassan, a 24-year-old student of the Kazan Federal University from the Republic of Chad, was brutally murdered in early February 2017 in Kazan.<sup>4</sup> This murder caused a great media resonance in early 2017. Two Russian victims of violence motivated by ethnic hatred were reported in Novosibirsk.

In addition to attacks on the streets, we know of at least two cases of group attacks in subway and commuter trains cars against migrants from Central Asia or the Caucasus (the so-called “white cars”). For example, in December 2017, a group of young people armed with nunchucks and a knife entered the train at the Technological Institute station in St. Petersburg and proceeded to beat up two passengers of “non-Slavic appearance,” pushing one of them out onto the platform with a shout “the car for Russians!”<sup>5</sup>

Despite all the anti-Ukrainian rhetoric of the recent years, attacks against Ukrainians are quite rare, apparently because ethnic Ukrainians are hard to identify in the crowd. However, we encountered one attack against a Ukrainian citizen in the period under review. Five young skinheads beat up an 18-year-old Ukrainian citizen – a trainee of FC Dynamo (Kyiv) – while yelling xenophobic

<sup>4</sup> Kazan: the student from Chad murdered // SOVA Center. 2017. 7 March (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2017/03/d36533/>).

<sup>5</sup> Neo-Nazi with nunchucks beat up several people in the St. Petersburg subway shouting “Russia for Russians” // Mediazona. 2017. 11 December (<https://zona.media/news/2017/12/11/white>).

anti-Ukrainian slogans; the incident took place outside the Garage Underground nightclub in Chelyabinsk in July 2017.<sup>6</sup>

Neo-Nazi group Citadel conducted a number of raids in Moscow early in the year. However, in contrast to the previous years, anti-migrant raids have almost disappeared by the end of 2017, especially after most of their initiators faced criminal prosecution.<sup>7</sup>

We have to emphasize once again that the quantitative data provided here is incomplete and the majority of racist attacks remain unreported, or we can confirm only the fact of an attack by unknown radicals with no details on where and when it took place. Alas, such attacks do happen. The neo-Nazi videos with scenes of racist violence by the famous Sparrows Crew group as well as the new Vigilance Committee (*Komitet Bditelnosti*),<sup>8</sup> shared online in early 2017, provide indirect evidence. Unfortunately, recognizing the circumstances of the incidents from these videos is impossible.

Moreover, while law enforcers managed to bring down the level of systematic racist violence by organized Nazi groups, ordinary xenophobic violence seems to remain at the same level. We record three to five such incidents each year, while keeping in mind that this category of the attacks is the least likely to be picked up by our monitoring.

### Attacks against Ideological Opponents

The number of ultra-right attacks against their political, ideological or “stylistic” opponents increased noticeably in 2017 bringing the count of victims up to 21, including three deaths (vs. 9 injured in 2016).<sup>9</sup>

<sup>6</sup> For more details see: “A Ukrainian soccer player from Dynamo Kyiv brutally beaten in Chelyabinsk” // Chel.pro. 2017. 15 July (<http://chel.pro/2978/>).

<sup>7</sup> Alperovich, V. A fiasco, gentlemen. The movement of Russian nationalists in the summer and autumn of 2017 // SOVA Center. 2017. 26 December ([xenophobia/publications/2017/12/d38558/](http://www.sova-center.ru/en/xenophobia/publications/2017/12/d38558/)).

<sup>8</sup> See: Yudina, N. The Far-Right. Crimes and Punishments. The First Half of 2017 // SOVA Center 2017. August 25 (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2017/08/d37744/>).

<sup>9</sup> These attacks peaked in 2007 (7 killed, 118 wounded), and were in a constant decline since then, reaching a minimum in 2013 (7 wounded). The data for 2017 is similar to that of 2014. For more details see: Alperovich, V., Yudina, N. Calm Before the Storm? Xenophobia and Radical nationalism in Russia and Efforts to Counteract Them in 2014 // SOVA Center 2015. April 21 (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2015/04/d31818/>).

The victims of the attacks included representatives of youth subcultures, both politicized (anti-fascists, anarchists) and apolitical (attacks against anime fans, or shaving the head of a teenager as an objection against his dreadlocks).

The number of people beaten up because they were perceived as the “fifth column” and “traitors to the homeland” increased as well – the victims included independent journalists,<sup>10</sup> volunteer guards at the Boris Nemtsov memorial, and participants in opposition pickets or rallies against corruption (primarily supporters of Alexei Navalny). There were 6 such attacks in 2017 vs. 3 in 2016.

Attacks of this nature were carried out by representatives of nationalist pro-Kremlin groups, of which the SERB (South East Radical Bloc) movement was the most prominent. The most famous incident took place in Moscow in April, when Alexei Navalny had antiseptic green dye (supposedly mixed with another substance) thrown into his face. As a result, he suffered from a chemical burn to his eye and had to receive medical treatment in Spain. Internet users identified the person who committed the attack as Alexander Petrunko, an activist of the SERB movement.<sup>11</sup>

The same category also includes the attacks by the ultra-right against state employees. An armed attack on the FSB reception room, which occurred in Khabarovsk on April 21, 2017, became one of the resonant events of the year. The attack ended with the death of two people and of the perpetrator, 17-year-old Anton Konev; one man was wounded.<sup>12</sup> It soon became clear that Konev was a member of Schtolz Khabarovsk, a small neo-Nazi group (which collaborated with the local cell of the Occupy Pedophilia project led by Maxim Martsinkevich).<sup>13</sup> His social network page was found to contain the posts regarding his intention to go to Valhalla (the German and Scandinavian

<sup>10</sup> For example, on January 10, 2017 in the center of Rostov-on-Don, neo-Nazis beat up Vladislav Ryazantsev, a journalist affiliated with the independent regional news website Caucasian Knot. See: National socialists of the Rostov Region took responsibility for the attack against the journalist with Caucasian Knot. 2017. 16 January (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2017/01/d36191/>).

Several attacks against Galina Sidorova, a lecturer with the School of Journalistic Investigations, took place in Yoshkar-Ola on April 26 and 27, 2017. See: A journalist from School of Journalistic Investigations attacked in Yoshkar-Ola // SOVA Center. 2017. 27 April (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2017/04/d37096/>).

<sup>11</sup> SERB Activists attacked Alexei Navalny // SOVA Center. 2017. 2 May (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2017/05/d36957/>).

<sup>12</sup> Khabarovsk: Neo-Nazi attacked a shooting club and the FSB reception room? // SOVA Center. 2017. 24 April (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/04/d36889/>).

<sup>13</sup> See more on Occupy Pedophilia in: Alperovich, V., Yudina, N. Calm before the Storm...

mythology is traditionally very popular among the neo-Nazis). Later, the FSB officers detained Konev’s alleged accomplice, an “experienced neo-Nazi”.<sup>14</sup>

Journalists and academic experts, who worked on the cases related to incitement to hatred, also faced threats from the ultra-right. In early 2017, Dmitry (Schulz) Bobrov published the name, the photo and the place of employment of a staff member of the St. Petersburg State University; in another case, a statement containing threats against a female journalist from *the Novaya Gazeta* was posted online.

## Other Attacks

The number of attacks against LGBT exceeded the corresponding number from the preceding year; we recorded 11 injured in 2017 vs. 1 killed, 4 injured in 2016. Most of the victims were attending LGBT actions, such as the Yaroslavl commemoration of the victims of the hate-motivated murders of transgender individuals<sup>15</sup> or the LGBT Pride event in St. Petersburg.<sup>16</sup> Fortunately, the participants of the actions and the journalists covering these actions only received minor injuries.

Attacks against the homeless increased slightly in 2017 in comparison to the preceding year – 2 killed, 1 injured (vs. 1 killed and 1 injured in 2016). We believe that such attacks are much more frequent in reality, since the homeless, who failed to adapt and were pushed to the brink of survival, are probably the most vulnerable population segment. However, we count only the cases, in which the hate motive has been officially recognized by the investigation, as it happened, for example, in the murder case of two homeless people (a man and a woman) at the Bratskoe Cemetery of Rostov-on-Don. A resident of the Tyumen Region, detained on suspicion of the murder, confessed to the act and declared himself a “cleaner” of the city from “worthless people.”<sup>17</sup>

The number of victims of religious xenophobia is almost impossible to estimate. Traditionally, the majority of the known victims were Jehovah’s Witnesses; a repressive state campaign has been conducted against them for many

<sup>14</sup> The alleged accomplice of the attack against the FSB in Khabarovsk detained // SOVA Center. 2017. 26 April (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/04/d36912/>).

<sup>15</sup> Attack against LGBT action in Yaroslavl // SOVA Center. 2017. 21 November (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2017/11/d38324/>).

<sup>16</sup> Attack against journalists and participants of the LGBT Pride event // SOVA Center. 2017. 23 August (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2017/08/d37713/>).

<sup>17</sup> The killer of the homeless at the Bratskoe Cemetery in Rostov declares himself a “cleaner” // Svobodnaya Pressa. 2017. 13 January (<http://yug.svpressa.ru/accidents/news/143597/?rss=1>).

years. In 2017, the data on cases related to the attacked Jehovah's Witnesses were closed, probably due to liquidation of the Jehovah's Witnesses' organizations as extremist on April 20, 2017.<sup>18</sup> Nevertheless, we have information about two attacks against representatives of this group (vs. about 18 in 2016).

Muslims as a religious group are a constant target of ultra-right hate speech on the Internet, but hostility to migrants in Russia is mostly based on ethnicity, and Muslims are rarely attacked offline as members of a religious group. However, such incidents do occur – for example, in February 2017, four young people verbally attacked a Tatar woman in a head scarf on board of a minibus in Saransk, uttering insults and threats.<sup>19</sup>

Some individuals, who tried to intervene and defend others from being beaten up, also ended up among the victims – 7 such people were reported in 2017. Examples include a minibus passenger in Saransk, who stood up for the above-mentioned Tatar woman in a Muslim headdress, or two subway passengers in St. Petersburg, who tried to stop the violence against the non-Slavs in the subway car.<sup>20</sup>

### Racism among Soccer Fans

In connection with the upcoming FIFA World Cup in the summer of 2018, the Russian soccer leadership has been paying greater attention to the racist antics of soccer fans. The post of Inspector for fighting racism was restored in February 2017 and filled by well-known former football player Alexei Smertin. In July, the Russian Football Union (RFU) presented a monitoring system for matches, and this system, indeed, identifies incidents of racism at the stadiums.

However, despite all the measures taken by the authorities, racist prejudices, expressed as insults and incitement to ethnic hatred, are still evident in Russian soccer and its affiliated groups. Hooting, as well as racist, aggressively nationalistic (including anti-Semitic), and homophobic chants were heard from the fan sectors of various teams throughout the year.<sup>21</sup> The characteristic

<sup>18</sup> The Supreme Court decides to liquidate the Administrative Center of Jehovah's Witnesses in Russia // SOVA Center. 2017. 20 April (<http://www.sova-center.ru/misuse/news/persecution/2017/04/d36871/>).

<sup>19</sup> Saransk: A young Tatar woman attacked on a minibus // SOVA Center. 2017. 5 February (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2017/02/d36322/>).

<sup>20</sup> St. Petersburg: The "White Car" action in the subway // SOVA Center. 2017. 11 December (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2017/12/d38456/>).

<sup>21</sup> Fare and SOVA publish a monitoring report on the issues of racism and xenophobia in Russian football for the seasons of 2015/16 and 2016/17 // SOVA Center. 2017. 20 June (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2017/06/d37316/>).

insulting gestures, addressed to dark-skinned players of opposing teams were also observed on several occasions.

In addition, we have encountered openly discriminatory statements coming not only from individual fans, but from the entire fan groups. Thus, in Krasnoyarsk, the requirements for entering the fan stand at the Yenisey-Arsenal soccer match were posted in the "Fan-Sector – Krasnoyarsk" VKontakte group in May 2017. The message stated that "*only fans dressed in red*" and people "*only of Slavic appearance*" could gain entrance into the sector. A representative of the movement told journalists that this unspoken rule "*has been working for a long time*" in Krasnoyarsk; he added that he would not want "*non-Slavs to be seen*" among the Yenisei fans in the photos from the match.<sup>22</sup>

In 2017, we know of at least two attacks involving soccer fans that seemed ideologically motivated. These are the previously mentioned cases of attacks against students from Iraq in Oryol and against the Ukrainian trainee of FC Dynamo in Chelyabinsk.

Unfortunately, we can't overlook the possibility that the true number of such violent actions involving soccer fans is much higher, given the presence of neo-Nazis, directly or indirectly influencing the fan environment. For example, the suspects in the murder of a student from the Republic of Chad met each other at the stadium, and their group included "*those coming from the environment of soccer hooligans, fan sectors; that's where they picked [people].*"<sup>23</sup>

### Crimes against Property

Such crimes include damage to cemeteries, monuments, various cultural sites and various property in general. The Criminal Code qualifies these attacks under different articles of the Criminal Code, but the enforcement is not always consistent in this respect. Such actions are usually called vandalism, and we used to group them under the same term, but then we decided to abandon this practice, since the notion of "vandalism" (not only in the Criminal Code, but also in the language in general) obviously fails to describe all possible actions against property.

In 2017, the number of such crimes motivated by religious, ethnic or ideological hatred was slightly higher than a year earlier; there were at least 48

<sup>22</sup> The Yenisei fans only admitted "persons of Slavic appearance" to their sector for the match with Arsenal // Prospekt Mira. 2017. 26 May (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2017/06/d37316/>).

<sup>23</sup> The Kazan "avenger" looked up to the St. Petersburg nationalist: "Any white man must act" // Realnoe Vremya. 2017. 8 March (<https://realnoevremya.ru/articles/58596-kazanec-ravnalya-na-nacistov-v-borbe-za-beluyu-rasu/>).

incidents in 25 regions of the country compared to at least 46 in 26 regions, recorded in 2016. Our statistics does not include single isolated cases of neo-Nazi graffiti and drawings found on houses and fences.

As in the preceding years, the majority of the 2017 attacks were directed against ideological targets rather than religious or any other sites – we recorded 18 instances (vs. 14 in 2016) of graffiti and damage affecting the Lenin and Yeltsin monuments, the monument to TU-214 aircraft, the war monuments, and so on.

Sites, associated with other ideological enemies of the far right (specifically, with the liberal opposition) – the Sakharov Center, the editorial office of the online newspaper *Lenta.ru* and the director's office of the movie *Matilda* – should also be viewed as part of this group.

The second place went to Jehovah's Witnesses buildings – 14 incidents, of which 3 arson (vs. 9 incidents in 2016). Orthodox sites were in the third place with 11 incidents, 2 of them arson (vs. 10 in the preceding year). Protestants took the fourth place with 2 incidents, including one explosion (vs. none in the preceding year). Jewish, neo-Pagan and Buddhist sites split the fifth place with one incident for each group (in 2016, there were five incidents related to Jewish sites, 2 related to Buddhist sites and no incidents related to neo-pagans). Notably, we have no information on any Muslim sites targeted in 2017 (there were 4 of those in 2016).

In general, the number of attacks against religious sites has remained stable – 30 per year in 2017 and 2016 (and 29 in 2015). But the percentage of the most dangerous acts – arson and explosions exceeded those in the preceding year and comprised 29% (that is, 14 out of 48), compared to 13% (6 of 44) a year earlier.

The regional breakdown for the attacks has changed significantly. In 2017, such crimes were reported in 18 new regions (in the Moscow, Volgograd, Vologda, Voronezh, Jewish Autonomous, Leningrad, Lipetsk, Moscow, Murmansk, Penza, Rostov, Sverdlovsk, Smolensk, Tula, Chelyabinsk, and Krasnoyarsk regions, in Komi Republic and in Tatarstan), but, on the other hand, 16 previously cited regions did not make our statistics in 2017 (the Ivanovo, Kirov, Kursk, Nizhny Novgorod, Pskov, Saratov, Chelyabinsk, Altai, Transbaikal, Perm, Primorye, and Stavropol regions, the Republics of Kalmykia, Karelia and Chuvashia, and the Khanty-Mansi Autonomous Territory –Yugra).

The geographic spread was wider for xenophobic vandalism (25 regions) than that for acts of violence (18 regions). 7 regions reported both violence and vandalism – Moscow, St. Petersburg, the Moscow Region, the Rostov Region, the Sverdlovsk Region, the Chelyabinsk Region, and the Republic of Tatarstan – compared to 6 regions in the preceding year.

## Criminal Prosecution for Violence

The number of sentences for violent crimes motivated by hatred significantly decreased compared to the preceding year. In 2017, at least 10 guilty verdicts, in which courts recognized the motive of hatred, were issued in 9 regions of Russia (there were 15 guilty verdicts in 19 regions in 2016). In these proceedings 24 people were found guilty (vs. 43 people in 2016).

Racist violence was qualified under the following articles that contain the hate motive as an aggravating circumstance: murder, intentional infliction of minor injuries, hooliganism and beating. This set of articles has remained constant over the past five years. Article 282 of the Criminal Code (“incitement of hatred”) in relation to violent crimes appeared in 4 convictions (vs. 7 in 2016). In all cases, it was used for crime-related episodes of ultra-right propaganda (creating videos and uploading them online) and not actually for violence.

In two instances this article was applied in well-known and resonant cases. The first was the verdict of the Babushkinsky District Court of Moscow against founder of the ultra-right movement “Restruct!” Maxim “Tesak” (“Hatchet”) Martsinkevich and his accomplices in the Occupy Narcophilia<sup>24</sup>, movement, who, in addition to beating up and mocking people they regarded as drug dealers, also posted reports about their actions on the Internet.

The second resonant sentence was issued in Khabarovsk in the case of the infamous “Khabarovsk slaughterers” – two young women and their male accomplice.<sup>25</sup> In addition to abusing animals and birds, one of the girls was posting on a social network page the videos “*with scenes of humiliation of the dignity of a young man ... on the basis of belonging to a social group.*” However, we could not identify the specific group the court had in mind in this case – the “slaughterers” posted the videos that contained scenes of attacks against both LGBT and homeless people.

The motive of hatred toward the social group “homeless” was also taken into account in the verdict issued by the Bryansk Regional Court<sup>26</sup> against two supporters of the Straight Edge movement for killing Alexander Chizhikov, the vocalist of the rock band Otvet Chamberlenu (“Response to Chamberlain”); due to his drunkenness and untidy appearance, the attackers mistook him for a homeless person.

<sup>24</sup> Moscow: Maxim “Tesak” Martsinkevich and his accomplices convicted // SOVA Center. 2017. 27 June (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/06/d37365/>).

<sup>25</sup> Verdict rendered in the Khabarovsk Slaughterers case // SOVA Center. 2017. 25 August (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/08/d37747/>).

<sup>26</sup> Verdict rendered in the case related to murder of the leader of Otvet Chamberlenu band // SOVA Center. 2017. 28 August (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/08/d37762/>).



On the other hand, the hate motive was not taken into account in the verdict handed down in May in St. Petersburg for the murder of journalist Dmitry Tsilikin.<sup>27</sup> His murderer Sergey Kosyrev, called himself a “cleaner,” his own life – “*a crusade against a certain social group*” (referring to the LGBT), and characterized the feeling that made him kill Tsilikin as “*not dislike, as the protocol says, but hatred*.” Civic activist Natalya Tsymbalova launched a petition, calling for the case to be re-qualified as a hate crime, but Kosyrev was, nevertheless, convicted only of murder (Article 105 Part 1 of the Criminal Code) and sentenced to eight and a half years in prison.<sup>28</sup>

Although SOVA Center finds using the notion “social group” in the context of anti-extremist legislation deeply problematic in principle,<sup>29</sup> there is no doubt that the homeless and the LGBT are, indeed, the kinds of “social groups” that need state protection, and the legal norms on hate crimes must protect them in one way or another.

Penalties for violent acts were distributed as follows:

- 2 people received a custodial sentence of up to 20 years;
- 1 person – up to 15 years;
- 4 people – up to 10 years;
- 6 people – up to 5 years;
- 6 people – up to 3 years;
- 3 people sentenced to community service;
- 1 person received a suspended sentence;
- 1 person was referred for mandatory treatment.

We only know of six convicted offenders (including the already mentioned “Khabarovsk slaughterers”) who received additional punishment in the form of having to pay a compensation for material and moral harm to the victims. We view this penalty as appropriate. Of course, not everything can be measured with money, but these attacks, in fact, created the need for material or moral assistance.

<sup>27</sup> St. Petersburg: Verdict rendered in the case related to murder of journalist Dmitry Tsilikin // SOVA Center. 2017. 30 May (<http://www.sova-center.ru/racism-xenophobia/news/couteraction/2017/05/d37195/>).

<sup>28</sup> Recognize Tsilikin’s murder as a hate crime // Change.org. 2016. 29 September (<https://www.change.org/p/признать-убийство-циликина-преступлением-на-почве-ненависти>).

<sup>29</sup> See for example: Verkhovsky, A., Kozhevnikova, Galina. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2008 // SOVA Center. 2009. 21 April (<http://www.sova-center.ru/en/misuse/reports-analyses/2009/04/d15800/>).

We see that the number of suspended sentences for violent crimes decreased in 2017, which is generally a positive trend. Only one convicted offender – a native of Voronezh, who beat up a native of Tajikistan and posted a video about it on the Internet – received a suspended sentence. Probably, the leniency was related to the fact that the victim’s injuries were minor. However, we are skeptical about suspended sentences for crimes related to ideologically motivated violence. Our observations over many years has shown that, in the overwhelming majority of cases, suspended sentences for violent attacks tend to engender the sense of impunity and do not stop ideologically motivated offenders from committing such acts in the future. However, as can be seen from the above data, the majority of violent offenders were sentenced to various terms of incarceration – and this is certainly a positive trend.

## Criminal Prosecution for Crimes against Property

Somewhat fewer sentences were issued for crimes against property in 2017 than in the preceding year. We know of 3 sentences issued in 3 regions against 5 people (vs. 5 sentences against 6 people in 5 regions in 2016).

In all three cases, the offenders were charged under Article 214 Part 2 of the Criminal Code (vandalism committed on the basis of national or religious hatred). In one of the verdicts – for the Nazi symbols on the monument to the soldiers, who died in the Great Patriotic War – it was the only article applied. In one more case, it was used in aggregation with Article 282 of the Criminal Code, since, in addition to painting slogans on houses and fences, the young man had also posted images on the Internet. The third verdict was issued in Lipetsk under Article 115, Article 105 Part 2 Paragraph 1 and Article 214 Part 2 of the Criminal Code in the notorious case of attacks, murder motivated by ethnic hatred and arson of the baptismal font in the Lipetsk Diocesan Holy Dormition Monastery.

Three people were sentenced to restrictions of liberty, including the first two sentences listed in the previous paragraph; we view such punishments as adequate. The fact that the third verdict – issued under aggregation of several articles, including Article 105 of the Criminal Code (murder) – sentenced two out of the three offenders to long terms of imprisonment also does not raise any questions.

Notably, a number of similar crimes (damage to buildings, houses or fences) are qualified not under Article 214, but under Article 282 of the Criminal Code, that is, as propaganda, and not as vandalism. However, the line dividing these two charges – in particular, according to the features of an attacked object and by the method used to “vandalize” it – remains undefined.

*Natalia Yudina*

## Countering or Imitation. The state against the promotion of hate and the political activity of nationalists in Russia in 2017

### Summary

In 2017, according to the monitoring of SOVA Center, the number of criminal convictions for public “extremist statements” (the promotion of hate, calls for extremist or terrorist activities, etc.) again exceeded the figure for last year, as did the number of convictions for all other “extremist crimes”. Furthermore, the number of administrative convictions according to the Code of Administrative Offenses (CAO) rose. Meanwhile, the number of convictions for violent crimes motivated by hate fell, however this was the subject of another report<sup>1</sup>.

It is not so easy to establish what this law enforcement trend owes much: political pressure on nationalist movements and groups, use of repression against extreme/ordinary instances of intolerance or prosecution of random individuals in order to improve law enforcement figures. Our data for this is quite limited, but undoubtedly, all such components are present in practice.

Traditionally the targets of law enforcement have largely been neo-Nazi grass-roots activists and ordinary people who republish xenophobic statements on social networks. However, the prosecution of popular figures and ultra-right leaders continues following its increase in 2014. So, in 2017, Dmitry Bobrov, Nikolai Bondarik, Yury Yekishev, and Dmitry Dyomushkin (the latter remained at large for an inexplicitly long period of time) were convicted, and, finally, another prison term was handed down to Vladimir Kvachkov. Furthermore, last year, participants in the Misanthropic Division movement and the Volya (“Will”) party were convicted, but the majority of nationalist organizations that have not been banned were able to continue their activity, albeit to a lesser extent<sup>2</sup>. Articles of the Criminal Code directed against organized “extremist activity” have been applied even less frequently than before.

The amount of evidence behind the accusations, both in cases against leaders and in cases against ordinary citizens, varies greatly. Of course, the poor quality of investigations is not only seen in the field of counter-extremism. However, when notable, that is, within their own milieu, political leaders are concerned, such as Dyomushkin, the negative impact is extremely significant.

In general, criminal punishments for public statements have become harsher, and prison terms are more often handed down. The number of additional bans on the use of the internet is increasing and the cases of confiscating expensive “instruments of crime” such as laptop computers, tablets, and smartphones have multiplied.

The prosecutor’s office is gradually moving away from injunctions and more often implementing extrajudicial blocking on the internet as the main tool for “preventing extremism”. However, the quality in the choice of subjects of a ban or block remains in question.

In this way, the countering of extremism intensifies namely in areas connected with freedom of speech. The restrictions themselves are often treated too loosely. However, most importantly, the monitoring of the activity of xenophobic groups does not show a need for such intensification.

### Criminal prosecution

#### For public statements

The number of convictions passed down for “extremist statements” (incitement of hatred, calls for extremist or terrorist activity and so on) continued to exceed all other types of convictions for “extremist crimes” combined. In 2017, there were at least 213 convictions against 228 people in 65 regions. For 2016, we learned about 201 such convictions against 220 people in 66 regions.

In this presentation, we are not writing about the convictions that we think are inappropriate, but there were a good deal fewer of them. In 2017 we considered 17 convictions and 17 people unjust: this concerned 10 convictions against 10 people according to Article 282 of the Criminal Code, five convictions against five people according to Part 1 of Article 148, one conviction according to Article 280, and one conviction according to Article 280<sup>1</sup> of the Criminal Code<sup>3</sup>.

<sup>1</sup> Yudina, N. Xenophobia in Figures: Hate Crime in Russia and Efforts to Counteract It in 2017.

<sup>2</sup> Alperovich, Vera. A fiasco, gentlemen. The movement of Russian nationalists in the summer and autumn of 2017 // SOVA Center. 2017. 26 December (xenophobia/publications/2017/12/d38558/).

<sup>3</sup> Kravchenko, Maria. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2017.

The cases considered in the above report are not reviewed in this paper and are not taken into account in the calculations.

Unfortunately, we can confirm that we found out about far from all of such convictions. According to statistics published on the website of the Supreme Court<sup>4</sup>, for statements (Parts 1 and 2 of Article 148, Article 205<sup>2</sup>, Article 280<sup>1</sup>, Article 282, and Article 354<sup>1</sup> of the Criminal Code) only in the first half of 2017, there were 292 people convicted for whom these articles were main part of the accusation, and 82 people for whom these articles were supplementary, that is, for “extremist statements” between 292 and 374 people were convicted<sup>5</sup>.

Of the convictions we know about<sup>6</sup>, Article 282 of the Criminal Code (“Incitement of hate and enmity”), as usual, was applied in the majority of cases (in 199 convictions against 210 people). In the overwhelming majority of cases (136) this article was the only article applied in the conviction. In 13 convictions against 13 people, only Article 280 of the Criminal Code (“Public calls for extremist activity”) was applied. In another 29 cases, convictions were carried out according to both Articles 280 and 282 of the Criminal Code.

The calculated number of convictions was carried out according to relatively recently adopted articles of the Criminal Code. In two convictions, Article 280<sup>1</sup> of the Criminal Code (“Public calls for activity aimed at violating the territorial integrity of the Russian Federation”) was used. In one of these cases, the director of the Samara division of the Community of Indigenous Russian People, Victor Permyakov, was also convicted according to Article 282<sup>7</sup>.

In another two cases, Part 1 of Article 354<sup>1</sup> of the Criminal Code (“Denial of facts established by the decision of the international military tribunal for the trial

<sup>4</sup> Total statistical figures about the activity of federal courts of general jurisdiction and magistrates’ courts for the first six months of 2017 // Official website of the Supreme Court of the Russian Federation ([http://www.cdep.ru/userimages/sudebnaya\\_statistika/2017/F1-svod\\_1-2017.xls](http://www.cdep.ru/userimages/sudebnaya_statistika/2017/F1-svod_1-2017.xls)).

<sup>5</sup> According to data posted on the Supreme Court’s website, Parts 1 and 2 of Article 148 were the main article of accusation for three people, two had additional article; Article 205<sup>2</sup> – respectively, 33 and 6; Article 280 – 49 and 26; Article 280<sup>1</sup> – had by 1 and 2; Article 282 – had by 205 and 45; Article 354<sup>1</sup> – had by 1 and 1. These articles may be combined both with one another and with other articles (see below in this presentation), so the real number of those convicted for statements remains between the sum of the first figures and the sum of the first and second.

<sup>6</sup> Furthermore, all calculations are made namely based on convictions we know about, despite the fact that judging by Supreme Court data, there are at least 2.5 times more, perhaps even three times more, convictions. However, according to the amount of data we possess, it is possible to suppose that the observed regularities and proportions will be accurate for the entire volume of convictions.

<sup>7</sup> Togliatti: conviction made in the case of the leader of the Community of Indigenous Russian People // SOVA Center. 2017. 21 December (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/12/d38543/>).

and punishment of key European war criminals, approval of crimes established by the verdict, as well as the dissemination of knowingly false information about the activity of the Soviet Union during the years of the Second World War”) was applied. In one case, this article was tried along with Article 282 and in another, with Article 282 and Article 280. In both cases, this concerned publications on the internet.

In all of these cases, the “new” articles did not entail harsh sentences. Those sentenced according to Article 280<sup>1</sup> received conditional sentences; those convicted according to Article 354<sup>1</sup> were fined.

Articles 282 and 280 of the Criminal Code could be tried along with other articles, including for violent activity and vandalism<sup>8</sup>.

Very little is known about convictions under Article 205<sup>2</sup> of the Criminal Code (“Public calls for terrorist activity”). It is often combined with other “extremist articles” including Articles 282 and 280. This article was applied to radical Islamist statements, including those concerning the military conflict in Syria, to supporters of banned Ukrainian organizations such as Right Sector<sup>9</sup>, the Ukrainian National Assembly-Ukrainian People’s Self-Defense (UNA-UNSO), and the Misanthropic Division<sup>10</sup>. In addition, it was applied in the conviction against the head of the Union of Young Innovation Leaders in Tatarstan for homophobic statements justifying the mass murder at a gay night club in the United States<sup>11</sup>.

The punishments for those convicted for public statements were distributed as follows:

- 47 people were sentenced to prison;
- 114 – received suspended prison terms without any additional sanctions;
- 31 – convicted and fined in various amounts;
- 8 – sentenced to corrective labor;
- 22 – sentenced to mandatory labor;
- 1 – sentenced to restrictions of freedom;

<sup>8</sup> For more, see: Yudina, N. Xenophobia in Figures...

<sup>9</sup> Magnitogorsk: conviction made for publications on social networks // SOVA Center. 2017. 27 April (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/04/d36916/>).

<sup>10</sup> In Moscow, participants of the Misanthropic Division movement were convicted // SOVA Center. 2017. 20 June (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/06/d37326/>).

<sup>11</sup> Kazan: director of the Union of Young Innovation Leaders convicted // SOVA Center. 2017. 1 February (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/02/d36294/>).

- 5 – sent for forced treatment;
- 1 – released due to remorse.

As can be seen from the above data, the number of those sentenced to prison has risen (a year ago we reported 36 people).

Thirteen of the 47 people sentenced to prison received terms in conjunction with other articles of prosecution (violence, arson, robbery, possession of narcotics).

Nine people were already in prison and their terms were extended. The most well-known of such prisoners was the former leader of the People's Militia in the name of Minin and Pozharsky (NOMP) and the retired colonel of the Main Intelligence Directorate (GRU) Vladimir Kvachkov, who was sentenced to another 18 months in a maximum security penal colony for the video "Kvachkov in IK-5 (Penal Colony #5) Mordovia"<sup>12</sup>.

Six people were convicted for "extremist statements" for a second time, which greatly increases the risk of imprisonment. In this group there was the leader of the Parabellum movement and activist in the People's Militia of Russia (the former NOMP) Yury Yekishev, who received 18 months imprisonment for two anti-Semitic articles<sup>13</sup>, and the leader of the banned ultra-right-wing organization, the People's Social Initiative (NSI), former leader of the Schulz-88 group Dmitry Bobrov, who received two years' imprisonment for the publication of the article, "The Racial Doctrine"<sup>14</sup>.

Another two people were convicted earlier and already served their prison terms under articles on violence. Among them is the former participant in a band of Nazi skinheads from Chelyabinsk, Dmitry Shokhov (Gunther), who was sentenced to six months in prison for putting a xenophobic poster on the internet<sup>15</sup>.

With account of the identity of accused, the former leader of the banned organizations, the Russians (Russkie), Slavic Union, and Slavic Force, Dmitry

<sup>12</sup> Leader of NOMP, colonel Kvachkov, receives another 18 months in strict-regime prison // SOVA Center. 2017. 23 August (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/08/d37714/>).

<sup>13</sup> Moscow: conviction made in case against Yury Yekishev // SOVA Center. 2017. 3 May (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/05/d36967/>).

<sup>14</sup> For the announcement of the verdict, D. Bobrov did not appear and fled from the investigation. For more details see: Leader of the NSI receives two years in prison // SOVA Center. 2017. 12 September (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/09/d37860/>).

<sup>15</sup> Chelyabinsk: Conviction according Article 282 made against former member of skinhead group // SOVA Center. 2017. 12 May (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/05/d37036/>).

Dyomushkin<sup>16</sup> was sentenced to two and a half years in a minimum security penal colony for two pictures posted on the social network VKontakte<sup>17</sup>. This conviction was perhaps the most resonant for the whole of last year.

Predictably, the punishments were harsher for crimes committed as part of the anti-terrorism article, Article 205<sup>2</sup> of the Criminal Code. Three people were sentenced to imprisonment for radical Islamist videos and publications posted on the internet; four people (the aforementioned supporters of the banned Ukrainian organizations Right Sector, UNA-UNSO and Misanthropic Division) were imprisoned for radical publications connected with the events in Ukraine.

However, seven people received prison terms without any of the aforementioned circumstances (or we did not know about them). This concerns convictions made in Bryansk, Krasnodar, Nizhnevartovsk, Saratov, Rostov-on-Don, Perm, and in the Perm territory for publications on the social network VKontakte of various unnamed materials (video and audio clips, commentaries, etc.) including calls for violence. We consider these decisions unreasonably harsh. The situation has considerably deteriorated in comparison with last year (in 2016 we wrote about five of such convictions), but did not reach the peak of 2015, when we counted 16 convictions for "extremist statements". For 2013 and 2014 we learned about two each of such unjustifiably harsh convictions<sup>18</sup>.

At the same time, the share of suspended sentences rose by 8 percentage points in comparison with last year to 49% (114 of 228). A year ago, we wrote about 41% (82 of 198 convictions). The situation seems strange when suspended terms are repeated. After all, this means that the previous sentence did not force the convict to think about his or her actions, and did not stop him or her from committing the same crime. For instance, a conditional term for the publication of a xenophobic post on a social network was received by the well-known St. Petersburg nationalist Nikolai Bondarik<sup>19</sup>. In April 2015, the court already gave him a suspended prison term of one and a half years for complicity in the preparation of a provocation on the holiday Eid al-Adha (then two St. Petersburg

<sup>16</sup> Dmitry Dyomushkin has repeatedly become a figure in criminal and administrative cases and has violated his travel restrictions. However, he had never been convicted before.

<sup>17</sup> Dyomushkin receives two and a half years in a minimum security penal colony // SOVA Center. 2017. 25 April (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/04/d36897/>).

<sup>18</sup> Who has been imprisoned solely for extremist offenses // SOVA Center. 2013. 24 December (<http://www.sova-center.ru/racism-xenophobia/publications/2013/12/d28691/>).

<sup>19</sup> Nationalist Nikolai Bondarik sentenced in St. Petersburg // SOVA Center. 2017. 9 January (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/01/d36141/>).

residents said that they had been victims of a xenophobic attack, however they then confessed that it had been staged).

In such cases, we feel that more appropriate punishments for such crimes would be fines or community service (mandatory or corrective labor). The share of such convicted people (62 people), who were sentenced to punishments not connected with real or suspended terms of imprisonment has fallen in comparison with 2016. We have observed such a reduction for the second year in a row.

In the last year, in at least five verdicts, a ban on one's profession was applied. In one conviction in the Vladimir region, there was a ban on work with minors, and in the remaining four, there was a ban on work for mass media. We consider these decisions wholly justified, especially when it comes to work with minors.

We know about at least 12 cases of bans on public statements on the internet and bans on appearances on mass media, including a ban on attending the 2018 FIFA World Cup that was handed down to the leader of the T.O.Y.S. fan group, Yegeny (Gavr) Gavrilov<sup>20</sup>.

In addition, we know about seven cases where internet access was taken away for a certain amount of time. This measure seems strange and excessive. It is completely unclear how one might enforce such a ban, and it is difficult to imagine work, study, or daily life without the internet.

Furthermore, the confiscation of the "tools of the crime" such as laptops, mobile telephones, or tablets with which one may have published statements, which are the subject of investigation, seems extreme.

The overwhelming majority of verdicts were made for materials, posted on the internet, including various means of electronic communication – 205 of 213, which is 96%, about 10% more than in 2014-2016.

These materials were distributed via:

- social networks – 182 (including VKontakte – 138, unnamed social networks – 38, which were likely also VKontakte, Odnoklassniki – 4, and Facebook – 2);
- blogs (both on Live Journal) – 2;
- one's own website – 1;
- YouTube – 2;
- internet-based media – 3 (all three were comments on articles);
- forums – 1;

<sup>20</sup> Leader of T.O.Y.S. convicted in Samara // SOVA Center. 2017. 24 November (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/11/d38350/>).

- email lists – 2 (both of those convicted were supporters of the Volya (Will) party);
- local network – 1;
- internet (not specified) – 11.

This ratio has remained virtually unchanged for the last six years<sup>21</sup>. Materials for convictions for "extremist" statements are drawn by employees of E Centers (police centers for countering of extremism) and the FSB from the most well-known figures in Russia and the most popular media for young people (including ultra-right-wing youth) on the VKontakte social network.

It is characteristic that when reporting about all these convictions, nothing is said about the audience of the alleged statements of the defendant. During the past year, the number of "visitors" and "friends" of the accused was only mentioned occasionally. Of course, VKontakte or Odnoklassniki are very popular in Russia, and theoretically anyone can see what is published there. And this is the main argument of law enforcement when making this type of decision. In the news of prosecutor's offices about convictions for statements on social networks or blogs, they almost invariably add that the incriminating materials were freely or openly available. However, in practice, law enforcement agencies are most often the first to visit the "seditious" pages save a few friends.

In this sense the convictions for sending files via email or for posting them on local networks are, at the very least, controversial. It is interesting that in the news, there are no reports on the number of recipients of emailing or participants in these networks. We think that is important and necessary to repeat:<sup>22</sup> nothing is done to determine what size of the audience makes a statement "public". This aspect, however important for application of articles on propaganda, is still ignored by courts. The Supreme Court, when it prepared the updated resolution on anti-extremism and anti-terrorism law enforcement in 2016<sup>23</sup>, also failed to discuss these issues.

<sup>21</sup> See, for example, Yudina, N. Anti-Extremism in Virtual Russia in 2014-2015 // SOVA Center. 2016. 24 August (<http://www.sova-center.ru/files/xeno/web14-15-eng.pdf>).

<sup>22</sup> See: Alperovich, V., Verkhovsky A., Yudina, N. Between Manezhnaya and Bolotna ya: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2011 // SOVA Center. 2012. 5 April (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2012/04/d24088/>).

<sup>23</sup> Resolution of the Plenary Meeting of the Supreme Court of the Russian Federation No. 41 on issues of judicial practice in criminal cases of terrorist and extremist nature // SOVA Center. 2016. 28 November (<http://www.sova-center.ru/racism-xenophobia/docs/2016/11/d35905/>).

This concerns the following types of materials (on a single account and even on a single page, various materials can be posted):

- video clips – 64;
- images (drawings, demotivational posters) – 36;
- photographs – 22;
- audio (songs) – 37;
- texts (including republished books) – 59;
- remarks, commentary (on social networks and in forums) – 17;
- websites and groups created by convicts – 3;
- unknown – 31.

This ratio has also been stable over the last six years, the attention of the law enforcement is mainly drawn by the most visible materials – videos, drawings, and photographs.

It is significant that most of the convictions were not for original posts, but for republications. Only in six cases could it be noted that the defendants themselves authored the materials in question, the remainder were simply posted by hitting the “repost” button. It would be more effective, if law enforcement officers found those that actually recorded the video (how they found, for example, activists of the Restrukt movement filming their attacks), or those that wrote the text (as in the case of Dmitry Bobrov, who wrote an article), or at the very least, those who initially posted the materials on the internet, and not bring in someone among the myriad of re-posters of such content.

Of course, one could say that remarks and comments on social networks and in forums are “original texts”, but we think that internet chatter does not merit a criminal investigation in light of its locality and small audience.

Actually, it would be worthwhile to pay more attention to the creation of ultra-right-wing groups on social networks, which systematically propagate hate.

Convictions for statements made offline were almost 75% fewer than a year earlier: 8 against 31 in 2016. They are distributed as follows:

- public insults on streets – 1;
- leaflets, posters – 3;
- graffiti – 2;
- public performances of songs – 2.

We do not object namely to the criminal prosecution of all such types of activities, and we have no doubts about the appropriateness of the verdicts. We note only that in these cases, it is necessary to take into account not only the content of these statements, but also other factors affecting the danger they pose for society, and in the

first place, the real size of the audience. That is, it is important to consider the degree of a statement’s publicity (the number of attendees at a concert, for example)<sup>24</sup>.

### **For participation in extremist communities and banned organizations**

In 2017, the prosecution of ultra-right-wing groups according to Article 282<sup>1</sup> (“Organization of an extremist community”) and Article 282<sup>2</sup> («Organization of the activity of an extremist organization”) of the Criminal Code was a good deal less notable than a year earlier. We learned about four such convictions and six individuals in four Russian regions<sup>25</sup> (in 2016, there were seven convictions against 20 people in seven regions). In this report we are not writing about those who were inappropriately convicted under these articles, of whom there were 32 according to Article 282<sup>2</sup>. We are not comparing our data with that of the Supreme Court for the first six months because almost all the convictions happened in the last six months of the year.

According to our information, Article 282<sup>1</sup> of the Criminal Code featured in the cases against the aforementioned leader of the T.O.Y.S. football fan group, Yevgeny (Gavr) Gavrilov from Samara. He, charged in combination with Articles 282 and 280, was sentenced to a suspended prison term of six and a half years with four years of probation. Members of the group, football fans, committed “extremist” crimes and administrative offenses and posted Nazi symbols as well as calls for extremist activity on social networks<sup>26</sup>.

In two cases, Article 282<sup>2</sup> of the Criminal Code was applied on the continuation of the activities of an organization that had been banned as extremist.

In Barnaul, a resident of Zmeinogorsky District received a suspended prison term of two years with two years of probation for involvement in the activity of an unnamed extremist organization. The convicted man is “an adherent of nationalist ideas” who “persuaded his acquaintances to become involved in

<sup>24</sup> About approaches to law enforcement in this field, see: Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence // Office of the United Nations High Commissioner for Human Rights. 2013 (<http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/RabatPlanOfAction.aspx>).

<sup>25</sup> In this report we do not look into convictions that were clearly unjustified, the present paper also does not go into the convictions against members of Hizb ut-Tahrir al-Islami.

<sup>26</sup> In the city of Samara, a resident was ruled to be guilty of terrorist crimes // Official website of the Russian Investigative Committee Department for the Samara region. 2017. 21 November (<http://samara.sledcom.ru/news/item/1182233/>).

the activity of an extremist organization” and “propagated the ideas of racism, violence, separatist and revolutionary sentiments among youth”<sup>27</sup>.

As usual, members of the neopagan organization “Spiritual-Ancestral Power of Rus” were tried according to Article 282<sup>2</sup> of the Criminal Code. Three activists of this banned organization from Krasnodar and Goryachy Klyuch came to the Starominsky district department of the bailiff service and began to promote the activity of Power of Rus. A criminal case was opened against all three for their activities at the department. The court recognized the defendants as guilty and sentenced two to five months in prison and the third, due to his health, to suspended prison term of five months with one year of probation. This story is typical for the members of Power of Rus, who actively attempt to promote their movement at government and law enforcement agencies. True, they rarely personally come to the government agencies, but instead simply send letters to officials. These same activists had earlier been repeatedly fined according to Article 282<sup>2</sup> for such activities<sup>28</sup>.

We do not know anything about convictions made against right-wing radicals for organizing the activity of a terrorist organization (Article 205<sup>4</sup>), and also for the organization of terrorist communities and participation in them (Article 205<sup>5</sup>), although some nationalist organizations had previously been banned as terrorist organizations.

## Federal List of Extremist Materials

In 2017, the Federal List of Extremist Materials was updated 33 times (a year earlier it was updated 54 times), 330 items were added to it (a year ago there were 785 items), and it grew from 4,016 to 4,345 points<sup>29</sup>. However, there are actually more materials: some points may include several materials at once. We should also note that in 2017 item 4,175 was excluded from the list after being added earlier that year, as were items 3,452-3,455, added in 2016.

<sup>27</sup> A suspended term of two years handed down for involvement in the activity of an extremist organization // SOVA Center. 2017. 29 September (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/09/d37965/>).

<sup>28</sup> For more details, see: In the Krasnodar territory, conviction made in case against members of the Spiritual-Ancestral Power of Rus // SOVA Center. 2017. 27 December (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/12/d38580/>).

<sup>29</sup> As at February 15, 2018, this list consists of 4,382 items.

The author thanks her colleague, Mikhail Akhmeteyev for his help in classifying this list and the registers of Roskomnadzor.

The Justice Ministry has changed the procedure for announcing changes to the Federal List of Extremist Materials. Since December 2017, the Ministry of Justice has not only added to the list, but also has posted a dated news article about the updates. However, this information is now published with a delay. For instance, certain new items appeared on the list on January 10, while in the news, the respective update was reported on December 29.

The list was less intensively updated than a year earlier – obviously due to the new procedure for banning materials for extremism<sup>30</sup>. The corresponding regulation of the Prosecutor General’s Office adopted in the spring of 2016 only began to impact judicial decisions by 2017.

Additions to the list are distributed across the following topics:

- xenophobic materials of modern Russian nationalists – 212;
- materials of other nationalists – 27;
- materials of Islamic militants and other calls of political Islamists for violence – 30;
- other Islamic materials – 13;
- materials of Eastern Orthodox fundamentalists – 2;
- other religious materials – 7;
- extremely radical anti-Russian speeches from Ukraine (we distinguish them from “other nationalists”) – 6;
- other materials from the Ukrainian media and internet – 6;
- other materials calling for disorder and violence – 3;
- fiction and historians’ texts – 2;
- anti-religious materials – 8;
- peaceful opposition materials – 3;
- parody materials taken seriously – 5;
- Christian anti-Islamic materials – 1;
- materials that were clearly banned by mistake – 2;
- materials that were created, in our opinion, by people in an altered state of consciousness – 1;
- unidentifiable materials – 2.

The share of online materials on the list is unsurprisingly growing: at least 304 items of 330 are materials from the internet including those sent through messengers (a year ago it was 711 items of 785). The majority are various xeno-

<sup>30</sup> For more information, see: Kravchenko, M. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2016 // SOVA Center. 2016. 21 April (<http://www.sova-center.ru/en/misuse/reports-analyses/2017/04/d36857/>).

phobic materials from VKontakte. Offline materials in 2017 included various types of ethno-xenophobic literature, books by Eastern Orthodox fundamentalists, Muslims, Jehovah's Witnesses, and Yehowist-Ilyinities, as well as leaflets.

Sometimes it is not completely clear where precisely a piece of banned material was posted: so, for example, item 4,028 was only described through its title without any additional publication data.

However, the case is often otherwise: the same material published and posted at different web addresses appears on the list several times. Thus, a drawing "in the form of a pig dressed in jeans, tennis shoes and a jacket, in the hands of which is an object that resembles a knife" with a xenophobic text is repeated with various web addresses from item 4,228 to 4,232. Duplicates posted on different pages, were repeatedly added to the list in 2017. There were at least 186 repetitions on the list as at the end of 2017.

Unfortunately, the slowdown in the growth of the list has not improved the quality of the description of items, it is already impossible to work with such a large and incomprehensible database; we have literally reiterated our concerns on the shortcomings of the list from year to year<sup>31</sup>. Without considering the large number of various bibliographic, grammatical, and spelling mistakes and errors, the number of carelessly described materials is growing. Thus, how can we, for example, interpret the material from item 4,299: "leaflet 'Agent of German espionage rules Russia!' author and place of publication unknown, on four pages"?! At least a dozen leaflets with such a headline, which were published between 1918 and the 1920s, can be found in major libraries.

Furthermore, it is already regular protocol that some materials continue to inappropriately be deemed extremist. In 2017, at least 38 of such materials were added to the list (materials of Jehovah's Witnesses, brochures of the Yehowist-Ilyinities, Muslim materials, opposition materials from Ukrainian websites and some others).

## Organizations banned for being extremist

In 2017, six organizations were added to the Federal List of Extremist Organizations published on the website of the Ministry of Justice, fewer than a year earlier (10 organizations). However, item 62, which was added in 2017,

<sup>31</sup> See, for example, the relevant chapter in: Alperovich, V., Yudina, N. Old Problems and New Alliances: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2016 // SOVA Center. 2017. 8 May (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2017/05/d36995/>).

includes the inappropriately banned Administrative Center of the Jehovah's Witnesses in Russia<sup>32</sup> and all of Jehovah's Witnesses' 395 local organizations.

Of the ultra-right-wing organizations on the list, there was the organization "Frontier of the North", which was recognized as extremist by the decision of the Syktyvkar city court of the Komi Republic on November 23, 2016<sup>33</sup>, and the T.O.Y.S. football fan organization (The Opposition Young Supporters), which was recognized as extremist by the decision of the Sovietsky District Court of Samara on April 11, 2017.<sup>34</sup>

Besides the ultra-right-wing organizations, in 2017 the Mejlis of the Crimean Tatar People<sup>35</sup> and the Naberezhnye Chelny division of the All-Tatar Social Center (VTOTs)<sup>36</sup> were added to the list. Besides the gigantic aforementioned item 62, an already banned local organization of the Jehovah's Witnesses was added to the list – the Jehovah's Witnesses organization in Birobidzhan<sup>37</sup>. We believe all these decisions were inappropriate<sup>38</sup>.

So, the list includes 63 organizations, whose activities were banned by court decision, the continuation of which is punishable according to Article 282<sup>2</sup> of the Criminal Code ("Organization of the activity of an extremist organization").

Besides this, the list of organizations recognized as terrorist, which is published on the website of the Federal Security Service, was updated. For the year, only one organization was added – "Mujahideen of Jama'at al-Tawhid wal-Jihad" (item 27).

<sup>32</sup> Supreme Court makes decision on the liquidation of the Administrative Center of the Jehovah's Witnesses in Russia // SOVA Center. 2017. 20 April (<http://www.sova-center.ru/misuse/news/persecution/2017/04/d36871/>).

<sup>33</sup> Nationalist movement "Frontier of the North" liquidated in Syktyvkar // SOVA Center. 2017. 25 November (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/11/d35899/>).

<sup>34</sup> T.O.Y.S. group banned in Samara // SOVA Center. 2017. 26 April (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/04/d37256/>).

<sup>35</sup> Recognized as extremist by the Supreme Court of the Republic of Crimea on April 2, 2016. For more information, see: Mejlis of the Crimean Tatar People recognized as an extremist organization // SOVA Center. 2016. 26 April (<http://www.sova-center.ru/misuse/news/persecution/2016/04/d34413/>).

<sup>36</sup> City Court of Naberezhnye Chelny liquidates Rafis Kashapov's organization // SOVA Center. 2017. 11 May (<http://www.sova-center.ru/misuse/news/persecution/2017/05/d37014/>).

<sup>37</sup> Recognized as extremist by the Court of Jewish Autonomous Region on October 3, 2016.

<sup>38</sup> For more, see the report on misuse of anti-extremism that was published simultaneously with the present paper: Kravchenko, M. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2017.



## Other administrative measures

### Prosecution for administrative violations

Administrative law enforcement is also gaining momentum: the number of those punished according to administrative “extremist” articles is growing. This is notable despite the fact that our data here is less complete than for criminal cases: on the websites of the prosecutors and courts, the data is released with great delay and far from all is published. The statistics we compiled<sup>39</sup> are put forward without account of the decisions that we consider to be inappropriate<sup>40</sup>.

We learned about 136 people who were held responsible in 2017 according to Article 20.3 of the Code of Administrative Offenses (“Propaganda or public demonstration of Nazi attributes or symbols, or attributes or symbols of extremist organizations, or other attributes or symbols, propaganda or public demonstrations of which is banned by federal laws”), of which five were minors (last year we wrote about 128 convicted according to this article).

According to the statistics of the Russian Supreme Court, according to Article 20.3 of the Code of Administrative Offenses (CAO) 910 people were convicted<sup>41</sup> in the first half of 2017, for all of 2016 – 1,786 people<sup>42</sup>.

The number of those punished for showing their own tattoos with Nazi symbols rose among the prison population. In 2017, according to our information, at least 46 people were punished (a year earlier – 25).

The majority of offenders were fined between 1,000 and 3,000 rubles. Some, besides the fine, also had their “equipment for committing the crime” (laptops, tablets, phones, etc.) confiscated, which greatly exceeds the sum of paid fines. Eight were sentenced to administrative arrest (from 3 to 10 days). A conversation was held with another offender.

We learned about 203 people, who were punished according to Article 20.29 CAO (“Production and distribution of extremist materials or their storage for the purpose of distribution”), four of them were minors (in 2016, we wrote about 161 convicted under this article).

<sup>39</sup> The author thanks her colleague, Maria Muradova, for her help in classifying the application of articles of the Code of Administrative Offenses.

<sup>40</sup> For more, see: Kravchenko, M. Ibid.

<sup>41</sup> Report on the work of general jurisdiction courts on the review of cases against administrative offenders in the first half of 2017 // Official website of the Supreme Court ([http://www.cdep.ru/userimages/sudebnaya\\_statistika/2017/Adm\\_2017\\_1\\_st\\_half.xls](http://www.cdep.ru/userimages/sudebnaya_statistika/2017/Adm_2017_1_st_half.xls)).

<sup>42</sup> Report on the work of general jurisdiction courts on the review of cases against administrative offenders in 2016 // Official website of the Supreme Court ([http://www.cdep.ru/userimages/sudebnaya\\_statistika/2016/F1ap-svod-2016.xls](http://www.cdep.ru/userimages/sudebnaya_statistika/2016/F1ap-svod-2016.xls)).

According to Supreme Court statistics, 911 individuals were convicted under Article 20.29 CAO<sup>43</sup>. For all of 2016, 1,679 were convicted<sup>44</sup>.

One of the 203 people we know about was brought to disciplinary responsibility. However, the majority of those convicted paid small fines. Among them was an ultra-right neopagan, Dmitry Melash, who was fined 2,000 rubles for a video recording of a Skype conversation, during which the neopagan was dressed in a t-shirt with the emblem of the Azov battalion<sup>45</sup>. A member of the Artpodgotovka movement<sup>46</sup>, Sergei Zinov, was fined for the display of a symbol of another banned Ukrainian organization, the Right Sector<sup>47</sup>.

As concerns items on the Federal List of Extremist Materials, which are used in practice according to Article 20.29 CAO, the attention of the prosecutors still remains concentrated upon an extremely small number: certain songs of ultra-right-wing groups, some xenophobic video clips, a number of images, songs of several nationalist bards, some nationalist poetry and some ISIS videos. The number of these items remains incomparable with the size and diversity of materials placed on the list. Actually, the position of prosecutor’s offices employees is quite understandable as it has been years since one could use the whole of this massive document.

Some legal entities have also been declared guilty according to this article. In Yuzhno-Sakhalinsk, the owner of a shopping center was fined for the sale of CDs with some banned songs. Furthermore, in Kaliningrad, the director of an online bookstore was fined for selling a banned book.

Fifteen people were held responsible according to Articles 20.3 and 20.29 CAO simultaneously. They were all fined.

Two parents of minors who distributed extremist materials were held administratively responsible according to Article 5.35 CAO (“Failure of parents to meet their responsibilities to support and raise minors”).

<sup>43</sup> Report on the work of general jurisdiction courts on the review of cases against administrative offenders in the first half of 2017...

<sup>44</sup> Report on the work of general jurisdiction courts on the review of cases against administrative offenders in 2016...

<sup>45</sup> Dmitry Melash fined for a t-shirt with the emblem of the Azov battalion // SOVA Center. 2017. 21 January (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/01/d36239/>).

<sup>46</sup> See more on Artpodgotovka activities and related mass detentions in: Alperovich, Vera. A fiasco, gentlemen. The movement of Russian nationalists in the summer and autumn of 2017 // SOVA Center. 2017. 26 December (<http://www.sova-center.ru/racism-xenophobia/publications/2017/12/d38558/>).

<sup>47</sup> Artpodgotovka activist fined for video posted on a social network // SOVA Center. 2017. 10 July (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/07/d37440/>).

Here we reported the decisions that we consider more or less appropriate. However, we know of at least 46 cases of inappropriate punishments according to Article 20.3 CAO and 26 cases according to Article 20.29. So, for 339 justified decisions, there were 72 dubious ones. The share of inappropriate decisions remains at about the same level as a year earlier (21%). In 2016, we wrote about 62 inappropriate decisions against 289 justified decisions.

### Blocking on the internet

In the last four years, the scope of the fight of the prosecutors with extremist content on the internet has markedly increased, this fight has been carried out by blocking access to banned (or other supposedly dangerous) materials.

A system of internet filtering is operating on the basis of a Unified Register of Banned Websites, which has been functioning since November 1, 2012. Based on the data of Roskomsvoboda website<sup>48</sup> (only Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications, Roskomnadzor, has the complete information), we believe that 297 resources have ended up on the register “for extremism” following a court decision versus 486 a year earlier<sup>49</sup>. As at January 1, 2018, according to preliminary calculations, the number of resources blocked in this way for the lifetime of the register itself amounts to at least 1,205<sup>50</sup>.

The following types of resources were on the Unified Register during the year:

- xenophobic materials of Russian nationalists – 180;
- Nazi symbols independent of ties with Russian nationalists – 3;
- materials of radical Islamic militants and other calls by political Islamists for violence – 31;
- peaceful Muslim materials – 40;
- banned Islamic symbols on their own, apart from connections with radical Islamists – 1;
- anti-Islamic materials – 1;
- materials of the Jehovah’s Witnesses – 2;

<sup>48</sup> See: The Unified Register of Banned Websites // Roskomsvoboda (<http://reestr.rublacklist.net/>).

<sup>49</sup> See the updated list: “Extremist resources” on the Unified Register of Banned Websites // SOVA Center (<http://www.sova-center.ru/racism-xenophobia/docs/2016/04/d34421/>).

<sup>50</sup> Extremism plays only a small role on this register; according to Roskomsvoboda, as at February 20, 2018, there were 67,543 entries.

- inflammatory anti-government materials (including Boris Stomakhin’s article) – 2;
- extremely radical statements from Ukraine and symbols of banned organizations – 9;
- other materials from Ukrainian media and internet – 6;
- materials by Fascist ideologists – 9;
- large, varied masses of texts that were blocked as a whole – 1;
- peaceful materials criticizing the Russian Orthodox Church – 5;
- peaceful opposition materials – 3;
- materials that were clearly banned by mistake – 1;
- unknown – 3.

Besides this, we learned about at least another 62 appeals of the prosecutor’s offices to the courts with the demand to recognize a number of internet pages as containing information “banned for distribution on the territory of Russia”, and to place these resources on the register. It is likely that the number of appeals is much greater, which means that posts on the register will not stop.

The number of resources blocked through the court decreased in comparison with 2016, but the quality of such decisions to block access remains doubtful. For example, sometimes the block is placed not on concrete websites or pages, but on the results of a search based on keywords (“Page with links to downloadable audio files found by using a search for the keywords “blood and honor”, etc.”<sup>51</sup>), and these decisions are clearly inappropriate: a keyword search finds quite different resources.

The Unified Register is supplemented with the separate register according to the Lugovoy law<sup>52</sup>, which envisages the extrajudicial blocking of websites with calls for extremist action and mass disorder at the request of the Prosecutor General’s Office, but without court proceedings. If the Unified Register was expanded more slowly last year than earlier, then the Lugovoy register is growing rapidly: in 2017, 1,247 resources were added to it (in 2016, 923 were added)<sup>53</sup>. In total, according to our calculations, 2,495 resources blocked “for extremism” have been added to the Lugovoy register.

The following types of resources were added to the Lugovoy register:

<sup>51</sup> “Blood and Honor” is a song by Russian neo-Nazi band “Kolovrat”.

<sup>52</sup> The full name is “On the amendments to the Federal Law ‘On information, information technologies, and on the protection of information’”.

<sup>53</sup> See the updated list: Resources on the register of websites blocked according to the Lugovoy law // SOVA Center (<http://www.sova-center.ru/racism-xenophobia/docs/2017/10/d38006/>).

- materials of radical Islamic militants and other calls by political Islamists for violence (including ISIS videos, calls to go to Syria) – 488;
- materials of Hizb ut-Tahrir Islamist party – 442;
- materials of Ukrainian nationalist organizations and the websites of Ukrainian organizations banned in Russia – 141;
- other materials of Ukrainian media – 61;
- materials of Russian nationalists – 35;
- calls to participate in the rallies of Russian nationalists (including the calls of Vyacheslav Maltsev for revolution on November 5) – 14;
- calls to attend opposition rallies – 4;
- calls for violence (real and parodies), unrelated to the above categories – 25;
- materials of Russian separatists and about them – 7;
- other calls to participate in local demonstrations – 3;
- anti-religious materials – 11;
- websites of undesirable organizations – 8;
- anti-Ukrainian websites – 1;
- resources with compromising materials – 1 (the website of UtrNews);
- various religious materials – 1 (the video where Takeshi Kitano listens to Shoko Asahara in an old Japanese TV show<sup>54</sup>);
- fiction – 1 (the book of Muslim Dmitry Akhtyamov, “Islamic Break-through”);
- parody Russophobic materials – 1;
- online games – 1 (the game “Russian Terrorists”);
- websites on Armenian-Azerbaijani themes – 1 (the article of Nadzhmudin Aliiev “Grey wolves in Derbent. From whence do the roots of a mass shooting of tourists grow?”, which was published on Kavkaz-Press);
- unidentifiable materials – 1.

Alas, this rapidly expanding register does not stand up to any criticism. First, most often it is unclear why there needs to be an extrajudicial, that is, an immediate, blocking of materials (for example, the different type of Muslim literature, xenophobic songs, or even videos with decapitation), which have long been on the internet. Pages, which were created for the mobilization of mass demonstrations (resources with calls for revolution by Vyacheslav Maltsev), that is, precisely those which might explain the adoption of the Lugovoy law, despite multiple blockings, remain freely accessible until now. Many materials, which are the same (or practically the same) as those that were blocked are now completely

<sup>54</sup> Only the first part of this show is banned, the second part is not.

available, and during the preparation for a demonstration, all information on the internet reaches the intended recipients almost instantaneously. Experience shows that it is impossible to block everything and thus to stop mass mobilization: in fact, in such cases, too many distribution channels are used at once.

On the list there are also links to banned Ukrainian websites and to pages of organizations considered undesirable, and this is a clear example of political bias. Besides this, the number of links to blocked opposition websites and calls to attend opposition rallies on the list is rising. These examples show that extrajudicial blocking carried out only on the basis of suspicion inevitably leads to arbitrariness and abuse by the authorities.

The number of inappropriate sanctions is rising. There are resources put on the register explicitly by mistake or those put on due to a lack of understanding. No wonder, given this broad sweep by the authorities.

Formally, these two registers are placed separately on the website of Roskomnadzor, however, the procedure for using them is practically the same. According to a decision of Roskomnadzor, the blocking of a resource can happen for a concrete webpage address (URL), or, more widely, by a subdomain name, or by a physical address (IP)<sup>55</sup>.

Earlier, we repeatedly expounded upon our claims about the effectiveness and legitimacy of these mechanisms<sup>56</sup>. The situation is changing only for the worse. Like the Federal List of Extremist Materials, the registers are swelling, and the quality of updates is not improving. As a result, the current systems for blocking resources are not winning the public's support, and in no way are they helping to strengthen security, and furthermore they do not prevent possible radicalization, but rather cause distrust in law enforcement and prevent the realization of free speech on the internet.

<sup>55</sup> This leads to the blocking of many obviously innocent websites that simply happen to be on the same server.

<sup>56</sup> See, for example: Yudina, N. Anti-Extremism in Virtual Russia...

*Maria Kravchenko*

## Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2017

### Summary

This report presents an analytical review of anti-extremist legislation and its misuse over the past year of 2017. SOVA Center has been publishing these annual reports on a regular basis since the mid-2000s to summarize the results of the monitoring carried out by the organization.

In 2017, Russian anti-extremist and anti-terrorist legislation was supplemented with new norms that restricted the rights of offenders convicted under the relevant articles of the Criminal Code. The laws to expand censorship in the field of online dissemination of information were adopted, and new initiatives appeared, which, in the near future, could allow the authorities to establish control over the work of foreign online social networks and search engines in Russia.

We observed no radical changes in anti-extremist law enforcement in 2017 – evidently, they can be expected no earlier than mid-2018.

Law enforcement agencies continue to take independent social network activity quite seriously, so activists can be sure that their Internet pages are under constant surveillance. The suppression campaign against criticism of Russia's actions in the Ukrainian conflict – which, in the preceding years, used to trigger a particularly harsh law enforcement response – gradually began to recede into the background in 2017, giving way to the fight against the “revolution” and the opposition – hence the numerous law enforcement claims against supporters of Vyacheslav Maltsev and Alexei Navalny, as well as independent local activists. In some cases we consider these claims to be justified, in others they are obviously contrived, but, on the whole, the objective is to neutralize political opponents rather than ensure public safety.

Law enforcement agencies are still trying to follow the program of enforcing tolerance, which they receive from the top, and, since quantitative indicators obviously play a leading role in assessments of their performance, the number of sentences

under Article 282 of the Criminal Code for incitement of hatred on the Internet continues to grow. Cases of inappropriate prosecution under this article are as numerous as ever. The scope of extrajudicial blocking of online materials is growing.

Law enforcement authorities continue to initiate criminal cases for insulting the feelings of believers, although the obvious absurdity of such cases gives rise to heated discussion in the society, and, occasionally, even to reconsideration and closing of the cases.

Religious organizations and movements not officially classified as “traditional” for Russia face growing persecution. The flagship organization of Jehovah's Witnesses in Russia and all their local communities were banned from any further activities; believers have found themselves under threat of criminal prosecution. A criminal case for creating an extremist community has been opened against five members of the Church of Scientology in St. Petersburg.

Other notable trends include a sharp increase in repressions against the followers of the banned Islamic religious movement Tablighi Jamaat and against Muslims studying the legacy of the Turkish theologian Said Nursi; we also observed excessively severe sanctions against supporters of the radical Hizb ut-Tahrir party, which has been recognized as terrorist in Russia, despite the fact that it does not practice violence. The number of people, charged with involvement in these associations, has grown more than 50 percent, and, with increasing frequency, defendants have been sentenced to real prison terms not only for participating in the activities of organizations recognized as terrorist (in this case an offender can face up to 20 years in prison), but also for participating in the activities of organizations recognized as extremist.

Throughout the year, both legislative and law enforcement practices in the sphere of combating extremism remained a hotly debated topic. The society faced more and more issues related to the state's invasion of the sphere of expression. In recent years, Russian citizens have often appealed to the European Court of Human Rights with complaints regarding the decisions by Russian courts that involve anti-extremist and anti-terrorist articles. Many of these appeals were communicated in 2017, and the first decision regarding the application of Article 282 has been issued, but it is unclear whether the position of the ECHR will have any effect on the Russian authorities' course of action.

### Creation of Regulatory Acts

In 2017, the government continued its prior course on tightening its control over the Internet. New laws in this area are logically consistent with the course on stopping distribution of banned materials online, which worries both

Internet industry representatives and the human rights defenders. However, the innovations of 2017 have had little impact on law enforcement practice so far.

In February 2017, the president approved changes to the Code of Administrative Offenses (CAO) that increased the liability of Internet providers for failure to fulfill their obligations to block pages based on information received from Roskomnadzor. A new Article 13.34 was introduced in the Code, establishing their liability in the form of a fine in the amount of three to five thousand rubles for government officials, 10 to 30 thousand rubles for individual entrepreneurs, and 50 to 100 thousand rubles for legal entities.<sup>1</sup>

The law banning the use of anonymizers and VPN-services for access to blocked websites in Russia was signed in July and entered into force in November. The Federal Law on Information added a new Article 15.8, which requires such services to implement restrictions against banned materials under threat of sanctions, starting with blocking access to their own sites. At the same time, the regulations regarding the bloggers' registry and their duties<sup>2</sup> were removed from the Law on Information and the Administrative Code due to their lack of effectiveness. The Article 15.8 has not been used yet, as of late February 2018.

The draft legislation that seeks to fine search engines operators for failure to stop providing the links to prohibited sites (5 thousand rubles for citizens, 50 thousand rubles for officials, 500 to 700 thousand rubles for legal entities), introduced in the State Duma simultaneously with the above-described bill, passed the first reading in October; the second reading has not yet taken place.

In November, amendments were made (and immediately came into force) to the Laws "On Information" and "On Mass Media" with regard to "foreign agents" media; among their other effects, the amendments created the widest opportunities for blocking Internet resources. They make extrajudicial blocking possible not only with respect to websites that contain calls for extremist activity, riots, or participation in actions without permits, as previously stipulated by Lugovoy's law, but also of websites that contain materials from "undesirable organizations" as well as "information, allowing to access" to any of the above. The meaning of the phrase "information allowing to access" is not entirely clear. At the very least, it implies hyperlinks to the websites or any publications of "undesirable organizations" or to calls (even extremely dated ones) to participate in non-permitted actions – and such links can be found on numerous websites

<sup>1</sup> For additional information on this law see: "Putin Approved Fines for Internet Providers for Evasion of Blocking Websites" // SOVA Center. 2017. 22 February (<http://www.sova-center.ru/misuse/news/lawmaking/2017/02/d36452/>).

<sup>2</sup> For additional information on this law see: "The Bill to Ban the Means of Circumventing the Internet Blocking Was Adopted in the Second Reading" // SOVA Center. 2017. 19 July (<http://www.sova-center.ru/misuse/news/lawmaking/2017/07/d37523/>).

of all kinds. Probably, a website can also be blocked for posting instructions on obtaining anonymous access to problematic resources via VPN or anonymizers.<sup>3</sup>

In mid-July, deputies Sergei Boyarsky and Andrei Alshevskikh (United Russia) introduced in the State Duma a legislative package that imposes on the administration of social networks the responsibility to remove illegal content and proposes million-ruble fines for non-fulfillment of this duty. The idea for one of the initiatives was borrowed from the authors of the notorious German law on social networks adopted in June 2017. According to the text of the amendments, social network operators, whose audience includes over two million users from Russia, are obligated to open their representative offices on Russian territory available round-the-clock to "restrict access to or delete, upon request from a social network user, the information shared in the network that is clearly aimed at promoting war, racial or religious hatred and enmity, information that is false and (or) discrediting the honor and dignity of another person or his reputation, other information, distribution of which is subject to criminal or administrative liability, within 24 hours from the receipt of such a request." According to the authors of the proposed legislation, copies of illegal content should also be deleted; meanwhile, the information on the servers of social network operators should be stored for three months. It is not clear from the text of the draft whether social networks are expected to make their own decisions based on the cited criteria or be guided by court decisions. It is also unclear if the authors of the draft laws seek to punish social networks only for failure to receive user complaints, review them in a timely fashion and submit reports to Roskomnadzor, or whether social networks that demonstrate unjustified (as the authorities see it) reluctance to delete problematic content would also be considered in violation. Taking into account the fact that all the social networks already have mechanisms for handling complaints and removing content, we have to conclude that the proposed mechanism is an instrument of state censorship. The Boyarsky and Alshevskikh package were approved by the State Duma's Committee on Information Policy, Information Technologies and Communications, but faced serious criticism from the government commission, although the commission supported its concept in principle. The package was never submitted in the first reading in 2017, but, most likely, its consideration was only temporarily postponed.<sup>4</sup>

<sup>3</sup> For additional information on this law see: "The Law on Access to Materials of "Undesirable Organizations" and on "Foreign Agents" Media Has Entered into Force" // SOVA Center. 2017. 27 November (<http://www.sova-center.ru/misuse/news/lawmaking/2017/11/d38355/>).

<sup>4</sup> For additional information on the Boyarsky and Alshevskikh legislative package see: "The Deputies Suggested to Make Social Networks Responsible for Removal of Illegal Content" // SOVA Center. 2017. 12 July (<http://www.sova-center.ru/misuse/news/lawmaking/2017/07/d37463/>).

New restrictions for media outlets, primarily the foreign ones or the ones using foreign funds, fit the same trend of strengthening control over the flow of information.

The amendments to the Law on Mass Media, signed in July, imposed a ban on establishing media outlets for persons who are deprived of their liberty, or have a criminal record for committing crimes using the media or the Internet, or a criminal record “*for committing crimes related to carrying out extremist activities*.” The amendments also allow Roskomnadzor to refuse permission to distribute a foreign periodical or to revoke such a permission, if the publication fails to comply with the article of the law on misuse of the media or with anti-extremist legislation in general. The text of the Law does not describe the mechanism to be used by Roskomnadzor to detect violations of anti-extremist legislation, giving rise to concerns regarding the possibility of inappropriate extra-judicial decisions by Roskomnadzor that significantly restrict freedom of speech.

A new bill expanding the legislation in the sphere of relations with “foreign agents” was introduced in the State Duma in December. The bill proposes amendments to the Law on Mass Media and the Law on Information. First, it adds to the Law on Mass Media the stipulation that the recently introduced designation of “mass media outlets that perform the functions of a foreign agent” can also pertain to individuals. In fact, this status can be given to any person, who receives funds from abroad and systematically distributes any kind of information; the consequences are currently unclear. The draft bill also proposes that the “foreign agent media outlets” be ordered to establish the corresponding Russian organizations to represent them; the latter will automatically receive the same “foreign agent” status. Finally, according to this draft, materials and messages coming from the mass media outlets designated as “foreign agents” or their Russian subsidiary “foreign agents” must be accompanied by a disclaimer that these materials were created by a “foreign agent.” This requirement applies to any informational resources under threat of blocking. The bill was passed the first reading in January 2018.<sup>5</sup>

A number of measures were taken in 2017 to increase the severity of the anti-terrorist and anti-extremist legislation.

In May, amendments were made to the Law on Administrative Supervision of persons released from correctional institutions. The amendments introduced changes to the provisions on administrative post-prison supervision, which affect, in particular, the fate of those convicted under anti-extremist and anti-

<sup>5</sup> For additional information on this legislative initiative see: “A New Bill on “Foreign Agents” was Introduced in the State Duma” // SOVA Center. 2017. 20 December (<http://www.sova-center.ru/misuse/news/lawmaking/2017/07/d37463/>).

terrorist articles. Now, offenders, convicted of serious and most serious crimes under a number of the Criminal Code articles – including Articles 205<sup>2</sup> Part 2, 205<sup>5</sup>, 278, 282 Part 2, 282<sup>1</sup>, and 282<sup>2</sup>, which, in our opinion, are often used in inappropriate verdicts – could remain under administrative supervision until their conviction is expunged.<sup>6</sup>

In July, a law was signed allowing to revoke an earlier act on acquiring Russian citizenship for some of those convicted of extremist and terrorist crimes. Supposedly, the court verdict regarding such crimes proves that, at the time of obtaining citizenship, an applicant falsely claimed that s/he was committed to respect the Constitution and legislation. Meanwhile, it is quite obvious that criminal intent could have been formed at a later point. There is a reason to fear that the law will be used to revoke the citizenship of (and subsequently deport) some immigrants or residents of Crimea.<sup>7</sup>

In December, the President signed a law on increasing penalties for contribution to terrorism. The additions were made to the wording of Article 205<sup>2</sup> of the Criminal Code (public incitement to terrorist activity or justification of terrorism) so that it came to include “propaganda of terrorism,” and added comments to the article to point out that propaganda of terrorism should be understood as “*dissemination of materials and/or information aimed at forming the ideology of terrorism, convincing of its attractiveness or creating the sense of permissibility with respect to terrorist activities*.” It should be noted that the concept of the “terrorist ideology” has not been defined in the Law on Combating Terrorism or in any other official document, therefore, it is unclear what kind of materials could be regarded as forming such an ideology. Additionally, according to the law, the penalties under Parts 1 and 2 of Article 205<sup>1</sup> (contributing to terrorist activities) for inducing, recruiting or otherwise involving a person in committing crimes of terrorist nature were increased up to a life sentence.<sup>8</sup>

In November, a plenary meeting of the Supreme Court of the Russian Federation adopted a resolution that clarified certain aspects of the legisla-

<sup>6</sup> For additional information on this law see: “The President Signed the Law on Administrative Supervision of Persons Guilty of Extremist and Terrorist Crimes after Their Release from Correctional Institutions” // SOVA Center. 2017. 29 May (<http://www.sova-center.ru/misuse/news/lawmaking/2017/05/d37181/>).

<sup>7</sup> For additional information on this law see: “Putin Signed the Law on Revoking Citizenship for Those Convicted of Extremist and Terrorist Crimes” // SOVA Center. 2017. 31 July (<http://www.sova-center.ru/misuse/news/lawmaking/2017/07/d37585/>).

<sup>8</sup> For additional information on this legislative initiative see: “The Bill on Increasing Penalties for Involvement into Terrorist Activity Was Adopted in the Second Reading” // SOVA Center. 2017. 8 December (<http://www.sova-center.ru/misuse/news/lawmaking/2017/12/d38448/>).

tion on protecting the interests of children when resolving related disputes. In particular, the Supreme Court expanded the list of acts seen as falling within the definition of “abuse of parental rights,” which can be used as the grounds for termination of parental rights under the Family Code. The Supreme Court recommends adding to the list such acts as involving children “*in activities of a public or religious association or other organization, with respect to which an enforceable court decision on its liquidation or prohibition of activities has been issued (Article 9 of Federal Law No. 114-FZ “On Combating Extremist Activity” of July 25, 2002; Article 24 of the Federal Law No. 35-FZ of March 6, 2006 “On Counteraction to Terrorism”)*. We would like to point out that the concept of “involving children in activities of the organization” has not been defined in the legislation, providing opportunities for its expansive interpretation by law enforcement agencies and courts. Moreover, the Supreme Court failed even to indicate that termination of parental rights should be preceded by a court verdict for involving a child in the activities of a banned organization. Thus, believers and political activists find themselves in a situation, in which they are facing not only potential inappropriate criminal charges for being involved in banned organizations, but also the threat of their children being removed from the family for no valid reason. We would like to remind that, in our opinion, a number of religious associations and organizations of a political nature are prohibited in Russia inappropriately. Even if the courts refrain from wide application of this Supreme Court resolution in their practice, the very existence of such recommendations creates an additional “preventive” instrument for exerting pressure on citizens and pushing them to abandon the beliefs, which the authorities find objectionable, or to give up their protest activity.

Only one significant legislative initiative of 2017 was aimed at “liberalization” of an anti-extremist legislative provision. In late June, the Ministry of Telecommunications posted a draft law amending Article 20.3 of the Code of Administrative Offences (public demonstration of Nazi symbols and symbols of prohibited organizations). It has proposed to add a clarification to Article 20.3 Part 1 of the Code that the use of the banned symbols “*in the works of science, literature, art, as well as for edifying, educational and information purposes does not constitute public demonstration, provided there are no signs of propaganda.*”<sup>9</sup> We welcome this initiative of the Ministry of Communications. SOVA Center has repeatedly pointed out the absurdity of banning any demonstration of Nazi symbols regardless of its context, as currently prescribed

<sup>9</sup> Yet another controversial case under Article 20.3 in February 2018 led to speedy introduction in the State Duma of a bill partly based on the Ministry of Communications proposal.

by Russian legislation. However, we believe that it would be simpler and more appropriate not to list specific exceptions; it would be sufficient to make propaganda of the corresponding ideology a necessary precondition for making demonstration of the banned symbols illegal.

## The Practice of the European Court of Human Rights

Since the summer of 2017, the European Court of Human Rights has communicated several dozen appeals, in which the applicants dispute the application of anti-extremist and anti-terrorism laws as well as norms about insulting the feelings of believers in Russia. Obviously, the ECHR intends to create precedents for making subsequent decisions on numerous similar complaints coming from Russia.

Thus, in August the ECHR communicated eight appeals related to bans of or denial of registration to several religious organizations, prosecution for involvement in their activities, or recognition of religious works as extremist. All these appeals, filed with the ECHR in 2011-2017, were considered simultaneously since they all complained of similar violations of Articles 9, 10 and 11 of the European Convention that talk about the right to freedom of conscience, freedom of expression and freedom of assembly and association. The ECHR will review the rulings of Russian courts that affect the majority of the religious movements, whose adherents face discrimination on the territory of the Russian Federation – in particular, Muslims studying the legacy of Turkish theologian Said Nursi, followers of the Tablighi Jamaat movement and Salafis, as well as Scientologists, adherents of the Chinese spiritual practice Falun Gong and of Aum Shinrikyo international organization.<sup>10</sup> The decisions to be made in Strasbourg are of fundamental importance for further judicial practice in the cases pertaining to religious organizations and, more broadly, in the matters relating to the right to freedom of conscience, both in Russia and in some former Soviet republics, whose religious policies are influenced by the Russian Federation. However, it should be borne in mind that Russia has repeatedly ignored the ECHR decisions in this sphere.

In the same month, the European Court of Human Rights communicated the complaints related to restrictions against a number of websites blocked by the Russian authorities in 2012-2016 under various pretexts: Kasparov.ru, Grani.ru

<sup>10</sup> For more on the communication of the eight complaints of the religious organizations, see: “ECHR Has Communicated Eight Complaints Regarding the Bans against Spiritual Literature and Religious Organizations in Russia” // SOVA Center. 2017. 18 September (<http://www.sova-center.ru/misuse/news/counteraction/2017/09/d37899/>).

and Ej.ru, the Roskomsvoboda project website and the *Worldview of Russian Civilization*. The ECHR combined these five complaints into a single case, seeing their cases as similar. The appellants believe that restricting access to the websites is illegal and “pursues no legitimate purpose.” The ECHR contacted the Russian authorities with questions pertaining to the case, and, in particular, asked whether the norms of Russian legislation on internet restrictions were “sufficiently specific and predictable in their application” and “whether they provided sufficient degree of protection against arbitrariness.”

As mentioned above, dozens of complaints in our area of interest were communicated in 2017- early 2018, including complaints related to the use of Criminal Code Articles 280, 282, 354<sup>1</sup>, 205<sup>2</sup>, 282<sup>2</sup>, 213 Part 2 and 214 Part 2, Code of Administrative Offenses Articles 20.29, 5.26, and bans against materials and organizations. The applicants pointed out violations of their rights to freedom of expression, freedom of assembly, personal integrity, and a fair trial.

In October, the ECHR issued its first judgment on a complaint regarding the application of Article 282 of the Criminal Code, and upheld the claim of journalist and human rights activist Stanislav Dmitrievsky from Nizhny Novgorod. Dmitrievsky received a suspended sentence of two years under Part 2 Paragraph “b” of Article 282 (incitement of hatred or enmity, committed in the media with the use of official position) in 2006. The prosecution was based on the publication by Dmitrievsky – then the executive director of the Russian-Chechen Friendship Society and the editor-in-chief of *Pravo-Zashchita* newspaper – printed in his newspaper the statements by Ahmed Zakaev and Aslan Maskhadov in the spring of 2004. The ECHR decided that Dmitrievsky’s conviction and the severity of punishment imposed on him could have a “chilling effect” on the exercise of the right to freedom of expression and discourage journalists from discussing matters of public significance, in particular relating to the conflict in Chechnya. Thus, the Russian authorities overstepped their margin of appreciation in limiting the discussion. The ECHR pointed out that Dmitrievsky’s verdict, taking into consideration the content of his publication and the circulation of the newspaper was not dictated by pressing needs of society and was disproportionate to the aims invoked by the Russian authorities. In this case, interference in the exercise of the right to freedom of expression was not necessary in a democratic society, and, therefore, violated Article 10 of the European Convention on Human Rights, which guarantees the right to freedom of expression. Separately, the ECHR made an important observation that, when making a decision on the case, the legal argumentation of the court was in fact replaced by the quasi-judicial reasoning of the linguistics expert – and, indeed, this is a common practice in such cases. The ECHR ordered Russia to pay Dmitrievsky ten thousand euros in compensation for non-pecuniary damage and 3,615 euros

in respect of costs.<sup>11</sup> We hope that this decision of the Strasbourg Court will be of help in protecting the publishers’ right to disseminate information of public interest and, in general, will encourage Russian courts to consider cases under Article 282 of the Criminal Code more carefully.

## Principal Targets of Persecution

### Ideological Opponents of the Authorities

#### “The Ukrainian Question”

As in previous years, in 2017, the Russian authorities continued to use anti-extremist legislation to address the statements related to the conflict in Ukraine and dissemination of various Ukrainian materials. Here we would like to examine the cases of clearly inappropriate or disproportionate law enforcement reaction.

In June, the Meshchansky District Court of Moscow found Natalya Sharina, the former director of the Library of Ukrainian Literature, guilty under Article 282 Part 2 Paragraph “b” of the Criminal Code (incitement of ethnic hatred or enmity with the use of official position) and Parts 3 and 4 of Article 160 (embezzlement committed on a large or an especially large scale) and received a suspended sentence of four years followed by a four-year probation period. The prosecution was based on the fact of finding prohibited Ukrainian literature in the library as a result of a search conducted upon request of a local Ukrainophobic municipal deputy. Safekeeping and providing access to literature is the responsibility of librarians under the Law on Librarianship, which conflicts with the official requirement to vet the names of books from existing collections and new acquisitions against the constantly updated Federal List of Extremist Materials. Currently, this contradiction is managed at the level of procedural instructions. However, we view the criminal charges of engaging in a conscious propaganda act (deliberate distribution of materials that incite hatred) against a librarian for failing to withdraw materials from circulation as clearly inappropriate.

In the same month, the Kaluga District Court of the Kaluga Region sentenced local resident Roman Grishin to 320 hours of mandatory labor, having found him guilty under Article 282 Part 1 of the Criminal Code. He refused

<sup>11</sup> For additional information on the ECHR decision regarding Stanislav Dmitrievsky’s complaint see: “The ECHR Has Issued Its First Decision on a Complaint Related to the Use of Article 282 of the Criminal Code” // SOVA Center. 2017. 23 October (<http://www.sova-center.ru/misuse/publications/2017/10/d38113/>).



to comply and the court replaced the sentence with 40 days of imprisonment in a settlement colony. The charges of inciting ethnic hatred against Grishin were based on the video “A New Hit from Kharkov: This is Rashism, Baby” to a song by Boris Sevastyanov, which Grishin reposted on his VKontakte page in 2014. Sevastyanov’s song contains sharp criticism of Russian state propaganda and foreign policy in connection with its actions in Ukraine (which, according to the author, are characteristic of totalitarian regimes), but includes no calls for aggression. The video contains images of Nazi symbols and emblems of the prohibited Movement against Illegal Immigration (*Dvizhenie protiv nelegalnoi immigratsii*, DPNI), and its publication already led to an arrest of activists from Krasnodar in 2015 under Article 20.3 of the Code of Administrative Offenses (propaganda or demonstration of Nazi symbols). However, in this case, as in many others, demonstration of Nazi symbols has not been intended as propaganda of Nazi ideology, and, certainly, sharing this video does not correspond to the composition of Article 282.

In February, a court in Saratov issued a verdict under Part 1 of Article 282 (incitement of hatred on the basis of belonging to a specific ethnicity and social group). 19-year-old Alexander Gozenko was convicted for publishing on VKontakte in November 2015 four comments against ethnic Russians and “*vatniks*” [derogatory nickname derived from a cheap cotton-filled winter coat]; one of the comments contained incitement to violence against the latter (as indicated in the court’s decision, Gozenko called for “organizing a holocaust for *vata*”). We have had no access to the full text of his comments, so we do not know whether Gozenko made any statements that provoked ethnic enmity. As for the social group “*vatnik*” or “*vata*” it should be noted that such a group simply does not exist. Law enforcement agencies rephrased this term as “patriots of Russia,” once again demonstrating that, in reality, it is not a social group, but adherents of a certain ideology. However, incitement of ideologically-motivated hatred is not covered by Article 282. Gozenko fully acknowledged his guilt, and the case was examined according to special procedure. The court sentenced him to 160 hours of mandatory labor. It must also be noted that Gozenko was still a minor at the time he left the incriminating comments.

A trial began in December in the Oryol Region on yet another case against poet Alexander Byvshev from Kromy opened in early 2017 based on the fact of the publication of his poem “On the Independence of Ukraine” in VKontakte in 2015. Byvshev was charged under Part 1 of Article 282 with incitement of hatred against Russians aimed at ethnic Ukrainians. In our opinion, this poem, recognized as extremist in 2016, indeed contains statements that can be interpreted as humiliating for residents of Russia. However, we believe that Byvshev’s poems have a political, and not a xenophobic, intent. We also believe that humiliation

of dignity, should be excluded from the Criminal Code as an act of minor gravity. Earlier, in 2015, Byvshev was convicted for publishing a poem “To Ukrainian Patriots” – also inappropriately, in our opinion.<sup>12</sup>

In November, the Petrogradsky District Court of St. Petersburg issued a verdict under Article 282 Part 1 of the Criminal Code to Anatoly Pleshanov. The court imposed a one-year suspended sentence. The charges against Pleshanov were based on the statements, he left in the “Konakovo and Konakovsky District” VKontakte group in the summer of 2014. The author expressed extremely negative opinion with regard to Ukrainians who decided to move to Russia, and spoke out against the annexation of Crimea. The author also made negative statements regarding migrants from Central Asia, but was not found guilty of inciting hatred against them. According to the expert opinion, Pleshanov’s statements were “*aimed at humiliating the dignity of groups of individuals on the grounds of ethnicity and belonging to a social group*” [residents of Ukraine]. As stated in the opinion, “*the author writes that he is dissatisfied with the help Russia and Russian citizens provide to residents of Ukraine, demonstrates a negative attitude towards residents of Ukraine – Ukrainians. The author believes that the actual population of Russia receives no such help and support in their own country.*” At the same time, the experts found no “*justification or rationalization of violence*” or “*calls for violent actions.*” Since Pleshanov’s statements can only be regarded as humiliation of dignity on the basis of nationality, we saw no need for criminal prosecution in this case.

In September, the Simferopol District Court issued a verdict on the case of Ilmi Umerov, a Deputy Chairman of the Mejlis of the Crimean Tatar People. The court sentenced him to two years in a colony-settlement with a two-year ban on public activities, despite the fact that the prosecutor asked for a suspended sentence. The criminal case under Article 280<sup>1</sup> Part 2 of the Criminal Code (public calls for actions aimed at violating the territorial integrity of the Russian Federation using media or the Internet) was opened in May 2016, after Umerov went live on the Ukrainian ATR channel in March and called for the return of Crimea to Ukraine. However, in our opinion, this did not give grounds for criminal prosecution – it is impossible to accuse residents of the area, who have never recognized Russia’s annexation of the territory to begin with, of separatism. In addition, the legality of Russia’s annexation of Crimea to Russia is questionable

<sup>12</sup> In January 2018, during the Trosnyansky District Court session on the Byvshev case, the Kromsky District Prosecutor reported that another criminal case had been opened against the poet – this time under Article 294 of the Criminal Code (obstruction of the administration of justice and of preliminary investigations). Byvshev is accused of publishing reports and giving interviews to the media regarding the progress of his trial, thereby putting pressure on the prosecution witnesses and complicating the administration of justice. From our point of view, the prosecutor’s attempt to prevent the media coverage of the process is inappropriate.

from the point of view of the international law, and the Crimean Tatars have the right to their point of view in this dispute. Umerov was sentenced to a real prison term despite his numerous health problems. However, in October, Ilmi Umerov along with another Deputy Chairman Akhtem Chyigoz, convicted on charges of organizing mass riots in the Crimea prior to the annexation of the peninsula, were released from custody and sent by plane to Turkey. According to media reports, they were pardoned by the president upon request of the mufti of Crimea, despite the fact that they had never applied for pardon. Ukrainian President Petro Poroshenko said that the release of Umerov and Chyigoz happened due to the agreements with Turkish President Recep Erdogan.

In December, the Astrakhan Regional Court, once again, reviewed the case of Igor Stenin, the leader of the Russians of Astrakhan movement, and upheld his conviction issued by the Sovetsky District Court of Astrakhan in May 2016. At that time, the nationalist was sentenced under Article 280 part 2 of the Criminal Code (public incitement to extremist activities via the Internet) to two years in a settlement colony. We would like to remind that, in 2016, the lower court found Stenin guilty of publishing on VKontakte a post on the subject of the war in Ukraine, in which he made public calls for liquidation of the “*Kremlin invaders*.” He was also held responsible for a comment made by another user, which the investigation mistook for a post shared by Stenin). The appellate court (the Astrakhan Regional Court) approved this decision. Then, already in 2017, by the order of the Supreme Court, the verdict was reviewed by the appellate court and overturned for lack of corpus delicti. Stenin was released from the penal colony, where he was serving his sentence. We must admit that we know of no other such cases in the practice of anti-extremist law enforcement. However, in November, the Supreme Court of the Russian Federation unexpectedly granted the appeal of the Prosecutor General’s Office and returned Stenin’s case to the appellate court for a new consideration, which, once again, found him guilty.<sup>13</sup>

It was reported in June that the Investigative Committee in Ulyanovsk has dropped the criminal case under Article 280 Part 1 and Article 282 Part 1 of the Criminal Code against Danila Alferiev, an activist of the Left Bloc, for lack of corpus delicti. The case against Alferiev was opened in the summer of 2016, when he was charged with inciting hatred against the social group “representatives of the authorities that currently run Russia,” based on the speech he delivered at the communist rally on November 7, 2014. The activist talked

<sup>13</sup> It was reported in February 2018 that Stenin left Russia with his wife and son. He explained that he had decided to leave, fearing the pressure on his family by security officials, but that he still intends to pursue the overturn of his verdict and compensation for unreasonable prosecution.

about “*the fifth column sitting in the State Duma, which caused the Maidan to flare up in Ukraine and which must be cleaned out*,” about the betrayal by “*the United Russia, Medvedev and Putin*” and about his own readiness to take part in the Donbass conflict and “*cleanse Russia from the occupation*,” if given the corresponding order by Zyuganov. As Alferiev explained later, his speech had been a “*political art performance piece*” – a parody of the speech by Andrei Kovalenko, the leader of the Eurasian Youth Union Moscow branch, which gained some popularity online. We saw no grounds for prosecuting Alferiev.

The Oktyabrsky District Court of St. Petersburg in 2017 banned five materials from Ukrainian websites (one video, three articles and a de-motivating poster were added to the Federal List of Extremist Materials) containing statements about the involvement of Russian special services in terrorist attacks that have taken place in Russia since the late 1990s, as well as in the terrorist attacks that took place on Ukrainian territory since the development of the military conflict there. The court relied on the provision of the law “On Combating Extremist Activity,” according to which public false accusations of this activity (and terrorism, in particular) against state officials constitute extremist activities. However, in our opinion, the trial failed to prove convincingly that the authors of the materials or commentators, whose opinion they cited, were putting forward “knowingly false” propositions, that is, such propositions, in which they themselves had no reason to believe. This provision of the law is problematic per se. It can be assumed that slanderous accusations of high-ranking officials in serious crimes can lead to destabilization, and therefore the legislator classified them as extremist activity, but it is not clear why some such accusations, say, of ideologically-motivated murders are considered a form of extremist activity, while others – for example, accusations of other criminal murders – are not. We believe that such a provision has no place in the law on extremist activity – accusations of any kind of crimes put forward by one person against another can be examined in court in libel suits (the question of what code should contain the article on libel needs a separate discussion).

In 2017, as in the preceding year, Russian law enforcement agencies continued to block Ukrainian resources, as well as sites that relocated to Ukraine after the annexation of Crimea under Lugovoy’s law. The reasons for restricting access to these resources are often quite obvious, since journalism during an armed conflict tends to use aggressive rhetoric, but the restrictions often affect analytical, information or satirical materials as well.

### **The Fight against Activists of Nationalist Movements in the Subjects of the Federation**

The actions by activists of nationalist movements in the constituent republics of the Russian Federation frequently attracts attention of law enforcement

agencies. In 2017, a number of sentences were issued on the cases initiated earlier, while tense discussions about the official languages in the republics led to new instances of pressure against local nationalists.

In April, the Oktyabrsky District Court of Ulan-Ude found Buryat activist and blogger Vladimir Khagdaev guilty of public calls for separatism (Article 280.1 Part 2 of the Criminal Code) and of storing narcotic drugs on a large scale without the purpose of sale (Article 228 Part 2 of the Criminal Code) and issued a suspended sentence of three years with a three-year probationary period. We doubt that Khagdaev's statements merited criminal prosecution. According to the investigation, "*having personal convictions in favor of uniting the Mongolian peoples in a single state,*" Khagdaev published a post and two comments, which contained calls for actions toward separation of Buryatia from Russia, on VKontakte under the pseudonym "Genghis Bulgadaev" in 2014 – 2015. The incriminating social network post is an image showing a quote from an interview with journalist Alexandra Garmazhapova, in which she was critical of the Russian nationalists and mentioned separation of Buryatia from Russia as a hypothetical scenario; this post definitely contained no separatist appeals. In his two comments, Khagdaev called for a "*major geopolitical shift*" and reshaping of the world and Russia, and also asked a rhetorical question "*when will it be possible to take up weapons and go assimilate a Russian lieutenant-colonel neighbor?*" Despite the radical nature of Khagdaev's comments, it should be recognized, that they contained no specific suggestions and were left under the post that attracted almost no attention, so they hardly presented a significant public danger.

In May, the Vysokogorsky District Court of Tatarstan sentenced the Tatar nationalist Ayrat Shakirov to a fine of 100 thousand rubles under Article 282 Part 1 of the Criminal Code for publishing the banned video "08.02.2013 Rally in Makhachkala" on VKontakte but released him from punishment due to the statute of limitations. Shakirov denied ever posting this particular video or a number of other videos he found on his page. The video, which provides the basis for the current prosecution against the activist, is on the Federal List of Extremist Materials. It contains the recording of a speech by Gadzhimagomed Makhmudov, representative of the Ahlus Sunnah organization, during the rally against the abuse of power by the *siloviki* (Russia's military-security establishment), conducted with an official permission on February 8, 2013 in Makhachkala. Makhmudov's emotional speech reflected his outrage at the difficult situation of Muslims in Russia, but contained no dangerous appeals, and, in our opinion, provided no grounds for a ban. It's not entirely clear who was implied as the object of hatred allegedly incited by Shakirov, but in any case, the video does not substantiate such charges.

In October, the Leninsky District Court of Ufa sentenced Sagit Ismagilov, an activist of the Bashkir national movement to a fine of 320 thousand rubles under Article 282 Part 1 of the Criminal Code (the Supreme Court of Bashkortostan reduced the fine to 100 thousand rubles in December). Ismagilov was found guilty of reposting on VKontakte a text on the closing down of the Humanitarian Research Institute in Ufa, in which the author blamed the Tatars for the collapse of the Bashkir culture. The text was accompanied by a photograph of a book page with a fragment from the 16th-century poem containing invectives against the Tatars of the Golden Horde. In our opinion, works of the past centuries should not be evaluated for compliance with modern ideas of tolerance and, particularly, with legislation on extremism. Here we are in agreement with the relevant clarification recently issued by the Constitutional Court.<sup>14</sup> The combination of the two texts can indeed be regarded as a statement aimed at humiliation of dignity on the basis of ethnicity. However, we believe that humiliation of dignity should be decriminalized as an act that does not pose a significant danger to society.

In August, the Vakhitovsky District Court of Kazan sentenced Danis Safargali, the leader of the Tatar Patriotic Front Altyn Urda [the Golden Horde] to three years of imprisonment in a minimum-security penal colony on charges of deliberately causing minor health damage (Article 115 of the Criminal Code), beating (Article 116), hooliganism (Article 213) and inciting hatred (Article 282).<sup>15</sup> The verdict was approved by the Supreme Court of Tatarstan in November. We consider Safargali's sentence under Article 282 (issued for 15 publications on VKontakte) at least partially inappropriate. Among other offences, Safargali was charged with the humiliation of the Russian president, government agencies and the media, but none of the above categories should be considered a vulnerable social group protected by anti-extremist legislation. The charges against Safargali of incitement to ethnic hatred (mostly with regard to politically-motivated posts) and of incitement to religious hatred (for the publication of a video to the song of the band Ensemble of Christ the Savior and Crude Mother Earth, critical of the ROC and the Orthodox radicals.) also did not appear very convincing.

The same Vakhitovsky District Court of Kazan discontinued in October the case of writer Aidar Khalim, charged with inciting ethnic hatred. The charges

<sup>14</sup> The Constitutional Court Ruled on a Complaint Regarding Prohibition to Recognize the Content of the Sacred Texts of the Major World Religions as Extremist // SOVA Center. 2017. 29 May (<http://www.sova-center.ru/misuse/news/lawmaking/2017/05/d37184/>).

<sup>15</sup> Safargali was sentenced for violent actions following his clash with representatives of the company, from which he and his wife were renting a space for a student hostel in a building in the Kazan city center.

against Khalim were based on his emotional statements about Russians, including references to Russian President Vladimir Putin, made on October 11, 2014 during his address at the meeting dedicated to the Day of Memory of the Defenders of Kazan Killed in 1552. In his speech Khalim reportedly reiterated the thesis of his own book *Ubit Imperiiu* [To Kill an Empire] (later recognized as extremist) about the “*biological death*” of the Russian people, and said that Russians could only be saved after “*getting rid of Putin*.” Apparently, despite Khalim’s adherence to rather radical nationalist views, the above-mentioned speech contained no calls for aggressive actions towards Russians, but merely expressed his opinions on the policy of the Russian authorities and on the imperial mindset. Nevertheless, we assume that the writer was not convicted solely due to his venerable age and prominence in the republic.

In May, the Naberezhnye Chelny City Court granted the claim of the Republic of Tatarstan Prosecutor’s Office for the liquidation of the Naberezhnye Chelny branch of the All-Tatar Social Center (*Naberezhnochelninskoe otdelenie Vsetatarskogo Obshchestvennogo Tsentra, VTOTs*) and banning it as an extremist organization. The organization, formerly headed by Rafis Kashapov (convicted for incitement to separatism), was banned, despite its change of leadership.

In August, it became known that a criminal case had been opened in Kazan under Article 282 against unidentified persons based on the fact of the activity of the flagship organization – the All-Tatar Social Center. According to the Center, the case was triggered by a picket and a conference, conducted by the Center, dedicated to the fate of the Tatar language as the second state language in Tatarstan. During these events, critical statements were made about the language policy in the republic that cited the fact that Tatar is almost never used as an official language, and proposed various measures to maintain its status.

In mid-October, Tatarstan Prosecutor General Ildus Nafikov issued a warning to the VTOTs regarding the impermissibility of violating legislation on combatting extremism. The Prosecutor’s Office gave the organization two months to address the violation, which consisted of “*carrying out its activities and issuing its decisions in the Tatar language only*.” The Prosecutor’s Office stated that, according to the Federal Law on the State Language of the Russian Federation, Russian as the state language “*is mandatory for use in the activities of organizations of all forms of ownership*.” In addition, the prosecutors found “*signs of information aimed at inciting hatred on the basis of “relation towards language”*” in the January address “*Save the Tatar language*” by the VTOTs presidium to deputies of different levels and political and public organizations of the republic, which proposed for discussion the idea of granting Tatar the status of the only state language in the Republic in order to counteract its gradual displacement. The Prosecutor’s Office regarded this suggestion as a discrimi-

natory statement and declared that the VTOTs was seeking to “*limit the rights and legitimate interests of Russian-speaking citizens*.” It should be noted that violations of the Law on Language are not covered under anti-extremist legislation. As for the discussions regarding the status of a particular language, in our opinion, they do not violate the law, and VTOTs made no calls for discrimination on the basis of one’s linguistic identity.

### **Prosecutions for Calls for Extremist Activities and Incitement to Hatred toward Public Officials**

Prosecution for various statements “against the authorities” presents a separate direction of the law enforcement agencies fight against “extremism.” In our opinion, such prosecution is appropriate only when dealing with dangerous incitement to specific violent actions; otherwise, it only fuels discontent in the society. We would like to remind that the Supreme Court of the Russian Federation, in its Resolution No. 11 of the plenary meeting “Concerning Judicial Practice in Criminal Cases Regarding Crimes of Extremism,” of June 28, 2011, pointed out that the limits of permissible criticism against officials should be wider than in the case of ordinary citizens, and that criticism of political beliefs or organizations per se should not be seen as an act aimed at inciting hatred or enmity;<sup>16</sup> this position was confirmed in 2016.<sup>17</sup>

In August, the Tverskoi District Court of Moscow issued a verdict to members of the Initiative Group of the Referendum “For Responsible Power” (*Za otvetstvennuiu vlast, IGPR “ZOV”*), Yuri Mukhin, Valery Parfyonov, Alexander Sokolov and Kirill Barabash, who were found guilty under Part 1 of Article 282<sup>2</sup> of the Criminal Code for continuing the activities of the organization recognized as extremist, namely the banned Army of People’s Will (*Armiia Voli Naroda, AVN*). Mukhin received a suspended sentence of 4 years followed by one year of restrictions on freedom and four years of probation; Sokolov was sentenced to 3 years and 6 months in a minimum-security penal colony; Parfyonov and Barabash – to 4 years in a penal colony each. Barabash was also stripped of his military rank of Lieutenant Colonel of the Air Force Reserve. The Moscow City Court considered the appeal on the case in December and reduced the prison terms for Barabash and Parfyonov from four years to three years and ten months

<sup>16</sup> Resolution of the Plenary meeting of the Supreme Court No. 11 “On Judicial Practice in Criminal Cases Concerning Extremist Crime” // SOVA Center. 2011. 29 June (<http://www.sova-center.ru/misuse/docs/2011/06/d21988/>).

<sup>17</sup> Resolution of the Plenary Meeting of the Supreme Court of the Russian Federation No. 41 “On Issues of Judicial Practice in Criminal Cases of Terrorist and Extremist Nature” // SOVA Center. 2016. 28 November (<http://www.sova-center.ru/racism-xenophobia/docs/2016/11/d35905/>).

in a minimal security colony due to extenuating circumstances – the court took into account Parfyonov’s health and the fact that Barabash was a combat veteran. We believe that the AVN, an organization of the Stalinist-nationalist kind repeatedly implicated in xenophobic propaganda, was banned inappropriately. The decision to recognize it as extremist was based solely on the ban of the leaflet: *You have elected – You are to judge!* (“Ty izbral – tebe sudit”), which contained a proposal to hold a nationwide referendum and adopt a new article of the Constitution and the corresponding law, according to which the president and members of parliament would be criminally responsible for the deteriorating quality of life of the population; it was also suggested that any attempts to evade punishment should put them outside the law. The call to conduct any kind of referendum, in our opinion, should not be regarded as extremist, therefore we considered the ban of the organization to be unfounded,<sup>18</sup> and, accordingly, we also view prosecution for continuing the activities of the AVN as inappropriate.

In September, the Novocheboksarsk City Court in Chuvashia sentenced Alexei Mironov, a volunteer of Alexei Navalny’s Cheboksary headquarters, to 2 years 3 months in a settlement colony. Mironov was found guilty under Article 280 Part 2 of the Criminal Code (public calls for extremist activities via the Internet) and Article 282 of the Criminal Code (incitement to ethnic hatred) for his VKontakte posts. We do not consider the charge under Article 282 inappropriate, although, in our opinion, the offence didn’t deserve a real prison term. Meanwhile, Mironov’s conviction under Article 280 was based on the fact that he had posted on his VKontakte page an image of the identity card of a citizen, subject to military conscription, accompanied by the caption in English: “*God bless the USA. Keep calm and f\*\*\* Russia*” and with the text “I officially call for a violent change of government” placed on top of the image. In our opinion, such an anti-government statement of a general nature made by an ordinary citizen poses no danger to the state, especially since the audience of this post was minimal.

In November, the Krasnogvardeysky District Court of St. Petersburg issued a verdict in the case of Russian nationalist Vladimir Timoshenko, finding him guilty of inciting hatred toward the social group “*employees of agencies and institutions of the state*” (Article 282 Part 1 of the Criminal Code), and sentenced him to two years in a maximum-security colony. The defense in-

<sup>18</sup> If we consider the calls by the AVN from the point of view of Article 17 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which states that the Convention does not protect actions aimed at excessive limitation of human rights recognized by it, it can be said that the AVN called for such a limitation. However, the proposed limitation can hardly be considered so radical, as to justify the need to ban the organization.

tends to appeal the verdict. Timoshenko was previously convicted in 2010 in the Novgorod Region for an attempt to prepare a terrorist attack (according to the investigation, he intended to blow up the wall of the Novgorod Kremlin to draw attention to the problems of “Russia and the Russian people,”) as well as in Kislovodsk, in 2011, for illegal manufacture and trafficking of weapons. In January 2015, while in a penal colony in the Novgorod Region, Timoshenko dictated over the telephone to his fiancée the text, which she then published on his behalf in the “Slavianskaia sila (“Slavic Force”) – Nord West Peterburg” community on VKontakte. The text was dedicated to the “*fight*” against “*the antinational regime of Putin and his power base, the punitive-repressive apparatus*” and contained a call to “*deliver a crushing blow*” against this apparatus. We believe that the verdict to Timoshenko was inappropriate – the published text (unlike other personal notes seized from him), contained a call only for an abstract “*crushing blow*,” not for any specific actions.

In December, the Miass City Court in the Chelyabinsk Region found Aidar Kuchukov guilty of incitement to ethnic hatred (Article 282 Part 1) and issued a 2-year suspended sentence with a 2-year probationary period. Kuchukov is a former investigator in the Miass police department and a former lawyer, who was deprived of his status for significant violations of his client’s interests in a criminal case. His political views are oppositional. He was found guilty on the basis of his 2016 publications on the social network Moi Mir, in which he “*imposed provocative topics, unrelated to those being discussed, on the conversation participants, and posted messages grounded in ethnic hatred*,” as well as used insulting language with respect to the Russians. We do not know whether Kuchukov made hateful xenophobic statements that incited hatred. However, from the report by the prosecutors, we know that Kuchukov was also charged for leaving comments under the news posted by various media outlets; in particular, he commented “*about the inevitability of imminent defeat of the Russian Armed Forces in Syria, about the vulnerability of our weapons, about the antinational regime of Vladimir Putin and the rapid growth of popular protest aimed at changing the government*” and “*about illegal activities of the FSB in the Crimea, the antinational annexation of the peninsula, and the deterioration of quality of life in Russia because of it*.” Such statements of opinion on political issues are not covered under Article 282 of the Criminal Code.

We view as partially inappropriate the verdict issued in February under Part 1 of Article 282 against 27-year-old resident of Tver. He received a suspended sentence of 1 year and 7 months for incitement to ethnic hatred, but also for publishing texts that humiliated representatives of several social groups, including “*employees of internal affairs agencies*,” the latter charge, in our opinion, is not covered under Article 282.

A similar new case, in which legitimate xenophobic propaganda charges were apparently combined with charges of inciting hatred against government officials, was opened in February against a 16-year-old teenager from the Tyumen Region.

It is worth noting that at least one person had such charges against him dropped in 2017. In November, the Gryazovetsky District Court in the Vologda Region acquitted civic activist Yevgeny Domozhirev, who had been charged under Part 1 of Article 282 for inciting hatred toward the social group of “Vologda police officers.” Domozhirev posted on his website a material, in which he, in harsh terms, described the local police officers, who had arrived to conduct a search at his house and then damaged his mother’s hand in the ensuing squabble. He was found guilty of insulting a police officer (Article 319 of the Criminal Code) and sentenced to 90 hours of mandatory labor.<sup>19</sup>

In March, the Federal List of Extremist Materials came to include two images, banned in 2016 by the Central District Court of Tver. One of them is the de-motivating poster (No. 4071 on the List), described by the court as follows: “*A poster depicting a man, who resembles president of the Russian Federation V.V. Putin with makeup on his face — painted eyelashes and lips — this, according to the author(s) of the poster, was intended as a hint regarding the supposedly non-standard sexual orientation of the Russian president. The text under the image (reproduced with original spelling and punctuation but with the obscenities removed): “Putin’s voters are like ... there seem to be many of them, but among my acquaintances there are none.”* The de-motivating poster does not contain calls for incitement of hatred on any of the grounds listed in the law on combating extremist activity, and, therefore, its prohibition has been obviously inappropriate.<sup>20</sup> The same can be said about the image included on the List as No. 4072 (“*a poster-collage depicting three people, two of them (in the uniform of the Third Reich soldiers) resemble President V.V. Putin and Prime Minister D.A. Medvedev; a photograph of Kirill, the Patriarch of Moscow and All Russia, with the caption “The invaders are in Moscow already” is on the right*”). In our opinion, this collage is an instrument of political polemics and, in and of itself, does not call for any unlawful actions. However, the court found that both images insult the dignity of citizens on the basis of belonging to a social group, although in both cases it is impossible to establish the specific social group implied by the decisions.

<sup>19</sup> The Vologda Regional Court upheld this sentence in January 2018.

<sup>20</sup> It is worth noting that this de-motivator is indisputably homophobic; nevertheless, it can not be regarded as inciting hatred towards gays.

Banning the image of the President in makeup was perceived as a funny oddity and actively discussed online, leading to quite serious consequences. In June, the Yelets City Court put local activist Gennady Makarov under arrest for five days under Article 20.29 CAO for distribution of the controversial image. Makarov’s post on VKontakte actually discussed the fact that the image had been recognized as extremist. The publication cited the corresponding item of the Federal List and criticized the court’s decision; the caption was not displayed. Makarov appealed the decision of the court in the ECHR; his complaint has been communicated.

## Side Effects of the Fight for Tolerance

### Abusing Criminalization of Incitement to Hatred

We regard several other sentences, handed down by the Russian courts in 2017 for the incitement of various kinds of hatred, as inappropriate or insufficiently justified. It can be assumed that the percentage of such sentences, among those delivered in 2017 under Article 282, is, in fact, much higher, but, in most cases, we simply have no information to assess the degree of appropriateness of a verdict under Article 282. We can only repeat that the very scale of prosecution against citizens under this article (and for public utterances in general) raises serious concerns.

As noted above, in our opinion, anti-extremist articles should protect only the particularly vulnerable groups of the population. However, law enforcement agencies bring people to responsibility for inciting hatred to a wide variety of social groups.

Rapper David “Ptakha” Nuriyev was fined 200,000 rubles in Moscow in March 2017 for inciting hatred against “*a group of persons united on the basis of “assisting law enforcement agencies in search and detention of criminals” and being representatives of the public organization Antidealer*”. The prosecution was based on Ptakha’s speech in the 16 Tons club in September 2015 on the subject of the Antidealer movement, which contained insults against the movement’s activists and calls for unlawful actions (damaging their property), but no incitement to violence.

Mikhail Pokalchuk, a resident of Gorokhovets in the Vladimir Region received a suspended prison sentence with a 1-year probation period under Part 1 of Article 282 in February. He was found guilty of inciting hatred towards the social group “anti-fascists” by publishing a video on VKontakte. At least one new similar case — against a 28-year-old resident of Novgorod, who published on the same social network an image, “*expressing his negative assessment of representatives of the social group antifa, which advocates the fight against fascism*” in 2015.

A criminal case under Part 1 of Article 282 was opened in April in the Ryazan Region against a 22-year-old local resident accused of inciting national and religious hatred with his social network posts; he was also charged with “*statements of hostile and insulting nature with respect to veterans of the Great Patriotic War.*”

We were informed in November about the newly initiated criminal proceedings under Article 282 Part 1 of the Criminal Code against Valery Bolshakov – the chairman of the Union of Workers of Sevastopol. He was charged with “*giving a deliberate negative assessment of the social group “Terek Cossacks,” “acting on the basis of political and ideological hatred and enmity.*” In addition to the fact that the Terek Cossacks can hardly be considered a vulnerable social group, it should also be noted that the incitement of political and ideological hatred is not covered by Article 282.<sup>21</sup>

In mid-March, an English language instructor from Vladivostok received a suspended sentence of two years for, “*using phrases and idioms*” humiliating dignity of the Russians, during a volleyball game on an embankment court. Since his statements were heard not by numerous passers-by on the embankment, but only by the conflicting parties on the court, they should not have been considered public. In addition, we also believe that humiliation of dignity should be removed from Article 282, since it does not pose a serious public danger. A similar case under Part 1 of Article 282 was opened against a resident of Kurshavy, a village in the Andropovsky District of the Stavropol Region. According to the investigators, in the summer of 2016, in an unnamed store in Nevinnomyssk at night the suspect “*used expressions against a woman passerby, aimed at humiliation based on ethnic criteria, undermining trust and respect for nationalities other than his, inciting feelings of hostility toward her, and called for hostile actions of one group of people against another based on ethnicity.*” It is unlikely that he verbally assaulted the woman in the presence of large audience, so his statement should not be considered public.

In May in Cheboksary 61-year-old local resident Vladimir Avdeev received a suspended sentence of 2.5 years for publishing three compositions of Ensemble of Christ the Savior and Crude Mother Earth, which have been put on the Federal List of Extremist Materials (p. 3011): “*Breaking the Crescent,*” “*Heart Takes No Orders,*” and “*Crucify All These Deputies.*” Avdeev claimed that he had shared on his social network page someone else’s post about the fact that the songs had been added to the Federal List, and that post had the audio recordings of the banned songs as an attachment, but this circumstance had no effect on the

<sup>21</sup> In early 2018, Bolshakov also faced charges for his other posts as well as for his one-man picket (under Article 280).

court decision. The song “Heart Takes No Orders” comically extols Hitler; the song “Crucify All These Deputies” talks about the parliamentarians wallowing in vice; the song “Breaking the Crescent” is about migrants from the Caucasus as internal enemies who are blamed for all the ills. The texts of the latter two songs clearly express hostility or disrespect toward the groups of citizens (note, however, that the law does not prohibit offensive statements about the groups of politicians) and include direct calls for reprisals against representatives of such groups. At the same time, the lyrics of the song about the deputies come across as grotesque, while the song “Breaking the Crescent” has a pronounced xenophobic character and can be taken seriously by the audience. Nevertheless, taking into account that the Ensemble verbally recommends to perceive their texts as satirical, the prosecution for the dissemination of their texts – and they are increasingly appearing in criminal and administrative cases – appears insufficiently justified. It is worth noting that two more comic songs by the Ensemble (“Kill the Cosmonauts” and “The Collider”), banned for no reason whatsoever, were recognized as extremist in 2017.

A criminal case under Article 282 was opened In July in Sudak against local activists Dmitry Dzhigalov and Oleg Semenov – members of Anti-Corruption Bureau of the Republic of Crimea, a citizens association; they were charged with humiliating the dignity of the Bulgarians. They were released under travel restrictions, but then Semenov was arrested in the fall. The case was based on a publication on Dzhigalov’s Youtube channel – a video recorded by him that contains negative statements by Semenov with regard to the Bulgarians. The indictment does not specify what statements have been found offensive, and the version of the video currently available on Youtube contains nothing that would fall under Article 282 – Semenov only reproaches the Bulgarians for being ungrateful toward Russians, who freed them from the “Ottoman yoke.” It is possible that this version of the video is incomplete, because, according to media reports, Semenov was charged for some statements regarding Stalin’s deportation of the Crimean Bulgarians. Nevertheless, we believe that, since the activist is not charged with any unlawful incitement, there was no need for criminal prosecution in this case. Obviously, the real reason for the prosecution against the activists has to do with their civic activities – the fight of the Anticorruption Bureau against landfills, violations of the construction standards, illegal allocation of land for construction, etc., including active criticism of local authorities and publication of materials with allegations of corruption, which, among others, affected Vladimir Serov, the former mayor of Sudak, who recently became vice prime minister of the government of the Republic of Crimea.

Meanwhile, one notorious case under Article 282 was closed in 2017. In early August, the Maykop City Court closed a criminal case against ecologist Valery Brinikh, for lack of corpus delicti; he had been charged with contributing

to incitement to ethnic hatred (Article 33 Part 5 and Article 282 Part 1 of the Criminal Code) for publishing an article on environmental pollution caused by a large pig farm. The investigation believed that the material “foments ethnic hatred and sows enmity,” and “calls for carrying out extremist activities.” In his article “The Silence of the Lambs” the author accused the residents of the Adygean district, where the polluting enterprise was located, of subservience to the authorities and failure to actively defend their interests. The text was recognized as extremist in 2014. However, now, in connection with the termination of the case against Brinikh, the ban was lifted in September 2017 – notably, on the initiative of the Adygea Republican Prosecutor’s Office.

### Prosecution for “Rehabilitation of Nazism”

We know of two clearly inappropriate criminal cases opened in 2017 under Article 354<sup>1</sup> of the Criminal Code for rehabilitation of Nazism.

In July, Alexei Volkov, the coordinator of the Alexei Navalny’s headquarters in Volgograd, was charged under Article 354<sup>1</sup> Part 3 of the Criminal Code. The charges of public desecration of the symbols of Russia’s military glory were based on the fact that, after the green dye attack against Navalny, he published in the Volgograd VKontakte community of Navalny’s supporters a collage depicting the Motherland Calls statue covered with green dye. The image was later deleted, and the community administration apologized, but materials about this post were published in a number of federal mass media outlets. In October, the Volgograd Regional Court returned the case to the Prosecutor’s Office for further investigation, having concluded that the charge could be re-qualified to increase its severity. We believe that the prosecution of Volkov lacks clear justification. The creators and distributors of the collage obviously had no intention of expressing contempt for the monument or contributing to the justification of Nazism; on the contrary, they clearly compared the unlawful attack against Navalny to an attack against the famous sculpture. It is also obvious that creating a collage can’t be regarded as an act of vandalism. However, it is not entirely clear whether distribution of such an image can be views as an act of desecration of the monument, a “symbol of Russia’s military glory” – the law does not clarify the latter concept, used in the wording of Article 354<sup>1</sup> Part 3, making it impossible to determine whether the Volgograd monument and, specifically, its photograph, constitute such a symbol.

In March, a criminal case under Article 354<sup>1</sup> was opened in Magadan against 62-year-old zoologist Igor Dorogoi. The charges were based on Dorogoi’s publications on the social network Odnoklassniki, in which he expressed negative opinions of Georgy Zhukov, Mikhail Tukhachevsky, Alexander Marinesko and Roman Rudenko as persons involved in the mass death of people, and of

Meliton Kantaria as an instrument of Soviet propaganda. The investigation inappropriately interpreted these statements as “*dissemination of information expressing obvious disrespect to society with regard to the days of military glory and the memorable dates of Russia associated with defending the Fatherland*” (Article 354<sup>1</sup> Part 3). Dorogoi also faced responsibility for some of the comments left by his readers, which were interpreted as an assertion that the USSR “started the war” in 1939, despite the fact that the comments contained no such statements. In addition, the investigation interpreted a photograph, taken in Western Ukraine, of a poster featuring Stepan Bandera and the caption “National Heroes of Ukraine: Hero of Ukraine Stepan Bandera” as an endorsement of the crimes established by the verdict of the Nuremberg Tribunal (Article 354<sup>1</sup> Part 1), although the verdict of the Tribunal never mentioned Bandera’s activity. We see this case as an attempt to restrict the right to a historical discussion, which is definitely out of scope for the article on justification of Nazism, even in its current problematic wording.

In March, the Leninsky District Court of St. Petersburg recognized “Bandera and Banderites. Who They Really Were” – an article by historian Kirill Alexandrov – as extremist material, and the St. Petersburg City Court upheld this ban in December. The decision of the Leninsky District Court was based on the opinion, authored by the expert from St. Petersburg State University, which found that Alexandrov’s article contained denial of the acts and the approval of the crimes established by the Nuremberg Tribunal, and the slander against the actions of the USSR during the Second World War – that is, fell under the formula of Article 354<sup>1</sup> of the Criminal Code. Having read Alexandrov’s article, we found no denial of the crimes of the Nazis and their allies and no dissemination of any information about the actions of the USSR, except for the already well-known ones. In addition, it is important to note that the fact that a text corresponds to the formula of a Criminal Code article does not necessarily entail that it should be considered extremist. First, a court must establish that the text in question corresponds to Article 1 Part 3 of the Law on Combating Extremist Activity, according to which extremist materials are defined as “*calling for extremist activity to be carried out or substantiating or justifying the necessity of carrying out such activity, including works by leaders of the National Socialist worker party of Germany, the Fascist party of Italy, publications substantiating or justifying ethnic and/or racial superiority or justifying the practice of committing war crimes or other crimes aimed at the full or partial destruction of any ethnic, social, racial, national or religious group.*”

In August, the Moscovsky District Court of St. Petersburg recognized the book *Vostochnye Razmyshleniia* [Oriental Reflections] by Polish publicist Jan Nowak-Jeziorański as information prohibited for distribution in Russia, both the



paper layout and an electronic copy published online.<sup>22</sup> In making this decision, the court relied primarily on the prosecutorial assertion that the distribution of the book violated Article 354<sup>1</sup>, because the book contained false information about the activities of the USSR during the Second World War. The experts, brought in by the prosecutor's office for examining the text, for example, regarded the author's treatment of events that traditionally caused controversy – the Warsaw Uprising, the Volyn Massacre and the Katyn Massacre – as a “distortion” of history. In our opinion, this decision explicitly restricts historical debate and constitutes an unreasonable interference with the right to freedom of speech using the instrument provided to the law enforcement by the wording of Article 354<sup>1</sup>, which criminalizes the public dissemination of knowingly false information about the activities of the USSR during the Second World War.

### **Fight against Insults to the Feelings of Religious Believers**

The most resonant sentence of the year under Article 148 of the Criminal Code was the May 2017 decision of the Verkh-Isetsy District Court of Yekaterinburg to find video blogger Ruslan Sokolovsky guilty of nine counts of the crime under Article 282 (incitement of hatred or enmity, as well as humiliation of human dignity), seven counts under Article 148 Part 1 (public actions aimed at insulting the feelings of believers) and one – under Article 138<sup>1</sup> of the Criminal Code (illegal trafficking in special technical equipment intended for secret transmission of information). Sokolovsky was charged with inciting hatred and insulting the feelings of believers for posting his provocative videos, primarily containing a number of atheistic statements, including the story of catching Pokémon in the Cathedral of the Intercession of the Spilled Blood in Yekaterinburg; he was also charged for acquiring a “spy pen.” The incriminating videos included abundant profanities and degrading characterizations of religion in general, as well as specifically Orthodox Christianity and its followers, Muslims, followers of Leonid Maslov and feminists. Sokolovsky also used ethnic slurs and criticized the Chechen authorities. However, these materials contained no dangerous incitement. In July, the Sverdlovsk Regional Court reviewed an appeal against the decision of the Verkh-Isetsy District Court in the Sokolovsky case and changed the decision, removing the charge under Article 138<sup>1</sup>. The punishment was changed accordingly – a suspended sentence of 3.5 years was reduced to two years and three months with a probation period of two years. The appeal of his case was dismissed. We believe that Sokolovsky's sentence is inappropriate. Under Article 282 Sokolovsky could only be charged with humiliation of dignity of various groups, which, in our opinion, should be decriminalized.

<sup>22</sup> This decision was upheld by the St. Petersburg City Court in January 2018.

We opposed the amendments that added “insulting the feelings of believers” to the text of Article 148, because we are convinced that this vague concept does not and can not have a clear legal meaning, and absurd court proceedings on religious matters only serve to undermine the authority of the legal system.

We would like to mention a number of other judicial decisions, which we consider just as inappropriate as the verdict in the Sokolovsky case.

The Western District Magistrate's Court of Belgorod found a 22-year-old resident of the city guilty under the same part 1 of Article 148 in May. Taking into account the mitigating circumstances, including having a minor child, she was sentenced to a fine of 15 thousand rubles. The prosecution was based on the woman's VKontakte postings, which included photographs of her lighting up a cigarette from a candle in an Orthodox church. Although the Belgorod resident violated the accepted rules of conduct in the church, her actions obviously attracted no attention of the believers present at that time, inflicted no damage to the ecclesiastical objects and posed no significant danger to society.

Musician Daniil Sukachev was fined 30 thousand rubles in September 2017 under Article 5.26 Part 2 CAO (“Desecration of articles, marks and emblems relating to the world outlook symbols”); the Novgorod District Court upheld the decision of the magistrate in November. Sukachev published on VKontakte a video, set to the song of the Polish black metal band Batushka [Father], which used video of Orthodox worship, edited with addition of various overlay effects (flames, smoke, etc.). We view the prosecution of the Novgorod resident as inappropriate – he did not create a video, but only posted it on the social network page; in addition, even in the process of creating the video no actual religious objects were desecrated.

It was reported in July that the Omutninsky District Court of the Kirov region had sentenced a 21-year-old local resident to a fine of 25,000 rubles under Article 148 Part 1 of the Criminal Code. The young man was found guilty based on the fact that he “*for the reasons of obvious disrespect to society, repeatedly publicly placed on a social network on the Internet photographic images with captions that offended the feelings of believers, thereby demonstrating his disdainful attitude towards them and religion*” in 2015-2016.

In early December, the Industrialny District Court of Barnaul issued a guilty verdict in the case of Natalia Telegina, a Neo-Pagan charged under Article 148 Part 1 of the Criminal Code and Article 282 Part 1 of the Criminal Code (incitement to ethnic and religious hatred and humiliation of dignity). The court gave her a suspended sentence of two years with a probation period of 1 year and 6 months for her posts on VKontakte.<sup>23</sup> The court interpreted her post

<sup>23</sup> The Altai Regional Court upheld the verdict in February 2018.

of an image, which depicted a warrior in a horned helmet swinging a hammer over the silhouette of a burning temple, as an insult to the feelings of believers. Her publication of six anti-Christian de-motivating posters, according to the court, incited hatred and humiliated the dignity of Christians. Yet another post by Telegina – a de-motivating poster about migrants from the Caucasus – was found to contain signs of humiliation of the dignity of a group of people united on the basis of ethnicity. In addition to the fact that we oppose prosecution for insulting the feelings of believers in principle, we also found no signs of inciting religious hatred in Telegina’s publications. Some of them can be regarded as humiliating the dignity of Christians, but we believe that the humiliation of dignity should not result in a criminal case. Telegina’s publication against migrants from the Caucasus is certainly racist, but, in and of itself, is unlikely to merit criminal prosecution.

In August, the Magistrate’s court of Area No. 101 of the Central District of Sochi sentenced Viktor Nochevnov to a fine of 50 thousand rubles under Article 148 part 1 of the Criminal Code. He was charged for sharing a series of cartoon images of Jesus Christ on VKontakte. The prosecution brought in the rector of the Holy Cross Monastery, the imam of Yasin (a Sochi Muslim community), the head of the city’s Jewish community and the rector of the St. Vladimir Church in Sochi as witnesses in the trial. The latter witness stated, among other things, that the images shared by Nochevnov are blasphemous and offensive to believers, provocative “*in view of the disrespectful use of the sacred image,*” and “*express contempt for public morality and the society in general, as well as social values.*” In support of his statement, the priest cited the dogma of icon-worship, adopted by the Second Council of Nicaea in 787. The Nochevnov case is an example that demonstrates how vague notions used in the Criminal Code article lead to the situation, in which the trial is replaced by a religious dispute, and instead of following legal principles the court starts to apply church dogmas. After extensive publicity, the case was sent for a re-trial and was discontinued in early 2018.

Several new cases were initiated in 2017 for publication of atheistic images – against a 48-year-old resident of Yoshkar-Ola, a 29-year-old resident of Oryol, and against Leonid Konvisher from St. Petersburg. In the latter case, the prosecution under Article 148 was dropped, and, in 2018, Konvisher was sentenced to a fine for incitement to religious hatred under Article 282 for having published an image that called for violence against the clergy. The image was indeed provocative, but it hardly deserved a criminal prosecution and a fine of 400,000 rubles.

In August, 20-year-old Artyom Ibragimov from Tatarstan became a defendant in the case, initiated under part 1 of Article 282 and part 1 of Article 148;

he had posted on a social network a text and comments which, according to law enforcement agencies, incited ethnic and religious hatred, as well as insulted the feelings of Christians. We had no opportunity to get acquainted with Ibragimov’s statements, and, possibly, the charges brought against him under Article 282 are justified; however, from our point of view there was no need in the prosecution under Part 1 of Article 148.

It also worth mentioning that, in February, the Magistrate’s court of the Promyshlenny District of Stavropol discontinued due to the statute of limitations the high-profile criminal case against Viktor Krasnov, who had been charged under Article 148 Part 1 for posting comments in the Overheard Stavropol (*Podslushano Stavropol*) group on VKontakte. A staunch atheist, he spoke in crude terms about the Bible, and stated that “*there’s no god*” [intentionally misspelling the word “god”].

In July, 20-year-old Anton Ushachev was arrested in Naberezhnye Chelny under Article 214 Part 1 (vandalism), Article 282 Part 1 and Article 148 Part 1 of the Criminal Code. He was held responsible for writing graffiti that included swastikas and texts, including those of anti-religious content, on the fence of the Borovetskaya Church. We believe that qualifying Ushachev’s actions under Article 214 Part 2 of the Criminal Code (vandalism motivated by hatred) would have been sufficient and the charges under two other articles were excessive.<sup>24</sup>

In October, a criminal case was opened in Krasnodar under Article 282 Part 1 of the Criminal Code against local resident Maxim Drozdov. The charges were based on the fact of publication by Drozdov of his own poem “The Heretic” on his VKontakte page. This satirical work has the following plot: villagers, led by a local priest, burn at the stake a school teacher, who said in her lesson that science is important, and god doesn’t exist. The attention of the Investigative Committee was attracted by the following lines of the poem: “*Bluebells blossom in the forest, / A bird is chirping in the distance. / At the stake, with faint crackling / The heretic is burning down...*,” and also “*There are no people worse than vile atheists; we will bring the inquisition back!*” Despite the fact that the material in question is an obvious satire on Orthodox radicals, the investigation declared that the poem was aimed at humiliating the dignity of the social group “atheists.” In our opinion, the poem gives no grounds whatsoever for criminal prosecution; this absurd case is unlikely to even reach the court.

<sup>24</sup> The Naberezhnye Chelny City Court of Tatarstan sentenced Ushachev to 320 hours of community service under Article 148 Part 1 and Article 214 Part 1 (vandalism, without the hate motive); the charge under Part 1 of Article 282 was dropped.

The story of the case in Chuvashia against the activists, who published on VKontakte an image of MP Vitaly Milonov wearing a T-shirt with the (banned as extremist) slogan “Orthodoxy or Death,”<sup>25</sup> which started in the preceding year, continued in 2017. The photo was perceived as a funny incident – a member of the State Duma demonstrating a banned slogan with impunity – and users of social networks eagerly distributed it, with no intent to show solidarity with Milonov’s conservative views. In November 2016, coordinator of the Open Russia (*Otkrytaia Rossiya*) movement in Cheboksary Dmitry Semenov was fined one thousand rubles under Article 20.29 of the Code of Administrative Offenses (distribution of extremist materials) for sharing this photograph, and fined the same amount once again for sharing a photograph of Milonov wearing a suit, with same slogan mentioned in the caption. In December, the Supreme Court of Chuvashia dismissed Semenov’s appeal. Subsequently, Semenov shared on his page the information regarding the decision of the Supreme Court of the Republic, which contained a reference to the slogan. Despite the fact that the word “death” in this message was not displayed, the district court fined Semenov in March 2017 for this publication as well, and the Supreme Court of the Republic upheld this decision once again. Semenov appealed to the ECHR, and his complaint was communicated in February 2018.

Meanwhile, soon after Semenov, in November 2016, Dmitry Pankov – an activist of the PARNAS party from Novocheboksarsk – faced responsibility under the same Article 20.29. However, the Novocheboksarsk City Court ruled to discontinue his case, taking into account the fact that the slogan, included on the Federal List of Extremist Materials ended with an exclamation mark, while the phrase “Orthodoxy or Death,” published by Pankov, did not include an exclamation mark, and that Pankov had no intention to disseminate the forbidden slogan. Pankov then shared on VKontakte the news from the online public board Lentach about the termination of his case, once again mentioning the forbidden slogan. Once again, the city court fined him a thousand rubles for this shared post in March 2017. Later, in April, local activist Alyona Blinova from the Artpodgotovka movement had to pay the same fine of one thousand

<sup>25</sup> The slogan “Orthodoxy or Death,” printed on T-shirts sold online, was recognized as extremist in 2010 by the Cheryomushkinsky District Court. This slogan, is, indeed, popular among radical and aggressive representatives of certain Russian Orthodox organizations. Historically, however, it comes from a monastery on Mount Athos, and is interpreted not as wishing death to non-Orthodox, but as a contrast between orthodoxy and spiritual death – “Either we are Orthodox or we die spiritually.” The vast majority of those using this slogan in any manner shares this interpretation and do not understand it as an incitement to violence, so it has been banned inappropriately.

rubles for sharing on VKontakte the opinion of deputy Vitaly Milonov regarding the prosecution against Dmitry Semenov.

Several cases of prohibition against atheistic materials as extremist should also be noted.

In February, the Yoshkar-Ola City Court in the Republic of Mari El recognized the video “Photos, caricatures on the subject of atheism” as extremist. We reviewed this video – a ten-minute slideshow consisting of the atheistic de-motivating posters. In our opinion, dozens of images and captions, which constituted the video, contained no aggressive appeals against believers, could not be interpreted as inciting hatred, posed no public danger, and thus did not deserve a ban. The only exception was the image that featured a statement by Norwegian Neo-Pagan musician Varg Vikernes that could be interpreted as an incitement to Church arson, but we view the ban against the entire series of de-motivating posters because of a single inflammatory quote as questionable.

The Zavodskoy District Court of Grozny in the same month recognized *Shutka pro Koran* [A Joke about the Koran] video with the performance by video blogger Ilya Davydov (Maddison) as extremist. The video is a fragment from Davydov’s performance in 2012, in which, using obscene language, he retold an obscene episode that allegedly involved the Koran and the Bible, but included no defiling acts with respect to them. After a video was published by one of the Muslim channels in Telegram in January 2017, Davydov started receiving numerous insults and threats, so he ended up deleting his social network accounts (he appeared online again only in April) and, according to some reports, had to leave Russia. The Russian Congress of the Peoples of the Caucasus (*Rossiiskii Kongress Narodov Kavkaza*, RKNK) appealed to the Investigative Committee, the Prosecutor’s Office and the Ministry of Internal Affairs with a request to open a case against Davydov for insulting the feelings of believers. In February, the Chechen Republican Prosecutor’s Office issued a message that the Investigative Committee had opened a criminal case against Davydov under Article 282 Part 1 (humiliation of the person or group of persons on the basis of their relation to a religion). However, this report was later removed from the Prosecutor’s Office website, and the fate of this case is unknown. At the same time, a request was filed with the court to recognize the video of Maddison’s performance as extremist. According to a psycholinguistic study, commissioned by the Prosecutor’s Office, the video depicted actions and statements aimed at humiliation of a person or a group of persons on the basis of their relation to Islam and Christianity. In our opinion, Davydov’s speech was provocative, but posed no public danger.

In March, the Oktyabrsky District Court of St. Petersburg granted the claim of the City Prosecutor's Office, filed in connection with the request by State Duma deputy Vadim Dengin, and recognized as extremist three images posted on a number of Internet pages, as well as pages of five atheist VKontakte communities. These pages contained various satirical atheistic materials, the vast majority of which constituted no public danger. Mostly, the materials were aimed at criticizing religion and the ROC, but do not incite hatred toward believers, although believers could have found them unpleasant. In our opinion, law enforcement agencies in this case could only have demanded that the VKontakte administration block individual images or posts in these communities, but the blanket prohibition of entire communities was inappropriate.

## Religious Groups

### Hizb ut-Tahrir

According to our information, in 2017, 14 verdicts were issued against 37 people on charges of involvement in the activities of the Islamist party Hizb ut-Tahrir al-Islami (banned in 2003) under Article 205<sup>5</sup> (organizing activities of a terrorist organization or participating in it), sometimes in aggregation with other articles of the Criminal Code. Thus, in one of the cases, eight people were also convicted under Article 282<sup>2</sup> for the period of their activity prior to the adoption of Article 205<sup>5</sup>. In two cases, two Muslims were charged under Article 278 in aggregation with Article 30 Part 1 of the Criminal Code (preparation for the forcible seizure of power); in one case charges were also brought under Article 222 Part 1 (illegal circulation of weapons). Three other offenders were also convicted under Article 282 for the incitement to hatred. The known sentences are geographically distributed as follows: four sentences against 16 people in Tatarstan, six verdicts against six people in Dagestan, two verdicts against six people in Moscow, one verdict against five people in Bashkortostan, and one verdict against four people in Khanty-Mansiysk Autonomous Okrug-Ugra.

We would also like to point out the sentence under Article 205<sup>2</sup> of the Criminal Code (public justification of terrorism) against Mahmud Velitov, the Imam of the Moscow Yadyam Mosque. The Moscow Military Court found him guilty and sentenced to 3 years in a minimal-security colony; the Supreme Court of Russia upheld this sentence in August. The prosecution was based on the fact that, in September 2013, during the Friday sermon and the funeral prayer for Abdulla Gappaev, who died in Kizlyar and was likely involved with Hizb ut-Tahrir, Velitov allegedly made statements justifying terrorist activities. The Memorial Human Rights Center considers the prosecution against Velitov to be without merit.

We would like to remind that we consider the decision to ban Hizb ut-Tahrir as a terrorist organization inappropriate, because the party does not practice violence and does not view it as a suitable method in its struggle to build a global caliphate. However, in our opinion, Hizb ut-Tahrir could be banned on other grounds.<sup>26</sup>

The set of articles of the Criminal Code applied in the Hizb ut-Tahrir cases remains unchanged, and the punishment stipulated by these articles does not become more lenient; the sentences on charges of participating in Hizb ut-Tahrir remain harsh — in some cases, prison terms under Article 205<sup>5</sup> can approach 20 years. The only verdict in 2017 under which four people in Nizhnevartovsk received suspended sentences and fines has been revised and the suspended prison terms were replaced by the real ones.

As before, when considering cases of involvement in Hizb ut-Tahrir, having to prove the actual fact of preparations by the defendants to commit acts of terror or seize power is out of question. The investigation finds that they have been involved in party activities in the form of disseminating or simply studying Hizb ut-Tahrir literature and meeting with like-minded people, and then district military courts<sup>27</sup> grant the prosecutorial requirements.

At least 42 people were arrested in 2017 on the charges relating to the nine criminal cases that involved Hizb ut-Tahrir (compared to over 20 cases against over than 70 Muslims in 2016). Three out of these nine cases were opened in Tatarstan (22 individuals arrested), two in Bashkortostan (10 arrested), two in St. Petersburg

<sup>26</sup> As a rule, we do not categorize cases under Article 282<sup>2</sup> of the Criminal Code (organizing activities of an extremist organization or participating in them) against the supporters of Hizb ut-Tahrir as inappropriate. Our position is based, *inter alia*, on the ECHR decision on the activities of Hizb ut-Tahrir, which was made as a supplement to the decision on the complaint of two convicted members of the organization against the actions of the Russian authorities. The ECHR stated that although neither the teachings nor the practice of Hizb ut-Tahrir allow us to consider the party a terrorist organization and it does not explicitly call for violence, its prohibition as an extremist organization would be justified, since it presumes, in the future, the overthrow of some existing political systems with the aim of establishing a dictatorship based on the Sharia law; it is also characterized by anti-Semitism and radical anti-Israeli propaganda (for which Hizb ut-Tahrir was banned in Germany in 2003), as well as categorical rejection of democracy and equal rights and recognition of violence against the countries, which the party considers as aggressors against the "land of Islam," as legitimate. The goals of Hizb ut-Tahrir clearly contradict the values of the European Convention on Human Rights, in particular, the commitment to the peaceful settlement of international conflicts and the inviolability of human life, the recognition of civil and political rights, and democracy. Activities for such purposes are not protected by the European Convention on Human Rights.

<sup>27</sup> In accordance with the Law on Amendments to Certain Legislative Acts of the Russian Federation (in Part of Improving Counteraction to Terrorism) adopted in 2014, criminal cases related to activities of terrorist organizations are handled by three (taking into account the amendment of 2016) district military courts.

(three arrested), one in Crimea (six arrested), one in the Saratov Region (one person arrested). In all these cases charges have been brought under Article 205<sup>5</sup>.

In 2017, four electronic issues of *Al-Waie* magazine, published by Hizb ut-Tahrir, were banned; they were included in the Federal List of Extremist Materials in 2018 under the numbers 4378–4381. These materials are heterogeneous; some of them deserve criticism, while others have been prohibited unreasonably.

In addition, Hizb ut-Tahrir's materials were blocked under Lugovoy's Law (not counting the court-mandated restrictions) at least 440 times in 2017. As before, the law enforcement agencies and the courts prohibit Hizb ut-Tahrir's materials automatically by association with a banned organization, without considering them on the merits and without accessing the degree of potential danger of each item. The video "Mom Talks about the House Search of Her Son and His Friends," released in November 2012 shortly after the series of searches in the homes of Hizb ut-Tahrir followers in Bashkortostan, can serve as an example. On the video, the mother of one of the young men, whose home had been searched, gave a positive characteristic to her son and his friends, said that the Russian authorities do not protect freedom of religion in the country and persecute Muslims, and insisted that Islam could not be a radical religion. The video obviously did not fit any of the criteria for Lugovoy's law, but this consideration did not stop the Prosecutor General's Office and Roskomnadzor from blocking it without a trial, as it did with dozens of other similar materials.

### **Tablighi Jamaat**

We recorded seven verdicts against 19 people, made in 2017 on charges of involvement in the activities of the international religious movement Tablighi Jamaat, banned in Russia under Article 282<sup>2</sup> (organizing or participating in an extremist organization): two verdicts against 10 people in Tatarstan, one verdict against five people in Bashkortostan, and one case per region in the Altai Region, Buryatia (under Article 282<sup>2</sup> Part 1.1 for involving a person in the activities of an extremist organization), Moscow and Nizhny Novgorod. Notably, we recorded no such verdicts in 2016 – we only had the information regarding three cases opened for participation in the movement.

At least four such new cases were initiated in 2017: two people were arrested in Tatarstan, four in the Crimea, 19 suspects were detained in the investigation in the Orenburg Region (but we have no information on any ensuing arrests), and five people were arrested following the detention of several dozen Muslims in Moscow in November.

From the reports of the FSB Border Service we know of numerous cases when citizens of other states, reportedly involved in Tablighi Jamaat, were not allowed to enter Russia.

We would like to remind that the Tablighi Jamaat religious movement was banned as extremist in Russia in 2009. We view this ban as inappropriate, since the movement is engaged exclusively in promotion of the Islamic religious practices and have never been implicated in incitement to violence.

### **Followers of Said Nursi**

In 2017, we saw the continued persecution of Muslims studying the works of the Turkish theologian Said Nursi, which, in our opinion, have been banned in Russia inappropriately. Russian law enforcement agencies prosecute believers, who are found to possess books by Nursi, for membership in Nurcular – an organization, banned in Russia despite the fact that its existence in Russia has never been proven to begin with. They are usually charged with participation in "home madrasas," that is, with group discussions of Said Nursi's writings, as well as with distribution of his books.

We recorded four sentences issued against nine followers of Nursi under Parts 1 and 2 of Article 282<sup>2</sup>, and three new criminal cases were opened against five people charged with involvement in Nurcular.

The Oktyabrsky District Court of Ufa issued suspended sentences to five Muslims in March. The offenders included correspondent of the *Kiske Ufa* newspaper Azamat Abutalipov, former head of the procurement department of the government of Bashkortostan Aivar Khabibullin, owner and director of the language school Shamil Khusnitdinov, and instructors Timur Munasypov and Airat Ibragimov. In June, the Supreme Court of Bashkortostan replaced the suspended sentences to Abutalipov and Khabibullin, convicted as the organizers of the activities of the "cell," with the real ones; they were sentenced to 4 years and 2 years 3 months respectively in a minimum-security penal colony.

In June, a resident of the village of Ivanovka, Yevgeny Kim, was convicted in Blagoveshchensk of the Amur Region on the charges of organizing the activity of a Nurcular cell (Article 282<sup>2</sup> Part 1) and incitement to religious and ethnic hatred (Article 282 Part 1). The Blagoveshchensk City Court sentenced him to three years and nine months of imprisonment with subsequent restriction of freedom for a period of one year. Kim was charged under Article 282 for making aggressive statements with regard to people of other religious persuasions during the religious classes he was organizing; we do not consider this part of the charges inappropriate.

In November, the Leninsky District Court of Makhachkala issued a verdict in the case of Ziyavdin Dapaev, Sukhrab Kaltuev and Artur Kaltuev, charged with organizing the activities of an extremist organization under Part 1 of Article 282<sup>2</sup>. Dapaev was sentenced to four years of imprisonment in a minimum-security penal colony; the Kaltuev brothers received three years each. Reportedly, another

similar case was initiated in Izberbash in April, and 20-year-old Ilgar Aliev was detained in connection with it, but we have no information about any further developments.

In November, the Oktyabrsky District Court of Novosibirsk decided to release 63-year-old Uralbek Karaguzinov and 20-year-old Mirsultan Nasirov – charged under Part 2 of Article 282<sup>2</sup> for participation in the “home madrasa,” organized by Imam Komil (Kamil) Odilov, whose case has not yet reached the court. Karaguzinov and Nasirov petitioned for Article 76.2 of the Criminal Code to be applied in their case; this article stipulates that a first-time offender, who has committed a minor or an ordinary offence, could be released from criminal responsibility by the court with a court-imposed fine, if s/he compensates the damage or otherwise redresses the harm caused by the crime. They accepted the charges, apologized to the state and committed themselves to telling their acquaintances about the ban against the activities of Nurcular in Russia. The court sentenced each of them to a fine of 90 thousand rubles, ordering student Nasirov to pay it within two months, and retiree Karaguzinov – within six months.

In Pyatigorsk (the Stavropol Region), a case under part 1 of Article 282<sup>2</sup> was opened in August against Ashurali Magomedeminov, charged with involving others in the activities of Nurcular. Magomedeminov evaded the investigation and was put on the federal Wanted list.

### Other Muslims

In March, the Sverdlovsk Regional Court acquitted Albert Bayazitov, the Imam of the Yekaterinburg Ramadan Mosque, who, in 2016, was found guilty under Article 282 Part 1 by the Chkalovsky District Court of Yekaterinburg and sentenced to 360 hours of community service with loss of the right to preach for three years. The investigation suggested that Bayazitov kept certain forbidden publications in the mosque despite having received an official warning with regard to a similar issue in 2014.

In April, the Kurgan City Court acquitted former Imam of the city mosque Ali Yakupov, who had been charged under part 1 of Article 282 with incitement of hatred or enmity on the basis of belonging to a social group “the communists.” The prosecution was based on the comment left by Yakupov under the VKontakte post on the subject of the Muslim women in China not being allowed to wear a hijab. In his comment he allegedly spoke of “divine punishment” that was going to befall the Chinese communists. However, the court decided that an appeal to the higher forces could not be considered xenophobic. The judge emphasized that “*God is not a civic entity, and appeal to him can’t be considered a call for acts of enmity.*” The prosecutor’s office managed to get the case reviewed, and, in November, the same court once again decided that there was

no corpus delicti in Yakupov’s actions, and recognized his right to exoneration. The attempts by the prosecutors to appeal this new decision have failed, and the acquittal entered into force in early 2018.

According to our admittedly incomplete information in 2017, at least 12 Muslims were inappropriately fined for distribution of Islamic religious materials recognized as extremist or possession of such materials with intent to distribute. The fines under Article 16.13 of the CAO (non-compliance with the customs ban) for attempts to import inappropriately banned Islamic literature into Russia were issued frequently as well.

Seven entries with Muslim materials were included in the Federal List of Extremist Materials in 2017 on what we see as questionable grounds; five of them actually pertained to the same video, placed on different resources. We regard six additional materials as banned and added to the List inappropriately: the brochure *Muhammad, the Messenger of God* by Abdul-Rahman Al-Sheha, *Selected Hadith* by Sheikh Muhammad Yusuf Kandhlawi, *Blagochestiye i bogoboyaznennost* [Piety and the Fear of God] by Muhammad Zakariya Kandhalwi, *Musulmanskoe veroucheniye (Akyda)* [Muslim Creed (Aqidah)] by Ahmet Saim Kilavuz, *Islam. Korotko o glavnom* [Islam. Briefly on What’s Most Important] by Fahd ibn Ahmad al-Mubarak and *Iz shiizma v islam* [From Shiism to Islam] by Ali Mohammed al-Qudaibi. We found no incendiary statements against adherents of other belief systems in any of the above materials, and assertions of the superiority of a specific version of Islam over other religious creeds, in our opinion, should not be interpreted as incitement to religious hatred.

### Jehovah’s Witnesses

In the first three months of 2017, several communities of Jehovah’s Witnesses at once were fined under Article 20.29 for distribution of banned religious literature (in Kislovodsk, Gelendzhik, Petropavlovsk-Kamchatsky, and Smolensk). An organization of Jehovah’s Witnesses in Cherkessk (the Karachay-Cherkess Republic) was liquidated, and the claim to liquidate the community in Kirovo-Chepetsk (the Kirov Region) was under way.

Meanwhile, the head organization of Jehovah’s Witnesses – the Administrative Center for Jehovah’s Witnesses in Russia – tried to get its 2016 warning about impermissibility of the extremist activity rescinded, but, in January 2017, the Moscow City Court approved the decision of the Tverskoy District Court of Moscow, which rejected the request of Jehovah’s Witnesses to recognize the warning as illegal.

Then the situation started to develop increasingly fast. As early as March 15, 2017, the Ministry of Justice appealed to the Supreme Court to liquidate the Jehovah's Witnesses Administrative Center and all 395 of their registered local communities as its structural subdivisions. In the statement of claim it was said, in particular, that the Administrative Center was importing into Russia the literature subsequently recognized as extremist, as well as reprints of prohibited materials, specifically, published in smaller fragments. The document listed 395 local organizations of Jehovah's Witnesses and the list of communities that were banned as well as those who faced administrative sanctions. The Ministry of Justice argued that the Administrative Center was financing its branches, including the ones later banned, and was thus involved in financing extremist activities.

The activities of the Administrative Center and local communities of Jehovah's Witnesses were suspended for the duration of the Supreme Court consideration of the claim by the Ministry of Justice; some believers faced administrative responsibility under article 20.28 of the Code of Administrative Offenses (organizing the activities of a public or religious association with respect to which a decision was made to suspend its activities), we recorded at least five such cases. The offenders in at least four of them were issued fines.

On April 20, 2017, the Supreme Court granted the Justice Ministry's claim and issued a decision recognizing the Jehovah's Witnesses Administrative Center in Russia as an extremist organization and ordering its liquidation. The Appeals Board of the Supreme Court rejected the appeal against this decision on July 17, and it entered into force. In accordance with the decision, the Administrative Center itself and 395 local religious organizations of Jehovah's Witnesses as its structural units (added to the List of Extremist Organizations under No. 62 on August 17) were liquidated, and their property was subject to confiscation by the state. Jehovah's Witnesses appealed this decision of the Supreme Court to the European Court of Human Rights, which communicated the complaint in December and expressed its intention to prioritize this case for consideration.

The consequences of the Supreme Court decision quickly affected the situation of believers. Immediately a new wave of persecution against Jehovah's Witnesses rose in Russia, both judicial and extrajudicial in nature. Local branches of the Ministry of Justice started to liquidate communities and confiscate their property (unlike other cases of liquidation, liquidation "for extremism," begins immediately after the decision of the court of first instance); new criminal and administrative cases were initiated; there was a series of illegal layoffs of Jehovah's Witnesses from their jobs. The children of believers faced pressure in educational institutions; military commissariats deny Jehovah's Witnesses the right to alternative civilian service. In addition to regular searches of their homes by the law enforcement, a wave of acts of vandalism and pogroms rolled

across the Russian regions in April and May – the sites of Jehovah's Witnesses were attacked with stones, windows and fences broken, and one case of arson targeting a private residence was reported.

We also would like to comment on the highly publicized trial in Vyborg City Court to recognize as extremist the Bible in the Jehovah's Witnesses translation (the *New World Translation of the Holy Scriptures*, published in 2015), and three brochures (*What is the Bible About, Are Science and the Bible Compatible?* and *Improve Your Health – 5 Things You Can Do Today*), which ended in late August with the ban against these materials despite the obvious inconsistency of the prosecutorial arguments. The Leningrad Regional Court dismissed the appeal of four foreign organizations of Jehovah's Witnesses against this decision in December. The texts presented no danger; moreover, in this case, the prosecutor's office and the court circumvented the law, which prohibits the recognition of the scriptures of the world's religions as extremist, without sufficient justification. This is a sad precedent that opens the possibility of prohibiting other translations and synopses of the holy books.

In November, four Jehovah's Witnesses' publications were added to the Federal List of Extremist Materials: two bulletins *Jehovah, the God of Communication* and *Elders, How Do You Feel About Training Others?*, brochure *How Do I View Blood Fractions and Medical Procedures Involving My Own Blood?* and the *Watchtower* magazine issue of June 15, 2015. The decision to ban materials was issued in August by the Arsenyev Town Court of the Primorye Region.

We know of four criminal cases brought against Jehovah's Witnesses in 2017. The case under Part 1 of Article 282 was opened in March in Kabardino-Balkaria against resident of Prokhladny Arkadi Akopian; he was charged for allegedly making a speech, in which he humiliated the dignity of representatives of other religions, and also charged with distribution of forbidden literature among fellow believers. The court started reviewing the case in May. In August, also in Kabardino-Balkaria, a criminal case was opened against Yuri Zalipayev, the head of the Jehovah's Witnesses community in the town of Maysky. According to the claim, despite the warning received in August 2016 from the Maysky District Prosecutor's Office about the impermissibility of carrying out extremist activities, Zalipayev "for the purpose of inciting hatred against Christian clergy, instructed the believers to distribute copies of a printed publication included on the Federal List of Extremist Materials."

Meanwhile, in August the Moscow Regional Court, for the second time, upheld the acquittal issued by the Sergiev-Posad Town Court in the case of two elders of the local Jehovah's Witnesses community, who were charged with inciting hatred or enmity committed by an organized group (under Article 282 Part 2). The criminal case against Vyacheslav Stepanov and Andrei Sivak was opened

back in 2013. The charges against the believers stated that during the meetings they had made statements to incite religious hatred, in particular, they had cited banned brochures of Jehovah's Witnesses containing negative characteristics of other religions, including "traditional" Christianity and Christian clergy and appeals to join Jehovah's Witnesses.

In May, the case under Part 1 of Article 282<sup>2</sup> on the continuation of the activities of the local organization of Jehovah's Witnesses, banned for extremism back in 2016, was initiated in Oryol against Dennis Christensen, the citizen of Denmark. He was arrested, and the term of his arrest was extended repeatedly. The Memorial Human Rights Center recognized Christensen as a political prisoner, and the ECHR communicated his complaint against the criminal prosecution and the arrest in September.

In August, the first criminal case, based on the prohibition of the Jehovah's Witnesses Administrative Center and their 395 local communities rather than the prior bans against particular local organizations, became known. A prosecutor's office in Kursk filed the case under Article 282<sup>2</sup> part 1.1 of the Criminal Code (involvement in the activities of an extremist organization) against a local woman who distributed Jehovah's Witnesses leaflets at the marketplace.

In 2017, we recorded six cases of fines imposed on Jehovah's Witnesses under Article 20.29 for distribution of banned literature; however, it can be assumed that the real number is significantly larger. While for individuals the amounts in question were small, for the communities fined prior to the total ban on their activities, the sums reached half a million rubles.

We believe that prohibition of the Jehovah's Witnesses literature and liquidation of their organizations as extremist, as well as prosecutions against members of their communities, are legally unfounded, and constitute religious discrimination.

### Scientologists

A number of arrests took place in June in connection with the case of the St. Petersburg Church of Scientology, initiated under Article 171 (illegal enterprise), Article 282 (incitement to hatred) and Article 282<sup>1</sup> (organizing an extremist community) of the Criminal Code. In accordance with the ruling of the Nevsky District Court of St. Petersburg, Ivan Matsitsky (the "spiritual leader" of the organization), head of the security service Anastasia Terentyeva, executive director Galina Shurinova, and chief accountant Sahib Aliyev were arrested. Konstantsiya Esaulkova, Terentiev's deputy, was put under house arrest. Pre-trial detention was later replaced with house arrest for Terentyeva and Shurinova as well. According to the investigation, the Scientology Church was engaged in shadow business, selling educational programs to its followers and not paying corresponding taxes. In addition, the Scientologists were accused

of having created an extremist community with the purpose of humiliating the dignity of some of its members, who comprised a social group "the sources of trouble." Obviously, the prosecutors were referring to the "potential trouble source" category used by Scientologists. Believers assigned to this category are prohibited from participating in auditing, that is, in communicating with a Scientology consultant, while members of the community are advised not to enter into any contacts with outside people assigned to this category. The scientologists from St. Petersburg were also charged with disseminating their literature, recognized as extremist, and advocating the exceptionality of their religion.

We view prosecution against Scientologists under anti-extremist legislation as inappropriate. Psychological pressure (if any) exerted by the Scientologists against a segment of the Scientology followers, who became a target of criticism by their fellow believers, belongs to the sphere of internal relations within a religious community and has nothing to do with public humiliation of dignity on the basis of belonging to a social group. The Scientology documents also contain no suggestions to commit any unlawful actions with respect to external "trouble sources." Adherents of any religion view their creed as exceptional, and prosecutions for such assertions are absurd.

### Falun Gong

Followers of the Chinese spiritual practice Falun Gong – a harmless combination of Qigong gymnastics with elements of Buddhism, Taoism, Confucianism and folk beliefs – faced charges at least twice in 2017.

In May, the Khostinsky District Court of Sochi issued a fine in the amount of three thousand rubles to local resident, Sergei Baldanov under Article 20.29 (mass distribution of extremist materials), and confiscated his book *Falun Dafa* by Li Hongzhi. Baldanov was inappropriately found guilty of disseminating extremist materials.

First, in fact, a different treatise by Falun Gong founder Li Hongzhi – *Zhuan Falun* – was banned and included on the Federal List of Extremist Materials, while *Falun Dafa* is another version of the treatise. No court has yet resolved whether the latter book is extremist as well. Next, *Zhuan Falun* was banned by the Pervomaisky District Court in the Krasnodar Region for allegedly advocating the idea of the superiority of Falun Gong followers over other people; however, in our opinion, this treatise contained no signs of extremism (the believers since filed a claim with the ECHR regarding the ban against *Zhuan Falun*, communicated in 2017). Finally, Baldanov did not engage in "mass distribution" of the book; he gave his copy to a young woman, supposedly interested in the exercises he was doing in the local park. The woman turned out to be a local "anti-sect" activist and brought the FSB officers into the park; she later



also appeared as a witness in court. She had previously testified in the case of a Pentecostal pastor, fined for publicly reading the Bible in a cafe.

The Abakan City Court of the Republic of Khakassia fined Sergei Tuguzhekov two thousand rubles under Article 20.29 in June. Tuguzhekov faced responsibility after the law enforcement authorities seized a copy of *Zhuan Falun* from him and its computer printout from another practitioner in March. The judge ruled that reading the forbidden book in the company of the Falun Gong followers amounted to its mass dissemination.

### Banning Materials of Other Religious Movements

In 2017, the Federal List added three materials related to Judaism. The principal issues against them can be generally boiled down to the charge that they advocate the exclusiveness and superiority of Jews over other peoples.

Two of these materials were banned in March by the Central District Court of Sochi. The first one is a novel (its Russian title is *Nasilno Kreschennye* [Forcibly Baptized]) by rabbi, writer and German social activist Marcus Lehmann (1838-1890), which tells about the fate of the Jews, who lived in Poland and Lithuania in the 14<sup>th</sup> Century, and about persecution and discrimination they experienced, using as an example the fate of a convert to Christianity, who later became the treasurer at the court of the Polish king. The second banned item is an article by Zoya Kopelman (a literary critic, a translator, an instructor at the Hebrew University of Jerusalem, and a specialist in Jewish and Russian cultural relations) dedicated to the idea of Israel as a holy land in Judaism.

The book by head of the Bnei Baruch international Kabbalah academy Michael Laitman *Kabbalah: The Secret Jewish Doctrine, Part X. Fruits of Wisdom* was added to the Federal List of Extremist Materials in April. It was recognized as extremist by the Kirov District Court of Yekaterinburg back in October 2015; an attempt to appeal this decision in the regional court 2016 was unsuccessful.

In our opinion, there were no grounds for banning these materials. The authors of the expert opinions, which provided the basis for the ban, failed to take into account the fact that ethnocentricity is inherent in the Jewish religious tradition; in particular, the notions of the mission of the Jewish people and the holiness of the land of Israel are the most important and unquestionable tenets of Judaism.

In February, the Kirovsky District Court of Yaroslavl recognized as extremist *Prizyv Vsekh Smertnykh Liudei k Bessmertiiu* [The Call of All Mortal Men to Immortality], a pamphlet by Yehowists-Ilyinities<sup>28</sup> distributed at the main

<sup>28</sup> Yehowist-Ilyinities (also Ilyinists, Ilyintsy, the Right-Hand Brotherhood), is a religious movement founded in the 1840s by Nikolai Ilyin (1809-1890) from elements of the Judaic and Christian traditions.

entrance to the city railway station. The pamphlet contained statements about the verity of the Yehowists-Ilyinities teachings and the falsity of other dogmas, but included no aggressive appeals.

The book *Hearts of Fire* was added to the Federal List of Extremist Materials in April. It was banned by the Sevsky District Court of the Bryansk Region in April 2016. The book was published by the Voice of the Martyrs persecution ministry founded in 1967. It contains eight stories of Christian women, who were persecuted for their faith by other religious groups or the state in different countries of the world. Unlike the experts, whose opinion formed the basis of the court decision to recognize the book as extremist, we found in it no signs of inciting religious hatred.

In November, it was reported that the Pushkinsky District Court of St. Petersburg is considering the claim of the city prosecutor's office to recognize books by American preacher William Branham (1909-1965) as extremist materials. Evening Light Tabernacle – the congregation, which distributes these publications – has been involved in the proceedings as an interested party. The expert opinion, which formed the basis for the claim seeking to prohibit the materials, stated that Branham used the neuro-linguistic programming (NLP) techniques, put his teachings above the teachings of other churches, and created an “*image of the enemy*” in the form of “*the Catholic (the category that, for the author, also includes the Orthodox) and Protestant churches,*” by insulting the feelings of “*the relevant groups of clergy and believers,*” labeling his opponents as sectarians, and instilling “*the ideas of a person's inferiority on the basis of their religious affiliation.*” Indeed, Branham was strongly critical of the activities of the largest Christian churches, especially the Catholic Church, which, as he believed, was about to take power in the USA. However, Branham's doctrine, which by now has lost all its popularity, doesn't present any danger.

### Prosecutions for Extremist Symbols

According to the statistics of the Judicial Department of the Supreme Court, only in the first half of 2017, 910 people faced responsibility under Article 20.3 CAO (propaganda and public demonstration of Nazi attributes or symbols, as well as symbols of extremist organizations),<sup>29</sup> but only for some of these administrative cases we have the details and can judge the extent of their legitimacy. In the course of the year, we recorded 46 episodes of prosecution

<sup>29</sup> Consolidated Statistical Data on the Activities of Federal Courts of General Jurisdiction and Magistrates' Courts for the First Half of 2017 // Judicial Department at the Supreme Court of the Russian Federation. 2017 (<http://www.cdep.ru/index.php?id=79&item=4151>).

for public demonstration of Nazi symbols or symbols of banned organizations that were obviously not aimed at dangerous propaganda – approximately 250% increase over the preceding year. Increasingly, this article is being used to exert pressure against activists seen as undesirable by the authorities.

As an illustration, let us review the chain of sanctions that were imposed on activists in the Krasnodar Region. In June, Natalia Kudeeva – a supporter of Vyacheslav Maltsev and a coordinator of the Artpodgotovka movement protest walks in Krasnodar – was sentenced to 14 days under arrest under Article 20.3 CAO (the term of her arrest was reduced to 10 days on appeal) for publishing a collage with a swastika and a portrait of Putin on VKontakte – such de-motivating posters, aimed at criticizing Russia’s political course, gained significant online popularity in 2014. Local blogger Leonid Kudinov created and posted on the Internet a number of videos telling the story of Kudeeva’s arrest and of other prosecutions under Article 20.3, noting, in particular, that “patriotic” citizens regularly published images with swastikas without facing any consequences, and citing relevant examples. As a result, he was brought to responsibility for posting the videos not one but three times – twice fined and once arrested for a day. In October, activist Raisa Pogodaeva from Goryachy Klyuch in the Krasnodar Region was arrested for 10 days for sharing one of Kudinov’s videos. The story didn’t end there either. *“Throughout December everyone was writing me personal messages. I have 1400 VKontakte friends. Everyone wanted to know why I had been incarcerated. Well, I got tired of answering everyone separately and decided to post the information on my wall, so everyone could see,”* – said Pogodaeva. She attached the link leading to Kudinov’s video to the post about the reasons for her arrest. Since the video was played on her page she was sentenced for 10 days under arrest once again in January 2018. *“The prosecutor told me later that I was supposed to remove the video, leaving only the hyperlink”* – the activist explained.<sup>30</sup>

Publishing images of historical objects is also punishable under Article 20.3. This frequently affects antique dealers, if they post online ads regarding the sale of items from the Third Reich, accompanied by photographs.

Amateur history connoisseurs also face liability under Article 20.3. Thus, in November, the Krasnoarmeysky District Court of Volgograd fined Sergei Demidov a senior operator of the Kaustik plant, for posting images of the Third Reich flag and details of the uniforms of Nazi military units on his VKontakte page. Demidov is interested in the history of the Great Patriotic War – particularly

<sup>30</sup> A retiree from the Krasnodar Region was Arrested Twice for a VKontakte Video // OVD-Info. 2018. 5 February (<https://ovdinfo.org/express-news/2018/02/05/pensionerkuiz-krasnodarskogo-kraya-dvazhdy-arestovali-za-rolik-vo-vkontakte>).

the Battle of Stalingrad – and participates in excavation of the battlegrounds in the Volgograd Region; on his VKontakte page he published the photographs of his finds and various materials about the Wehrmacht, Red Army, the course of military operations and military equipment; his intentions were clearly unrelated to propaganda of Nazism.

In 2017, the proliferation of absurd cases of prosecution for demonstration of Nazi symbols, which understandably confuse the citizens, once again prompted the authorities to think about changing Article 20.3, as we wrote in the above section on lawmaking.

### Sanctions against Libraries

In 2017, prosecutors continued to impose sanctions on libraries that arise from the contradiction between the law “On Librarianship,” requiring the libraries to provide unfettered reader access to collections, and anti-extremist legislation forbidding mass distribution of prohibited materials

As you may remember, prosecutors charge libraries with a variety of offences from presence of banned materials (usually books) in their collections (despite the fact that libraries have no legal ground for removing these materials) to the fact that the library bylaws fail to mention the ban on dissemination of extremist materials.<sup>31</sup> Sometimes, librarians are fined for banned materials under Article 20.29, as for deliberate distribution, but we have no information on any specific cases of this kind in 2017. Earlier in this report, we already described an outrageous case of Natalya Sharina, former director of the Library of Ukrainian Literature in Moscow, sentenced under a criminal article.

The most frequently occurring issue is that of prosecutorial objections with respect to library bylaws, and orders to eliminate the violations of legislation on combating extremist activity. They result in the libraries having to verify their holdings against the Federal List of Extremist Materials and take disciplinary action against the employees deemed responsible for the oversight. According to our data,<sup>32</sup> at least 155 such sanctions were imposed on library administrators, including school libraries, in 2017 (vs. at least 281 in 2016). Although our data is admittedly incomplete, we can still notice the downward trend in the

<sup>31</sup> A detailed list of possible charges can be found in our report, Alexander Verkhovsky, Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2011 // SOVA Center. 2011. 27 April (<http://www.sova-center.ru/en/misuse/reports-analyses/2012/04/d24302/>).

<sup>32</sup> We are sure that we never find out about the majority of sanctions imposed. Often, we know about the series of inspections, which was conducted and resulted in sanctions, but the number of warnings and other acts of prosecutorial response is not always reported. In such cases, we counted the entire series as a single instance.

number of such sanctions. The change might be due to the fact that the library staff have generally adjusted to the peculiarities of the existing legislation and are now showing increased vigilance that enables them to successfully overcome prosecutorial audits.

## The Internet and Anti-Extremism

In 2017, Russian authorities continued to actively use the previously created tools to block online content. As before, we doubt both the validity of criteria chosen by the authorities to select target materials for restrictions and the quality of blocking mechanisms.

### General Blocking Practices

The Unified Registry of Banned Websites, created in 2012 has continued to add resources that contain pornographic information or images, propaganda of drugs and psychotropic substances, or information that can encourage children to take actions that could be harmful to their health, including incitement to suicide. In addition, by court decisions, the Registry comes to include resources with information recognized as prohibited for distribution in Russia and materials that are recognized as extremist (or similar to those).

According to the data available to us (only Roskomnadzor has the complete information), at least 297 resources were blocked for “extremism” by the courts, and were added to the Unified Registry in 2017, vs. 486 resources in 2016.<sup>33</sup>

Websites and webpages, subject to restrictions under Lugovoy’s Law and added to a special registry on the Roskomnadzor website (created in addition to the Unified Registry of Banned Websites), should be mentioned separately. Until the end of 2017, the law allowed the Prosecutor General’s Office to demand that Roskomnadzor immediately block websites containing “*calls for mass riots, undertaking extremist activities, inciting interethnic and (or) inter-confessional enmity, participating in terrorist activities, participating in public mass actions carried out in violation of the established order.*” In December, when the scope of Lugovoy’s Law was expanded, these restrictions started to also apply to materials of “undesirable” organizations. In our opinion, extra-judicial restrictions of users’ access to websites violate the right to freedom of speech and information.

According to our information (only Roskomnadzor has complete data), the Registry of resources blocked under Lugovoy’s Law increased by at least

<sup>33</sup> For more details see: Natalia Yudina, *Xenophobia in Figures: Hate Crime in Russia and Efforts to Counteract It in 2017*.

1247 entries in the course of the year (vs. 923 in 2016), showing that its growth rate does not decrease.<sup>34</sup>

We regard as inappropriate restrictions on non-incendiary materials and the opposition websites (in particular, the ones containing announcements of peaceful actions); materials and websites of organizations recognized as “undesirable”; materials of regionalists and peaceful separatists; Ukrainian information and analytical materials that contain no calls for violence and websites of Ukrainian media; religious, anti-religious and some nationalist materials inappropriately recognized as extremist; materials and websites related to inappropriately prohibited organizations, and materials of a comic or satirical nature. There are at least few dozen materials that fall into these categories both in the Unified Register of Banned Websites and among the websites blocked under Lugovoy’s Law.

We are also concerned about the large-scale blocking of any information related to the persecution of adherents of the radical Islamist party Hizb ut-Tahrir in Russia.

It is also worth noting that the new law on anonymizers and VPN-services has not yet begun to be applied in 2017, but the Russian courts continued to satisfy prosecutorial claims on blocking anonymizing websites. We know of several dozens of such decisions. Prosecutors justified their demands by the fact that, with the help of such services, Internet users can access extremist materials. However, the anonymizers, in and of themselves, contain no forbidden information, and we regard restrictions against them as inappropriate.

### Other Sanctions

At least 12 individuals and legal entities – caf owners, school administrations and even one bank – were inappropriately fined under Article 6.17 of the Administrative Code (“Violation of the legislation on protection of children from information that is harmful to their health and (or) development”) for low quality of their content filtering.

Educational institutions and libraries still often face the prosecutorial wrath. All their computers are supposed to be equipped with filters restricting access to the forbidden information, including extremist materials. If a protection system does not work or works inadequately (and ideal filters simply don’t exist), prosecutors issue their motions not to software developers or vendors, but to administrators of educational institutions and libraries. As a result, educational staff responsible for the “neglect” face disciplinary responsibility.

The number of inspections we recorded in schools and libraries in 2017 and various acts of prosecutorial response based on their results stands at 53. This

<sup>34</sup> Ibid.

number is about the same as in 2016 (59), but significantly smaller than in 2015 (344). Our data, of course, are incomplete, but it suggests that, under pressure from the prosecutors, educational institutions in the past two years have been paying increased attention to the effectiveness of their content-filtering systems.

### Mass Media and Anti-Extremism

In the report on its activities for the first nine months of 2017, Roskomnadzor reports 16 warnings issued during this period to media outlets for violation of Article 4 of the Law on Mass Media (impermissibility of abusing freedom of mass information) in combination with violation of the Law on Combating Extremist Activity. However, the agency does not report which publications received a warning and for what specific reason.<sup>35</sup>

We know of only one such warning, received in May by *The New Times* magazine for publishing the material “From Kaluga with Jihad” by Pavel Nikulin. Roskomnadzor claimed that Nikulin’s interview with a fighter from Jabhat al-Nusra organization, banned in Russia, contained signs of justifying terrorism. In our opinion, the material “From Kaluga with Jihad” contained no such incitement, and there were no reasons for sanctions against the publication. However, as early as June, the Magistrate’s Court of Area No. 367 of the Tverskoy District of Moscow fined the *New Times* magazine 100 thousand rubles under Article 13.15 Part 6 of the Code of Administrative Offences (production of mass media, publicly justifying terrorism); meanwhile, the editorial board was able to successfully challenge the original warning.<sup>36</sup>

The following curious case of the application of Article 13.15, only a different part of it – Part 2, which punishes dissemination of information about the organization included in the list of banned organizations, without mentioning its ban – took place in June. The Magistrate’s Court of the Soviet District in the Republic of Crimea fined Rustem Mennanov, an activist of the Crimean Tatar national movement, 2,000 rubles for sharing on his Facebook page a congratulatory message from the Mejlis of the Crimean Tatar People to Mustafa Dzhemilev on occasion of his 73rd birthday in November 2016. The text in the Ukrainian and Crimean Tatar languages mentioned Mejlis, but failed to mention its status as a banned organization. Meanwhile, the organization was

<sup>35</sup> Roskomnadzor’s results for 9 months of 2017 // Federal Service for Supervision in the Sphere of Communications, Information Technologies and Mass Communications (Roskomnadzor). 2018. 26 January (<https://rkn.gov.ru/plan-and-reports/reports/p449/>).

<sup>36</sup> We also would like to point out that, in early 2018, Pavel Nikulin served as a witness in the criminal case under Article 2053 of the Criminal Code (training for the purpose of carrying out terrorist activities) in connection with the events described in his article.

added to the list of banned entities only in February 2017. In addition, the post is not subject to Article 13.15, which only applies to mass media and blogs with an audience exceeding 3,000 users.

The above-mentioned Roskomnadzor report also indicates that, in the first nine months of 2017, the agency sent 105 requests to the editorial boards of the online media outlets with demands to remove from their pages a number of readers’ comments showing signs of extremism.

We could not access all the hundred-plus comments, but, in particular, such a letter was received by the online resource *Orlovskie Novosti* in August. The letter contained a request to remove a comment, left by the reader under the article “Official from Oryol Organized a Run Away from the NTV Crew: A Brief Recap” in order to avoid the site being blocked under Lugovoy’s Law. The editors complied with the agency’s request. As it turned out, Roskomnadzor saw “*signs of calls for a violent change of the fundamentals of the constitutional system of the Russian Federation*” in a joke that said that, if a government could get appointed and then executed a couple of times, then, on the third try, “normal politicians” would agree to participate in it.

### A Bit of Statistics

According to the data collected by SOVA Center, at least 10 verdicts against 24 individuals were issued in 2017 for violent crimes motivated by hatred. Three verdicts against five individuals were issued for ideologically-motivated vandalism,<sup>37</sup> and 213 verdicts against 228 individuals – for actual hate propaganda. Summarizing these figures, we need to clarify that our data differs at times from the real number of sentences, reflected in the statistics published annually by the Judicial Department of the Supreme Court of the Russian Federation, since we only know of the sentences that are reported by the press, law enforcement agencies, courts, convicted offenders themselves or their lawyers, etc., and such information does not always become public. In addition, in some cases, we don’t have sufficient information to assess the legitimacy of the sentences, and, in some cases, we can say that incriminating statements were xenophobic, but clearly presented no significant social danger.<sup>38</sup> Nevertheless, we believe in the importance of giving our readers an opportunity to observe at least an ap-

<sup>37</sup> For more details see: Natalia Yudina, Xenophobia in Figures...

<sup>38</sup> For more details see: N. Yudina, Countering or Imitation: The state against the promotion of hate and the political activity of nationalists in Russia in 2017.

proximate ratio between the numbers of legitimate prosecutions for hate crimes and inappropriate applications of anti-extremist legal norms.

Further in this chapter, we present the tallies for the court decisions and for the newly initiated criminal cases that we view as either completely unjustified or extremely problematic.<sup>39</sup> We shall present this category of sentences grouped by the corresponding articles of the Criminal Code (the cases are discussed in greater detail in the relevant chapters of this report).

We regard as inappropriate 10 verdicts to 10 persons issued in 2017 under Article 282 of the Criminal Code (vs. 11 verdicts against 11 individuals in 2016). These include the sentences to former director of the Library of Ukrainian Literature in Moscow Natalia Sharina for storing banned Ukrainian materials in the library, to Kaluga resident Roman Grishin for sharing a video that criticized the Russian policy towards Ukraine, to Ayrat Shakirov from Tatarstan for publishing a video from a rally against the abuse of power by the security forces, to David “Ptakha” Nuriyev from Moscow for his speech against the representatives of the Antidealer movement, to blogger Ruslan Sokolovsky from Yekaterinburg for inciting hatred against Orthodox, Muslims and representatives of several social groups, to Neo-Pagan Natalia Telegina from Barnaul for inciting hatred against the Orthodox and migrants from the Caucasus, to Bashkir activist Sagit Ismagilov for publishing a fragment of the ancient poem that contained harsh statements regarding the Golden Horde Tatars, and to a teacher from Vladivostok for humiliating remarks about Russians uttered on a volleyball court. This category also includes the following verdicts pertaining to Russian nationalists: Mikhail Pokalchuk from Gorokhovets for inciting hatred against the social group “anti-fascists” and Vladimir Timoshenko sentenced in St. Petersburg for inciting hatred against government officials. We also have some serious misgivings with regard to criminal prosecutions of six additional people convicted under this article. On the other hand, in 2017, the courts or the investigators dropped the inappropriate (in our opinion) charges under Article 282 against eight people, thus exceeding the corresponding number from 2016.

We also classify as inappropriate at least 14 criminal cases against 15 people under Article 282 that were opened in 2017 and have not yet gone to trial. These numbers are smaller than in the preceding year (about 25).

According to our data, five inappropriate verdicts against five people were issued in 2017 under Article 148 Part 1 of the Criminal Code for insulting the feelings of believers (vs 5 verdicts against 6 individuals in the preceding year).

<sup>39</sup> It should be noted that in speaking of appropriate and inappropriate verdicts, we focus only on the merits; in most cases, we omit discussion of possible procedural violations.

These include the sentence to the Yekaterinburg blogger Ruslan Sokolovsky for the publication of atheistic videos, as well as four verdicts for publication of images on the social networks: Natalia Telegina from Barnaul was sentenced for anti-Christian de-motivators, an Omutninsk resident – for atheistic images, Victor Nochevnov from Sochi – for cartoon images of Christ (overturned in early 2018), a resident of Belgorod – for the photos of herself lighting up a cigarette from a candle in an Orthodox church. Five new criminal cases were initiated for insulting the feelings of believers – the same number as in the preceding year.

No inappropriate verdicts were issued under Article 354<sup>1</sup> of the Criminal Code (“rehabilitation of Nazism”) in 2017, according to our information (we recorded 2 such cases in 2016). Two new unfounded cases were opened under this article in Magadan and Volgograd; the Volgograd case of Alexei Volkov (the coordinator of the local Alexei Navalny headquarters) was returned to the prosecutor’s office for further investigation.

As in 2016, only one verdict was inappropriately issued under Article 280 of the Criminal Code. It was a verdict against Alexei Mironov, a volunteer for Navalny’s headquarters in Cheboksary, who was sentenced to a real prison term (in aggregation with Article 282) for his online anti-government statements that, in our opinion, posed no danger. The unusual case of Astrakhan nationalist Igor Stenin, who, in 2016, received a real prison term after calling for the destruction of certain “Kremlin invaders” in Ukraine, is also worth noting. In 2017, Stenin was first acquitted and released by the Supreme Court, then his case was returned for a retrial by the same court, and he was found guilty once again. One of the cases, initiated a year earlier, that we saw as problematic – the case against Danila Alferyev, an activist of the Left Bloc (*Levy Blok*) from Ulyanovsk – was closed in 2017.

As in 2016, one inappropriate sentence was issued under Article 280<sup>1</sup> of the Criminal Code for incitement to separatism in 2017 – against Ilmi Umerov, Deputy Chairman of the banned Mejlis of the Crimean Tatar People, who was soon released and allowed to depart for Turkey. We also have doubts regarding the verdict to Buryat activist and blogger Vladimir Khagdaev for his calls for the separation of Buryatia from Russia. We have no information about new inappropriate cases opened under this article in 2017 (vs. three such cases initiated in 2016).

In 2017, as in the preceding year, the courts issued no wrongful convictions under Article 282<sup>1</sup>. However, at least one case against five members of the Church of Scientology of St. Petersburg was inappropriately initiated under this article.

11 inappropriate sentences against 32 people were pronounced under Article 282<sup>2</sup> of the Criminal Code in 2017. According to our information, one person was convicted in the year before that, so we observed a significant increase in the

number of inappropriate convictions for involvement in the activities of banned organizations. Seven verdicts against 19 people were handed down for organizing the cells of the banned Islamic movement Tablighi Jamaat or participating in its activities; many defendants were sentenced to real prison terms (in Tatarstan, Bashkortostan, Buryatia, the Altai Region, Nizhny Novgorod and Moscow). Another 4 verdicts were issued against 9 Muslims studying Said Nursi's books (in Bashkortostan, Dagestan and the Amur Region) charged with participating in the non-existent, but nevertheless prohibited, organization Nurcular. Finally, 4 people were convicted in the IGPR "ZOV" case in Moscow. Seven new cases under this article were inappropriately initiated in 2017 against at least 14 people (we recorded 6 such cases against 10 individuals in 2016).<sup>40</sup>

Separately, we would like to note the sentences to the followers of Hizb ut-Tahrir, which are not included in our general statistics, and which we consider inappropriate in the part related to the charges under anti-terrorist articles (205<sup>2</sup> or 205<sup>5</sup>). We recorded 14 such sentences made against 37 people in 2017 (vs. 19 sentences against 37 persons in 2016). In two of these cases, two individuals were also charged under Article 30 Part 1 and Article 278 of the Criminal Code – that is, preparation for the forcible seizure of power – also inappropriately, in our opinion. At least 42 people were arrested in 2017 in nine criminal cases on the charges of involvement in Hizb ut-Tahrir (over 20 such cases were filed against more than 70 people in 2016).

In addition, we have doubts about the appropriateness of the verdict under Article 205<sup>2</sup> of the Criminal Code (public justification of terrorism) to imam of the Moscow Yaryam Mosque Mahmud Velitov. He was sentenced to 3 years in a minimum security colony for his memorial speech about the deceased follower of Hizb ut-Tahrir, in which he allegedly justified terrorist activities.

According to our data, in 2017 (as well as in 2016) no inappropriate sentences were issued under Articles 213 and 214 of the Criminal Code ("Hooliganism" and "Vandalism") aggravated by the hate motive, and no new cases were initiated.

In total, 26 inappropriate sentences against 47 people were handed down in 2017 under the "anti-extremist" articles of the Criminal Code (not counting the Hizb ut-Tahrir cases) – a much greater number than in the preceding year (19 sentences against 20 people). It should be noted that the majority of the of-

<sup>40</sup> In addition, one sentence under Article 282<sup>2</sup> of the Criminal Code (in aggregation with other articles of the Criminal Code) was issued in 2017 in Kazan against eight followers of Hizb ut-Tahrir, but we do not include them in our inappropriate verdicts statistics, because we view the prosecution of members of this party for participation in an extremist organization debatable, but acceptable.

fenders were followers of the banned religious organizations. We also know of about 30 new criminal cases against 40 people initiated in this period without proper justification. According to our most recent data, about 40 cases against 44 people were inappropriately initiated in 2016.

Before proceeding to our data on use the Administrative Code articles aimed at combating extremism, we would like to remind that, in reality, the cases of prosecution under these articles are measured in three-digit number (according to the statistics provided by the Judicial Department of the Supreme Court, only in the first half of 2017, 910 persons were punished under Article 20.3 and 911 persons – under Article 20.29 of the Code of Administrative Offenses).<sup>41</sup> However, the number of cases, for which we have information on the specific reason for a prosecution, and can assess the degree of its appropriateness, is an order of magnitude smaller.

We regard 46 cases of prosecution for public demonstration of Nazi or other prohibited symbols, that is, under Article 20.3 of the Administrative Code, as inappropriate (vs. 17 such cases in 2016). In all cases the offenders were individuals, and, in some cases, the same persons faced responsibility repeatedly. A fine was imposed in 29 cases, administrative arrest in 10 cases and 3 cases were discontinued in a court of first instance; the outcome of 4 more cases is unknown.

According to our information, 30 defendants – 26 physical and 4 legal entities (there were at least 36 in 2016) – were inappropriately punished for mass distribution of extremist materials or for storage with intent to distribute, that is, under Article 20.29. We know that the courts imposed a fine as punishment in 29 of these cases and administrative arrest in one case. The defendants included Muslims of different branches, Jehovah's Witnesses, adherents of Chinese spiritual practice Falun Gong, public activists and ordinary citizens. As a rule, these people did not engage in mass dissemination of prohibited materials.

In addition, we increasingly notice the fines levied under Article 16.13 of the Code of Administrative Offenses (non-compliance with the customs bans) for attempts to import inappropriately banned religious literature into Russia.

At least four Jehovah's Witnesses were fined under Article 20.28 of the Code of Administrative Offenses for continuing the activities of the organization during its suspension; the outcome of the fifth case is unknown.

At least 12 individuals and legal entities – primarily school administrations and cafe owners – were inappropriately fined for the low quality of their content

<sup>41</sup> Consolidated Statistical Data on the Activities of Federal Courts of General Jurisdiction and Magistrates' Courts for the First Half of 2017 // Judicial Department at the Supreme Court of the Russian Federation. 2017 (<http://www.cdep.ru/index.php?id=79&item=4151>).

filtering under Article 6.17 (“Violation of the legislation on the protection of children from information that is harmful to their health and (or) development”). The number of fines under this article recorded by us this year is the same as the one observed in the preceding year.

The Federal List of Extremist Materials increased by 330 entries in 2017 compared to 785 entries in 2016; its growth rates experienced a decrease of over 50%. Obviously, this was the effect of the order, issued by the Prosecutor General’s Office in 2016, according to which only the prosecutor’s offices of the Russian Federation constituents can file requests to recognize materials as extremist in courts.

We consider the following materials, comprising the total of 38 entries, to be inappropriately included on the List (vs. 25 clearly inappropriate entries added in 2016): at least eight entries that contain various harmless opposition materials (five of them come from the Ukrainian websites), five entries with the Jehovah’s Witnesses materials, one entry containing the Yehowist-Ilyinite pamphlet, seven entries with the anti-religious materials, six entries with the Muslim materials, one entry that included the book about Christians persecuted for their faith, three entries that contain two books and the article by the Jewish authors, one entry with the text about false patriotism, one entry with the clip cut from a documentary on the subject of Nazi skinheads and antifa, as well as five entries with various satirical materials. In addition, we doubt the appropriateness of the ban against the Muslim materials that comprise seven more entries. We also would like to add that we are not familiar with all the materials on the List, and some materials with content unknown to us could have also been banned inappropriately.

The List of Organizations Banned in Russia for Extremism came to include the Mejlis of the Crimean Tatar People and the local religious organization of Jehovah’s Witnesses in Birobidzhan, (both were recognized as extremist in 2016) as well as the Jehovah’s Witnesses Administrative Center in Russia and 395 local Jehovah’s Witnesses organizations that had not been previously banned (altogether they formed one entry on the List), and the Naberezhnye Chelny branch of the All-Tatar Social Center.

*Olga Sibireva*

## Freedom of Conscience in Russia: Restrictions and Challenges in 2017

The report is based on information collected through monitoring conducted by the Center. The collected information, including the links to mass media and online sources, is presented on the Center’s website in the section on Religion in Secular Society ([www.sova-center.ru/en/religion](http://www.sova-center.ru/en/religion)). This report provides citations only for the sources not found on the SOVA website.

With regard to the events of the 2016 described in our preceding report,<sup>1</sup> only the necessary updates are provided. We are not aiming to provide an exhaustive description of all events related to religion in the public sphere; the events mentioned in the report generally serve to illustrate the tendencies observed.

The problems and themes related to misuse of anti-extremist legislation are analyzed in a separate report, dedicated to the subject.<sup>2</sup>

### Summary

The state course on adopting more restrictive policies towards new religious movements and Protestant organizations continued in 2017. Banning the center and local religious organizations of Jehovah’s Witnesses as extremist has become the most massive repressive action against believers of the entire post-Soviet period. This decision has put tens of thousands of Russian citizens at risk of criminal prosecution for continuing to practice their religion, and deprived hundreds of communities of their property. In addition to state discrimination, this ban provoked a wave of vandalism against Jehovah’s Witnesses sites throughout the country as well as other manifestations of non-state discrimination. In fact, the right to freedom of conscience has ceased to apply to Russia’s Jehovah’s Witnesses.

Amendments from the Yarovaya-Ozerov Package of laws that restrict missionary activity are still actively used with respect to new religious movements (NRMs) and Protestant organizations. The concept of “illegal missionary activity” has been

<sup>1</sup> Olga Sibireva. Freedom of Conscience in Russia: Restrictions and Challenges in 2016 // SOVA Center. 2017. 30 March (<http://www.sova-center.ru/en/religion/publications/2017/05/d36996/>).

<sup>2</sup> Maria Kravchenko. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2017.

interpreted by law enforcers very expansively. For the first time, the effect of these amendments was extended to online activities, so, potentially, virtually any reference to a religious organization made by individuals, who do not have the permits required by the Yarovaya Package, can become a punishable offense. However, these sanctions are imposed only on religious minorities, which continue to be the target of the “anti-sectarian” campaign in the media and of the efforts by local authorities.

The tensions are still running high with respect to construction of religious (primarily Orthodox) buildings, although the number of such conflicts in Moscow has decreased. As in the preceding years, such conflicts were most often caused by problematic location choices for new building sites and by violations during the public hearings process. The scale of protests against new construction, observed in the preceding years, had its effect; the authorities started taking into account the wishes of residents more frequently and sought compromise solutions when building new churches. However, in many cases, officials still gave their permission for construction with no regard for opinions of local residents.

The number of conflicts related to transfers of property, including museum property, to religious organizations has increased somewhat, and all of them were triggered by the transfers of property to the Russian Orthodox Church.

The activity of the defenders of “religious feelings” showed no quantitative increase, compared to the preceding year, but exhibited a qualitative change. Some of these activists turned to violent methods they had avoided a year earlier. Notably, their choices included increasingly dangerous methods that could potentially lead to numerous victims; only by a lucky chance nobody was hurt. While the state, of course, does not approve of radical actions, it continues its criminal prosecutions for “insulting the religious feelings” and thus, in fact, supports the de-secularization trend in the society.

On the positive side, we can note a decrease in the extent of discrimination against Muslims, except in the context of fighting extremism. However, the anti-extremism policies remain a very significant source of problems even for Muslim groups that are not directly on the intelligence services’ radar.

## Legislation

Legislative activity pertaining to religious associations was quite modest in comparison with the preceding years. Not a single legislative act was adopted in this sphere in 2017. Apparently, the adoption of “anti-missionary” amendments in 2016 as part of Yarovaya-Ozerov Package exhausted the legislators’ list of priority tasks relating to the regulation of religious life.

Several legislative initiatives were introduced in the course of the year, but, at least for the time being, none of them have progressed any further. Some of

them pursued even more restrictive policy towards followers of religious teachings that were not “traditional” for Russia.

In February, the Federation Council created a working group to combat “destructive sects” chaired by Yelena Mizulina. According to her, the absence of the “destructive sect” notion in the Russian legislation hinders the fight against “sects,” the number of which, in her opinion, reaches at least 500 in Russia. In this “war on sects,” the working group intends to seek support of “strong allies”- the “traditional” religious organizations. Mizulina announced in October that the public discussion of the draft bill on protecting citizens from fraudulent “sects” was about to commence in November, but, at the time of writing, the bill has still not been introduced.

In June, an expert group was established under the State Duma Committee for the Development of Civil Society and Issues Relating to Public Associations and Religious Organizations, in order to improve legislation related to freedom of conscience and religious associations. This group is remarkable in its composition. Besides representatives of “traditional” religious organizations and “sectologists,” led by Alexander Dvorkin, it included several religious scholars and a number of lawyers, who consistently defended the principle of freedom of conscience. However, the participants, who failed to support the idea that “sects” were dangerous and had to be counteracted, were soon excluded from the group. The group presented no results of its work in 2017.

In May, Duma Deputy Vitaly Milonov from the United Russia party made yet another attempt to put under control the activities of healers and introduced a corresponding bill in the State Duma. The author proposed a new addition to the Criminal Code, Article 325.2, which would penalize practicing traditional medicine without permission and causing bodily harm by occult magical activity with a fine of up to 120 thousand rubles, mandatory labor or imprisonment for up to 3 years, and – in case of inflicting death or damage on an especially large scale – mandatory labor or imprisonment for up to 5 years. The bill has not been considered.

Another legislative initiative, introduced in November by a plenary meeting of the Supreme Court of the Russian Federation, is important due to its potential in limiting the rights of followers of “non-traditional” religious teachings. Resolution No. 44 “On the court practices when applying legislation in resolution of disputes on protection of the rights and legitimate interests of a child in case of an immediate threat to their life or health, or when limiting or revoking parental rights” suggests including “*involvement of children in activities of a public or religious association or other organization, with respect to which an enforceable court decision on its liquidation or prohibition of activities has been issued*” into the acts defined as “abuse of parental rights.”



According to the law, abuse of parental rights can be used as the grounds for termination of parental rights. The example of Jehovah's Witnesses, whose organizations were completely banned in Russia in 2017 (see the section on Discrimination of Religious Organizations and Citizens on the Basis of Belonging to a Religion for more details) shows how easily a peaceful religious organization can be banned as extremist. An organization can also be liquidated for more prosaic reasons, such as violation of the reporting procedures. Since the concept of "involving children in activities of the organization" lacks a clear definition, we can safely assume that practical implementation of this decision will lead to numerous abuses and can be used to exert pressure on believers from the banned organizations.

Throughout the year, a number of unsuccessful attempts were made to soften previously adopted legislative acts that, in practice, proved to limit freedom of conscience. In October, Deputy Oleg Smolin from the Communist Party introduced in the State Duma a bill to amend Article 148 Part 1 of the Criminal Code ("public actions expressing obvious disrespect for the society and committed with intent to insult the religious feelings of believers"), intended to limit its scope.

Smolin believes that the law in its existing form fails to define clearly the ways, in which the right to freedom of conscience can be violated by an insult to the religious feelings of believers, thus leading to encroachment on freedom of speech and freedom of dissemination of information. Therefore, his amendment proposes making this part of Article 148 applicable only to the acts committed "*when and where religious rites, assemblies and ceremonies are taking place.*"

The government of the Russian Federation gave the bill a negative review, noting that insults to religious feelings are unacceptable "*regardless of the place and the circumstances.*" The review also noted that the amendment failed to suggest either modification to Part 2 of the same article (which prescribes more severe sanctions than Part 1), or its deletion from the Criminal Code. Thus, the adoption of the amendment would lead to competition between the two parts of the article.

Another attempt was made to mitigate the consequences of the "anti-missionary" amendments to the Yarovaya package. In January, the expert working group, which considers the petitions of the Russian Non-Governmental Initiative that received over 100,000 votes, rejected a proposal to abolish the Yarovaya Package of laws, but admitted the need for its correction. The group recommended that the State Duma clarify the concepts of "missionary activity," "insulting religious feelings" and "extremist activity," and that the Supreme Court inform the lower courts on impermissibility of expansive interpretations of these concepts.

In the same month, the Human Rights Council under the President of the Russian Federation drafted an expert report on the same Yarovaya-Ozerov Package, which also mentioned the "anti-missionary" amendments. The authors of report noted that these amendments were not relevant to the anti-terrorism legislation and encouraged arbitrary enforcement, and, therefore, should be removed from the Yarovaya Package and developed anew. Neither the expert group recommendations, nor the Human Rights Council report had any effect.

## Problems Relating to Places of Worship

### Problems with the construction of religious sites

Construction of new religious sites, most often Orthodox churches, continued to be a frequent cause of conflicts with local residents. However, the tension associated with the implementation of the "walking distance" church construction program in Moscow, has markedly decreased. Early in the year, several protests took place in the Torfyanka Park; residents of Kurkino District opposed the church construction near their homes, started in spite of their objections, but we observed no new major conflicts. Probably, the situation shifted after the mass protests of the preceding years, and the city authorities started taking the local residents' opinion into account more often, when choosing a construction site. In addition, the slowdown in construction, which, in the preceding years, had elicited complaints from the officials responsible for implementing the program, also led to a decrease in the number of conflicts.

However, the conflicts related to construction of Orthodox churches were still frequent in other regions. In particular, protests against the new construction were observed in Tomsk, Chernogolovka (the Moscow Region) and Kamensk-Uralsky (the Sverdlovsk Region).

As in the preceding years, the protests were primarily caused by reluctance of the authorities to take the local residents' opinion into account when choosing sites for new religious buildings. Attempts to build in a park and recreational areas were the most frequent trigger for protests. For example, residents of Smolensk continued to protest against the church construction in the neighborhood of Solovyinaya Roshcha. Bryansk residents protested against the new church in the Proletarsky mini-garden, and residents of Rostov-on-Don – against a church at the mini-garden named after Anatoly Sobino.

One of the most resonant conflicts was the ongoing struggle over the construction of a church of the Holy Great Martyr Catherine in Yekaterinburg – the

“temple-on-the-water” – for which an artificial island was to be created in the city pond water zone. Along with picketing and collecting signatures, opponents of the construction resorted to unusual forms of protest – in February, about a hundred people, holding hands, “embraced” the pond, next to which the construction was planned, and, in March, the protesters distributed anti-construction leaflets in shopping centers. The leaflets were stylized as an advertisement for the newly released feature film *Iskuplenie-2018* [Atonement-2018] – one side of the leaflet depicted the “temple-on-the-water” under construction and a submerged subway car under it. In October, authorities finally paid attention to the opinion of city residents and decided to move the church building site from the spit of the Iset River to the area near the Drama Theater.

The authorities also had to make a concession to residents of Nizhny Novgorod, who opposed the construction of churches in three parks – on Prygunova Street, on Rodionova Street and on Vozhdei Revolyutsii Street – and called for repeal of the regional law, passed in 2016, which allowed construction of religious buildings in the park zone. At least four thousand signatures were collected under the petition. Protests against the construction on these sites took place throughout the year and led to eventual cancellation of the plan to cut down the trees of Dubki Park in order to build a chapel on that location. In early 2018, Chairman of the regional parliament Evgeny Lebedev announced his readiness to reconsider the law responding to the concerns of city residents.

On the other hand, despite the protests of local residents, the Chelyabinsk mayor signed a draft plan for the garden, containing an Orthodox chapel, to be constructed across from South Ural State University.

Often, the protests were caused by the wishes of local citizens to see a different object (most often related to the social infrastructure) on the disputed site instead of a church. In particular, St. Petersburg residents continued to protest against the construction of a temple on the bank of Matisov Canal and collected at least two thousand signatures under the proposal to build a kindergarten or a walk-in medical clinic at this location. Pskov residents, who opposed the construction of an Orthodox church in their new neighborhood, expressed similar preferences.

On several occasions, protesters questioned the relevance of a religious object as a memorable symbol of significance for all population groups. For example, Krasnoyarsk residents, who opposed the construction of an Orthodox church on a spit near the Vantovy Bridge, noted that the city embankment “*should belong to the people, and not to the ROC,*” and proposed erecting a monument to the city’s native Dmitri Khvorostovsky in its place. Residents of Obninsk in the Kaluga Region insisted that the church construction be moved away from the A.I. Leypunsky Institute for Physics and Power Engineering,

arguing that there were always a lot of atheists on the Institute staff. The residents of the village of Ikkovo in Chuvashia spoke against the construction of an Orthodox church in its historical place – the old cemetery – since it would require not only partially cutting down the apple trees, but also moving the monument to fallen soldiers.

Residents of Vyazniki in the Vladimir Region did not approve at the public hearings the construction of the Old Believers’ Church on an empty lot in Tekmash neighborhood. In addition to the fact that the citizens preferred to see on this location a medical center, a public bath or a bank branch, many regarded possible presence of the Old Believer church as propaganda “to join another faith.” Meanwhile, Muslims in Naberezhnye Chelny opposed the installation of a prayer cross near a water spring in the Nizhnyaya Kama National Park. Many of them viewed the introduction of the Orthodox symbol as contrary to the law on freedom of conscience and as a potential cause of conflicts on religious grounds.

Construction of Muslim sites led to conflicts as well. In a number of cases, similarly to Orthodox churches, the objections of the opponents arose out of reluctance to see a religious object on a disputed site or to put up with possible inconveniences associated with the presence of a mosque, such as increased traffic, reduced parking spaces, etc. Thus, Perm residents continued to oppose the construction of a mosque on Krylov Street, because they wanted to see a kindergarten built there. As a result, they managed to get the construction moved to another location. And the construction of a mosque in Mekhzavod settlement in Samara was halted, because the locals chose instead to build a sports complex with a swimming pool. The Omsk City Hall was forced to move the mosque construction away from Mega Shopping Center due to the protests of local residents. The Muslims were offered three alternative sites to choose from.

However, as in the preceding years, these objections were often tinged with the xenophobic motive. For example, the Kazan administration temporarily suspended the construction of a mosque in Vakhitovsky District due to the protests of local residents. One of the reasons for their reluctance to see mosque in their neighborhood was their fear of “extremists” potentially congregating there. The authorities of Krasnodar sided with protesters who objected to the construction of a mosque and justified their position by arguing that the territory was “*traditional Cossack lands,*” and that “*Adygea is nearby; it has enough mosques; why not go there to pray.*”<sup>3</sup>

<sup>3</sup> The Mosque Opening in a Maykop Suburb Is Planned for Early 2018 // Caucasus Node. 2017. 24 November (<http://www.kavkaz-uzel.eu/articles/312935/>).

The authorities in Osinniki, the Kemerovo Region, also gave up the plans to build a mosque in the city due to the protests of local residents. The protests were instigated by the Russian Patriotic Club.

Representatives of other religions also encountered local resistance against construction of their religious buildings. In the village of Smolenka, the Trans-Baikal Region, the villagers protested the construction of the Salvation in Jesus pentecostal church, because they wanted to build a community center and a children's playground instead.

Protests continued in Perm against a Hasidic center, the construction of which was approved by the authorities in 2016. Lacking support of the authorities and the majority of residents, the construction opponents complained to Alexander Dvorkin, the head of the Irenaeus of Lyon Anti-sectarian Center, urging him to take *“decisive actions in connection with the activities of this anti-human and anti-Christian sect.”*<sup>4</sup>

### Problems with using the existing religious buildings

Some religious organizations encountered difficulties with using their existing buildings.

The organizations of Jehovah's Witnesses, whose property was subject to confiscation, in accordance with the Law on Combating Extremist Activity after their general prohibition in April 2017, were, of course, affected the most. In several regions, including the Krasnoyarsk Region and the Republic of Tatarstan, local Ministries of Justice filed court claims to seize the Jehovah's Witnesses' property.

However, in some communities, the property, including real estate, was not owned by the organizations, but belonged to private individuals or to Jehovah's Witnesses organizations in America. The authorities undertook some effective measures to confiscate this property at least partially. In December, the Sestroretsk District Court granted the claim, submitted by the Kurortny District Prosecutor's Office of St. Petersburg and the territorial administration of the Federal Agency for State Property Management (Rosimushchestvo), and seized from the Watchtower Bible and Tract Society of Pennsylvania a compound of 14 buildings in the municipal settlement of Solnechnoye with the total area of 33 thousand square meters. In the 1990s, Russian Jehovah's Witnesses bought

<sup>4</sup> Orthodox Perm Residents Appealed to Leading Russian Sectologist Alexander Dvorkin Regarding the Sect of Chabad-Lubavitch // Periscope. 2017. October 16 (<http://periscop.prcp.ru/news/2688-171016>).

a former Young Pioneer summer camp from a Russian company to house their Administrative Center. This compound was donated to the American Watchtower Bible and Tract Society of Pennsylvania in 2000. The American organization, in turn, provided it for the use of the Jehovah's Witnesses Administrative Center. The prosecutor's office and then the court found that, since the Administrative Center never stopped using the property in Solnechnoye, the 2000 deal was a fraud; it was declared invalid. Thus, the real estate became the property of a Russian banned organization and was confiscated on this basis.

This scheme of recognizing transactions with foreign organizations-owners of Russian Jehovah's Witnesses property as invalid gained further popularity in 2018. Prosecutors and Rosimushchestvo recognized similar transactions in Irkutsk, the Irkutsk Region, Michurinsk (the Tambov Region) and Petrozavodsk as invalid.

The downward trend in the number of conflict situations around the buildings used by Protestant organizations, observed in the two preceding years, was unfortunately broken – such situations were reported in several regions in 2017.

In August, two women owners of a prayer house in Tula, which was used by an unregistered Baptist community since 1991, were fined 10,000 rubles each. After 26 years of operation, the authorities decided that the presence of the sign “House of Prayer,” the services schedule and the library schedule was an evidence of inappropriate use of the residential building. Two months later, electricity and gas in the building were turned off. The officials demanded that a legal entity become the documented owner of this residential building, threatening otherwise to confiscate the building from the community. The believers had to petition V. Putin to intervene in the situation.

In December, the Naberezhnye Chelny City Court granted the claim of the City Prosecutor's Office regarding the ban on using the House of the Gospel – a temporary church building of Evangelical Christians – until the believers eliminate violations of anti-terrorist legislation. The Prosecutor's Office went to court based on the results of a planned inspection, which recognized the church as a site of mass gathering (over 50 people) and thus ordered it to obtain a safety passport. However, according to Vasily Yevchik, the Deputy Head Bishop of the Russian Church of Christians of Evangelical Faith, by the time the prosecutor's office filed the claim, the church had rectified all the violations indicated by the inspection, and notified the relevant authorities. Nevertheless, the court prohibited them from using the building. A month before, the church was fined 100,000 rubles, based on the claim filed by the city land committee, for having (several years prior to that) moved a fence, which enclosed the construction site, in order for a crane to pass.

The Baptist church in Rostov-on-Don and its leader were fined for a total of 800 thousand rubles by the court decision under Article 8.8 Part 1 of the Code of Administrative Offenses (“Use of lands for an improper purpose, as well as failure to meet the established requirements as a particular land category”) in December. The prosecutor’s office, and then the court, also found that the building of the organization was constructed on the federal property intended as administrative premises.

Meanwhile, the decision of the Supreme Court of the Russian Federation turned out positive for the Church of Evangelical Christian Baptists in Moscow, but infringed upon the interests of the Moscow Seventh-day Adventist Church, which were sharing with the Baptists the building on Maly Tryokhsvyatitelsky Lane since 1951. The building was granted to the Baptists for use as early as 2015, but the Adventists challenged the authorities’ decision, believing that they also had the right to their part of the building; several courts took their side. In 2017, the Supreme Court recognized the Baptists’ right to the entire building.

Muslim organizations, on the other hand, had fewer difficulties with the use of liturgical premises in comparison with 2016. However, such problems were still reported occasionally. Specifically, the Nur-Usman community in Yekaterinburg continued its struggle to save the mosque, slated for demolition by the regional Ministry for State Property Management. The Arbitration Court of the Sverdlovsk Region refused to satisfy the Ministry’s claim for the demolition of the mosque in February, but the 17th Arbitration Appeals Court overturned this decision in March. The community appealed to the Supreme Court of the Russian Federation challenging this new decision, but lost once again.

Orthodox communities also faced problems with using their ecclesiastical buildings. In Yaroslavl, bailiffs evicted a community of the Russian Orthodox Autonomous Church (ROAC) followers from Vladimirskaya Church on Bozhe-domka; a decision to seize the building from the community was issued back in 2016.

The Old Believers Community of Yekaterinburg was unable to start using the previously granted building of the Trinity (*Troitsky*) Church (a.k.a. the Austrian Church) on Rosa Luxemburg Street. The building had previously housed a tuberculosis dispensary, and the supervisory authorities refused to allow religious services there. The community is ready to transfer the building to a construction company, so that in return the company could build a church on another site that the Old Believers are expected to find independently, according to the regional Ministry for State Property Management. The community has not yet been able to do so.

A parish of the Russian Orthodox Church also encountered difficulties using its temple; the authorities in Krasnoyarsk decided to demolish the Trekhsvyatitelsky Church, built in 1890, in order to widen Sverdlovskaya Street. The demolition has been slated to occur in three years, and, in the meantime, a new church is supposed to be built nearby, but no funds have been allocated for this purpose.

Meanwhile, Lamrim – a Lamaist temple (*datsan*) in Ulan-Ude – was put up for auction. It had been financed by a mortgage, taken by Choi Dorzhi (Alexander Budaev), then the chairman of the Union of Buddhists of Buryatia. Since he failed to repay on time, the bank refused to reduce the interest on the loan and, in 2015, announced that the building was about to be put up for sale; the plan was only implemented two years later.

### Positive resolutions

In a number of cases, religious organizations were able to defend their rights to the buildings in court. As before, Protestant organizations were more successful in these efforts. Thus, the Arbitration Court of the Omsk Region recognized the ownership by the Union of Evangelical Christian Baptist Churches of the house of prayer, operated by the organization since 1996. Baptists were able to provide the evidence that they had invested in repair and maintenance of the building throughout the entire time period.

The Azerbaidzhan Community Organization managed to obtain the court permission for building a mosque on Repin Street in Yekaterinburg. The Regional Ministry of Construction and Infrastructure refused to issue such a permit, since the land plot, on which the construction was planned, was within the protected zone of the old cemetery – the Necropolis Cultural Heritage Site. A year earlier, the community managed to win the case regarding this land plot in court over the mayor’s office, which was refusing to renew their lease.

### Conflicts around the transfer of property to religious organizations

As in the preceding years, property was transferred to religious organizations in 2017 – most often to the Russian Orthodox Church, but to other organizations as well. For example, the ownership of Peter and Paul Cathedral on Starosadsky Lane in Moscow was transferred to the Evangelical Lutheran Church of Russia, which has been using the building for a long time.

Some religious organizations had to go to court to obtain the desired property. This was the case, for example, with the Moscow Catholics, who had spent several

years suing the city authorities for four buildings on Milyutinskiy Lane, including the Cathedral of Peter and Paul. The Moscow Arbitration Court, and then the appellate court, recognized these buildings as religious property and ordered the Moscow government to return them to the Roman Catholic Archdiocese of Mother of God.

Some organizations have not yet managed to obtain the transfer of property even through legal action – such was the case of a Lutheran community in Voronezh that was claiming two historically Lutheran buildings used by the City Electric Network Company (*Gorodelectroset*) during the Soviet era. The city authorities announced their intention to transfer these buildings to other organizations refusing to designate them as religious sites.

In most cases, the property transfers were not accompanied by conflicts; if the buildings, claimed by the religious organizations, were being used by some other entities, these institutions were provided with new premises. For example, the authorities arranged for moving the Republican Center of Folk Art in Ulan-Ude to a new building in order to transfer their previous quarters of St. Michael's Church to the Buryat Diocese.

Conflicts still arose in a number of cases, because the transfers infringed on the interests of other people and organizations. Such incidents were, perhaps, a little more numerous than a year ago, and they were all related to the transfer of property to the ROC.

The most significant among these conflicts took place in St. Petersburg. After Governor Georgy Poltavchenko confirmed in January the decision to transfer Saint Isaac's Cathedral to the ROC, the protests in the city resumed. In addition to solitary pickets and collecting signatures under a petition to repeal the transfer, the activists also held several large rallies, numbering several thousand people each. Local residents and some deputies of the Legislative Assembly of St. Petersburg called for a referendum on the issue, but the authorities did not give permission for its organization. Attempts of the Museum's defendants to appeal the legality of the transfer failed as well – two district courts and the City Court refused to take their claim for consideration.

Apparently, the scale of the protests forced the authorities to slow down the transfer process. In June, V. Putin declared that the final decision on the transfer had not yet been reached. Late in the year, it turned out that the city administration had never received the official application from the ROC, without which they could not begin the transfer of the cathedral. The media reported that the transfer was postponed for an indefinite period, as the diocese and the museum reached a mutually satisfactory arrangement to increase the number of services in the cathedral and to transfer the holiday services

from the side nave to the central nave. It is possible, however, that the retreat of the transfer supporters was temporary and caused by the desire not to stir up discontent on the eve of the presidential elections, and now the conflict could recommence.

St. Isaac's Cathedral was not the only museum object claimed by the ROC. Other claims pertained to several objects of the Vladimir-Suzdal Museum-Reserve, including Transfiguration Cathedral of the Saviour Monastery of St. Euthymius (*Spaso-Evfimiev Monastery*) as well as the Znamensky Church and the Prikaznaya Izba of the Convent of the Intercession (*Pokrovsky Monastery*) in Suzdal, the Trinity (*Troitskaya*) Church and the Golden Gate in Vladimir, and, finally, St. George's (*Georgievsky*) Cathedral in Gus-Khrustalny, currently occupied by the Museum of Glass and Crystal. Igor Konyshev, the museum's director, considered the application for the transfer of the Spaso-Evfimiev Monastery buildings as “*one of the most serious and difficult challenges facing the museum.*”<sup>5</sup>

Conflicts arose not only regarding the transfer of museum objects. In Moscow, a major conflict developed around the transfer of the building of the Russian Scientific Research Institute of Fisheries and Oceanography (*Vserossiyskiy nauchno-issledovatel'skiy institut rybnogo khozyaystva i okeanografii*, VNIIRO). The court decision, approving the transfer, was issued back in 2016. Rosimushchestvo and the Federal Agency for Fishery (Rosrybolovstvo), to which the Institute was structurally subordinated, tried to challenge this decision in 2017, but lost twice. Rosimushchestvo has six years to find a new building for the VNIIRO relocation.

In Rostov-on-Don, local residents continued to protest against the transfer of the State Puppet Theater building to the ROC. The city administration announced the construction of a new building for the theater, but city residents did not accept the proposed options. One of them involves moving the theater to a remote area, whereas now the theater is located in the center of the city between two parks. Another proposal puts the theater in Druzhba Park, which, in order to allow this construction, would have to be rezoned to a different land category. Governor of the Rostov region Vasily Golubev promised that “*the theater will not move anywhere until it finds a suitable building. The suitable one will work for Rostov residents, young spectators and the creative team that works for children.*”<sup>6</sup>

<sup>5</sup> The ROC Lays Claim to Additional Sites in the Vladimir-Suzdal Museum // RBK. 2017. 17 May (<http://www.rbc.ru/society/18/05/2017/591dd6839a79479badb40f1d>).

<sup>6</sup> The Rostov Puppet Theater, Whose Building is Claimed by the ROC, Has Not Yet Moved Out // TASS. 2017. 22 March (<http://tass.ru/obschestvo/4117092>).

For the same reason, Penza residents protested against the transfer to the ROC of the Dzerzhinsky Community Center building, which serves about 400 children. The authorities promised to transfer the activities to the Officers' House, but residents continued to object, since the Officers' House building is located in a remote area and is not ready to accommodate the children at the moment. The protesters believe that the city has enough churches but not enough walking-distance enrichment centers for children.

A conflict in Orel was similarly related to the Children's Art Center building. People's Orthodox Movement – whose founders include popular Elder Elijah (born Alexei Nozdrin) believed to be the confessor of Patriarch Cyril – came up with the initiative to transfer the building to the Russian Orthodox Church. It was proposed to create a spiritual center on the premises of the current Children's Art Center, which could also organize children's activities. However, this idea found no support among local residents at the public hearings, and the mayor refused to authorize the transfer without their consent.

The authorities of Yekaterinburg also sided with the locals. The proposed transfer to the ROC Yekaterinburg Diocese of buildings, which housed three colleges, drew objections not only from the students, parents and employees of the educational institutions, but also from the Ministry of State Property Management. It pointed out that ecclesiastical services had never been conducted in this building. The Diocese went to court, but the Sverdlovsk Regional Arbitration Court refused to satisfy its claim.

It should be noted that, in a number of regions, the ROC has claimed the objects, the transfer of which could be fraught with new conflicts. For example, the Tambov Diocese announced its wish to obtain several buildings that had belonged to the church prior to 1917. Three of them are currently occupied by schools, and one – by the Financial Directorate of the Tambov Region. In addition, the diocese lays claim to a plot of land, currently occupied by an abandoned restaurant construction site and a residential building, whose residents the Diocese requested to be resettled.

## Protecting the Feelings of Believers

### Top-down defence

Criminal prosecutions for insulting religious feelings continued in 2017. In the course of the year, at least five verdicts were issued under Article 148 Part 1 of the Criminal Code (“Public actions expressing obvious disrespect to society

and aimed at insulting the religious feelings of believers”).<sup>7</sup> We consider the majority of these sentences inappropriate.

In May, blogger Ruslan Sokolovsky from Yekaterinburg was found guilty under three articles of the Criminal Code, including Article 148 Part 1. The incriminating offenses included the video of Sokolovsky catching Pok mon in an Orthodox Church, and this fact brought the case to public attention. The other charges pertained to Sokolovsky's rude statements – about believers in general, about various groups of believers in particular, and about other social groups – contained in his other videos. The blogger received a suspended sentence of 3.5 years.

A Belgorod resident was convicted under the same article in May; the court fined her 15 thousand rubles for publishing photos of herself lighting up a cigarette from a candle in an Orthodox church. In July, a resident of Omutninsk in the Kirov Region was fined 25,000 rubles for his online publication of photographs, which offended the feelings of believers. In December, Barnaul resident Natalya Telegina was convicted under the same article in aggregation with Article 282 Part 1 (“Incitement to ethnic and religious hatred and humiliation of dignity”) and received a two-year suspended sentence followed by the probation period of 1 year and 6 months. The charges were based on the images she had published on VKontakte social network, including an image that depicted a warrior in a horned helmet swinging a hammer over the silhouette of a burning temple.

Meanwhile, writer Viktor Nochevnov from Sochi, sentenced to a fine of 50 thousand rubles in August under Article 148 part 1 for sharing on VKontakte several cartoon images of Jesus Christ, managed to get this sentence revoked. The case was sent for a new review in October and then was terminated in January 2018 due to the statute of limitations.

Occasionally, insulting the feeling of believers resulted in administrative responsibility. For example, Novgorod resident Daniil Sukachev was fined 30 thousand rubles under Article 5.26 part 2 of the Code of Administrative Offenses (“Desecrating objects of religious veneration”). Sukachev published on VKontakte a video, set to the song of the Polish black metal band Batushka [Father], whose 2016 concerts in Russia were marked by protests by defenders of the religious feelings. The video used the footage of Christian Orthodox worship with superimposed flames and smoke.

Several new cases related to insulting the religious feelings were initiated during the review period. For example, a case under Article 148 Part 1 was opened against a resident of Angarsk posting a video, which showed an Orthodox

<sup>7</sup> For additional details see Kravchenko M. Ibid.

Christian Icon being used for painting a wall. The psychological and psychiatric expert examination found that the defendant had a mental disorder that prevented him from understanding the nature of the publication and controlling his actions. Nevertheless, the case has been referred to court.

Based on the complaint from two Petropavlovsk-Kamchatsky residents, the case under the same article and Article 282 of the Criminal Code was opened against artist Denis Lopatin for his cartoon depicting Duma Deputy Natalia Poklonskaya holding a dildo in the shape of Nicholas II. The image was created specifically for a rally in defense of “Matilda,” the movie that faced protests from believers. The image was also exhibited in the Garage Art Center, where it was placed in a separate room; a sign, warning about the possibility of some items being offensive to one’s feelings, was put in front of the exhibition entrance. Another case under Article 148 was initiated against Nikolai Vitkevich, a resident of Bryansk, for publishing an article with objections against conducting a procession of the Cross and against erecting a prayer cross in the city.

On the other hand, a Magistrate court in Krasnoyarsk closed the case against Irina Kudinova due to absence of *corpus delicti*. Kudinova was charged under Article 5.26 Part 2 of the Code of Administrative Offenses (“Deliberate desecration of objects of religious veneration”) for publishing on VKontakte an image of the Easter cake and eggs arranged in a composition, which the prosecutors interpreted as a phallic symbol. The case of Viktor Krasnov – a blogger charged under Article 148 Part 1 of the Criminal Code for his rude comments about Christianity on the same VKontakte network and for writing “*there’s no god*,” with the word “god” intentionally misspelled – was discontinued in Stavropol, due to the statute of limitations,

In addition, the European Court of Human Rights communicated the complaint of Novosibirsk artist Artyom Loskutov, filed in connection with the prosecution against him under Article 5.26 Part 2 of the Code of Administrative Offenses – he posted images in support of Pussy Riot, stylized to resemble the Icon of Our Lady of the Sign, on the streets of his hometown.

### Defence from below

The social activity in defense of the religious feelings did not intensify in comparison with the preceding year. As before, the activists’ attention was focused primarily on cultural events.

Protests against Alexei Uchitel’s film “Matilda” undoubtedly constitute the most important story in this category. Even before its premiere in October, several dioceses, such as Yekaterinburg and Khanty-Mansiysk, were collecting signatures for the ban against the theater release of the film. Meanwhile, a group of representatives

of the Orthodox community, including the leaders of well-known Orthodox funds – President of the Russian Heir Fund Irina Volina, President of the St. Petersburg Vasily the Great Cultural and Educational Foundation Vasily Boyko-Veliky, Chairman of the Board of the Foundation for the Patriarch Hermogenes Monument Galina Ananyina, Director of the Slavic Literature and Culture International Fund Alexander Bochkarev and President of Russky Vityaz Foundation Dmitry Lysenkov – called for A. Uchitel to be prosecuted under Article 148 Part 1 of the Criminal Code.

Street actions took place in several regions, including Tyumen and Yekaterinburg. Representatives of national-patriotic organizations took part in some of them. For example, participants of such a rally in Irkutsk included activists from the National Liberation Movement (*Natsional’no-osvoboditel’noye dvizheniye*, NOD) and the Guard of the Holy Tsar the Passion-Bearer, as well as lawyer Alexei Sukhanov, who had previously defended Vladimir Kvachkov and other radicals. A patriotic procession of the Cross took place in September in St. Petersburg and involved the Imperial Legion Club and the St. Petersburg branch of the NOD. Participants of the action carried the imperial flags, the banner depicting the royal family and the slogans protesting the picture: “*Matilda is a slap in the face of the Russian people*,” and “*Honor of the Emperor is the honor of the people*.” This action elicited a sharply negative response from the St. Petersburg Diocese, which stated that it had given no blessing to the NOD’s participation in the procession, and expressed disagreement with the form of protest against Matilda: “*We view the conversation around the film Matilda in this context as a provocation and condemn this action as contrary to the norms of the Orthodox ethics*.”<sup>8</sup> The Sorok Sorokov movement organized a public prayer against Matilda in the Church of the Resurrection of Christ in Kadashi in Moscow.

The protests took other forms as well. For example, a resident of Satka in the Chelyabinsk Region filed a complaint against Matilda with the regional office of the Federal Antimonopoly Service. In her opinion, the phrases “*The Secret of the House of the Romanovs*,” “*The Secret of the Last Russian Tsar*,” “*Based on Actual Events*,” and “*The Foremost Historical Blockbuster of the Year*,” used in the film posters, did not correspond to reality and therefore violated the law on advertising.

In contrast to the preceding year, opponents of the film did not limit themselves to peaceful forms of protest and resorted to violent methods, more dangerous than before. Early in the year, members of the previously unknown

<sup>8</sup> Official Statement on Unpermitted Actions during the Procession of the Cross on September 12 // Department for the Church and Society Relations of the St. Petersburg Diocese. 2017. September 14 ([http://ethnorelig.ru/2017/09/14/nesoglasovannie\\_aktcii/](http://ethnorelig.ru/2017/09/14/nesoglasovannie_aktcii/)).

organization Christian State – Holy Rus (*Khristianskoye gosudarstvo — Svyataya Rus'*), mailed about a thousand letters to the administrators of Russian movie theaters, warning that “*for any step against Orthodoxy, Russia’s saints, the people of Russia or the President, for any provocation to the civil war, for any of your positive references to the film “Matilda,” our Brothers will turn to radical methods to combat lawlessness and insanity.*”

These were not just empty threats – in late August, unknown persons threw Molotov cocktails into the building where Uchitel’s studio was located in St. Petersburg. In September, two parked cars were set on fire near the office of Uchitel’s lawyer, and “*Burn for Matilda!*” flyers were scattered at the scene. The criminal cases were opened for both incidents: in St. Petersburg – under Article 213 Part 2 (“Hooliganism committed by a group of persons by previous concert”) and under Article 167 (“Willful destruction or damage of property”). Three people were detained in connection with the second case, including Holy Rus leader Alexander Kalinin and his first cousin. Another case against Kalinin was opened under Article 179 Part 2 of the Criminal Code (“Compulsion to complete a transaction or refuse to complete it”) – for pressuring cinemas to refuse to screen Matilda.

Holy Rus soon turned out to be a very small group, but its actions attracted eager followers. In September, Orthodox activist Denis Murashev in protest against the film’s screening, drove a car, loaded with barrels of gasoline and gas cylinders, into the building of Kosmos Cinema Theater in Yekaterinburg, and threw in a “Molotov cocktail.” Fortunately, nobody was injured. The court found Murashev insane, and he was referred for mandatory treatment in December.

Despite the protests of the Orthodox activists, the movie was released in theaters, although local venues in some regions refused to screen it, occasionally supported by the authorities. In particular, the authorities of the Kemerovo Region and the Tver Region decided not to show the film in municipal movie theaters. Several venues in Moscow also refused to screen Matilda. This position was verbally expressed by Nadezhda Dolzhenko, the director of the Premier Movie Theater in Yeysk of the Krasnodar Region, which also decided not to screen Matilda: “*I am an Orthodox person, and I have promised that the movie will not be shown. <...> Yes, the State Duma approved it, and so did the Ministry of Culture. However, the Ministry of Internal Affairs issued an order to ensure security during the show. Why would we want all these problems?*”<sup>9</sup>

The protest campaign against Matilda had one more consequence – the spread of the anti-Semitic version of the Royal Family story, formerly known primarily in the conservative Orthodox circles, related to the allegedly ritual character of their

<sup>9</sup> Yeysk in Kuban Matilda Will Not See Matilda // Interfax-religion. October 23 (<http://www.interfax-religion.ru/?act=news&div=68454>).

murder. In the course of the campaign, the discussion of this version migrated first from Orthodox pickets to respectable media, without an appropriate critical commentary, and then advanced to an official level. In November, the Investigative Committee of the Russian Federation announced the launch of psychological and historical expert examination to investigate the possibility of the “ritual” murder.

In addition, several cultural events were canceled or postponed in 2017 upon request of the defenders of the religious sensibilities. For example, in April, after a petition by the leaders of four Orthodox funds to V. Putin and D. Medvedev, a concert of French medieval music, timed to coincide with the exhibition of the Western European art of the 13th-14th centuries organized by the Kremlin Museums and the French National Monuments Center (*Centre des monuments nationaux*), was unexpectedly moved from the Assumption Cathedral in the Kremlin to a different location. The petition’s authors argued that the performance in the Orthodox cathedral of works, “*created by professional poets and troubadour-musicians*”, would be a defilement of sacred objects, comparable “*in its blasphemy with the Pussy Riot performance in the Cathedral of Christ the Savior. And Saint Louis would not have approved of this sacrilege. In his time, troubadours sang in castles and palaces, not in cathedrals and churches.*”

In May, 2x2 TV Channel chose not to show the 19th episode of the 28th season of *The Simpsons*, in which the main character catches Pokémon at various places, including a church. This decision was preceded by a published compilation of opinions from Orthodox clergymen, who found “*propaganda of false moral values to adolescents*” in the *Simpsons* and called for raising the age limit for watching the show. The administration of 2x2 expressed its reluctance to screen “*content that could compromise the Channel and produce mixed reaction in the society.*”

Notably, in both cases the complaints did not come from the top Church leadership, and, in the case of the concert, the disapproval was expressed by the relatively marginal figures. Nevertheless, the administrators of both the Kremlin Museums and a large television network decided to conform to their wishes.

The Orthodox believers were not the only group to declare their religious feelings insulted; as in the preceding year, Buddhists demanded protection for their feelings as well. To be precise, in this case the officials spoke on their behalf. In December, Baatr Lidzhiev, the Deputy Permanent Representative of the Republic of Kalmykia with the President of the Russian Federation, demanded that the administration of TNT TV Channel apologize for an insult to the feelings of Buddhists. In his opinion, it took place in one of the episodes of “*The Street*” series, where two young men look at a Buddha statue that has a figure of a naked



woman attached to it. One of the characters had bought this souvenir as a gift to his wife, as “*a symbol of the fusion of emptiness and serenity*.” The other person sees the object as the “*symbol of having sex*” and finds resemblance to the friend and his wife. The religious context in this scene is clearly absent, but RIA Kalmykia reported on the complaints it had received from believers, and B. Lidzhev suggested that the channel remove the scene from the episode, otherwise threatening to get the law enforcement involved.

The Chelyabinsk Regional Office of the Federal Antimonopoly Service also became involved in protecting the feelings of believers. In December, it fined Uralservis, a microfinance organization, 100 thousand rubles for issuing a calendar, on which the organization’s logo was placed next to an Orthodox icon and the text of the Lord’s Prayer. The FAS Office came to the conclusion that this placement violates the law on advertising, “*because it can be offensive to the feelings of believers*.” During the investigation the FAS turned to the diocesan administration for consultations.

Some complaints from believers were not satisfied. For example, in Kirov a local lawyer Yaroslav Mikhailov, who’s already been spotted on the scene of “religious” litigation in previous years, filed a request with the District Investigative Committee in February to prosecute the management of Vyatich Brewery for producing Trifon beer which uses the image of Sergey Shnurov, the frontman of the rock band Leningrad. In Mikhailov’s opinion, this image was offensive for believers, who honor St. Trifon of Vyatka, a local saint.

The Investigative Committee of the Russian Federation for Tatarstan refused to open a criminal case on insulting religious feelings based on the photo session featuring a model in a transparent dress posing inside an inactive Orthodox church, having found no crime.

## Discrimination on the Basis of Attitude to Religion

Intensification of the “anti-sectarian” struggle, the tendency noted in our prior reports, continued in 2017 as well. Believers from Protestant organizations and NRM’s were the most frequent targets of discrimination.

### Persecution of Jehovah’s Witnesses

Persecution of Jehovah’s Witnesses, the worst one since the Soviet era, was the principal development of the past year. On April 20, the Supreme Court of the Russian Federation, acting on the claim filed by the Ministry of Justice,

liquidated the Jehovah’s Witnesses Administrative Center in Russia and 395 local organizations as extremist. This decision put tens of thousands of believers at risk of criminal prosecution merely for continuing their religious activities. The decision was upheld by the appellate court in July.

The discriminatory campaign against Jehovah’s Witnesses has been going on for about ten years, but, immediately after the decision to ban the organization, the pressure has increased.

The leaders of several communities in different regions, in particular, in Bashkortostan and the Vladimir region, were fined under Article 20.28 Part 1 of the Code of Administrative Offenses (“Organizing the activities of a public or religious association, with respect to which an activities suspending decision was made”) for continuing to hold their meetings. In other cases, the same “offense” was punished under the “anti-missionary” amendments of the Yarovaya-Ozerov Law. For example, in Asha of the Chelyabinsk Region, the Jehovah’s Witness, who was holding the believers’ meetings at his house, was fined 25,000 rubles for failure to notify the authorities about starting the activity of a religious group. The Tomsk community of Jehovah’s Witnesses was fined 100 thousand rubles for the same offense. Administrative fines were also imposed on the Jehovah’s Witnesses preachers in Bryansk, Anapa, the Krasnodar Region, Yemanzhelinsk (the Chelyabinsk Region) and other regions.

As before, believers faced persecution from the security forces. The police detained Jehovah’s Witnesses in different regions – in Dmitrov (the Moscow Region), in the village of Severnaya Ferma (the Vologda region), in Diveevo (the Nizhny Novgorod Region), in Neftekumsk (the Stavropol Region) and in Yamalo-Nenets Autonomous District. A Sochi resident was detained while walking, based on a complaint from a passerby that “Jehovah’s Witnesses, “*who are forbidden*,” were walking along the alley. A believer was arrested for ten days under Article 19.3 of the Code of Administrative Offenses (“Disobedience to a lawful order of a police officer”) for refusing to sit in a police car.

The cases of the police raiding the believers’ homes were also recorded. Thus, in Kushva of the Sverdlovsk Region, the police searched an apartment without the owner’s permission, insulting the woman and her guest throughout the procedure and making disparaging remarks regarding their faith. In Belgorod, a married couple of Witnesses complained about the fact of illegal entry of the police into their apartment and the installation of audio and video recording devices. In Novosibirsk, police officers visited the workplace of a Jehovah’s Witness and, according to him, planted religious brochures in his office. In Naberezhnye Chelny, the police, together with officers of the FSB, arrived at a resort, rented by Jehovah’s Witnesses, to check their identification and record their personal information.

Many Jehovah's Witnesses, when drafted into the army, were denied the right to pursue alternative civilian service. This happened, in particular, in Serov of the Sverdlovsk Region and in Chuvashia, where the reference to the decision on banning the centralized organization of Jehovah's Witnesses was cited directly as the motive for refusal. In Bakhchisarai, the draftee was even pressured to renounce his faith. Nikolai Glinin, the military commissar of the Khabarovsk Territory, formulated the attitude of military enlistment offices toward Jehovah's Witness draftees. In December, telling journalists about the course of the autumn draft, he said: "*No sect – no problem! If a draftee declares his wish for an alternative service based on his belonging to this organization, banned in Russia, we will not even consider his request.*"<sup>10</sup>

There were also cases of non-state discrimination against Jehovah's Witnesses. Employers forced Jehovah's Witnesses to quit their jobs or threatened with dismissal, citing their religion, in several regions, including Yelabuga in the Republic of Tatarstan, in Smolensk and the Smolensk Region, in the village of Iliisky in the Perm Region, and in Ozyora of the Moscow Region.

Incidents of pressure against children from Jehovah's Witnesses families were reported as well. Schoolchildren were forced to give explanations about their faith in Ufa and the Rostov Region. In the Kirov Region, two sixth-graders were ordered to leave the classroom for refusing to perform a song about a war for religious reasons. The teacher told the sisters in front of the entire class that they were "*now banned, and already got everyone fed up with their religion.*" A school principal in Tomilino, the Moscow Region, threatened to inform the police and transfer an eight-year-old student to a different format of education for humming Jehovah's Witnesses songs and telling her classmate about God.

### Restriction of missionary activity

Persecution of believers for "illegal" missionary activities continued, reflecting the innovations introduced by the Yarovaya-Ozerov package. Similarly to the preceding year, the activities of Protestant associations were regarded as illegal most frequently. Usually, "illegal" missionary work resulted in fines for believers and religious organizations under Article 5.26 Part 4 of the Code of the Administrative Offenses ("Implementation of missionary activities in violation of the requirements of legislation on freedom of conscience, freedom of religion and religious associations"). So it happened, for example, in Abinsky District of the Krasnodar Region, where a court fined the Head of the Baptist religious

<sup>10</sup> Conscripts in the Khabarovsk Region Are Now Lining Up // Khabarovskiy Kray Segodnya. 2017. December 27 (<https://todaykhv.ru/news/society/10194/>).

group five thousand rubles for failing to notify the Ministry of Justice regarding the beginning of the group's activities. In the Oryol Region, three Baptists were fined five thousand rubles each under the same article for distributing religious literature and inviting people to religious meetings, also without notifying the Ministry of Justice. In Ivanovo, a local resident was fined under the same article for the same reason (failure to notify the Ministry of Justice), despite the fact that he, personally, was not a member of any religious association, and, in this case, no permanent religious group existed.

God's Glory, the Church of Christians of the Evangelical Faith (Pentecostal) in Syktyvkar, was fined 30,000 rubles under Part 3 of Article 5.26 ("Implementation by a religious organization of activities without the indication of its official full name, including issue or distribution of literature and printed, audio, and video materials within the framework of its missionary work not bearing the name of the issuing religious organization or with deliberately false labeling.") However, neither the court decision nor its proceedings mentioned the names of books that failed to display appropriate labels. Syktyvkar Regional Community Fund "Obitel" was also fined based on the fact that the religious literature from their library was not labeled properly.

Two students from Ghana faced responsibility for their "illegal missionary work" in Ufa. Salif Issa was found guilty under Article 5.26 Part 5 ("missionary activities committed by a foreign citizen in violation of the requirements of the legislation"). The court fined him 30,000 rubles for having created a religious group without notifying the authorities, and ordered his deportation from Russia. However, the Supreme Court of Bashkortostan, while not revoking the decision of the lower court, nevertheless permitted not to expel the student and to give him an opportunity to graduate. Another student, Ousu Gideon, was fined under Article 18.8 part 2 of the Code of Administrative Offenses ("Violation by an alien of the rules of entry into the Russian Federation or the regime for staying in the Russian Federation, expressed in the inconsistency of the declared goal of entry with actual activity while in the Russian Federation") for participating in the Pentecostal Sunday service, and was, in fact, deported from the country.

The leader of the Baptist group in Chara (a village in Kalarsky District of the Trans-Baikal Region) was fined under Article 19.7 of the Administrative Code ("failure to submit information") for conducting meetings without notifying the Ministry of Justice.

It should be noted that, in 2017, believers also faced responsibility for illegal missionary activity (or whatever was regarded as such by prosecutors and courts) conducted over the Internet. In one of such cases, the pastor of the Kirov Bible Church was fined under Article 5.26 Part 5 of the Code of Administrative Offenses for online missionary activity conducted by a parishioner of his church.

A Murmansk resident, who published materials of the Vozrozhdenie [Rebirth] Ukrainian spiritual center on VKontakte was also fined for preaching online, but this time under Article 5.26 Part 4. A court fined Tambov journalist Sergey Stepanov under the same Article 5.26 for posting on VKontakte an invitation to attend the Easter service at the Source of Life Tambov Baptist church.

Representatives of the new religious movements were frequently targeted for illegal missionary work. The Chelyabinsk Region became a leader in the struggle against the NRMs by charging them of illegal missionary activity. In Miass, two women preachers of the World Brotherhood Union were fined under Part 4 of Article 5.26 for distributing *Kniga Znaniy* [the Knowledge Book] without a permit. Another preacher of the same organization was fined, also in Miass, under Parts 3 and 4 of the same article. The cases against him were initiated following the complaint from the Chelyabinsk diocese of the Russian Orthodox Church, which reported to the law enforcement that a “*Turkish sect*” advocating suicide was operating in the region. In Chelyabinsk, the leader of a group that followed the “Ascended Masters-Keepers of the Violet Flame” doctrine was fined under the same article for meetings, held without notifying the authorities and without permission to conduct missionary activity.

Interestingly, the leader of the Horde (*Orda*) – an organization, included on the Federal List of Extremist Organizations and banned in several regions – was also charged with illegal missionary work in the Chelyabinsk Region. The case against him was opened under the same Article 5.26 Part 4.

Of course, followers of the NRMs were prosecuted for illegal missionary work in other regions as well. For example, a follower of Falun Gong was fined in Yalta under the same article for distributing literature. In Simferopol, a follower of the Hare Krishna movement was fined for illegal missionary work, despite the fact that his charges pertained to organizing the procession, which took place with permission of the city administration. Thus, the Prosecutor’s Office also submitted to the Simferopol administration a motion regarding the violation of the law, demanding that the offender – that is, the employee, who issued a permit for the religious event – be brought to justice. Meanwhile, a teacher of the International Kabbalah Academy was fined for illegal missionary work in Sochi.

In one reported case, a member of a pagan organization faced responsibility for illegal missionary work. Natalia Kuznetsova, the head of the neo-pagan association Rodosvet in Naberezhnye Chelny, was fined for preaching at shrines, organized in the forest park area.

It should also be noted that the Constitutional Court of the Russian Federation rejected the complaint of the Salvation Army in Vladivostok that challenged the requirement to label materials, which a religious organization can potentially disseminate in the course of its missionary activity. The Constitutional Court

did not find Paragraph 3 of Article 17 of the law “On Freedom of Conscience and Religious Associations” and Part 3 of Article 5.26 of the Code of Administrative Offenses to contradict Article 28 and Article 55 of the Constitution of the Russian Federation, as asserted in the religious organization’s complaint.

### **Liquidation of religious organizations and denial of registration**

We recorded only one case of liquidation of a religious organization in 2017 that happened outside of the anti-extremist legislation framework. In October, the Naberezhnye Chelny City Court, based on the claim from the city prosecutor’s office, liquidated the centralized religious organization Union of Churches of Christians of Evangelical Faith in Tatarstan. The claim seeking its liquidation was filed after the inspection of the church building, which the employees of the Prosecutor’s Office and the regional Ministry of Justice had attempted to conduct on the day when no worship services had been scheduled, but found the door locked. On this basis, it was concluded that the organization does not carry out its activities. The facts that the organization regularly submitted reports, in accordance with the established requirements, and that cash flow occurred on its bank accounts, were ignored. The claim was considered without notification of the defendant and with no representatives of the defendant present. When the employees of the organization learned about the court decision, the appeal period had already passed, and the decision has entered into force.

The St. Maria of Gatchina Parish in the Leningrad Region, which is under the ROAC jurisdiction, experienced problems with registration. The regional department of the Ministry of Justice repeatedly denied registration to the community, several times in the course of the year, under the pretext that the documentation was filled out incorrectly. In this case, according to the parish priest, Archpriest Alexei Lebedev, the documents were filled out in accordance with the recommendations provided by the Head of the relevant unit of the Department.

### **Other forms of discrimination**

In October, the Blagoveshchensk Prosecutor’s Office conducted a survey of students of the College of Culture and Arts, enquiring whether their teachers attended the New Generation Church, whether they encouraged the students to attend this church, and whether they collected money for the church needs. The students were also expected to provide the names of the teachers known to attend the church.

In Arzamas, the Nizhny Novgorod Region, law enforcement officers interrupted the holiday religious service in celebration of the Trinity Sunday in an

Evangelical church. Ignoring the announced ban on filming and the pastor's request to leave the premises, they began video recording during the service and then questioned the parishioners, frightening the children. A few elderly believers needed medical help afterward. As a reason for their visit, the officers cited a complaint regarding the lack of a sign on the fence around the building.

As in the preceding years, officials often resorted to "anti-sectarian" rhetoric. "Anti-sectarian" conferences were held from time to time in a number of regions, usually supported by local authorities. In September, one of such "research and practice" conferences – "Destructive and Pseudo-Religious Organizations, Sects and Cults: Challenges and Solutions" – was held in the Yamal-Nenets Autonomous District government building in Salekhard. Its organizers included the District government, the Salekhard Diocese of the Russian Orthodox Church, and the Regional Spiritual Directorate of Muslims. In his welcoming address to the conference participants, Yamal-Nenets Governor Dmitry Kobylkin expressed his concern over the "*uncontrolled activity of various pseudo-organizations*," and suggested cultivating "*the sense of healthy patriotism*" and "*strengthening the spiritual immunity of citizens with the participation of traditional religious institutions*," as the most effective methods of fighting against them.

Participants of the Round Table on Religious Security in Nizhnevartovsk, attended by officials, law enforcement officers, and representatives of religious and public organizations, recommended that residents of the region report the activities of "*pseudo-religious*" organizations to the law enforcement.

The administration of the Trans-Baikal Region sent a letter to the heads of the rural and city districts of the region in March to call their attention to the surge in activity of Pentecostals, Baptists and Jehovah's Witnesses, and encouraged non-cooperation with representatives of these religious organizations.

Representatives of "traditional" religious organizations also encountered discrimination. For example, the Central District Court of Sochi annulled the permission of Sochi Chief Rabbi Arya Edelkopf for temporary residence in Russia. The appellate court upheld this decision. The decision was based on the assertion that the rabbi "*creates a threat to the security of the Russian Federation by his actions*," but neither the Migration Department of the Ministry of Internal Affairs of the Russian Federation for the Krasnodar Territory, nor the court specified the nature of the threat. The rabbi and his family, who had lived in Russia for 16 years, were made to leave the country.

In Novosibirsk, a district court annulled the residence permit of Catholic priest Janez Andrej Sever, a US citizen, who lived in Russia since the early 1990s and had a residence permit valid until 2019. The FMS Directorate canceled this

residence permit, claiming that the application for its extension had provided false information. False information consisted of the fact of studying in several universities in the United States in different modes of study, and the failure to mention the second citizenship of Slovenia – the country of origin of the Janez Andrej Sever's parents.

Cases of discrimination against Muslims, excluding the cases of misapplied anti-extremist legislation, appear to have decreased, although we have information on some incidents of police interference. For example, in April, the police cordoned off the mosque in Naro-Fominsk, the Moscow Region, and checked the identifications of the attendees. According to the believers, "*people were loaded into buses without explaining the reasons; there are parishioners with children among the detainees*."

### Positive resolutions

Believers, including those accused of "illegal" missionary work, quite often managed to successfully challenge the discrimination in court. For example, the Smolninsky District Court of St. Petersburg discontinued the proceedings in the case of Dmitry Ugay, charged with illegal missionary work for his lecture on yoga given at the Vedalife city festival in 2016. The representative of the Ministry of Internal Affairs, who had initiated the case, tried to appeal the decision on its dismissal, but the court refused to satisfy his complaint.

In Yekaterinburg, the case against yet another follower of the Hare Krishna movement, Aleksei Pomazov, was also closed due to absence of *corpus delicti*. The charges of illegal missionary work against him related to the New Year procession, during which he was dressed as Santa Claus, and his assistants – as Snow Maidens. Religious literature was distributed in the course of the procession. Although, according to the Prosecutor's Office, the literature was not properly labeled, the leader of the religious community actually had a permit to conduct missionary work.

Andrei Puchkov, a follower of the Hare Krishna movement from Tver, successfully appealed two rulings of a Magistrate court that had fined him for illegal missionary work under Article 5.26 part 4 of the Code of Administrative Offenses. In Nizhny Tagil, the case under same article against six Protestants was also closed.

A similar case against a taxi driver, who had distributed Pentecostal evangelistic pamphlets "Gaisa Christ our Savior" in Tatar and Russian, was closed in Nizhnekamsk. The court took the side of the believer and his lawyer, who insisted that the taxi driver had not conducted missionary activity in this manner, but had simply shared personal religious beliefs.

Pentecostal Pastor V. Schmidt from Ulyanovsk managed to appeal his fine of 30 thousand rubles, levied under Article 5.26 Part 3 for distributing the literature that had not been properly labeled. The Supreme Court of the Russian Federation rescinded the fines and ordered to return the seized literature.

The following cases related to violations of the migration legislation were also terminated: the Samara case against the local religious organization of the Church of Jesus Christ of Latter-day Saints (Mormons), and the case in Moscow against Joseph Khersonsky, the Rabbi of Sredi Svoikh [Among Our Own] Hasidic synagogue.

In addition, the Romodanovsky District Court of the Republic of Moravia recognized as illegal the infamous order of the Belozerye Village School principal that prohibited teachers from wearing Muslim scarves during classes. The reprimands, issued to teachers for wearing headscarves, were also nullified.

The European Court of Human Rights communicated the complaint of Alexei Kolyasnikov, leader of the Community of Christians (a group of evangelical Christians in Sochi), who challenged the fine imposed on him in 2014 for reading the Bible in a café.

## Insufficient Protection against Defamation and Attacks

We know of only three attacks on the basis of religious hatred in 2017 (vs. 21 in 2016). However, it would be a mistake to declare that the level of religious violence has fallen so dramatically. Such a sharp decrease in the number of the incidents is due to our lack of information – after the ban against the centralized and local organizations of Jehovah’s Witnesses – regarding attacks against their followers; and it was the Witnesses who used to be the prime target of attacks in the preceding years.

Nevertheless, two of the three reported incidents still involved Jehovah’s Witnesses. A woman from Nikonovskoye village in the Moscow Region attacked a 56-year-old preacher, hit her on the head with a glass jar, and scattered the contents of her bag, while shouting threats. The victim was taken to a hospital with a head injury. Another preacher was attacked by a building resident in Moscow, who pushed her so hard that she fell down on a stairway landing, breaking her tablet computer. Since the majority of the known acts of religiously motivated vandalism also pertain to Jehovah’s Witnesses, and given the high degree of the “anti-sectarian” sentiment in society, we can assume that such attacks were, in fact, much more numerous.

The third attack was committed against a Muslim woman (no such attacks were documented in 2016). Four young people in a minibus in Saransk attacked a passenger in a head scarf and began to insult her; one of the attackers tried to

hit her with a bottle. One of the passengers got involved to protect the young woman and, as a result, was injured in a fight.

The number of acts of vandalism motivated by religion remained at about the same level as in 2016, when we recorded at least 29 incidents (vs. 30 in 2017). The largest number of incidents – at least 14 (vs. 9 in 2016), including 3 cases of arson, is related to Jehovah’s Witnesses. Moreover, the first of these acts of vandalism occurred just a few hours after the decision to ban their centralized organization – the building of Jehovah’s Witnesses in St. Petersburg was blocked by cars and pelted with rocks. Attacks against the property of Witnesses were also reported in the Republic of Komi, Udmurtia, the Krasnoyarsk Region, Voronezh, Irkutsk, Moscow, Rostov, the Tula Region, and in other regions.

Sites and objects pertaining to Orthodox Christianity take the second place with at least 11 incidents of vandalism (vs. 10 in 2016), two of them arson. Prayer crosses were damaged in four of these, a chapel in one, a church fence in one, and the rest pertained to church buildings. Notably, one of these cases can be viewed as a reaction to the court proceedings against blogger Sokolovsky – the vandals left the graffiti “*For Pikachu!*” at the Yekaterinburg Church on the Blood.

Protestant objects were attacked by vandals at least twice, (no incidents in 2016). We view both of these cases as quite dangerous, although, fortunately, no one was injured: a fake explosive device was planted at the Lutheran church in Voronezh, and a vandal pelted the Source of Power Pentecostal Church with rocks.

In addition, we know of vandalism against Jewish and pagan sites – one incident in each case (vs. 5 and 0 respectively in 2016). Several Molotov cocktails were thrown at the building of the Federation of Jewish Communities of Russia in Moscow, but the damage was minor and limited to the façade. A neo-pagan shrine was destroyed in Yanino, St. Petersburg.

Federal and regional media outlets continued to periodically publish defamatory materials about religious organizations. As in 2016, such publications were most often related to the NRMs and Protestant organizations. The ban against Jehovah’s Witnesses triggered a wave of “anti-sectarian” materials.

Unfortunately, similar materials also continued to appear on federal TV channels. For example, in September, several regional episodes of the Vesti show contained “anti-sectarian” stories. In particular, Vesti-Yamal publicized the above-mentioned “science and practice” conference in Salekhard and expressed the position of its participants, who viewed “*pseudo-religious organizations, sects and cults*” as a threat. The Stavropol TV channel presented the True Orthodox Church (CPI) as a “*sect*” that had “*spread out its networks throughout the North Caucasus.*” The credits referred to the parishioners as

“members of the sect,” the missionary activity of the CPI was characterized as “recruitment,” and other offensive statements were made with respect to the group. A priest of the Russian Orthodox Church was invited as an expert; he declared that involvement with the CPI could lead to serious psychological problems and would require rehabilitation.

On their Conspiracy Theory show in October, Zvezda TV network broadcasted a documentary with the revealing title “Espionage Disguised as Religion.” Its authors, using Scientologists and Jehovah’s Witnesses as examples, argued that “many representatives of religious minorities, which are, in fact, sects, are closely associated with the US intelligence services.” The film mentions Mormons in the negative context as well. Similarly to other suchlike films, it presents Ukraine as a negative example of an intervention by the “sects;” according to the authors, Jehovah’s Witnesses had actively participated in “the Maidan events.” Among the invited experts were a “sectologist” Alexander Dvorkin and Head of the Religious Studies Department Larissa Astakhova. The latter, according to the film’s creators, “had the courage to conduct an honest and objective examination of the Scientologists’ teeming activity,” and, “in revenge,” the Scientologists put her under surveillance.

Astakhova’s expert opinion, supported by Sergei Ilyinsky – another religious studies scholar, the Deputy Head of the Civil Society Development Department of the Administration of the Head and the Government of Udmurtia – was cited by the SM News, which published a defamatory article “Without Witnesses. What happens to the Jehovah’s Witnesses organization in Udmurtia?” This material, more restrained and scientific in its tone, in comparison with those mentioned above, nevertheless unambiguously encourages a reader to form the negative image of Jehovah’s Witnesses.

Jehovah’s Witnesses also expressed their indignation with regard to the article “From Heaven to Earth” published by the *Obshchaya Gazeta* newspaper in October. According to the believers, the article could “incite hatred on the basis of attitudes towards religion and lead to a stream of violations of the rights of innocent people.” The article used insulting and pejorative language in relation to believers, such as “patronizing the sect,” “run their shady dealings through Jehovah,” “clog the brains,” and “take Witnesses by the scruff of their necks.” In addition, the article abounded with statements about this organization that were not consistent with reality.

Regional newspapers also published “anti-sectarian” materials. In April, the *Arctic Circle* newspaper in Salekhard published an article “God, Sectarians and Intelligence Services,” discussing the activities of some religious organizations in Yamal-Nenets Autonomous District. The author put forward a series of accusations against these organizations, describing the ways “Baptists, Je-

hovah’s Witnesses, Evangelical Christians, True Christians, neo-Pentecostals and others recruit their supporters,” and “bring the peoples of the Far North to degeneration.”

It is worth noting that *Snob*, an online magazine never previously involved in this campaign, also produced an “anti-sectarian” material. In November, it published a compilation of testimonies from former members of religious organizations, designated as “sects” by the author. These testimonies were intended to prove that staying in such organizations is dangerous for physical and mental health, the finances and the family relationships. The publication was not accompanied by an editorial commentary, so the editorial board appeared to agree with the author of the material.

In some cases, the “stars” of such materials tried to protect themselves and occasionally managed, at least, to achieve public condemnation of the authors of these defamatory publications. For example, in June, the Public Collegium on Press Complaints issued a decision on the complaint by the Environmental Rights Center Bellona against the story on Mormons, produced by the Fifth Channel TV, which contained negative false statements about Mormons. The Collegium recognized the show as propaganda and a violation of the human rights in the sphere of mass information.

It should be noted that, despite the abundance of “anti-sectarian” materials, undoubtedly influencing public moods, we observed almost no grassroots activity directed against “non-traditional” religious associations.

## Crime and punishment statistics

### Statistics of Racist and Neo-Nazi Attacks in Russia (with categorization of victims)

Data as of February 20, 2018

Year	2004		2005		2006		2007		2008		2009	
	K	B	K	B	K	B	K	B	K	B	K	B
<b>K – killed, B – Beaten, wounded</b>												
<b>Total*</b>	<b>50</b>	<b>219</b>	<b>49</b>	<b>419</b>	<b>66</b>	<b>522</b>	<b>94</b>	<b>625</b>	<b>116</b>	<b>501</b>	<b>94</b>	<b>443</b>
Dark-skinned people	1	33	3	38	2	32	0	34	2	26	2	59
People from Central Asia	10	23	18	35	17	60	36	95	57	133	40	92
People from the Caucasus	15	38	12	52	15	72	27	77	22	71	18	78
People from the Middle East and North Africa	4	12	1	22	0	11	1	22	0	15	0	2
From other countries of Asia	8	30	4	58	4	52	9	76	9	40	14	37
Other people of “non-Slav appearance”	2	22	3	72	4	69	9	67	13	57	9	62
Members of subcultures, anti-fascists and leftists	0	4	3	121	3	119	8	174	3	103	5	77
Homeless ***	-	-	-	-	-	-	1	3	4	1	4	0
Ethnic Russians ***	-	-	-	-	-	-	0	22	3	12	0	7
Jews ***	-	-	-	-	-	-	0	9	0	6	0	3
Religious groups ***	-	-	-	-	-	-	0	9	0	6	1	2
LGBT ***	-	-	-	-	-	-	0	7	1	6	0	0
Others or not known	10	57	5	21	21	107	3	30	2	25	1	24

\* Murders or attacks on homeless people, which we or the law enforcement bodies suspect to be committed by an ideological motive, are included in the tables since 2007. Besides that, we know about 10 murdered homeless people in 2004, 5 murdered and 4 beaten in 2005, and 7 murdered and 4 beaten in 2006. Ethnic Russians, Jews, Religious groups and LGBT were included into Others before 2007. We have not included victims of death threats. In 2010 we have reports about 6 persons who received such threats and in 2011 – 10, in 2012 – 2, in 2013 – 3, in 2014 – 2, in 2015 – 4, in 2016 – 8.

2010		2011		2012		2013		2014		2015		2016		2017**	
K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B
<b>44</b>	<b>421</b>	<b>27</b>	<b>213</b>	<b>20</b>	<b>196</b>	<b>24</b>	<b>206</b>	<b>36</b>	<b>134</b>	<b>12</b>	<b>96</b>	<b>10</b>	<b>82</b>	<b>6</b>	<b>65</b>
1	28	1	19	0	26	0	7	0	15	0	6	1	0	1	0
20	86	10	38	8	38	15	62	14	30	5	7	2	24	0	11
5	45	8	18	4	15	3	28	3	14	0	8	2	1	0	3
0	2	0	5	0	2	0	1	0	6	1	3	0	0	0	0
3	19	0	15	0	5	0	7	1	5	0	2	1	4	0	3
7	104	1	26	1	15	0	32	2	8	0	10	2	8	0	5
3	67	1	40	1	57	0	7	0	16	0	17	0	9	3	18
1	3	3	3	6	2	2	3	13	1	3	8	1	1	2	1
1	8	1	9	0	5	0	3	0	5	0	0	0	4	0	2
0	3	1	2	0	0	0	2	0	1	2	1	0	3	0	0
0	22	0	24	0	10	0	21	2	12	0	18	0	20	0	3
0	3	0	3	0	12	2	25	0	9	0	9	1	4	0	11
3	31	1	11	0	9	2	8	1	12	1	7	0	4	0	8

\*\* The data is still far from complete.

\*\*\* This table reflects not the “actual identity” of victims, but rather the identity given to them by the attackers. In other words, if a Slavic person was taken for a Caucasian, he would be registered in the category “people from the Caucasus”. This table does not include victims in Republics of North Caucasus and victims in Crimea prior to 2016.

### Guilty Verdicts for “Crimes of an Extremist Nature”

In addition to the incitement to hate and crimes, the substance of which is directly related to the concept of “extremism,” this table also includes sentences for hate crimes.

We can evaluate the sentences as a fully or largely appropriate, or as a fully or largely inappropriate; sometimes, we are unable to determine the extent of its appropriateness. Three numbers in each column refer to sentences that we consider appropriate, inappropriate and undetermined, respectively.

Year	Number of convictions			
	Against persons	Public incitement	Against property	Participation in a group*
2004	9/0/0	3/0/0	-***	3/2/0
2005	17/0/0	12/1/0	-	2/4/8
2006	33/0/0	17/2/0	-	3/1/3
2007	23/0/0	30/1/1	3/0/0	2/0/8
2008	36/0/0	49/2/1	6/0/0	3/0/4
2009	52/0/1	58/3/0	10/0/0	5/12/2
2010	91/0/0	76/8/3	12/0/1	9/7/6
2011	62/1/3	76/6/1	9/0/0	12/7/7
2012	32/2/2	91/3/1	6/0/0	4/8/2
2013	32/1/0	133/7/9	8/0/0	7/8/6
2014	22/0/4	154/4/5	4/0/0	6/8/10
2015	24/1/0	205/14/8	9/1/0	10/15/3
2016	19/2/0	181/16/5	5/1/0	6/21/2
2017**	10/0/0	212/15/11	3/0/1	5/25/1

\* This refers to participation in an “extremist community” or an “organization, banned for extremism,” or similar anti-terrorism articles.

Data on sentences issued to members of a number of Islamic organizations has been only partially tabulated at this time.

\*\*The data is still far from complete.

Year	Number of offenders convicted and punished			
	Against persons	Incitement	Against property	Participation in a group*
2004	26/0/0	3/0/0	-	3/2/0
2005	56/0/0	15/2/0	-	2/18/19
2006	109/0/0	20/2/0	-	15/1/3
2007	65/0/0	41/0/5	5/0/0	4/0/27
2008	110/0/0	70/3/0	7/0/0	10/0/14
2009	130/0/2	77/4/0	19/0/0	9/25/2
2010	297/0/0	87/9/5	21/0/1	34/7/14
2011	194/4/7	84/7/1	15/0/0	26/12/19
2012	68/4/3	96/10/1	7/0/0	7/22/10
2013	55/1/0	126/7/10	10/0/0	8/16/11
2014	47/0/6	153/4/7	6/0/0	14/21/22
2015	58/1/0	206/15/8	14/1/0	24/43/6
2016	42/2/0	192/16/5	4/1/0	19/39/0
2017**	23/0/0	228/15/13	5/0/1	7/69/3

  

Year	Convicted offenders who received suspended sentences or were released from punishment			
	Against persons	Against property	Public incitement	Participation in a group*
2004	5/0/0	-	2/0/0	9/0/0
2005	5/0/0	-	6/0/0	17/0/0
2006	24/0/0	-	7/1/0	33/0/0
2007	18/0/0	2/0/0	12/0/0	23/0/0
2008	21/0/0	6/0/0	27/3/0	36/0/0
2009	35/0/1	8/0/0	35/1/0	52/0/1
2010	120/0/0	5/0/1	38/5/4	91/0/0
2011	75/4/1	4/0/0	34/2/1	62/1/3
2012	11/0/2	1/0/0	21/5/0	32/2/2
2013	15/0/0	1/0/0	17/3/3	32/1/0
2014	7/0/1	0/0/0	16/2/0	22/0/4
2015	12/0/0	2/0/0	42/5/3	7/1/0
2016	5/0/0	0/1/0	86/9/2	13/1/0
2017**	1/0/0	0/0/0	112/5/9	4/6/0

\*\*\*The hyphen means that the data for this period has not yet been collected.