

A collection of annual reports

# **Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2019**

SOVA Center for Information and Analysis

Moscow, 2020

X44 **Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2019: A collection of annual reports by the SOVA Center for Information and Analysis** [Kravchenko Maria, Sibireva Olga, Yudina Natalia / Ed. by Verkhovsky Alexander] – Moscow: SOVA Center, 2020. – 132 pp.: tables, graphs

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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 2019.

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”.

Starting from 2017, 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 24, 2020.

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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.



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The SOVA Center website, which includes publications and news, can be found at <http://sova-center.ru>

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# Criminal Activity of the Ultra-Right. Hate Crimes and Counteraction to Them in Russia in 2019

This report by SOVA Center is focused 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> and on the efforts by the state to counteract them.

## Summary

According to the monitoring data of SOVA Center, the number of racist and neo-Nazi-motivated attacks decreased in 2019, although the share of murders went up. The primary victim group is, as before, “ethnic outsiders”, and the share of this group in the total number of victims has also increased.

Last year, there were two incidents of criminal nature that caused mass unrest under xenophobic slogans. The most notable of them were the anti-Roma acts in the Chemodanovka village of the Penza region. For the first time in many years, we learned about organized groups of ethnic minorities – the Yakut “Ooss Tumsuu” and the Azerbaijani VBON (“Vo Blago Obschego Naroda”, For the Good of the Common People).

The number of attacks on members of the LGBT community and on those deemed as such also increased in the past year, while the number of attacks on “ideological opponents”, including those who were viewed as “national-traitors”, significantly declined. The pro-Kremlin group SERB remains active, but its activity is tempered; in 2019, its members refrained from physical attacks almost entirely, limiting themselves to verbal assault.

Instances of damage to buildings, monuments, cemeteries, and various cultural sites, motivated by religious, ethnic, or ideological hatred are less frequent than before. However, as is the case with violence, the proportion of dangerous acts – explosions and arson – has increased in the past year. The number of desecrations of religious sites remained approximately the same.

1. 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>). Alexander Verkhovsky. 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>).

First and foremost, the number of attacks on ideological sites and objects has decreased.

As for the practice of law enforcement for hate crimes, the number of convictions in 2019 was down, which correlates with the decreasing rate of assaults. The quality of the efforts to combat hate crimes is debatable: on the one hand, members of well-known neo-Nazi groups such as Stolz Khabarovsk went behind bars last year. On the other hand, the proportion of suspended sentences for hate crimes started to grow again.

We are seeing a decrease in the criminal activity of the ultra-right, but we are also seeing a growing share of more dangerous violence. In addition, there is reason to believe that hate crimes have become even more latent. We cannot say that ideologically motivated violence is going away, so law enforcement agencies have plenty of work to do in this direction.

## Systematic Racist and Neo-Nazi Violence

In 2019, at least 45 people became victims of racist and other ideologically motivated violence; at least five of them were killed and the others were injured or beaten; two people received death threats. Unfortunately, these numbers do not cover the whole country and do not include victims in the republics of the North Caucasus and Crimea, where our methods are, regrettably, not applicable. The number of people killed increased in 2019 compared to the previous year, although the total number of hate-motivated attacks is decreasing: in 2018, four people died and 55 were injured or beaten.<sup>2</sup> Of course, our data is quite incomplete, especially for the last year, as we often do not find out about crimes until much later.<sup>3</sup> Unfortunately, we cannot compare our numbers with official or any other data because no statistics on hate crimes exist in Russia.

Information about such crimes is becoming more fragmented with every passing year. For a while now, the way the media has been describing crimes has been making it impossible to determine whether they were motivated by hatred. More often than not, the media simply does not report such incidents.

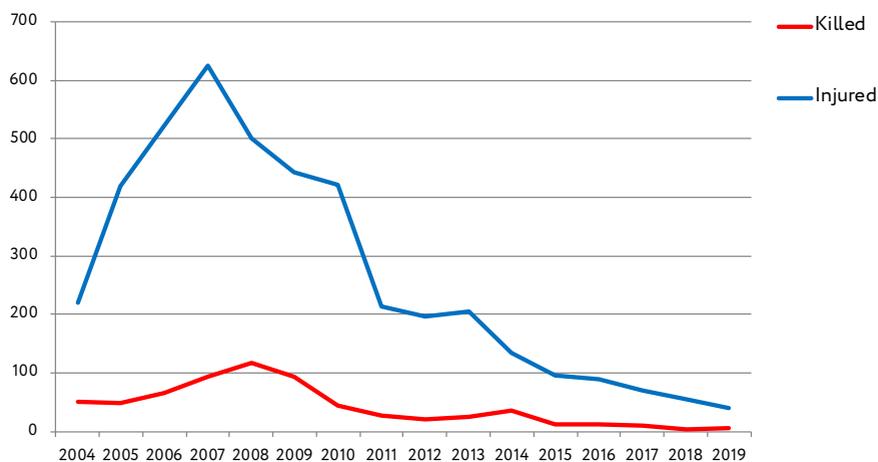
2. Data for 2018 and 2019 is provided as of 22 January 2020.

3. In a similar report for 2019, we mentioned four dead and 53 injured and beaten. See: Natalia Yudina. Far-Right and Arithmetic: Hate Crime in Russia and Efforts to Counteract It in 2018 // Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2018. Moscow: 2018. P. 6-25 (available on the SOVA Center website: <https://www.sova-center.ru/files/books/pe19-text.pdf>).

The victims rarely, if ever, turn to social organizations, let alone the police, rightly apprehensive of getting in trouble with the law enforcement agencies. The attackers, who merely a few years ago used to fearlessly publish videos of their “acts”, have become more cautious. But even if such videos do appear, it is often not possible to verify their authenticity and establish the time and place of the attack. For example, on 31 December 2019, an ultra-right Telegram channel wished everyone a Happy New Year by publishing a video showing a series of arson attacks and beatings of people in the streets and in train cars, two of the attacks involving use of knives. The video ended with a young man wearing a mask writing “Happy New Year NS/WP” on the wall and raising his hand in a Nazi salute. From this video, it is absolutely impossible to establish where and when these acts were committed.

As a result, in no way does our data reflect the true scope of what is happening. But since our methodology has not changed since the start of the data collection, we are able to see the dynamics and can state that, compared to the events of a decade ago, the progress is undeniable.

**Chart 1. Trends in Hate-Motivated Attacks and Killings (2004–2019)<sup>4</sup>**



In the past year, we have recorded attacks in 18 regions of the country (in 2018 – in 12 regions). Moscow (two killed,<sup>5</sup> 11 injured and beaten) and St.-Pe-

4. Here and below all the data in the charts is based on the monitoring by SOVA Center.

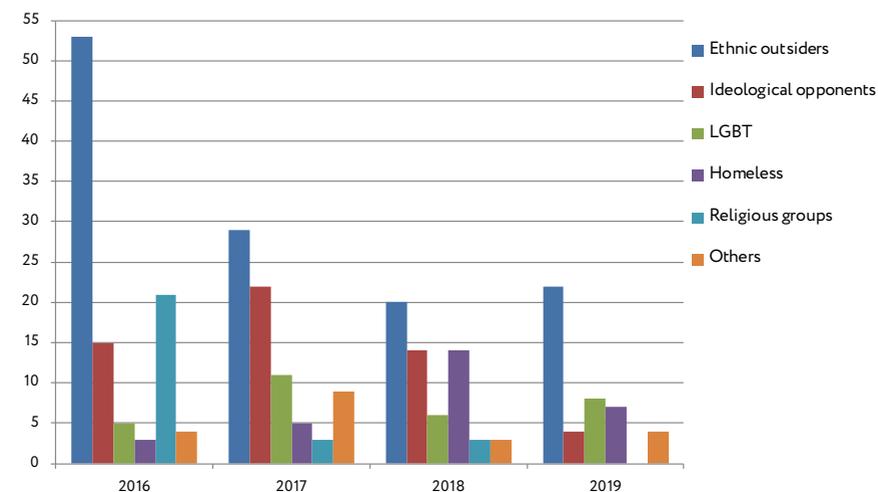
5. A year earlier, two people were killed.

tersburg (nine injured and beaten) traditionally lead in terms of violence level. A significant number of victims (three) was reported in the Sverdlovsk region.

In the past year, we have not recorded any hate crimes in the Kaluga, Kirovsk, Novosibirsk, Samara, and Tyumen regions. At the same time, assaults were reported in the regions where they have not been reported in the past year, namely, the Vologda, Voronezh, Leningrad, Nizhny Novgorod, Rostov, and Tula regions, Altai Krai, Primorsky Krai, Khabarovsk Krai, Sakha Republic (Yakutia), and Khanty-Mansi Autonomous Okrug.

According to our data, in the past ten years, in addition to Moscow, St. Petersburg, and the Moscow region, crimes have been recorded practically annually in the Volgograd, Voronezh, Kaluga, Kirov, Kursk, Leningrad, Nizhny Novgorod, Novosibirsk, Omsk, Rostov, Samara, Sverdlovsk, and Tula regions, Primorsky Krai, Krasnodar Krai, and Khabarovsk Krai. However, it is also possible that the media and the Prosecutor’s offices of these federal subjects are just better at covering the situation.

**Chart 2. Types of Victims of Ideologically Motivated Violence (2016 - 2019)**



## Attacks Against “Ethnic Outsiders”

Those whom attackers perceived as “ethnic outsiders” remain the largest group of victims, and their numbers have increased compared to the previous year. In 2019, we recorded 21 ethnically motivated attacks. In 2018, we reported 20 victims.

Victims in this category include natives of Central Asia (three killed, 11 beaten compared to two killed, three beaten in 2018) and Caucasus (one beaten, none reported in 2018) and individuals of unidentified “non-Slavic appearance” (three beaten compared to 12 in 2018); the latter were described by the eye-witnesses as “Asian” so, most likely, they too were natives of Central Asia.

Unfortunately, threats and violence by the police, including those made under xenophobic pretext, are not uncommon. Law enforcement officers harbor the same prejudices and biases as common citizens and often abuse their positions. But information about the details is almost always classified, making the analysis of the dynamics of motivated violence by the police force impossible. Only the most egregious cases become public knowledge, such as the December 2019 police raid in Khabarovsk, when more than a hundred migrants were beaten by the cops shouting xenophobic slurs such as “*Narrow-eyed, we are sick of you! Get out of here and don’t let us see you here again!*”<sup>6</sup>

We are aware of only one attack on a black man<sup>7</sup> that occurred throughout the past year (one person was killed in each of the years 2017 and 2018). However, it is likely that many more such attacks are happening, as the level of intolerance towards black people in Russia is quite high. This is clearly demonstrated by what happened in Stavropol, where some of the local owners simply refused to allow black patrons in their establishments. Egidio Nanga, a student from Angola, reported the situation and said that he and his friends had been repeatedly turned away from several restaurants and clubs, such as the Goldy club, the Forbs restaurant, and the Yes cafe.<sup>8</sup>

Attacks on Jews in Russia do not occur every year, although anti-Semitic rhetoric is still very visible in the right-wing segment of the Internet. Perhaps the reason for the low frequency of attacks is that it is difficult to visually distinguish Jews from others. Still, last year, one case of an anti-Semitic attack was reported in St. Petersburg.<sup>9</sup>

6. In Khabarovsk, police beat migrants while shouting xenophobic insults // SOVA Center. 2019. 23 December (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/12/d41885/>).

7. An African man beaten in Kudrov // SOVA Center. 2019. 16 January (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/01/d40524/>).

8. Stavropol. Obschepit [public catering] against African students // Kavkaz.Realii. 2019. 11 December. (<https://www.kavkazr.com/a/30319758.html>).

9. St.-Petersburg: musician beaten and insulted by taxi driver // SOVA Center. 2019. 20 May (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/05/d41032/>).

The 2019 poll by the Levada Center<sup>10</sup> showed that the Roma were the most unpopular ethnic group in Russia: the number of individuals wishing to expel them from the country exceeded 1.5 times the number of those supporting the expelling of Africans and natives of Central Asia.

The largest ethnically charged mass riots of 2019 were directed against the Roma. One person has been killed in a mass brawl that erupted on 13 June in the Chemodanovka village in the Penza region. The reasons for the fight are still unknown. According to some Penza media, it all started after the Roma had harassed a daughter or daughters of local residents; then several of them came to the Roma house to “set up a meeting”. Nadezhda Demeter, the head of the Federal National and Cultural Autonomy of Russian Roma, claimed that the incident had occurred because of a children’s quarrel, after which the villagers had come to the Roma house. In a mass brawl that occurred the next day at the pond, five people were injured. One of them, Vladimir Grushin, born in 1985, later died. There were no police in the village, and the clash was only stopped by riot police called in from the regional center. 174 people were taken to the internal affairs agencies for questioning and three Roma who had participated in the conflict were arrested. The following day, the local residents held a “people’s rally” and blocked a federal road, demanding the eviction of the Roma. On 15 June, a Roma house in a neighboring village of Lopatki went up in flames. After that, a message spread, citing the head of the village council, that all the local Roma had been forcibly removed by the authorities; this was promptly refuted by a spokesperson for the Penza region governor, but the Roma have really virtually disappeared from both villages.<sup>11</sup>

The events in the Penza region have elicited a massive response on social networks: there was talk of the start of “war” against the Roma and fake news reports alleging that the Roma had appointed July 1 as the day of revenge and were marching toward Chemodanovka with gasoline. Roskomnadzor even demanded that social networks delete the information about the conflict in the village, which the Prosecutor General’s Office had deemed false. For instance, VKontakte has blocked the “Chemodanovka on Fire” community “due to calls for violence”.

It was not only in connection with what had happened in Chemodanovka that threats against the Roma were spread on social networks. A Cossack community page and far-right pages in the VKontakte social network posted a photo of a Roma man with a link to his VKontakte page and a call to all Cossacks “*to give him the full treatment*”.

10. Monitoring of xenophobic sentiments // Levada-Center. 2019. 18 September (<https://www.levada.ru/2019/09/18/monitoring-ksenofobskih-nastroenij-2/>).

11. Anti-Roma riots in Chemodanovka // SOVA Center. 2019. 17 June (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/06/d41149/>).

Another major example of mass riots against migrants resulting from domestic violence is the protests in Yakutsk in March 2019, where the rape of an ethnic Yakut woman by migrants from Kyrgyzstan provoked a series of threats to migrants and the destruction of their vegetable stands.<sup>12</sup>

Very little is known about organized racist groups of ethnic minorities (like the Kyrgyz “Patriot” gang that would beat up Kyrgyz girls for allegedly going out with “non-Kyrgyz” young men).<sup>13</sup>

One such group surfaced in connection with the Yakutsk riots. “Us Tumsuu”, a local vigilante nationalist movement<sup>14</sup> that cooperates with the local authorities and advocates for conservative values, was suspected of being involved. For instance, in the first days of 2019, the members of the movement together with police raided Yakutsk nightclubs with the aim of intimidating the migrants and admonishing the Yakut girls, who, according to the activists, should “return to their own – the Yakut”.<sup>15</sup>

In 2019, yet another ethno-nationalist organization VBON, “Vo Blago Obschego Naroda” (For the Good of the Common People), came to light. This Azerbaijani movement that promotes traditional values and a healthy lifestyle became “famous” after videos of beatings and screenshots bearing threats to “those who insult the Azerbaijani people”, signed with the acronym VBON, spread via social networks and a Telegram channel. Assaults and threats committed in Russia<sup>16</sup> were motivated by the hatred toward both the Armenians and “the insulters” of the Azerbaijanis.<sup>17</sup>

In addition to the above-mentioned, 2019 witnessed assaults on other “ethnic outsiders” under xenophobic slogans. For example, a student from India was beaten in Barnaul and a resident of Kalmykia – in Volgograd.

12. Anti-migrant protests in Yakutsk. Restrictions introduced on the employment of foreigners // SOVA Center. 2019. 19 March (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/03/d40783/>).

13. Vera Alperovich, Natalia Yudina. The Ultra-Right in the Streets: Pro-Democracy Poster in Their Hands or a Knife in Their Pocket. Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2012 // Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2012. Moscow: 2013. P. 5-60 (available on the SOVA Center website: <https://www.sova-center.ru/files/books/pe13-text.pdf>).

14. Officially registered as the Center for Civic-Patriotic Education of Youth in Sakha Republic “Tri”.

15. Taisiya Bekbulatova. The People is Sleeping Like a Bear – Do Not Wake It // Takie Dela. 2019. 5 April (<https://takiedela.ru/2019/04/narod-spit-kak-medved/>).

16. At least one attack by the members of VBON on four gay men in Baku on August 6 has also been reported.

17. Attacks and threats by the VBON movement // SOVA Center. 2019. 25 October (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/10/d41622/>).

## Attacks against the LGBT

The number of attacks against the LGBT community was higher than in the preceding year – one killed,<sup>18</sup> seven injured and beaten (vs. one killed and five injured and beaten in 2018). There are no official statistics in Russia on victims of violence against the LGBT. As before, we have to emphasize that our data is minimal and the true level of homophobic violence is unknown. In 2019, the victims were comprised primarily of pickets or participants of other events associated with the LGBT; but there were also street attacks on individuals who were mistaken for the LGBT due to their appearance, as happened in Yekaterinburg when a group of aggressive young men attacked a man they suspected of being gay<sup>19</sup> and in St.-Petersburg when the girls mistaken for lesbians were beaten.<sup>20</sup>

The murder of activist Elena Grigorieva in St. Petersburg on the night of July 19 was widely reported in the media. Grigorieva, who was openly bisexual, was an LGBT rights activist prominent in the St.-Petersburg LGBT movement. Her name was on the hit list published on the website of the homophobic group “Pila” (“Saw”).<sup>21</sup> Grigorieva was also receiving threats from the well-known St.-Petersburg homophobic activist Timur Bulatov and some nationalists. She contacted the police more than once because of the threats but “there was no reaction whatsoever [on behalf of the law enforcement agencies]”. Yet, at the time of the report’s writing, the main version of the murder is drunken homicide. Police have detained a suspect, with whom, according to investigators, the activist had had a personal conflict that had led to her death.<sup>22</sup>

In addition to physical assault, the LGBT activists regularly face threats from anti-gay individuals and right-wing radicals of all sorts. For example, threats from Bulatov have continued even after Grigorieva’s murder, with Karolina Kanaeva, an activist from Saransk, being one of the recipients.<sup>23</sup> On July 1, the

18. The brutal murder of transgender woman Nika Surgutskaya. For additional information see: Kursk: brutal murder of transgender woman // SOVA Center. 2019. 24 April (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/04/d40936/>).

19. A homophobic attack in Yekaterinburg // SOVA Center. 2019. 16 September (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/09/d41469/>).

20. Several young men attack a group of girls, mistaking them for lesbians // SOVA Center. 2019. 10 December (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/12/d41822/>).

21. Ksenia Morozova. Pila Against LGBT: What Is Known About the Homophobic Movement That Is Believed to Have Been Involved in the Death of Elena Grigorieva // Sobaka. 2019. 24 July (<http://www.sobaka.ru/city/society/94002>).

22. Activist Elena Grigorieva is murdered. Suspect arrested // SOVA Center. 2019. 23 July (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/07/d41276/>).

23. After the murder of Elena Grigorieva, her friend receives threats // OVD-info. 2019. 27 July (<https://ovdinfo.org/express-news/2019/07/25/posle-ubiystva-eleny-grigorevoy-ee-znakomoy-postupayut-ugrozy>).

above-mentioned “Pila” group published a hit list of the activists that it was threatening. On July 17, the LGBT Resource Center in Yekaterinburg received a letter signed by “Pila” demanding the Center’s shutdown by the end of July and the transfer of its funds to the charity “Podari Zhizn” [Gift of Life].<sup>24</sup>

National Conservative Movement (NKD), led by Valentina Bobrova and Mikhail Ochkin, was very actively engaged in anti-gay acts throughout the past year. Together with Archpriest Vsevolod Chaplin, NKD opposed “*the LGBT lobby and anti-Christian trends’ offensive against Russia*” by holding various anti-gay actions and pickets. And on August 28 in Moscow, a play at Teatr.doc about the situation of homosexuals in Russia was disrupted by NKD, the pro-Kremlin SERB group, and the National Liberation Movement (NOD) activists.<sup>25</sup>

## Attacks against Ideological Opponents

In 2019, the number of attacks by the ultra-right against their political, ideological, or “stylistic” opponents – four beaten – decreased significantly compared to the 19 beaten in previous year of 2018.<sup>26</sup> Both a politicized representative of youth subculture (anti-fascist) and an apolitical rapper are among the victims.

This group also includes the individuals perceived to be “a fifth column” and “traitors to the Motherland”, mainly the protesters assaulted by the SERB (South East Radical Block) group, led by Igor Beketov (aka Gosha Tarasevich).<sup>27</sup>

Generally, the last year’s acts of the pro-Kremlin SERB group were very visible. Fortunately, there were virtually no serious assaults; the activists have limited themselves to provocations, verbal insults, and shouts at the protesters. In particular, in February, they disrupted the screening of the film “Prazdnik”, or “Holiday”, at the Memorial Society; in April, they interfered with the members of the action group “Against Torture and Discrimination”, led by Lev Ponomarev, that were holding a series of solitary pickets in front of the FSB building and in Manezhnaya Square in support of those detained in the Net-

24. Yekaterinburg LGBT Resource Center About Threats of Violence by “Pila” // The Village. 2019. 17 July (<https://www.the-village.ru/village/city/news-city/356591-lgbt-ugroza>).

25. NKD (National-Conservative Movement), SERB, and NOD (National Liberation Movement) disrupt Teatr.doc play // SOVA Center. 2019. 29 August (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2019/08/d41410/>).

26. Attacks of this type peaked in 2007 (7 killed, 118 injured); the numbers have since been steadily declining. After 2013, trends have been unstable.

27. For more details see: Vera Alperovich, Natalia Yudina. Pro-Kremlin and Oppositional – with the Shield and on It: Xenophobia, Radical Nationalism and Efforts to Counteract them in Russia during the First Half of 2015 // SOVA Center. 2015. 31 August (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2015/08/d32675/>).

work (“Set”) case; finally, in December, they tried to prevent an opposition rally in Pushkinskaya Square.

The theme of threats by the ultra-right remained relevant throughout the year. Photos and personal data of anti-fascists, left-wing activists, independent journalists, and law enforcement officers, accompanied by threats, were published on the social media pages of the far-right organizations and groups. Photos of “traitors”, that is, the far-right individuals who testified against former “associates” in trials, also appeared in social networks.

## Other Attacks

In 2019, we have recorded seven attacks on the homeless (one killed, six injured), which is twice as low as in the previous year (one killed, 13 injured in 2018). However, we believe that the number of such attacks was much higher since the homeless are perhaps the least protected from aggression and violence. Our statistics only include the incidents where investigation had already established hate as a motive, as happened in Nizhny Novgorod, where four young men were detained for killing a homeless man out of “*the motive of hate for the socially disadvantaged segments of the population*”.

We are not aware of any religious hate attacks committed in 2019.

Jehovah’s Witnesses, who previously made up the vast majority of the victims of these attacks, do not report attacks anymore. It is possible that, after their properties had been seized and their missionary activities banned, they have become less visible and the frequency of attacks on them has indeed decreased. However, the repressive campaign against this religious group cannot leave no trace: for instance, at the end of December 2019, the car belonging to the resident of the Sukhobuzimskoye village of Krasnoyarsk Krai Kirill Mikhailin had its windshield smashed and a handwritten note with profanities against Jehovah’s Witnesses was thrown inside the car. Mikhailin states that his family has been receiving threats because of their religion throughout the whole past year.<sup>28</sup>

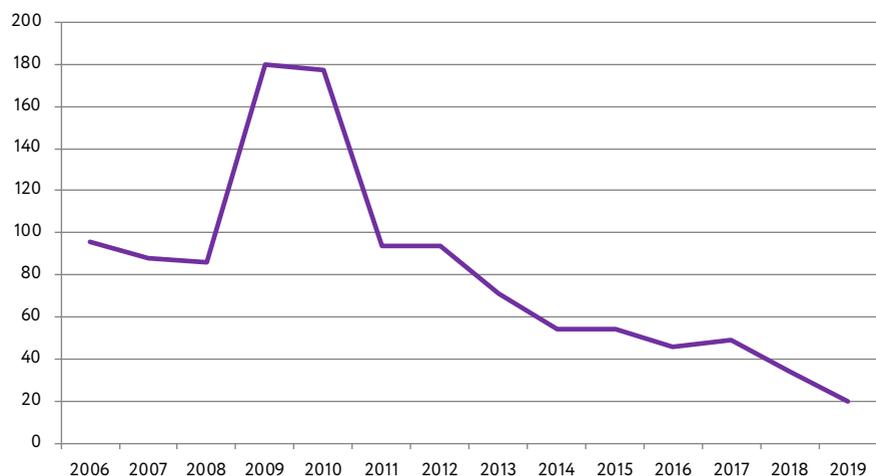
Our statistics customarily include those who tried to intervene and protect the victims. For example, during the above-mentioned homophobic attack in Yekaterinburg, two passersby were injured when they went to the aid of the man who was being attacked.

28. In Krasnoyarsk Krai, vandals smashed the windshield of the car belonging to a Jehovah’s Witness and threw in a note with profanities // SOVA Center. 2020. 9 January (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2020/01/d41917/>).

## Crimes against Property

Crimes against property include damage to cemeteries, monuments, various cultural sites, and property in general. They are categorized under several different articles of the Criminal Code, but the enforcement is not always consistent. Such acts are usually referred to as vandalism, and we used to apply this term, too, before rejecting it two years ago, as the term “vandalism”, be it in the Criminal Code or everyday language, clearly does not encompass all possible types of damage to property.

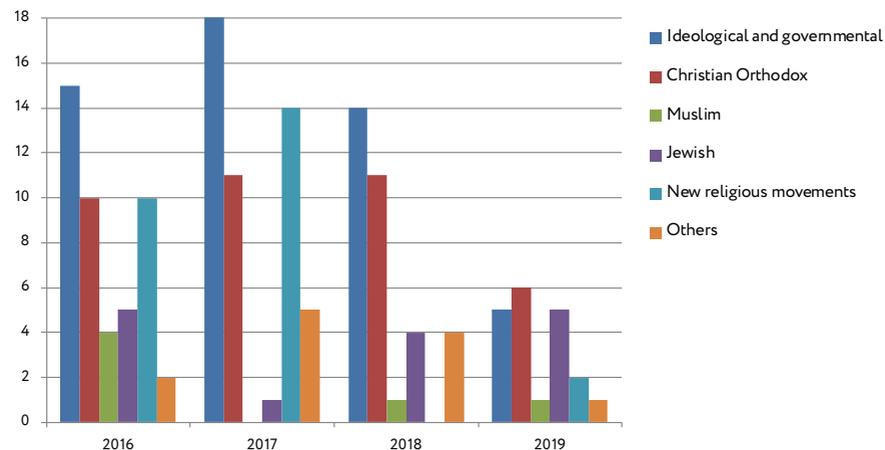
**Chart 3. Trends in Crime against Property (2006–2019)**



Compared to 2018, 2019 witnessed a significant decrease in the number of religious, ethnic, or ideological hate crimes against property: at least 20 in 17 regions in 2019 vs. at least 34 in 23 regions in 2018. Our statistics does not include isolated cases of neo-Nazi graffiti and drawings on buildings and fences but it does include serial graffiti (law enforcement considers graffiti to be either a form of vandalism or a means of public statement).

The number of ideological sites and objects damaged in 2019 was also lower – 5 vs. 14 in 2018. In the past year, monuments to victims of World War II, Sino-Soviet Friendship Monument, and Memorial to Rapper XXXTentacion have been damaged.

**Chart 4. Desecrated Religious and Ideological Sites (2016–2019)**



As before, most of these acts target religious sites and objects. Russian Orthodox churches and crosses were the most frequent target of desecration (six incidents in 2019 vs. 11 in 2018). Jewish sites come in second with five instances (four in 2018). New religious movements experienced two incidents of building damage (none reported in 2018). Muslim and Catholic sites and objects had one incident each; in 2018, one act of desecration against a Muslim site was reported, and none against Catholic sites.

On the overall, the rates of attacks against religious sites have gone down from 30 in 2017 and 20 in 2018 to 15 in 2019. On the other hand, the share of the most dangerous acts – arson and explosions – has increased to 30%, or 6 out of 20 (in 2018, it was 7 out of 35). The highest-profile attack came on May 16 when the People’s Resistance Association (ANS) assaulted the patriarchal residence in Chistiy pereulok in Moscow. ANS members placed a banner that said “Apologize for EKB” (EKB stands for “Yekaterinburg”) on the gates and threw smoke bombs onto the grounds, which also house the office of the Moscow Patriarchate. The attack was in support of protests against the construction of a new church on the site of a park in Yekaterinburg.<sup>29</sup>

The regional distribution has changed noticeably throughout the year. In 2019, this type of crime was reported in the following 11 regions where it has not occurred before: the Astrakhan, Vladimir, Volgograd, Irkutsk, Moscow, and Tver regions, Altai Krai, Krasnoyarsk Krai, Primorsky Krai, the Kabardino-Balkar

29. ANS activists hang banner and throw smoke bombs onto the ground of the patriarchal residence // SOVA Center. 2019. 17 May (<https://www.sova-center.ru/religion/news/community-media/communities-conflicts/2019/05/d41022/>).

Republic, and Sevastopol; on the contrary, the following 17 regions where such crimes have been reported before went off the list in 2019: the Arkhangelsk, Voronezh, Kemerovo, Leningrad, Murmansk, Ryazan, Samara, Sverdlovsk, Smolensk, Tula, Ulyanovsk, Chelyabinsk, and Yaroslavl regions, the Republic of Karelia, the Republic of Khakassia, Khanty-Mansi Autonomous Okrug, and Crimea.

For the first time in our practice, the geographical spread of the acts of violence (18 regions) turned out to be wider than that of xenophobic vandalism (17 regions). Both types of crimes were reported in five regions (same as in 2018): in Moscow, St.-Petersburg, Altai Krai, and the Vologda and Moscow regions.

## Criminal Prosecution for Violence

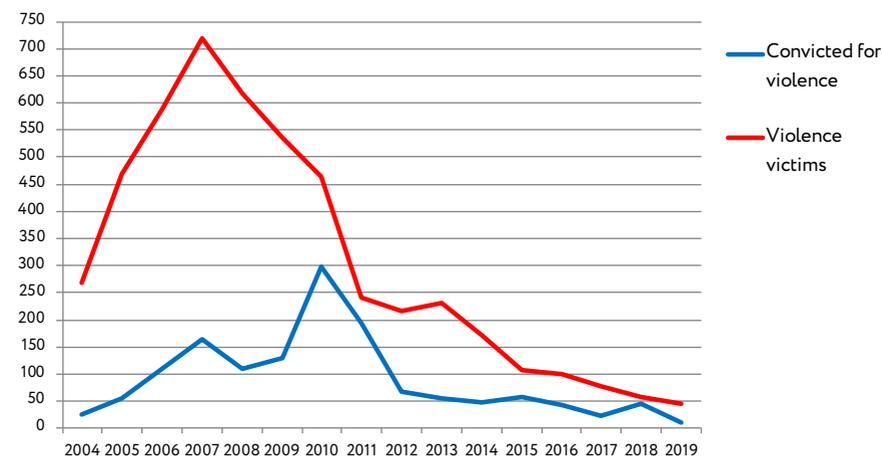
The number of the convicted of violent hate crimes was lower in 2019 than in the previous year. In the past year, in St.-Petersburg, Omsk, and the Khabarovsk region, at least four guilty verdicts in which the hate motive was officially recognized<sup>30</sup> were issued. 10 defendants were found guilty in these trials<sup>31</sup> compared to 11 (in 11 regions) in 2018.

Worthy of note is the Zheleznodorozhny District Court of Barnaul guilty verdict for a xenophobic attack and insult targeting “the natives of the Caucasus” that occurred in one of the city’s shopping malls. During the investigation, the attacker justified his actions by saying that he was “*outraged by the behaviour of foreign nationals who came [to Russia] from other countries*”. Despite that fact, the criminal case was initiated without recognizing the hate motive, under Article 116.1 of the Criminal Code (“Battery committed by a subject of administrative penalty”), and later terminated due to the reconciliation of the parties.

30. Only the verdicts in which the hate motive was officially recognized and which we consider appropriate are included in this count.

31. One relieved from punishment due to the expiration of the statute of limitations.

Chart 5. Trends in Violent Hate Crimes: the Convicted and the Victims (2004–2019)



In other guilty verdicts, racist violence was categorized under the following articles containing hate motive as a categorizing attribute: “Infliction of light bodily harm”, “Battery”, and “Involvement of a minor in a criminal group”. The first two articles are applied virtually every year. Three convictions for violent crimes (compared to five in 2018) were based on Article 282 of the Criminal Code (“Incitement of hatred”), namely, Paragraphs A and C of Article 282 Part 2 of the Criminal Code (“Incitement of hatred committed with the use of violence or with the threat of its use” or “committed by an organised group”). Article 280 of the Criminal Code (“Public appeals for the performance of extremist activity”) was similarly invoked in three guilty verdicts. In two of them, it was used in conjunction with Article 282 of the Criminal Code and was added to other charges against the co-defendants in joint trials and the members of ultra-right groups, such as the Omsk group<sup>32</sup> and the founder and member of the group known as Stolz Khabarovsk.<sup>33</sup>

Penalties for violent acts were distributed as follows:

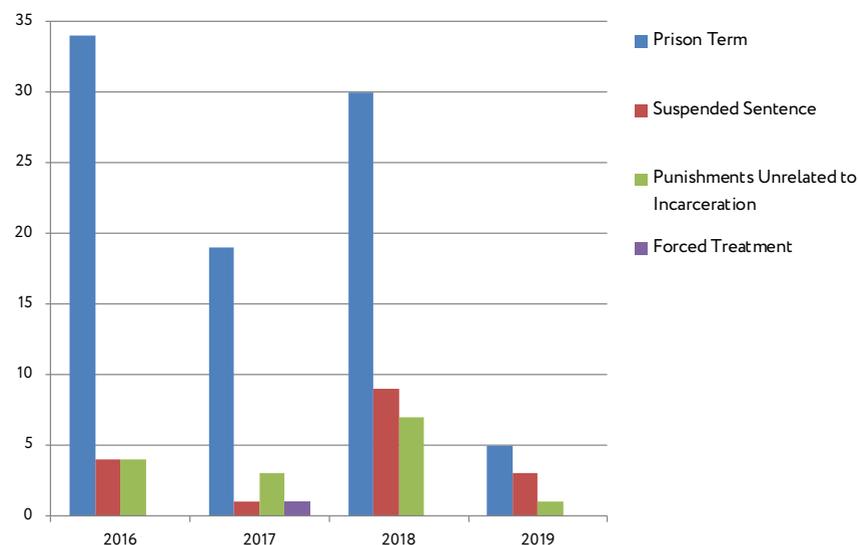
- 1 person sentenced to more than 20 years in prison;
- 2 persons sentenced to 10 to 20 years in prison;
- 2 persons sentenced to 5 to 10 years;

32. Omsk: guilty verdict for the local ultra-right group members remains unchanged // SOVA Center. 2019. 4 October (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/10/d40102/>).

33. The group was designated extremist in December 2017.

- 3 persons received suspended sentences;
- 1 person sentenced to compulsory community service;
- 1 person relieved from punishment due to the expiration of the statute of limitations.

**Chart 6. Criminal Penalties for Ideologically Motivated Violence (2016-2019)**



We are aware of just one case of additional punishment, given to the above-mentioned Stolz group leader<sup>34</sup> who was barred from leading and participating in public organizations for eight years and from publishing appeals and any materials in public information and telecommunications networks, including the Internet, for two years.

As is evident from the above data, half of those convicted for violence (5 out of 10) have received prison time of various lengths. However, the share of suspended sentences is on the rise for the second consecutive year, having reached 30% in 2019 (3 out of 10), as compared to 20% (9 out of 45) in 2018.

We question the appropriateness of the suspended sentence given to the resident of Omsk for two attacks, a beating of a passerby suspected of being a drug user

34. In the Far East, the leader and a member of the “Stolz” group are convicted // SOVA Center. 2019. 26 June (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/06/d41188/>).

and a beating of a person of “non-Slavic appearance”.<sup>35</sup> The sentences received by two adolescents from St.-Petersburg for the perpetration of the “white subway car” attack – moderate suspended sentences – also seem to us far too mild,<sup>36</sup> even though the convicted were minors when they committed the crime. We can’t stress enough how extremely wary we are of suspended sentences for ideologically motivated attacks. According to our observations, such sentences very rarely prevent the assailants from committing similar crimes in the future.

## Criminal Prosecution for Crimes against Property

We are not aware of any sentences for crimes against property where hate motive was cited in 2019. (In 2018, two such sentences were issued in two regions against six individuals, and in 2017 – three sentences in three regions against five individuals.)

We are aware of one instance when an ideologically motivated crime against property has not been categorized as a hate crime. Six members of the PNZS group (official documents list the full name of the group as “Perm Nazi Squad”) received two sentences for several graffiti and for setting fire to the United Russia offices in Perm. These acts were categorized under Part 2 Article 167 of the Criminal Code (“Wilful Destruction or Damage of Property by Means of Fire”), Article 282<sup>1</sup> (“Organising of and Participation in an Extremist Community”), and Part 1 Article 282 of the Criminal Code (“Incitement of Hatred”); one of the convicts was sentenced under Part 2 Article 282 and Article 280 of the Criminal Code.<sup>37</sup> However, Part 1 of Article 282 has been decriminalized.<sup>38</sup>

35. Omsk. Sentence delivered in the case of xenophobic attacks // SOVA Center. 2019. 7 October (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/10/d41549/>).

36. St.-Petersburg. “White subway car” attack perpetrators receive suspended sentences // SOVA Center. 2019. 3 September (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/09/d39950/>).

37. Court issues sentence for two members of “Perm Nazi Squad” // SOVA Center. 2019. 29 July (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/07/d41299/>); Perm: sentence in the “Perm Nazi Squad” case // SOVA Center. 2019. 14 August (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/07/d41220/>).

38. Putin signs laws partially decriminalizing Article 282 of the Criminal Code // SOVA Center. 2018. 28 December (<https://www.sova-center.ru/misuse/news/lawmaking/2018/12/d40472/>).

# In the Absence of the Familiar Article. The State Against the Incitement of Hatred and the Political Participation of Nationalists in Russia in 2019

## Summary

Since the beginning of 2018, for the first time in the present decade, there has been a decrease in the scale of criminal prosecution for public statements.<sup>1</sup> In 2019, the partial decriminalization of the so familiar to law enforcers Article 282 of the Criminal Code has literally crashed the number of convictions for public statements, reducing it at least by half.

Article 280 (public incitement to extremism) has become the rightful heir of the former favorite Article 282, sending up the number of those convicted under it. The number of those convicted of incitement to terrorism has also increased. Both articles are within the scope of responsibility of the FSB. In general, we have observed that the FSB's interference in criminal investigations has been increasing for three years in a row. Most of the sentences on criminal charges for public statements did not involve imprisonment. However, we are aware of several individuals sentenced to prison "for words only", and their share is growing.

Although the new article on incitement of hatred, recently introduced into the Code of Administrative Offences (CAO), is being applied with increasing frequency, its scale of application is still far from that of Article 282 of the Criminal Code, and the number of criminal and administrative court rulings containing the phrase "incitement of hatred" generally decreased in 2019.

At the same time, the overall dramatic increase in administrative punishments under anti-extremism articles of the CAO invokes suspicion that automatic search mechanisms may have been introduced. While penalties for administrative cases are generally softer than for criminal offences, their number and the wide opportunities for prosecution materials manipulation are

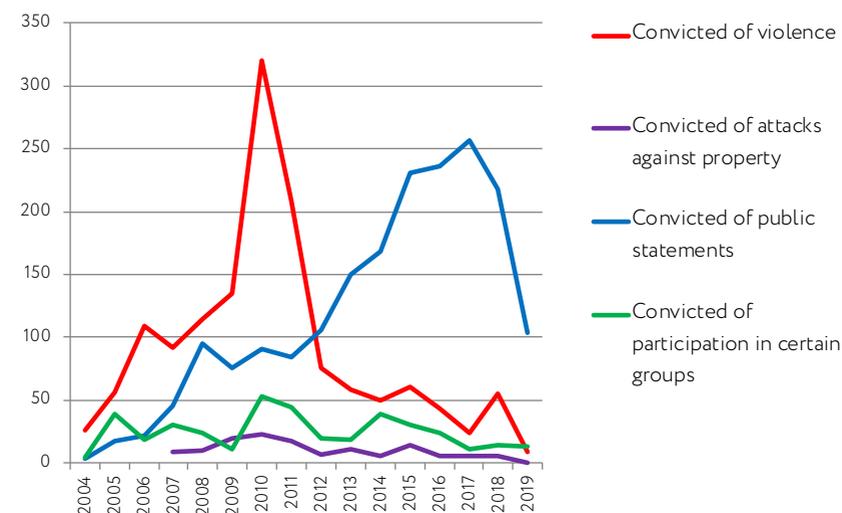
troubling. The confiscation of computers and other "instruments of crime" of high value constitutes a significant addition to small fines.

While the expansion of the Federal List of Extremist Materials slowed down in 2019, the lists of blocked websites are reaching a monstrous scale. Particularly impressive are the practice and scale of extra-judicial blocking, nontransparent in terms of both the procedure and results and therefore making any sort of open public discussion of this topic impossible.

Thus, despite the partial decriminalization of Article 282 of the Criminal Code, the trends in anti-extremism law enforcement in the past year remain a cause for concern. The number of those convicted of public statements remains excessively high, and the scale and sometimes the mere fact of punishment is often disproportionate to the public danger of the crime. Even more problematic is prosecution for participation in extremist and terrorist groups and organizations. Anti-extremism law enforcement is becoming, on the whole, more opaque, which heightens the risk of arbitrary actions and abuse.

## Criminal Prosecution

Chart 1. Convicted of crimes of extremist nature<sup>2</sup>



1. For more information on the changes in anti-extremism policy in 2018 see: Alexander Verkhovskiy. Readjustment of Repression. How Is Anti-Extremism Policy Changing in Russia? // SOVA Center. 2019. 17 May (<https://www.sova-center.ru/misuse/publications/2019/05/d41016/>).

2. In all charts, SOVA Center's data are used, except where noted.

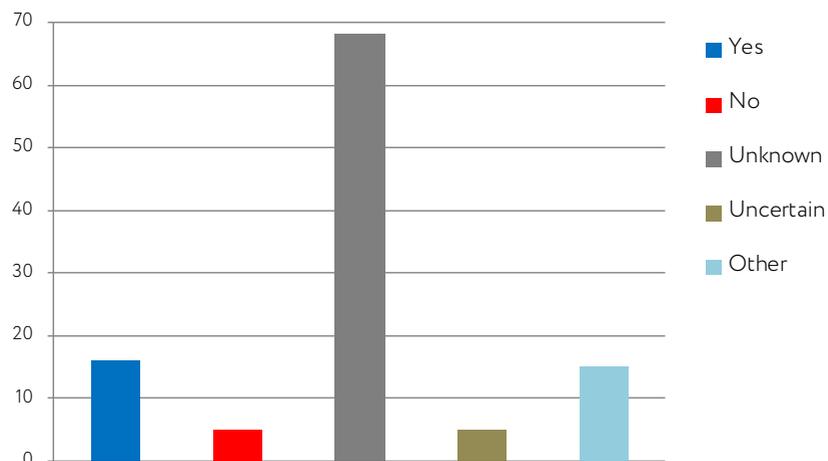
## For Public Statements

According to our data, incomplete as it may be, the number of convictions for “extremist statements” (incitement to hatred, incitement to extremism or terrorism, etc.) decreased by one-half compared with 2018. SOVA Center has information about 98 convictions against 103 individuals in 47 regions of the country.<sup>3</sup> In 2018, we had information about 206 such convictions against 218 people in 65 regions. These numbers and the chart above do not include the convictions that we find inappropriate, but their numbers are falling: in 2019, we found 5 convictions against 5 individuals inappropriate<sup>4</sup> (these convictions are not included in this report).

We record instances of release from criminal liability with payment of court fines. This alternative was introduced in Russian law (Article 76<sup>2</sup> of the Criminal Code) in 2016. We have no information about any instances of this alternative being applied in anti-extremism law enforcement in 2019, although in 2018 we had information about 11 such releases from liability in cases concerning “extremist statements”.

For the second year, we are using a more detailed approach to conviction classification. Whereas prior to 2018, we divided convictions for statements into “inappropriate” and “all other”, in the past two years we have been using a more detailed classification.

**Chart 2. Appropriateness of convictions for statements in 2019**



3. Data as of 24 February 2020.

4. See: Maria Kravchenko. Inappropriate Enforcement of Anti-Extremism Legislation in Russia in 2019 (further – Maria Kravchenko. Inappropriate Enforcement...).

We deem appropriate those convictions where we have seen the texts, are familiar with the contents of the statements, and believe that the courts have passed convictions in accordance with the law. We have information about 12 lawful convictions against 16 individuals.

In our assessment of appropriateness and lawfulness, we apply the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, developed by the UN.<sup>5</sup> The Rabat Plan of Action contains a six-part test to assist courts in making decisions on incitement cases; it recommends that courts take into consideration not only the content of the expression but also its context, extent of publicity, social status of the speaker, intent of the speaker to incite hatred, and likelihood of causing harm. This test is supported almost in its entirety by the Russian Supreme Court.

An example of an appropriate conviction is the court decision issued in Vladivostok in the case of Anna Skripko, a paramilitary security guard at a Pacific Fleet facility of the Russian Navy. She published a video titled “Colonel Kvachkov’s Comments on the Situation of Russian Nationalists in Prisons” on her page in VKontakte social network and distributed this video personally and via messengers “among civilian personnel of the paramilitary guard”. Skripko received a suspended sentence of two years of imprisonment with deprivation of the right to engage in activities related to public organizations under Article 280 Part 2 of the Criminal Code. The sentence took into account the content of the statement (the ex-colonel Kvachkov’s republished speech contains explicit calls for armed violence), Skripko’s audience was wide enough, and, given that the propaganda was disseminated among armed personnel, among whom colonel Kvachkov and his supporters enjoy a certain degree of popularity, these calls presented considerable public danger.

In the vast majority of cases – marked as “Unknown” (67 convictions against 68 people) – we are not familiar with the exact content of the materials and therefore cannot assess the appropriateness of the court decisions. Sometimes we can assume, with a high degree of probability or relying on indirect evidence, that these sentences are most likely appropriate, for example, if the person was charged for similar publications before or is widely known in ultra-right circles. But since we do not have access to the texts of the publications, we cannot accurately assess the appropriateness of the sentences: the bias and incompetence of law enforcement agencies are not at all uncommon, and prosecution of well-known ultra-right personalities for publications not worthy of criminal charges is not rare.

5. Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence // SOVA Center. 2014. 7 November (<https://www.sova-center.ru/racism-xenophobia/publications/2014/11/d30593/>).

Convictions that we find difficult to assess fall under the category of “Uncertain” (five convictions against five people); for example, we find one of the charges appropriate but not the other.

Our statistics in the “Other” category (15 convictions against 15 people) included individuals who called for attacks on government officials and those who were convicted under extremism articles of the Criminal Code more appropriately than not but whose prosecution cannot be classified as counteraction to nationalism and xenophobia.

Speaking about the overall statistics, our information about convictions is, regretfully, far from complete. According to the data posted on the Supreme Court website,<sup>6</sup> just in the first half of 2019, Articles 282, 280, 280<sup>1</sup>, 205<sup>2</sup>, 354<sup>1</sup>, and Article 148, Parts 1 and 2, of the Criminal Code were the main charges against 115 people convicted of extremist statements.<sup>7</sup> This is lower than the 230 reported by the Supreme Court in 2018.<sup>8</sup>

The first half of 2019 was marked by the annulment of sentences and reviewing of cases as a result of the partial decriminalization of Article 282 of the Criminal Code.<sup>9</sup> We have information about ten convictions (in addition to the eight deemed inappropriate) that were annulled due to the decriminalization,<sup>10</sup> including the conviction against former leader of the Black Bloc ultra-right movement Vladimir Ratnikov, who was found guilty of publishing neo-Nazi songs in the social network VKontakte and sen-

6. Consolidated statistics on the activity of federal courts of general jurisdiction and magistrate courts for the first half of 2019 // Official website of the Supreme Court of the Russian Federation ([http://www.cdep.ru/userimages/sudebnaya\\_statistika/2019/k4-svod\\_vse\\_sudy-1-2019.xls](http://www.cdep.ru/userimages/sudebnaya_statistika/2019/k4-svod_vse_sudy-1-2019.xls)) (further – Consolidated statistics of the Supreme Court for the first half of 2019).

7. According to the data posted on the Supreme Court website, the highest number of criminal convictions (62) were issued under Article 280 of the Criminal Code, and in 53 of them this article was the main charge. It is followed by Article 2052 of the Criminal Code with 56 convicted, for 45 of them this being the main charge. No convictions were issued under Article 2801 of the Criminal Code. Only one individual was convicted under Article 3541 (rehabilitation of Nazism). One individual was convicted under Article 148 Part 2 of the Criminal Code (no convictions under Part 1 of this article, insulting of religious believers' feelings). Article 282 of the Criminal Code was used to convict 27 people, for 15 of them this was the main charge; 21 were sentenced under the decriminalized Part 1, i.e. for repeat offence in one year, and only six – under the more grave Part 2.

For more information see: Official statistics of the Judicial Department of the Supreme Court on the fight against extremism for the first half of 2019 // SOVA Center. 2019. 22 October (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/10/d41613/>).

8. Consolidated statistics on the activity of federal courts of general jurisdiction and magistrate courts for the first half of 2018 // Official website of the Supreme Court of the Russian Federation ([http://www.cdep.ru/userimages/sudebnaya\\_statistika/2018/k3-svod\\_vse\\_sudy-1-2018.xls](http://www.cdep.ru/userimages/sudebnaya_statistika/2018/k3-svod_vse_sudy-1-2018.xls)).

9. Putin signs law partially decriminalizing Article 282 of the Criminal Code // SOVA Center. 2018. 28 December (<https://www.sova-center.ru/misuse/news/lawmaking/2018/12/d40472/>).

10. Sentences overturned due to partial decriminalization of Article 282 // SOVA Center. 2019. 30 September (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/03/d40730/>).

tenced to 160 hours of mandatory labor in March 2018. At least 15 other cases (two of them partially and five entirely unlawful) were dismissed at the preliminary investigation stage,<sup>11</sup> including the case of Alexey Kasyan, a researcher of the Institute of Linguistics of the Russian Academy of Sciences, who was charged with incitement to national and religious hatred for three xenophobic posts in LiveJournal. 17 cases were discontinued by the courts<sup>12</sup> “due to the absence of the elements of crime”, including criminal proceedings against the leader of Guerillas’ Guerrilla Truth Alexey Menyailov and his wife Slatana Menyailova, who were charged with creating and publishing videos against women.<sup>13</sup>

As a result of the decriminalization of Article 282, the terms for those who were serving sentences for multiple offences have been reduced. Some convicts were released early, in 2019. Some of the most famous of these were editor-in-chief of the Radical Politics periodical Boris Stomakhin and the former leaders of banned organizations Dmitrii (Shults) Bobrov of the National-Socialist Initiative (NSI), Dmitry Demushkin of The Russians and The Slavic Union movements, and Vladimir Kvachkov of People’s Militia Named After Minin and Pozharsky (Narodnoe opolcheniie imeni Minina i Pozharskogo, NOMP).

Article 280 of the Criminal Code (public calls for extremist activity) partially replaced Article 282 of the Criminal Code and was applied in the vast majority of the verdicts known to us,<sup>14</sup> that is, in 68 verdicts against 69 people. In 61 of these convictions, this was the only charge.

Article 282 was applied in four convictions known to us, namely, paragraphs (a) and (c) of Article 282 Part 2 of the Criminal Code (incitement of hatred or enmity with the use of violence or with the threat of such or by an organised group).

We have information about one conviction under the updated Article 282 Part 1 of the Criminal Code: a resident of Vladikavkaz, the Republic of North Ossetia, who had previously been fined under Article 20.3.1 of the CAO

11. Criminal cases discontinued as a result of partial decriminalization of Article 282 of the Criminal Code // SOVA Center. 2019. 22 April (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/03/d40720/>).

12. Criminal cases discontinued as a result of partial decriminalization of Article 282 of the Criminal Code // SOVA Center. 2019. 1 November (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/03/d40721/>).

13. Suvorov: case against “Guerillas’ Guerrilla Truth” leader Alexey Menyailov and his wife Slatana terminated // SOVA Center. 2019. 25 January (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/01/d40580/>).

14. All further numbers reflect the convictions known to us, although, judging from the Supreme Court data, the actual numbers are much higher. But given the volume of available data, it can be assumed that the observed patterns and proportions will hold true for the total number of verdicts.

(incitement of hatred) for publishing materials targeting the Ukrainians and later had again published posts aimed at the natives of Tajikistan and Uzbekistan, Roma, and other ethnic groups in social networks, received a three year suspended sentence.

We have information about one conviction under Article 280<sup>1</sup> of the Criminal Code (public calls for actions aimed at violating the territorial integrity of the Russian Federation). In the town of Sibai, the Republic of Bashkortostan, a 55-year-old local resident received a 1.5 year suspended sentence for publishing a post calling on residents of Bashkiria, Tatarstan, Udmurtia, Mordovia, Mari El, and Chuvashia to secede from the Russian Federation. He did not rule out the use of force to achieve that goal and called for a war against “Moskals” (an ethnic slur for Russians).

We consider convictions under Article 205<sup>2</sup> of the Criminal Code (public calls to carry out terrorist activities) separately. According to the Supreme Court data, in the first half of 2019, it was the main article in 45 convictions; in 11 convictions, it was applied along with other articles.<sup>15</sup> SOVA Center is aware of 30 sentences handed down to 31 people (this is about one-third of the total number of those convicted under it). In 15 cases, this was the only article applied in the conviction. In six other cases, it was applied in combination with Article 280.

Article 205<sup>2</sup> of the Criminal Code must be mentioned separately because, in the vast majority of the verdicts known to us, it was applied in convictions for radical Islamic propaganda and calls to go to Syria and join ISIS. Two guilty verdicts were issued against the anarchists who called for overthrow of the government and justified the actions of a young comrade who set off a bomb inside a Federal Security Service’s office, killing himself in the blast. In another case, Arkady Markov, municipal deputy of the town of Ostrov in the Pskov region and a “citizen of the USSR”,<sup>16</sup> was punished for publishing an excerpt from the Russian TV series *Igra. Revanche* (“Game. Revenge”) on his VKontakte page and on the website titled Platform for Social Journalism. In the excerpt, the main character kills an FSB colonel, accusing him of violating the military oath of the USSR. In his comments, Markov suggested his readers take a page from that book and insisted that “the protection of the socialist Fatherland is a sacred duty of every citizen of the USSR”. At least five of those punished for incitement to terrorism were sentenced while already imprisoned.

In some instances, this article was applied in combination with other criminal articles, including murder, making explosives, involving a minor in terrorism, etc.

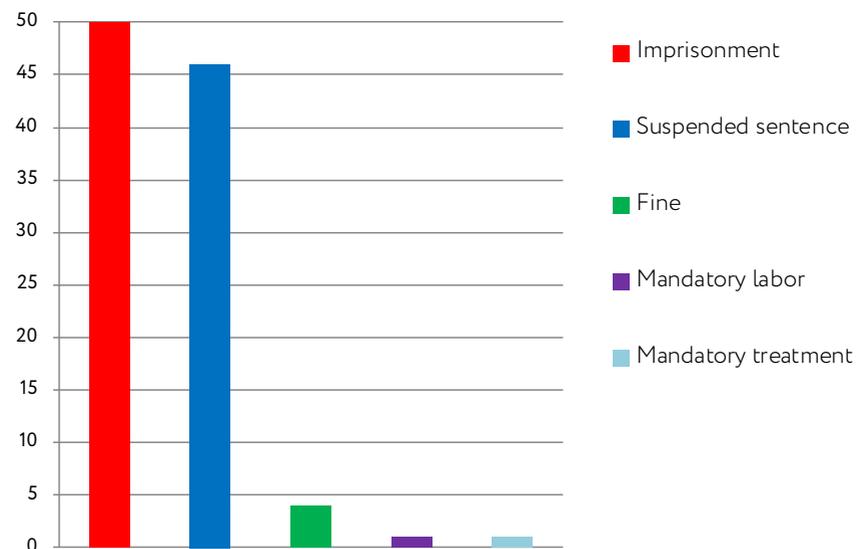
15. A year earlier, according to the Supreme Court data for the same period, Article 205<sup>2</sup> was the main article in convictions against 39 people; in 11 convictions, it was applied along with other articles.

16. “Citizens of the USSR” is a community that denies the collapse of the Soviet Union and insists on implementing Soviet laws. In their opinion, the Russian Federation does not exist.

**Chart 3. Sentences for statements in 2019**

Those who were convicted of public statements received the following sentences:

- 50 people were sentenced to imprisonment;
- 46 received suspended sentences without any additional measures;
- 4 were sentenced to various fines;
- 1 sentenced to mandatory labor;



- 1 referred to mandatory treatment.

The number of those sentenced to imprisonment was slightly higher than in the previous year (in 2018, we reported 49 prison sentences).

Some received prison terms in conjunction with charges other than statements (robbery, violence, arson, or drug possession) or based on outstanding sentences. Five individuals were charged with repeat offence, which always significantly heightens the risk of prison time. Five others were already serving prison time, and their terms were increased. Penalties under Article 205<sup>2</sup> of the Criminal Code were predictably harsher since it deals with terrorism.<sup>17</sup>

Seven individuals, however, received prison terms in the absence of any of the above-mentioned circumstances (or, perhaps, in some cases, we just do

17. Another reason to exclude those who received prison time “for words only” under Article 205<sup>2</sup> from our totals is because too little information is available about the cases under this article. Besides, we have observed that the vast majority of sentences under Article 205<sup>2</sup> have nothing to do with countering incitement to hatred.

not know about them). Only one publication that was the subject of criminal investigation is available for our assessment. Blogger Vladislav Sinitsa's tweet became widely known and drew the attention of the public. Asked by a Twitter user why reveal identity of law enforcement and special forces officers, Sinitsa warned "courageous law enforcement officers" that one day, "instead of their child <...> they will receive a package with a CD with snuff video in the mail" from the townsfolk angered by the tough crackdown on protests. The court has deemed this comment an incitement to social hatred with the threat of the use of violence; on September 3rd, Sinitsa was sentenced under Article 282 Part 2 to five years in penal colony.<sup>18</sup> While the tweet is undoubtedly aggressive, we find the sentence far too harsh.

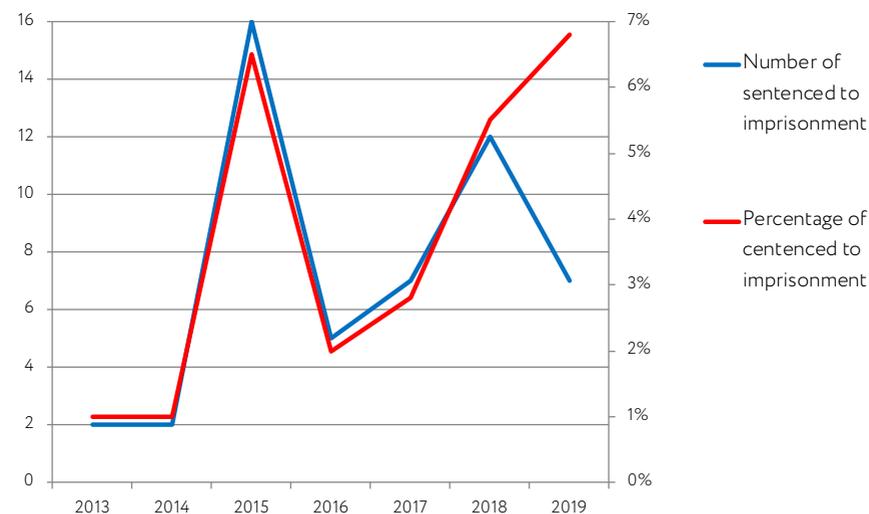
As for the materials published by other offenders, we are not familiar with their contents; the only source available to us is general statements in the press releases of the Prosecutor's offices and investigative committees ("calls for extremist activity against representatives of the regions of Caucasus and Central Asia"). We can only assume that neither were the majority of the convicted widely known public figures nor did they conduct mass propaganda, and thus the imprisonment was, in some cases, an unjustifiably harsh and cruel punishment.

In comparison with the previous year, the absolute values seem to have improved: in 2018, 12 such convictions were reported, 7 in 2017, and 5 in 2016; this number was highest in 2015 (16 convicts); just two convictions were reported in each of the years 2013 and 2014.<sup>19</sup> However, if we were to look at the share of prison sentences "for words only" (without any of the above-mentioned "aggravating circumstances") to the total number of those convicted of statements in these years (leaving out the obviously unlawful sentences), we would see a different picture and 2019 would actually set an anti-record in terms of our statistics: in 2019, the share of such convictions was 6.8% of the total, 5.5% in 2018, 2.8% in 2017, 2% in 2016, 6.5% in 2015, and slightly higher than 1% in years 2013 and 2014.

18. Suspect in the Moscow Case Vladislav Sinitsa sentenced to five years in penal colony. He tweeted about the children of law enforcement officials // Meduza. 2019. 3 September (<https://meduza.io/feature/2019/09/03/sud-prigovoril-figuranta-moskovskogo-dela-vladislava-sinitsu-k-pyati-godam-kolonii-on-napisal-tvit-o-detyah-sotrudnikov-pravoohranitelnyh-organov>).

19. Who has been imprisoned for extremist crimes of non-general nature // SOVA Center. 2013. 24 December (<http://www.sova-center.ru/racism-xenophobia/publications/2013/12/d28691/>).

Chart 4. Dynamic of prison sentences "for words only": absolute values and percentages



In 2019, the proportion of suspended sentences (44%, or 46 out of 103) was a bit lower compared with 48.6% (93 out of 192) in 2018. The share of the convicts whose sentences did not involve prison time (actual or suspended), i.e. those sentenced to fines or mandatory labor, has also been continuously declining for four years.

In terms of additional punishments, in 2019 we have information about the following bans: on holding leadership positions (2 cases), holding positions in state and local governments (3), participation in the activities of public organizations (4), engaging in public activism (2). Some additional penalties were related to the Internet, such as bans on posting materials in public telecommunications networks, including the Internet (3), bans on administering Internet websites (15), and bans on Internet use (8). The last measure seems clearly excessive as it is difficult to imagine modern everyday life without Internet use. Besides, it is not clear how implementation of this ban could be verified.

As usual, the vast majority of sentences – 85 out of 98, or 86%, in 2019 (94% in 2018) – were handed down for the materials posted on the Internet. Thus, the overall decrease in the number of sentences did not impact offline statements.

These materials were posted on:  
– social networks – 64 (41 on VKontakte; 2 on Twitter; 1 on Instagram; 2 on

- Odnoklassniki; 19 on unidentified social networks);<sup>20</sup>
- messengers – 3 (1 of them on Telegram);
  - video channels (probably YouTube) – 1;
  - online news media – 2 (comments on articles in online media);
  - unspecified online resources – 14.

The types of content are as follows (different types of content may have been posted in the same account or even on the same page):

- video – 28;
- images (drawings) – 12;
- photographs – 5;
- audio (songs) – 9;
- texts – 22;
- comments (on social networks and forums) – 8;
- administration of ultra-right online communities – 2;
- unspecified – 15.

Both breakdowns have remained virtually the same in the past eight years.<sup>21</sup> We have repeatedly expressed our views on the quality of the law enforcement (see previous annual reports on this topic).

The number of convictions for offline statements (13) turned out to be slightly higher than the 11 recorded in the previous year. They were distributed as follows:

- shouts during attack – 3;
- shouts during football match – 1;
- graffiti – 3;
- distribution by mail – 1;<sup>22</sup>
- convicted of engaging in propaganda in prison – 5.

We have doubts about the lawfulness of only those sentences for terrorist propaganda given to those who are already in prison where we are not familiar with the actual content of the charges (it is easier to fabricate evidence in a colony or prison).<sup>23</sup> There are certainly quite a lot of individuals prone to violence among prison population; therefore, any promotion of hatred in prison

20. Most probably, VKontakte.

21. See: N. Yudina. Anti-Extremism in Virtual Russia, 2014–2015 // SOVA Center. 2016. 24 August (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2016/08/d35262/>).

22. For more information, see Yekaterinburg: a supporter of the Union of Slavic Forces of Rus referred to mandatory treatment // SOVA Center. 2019. 29 April (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/04/d40955/>).

23. See: Maria Kravchenko. Inappropriate Enforcement...

is undoubtedly dangerous. However, it is not clear whether the key parameter in the articles of law applicable to statements – the audience size – has been taken into account; in most cases, the audience size is not reported. In some instances, the audience was definitely extremely small: propaganda was conducted in a prison cell where only a few inmates were held.<sup>24</sup>

In 2019, for the first time in several years, we encountered criminal prosecution for mailing a letter. At the end of February 2019, Andery Zlokazov, a supporter of the Union of Slavic Forces of Rus (for more details, see Chapter “The Banning of Organizations as Extremist” of this report) and “Governor of Sverdlovsk Oblast of the RSFSR”, sent an “order” to the leadership of the military units of the Ministry of Defence and the National Guard (Rosgvardiya) containing “calls for revolution” from “Commander of the Armed Forces of Sverdlovsk Oblast”. This letter raised serious doubts about the mental capacity of “the citizen of the USSR”, and he was sent to mandatory treatment. We do not doubt the appropriateness of the sentences for shouts during attacks or football matches. However, we do call into question the need for the criminal prosecution for one-time graffiti on buildings.

## For Participation in Extremist Communities and Banned Organizations

In 2019, we have information about six individuals convicted under Article 282<sup>1</sup> of the Criminal Code (organising an extremist community) and three – under Article 282<sup>2</sup> (organizing the activity of an extremist community); these numbers do not include inappropriate convictions, whose number has increased significantly compared with the previous year. 12 verdicts against 40 people have been deemed inappropriate,<sup>25</sup> whereas in 2018, we reported 6 verdicts against 14 people under Articles 282<sup>1</sup> and 282<sup>2</sup>.

In 2019, in all the sentences known to us, Article 282<sup>1</sup> was applied to the founders and members of ultra-right groups and nationalist organizations.

In Perm, members of the PNZS group (Perm Nazi Squad)<sup>26</sup> received two sentences for graffiti on the building of the Prosecutor’s office of the Perm region and for setting fire to the building which housed the United Russia party office (by mistake, the perpetrators set fire to the State Institute for the Develop-

24. See: Cases of terrorist propaganda in pre-trial detention centers and places of detention // SOVA Center. 2019. 15 April (<https://www.sova-center.ru/misuse/news/persecution/2019/04/d40881/>).

25. See: Maria Kravchenko. Inappropriate Enforcement...

26. Also mentioned in Chapter “Criminal Prosecution for Crimes Against Property” in: N. Yudina. Criminal Activity of the Ultra-Right...

ment of Education of the Perm region, located in the same building). Based on the combined effect of Articles 282<sup>1</sup> and 167 of the Criminal Code, they were sentenced to various terms of imprisonment.

In the Far East, the founder and a member of the Stolz group have both been found guilty.<sup>27</sup> Two of the group members received extended sentences based on the combined effect of Article 282<sup>1</sup> and a whole range of other articles, including Article 105 of the Criminal Code (murder).<sup>28</sup>

In Moscow, political consultant and Moscow City Duma nominee from the Communist Party Petr Miloserdov was sentenced to 2.5 years in penal colony under Article 282<sup>1</sup> of the Criminal Code. He was charged with membership in a Kazakhstan extremist community founded by Alexander Belov, the former leader of two banned ultra-right organizations, Movement Against Illegal Immigration and The Russians.<sup>29</sup> The criminal case on the creation of this community involved, among other things, a meeting with the representatives of the local Cossacks, a workshop held at a sanatorium on Kirgiz Issyk-Kul Lake, and preparations for a “Russian March” to be held in Kazakhstan; however, Miloserdov’s role in all this remains unclear.

The infamous New Greatness trial,<sup>30</sup> whose origins can be traced, to some extent, to the nationalists in the opposition, has lasted all year with no verdict reached yet. This case must be mentioned for two reasons: not only is it remarkable due to the infiltration of the group by several provocateurs at once, but the fact that none of the group members, as far as can be judged presently, have been charged with any “crimes of an extremist nature”, calls into questions the application of Article 282<sup>1</sup> of the Criminal Code.

Just as a year earlier, supporters of Ukrainian organizations were charged with Article 282<sup>2</sup>. A Stavropol court has sentenced two alleged activists of the banned ultra-right organization Misanthropic Division<sup>31</sup> to prison; they have

27. Movement designated as extremist in December 2017. See: The Stolz group designated as extremist in Khabarovsk // SOVA Center. 2017. 6 December (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/12/d38434/>)

28. See also Chapter “Criminal Prosecution for Violence” in: N. Yudina. Criminal Activity of the Ultra-Right...

29. Alexander Belov gets 7.5 years in penal colony // SOVA Center. 2016. 24 August (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/08/d35264/>).

30. Alexey Polikhovich, Elena Kriven. New Greatness case. Who are these people and why are they being prosecuted? // OVD-info. 2018. 27 October (<https://ovdinfo.org/articles/2018/10/27/delo-novogo-velichiya-kto-eti-lyudi-i-za-chto-ih-sudyat-gid-ovd-info>); Maksim Pashkov. Without purpose or motive: Why the New Greatness extremist community cannot exist // OVD-info. 2020. 20 February (<https://ovdinfo.org/opinions/2020/02/20/bez-celi-i-motiva-pochemu-ekstremistskoe-soobshchestvo-novoe-velichie-ne-mozhet>).

31. Misanthropic Division is a group of radical neo-Nazi pagans that gained notoriety in connection with the events in southeast Ukraine and is supporting the current Kiev government. In 2015, the group was designated as extremist by the Krasnoyarsk district court. For

also been found guilty of planning assassinations of law enforcement officers. A Samara court has sentenced a football fan for two years and one month in penal colony for calls (both personal and posted in VKontakte) to join him and go to Ukraine to fight for the Right Sector movement, banned in Russia.<sup>32</sup> He has previously been charged under Articles 213 (hooliganism) and 116 of the Criminal Code (battery).

Some nationalist organizations have been previously banned as terrorist organizations; in 2019, however, we are not aware of any instances of the application of Article 205<sup>5</sup> of the Criminal Code (participation in the activities of a terrorist group) against the militant ultra-right. Similarly, we are not familiar with any cases against them under Article 205<sup>4</sup> (participation in the activities of a terrorist community), whilst sentences based on this Article were in fact issued in 2019 (9 convicted in the first six months).

On the whole, however, according to the Supreme Court data, in the first half of 2019 alone, articles related to participation in extremist or terrorist communities and continuation of activities of the organizations that have been banned as extremist or terrorist (Articles 282<sup>1</sup>, 282<sup>2</sup>, 205<sup>4</sup>, 205<sup>5</sup>) were used in verdicts against 100 persons. And since the total figure obtained by adding the data from this report and those on the inappropriate enforcement of anti-extremism legislation<sup>33</sup> is much lower, we cannot exclude the possibility of the presence of radical nationalists among those convicted under these articles, probably under Article 282<sup>2</sup> in the first place.

## Federal List of Extremist Materials

In 2019, the Federal List of Extremist Materials was expanding much slower than in 2018: it was updated 26 times (compared with 38 times in 2018) with 193 new entries (466 in 2018), and the total entries grew from 4811 to 5004.<sup>34</sup>

Thus, though the expansion of the Federal List has slowed down in 2019, working with it is impossible due to its sheer size.

more details see: Misanthropic Division movement declared extremist // SOVA Center. 2015. 27 August (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2015/08/d32663/>).

32. Five organizations added to the Federal List of Extremist Materials // SOVA Center. 2015. 28 January (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2015/01/d31141/>).

33. See: M. Kravchenko. Inappropriate Enforcement...

34. As of 21 February 2020, the list has 5008 entries.

- New entries added to the list in 2019 fall into the following categories:
- xenophobic materials of contemporary Russian nationalists – 120;
- materials of other nationalists – 7;
- materials of Islamic militants and other calls for violence by political Islamists – 16;
- other Islamic materials – 3;
- other peaceful worshippers – 1;
- other materials from Ukrainian media and Internet – 4;
- anti-government materials inciting to riots and violence (including pieces by Boris Stomakhin) – 6;
- materials citing works by classical fascist and neo-fascist authors – 8;
- homophobic materials – 9;
- banned parody – 1;
- peaceful opposition websites – 2;
- radical anti-Christian websites – 1;
- materials created, in our opinion, in an altered state of consciousness – 4;
- unidentified materials – 11.

At least 157 entries out of 193 refer to online content (in 2018, it was 402 out of 466). They include various kinds of video and audio clips and images, mostly from social networks. Offline sources include newspapers and books by nationalists, classics of Fascism, and Muslim authors.

However, often the description of the materials makes their sources indeterminable. For example, entry 4896 is described as “Information material, a combination of words “Warning! Tolerance carriers” and a drawing of two running half-men and half-animals whose animal backsides are marked with the Star of David; one of them is holding a briefcase, the other is wearing a small hat”. A very detailed description indeed, which cannot be said of the next entry: a video clip (entry 4897) is described merely as “Kings of Islam”, and a search for this title on Youtube returns a large number of results and a whole range of videos of different content.

We have been enumerating the shortcomings of the Federal List from one report to the next; they remain the same.<sup>35</sup> In addition to poor descriptions, abundant with typos and mistakes, new entries refer to the materials that have already been listed, albeit with different output data or online sources. 2019 was no exception. An audio clip titled “Calvados – Jewish Freedom”, deemed extremist on 28 February 2019 by the Tsentralny district court of Khabarovsk and added as entry 4886, duplicates entry 4822 for the same audio file, deemed

35. N. Yudina. Countering or Imitation: The state against the promotion of hate and the political activity of nationalists in Russia in 2017 // *Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2017*. SOVA Center. 2018. P. 18-37 (available at: <https://www.sova-center.ru/en/xenophobia/reports-analyses/2018/03/d39029/>).

extremist on 21 November 2018 by the Leninsky district court of Perm. As for several editions of the book by L. Maslov titled *Revelations for the People of the New Century. Interpretations of Revelations* (entries 4875–4882) have already been deemed extremist by the Taganrog court on 22 August 2014 (entry 2832).

By the end of 2019, there was a total of 246 such duplicate entries in the list.

And as before, the classification of materials as extremist is obviously inappropriate. At least five such instances were recorded in 2019.

## The Banning of Organizations as Extremist

In 2019, four organizations were added to the Federal List of Extremist Organizations published on the website of the Ministry of Justice (compared with 7 in 2018). They are all very different.

1. FC Kamaz Fans Association Autograd Crew (a.k.a. Kamaz Ultras, Blue White Crew).<sup>36</sup> The association was formed in Naberezhnye Chelny in 2008 and had between 15 and 20 active participants and approximately 200 ultra-right supporters; some of the members have convictions for administrative and criminal offences.

2. Public association Heading for Truth and Unity (Russian nationwide movement “Kursom Pravdy I Edineniya”, All-Russian political party “Kursom Pravdy I Edineniya”, political party “Kursom Pravdy I Edineniya”).<sup>37</sup> KPE unites the followers of the leader of Conceptual party Yedinenie (“Unity”) General Konstantin Petrov, whose party was founded upon the para-religious Concept of Public Security “Dead Water”, which has a rather radical nationalist component.<sup>38</sup> (Interestingly, the list provides a detailed description of the organization’s flag and emblem. Detailed description of symbols has only been given once before, for the Volya party.)

36. Designated as extremist by the Naberezhnye Chelny city court of the Republic of Tatarstan on 6 February 2019. See: Tatarstan: Autograd Crew Football Fans Association designated as extremist // SOVA Center. 2019. 6 February (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/02/d40618/>).

37. Designated as extremist by the Maykop district court of the Republic of Adygea on 7 May 2018 and by an appeal ruling by the Judicial Board on administrative cases of the Supreme Court of the Republic of Adygea of 16 October 2018. See: One more organization added to the Federal List of Extremist Organizations // SOVA Center. 2019. 16 February (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/02/d40640/>).

38. Evgeniy Moroz. Pagan stalinists or “Conceptual Party ‘Yedinenie’” // SOVA Center. 2003. 24 November (<https://www.sova-center.ru/religion/publications/2003/11/d1377/>).

3. Public association Union of Slavic Forces of Rus (a.k.a. “The Union Of Soviet Socialist Republics”, “SSSR”).<sup>39</sup> This exotic organization, created by Sergei Taraskin, a dentist, is based on a phantasmagoric ideology, a mix of references to the Bible (with quite a peculiar interpretation) and a discourse on space, the Universe, etc. SSSR employs anti-semitic rhetoric and promotes an idea of international Jewish conspiracy that is allegedly leading humanity to ruin by various means, including manufacturing of genetically modified foods and wireless and mobile communications radiation. Several SSSR activists have been prosecuted for administrative and criminal offences (see section “For Public Statements” above).

4. Pagan religious association Karakol Initiative Group (a.k.a. “Ak-Dyan”, “JANY ALTAI”-MOVEMENT”, “Ak Jan”, “Altai Ak Jan”, “White Faith”, “Altai Dyan Ak Dyan”, “Altai Faith White Faith”).<sup>40</sup> According to the Prosecutor’s office, the goal of the movement’s followers is to “convert all the Altaians to their faith, eliminate all Buddhist organizations, reduce the number of Orthodox churches, chapels, and roadside crosses, and, as an ultimate ideal, to completely cleanse of them the Altai Republic”.

Thus, as of 1 February 2020, the list includes 74 organizations<sup>41</sup> whose activity is banned by court order and continuation of activity is punishable by Article 282<sup>2</sup> of the Criminal Code (organization of activities of an extremist organization).

Furthermore, the list of terrorist organizations published on the website of the FSB was updated in 2019 with two organizations – Set’ (“Network”) (entry 30)<sup>42</sup> and Katiba Tawhid wal-Jihad<sup>43</sup> (entry 31) (in the previous year, similarly, two organizations were added).

39. Designated as extremist by the Supreme Court of the Komi Republic on 11 July 2019. See: The Komi Republic: SSSR banned by court // SOVA Center. 2019. 8 July (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2019/07/d41233/>).

40. Designated as extremist by the Onguday district court of the Altai Republic on 11 December 2018. See: In the Altai Republic, a court bans the activity of the Ak Tyan movement // SOVA Center. 2018. 18 December (<https://www.sova-center.ru/religion/news/harassment/refusal/2018/12/d40429/>).

41. Not including 395 local branches of Jehovah’s Witnesses, banned together with their Management center and listed under the same entry.

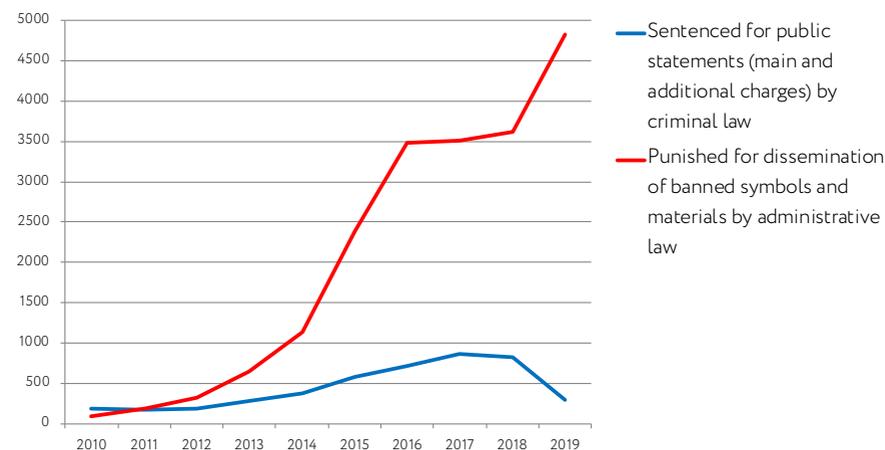
42. Designated as terrorist by the Moscow district military court on 17 January 2019, came into force on 14 March 2019. We are not covering the Network Case in more detail in this report, as it definitely does not relate to the topic of countering nationalism and xenophobia.

43. Designated as terrorist by the Moscow district military court on 5 June 2019, came into force on 5 July 2019.

## Other Administrative Measures

### Prosecution for Administrative Offences

**Chart 5. Convicted of statements under criminal and administrative articles. Data of the Supreme Court**



The number of those convicted under administrative “extremism” articles increased in 2019. This is clearly evident from both our incomplete data and those of the Supreme Court for the first half of the year. The data provided below do not include the decisions we deem obviously inappropriate.<sup>44</sup>

With the adoption of amendments<sup>45</sup> that introduced the mechanism of administrative prejudice to Article 282, Part 1, of the Criminal Code in 2018, a new Article 20.3.1 (incitement to racial hatred) has been added to the Code of Administrative Offences, identical in content with Article 282, Part 1, of the Criminal Code. And on 24 January in Saratov, the first verdict was issued based on this article: the Kirov district court sentenced a local resident to five days of administrative arrest for xenophobic publications in VKontakte social network.

In 2019, we have information about a total of 125 persons charged under this article. According to the data of the Supreme Court, in the first half of 2019 alone, 158 persons were convicted.<sup>46</sup>

44. For more detail, see: M. Kravchenko. Inappropriate Enforcement...

45. See: Putin signed....

46. Consolidated statistics of the Supreme Court for the first half of 2019...

If we add the numbers of criminal sentences and administrative decisions concerning the incitement of hatred, based on both our data and those of the Supreme Court for the period in question, the figure suggests that the levels of prosecutions citing “incitement of hatred” have decreased. This decline has been observed since 2018.

According to our data, the majority were punished for xenophobic publications of various kinds on social networks (including VKontakte, Odnoklassniki, and Twitter) calling for attacks on and deportations of Roma, the natives of the Caucasus and Central Asia, Jews, “non-Slavs” in general, “residents of the Altai Republic”, Russians, and some other groups. Among those punished for racist publications was a CSKA fan Andrey Malosolov, who posted a tweet calling the former Spartak player, Portuguese Luiz Adriano, an ape. Several were fined for publications inciting religious hatred, including slogans calling for violence against the clergy and believers and telling them to “get out”. Several others were punished for homophobic posts, and one person in Nizhny Novgorod was arrested for seven days for misogynistic posts in the Anti-Feminist Left Front group in VKontakte.

As usual, the number of those prosecuted for offline offences was many times lower than online. One person was sentenced to 10 days of administrative arrest for verbal xenophobic insults. Two were fined for posting flyers on buildings, and a bakery owner was fined for posting a sign saying “Faggots Not Allowed” by his bakery entrance.

Most of the prosecuted were fined, six were sentenced to mandatory labor, and 14 to administrative arrests. Among them was a popular blogger and columnist Alexey Kungurov from Tyumen, who was arrested for publishing a post titled “Is It Acceptable to Call Russian People Shit?” in his LiveJournal blog.

We have information about 153 individuals prosecuted under Article 20.3 of the CAO (propaganda or public display of fascist paraphernalia or symbols, or paraphernalia or symbols of extremist organizations, or other symbols whose propaganda or public display are banned by federal law) in 2019, three of whom were minors. (In 2018, we reported 133 sentenced under this article.)

But according to the Supreme Court statistics, in the first half of 2019, Article 20.3 of the CAO was used to impose sanctions in 1388 cases (5 against legal entities, 1 against an official, 3 against entrepreneurs without legal entities, 1379 against other physical persons). If we recall that during the entire 2018, sanctions under this article were imposed 1652 times<sup>47</sup> and assume that the second half of the year did not differ fundamentally from the first, we see a very sharp increase in the number of those prosecuted under this article, in

47. Outcomes of the cases on complaints and protest against judgments and decisions in cases of administrative offences that have come into force // Official website of the Judicial Department of the Supreme Court of the Russian Federation [Date of inquiry: 2019. 1 February] ([http://www.cdep.ru/userimages/sudebnaya\\_statistika/2019/F2-svod\\_vse\\_sudy-1-2019.xls](http://www.cdep.ru/userimages/sudebnaya_statistika/2019/F2-svod_vse_sudy-1-2019.xls)).

contrast to the slight decrease observed in 2017–2018. Notably, this increase occurred against the backdrop of ongoing discussion of the narrowing down of Article 20.3, which will soon come into force.<sup>48</sup> We do not know the reasons for this dynamic, but the information circulating in social networks about the law enforcement agencies purchasing computerized search systems is worth paying attention to.<sup>49</sup> If these systems are already functioning, then, first and foremost, the search for the banned symbols must have become much easier: it may be equally easy to find a “suspicious” text, but then it must be analyzed, whereas a symbol is illegal regardless of its context.

The majority of those prosecuted under Article 20.3 that we are familiar with posted images of Nazi symbols and, in some cases, symbols of such banned organizations as ISIS, Jabhat al-Nusra, Artpodgotovka, and the Ukrainian organizations Praviy Sektor (“Right Sector”) and Svoboda (“Freedom”) in social networks and messengers, with the vast majority of the posts made in VKontakte, two in Odnoklassniki, one in Facebook, and one in WhatsApp.

Again, the number of those prosecuted for offline offences turned out to be much lower. Three persons were prosecuted for graffiti with Nazi symbols on the walls of residential buildings, and one – for placing a sticker with a Nazi symbol on a car window. Two young men and a woman were prosecuted for wearing Wehrmacht uniform and riding a World War II-era German motorcycle with a replica of a German machine gun in the city of Chita during the 2019 motorcycle season opening ceremony on 18 May 2019. On 4 November 2019, a member of the Union of Orthodox Banner-Bearers (a Russian nationalist-fundamentalist organization) Dmitry Antonov wore uniform with Totenkopf, or Death’s Head, a symbol of the 3rd SS Panzer Division, to the Russian March.<sup>50</sup> Among those prosecuted for displaying symbols was the leader of the Korrozia Metalla (“Metal Corrosion”) band Sergey (Spider) Troitsky, fined by the Izmailovsky district court of the City of Moscow for wearing an outfit resembling Wehrmacht uniform while performing at a concert in late 2018.

The number of inmates prosecuted for displaying their Nazi tattoos has decreased. According to our data, in 2019, this number stood at 29 compared with 53 in the previous year; 10 people displayed their tattoos in public, outside of prison.

48. Amendments to Article 20.3 of the CAO passed by the State Duma // SOVA Center. 2020. 18 February (<https://www.sova-center.ru/misuse/news/lawmaking/2020/02/d42098/>).

49. This has been covered repeatedly. For example: Police across Russia is purchasing social media monitoring systems. They help find extremism “without leaving office” // Meduza. 2018. 16 October. (<https://meduza.io/feature/2018/10/16/politsiya-po-vsey-rossii-pokupaet-sistemy-monitoringa-sotssetey-oni-pomogayut-iskat-ekstremizm-ne-vyhodya-iz-rabochego-kabineta>).

The purchases can be tracked on the Roskomsvoboda website (<https://zakupki.roskomsvoboda.org/>).

50. The 2019 Russian March in Moscow // SOVA Center. 2019. 12 November (<https://www.sova-center.ru/en/xenophobia/news-releases/2019/11/d41692/>).

The majority of the offenders were given fines between 1,000 and 3,000 roubles. 10 persons were sentenced to administrative arrests of between 3 and 10 days.

We are aware of 198 persons prosecuted under Article 20.29 of the CAO (production and dissemination of extremist materials), three of them – minors (in 2018, we reported 210 such persons).

According to the Supreme Court statistics, in the first half of 2019, Article 20.29 of the CAO was used to impose 865 sanctions (3 against legal entities, 6 against officials, 8 against self-employed entrepreneurs, 848 against other physical persons). In 2018, 1964 such instances were reported.<sup>51</sup> We do not see any significant changes with regard to this article.

Most of the offenders paid moderate fines. Six people were placed under administrative arrests. Among those arrested under Article 20.29 of the CAO was the coordinator of the Kostroma branch of the Right Bloc party Stepan Svyatyvoda Razin, who was placed under a 5-day arrest by the Sverdlovsk district court of the city of Kostroma for publishing extremist materials on the Internet. In the vast majority of cases, the content of offences was nationalists' materials, such as songs by groups popular among the neo-Nazis (Kolovrat, Huk Sprava ("Right Hook"), Moskovskie britogolovye ("Moscow Skinheads"), Russky Styag ("Russian Flag")); Format18 group videos; the neo-Nazi book *White Alphabet Primer*; videos of LDPR leader Vladimir Zhirinovskiy's speech titled "Russia for Russians"; a speech by Yuri Mukhin, a stalinist and former editor-in-chief of the *Duel* newspaper; a provocative speech by Kirill Barabash, the former member of the initiative group on conducting a referendum "For Responsible Authorities", or ZOV, at the Russian Officers' Meeting; the neo-pagan film *Games of the Gods*. Reposters were also punished for Islamic materials, such as songs by the bard of the armed Chechen resistance Timur Mutsurayev, audio files by the banned Hizb ut-Tahrir organization, the 16-century Islamic book *380 Great Sins* by Ibn Hajar al-Haythami, and other materials.

Some were prosecuted for distributing extremist materials offline. In Veliky Novgorod, a local resident was fined for distributing unspecified banned books. In Bashkortostan, two bookstore owners were fined for selling unspecified banned books. In Magnitogorsk, a store manager was prosecuted for selling t-shirts with the banned Azov Battalion symbols. In Kaliningrad, a Latvian citizen was fined for donating 11 books to the children's library, including those containing fragments of the above-mentioned *White Alphabet Primer*. In the Chelyabinsk region and Yamalo-Nenets Autonomous

51. Outcomes of the cases on complaints and protest against judgments and decisions in cases of administrative offences that have come into force // Official website of the Judicial Department of the Supreme Court of the Russian Federation [Date of inquiry: 2019. 1 February] ([http://www.cdep.ru/userimages/sudebnaya\\_statistika/2019/F2-svod\\_vse\\_sudy-1-2019.xls](http://www.cdep.ru/userimages/sudebnaya_statistika/2019/F2-svod_vse_sudy-1-2019.xls)).

Okrug, imams of the prayer rooms where religious literature from the Federal List was found were fined.

Law enforcement officers are constantly finding new titles in the Federal List, so, in comparison with the previous years, more and more entries of diverse nature are being applied. However, keeping in mind that, as of the past year, the number of entries on the list has exceeded 5,000, a lot remains to be studied by law enforcement officers, and the scope for application of this administrative article remains very wide.

At least 20 people were charged under combined Articles 20.3 and 20.29 of the CAO in 2019. All of them were fined.

Speaking of penalties under administrative articles in general, we point out that the practice of confiscation of the "instruments of crime" (laptops, tablets, phones, etc.), the items whose cost is many times higher than the amount of fines paid, continues.

The decisions mentioned above include only those that we deem more or less appropriate. At the same time, we are aware of at least nine instances of inappropriate penalties under Article 20.3.1 of the CAO, 31 under Article 20.3 of the CAO, and 59 under Article 20.29 of the CAO. Thus, there are 99 inappropriate and 476 appropriate decisions, and the share of the inappropriate ones (about 20 %) has increased almost twofold compared with the previous year (46 inappropriate to 357 appropriate decisions, or 11.5%).

## The Blocking of Online Resources and Internet Censorship

The judicial mechanism of blocking access to the banned or other, allegedly dangerous, materials by means of their inclusion in the Single Register of Prohibited Websites is being executed with increasing frequency. We cannot estimate the number of resources added to the Register specifically for extremism in 2019; without doubt, it constitutes but a small share of the many tens of thousands of resources blocked in the past year. Only Roskomnadzor has complete information. Some information is published on the Roskomsvoboda website,<sup>52</sup> and the analysis of their data for the period between January and April has revealed about 900 such resources<sup>53</sup> (compared with a little more than 600 for the entire 2018; however, as happens every year, we cannot be sure whether we have identified each and every resource blocked "for extremism").

52. See: List of blocked websites // Roskomsvoboda (<http://reestr.rublacklist.net/>).

53. "Extremist resources" in the Single Register of Prohibited Websites // SOVA Center (<https://www.sova-center.ru/racism-xenophobia/docs/2019/12/d41805/>).

Judging by these 900, the ideological spectrum of the resources added to the Single Register “for extremism” in 2019 has not changed much. The majority (78%) are Russian nationalists’ materials, from xenophobic songs to works by popular nationalist authors; 7% are Islamist militants’ materials, from ISIS videos to Timur Mutsurayev’s songs; peaceful Islamic materials constitute 4%. Apart from these, there is a small number of references to the works by the classics of Fascism (3%); Ukraine-related resources, from the ultra-radical (less than 2%) to peaceful publications by the Ukrainian mass media (1.5%); and banned parody (2%). The share of other materials – those of other nationalists and Orthodox fundamentalists, provocative websites, and non-radical opposition websites – was about 2.5%.

The removal of the references to banned websites from the keyword search engine results instead of blocking whole websites and pages has become a consistent practice (“download links to the audio files returned by the search engine in response to the “territory of war” keyword query”; “list of audio files returned by the search engine in response to the query “kolovrat russia belongs to us”) and constitutes more than half of the orders known to us in 2019. We find this practice clearly unlawful and inappropriate: in response to keyword search, search engines return a whole range of different results. For example, the first few pages of search results for keywords “Tushinsky Aerodrome” (“Tushino Airfield”) and “Karaoke 82” return absolutely peaceful resources, and a popular waltz is the first thing Google returns when one searches for “Amur waves”.

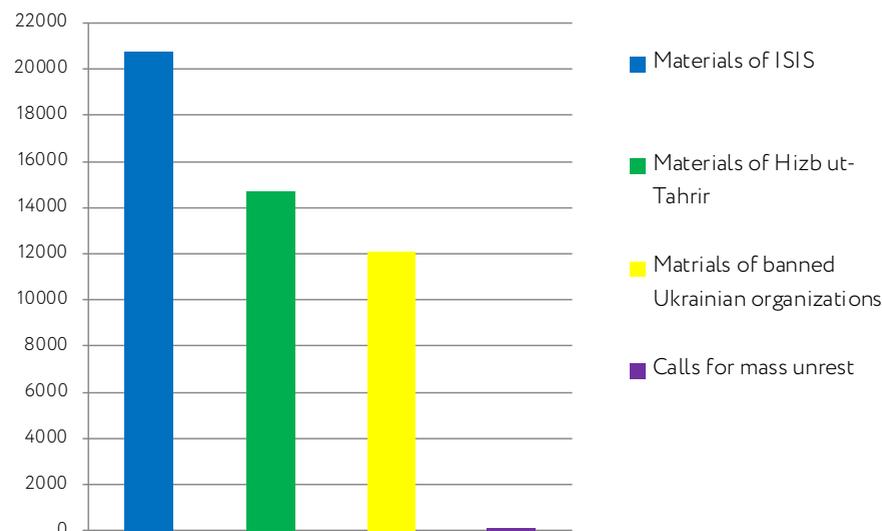
The number of obviously inappropriate blockings in this category is also high. We are unable to provide a quantitative assessment, but the materials blocked in 2019 include those of Jehovah’s Witnesses and Falun Dafa, peaceful Islamic materials, and other resources that clearly present no public danger. The mass blocking of the Hizb ut-Tahrir party materials also remains a cause for serious concern: while the party has been banned and some of its materials may well be illegal, the history of the law enforcement against it suggests an assumption that the majority of its materials do not contain any dangerous calls and is being blocked merely based on affiliation with the banned organization, although such an approach is not based on law.

A separate register, based on the “Lugovoy” Law,<sup>54</sup> provides for extra-judicial blocking of sites that disseminate calls for extremist activities, mass riots, and many other activities. The number of blockings in this register, conducted by the Prosecutor’s office, is growing at a much faster pace than that of the Single Register; we no longer have any means of obtaining even an approximate number of “extremist resources” in the Lugovoi Register. For the second consecutive year, we have been working only with the data published on the Roskomnadzor website.

54. Full title: Federal Law “Amendments to the Federal Law ‘On Information, Information Technologies, and Information Protection’”.

According to Roskomnadzor,<sup>55</sup> in the first nine months of 2019, 97,040 resources were blocked “for extremism” (the data for the whole year are not available yet; in the same period in 2018, 51,892 sites were blocked). According to reports, these are not the original sites ordered by the Prosecutor-General’s office (their number is a mere 369) but mirror sites “identified” by Roskomnadzor itself. Judging by the numbers though, we believe that these are not all mirror sites in the exact sense but also other sites with identical or very similar content.

**Chart 6. Blockings of online content under the “Lugovoy” Law in the first three quarters of 2019. Data of Roskomnadzor**



In its reports, Roskomnadzor identifies the following types of resources: ISIS propaganda – more than 20,700 materials (more than 17,000 in 2018); Hizb ut-Tahrir – more than 14,700 materials (more than 17,000 in 2018); banned Ukrainian organizations (Praviy Sektor (“Right Sector”), UNA-UNSO, Ukrainian Insurgent Army, Stepan Bandera Tryzub (“Stepan Bandera’s Trident”), Bratstvo (“Brotherhood”), and Azov) – more than 12,100 materials (about 5,000 in 2018);

calls for “mass riots, extremist activities, participation in unsanctioned mass public events violating an established order – 122; 96 of them in the 3rd quarter (728 in 2018).

55. Reports on activities of Roskomnadzor // Official website of the Federal Service for Supervision of Communications, Information Technology and Mass Media (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

This amounts to about 47,600 resources in total. Roskomnadzor did not specify the remaining 49,400.

As the Federal Service reported, in the first three quarters of 2019, “illegal information” was deleted from 194,325 resources and they were unblocked (it is possible that some of them have been blocked earlier).

What is striking in these reports is the number of extra-judicial blockings, growing year after year. Interestingly, the combined amount of blocked ISIS and Hizb-ut-Tahrir materials has not changed that much compared to the previous year’s data for the same period, while the amount of banned Ukrainian organizations’ blocked materials has more than doubled. What is remarkable, by the way, is how few resources that disseminate calls for mass riots get blocked, while they are those very resources whose threat has led to the adoption of the “Lugovoy” legislation in the first place: in 2019, their number was several times lower than in 2018. Unfortunately, it remains completely unclear what is behind these high numbers, what resources are affected, how dangerous the materials are, and whether immediate, extrajudicial blocking is justifiable. Our suspicion that, at this scale of numbers, mistakes and arbitrary actions are simply inevitable is well-founded.

## Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2019

### Summary

This report presents an analytical review of anti-extremist legislation and its misuse in 2019. SOVA Center has been publishing these annual reports on a regular basis to summarize the results of the monitoring carried out by the organization continuously since mid-2000s.

The trend to eliminate the shortcomings of anti-extremist legislation, which had started to take shape in the preceding year, failed to develop further in 2019 – the initiatives proposed in 2018 were implemented, but no new steps were taken in this direction, despite the fact that the need for further changes is more than obvious. Another trend, which also manifested itself in 2018, has prevailed – the course on increasing the severity of the old restrictive norms and introducing the new ones that either curtail the rights of those “involved in extremist and terrorist activities” or introduce new measures to control the Internet.

The anti-extremist policy course chosen by the Russian authorities directly interferes with the realization of fundamental human rights including the right to freedom of expression, freedom of conscience and freedom of association, conflicting with Russia’s obligations under international treaties. In 2019, the European Court of Human Rights continued to reveal contradictions between decisions of the Russian courts and the European Convention on Human Rights. At the same time, Russia is bound by commitments that imply further increases in severity of anti-extremist restrictions; thus, in July, it ratified the repressive Convention on Countering Extremism of the Shanghai Cooperation Organization.

With regard to the law enforcement statistics for 2019, consequences of partial decriminalization of Article 282 Part 1 of the Criminal Code should be noted first, such as repeal of some previously issued sentences and termination of criminal prosecution in cases not yet considered by courts at the time of decriminalization. A general decrease in the number of criminal prosecutions under articles on “extremist statements” is also worth pointing out. At the same time, the percentage of sentences we have identified as inappropriate among the total number of sentences issued under criminal articles cover-

ing extremist statements remains unchanged in the recent years. We increasingly report cases of arbitrary prosecution under Article 205<sup>2</sup> of the Criminal Code – an anti-terrorist article relating to public speech, which punishes justification of terrorism. We also noted a number of unreasonable prosecutions under new Article 20.3.1 of the Code of Administrative Offences on incitement to hatred, which was enacted as a result of decriminalization of Article 282 of the Criminal Code. In addition, we recorded dozens of cases of prosecution under the new administrative norm that pertains to disrespect for the authorities and society; we consider this norm to be close to anti-extremist legislation and completely unjustifiable. Despite the reform of the article of the Code of Administrative Offences on the demonstration of banned symbols, launched in 2019, the number of sanctions imposed under this article, including inappropriate ones, actually increased.

The policy regarding religious minorities has generally remained the same – the authorities actively suppress the activities of religious organizations and movements of foreign origin, which they do not welcome. As regards religious associations, the contradiction between the ban on continuing activities of organizations recognized as extremist, stipulated in the criminal law, and the right to choose faith and practice it individually and collectively guaranteed by the Constitution of the Russian Federation has never been resolved. Thus, mass prosecutions of Jehovah's Witnesses, who have continued their religious practice after their communities in Russia were banned as extremist, only gained momentum in 2019. We saw no signs of decrease in the scope of prosecutions against followers of the Islamic radical party Hizb ut-Tahrir, who face huge court-imposed prison terms (up to 22 years) solely on the basis of their alleged membership in an organization that was recognized as terrorist in Russia (in our opinion – erroneously).

## Lawmaking

In July, Russia ratified the Shanghai Cooperation Organization (SCO) Convention on Countering Extremism, signed in 2017; the convention entered into force for Russia in October 2019. Among other provisions, it expands the definition of extremism previously adopted at the SCO level. While the definition of extremism in the Shanghai Convention of 2001 was tied to violence, the new definition also came to include “other unconstitutional actions.” It also introduces a list of “extremist acts,” largely corresponding to the definition of extremism used in the Russian law “On Combating Extremist Activity.” This list includes, inter alia, incitement to political enmity, which is absent in the Russian definition; in principle, this opens the way to increasing the sever-

ity of the current Russian legislation. The Convention imposes on SCO members obligations to establish penalties for extremist acts and for a number of related actions. The document provides for close cooperation between law enforcement agencies in their investigation of extremist cases, including travel to the territory of other participating states to attend operational search activities. In addition, the Convention imposes on participating countries an obligation to deny refugee status to all those involved in extremist crimes. We view strengthened cooperation of the kind as alarming, since it may lead to further deterioration of the already problematic situation of dissidents in the SCO countries.

The number of legal norms restricting the rights of people viewed by the Russian authorities as involved in terrorism and extremism kept growing in 2019. These include the laws signed in March, one of which requires lawyers and accountants to freeze the funds of their clients, if the latter were placed on the so-called Rosfinmonitoring (Federal Financial Monitoring Service) list of extremists and terrorists. Another law prohibits persons included on this list from working at nuclear facilities. Since July, they are also not allowed to operate railroad trains, and, since August, they are banned from owning crowd-investing platforms or using them to solicit funds under the law on crowd-investing. We would like to remind that the Rosfinmonitoring list includes not only convicted offenders but also individuals charged with or suspected of involvement in extremist and terrorist activities.

In addition, the government submitted a draft bill to the State Duma extending the ban on creating non-profit organizations and on membership in such organizations to include individuals whose funds were frozen by the Interdepartmental Commission on Countering the Financing of Terrorism.

In early April, Rosfinmonitoring published its legislative proposal that gives state agencies the powers of expedited extrajudicial suspension of banking operations on suspicion of being related to one of the following: financing of terrorist or extremist activities, organizing and holding public events in violation of the established procedure, or drug trafficking. We believe that the new extrajudicial mechanism for blocking funds provides law enforcement agencies with yet another tool for preventive suppression of unwelcome social activities, and that the proposed measures will affect not only those who participate in such activity, but also members of their families. In addition, given the vague wording of the bill, we can expect the relevant court decisions to be based not only on criminal sentences under counter-terrorist and anti-extremist articles that entail arrest and confiscation of the means of committing a crime, and not even on the fact of criminal prosecution (as is currently the case for those added to the Rosfinmonitoring list of terrorists and extremists), but also on charges under the Code of Administrative Offenses or on operational information collected by law enforcement agencies. For example, we

can easily surmise that accounts of activists suspected of organizing unapproved meetings will be blocked simply on the basis of these suspicions.

In 2019, the authorities finally addressed the need to limit the total ban on displaying prohibited symbols. In December, the president signed the law “On Amending Article 6 of the Federal Law ‘On Immortalization of the Victory of the Soviet people in the Great Patriotic War of 1941-1945,’ and Article 1 of the Federal Law ‘On Combating Extremist Activity,’” developed by a group of deputies led by Elena Yampolskaya of the United Russia party at the initiative of the All-Russia People’s Front. The newly adopted law replaces the legislative ban on “propaganda and public display” of Nazi symbols (as well as attributes and symbols of extremist organizations) with a ban on its “use,” except for the use that “forms a negative attitude towards the ideology of Nazism and extremism and contains no signs of propaganda or justification of Nazi or extremist ideology.” A similar note will be added to Article 20.3 of the Code of Administrative Offenses (public display of Nazi symbols) in accordance with the corresponding bill approved by the State Duma in February 2020.

We welcome the abolition of the blanket prohibition against demonstrating banned symbols, but it is not clear how the fact of forming a “negative attitude” towards Nazi or extremist ideology is to be established. In addition, this clause will not cover all the cases, in which banned symbols can be displayed without the purpose of advocating the corresponding ideology. In order to prevent inappropriate prosecutions, we proposed that federal laws and Article 20.3 of the Code of Administrative Offenses explicitly state that display of forbidden symbols is punishable only if it is aimed at such propaganda. This suggestion was included in a legislative proposal submitted by Senator Anton Belyakov, which contained an alternative plan for reforming Article 20.3, but was rejected by the State Duma in December 2019.

A number of laws pertaining to the sphere of information and aimed at further restricting the right to freedom of expression in Russia were signed in 2019. We also saw some new legislative initiatives of the same kind.

In March, the president signed a package of laws targeting indecent behavior on the Internet and dissemination of inaccurate socially significant information. This legislation was introduced by Dmitry Vyatkin, a deputy of the United Russia party, and by senators Alexander Klishas and Lyudmila Bokova. Roskomnadzor (the Federal Service for Supervision of Communications, Information Technology, and Mass Media) received the right to block “unreliable socially significant information disseminated under the guise of reliable messages,” upon request of the Prosecutor General’s Office, if the information poses a threat to citizens, public order, etc. At the same time, registered online media outlets were given the opportunity to quickly remove such information in order to avoid blocking. The laws introduced administrative responsibility under Article 13.15 of the Code of Administrative Offenses (abuse of freedom

of mass information) in the form of large fines for disseminating “knowingly inaccurate” information. The fines are differentiated depending on the degree of the alleged or actual harm and reach 1.5 million rubles for legal entities.

Information that expresses clear disrespect for society, the state, state symbols and authorities “in the indecent form, which insults human dignity and public morality,” is to be blocked as well. Website owners are given 24 hours to remove such information. Citizens may face administrative punishment for its distribution in the form of fines of up to 300,000 rubles and/or arrests of up to 15 days under the new parts of Article 20.1 of the Code of Administrative Offenses (disorderly conduct).

As we have repeatedly stated, in our opinion, these laws operate with ambiguous concepts, introduce redundant norms and imply unreasonable interference with the right of Russian citizens to freedom of expression in order to suppress criticism of the authorities.

A law that increases liability for violations of the information-related legislation, proposed by deputies from United Russia, was signed in December. Under this law, Article 13.11 of the Code of Administrative Offenses (violation of the legislation of the Russian Federation on personal data) was supplemented by a norm establishing liability for refusal to store personal data of Russian citizens in Russia and imposing large fines for citizens and multi-million dollar fines for legal entities. In addition, large fines were established for repeated violations of the law on information that fall under Articles 13.31, 13.35, 13.36, 13.37, 13.39 and 13.40 of the Code of Administrative Offenses, which include anti-extremist restrictions among others. According to the law, cases of repeated violations under these articles should be tried in courts, rather than reviewed by Roskomnadzor inspectors.

Also in December, the president approved the law “On Amending the Law of the Russian Federation ‘On Mass Media’ and the Federal Law ‘On Information, Informational Technologies and the Protection of Information.’” This new legislation provides for the possibility of recognizing individuals as “foreign agent” mass media and establishes the procedure for disseminating information by the media recognized as “foreign agents.” Individuals can be branded a “foreign agent mass media” resource, if they distribute any messages or materials to an unlimited number of people, and, at the same time, but not necessarily in connection with this activity, receive money from any foreign sources. In addition, this status can be imposed for participating in the creation of materials by “foreign agent mass media,” if a participant also receives money from abroad or from a “foreign agent mass media” outlet. Russian physical and legal entities engaged in such activities will be included on the Foreign Agent Mass Media Register and might fall under the provisions of the law “On Non-Profit Organizations” that apply to “foreign agent” non-profits. The Ministry of Justice has been entrusted with keeping the new register, but the decision to

add a particular individual is supposed to be made in consultation with the Ministry of Foreign Affairs. Imprints, messages and materials of both “foreign agent mass media” resources and their corresponding Russian “foreign agent” legal entities will have to indicate this status. A similar indication should be included in the output of a registered mass media outlet established by such a legal entity. If a decision in an administrative case on violation of the procedure committed by a “foreign agent” mass media outlet or by its Russian legal entity enters into force, Roskomnadzor is to block the offender’s resource in the manner determined by the government. Another law, signed in the same month, introduced new Article 19.34.1 in the Code of Administrative Offenses, which stipulates the fines for violating the law on foreign agent mass media that range from 10,000 to 100,000 rubles for citizens, from 50,000 to 200,000 rubles for officials and from 500,000 to 5 million rubles for legal entities. Both legal norms entered into force in February 2020; at the time of releasing this report, we have no information on their application.

In October, a group of senators, led by indefatigable Andrei Klishas, introduced in the State Duma a package of two bills that seek to expand to email services the provisions on online messaging platforms set forth in the federal law “On Information” and in Article 13.39 of the Code of Administrative Offenses, as well as to clarify these provisions. Under the proposed legislation, “messaging service organizers” (not only owners of instant messaging services, but also owners of email services) are required to block user accounts, if law enforcement authorities establish the fact of messaging information that is supposed to be blocked either by a court order or extrajudicially upon request of the Prosecutor General. The draft bill received support from the relevant State Duma Committee on Information Policy, Information Technology and Communications and criticism from the co-implementing Committee on State Building and Legislation. The latter stated in its review that the bill de facto expands the rules on messengers to all information services organizers, requiring them to check all Internet messages, which would lead to mass non-compliance with the requirements of the law. As the Committee pointed out, this requirement, already applied to the owners of instant messaging services, is in fact often not followed. The review also notes general inefficiency of such measures, both for instant messengers and for mail services, because “blocking the correspondence of a specific user does not prevent them from immediately creating a new account and continuing their correspondence.” In addition, such measures imply the state-imposed rule that “violates the secrecy of correspondence principle with respect to its citizens.” The government, in its official response on the bill, indicated its support while suggesting the need for clarification of the term “messaging service organizer.”

In late February, Klishas’ comrade-in-arms Senator Lyudmila Bokova introduced two bills in the State Duma. The first one suggested increasing fines

under Article 6.17 of the Code of Administrative Offenses (which punishes violation of the legislation of the Russian Federation on the protection of children from harmful information); the second one proposed amendments to this legislation aimed, inter alia, at ordering organizations to develop and implement programs for ensuring the information security of minors in accordance with the legislation. The draft bill also suggested unscheduled inspections to investigate complaints against providers who failed to protect children from harmful information. Bokova withdrew her proposals following the negative feedback from the government.

A package of bills, introduced in the State Duma in May, seeks to criminalize dissemination of information that can facilitate the imposition of sanctions against the Russian state, citizens or organizations. Its author, Deputy Mikhail Yemelyanov (A Just Russia), proposed banning collection, transmission and dissemination of information that might lead to the introduction of sanctions against Russia and Russians, as well as information on their non-compliance with the sanctions. The draft legislation suggested criminalizing dissemination, in mass media or on the Internet, of secrets protected by law or any other information that contributed to the imposition of sanctions; and proposed augmenting Article 128<sup>1</sup> of the Criminal Code (libel) with a new provision on punishment for libel against those subjected to sanctions as well as for libel which served a basis for imposing sanctions. We noted that Yemelyanov’s proposals, inasmuch as they pertained to dissemination of information that contains no personal data or secrets specifically protected by law, directly contradicted Article 29 of the Constitution of the Russian Federation guaranteeing freedom of expression and mass information and could lead to criminal prosecution for acts committed without criminal intent. Furthermore, it was unclear what methods would be used to establish the fact that this particular dissemination or transfer of information had really contributed to the imposition of sanctions. Both the government and the State Duma Legal Department found Yemelyanov’s bill to be inconsistent with the principle of legal certainty; the Legal Department also indicated that it contradicted Russia’s obligations under international human rights treaties. The bill was recalled by the author in November.

## The Practice of the European Court of Human Rights

In 2019, the European Court of Human Rights (ECHR) continued to accept and communicate complaints from Russian citizens regarding the use of anti-extremist norms. At least two important decisions were made.

In July, the ECHR examined the case of *Zhdanov and Others v. Russia*, which combined three complaints on the refusal of the Russian authorities to register the following LGBT community organizations: the Rainbow House, the Pride House in Sochi and the autonomous non-profit organization Movement for Marriage Equality. The Russian authorities attempted to justify the refusals by citing the need to protect morality, family, national security (due to a hypothetical decrease in the population) and the need to protect the rights and freedoms of others (from encountering manifestations of same-sex relationships, promoting LGBT rights and promoting the idea of equality of opposite-sex and same-sex relationships), as well as the need to prevent the incitement to social and religious hatred and hostility, which can lead to manifestations of violence. Thus, according to the authorities, the activities of LGBT organizations manifested signs of extremism. The ECHR decided that the Russian authorities should have enabled the LGBT organizations to function without disturbance by, for instance, publicly and unambiguously indicating their tolerant position and warning potential aggressors of possible sanctions. Instead, they decided to remove the very cause of potential tension and avert a risk of disorder by restricting the applicants' right to freedom of association. According to the European Court, the interference of the Russian authorities in this right was not necessary in a democratic society. Consequently, the Russian authorities violated Article 11 of the European Convention on Human Rights guaranteeing freedom of assembly and association and (since the case involves the LGBT rights) Article 14 of the Convention prohibiting discrimination, as well as, under one of the complaints, also Article 6 of the Convention, which pertains to the right to a fair trial.

The second decision is only partially related to anti-extremist law enforcement, to the extent that it pertains to the so-called Lugovoy's Law on blocking online resources, which is anti-extremist in its origin. In April, the ECHR ruled on the complaints by Syktyvkar activist Grigory Kablis regarding the authorities' refusal to authorize a picket-style protest, the extrajudicial blocking of three posts on the 7x7 web portal, and blocking his VKontakte account. In 2015, Kablis filed a picket notice and posted about it on his blog on 7x7. When the city administration refused to grant a permit for his picket, he published two more posts on his blog announcing a people's gathering, as well as one post on VKontakte. As a result, his social network account was blocked at the request of the Prosecutor General and then 7x7 was forced to delete his blog posts under the threat of blocking.

According to the ECHR, Article 15.3 of the Federal Law "On Information" contains an excessively broad formula on prohibition to disseminate information about events held in violation of the law. As a result, even the most insignificant, procedural violation in this area can trigger extrajudicial blocking of posts, and the breadth of the Prosecutor General's discretion with respect to such blocking measures makes their judicial review practically impossi-

ble. Thus, Article 15.3 of the Federal Law "On Information" lacks the necessary guarantees against abuse. The ECHR recognized the very mechanism of extrajudicial blocking of information under Lugovoy's Law, reflected in Article 15.3, as non-compliant with the Convention.

The ECHR decided that the blocking of Kablis' account and posts constituted an interference by a state body with his right to express opinions, an integral part of which is the freedom to receive and disseminate information and ideas. The blocking in this case was aimed solely at enforcement of rules governing public assemblies, which, according to the ECHR practice, cannot become an end in itself. The blocking could have pursued the legitimate aim of protecting the rights of others, but the Russian courts did not establish whether Kablis' actions had actually encroached on these rights. The ECHR noted that only two of the four posts contained calls to participate in the public event planned by Kablis. It should be borne in mind that the authorities must demonstrate a certain level of tolerance in relation to peaceful assemblies held in violation of the law. The reasons for blocking the other two posts were not at all clear, and, in addition, the posts discussed the matters of public interest, and such statements are subject to special protection. Thus, in this case there was no pressing social need to block access to the information. The court found that Russia had violated Article 10, 11 and 13 of the European Convention on Human Rights, which guarantee freedom of expression, freedom of assembly and the right to an effective remedy, and ordered Russia to pay compensation to Kablis for non-pecuniary damage and legal expenses.

## Principal Targets of Persecution

### Ideological Opponents of the Regime

In 2019, after partial decriminalization of Article 282 of the Criminal Code on incitement to hatred, which had been often used to prosecute people for expressing political views, the courts more frequently prosecuted ideological opponents of the authorities under other articles of the Criminal Code as well as under Article 20.3.1 of the Code of Administrative Offenses, similar in composition to Article 282 Part 1 of the Criminal Code. Nearly fifty cases of prosecution under new parts of Article 20.1 of the Code of Administrative Offenses for disrespect for the authorities and the society on the Internet are also worth noting. In general, it can be stated that online oppositional activity remains the focus of attention for law enforcement agencies and often becomes the basis for unjustified persecution.

**Prosecutions for “Rehabilitation of Nazism”.** In March, the Volgograd Regional Court fined Alexei Volkov – coordinator of Alexei Navalny’s headquarters in Volgograd in 2017 – 200,000 rubles under Article 354<sup>1</sup> of the Criminal Code (rehabilitation of Nazism) Part 3 (public desecration of the symbols of Russia’s military glory). He was charged for publishing in the Volgograd VKontakte community of Navalny’s supporters a collage of the Motherland Calls statue covered with green dye. This post was made following the green dye attack against Navalny during his “pre-election” visit to Barnaul. The creators and distributors of the collage, obviously, did not intend to express disrespect for the monument and contribute to the rehabilitation of Nazism – on the contrary, they likened the clearly unlawful attack on Navalny to the attack on the famous sculpture. Distribution of such an image can hardly be considered a desecration of the monument. In addition, the legislation never defines the concept of “symbols of Russia’s military glory” used in the wording of Article 354<sup>1</sup> Part 3 of the Criminal Code, so it is unclear what exactly should be regarded as such.

In December, the jury and then the Supreme Court of Chuvashia found opposition blogger Konstantin Ishutov guilty under Article 354<sup>1</sup> Part 1 of the Criminal Code (rehabilitation of Nazism) and Article 242<sup>1</sup> Part 2 Paragraph “d” of the Criminal Code (dissemination of child pornography on the Internet). Ishutov was sentenced to three and a half years in a penal colony and a fine of 150,000 rubles. We consider Ishutov’s sentence inappropriate in its part related to the rehabilitation of Nazism. The verdict was based on his two publications on social networks. In 2010, Ishutov wrote on LiveJournal that the Chuvash authorities had never recognized the fact that the region was a burial place for thousands of German POWs, who had worked at the peat plant in Zavolzhye, and no funds were allocated to care for the mass grave. The blogger noted that, on the contrary, it was customary in Germany to look after mass graves, memorials and monuments. Neither the text of his post nor the discussion that followed contained any statements to justify the actions of the Nazis. The blogger was also charged for his 2018 Facebook post containing a photograph of a 1941 German leaflet addressed to citizens of the Soviet Union and the Red Army soldiers and officers, in which the Nazis promised to transfer household plots into private ownership and to restore freedom of religion in the USSR. Ishutov accompanied the publication with a comment, “When the Third Reich cares for the Soviet people more than Putin does for the Russian people.” From our point of view, neither episode provided sufficient grounds for criminal prosecution, because Ishutov’s intent was, obviously, not to justify the crimes of the Third Reich, but to criticize the policies of the Russian authorities.

**Prosecutions for Incitement to Extremist Activities.** In December, the Kuntsevsky District Court of Moscow found Yegor Zhukov, a student of the Higher School of

Economics and a video blogger, guilty of incitement to extremist activity on the Internet under Article 280 Part 2 of the Criminal Code. Zhukov received a three-year suspended sentence and a two-year ban on administering a website or engaging in similar activities. According to the investigation, four videos from Zhukov’s YouTube channel contained “calls for extremist activities motivated by political hatred and enmity, including calls for forcibly changing the constitutional system, riots and obstructing the lawful activity of law enforcement officials,” and the court agreed with this assessment. In these videos, Zhukov called on the opposition to engage in a more active and well-thought-out struggle against the current system of government in Russia, but he advocated exclusively non-violent methods of resistance and, moreover, argued that violent methods were unacceptable. In our opinion, the methods of political struggle listed by Zhukov do not fall within the definition of extremist activity provided in the corresponding law.

**Prosecutions for Calls for Separatism.** Bashkir nationalist Airat Dilmukhametov was arrested in Ufa in March. He was charged with posting calls to violate territorial integrity of the Russian Federation (Article 280<sup>1</sup> Part 2 of the Criminal Code). A number of additional charges against him were filed in the course of the year and they all appear unfounded. The separatism charges were based on a video address by Dilmukhametov, in which he declared his intention to win the elections for the Head of Bashkortostan and then initiate the renegotiation of the federal agreement between the subjects of the Russian Federation on new terms. He did not speak about secession from Russia, and, in general, his plans appeared exceedingly abstract; he proposed no specific steps to implement his program and did not call for using violence to implement it. Meanwhile, in early 2020, Dilmukhametov faced additional charges under Article 282<sup>3</sup> of the Criminal Code (financing of extremist activity) for trying to collect funds via the Internet “to support his struggle for the new Bashkir Republic IV.”

**Prosecutions for “Justifying Terrorism”.** In April, a criminal case under Article 205<sup>2</sup> Part 2 of the Criminal Code (justification of terrorism on the Internet) was initiated in Novy Urengoy (Yamalo-Nenets Autonomous District) against Dmitry Chernomorchenko, the creator and editor-in-chief of the *Voice of Islam* online portal. He was prosecuted for the article “Aleppo Fell: Lessons and Conclusions,” published by the *Voice of Islam* website in 2016. The case was based on the conclusion by an expert, who discovered signs of justifying activities of the banned Islamic State in the author’s assertion that blaming this organization for Aleppo’s fall was meaningless, because, during the hostilities, the Islamic State fighters had, in fact, supported an “unspoken truce” with Assad. In our opinion, the expert’s interpretation is hardly reasonable, especially since the author criticizes all parties to the conflict, including the Islamic State, and does not call for any violence, let alone terrorism.

Inappropriate charge of justifying terrorism via the Internet under Article 205<sup>2</sup> Part 2 of the Criminal Code was brought against the aforementioned Bashkir activist Airat Dilmukhametov. It was based on Dilmukhametov's November 2018 YouTube video about the persecution against members of Hizb ut-Tahrir religious party. Dilmukhametov characterized the harsh punishments they face under Article 205<sup>5</sup> of the Criminal Code as unjust, but, at the same time, warned young people against joining the party and criticized its ideology. Thus, Dilmukhametov did not even agree with the ideology of Hizb ut-Tahrir, let alone any advocacy or justification of terrorist activities – he merely stated that this organization did not resort to terrorist methods of struggle.

The dubious sentences under this article for alleged Hizb ut-Tahrir propaganda are described below in the chapter on prosecutions against religious groups.

In December, prosecutors returned for further investigation the case of journalist Svetlana Prokopiieva from Pskov, who still remains under travel restrictions. She was charged under Article 205<sup>2</sup> Part 2 of the Criminal Code (public justification of terrorism in the media) in September. The case was based on the broadcast by the Echo of Moscow radio station in Pskov of Prokopiieva's "Minute of Enlightenment" show in November 2018; the transcript of the show was subsequently published by the *Pskovskaya Lenta Novostei* [Pskov News Feed] website. The show discussed the causes of an explosion at the FSB office lobby in Arkhangelsk. Analyzing the incident, Prokopiieva argued that the actions of the young man, responsible for the suicide bombing, were fueled by the repressive state policy, which limits opportunities for civilized political struggle, and that there was a great risk that young people, who grew up in the atmosphere of state-sanctioned brutality, would respond in kind. Roskomnadzor issued warnings to both the Echo of Moscow in Pskov and *Pskovskaya Lenta Novostei* in December 2018; they were upheld by the Pskov City Court in August 2019. In addition, in February 2019, a magistrate's court issued fines under Article 13.15 of the Code of Administrative Offenses (production or release of media products containing public calls for terrorist activities, materials publicly justifying terrorism) to the radio station, in the amount of 150,000 rubles, and to Grazhdanskaya Pressa LLC, which maintained the *Pskovskaya Lenta Novostei* website, in the amount of 200,000 rubles. A criminal case based on the public statements made during the show was opened immediately afterward. It should be noted that Prokopiieva has never said that the ideology or practice of terrorism were correct and deserved to be emulated, and never claimed them to be attractive or appropriate.

In the same month, the Investigative Committee dropped criminal charges against Galina Gorina, a 59-year-old activist of the Stop GOK environmental movement, in the Chelyabinsk Region. Gorina had been charged under the same Article 205.2 Part 2 in connection with sharing a VKontakte post dedi-

cated to the same explosion in the Arkhangelsk FSB office. Gorina shared this post on her page with a comment, "What is happening all over the country... Children are killing themselves!" In the decision to terminate the criminal case, the investigator noted that Gorina's personal comments did not express her approval of the incident described in the post.

**Other Prosecutions for Anti-Government Statements.** In 2019, we became aware of 31 cases of liability under Article 20.29 of the Code of Administrative Offenses in different regions of Russia for distributing the banned video about unfulfilled campaign promises of the United Russia party, "Let's Remind Crooks and Thieves about Their Manifesto-2002," created by supporters of Alexei Navalny. The Belgorod region, where at least 18 people faced responsibility for the video, is a clear leader here.<sup>1</sup> Courts put the offenders under administrative arrest in two cases and levied fines in 28 cases; the outcome of one case is unknown. We can assume that law enforcement agencies have chosen this video, because it can be easily found on social networks and thus allows for imposing "preventive measures" in the form of administrative sanctions against opposition-minded Internet users without much effort. In the Belgorod Region, it has obviously become the favorite instrument of the operatives of the local Center for Combating Extremism – fans of quota-based policing, who utilize the video to improve their statistics on the fight against extremism. We would like to remind that the content of the notorious video, recognized as extremist in 2013, merely lists a number of unfulfilled campaign promises from the 2002 United Russia party manifesto and calls to vote for any party other than the ruling party. We view the prohibition of this video and sanctions for its distribution as inappropriate.

At least 11 cases of filing baseless charges against opposition activists under Article 20.3 of the Code of Administrative Offenses (display of banned symbols) were reported to us in 2019. One case was dismissed; three cases led to administrative arrests and seven more – to fines. The cases in question involve the use of forbidden symbols with no intent to promote a corresponding ideology – for example, the use of swastikas in opposition memes.

Thus, in November, the Sverdlovsk District Court of Irkutsk punished political strategist and public figure Igor Madasov with two days of administrative arrest for his Facebook post depicting two badges – one of the Russian police patrol service and the other one of the Third Reich Department of Finance (featuring an eagle holding a Nazi swastika) – with the caption, "POLICE everything old is new again."

1. See: The Belgorod region: Administrative sanctions for the distribution of the video "Let's Remind Crooks and Thieves about Their Manifesto-2002" // SOVA Center. 2019. 23 October (<https://www.sova-center.ru/misuse/news/persecution/2019/10/d41616/>).

In August, Alexander Kruglov, the chairman of the organizing committee of the All-Russian Communist Party (Bolsheviks) (VKP(b)), was fined 1,000 rubles in Samara after three images depicting Vladimir Putin and Nazi symbols had been found on his VKontakte page. Obviously, Kruglov did not pursue the aim of advocating Nazi ideology by posting these images; on the contrary, he used the swastika as a means of political criticism. The regional court rescinded the fine due to procedural violations committed by a lower court.

In 2019, citizens were held responsible at least 56 times under Article 20.1 Parts 3-5 of the Code of Administrative Offenses for dissemination of online information expressing in indecent form disrespect for the society and the state. Fines were imposed in 32 cases (two people were fined twice), proceedings were discontinued in 18 cases (four of these cases were attempts to penalize previously punished offenders for their new statements); the outcome of 6 cases is unknown. In addition, we know of four cases, in which the police rejected the informers' complaints and refused to report the incidents. Almost all cases under Article 20.1 Parts 3-5 of the Code of Administrative Offenses pertained to disrespect for the authorities – most often to obscene statements about the president, but also to statements targeting local officials, judges and law enforcement representatives. The offenders include local activists, journalists and bloggers as well as ordinary Internet users dissatisfied with the authorities. It is worth noting that the first court decisions under Article 20.1 Part 3 of the Code of Administrative Offenses were handed down in the spring, the majority of the sanctions were imposed in the summer and the flow of cases decreased in the fall. In addition, lawyers from Agora International Human Rights Group, who provide legal support in such cases, were increasingly successful in getting them dismissed.<sup>2</sup>

**Prosecutions for Anti-Government Group Initiatives.** In June, it became known that Chelyabinsk activists Oksana Yeremina and Yuri Vashurin were charged under Article 213 Part 2 of the Criminal Code (hooliganism, motivated by political hatred committed by an organized group). In the course of the protest rally “He is Not Our Tsar” on May 5, 2018 in Chelyabinsk, protesters broke through the police cordon. According to the investigation, the participants in an unauthorized rally filled the intersection and the area around the Alyi Shopping Center, “using their quantitative advantage to obstruct the customary flow of people” and creating a threat of their accidental exit onto the roadway. According to the indictment, Yeremina was calling on protesters to break through the cordon and then started an “active forward movement” and broke through the cordon along with other protesters; Vashurin also participated in this break, linking his arms with other rally partici-

2. See: Sanctions against citizens for online insults against the state and the society // SOVA Center. 2019 (<https://www.sova-center.ru/misuse/news/persecution/2019/04/d40942/>).

pants. Thus, according to the investigation, the defendants grossly violated public order and expressed obvious disrespect for the society, “in order to express their political will and political opinion, as well as to protest the current Head of State, President of the Russian Federation V.V. Putin, and to express their disagreement with results of the 2018 elections of the President of the Russian Federation.” The case was dismissed with respect to Boris Zolotarevsky, the former coordinator of Alexei Navalny’s Chelyabinsk headquarters, who had previously been a suspect as well; the investigation concluded that, although Zolotarevsky was the action’s organizer, he was not involved in the crime since he had been detained before the rally began. In our opinion, breaking through a cordon and filling a square or an intersection with participants in a mass event might be considered a violation of the procedure for holding a mass event, but not hooliganism committed on the basis of political hatred.

In December, Alexander Kotov, a member of the Perm branch of the Libertarian Party of Russia was charged with hooliganism committed by an organized group and motivated by political hatred; activists of Alexei Navalny’s headquarters in Perm Danila Vasilyev and Alexander Shabarchin faced the same charges in February 2020. The proceedings were initiated based on the fact of an installation, which appeared on a Perm street on November 11, 2018 – a mannequin, tied to a lamp pole, dressed in the striped prisoner’s robe, with Vladimir Putin’s face and the signs “Liar” and “War Criminal V.V. Pynia.” The creators recorded the installation on video and posted it on the Internet. In our opinion, tying a mannequin to a pole can hardly be interpreted as hooliganism, i.e., a gross violation of public order; therefore, in this case, the use of an article on hooliganism motivated by political hatred does not seem justified.

In December, a criminal case on alleged organizing of an extremist community was opened against Ingush opposition members, who participated in organizing protests against the changes to the Ingushetia-Chechnya border in March 2019. Malsag Uzhakhov, Akhmed Barakhoev and Musa Malsagov were charged under Article 282<sup>1</sup> Part 1 of the Criminal Code for creating the Ingush Committee of National Unity; Barakh Chemurzhev, Zarifa Sautieva, Ismail Nalgiev, Bagaudin Khautiev and Akhmed Pogorov – under Article 282<sup>1</sup> Part 2 of the Criminal Code for participating in the Committee. The activists were previously charged under Article 33 Part 3 and Article 318 Part 2 of the Criminal Code with organizing violence, motivated by political hostility, against representatives of the authorities in connection with the discharge of their official duties, endangering their lives or health.

The charges stemmed from the events of March 27, 2019 that took place on the square near the Ingushetia National Television and Radio Company in Magas, where the protest rally turned into clashes with the National Guard. Uzhakhov was also charged under Article 239 Parts 2 and 3 of the Criminal Code (operating a public association involving individuals in commitment of illegal acts).

According to the investigators, Uzhakhov, Barakhoev and Malsagov, united by their political hostility toward Ingushetia's president Yunus-Bek Yevkurov, created an extremist community, namely the Ingush Committee of National Unity (*Ingushsky Komitet Natsionalnogo Edinstva*, IKNE), chaired by Malsagov. IKNE activists disseminated calls for participation in non-permitted protests via mass media and social networks as well as organized such actions. They declared the rally on March 27 as lasting indefinitely until the protesters' demands were fulfilled, thereby "psychologically motivating and stimulating" the rally participants to disobey government officials and use violence against them; this stance led to clashes. At the same time, the above-listed activists were not charged with using violence or threatening to use it. Allegedly, the IKNE members deliberately encouraged the protesters to use violence against government officials motivated by political hostility, when, "manipulating ethnic customs" and "provocatively invoking male dignity and national unity," they urged protesters to protect elders and women by any means necessary.

We view charges brought against the Ingush activists both under Article 282<sup>1</sup> and Article 318 of the Criminal Code, as inappropriate. The investigation provides no convincing arguments either that the activists had planned in advance to provoke violence (and got together for this very purpose) or that their calls (whether planned or voiced spontaneously) were intended to motivate the audience to violence. Thus, firstly, it is impossible to regard this association of activists as an extremist community – that is, as a group created in order to plan extremist crimes, and secondly, the calls described in the indictment cannot be viewed as actions intended to organize the use of violence.

## Side Effects of the Fight for Tolerance

**Abusing Legal Norms on Incitement to Hatred.** Due to partial decriminalization of Article 282 of the Criminal Code, a number of criminal cases under this article regarded by us as inappropriate or problematic were terminated in 2019.

- The overturn of the verdict against Sagit Ismagilov, an activist of the Bashkir national movement, who had been fined for inciting ethnic hatred for his statement about the Tatars of the Golden Horde.<sup>3</sup>
- The overturn of the verdict against Dmitry Dzhigalov and Oleg Semenov, activists of the "Anti-Corruption Bureau of Crimea" in Sudak, who had been sentenced to fines under Article 282 for the humiliation of dignity of the Bulgarians.<sup>4</sup>

3. Bashkir activist Ismagilov exempted from criminal liability // SOVA Center. 2019. 20 February (<https://www.sova-center.ru/misuse/news/persecution/2019/02/d40680/>)

4. The Supreme Court of Crimea overturns the verdict to activists of the Anti-Corruption Bureau // SOVA Center. 2019. 8 February (<https://www.sova-center.ru/misuse/news/persecution/2019/02/d40638/>).

- The overturn of the verdict against Ingush activist Sarazhdin Sultygov, who had been fined for inciting hatred toward the Ossetians.<sup>5</sup>
- The overturn of the verdict against Arkadia Akopian from Prokhladny (Kabardino-Balkaria), who had been fined for distribution of prohibited Jehovah's Witnesses brochures viewed as incitement to religious hatred.<sup>6</sup>
- Reduction by three months – as a result of dropping the charges of inciting hostility towards Yunus-Bek Yevkurov – of the verdict against Magomed Khazbiev, an Ingush opposition activist, sentenced under several criminal articles to two years and 11 months in an open prison.<sup>7</sup>
- Reduction of the verdict against Danis Safargali, the leader of the Tatar Patriotic Front Altyn Urda (the Golden Horde) due to termination of his prosecution under Article 282 of the Criminal Code<sup>8</sup>; in 2017, he was sentenced to three years of imprisonment on several criminal charges, including those for posting statements targeting representatives of certain ethnic and religious groups, the president of Russia, the authorities and mass media.
- Expunging the conviction of St. Petersburg nationalist Vladimir Timoshenko, who had served a two-year term in a maximum security colony for inciting hatred towards the social group "employees of government institutions and agencies."<sup>9</sup>
- Release of the blogger Ruslan Sokolovsky from punishment under Article 282 Part 1 of the Criminal Code, under which (in aggregation with Article 148 Part 1 and Article 138<sup>1</sup> of the Criminal Code (illegal sale or acquisition of special devices intended for secretly obtaining information)) he had received a suspended sentence. The blogger was charged for publishing videos which the court found, among other issues, to humiliate dignity on the grounds of nationality, religion and belonging to a social group.<sup>10</sup>

5. The sentence to co-chair of Mehk-Khel Movement overturned // SOVA Center. 2019. 30 September (<https://www.sova-center.ru/misuse/news/persecution/2019/09/d41518/>).

6. The case under Article 282 of the Criminal Code against a follower of Jehovah's Witnesses, convicted in Kabardino-Balkaria, has been closed // SOVA Center. 2019. 1 March (<https://www.sova-center.ru/misuse/news/persecution/2019/03/d40726/>).

7. Charges of inciting hostility towards local authorities against an Ingush opposition activist dropped // SOVA Center. 2019. 28 February (<https://www.sova-center.ru/misuse/news/persecution/2019/02/d40712/>).

8. The court releases Danis Safargali from punishment under Article 282 of the Criminal Code // SOVA Center. 2019. 14 February (<https://www.sova-center.ru/misuse/news/persecution/2019/02/d40658/>).

9. Vladimir Timoshenko's criminal record for inciting hatred against civil servants expunged // SOVA Center. 2019. 20 May (<https://www.sova-center.ru/misuse/news/persecution/2019/05/d41034/>).

10. Blogger Sokolovsky released from punishment under Article 282 of the Criminal Code due to its decriminalization // SOVA Center. 2019. 8 May (<https://www.sova-center.ru/misuse/news/persecution/2019/05/d40988/>).

In addition, we would like to note the following cases, which we regarded as inappropriate or doubtful, and for which prosecutions under Article 282 of the Criminal Code were discontinued:

- Ending the prosecution against student Daniel Markin from Barnaul, charged with humiliating the dignity of Christians by posting atheistic memes.<sup>11</sup>
- Dropping the prosecution under Article 282 of the Criminal Code (but not under Article 280 of the Criminal Code, under which he was also charged) against Yuri Zalipaev, Jehovah's Witness from the city of Maisky (Kabardino-Balkaria) for distributing prohibited Jehovah's Witnesses brochures.<sup>12</sup>
- Terminating the case of feminist Lyubov Kalugina in the Omsk Region charged with inciting hatred against men on a social network.<sup>13</sup>
- Ending the prosecution of Amin Shayakhmetov, charged with inciting hatred and humiliation of dignity on the grounds of ethnicity, language and attitude toward religion for posting texts on a website belonging to the Shura of Muslims of the Republic of Bashkortostan; the criminal case against him had been terminated with imposition of a court fine.<sup>14</sup>
- Terminating the prosecution against Valery Bolshakov – the former Chairman of the Sevastopol Workers Union and the secretary of the Sevastopol branch of the Russian United Labor Front Party (ROT FRONT) charged for his negative assessments of the Terek Cossacks made on a social network. Bolshakov was sentenced only under Article 280 Parts 1 and 2 of the Criminal Code for his calls for overthrowing the regime; then this verdict was overturned by the appellate court.<sup>15</sup>
- Ending the prosecution against poet Alexander Byvshev for incitement of hatred against Russians in connection with the online distribution of his poems; later, the charges under Article 280 Part 2 and Article 294 Part 1 of the Criminal Code (obstruction of justice) were also dropped due to the absence of elements of crime.<sup>16</sup>

11. A Barnaul court terminates the proceedings in the case of Daniil Markin // SOVA Center. 2019. 21 January (<https://www.sova-center.ru/misuse/news/persecution/2019/01/d40538/>).

12. The Supreme Court of Kabardino-Balkaria recognizes Yuri Zalipaev's right to rehabilitation // SOVA Center. 2019. 15 March (<https://www.sova-center.ru/misuse/news/persecution/2019/03/d40772/>).

13. Criminal prosecution of Omsk feminist Kalugina discontinued // SOVA Center. 2019. 5 February (<https://www.sova-center.ru/misuse/news/persecution/2019/02/d40611/>).

14. Criminal prosecution for posts on the Shura of Muslims of the Republic of Bashkortostan website dropped in Ufa // SOVA Center. 2019. 7 February (<https://www.sova-center.ru/misuse/news/persecution/2019/02/d40626/>).

15. Valery Bolshakov's sentence revoked // SOVA Center. 2019. 26 August (<https://www.sova-center.ru/misuse/news/persecution/2019/08/d41387/>).

16. Alexander Byvshev's case discontinued // SOVA Center. 2019. 30 October (<https://www.sova-center.ru/misuse/news/persecution/2019/10/d41649/>).

According to our information, nine people were inappropriately held liable under new Article 20.3.1 of the Code of Administrative Offenses introduced as a result of decriminalization of Article 282 Part 1 of the Criminal Code. Six of them were fined, one received 15 days of arrest, one case was closed; and for one we don't know the outcome.

The Privolzhsky District Court of Kazan fined left-wing activist D. Valiev 10,000 rubles for answering a question about the intellectual abilities and tolerance of Russians on the Internet portal *Ask.FM*. In his answer, the activist accused the Russians of intolerance and cowardice. Valiev is a supporter of anti-fascist ideology, and his remark was dictated by his rejection of certain views that are common in Russian society rather than by his desire to humiliate Russians on ethnic grounds.

The Laishevsky District Court of Tatarstan fined I. Sirazetdinov 10,000 rubles. Sirazetdinov posted on a VKontakte public page the video "Foreign Fascist Dictatorship in the Country," which consisted of a recorded meeting of the Academy for Geopolitical Problems chaired by the head of this organization, Leonid Ivashov. During the meeting, Ivashov described to the audience his vision of the social, economic and political situation in Russia, criticizing the authorities for their clannishness, exploitation of natural resources and population, the economic decline, the low standard of living for the majority and so on. Only once did he resort to his habitual nationalist rhetoric and expressed his suspicions concerning the Jews and the Han Chinese and their desire for world domination. This statement, however, was far removed not only from inciting hatred, but also from abasement of dignity. They can be classified as an insignificant case of hate speech, which, in our opinion, does not deserve sanctions. We also reiterate our belief that authors rather than distributors of inflammatory statements should face primary responsibility for them.

The Norilsk City Court twice dismissed the case of Eva Repina, a citizen of Uzbekistan and a Norilsk resident, in respect of whom a report under Article 20.3.1 of the Code of Administrative Offenses was compiled based on the fact that she created the "Online Idiots" album on VKontakte, where she kept screenshots of posts and comments containing xenophobic remarks against non-Muslims and Russians – in order to submit complaints, according to her. The court concluded that Repina's actions were not intended either to incite hatred or hostility against a group of people on the basis of their religion, or to abase the dignity of a group of people on the basis of their ethnicity. This did not stop the FSB from issuing to Repina a ban on entering the country until the end of 2038 (even prior to the case review), followed by the cancellation of her temporary residence permit. Repina lost her appeal against this decision. We see no reason to prohibit Repina from living in Russia – it is evident that she had no intention of inciting hatred towards Russians and non-Muslims by collecting xenophobic comments in her album, and removal of the

album from public access would have been a sufficient measure to prevent online conflicts. A twenty-year ban on entering the country based on evidence of an administrative offense is an obviously disproportionate response.

The Aldansky District Court of the Republic of Sakha (Yakutia) sentenced assembly line operator N. Filippov to 15 days under arrest. While reading information on the ethnic conflict on “Criminal Yakutia” Instagram page, Filippov found a comment under the post that was “extremist in its nature and incited the Yakuts to unite against the Russians” and forwarded it to a certain girl “just for laughs.” Despite the fact that this commentary apparently called for xenophobic violence, we doubt the appropriateness of Filippov’s sentence, since a statement forwarded to a single person cannot be considered a public statement, and Article 20.3.1 punishes for public statements.

FC CSKA fan Yevgeny Ogurtsov from Novocheboksarsk (Chuvashia) was fined 10,000 rubles for publishing a collection of his own poetry and advertising it on VKontakte. A number of his poems contained unflattering expressions targeting the players and fans of FC Spartak. We had no opportunity to review Ogurtsov’s poems. However, in our opinion, the players and fans of FC Spartak do not form a vulnerable social group in need of special protection against manifestations of hatred, and, unless Ogurtsov had called for violent actions against them, there was no reason for charges.

In Ust-Ilimsk of the Irkutsk Region, the case under Article 20.3.1 of the Code of Administrative Offenses was opened against Vladimir Ivaschenko, the former head of the local branch of the Young Guard of United Russia, who characterized his fellow town residents as a “narrow-minded herd” and “cattle” for choosing Anna Schekina, a candidate from the LDPR, as the town mayor; he also made some unflattering comments about her personally. We believe that the town residents should not be classified as a particularly vulnerable group of people, who require protection from incitement to hatred. We generally advocate for excluding the term “social group” from Article 282 of the Criminal Code and Article 20.3.1 of the Code of Administrative Offenses since the presence of such a vague term is fraught with abuse. Anyway, the Prosecutor’s Office in its decision to initiate a case has stated that resolving the question of whether Ivaschenko’s statements humiliated the dignity of Ust-Ilimsk residents and whether these residents form a social group required “conducting an administrative investigation including analysis and expert examination.” Apparently, the case has never reached the court.

We also object to sanctions imposed on the charges of inciting hatred (humiliation of dignity) against government officials, since the latter do not constitute a social group that needs special protection from hate. Thus, we view charges under Article 20.3.1 of the Code of Administrative Offenses for harsh statements addressed to officials as inappropriate. We recorded three such cases in 2019.

The Mendeleevsky District Court of Tatarstan fined Radislav Fedorov 10,000 rubles for posting two videos on VKontakte, one of which we have never had a chance to review. The second one, “Dimon, Who Are You?” is an animated video, in which Alexei Navalny and Leonid Volkov escort rapping prime minister Dmitry Medvedev to an electric chair; in our opinion, it does not provide a sufficient reason for sanctions.

The Promyshlennovskiy District Court in Kemerovo fined Igor Molchanov 10,000 rubles for posting on his VKontakte page a text “containing a negative and insulting assessment of representatives of various official bodies and law enforcement agencies in order to incite hostility and humiliate their dignity.”

The Zlatoust City Court of the Chelyabinsk Region fined Mikhail Gorin 10,000 rubles for inciting hatred against the social group “law enforcement agencies.” The charges were based on the fact that in 2018, Gorin posted a comment in the VKontakte group “Cops out of Control.” In his post he spoke rudely about the policemen and their friends, who were posting information in a local online group on traffic accidents, and about the group’s administrators, who, according to Gorin, were artificially creating a positive image of police officers in order to whitewash their illegal activities. In the commentary, Gorin expressed support to the administrator of the Cops out of Control and called not only for the dismissal of “such creatures in uniform” from the Internal Affairs agencies, but also for them to be burned alive at the stake, as witches were burned during the Inquisition. In our opinion, many arguments from the ECHR’s decision in the case of Savva Terentyev, convicted under Article 282 Part 1 of the Criminal Code for his call for burning the “infidel cops” on town squares, apply in this case; the European Court of Human Rights ruled that Terentyev’s verdict violated the Convention on Human Rights.<sup>17</sup>

Due to the partial decriminalization of Article 282, Article 280, which covers calls for extremist activity, is, to some extent, becoming its substitute, since such calls include incitement to hatred and violation of rights on the basis of social, racial, national, religious, or linguistic affiliation or attitude toward religion.

We have doubts about the validity of the charges of incitement to extremist activity (Article 280 of the Criminal Code) brought against Bashkir activist Airat Dilmukhametov in 2019 for his aggressive statement about Chechens. Law enforcement authorities interpreted as a direct call for attack the phrase uttered by Dilmukhametov in September 2018 in the Baimak City Administration building in the course of a conflict between local residents and the authorities, which followed a mass brawl with workers from Chechnya in the village of Temyasovo. In our opinion, when considering Dilmukhametov’s

17. See: The ECHR found violation of the Convention on Human Rights in the case of Savva Terentyev // SOVA Center. 2019. 28 August (<https://www.sova-center.ru/misuse/news/counteraction/2018/08/d39919/>).

entire statement, it becomes clear that it was not a call for violence, but rather an emotional reaction to the conflict – indignation at the incident and relief that people did not die.

**Sanctions for Display of Extremist Symbols.** While the State Duma was considering amendments to the legislation on public display of prohibited symbols, law enforcement agencies continued to actively apply Article 20.3 of the Code of Administrative Offenses in its current form and with its usual downsides.

According to statistics provided by the Judicial Department of the Supreme Court, 1388 persons<sup>18</sup> were punished under Article 20.3 just in the first half of 2019, compared to 1,652 cases for the entire 2018<sup>19</sup> – that is, we observe a sharp increase in application of this article, despite its recognized shortcomings that caused the authorities to engage in its reform. Only for some of these incidents we know the details of the corresponding administrative cases and can assess their appropriateness. In the course of the year, we noted 31 cases of liability for public display of Nazi symbols or symbols of banned organizations, not aimed at dangerous propaganda (vs. 29 in 2018). In all cases, the charges were brought against individuals, including opposition activists, representatives of small business, or ordinary social network users. According to our information, fines were imposed in 26 cases, administrative arrest in 3 cases, and 5 out of 31 cases were dismissed.

In June, the Omsk Regional Court overturned the decision of the Pervomaisky District Court of Omsk, which fined designer Ilya Frishman 1,000 rubles in April under Part 1 of Article 20.3 of the Code of Administrative Offenses. The proceedings in his case have been discontinued. Frishman was fined for posting videos with Nazi symbols on VKontakte, namely a spoof of the movie *Seventeen Moments of Spring* created by the TV Channel 1 show *Big Difference* and three humorous videos based on a popular scene from the movie *The Bunker*. Frishman stated in court that he had never intended to advocate Nazi ideology, and that he was an ethnic Jew and an Israeli citizen, whose ancestors had died at the hands of the Nazis, but the court did not take his arguments into account. However, the district prosecutor spoke in his defense, demanding that the Frishman case be discontinued due to the absence of the fact of the offense. Representatives of the Ministry of Internal Affairs, in turn, opposed the elimination of the fine, stating that the episodes from *The Bunker*, modified and taken out of context, did not condemn fascism, but, on

18. Consolidated statistical data on the activities of federal courts of general jurisdiction and magistrates' courts for the first half of 2019 // Judicial Department at the Supreme Court of the Russian Federation. 2019 (<http://www.cdep.ru/index.php?id=79&item=5083>).

19. Consolidated statistical data on the activities of federal courts of general jurisdiction and magistrates' courts for 2018 // Judicial Department at the Supreme Court of the Russian Federation. 2019 (<http://www.cdep.ru/index.php?id=79&item=4891>).

the contrary, represented it as “something funny and amusing.” They further argued that displaying Nazi paraphernalia in such videos not only failed to cause abhorrence among young people but, instead, was making those symbols fashionable. The regional court canceled the fine based on the results of an expert examination.

However, it is not always possible to bring absurd cases to an end. Thus, Elena Kurkina, the head of the circus box office, was fined a thousand rubles in September in Volgograd. In 2016, Kurkina posted on a social network a photo that depicted actors involved in a play about the Great Patriotic War and wearing the Third Reich uniforms.

Yuri Vladykin from Glazov (Udmurtia) was fined 1,000 rubles in December for the fact that, over four years earlier, he set up a display of antiques on an open cabinet shelf of a shoe repair shop, where he works, which included, among other items, an envelope depicting Hitler and a swastika. In court, Vladykin explained that he had “committed an offense due to ignorance and misunderstanding.” However, the court indicated that “the content of Article 20.3 Part 1 of the Code of Administrative Offenses of the Russian Federation does not stipulate the intent of the person, in respect of whom the administrative case is being conducted, as a necessary criterion for being charged with an administrative offense, since one’s guilt can also be expressed in reckless actions.”

An absurd episode took place in the city of Samara in November. A solemn post-reconstruction opening of the memorial complex dedicated to the participants of the Great Patriotic War took place in the Upravlencheskoye village in November. During the ceremony, it turned out that the monument, originally erected in 1975, no longer features the image of the swastika, split apart by a sword. The district administration said that they had not reinstalled the swastika due to the fact that its use was prohibited by Article 6 of the Federal Law “On Immortalization of the Victory of the Soviet people in the Great Patriotic War of 1941-1945,” and its demonstration was punishable under Article 20.3 of the Code of Administrative Offenses.

The practice of punishing the use of Nazi symbols as a visual tool in Internet posts that are critical of the Russian authorities has also continued (see above).

**Fight against Insults to the Feelings of Religious Believers.** Similarly to the preceding year, most of the proceedings in connection with insulting the feelings of believers in 2019 addressed distribution of atheist images on social networks. We would like to remind that we see no need in sanctions for posting such materials, even rude ones, unless they contain aggressive appeals against believers. We believe that such posts pose no public danger, and sanctions for their distribution can be viewed as unreasonable interference with freedom of expression with regard to religion. In addition, we are convinced that the con-

cept of “insulting the feelings of believers,” added to Article 148 of the Criminal Code, has no clear legal meaning and should be excluded from the legislation.

In September, the Magistrate’s Court of Unit No. 8 of Kirovsky District in Irkutsk ruled on the case of anarchist Dmitry Litvin, charged under Article 148 Part 1 of the Criminal Code. The court found Litvin guilty of insulting the feelings of believers and sentenced him to 100 hours of community service, but he was released from punishment, as well as from the court fees, due to expiry of the limitation period for the case. The court found signs of insulting the feelings of believers in only one of the four anti-Christian memes that formed the basis of the charges against Litvin – an image of an indecent gesture with a church on the background. No “violation of established norms and rules” was found in other images. Litvin expressed his intention to appeal the court decision.

Criminal cases against three Barnaul residents – Maria Motuznaya, Andrei Shasherin and Daniil Markin – were discontinued in January. The cases caused a scandal over the application of Article 282 of the Criminal Code in the summer of 2018. The first two defendants were charged simultaneously under Article 148 Part 1 of the Criminal Code (insulting the feelings of believers) and Article 282 Part 1 of the Criminal Code (incitement of hatred) for publishing atheist and xenophobic images; Markin had been charged with abasement of dignity of Christians under Article 282 Part 1 for publishing anti-Christian memes. In our opinion, the charges against Markin were completely without merit. Publications by Motuznaya and Shasherin did include xenophobic images, but their posts did not give sufficient grounds for prosecution. Criminal cases were terminated due to decriminalization of Article 282, and law enforcement authorities decided not to continue the prosecution of Motuznaya and Shasherin under Article 148.

New cases under Article 148 Part 1 were opened against three people – in Kirov, Voronezh and Ingushetia. The names of the defendants are unknown; the prosecutions were based on the facts of publication of atheist images online in all the three cases.

We believe that sanctions under Article 5.26 Part 2 of the Code of Administrative Offenses (deliberate public desecration of objects of religious worship) for the publication of atheist memes are also inappropriate. From our point of view, posting atheist images, even the crude ones, should not, in and of itself, be interpreted as desecration of objects of religious worship, since published photo collages do not imply any operations with the actual objects. It is also worth noting that the legislation never defines the concept of “desecration,” which has obvious religious connotations. We recorded three cases in 2019, in which charges were brought under this article; one of them has been discontinued.

On February 20, a magistrate’s court fined Severodvinsk opposition activist Anatoly Kazikhanov 15,000 rubles under Article 5.26 Part 2 of the Code

of Administrative Offenses (deliberate public desecration of religious paraphernalia). The charges against him were based on about 30 atheist publications on VKontakte, including photographs of men in priestly robes with the caption “Healthy men who live off grannies’ pensions,” a photo of a classroom with Orthodox icons on desks and a caption “On September 1, all Russian students will receive from the country’s leadership the latest tablet computers from Skolkovo,” images of Patriarch Kirill accompanied by the threat “I will track you by your IP address!” and a meme, in which the photo of the icon is accompanied by a caption mentioning “dirty glass.”

A report under Article 5.26 Part 2 of the Code of Administrative Offenses was compiled against Novocheboksarsk resident Ilnur Kamaldinov in late May. The charges were based on the memes posted on his VKontakte page – photo of Patriarch Kirill with the caption “Thanks are fine, paying the church is better” and a photo of a religious procession captioned “The nuthouse is out for a walk under the supervision of orderlies.”

In December, the police dismissed the case of Yaroslav Varenik, a correspondent of the Arkhangelsk resource *29.ru*, charged under Article 5.26 Part 2 of the Code of Administrative Offenses. In 2016, he added to his VKontakte page a video of the song “Yekteniya 1” by the Polish black metal band Batushka. The video contained footage of Orthodox worship, distorted by various superimposed effects added with a video editor. However, Varenik did not personally desecrate any objects of worship, and, in our opinion, the very fact of desecration was absent altogether; the objects of worship were not actually affected in any way. This was noted by experts from the Department of Cultural and Religious Studies of M.V. Lomonosov Northern (Arctic) Federal University, who submitted their opinion on the case. “Desecration implies a deliberate action; the intention of the authors is difficult to establish in this case, since the material in question is a video clip, that is, a product of creative activity, which implies a broad interpretation of the images created,” the experts noted.

## Religious Groups

**Hizb ut-Tahrir.** According to our information, at least 26 inappropriate verdicts against 92 people were issued in 2019 on charges of involvement in the activities of banned organizations (there were 26 such verdicts in the preceding year, but only against 77 individuals). All these cases pertained to religious organizations. Fourteen sentences were imposed under Article 205<sup>5</sup> of the Criminal Code (organizing activities of a terrorist organization or participating in it), and they all related to participation in the Islamist party Hizb ut-Tahrir, banned in Russia as a terrorist organization, despite the absence of any infor-

mation about its involvement in terrorist activities.<sup>20</sup> 52 persons in Tatarstan, Bashkortostan and Crimea, as well as in Moscow, Novosibirsk, Chelyabinsk and Samara were sentenced to long prison terms ranging from 7 to 22 years in a maximum security colony with various additional restrictions (not provided below), compared to 15 sentences against 49 people in 2018.

- In January, the Volga District Military Court (which has since been united with the Ural Court into the Central District Military Court) found Ainaz Yanyshiev, a defendant in a so-called Sibay Case, guilty of participating in the activities of a terrorist organization (Article 205<sup>5</sup> Part 2 of the Criminal Code) and sentenced him to seven years' imprisonment.
- In February, the same court sentenced 12 residents of Bashkortostan – Batyr Mukhametov, Bulat Rakhmanov, Mikhail Toptygin, Ruslan Zaynullin, Ural Abdrakhimov, Ruslan Rakhmatullin, Timur Gadiev, Radik Valiakhmetov, Yaroslav Timofeev, Vadim Davletbaev, Artyom Naumov and Ural Galiev – to terms ranging from 11 to 16 years in prison under Article 205<sup>5</sup> Part 2. In October, the Supreme Court of the Russian Federation, considering the case on appeal, increased Mukhametov's and Rakhmanov's prison terms to 16.5 years and 16 years and 3 months, respectively.
- In February, the Moscow (now the 2nd Western) District Military Court sentenced nine defendants to the terms of 11 to 16 years behind bars. Zafar Nodirov, Farkhod Nodirov and Khamid Igamberdiyev were convicted under Part 1 of Article 205<sup>5</sup> for organizing activities of the Moscow cell of the party; Sardorbek Siddikov, Otabek Isomadinov, Aziz Khidirbaev, Sobirdzhon Burkhoniddini, Olidzhon Odinaev and Murodzhon Sattorov were found guilty of participating in its activities under Article 205<sup>5</sup> Part 2.
- In March, the Volga District Military Court issued a verdict against two other defendants in the Sibay case: Aynur Sagadeev was sentenced to 17 years in prison under Article 205<sup>5</sup> Part 1 and Shavkat Alsynbaev – to 12 years under Article 205<sup>5</sup> Part 2.

20. 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 on other grounds 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.

- The same court (the Central District Military Court) also sentenced five residents of Tatarstan in March. Ruslan Sungatov and Rustem Yamaliev, charged under the following articles: Article 205<sup>5</sup> Part 1, Article 205<sup>1</sup> Part 1 (involving in terrorist activity) and Article 150 Part 4 of the Criminal Code (involving a minor in the commission of a grave crime), received the longest prison terms – 22 and 20 years, respectively. Ilmar Zinnatov received 19 years in prison under Article 205<sup>5</sup> Part 1 and Article 205<sup>1</sup> Part 1, Marat Tulyakov – 18 years under Article 205<sup>5</sup> Part 1 and Irek Nasirov – 14 years Article 205<sup>5</sup> Part 2.
- In April, the Volga Court sentenced five residents of Almetyevsk in Tatarstan. Irek Mukhametov was sentenced to 18 years of imprisonment under Article 205<sup>5</sup> Part 1 and Article 205<sup>1</sup> Part 1, Anas Gimazetdinov – to 18 years under Article 205<sup>5</sup> Part 1 (in September, the Supreme Court of the Russian Federation reduced his term to 17 years and nine months), Azat Zagiev – to 13 years under Article 205<sup>5</sup> Part 2 and Article 205<sup>1</sup> Part 2, Rinat Khannanov and Emil Shangareev – also to 13 years of imprisonment under Article 205<sup>5</sup> Part 2.
- In June, the Far Eastern (now the 1st Eastern) District Military Court found Kabul Usenbaev from Novosibirsk guilty under Article 205<sup>5</sup> Part 2 and sentenced him to 13 years of imprisonment.
- In June, the North Caucasus (now Southern) District Military court sentenced five Crimean Tatars from Simferopol. The court found Teymur Abdullayev guilty under Article 205<sup>5</sup> Part 1 and sentenced him to 17 years in prison. The remaining defendants – Rustem Ismailov, Uzeir Abdullaev, Ayder Saledinov and Emil Dzhemadenov – received from 12 to 14 years in prison under Article 205<sup>5</sup> Part 2. In December, the Supreme Court of the Russian Federation reviewed an appeal in the case, reducing each offender's sentence by six months.
- In August, the Volga District Military Court sentenced Almaz Usmanov from Ufa to 11 years of imprisonment under Article 205<sup>5</sup> Part 2.
- Also in August, the same court sentenced Renat Galimov from Kazan to 14 years of imprisonment under both Part 1 and Part 2 of Article 205<sup>5</sup>.
- In November, the Central District Military Court (as of October 1, this is the name of the combined court formed from the merged Volga District and Ural District Military Courts) sentenced Chelyabinsk resident Amir Giliyazov, finding him guilty under Article 205<sup>5</sup> Part 2, Article 205<sup>1</sup> Part 1.1 and Article 205<sup>2</sup> Part 2. He was sentenced to 11 years of incarceration with a ban on administrating websites and online channels for a period of three years. However, he was released from serving his sentence in a colony for health reasons. Giliyazov moves in a wheelchair and is in need of constant assistance due to Duchenne muscular dystrophy.
- In November, the Southern District Military Court (the former North

Caucasus District Military Court is known under the new name since October 1) delivered the sentence in the Yalta case against six Crimean Tatars. Muslim Aliev and Inver Bekirov were found guilty under Article 205<sup>5</sup> Part 1 and Article 278 with the use of Article 30 Part 1 (preparations for a violent seizure of power) of the Criminal Code and sentenced to 19 and 18 years of imprisonment, respectively. The remaining defendants – Emir-Usein Kuku, Vadim Siruk, Refat Alimov and Arsen Dzhapparov – were found guilty under Article 205<sup>5</sup> Part 2 and Article 278 of the Criminal Code with the use of Article 30 Part 1 and sentenced to terms from seven to 12 years of imprisonment.

- In December, the same court found Enver Seitosmanov from Sevastopol guilty under Article 205<sup>5</sup> Part 1 and sentenced him to 17 years of incarceration.
- In December, the Central District Military Court sentenced two Hizb ut-Tahrir followers from Kazan: Zafar Yakubov received 17 years of imprisonment under Article 205<sup>5</sup> Part 1 and Danil Bagautdinov – 11 years under Article 205<sup>5</sup> Part 2.

Arrests of alleged Hizb ut-Tahrir supporters continued in various regions of Russia in 2019.

Thus, law enforcement agencies of Crimea carried out arrests among Crimean Tatars on several occasions throughout the year, on charges of involvement in the activities of the party.

In February, three residents of the Oktyabrskoye urban village of the Krasnogvardeisky District of the republic were arrested under Article 205<sup>5</sup> Parts 1 and 2. In March, after a series of searches in Simferopolsky, Belogorsky and Krasnogvardeisky districts of Crimea, over 20 people were arrested; all of them, except one, were then moved from the peninsula to various jails of the Rostov Region. Eight additional people were put under arrest under the same charges in June, after searches in Alushta, Belogorsk and the Simferopolsky District.

In July, a rally in support of Crimean Muslims took place in Moscow, timed to coincide with the day when the verdict in the Bakhchisarai Hizb ut-Tahrir Case was to be reviewed by the Supreme Court of the Russian Federation.

A total of about 50 people were detained on July 10 and 11 and then punished under Article 20.2 Part 5 of the Code of Administrative Offenses (violation of the rules of holding a public event by a participant), primarily members of the Crimean Solidarity movement, who went to Red Square with the posters “Fight against Terrorism in Crimea is a Fight against Dissent,” “Stop Persecution on Ethnic and Religious Grounds in Crimea,” “Our Children Are Not Terrorists,” etc.

In November, a total of ten people were arrested under Article 205<sup>5</sup> Parts 1 and 2 in Moscow, Tatarstan and the Tyumen Region. According to the FSB of Russia, this group included two “leaders” and seven “members” of the party (apparently, they meant to say that two defendants were charged under Part 1

and seven – under Part 2 of Article 205<sup>5</sup>), who allegedly “formed closed terrorist networks in Russia’s regions, worked on providing financial support for illegal activities, spread the terrorist ideology among the population and recruited local Muslims.” In late November – early December, two people were detained and arrested in Chelyabinsk and the Chelyabinsk Region and seven others in Moscow. Law enforcement agencies also reported them as “two leaders and seven active members” of the party. In Tatarstan, a resident of Aznakaevo was placed under arrest in December under Article 205<sup>5</sup> Part 1.

Thus, according to our sources, at least 51 people were arrested on criminal charges in connection with their alleged involvement with Hizb ut-Tahrir in the course of the year.

In addition, we view as inappropriate the verdict on public calls for terrorism (Article 205<sup>2</sup> part 1 of the Criminal Code) issued to St. Petersburg resident Mirzobarot Mirzosharipov, who was serving his prison term in a Kemerovo penal colony for participation in Hizb ut-Tahrir. The 1st Eastern (formerly Far Eastern) District Military Court added three years to the yet-unserved part of his prison term because Mirzosharipov had allegedly justified the party’s activities in conversations with several other prisoners. In our opinion, the statement that Hizb ut-Tahrir was not a terrorist organization, incriminated to Mirzosharipov, as well as discussions about the party’s plans should not have been interpreted as propaganda of terrorist activity. It is worth noting that Mirzosharipov was charged for public propaganda on the basis of conversations that he conducted in the company of no more than three people, that is, in a small circle.

We also doubt the legitimacy of the decision of the Southern District Military Court, which, in October, sentenced Nariman Memedeminov, an activist of Crimean Solidarity, to two and a half years in an open prison, finding him guilty of public calls for terrorism based on five videos related to Hizb ut-Tahrir he had posted online. We were able to review three of five videos in question, and none of them contained any calls for or justification of terrorism.

We cannot evaluate the appropriateness of the charges under Article 205<sup>2</sup> against Amir Giliyazov, on whose sentence we wrote in detail above, because we had no opportunity to review his statements on social networks, which formed the basis for the charges against him.

The charge under Article 205<sup>2</sup>, brought in April against Bashkir nationalist Airat Dilmukhametov in connection with the publication of his video, in which he spoke about the unjustified prosecutions against Hizb ut-Tahrir supporters under terrorist articles, is also worth noting. Dilmukhametov was taken into custody in March on a different charge; see above for more details.

Twelve sentences against 40 people were issued arbitrary in 2019 for involvement in extremist organizations. A year earlier, 10 such sentences were issued

against 27 people, so we can point out an obvious increase in the number of guilty verdicts.

**Tablighi Jamaat.** Three sentences under Article 282<sup>2</sup> of the Criminal Code (organizing or participating in an extremist organization) were issued to 17 followers of the Tablighi Jamaat, a peaceful Islamic missionary movement, which was recognized as extremist in Russia (five sentences issued to 22 followers of the movement).

- In January, the Supreme Court of the Republic of Crimea sentenced four followers of the Tablighi Jamaat. Renat Suleymanov was found guilty of organizing the activities of an extremist organization under Article 282<sup>2</sup> Part 1 and sentenced to four years imprisonment in a minimum security penal colony. Taliat Abdurakhmanov, Seyran Mustafaev and Arsen Kubedinov, convicted under Article 282<sup>2</sup> Part 2 (participation in the activities of an extremist organization), received a suspended sentence of two and a half years.
- In March, ten followers of Tablighi Jamaat were convicted by the Tsentralny District Court of Orenburg. The court sentenced Alexander Shudobaev to six and a half years in a maximum security colony under Article 282<sup>2</sup> Part 1, the rest of the defendants received from two to two and a half years in a minimum security penal colony under Part 2 of Article 282<sup>2</sup>. In May, the regional court increased the punishment by imposing additional restrictions on all defendants.
- In Tatarstan, three residents of the republic were charged in September for continuing the activities of Tablighi Jamaat. A Tatarstan resident, whom the court recognized as the leader of the cell, was sentenced to six years in a minimum security colony under Article 282<sup>2</sup> Part 1 and two of his acquaintances – to two years in a penal colony under Article 282<sup>2</sup> Part 2. Presumably, these people are Tagir Salimov, Marat Nazmiev and Fanis Usmanov.

We are aware of one new case initiated in connection with the Tablighi Jamaat's activities in 2019; five people were arrested in the Saratov Region in January and charged with "exchanging extremist literature, flying to Jordan, Qatar and Kuwait, where they studied at religious centers," and organizing a "bayan" (a preaching meeting) in an attempt to create a local cell of the movement.

**Faizrakhmanists.** Members of the Muslim Faizrakhmanist community were sentenced in Tatarstan in June. Five people – Gumar Ganiev, Talgat Gizatul- lin, Rustam Galiev, Glimyan Khazetdinov and Mudaris Ibragimov – were con-

victed under Article 282<sup>2</sup> and Article 282<sup>3</sup> and received from five to seven years in a minimum security penal colony. The community, founded by the former deputy mufti of Tatarstan Faizrakhman Sattarov, who was succeeded by Gumar Ganiev in 2015, was banned in 2013, after an inspection had revealed that they were leading an insulated lifestyle and were forbidden to go to medical institutions and to send children to school. We believe that since the community was showing no aggression toward the outside world, there were no grounds for recognizing it as extremist and prosecuting its members under corresponding articles.

**Said Nursi Readers.** In contrast to the preceding years, not a single sentence was issued against the followers of the Turkish theologian Said Nursi in 2019 (there were at least five sentences against five Muslims a year earlier). Moreover, two previously initiated criminal cases were closed.

Despite the fact that Nursi's books are peaceful, Russian law enforcement agencies prosecute Muslims, found to possess these books, for their alleged membership in Nurcular – a centralized organization, banned in Russia despite the fact that its existence there has never been proven.

In February, the Sharypovo City Court of Krasnoyarsk Krai returned to the prosecutor the criminal case of Yevgeny Sukharev charged for his participation in Nurcular (Article 282<sup>2</sup>), since the indictment contained numerous violations of the Criminal Procedure Code requirements, and, in December, it became known that the Main Investigation Directorate of the Investigative Committee for Krasnoyarsk Krai dismissed the case due to the lack of corpus delicti.

In May, Krasnoyarsk resident Denis Zhukov was, once again, charged under Article 282<sup>2</sup> Part 2. He was charged with participating in meetings of a Nurcular cell in Krasnoyarsk in August 2018, but then the prosecutor returned his case to the investigation. However, the case did not reach the court, and according to our information, the limitation period for bringing Zhukov to criminal responsibility expired in December 2019.

In April, the Zheleznodorozhny District Court of Khabarovsk imposed sanctions in the form of a fine and deportation from Russia under the Article 18.8 Part 1.1 of the Code of Administrative Offenses (violation by a stateless person of the rules for staying in the Russian Federation through absence of the documents proving right to stay) on Yevgeny Kim after his release from a penal colony. Kim had been previously convicted under Article 282<sup>2</sup> Part 1 of the Criminal Code and Article 282 Part 1 of the Criminal Code. While he was incarcerated, the internal affairs authorities invalidated the 2005 decision to grant him the citizenship of the Russian Federation, because, after having received his citizenship, he got convicted of organizing the activities of an organization recognized as extremist (despite the fact that it would have been impossible for him to reveal his undesirable sympathies when accepting his citizen-

ship, since Nurcular was only banned four years later). Thus, Kim turned out to be a stateless person and had to be deported to Uzbekistan (his birthplace); however, he was not recognized as a citizen there, and Uzbekistan refused to accept him. At the time of publishing this report, according to our information, Kim is still held in the Center for Temporary Detention of Foreign Nationals of the Ministry of Internal Affairs of Russia in the Khabarovsk Krai.

**Jehovah's Witnesses.** Prosecutions against Jehovah's Witnesses, whose organizations in Russia (395 local communities along with the Jehovah's Witnesses Administrative Center) were banned as extremist in 2017, continued on an unprecedented scale in 2019.

According to the estimates of the believers, as of December 31, 2019, from the moment when the total ban on the activities of their communities was imposed in 2017, the total number of law enforcement searches of Jehovah's Witnesses residences reached 778; 489 of them were carried out in 2019.

213 Jehovah's Witnesses were prosecuted during 2019 for continuing their activities and financing their prohibited organizations (Articles 282<sup>2</sup> and 282<sup>3</sup>), and a total of 135 criminal cases have been opened since 2017 against 313 believers in 52 regions of the country.

Since May 2017, at least 149 believers experienced a stay in a pre-trial detention center, including 22 women. More than half of the total – 84 people – were in custody during 2019. At the same time, over the course of the year, two simultaneous processes were influencing the number of defendants in jail. On the one hand, more and more arrests were being made, and on the other hand, the courts relaxed the restraining measures for some of those arrested substituting incarceration with house arrest, ban on certain actions, travel restrictions. In the course of the year, the number of believers in pre-trial detention ranged between 20 and 40 people at any given time.

Jehovah's Witnesses complained of being subjected to torture in detention in at least two cases. The alleged victims included seven persons involved in the case of the Surgut Jehovah's Witnesses community (Khanty-Mansi Autonomous Okrug – Yugra), who complained of beatings and electric shock – they were refused in their attempts to initiate a criminal case based on the fact of torture, despite the available documentary evidence and the expert opinion confirming that the torture had taken place. Roman Makhnev from Kaluga stated that, once detained, he spent several hours handcuffed to a pipe in the regional FSB department building and received no food for three days. In addition, believers in different regions have repeatedly reported the unwarranted use of force against them as they were being detained.

Eight sentences against 18 Jehovah's Witnesses were issued in 2019 (there were no such verdicts in the preceding year – hence the overall increase in the

number of sentences under Article 282<sup>2</sup> compared with 2018); nine believers received prison terms with three of them sentenced to six years behind bars.

- A demonstratively severe verdict was issued against Dennis Christensen, a Danish citizen who was sentenced in February by the Zheleznodorozhny District Court in Oryol to six years in a minimal security colony under Article 282<sup>2</sup> Part 1 as a leader of a banned local community; his sentence was upheld by the Oryol Regional Court in May. This case created a dangerous precedent for other Russian courts that sentence Jehovah's Witnesses.
- However, Oryol resident Sergei Skrynnikov was sentenced by the same court to a fine of 350,000 rubles for continuing the activities of the same Oryol community; the sentence was upheld by the regional court in May. Such a disparity in the punishments faced by Christensen and Skrynnikov is due, perhaps, not only to the fact that Skrynnikov was convicted under Article 282<sup>2</sup> Part 2, but also because the court's intention in Christensen's case was to make an example out of a foreign citizen found guilty of preaching a religion that was "non-traditional" for Russia.
- In July, the Ordzhonikidzevsky District Court of Perm found Alexander Solovyov guilty under Article 282<sup>2</sup> Part 2 and sentenced him to a fine of 300,000 rubles.
- In September, the Zheleznodorozhny District Court of Khabarovsk sentenced Valery Moskalenko to two years and two months of community service with an additional sentence of six months of restriction of liberty under Article 282<sup>2</sup> Part 2. The Khabarovsk Regional Court replaced Moskalenko's compulsory labour with a fine of 500,000 rubles in November; however, he has been released from both punishments due to the fact that he spent over a year in pre-trial detention.
- In September, the Leninsky District Court of Saratov found six believers guilty under Article 282<sup>2</sup> Part 1, of continuing the activities of a local Jehovah's Witnesses community. Konstantin Bazhenov, Alexei Budenchuk, Felix Makhammadiev, Roman Gridasov, Gennady German and Alexei Miretsky were sentenced to prison terms ranging from two to three and a half years in a minimum security penal colony with a five-year ban on holding leadership positions in public organizations and restriction of liberty for one year. The verdict was upheld by the regional court in December.
- In November, the Oktyabrsky District Court of Tomsk sentenced Sergey Klimov to six years in a penal colony with a one-year restriction of liberty and a five-year ban on engaging in educational activities and publishing materials on the Internet, having found him guilty of organizing meetings of the banned community under Article 282<sup>2</sup> Part 1.
- In November, the Ordzhonikidzevsky District Court of Perm sentenced Alexei Metzger, formerly a co-defendant of the aforementioned Alexander Solovyov, to a fine of 350,000 rubles under Article 282<sup>2</sup> Part 2.

- In December, the Leninsky District Court of Penza issued a verdict against six Jehovah's Witnesses from Penza. Vladimir Alushkin was sentenced under Article 282<sup>2</sup> Part 1 to six years of imprisonment in a penal colony with deprivation of the right to engage in activities related to the leadership of and participation in public religious organizations for a period of two years and a one-year restriction of liberty. Defendants under Article 282<sup>2</sup> Part 2 – Andrei Magliv, Vladimir Kulyasov, Denis Timoshin, Tatyana Alushkina and Galiya Olkhova – received a suspended sentence of two years in prison with a three-year probation period and an additional punishment in the form of restriction of liberty for eight months.

On the other hand, an important precedent was created by the decision made in September by the Sverdlovsk District Court of Kostroma. The court returned to the prosecutor the case of spouses Valeria and Sergey Rayman (born in 1993 and 1996), charged under Article 282<sup>2</sup> Parts 1 and 2 of the Criminal Code, since the indictment was found to be insufficiently substantiated and to contain “vague wording.” Furthermore, the court failed to find in the indictment any arguments to prove the intentionality of the crime, which should be provided in accordance with the Resolution of the Plenary Meeting of the Supreme Court of the Russian Federation No. 11 “On Judicial Practice in Criminal Cases Involving Crimes of an Extremist Nature” of June 28, 2011. The court also noted that the Supreme Court had not banned the religion of Jehovah's Witnesses, so the Rayman family only exercised their legal right to “worship independently.” In November, the Kostroma Regional Court upheld the decision to return the Rayman case to the prosecutor. This decision was followed by a series of other court orders to return the cases of Jehovah's Witnesses to prosecutors due to violations of the Criminal Procedure Code requirements found in the indictments. There were at least six such cases, including the Rayman case. However, it is worth noting that none of the cases was closed; moreover, three cases were returned by higher courts to courts of the first instance for consideration on the merits.

- In November, the Leninsky District Court of Vladivostok granted the defense's request and returned to the prosecutor the case under Article 282<sup>2</sup> against Valentin Osadchuk and six elderly women: Nadezhda Anoykina, Lyubov Galaktionova, Elena Zayschuk, Nailia Kogai, Nina Purge and Raisa Usanova.
- The Yelizovsky District Court of Kamchatka Krai returned to the prosecutor in November the case of Konstantin and Snezhana Bazhenov, as well as Vera Zolotova, charged under Article 282<sup>2</sup> Part 1. However, the Kamchatka Regional Court did not agree with this decision and, in January 2020, returned the case to the Yelizovsky District Court for consideration on the merits.

- In November, the Lensky District Court of the Republic of Sakha (Yakutia) returned to the prosecutor the case of Igor Ivashin, charged under Article 282<sup>2</sup> Part 1. However, the Supreme Court of the republic overturned the decision to return the case to the prosecutor's office and sent it to the Lensky district court for examination on the merits in January 2020.
- Also in November, the Naberezhnye Chelny City Court of Tatarstan returned to the prosecutor the case under Article 282<sup>2</sup> Parts 1, 1.1 and 2 against Ilkham Karimov, Vladimir Myakushin, Konstantin Matrashov and Aidar Yulmetiev. In February 2020, the Tatarstan Supreme Court upheld this decision.
- In December, the Petropavlovsk-Kamchatsky City Court of Kamchatka Krai returned to the prosecutor the criminal case of Sergei Ledenev, charged under Article 282<sup>2</sup> Part 1; however, the Kamchatka Regional Court overturned this decision in February 2020.

According to our data, criminal prosecutions against three Jehovah's Witnesses, have been discontinued – although the real number is, most likely, higher. In Arkhangelsk, the Investigative Committee dropped the criminal prosecution against 78-year-old Kaleria Mamykina in December due to the absence of corpus delicti. The case under Article 282<sup>2</sup> Part 2 against elderly believers Olga Medvedeva and Valentina Makhmadagaeva in Volgograd was also terminated in November due to the lack of corpus delicti.

**Administrative Sanctions for Distributing Religious Literature.** As in 2018, we only know of several cases of Jehovah's Witnesses facing administrative responsibility under Article 20.29 of the Code of Administrative Offenses for distribution of prohibited literature, although it can be assumed that, in reality, these were much more numerous. Two believers were fined in Kabardino-Balkaria and Karachay-Cherkessia; one person received seven days of arrest in the Nizhny Novgorod Region.

The number of known cases, in which charges were brought for the distribution of Islamic religious literature that we believe to have been banned unreasonably, is greater: eleven people in different regions of Russia were fined under Article 20.29 of the Code of Administrative Offenses mainly for peaceful materials that had been declared extremist, and had triggered administrative prosecution on previous occasions: *Fortress of the Muslim* (a collection of prayers), the *Miracles of the Quran* movie, the brochure *Women in Islam vs. Women in the Judeo-Christian Tradition* and others.

In addition, one person was put under arrest for three days in Abakan for distributing Li Hongzhi's book *Zhuan Falun* in a city park. This treatise by the founder of the Falun Gong movement was recognized as extremist solely on the grounds that it allegedly proclaimed the superiority of Falun Gong followers over other people.

It should be noted that we possess information only on a small fraction of the decisions made under Article 20.29 of the Code of Administrative Offenses in 2019. Just in the first half of the year, the courts imposed sanctions under it 865 times.

## Sanctions against Libraries

In 2019, prosecutors continued to impose on libraries sanctions, arising from the contradiction between the law “On Librarianship,” which requires the libraries to provide unfettered reader access to collections, and anti-extremist legislation, which forbids mass distribution of prohibited materials.

Prosecutors charge libraries with a variety of offenses 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 local library regulations fail to mention the ban on dissemination of extremist materials.<sup>21</sup>

The most frequently occurring actions are prosecutorial objections with respect to local library regulations, 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>22</sup> at least 63 such sanctions (vs. at least 170 in 2018) were imposed on library administrators, including school libraries, in 2019. Despite the slight increase in 2018, the data of the past two years indicates the general downward trend in the 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 handle prosecutorial audits.

## The Internet and Anti-Extremism

In 2019, the Russian authorities continued to 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 blocking, and the quality of

21. 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. 2012. 27 April (<https://www.sova-center.ru/en/misuse/reports-analyses/2012/04/d24302/>).

22. 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.

mechanisms designed to impose these restrictions, which grow in scope year after year.

**Blocking Practices.** The Unified Registry of Banned Websites created in 2012 has continued to add online casinos, resources that contain pornographic information or images, propaganda of drugs and psychotropic substances, information about the online sales of alcohol, 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 adds resources with information recognized as prohibited for distribution in Russia, including materials that are recognized as extremist (or similar to those). According to the Roskomnadzor, the total number of resources added to the Register during the first three quarters of 2019 constituted 208,966, including web mirrors (vs. 161,171 in the similar period of 2018); 98,030 of them were added to the Register on the basis of court decisions.<sup>23</sup> Presumably, resources with extremist materials make up only a small part of them; this also follows from the 2019 data collected by the Roskomsvoboda project.<sup>24</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. Information, that is “distributed illegally,” that is, “contains calls for mass riots, undertaking extremist activities, participating in (public) mass actions carried out in violation of the established order, unreliable socially significant information disseminated under the guise of reliable messages that creates a threat to the life and (or) health of citizens, threat of mass violation of public order and (or) public safety, of breakdown in the functioning of the essential services, transport or social infrastructure, credit organizations, energy facilities, industry or communications, or informational materials of a foreign or international non-governmental organization whose activity is considered undesirable on the territory of the Russian Federation” as well as “information allowing users to access the indicated information or materials” are subject to extra-judicial blocking upon request of the General Prosecutor’s Office to Roskomnadzor.

According to Roskomnadzor, 95 requests from the Prosecutor General’s Office regarding 369 resources were received in the first three quarters of

23. According to Roskomnadzor, “due to the presence of prohibited information,” the Unified Registry added 140,734 sites and/or site indexes on the Internet in the first half of 2019 and 68,232 sites and/or web site indexes in the third quarter. See: Roskomnadzor’s results // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2019. February (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

24. Constantly updated monitoring data on blocked Internet resources collected by the Roskomsvoboda project is available at Roskomsvoboda website (<https://reestr.rublacklist.net/>).

2019.<sup>25</sup> It was reported that 11 of these requests pertained to unreliable information subject to extra-judicial blocking under the newly adopted Klishas law (see above); as a result, 85 URLs were blocked. Roskomnadzor, together with the Russian Union of Journalists, maintains a list of resources mentioned two or more times in the requests by the Prosecutor General's Office to restrict access to unreliable information. As of late February 2020, the list contained 27 resources. For the most parts, these are groups (such as Lentach, MDK, city communities, etc.) and pages of individual VKontakte users, mass media user forums, YouTube channels, etc.<sup>26</sup>

Information that expresses clear disrespect for society, the state, state symbols of the Russian Federation, the Constitution of the Russian Federation or the authorities exercising state power in the Russian Federation "in the indecent form, which insults human dignity and public morality," is blocked in accordance with the Klishas law – also upon request of the Prosecutor General but under a different procedure; therefore Roskomnadzor calculated a separate tally of such requests. As of the end of the third quarter of 2019, it received 44 requests from the Prosecutor General to block information for expressing disrespect toward the government and the society; based on these requests, 85 URLs were included in the Unified Register.

In addition, Roskomnadzor reports on 97,040 mirror websites with extremist materials identified in the first three quarters of 2019 based on previous court decisions and requests from the Prosecutor General's Office.<sup>27</sup>

We view both judicial and extrajudicial restrictions on access to materials and websites, that do not call for forcibly taking down the regime, as inappropriate, in particular, when the restrictions target the sites containing announcements of peaceful actions, materials and websites of organizations recognized as "undesirable," materials of regionalists and peaceful separatists, historical materials not intended to incite hatred, Ukrainian information and analytical materials that contain no calls for violence, Ukrainian media websites; religious, anti-religious and some nationalist materials inappropriately recognized as extremist; materials and websites related to inappropriate-

25. According to Roskomnadzor, 60 requests from the Prosecutor General's Office regarding 243 resources were received in the first half of 2019 and 35 requests relating to 126 resources in the third quarter. See: Roskomnadzor's results // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2020 (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

26. List of information resources that repeatedly disseminate false information. Test Version // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2020 (<https://rkn.gov.ru/mass-communications/p1104/>).

27. According to Roskomnadzor, 58,670 such mirror websites were identified in the first half of 2019, another 38,370 in the third quarter. Roskomnadzor's results // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2020 (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

ly prohibited organizations and materials of a comic or satirical nature. We regard access restrictions on unreliable information and information expressing disrespect for the authorities and the society under the Klishas laws as unreasonable, since, in our opinion, these types of information do not pose enough of a danger to society to justify such a gross interference with the right to freedom of expression.

We are also concerned about the mass blocking of information about the prosecutions of Hizb ut-Tahrir followers in Russia (for example, in the first three quarters of 2019, according to Roskomnadzor, at least 14,676 mirror sites were blocked simply due to their association with this banned organization, without any proper review of their contents).<sup>28</sup>

**Other Sanctions.** Educational institutions and libraries still often face the prosecutorial wrath due to imperfection of content filtering on their computers. All computers accessible to minors 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 do not exist), prosecutors address their warnings not to software developers or vendors, but to administrators of educational institutions and libraries, and the "guilty" staff faces disciplinary responsibility.

The number of inspections we recorded in educational institutions (secondary schools, colleges, etc.) and libraries in 2019 and various acts of prosecutorial response based on their results added to the total of 25, that is, fewer than in 2018 (38). Our data, of course, is incomplete, but it suggests that, under pressure from prosecutors, educational institutions in the past few years have been paying increased attention to the effectiveness of their content-filtering systems, causing the number of charges against them to drop.

Principals of educational institutions were inappropriately fined in 2019 under Article 6.17 of the Code of Administrative Offenses ("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 on at least three occasions.

We are opposed to prosecutions against administrators of public institutions, such as cafes, Internet cafes, hotels, etc. under Article 6.17 Part 2 of the Code of Administrative Offenses for the lack of content filtering, since these institutions are intended not only for children (supervised by parents), but also for adult users whose rights should not be limited. In 2019, administra-

28. According to Roskomnadzor, over 10,000 such mirror websites were identified in the first half of 2019, another 4,676 in the third quarter. See: Roskomnadzor's results // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2020 (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

tors faced such charges on two occasions – a hotel owner, whose hotel provided Internet access to its guests, was fined; a general manager of a pizzeria equipped with a Wi-Fi point was issued a fine that was later replaced with a warning.

## Mass Media and Anti-Extremism

In a report on its activities for the first nine months of 2019, Roskomnadzor reports that it issued three warnings to the media “for mentioning an extremist organization without indicating that its activities are prohibited,” without specifying which publications were charged with these infractions and for what reasons.<sup>29</sup>

However, we know that in April the Volga Federal District department of Roskomnadzor compiled two administrative offense reports under Article 13.15 Part 2 of the Code of Administrative Offenses (dissemination of information about an organization included into a published list of extremist organizations without specifying that its activities are prohibited) with regard to the Nizhny Novgorod news and opinion website KozaPress and its editor-in-chief Irina Murakhtaeva. The charges were based on the photographs from the website of the Investigations Directorate of the Investigative Committee of Russia for the Nizhny Novgorod Region, which included an image featuring the flag of the Misanthropic Division (a banned organization). The image was used in one of the news articles without mentioning the Misanthropic Division specifically or the fact of its prohibition. Under Article 57 of the Law “On Mass Media,” the editorial board is exempt from liability under the charges of abusing freedom of the mass media if the information in question comes from the press service materials of the state bodies. Representatives of the Investigative Committee stated in court that the images were removed from the agency’s website, but could not specify the time of removal. As a result, the magistrate’s court terminated the proceedings.

Meanwhile, after Roskomnadzor issued warnings to the publishers of Echo of Moscow in Pskov and *Pskovskaya Lenta Novostei* in December 2018, it also compiled protocols under Article 13.15 Part 6 of the Code of Administrative Offenses (mass media production or publication containing public calls for terrorist activities or materials publicly justifying terrorism) for publishing Svetlana Prokopieva’s fall 2018 radio show dedicated to the causes of an explosion at the FSB office lobby in Arkhangelsk (see above). Subsequently, the magis-

29. The results of the analysis of information on the implementation of the plan of activities of Roskomnadzor for the 3rd quarter of 2019 // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2019. 28 November ([https://rkn.gov.ru/docs/doc\\_2582.docx](https://rkn.gov.ru/docs/doc_2582.docx)).

trate court fined both media outlets in the amount of 150 and 200,000 rubles, respectively in February 2019. In our opinion, this prosecution was inappropriate, since Prokopieva’s show never claimed that ideology or practice of terrorism were correct, worthy of imitation, attractive or permissible.

According to Roskomnadzor, the agency sent 112 requests to online media resources demanding to remove from their pages reader comments that showed signs of extremism in the first 3 quarters of 2019 – twice as many as a year earlier (when editorial boards received 58 appeals over the same period). According to Roskomnadzor, 77 requests pertained to comments that showed signs of incitement to ethnic enmity, one – to comments that showed signs of racial enmity, six – to comments containing propaganda of fascism, seven – to comments with signs of religious enmity, ten – to comments that showed signs of social enmity, four – to comments with incitement to carry out terrorist activities, five – to comments that called for violent changes in the foundations of the constitutional system and violating the integrity of the Russian Federation, two – to comments that contained public deliberately false accusation of extremist crimes committed in the course of performing official duties against persons holding public office of the Russian Federation. We have no information on the names of the media resources that received these requests or the exact content of the comments.<sup>30</sup>

## A Bit of Statistics

According to the data collected by SOVA Center, at least four sentences against nine people were issued in 2019 for violent hate crimes, not a single sentence for ideologically-motivated vandalism,<sup>31</sup> and 97 sentences against 102 people for hate speech. Among this last group, we view 12 sentences against 16 people as legitimate and intended to suppress xenophobic manifestations, another 15 sentences against 15 people, in our opinion, are also legitimate and relate to propaganda of violence, albeit not xenophobic. We are not sure about the appropriateness of five sentences against five people and have no or insufficient information about the basis of 66 sentences against 66 people.<sup>32</sup>

Providing these figures, we traditionally clarify that our data on sentences issued for utterances constitute only about one third of the real number

30. Ibid.

31. Here, we only count the sentences, which take the hate motive into account. For more details see: Natalia Yudina, Criminal Activity of the Ultra-Right. Hate Crimes and Counteraction to Them in Russia in 2019.

32. For additional details see: Natalia Yudina, In the Absence of the Familiar Article. The State Against the Incitement of Hatred and the Political Participation of Nationalists in Russia in 2019.

of sentences; the latter is reflected in the statistics published semiannually by the Judicial Department of the Supreme Court of the Russian Federation. 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, we do not have sufficient information to assess the legitimacy of the sentences in close to half of the cases. It is also worth remembering that, in some cases, we can say that the incriminating statements violated the law, but presented no significant danger to society – for example, because they had a very small audience. Nevertheless, we believe in the importance of demonstrating our findings that provide at least an approximate ratio between the number of legitimate prosecutions for hate crimes and the number of clearly inappropriate application of anti-extremist criminal 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>33</sup> We have grouped the sentences by the corresponding articles of the Criminal Code (the cases are discussed in greater detail in the relevant chapters of this report).

In 2019, we recorded no inappropriate sentences under Article 282 of the Criminal Code (for comparison, in 2018 we counted seven of them against eight people). As a result of the partial decriminalization of the article, eight previously passed sentences under this article against nine people were overturned, and the inappropriate criminal prosecutions against six individuals were discontinued.

Moreover, we know of no new cases opened under this article that could be classified as inappropriately initiated (we noted 6 such cases against 6 people a year earlier).

According to our data, only one inappropriate verdict against one person was issued in 2019 under Article 148 Part 1 of the Criminal Code for insulting the feelings of believers (same as in the preceding year). Anarchist Dmitry Litvin was charged for an image of an indecent gesture with a church on the background he had posted on VKontakte. He was sentenced to community service, but released from punishment due to expiry of the limitation period for the case. In Barnaul, the investigation discontinued the prosecution against two people under Article 148 Part 1 of the Criminal Code for publishing atheist memes on social networks; however, similar cases were opened in 2019 against three people in Kirov, Voronezh and Ingushetia.

Two sentences were issued under Article 354<sup>1</sup> of the Criminal Code (“Rehabilitation of Nazism”) in 2019 (not a single verdict in 2017 and 2018). Alexei Volkov, the coordinator of the Navalny headquarters in Volgograd, was fined

33. It should be noted that in speaking of appropriate and inappropriate verdicts we focus only on the merits; in most cases we do not consider possible procedural violations.

200,000 rubles but released from punishment due to expiry of the limitation period. He faced responsibility for publishing in the VKontakte community of opposition supporters a collage with the “Motherland Calls” monument covered in green dye. Opposition blogger Konstantin Ishutov from Cheboksary was sentenced to three and a half years in a penal colony and a fine of 150,000 rubles (under the aggregation of two articles – he was also accused of distributing child pornography) for statements that compared the policies of the Russian authorities with the German ones, including the policies of the Third Reich, but did not justify Nazism. We are not aware of any new cases opened in 2019 under this article for statements not aimed at promoting Nazism.

Two sentences were inappropriately issued in 2019 (vs. one in 2018) under Article 280 of the Criminal Code for incitement to extremism; one of them was later overturned. Valery Bolshakov, the secretary of the Sevastopol branch of the Russian United Labor Front Party (ROT FRONT) got a suspended sentence of two and a half years with a ban on holding public office for his anti-government calls, but the appeals court annulled the verdict and returned the case to the prosecutor’s office. Video blogger Yegor Zhukov got a suspended sentence of three years in prison with a two-year ban on administering video websites for his videos advocating non-violent methods of political struggle. Bashkir nationalist Airat Dilmukhametov was charged under Article 280 of the Criminal Code in 2019 on dubious grounds – for his emotional statement that was interpreted as a public call for violence against Chechens.

No inappropriate sentences were issued in 2019 under Article 280<sup>1</sup> of the Criminal Code on calls for separatism (vs. two in 2018). However, charges under this article were brought in the Dilmukhametov case in connection with a video address, in which he considered the possibility of initiating a renegotiation of a federal agreement between the subjects of the Russian Federation on new conditions; his video said nothing about the violent methods of secession of any territories from Russia.

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 of involvement in a terrorist organization under Article 205<sup>2</sup> (justification of terrorism). We view as inappropriate the verdict against Mirzobarot Mirzosharipov from St. Petersburg, who is currently serving time for involvement in Hizb ut-Tahrir in the Kemerovo Region. Mirzosharipov was sentenced to three years in prison for justifying the activities of Hizb ut-Tahrir, not terrorism, in his conversations with other inmates. We believe that Nariman Memedeminov, an activist of Crimean Solidarity, was inappropriately sentenced to two and a half years in an open prison for having published on the Internet five videos related to activities of Hizb ut-Tahrir. We were able to review three of these videos and found no signs of justifying terrorism in them. We also

regard as unjustified the charges under Article 205<sup>2</sup> against Dmitry Chernomorchenko, the editor-in-chief of the *Voice of Islam* portal, for an article about the ISIS (recognized as a terrorist organization in Russia), which contained no attempts to justify the ISIS activities. Inappropriate charges were also filed against Pskov-based journalist Svetlana Prokopyeva, who was accused of justifying terrorism for her speculations on the impact of repressive policies on the youth, made during the radio show dedicated to the explosion in the lobby of the FSB building in Arkhangelsk. Environmental activist Galina Gorina from Chelyabinsk had also been charged for a remark on the same explosion, but the case against her was closed due to the absence of corpus delicti.

In 2019, as in 2018, the courts pronounced no inappropriate verdicts under Article 282<sup>1</sup> of the Criminal Code, which covers organizing and participation in an extremist community. We view the charges under this article against eight Ingush activists – organizers of protests against changing the border between Ingushetia and Chechnya – as unfounded.

Twelve inappropriate sentences against 40 people were pronounced in 2019 under Article 282<sup>2</sup> of the Criminal Code (vs. ten sentences against 27 people reported in the preceding year). Three of these verdicts against 17 people were handed down for organizing cells of the banned Islamic movement Tablighi Jamaat or participating in its activities in Crimea, Orenburg and Tatarstan. Another sentence was pronounced against five Muslims in Tatarstan – members of the Faizrakhmanist community, recognized as extremist. Eight sentences against 18 people were imposed for continuing the work of Jehovah's Witnesses communities. Inappropriate prosecutions under Article 282<sup>2</sup> were discontinued in cases involving at least four people.

We know about one case initiated in 2019 under Article 282<sup>2</sup> against five followers of the Tablighi Jamaat in the Saratov Region. Based on the data collected by Jehovah's Witnesses, in 2019, criminal cases were opened against at least 213 of their fellow believers. Thus, twice as many people were inappropriately prosecuted under Article 282<sup>2</sup> in 2019 (218 persons) as in 2018 (108 persons).

Separately, we note the sentences to the followers of Hizb ut-Tahrir, not included in our general statistics, which we consider inappropriate to the extent that they are based on the erroneous recognition of Hizb ut-Tahrir as a terrorist party. In recent years, this came to mean a charge under Article 205<sup>5</sup> of the Criminal Code on involvement in a terrorist organization. 14 such sentences were issued against 52 people in 2019 (vs. 15 against 49 in 2018). In one of these cases, six defendants were also charged under Article 30 Part 1 and Article 278 of the Criminal Code, that is, with organizing preparations for a violent seizure of power. We consider these charges inappropriate as well. At least 20 people were arrested in 2019 in five criminal cases on charges of

involvement in Hizb ut-Tahrir (we recorded five such cases against more than 20 people in 2018).

According to our data, in 2019 (as well as in 2018), no inappropriate sentences were issued under Articles 213 and 214 of the Criminal Code (“Hooliganism” and “Vandalism”) aggravated by the hate motive. However, at least one criminal case was inappropriately initiated under Article 213; based on the performance, in which a mannequin, dressed in a striped robe and with the face of the president, was tied to a light pole; three people became defendants in this case in Perm.

In total, 16 inappropriate sentences against 44 people were pronounced in 2019 under anti-extremist articles of the Criminal Code (not counting the Hizb ut-Tahrir cases opened under counter-terrorism articles). A year earlier, 21 sentences were issued against 39 people. In 2019, four sentences against four people were for “extremist” statements (in 2018, we recorded five such sentences against 12 people) and 12 sentences against 40 people for involvement in extremist organizations (vs. 10 against 27 people in 2018). While, summing up the results for 2018, we could say that followers of banned religious organizations constituted the majority of the wrongfully convicted, in 2019 this majority became overwhelming.

In total, we know of newly opened criminal cases against approximately 233 people inappropriately initiated during the review period under anti-extremist articles (that is, excluding the Hizb ut-Tahrir cases). This is almost twice as much as in 2018, when about 120 people found themselves inappropriately prosecuted. As in the preceding year, the increase came from the cases opened as part of criminal prosecution campaign against Jehovah's Witnesses under the article on continuing activities of extremist organizations; only a few new cases pertained to public statements and actions.

Before proceeding to our data on the use of the Code of Administrative Offenses articles aimed at combating extremism, we would like to remind that, in reality, there are hundreds of cases filed under these articles. According to the statistics provided by the Judicial Department of the Supreme Court, only in the first half of 2019, sanctions were imposed 158 times under Article 20.3.1 of the Code of Administrative Offenses, 1,388 times under Article 20.3 of the Code of Administrative Offenses (vs. 1,952 times for the entire 2018) and 865 times under Article 20.29 of the Code of Administrative Offenses (vs. 1,964 times for the entire 2018).<sup>34</sup> However, only for several dozen cases we have sufficient information to assess their appropriateness.

34. See: Consolidated statistical data on the activities of federal courts of general jurisdiction and magistrates' courts for the first half of 2019 // Judicial Department at the Supreme Court of the Russian Federation. 2019 (<http://www.cdep.ru/index.php?id=79&item=5083>); Consolidated statistical data on the activities of federal courts of general jurisdiction and magistrates' courts for 2018 // Judicial Department at the Supreme Court of the Russian Federation. 2019 (<http://www.cdep.ru/index.php?id=79&item=4891>).

We regard as inappropriate the administrative sanctions against nine people under Article 20.3.1 of the Code of Administrative Offenses for inciting hatred; the case against one of them was dismissed, six were fined, one faced 15 days arrest.

The sanctions for public demonstration of Nazi or other prohibited symbols, that is, under Article 20.3 of the Code of Administrative Offenses, were, in our opinion, inappropriate for at least 31 persons (vs. 29 in 2018). In all cases the offenders were individuals, including activists of the opposition, small business owners and ordinary social network users. A fine was imposed in 15 cases, administrative arrest in seven cases and five cases were discontinued in a court of the first instance; the outcome of two remaining cases is unknown.

According to our information, at least 59 defendants were inappropriately punished under Article 20.29 for mass distribution of extremist materials or for storage of such materials with intent to distribute. We reported only 17 in 2018, but this numerical disparity is likely due to the fact that in 2019 we managed to find more published court decisions under this article. We know that the courts imposed a fine as punishment in 53 of these cases, an administrative arrest in four cases, and two cases were discontinued. Those who faced arbitrary sanctions primarily included ordinary users of social networks, opposition activists and believers of various movements. Most of them were not involved in the actual mass distribution of prohibited materials.

According to our information, at least 56 cases were filed in 2019 under Article 20.1 Parts 3-5 of the Code of Administrative Offenses (on the dissemination of information expressing disrespect for the state and the society in indecent form on the Internet). A fine was imposed 32 times (two people were fined twice); proceedings in 18 cases were discontinued (four of these cases were attempts to press charges for new statements against a previously punished individual); we do not know the outcome of six remaining cases. In almost all cases, the charges were related to disrespect for the authorities. We are also aware of four cases in which the police refused to report the incidents.

The Federal List of Extremist Materials increased by 193 entries in 2019, compared to 466 new entries in 2018, that is, its growth rate fell sharply. In our opinion, only five of these entries were added to the Federal List inappropriately (versus 63 inappropriate entries in 2018). It can be assumed that the authorities took a more cautious approach to banning materials, and this, of course, is a positive trend, possibly related to a new procedure for recognizing materials as extremist, which entered into force in 2019.<sup>35</sup> We have to add,

35. The law on procedural reform entered into force on October 1, 2019 and transferred cases on recognizing materials as extremist from civil to administrative jurisdiction. Prosecutorial claims to recognize materials as extremist now have to be filed in the manner prescribed by the Code of Administrative Judicial Procedure. The law specifies materials that

as usual, that we are not familiar with all the materials on the list, and some materials with content unknown to us also could have been banned inappropriately. In addition, we believe that the mechanism of banning materials and adding them to a special list, which reached 5004 points by the end of 2019, is ineffective and leads to prosecution for disseminating information that poses no danger to society.

are to be enclosed with the claim and allows the court to involve the concerned parties in the proceedings, to name individuals whose actions served as the basis for filing the claim as defendants and to impose the legal costs on them. If such an individual has not been identified, courts shall involve the Ombudsman of the Russian Federation or an Ombudsman in an entity of the Federation in the judicial review of the case.

# Freedom of Conscience in Russia: Restrictions and Challenges in 2019

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 2018 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 report by Maria Kravchenko in this book.

## Summary

In 2019, the trend toward more restrictive policies toward Protestants and new religious movements, observed for many years, not only continued but intensified.

Persecution of Jehovah's Witnesses has become more large-scale and severe. Criminal prosecution for continuing the activities of an extremist organization, de facto for continuing the profession of religion, has already affected more than 300 people. 18 of them were sentenced, half of them to prison time, including three who received six years in penal colony. This is the first time since the Jehovah's Witnesses organization was banned that its believers were tortured during criminal investigations. Numerous rough searches and arrests and confiscation of community property continued.

The events of the early 2020 suggest that no liberalization of the government policy toward Jehovah's Witnesses is to be expected in the near future: new sentences, including jail time, have already been handed down, and in at least two cases, the prosecution has asked for sentences of more than six years.

Anti-extremism legislation continues to be used against other religious groups and movements as well, primarily Muslim ones.<sup>2</sup>

The scale of persecution of believers under the "anti-missionary" amendments of the Yarovaya-Ozerov package has decreased slightly. Protestants and new religious movements remain the main target of the "anti-missionary" legislation; in 2019, however, these amendments were implemented against believers of "traditional" religious organizations more frequently than in 2018.

Protestants and new religious movements have faced problems with the use of their existing buildings perhaps even more frequently than in 2018, to the point of bans on use and demands for demolition.

Mass media has not refrained from defamatory publications about religious minorities, shaping a negative attitude toward Protestants and new religious movements believers. The volume of defamatory materials may not have increased compared to previous years, but the fact that these publications are hardly ever criticized by authorities and public organizations only confirms the belief of a large part of the population that the perception of their fellow citizens as dangerous "sectarians" is normal.

All these problems have forced Protestant leaders to publicly acknowledge the fact of systematic pressure by the government. In July, the church of Evangelical Christians-Baptists in the village of Verkhnebakansky near Novorossiysk, whose services were disrupted for a month, building sealed, and pastor fined for "illegal" missionary work, made a statement about "systematic effort to suppress religious freedom in the city", "direct violations of the Constitution and Federal Law", and the threat to other Protestant churches.<sup>3</sup> As Bishop Sergei Ryakhovsky, Chairman of the Russian Union of Christians of Evangelical Faith (Pentecostals), said at the October meeting of the Presidential Council for Human Rights, "I smell the Soviet Union... It feels like the government is hinting: you don't belong here".<sup>4</sup> In November, Bishop Pavel Abashin, Chairman of the *Church of God* Association of Christians of Evangelical Faith, called what was happening to Russian Protestants "an orchestrated war against the Evangelical churches of Russia" and "part of a plan to put pressure on non-Orthodox denominations".<sup>5</sup>

2. For more information see: M. Kravchenko. Inappropriate enforcement...

3. Open Information Letter // Website of the Russian Union of Evangelical Christians-Baptists. 31 July ([https://baptist.org.ru/news/main/view/article/1512752?fbclid=IwAR0VjkZSCpHysHHfYNsDHQ7eTmhbxlBCBNqtiYkl-OSL\\_OIu4PiAdNcfy2w](https://baptist.org.ru/news/main/view/article/1512752?fbclid=IwAR0VjkZSCpHysHHfYNsDHQ7eTmhbxlBCBNqtiYkl-OSL_OIu4PiAdNcfy2w)).

4. Presidential administration discusses implementation of freedom of conscience in Russia and implementation of the existing legislation in the sphere of religion // SOVA Center. 2019. 16 October (<https://www.sova-center.ru/religion/news/authorities/legal-regulation/2019/10/d41578/>).

5. Special address by Bishop Pavel Sergeevich Abashin to the Christians of Russia // YouTube.com. 2019. 28 November (<https://www.youtube.com/watch?v=PnX1Hwriu8>).

1. Olga Sibireva. Freedom of Conscience in Russia: Restrictions and Challenges in 2018 // Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2018. Moscow: 2019. P. 101-127 (available on SOVA Center website: <https://www.sova-center.ru/files/books/pe18-text.pdf>).

The construction of new churches, especially Russian Orthodox ones, remains a source of tension in society, but this tension has not intensified in comparison to 2018. As in the previous year, most of the conflicts occurred in the regions and were caused by poor location choices for new construction sites, violations during public hearings or refusals to hold them. The tendency we noted a year ago to seek peaceful resolutions to these conflicts and to take into account the opinion of local residents has continued: protests are increasingly succeeding in moving construction away from disputed sites. And the situation in Yekaterinburg, where protests against the construction of St. Catherine's Cathedral escalated in May to a violent confrontation that forced President Putin himself to react, gives hope that this tendency will continue: neither the authorities nor other parties in these conflicts want a repeat of what happened in Yekaterinburg in other regions.

Criminal and administrative prosecutions for "insulting religious feelings" remained not very active. The level of activity of social activists defending these feelings remained low. They limited themselves to peaceful protests, although there were isolated incidents of threats against the insulters. In cases where concessions were made to the defenders of the feelings of believers, these concessions were typically not unconditional: conflicts were often resolved by compromise.

Thus, while some 2019 trends are encouraging, the overall situation with freedom of conscience is cause for alarm, especially with regard to the situation of religious minorities.

## Legislation

In the course of the past year, several legislative acts were passed that affect the activities of religious organizations. Some of them were aimed at simplifying bureaucratic constraints.

On May 1, President Putin signed amendments to Article 19 of the Federal Law "On Freedom of Conscience and Religious Associations" and Article 87 of the Federal Law "On Education in the Russian Federation". These amendments gave religious educational institutions the opportunity to implement secondary vocational and higher education programs as well as additional vocational and training programs in accordance with the requirements of Federal State Educational Standards. The religious educational institutions that implement such programs are accorded the right to issue academic certificates to those who have passed the final certification in accordance with the requirements of the law "On Education".

Other amendments to the Law on Freedom of Conscience and the Federal Law "On The Basis of Tourist Activity in the Russian Federation", signed by the President on July 3, granted religious organizations the exclusive right to manage pilgrimage activities, both on a paid and free-of-charge basis.

Some legislative acts, on the contrary, have significantly complicated the life of religious organizations. This included the decree signed by Prime Minister Medvedev on September 11 approving the requirements for the counter-terrorism measures to be taken by religious organizations and for the safety permits for their real property.

According to this decree, real property of religious organizations is divided into three categories depending on the maximum occupancy of the building. All real property must be equipped with lighting and fire extinguishing systems and guarded during services by members of public organizations. In addition, facilities with occupancy limits between 500 and 1,000 must be equipped with "panic buttons" and video surveillance systems. Buildings with occupancy limits of more than 1,000 must be guarded by private security guards or Rosgvardiya (National Guard) personnel. Leaders of religious organizations are responsible for oversight of compliance with these requirements.

It is obvious that few religious organizations have the financial ability to meet these requirements, and the penalty for noncompliance is high fines of up to 100,000 rubles. Even the head of the Legal Services of the Russian Orthodox Church, Mother Superior Ksenia (Chernega), mentioned in October a number of complications the implementation of these requirements would cause for religious organizations. In addition to the financial difficulties already mentioned, she pointed out that professional security guards may be non-believers or may profess a religion different from the one whose building they guard, which is unacceptable for the religious organizations that employ them. She also noted that the decree does not specify restrictions on the location of surveillance cameras.

The law expanding the list of persons prohibited from being founders, participants, and members of non-profit organizations, including public and religious associations, signed by the President on December 2, will also have a negative impact on the life of religious organizations. Under this legislation, the Federal Laws "On Non-Government Associations", "On Non-Profit Organizations", and "On Freedom of Conscience and Religious Associations" were amended to ban organizations and individuals whose accounts have been frozen by the Russian Interagency Commission on Combating Money Laundering and Financing of Terrorism from becoming the founders, members, or participants of non-profit organizations. In the case of religious organizations, even restrictions on participation can be seen as a violation of the right to freedom of conscience.

The Constitutional Court has issued two important definitions related to the activities of religious organizations. On October 10, it ruled on the appeal by the Reconciliation Church of Evangelical Christians-Baptists, registered in Yoshkar-Ola, that was fined in 2018 for “illegal” missionary activities for the distribution of its printed materials 100 km from Yoshkar-Ola, that is, outside the borders of the municipality where it is registered. The complainant challenged several provisions of Article 5.26 of the Code of Administrative Offenses (CAO) (Violation of laws on freedom of conscience, freedom of religion, and religious associations). The Court did not find any violations of the constitutional rights of the complainant but ruled that the scope of missionary activities of religious associations is wider than the territorial scope of their main religious activities. Having reviewed a number of provisions of this article and the Law “On Freedom of Conscience and Religious Associations”, the Constitutional Court concluded that the restriction of the missionary activity of religious organizations on the territorial basis is contrary to constitutional principles.

On November 14, the Constitutional Court ruled on the complaint by the parishioner of the Seventh-day Adventist Church in the Vesely village of Rostov Oblast Olga Glamozdinova, who was fined 10,000 rubles in 2017 for improper use of a land plot. The fact that Glamozdinova provided her house for worship for four hours a week to a religious organization free of charge and agreed to register her address as the legal address of that religious organization was deemed misuse of the land. The applicant claimed that Part 1 of Article 8.8 of the CAO (Improper use of a land plot) and Article 42 of the Land Code (Obligations of landowners) stand in contradiction to the provisions of the Constitution that guarantee the right to freedom of conscience and the right to freely hold and dispose of property.

The Court explained that the disputed norms do not contradict the Constitution and do not involve administrative liability for the owner “in cases where a religious organization is provided the opportunity to hold services and religious rites and ceremonies at residential premises and to use the address of residential premises as the religious organization’s address but do not allow such use of the premises when it loses all the characteristics of residential premises and is transformed into a worship building or administrative offices of the religious organization”.<sup>6</sup>

Thus, the Constitutional Court of the Russian Federation upheld the right of citizens to hold services, religious rites, and ceremonies in residential premises.

6. On 14 November 2019, the Constitutional Court of the Russian Federation announced its decision in the case on verification of constitutionality of Paragraph 2 of Article 42 of the Land Code of the Russian Federation and Part 1 of Article 8.8 of the Code of Administrative Offenses of the Russian Federation // The Constitutional Court of the Russian Federation. 2019. November 14 ([http://www.ksrf.ru/ru/News/Pages/ViewItem.aspx?ParamId=3506&fbclid=I-wAR1Dd1dLnsrNsC9NS514PXmiB1j6aovGf6E2TKi17gtmT2pLY5cf\\_dSa9o](http://www.ksrf.ru/ru/News/Pages/ViewItem.aspx?ParamId=3506&fbclid=I-wAR1Dd1dLnsrNsC9NS514PXmiB1j6aovGf6E2TKi17gtmT2pLY5cf_dSa9o)).

## Bills Not Yet Implemented

In October, a group of deputies from different factions submitted a draft for another round of amendments to the laws “On Freedom of Conscience” and “On Physical Culture and Sport in the Russian Federation” to the State Duma. The authors of the bill proposed consolidating the legislation that would allow sports events organizers to provide religious athletes with the opportunity to practice their religious duties and with adequate premises for such activities, but this would only be applicable to registered religious organizations. It is possible that these amendments are aimed at limiting the influence of Rodnover, or practitioners of the Slavic Native Faith, which, according to some representatives of Russian Orthodox Church, is popular among Russian wrestlers. However, these amendments, if adopted, are unlikely to produce significant impact: even without them, any organized religious ceremonies during sporting events are held by representatives of centralized religious organizations. These amendments do not imply restrictions on practising religious duties on an individual basis. Consideration of these amendments has been postponed until 2020.

In the same month, the State Duma rejected the bill introducing an additional public holiday on Easter Monday, the day after Easter Sunday, submitted in 2017 by deputies Yaroslav Nilov and Igor Lebedev. The State Duma Committee on Labor, Social Policy, and Veterans’ Affairs voted down the bill, arguing that work on a public holiday pays at least double the normal wage rate, and therefore, a new holiday would increase the financial burden on employers. The Council of the Federation Committee on Social Policy did not support the bill either, noting that “the introduction of the changes proposed by the new legislation may lead to inter-faith and inter-ethnic tensions among the population”.

Moreover, Chairman of the Committee on Development of Civil Society, Public and Religious Organizations Sergei Gavrilov announced two more initiatives related to religious organizations. Both were aimed at tightening the policy on religious organizations that have leading centers abroad and religious groups.

In February, Gavrilov spoke about the need to “establish strict restrictions on the legal capacity” of religious organizations that have administrative and financial centers abroad, “up to legal liquidation”. In December, he announced the possibility of introducing mandatory registration for religious groups with more than three members “to strengthen supervision over such religious and pseudo-religious groups”.

Fortunately, none of these initiatives has been implemented so far even at the level of submission to the State Duma.

# Problems with Places of Worship

## Problems with the Construction of Religious Sites

Tensions over the implementation of the program for the construction of modular Orthodox churches in Moscow, which eased to some extent in 2018, did not intensify, although several conflicts, both ongoing and new, did occur.

For example, protests against the construction of temples in the Zyuzinsky Park and the Afgansky Square in the Novogireyevo district drew in several hundred, and the protests in Novogireyevo even became a subject of discussion at the Moscow City Duma. In the Beskudnikovo district, a protest rally against the construction of a temple in Svyatoslav Fyodorov Park actually drew more supporters of the construction. On the overall, the issue of the construction of the “walking distance” churches in Moscow appears to have lost its former sharpness, although the implementation of this program is proceeding at a much slower pace than its initiators have anticipated.

In other regions, conflicts over construction continued. As before, in most cases they stemmed from the poor location choices for construction sites and procedural violations during the construction site selection process.

Local residents protested primarily against the attempts to build in green areas. Thus, in Nizhny Novgorod, the conflict over the construction of a temple in the Fallen Police Officers Square Park escalated anew when the Orthodox diocese began to insist on changing the land purpose of the square to a zone for “cultural and educational purposes and sites of worship”, disregarding the local residents’ wish to have the construction relocated elsewhere supported by the regional Public Chamber. Representatives of the Sorok Sorokov Orthodox movement attended public hearings on this issue, but no violent confrontation occurred. Already in January 2020, following the results of another round of public hearings, the city administration announced that it would be looking for another site for the temple.

St. Petersburg residents protested against the construction of a church in Yuzhno-Primorskiy Park and organized several rallies in the past year. A similar wish to preserve the recently improved square park became the reason for yet another protest against the planned construction of an Orthodox church in the Pervomayskaya Square in Tambov.

The local residents’ wish to have a different structure erected on the selected site instead of a church gave rise to protests even more frequently than the wish to protect green spaces. For instance, residents of the Yuzhniye Vorta district of Tomsk preferred a park or a sports ground instead of a church. In Sochi, the participants of the public hearings did not approve the construction

of a temple in Tchaikovsky street, as they found the construction of a sports ground on this site more appropriate.

Sevastopol and Sol-Iletsk residents protested the plans for relocation of monuments in order to make space for the construction of new temples. In Sevastopol, the plans involved a monument to the heroes of the Vesta Steamer; in Sol-Iletsk, a fallen revolutionaries memorial. Both cases would have disturbed mass graves, so the townspeople demanded the relocation of the construction sites.

The very fact of violations present during the church construction site selection process is another frequent cause of discontent. Opponents of the construction of a temple on the grounds of the *Stroitel* Gardeners’ Association of Krasnodar reminded the authorities that the paperwork for the transfer of the plot to the diocese in 2014 was prepared with violations. Residents of the Mekhzavod village near Samara found out that the construction of an Orthodox church was being carried out without the appropriate permission and filed a complaint with Stroinadzor (Construction Control) against the unauthorized construction.

As in previous years, representatives of political movements often joined protests against the construction of churches. In Astrakhan, for example, representatives of the PARNAS, or People’s Freedom party, took part in single pickets protesting against the construction of an Orthodox church near Stepan Zdorovtsev Boarding School; in Ulyanovsk, protesters against the construction of a temple in the Semya park were supported by a deputy of the regional Legislative Assembly from the Communist party.

The most resonant was the exacerbation of the several-year conflict over the construction of St. Catherine’s Cathedral in the square near the Drama Theater in Yekaterinburg. Protests were held throughout the first half of the year, and when the construction site was fenced in May, the defenders of the square organized a round-the-clock duty and knocked the fence down. This year was the first time that the Rosgvardiya and OMON were used for protection of the site. They were joined by an organized group of powerfully built men (presumably members of the Russian Copper Company Martial Arts Academy), who used force against the protesters.

As a result of the confrontation, about 100 of the defenders were detained, with more than 100 administrative violation protocols drawn up against them. Many of the detainees were fined under Article 20.2.2 of the CAO (Organizing a mass gathering and/or movement in public places that caused a violation of public order) and Article 20.2 of the CAO (Violating the procedure established for conducting a meeting, rally, demonstration, procession or picket) and sentenced to administrative arrests or corrective labor. Apart from that, one of the protesters was charged under Article 319 of the Criminal Code (Insulting a representative of the authorities). One of the participants in the May protest became a defendant in a criminal case under Article 212 of the Criminal Code

(Mass riots). In December, the defendant pleaded guilty, received a fine, and the case was dismissed.

Given the scale of the protests, the city administration was forced to suspend construction. Prompted by President Putin's comment about the desirability of polling the local residents, the Yekaterinburg authorities had Russian Public Opinion Research Center (VTsIOM) conduct a poll, which found that three-quarters of residents disapproved of the chosen construction location.

In the October citywide vote, the former grounds of the instrument factory were selected as the new location for the construction of the cathedral. In November, the Yekaterinburg City Duma changed the land purpose of the square near the Drama Theater from "religious" back to "public use", making the construction of a church in the square impossible.

After the confrontation in Yekaterinburg, the authorities in the regions marked by similar conflicts have immediately made concessions to protesters. Mayor of Krasnoyarsk denied an application for a church construction permit in the Troya park, opposed by the residents. Mayor of Chelyabinsk suspended the construction of a chapel in the square near South Ural State University, which has been a source of conflict for several years, and announced a referendum. The Ulyanovsk authorities began preparations for a poll of the town residents on the question of the construction of the St. Alexander Nevsky Cathedral in the Semiya ("Family") park, and the Ulyanovsk Prosecutor's office initiated an investigation into the legality of the permit for the cathedral construction.

But even before the exacerbation of the Yekaterinburg conflict, authorities in some regions chose to accommodate the demands of protesters. On the whole, compared with the previous year, 2019 saw noticeably more instances of opponents of church construction succeeding in their demands. For example, St. Petersburg authorities gave in to the pressure from Kanonersky Island residents and abandoned the idea of building the Saints Cyril and Methodius cathedral on the island, declaring sacrificing of the square park for the sake of the cathedral impractical and announcing the decision to find a more appropriate site. Referring to the results of the public hearings, Tver authorities refused to allocate a lot for the construction of a church on the banks of a man-made pond in the Mamulino district, a source for protests that lasted for a year and a half.

Furthermore, as a result of public hearings, Nizhnevartovsk residents succeeded in relocating the church construction site from the park at the intersection of Lenin and Chapayev streets elsewhere. In Omsk, following the residents' protests and an online poll, the Land Use and Development Commission of the city administration refused to change the permitted type of land use for the Leninsky square park so as to facilitate the construction of the Ilyinsky temple despite the fact that the initiators of the construction (Spiritual

Heritage Foundation and the Cossacks) sought the support of both the Governor and President Putin.

In Rybinsk, Yaroslavl Oblast, the diocese itself made the decision to abandon the idea of building a church in a birch grove after protests by local residents. According to the Bishop's statement, "Wishing for the new temple – a place to serve God "with one mind and one mouth" – to become a true home for all the Christians of the town of Rybinsk, we are making the decision to cancel its construction on this site in order to consult once again with the opinion of the residents and select a location convenient for everyone".<sup>7</sup>

At the same time, there were instances when officials ignored the opinion of protesters. Thus, St. Petersburg authorities permitted the construction of a church in Prospekt Nauki (Science Boulevard) in disregard of the residents' opposition to the construction expressed since 2018 and their preference for a hospital to be built on that spot.

The reaction of the Tambov authorities to the town residents' discontent over the construction of the Chapel of St. Nicholas the Wonderworker near Dynamo Stadium was quite original. According to the protesters, the construction was carried out without necessary permits. In response to the request by the head of the Communist party faction of the Tambov City Duma Artem Aleksandrov to the Prosecutor's office to investigate the legality of the construction, the regional Stroinadzor announced that what was being constructed near the stadium was not a chapel but "a collapsible wooden gazebo (a non-permanent, temporary structure) in traditional ancient Russian architectural style". Meanwhile, the collapsible "gazebo" has a foundation, and Theodosius, Metropolitan of Tambov and Rasskazov, consecrated its dome in September.

We should add that it seems likely that neither authorities nor the public want a repeat of what happened in Yekaterinburg and both are willing to look for ways to prevent potentially contentious issues related to the construction of churches from developing into open confrontations. Examples include conducting polls in social networks to find out local residents' opinion beforehand, as it was done in Khanty-Mansiysk, where 75% of the online poll participants voted against the construction of a new cathedral near the university building; in Petrozavodsk, where 80% voted against the choice of location on the Onezhskaya embankment; and in Kurgan, where a majority voted against a new church in Mostostroitelei street.

7. Statement by Veniamin, Bishop of Rybinsk and Danilovsky, on the situation related to the construction of the Church of St. Seraphim Vyritskiy in the Veretye district of Rybinsk // Rybinsk Diocese VKontakte Blog. 2019. 24 July ([https://vk.com/rybeparhia?w=wall-55847517\\_3306](https://vk.com/rybeparhia?w=wall-55847517_3306)).

We should note that temples of other confessions also gave rise to conflicts. Protests against the construction of mosques are still most frequently based on the fears of the inconveniences associated with the proximity of the Muslim community. In Samara, based on the results of public hearings, the authorities rejected plans for building a mosque in the village of Mekhzavod, whose residents had opposed its construction since 2016.

Residents of the Aviastroitelny district of Kazan, confident that the construction of Rahmatullah mosque near residential buildings and a school violates sanitary standards, went to court and succeeded in initiating a Prosecutor's office investigation into the legality of the construction. Residents of the Uva village in Udmurtia petitioned the Prosecutor's office to launch a similar investigation into the construction of a mosque on the lot owned by a store director. Residents of two villages in Ulyanovsk Oblast protested against the sale of the former school building to the Muslim community and construction of a Muslim cafe with a prayer hall.

Other religious organizations also encountered difficulties with construction. For instance, Pskov administration refused to grant permission to the Union of Evangelical Baptists Christians to build a church on Shosseynaya street, although the site was approved for the church construction at a public hearing held in 2018. Residents of Chita organized the collection of signatures against the construction of the temple of the Gospel Life Church denomination near the Truda Square.

Perm saw ongoing protests against the construction of the Jewish center and synagogue. A banner saying "They want to build a synagogue of the fascist Chabad sect here" appeared at the construction site in March, and an Orthodox prayer service "against the satanic abomination of the Jews", attended by about 40 people, was held in November.

Old Believers had to turn to both secular authorities and the ecclesiastical authorities of the Russian Orthodox Church after encountering problems during the construction of their churches in two regions. In October, after Tver authorities failed to approve the project documentation for the construction of a church on the site allocated as far back as in 2013, the head of the Union of Old Believers Leonid Sevastyanov turned to the Governor of Tver Oblast for assistance in obtaining the permit. In November, he appealed to Patriarch Kirill of Moscow for assistance in obtaining a land plot in Sergiev Posad, which historically was the property of Old Believers and where they were planning to restore the church destroyed in Soviet times.

## Problems with Using Existing Buildings

As in the previous year, religious organizations often encountered difficulties when using existing buildings.

The confiscation of property from Jehovah's Witnesses communities continued based on the 2017 decision to ban both the central and local branches as extremist. Agreements for the donation of property to foreign organizations were serially deemed as putative transactions by courts, and the donated properties were consequently confiscated in favor of the state. Such decisions were made, among others, in Gorno-Altai, Altai Krai (Biysk), Buryatia (Ulan-Ude and Gusinoozyorsk), Kabardino-Balkaria (Nartkala), Syktyvkar, Tula, and Kostroma Oblast (Sharja).

In a number of cases, as in St. Petersburg and the Khanskaya village in Adygea, buildings confiscated from Jehovah's Witnesses were put up for auction by local authorities. Notably, in Belorechensk, Krasnodar Krai, Jehovah's Witnesses' property failed to sell at auction twice: both attempts to auction it off were declared invalid when no bids were made for the two lots, a residential building and a land plot.

Protestants encountered problems when using their buildings as frequently as in the previous year; in most cases, these difficulties arose in connection with various officials' claims.

For example, the Nizhny Novgorod court ordered the church building of the Evangelical Christian Church organization (also known as Embassy of God) closed for noncompliance with fire safety regulations. Since 2018, several inspections of the church building revealed 78 violations, which is not surprising: the building was erected in 1949 in accordance with the requirements of that time. In May, based on the results of these inspections, the district court ruled to close the building. The organization managed to challenge this decision and eliminate all the detected violations within a few months. Still, the court of appeals upheld the decision of the district court.

In Kaluga, at the request of the Prosecutor's office, the court prohibited *Word of Life* Evangelical Church from using their Church of Christ the Saviour unless the building complies with the 2000 registration certificate despite the fact that the organization was in possession of a more recent valid registration certificate. In case of noncompliance, the court prescribed to "demolish the entire temple".

The church of Seventh-day Adventists in Novosibirsk was declared an illegal structure and demolished despite the amendments adopted in 2018 that facilitate legalization of such structures by religious organizations.

Ukhta Baptists failed to challenge the refusal by the city authorities to issue a permit to put into operation their house of prayer. The refusal was justified by the fact that construction rules changed since the construction permit was

issued in 2006 and the construction itself was completed in 2012. The refusal on this basis was considered legitimate by three different courts.

Apart from that, in Voronezh, the Arbitration Court terminated the agreement between the Territorial Administration of the Federal Property Management Agency and the St. Mary Magdalene Evangelical Lutheran Parish on the gratuitous use of the church in Karl Marx street, which the community had used for 12 years. The reason was the departure of the community from the Evangelical Lutheran Church of the Augsburg Confession. The building is a cultural heritage object of federal significance, and such objects can only be used by centralized organizations. Notably, it was the Evangelical Lutheran Church of the Augsburg Confession that initiated the motion by the Federal Property Management Agency against the parish.

There were more than a few instances of Protestant believers being fined under Part 1 of Article 8.8 of the CAO (Use of land plots for a wrong purpose) for holding religious services in private homes. In Omsk, the regional Union of Evangelical Baptist Christians and a believer in the Slavyanka village of the Novovarshevsky district were fined; in Kozmodemyansk, the Mary-El Republic, a member of Evangelical Baptist Christians was fined. It is hoped that after the above-mentioned decision of the Constitutional Court on this issue this practice will stop.

Protestants were not the only ones who had problems using premises for worship. In Yekaterinburg, the Nur-Usman mosque was demolished due to the construction of an ice arena. By agreement with the city administration, the community had to move to a new location but could not do so for a long time, as the allocated temporary premises were not ready by the time of the eviction. When the community did move, it turned out that the residents of the Sortirovka village, where the authorities had allocated a plot for the construction of a new mosque, were unhappy about the proximity to mosque and demanded moving the construction elsewhere. Local residents' protests continued into 2020.

After the anti-migrant unrest in March, Yakutsk residents demanded that the grand mosque be relocated from the city center to the suburbs. The administration did not accommodate their request: Mayor of Yakutsk Sardana Avksentyeva called it unacceptable and urged the protesters to remain "within the legal framework".

In the village of Kushchevskaya, Krasnodar Krai, the District Prosecutor's office issued a warning to the manager of TRANSPark roadside service about the inadmissibility of violating the provisions of the law "On freedom of conscience, religion and religious associations" after one of the service's premises was used by Muslim passengers as a prayer room without informing the Ministry of Justice.

After never receiving a new church promised by the governor in replacement of the one demolished in preparation for the Olympic Games of 2014,

the Old Believers community of the Imereti Valley near Sochi began building a new Old Believers Church of the Assumption of the Virgin. It was arrested at the request of the city administration: the believers were unable to register the building because the city administration changed the rules of land use after the construction had begun. The parties agreed to cancel the arrest, but the community never managed to register and use the church.

In Novosibirsk, the Orthodox Cathedral of the Ascension was fined 75,000 rubles for repeated failure to comply with fire safety rules.

In the vicinity of Maloyaroslavets of Kaluga Oblast, the Pyatibozhie ("Five Gods") pagan temple was demolished by the order of the Prosecutor's office. It ruled that the temple was erected illegally, without the consent of the plot owner.

## Favorable Resolutions

As in the previous year, we are aware of only a few cases where religious organizations have been able to defend their property in court, although such cases did take place.

In one such instance, the Church of Evangelical Baptist Christians of Taganrog was able to legalize the prayer house that was previously considered an illegal construction; the Arbitration Court of Rostov Oblast recognized the religious organization's right to the building. The Samara First Apostolic Christian Mercy Mission succeeded in defending its prayer house, which the city administration had ordered to be demolished within a year as an illegal structure. In January 2020, the Arbitration Court of Samara Oblast dismissed this claim, citing the amendments adopted in 2018 that allow religious organizations to legalize buildings.

And the Catholic community of Rostov-on-Don managed to avoid paying more than five million rubles in fines that the city authorities tried to collect as debt for land use. According to the Department of Property and Land Relations of Rostov-on-Don, the parish had to pay off the debt and interest for the actual use of the land for three years, as the buildings located on the lot were made property of a religious organization. Courts of two instances dismissed the Department's claim.

Furthermore, the Moscow City Court overturned the decision of the court of first instance that banned the activities of a group of Evangelical Christians (Pentecostals) after a complaint by communal apartment neighbors.

## Conflicts Surrounding the Transfer of Property to Religious Organizations

As before, properties were granted to religious organizations to be used for religious purposes. The most frequent recipient was the Russian Orthodox Church; in Altai Krai, for instance, the authorities went as far as to use budget funds to renovate the Znamensky Church in the village of Kurya, where the weapons designer Mikhail Kalashnikov was baptized, before handing it over to the Orthodox diocese.

Other organizations were granted property as well.

In Syzran, the Jewish community received a historic synagogue building.

The Catholic communities of Petrozavodsk and Barnaul managed to receive properties, too. Karelia authorities granted a church, a regional cultural heritage object, to the parish of Our Lady of Relentless Aid. On the other hand, the Barnaul Catholics had to endure lengthy litigation with the city administration over the ownership rights to their church building that long housed a pharmacy; the litigation ended in June with the signing of a settlement agreement. Officials were ordered to find a new location for the pharmacy.

Other religious organizations were unable to obtain ownership of the properties they laid claim to. The Ministry of Property and Land Relations of Crimea refused to hand over the historic church building in Yevpatoria, currently occupied by the Ministry of Defense, to the Lutheran community of Crimea. The community fears that the building will eventually be sold to a private owner.

The demands of the Catholics of Kirov and Krasnoyarsk for their respective churches, currently housing philharmonic halls, to be handed over to them could not be granted even through court. The lawsuits over both properties have been ongoing since 2018. The Catholic parish of Krasnoyarsk tried to challenge the 2018 decision rejecting the transfer but was unsuccessful. The Sacred Heart of Jesus parish in Kirov also tried to contest the rejection but in January 2020 lost even the ability to hold a few services a year in the former cathedral; the city authorities insist that the parish signs an agreement for free-of-charge use of the building and in return abandons ownership claims. The community finds such conditions unacceptable and refuses to sign the agreement.

The Saratov Oblast authorities that had earlier refused to transfer the former Old Believers Kazanskaya (Gorinskaya) Church to the Old Believers community handed it over to the Russian Orthodox Gymnasium instead. The school management's plans to open a Pan-Orthodox church in the building were met with support from the representatives of the Old Believers community.

A small number of conflicts resulted from interests of other parties being jeopardized in the course of the transfer of properties to religious organizations. This happened when the building housing the School of Olympic Reserve specializing in Nordic Combined was handed over to the Orthodox

Spaso-Pargolovsky parish by the decision of the Property Relations Committee of St. Petersburg. The decision angered both the school staff and the parents of the athletes who train there, as they found the alternative premises offered to them unsuitable for sports activities. No preliminary discussion of any kind concerning the transfer was held with the affected parties, although such discussion is stipulated by the law "On transfer to religious organizations of the property of religious purpose which is state-owned or municipal property". No archival documents confirming the ownership of the building by the Russian Orthodox Church were presented to the parents or school staff.

In the course of 2019, St. Petersburg Governor Alexey Beglov received demands from several deputies and the Committee for Physical Culture and Sports of the Legislative Assembly of St. Petersburg to stop the process of the transfer of ownership; no resolution has been reached.

The Russian Orthodox Church has laid new claims to properties housing cultural and educational institutions. Patriarch Kirill filed an application with the head of the Federal Property Management Agency requesting the handover of the Spaso-Andronikov Monastery in Moscow (a complex of buildings), which houses the Central Andrey Rublev Museum of Ancient Russian Culture and Art. The Museum community, as in other similar conflicts, opposed the transfer, seeing the relocation as a threat to future functioning of the Museum. As of the year end, the Museum was renovating the premises provided by the Government of Moscow in preparation for the transfer of a part of the exhibits. However, the Ministry of Culture does not exclude the possibility of having the Museum and the Church share the monastery complex.

The Russian Orthodox Church also laid claim to the former Moscow Synodical Printing House (15 Nikolskaya Street), which has housed the Moscow State Institute for History and Archives of the Russian State University for the Humanities since Soviet times. In a letter to the Minister of Science and Education, Rector of RSUH Alexander Bezborodov pointed out that the building "does not meet the criteria under the law for classifying it as a religious property, as it has not been used for these types of activities of religious organizations throughout the history of its existence".<sup>8</sup> Further progress is yet to be seen.

8. Crusade against science: Russian Orthodox Church about to claim an RSUH building // Citizen Forces. 2019. March 27 (<https://gr-sily.ru/obshestvo/krestovyj-pohod-protiv-naukiprc-namerena-otobrat-zdanie-rggu-28320.html>).

# Discrimination on the Basis of Attitude to Religion

## Criminal Prosecution

Repressions against Jehovah's Witnesses, whose centralized and local branches were banned as extremist in 2017, has increased many times compared with 2018.

During the past year, new criminal charges were brought against Jehovah's Witnesses under Article 282<sup>2</sup> (Organization of and participation in an extremist organization) and sometimes Article 282<sup>3</sup> of the Criminal Code (Funding of extremist activity) in multiple regions of the country. In reality, communal prayer and reading of religious literature often served as pretext for initiating the charges. In 2019, criminal charges against Jehovah's Witnesses were initiated in 21 new regions (in total, criminal prosecution is ongoing in 52 regions). By the end of the year, 313 people were accused; 213 of them had charges filed against them in 2019.

In these criminal cases, eight sentences were handed down in 2019, and 18 people were convicted. Nine of them were sentenced to real prison terms; three, including Danish citizen Dennis Christensen, received six years.

During the year, 84 persons involved in these cases were detained for various periods of time (a total of 149 people spent some time in custody since 2017, 22 of them women).

This year was the first time that the detained Jehovah's Witnesses were tortured. In February, after mass detentions, believers in Surgut reported torture in the building of the Investigative Committee of Yugra Khanty-Mansiysk Autonomous Okrug. They complained of beatings by the employees of the Investigative Committee that lasted several hours, of being stripped naked, doused with water, and stunned with stun gun, all while their hands were tied behind their backs. The Investigative Committee investigated their claims and found no grounds for initiating a criminal case but acknowledged the use of "combat techniques" on Jehovah's Witnesses "due to their active resistance before the search". The Jehovah's Witness from Kaluga Roman Makhnev, arrested in June, also reported being tortured in the FSB building after he claimed that the banned literature was planted on him during the search: he was handcuffed to a pipe all night and was denied food for three days. It should be added that in the first months of 2020, Jehovah's Witnesses reported torture of people of their faith in other regions as well.

We should note that many elderly people became the subject of criminal prosecution. For example, in Arkhangelsk, a case under Part 2 of Article 282<sup>2</sup> of the Criminal Code was opened against 78-year-old Kaleria Mamykina; later, due to the lack of the elements of crime, the case was dismissed. Mamykina was placed under surveillance for a year. Six women aged between 61 and 85 were charged under the same article in Vladivostok. The case was sent back to the Prosecutor's office. A 68-year-old believer held in the Armavir jail was denied medical care. He lost 24 kilograms during his month-and-a-half detention.

According to the Jehovah's Witnesses data, in the course of the past year, 489 believers were subjected to searches as part of the criminal investigations; that is more than one-half of the total of 778 searches conducted since the organization was banned. In most instances, searches were accompanied by other violations: believers and their relatives were threatened, intimidated, interrogated at night, and their homes were broken into in early morning hours. In Smolensk, one of the believers was threatened with having their child removed from the family. In the same town, an 81-year-old woman was taken from a sanatorium under false pretenses and interrogated for six hours. In Kaluga, the search team forced the 15-year-old daughter of one of the believers out of the house barefoot in the rain.

Believers report that search teams sometimes seize unusual "evidence", such as a personal diary and a fridge magnet, as happened in Karelia, or "a napkin with pretty design" in Tynda.

Criminal prosecution is not the only form of pressure exerted on Jehovah's Witnesses. Kemerovo Oblast administration sent a letter of warning to mayors and governors about the danger that Jehovah's Witnesses presented and called for measures "to counteract the popularization of extremist beliefs". One such measure recommended by the administration was organizing a media campaign against Jehovah's Witnesses involving "representatives of traditional faiths".

There were also instances of non-governmental discrimination. For instance, a resident of Surgut, who had worked as a firefighter for more than 20 years, was forced by the management to submit a letter of resignation. The reason was his affiliation with Jehovah's Witnesses.

## Restrictions on Missionary Activities

Persecution of religious organizations for "illegal" missionary activity on the basis of the Yarovaya-Ozerov amendments package continued, although, judging by the Supreme Court data for the first half of 2019 (data for the second half of the year was not available at the time of the publication of this report),

its intensity has slightly diminished. In the first six months of 2019, 174 cases under Article 5.26 of the CAO (Violation of the law on freedom of conscience, religion and religious associations) were heard; the vast majority of them were cases on “illegal” missionary work (in comparison, in the first half of 2018, their number was 234). 102 persons – 74 individuals, 2 officials, and 26 legal entities – received penalties; in 2018, that number was 147.

Fines remain the main punitive measure for this article (99 instances); sometimes, written warnings are also issued (3). In some cases, additional penalties were imposed, such as five expulsions from the country and one confiscation. The total amount of fines imposed by the courts of first instance in the first six months reached 1,899,100 rubles (some of them could be challenged by appeal), which is lower than the total for the same period in 2018 (2,471,000 rubles).<sup>9</sup>

Protestants and representatives of new religious movements remain the most frequent target of persecution under the “anti-missionary” amendments. However, as we rightly expected last year, these amendments were actively implemented against believers of “traditional” religious organizations as well.

In February, a Buddhist was fined 5,000 rubles for “illegal” missionary activity in Sochi. The court found him guilty under Part 4 of Article 5.26 of the CAO for preaching without the permit of the Russian Diamond Way Karma Kagyu Buddhists Association. The joint investigation that revealed the violation was conducted by the Prosecutor’s office of Sochi and the FSB.

In several instances, administrative charges for “illegal” missionary work were brought against Muslims. In one such case, in August, the Mufti of Moscow Ildar Alyautdinov and the Spiritual Administration of Muslims of Moscow were fined 30,000 rubles each under Part 3 of Article 5.26 of the CAO (Distribution of literature, printed, audio, and video materials without labeling the material with the specified name or incomplete or deliberately false labeling).

According to Forum 18, one Muslim and one Jewish organization were fined under the same article in Crimea.<sup>10</sup>

In addition, a February lecture by two foreign guest speakers at the *Jewish Lifestacker* seminar for Jewish youth in Novosibirsk was deemed “illegal” missionary activity by the law enforcement. Velvel Belinsky and Asher Altshul, the guest speakers invited by the Beit Menachem Jewish community cultural center, were fined 2,000 rubles each under Article 18.8 of the CAO (Violation by a foreign citizen of the rules for entry into the Russian Federation) after their

9. Consolidated statistics on the activity of federal courts of general jurisdiction and magistrate courts for the first half of 2019 // Official website of the Judicial Department of the Supreme Court of the Russian Federation. 2019. October (<http://www.cdep.ru/index.php?id=79&item=5083>)

10. CRIMEA: 35 “anti-missionary” prosecutions in 2019 // Forum 18. 19 February ([http://www.forum18.org/archive.php?article\\_id=2544](http://www.forum18.org/archive.php?article_id=2544)).

participation in the workshop was seen as inconsistent with the purpose of visit stated in their tourist visas.

As before, implementation of the Yarovaya-Ozerov amendments is frequently marred with violations. For instance, in Novorossiysk, presbyter Yury Kornienko was fined under Article 5.26 of the CAO for conducting illegal missionary activities despite the fact that, as a presbyter, he had the very authority to conduct missionary activities. Besides, the protocol was compiled 11 days after the religious service that constituted offense, although the law prescribes that it should have been done no later than two days following the offense. Although the defense pointed out this violation, it was unable to challenge the fine.

As in previous years, often the absence of a sign bearing the full name of the centralized religious organization or of labels on religious literature served as the ground for prosecution for “illegal” missionary work, as did failure to notify authorities of the creation of the religious group and the absence of documents confirming the right to conduct missionary activities. This was the case in Magnitogorsk, where a resident was fined 5,000 rubles for setting up a prayer room without notifying authorities and for not displaying the name and schedule of religious services. In Yoshkar-Ola, two Baptists, members of an unregistered religious group, were fined 5,000 rubles each for distributing religious literature without the required labels. A member of the same religious group, a citizen of Ukraine, was fined 30,000 rubles under Part 5 of Article 5.26 of the CAO (Carrying out missionary activities in violation of the requirements of the law on freedom of conscience, committed by a foreign citizen).

Additionally, in Kaliningrad, a volunteer for the *Initiative* Inter-Regional Public Center for Assistance to Drug Addicts, Alcoholics, and People in Difficult Situations was fined 50,000 rubles for “illegal” missionary activity. The presence of religious symbols and the display of the plan of daily activities that included communal prayer, spiritual discussions, and religious literature readings were both considered as “missionary activity”. The New Generation Church of Evangelical Christians (Pentecostals) in Satka, Chelyabinsk Oblast, was fined 50,000 rubles under the same article for holding services in one of the city’s cafes without a document confirming that the premises were indeed made available to them. And in Sevastopol, two Hare Krishna followers were fined 5,000 rubles each for chanting mantras in a city park.

## Liquidation of Organizations and Denials of Registration

We are not aware of any liquidations of religious organizations in 2019. In Moscow, however, there was an attempt to ban a religious group whose meetings were held by a Pentecostal couple in their room in a communal apartment. The ban was imposed in January by the Ostankino district court of Moscow on the basis of the flatmates' complaint; they claimed feeling "uncomfortable with them praying in there". In April, this decision was overturned by the Moscow City Court.

We have information of only one case of denial of registration of religious organization. In Astrakhan Oblast in April, a Muslim organization that is not part of the regional Spiritual Administration of Muslims was unable to obtain state registration. We do not have information about the official reason for the denial, but Deputy Plenipotentiary Representative of the President of the Russian Federation in the Southern Federal District Anatoly Safronov saw the attempt by this organization to obtain official registration as an attempt by "external destructive forces" to "undermine the national accord" and "split the Muslim Ummah".

## Other Forms of Discrimination

As in previous years, there were instances of deportations of foreign clergy and missionaries from the country. In March, two U.S. citizens who were in Russia on a volunteer program and were detained in Novorossiysk, Mormons Col Brodovsky and David Haag, were deported. They were found guilty under Part 2 of Article 18.8 of the CAO (Violation by a foreign citizen of the rules for entry into the Russian Federation manifesting itself in the noncompliance of the declared purpose of entering the Russian Federation with the activity or line of business which is actually carried out while staying in the Russian Federation). Both volunteers had arrived in Russia on humanitarian visas which indicated religious activities as the purpose of their trip. They did not teach English but participated in an English-language event, where they were detained. Before deportation, they were held in a temporary detention center for foreign citizens for more than a week.

A Baptist pastor, Helmut Herman Beringer, who had been living in Russia since 1995 and had a residence permit valid until March 2021, was deported from Sverdlovsk Oblast. The regional office of the Ministry of Internal Affairs revoked his residence permit after the information was provided by the FSB that the pastor "advocated a violent change of the constitutional system of the Russian Federation" and "urged citizens to refuse to fulfil their legal duties and to confront the Russian Orthodox Church".

How exactly he went about doing it was not clarified even in the courtroom, neither in the Tavda district court in November, where the decision on deportation was made, nor in the Sverdlovsk regional court in December, where this decision was confirmed. The pastor himself believes that his distribution during the 2018 World Cup of the brochures titled *Russia. Football: History, Facts, and Evidence*, published by the Russian Union of Evangelical Baptist Christians, may have been interpreted in this way.

It should be mentioned that the decision to deport the pastor separated his family: his wife is a Russian citizen, and their children do not speak German.

Pastor Yevgeny Peresvetov, a Ukrainian citizen and the head of Vosstanovleniye ("Restoration") Christian Center, who was deported from Russia in 2018, also was unable to challenge the deportation decision.

Several times law enforcement agents disrupted services held by various religious organizations. For example, in April, on the Annunciation Day, a celebratory religious service held by a registered group of Evangelical Baptist Christians in a private house in the village of Verkhnebakansky in Novorossiysk was disrupted by the Rosgvardiya, police and FSB officers, firefighters, Cossacks, and representatives of the city administration; they broke into the house and demanded that the religious service be stopped. After that, the house was banned from use for religious purposes and sealed.

In Kaluga Oblast, armed employees of the Center for Countering Extremism and the OMON disrupted a Falun Dafa event held in one of the guesthouses. They surrounded the building, blocked the exits, and conducted documents inspection and interrogation, justifying their actions by the need to verify the legality of staying in Russia of the foreign participants of the event.

The pressure on Protestant educational institutions has not abated. Since 2018, many of them have been subject to numerous checks by Rosobrnadzor (Federal Service for Supervision in Education and Science) and other agencies, which identified numerous violations. In the majority of the cases, sanctions were imposed on the seminaries even when violations were eliminated. For instance, after numerous inspections, the magistrate court fined the Moscow Theological Seminary of the Evangelical Baptist Christians and its rector Peter Mitskevich for non-compliance with the Rosobrnadzor's instructions that the Seminary had actually fulfilled on time. It was not possible to challenge this decision. At first, the Seminary's activity was suspended for 60 days, and students were not allowed to enroll. Then the Seminary's license for educational activity was suspended. Finally, Rosobrnadzor asked court to withdraw the license. In February 2020, the Moscow Arbitration Court granted this motion.

In addition, Rosobrnadzor announced that the Theological Seminary of the Evangelical Lutheran Church in St. Petersburg will no longer be admitting stu-

dents. The reason for this decision was also failure to comply with Rosobrnadzor's instructions in a timely manner.

It should be noted that sometimes Rosobrnadzor found fault with educational institutions of other religions as well. At the end of the year, the license of Imam Ashari Islamic University of Khasavyurt was terminated.

Muslims continued to be subjected to police pressure from time to time. For example, in the Moscow district of Lyublino, the police detained 27 Muslims who were doing namaz (praying) at the door of the Trade Fair Complex. All the detainees received administrative charges: two of them, citizens of Tajikistan, were charged under Part 3 of Article 18.8 of the CAO and the others, citizens of Russia, CIS countries, and Turkey, – under Part 5 of Article 20.2 of the CAO (Violating a procedure established for arranging a meeting, rally, demonstration, procession or picket).

In addition, in some regions, law enforcement agencies have paid increased attention to the appearance of schoolchildren and their use of religious objects. In Kazan, the Department of Juvenile Affairs of the local Ministry of Internal Affairs sent a letter to one of the schools asking it to provide information on schoolgirls wearing hijab to schools and their families. The resulting public outcry forced the republican Ministry of Internal Affairs to launch an investigation into the collection of this information. According to the investigation results, Venera Sabirzyanova, the head of the department, who initiated and signed the letter, was brought to disciplinary responsibility.

In Penza, changes were made to regulations on school uniform for 20 schools at the request of the Prosecutor's office of the Oktyabrsky district, and a ban on wearing religious clothing, including headscarves, inside schools was introduced. Commenting on the ban, the Prosecutor's office explained that its aim was to ensure compliance with the principle of secular education as well as "the fundamental principles of countering extremist activities".

And in the Yamal district of Yamalo-Nenets Autonomous Okrug, the Novoportovsk L. V. Lapsuy Boarding School administration conducted an official check after one of the school staff turned out to be a Church of Scientology member. By this measure, the administration tried to "protect itself and the children".

## Favorable Resolutions

In some instances, believers were able to defend their rights, including in court. For example, they were able to overturn the fines imposed for "illegal" missionary work.

Thus, the Supreme Court of the Republic of Sakha (Yakutia) in May declared illegal and overturned the February decision by the magistrate court to impose a fine of 30,000 rubles on the Pentecostal pastor Alexander Barakhtenko under Article 5.26 of the CAO.

In January 2020, in Ryazan, the case of Oleg K., who was fined under the same article in November 2019 for distributing Bibles near the Radio Engineering Academy, was dropped for lack of evidence.

The pastor of the Maykop *Word of Life* Church of Evangelical Christians (Pentecostals) Yuri Dachev was unable to challenge the fine he received in May under Part 2 of Article 20.2 of the COA (Organizing or holding a public event without filing a notice of a public event in the prescribed manner) for holding a service in a restaurant without notifying the authorities but managed to reduce the amount twofold, from 20,000 down to 10,000 rubles.

The *Embassy of Jesus* Pentecostal Church in Nizhny Novgorod, fined 100,000 rubles in 2018 for publishing an interview with the Zimbabwean student of the local State Medical Academy Kudzai Nyamarebvu, in which the court identified a "hidden missionary nature", filed a complaint against the court decision with the European Court of Human Rights; the ECHR has registered the complaint.

We point out an interesting decision of the Prosecutor's office of Obninsk, Kaluga Oblast, that defended the principle of equality of religious organizations. It issued a warning to the city administration for not including some of the registered religious organizations in the Council on Interethnic and Interfaith Relations. The Prosecutor's office found that the administration's ignoring of some organizations and unwillingness to cooperate with them constituted a violation of anti-extremism legislation.

## Protecting the Feelings of Believers

### Protection from the Top

Just as in the previous year, criminal prosecution for "insulting the religious feelings" was not very active.

In 2019, we are aware of only one sentence under Parts 1 or 2 of Article 148 of the Criminal Code (Obstruction of the exercise of the right of liberty of conscience and religious liberty). In Irkutsk, anarchist Dmitry Litvin was sentenced to 100 hours of mandatory labor for publishing anti-Christian memes in VKontakte social network. He was released from punishment due to the expiration of the statute of limitations.

Two cases under this Article against the residents of Barnaul Maria Motuznaya and Andrey Shasherin, who were also charged under the decriminalized Part 1 of Article 282 of the Criminal Code (Incitement of hatred), were dismissed. The case against the resident of Barnaul Daniil Markin, who was charged under Article 282 for publishing anti-Christian memes on a social network, was also dismissed.

During the past year, at least three new cases were opened under Article 148, all three for publishing images on social networks: in two cases, the images were offensive to Christians, and the third did not specify which believers were insulted.

There were several instances of administrative charges for insulting religious feelings. Anatoly Kazikhanov, a resident of Severodvinsk, was fined 15,000 rubles under Part 2 of Article 5.26 of the CAO (Deliberate public desecration of religious articles or symbols). A case under the same article was initiated against Ilnur Kamaldinov, a resident of Ingushetia. Both cases concerned publishing images that were offensive to Russian Orthodox believers.

The case under the same article against Yaroslav Varenik, a journalist from Arkhangelsk, was terminated: the investigation did not find any signs of desecration of objects of religious veneration in the video clip by the Batushka (“Father”) rock band that the defendant had posted.

As before, we find most of these cases to be inappropriate.

## Protection from Below

Throughout the past year, believers, mostly Russian Orthodox, claimed from time to time that their religious feelings were being insulted. Most of the time, certain events or acts were reported as offensive by the offended party, but no punishment was demanded.

For example, Muslim bloggers limited themselves to expressing discontent in social networks over the poem by Sergey Shnurov that uses *mat* (Russian profanity) and mentions Allah. Some Russian Orthodox Christians declared it offensive when the St. Petersburg Concert Choir, performing at St. Isaac’s Cathedral, sang a ditty depicting a Russian nuclear attack on the United States. The choir representatives explained in social networks that the song was composed in the Cold War era and, as a historical material, should not be altered “for the sake of political correctness or some other agenda”, adding that a concert in a church does not imply the performance of liturgical works exclusively. The matter ended there.

In some cases, believers addressed their complaints about insulted religious feelings to various authorities but did not always get the desired response.

For example, the Krasnoyarsk diocese, unhappy about the release of Yeni-sei-Batyushka brand of vodka that comes in a chapel-shaped bottle, filed a

request with the Prosecutor’s office calling for the legal assessment of the product. According to the believers, “the manufacturer entices consumers to blasphemy, because opening the bottle means removing the ‘roof’ of the chapel, and the fragile cross and dome may be broken”. However, there was no information on any penalties imposed on the manufacturer.

A group of Orthodox Christians urged the General Prosecutor’s office to prevent the release of the film *Karamora* by Danila Kozlovsky, a fantasy film whose plot is based on the connection of the Romanov dynasty with vampires. According to the petitioners, linking something as sacred as the image of Tsar Nicholas II and his family, canonized by the Russian Orthodox Church, with something “base and vulgar (possessing the semantics of religious Satanism and suggestive of an openly mocking farce)” “cannot but cause grave insult of religious feelings of Russian Orthodox believers and the deepest humiliation of their human dignity”. The result of the petition is unknown: the film has not yet been released, but only because work on it has not yet been completed.

In most of the cases known to us when a conflict over the insulted feelings of believers did flare up, the parties were able to reach a compromise.

For example, in Yekaterinburg, a group of the Russian Orthodox believers who opposed the restoration of the Suprematist Cross artwork by the street artist Pokras Lampas (Arseny Pyzhenkov), accidentally partially paved over with asphalt by utility workers, failed to achieve cancellation of the restoration of the artwork but did manage to ensure the alteration of its shape.

In protest against the restoration, the believers held an action “Don’t Trample on Love”: they stood holding hands and wearing t-shirts with inscriptions that formed the phrase “The Cross is a symbol of Christ’s victory over your death. Don’t trample on love.” During the protest, threats were voiced against both the artist and the organizers of the Stenograffia street art festival, within the framework of which the Suprematist Cross was created. If the Suprematist Cross is not removed, one of the participants of the protest threatened “to make his own artwork”, saying “I will smear blood all over these Satanist Indians. That will be the artwork that will ring throughout Russia. I’m prepared to go to jail.”<sup>11</sup>

After these threats, Pokras Lampas refused to come to Yekaterinburg, and the police started investigating. With the mediation of the Ordzhonikidze district administration, the organizers of Stenograffia and the Russian Orthodox activists held a meeting; it was decided to restore the artwork and alter its shape.

In Novosibirsk, a member of the Sorok Sorokov movement complained to a police officer about a young man who was standing at the entrance to a metro station wearing a t-shirt with a “caricature of a saint” that offended the complainant’s religious feelings. With the mediation of the police officer, the par-

11. The Orthodox and Stenograffia fought over the cross in the Pervoi Pyatiletki Square. The head of the district broke up the fight // 66.ru. 2019. 25 August (<https://66.ru/news/society/224354/>).

ties agreed that the young man would remove the “offensive” t-shirt, and the insulted would not submit written complaint.

Residents of Kaliningrad were able to defend “Homelins”, the small statues of home spirits (known in Russian as “domovoy”), installed with the support of the regional Ministry of Culture and opposed by the Kaliningrad diocese and representatives of the Communist party. Baltic Archbishop Seraphim regarded the installation of the statues, which quickly gained popularity among the city residents, as a “trend toward popularizing the idea of neo-paganism”, which “eliminates the cultural heritage of one thousand years, formed under the influence of Christianity”. His view was supported by the Regional Duma deputy, Communist Ekaterina Koroleva.

The authors of the statue installation project were ready to suspend it, but Kaliningrad residents organized a large-scale flashmob in social networks titled “Do Not Touch the Homelins”. One of the authors of the project, Natalia Shevchenko, met with the Archbishop and managed to convince him to change his mind; soon after that, a new Homelin statue was installed – that of a sailor home spirit.

## Fight for “Traditional Values”

Apparently, there were fewer cases of self-censorship employed to prevent potential protests by offended believers. We have information about only one such instance; this year, it is related to trade and not to cultural events, as it was in previous years. In spring, the head of the Council of the Khoroshevo district of Moscow, Sergey Bakhrov sent a letter to the directors of trade and public catering companies recommending the suspension of the sale of alcoholic beverages during the Orthodox holidays of Palm Sunday, Easter, Krasnaya Gorka, and Trinity Sunday. According to the shoppers’ reports, the Auchan store in the Aviapark shopping center actually suspended the sale of alcohol on the occasion of Palm Sunday.

The regulation elicited a massive negative response: many interpreted the ban as a violation of law and restriction of the rights of atheists. As a result, the head of the Council declared the incident a mistake, denied issuing the regulation, and mentioned that drinking wine was not prohibited during the above-mentioned Orthodox holidays.

The fact that no cases of the use of force to protect religious feelings were reported during the past year does not mean that the defenders of these feelings completely abandoned aggressive tactics. The above-mentioned threats against the creators of the Suprematist Cross was not the only case. At the end of the year, State Duma Deputy and TV presenter Oksana Pushkina and lawyer Konstantin Dobrynin, who helped draft the domestic abuse bill, report-

ed threats from Russian Orthodox activists. The campaign against this law was supported by about 100 Russian Orthodox organizations, including Sorok Sorokov. The campaign organizers accused the authors of the bill of trying to “introduce the principles of radical anti-family ideologies, such as feminism and gender ideology, into Russian legislation”.

Pushkina and Dobrynin had to contact law enforcement and request an investigation into the organization of the campaign and threats to the authors of the bill. They believe that the Russian Orthodox activists’ actions fall under a number of criminal articles, including Article 282 (Incitement to hatred) and Article 277 of the Criminal Code (Encroachment on the life of a statesman or public figure).

This is not the only instance in 2019 when Russian Orthodox activists have defended not just religious feelings but “traditional values” in general. The resident of Novosibirsk Ivan Kvasnitsky, who previously participated in the protests of the Orthodox against rock concerts, succeeded in initiating an investigation into the lyrics of the rapper LJay suspected in promoting alcohol and drugs. The regional office of the Federal Antimonopoly Service found LJay’s music dangerous for teenagers and the “12+” age restriction on his show posters insufficient, and, as a result, an administrative case was opened against the artist.

## Insufficient Protection against Defamation and Attacks

### Violence and Vandalism

As in the previous year, the level of religiously motivated violence remains low. We are not aware of any attacks motivated by religious hatred in 2019.

As we noted in the previous report, the sharp drop in the number of attacks is primarily due to the lack of information about attacks on Jehovah’s Witnesses, who have long been the main victims. The ban on Jehovah’s Witnesses organizations and their consequent inability to preach door-to-door seems to have significantly reduced the number of attacks on adherents of this faith. At the same time, it is important to remember that, in current circumstances, Jehovah’s Witnesses have lost the ability to record regular statistics of attacks, so it cannot be ruled out that they did occur. We are aware of at least the threats received in 2019 by the family of a Jehovah’s Witness in the village of Sukhobuzimskoye in Krasnoyarsk Krai. We are quite sure that this was not the only such case.

In a number of violent crimes, religious motive cannot be ruled out. In Yekaterinburg, a nine-year-old boy was murdered in November; his father was charged with a ritual murder, and Zemfira Gainullina, the head of the Disciples of Christ religious group, with which he was affiliated, was charged with complicity to murder.

In 2019, a number of attacks targeted Russian Orthodox clergy, but these attacks were not motivated by religious hatred and were of a more criminal nature. For example, in Nizhny Novgorod, a drunk resident threatened a guard of Pechersky Ascension Monastery with a handgun and shouted insults at the clergy.

The level of religiously motivated vandalism decreased further compared with 2018. Most of the attacks known to us (6) targeted Russian Orthodox sites; this number is almost twice as low as in the previous year (11). Two of the attacks were arson: in St. Petersburg, a church on Vasilevsky Island was set on fire, and in Zelenodolsk, Tatarstan same happened to the chapel of the Kazan Cathedral. A dangerous act of vandalism occurred in Moscow after the conflict over the construction of St. Catherine's Cathedral escalated in Yekaterinburg: activists of the radical right-wing People's Resistance Association (ANS) placed a banner that said "Apologize for EKB" (EKB stands for "Yekaterinburg") on the gates of the patriarchal residence in Chistiy Pereulok and threw smoke bombs onto the residence grounds.

There were two incidents of toppled crosses: the graves of the relatives of a local priest were desecrated in the Novo-Leninsky cemetery in Irkutsk, and the Poklonny ("worship") Cross was desecrated at a Tatar settlement near Stavropol. In both cases, this was not the first time vandalism was reported at these sites. In the village of Kostino, Vladimir Oblast, vandals painted a swastika on the wall of the Trinity Church.

There were at least five incidents of vandals' attacks on Jewish sites (compared with four in 2018). On the Eve of Passover, in the Ramenskoye district of Moscow Oblast, one of the buildings of the Torat Haim yeshiva was set on fire, and Nazi symbols, the swastika and the numbers 88 and 130 (probably stands for the 130th anniversary of Hitler's birth), were drawn on the walls.

Other acts of vandalism were graffiti: in the village of Aksai of Volgograd Oblast, a cross was painted on the memorial to the Holocaust victims; in Moscow, anti-Semitic inscriptions appeared twice near the Moscow Choral Synagogue; and in Kaliningrad, vandals painted a swastika on the tombstone of the 19th-century Jewish preacher Israel Salanter in the Jewish cemetery near the Litovskiy Val fortification structure. This is not the first time that the Kaliningrad cemetery has seen the vandals' attacks.

Two attacks on new religious movements' objects that we know about concerned the property of Jehovah's Witnesses (none such attacks were reported

in 2018). Both of these incidents should be classified as dangerous: in Prokhladnoye, Kabardino-Balkaria, a Jehovah's Witnesses community building was set on fire, and a surveillance camera was damaged. In the village of Sukhobuzimskoye of Krasnoyarsk Krai, the car belonging to a local Jehovah's Witness believer had its windshield smashed, and a handwritten note with threats against Jehovah's Witnesses was thrown inside the car.

It should be noted that while the confiscation of property owned by Jehovah's Witnesses communities has undoubtedly contributed to the reduction in the number of acts of vandalism against their sites, one cannot rule out that the number of attacks was actually higher: as mentioned above, regular monitoring of violence against Jehovah's Witnesses is no longer conducted.

One Muslim and one Catholic religious site became objects of vandalism (in 2018, one Muslim site was attacked but no Catholic ones). 13 headstones were damaged in a Muslim cemetery in the village of Osypnoy Bugor, Astrakhan Oblast. In St. Petersburg, a woman tried to set fire to the door of a Catholic church.

Additionally, a wave of false bomb threats affected religious sites in Moscow. Four bomb threats were called in against the Christ the Saviour Cathedral and one against the Evangelical-Lutheran St. Peter and Paul's Cathedral.

## Defamation of Religious Minorities

Federal and regional media continued publishing defamatory materials about religious organizations related to Protestants and new religious movements. While the number of such publications has seemingly not increased compared to the previous year, the materials did appear, including on state-owned TV channels. In particular, the "anti-sectarian" stories discussed below were aired by the state-owned Russia-1 and Zvezda TV channels; Jehovah's Witnesses were targeted by the former and Scientologists – by the latter.

"Anti-sectarian" materials regularly appeared in regional media. For instance, in April, the St. Petersburg TV channel 78 broadcast a story about the followers of Falun Gong, or Falun Dafa, a Chinese religious practice, accusing them not only of extremism but also of espionage.

Sobytiya ("Events"), an internet information agency from Tatarstan, made a whole range of defamatory and xenophobic statements about Jehovah's Witnesses when announcing an upcoming October trial of the organization's members in Naberezhnye Chelny. The former head of the Department of Religious Studies at Kazan State University, Larisa Astakhova, invited as one of the experts, said that Jehovah's Witnesses "had to be disposed of" since the government has made the decision to ban them. Another expert, Sergey Zheleznyak, an assistant to the Dean of the Zakamsky district for missionary work,

went as far as to suggest that “all the missionaries who came here should be thrown out of the country”, adding, “I would put their top management in jail. It is necessary to eradicate the top instead of catching ordinary followers who themselves are victims”.<sup>12</sup>

At least one of the experts quoted by the agency, Astakhova, later said that her words were distorted by the journalists, but, as far as we know, Sobytiya has not issued a retraction. Moreover, this material was published by at least one other information agency, Tatar-inform.

Reporting on the situation with the demolition of the Adventist house of prayer in Novosibirsk in May, the Novosibirsk edition of Komsomolskaya Pravda referred to Adventists as “sectarians” and invited the Orthodox “sectologist” Oleg Zaev in an expert capacity.

Baptists in Krasnodar Krai also complained about defamatory publications in local media.

And the Samara information agency Zasekin.ru, reporting in December that the Samara Baptists were given a site for building a church, did not refrain from adding that “the Orthodox and Catholics consider Pentecostalism a sect, although their teaching is not prohibited by law”.

In some instances, the religious organizations at the center of these reports managed to draw the attention of the public to the unreliability of the published information and to get them publicly denounced. For instance, Russia’s Public Board for Press Complaints looked into the complaint by the Moscow branch of the Church of Scientology about the episode of the Kod Dostupa (“Access Code”) show titled *Soul Catchers* and aired by the Zvezda TV channel on January 31, 2019. The Panel found the material tendentious, violating the principles of journalism ethics, and showing “multiple signs of manipulation”. Members of the Board concluded that the episode’s authors “have crossed the line that separates information, even if critical in nature, from slander”.

The unexpected consequences of publishing such material about Jehovah’s Witnesses were felt by two journalists at AllRussia State Television and Radio Broadcasting Company, Elena Erofeeva and Pavel Kostrikov, have experienced on themselves the unexpected consequences of their defamatory publications on Jehovah’s Witnesses. In April, the Ministry of the Interior of Estonia banned them from entering the Schengen area for five years. According to Estonian police, the material filmed by the journalists with a hidden camera in one of the Jehovah’s Witnesses communities of Estonia aims to discriminate against the believers, “ridicules the activities of the religious organization and

12. Refusal of blood transfusion and calls for refraining from allegiance to the symbols of the state: the case of the Jehovah’s Witnesses sect in Naberezhnye Chelny reaches court // Sobytiya. 2019. 31 October (<https://sntat.ru/kriminal/otkaz-ot-perelivaniya-krovi-i-prizyvne-priznavat-simvol-y-gosudarstva-/>).

incites hostility toward it”. Let us stress that the Russia-1 TV channel found this and another, similar video recorded in Finland acceptable and used both videos in an episode of Vesti (“News”).

The “anti-sectarian” activity of public activists was almost invisible: we are unaware of any actions organized by them. However, in Bryansk, Sergei Maslov, a lawyer, and Alexander Kupriyanov, a Communist party member, voiced their protests against the celebration of Hanukkah in the city square. In their letters to the law enforcement and the Mayor’s offices, they claim that the installation of menorah and the chants in Hebrew are religious rites that “generate anti-Semitic sentiment in the population”. On this basis, they demanded that the celebration be cancelled, as they have done once already, last year. This year, just as back then, the city authorities did not respond to their demands.

# Crime and punishment statistics

Data as of February 24, 2020

## Statistics of Racist and Neo-Nazi Attacks (With categorization of victims)

	2006		2007		2008		2009		2010		2011	
<b>K – killed , B – Beaten, wounded</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>
<b>Total***</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>	<b>44</b>	<b>421</b>	<b>27</b>	<b>213</b>
dark-skinned people	2	32	0	34	2	26	2	59	1	28	1	19
people from Central Asia	17	60	36	95	57	133	40	92	20	86	10	38
people from the Caucasus	15	72	27	77	22	71	18	78	5	45	8	18
people from the Middle East and North Africa	0	11	1	22	0	15	0	2	0	2	0	5
from other countries of Asia	4	52	9	76	9	40	14	37	3	19	0	15
Other people of "non-Slav appearance" members of subcultures, anti-fascists and leftists	3	119	8	174	3	103	5	77	3	67	1	40
nomeless °	-	-	1	3	4	1	4	0	1	3	3	3
ethnic Russians °	-	-	0	22	3	12	0	7	1	8	1	9
jews °	-	-	0	9	0	6	0	3	0	3	1	2
religious groups °	-	-	0	9	0	6	1	2	0	22	0	24
LGBT °	-	-	0	7	1	6	0	0	0	3	0	3
others or not known	21	107	3	30	2	25	1	24	3	31	1	11

\* Were included into Others before 2007.

\*\* 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. This table does not include victims of mass clashes, victims in Republics of North Caucasus and victims in Crimea prior to 2016. 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 – 8, in 2016 – 3, in 2017-18 – 0, in 2019 – 2.

	2012		2013		2014		2015		2016		2017		2018		2019**	
<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	<b>K</b>	<b>B</b>	
<b>20</b>	<b>198</b>	<b>28</b>	<b>209</b>	<b>37</b>	<b>134</b>	<b>13</b>	<b>96</b>	<b>12</b>	<b>89</b>	<b>9</b>	<b>70</b>	<b>4</b>	<b>55</b>	<b>6</b>	<b>42</b>	
0	26	0	7	0	15	0	6	1	0	1	0	0	1	0	1	
8	38	15	62	14	30	6	7	4	24	0	11	2	3	3	11	
4	15	3	28	3	14	0	8	2	1	0	4	0	0	0	1	
0	2	0	1	0	6	1	3	0	0	0	0	0	0	0	0	
0	5	0	7	1	5	0	2	1	4	0	3	0	3	0	2	
1	16	0	34	3	8	0	10	1	8	0	8	0	7	0	3	
1	57	0	7	0	16	0	17	0	15	3	19	0	19	0	4	
6	2	2	3	13	1	3	8	2	1	4	1	1	13	1	6	
0	5	0	4	0	5	0	0	0	4	0	2	0	0	0	0	
0	0	0	2	0	1	2	1	0	3	0	0	0	0	0	1	
0	10	0	21	2	12	0	18	0	21	0	3	0	1	0	0	
0	12	2	25	0	9	0	9	1	4	0	11	1	5	1	7	
0	10	6	8	1	12	1	7	0	4	1	8	0	3	0	4	

# Statistics of Ideologically Motivated Attacks against Property

With categorization of targets

	2009		2010		2011		2012	
<b>D – dangerous assaults, O – other assaults *</b>	<b>D</b>	<b>O</b>	<b>D</b>	<b>O</b>	<b>D</b>	<b>O</b>	<b>D</b>	<b>O</b>
<b>total</b>	<b>33</b>	<b>147</b>	<b>34</b>	<b>143</b>	<b>13</b>	<b>81</b>	<b>11</b>	<b>83</b>
<b>religious targets</b>	<b>14</b>	<b>53</b>	<b>17</b>	<b>41</b>	<b>12</b>	<b>53</b>	<b>10</b>	<b>61</b>
christian Orthodox	5	11	8	8	3	9	5	33
muslim	3	5	2	7	1	16	1	5
jewish	1	21	1	14	1	13	1	7
new religious movements	1	11	4	10	5	11	2	11
catholic	0	1	0	0	0	0	0	1
protestant	2	2	2	1	2	3	1	4
armenian	2	2	0	0	0	0	0	0
other religious ***	0	0	0	1	0	1	0	0
<b>other targets</b>	<b>19</b>	<b>94</b>	<b>17</b>	<b>102</b>	<b>1</b>	<b>28</b>	<b>1</b>	<b>22</b>
state facilities	6	3	12	1	0	0	0	0
ideological targets	13	91	5	95	1	27	1	22
others ****	0	0	0	6	0	1	0	0

This table does not include data on Crimea prior to 2016 and on North Caucasus.

\* Most dangerous assaults – arsons and explosions, others – various types of breakage and destructions, including graffiti actions (but excluding single graffiti on walls).

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

\*\*\* Include Buddhist and some other targets, and also religious targets which were not attributed.

\*\*\*\* Include targets which do not fit categories above or were not attributed.

	2013		2014		2015		2016		2017		2018		2019**	
<b>D</b>	<b>O</b>	<b>D</b>	<b>O</b>	<b>D</b>	<b>O</b>	<b>D</b>	<b>O</b>	<b>D</b>	<b>O</b>	<b>D</b>	<b>O</b>	<b>D</b>	<b>O</b>	
<b>total</b>	<b>23</b>	<b>48</b>	<b>14</b>	<b>40</b>	<b>10</b>	<b>44</b>	<b>6</b>	<b>40</b>	<b>14</b>	<b>35</b>	<b>7</b>	<b>27</b>	<b>6</b>	<b>14</b>
<b>religious targets</b>	<b>23</b>	<b>41</b>	<b>9</b>	<b>23</b>	<b>9</b>	<b>24</b>	<b>6</b>	<b>25</b>	<b>9</b>	<b>21</b>	<b>7</b>	<b>13</b>	<b>6</b>	<b>9</b>
christian Orthodox	12	19	2	8	4	5	2	8	4	7	4	7	3	3
muslim	5	4	4	4	2	5	0	4	0	0	0	1	0	1
jewish	3	7	0	5	1	4	1	4	1	0	3	1	1	4
new religious movements	2	9	3	5	2	9	3	7	3	11	0	0	1	1
catholic	0	0	0	0	0	0	0	0	0	0	0	0	1	0
protestant	1	0	0	1	0	0	0	0	1	1	0	2	0	0
armenian	0	0	0	0	0	0	0	0	0	0	0	1	0	0
other religious ***	0	2	0	0	0	1	0	2	0	2	0	1	0	0
<b>other targets</b>	<b>0</b>	<b>7</b>	<b>5</b>	<b>17</b>	<b>1</b>	<b>20</b>	<b>0</b>	<b>15</b>	<b>5</b>	<b>14</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>5</b>
state facilities	0	0	1	4	0	4	0	1	0	0	0	0	0	0
ideological targets	0	7	4	13	1	16	0	14	4	14	0	14	0	5
others ****	0	0	0	0	0	0	0	0	1	0	0	0	0	0

## 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 indeterminable \*\*\*, respectively.

year	number of convictions				
	crimes	against persons	against property	public incitement	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	3/0/0	30/1/1	2/0/8
2008		36/0/0	6/0/0	49/2/1	3/0/4
2009		52/0/1	10/0/0	58/3/0	5/12/2
2010		91/0/0	12/0/1	76/8/3	9/7/6
2011		62/1/3	9/0/0	76/6/1	12/7/7
2012		32/2/2	6/0/0	91/3/1	4/8/2
2013		32/1/0	8/0/0	133/7/9	7/8/6
2014		22/0/4	4/0/0	154/4/5	6/8/10
2015		24/1/0	9/1/0	205/14/8	10/15/3
2016		19/2/0	5/0/0	203/17/8	7/15/1
2017		10/0/0	4/0/0	216/17/22	4/27/3
2018**		15/0/2	2/0/0	60/11/145	4/26/2
2019***		4/0/0	0/0/0	12/5/87	5/26/2

\* This refers to participation in an “extremist community” or an “organization, banned for extremism,” or to ‘Hizb ut-Tahrir’ members sentenced by art.205.5 of Criminal Code. Data on sentences issued to members of a number of Islamic organizations has been only partially tabulated at this time.

\*\* Since 2018 we use category ‘undetermined’ in a broader sense...\*\*\* The data is still far from complete.

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

year	number of offenders convicted and punished				
	crimes	against persons	against property	public incitement	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	5/0/0	41/0/5	4/0/27
2008		110/0/0	7/0/0	70/3/0	10/0/14
2009		130/0/2	19/0/0	77/4/0	9/25/2
2010		297/0/0	21/0/1	87/9/5	34/7/14
2011		194/4/7	15/0/0	84/7/1	26/12/19
2012		68/4/3	7/0/0	96/10/1	7/22/10
2013		55/1/0	10/0/0	126/7/10	8/16/11
2014		47/0/6	6/0/0	153/4/7	14/21/22
2015		58/1/0	14/1/0	206/15/8	24/43/6
2016		43/2/0	6/0/0	222/18/8	20/28/2
2017		35/0/2	6/0/0	233/19/24	6/75/5
2018**		48/0/7	6/0/0	72/12/146	9/77/5
2019***		9/0/0	0/0/0	16/5/88	11/92/2

year	convicted offenders who received suspended sentences or were released from punishment				
	crimes	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	0/0/0	97/4/3	13/1/0
2017		1/0/0	0/0/0	116/7/8	4/6/0
2018**		11/0/0	0/0/0	25/4/80	1/1/0
2019***		4/0/0	0/0/0	9/3/41	3/9/0

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