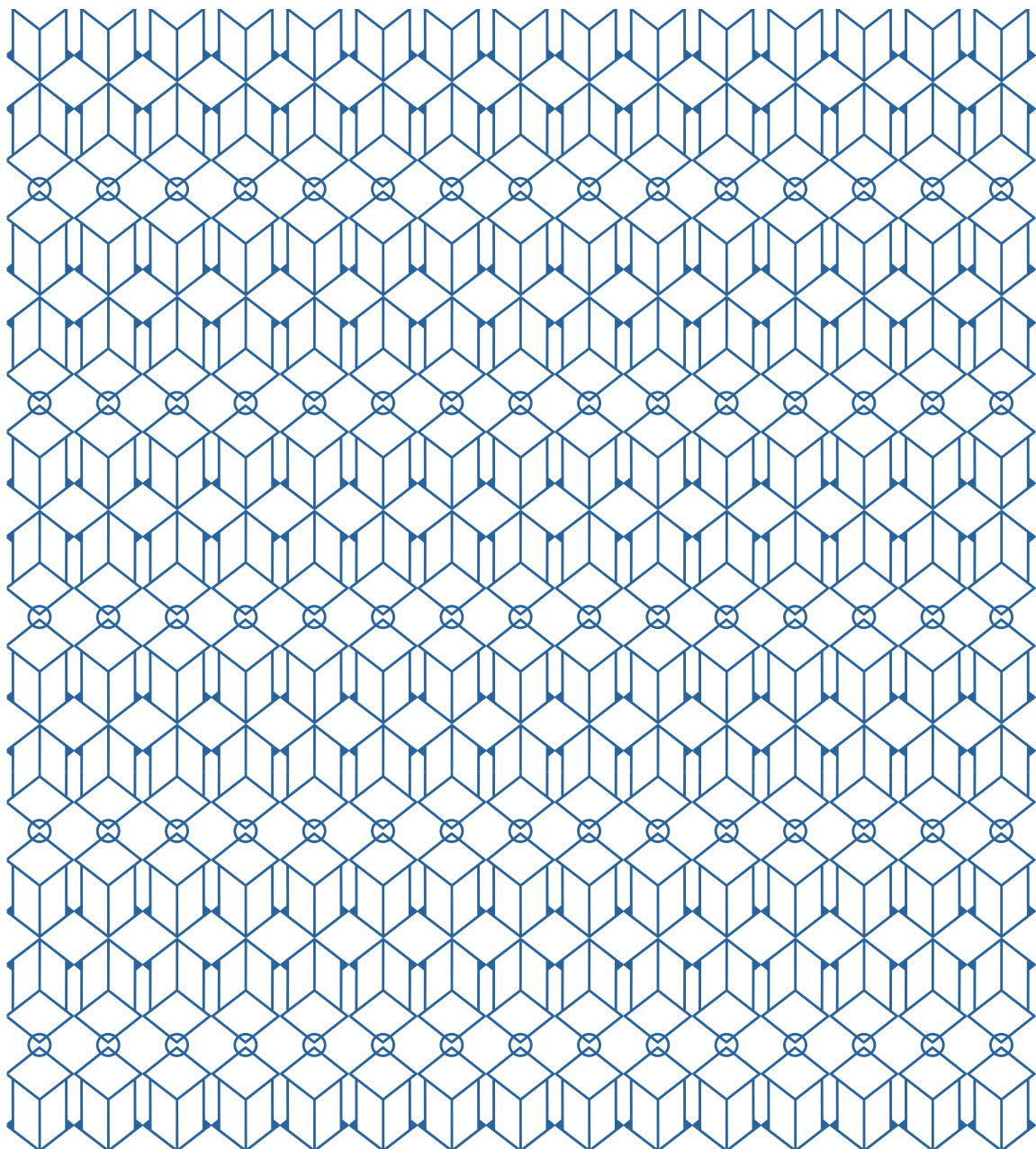


# Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2020



Annual Reports  
by SOVA Center  
for Information  
and Analysis



Moscow, 2021

Настоящий материал (информация)  
произведен и (или) распространен  
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РОО Центр «Сова»  
либо касается деятельности  
иностранного агента  
РОО Центр «Сова».

18+

A collection of annual reports

# **Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2020**

SOVA Center for Information and Analysis

Moscow, 2021

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This collection of reports provides a summary of all the major areas of work carried out by SOVA Center for Information and Analysis in 2020.

As is customary, we present annual reports on challenges in the realization of the rights to freedom of conscience and the principle of state secularism, and on overuse and misuse of anti-extremism laws.

Since 2017, instead of a single, large report on radical nationalism, hate crimes, and the efforts by the state and the society to counteract these phenomena, this collection comprises two reports: the first one concerns hate crimes and counteraction to them, the second one covers other aspects of anti-extremism policies.

The reports in this collection are updated versions of the original reports published on the SOVA Center's website.

The appendix provides details and statistics on the hate crimes and the prosecution of "extremist crimes". All data were compiled on February 19, 2021.

This collection was prepared and published with the support of the European Union, International Partnership for Human Rights (IPHR), and the Norwegian Helsinki Committee.

SOVA Center expresses its gratitude to all its donors and admits the sole responsibility for the content of the reports.

On December 30, 2016, the Ministry of Justice declared SOVA Center "a non-profit organization performing the functions of a foreign agent". We disagree with this decision and have filed an appeal against it.

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# Contents

Natalia Yudina

<b>"Potius sero, quam nunquam": Hate Crimes and Counteraction to Them in Russia in 2020</b>	5
Summary	5
Systematic Racist and Neo-Nazi Violence	6
Attacks Against "Ethnic Outsiders"	8
Attacks against the LGBT	12
Attacks against Ideological Opponents	12
Other Attacks	13
Crimes against Property	13
Criminal Prosecution for Violence	16
Criminal Prosecution for Crimes against Property	19

Natalia Yudina

<b>Anti-extremism in Quarantine: The State against the Incitement of Hatred and the Political Participation of Nationalists in Russia in 2020</b>	20
Summary	20
Criminal Prosecution	22
For Public Statements	22
For Participation in Extremist and Banned Groups and Organizations	31
Federal List of Extremist Materials	34
The Banning of Organizations as Extremist	38
Prosecution for Administrative Offences	42

Maria Kravchenko

<b>Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2020</b>	47
Summary	47
Lawmaking	48
Countering Extremism	49
"Fight against Nazism"	51
Regulating the Internet	53
"Foreign Agents" Legislation	56
The Practice of the European Court of Human Rights and the UN Human Rights Committee	58
Principal Targets of Persecution	60
Ideological Opponents of the Regime	60
Sanctions for Calls for Extremist Activity and Incitement to Hatred	61
Sanctions for Incitement to Separatism	64
Sanctions for "Justification of Terrorism"	65
Other Sanctions for Anti-Government Statements	67

Prosecutions for Anti-Government Group Initiatives.....	68
Banning Organizations for Extremism.....	70
Side Effects of the Fight for Tolerance.....	70
Prosecutions for “Rehabilitation of Nazism” .....	70
Sanctions for Display of Extremist Symbols.....	72
Protecting “the Feelings of Religious Believers” .....	75
Religious Groups.....	76
Hizb ut-Tahrir.....	76
Tablighi Jamaat.....	78
Said Nursi Followers.....	79
Recognizing Islamic Materials as Extremist .....	80
Jehovah’s Witnesses.....	81
Falun Gong.....	84
Protestant Denominations.....	85
Administrative Sanctions for Distributing Religious Literature .....	86
Sanctions against Libraries.....	86
Other Sanctions .....	87
Mass Media and Anti-Extremism .....	88
A Bit of Statistics.....	89

Olga Sibireva

<b>Freedom of Conscience in Russia: Restrictions and Challenges in 2020.....</b>	<b>94</b>
Summary.....	94
Legislation.....	96
Bills Not (Yet) Implemented.....	97
Problems with Places of Worship.....	100
Problems with the Construction of Religious Sites.....	100
Problems with Using Existing Buildings.....	103
Favorable Resolutions.....	105
Conflicts Surrounding the Transfer of Property to Religious Organizations.....	105
Discrimination on the Basis of Attitude to Religion.....	108
Criminal Prosecution .....	108
Restrictions on Missionary Activities .....	110
Other Forms of Discrimination.....	112
Favorable Resolutions.....	114
Religious Organizations amid the COVID-19 Pandemic.....	117
Protecting the Feelings of Believers.....	119
Protection from the Top.....	119
Protection from Below.....	121
Insufficient Protection against Defamation and Attacks .....	123
Violence and Vandalism.....	123
Insufficient Protection of Religious Minorities .....	124
<b>Summary statistics of crimes and punishments .....</b>	<b>128</b>
Types of violence and victims of violent hate crimes .....	128
Ideologically Motivated Attacks against Property .....	130
Guilty Verdicts for “Crimes of an Extremist Nature” .....	132

# **“Potius sero, quam nunquam”: Hate Crimes and Counteraction to Them in Russia in 2020**

This report is focused on the phenomenon of hate crimes, i.e. on ordinary criminal offenses that were committed on the grounds of ethnic, religious, or similar hostility or prejudice<sup>1</sup> and on the state’s counteraction to such crimes.

## Summary

Despite the current events of a global scale – the coronavirus epidemic and the Black Lives Matter movement in America – that provoked the rise in xenophobic rhetoric on the Russian Internet, the number of xenophobically motivated attacks decreased in the past year, including the number of murders. Contrary to the fears of many, the war in Nagorno-Karabakh did not lead to an increase in clashes between the Armenians and the Azeris on Russian soil, although such clashes still occurred.

Typologically, “ethnic outsiders” remained the main victim group in 2020, although the number of victims in this group was lower than a year earlier. On the other hand, the number of victims from LGBT community and those deemed as such increased. In part, attacks on this group were provoked by the death of a popular neo-Nazi, the founder of the Occupy Pedophilay movement, Maxim (Tesak) Martsinkevich, in whose memory “anti-pedophile raids” were carried out in at least two regions. The number of attacks on “ideological opponents” also increased in 2020: the pro-Kremlin group SERB remained active, attacking opposition protests; SERB members were especially visible in summer at the protests at the Embassy of Belarus.

Instances of damage to buildings, monuments, cemeteries, and various cultural sites, motivated by religious, ethnic, or ideological hatred were more frequent than in 2019; both religious and ideological sites were affected. It is comforting that the proportion of dangerous acts – explosions and arson – has decreased in the past year.

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The author of this report is a Board member of SOVA Center.

1. Hate Crime Law: A Practical Guide. Warsaw: OSCE/ODIHR, 2009 (available on the OSCE website in multiple 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 (2nd edition, revised and updated). The Hague: Sova Center, 2016 (available on the SOVA Center’s website: <https://www.sova-center.ru/files/books/osce-laws-eng-16.pdf>).

The number of convictions for hate crimes remained about the same as the year before, while the number of convicted persons even decreased slightly. However, new high-profile and significant trials are upcoming: the year ended with the arrests for the murders committed in the 2000s of a whole group of members of neo-Nazi gangs that used to be well-known in the past, including one of the most popular leaders of the Moscow Nazi skinheads of the late 1990s, Semyon (Bus) Tokmakov.

## Systematic Racist and Neo-Nazi Violence

In 2020, at least 43 people became victims of ideologically motivated violence; one of them died and the others were injured or beaten; five people received serious death threats. The total number of hate-motivated attacks is decreasing: in 2019, seven people died and 64 were injured or beaten.<sup>2</sup> However, our data is incomplete, especially for the year that just ended, and eventually the numbers will inevitably increase.<sup>3</sup>

As usual, we do not report on the victims in the republics of the North Caucasus and Crimea, where our methods are, regrettably, not applicable. We cannot compare or refine the data we have collected with any other statistics on hate crimes in Russia, as no other statistics exist.

Our data is, unfortunately, only a partial reflection of the real picture, and does not reflect the true extent of the violence. And this statement is applicable throughout the entire time of our monitoring. In the last few years, online and offline media have been describing hate crimes in the manner that makes it impossible to determine whether they were motivated by hatred or have not been reporting them at all. It is extremely rare that the victims turn to human rights organizations, and hardly ever – to organizations that provide legal, medical, educational, or financial assistance, and it is often impossible to extract enough data from these appeals. Neither do the victims go to the police, since they do not really expect to get any help from police officers but instead are very much afraid of potential problems. The attackers, who merely a few years ago used to fearlessly publish videos of their “acts”, have become more cautious. And when such videos do appear, it is often not possible to verify their authenticity and establish the time and place of the attack.

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 analyze the dynamics.

In the past year, we have recorded attacks in 11 regions of the country (in 2019 – in 20 regions). Moscow (12 injured and beaten) and St.-Petersburg (20 injured and beaten) traditionally lead in terms of violence level. And this is a rare occasion in our history of data collection when more victims were recorded in St. Petersburg than in Moscow. Just like the year before, a significant number of victims (three) was reported in the Sverdlovsk region.

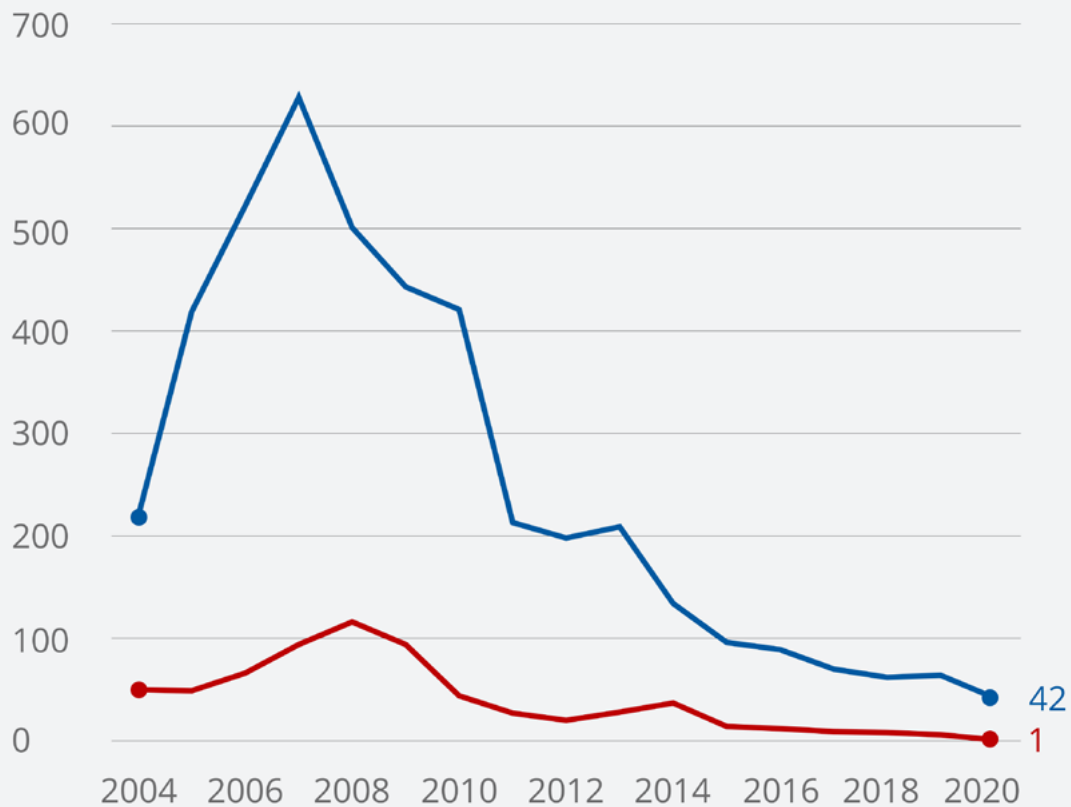
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2. Data for 2020 and 2019 is provided as of 20 January 2021.

3. In our 2020 report, we reported 5 dead and 45 injured and beaten. See: Natalia Yudina. Criminal Activity of the Ultra-Right. Hate Crimes and Counteraction to Them in Russia in 2019 // SOVA Center. 2020. 5 February ( <https://www.sova-center.ru/en/xenophobia/reports-analyses/2020/02/d42031/>).



## Hate Crime Victims: **Dead** and **Injured** (2004–2020)



Source: SOVA Center for Information and Analysis, 2021

In the past year, assaults were reported in the regions where they have not been reported before, namely, in the Arkhangelsk, Kaluga, Novosibirsk, and Saratov regions. At the same time, however, a number of regions disappeared from the statistics: hate crimes were not recorded in Altai Krai, Primorsky Krai, Stavropol Krai, the Vologda, Nizhny Novgorod, and Rostov regions, and Sakha Republic (Yakutia).

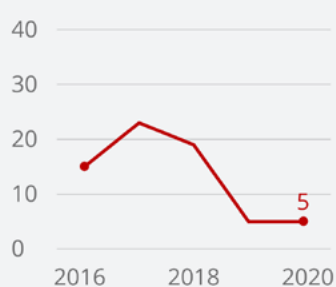
According to our data, in the past ten years, in addition to Moscow, St. Petersburg, and the Moscow and Leningrad regions, crimes have been recorded practically annually in the Volgograd, Vologda, Voronezh, Kaluga, Kirov, Nizhny Novgorod, Novosibirsk, Omsk, Rostov, Samara, Sverdlovsk, Rostov, and Tula regions, Primorsky Krai, Krasnodar Krai, and Khabarovsk Krai. However, it is also possible that the incident reporting is just better organized in these regions.

## Hate Crime Victims by Type (2016–2020)

**Ethnic Outsiders**



**Ideological Opponents**



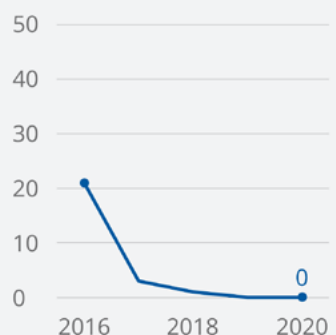
**LGBT**



**Homeless**



**Religious Groups**



**Others**



Source: SOVA Center for Information and Analysis, 2021

## Attacks Against “Ethnic Outsiders”

Those perceived as “ethnic outsiders” by the attackers remain the largest group of victims, though their numbers are slightly lower compared to the previous year. In 2020, we recorded 19 ethnically motivated attacks, a bit lower than the 21 victims reported in 2019.

Victims in this category include natives of Central Asia (4 beaten, compared to 3 killed, 11 beaten in 2019) and Caucasus (1 killed, 8 beaten, compared to 1 beaten in 2019);<sup>4</sup> indi-

4. Remarkably, this year the number of Caucasus natives was higher than that of the natives of Central Asia, whereas typically, it is the opposite.

viduals of unidentified "non-Slavic appearance" (2 beaten, compared to 3 beaten in 2019). The brutal murder in Volgograd stands out from the rest: on 13 June 2020, Timur Gavrilov, a 17-year-old medical student from Azerbaijan, died of 20 stab wounds. The murder suspect was a member of a far-right organization and attacked the student as he set out to "kill a non-Russian" that day.

In addition to these, a native of Buryatia was beaten at a train station in Yekaterinburg. The attacker did not like his "narrow eyes."

The echo of the events related to the US Black Lives Matter movement has reached Russia. Fortunately, there were few direct attacks on black people, but still a bit more than a year earlier. We have information about at least 2 attacks in 2020 (between 2017 and 2019, there was 1 attack per year, in each 1 person was beaten). For example, in a sub-

## Hate Crime Victims by Type (2020)

### Ethnic Outsiders



### LGBT



### Ideological Opponents



### Others



### Homeless



### Religious Groups



Source: SOVA Center for Information and Analysis, 2021

way car in St. Petersburg, a group of aggressive young men sprayed aerosol from a UDAR gas pistol in the direction of the natives of Africa and began to beat them. The level of intolerance towards black people in Russia is quite high, as has been clearly demonstrated by the regular and rather large-scale online racist campaigns. For example, on 8 June in Bryansk, a Yandex Taxi driver refused to take a black student Roy Ibonga and responded affirmatively when asked whether he was a racist. The video of the conversation was published in the VKontakte group *Overheard in Bryansk* and widely distributed on social media. After the scandal broke, Yandex Taxi removed the driver and publicly condemned his behavior. However, the story did not end there: Kirill Kaminets, a blogger living in Germany, the author of *Sputnik and Pogrom* and the founder of the Vendee project, launched the hashtag #YandexCuckold on Twitter, asserting that Yandex Taxi had “infringed on the rights of Russian drivers and denied them the right to choose customers.” The hashtag was posted by many other users.

A mixed-race St. Petersburg resident and blogger Maria Magdalena Tunkara received regular racist threats in her blog; as proof, she shared screenshots of some of the threats she has been receiving, including references to “monkeys” and comments like “Negroes do not belong in Russia.” The blogger was insulted not only in the far-right social network groups and the Telegram channel of the founder of the group “Men’s State” Vladislav Pozdnyakov but also, for example, in the popular apolitical imageboard “2ch,” also known as “Dvach.” On the eve of the Without Borders Fest, the National Conservative Movement (NCD) reported that Maria Tunkara “insulted nationalists” and was planning on 20 June to speak at the festival organized by “leftists and feminists.” As a result, Tunkara was forced to cancel her participation in the event.

It’s not just black people who face hate campaigns. In February 2020, the media reported that Elena Melnik, a resident of Kogalym in the Tyumen region, who tried to publicly stick up for her Chechen husband, who had been abducted in Grozny, received more than 100 xenophobic messages with threats and insults on the social network VKontakte over the course of just one night. She “was accused of causing the degeneration of the “Russian nation,” of betraying “the blue-eyed Slavic blood” and “the Russian traditions, for which our Orthodox grandfathers have been giving their lives for many centuries.” They called her a “stinking degenerate” and “a whore” and wrote that they would gladly cut her throat, etc.<sup>5</sup>

According to the results of the 2020 poll by the Levada Center,<sup>6</sup> 44% of the Russian respondents supported the idea of not allowing the Roma into the country. And in the past year, we have seen anti-Roma riots. After a 16-year-old Roma driver hit a 15-year-old girl in one of the villages of Stavropol Krai on August 13, local residents came together for a gathering and demanded that the Roma community be evicted from the village. The ultra-right immediately took advantage of the situation and attempted to use “the Kondo-poga method” to inflate the domestic conflict into an ethnic one; in right-wing Internet resources this news was published under the headline “I Hate Gypsies.”

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5. A resident of Kogalym is threatened by social media users because she is married to a Chechen // SOVA Center. 2020. 7 February (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2020/02/d42056/>).

6. Xenophobia and Nationalism // Levada-Center. 2020. 23 September. (<https://www.levada.ru/2020/09/23/ksenofobiya-i-natsionalizm-2/>).

In December, some excitement was caused by the 10th anniversary of the events on Manezhnaya Square in Moscow.<sup>7</sup> All the ceremonies were held online: memorial speeches were streamed online, and the evening in the memory of the killed Spartak fan Yegor Sviridov<sup>8</sup> was held in the VKontakte social network. However, on the eve of the anniversary, that is, on 6 December, a video of an attack on Dagestan natives by a "group of Russian nationalists" spread on the far-right Internet. According to the comments to the video, it was "in Yegor's memory."

Fear of the coronavirus has provoked an increase in xenophobic anti-migrant sentiment in the society. Numerous offensive and racist comments were posted on social media about Chinese people and nationals of other Asian countries. Fortunately, direct attacks did not materialize, probably due to the increased mobilization of the police, which is strictly monitoring quarantine compliance. However, the far-right was very active on the Internet. Since the end of winter, anti-migrant materials have been distributed on nationalist websites, telling about robberies and murders, "Gastarbeiter gangs" operating in various areas of Moscow, "pregnant Tajik women" with infections in maternity hospitals. Petitions appeared in far-right online resources demanding a tougher migration regime. The National Democratic Party (NDP) published a petition titled "Let Us Protect the Labor Market and the Security of Russian Citizens!" proposing to deport migrants who have lost their jobs and introduce a visa regime for the Central Asian countries. Konstantin Malofeev, a well-known Orthodox nationalist, also spoke out in support of the immediate deportation of all migrants left without work. And the Volgograd "Russian Corpus" organization promised to "put our vigilantes in the streets of our glorious city."

Such vigilantes patrolling markets appeared in Yekaterinburg. Patrols arrived in the largest market known as Tagansky Row, located in the Seven Keys residential district, home to many Chinese, to "check for coronavirus" only Asian countries nationals. According to Ataman Gennady Kovalev of the Ural Cossacks non-profit partnership, similar groups were patrolling the streets of Ryazan and Tula.<sup>9</sup>

The armed conflict in Nagorno-Karabakh has caused ethnic clashes between the Armenians and the Azeris on Russian soil. On 27 July 2020 in St. Petersburg, several Azerbaijani citizens attacked two Armenian citizens, shouting anti-Armenian slogans and recording it on video.<sup>10</sup> On 24 July, Moscow too saw clashes between natives of Armenia and Azerbaijan.<sup>11</sup>

7. Riots on Manezh Square in Moscow // SOVA center. 2010. 12 December (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2010/12/d20481/>).

8. Galina Kozhevnikova. Iz zhe unique moment // SOVA Center. 2010. 8 December (<https://www.sova-center.ru/racism-xenophobia/publications/2010/12/d20452/>).

9. In Yekaterinburg, the Cossacks conduct raids to find people of Asian appearance with cold symptoms // SOVA Center. 2020. 21 February (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2020/02/d42118/>).

10. Azerbaijani national detained in St. Petersburg in extremism criminal case for attack on Armenians // Mediazona. 2020. 6 August (<https://zona.media/news/2020/08/06/spb>).

11. Human rights activists warn about the risk of the Azerbaijani-Armenian conflict escalation in Moscow // Kavkazskiy Uzel. 2020. 30 July (<https://www.kavkaz-uzel.eu/articles/352464>).

## Attacks against the LGBT

The number of attacks against the LGBT community was, once again, higher than in the previous year. SOVA Center has recorded 16 beaten (in 2019 – 1 killed, 7 injured and beaten). It seems to us that the increase in the attacks on LGBT people is not accidental. On the one hand, it is connected with the high level of domestic homophobia in the Russian society, which is recorded by annual surveys. According to the results of the 2019 poll by the Levada Center,<sup>12</sup> 56% of the respondents perceive LGBT people “mostly negatively.” In part, negative attitudes toward LGBT people were fueled by the authorities as the law passed in 2013 prohibited “propaganda of non-traditional sexual relationships” among minors. On the other hand, homophobic context has always been inherent in neo-Nazi movements (both during the Third Reich and among Russian neo-Nazis since the early 2000s), whose ideology is based on biological postulates and arguments about blood and soil.

In 2020, homophobic attacks were provoked by the death of a well-known neo-Nazi, the former leader of the far-right Restrukt movement and the founder of the Occupy Pedophilay movement Maxim (Tesak) Martsinkevich.<sup>13</sup> In October 2020, in Arkhangelsk, a group of young men held a “pedophile hunt” in his memory: posing as a minor, they met a man online and set up a sex date. The group showed up on the date with a video camera and recorded their interrogation of the man, whom they afterwards forced to drink urine.<sup>14</sup> According to Vladislav Pozdnyakov of “Men’s State”, the attack on the student of the Theater Institute Ilya Bondarenko near the Uzbekka restaurant in Saratov in December 2020 was also organized by the local far-right from Occupy Pedophilay, who “caught a pedophile.”<sup>15</sup>

The number of attacks targeting LGBT were added to by the attacks against those who were mistaken for LGBT. This happened, for example, in January 2020 in St. Petersburg, when attackers did not like a man’s appearance; or in Moscow, when the teenagers’ dyed hair aroused suspicion about their “non-traditional” sexual orientation.

## Attacks against Ideological Opponents

In 2019, the number of attacks by the ultra-right against their political, ideological, or “stylistic” opponents – 5 beaten – increased significantly compared to the 4 beaten in 2019.<sup>16</sup> One anti-Fascist and participants of the protest organized by the SocFem Alternative activist group are among the victims.

---

12. Attitudes toward LGBT People // Levada-Center. 2019. 23 May (<https://www.levada.ru/2019/05/23/ot-noshenie-k-lgbt-lyudyam/>).

13. Maxim “Tesak” Martsinkevich in breif // SOVA Center. 2020. 1 October (<https://www.sova-center.ru/en/xenophobia/news-releases/2020/10/d42991/>).

14. Arkhangelsk: Martsinkevich’s fans hold a raid in his memory // SOVA Center. 2020. 5 October (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2020/10/d43004/>).

15. The attack in Saratov // SOVA Center. 2021. 11 January (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2021/01/d43477/>).

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

This group also includes the individuals perceived to be “a fifth column” and “traitors to the Motherland”, mainly the protesters assaulted by the pro-Kremlin nationalist SERB (South East Radical Block) group, led by Igor Beketov (aka Gosha Tarasevich).<sup>17</sup>

SERB activists made themselves visible at the Embassy of Belarus in Moscow. Together with the activists of the National Liberation Movement, they engaged in minor provocations, hooliganism, and attacks against those who gathered to protest at the Embassy.

The theme of threats by the ultra-right remained relevant throughout the year. Personal data of the expert who gave opinion to the court at extremism trials and the names of the judges and witnesses were published in Telegram channels.

## Other Attacks

In 2020, we are aware of 1 attack on a homeless person (in 2019, we reported 1 murder and 6 beatings). However, the statistics for this group are particularly unreliable. The media reports beatings and deaths of the homeless, but it is impossible to extract any details from these reports.

The topic of hazing with a xenophobic element in the military is off-limits, and we do not have any detailed information about any such incidents. The military itself actively denies such incidents. A video message about ethnic discrimination in the army, posted on Instagram by a Tuvan conscript on 10 January 2021, may be considered as indirect evidence. Private Shoigu Kuular claimed that he and other conscripts from Tuva were humiliated by the unit commanders in Rostov Veliky.<sup>18</sup> Characteristically, many readers complained about xenophobic threats and attacks in the comments to the post.

## 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.

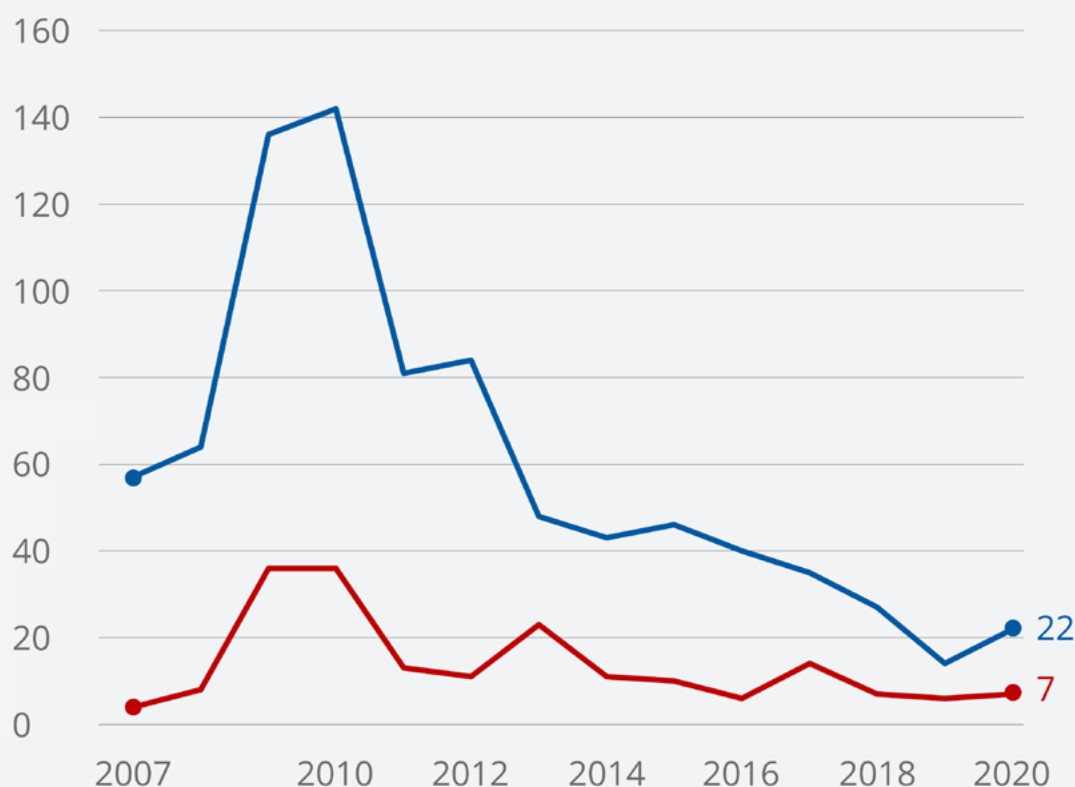
In 2020, the numbers of religious, ethnic, or ideological hate crimes against property were higher than in 2019: 29 incidents in 21 regions in 2020 vs. at least 20 in 17 regions in 2019. Our statistics does not include isolated cases of neo-Nazi graffiti and drawings on buildings and fences but it does include serial graffiti (law enforcement considers graffiti to be either a form of vandalism or a means of public statement).

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17. For more details see: Vera Alperovich, Natalia Yudina. The Pro-Kremlin and Oppositional: With the Shield or on It // SOVA Center. 2015. 31 August (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2015/08/d32675/>).

18. “His last name is not Shoigu”: Details of the scandal with a conscript who revealed discrimination in the army // 76.ru. 2021. 13 January (<https://76.ru/text/incidents/2021/01/13/69694056/>).

## Hate Crimes Against Property: from Explosions and Arsons to Graffiti and Other Damage (2007–2020)



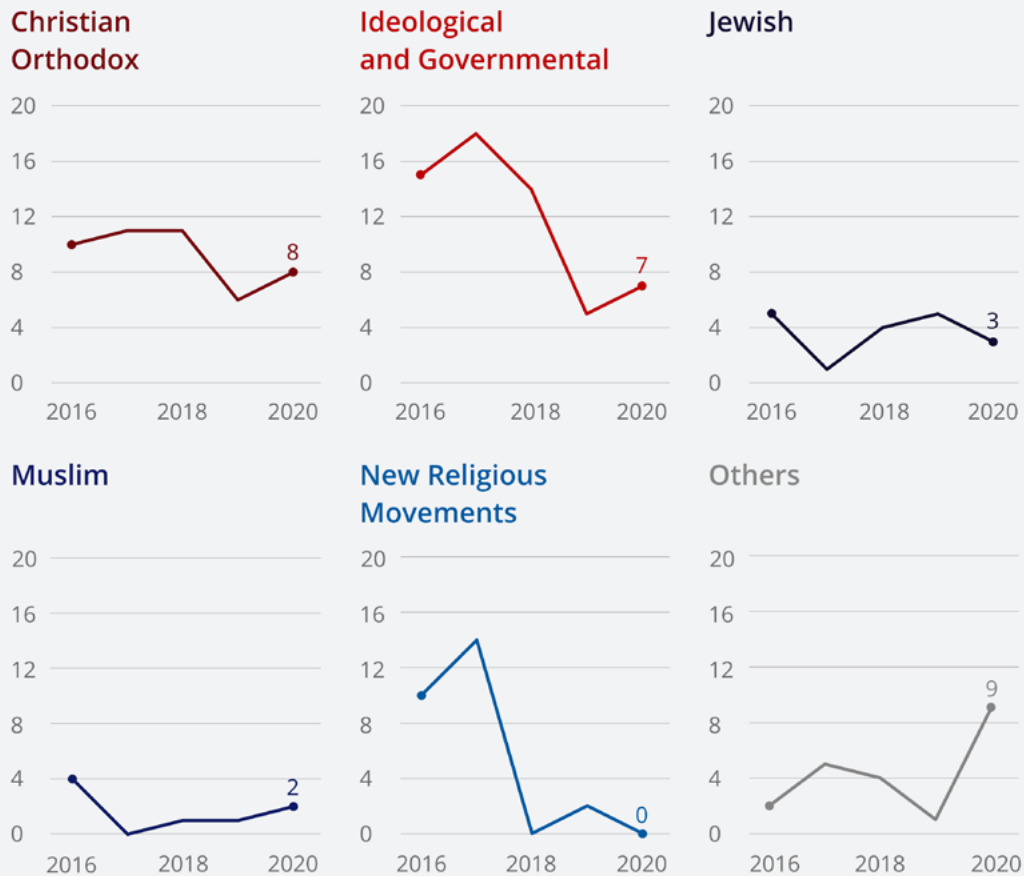
Source: SOVA Center for Information and Analysis, 2021

The number of ideological sites and objects damaged in 2020 was somewhat higher – 6 ideological sites and one national, which is slightly more than a year earlier (5 ideological sites in 2019). The sites that sustained damage included monuments to military glory, monuments to Lenin, and a monument to the Gulag victims.

The desecration of images of and monuments to “ethnic enemies” deserve a separate mention: in Chelyabinsk, “Not our hero” was written in black paint on the image of the Dagestani athlete Khabib Nurmagomedov, in Astrakhan, paint was poured and a swastika was drawn on the bust of the ethnographer and Nogai educator Abdul-Hamid Dzhanibekov and the monument to the Tatar poet Gabdulla Tukai was smeared with blue paint and a white swastika was drawn over it.



## Desecrated Religious and Ideological Sites by Type (2016–2020)



Source: SOVA Center for Information and Analysis, 2021

Traditionally, most of these acts target religious sites and objects. As in 2019, Russian Orthodox churches and crosses were the most frequent target of desecration (8 incidents in 2020 vs. 16 in 2019). Jewish sites come in second with 3 instances (5 in 2019). Pagan sites take the third place with 3 attacks (none in 2019). Muslim and Protestant sites and objects had 2 incidents each (in 2019, 1 attack against a Muslim site, and none against Protestant ones), and a Buddhist site had 1 incident (none in 2019).

On the overall, the number of attacks against religious sites has increased slightly: 19 in 2020 (in 2019, we reported 15 incidents, down from 20 in 2018). The share of the most dangerous acts – arson and explosions – has somewhat decreased compared to the previous year and represents 24%, or 7 out of 29 (in 2019, it was 6 out of 20).

The regional distribution has changed noticeably throughout the year. In 2020, this type of crime was reported in 13 new regions: the Arkhangelsk, Vologda, Voronezh, Kaluga, Murmansk, Nizhny Novgorod, Ryazan, and Chelyabinsk regions, the Altai Republic, Bashkortostan, Komi, Khakassia, and Khanty-Mansi Autonomous Okrug; on the contrary,

the following 9 regions where such crimes have been reported before went off the list in 2020: Vladimir, Volgograd, Irkutsk, Kaliningrad, Novosibirsk, and Tver regions, Sevastopol, Altai Krai, and Stavropol Krai.

For the second year in a row, the geographical spread of the xenophobic vandalism (21 regions) turned out to be wider than that of the acts of violence (11 regions). Both types of crimes were recorded in five regions (the same number as in 2019 and 2018): in Moscow, St.-Petersburg, and the Arkhangelsk, Voronezh, and Kaluga regions (the last 3 regions are different in 2020 from those in 2019 and 2018).

## Criminal Prosecution for Violence

In 2020, the number of those convicted of violent hate crimes was practically the same as a year before. In 2020, in Moscow, St. Petersburg, the Novosibirsk region, and Stavropol Krai saw at least 5 guilty verdicts, in which the hate motive was officially recognized.<sup>19</sup> 8 defendants were found guilty in these trials (9 in 2019).

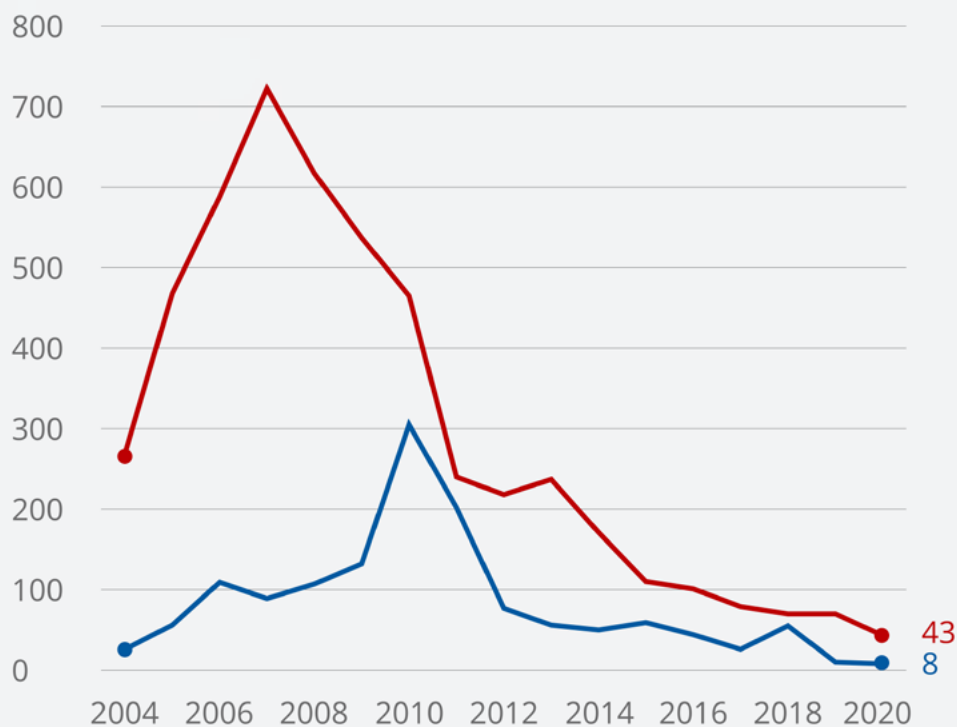
Racist violence was categorized under the following articles containing hate motive as a categorizing attribute: “Murder” (Paragraph K of Part 2, Article 105 of the Criminal Code), “Hooliganism” (Paragraphs B and C of Part 1, Article 213 of the Criminal Code), and “Battery” (Article 116 of the Criminal Code). This is a standard set of articles used in the last five years. One conviction for violent crimes was based on Article 282 of the Criminal Code (incitement of hatred) (compared to 3 in 2019). In June 2019 in the city of Nevinnomyssk of Stavropol Krai, a 25-year-old local resident punched an unfamiliar 37-year-old woman in the face, shouting racial slurs and calls for violence “against representatives of her ethnic group.” The next day, the suspect attacked a 30-year-old man in a similar manner. He was convicted under Paragraph A of Part 2, Article 282 of the Criminal Code (incitement of hatred committed with the use of violence). We believe that in this case it would be more appropriate to apply another article with the categorizing attribute, perhaps Article 116, 115, or 112 of the Criminal Code (depending on the severity of the inflicted injuries). However, this application of Article 282 is also possible: the Resolution of the Plenum of the Supreme Court of the Russian Federation of 28 June 2011 No. 11 “On Court Practice on Criminal Cases on Crimes of an Extremist Nature”<sup>20</sup> clarifies that Article 282 of the Criminal Code may be applied to violent crimes if they are aimed at inciting hatred in third parties, for example, in the case of a public and demonstrative ideologically motivated attack.

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

20. For more on this see: Vera Alperovich, Alexander Verkhovsky, Natalia Yudina. *Between Manezhnaya and Bolotnaya: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2011* // SOVA Center. 2012. 5 April (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2012/04/d24088/>).

## Violent Hate Crimes: **Victims** and **Convicts** (2016–2020)



Source: SOVA Center for Information and Analysis, 2021

Penalties for violent acts were distributed as follows:

- 2 persons sentenced to 6 years in prison;
- 1 person sentenced to 4 years in prison;
- 1 person received suspended sentence;
- 4 persons sentenced to fines.

We have doubts about the suspended sentence that a resident of Novosibirsk received for attacking a native of Buryatia on the regional train. The leniency of the sentence is perhaps explained by the fact that the attacker pleaded guilty and repented, and the victim’s injuries were not serious (other passengers on the train stepped in to protect him, stopped the attack, and handed the attacker over to the police). However, we do not believe a suspended sentence for an ideologically motivated attack is an adequate punishment: often this provides aggressive young men with a sense of impunity and fails to prevent them from carrying out similar attacks in the future.

The fines handed down to four far-right activists in St. Petersburg for attacking a man they thought was an anti-Fascist can also be explained by the sincere remorse of the perpetrators and their minor age. On the other hand, “spraying gas in the face,” threatening

with knives and “a shot in the face from an aerosol pistol” should have resulted in a more severe sentence than the fines between 10,000 and 40,000 rubles. Especially keeping in mind that one of the suspects in this case was Dmitry Nedugov, a member of the well-known neo-Nazi group NS/WP; in the end, he was not charged in this case.

The others convicted in 2020 were sentenced to terms between 4 and 6 years, which seems to be quite proportionate to their crimes.

We should mention separately the sentences that we believe were given for xenophobic violence, although the motive of hatred was not included in the charges or we are not aware of it. Characteristically, all the attackers received suspended sentences or were sentenced to restriction of freedom.

On August 7, two people received suspended sentences under Part 2 of Article 213 of the Criminal Code for an attack on Nigerian nationals on the subway. In August, Artyom Vlasov received one year suspended sentence under the same article for participating in the attack on an anti-fascist concert at the “Tsokol” club on September 2, 2018. On February 6, 2020, the Basmany District Court of Moscow sentenced Anton Berezhny to 1 year and 11 months of restriction of freedom for an attack on a gay couple in June 2019. Berezhny attacked the young men with a knife, shouting homophobic slurs. One of the victims, Roman Yed- alov, died on the spot, the other, Yevgeny Efimov, received a non-life-threatening wound. Berezhny was charged with murder (Part 1 of Article 105 of the Criminal Code) and battery (Article 116 of the Criminal Code), but the jury, while finding him guilty of attacking Yefimov, found him not guilty of murder. We do not understand how this could have happened. All we know is that during the trial, Berezhny admitted his guilt in the attack but denied his guilt in the murder and said that Edalov “fell on the knife.”<sup>21</sup>

At the year end, news of the 2003-2007 homicide investigations came out completely unexpected.

In October 2020, the investigators reported that the first suspects had been identified in the case of the brutal double murder of Shamil Odamanov (Udamanov) from the Dag- estan region and a native of Central Asia. The video showing the decapitation of Oda- manov by the far-right against the background of a swastika flag and the shooting of the second victim at point-blank range appeared on the Internet in the summer of 2007.<sup>22</sup> The video was initially alleged to be a fake, but the father of the deceased Odamanov identi- fied the victim in the video as his son.<sup>23</sup> The video was widely distributed on the Internet; every year the prosecutor’s office reported punishments of ordinary social networks users who published this video, while nothing was heard about the murder investigation. Sud- denly, in October 2020 – 13 years later! – it was reported that the neo-Nazi Sergei Mar- shakov, who is serving a sentence for shooting at FSB officers, and the former member of

21. “He Fell on the Knife”: Person involved in the murder of a gay male acquitted // SOVA Center 2020. 26 February (<https://www.sova-center.ru/en/xenophobia/news-releases/2020/02/d42138/>).

22. In Adygea, a student who posted a neo-Nazi video on the Internet is charged under Article 282 of the Criminal Code // SOVA Center. 2007. 19 October (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/against-cyberhate/2007/10/d11796/>).

23. Relatives of the missing Dagestani native recognize him in a neo-Nazi video posted on the Internet // SOVA Center. 2008. 4 June (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2008/06/d13503/>).

Format-18 Maxim Aristarkhov, who is also serving time in jail, were charged in this case. It is also reported that before his death, Maksim (Tesak) Martsinkevich confessed to this murder and his involvement, together with members of nationalist organizations, in other murders of people of “non-Slavic appearance” carried out between 2002 and 2006.<sup>24</sup>

In late December, other members of well-known Nazi gangs were also detained in Moscow, Sochi, and Tyumen: Semyon (Bus) Tokmakov, one of the most famous leaders of the Moscow skinheads of the late 90s, previously the leader of the Nazi skinhead brigade Russian Goal and the youth organization of the far-right People’s National Party (Russian: Narodnaya Natsionalnaya Partiya, NNP), Andrey Kail, the successor of Bus in the NNP, Alexander Lysenkov, also a member of the NNP, Maxim Khotulev, Pavel Khrulev (Myshkin) and Alexey Gudilin. They are accused of involvement in a series of “particularly serious crimes including the murders of Central Asia nationals” committed in the early 2000s. The Investigative Committee reports that the crimes surfaced as part of the investigation of the above-mentioned double murder.<sup>25</sup>

## Criminal Prosecution for Crimes against Property

In 2020, we are aware of just one sentence for crimes against property where hate motive was cited (In 2019, we have no information about such sentences; in 2018, we wrote about 2 sentences against 6 people in 2 regions.)

In Volgograd, a local resident received a 1.5-year suspended sentence under Part 2 of Article 214 of the Criminal Code (vandalism motivated by national hatred) and Article 280 (public calls for extremism) combined with a 2-year ban on the right to engage in activities related to the administration of websites on the Internet. We find this punishment proportionate to the offense of drawing several swastikas and a target sign and writing an anti-Semitic slur in the summer of 2018 on the monument at the memorial complex “The front line of the defense of Stalingrad in November 1942, the troops of the 62nd and 64th armies.” Although compulsory, unpaid community work to be done in free time would have been an even more appropriate sentence.

Exactly such punishment was imposed on another anti-Semitic graffiti artist in the Vologda region. On 10 February 2020, the magistrate’s court for the 42nd judicial district of the Oktyabrsky court district sentenced Vyacheslav Kotenko to 280 hours of compulsory community work for drawing a yellow cross on the monument to Holocaust victims in the village of Aksay, installed in 2018 with the support of the Russian Jewish Congress as part of the project “To Restore Dignity.”<sup>26</sup> In this case, the sentence was given under Part 1 of Article 214 of the Criminal Code, and the motive of hatred was not included in the charge.

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24. Suspects arrested in a series of racist murders // SOVA Center. 2020. 25 December (<https://www.sova-center.ru/en/xenophobia/news-releases/2020/12/d43443/>).

25. Six suspects arrested in a series of nationalist murders // SOVA Center. 2020. 24 December (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2020/12/d43436/>).

26. Sentence imposed for desecration of the monument to Holocaust victims in the Volgograd region // SOVA Center. 2020. 12 February (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2020/02/d42077/>).

# Anti-extremism in Quarantine: The State against the Incitement of Hatred and the Political Participa- tion of Nationalists in Russia in 2020

This report focuses on countering the incitement of hatred and political activity of radical groups, primarily nationalists, through the use of anti-extremism legislation. This counter-activity includes a number of articles of the Criminal Code (CC), several articles of the Code of Administrative Offenses (CAO), mechanisms for banning organizations and “information materials”, blocking of Internet sites and resources, etc.

Countering hate crimes is not the subject of this report: that activity is covered in a previous report in this book. Yet another report, next in this book, examines the cases of law enforcement that we consider unlawful and inappropriate; it also examines the legislative innovations of the past year in the field of anti-extremism.<sup>1</sup>

## Summary

The decline in the scale of criminal prosecution for public statements, observed in 2018 and especially in 2019 seems to have ceased.<sup>2</sup> The number of those convicted of “extremist statements” (incitement of hatred, incitement to extremism or terrorism, etc.) has increased slightly in the past year, although it has not yet reached even the figures of 2014. The number of those convicted under the once widely used Article 282 of the CC after its partial decriminalization is many times lower, which cannot be said about those convicted under articles on public calls to extremism and terrorism: their numbers have remained at about the same level or even increased. At the same time, the interpretation of the “justification of terrorism” has become qualitatively wider. Both of these articles fall under the responsibility not of the secret police Centers E but of the FSB; in general,

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1. M. Kravchenko. Inappropriate Enforcement of Anti-Extremism Legislation in Russia in 2020 (further: M. Kravchenko. Inappropriate Enforcement...)

2. For more information on the changes in anti-extremism policy in 2018 see: Alexander Verkhovsky. A New Turn of the Kremlin’s Anti-Extremist Policy // Point and CounterPoint. 2019. 26 April ( <https://www.ponarseurasia.org/a-new-turn-of-the-kremlin-s-anti-extremist-policy/>).

the FSB's interference in the investigation of anti-extremism cases continues to increase, and since this department is geared toward more dangerous acts, its methods are therefore more cruel. However, what justifies such a hard crackdown in the cases of ordinary reposts of extremist content on the Internet is unclear.

The number of those convicted of participating in extremist and terrorist groups and organizations has increased. The broader application of the anti-terrorism legislation is also evident in this sector of law enforcement. In particular, for the first time ever, the article on participation in terrorist groups was applied to national-populists.

The number of people charged in administrative cases also remained at about the same level as a year earlier; although there were cases of inciting hatred against new "social groups" – quarantine measures supporters and opponents. The growth of the Federal List of Extremist Materials slowed down slightly in 2020; though the list was updated in the same illiterate manner as before.

The pace of updating the Federal List of Extremist Organizations has slowed down, but the quality remains at the same level as in previous years. The list of organizations recognized as terrorist, which is published on the FSB website, was not updated at all in 2020.

In April 2020, the Trump administration declared the Russian Orthodox-monarchist organization Russian Imperial Movement a terrorist organization. It was then recognized as a terror group by Canada as well.

Unfortunately, we cannot estimate the scale of anti-extremist blocking of Internet resources in 2020. A year earlier, we gave up identifying the incidents of blocking due to the unrepresentativeness of the obtained data (we managed to identify less than a tenth of the blockings) and focused instead on official statistics. But in 2020, Roskomnadzor stopped publishing data on blocking access to prohibited (or other allegedly dangerous) materials, having reported<sup>3</sup> only that 188 thousands of extremist materials were removed on its request. As a result, this part of law enforcement is becoming more and more closed,.

When analyzing law enforcement in general, it seems that there exists certain inhibition of the work of the law enforcement system in the part of anti-extremism policy that is aimed at more or less legitimate counteraction to ideologically motivated security threats which fall in the Russian law into the combined category of "extremism". We can only guess why this is happening. Perhaps this is due to the quarantine measures, perhaps such threats are perceived as less politically critical, or perhaps the authorities have made a conscious decision to rely less on these tools. Time will probably show whether this trend will continue and what exactly is causing it.

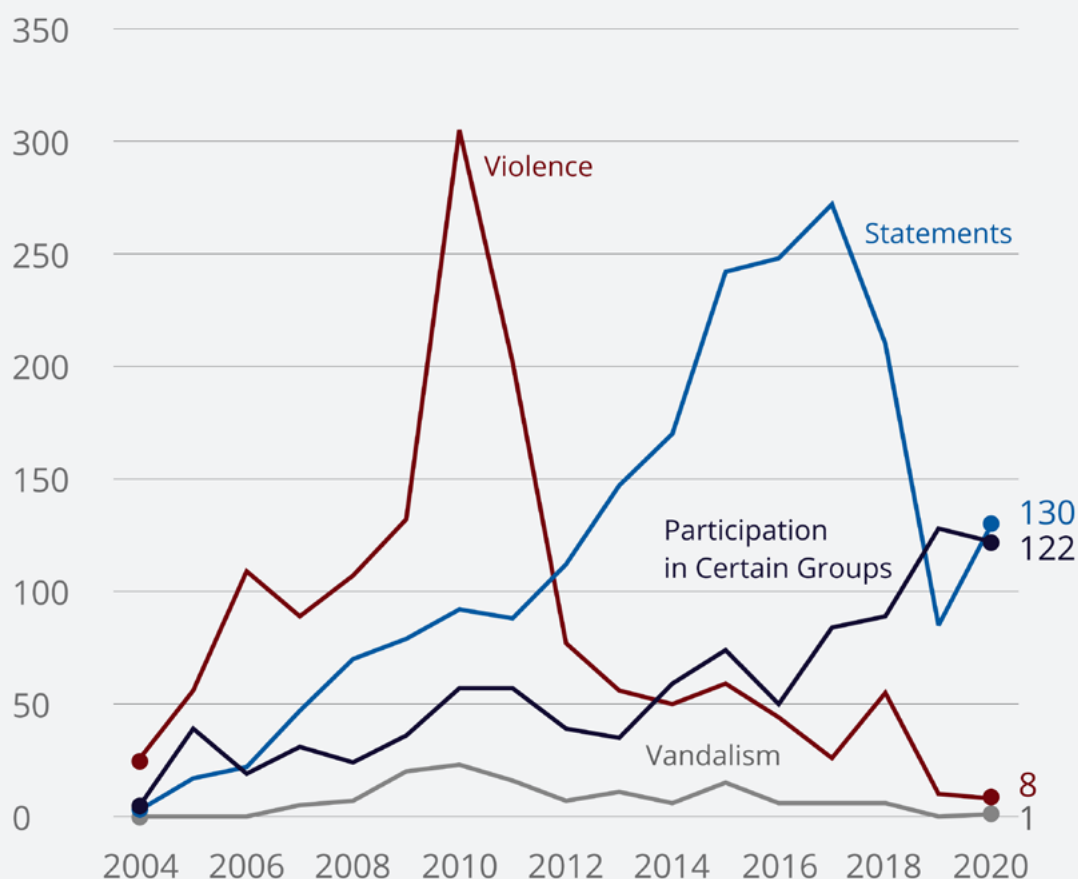
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3. The responsibility of telecom operators for ensuring the stability and security of the Internet will be included in the Code of Administrative Offenses // Official site of the Federal Service for Supervision in the Sphere of Communications, Information Technologies and Mass Communications. 2020. 24 November (<https://rkn.gov.ru/news/rsoc/news73186.htm>).

# Criminal Prosecution

## Convicted of “Crimes of Extremist Nature”

Data from SOVA Center



Source: SOVA Center, 2021

## For Public Statements

According to our incomplete data, the number of convictions for “extremist statements” (incitement to hatred, incitement to extremism or terrorism, etc.) increased slightly in 2020 compared to a year earlier. SOVA Center has information about 99 convictions against 111 people in 49 regions of the country.<sup>4</sup> In 2019, we had information about 73 such

<sup>4</sup> Data as of 17 February 2021.



convictions against 79 people in 47 regions. These numbers do not include the convictions that we find inappropriate: in 2020, we found 13 convictions against 19 people inappropriate<sup>5</sup>. Acquittals are also excluded from our statistics (there was one such verdict in 2020). We do not include in the statistics and record separately the instances of release from criminal liability with payment of court fines, an alternative introduced in Russian law in 2016. In 2020, we recorded two instances of such releases from liability with payment of court fines. We have no information about any instances of this alternative being applied in anti-extremism law enforcement in 2019; in 2018 we had information about 11 such releases from liability in cases concerning “extremist statements”.

Speaking about the overall statistics, our information about convictions is, regrettably, far from complete. According to the data posted on the Supreme Court website,<sup>6</sup> just in the first half of 2020, 132 people were convicted of extremist statements (Articles 282, 280, 280<sup>1</sup>, 205<sup>2</sup>, 354<sup>1</sup>, Parts 1 and 2 of Article 148 of the CC), including those for whom this was the main charge.<sup>7</sup> This is higher than the 115 such sentences reported in 2019.<sup>8</sup> In the report, we used our data, since the data of the Supreme Court does not permit a meaningful analysis to be carried out.

This is the third year that we are using a more detailed approach to conviction classification.<sup>9</sup>

We deem appropriate those convictions where we have seen the statements, or are at least familiar with their contents, and believe that the courts have passed convictions in

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5. M. Kravchenko. Inappropriate Enforcement...

6. Consolidated statistics on the activity of federal courts of general jurisdiction and magistrate courts for the first half of 2020 // Official website of the Supreme Court of the Russian Federation (<http://cdep.ru/index.php?id=79&item=5460>) (further – Consolidated statistics of the Supreme Court for the first half of 2020).

7. According to the data posted on the Supreme Court website, the highest number of criminal convictions were issued under Article 280 of the CC (incitement to extremist activities): in the first 6 months of 2020, 80 people were charged (for 68 of them, this was the main charge). It is followed by Article 2052 of the CC (propaganda of terrorism) with 73 convicted in the first half of 2020 (for 58 – main charge). The number of convicted persons under other articles is much lower: one person was convicted under Art. 280<sup>1</sup> (calls for separatism), three were convicted under Art. 354<sup>1</sup> (rehabilitation of Nazism), one – under Part 1 of Art. 148 (insulting of religious believers’ feelings), three – under Art. 282 (incitement to hatred). It should be noted that the total number of the convicted under all these articles as the main and additional charges results in a greater number than the actual number of those convicted for statements, since a significant fraction of them had more than one article in their sentences. Thus, 132 is an incomplete number of persons convicted of statements for the first half of the year, but adding the 29 for whom these articles constitute extra charges, we get the total of 161, which is higher than the real number of those convicted of statements.

For more information see: Official statistics of the Judicial Department of the Supreme Court on the fight against extremism for the first half of 2020 // SOVA Center. 2019. 18 October (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2020/10/d43072/>).

8. 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://cdep.ru/index.php?id=79&item=5460xls>).

9. Prior to 2018, convictions for statements were divided into “inappropriate” and “all other”.

accordance with the law. 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; it contains a six-part assessment of the public danger of public statements, supported by the Russian Supreme Court almost in its entirety.<sup>10</sup>

In 2020, we considered four convictions against five individuals lawful. An example of such a lawful conviction is the verdict the Presnensky District Court of Moscow in the case of the two writers well-known in the ultra-right circles, Oleg Platonov, the author of the banned books “The Mystery of the Zion Protocols” and “The Zion Protocols in World Politics” and many other similar works, and Valery Yerchak, Co-Chair of the Union of the Russian People (SRN) and the Belarusian branch of the Union of Orthodox Brotherhoods (SPB). They were convicted under Paragraph C, Part 2 of Article 282 of the CC (incitement to national hatred by an organized group) for publishing of the anti-Semitic book by Yerchak titled “Word and Deed of Ivan the Terrible” (entry #1381 of the Federal List of Extremist Materials).<sup>11</sup>

In the vast majority of cases – marked as “Unknown” (64 convictions against 70 people) – we are not familiar with the exact content of the materials and therefore cannot assess the appropriateness of the court decisions.

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

Our statistics in the “Other” category (24 convictions against 28 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.

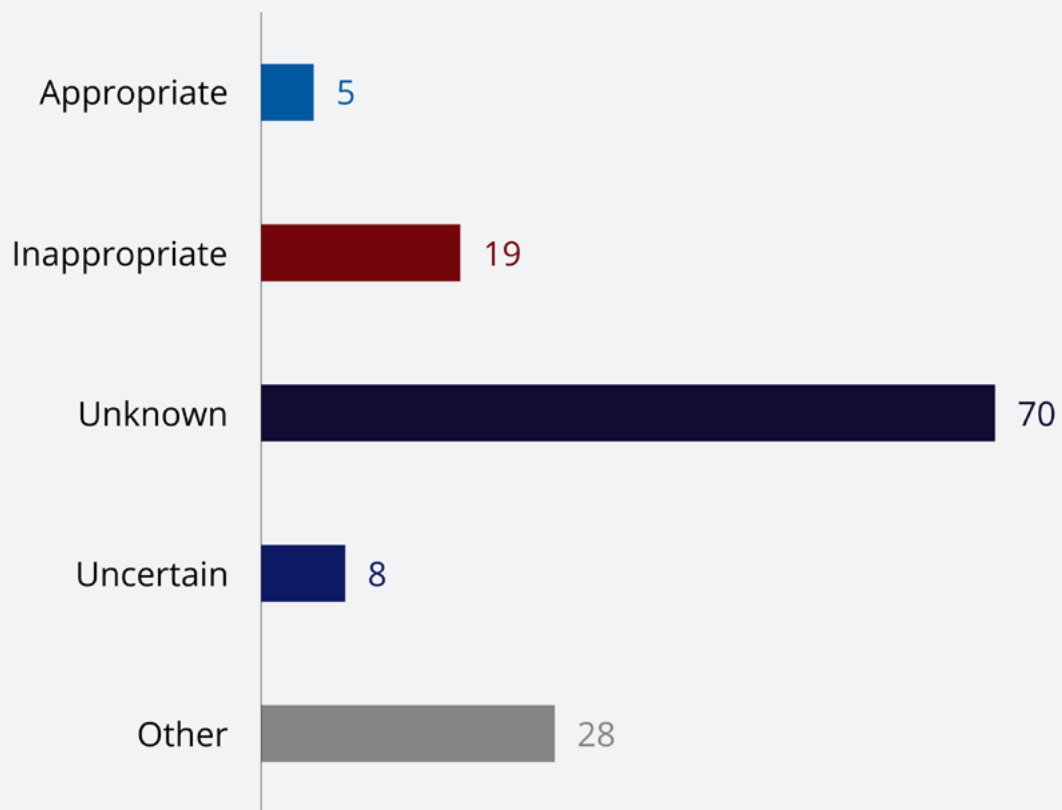
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10. Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence // UN Human Rights Council. 2103. 11 January ([https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat\\_draft\\_outcome.pdf](https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf)).

11. Oleg Platonov and Valery Yerchak sentenced in Moscow // SOVA Center. 2020. 23 December (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2020/12/d43424/>).

## Appropriateness of Convictions for Statements in 2020

Data from SOVA Center. Total number of the convicted — 130



Source: SOVA Center, 2021

According to our data, Article 280 of the CC (public calls for extremist activity) was applied in the vast majority of the verdicts,<sup>12</sup> that is, in 66 verdicts against 75 people. In 52 of these convictions (53 people), this was the only charge. In some instances, it was combined with other charges, for example, with Article 214 of the CC (vandalism).<sup>13</sup>

Article 282 was applied in 10 convictions known to us against 15 people. In addition to the anti-Semitic writers mentioned above, others (with the exception of the two AUE supporters, see below) were charged for similar offenses under Article 20.3.1 of the CAO

12. 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.

13. On this verdict see N. Yudina "Potius sero, quam nunquam"...

(incitement of national hatred) earlier in the year and were charged with a criminal repeat offense within a year after that.

We have information about one conviction under Article 280<sup>1</sup> of the CC (public calls for actions aimed at violating the territorial integrity of the Russian Federation). The Supreme Court of the occupied Crimea sentenced in absentia the Crimean Tatar businessman, former Deputy Prime Minister of the Crimean government and owner of the ATR TV channel Lenur Islyamov to 19 years of imprisonment in a high-security colony and to the restriction of freedom for one year under a combination of Article 280 with Part 1 of Article 208 of the CC (organisation of an illegal armed formation) and Paragraphs A and B of Part 2 of Article 281 of the CC (sabotage committed by an organized group and entailing grave consequences). According to the court, Islyamov planned to blow up power transmission towers in the Kherson region in November 2015; for this purpose, he “created and headed the illegal armed formation Crimean Tatar Volunteer Battalion named after Noman Celebijikhan”. In addition, Islyamov was accused of repeatedly calling in the media for the returning of Crimea to Ukraine. Unfortunately, the Prosecutor General’s Office did not specify the statements in question and whether they contained calls for armed struggle, so we refrain from assessment of the verdict under Article 280<sup>1,4</sup>.

Article 354<sup>1</sup> of the CC (denial of the facts established by the verdict of the International Military Tribunal for the Trial and Punishment of the Major War Criminals of the European Axis Countries, approval of the crimes established by this verdict as well as the dissemination of deliberately false information about the activities of the USSR during World War II) was cited in three verdicts against three individuals (for two of them, it was the one and only charge). All three court decisions punished those who published statements and comments on VKontakte containing “approval of Nazi actions, denial of the facts established by the verdict of the International Military Tribunal for the Trial and Punishment of Major War Criminals”, including, in one case, the approval of the Holocaust.

Article 205<sup>2</sup> of the CC (public calls to carry out terrorist activities) has, in recent years, gained popularity among law enforcement officers. According to the Supreme Court data, in the first half of 2020, a total of 53 people were charged under this article, for 43 of them this was the main charge.<sup>15</sup> SOVA Center is aware of 31 sentences under Article 205<sup>2</sup> of the CC handed down to 35 people (not including wrongful convictions). In 23 instances, this was the only article applied in the conviction. In six other cases, it was applied in combination with Article 280.

In previous years, the majority of the sentences under this article was applied in convictions for radical Islamic propaganda (as far as SOVA Center is aware), whereas in 2020, the scope of its application turned out to be more diverse.

As before, some were charged with calls to join ISIL or other radical Islamic organizations or to travel to war zones and fight, a total of eight sentences. In at least five such cases, the calls were carried out by convicts in the colonies.

Two sentences were handed down for calling for the violent overthrow of the government. In six cases, the sentences were issued for justifying the actions of Mikhail Zhlobitsky, who committed a terrorist attack in the FSB’s building in the Arkhangelsk region, and calling for the repetition of such acts.

14. However, on April 8, 2021, the court of appeal completely dismissed the charge against Islyamov under this article.

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 45 people and was applied in combination with other articles in 11 convictions.

Six sentences were handed down for justifying the terrorist attack on Christchurch mosques (New Zealand) committed on 5 March 2019.

Three sentences were handed down for calls for radical far-right violence, including endorsing the actions of one of the leaders of the National Socialist Society (NSO), Maxim (Adolf) Bazylev, and the neo-Nazi Militant Terrorist Organization (BTO).

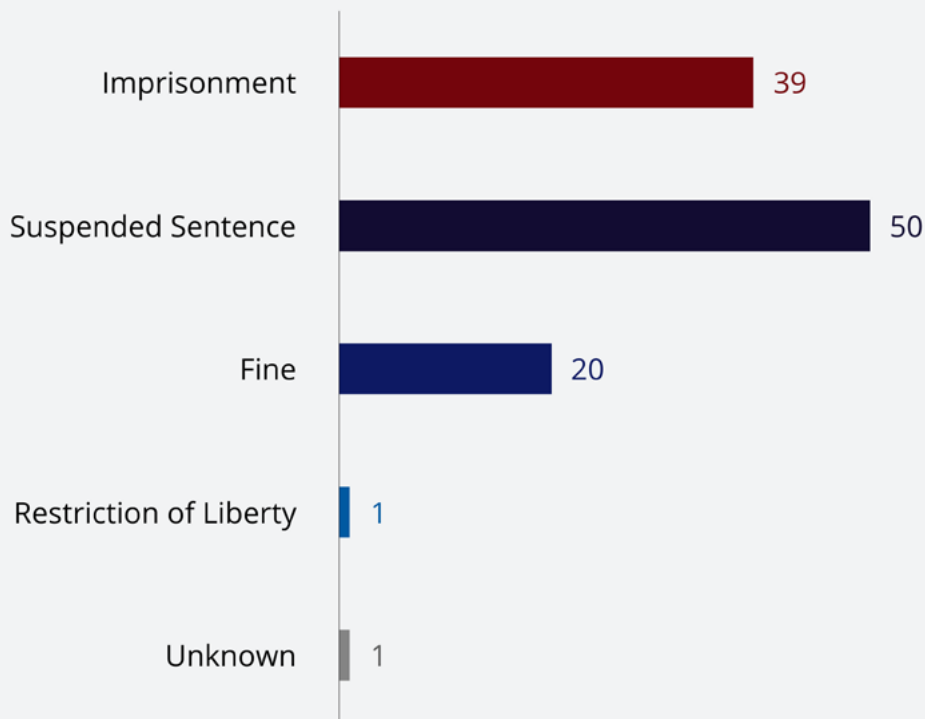
In some instances, this article was applied in combination with other anti-terrorism articles of the Criminal Code, including Part 1 and 2 of Article 205<sup>4</sup> of the CC (creation of and participation in a terrorist group), Part 1 of Article 30, Paragraph A, Part 2 of Article 205 of the CC (preparation for carrying out of a terrorist act by carrying out an explosion), etc.

Penalties for public statements were distributed as follows:

- 39 people were sentenced to imprisonment;
- 50 received suspended sentences without any additional measures;
- 20 were sentenced to various fines;
- 1 was sentenced to the restriction of liberty;
- 1 unknown.

### Sentences for Statements in 2020

Data from SOVA Center. Total number of the convicted for statements — 111, not including the inappropriately convicted



Source: SOVA Center, 2021

The number of those sentenced to imprisonment was significantly lower than in the previous year (in 2019, we reported 50 prison sentences).

15 received prison terms in conjunction with charges other than statements, including participation in extremist and terrorist groups and organizations. 11 were already serving prison time, and their terms were increased. Eight people were charged under the “terrorist” Article 205<sup>2</sup> of the CC (see more below). One person was convicted twice in the course of the year under an administrative article; he was sentenced to a fine for a criminal repeat offense but refused to pay it and was eventually sentenced to a penal colony.

Four individuals, however, received prison terms in the absence of any of the above-mentioned circumstances (or, perhaps, in some cases, we just do not know about them). One received a prison sentence for calling for knife attacks on police officers in Facebook comments. Another, a 59-year-old Ravil Tukhvatullin, convicted in Ufa under Part 2 of Article 280 of the CC, according to law enforcement agencies, heads an unregistered public organization Association of the Indigenous Peoples of Rus of the Ufa Guberniya, recognizes himself as a citizen of the USSR<sup>16</sup> and a deputy of the long-defunct Supreme Soviet of the USSR. It is reported that from February to October 2018, Tukhvatullin published videos on his page in VKontakte, in which he called for the violent overthrow of state power, mass riots, and revolution. The court sentenced him to 1.5 years in a penal colony. We are not familiar with the materials published by him.

Even less is known about the other two cases: one person was jailed for posting certain “extremist” material on Instagram, the other for “calls for violence against representatives of certain ethnic groups” on VKontakte. We do not know who these people are, but if they were not widely known and did not carry out systematic propaganda, real imprisonment seems to us an excessive punishment.

In comparison with the previous year, the situation has improved: in 2019, we reported seven convictions “for words only”, i.e. without the listed aggravating circumstances, 12 in 2018, seven in 2017, five in 2016, 16 (the highest number) in 2015, and only two in each of the years 2013 and 2014.<sup>17</sup> 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 that the share of such convictions was 3.6% in 2020; 6.8% in 2019, 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.

As in previous reports, we have excluded Article 205<sup>2</sup> of the CC from our calculations (above) of those convicted “for words only”, because, firstly, the penalties under the “terrorist” article are predictably harsher, and, secondly, the degree of our awareness of the specific content of cases under this article is too low. In addition, up until 2018, the vast majority of sentences under Article 205<sup>2</sup> of the CC had nothing to do with countering incitement to hatred. However, law enforcement under this article is expanding (see above), and it is often applied together with Article 280 of the CC.

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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.

17. 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/>).

In 2020, eight people were sentenced to imprisonment under this article (without the circumstances listed above), four of them under the combination of Article 205<sup>2</sup> with Article 280, one person in combination with Article 319 of the CC (insulting a representative of the authorities). If one is to believe the reports of the prosecutor's office, these people really called for the commission of terrorist acts in an aggressive form, but it is not clear how large their audience was, and we do not know the specific content of their publications.

In 2020, the proportion of suspended sentences has remained virtually the same at 45% (50 out of 111), compared to the 44% of the previous year. 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 been continuously declining for four years. And it is a pity, because these punishments, we believe, would be more effective than suspended sentences, both for convinced propagandists of hatred and for ordinary re-posters on social media.

In terms of additional punishments, in 2020 we have information about the following bans: on public speeches (4), on activities related to media appearances (7), on administering Internet websites (9), and on Internet use in general (12). This data is probably incomplete.

As usual, the vast majority of sentences were imposed for materials posted on the Internet – 87 out of 99, or 87%, compared with 86% in 2019.

These materials were posted on:

- social networks – 84 (36 on VKontakte, 2 on Facebook; 3 on Instagram; 1 on Odnoklassniki, 42 on unidentified social networks<sup>18</sup>);
- messengers – 2 (1 of them on WhatsApp);
- YouTube – 2;
- blogs – 1;
- unspecified online resources – 12.

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):

- comments and remarks (on social networks and forums) – 27;
- other texts – 28;
- videos – 16;
- images (drawings) – 11;
- audio (songs) – 9;
- administration of groups and communities – 5;
- photographs – 2;
- selling items on the Internet – 1;
- unspecified – 12.

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18. Very likely mostly on VKontakte.

While the breakdown reflected in the first list has remained roughly the same for the past nine years (see previous annual reports on this topic<sup>19</sup>), the second list reflects major changes: video materials have definitely lost their leading position in favor of various text formats, including comments on social media. So far, we have been unable to explain this fact.

It is interesting to see whom all these public statements were targeting. Where possible, as we became familiar with the materials or at least the descriptions of the prosecutor's offices and investigative committees<sup>20</sup>, we identified the following targets of hostility in the sentences passed in 2020 (some of the materials expressed hostility to several groups):

- ethnic enemies in general – 41 (natives of the Caucasus – 8, natives of Central Asia – 3, Jews – 7, non-Slavs in general – 5, unspecified – 18);
- law enforcement officers – 22 (6 of these contained approval of the actions of Mikhail Zhlobitsky);
- Muslims – 14;
- Russian Orthodox – 4;
- “infidels” (calls for armed jihad, romanticizing militants, calls to join ISIS) – 5;
- Covid-19 positive – 1;
- subculture groups – 1 (rapper);
- unknown – 14.

For all its imperfection, we believe that this classification more or less reflects the trends in law enforcement and correlates with our understanding of the situation: the majority of sentences are imposed for ethno-xenophobia, and the second place is divided between statements against the authorities (and even specifically against their repressive apparatus) and statements motivated by religious or anti-religious xenophobia.

The number of convictions for offline statements (12 for 20 people) turned out to be roughly the same as in 2019 (13). They were distributed as follows:

- writing and publishing a book – 2 (4 people);
- graffiti – 2<sup>21</sup>;
- flyers – 1;
- engaging in propaganda in prison – 6 (10 people);
- unspecified episodes of propaganda by members of far-right gangs – 1 (3 people).

We may consider prosecution for publishing books and putting up leaflets proportionate (depending on their content of course), but we doubt the need for criminal prosecution for individual graffiti on buildings.

We have doubts about the lawfulness of the sentences for terrorist propaganda given to those who are already in prison. There are certainly quite a lot of individuals prone to vi-

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19. See: N. Yudina. Virtual Anti-Extremism in Russia in 2014–2015 // SOVA Center. 2016. 24 August (<https://www.sova-center.ru/files/xeno/web14-15-eng.pdf>).

20. Although their descriptions are, regretfully, not always accurate.

21. Including the prisoner who painted graffiti “in a public place in the colony”.



olence among prison population; therefore, any promotion of hatred in prison is, by definition, 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: it is hardly possible to consider a conversation in a narrow circle of several cellmates to be public. In most cases, the audience size is not reported, as a result, we are not sure of the legality of the sentences imposed.<sup>22</sup>

## For Participation in Extremist and Banned Groups and Organizations

In 2020, we have information about 12 verdicts against 34 offenders under articles 282<sup>1</sup> (organizing an extremist group), 282<sup>2</sup> (organizing the activity of an extremist organization), 205<sup>5</sup> (participation in the activities of a terrorist organization), and 205<sup>4</sup> of the CC (participation in the activities of a terrorist group), which is slightly more than in 2019, when we wrote about 10 sentences against 28 people. These numbers do not include inappropriate convictions, whose number in the past year was much higher than other categories: we have deemed inappropriate 44 sentences against 91 people.<sup>23</sup>

In 2020, Article 282<sup>1</sup> of the CC was cited in six verdicts against 20 people. As is customary, it was primarily applied against members of ultra-right groups.

Three members of the unregistered monarchist neo-Nazi organization Baltic Vanguard of the Russian Resistance (*Baltiiskii avangard russkogo soprotivleniya*, BARS) were convicted in Kaliningrad. Alexander Orshulevich was sentenced to eight years in a general regime penal colony, Alexander Mamaev (a hieromonk of one of the alternative Orthodox churches) and Igor Ivanov each got six years in a penal colony.<sup>24</sup> According to the case file, Orshulevich created this small group with the aim of “forcibly seizing power in the Kaliningrad region by committing a number of extremist crimes, including those aimed at the Kaliningrad region’s secession from the Russian Federation and its sovereign existence within the European Union”. In March 2011, he drew a swastika on a memorial plaque “In the Memory of the Genocide of Persons of Jewish Nationality during Kristallnacht in 1939” and wrote an anti-Semitic slogan on the Internet. Orshulevich, Ivanov and Mamaev were allegedly preparing for another propaganda campaign, for which they made stencils for writing xenophobic texts in public places in Kaliningrad.

Three far-right activists were convicted in Astrakhan. Two young men were convicted under a combination of Art. 282<sup>1</sup>, Part 3 of Art. 222<sup>1</sup> of the CC (illegal acquisition and storage of explosives), Part 3 of 223<sup>1</sup> of the CC (illegal manufacture of weapons); the third man – under Art. 282<sup>1</sup> and Part 2 of Art. 280 of the CC. The only adult at the time of the

22. 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/>).

23. See: M. Kravchenko. Inappropriate Enforcement...

24. Nikolai Sentsov was also prosecuted in this case; however, his sentence did not include Art. 282<sup>1</sup>. He was found guilty under Part. 1 of Art. 222 and Part 1 of Art. 222<sup>1</sup> of the CC (illegal possession of weapons and explosive devices), was sentenced to three years in a penal colony, and was released in the courtroom, taking into account the time served in the pre-trial detention center.

crime was sentenced to 5.5 years in prison, and the other two – to five years in prison and fines of 15,000 rubles each. The young men promoted neo-Nazi ideology, recruited new members into the group, conducted trainings using military equipment, built explosive and incendiary devices, and planned to commit violent crimes. During the searches, home-made explosives and “extremist literature” were found and seized.

In the Tomsk region, the court sentenced the members of Vesna Crew group under a combination of Art. 282<sup>1</sup>, Part 1 of Art. 280, Part 1 and Paragraphs A and C of Part 2 of Art. 282 of the CC. The group organizer was sentenced to four years in a general regime penal colony, one of the members – to 3.5 years in a penal colony, and the other two received suspended prison sentences. According to the investigation, the young people published videos on the Internet, where they boasted of “acts of vandalism against the property of persons of non-Slavic appearance” and attacks on “these persons and representatives of certain social groups, including with the use of improvised weapons”.

In Yekaterinburg, the garrison military court sentenced three administrators of VKontakte public pages who promoted AUE (see <https://en.wikipedia.org/wiki/A.U.E.>), depending on their roles, under a combination of Art. 282<sup>1</sup>, Part 2 of Art. 280, Part 2 of Art. 282 of the CC to terms ranging from four years of probation to seven years in a penal colony. According to the central office of the FSB, which was involved in the investigation, spouses Nikolai and Natalia Babarika administered the public page of AUE.<sup>25</sup> Their friend Artem Zuev administered the Internet community, organized the work of the printing shop Absolut, and, together with Nikolai and Natalia, sold items decorated in the style inspired by a thief’s lifestyle through social networks. Natalia was also accused of publishing 14 posts calling for attacks on police officers and the FSB. We question the legality and justification of conviction under anti-extremism articles in this case.<sup>26</sup>

In addition to those mentioned, a verdict was passed in Moscow in the infamous case of New Greatness,<sup>27</sup> whose leader and one of the members had a nationalist background. However, no elements of racism and nationalism have been found in the activity of New Greatness. The group was infiltrated by several provocateurs at once, nonetheless, none of the group members were charged with any “crimes of an extremist nature”, which calls into question the application of Article 282<sup>1</sup> of the CC.

Article 282<sup>2</sup> of the CC was invoked in three sentences against three people.

Just as a year earlier, supporters of the banned Ukrainian Praviy Sektor (“Right Sector”) movement were charged with this article. In Adygea, a prisoner of a local penal colony was sentenced to five years in prison under Parts 1.1 and 2 of Art. 282<sup>2</sup> of the CC (recruitment into an extremist organization and participation in it). The defendant had created a

25. On the justification of the AUE ban, see section Banning of Organizations as Extremist.

26. Administrators of public pages that promoted AUE sentenced in Yekaterinburg // SOVA Center. 2020. 9 September (<https://www.sova-center.ru/misuse/news/persecution/2020/09/d42875/>).

27. Alexei Polikhovich, Elena Kriven. The case of New Greatness. Who are these people and what are they on trial for? // 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>); Maxim Pashkov. Without purpose or motive: why the extremist group New Greatness 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>).

Right Sector cell in the colony and persuaded other convicts to join it. In the Stavropol Territory, the Pyatigorsk city Court found Alexander Atamanov guilty under Part 1.1 of Art. 282<sup>2</sup> of the CC and Part 2 of Art. 228 of the CC (Large-scale possession of narcotic substances) and sentenced him to five years in a penal colony. Atamanov was detained on March 23, 2019. During the search, three packages with drugs and 25 Right Sector leaflets were found. According to law enforcement agencies, on 23 December 2018, Atamanov “by means of persuasion, requests, proposals, and proclaiming slogans” was involving three persons in the activities of Praviy Sektor and distributed leaflets with its symbols.

The third offender convicted under Article 282<sup>2</sup> of the CC was a 62-year-old supporter of the banned Union of Slavic Forces of Russia (SSSR, spelled as USSR) Leonid Yanushkovsky. A court in Ulyanovsk sentenced him to five years of probation. According to investigators, between September 2019 and February 2020, Yanushkovsky “held, according to the organization’s hierarchy, the position of Acting Head of the Ulyanovsk region of the RSFSR (an abbreviation for Russia from the Soviet era)” and “held meetings... campaigned and called on people to join the movement”.

In 2020, Article 205<sup>4</sup> was applied in convictions of nine people. In previous reports, we wrote that this article was applied almost exclusively to radical Islamists, but in 2020, it was used to convict other kinds of offenders.

Thus, in Moscow, the 2<sup>nd</sup> Western District Military Court issued a verdict in the case of three supporters of the banned movement Artpodgotovka,<sup>28</sup> Andrey Tolkachev, Yuri Korniy, and Andrey Keptya were found guilty under Part 2 of Art. 205<sup>4</sup> and Paragraph A of Part 2 of Art. 205 in combination with Part 1 of Art. 30 of CC (preparation of a terrorist attack by a group of persons) and were sentenced to terms ranging from six to 13 years in a high-security penal colony. Artpodgotovka supporters, together with three other young men, were detained in the early morning of October 12 on Manezhnaya Square, where they came to set fire to pallets of hay left there after a city fair. In our opinion, imprisonment under the articles on terrorism and participation in a terrorist group for a thwarted attempt to set fire to hay in an empty square at 5 am is an excessively harsh measure.

Mikhail Ustyantsev was convicted under a combination of Part 1 of Art. 205<sup>4</sup>, Part 1 of Art. 205<sup>5</sup>, and Part 1 of Art. 239 of the CC (the founding of a religious association whose activities involve violence against citizens or other harm to their health) in Rostov-on-Don. He was sentenced to 15 years in prison in a high-security penal colony. According to the court, in 2010, Ustyantsev established and headed a branch of Aum Shinrikyo and disseminated the teachings of this organization among the residents of Moscow, St. Petersburg, and Volgograd. We cannot assess the lawfulness of the verdict, as we are not aware of the details of this case.

The rest of the sentences known to us under Articles 205<sup>4</sup> and 205<sup>5</sup> were, as usual, associated with radical Islamism. In November, the 2<sup>nd</sup> Western District Military Court sentenced five prisoners of the colony in the Voronezh Region under Parts 1 and 2 of Art. 205<sup>4</sup>, Part 1 of Art. 30, Paragraph A, Part 2 of Art. 205 of the CC (preparation of a terrorist act by carrying out an

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28. For more information about the activity of Artpodgotovka, see: Vera Alperovich. This is a fiasco, gentlemen! The Russian Nationalist Movement in the summer and autumn of 2017 // SOVA Center. 2017. 26 December (<http://www.sova-center.ru/racism-xenophobia/publications/2017/12/d38558/>).

explosion), Part 1 of Art. 205<sup>2</sup>, Part 1.1 of Art. 205<sup>1</sup> (inducing a person to commit a criminal terrorist act), and Part 1 of Art. 280 of the CC.<sup>29</sup> According to the investigation, from September to November 2018, the accused showed other convicts videos and images that, according to the expert's conclusion, promote and justify terrorism. They were planning to commit a terrorist act in Voronezh and attack law enforcement and special service officers after their release. The prisoners were sentenced to terms ranging from six to 24 years in prison.

A 19-year-old resident of Minusink, the Krasnoyarsk region was found guilty under Part 2 of Art. 205<sup>2</sup>, Part 1 of Art. 30, and Part 2 of Art. 205<sup>5</sup> of the CC. According to the investigation, she posted several comments on social media justifying terrorism and also planned to join ISIS. She was sentenced to 3.5 years in a penal colony.

According to the Supreme Court data, in the first half of 2020, articles related to participation in extremist or terrorist groups 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 97 people,<sup>30</sup> which means there were about 200 such verdicts in the whole year. We have information about just over a half of these cases: summing up the data from this report and the report on incidents of inappropriate enforcement of anti-extremism legislation<sup>31</sup>, we get the total of 122 convicted in 2020.

## Federal List of Extremist Materials

In 2020, the Federal List of Extremist Materials was expanding somewhat slower than in 2010: exactly as a year before, it was updated 26 times but with 139 new entries (193 in 2019). Thus, the total entries grew from 5004 to 5143.<sup>32</sup>

New entries fall into the following categories:

- xenophobic materials of contemporary Russian nationalists – 71;
- materials of other nationalists – 8;
- materials of Islamic militants and other calls for violence by political Islamists – 154;
- other Islamic materials – 1;
- materials of Orthodox fundamentalists – 7;
- materials by other peaceful worshippers (the writings of the Pentecostal minister William Branham) – 21;
- materials from Ukrainian media and Internet – 1;
- anti-government materials inciting to riots and violence – 5;
- works by classical fascist and neo-fascist authors – 2;

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29. One other person was released from criminal liability, as he had tipped off the authorities.

30. 31 convicted under Art. 282<sup>2</sup>, for 28 of them it was the main charge. Four charged under Art. 282<sup>1</sup>. 53 charged under Art. 205<sup>5</sup>, for 43 of them it was the main charge. Nine people charged under Art. 205<sup>4</sup>, for three of them it was the main charge.

31. See: M. Kravchenko. Inappropriate Enforcement...

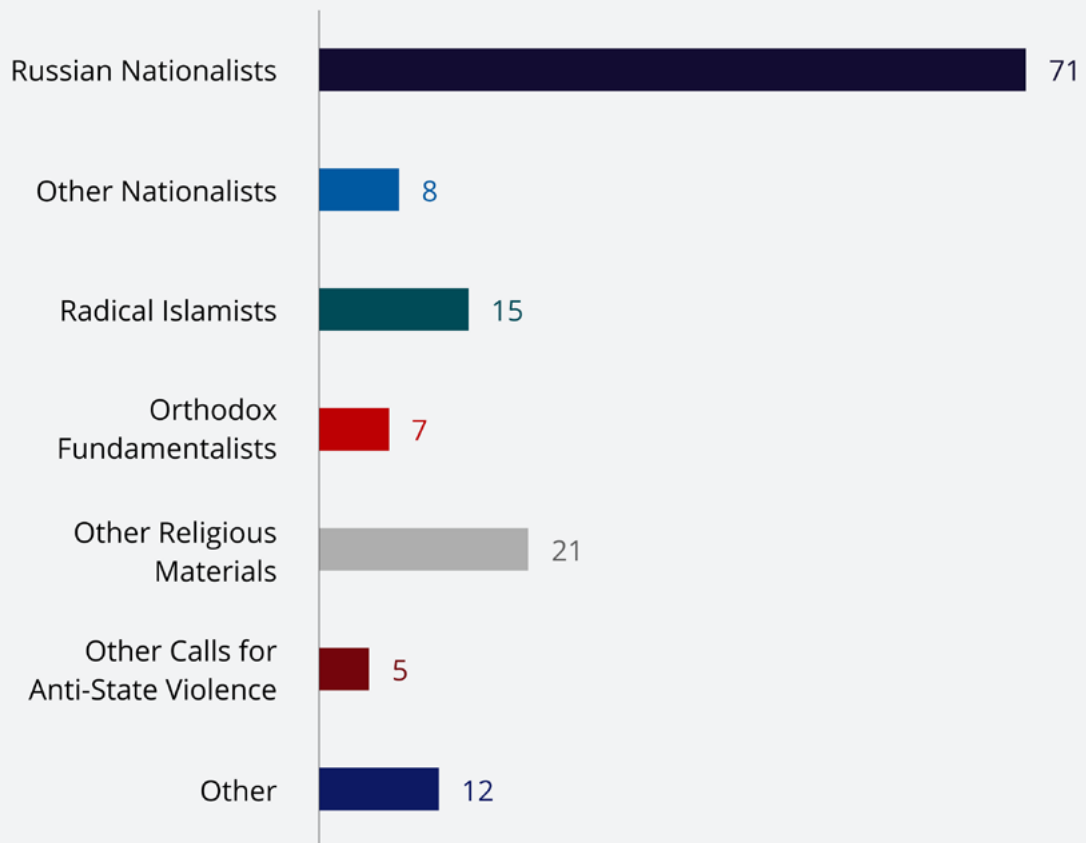
32. As of 17 February 2021, the list has 5133 entries.

- parody banned as serious materials – 2;
- peaceful oppositional material – 1;
- radical anti-Christian material – 1;
- anti-Islamic article – 1;
- works of art with aggressive content – 2;<sup>33</sup>
- unidentified materials – 4.

The breakdown of this list is roughly the same as in 2019.

## Federal List of Extremist Materials in 2020

Data from the Ministry of Justice, classification by SOVA Center.  
139 new entries



Source: SOVA Center, 2021

33. Including a poem dedicated to CSKA's defeat in a game with Spartak, see: A CSKA fan fined for his poem files a claim with the ECHR // SOVA Center. 2019. 18 November (<https://www.sova-center.ru/misuse/news/counteraction/2019/11/d41725/>).

At least 90 entries out of 139 refer to online content, mostly social networks. This includes video and audio clips, long texts, and images. Offline sources include books and brochures by Russian and other nationalists, classics of Fascism, the Pentecostals, pagan and Muslim authors.

However, often the description of the materials makes their sources indeterminable. For example, entry 5017 is described as “the text of the information material: the article titled *The question is not in everyday human hostility... The cult of Devil worship in modern Jewry* (begins with the words “The world Jewry is the only population among the cultured peoples of the earth whose secret morality...” and ends with the words “... For the sake of this moment we live, for the sake of this moment all our deeds are done”). No information is provided on the exact location of the text described in such detail.

In entry 5027, on the contrary, the location is specified to the page: “An image, consisting of two parts, located on p. 153 of the book *“Simferopol. Say what you may, but we need the truth!”* (popular science publication edited and compiled by A. Shilko. *Simferopol, Tverbest*, 2016. – 296 pp.), and depicting a man in the uniform of a special combat unit of the Nazi SS troops with the Russian tricolor on his sleeve and on his helmet; first he threatens a peasant with a gun, then the peasant cuts off his head with a saber; the caption reads *THE BEAUTY OF A DEBT IS IN ITS PAYMENT* “In the morning, moskal [a Russian] said to the peasants, “Hats off!” In the night, his helmet was taken by the partisans together with his head”.”

Not only does entry reproduce the banned material on the website of the Ministry of Justice but also illustrates the problem that has not been solved in all the years of the list’s existence, that is, if an identical image is printed in another book, will it be considered as already banned or will it have to be designated as extremist again? There are no clear instructions for law enforcement regarding this. In practice, we see that from year to year the same materials with different output data or published at different addresses on the Internet are added to the list.

Thus, in 2020, a song by Timur Mutsurayev “Shamil is Leading the Platoon” (*the recording begins with words “The houses are burning, volley after volley...” and ends with “...Shamil is leading the platoon home...”*), recognized as extremist by the Soviet District Court of Bryansk in September 2020, was added as entry 5142. However, the same song is already on the list: it was already recognized as extremist in February 2014 (entry 2330). The difference between entries 2330 and 5142 is that in the former, the song title is recorded in Latin alphabet (*Shamil\_vedet\_otryad.mp3*). But, for those who cannot read Latin letters, entry 2330 contains a clarification that the recording begins with words “*The houses are burning, volley after volley...*”.

By the end of 2020, there was a total of 264 such duplicate entries in the list.

All the problems with the descriptions in the list, which we repeatedly reported in previous years, were still there in 2020. In this huge register, materials are entered with an endless number of spelling, grammatical, and bibliographic errors.

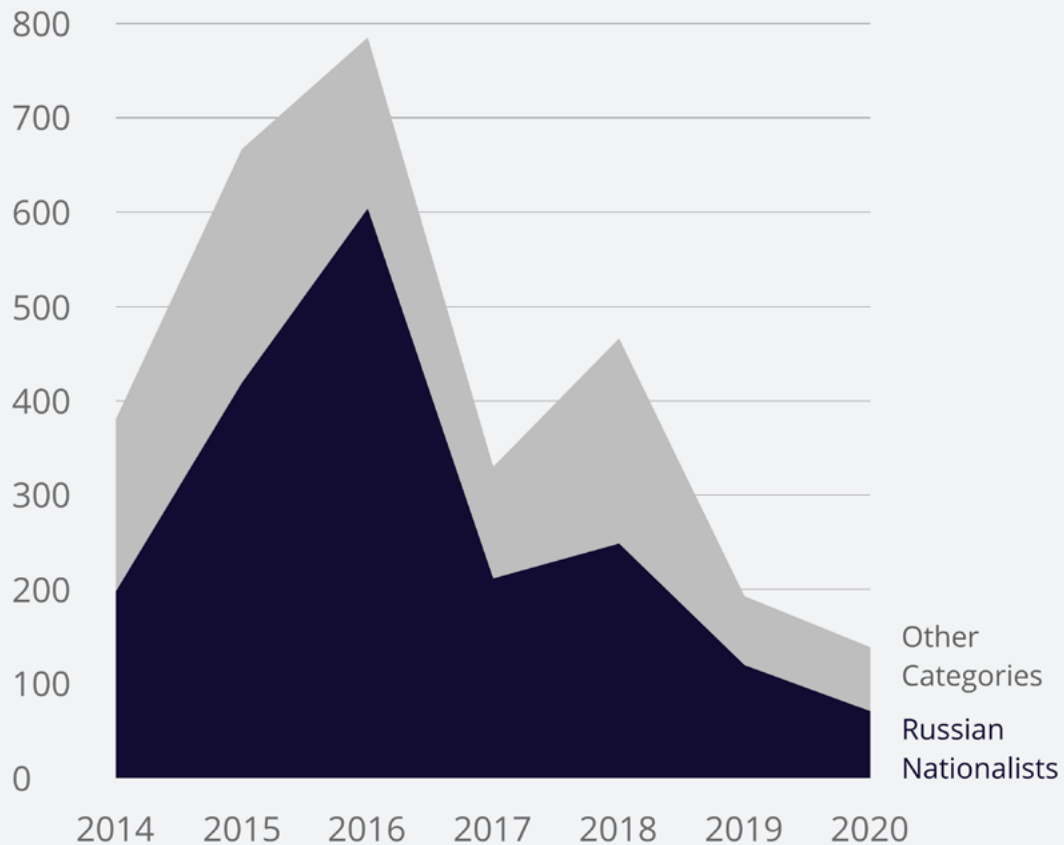
Also added to the list are materials that are obviously unlawfully recognized as extremist: in 2020, at least 25 such entries were recorded.<sup>34</sup>

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34. See: M. Kravchenko. Inappropriate Enforcement...

## Federal List of Extremist Materials Dynamics

Data from the Ministry of Justice, classification by SOVA Center



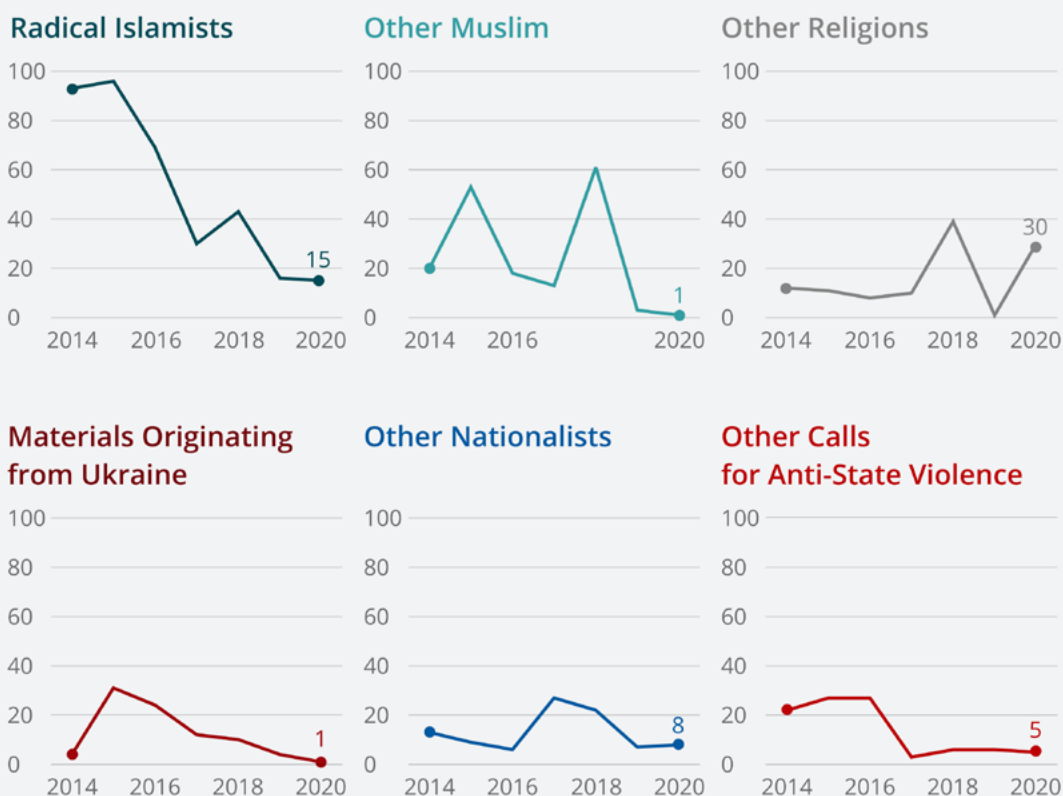
Source: SOVA Center, 2021

As you can see, the replenishment of the list as a whole is slowing down since the General Prosecutor's Office adopted the instruction in 2016 centralizing this process. It is also easy to see what a huge share the materials of Russian nationalists have in this annual replenishment. But it is also true that this share has decreased markedly – from about three quarters in 2016 to about half in 2020.

The contribution to the list of Ukrainian materials is also rapidly decreasing, as the hot phase of the war is now growing distant, as well as of the radical Islamist materials. Other types of materials do not show such a stable trend, so, their total share has now clearly increased compared to 2016.

## Federal List of Extremist Materials Dynamics

Data from the Ministry of Justice, classification by SOVA Center



Source: SOVA Center, 2021

## The Banning of Organizations as Extremist

In 2020, five organizations were added to the Federal List of Extremist Organizations published on the website of the Ministry of Justice (compared with four in 2019).

From right-wing organizations, Russian Republic of Rus, recognized as extremist by the Moscow City Court on 20 May 2020, joined the list as entry 77. Russian Republic was founded in 2003 and gained notoriety in June 2005, after the announcement sentencing the human rights expert Nikolai Girenko to executing was published on its website;



Girenko was shot two weeks later.<sup>35</sup> Following the conflict between the organization's leader, Supreme Leader Vladimir Popov (a neo-Nazi well-known in the 90s), and the head of the Executive Committee Viktor Krivov (who started his "career" back in the 80s in Pamyat (Russian for Memory)), Russian Republic of Rus broke away from the organization<sup>36</sup> and united 22 "communities of the indigenous Russian people." Members of Russian Republic of Rus appeared as defendants in criminal cases more than once.<sup>37</sup> Two of the "communities of the indigenous Russian people", one in Astrakhan and the other in the Shchyolkovsky District of the Moscow region, were previously recognized as extremist and added to the Federal List of Extremist Organizations.<sup>38</sup>

The list also includes the Bashkir nationalist organization Bashkort, which was recognized as extremist by the Supreme Court of Bashkortostan on May 22, 2020. This organization, headed by Fail Alchinov<sup>39</sup> and Ilnar Galin, is one of the most active organizations of local nationalists. Bashkort has existed since 2014 and, according to its declaration, "carries out various events aimed at protecting the Bashkir language, culture, history, and traditions... protects the constitutional rights of the Bashkir people, their inalienable right to self-determination, and the sovereignty of the republic." The prosecutor's office demanded banning the organization on the grounds that its "elders" included individuals convicted of extremism: Sagit Ismagilov, Fanzil Akhmetshin, and Ayrat Dilmukhametov. Bashkort claimed that Dilmukhametov was never among its members and that Sagit Ismagilov and Fanzil Akhmetshin were not involved in the management of the organization. According to the other claim of the prosecutor's office, the speeches of the leaders and members of the organization contained slogans "inciting hatred towards" non-Bashkirs and "representatives of the authorities". In the organization's materials published on its official page in VKontakte, "statements that bear the signs of calling for the violation

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35. Russian Republic claims responsibility for the murder of Nikolai Girenko // SOVA Center. 2004. 26 June (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2004/06/d6533/>).

36. In 2003, after the first Constituent Assembly, the UN, the government, and the Presidential Administration of the Russian Federation were notified of the creation of Russian Republic. The Constituent Assembly elected Vladimir Popov as Supreme Leader. After the meeting, Popov disappeared with the constituent documents of Russian Republic; the documents were later recovered, and the head of the executive committee of the State Council, Viktor Krivov, headed and created Russian Republic of Rus. Popov is still referred to as Supreme Leader on the website of the old Russian Republic, which Krivov calls one of the "imitation organizations". Supreme Leader Popov issued a decree dismissing Krivov "for exceeding his authority". See Anna Kozkina. Outsiders. How a veteran leader of Pamyat (Memory) Krivov re-established Rus in the image and likeness of Tatarstan // Mediazona. 2017. 25 August (<https://zona.media/article/2017/08/25/outside-5-rusreprus>).

37. Russian Republic of Rus added to the Federal List of Extremist Organizations // SOVA Center. 2020. 2 September (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2020/09/d42839/>).

38. The community of the indigenous Russian people of the Shchyolkovsky District of the Moscow region was recognized as extremist by the Shchyolkovsky City Court of the Moscow region of February 25, 2014 and was added to the list as entry 36. The community of the indigenous Russian people of Astrakhan, Astrakhan region, was recognized as extremist by the Soviet District Court of the city of Astrakhan on July 21, 2016 and was added to the list as entry 55.

39. Previously, he was among the leaders of another local nationalist organization, Kuk Bure.

of the territorial integrity of the Russian Federation and the creation of a single Islamic state” were found.<sup>40</sup>

In October, an entire subculture, AUE (Prisoners’ Criminal Unity) joined the list; it was recognized as extremist by the Supreme Court on 17 August 2020. We consider this decision unlawful, as in this case the anti-extremism legislation was not applied for its intended purpose.<sup>41</sup>

For the same reason, we consider unlawful the banning of the religious group Allya-Ayat (the name varies depending on the transliteration of the Kazakh original: Al Ayat, Allya Ayat, Elleh Ayat, Allah Ayat, Elleh Ayat, and others), recognized as extremist by the Samara Regional Court on 28 May 2019 and added to the list under entry 75. Allya-Ayat was already banned in Kazakhstan and some Russian regions. The adherents of this teaching, founded in the early 1990s by Farhat Abdullayev, preach a cure for all diseases by applying the magazine *Selennaya Star* to the body, pronouncing a certain “formula of life”, consumption of special tea, and prolonged contemplation of the sun. As a result, several seriously ill residents of the region, who had become followers of Al-Ayat, refused medical help and died.<sup>42</sup>

And finally, in 2020, the charity care home Ak Umut (Bright Hope), recognized as extremist by the Kirovsky District Court of Kazan on 25 September 2014, was added to the list. The Muslim care home was recognized as extremist (in our opinion, without proper grounds) due to the fact that in 2013 and 2014, Islamic books from the Federal List of Extremist Materials were found in its library and classrooms.

In July 2020, the Krasnoyarsk Regional Court banned the activities of the far-right Nation and Freedom Committee (*Komitet “Natsiya i svoboda”*, KNS). The Committee was created in September 2014 as part of the Russkiye (“Russians”) association and, after the latter was banned a year later, became one of the main contenders for the legacy of the association. The founder and leader of the KNS is Vladimir Basmanov (Potkin), who has been in exile for a long time.<sup>43</sup> The KNS systematically opposed the “Russian spring” in eastern Ukraine. According to the prosecutor’s office, the reason for the ban was a prosecutor’s review, during which “instances of mass distribution of extremist materials, incitement of hostility and hatred towards representatives of various social groups were revealed”.<sup>44</sup> The Committee was added to the list of extremist organizations in February 2021. Meanwhile, on the basis of the KNS and its ally the Popular Resistance Association (*Assotsiatsiya narodnogo soprotivleniya*, ANS), a new association – the Movement of Nationalists – was created.

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40. In Bashkiria, the local nationalist organization Bashkort is recognized as extremist // SOVA Center. 2020. 22 May (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2020/05/d42447/>).

41. For more information, see: The AUE movement is recognized as extremist // SOVA Center. 2020. 17 August (<https://www.sova-center.ru/misuse/news/persecution/2020/08/d42774/>).

42. Samara Regional court declares the religious group Allya-Ayat extremist // SOVA Center. 2019. 28 May (<https://www.sova-center.ru/misuse/news/persecution/2019/05/d41067/>).

43. See V. Alperovich, N. Yudina. The Ultra-Right Movement under Pressure: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2015 // SOVA Center. 2016. 8 April (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2016/04/d34247/>).

44. The Nation and Freedom Committee is recognized as an extremist organization // SOVA Center. 2021. 29 July (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2020/07/d42712/>).

Thus, as of 28 February 2021, the list includes 81 organizations,<sup>45</sup> whose activity is banned by court order and continuation of activity is punishable by Article 282<sup>2</sup> of the CC (organization of activities of an extremist organization).

The list of terrorist organizations published on the website of the FSB was not updated in 2020. But on 6 April 2020, the US State Department declared the Russian ultra-Orthodox pro-monarchist Russian Imperial Movement (RIM) a terrorist organization. This is the first time that the US labels a far-right organization as terrorist. The US also named the leaders, Stanislav Vorobyov, the head of the military-patriotic club *Imperial Region* and the leader of the *Partisan* courses Denis Gariev, and the former coordinator of the organization Nikolay Trushchalov “specially designated global terrorists”. The participation of RIM’s members in the war in the Donbass and contacts with the organizers of a series of bombings in the Swedish city of Gothenburg in 2016-2017 attracted the attention of the US authorities.<sup>46</sup> On 3 February 2021, Canada also labeled RIM as a terrorist organization.<sup>47</sup>

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45. Not counting the 395 local organizations of Jehovah’s Witnesses that are banned along with their Management Center and listed in the same paragraph.

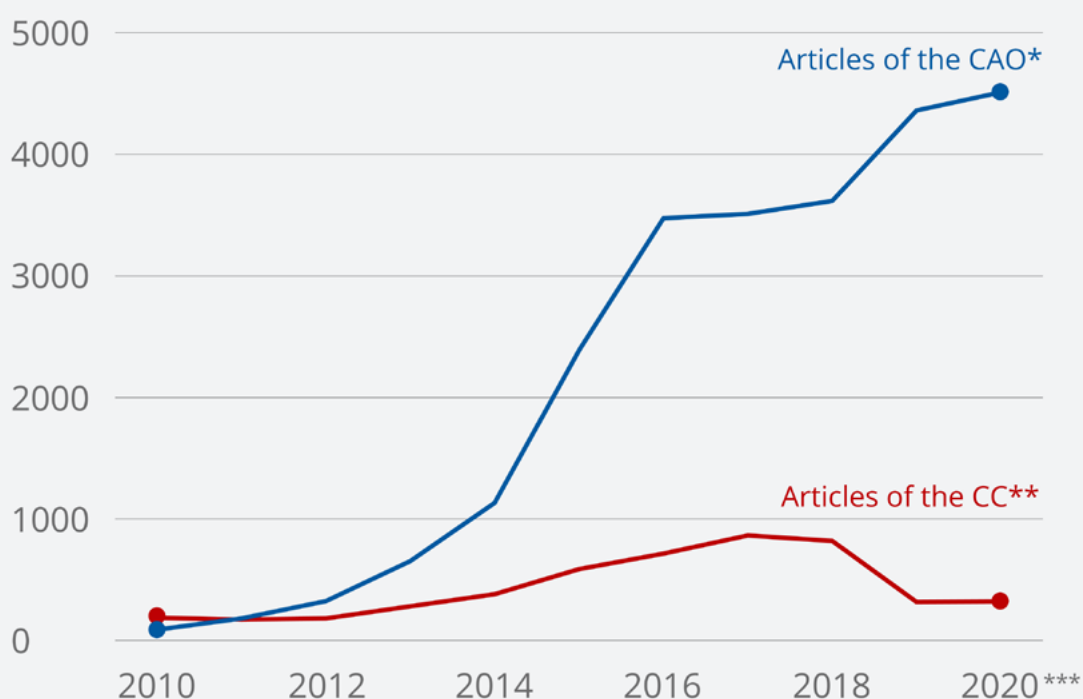
46. US State Department Designates the Russian Imperial Movement as Terrorist Organization // SOVA Center. 2020. 7 April (<https://www.sova-center.ru/en/xenophobia/news-releases/2020/04/d42276/>).

47. Currently Listed Terrorist Entities // Public Safety Canada. 2021. 3 February. (<https://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/lstd-ntts/crrnt-lstd-ntts-en.aspx#511>); Government of Canada lists 13 new groups as terrorist entities and completes review of seven others // Government of Canada. 2021. 3 February. (<https://www.canada.ca/en/public-safety-canada/news/2021/02/government-of-canada-lists-13-new-groups-as-terrorist-entities-and-completes-review-of-seven-others.html>).

# Prosecution for Administrative Offences

## Convicted of Statements Under Criminal and Administrative Articles

Data of the Supreme Court



\* Articles 20.3, 20.3.1, 20.29.

\*\* Articles 148 (parts 1 and 2), 205.2, 280, 280.1, 282, 354.1, the data on the main and additional charges were summarized.

\*\*\* The data for 2020 are extrapolated from the results of the first half of the year.

Source: SOVA Center, 2021

The number of those convicted under administrative “extremism” articles, according to our rather incomplete data, in 2020 remained approximately the same and even decreased slightly. And according to the Supreme Court data, if we extrapolate the numbers for the first half of the year, there was a small increase of about 3%, far less than the 20% increase in 2019.

The data provided below do not include the decisions we deem obviously inappropriate.<sup>48</sup>

Article 20.3.1 of the CAO (incitement to national hatred) was introduced after the amendments that introduced the mechanism of administrative prejudice to Part 1 of Article 282 of the CC were passed in 2018.<sup>49</sup> Article 20.3.1 of the CAO is identical in content with Part 1 of Article 282 of the CC.

According to the SOVA Center's data, in 2020, 126 rulings were issued citing Art. 20.3.1 of the CAO (in one of them, one person was fined five times; one of those punished was a minor); in 2019, we reported 125 rulings. According to the data of the Supreme Court, in the first half of 2020 alone, 347 persons were convicted.<sup>50</sup>

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, a trend observed since 2018. Although administrative sanctions are, of course, incomparably milder than criminal ones.

According to our data, the majority were punished for xenophobic publications on social networks (primarily on VKontakte but also on Odnoklassniki and Instagram), WhatsApp (in a large group), Telegram, and in Youtube videos. These publications (re-posts) incited hatred against natives of the Caucasus and Central Asia, non-Slavs or non-whites in general, Kyrgyz, Jews, Gypsies, Chinese, Russians, Ukrainians, homosexuals, Orthodox clergymen, Orthodox in general, atheists, Muslims, law enforcement officers and police officers separately, and deputies of the State Duma.

The measures imposed due to the coronavirus pandemic have added certain tension to the administrative enforcement. Among those punished in 2020 were not only those who called for deportations of Chinese nationals in connection with the coronavirus, but also those who called for attacks on "quarantine violators". For example, in the Penza region, a local resident responded to a VKontakte post about the fines introduced in Penza for quarantine violations with a comment that called for "physical liquidation of violators", which the prosecutor's office found to be an incitement to social hatred of "a group of people who do not comply with the quarantine requirements". While we condemn any calls for violence, we point out that we do not consider "people who do not comply with quarantine requirements" to be a vulnerable social group that needs protection under the anti-extremism legislation.

The notorious former schema-hegumen Sergius (Romanov) was fined for his sermon held on 25 April.<sup>51</sup> In addition to anti-Semitic statements, *"calls for the eviction of an unspec-*

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

49. See: Putin signed law on partial decriminalization of Article 282 of the Criminal Code // SOVA Center. 2018. 28 December (<https://www.sova-center.ru/misuse/news/lawmaking/2018/12/d40472/>).

50. Consolidated statistics of the Supreme Court for the first half of 2020...

51. Ural schema-hegumen and anti-Semite urged the worshippers to ignore the orders not to go to church // SOVA Center. 2020. 27 April (<https://www.sova-center.ru/religion/news/authorities/karantin/2020/04/d42351/>).

*ified circle of people who called for compliance with the self-isolation regime in the context of the spread of coronavirus infection*" were also found in the sermon.<sup>52</sup>

"New Generation" Pentecostal pastor Andrey Matyuzhov was fined for his sermon on the greed for money, in which he called for throwing the country's leadership "in the trash" if these people do not repent and also expressed fears that if Russian Christians do not engage in preaching, in a few years "this will be total Tajikistan, Uzbekistan".

Among the celebrities punished in 2020 was the administrator of the telegram channel and the VKontakte public page "Men's State" (or "Male State") Vladislav Pozdnyakov,<sup>53</sup> who published there xenophobic statements against *"state and local administration, Russians, natives of the Caucasus, Slavs, Russian women, Russian men, Armenians, Christians, homosexuals, security forces, Russian fathers, black children living in Russia, couples of different nationalities ... spiritually undeveloped, wordlessly submissive people who submit to someone else's will and allow themselves to be exploited, whose strong habits have formed and developed under the domination of the communist ideology"*.

The majority were fined for between 5,000 rubles and 18,000 rubles. Two were sentenced to compulsory labor. Two more were sentenced to administrative arrests. In Tatarstan, the court placed K. Mikhailov, who published on his social media page "statements containing signs... of hostile rejection of Jews and peoples of Central Asia, the Caucasus, and Transcaucasia on the basis of ethnicity" under arrest for five days. Bashkir nationalist Ramilya Saitova was arrested in Ufa for 10 days for making a xenophobic video directed against Armenians and posting it on the Internet. The severity of the punishment was due to the fact that that was not the first time this activist was under administrative prosecution.

We have information about 158 individuals prosecuted under Article 20.3 of the CAO (propaganda or public display of Nazi paraphernalia or symbols, or paraphernalia or symbols of extremist organizations, or other symbols whose propaganda or public display are banned by federal law) in 2020, including 22 consecutive fines to one person; four of the 158 were minors. In 2019, we reported 153 sentenced under this article. But according to the Supreme Court statistics, in the first half of 2020, Article 20.3 of the CAO was used to impose sanctions in 1052 cases (one against legal entities, two against an official, one against entrepreneurs without legal entities, 1048 against other physical persons).

The majority of those prosecuted under Article 20.3 that we are familiar with posted images of Nazi symbols (mostly swastikas) and runes; in some cases, symbols of such banned organizations as ISIS, Imarat Kavkaz (Caucasus Emirate), and the AUE subculture were posted on social media; the vast majority of the posts were on VKontakte, some were in WhatsApp groups.

38 people were punished for offline offenses. Two of them were prosecuted for hanging flags with swastikas out of the window and on the facades of residential buildings, one for

52. In connection with the same sermon, he was previously fined under Part 9 of Article 13.15 of the CAO (dissemination of deliberately unreliable socially significant information under the guise of reliable messages) "for fakes about the coronavirus".

53. Khabarovsk: A verdict has been issued in the case of local supporters of the national-patriarchate // SOVA Center. 2018. 23 August (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/08/d39888/>).

a swastika graffiti on the wall, and one for selling “wall decorations with Nazi symbols”. In a Kazan restaurant, a man was spotted by law enforcement officers wearing a hoodie with the Kolovrat, a symbol banned because of its semblance to the swastika (on the Federal list of extremist materials, entry 947).<sup>54</sup>

The number of inmates prosecuted for displaying their Nazi tattoos has decreased somewhat. In 2020, we are aware of 27 such cases, compared with 29 in 2019. The most famous of these prisoners was Nikolai Korolev, who is serving a life sentence for organizing a series of bombings, including at the Cherkizovsky market in Moscow, and for the racist murder of North Korean citizen Lee Ji-wei. One prisoner drew a swastika on the wall of his cell.

Five other people displayed their tattoos in public, outside of prison (in the streets, city squares, etc.). And one football fan was so passionately cheering during a football match between FC Lokomotiv and FC Dynamo that he stripped to the waist, displaying the swastika tattoos on his shoulders for everyone around him to see.

The majority of the offenders under Article 20.3 were fined for between 1,000 rubles and 3,000 rubles. At least eight people were sentenced to administrative arrests of between three and 15 days.

At least one of the detentions under Art. 20.3 was inexplicably harsh: the video coverage of the detention of a Krasnoyarsk resident, born in 1982, shows several security forces fighters break into his apartment, lay the detainee face down on the floor, and put him in handcuffs. We would like to think that the rough detention is justified and the young man was suspected of a violation more serious than publishing certain images with prohibited symbols on social media, but no other, serious suspicions are revealed in the report.<sup>55</sup>

We are aware of 162 persons prosecuted under Article 20.29 of the CAO (production and dissemination of extremist materials), two of them minors. In 2019, we reported 198 persons.

According to the Supreme Court statistics, in the first half of 2020, Article 20.29 of the CAO was used to impose 856 sanctions (one against legal entities, six against officials, 849 – against other physical persons).

Most of the offenders paid moderate fines between 1,000 and 3,000 rubles. At least three were placed under administrative arrests. In the majority of the cases, the content of offences was nationalists’ materials published on VKontakte, Odnoklassniki, and Instagram, including songs by groups popular among the neo-Nazis (Kolovrat, Russky St-yag (“Russian Flag”), Bandy Moskvyy (“Bands of Moscow”), Grot (“Grotto”), and 25/17); the Neo-pagan film “Games of the Gods”, a leaflet titled “Prince, look at the scum that has infested the Kremlin!”, as well as Chechen-separatist or radical-Islamist materials, for example, songs by the singer-songwriter of the armed Chechen resistance Timur Mutsurayev and the videos titled “Shamil Basayev: the truth about Beslan” and “We are Mujahedeen, the army of Allah”.

54. In addition to the Kolovrat symbol, the sweatshirt had the words “We are Russians, God is with us” and “Rusich”, but they are not banned. The offender’s sweatshirt was confiscated.

55. A man who posted banned materials on social media arrested by court order for 8 days in Krasnoyarsk // The MIA General Administration for Krasnoyarsk Krai. 2020. 8 May (<https://24.mvd.rf/news/item/20126475/>).

Some were prosecuted for distributing extremist materials offline, for instance, for sending to a penal colony of certain “books with religious content for the prayer room”: two of those were on the Federal List of Extremist Materials.

At least 16 people were charged under combined Articles 20.3 and 20.29 of the CAO in 2020. All of them were fined.

We have covered the decisions that we consider more or less lawful. At the same time, we are aware of at least 10 instances of inappropriate penalties under Art. 20.3.1 of the CAO, 38 under Art. 20.3 of the CAO, and 55 instances (two of them against legal entities) under Art. 20.29 of the CAO. Thus, for 446 lawful and appropriate rulings (including those we are unable to assess) there are 103 inappropriate ones, and the share of the latter (about 23%) has increased again in comparison with the previous year (in 2019, we recorded 99 inappropriate rulings and 476 appropriate, or about 20%).



# Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2020

## Summary

This report presents an analytical review of anti-extremist legislation and its misuse in 2020. 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.<sup>1</sup>

In 2020, as in the year before that, the course on increasing the severity of the old restrictive norms in our sphere of interest and introducing new measures has continued, affecting primarily freedom of expression in one way or another, whether online or offline. On the one hand, it looks like the authorities are trying to protect themselves – think of the fresh restrictions against freedom of assembly, the new Internet control measures, and the new laws against “foreign agents,” obviously designed to limit the possibility of external or internal criticism against the political course of the country. On the other hand, the authorities show growing ambitions related to imposing state ideology and upholding public morality. Here, we should mention a number of new initiatives designed to protect the apologetical image of the significant aspects of the country’s past along with absurd attempts to use restrictive legislation as the means to inspire citizens to be polite or to discourage them from the values of the criminal underworld. The underlying rationale for such ambitions is not clear – it would seem that the modern information society possesses numerous means for critical assessment of reality and does not demonstrate increased susceptibility to ideological control when compared to prior periods. Attempts to tear the Russian information society away from the global one are generally utopian and can only have a temporary effect in the form of slowing down the country’s development.

Speaking of the law enforcement statistics for 2020, we would like to point out the growing number of charges under articles about public statements that we view as inappropriate. A considerable share of them were sentences under Article 205<sup>2</sup> of the Criminal Code on justification of terrorism, the application of which has been expanding in recent years. Inappropriate sentences under Article 205<sup>2</sup> or Article 280 of the Criminal Code for calls for extremist activity as well as sanctions under Article 20.3.1 of the Code of Administrative Offenses for incitement to hatred (introduced in 2019 as a result of the partial decriminalization of Article 282 of the Criminal Code) and under several parts of Article 20.1 of the Code of Administrative Offenses that punish “disrespect for the au-

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1. The author is a member of the Board of the SOVA Center.

thorities” testify to the growing official intolerance of more or less aggressive criticism. The number of inappropriate sentences issued under the criminal article on the rehabilitation of Nazism has increased as well; the newly adopted amendments to the administrative article on the display of prohibited symbols (including Nazi) proved unable to either significantly reduce the scope of its use or prevent its misuse that continues to generate numerous oddities. The practice of blocking certain materials on the Internet without proper legal justification continues, but our information here is too fragmentary to gauge the dynamics, and Roskomnadzor, for unknown reasons, did not publish reports on blocked materials in 2020.

The repressive policies toward religious minorities have generally remained unchanged. The authorities are actively suppressing the activities of religious organizations and movements of foreign origin (both Western and Eastern) that they consider unconventional and undesirable for Russia. The contradiction between bans on the activities of organizations recognized as extremist, enshrined in the criminal law, and the right to choose a faith and profess it individually and collectively, guaranteed in the Constitution of the Russian Federation, has not been resolved, so persecution against adherents of banned religious associations continues. As in the preceding year, Jehovah’s Witnesses hold the first place for the number of believers that have faced criminal charges for continuing their religious practice, although the campaign against them was less ambitious in 2020 than in 2019. The scope of the persecution against supporters of the Islamic radical party Hizb ut-Tahrir sentenced to long terms of imprisonment solely on the basis of their alleged affiliation with an organization recognized as terrorist in Russia (although never implicated in terrorist activities) slightly decreased in 2020. The practice of inappropriate prohibition of religious literature “for extremism” continued – in 2020, the courts banned not only Islamic religious materials but also, for example, books by a 20<sup>th</sup> Century American Protestant preacher.

The European Court of Human Rights continued to issue decisions on the complaints submitted by Russian citizens, repeatedly pointing out the inconsistency of the anti-extremist legislation and law enforcement with Russia’s obligations under the European Convention that guarantees fundamental human rights – the right to freedom of expression, freedom of conscience, and freedom of association. However, the Russian authorities not only continue acting in the direction that multiplies and aggravates the shortcomings of the legislation, but also increasingly say that the decisions of the European Court should not be valid in Russia at all.

## Lawmaking

2020 turned out to be so rich in legislative innovations in the sphere covered by this report that we divided them into several blocks. The first one includes changes directly related to anti-extremist legislation as a whole, the second covers norms that are presented as instruments for countering Nazism, the third deals with blocking online information, and the fourth one is the legislation on “foreign agents.” In general, we can conclude that only a small minority of these new norms can be interpreted as attempts to correct the shortcomings of the existing legislation, while the bulk of them are clearly repressive.

## Countering Extremism

In May, Putin signed a law that bans people convicted under certain anti-extremist and related articles of the Criminal Code (Article 205<sup>2</sup> Part 1, Article 207<sup>2</sup> Parts 1 and 2, Article 212<sup>1</sup>, Article 239 Part 1, Article 243<sup>4</sup> Part 2, Article 244 Part 1, Article 280 Part 2, Article 280<sup>1</sup> Part 2, Article 282 Part 1, and Article 354<sup>1</sup> Part 2) from running for elected office for five years after expunction or clearing of their criminal record. Previously, offenders convicted for “crimes of extremism” could not run until their criminal record has been cleared (with the exception of those convicted for grave and especially grave crimes, who, after clearing of their criminal record, continue to be restricted from running for 10 and 15 years respectively). We see no valid reasons for additional restrictions on the right to stand for election, including for those convicted of any of the Criminal Code articles listed above. In addition, we believe that prosecutions under many of these articles are frequently inappropriate.

Also in May, the President approved a new version of the Strategy for Countering Extremism until 2025. Among other considerations, the Strategy clarified certain concepts (including “radicalism”) and defined the concept of “ideology of violence.” The document, on the one hand classifies “destructive activities” of NGOs (including “the use of techniques and scenarios of the so-called ‘color revolutions’”) as extremism, and calls for paying attention to the “informational-psychological influence” of foreign intelligence services aimed at destroying the traditional values. On the other hand, when discussing the migration policy priorities related to countering extremism, the Strategy proposes to focus not on combating “illegal migration,” but on adaptation programs, on counteracting social exclusion, formation of ethnic enclaves, and spatial segregation, and on involving civil society institutions. Finally, for the first time, the Strategy defines quantitative indicators that include the percentage of violent crimes among “the crimes of extremist nature.”

In July, a law was signed on amendments to Article 1 of the Law “On Combating Extremist Activity.” The law replaced the wording “forcible change of the foundations of the constitutional order and violation of the integrity of the Russian Federation” in the definition of extremism with the following: “forcible change of the foundations of the constitutional order and (or) violation of the territorial integrity of the Russian Federation (including alienation of part of the territory of the Russian Federation) with the exception of delimitation, demarcation or re-demarcation of state borders of the Russian Federation with neighboring states.” Thus, the law “On Combating Extremist Activity” was brought in line with the new edition of the Russian Constitution.

The law amending the Code of Administrative Offenses and the Criminal Code of the Russian Federation as they relate to separatism was approved by the President in December. Criminal liability was established for the separatist actions per se; for this, a new Article 280<sup>2</sup> of the Criminal Code (actions aimed at violating the territorial integrity of the Russian Federation) was introduced with the maximum incarceration sentence of 10 years. Publishing calls for separatism for the first time now entail administrative liability under the new Article 20.3.2 of the Code of Administrative Offenses, which can also apply to legal entities; liability under already existing Article 280<sup>1</sup> of the Criminal Code is only triggered by a repeated offense committed within a year. We believe that calls for changing country borders should only be considered illegal if combined with

calls for violent action, but the Supreme Court is of the opposite opinion.<sup>2</sup> Taking into account the fact that the litigation in administrative cases is much more superficial than in criminal proceedings, we cannot presume that the number of inappropriate sanctions will decrease with the introduction of Article 20.3.2; it may even increase instead. So far, Article 280<sup>1</sup> was invoked in no more than ten sentences a year. As for Article 280<sup>2</sup>, it uses the wording “other actions aimed at violating the territorial integrity,” which is quite vague and may turn into an expansive interpretation and lead to prosecution, in particular, for expressing an opinion on the status of certain territories.

In October, Vladimir Putin signed a government-developed law amending Articles 9 and 10 of the Federal Law “On Combating Extremist Activities”; the courts that make decisions to ban or suspend an organization’s activities as extremist now must send their decision to the Ministry of Justice within three days for it to be included on the relevant list. Previously, this period was not defined, so, in practice, it took up to five years for a banned organization to appear on the list.

Meanwhile, the Ministry of Justice published in September a government-developed legislative proposal to create a specialized data bank of extremist materials. As the Federal List of such materials gains additional entries, the Ministry of Justice will enter their copies into this data bank for internal use in order to simplify identification of allegedly extremist materials by comparing them with the previously prohibited ones.

During the year, the Ministry of Justice of Russia twice submitted for discussion a draft of a new Code of Administrative Offenses. Among the feasible proposals for changing anti-extremist or similar articles of the Code of Administrative Offenses, we noted the following: it was proposed to reduce the maximum length of community service under the article on incitement to hatred; to combine two parts of the article on prohibited symbols (on displaying and on selling attributes and symbols), which means a more lenient punishment for the sale of attributes and symbols; to exclude from the Code of Administrative Offenses the punishment for “insulting the authorities” more than twice. According to the proposed version of the Code, administrative offenses that represent a violation of the anti-extremist legislative norms should be considered grave, meaning that such cases cannot be terminated due to the trifling nature of the offences. The project cements the understanding of the term “continuing offense” that has developed in practice – the fact that has relevance with respect to sanctions for online publications. As to the general period of limitations for administrative responsibility, the Ministry of Justice insists that it should be one year, with longer terms applicable under a number of articles. In particular, a period of two years has been proposed for gross administrative offenses. However, the proposals set the period of limitations at two months for violations of the laws on mass media except for the article on abuse of freedom of mass information or on information processing, as well as for offenses infringing on the order of governance and on public morality (three months for cases already under consideration in court).

In December, the State Duma approved in the first reading amendments to the federal law “On Education,” providing for the introduction of the legal concept of “educational activity” as an activity aimed at dissemination of knowledge or experience that is carried

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2. See: The SOVA Center commentary on the Resolution of the Plenary Session of the Supreme Court on Extremist and Terrorist Crimes // SOVA Center. 2016. November 3 (<https://www.sova-center.ru/misuse/publications/2016/11/d35761/>).

out outside the framework of educational programs. According to the bill, the procedure, conditions and forms of conducting such activity should be determined by the government, thus already expanding its powers immensely. In addition, the authors of the bill seek to prohibit (following the example of the existing restrictions on pedagogical activity) “the use of educational activities to incite social, racial, national or religious hatred, for propaganda that promotes exclusivity, superiority or inferiority of citizens on the basis of their social, racial, national, religious or linguistic affiliation or their attitude toward religion, including through the provision of inaccurate information about the historical, national, religious and cultural traditions of peoples, or to induce actions that contradict the Constitution of the Russian Federation.” The bill also proposed making the coordination of the educational organizations’ participation in international scientific cooperation the federal government prerogative. According to the authors of the draft law, agreements on international cooperation should be signed by educational organizations only after they obtain a supporting decision from a ministry (the Ministry of Education or the Ministry of Science and Higher Education of the Russian Federation). We believe that the wording proposed and already used in the Law “On Education,” in particular, on “reporting inaccurate information about the historical, national, religious and cultural traditions of peoples,” does not preclude the possibility of being used for limiting the historical discussion and for imposing unreasonable restrictions on freedom of speech in general.

In December, the government bill on amendments to the federal law “On Freedom of Conscience and on Religious Associations” was adopted in the first reading. Among other legislative innovations, the amendments stipulate that the following types of persons are not allowed to be leaders or members of religious groups: a foreign citizen or a stateless person, whose continued stay in the Russian Federation has been deemed undesirable; a person included on the Rosfinmonitoring List of Extremists and Terrorists; a person in respect of whom a court decision established that their actions amounted to extremist activity; an individual whose accounts are frozen by the Interdepartmental Commission on Countering the Financing of Terrorism. Thus, the requirements already present in the legislation on non-profit organizations, including religious ones, are being extended to include the leaders and members of religious groups. In our opinion, these new restrictions represent yet another unjustified intrusion into the exercise of the right to freedom of religion.

## “Fight against Nazism”

In March 2020, Vladimir Putin signed a law amending Article 20.3 of the Code of Administrative Offenses (public display of Nazi symbols). Disposition and sanctions of Article 20.3 of the Code of Administrative Offenses have remained unchanged – only a note was added to clarify that the provisions of the article “do not apply to cases, in which Nazi attributes or symbols, or attributes or symbols similar to Nazi attributes or symbols to the point of confusion, or attributes or symbols of extremist organizations are used to form a negative attitude towards the ideology of Nazism and extremism, and there are no signs of propaganda or justification of Nazi or extremist ideology.” Similar amendments to the laws “On Immortalization of the Victory of the Soviet people in the Great Patriotic War of 1941–1945,” and “On Combating Extremist Activity” were adopted in late 2019. As expected, this clause did not cover all the cases, in which banned symbols could possibly be displayed without the purpose of advocating the relevant ideology; the courts invoked it

only in some of the applicable cases. In our opinion, explicitly stating in federal laws and Article 20.3 of the Code of Administrative Offenses that the display of forbidden symbols is punishable only if intended as propaganda of the corresponding banned organizations ideology would have been more effective in decreasing the number of inappropriate enforcement cases.

In April, a law was signed to prevent demolition of Soviet monuments abroad. A new Article 243<sup>4</sup> of the Criminal Code (destruction or damage to military graves, as well as monuments, stelae, obelisks, other memorial structures or objects, which immortalize the memory of those who died defending their Fatherland or its interests, or are dedicated to the days of Russia's military glory) with punishments that include multimillion fines and imprisonment, among others. It should be noted that, although the introduction of this article is motivated primarily by foreign policy considerations, it can be applied to Russian citizens as well. At the same time, the actions described in the text of this norm were already punishable under the existing articles of the Criminal Code; therefore, there were no need to create it; meanwhile, the stipulated sanctions, especially large fines, are, in our opinion, disproportionately severe.

In November, Deputy Irina Yarovaya introduced two draft bills in the State Duma to amend Article 354<sup>1</sup> of the Criminal Code (rehabilitation of Nazism) and the Code of Administrative Offenses of the Russian Federation. One of them proposes to make responsibility for online dissemination of information aimed at rehabilitation of Nazism equal to responsibility for dissemination of such information via mass media – that is, to qualify such activities under the more severe Part 2 of Article 354<sup>1</sup>. The second bill seeks to introduce administrative punishment for the rehabilitation of Nazism in mass media; for this purpose, a related part, which stipulates a fine for legal entities of up to three million rubles with or without confiscation of the offending item, should be added to Article 13.15 of the Code of Administrative Offenses. We would like to remind that we view Article 354<sup>1</sup> of the Criminal Code as excessive and imprecisely formulated legal norm, some provisions of which excessively limit the historical discussion; we oppose increasing in severity and expanding the sanctions for the rehabilitation of Nazism. The bill was adopted in the first reading in February 2021, and, by the second reading, it will be expanded to add the new vaguely formulated restrictions prohibiting dissemination of knowingly false information about veterans, abasement of their honor and dignity and insult against the memory of defenders of the Fatherland.

Also in November, a group of State Duma deputies headed by Elena Yampolskaya submitted to the Duma two bills to ban the public display of the faces of Nazi criminals. The changes suggested in these legislative proposals include amending the federal laws “On Immortalization of the Victory of the Soviet people in the Great Patriotic War of 1941–1945” and “On Combating Extremist Activities,” and amending Article 20.3 of the Code of Administrative Offenses, which punishes for display of banned symbols, by explicitly stating that public display of facial images of persons found guilty by the Nuremberg Tribunal (or by Nuremberg Tribunal-based decisions by national military or occupation tribunals, or by sentences imposed during the Second World War) is prohibited and classified as extremist activity. At the same time, similarly to the existing legislation on the use of Nazi symbols, the new proposal exempts such display from punishment, if it forms a negative attitude towards the ideology of Nazism and shows no signs of propaganda or justification of Nazism. We regard this initiative as problematic for several reasons. First, some prominent Nazis (Hitler, Himmler, and Goebbels) had died before the

start of the Nuremberg Tribunal and were never convicted by it. At the same time, faces of the overwhelming majority of Nazi criminals are simply not familiar to Russian citizens, making the enforcement of this legal norm unpredictable. Yampolskaya herself, in early 2021, drew attention to the fact that the amendments as written do not apply to a portrait of Hitler and pointed out that the flaws in the wording could be corrected by the second reading. Furthermore, portraits of party leaders become propaganda tools only in a certain context. It is obvious that the proposed amendments will inherit all the shortcomings of the existing legal regulation of displaying Nazi symbols, which, for example, allow sanctions against citizens who displayed the symbols as a means of political polemics or satire. The ban on displaying faces of war criminals will run into the same problem.

## Regulating the Internet

In April, the president signed amendments, which included expanded and more severe punishments for distributing fake news in mass media and over the Internet. Article 13.15 of the Code of Administrative Offenses has been supplemented by a new Part 10.1 that punishes dissemination of “deliberately unreliable information under the guise of reliable messages” with regard to emergency situations and measures to counter them. Such actions will incur heavy fines, but only for legal entities. Legal entities are also liable under the new Part 10.2 for distribution of false information resulting in death, damage to health, violation of public order or security, and so on. Part 11 of the new version covers repeated offenses under Parts 10, 10.1 and 10.2, also increasing the severity of sanctions for legal entities. The same amendments also indicate that individuals can be criminally liable under new Article 207<sup>1</sup> (public dissemination of knowingly false information about circumstances posing a threat to the life and safety of citizens), which provides for punishment of up to three years behind bars, and Article 207<sup>2</sup> of the Criminal Code (public dissemination of knowingly false socially significant information that entailed grave consequences), with the maximum imprisonment term of five years. We believe that there is no need for criminal prosecution for disseminating false information about emergencies, and the proposed sanctions appear disproportionately harsh.

Throughout the year, new norms were adopted to expand the grounds for extrajudicial blocking of information and increase the severity of sanctions for evading it. We believe that this area of legislation has systemic shortcomings, and the use of extrajudicial blocking procedures in practice often unreasonably and disproportionately restricts freedom of speech. However, the Russian authorities are not inclined to listen to the European Court of Human Rights, which in its decisions, including the ones made in 2020, drew attention to the fact that this legislation did not comply with the requirements of the European Convention (see below).

In early June, Vladimir Putin signed a law that obligates hosting providers to carry out extrajudicial blocking of websites. The amendments, which entered into force on October 1, introduce changes in the extrajudicial blocking mechanism described in Article 15.3 of the Federal Law “On Information.” Previously, upon receiving a request from the Prosecutor General’s Office, Roskomnadzor ordered telecom operators to block the indicated website; then a hosting provider received a notification that the website has been blocked, and had to notify the site owner of the need to delete the problematic information within 24 hours. Now, a hosting provider has to notify the owner immediately after

receiving the notification from Roskomnadzor. If the site owner fails to delete the information within 24 hours, the provider will have to block the information resource indicated in the notification (the blocking obligations of telecom operators remain unchanged). Previously, a site owner could delete the information indicated in the notification and inform Roskomnadzor, and then telecom operators had to unlock his resource. The amendments, despite imposing on hosting providers the obligation to block sites, fail to provide for any obligations to remove such restrictions.

In December, a law was signed on sanctions for hosting providers and website owners for failure to remove or block content. According to Article 13.41, newly added to the Code of Administrative Offenses, large fines are to be imposed for failure to take measures on restricting access to websites, access to which has to be limited in accordance with the requirements of the law (except in cases of copyright infringement): up to 100 thousand rubles for individuals, up to 400 thousand for officials, up to 4 million for legal entities; fines for repeated offenses are doubled for individuals and officials, and for legal entities they range from 1/20 to 1/10 of revenue, but no less than 4 million rubles. Fines for failure to block exceptionally dangerous content, including extremist content (along with child pornography and information about drugs) range from 100 to 200 thousand rubles for individuals, from 400 to 800 thousand for officials, from 3 to 8 million for legal entities. In case of repeated offense fines range from 200 to 500 thousand rubles for individuals, from 800 to 1 million rubles for officials, and from 1/10 to 1/5 of the proceeds, but no less than 8 million rubles for legal entities.

Also in December, the president approved a law on mandatory filtering of inappropriate content on social networks. For the purposes of this law, the authorities will grant the status of a social network to services with a monthly audience of more than 500 thousand Russian users. Social networks are obligated to independently monitor information, the dissemination of which is prohibited in Russia and which is subject to extrajudicial blocking (including information that contains calls for mass riots, carrying out extremist activities or participation in unpermitted rallies, as well as alleged fakes, materials of “undesirable organizations” and links to them and statements “offensive for the authorities and the society”), accept complaints about such content and block it. In disputable cases, the content will be temporarily blocked and submitted through Roskomnadzor to the competent authorities, so that the latter could make a decision on whether it should be restricted permanently. In case of non-compliance social networks are to be punished in accordance with Article 13.41 described above.

However, in addition to the above-listed requirements for content removal or blocking, social networks are required to make sure that their resources are not used to violate the electoral legislation restrictions (which have not yet been added to the list of information subject to extrajudicial blocking, see the corresponding bill below) or “to defame a citizen or certain categories of citizens” based on their belonging to a certain group, including their place of work and political convictions. In addition, obscene language and attacks against honor, dignity, or business reputation of citizens or organizations are unacceptable (the latter case also mentions the possibility of filing civil claims, but it is not clear whether the claims should be filed against offenders or against a social network). Consistent compliance with all these requirements will obviously end not just political discussions, but any kind of polemics on social network pages.

Simultaneously with the legislative proposal described above, aimed at forcing foreign social networks to comply with Russian law, a law was signed to prevent social net-



works from censoring information that comes from pro-government Russian media. The explanatory note to the relevant bill explicitly stated that the need for such a measure was made obvious by the fact that, since April 2020, about 20 instances of “discrimination” have been recorded for such media as RT, RIA Novosti, and Crimea 24 by foreign Internet sites such as Twitter, Facebook, and YouTube. The law “On Measures of Influence on Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation” was supplemented by an article, according to which the owner of an information resource used by Russian citizens and legal entities is recognized as involved in human rights violations if the resource restricts dissemination of socially significant information in Russia “on the basis of nationality, language, origin, property ownership or job title, profession, place of residence or work, attitude toward religion and (or) in connection with the introduction by foreign states of political or economic sanctions against the Russian Federation, citizens of the Russian Federation or Russian legal entities,” or restricts the right of Russian citizens to freely seek, receive, transmit, produce and distribute information by any legal means. The decision to recognize a resource owner as implicated in human rights violations is made by the Prosecutor General of Russia or his deputies in consultation with the Ministry of Foreign Affairs. The decision is then forwarded to Roskomnadzor, which must, within 24 hours, add the owner of the resource to the appropriate list, and then issue a warning. Upon eliminating the violations, the owner must notify Roskomnadzor, and the latter sends a notification to the Prosecutor General’s Office, which, together with the Ministry of Foreign Affairs, decides whether or not to cancel the imposed “sanctions.” If the owner of the resource fails to comply with the requirements of the Russian authorities within the time frame specified in the warning, Roskomnadzor restricts access to this resource completely or partially. Partial restriction in this context can mean slowing down the Internet traffic. A law introducing sanctions for non-compliance with the requirements described above was proposed in November 2020 and signed in February 2021. The fine under the new article of the Code of Administrative Offenses, which punishes for its violation, ranges from 50 to 100 thousand rubles for individuals, 200 to 400 thousand rubles for officials, and 600 thousand to 1 million rubles for legal entities. The fine for repeated failure to comply with the requirements of the law is set for 200 to 300 thousand rubles for individuals, 500 to 700 thousand for officials, and from 1.5 to 3 million rubles for legal entities.

The State Duma commission to investigate the facts of interference by foreign states in Russia’s internal affairs submitted to the parliament a bill on amendments to the federal law “On information, information technology and the protection of information.” in July. The amendments pertain to Article 15.3 Part 1 of the law – now not only information containing “calls for mass riots and carrying out extremist activities” (current version), but also the one “containing justification for and (or) excuse of extremist activities, including terrorist activities” will be subject to extrajudicial blocking. We believe that the proposed amendments with their vague wording will only aggravate the situation, making both academic research and public discussion a possible target under the law. The government fully supported the bill and proposed, for good measure, that the extrajudicial blocking mechanism be extended to “Internet resources spreading false messages about acts of terrorism.”

In November, another bill was introduced to the State Duma, expanding the list of on-line information subject to extrajudicial blocking; it proposes that election commissions

be instructed to make decisions on temporary blocking of illegal campaign propaganda. Following a report by election commissions about the presence of such information on the Internet, Roskomnadzor would be expected to immediately send to a provider a request to temporarily block the offending site (subject to immediate compliance). According to the bill, blocking can start no earlier than the day of the announcement of the elections, and ends five days after the date their results are determined. The bill passed its first reading in December; the second and third readings took place in February 2021. Given that illegal campaign propaganda is most likely to appear on social networks, and selective blocking of social media messages by the authorities is technically impossible, the existence of such a law increases the risk of complete blocking of certain social networks during the electoral campaign.

Meanwhile, the Ministry of Digital Development, Communications and Mass Media of the Russian Federation published a draft bill to ban certain online encryption protocols. The plan is to amend the Federal Law "On Information, Information Technology and Information Protection" and ban the use of any encryption protocols that allow hiding the name of a webpage or a website, except in certain specific permitted cases. Violation of the ban will result in blocking of the site within 24 hours. The purpose of the bill is to eliminate the increasingly widespread technical methods of bypassing restrictions.

## "Foreign Agents" Legislation

During 2020, several laws were developed and adopted to provide for more stringent regulation of the activities of so-called "foreign agents" in Russia. Although this area of legislation is not directly related to the fight against extremism, it fits the general trend of imposing, under the pretext of protecting national or public security, unreasonable and excessive restrictions on freedom of speech, which are in fact aimed at suppressing criticism of government's policy. In addition, since SOVA Center, along with other Russian NGOs that focus on legislation and law enforcement issues in Russia and receive foreign funding, has been recognized as a "foreign agent," we must point out that the increased severity of this legislation directly affects our ability to continue our work.

In December, the President signed the law "On Amendments to Certain Legislative Acts of the Russian Federation regarding the Establishment of Additional Measures to Counteract Threats to National Security," which was submitted to the State Duma in November and rapidly passed all stages of approval. This law added to the "Foreign Agent" status, already existing for an NGO, similar status designations for public associations with no corresponding legal entity and for individuals. The "foreign agent" status is still assigned based on a combination of two criteria. The first one is foreign support from governments, international organizations or individuals, even if received through a Russian "intermediary." For individuals designated as "foreign agents" not only financial, but also methodological assistance counts as foreign support. The second criterion is "political activity" in its current definition, which covers any notable public activity. Moreover, an individual can become a "foreign agent" even without "politics" if engaged in "purposeful collection of information in the field of military or military technology activities" (the law does not specify the kind of information; the FSB will do it later) without the purpose of espionage.

Similarly to NGOs, unregistered public associations and individuals who meet these criteria will be obligated to register as "foreign agents" with the Ministry of Justice, but the

Ministry of Justice can also assign this status to people or associations directly. All types of “foreign agents” must submit regular reports on their “political activity,” receipt and expenditure of money, as well as disclose their “foreign agent” status in any situation that can be interpreted as political activity, when making any statements or appeals to government agencies and organizations. Mass media also need to cite their status every time they mention “foreign agents.”

It should be noted that the adopted law directly limits the rights of individuals recognized as “foreign agents” – they cannot be admitted to state and municipal public service and to state secrets.

In December, a law was signed to amend Article 330<sup>1</sup> of the Criminal Code now renamed “Malicious Evasion from the Fulfillment of Duties Imposed by the Legislation of the Russian Federation, in Connection with Being Recognized as a Person Performing the Functions of a Foreign Agent.” The sanctions for such evasion are:

- for leaders NGOs and unregistered public associations – up to two years of imprisonment;
- for leaders of foreign media “foreign agents,”<sup>3</sup> their subsidiary Russian “foreign agents” legal entities, as well as for individuals already listed in the register of “foreign agents” and facing administrative responsibility for repeated violation of the operating procedures for “foreign agents” media, – also up to two years’ imprisonment;
- for individuals recognized as “foreign agents” who carry out political activities and have already been brought to administrative responsibility for it, or who collect the aforementioned military-technical information – up to five years in prison.

In addition, by the end of the year, the State Duma passed in the first reading a bill introducing or increasing administrative liability for all categories of “foreign agents” for violation of operating procedure – absent labeling on their materials or failure to provide information about themselves and their status. The bill was passed by parliament and signed by the president in early 2021. The changes also affected Article 13.15 of the Code of Administrative Offenses on abusing freedom of mass information, which now includes the fines for disseminating information by or about “foreign agents” in the mass media without the appropriate labeling.

In December, a draft law, under which candidates in elections would have to self-report as a “foreign agent” or “a candidate affiliated with a person acting as a foreign agent” if the candidate received money from any “foreign agent” within the preceding two years, passed the first reading. According to the bill, these labels should accompany all signature lists and all types of electoral information, including debates. The bill extends the ban on participation in election campaigns, already in force for “foreign agent” NGOs, to unregistered “foreign agent” public associations and “foreign agent” media.

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3. This status was introduced in the preceding year. See: Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2019 // SOVA Center. 2020. 21 April (<https://www.sova-center.ru/en/misuse/reports-analyses/2020/04/d42333/>).

# The Practice of the European Court of Human Rights and the UN Human Rights Committee

In March, the European Court of Human Rights published a decision on the complaint of St. Petersburg journalist Nikolai Andrushchenko (1943–2017), who was sentenced in 2009 for insulting a government official (Article 319 of the Criminal Code) and inciting hatred (Article 282 Part 1 of the Criminal Code) to a suspended prison term and a fine, and then released from punishment. He was charged with inciting hatred against the social group “law enforcement officers” under Article 282 for publishing an article about forcible dispersal of a protest demonstration. The ECHR drew an analogy with the previously reviewed case of Savva Terentyev and refused to recognize the police and FSB officers, negatively characterized by Andrushchenko, as a vulnerable social group. The Strasbourg court also emphasized that Andrushchenko’s article dealt with the socially significant issue of using force at public events, and rejected the arguments that law enforcement officials could become victims of violence as a result of its publication. Thus, the ECHR found a violation of Article 10 of the European Convention on Human Rights, which protects freedom of expression.

In June, the European Court of Human Rights published its decisions on several complaints with regard to blocking online materials in Russia. The first case, *OOO Flavus and Others v. Russia*, examined complaints from the publishers of Grani.ru, Kasparov.ru and the *Ezhednevnyi Zhurnal* (ej.ru) websites. All three sites were blocked extrajudicially upon request of the Prosecutor General (i.e., under “Lugovoy’s Law”) in 2014 on the charges of publishing calls for extremist activity and calls for participation in public actions held without permit. In addition, the ECHR published a decision on the complaint by Yevgeny Bulgakov, the owner of the “Worldview of the Russian Civilization” ([www.razumei.ru](http://www.razumei.ru)) website, which was completely blocked on the basis of a 2012 court decision, because the prosecutor’s office had found a banned book on one of its pages; the access to the website was not restored after the book’s removal. The ECHR also made public its decision on the complaint by Gregory Engels, a member of the German Pirate Party and the owner of the domain rublacklist.net, who appealed the decision to block a page of the RosKomSvoboda website that provided information on the tools and software for bypassing restrictions. Finally, the court published its review of the complaint by Vladimir Kharitonov, who disputed the restrictions against his website ([digital-books.ru](http://digital-books.ru)). The site was unavailable from December 2012 to March 2013 due to the fact that it had the same IP address as another website, “The Rastaman Tales,” which allegedly contained illegal content. Each of these four cases has its own peculiarities examined by the European Court of Justice. However, the shortcomings of the blocking mechanisms stipulated in the Russian law on information and of the decisions made by the Russian courts have led the ECHR to recognize, with respect to all the applicants, a violation of their rights to freedom of expression and to an effective remedy guaranteed by Articles 10 and 13 of the European Convention on Human Rights.

In October, the European Court of Human Rights published its decision in the case “Karastelev and Others v. Russia.” The complaint was filed by human rights defenders Vadim Karastelev and Tamara Karasteleva from Novorossiysk (Tamara died in 2011), and by their organization, the Novorossiysk Committee for Human Rights (*Novorossiyskiy komitet po pravam*

*cheloveka*). In April 2009, Tamara and Vadim Karastelev held two “static demonstrations” (pickets). During the first one, they publicly exhibited a poster stating “Freedom Is Not Granted; It Has to Be Taken”; during the second one, they were approached by two teenagers, whose parents subsequently complained to the prosecutor’s office that Tamara and Vadim incited their children to participate in protest actions. After that, the prosecutor’s office issued warnings to Karastelev about the unacceptability of violating the anti-extremist legislation and a caution to the Novorossiysk Committee for Human Rights about the unacceptability of violating the anti-extremist legislation with an order to remedy these violations. When Tamara Karasteleva tried to challenge these measures in court, the prosecutor’s office presented the expert reports, according to which the poster was extremist and provocative in its message. As a result, the court dismissed the complaint. Vadim Karastelev’s attempt to challenge the warnings failed as well, since the court ruled that the disputed issue had already been resolved during the review of Tamara Karasteleva’s complaint.

The ECHR noted, on the one hand, that the wording of the Russian law “On Combating Extremist Activities” that pertains to issuance of warnings and cautions created legal uncertainty making this legal mechanism unpredictable, suppressing freedom of expression, and leaving too much discretion to the executive. In addition, according to the legislation in force in 2009, the applicants were limited in their ability to challenge the actions of the prosecutor in civil proceedings. On the other hand, according to the ECHR, the arguments presented by the prosecutor’s office fail to support the conclusion that the actions by Vadim and Tamara Karastelev had posed a risk of obstruction of the lawful activities of the authorities and a real threat of violence, which could serve as a basis for interference with the applicants’ right to freedom of expression protected by Article 10 of the European Convention on Human Rights. In addition, the ECHR found that, with respect to Vadim Karastelev, the Russian state has also violated Article 6 of the Convention (right to a fair trial). As a result, he was awarded compensation for non-pecuniary damage.

In September, the ECHR ruled in the *Vasilyev and Others v. Russia* case and partially satisfied a complaint by members of Hizb ut-Tahrir, a radical Islamic party recognized in Russia as a terrorist organization. A complaint to the ECHR was filed by five residents of Chuvashia, convicted in 2007 under Article 282<sup>2</sup> Part 2 of the Criminal Code (participation in the activities of a banned organization) and Article 282 Part 2 Paragraph “c” of the Criminal Code (incitement to hatred committed by an organized group). The ECHR refused to consider their complaint about the violation by the Russian justice system of several European Convention on Human Rights provisions: Article 9 (freedom of conscience), Article 10 (freedom of expression), Article 11 (freedom of assembly and association) separately and in combination with Article 14 (ban on discrimination). Back in 2013, as part of its review of the complaint “*Kasymakhunov and Saybatalov v. Russia*,” the ECHR concluded that, on the basis of Article 17 of the Convention, the activities of Hizb ut-Tahrir are not protected by the Convention, since the organization intends to abolish the rights and freedoms recognized by the Convention. However, the Strasbourg Court satisfied the complaint in its part relating to Article 6 of the Convention, which guarantees the right to a fair trial. According to the ECHR, the Russian court violated Article 6 because it provided no compelling reason for its refusal to disclose the witnesses in the case, and never explained why the testimony of the secret witnesses could be taken as a decisive evidence – as it usually happens in criminal cases that pertain to affiliation with Hizb ut-Tahrir.

In 2020, the ECHR also communicated a number of important complaints related to our sphere of interest – the scope of Article 10 of the European Convention.

Thus, in January, the Strasbourg court communicated the complaint of Ruslan Sokolovsky, who in 2017 received a suspended sentence – from our point of view, inappropriately – for insulting the feelings of believers, inciting hatred and acquiring a “spy” pen, but then was released from punishment due to partial decriminalization of Article 282 of the Criminal Code. In October, a complaint about blocking the Telegram messenger was communicated; perhaps in anticipation of this event, the Russian authorities decided in June to urgently unblock the messenger. They did not even need to review the relevant court decisions or adopt a special law on amending the law on information, the draft of which had been submitted to the State Duma. In the same month, it became known that the ECHR combined and communicated 19 complaints from 17 Russians brought to administrative responsibility under Article 20.1 Parts 3-4 of the Code of Administrative Offenses for on-line dissemination of information that expresses disrespect for the society and the state.

In August, the United Nations Human Rights Committee (UNHRC) published a list of questions addressed to Russia in connection with its eighth periodic report on compliance with the International Covenant on Civil and Political Rights. Among other things, the UNHRC asked Russia to report on steps taken to revise the Federal Law “On Combating Extremist Activities” (in order to clarify the vague definition of “extremist activities”), to revise the Federal List of Extremist Materials and to prevent arbitrary use of the Law “On Combating Extremist Activities.” The Committee expressed its concern about the persecution against Jehovah’s Witnesses in Russia in the context of exercising freedom of religion. The UNHRC also expressed concern on a number of other issues, including whether Russia was taking steps to combat racist and homophobic rhetoric and racial profiling, as well as manifestations of hatred, violence and discrimination based on sexual orientation and gender identity. The Committee inquired about the enforcement of the legislation on “promoting non-traditional sexual relations among minors” and the prospects for its repeal, about ensuring the rights of same-sex couples and the right of the LGBT community to peaceful assembly; and about the possible spread of homophobia following the adoption of the constitutional amendments. The UNHRC asked Russia to comment on allegations of the persecution and ill-treatment of political opponents of the government under the pretext of combating terrorism with regard to the prosecutions against members of the banned organizations, Network (Set') and Hizb ut-Tahrir, and allegations of unjustified restrictions on freedom of speech in connection with the case of Svetlana Prokopenko (see below). The committee asked Russia to report on its law enforcement under the articles regulating freedom of expression, such as insulting the feelings of believers, rehabilitation of Nazism, slander, disrespect for the society and the state, and dissemination of fake news. A brief joint report, submitted earlier by 12 Russian NGOs including SOVA Center, was taken into account when compiling the list of questions for the Russian authorities.

# Principal Targets of Persecution

## Ideological Opponents of the Regime

It should be noted that almost all cases of prosecution under criminal articles related to speech or administrative anti-extremist articles reported in 2020, which we regard as in-

appropriate, were, in fact, sanctions for expression of political views, primarily for harsh statements against the authorities. Most of these statements were made online; as it has been the case in recent years, online oppositional activity attracts the attention of law enforcement agencies and often provokes unjustified and disproportionate reactions.

**Sanctions for Calls for Extremist Activity and Incitement to Hatred.** In late October, the Nakhimovsky District Court of Sevastopol retried the case of Valery Bolshakov – the former head of the Sevastopol Workers Union and the secretary of the Sevastopol branch of the Russian United Labor Front Party (ROT FRONT) – and issued a suspended sentence of two and a half years with a two-year ban on holding leadership positions under Article 280 Parts 1 and 2 of the Criminal Code (public calls for extremist activity including those committed on the Internet). The verdict was upheld by the Sevastopol City Court in December. The charges against Bolshakov under Article 280 Part 2 were based on his social network posts that included offensive characteristics of the Terek Cossacks and called for “kicking them out to Novorossiia”; the posts also contained accusations against the Russian authorities of “genocide against the people of Russia,” Lenin quotes and calls for “establishing the dictatorship of the proletariat by violent means.” The charge under Article 280 Part 1 was based on a speech made by Bolshakov during his one-man picket with the poster “Down with Putin’s Police State.”

The court found that the poster as well as Bolshakov’s speech (in which he wished for the imminent demise of “Putin’s dictatorship” and the “police state” and the subsequent establishment of the dictatorship of the proletariat) contained calls for “the elimination of the officially acting government.” We are inclined to believe that the calls for revolution and for the proletariat to take power, which are often heard from activists on the left, are, in most cases, not capable of instigating real violent anti-government actions and are more accurately interpreted as a figure of speech employed to convey dissatisfaction with the current authorities. Bolshakov’s statements about the Cossacks, however, can indeed be understood as a call for their deportation; at the same time, the court should have taken into account the vanishingly small likelihood for such calls to be implemented in the modern political context. Earlier, in June 2019, Bolshakov was sentenced on the same charges to the same punishment, but then the sentence was canceled and the case was returned to the prosecutor’s office.

It became known in January that former police officer Alexei Dymovsky had been charged under Article 280 Part 2 of the Criminal Code (public calls for extremist activity committed on the Internet) in connection with his YouTube video “Alexei Dymovsky: Thought of Killing Putin” recorded in October 2019. It is worth recalling that Dymovsky gained notoriety in 2009 when he publicly addressed Russian officers and Prime Minister Vladimir Putin with a story about the *palochnaya sistema* (“ticking system,” implying that the number of cases filed and solved by the police should meet the quasi-plans of the authorities) and corruption in the Ministry of Internal Affairs system. After that, he was dismissed from the police, and a case of fraud with the use of official position was opened against him; it was later terminated. Dymovsky’s statement was a notable event in the public discussion preceding the reform of the Ministry of Internal Affairs.

The 2019 video shows Dymovsky in a taxi going through Novorossiysk to the police department in order to voluntarily surrender the explosives he found, which the police failed to pick up at his signal. Meanwhile, Dymovsky explains that he used to keep TNT at home for several years, because he “wanted to use this TNT against Putin, Vladimir Vladimirovich,” but eventually gave up these thoughts, because he came to the conclusion

that Putin was a “mentally ill person.” In the video, Dymovsky also calls on all honest people to unite and invites them to a meeting. After the video recording, Dymovsky’s car was stopped by the traffic police, and he decided to voluntarily surrender his TNT to them, and was subsequently questioned by the police. However, several days later, he was arrested and charged with illegal storage and transportation of explosives (Article 222<sup>1</sup> part 1 of the Criminal Code). We view the charge under Article 280 of the Criminal Code as inappropriate, since the latter contains no calls for violence against the president or other officials, and the call for all honest people to unite is peaceful in its character.

In August, the Oktyabrsky District Court of Novorossiysk returned Dymovsky’s case to the prosecutor; according to his lawyer, it was due to the fact that some materials, which the defense intended to use as evidence of Dymovsky’s innocence, had disappeared from his file – in particular, the interrogation protocols of the taxi driver and the video operator, and a disk with the video itself, on which he announced his intention to voluntarily surrender the explosives.

Statements directed against the authorities occasionally lead to sanctions under Article 20.3.1 of the Code of Administrative Offenses (incitement to hatred, enmity and humiliation of human dignity on group grounds), introduced into the Administrative Code as a result of partial decriminalization of Article 282 of the Criminal Code. Based on our information on the application of this legal norm in 2020, we view ten people as subjected to inappropriate sanctions, one of whom was punished three times. A fine was imposed in six cases, community service in two, and arrest for a period of 5 to 11 days in three cases.

The vast majority of these sanctions were triggered by crude, but not violent, statements by social media users against the law enforcement or the authorities. We regard sanctions for such statements as inappropriate. Law enforcement officials should not be considered a vulnerable social group protected by anti-extremist legislation. The European Court of Human Rights has repeatedly noted that law enforcement agencies should be extremely tolerant of criticism, unless it involves a real threat of violence. With regard to officials, the Supreme Court of the Russian Federation, in the Resolution “On Judicial Practice in Criminal Cases Involving Crimes of an Extremist Nature” of June 28 2011<sup>4</sup> emphasized that the permissible threshold of criticism against them is higher than for private individuals.

In December, the court placed Natalia Podolyak, a resident of Krasnoyarsk, under arrest for 10 days under Article 20.3.1 of the Code of Administrative Offenses (incitement to hatred). She left a comment on Facebook under the post about citizens being detained for violating the quarantine, in which she made rude statements about the police officers and the state in general and also wrote, “People and their right to freedom of movement should never be so disrespected.” Obviously, there were no calls for violence against the police in Podolyak’s comment, so we regard the sanction against her as inappropriate.

The Voskresensk City Court in the Moscow Region placed activist Alexei Kholkin under arrest for five days. The Moscow Regional Court upheld this decision. Administrative case against Kholkin was based on the link to the video “Everyone Comes Out to Protest. The Government Should Resign,” which he posted on his Facebook page – intending, in the law enforcement’s opinion, to “incite hatred of government officials.” The video features

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4. See: Ruling of the Plenary Session of the Supreme Court of the Russian Federation “On Court Practice in Criminal Cases on Crimes of an Extremist Nature” of June 28 2011 No. 11 // Rulings of the Plenary Sessions of the Supreme Court. 2015. July 10 (<http://supcourt.ru/en/files/16428/>), p. 150.



a number of activists, including Vladimir Filin, Elena Rokhlina, Angelica Latsis and Kirill Myamlin – members of the Permanent Council of the National Patriotic Forces of Russia (PDS NPSR) – who criticize the policy of the Russian authorities and call for joining a protest rally. The video contains no calls for xenophobic or anti-state violence.

In August, the Taganrog City Court of the Rostov Region fined local resident Vladislav Shulga in the amount of 10 thousand rubles. An ex-employee of G.M. Beriev Aircraft Plant, Shulga is a defendant in the case related to the 2017 thallium poisoning of plant employees. He had left the following emotional comment on a Taganrog local portal: “It is not the laws that are stupid, but those who are set to enforce them are criminals! Scum are our judges, scoundrels are our policemen, and swindlers are our prosecutors.” This comment was deemed humiliating for human dignity of the government officials. Stanislav Tkachev, who left a comment “All cops are bastards, especially the First Department and investigator R.” on the same website, faced the same sanctions.”

In September, local video blogger Mikhail Alferov from Kemerovo was punished under Article 20.3.1 of the Code of Administrative Offenses three times for having published three videos, which court recognized as insulting to police officers. The court sentenced him to a fine of 15,000 rubles, 96 hours of community service and 11 days of administrative arrest.

The courts of Tatarstan over the summer punished under Article 20.3.1 three Tatar nationalists who, on October 12, 2019, addressed a rally in memory of the Kazan defenders who died during the capture of the city by the troops of Ivan the Terrible. Fauzia Bayramova, the chair of the Ittifaq party, was fined 10 thousand rubles in June; Imam Airat Shakirov received 40 hours of community service in August, and 81-year-old Galishan Nuriakhmet, the deputy chairman of the All-Tatar Public Center (*Vsetatarsky Obshchestvennyi Tsent*, VTOTs), was fined five thousand rubles. The sanctions were based on the statements made by the three rally participants, which differed but generally amounted to pointing out Russia’s colonial policy and the need to fight colonial oppression. The law enforcement agencies and the court regarded these statements as inciting hostility towards the Russians. We do not agree with this position – in and of itself, a public expression of disagreement with the “colonial” policy of the federal and republican authorities is not the same as inciting hatred towards ethnic Russians.

Within the same paradigm of countering the “anti-colonialists,” the Supreme Court of Tatarstan recognized *The Hidden History of the Tatars. The National Liberation Struggle of the Tatar People in the 16th – 18th Centuries for the Establishment of an Independent State*, a book by the writer and journalist Vakhit Imamov published in 1994, as extremist in July. Imamov’s book is a popular retelling of events from the history of the uprisings of the peoples of the Volga region that took place in 16th through 18th centuries; according to its annotation, the work is intended “primarily for students of schools and gymnasiums of Tatarstan as an additional textbook on the history of their native land.” The book, written in 1991, does, in fact, contain a positive assessment of the Tatars’ struggle for independence and national rights and against the “colonial oppression” of Tsarist Russia. In the end of Imamov’s work, he says that “the struggle to create a state independent of the Moscow dictate, which began 440 years ago, continues today.” This statement accurately reflects the situation in the early 1990s, when the new status of the republics of the former USSR was being determined. All this, in our opinion, did not provide any grounds for banning the book as extremist today.

It should be noted, however, that the expression of a diametrically opposite opinion can also lead to sanctions. Thus, in July, Mikhail Scheglov, the chairman of the Russian Culture

Society, was fined 10 thousand rubles; the Supreme Court of Tatarstan upheld this decision in August. The statements, for which Scheglov was punished, he made in an open letter to Rustam Minnikhanov, the head of Tatarstan. Opposing church closures related to the coronavirus, Scheglov noted that such a ban on the part of the authorities looks “not as concern for people’s health, but as a form of theomachy and new persecution of Christians” taking place “in the very center of Orthodox Russia,” which is “deeply symbolic for a “national” republic with its definite numerical preponderance of the non-Orthodox officials.” In essence, Scheglov’s words constitute criticism of the actions of the authorities, which he regarded as unfair with respect to the Orthodox believers. Even if we interpret these statements as creating a negative image of the Muslims, who allegedly abuse their dominant position in the government of Tatarstan, they can only be qualified as a mild case of hate speech, which, in our opinion, does not present sufficient grounds for sanctions.

One such case, opened in 2019, was discontinued in February; it had been filed under Article 20.3.1 of the Code of Administrative Offenses against video blogger Pavel Sychev. He was charged for publishing a video, back in 2019, about the “Let’s Regain the Right to Vote” rally that took place in August. The video discussed violence by the National Guard of Russia against the demonstrators and the fact that the security forces were not wearing their identity badges. Sychev used harsh characterizations with respect to law enforcement officers, but did not call for violence against them. A linguistic examination conducted by experts at the Voronezh Regional Center for Forensic Examination of the Ministry of Justice concluded that “the National Guardsmen of the Russian Federation are not a social group,” and that “there are no linguistic and psychological signs of humiliation or incitement to enmity” in Sychev’s video.

**Sanctions for Incitement to Separatism.** As we indicated above, we view sanctions imposed for calls for the separation of a particular territory from Russia as inappropriate, unless the calls are for violent separatism. We also would like to note that, in accordance with the amendments made to the legislation in December 2020, Article 280<sup>1</sup> applies only to calls made again within a year after being held accountable for an administrative offence. Therefore, criminal cases under this article that were in court at the time the amendment was adopted are subject to closure, and prior sentences made under it must be reviewed. In addition, convictions under it must be expunged unless they expire by December 2020.

In August, the Central District Military Court in Samara sentenced Airat Dilmukhametov, an activist of the Bashkir national movement, to nine years in a maximum-security penal colony with a three-year ban on administering websites. The verdict, which we consider inappropriate, was issued under Article 280.1 Part 2 of the Criminal Code for publication on the internet of calls for violation of the territorial integrity of the Russian Federation. The charges of separatism were based on Dilmukhametov’s video address in which he announced his intention to win the elections for the head of Bashkortostan and then initiate the renegotiation of a federal agreement between the subjects of the Russian Federation on new conditions. Dilmukhametov did not speak about secession from Russia, his plans looked rather abstract, and he proposed or made no specific steps to implement his program, let alone any calls for achieving it by violent methods. Nevertheless, he was found guilty not only under the article on separatism, but also under Article 282<sup>3</sup> Part 1 (financing of extremist activities); the court found that Dilmukhametov was trying to collect funds via the Internet “to support the struggle for the new IV Bashkir Republic.”

In January, a criminal case under Article 280<sup>1</sup> of the Criminal Code was opened against Rashid Maisigov, an Ingush activist and a former editor of the FortangaORG portal. Maisigov was charged for his Instagram post, made in February of 2019, in which he called on the population of Ingushetia to secede from Russia and join Georgia, and on the Georgian leadership and the world community to support such a step. In addition, the investigation claimed that he had also posted leaflets in Nazran and Magas that called on other states to issue passports to all residents of the republic. The charge was dropped in January 2021 due to the above-mentioned change in legislation.

In September, a citizen of Ukraine born in 1998 was detained in Crimea for distributing in the cities of the peninsula the leaflets with calls “to take actions aimed at violating the territorial integrity of the Russian Federation.” The young man was arrested as a defendant under Article 280<sup>1</sup> Part 1 of the Criminal Code; leaflets of the indicated content were confiscated from him. According to the investigators, the young man was a member of the “Ukrainian Resistance in Crimea” VKontakte community, which shared various materials criticizing the annexation of Crimea to Russia and calling for its return to Ukraine. We found no calls for violent actions among the community’s posts we were able to access.

**Sanctions for “Justification of Terrorism”.** We classify as inappropriate a number of sentences passed by Russian courts in 2020 under Article 205<sup>2</sup> of the Criminal Code that covers propaganda of terrorism. Several of them are associated, once again, with harsh anti-government rhetoric.

The 2nd Western District Military Court in Kursk found Sergei Lavrov guilty under Article 205<sup>2</sup> Part 2 of the Criminal Code (public calls for terrorism on the Internet) in May and sentenced him to five years in a minimum-security penal colony with loss of the right to administer websites for two and a half years. In addition, Lavrov was ordered to undergo involuntary mental health treatment. The investigation argued, and the court agreed, that Lavrov had called for “carrying out terrorist activities by forcibly seizing power” on his VKontakte page. He was charged for eight posts, one of which talked about a military coup, and the other seven criticized the “anti-national” and “occupation” government, “unfair elections,” and the president of Russia. One of them called for a “military tribunal over the anti-national Putin regime.” In several of these texts Lavrov expressed confidence that a “people’s revolution” was inevitable in Russia. In our opinion, only the first post we mentioned could be viewed as a direct call for violent activity. The rest of his publications contained no signs of justifying terrorism or calls for it. Although law enforcement agencies had a formal reason to prosecute Lavrov, we consider the punishment imposed on him disproportionately severe. Moreover, we do not consider criminal prosecution against Lavrov necessary; more lenient measures could have been sufficient, given the insignificant audience of his page and publications.

In October, the same Court issued a sentence against Mikhail Sharygin, a resident of Nizhny Novgorod. The ex-candidate for the city Duma from Yabloko was found guilty of public calls for terrorism committed on the Internet and sentenced to a fine of 400 thousand rubles. Sharygin published a comment on NN.ru, in which he suggested blowing up the fence around a construction site. The fence inconvenienced local residents, and the guards on the construction site prevented ambulances from passing through to the houses, but the developer never dismantled the fence, ignoring the official order. The court, based on the expert opinion, decided that Sharygin, in his commentary, was setting the local residents against the city authorities as two sides of the socio-political conflict,

and that he also outlined the way to influence the authorities (by blowing up the fence) – that is, called for a terrorist attack. We believe that this qualification is incorrect. On the one hand, the objective side of terrorist attack as a crime is characterized by the intent to intimidate the population – but we have no reason to assume that such an explosion would have frightened the population. On the other hand, the socio-political motivation for such an action is also far from obvious, since the situation can be more appropriately characterized as a local economic dispute. Accordingly, the unauthorized demolition of the fence, if it ever took place, would have to be qualified under Article 167 of the Criminal Code (intentional destruction or damage to property) or Article 330 of the Criminal Code (arbitrariness), and calling for it should have been qualified as incitement to destruction of property or as arbitrariness, but not a call to perform a terrorist attack.

In July 2020, at a visiting session in the Pskov Regional Court, a three-judge panel of the 2nd Western District Military Court found journalist Svetlana Prokopieva guilty of justifying terrorism via mass media under Article 205<sup>2</sup> Part 2 of the Criminal Code and sentenced her to a fine of 500 thousand rubles as well as covering the costs of expert examinations and confiscation of her mobile phone and laptop. In February 2021, this decision was upheld by the Military Court of Appeal and entered into force. The prosecution was based on Prokopieva's radio show "A Minute of Enlightenment," aired in the fall of 2018 on the Echo of Moscow in Pskov radio station and dedicated to the causes of the explosion at the FSB office lobby in Arkhangelsk on October 31, 2018. Analyzing this incident, Prokopieva argued that the actions of a young man, who had committed the explosion, stemmed from the repressive policies of the state, and that young people growing up in the atmosphere of state-sanctioned brutality were at risk of responding to the state in the same manner. The show contained no statements to indicate that the ideology or practice of terrorism was correct and deserved to be imitated and never claimed it to be attractive or appropriate.

One new case should be pointed out – a charge under Article 205<sup>2</sup> Part 1 of the Criminal Code was brought against Darya Polyudova, an activist of the Left Resistance (*Levoe Soprotivlenie*) movement, based on a video recording saved on Polyudova's phone. In the video, she, in a conversation with a fellow activist, commented on the armed attack against the FSB building on Lubyanka Street in Moscow organized by Yevgeny Manyurov on December 19, 2019. According to the investigation, Polyudova's statements in approval of Manyurov's actions could be heard by people around her. It must be taken into consideration, however, that the objective aspect of the crime under Article 205<sup>2</sup> of the Criminal Code implies that statements are made publicly, that is, addressed to a group or an indefinitely wide circle of people. However, in this case, it is unclear whether anyone, except for her interlocutor, heard or could have heard Polyudova's words. Even if someone did hear them, such people were obviously few in number. The subjective aspect of the crime, meanwhile, is characterized by a direct intention. If the conversation in question was private, not intended for prying ears, then it follows that Polyudova had no criminal intent in this case. It is worth noting that, even prior to facing this charge, in January 2020, she was put in pre-trial detention as a defendant on charges under Articles 280<sup>1</sup> Part 1 and Article 205<sup>2</sup> Part 2 of the Criminal Code based on her video interview and social networks posts with calls for separatism, including armed separatism.<sup>5</sup>

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5. Prosecution against Polyudova under Article 280<sup>1</sup> of the Criminal Code was terminated in February 2021 due to the partial decriminalization of this article.

We have serious doubts about the legality of a verdict for publications, which cannot be said to have a direct anti-government character. The verdict was issued by the 2nd Western District Military Court in June under Article 205<sup>2</sup> Part 2 of the Criminal Code. Aitakhaji Khalimov, a 27-year-old resident of Kaliningrad, was sentenced to three and a half years of imprisonment in a minimum-security penal colony. The prosecution was based on the fact that Khalimov had reposted three clips about the First Chechen War on his VKontakte page. We doubt the appropriateness of the verdict against Khalimov. In our opinion, the videos do, in fact, positively evaluate and romanticize the actions of the militants, specifically their military actions, but they say nothing about terrorist attacks. At the same time, these materials contain no calls for continuation of the armed separatist activities in Chechnya. It should also be borne in mind that the First Chechen War ended with the signing of peace agreements, and the separatists were not held legally accountable for their actions; therefore, it is not clear why the justification of those, already historical, events as a separatist rebellion should be equated with justification or propaganda of terrorism and fall under Article 205<sup>2</sup> of the Criminal Code. If law enforcement agencies view glorification of the First Chechen War as dangerous, they should have chosen appropriate arguments and qualified Khalimov's actions accordingly. In addition, we regard the real prison term of three and a half years in a minimum-security penal colony as an excessively severe punishment for speech.

**Other Sanctions for Anti-Government Statements .** In 2020, we became aware of 34 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 (we recorded 31 such case in 2019). The courts issued fines ranging from one to three thousand rubles. The Belgorod Region is still in the lead with 13 people sanctioned.<sup>6</sup> Law enforcement agencies actively monitor the distribution of this video, because it can be easily found on social networks, and "preventive measures" in the form of administrative sanctions against opposition-minded Internet users can be imposed without much effort. 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.

We know about inappropriate sanctions against eight activists across the political spectrum under Article 20.3 of the Code of Administrative Offenses for using the swastika as a means of political criticism in oppositional posts; one activist faced charges on three separate occasions. Five activists were punished with administrative arrests; fines were levied in four cases.

In August, the Vologda City Court fined Yevgeny Domozhirov, a known local activist, two thousand rubles. The sanction was based on a video "They Destroy. Real Fascists," which Domozhirov posted on his personal VKontakte page in May. In the video, the activist complained about the clearing of the park, in which the trees had been planted by

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6. See: The Belgorod Region: Administrative Sanctions for the Distribution of the Video "Let's Remind Crooks and Thieves about Their Manifesto-2002" // SOVA Center. 2020 (<https://www.sova-center.ru/misuse/news/persecution/2019/10/d41616/>).

the World War II veterans, and stated that the local authorities behaved “like real fascists both with respect to the veterans and to this memory.” The video featured images of Governor Oleg Kuvshinnikov and Mayor Sergei Voropanov, edited to add Nazi caps to their heads. In this case, as in many similar ones, the swastika was used as a visual means of criticizing the authorities – as a symbol of a “criminal regime.”

Activist Liana Timerkhanova from Kazan was fined two thousand rubles for posting on VKontakte an image, which depicted Artyom Khokhorin, the head of the Ministry of Internal Affairs in Tatarstan, as Adolf Hitler with the Nazi arm band.

Activist Albert Gerasimov, a member of the United Communist Party from Penza, was fined 2,000 rubles for a post on VKontakte, in which he wrote that, in 1936, American black runner Jesse Owens was admitted to the Berlin Olympics, while, in modern Russia, Alexei Navalny was deprived of the opportunity to participate in the presidential election. The post was accompanied by a photo of Hitler with a swastika on his sleeve. A month later, Gerasimov was brought to court again for failure to delete his post. A fine was imposed, but not upheld by the regional court. Meanwhile, however, Gerasimov was once again brought to responsibility for the same publication, placed under arrest for 10 days, and the regional court upheld this decision.

Local opposition activist Grigory Severin was put under arrest for 12 days in Voronezh. The case was based on five images with Nazi symbols published on VKontakte between January 2014 and May 2020. These included a photo of the 1939 badge, depicting the swastika, which symbolized the friendship of Germany and the USSR, and a cartoon depicting President Vladimir Putin as a Nazi. Severin stated in court that he considered himself an anti-fascist and did not want Russia to look like Nazi Germany.

In Vladivostok, the court placed the activist Gia (Georgy) Kakabadze under arrest for seven days for posting collages with Vladimir Putin in Nazi uniform on Instagram.

All these cases clearly illustrate that the note on exceptions added to Article 20.3 of the Code of Administrative Offenses in March 2020, has failed to prevent all the instances of its misuse; there are still many of them.

In 2020, citizens were brought to responsibility at least 30 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. A year earlier, there were at least 56 such cases, i.e. the trend that was observed in the second half of 2019 remained – the norm has been applied less frequently. Fines were imposed in 21 cases (one person was fined three times; another person was fined twice), arrest – in one case (repeated offense), proceedings were discontinued in five cases, the outcome of two cases is unknown, and one fine was imposed outside of our review period in early 2021. Almost all cases pertained to disrespect for the authorities – most often directed against the president, but also against officials, police officers, or judges. It is worth noting that, although initially the norm was supposed to apply specifically to obscene statements, in fact it is increasingly used when Internet users simply make rude or harsh statements, for example, call Vladimir Putin a fascist or a thief.<sup>7</sup>

**Prosecutions for Anti-Government Group Initiatives.** In August–September, the Leninsky District Court of Chelyabinsk found two eighteen-year-old activists of the Other Rus-

7. See: Sanctions against Individuals for Online Insults against the State and the Society // SOVA Center. 2020 (<https://www.sova-center.ru/misuse/news/persecution/2019/04/d40942/>).

sia party guilty of involvement in the activities of the banned National Bolshevik Party (NBP). Artyom Golubev was issued a four-year suspended sentence with a four-year probationary period under Article 282<sup>2</sup> Parts 1 and 1.1 of the Criminal Code (organizing the activities of an extremist organization and recruitment into it). Mikhail Prosvirnin received a three-year suspended sentence and Alexander Kryshka – a suspended sentence of two and a half years, both under Article 282<sup>2</sup> Part 2 (participating in the activities of an extremist organization). According to the investigation, in April 2020, these three members of the Other Russia attacked a monument to the Czechoslovak Legion soldiers in Chelyabinsk, on which the defendants inflicted several blows with a sledgehammer, while unfurling the banner “You Shall Pay for Konev!” This action, as well as their alleged attempt to set fire to the Leninsky District Police Department of Chelyabinsk in protest against the beating and rape of a detainee that took place there in May, was interpreted as a continuation of the NBP’s activities. We consider inappropriate both the ban against the NBP and prosecutions against activists for participating in it, and believe the actions attributed to the activists should have been qualified under other articles.

Also in August, the Leninsky District Court of Perm found Alexander Shabarchin and Danila Vasilyev guilty of hooliganism committed by an organized group (Article 213 Part 2 of the Criminal Code); the third defendant, Alexander Etkin (Kotov), was acquitted. In November, the Perm Regional Court of Appeals mitigated the punishment for Alexander Shabarchin to a two year suspended sentence instead of two years in a minimum-security colony. Danila Vasilyev was issued a one year suspended sentence by a lower court. The case was initiated in connection with a public action conducted in November 2018 – a dummy appeared on a Perm street, representing Putin dressed in a prison uniform emblazoned with the words “liar” and “war criminal Pynya V.V.” In a video that was subsequently posted on the “Groza Permi” YouTube channel, people in camouflage uniforms escorted a man in a Putin mask through the Perm city center and then tied a dummy, with the president’s photograph for a face, to a post near the local central department store. The initial charge included the motive of hatred against Putin’s supporters as a social group. However, the court excluded the social hatred motive from the charges – in our opinion, quite appropriately. We believe that in order to avoid such nonsensical cases, the concept of a social group, which has no precise definition, should be excluded from the legislative norms. In general, we believe that the investigation did not have sufficient grounds to qualify the tying of the dummy to the post as hooliganism, that is, a gross violation of public order.

In mid-June, the Tverskoy District Court of Moscow issued a two-year suspended sentence with three years of probation and additional restriction of freedom for six months in the case of Vyacheslav Gorbaty. The retiree from Chernogolovka in the Moscow Region was an activist of the Initiative Group of the Referendum “For Responsible Power” (IGPR “ZOV”). The verdict was approved by the Moscow City Court in August. Gorbaty was found guilty of participating in the activities of the extremist organization Army of People’s Will (*Armia Voli Naroda*, AVN) under Article 282<sup>2</sup> Part 2 of the Criminal Code. Materials of the case were in 2016 separated from the case of Yuri Mukhin (the ideologist of the AVN and IGPR “ZOV”) and his associates Alexander Sokolov and Valery Parfenov. The investigation claimed that Gorbaty had served as the leader of a cell of the banned organization in the Moscow Region and had collected 143 thousand rubles for its activities, but the charge under Article 282<sup>3</sup> of the Criminal Code for financing of extremist activities was dropped in February due to expiry of the limitation period. The case under Article 282<sup>2</sup> of the Criminal Code went to court in October 2018 and was initially returned

to the prosecutor, but, in May 2019, Gorbaty was charged anew. Army of People's Will – an organization of the Stalinist-nationalist kind repeatedly implicated in xenophobic propaganda – was recognized as extremist in 2010. We view this decision as inappropriate since it was based solely on the ban of the leaflet *You have elected – You are to judge!* (*Ty izbral – tebe sudit*), which we consider unfounded. Accordingly, we also view sentences under Article 282<sup>2</sup> against the activists of IGPR “ZOV” (as the AVN’s successor) as inappropriate.

**Banning Organizations for Extremism.** In August, the Supreme Court satisfied the claim of the General Prosecutor’s Office and recognized the Prisoners Criminal Unity (*Arstantskoe Ugolovnoe Yedinstvo*, AUE) movement as extremist. In its claim, the Prosecutor General’s Office indicated that “AUE is a well-structured and managed organization,” whose members “are involved, among other things, in organizing mass riots,” and the ideology “poses a real threat to the life and health of citizens, the society and the state.” In our opinion, the decision to ban AUE as an extremist organization was not entirely justified. First, we do not agree that AUE is a single structure. Next, although the ideology of the underworld (and the AUE subculture) is focused on illegal activities and conceptually incompatible with respect for the constitutional rights of citizens, this ideology is not political and is not aimed at changing the constitutional order. Therefore, we believe that the activity of promoting this ideology should not be the subject to anti-extremist legal regulation, although it can be criminalized in principle. Perhaps a new criminal norm should have been created for the organizers of structures that exploit criminality and incite violence close in composition to Article 239 Part 1 of the Criminal Code (creation of a public association whose activity is fraught with violence against individuals).

Recognizing AUE as an extremist organization gave the authorities the opportunity to prosecute for the dissemination of the AUE ideology and symbols under anti-extremist articles – Article 282<sup>2</sup> of the Criminal Code and Article 20.3 of the Code of Administrative Offenses. The first case of application of Article 282<sup>2</sup> of the Criminal Code was only reported to us in 2021. But Article 20.3 was utilized against AUE followers probably hundreds of times throughout 2020 for online dissemination of criminal symbols as well as, for example, for tattoos with the corresponding images. We view such persecution as unreasonable, since these actions, in reality, do not signify support of any structure, but rather belonging to a criminal subculture – unfortunately, a very popular one in Russia due to the fact that a large number of its citizens have passed through the penitentiary system. The effectiveness of such sanctions also raises doubts, since it obviously drives the criminal subculture underground, exacerbating the isolation of its followers from the society, while they need help in resocialization and adaptation.

## Side Effects of the Fight for Tolerance

**Prosecutions for “Rehabilitation of Nazism”.** Beginning in May 2020, a series of criminal cases were initiated under Article 354<sup>1</sup> Parts 1 and 3 of the Criminal Code that covers the rehabilitation of Nazism (denial of the facts established by the Nuremberg Tribunal, or approval of Nazi crimes and dissemination of information expressing obvious disrespect to society about the days and symbols of Russia’s military glory) for attempts to upload photographs of the Third Reich leaders or famous collaborators (in particular, Adolf Hitler and Andrei Vlasov, but under different names) to the websites of the Immortal Regi-



ment movement on the eve of May 9, the Victory Day. Apparently, in all cases the offense consisted only of submitting photographs; the images did not, in fact, get onto the sites, since they were filtered out during pre-moderation. We believe that the actions of the internet users were qualified incorrectly.

An action such as uploading photographs of Nazi leaders to a website, even on the commemorative day of May 9, in and of itself, constitutes neither a public endorsement of Nazi crimes, nor dissemination of any information about a day of Russia's military glory. Apparently, these photographs were not accompanied by any statements approving or denying Nazi crimes.

According to the Investigative Committee, the majority of the users involved in such attempts turned out to be foreigners, but over ten people were residents of different regions of Russia. As we were informed, at least 12 such criminal cases were initiated in 2020 against the following people: Andrei Shabanov from Samara, Denis Vorontsov from Volgograd, Vyacheslav Kruglov from Ulyanovsk, Muhammad EL-Ayyubi from Kazan, Daniil Shestakov, Daniil Simanov and Maxim Gusev from Perm, Dmitry Borodaenko from Kemerovo, Yevgeny Akhmylov from Chita, a resident of Tula, a resident of Nyurbinsky District of Yakutia and Alexander Khoroshiltsev from Voronezh.

Verdicts were issued in six such cases:

- In September, the Perm Regional Court found 19-year-old student Daniil Simanov guilty based on the fact that, on May 4, 2020, Simanov, using a social network application, sent a photo of Andrei Vlasov to the Memory Bank website to be included in the "Immortal Regiment Online" action. He was sentenced under Article 354<sup>1</sup> Part 3 to 200 hours of community service with the confiscation of his computer.
- Also in September, the Ulyanovsk Regional Court sentenced local resident Vyacheslav Kruglov under Article 30 Part 3 and Article 354<sup>1</sup> Part 1 of the Criminal Code for an attempt to post a photo of Hitler on the Memory Bank website to a fine of 120 thousand rubles on a 12-month installment plan.
- In October, the Zabaikalsky Regional Court fined Yevgeny Akhmylov, a teacher in a Chita Polytechnic College, 150 thousand rubles under Article 354<sup>1</sup> Part 3 of the Criminal Code for an attempt to upload a photograph of Ataman Pyotr Krasnov to the Immortal Regiment website.
- In November, the Perm Regional Court found Daniil Shestakov guilty under Article 354<sup>1</sup> Part 3 of the Criminal Code and sentenced him to nine months of community service for submitting photos of Andrei Vlasov as a part of the Immortal Regiment Online Campaign.
- In December, the Supreme Court of Tatarstan found Muhammed EL-Ayyubi, a 21-old student from Kazan, guilty under Article 354<sup>1</sup> Part 1 and Article 228 Part 1 (illegal possession of narcotic substances) of the Criminal Code; he received a suspended sentence of one year of imprisonment and had to pay a 150 thousand rubles fine. EL-Ayyubi submitted Hitler's photo to the Memory Bank website.
- Kemerovo resident Dmitry Borodaenko was sentenced in the same month by the Kemerovo Regional Court under Article 30 Part 3 and Article 354<sup>1</sup> Part 1 to a fine of 120 thousand rubles – also for submitting the photo of Hitler to the Memory Bank website.

Yet another case on disseminating information about the days of Russia's military glory and memorable dates that expressed clear disrespect toward the society was opened in January and closed in June 2020. It was the case of blogger Nikolai Gorelov from Kaliningrad (writing under pen name Kirichenko), who, on May 9, 2018, published on his VKontakte page the text of his own composition, in which fictional representatives of different countries and social

strata as well as real historical characters “thanked” the Red Army in observance of the Victory Day. Some characters talked about their suffering inflicted either directly by or with the assistance of the Red Army; others tell how, thanks to the Red Army, they succeeded in committing atrocities. The text is obviously political and partly satirical; it suggests that readers take a critical look at the military operations of the Soviet Union, but never condoned Nazism.

In addition, a case under Article 354<sup>1</sup> Part 3 of the Criminal Code (public desecration of the symbols of Russia’s military glory) was opened in July against blogger Mikhail Alferov from Kemerovo, based on a video posted by Alferov on YouTube on May 9, 2020. In the video, Alferov criticized, in harsh terms, the opulent decoration of the city for the Victory Day, which contrasted with the unsatisfactory condition of residential buildings. The blogger also expressed his dissatisfaction with the use of St. George ribbon and demanded that police officers remove it from their uniform. In our opinion, statements about certain symbols, even if regarded as offensive, should not be equated with desecrating the symbol itself (by the way, the very concept of “symbols of military glory” is not clarified in Russian legislation).

A criminal case under the same part of the same article was opened in mid-September against an activist of the Citizens of the USSR movement from Krasnoyarsk, who posted on his VKontakte page “the swastika photoshopped from a St. George ribbon” with the caption “the flag worthy of the state.” By publishing this image the Krasnoyarsk resident obviously did not seek to justify the Nazi ideology or to desecrate the St. George ribbon as a symbol of military glory – most likely, the publication was intended as a critical statement about the politics of modern Russia.

**Sanctions for Display of Extremist Symbols.** According to statistics provided by the Judicial Department of the Supreme Court, there were 1052 cases of punishment under Article 20.3 in the first half of 2020, compared to 2388 cases for the entire 2019<sup>8</sup>. These numbers indicate that the total for this year might be lower than the year before, but a sharp decrease in application of this article is unlikely.

As usual, we know the details of the corresponding administrative cases and can assess their appropriateness only for some of these incidents. We recorded more cases of inappropriate persecution in 2020 than in 2019. People faced sanctions without proper grounds on at least 44 occasions, according to our information (we counted 31 such cases in 2019), with 43 cases pertaining to individuals and one to a legal entity; the defendants included activists, representatives of small businesses, and ordinary social media users. A fine is known to be imposed in 27 cases, administrative arrest in 10, six out of 44 were dismissed, and the outcome of the remaining two is unknown to us. Evidently, an introduction of a note to Article 20.3 stating that the article does not apply to cases, in which negative attitude towards the ideology of Nazism and extremism is being formed, and there are no signs of propaganda or justification of Nazi or extremist ideology, could not fundamentally improve the situation and reduce the application of sanctions only to cases, in which banned symbols were actually displayed in order to promote a dangerous ideology. Past enforcement problems persist, and the 2020 cases differ little from those of the preceding year.

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8. See: Consolidated statistical data on the activities of federal courts of general jurisdiction and magistrates’ courts for the first half of 2020 // Judicial Department at the Supreme Court of the Russian Federation. 2020 (<http://www.cdep.ru/index.php?id=79&item=5461>); Consolidated statistical data on the activities of federal courts of general jurisdiction and magistrates’ courts for 2019 // Judicial Department at the Supreme Court of the Russian Federation. 2020 (<http://www.cdep.ru/index.php?id=79&item=5258>).

The sanctions against antiques dealers under Article 20.3 for advertising the Third Reich items with Nazi symbols continue; we became aware of six such cases in 2020. We believe that this article should be applied primarily not to antique dealers, but to modern manufacturers of items with Nazi and neo-Nazi symbols (badges, clothing, copies of weapons, etc.) and distributors of such products. In addition, in our opinion, the confiscation of goods is unjustified in such cases, since for the seller antiques are objects of material value, and not a propaganda tool.

The Petropavlovsk-Kamchatsky City Court sentenced local resident Yevgeny Barkov, to a fine of one thousand rubles twice. Barkov posted two advertisements on Avito for the sale of two German objects from the Third Reich period – a medal and a badge. These artifacts contained Nazi symbols and, according to the court orders, were subject to confiscation as tools of an administrative offense. Barkov filed complaints against the rulings with the Kamchatka Regional Court, indicating that he posted ads with photos of Nazi paraphernalia not for the purpose of propagating Nazism, but with the intention of selling it. However, the court upheld the earlier rulings. In one of the decisions, the regional court came to the conclusion that Barkov's lack of propaganda intent did not give grounds for his release from liability, since any actions that make attributes and symbols "accessible for observation by other persons, including by publishing them in the media – the category to which the Avito website certainly belongs" may be defined as an offense; the court also referred to the position of the Constitutional Court stated in 2014 that the use of Nazi paraphernalia, regardless of its genesis, could cause suffering to people whose relatives died during the Great Patriotic War. In its decision on Barkov's second complaint, the court noted that his actions did not fit any of the exceptions established by law, since the announcement did not contain "explanations that would form a negative attitude towards the ideology of Nazism."

As before, several left-wing activists who consistently adhere to anti-fascist views became victims of persecution under Article 20.3 of the Code of Administrative Offenses in 2020. Thus, Lev Burlakov, the administrator of the "Levomarginal" public page on VKontakte, was placed under arrest for 10 days in Naberzhnye Chelny. The incriminating materials included three posts of his authorship (a meme with an NSDAP congress photo ridiculing the dogmatic perception of Marxism, an image with Nazi symbols shared from the community "These Funny Offended Rightists," and a critical post with a photo from the Russian March in Yekaterinburg) as well as five comments from other users. In Tatarstan, the Naberezhnye Chelny City Court has sentenced Denis Belov, a member of the Marxists Union, to 14 days of administrative arrest based on several posts on his VKontakte page. Some of his anti-fascist posts contained Nazi symbols, and the series of images with black and red anarcho-communist symbols (which the law enforcement and the court may have misinterpreted as symbols of the banned Right Sector).

The sanctions for the use of the swastika in a satirical or historical context, or in informational materials, still continue as well.

We learned in December, that, in Dankov of the Lipetsk Region, Sergei Korablin was fined a thousand rubles under Article 20.3 Part 1 of the Code of Administrative Offenses for posting, back in 2010, on his VKontakte page an episode from the South Park animated series, in which one of the characters comes to school on Halloween in a Hitler costume with the swastika on his shoulder; the horrified teacher tries to rectify the situation by dressing the boy as a ghost, but the outfit ends up looking like a Ku Klux Klan robe.

Lipetsk resident Artyom Barsukovsky was fined the same amount for a comment in a local VKontakte community he left underneath the news about the introduction of a mask regime in shops in the Lipetsk region. The commentary contained a video of Hitler's speech, which was overlaid with an audio recording of Ramzan Tutaev, the deputy imam of one of Chechnya's mosques, imploring people not to go outside without masks and gloves (in the spring of 2020, the video with Tutaev's appeal gained viral popularity and spawned a number of memes). The swastika is visible on Hitler's sleeve in the video. Barsukovsky said in court that he posted the video "in order to ridicule the current situation in the region in connection with the epidemiological situation with the coronavirus," and therefore, in his case, it would be appropriate to apply a note to Article 20.3, but the court decided that this argument was based on a misinterpretation of the law.

In some cases, however, the note to Article 20.3 of the Code of Administrative Offenses does get taken into account. In the Alikovsky District of the Chuvash Republic, the police refused to open an administrative case under Article 20.3 against Galina Ivanova, a teacher in the Bolshevylskoe village Secondary School. A participant in an amateur play about the Second World War, Ivanova posted on a social network her photo in a scout costume standing next to another participant, who played a HiPo member and wore a Nazi swastika on his sleeve. A photo was reported to the police by a lawyer and former Deputy Grigory Mikhailov, who was in conflict with the school principal (a chairman of the Deputies Assembly). However, the police found no offense in the actions of the teacher, who, nevertheless, has deleted the image from her page.

The Russian courts have no uniform tactics in applying the amendment. A court in Novokuznetsk of the Kemerovo Region imposed a fine of one thousand rubles upon Yevgeny Zabelin, a member of the Essence of Time (*Sut' vremeni*) movement, who posted a photograph with Nazi symbols on his VKontakte page in the fall of 2014. The image in question was an illustration to a LiveJournal post dedicated to the connection between philosopher Alexander Dugin and Golden Dawn, a far-right party in Greece. The post characterized this connection as reprehensible. The sanctions were based on the fact that one of the Golden Dawn propaganda materials mentioned in the post contained a photo of Rudolf Hess with a swastika-decorated armband. Zabelin tried to appeal this decision, but the Kemerovo Regional Court approved the fine. Meanwhile, Pavel Guryanov, a former activist of the same movement from Perm, was able to successfully invoke the amendment to Article 20.3 of the Code of Administrative Offenses. A report was compiled against him based on his 2016 LiveJournal post about the visit by a *Foreign Policy* journalist to the Azov Regiment training camp in Ukraine; the material was illustrated with photos featuring Azov insignia such as the Wolfsangel symbol formerly used by the Nazis. Guryanov said that he did not pursue the goal of advocating Nazism – on the contrary, his publication was anti-fascist in its intent. The district court agreed with him and ruled to dismiss his case.

It is worth noting that the courts made decisions to terminate proceedings in absurd cases of displaying the swastika both before and after the clarifying note was added to Article 20.3 in March 2020.

In the summer, the case of a 16-year-old teenager was terminated in Voronezh. The charges, filed in February, were based on materials shared on his VKontakte page, including the Tom and Jerry meme (where they personify the Third Reich and the USSR in World War II, and the characters are labeled with the corresponding Soviet and Nazi insignia), an amateur video of Rammstein's song "Heute Nacht," and a fragment from Quentin Tarantino's movie *Inglourious Basterds*, in which Hitler hits the table and shouts "Nein, nein,

nein!” The case filed against Irina Shumilova, a 19-year-old activist of the Left Block, for sharing the same Tom and Jerry video in March, was also dropped in the summer. In February, that is, before the amendments were adopted, the courts overturned the previously imposed sanctions in two cases of publishing the Tom and Jerry videos on VKontakte – the case of Vladislav Shenets in Kaliningrad and of minor Stepan L. in Kursk.

Note to Article 20.3 could well be applied to the cases of demonstrating the so-called Svarog square reported to us in 2020. This neo-pagan symbol was previously used by Northern Brotherhood (*Severnoe bratstvo*), a nationalist organization appropriately declared extremist in 2012. Accordingly, the demonstration of the Svarog square became punishable under Article 20.3. Now, the history of the Northern Brotherhood is unlikely to be widely known, while the Svarog square is a rather popular symbol in nationalist and neo-pagan circles; it is not hard to find people displaying it. In Moscow, the court fined TV anchor Yevgeny Kolesov 1,000 rubles and Power of the Law (*Sila zakona*) – the public organization engaged in the fight against swindlers, of which Kolesov is one of the founders – 10,000 rubles for using the Svarog square in the logo on the organization’s website. Kolesov stated that he used this sign because he views it as an ancient Slavic amulet, but the court was not convinced. We found no evidence of the propaganda of the Northern Brotherhood ideology in the activities of Kolesov or his organization; most likely, he knew nothing about the existence of such an organization, its symbols, or the ban against it. The same can be said about Khabarovsk activist Rostislav Smolensky, the owner of a well-known campaign car covered with slogans in support of Sergei Furgal, the arrested former governor of the Khabarovsk Krai. Smolensky was placed under arrest for 10 days in Vladivostok, because, during his live Instagram broadcast from his Furgalomobile, the camera showed the rear-view mirror decorated with a cross and two neo-pagan amulets, one of them in the shape of a Svarog square. We believe that in both of the above cases the courts should have taken into account that the symbols were displayed without any intent to promote a banned organization.

**Protecting “the Feelings of Religious Believers”.** As in the previous year, the charges of public insult against the feelings of believers were mostly applied to sharing of atheistic images on social media. It is worth reminding that we see no need to prosecute people for publishing such materials, even crude ones, unless they contain aggressive appeals against believers. In our point of view, such publications pose no danger to society, and sanctions for their dissemination can be regarded as unjustified interference with freedom of expression with respect to religion. In addition, we are convinced that the concept of “insulting the feelings of believers” introduced into texts of Article 148 Parts 1 and 2 of the Criminal Code have no clear legal meaning at all and should be excluded from the legislation.

In March, a court in Voronezh court issued a guilty verdict in the case of a local resident charged with insulting the feelings of believers and distributing child pornography on the Internet; we have no information about the punishment imposed. The charge under Article 148 of the Criminal Code is associated with the publication on VKontakte of an image depicting “naked saints.” We had no opportunity to review the image posted by the Voronezh resident, but we believe that, if the publication contained insults against representatives of any religion or incited hatred towards them, then these actions should have been qualified under Article 20.3.1 of the Code of Administrative Offenses; otherwise, he should not have been punished at all.

In August, it became known that the case of a 30-year-old resident of Kiselevsk in the Kemerovo Region charged under Article 148 Part 1 of the Criminal Code was forwarded to court.

According to the investigation, he published materials on the Internet that offended Muslims, Islam and the attributes of this religion. We have no information on the outcome of this case.

In late October, a criminal case was opened in the Oryol region under Article 148 Part 1 against a resident of the Verkhovsky district. The investigation claims that, in April 2020, he wrote a comment on VKontakte that insulted the feelings of believers; the content of the comment has not been reported.

The investigation of a criminal case under Article 148 Part 2 of the Criminal Code (public actions expressing clear disrespect for society and committed in order to insult the religious feelings of believers, committed in places specially designed for worship) was completed in Chita in November. An 18-year-old male Chita resident became a suspect for recording a TikTok video, in which he entered the Cathedral of the Kazan Icon of the Mother of God and, crossing himself, lit up his cigarette from a church candle. After the video leaked to the media, he apologized for it three times. Although the young man violated the accepted rules of conduct in the church, his actions in the church, judging by the video, caused no damage to the objects of worship and did not attract anyone's attention. Thus, in this case Article 148 Part 2 was applied inappropriately.

A magistrates' court in Surgut fined local resident Nikolai Sokurov 30 thousand rubles in September under Article 5.26 Part 2 of the Code of Administrative Offenses (intentional public desecration of religious or liturgical symbols and attributes). The case was based on Sokurov's VKontakte posts made in 2016–2018. The report mentioned "about ten images connected to religious themes in one way or another"; the ones that were specifically listed were satirical in nature and did not incite hatred. The report also mentioned the video "Orthodox Economy. Such News #73," published on the Radio Liberty YouTube channel and critical of Russia's economic policy. In our opinion, posting atheist pictures and videos online should not, in and of itself, be interpreted as desecrating objects of religious veneration, since publication of photo collages does not imply any active actions performed with the objects. It should be noted that the concept of "desecration" has never been defined in the legislation.

## Religious Groups

According to our information, at least 43 inappropriate verdicts against 88 people were issued in 2019 on charges of involvement in the activities of banned organizations (vs. 26 such verdicts against 92 persons in the preceding year). The majority of cases known to us pertained to religious organizations.

**Hizb ut-Tahrir.** Twelve sentences were imposed under the Criminal Code articles that cover organizing activities of a terrorist organization, participating or involving others in it, and they all related to the Islamist party Hizb ut-Tahrir, banned in Russia as a terrorist organization, despite the absence of any information about its involvement in terrorist activities.<sup>9</sup> 31 people were sentenced to long terms of imprisonment – from five to 23

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9. Our position is based, inter alia, on the ECHR judgment on the activities of Hizb ut-Tahrir, which was made as part of the decision on the complaint of two convicted members of the organization against the

years in a maximum or super-maximum security colony, in some cases with part of the term to be served in prison, and various additional restrictions (we do not specify them below). One defendant was acquitted. For comparison, a year earlier we recorded 14 sentences against 52 people.

The largest number of followers of Hizb ut-Tahrir convicted in 2020 – 18 people – were from Tatarstan:

- Artur Valov and Niyaz Ziyattinov were sentenced to 12 years of imprisonment under Article 205<sup>1</sup> Part 1.1 of the Criminal Code (financing of terrorism) and Article 205<sup>5</sup> Part 2 of the Criminal Code (participating in the activities of a terrorist organization);
- Ten more people received various terms of imprisonment: Ilmar Zyalilov was sentenced to 22 years under Article 205<sup>5</sup> Part 1 (organizing the activities of a terrorist organization), 205<sup>1</sup> Part 1 (involvement of a person for committing terrorist activities) and Article 205<sup>2</sup> Part 2 (public calls for committing of terrorist activity on the Internet); Ruslan Gabidullin and Azat Gataullin – to 19 years under the same articles; Abdukakhor Muminjanov – 17 years under Article 205<sup>5</sup> Part 1, Article 205<sup>2</sup> Part 1 (public calls for committing terrorist activity), Sergei Derzhipilsky – 16 years under Article 205<sup>5</sup> Part 1; Zulfat Sabirzianov, Komil Matiev and Farid Kryev – 15 years each under Article 205<sup>5</sup> Part 2 and Article 205<sup>2</sup> Part 2; Rustem Salakhutdinov – 14 years under Article 205<sup>5</sup> Part 2, and Ilmar Safullin – 11 years on the identical charges;
- Shamil Galimov received 17 years under Article 205<sup>5</sup> Part 1; Ilmir Motygullin – 13 years under Article 205<sup>5</sup> Part 2;
- Eduard Nizamov was sentenced to 23 years under 205<sup>1</sup> Part 1, Article 205<sup>5</sup> Part 1 in conjunction with Article 30 Part 1 and Article 278 of the Criminal Code (attempted forcible seizure of power);
- Ildar Akhmetzianov was sentenced to 17 years in prison under Article 205<sup>5</sup> Part 1;
- Rais Gimadiev received 16 years under Article 205<sup>5</sup> Part 1;
- Zokirzhon Ismanov, who was serving a sentence for involvement in Hizb ut-Tahrir in the Altai Territory, was sentenced to nine years of imprisonment under Article 205<sup>1</sup> Part 1.1 (recruitment into a terrorist organization) and Article 205<sup>2</sup> Part 1 for promoting party ideas among other prisoners; his total prison term amounts to 15 years.

Ten people were convicted in Crimea:

- Bakhchisarai residents: Marlen (Suleiman) Asanov, Memet Belialov and Timur Ibragimov received 19, 18 and 17 years, respectively, under Article 205<sup>5</sup> Part 1 and Article 278 with the use of Article 30 Part 1; Seyran Saliev – 16 years under Article 205<sup>5</sup> Part 2

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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.

and possibly Article 205<sup>2</sup> Part 2; Server Mustafayev, Server Zekiryaev and Edem Smailov – 14 years and 13 years, respectively, under Article 205<sup>5</sup> Part 2 and Article 278 of the Criminal Code with Article 30 Part 1; Ernes Ametov was acquitted in this case (the first acquittal in many years in a Hizb ut-Tahrir case);

- Rustem Emiruseinov was sentenced to 17 years under Article 205<sup>5</sup> Part 1, Arsen Abkhairov and Eskender Abdulganiev – to 13 and 12 years, respectively, under Article 205<sup>5</sup> Part 2.

Two sentences were issued in St. Petersburg: Khokim Abdukhalimov and Muso Jalolov were sentenced to 10 years in prison under Article 205<sup>5</sup> Part 2.

One resident of Samara was also convicted – Aleksei Botva received five years of imprisonment under Article 205<sup>5</sup> Part 2.

The verdict against aforementioned Bashkir nationalist Airat Dilmukhametov is worth mentioning here specifically in connection with Hizb ut-Tahrir. Dilmukhametov received nine years in a maximum security colony under the aggregation of the Criminal Code articles. One of the charges under Article 205<sup>2</sup> Part 2 (justification of terrorism) was associated with the publication of a video, on which Dilmukhametov – while criticizing rather than supporting the activities of Hizb ut-Tahrir – spoke about the unjustified persecution of party supporters under terrorist articles.

Throughout 2020, law enforcement agencies opened new cases related to participation in Hizb ut-Tahrir, involving about thirty people. Seven people, including a person with the first-degree disability due to vision impairment, were arrested in different regions of Crimea; charges were brought against five more Crimean Tatars in Bakhchisarai, four of whom were placed under arrest. A resident of the village of Orlinoe near Sevastopol was charged with giving deliberately false testimony at one of the trials against Hizb ut-Tahrir followers because he withdrew his testimony against one of the defendants claiming to have given them under pressure. A new criminal case was opened against five people in Tatarstan; a Tatarstan resident convicted in 2017 and serving a 19-year sentence in the Chelyabinsk Region was charged under Article 205<sup>5</sup> Part 2 and Article 205<sup>1</sup> Part 1.1 for recruiting other prisoners into Hizb ut-Tahrir. Several people were reportedly detained as part of a criminal investigation into the activities of Hizb ut-Tahrir in the Kaluga Region. Two Uzbek citizens were detained in the Kaliningrad region, where, according to the FSB, they spread the party ideology among local labor migrants.

**Tablighi Jamaat.** In 2020, at least two sentences against seven people were issued under Article 282<sup>2</sup> of the Criminal Code for continuing the activities of the Tablighi Jamaat religious movement recognized as an extremist. It was banned in Russia in 2009 – inappropriately, in our opinion. This movement is engaged in the propaganda of fundamentalist Islam, but was never implicated in any calls for violence, and therefore we view persecution of its supporters as unjustified. It should be noted that many followers of Tablighi Jamaat can be found among migrant workers from the Kyrgyz Republic, where this movement is not prohibited,

- The Volzhsky District Court of Saratov issued a verdict under Article 282<sup>2</sup> against a group of six local farmers – Radik Galimjanov, Bakhtiar Baykulov, Rustam Baykulov, Aidyngali Mindagaliev, Aslan Makhmaliev, and Mukhambetzhon Akhmetov – for their attempt to create a local Tablighi Jamaat cell and conduct preaching classes. Personalized information about the verdict is not available, but it is known that the



head of the cell was convicted under Article 282<sup>2</sup> Part 1 (organizing the activities of an extremist organization) and received three years in a minimum-security colony with restriction of freedom for a year. The remaining five offenders were found to be members of the cell and sentenced under Article 282<sup>2</sup> Part 2 (participation in the activities of an extremist organization) – four to a year and four months in a minimum-security colony with restriction of freedom for a year, and one more – to a year in a minimum-security colony with restriction of freedom for a year.

- The Kingisepp Town Court of the Leningrad Region sentenced citizen of Kyrgyzstan Ilyasbek Toktonazarov to two years of imprisonment under Article 282<sup>2</sup> Part 2; the regional court upheld his sentence.

New criminal cases were opened against the alleged Tablighi Jamaat followers. Six citizens of the Kyrgyz Republic were detained in Moscow and the Moscow Region as part of the investigation in a criminal case under Article 282<sup>2</sup> Parts 1 and 2. Investigative actions under the same articles took place in the Nizhny Novgorod, Penza, Saratov and Ulyanovsk regions; several people were detained. Six Muslims were detained in the Volgograd Region; their fate is unknown. Several people detained on the same charges in Mordovia were released under travel restrictions.

**Said Nursi Followers.** As a result of the unjustified bans against the books of moderate Islamic Turkish theologian Said Nursi, which were found to promote the superiority of Islam over other religions, a decision to ban an organization known as Nurcular was made in Russia in 2008. It is worth reminding here that the European Court of Human Rights ruled in 2018 that the Russian courts violated Article 10 of the European Convention on Freedom of Expression by banning Nursi's books. Russian Muslims studying Nursi's legacy do not, in fact, form a single organization, but this did not prevent the Supreme Court from banning Nurcular, which never existed in reality. Currently, Muslims reading and discussing Nursi's books can be prosecuted under Article 282<sup>2</sup> for involvement in an extremist organization and face real terms of imprisonment. Criminal cases of this kind are initiated in Russia every year.

For example, Gabdrakhman (Albert) Naumov, a teacher at the Russian Islamic University member of the Ulema Council of the Central Muslim Spiritual Board of Russia, former imam-khatib of the Al-Iman parish of the Muhtasibat of Sovetsky and Privolzhsky Districts in Kazan, and a well-known religious figure in Tatarstan was arrested in March 2020 under Article 282<sup>2</sup> Part 1 of the Criminal Code. Naumov denies any guilt. In Dagestan, Ibragim Murtazaliev, a resident of the village of Izberbash and a defendant in the case of Ilgar Aliev (convicted in Dagestan for involvement in Nurcular in 2018) was placed under arrest.

In late 2020, a criminal case under Article 282<sup>2</sup> Part 1 was opened against 62-year-old Nakiya Sharifullina from Naberezhnye Chelny. According to the investigation, she gathered citizens in a safe house and, under the guise of conducting Quran and the Turkish language classes, introduced the audience to the works of Said Nursi from the *Risale-i Nur* collection.

Denis Zhukov was charged under Article 282<sup>2</sup> Part 2 for participation in similar classes in Krasnoyarsk, but the Prosecutor's Office dropped his case in the spring of 2020. The decision to dismiss the case was made on the basis of a note to Article 282<sup>2</sup>, which exempts from responsibility the persons, who committed a crime for the first time and voluntarily stopped participating in the organization, unless their actions also indicate a different corpus delicti.

In November 2020, the Prosecutor's Office of the Republic of Tatarstan filed an administrative claim with the Naberezhnye Chelny City Court to recognize 47 titles of books and multi-book series as extremist. The lawsuit addressed the total of 163 publications – the largest-ever claim to recognize literature as extremist – and includes many books by Nursi in Turkish, four of his books in Tatar and two in Russian, *Islam in Modern Turkey* by Mary Weld (Sükran Vahide) in Russian, and *Ayats and Hadith in Risale-i Nur* by Kenan Demirtaş in Turkish. These books were found in the possession of Nakia Sharifullina and of seven other female residents of Naberezhnye Chelny.

The experts examined the books in the course of Sharifullina's criminal case and concluded that they represented "ideological sources of the religious extremist association Nurcular." In addition, the experts decided that the examined materials (which included not only the books, but also audio recordings of the conversations of the defendants in the case) contained statements that incited religious hatred and violence to the point of destruction of the enemy, as well as promoted the idea of superiority or inferiority of citizens on the basis of their belonging to a religion. The claim provided not a single specific quote to substantiate the law enforcement claims.

In our opinion, works of Said Nursi have been banned inappropriately. As far as we know, they contain no aggressive appeals or attempts to incite violence among their readers, while statements about the truth of one religion and the falsity of others cannot serve as a basis for banning religious literature. Banning an entire list of books only on the grounds that they are related to the teachings of Nursi is even less acceptable. We also doubt the appropriateness of banning the book by Mary Weld, an admirer and a scholar of Said Nursi's heritage, whose work is the theologian's biography, as well as the claims against Kenan Demirtaş' work on *Risale-i Nur*.

**Recognizing Islamic Materials as Extremist .** In June 2020, the Almetyevsk City Court of Tatarstan recognized two books by Islamic theologians as extremist. *200 FAQ on Muslim Belief* aims to clarify for Muslims a number of issues related to the understanding of doctrinal literature in terms of peaceful Salafism, espoused by its author, Hafiz al-Hakami (1924 – 1958), a theologian and a teacher who took an active part in the development of spiritual education in the south of Saudi Arabia. In our opinion, the book contains no aggressive appeals and there was no reason to ban it. Condemnation of polytheism and disapproval of apostasy from "true Islam" as professed by the Prophet Muhammad and his companions are typical of Salafi literature, however, we see these theses as pertaining to the sphere of intra-religious polemics; such statements, in and of themselves, should not be interpreted as incitement to religious hatred.

The book *Muhammad (SAW): Mercy for the Worlds. Morality of the Messenger and His Companions* by Turkish politician, religious philosopher, economist and teacher Haydâr Baş, (1947–2020) is devoted to the analysis of the biography of the Prophet Muhammad in order to identify his moral attitudes that are relevant for the modern believer. The author focuses on prophet's generosity, kindness, modesty and restraint, which also determines the nature of his book. It might be worth noting, however, that Baş takes a harsh stand on the issue of insulting the prophet – in his opinion, this transgression deserves the death penalty. Such a belief, of course, runs counter to modern secular laws and attitudes, but the book provides no guidance on establishing a regime that would introduce the death penalty for such misconduct, and contains no explicit calls for retaliation, so we believe that this book should not have been recognized as extremist.

In August 2020, the Krasnoglinsky District Court of Samara satisfied the claim of the Samara Regional Prosecutor's Office and recognized the Russian-language editions of two authoritative interpretations of the Quran (tafsirs) as extremist. The decision was upheld by the Samara Regional Court in January 2021. The first volume of tafsir as-Sa'di and the second and third volumes of Ibn Kathir's interpretation are prohibited, with the exception of direct quotations from the Quran. As-Sa'di's interpretation of the Quran indeed contains a number of interpretations that can be regarded as an endorsement of modern military jihad. However, it should be borne in mind that banning a fairly popular interpretation of the Quran on the basis of several aggressive statements it contains, may provoke a stronger negative reaction among the believers than the expected direct impact of these statements. As for the tafsir of Ibn Kathir, this text contains a ban on friendship with "infidels" and calls to fight them, however, we must not forget that Ibn Kathir is not a modern author, but a 14<sup>th</sup> century scholar, and the historical conditions, under which he was writing, were very different from our modern ones, so his text cannot be expected to conform to the modern understanding of tolerance.

**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 actively in 2020. According to the data collected by Jehovah's Witnesses, as of January 2021, criminal cases have been initiated against approximately 424 believers in 60 regions of the country since 2017. Based on the Jehovah's Witnesses data, it can be concluded that, in 2020, new criminal cases for continuation of the activities of their banned organizations and for financing them (Articles 282<sup>2</sup> and 282<sup>3</sup>) were initiated against at least 110 believers (vs. at least 213 defendants in 2019). Thus, the figures are about 50% of those recorded in the preceding year, and we can conclude that the repressive campaign against Jehovah's Witnesses has slowed down in 2020.

Part of the numerous criminal cases previously initiated against believers reached the courts in 2020. At least 25 sentences were issued against 46 of Jehovah's Witnesses.<sup>10</sup>

13 people were sentenced to imprisonment:

- Sergei Filatov from Dzhankoi (six years of imprisonment under Article 282<sup>2</sup> Part 1);
- Artyom Gerasimov from Yalta (originally sentenced under Article 282<sup>2</sup> Part 1 to a fine of 400 thousand rubles, but the Supreme Court of the Republic of Crimea replaced the fine with six years behind bars);
- Sergei Britvin and Vadim Levchuk from Beryozovsky in the Kemerovo Region (both received four years under Article 282<sup>2</sup> Part 1);
- Vladimir Khokhlov and Eduard Zhinzhirov (both received a year and three months under Article 282<sup>2</sup> Part 1 and Article 282<sup>3</sup> Part 1); Tatyana Shamsheva and Olga Silaeva (both received one year under Article 282<sup>2</sup> Part 2) from Novozybkov of the Bryansk Region; for all four defendants the term stipulated by the verdict was already served in pre-trial detention;

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10. Here we provide information only about the principal punishment, without additional ones, although those were frequently imposed as well, for example, restriction of freedom or a ban on participation in public organizations for a certain period.

- Unknown 58-year-old man from Rostov-on-Don (11 years in maximum-security penitentiary under the aggregation of articles – Article 282<sup>2</sup> Part 2 and Article 132 Part 3 paragraph “c” that covers violence against minors under the age of 14);
  - Sergei Polyakov from Omsk (three years of imprisonment under Article 282<sup>2</sup> Part 1 and Article 282<sup>3</sup> Part 1);
  - Yuri Savelyev from Novosibirsk (six years of imprisonment under Article 282<sup>2</sup> Part 1);
  - Vyacheslav Popov and Nikolai Kuzichkin from Sochi (a year and ten months and a year and a month, respectively, under Article 282<sup>2</sup> Part 1; both of them already served in pre-trial detention the entire term stipulated by the verdict).
- 27 people received suspended sentences:
- Grigory Bubnov from the village of Razdolnoye of Primorsky Krai (five years under Article 282<sup>2</sup> Part 1);
  - Alexander Pryanikov, Venera Dulova and Daria Dulova from Karpinsk of the Sverdlovsk Region (two and a half years and two years each, respectively, under Article 282<sup>2</sup> Part 2);
  - Stanislav Kim and Nikolai Polevodov from Khabarovsk (two years each under Article 282<sup>2</sup> Part 2);
  - Yevgeny Aksenov from Khabarovsk (two years under Article 282<sup>2</sup> Part 2);
  - Igor Ivashin from Lensk in Yakutia (six years under Article 282<sup>2</sup> Part 1);
  - Gennady Shpakovsky from Pskov (six and a half years under Article 282<sup>2</sup> Part 1 and Article 282<sup>3</sup> Part 1; initially, the defendant was sentenced to real prison term, but the appellate court replaced the verdict with a suspended sentence);
  - Khasan Kogut from Berezovsky of the Kemerovo Region (two and a half years under Article 282<sup>2</sup> Part 2);
  - Konstantin Bazhenov, Snezhana Bazhenova, and Vera Zolotova from Yelizovo of Kamchatka Krai (two years under Article 282<sup>2</sup> Part 2);
  - Ulyanovsk residents Sergei Mysin (four years),<sup>11</sup> Mikhail Zelensky, Andrei Tabakov and Alexander Ganin (three years), Natalya Mysina and Khoren Khachikyan (two and a half years) under Article 282<sup>2</sup> Part 2;
  - Valeria Raiman and Sergei Raiman from Kostroma (seven and eight years, respectively, under both Parts 1 and 2 of Article 282<sup>2</sup>);<sup>12</sup>
  - Sergei Ledenev from Petropavlovsk-Kamchatsky (two years under Article 282<sup>2</sup> Part 1);
  - Anastasia Polyakova, Gaukhar Bektemirova and Dinara Dyusekeeva from Omsk (two and a half years, two years, three months and two years, respectively, under Article 282<sup>2</sup> Part 2);
  - Ruslan Alyev from Rostov-on-Don (two and a half years under Article 282<sup>2</sup> Part 2);
  - Semyon Baibak from Rostov-on-Don (three and a half years under Article 282<sup>2</sup> Part 2 and Article 282<sup>3</sup> Part 1).
  - Six people were sentenced to fines, all under Article 282<sup>2</sup> Part 1:
  - Victor Trofimov and Roman Markin from Polyarny in the Murmansk Region (350 thousand and 300 thousand rubles);
  - Mikhail Popov and Elena Popova from Vilyuchinsk in Kamchatka Krai (350 thousand and 300 thousand rubles);

11. In 2021, the court of appeal added six months to Mysin’s term, reclassifying the charge against him as Article 282<sup>2</sup> Part 1.

12. In 2021, the appellate court dropped the charges under Part 1 of Article 282<sup>2</sup> and reduced the terms of Valeria Raiman and Sergei Raiman to suspended sentences of two and three years.

- Yevgeny Spirin from Furmanov in the Ivanovo Region (500 thousand rubles);
- Anatoly Tokarev from Kirov (500 thousand rubles).

One believer was acquitted by the court in 2020, but not under Article 282<sup>2</sup>. In Maysky of the Kabardino-Balkarian Republic, the lengthy trial of Yuri Zalipaev came to an end. He was charged under Article 280 Part 1 of the Criminal Code (public calls for extremist activity); according to the investigation, he called for beatings of Orthodox and Muslims during his sermon. The court acquitted him based on the results of the forensic examination; in early 2021 the acquittal was upheld by the Supreme Court of the republic. Zalipaev's case was opened in 2017; until 2019, he had also been charged under Article 282 Part 1 of the Criminal Code (incitement to religious hatred), but this charge was dropped after the partial decriminalization of this legal norm.

In 2020, courts returned a number of cases back to prosecutors:

- The Promyshlenny District Court of Orenburg returned to the prosecutor the case of Sergei Logunov, Vladimir Kochnev, Nikolai Zhugin, Alexei Matveyev, Pavel Lekontsev, and Vladislav Kolbanov under Article 282<sup>2</sup> Parts 1 and 2 and Article 282<sup>3</sup> Part 1 due to the vagueness of the charges and the lack of definition of motives and purposes of the crimes.<sup>13</sup>
- The Industrialny District Court of Khabarovsk ruled to return the case under Article 282<sup>2</sup> Parts 1 and 2 against Vitaly Zhuk, Tatiana Zhuk, Maya Karpushkina, Svetlana Sedova, as well as previously convicted Stanislav Kim and Nikolai Polevodov to the prosecutor's office to eliminate violations in the indictment. The Khabarovsk Regional Court upheld this decision.
- The Leninsky District Court of Smolensk returned the case under Article 282<sup>2</sup> Part 2 against 64-year-old Valentina Vladimirova and 61-year-old Tatyana Galkevich due to inadmissibility of the evidence provided by the prosecutor's office.
- The Partizansk City Court of Primorsky Krai returned the case under Article 282<sup>2</sup> Part 1 against Irina Buglak and another resident of Partizansk born in 1997. Believers pointed out that the Partizansk community was liquidated (but not recognized as extremist) back in 2015, prior to the ban against the Jehovah's Witnesses organizations; therefore, prosecution for continuation of its activities is not based on the law.
- The Pervorechensky District Court of Vladivostok returned the cases of the spouses Elena Barmakina (Article 282<sup>2</sup> Part 2) and Dmitry Barmakin (Article 282<sup>2</sup> Part 1) to the prosecutor's office due to the vagueness of the charges.

At the same time, as in the preceding year, cases returned to the prosecutor's office often came back to courts, either by the decisions of appellate instances or after the shortcomings were corrected by prosecutors.

- The case of Vladimir Alushkin, Tatyana Alushkina, Andrei Magliv, Vladimir Kulyasov, Denis Timoshin and Galiya Olkhova, whose verdict was issued in December 2019 and then canceled by the regional court, returned to the Penza Regional Court. As a result, the court replaced Vladimir Alushkin's six year prison term with a four-year suspended sentence and upheld the remaining suspended sentences.
- The Naberezhnye Chelny City Court will once again consider the case of Ilham Karimov, Vladimir Myakushin, Konstantin Matrashov and Aidar Yulmetyev; the new version of the charge was brought under Article 282<sup>2</sup> Part 1 and Article 282<sup>3</sup> Part 1; earlier, the case

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13. The case was returned to the court in 2021.

had been returned by the same court to the prosecutor's office, with decision approved by the Supreme Court of Tatarstan.

- The Leninsky District Court of Vladivostok has received for retrial a case under Article 282<sup>2</sup> Parts 1 and 2 against Valentin Osadchuk and six women aged 61 to 85 (Nadezhda Anoiikina, Lyubov Galaktionova, Elena Zaishchuk, Nailya Kogai, Nina Purge and Raisa Usanova), which was returned to the prosecutor in November 2019.

In practice, it turns out that there is no clear system indicating what articles and what parts of them the courts use against the believers, and what punishments are imposed on them for the same acts (holding prayer meetings and participating in them, collecting money, spreading the teachings of Jehovah's Witnesses). The same applies to the appellate review of the cases – some regional courts always uphold the decisions of the courts of first instance, others mitigate the sentences (for example, changing the real term of incarceration to a suspended one), while yet others, on the contrary, tend to make them harsher (changing a fine or a suspended sentence to imprisonment). Some courts pose questions about the constitutional right of Jehovah's Witnesses to freedom of religion, while others do not hesitate to interpret religious practice as a continuation of the activities of an extremist organization. Obviously, a lot here depends on the position of local law enforcement agencies, courts and authorities in general.

It is also worth noting that, according to Jehovah's Witnesses, more than 220 believers have spent time in pre-trial detention since the ban on the communities went into force, and about 70 were behind bars at some point in 2020. As before, the number of defendants in pre-trial detention kept changing throughout the year – on the one hand, new arrests were made, but, on the other hand, the courts changed jail to more lenient measures (house arrest, prohibition of certain actions, travel restrictions) for some of the believers. During the year, this number fluctuated between twenty and forty people.

Two Jehovah's Witnesses from Saratov, Felix Makhammadiev born in Uzbekistan and Konstantin Bazhenov born in Ukraine, were deprived of their Russian citizenship as convicted offenders under an anti-extremist criminal article. Makhammadiev was deported to Uzbekistan after his release from his penal colony in early 2021; Bazhenov has not yet finished serving his court-appointed term.

**Falun Gong.** In November of 2020, the Fifth General Jurisdiction Appellate Court upheld the claim of the prosecutor of the Republic of Khakassia to liquidate and recognize as extremist Khakassian Regional Public Organization for Spiritual and Physical Self-Improvement of a Person under the Great Falun Law "Falun Dafa." Earlier, in July, the Supreme Court of the Republic of Khakassia dismissed the claim, but the Prosecutor's Office appealed this decision. The claim seeking to liquidate the Khakassian organization accused its members of trying to disseminate *Zhuan Falun*, a banned treatise by Falun Dafa founder Li Hongzhi. According to Falun Gong practitioners, the Khakassian Falun Dafa organization ceased its operations in 2017, and have tried to notify the state authorities about it. However, the prosecutor's office stated that they never received the minutes of the meeting, during which the organization had made its decision to self-dissolve. Meanwhile, in August, the court of first instance came to the conclusion that the plaintiff's demands to ban the organization's activities were disproportionate to the violations committed, since the fact of mass distribution of extremist materials had never been established. There were only isolated cases of violation of the law by the organization's members, for which they were held accountable individually.

It is worth reminding that *Zhuan Falun* was recognized as extremist on the grounds that it allegedly advocated the superiority of the adherents of Falun Gong ideology over other people. In our opinion, propaganda of the truth of one's own convictions cannot be regarded as incitement to hatred, and the book does not contain any calls for violence, therefore the ban against it is inappropriate. Thus, there were no grounds for banning the organization in Khakassia. Falun Dafa is a new religious movement built around the practice of qigong gymnastics in combination with elements of Buddhism, Taoism, and Confucianism. It has been banned and persecuted in China, and its followers abroad, in turn, sharply criticize the Chinese authorities. The ban on the organization in Khakassia puts Falun Gong adherents across the country at risk of criminal prosecution for continuing their spiritual practice.

In addition, in July, the Prosecutor General's Office decided to recognize as undesirable the activities of seven international organizations of Falun Gong adherents (the World Organization to Investigate the Persecution of Falun Gong (USA), the Coalition to Investigate the Persecution of Falun Gong in China (USA), the Global Mission To Rescue Persecuted Falun Gong Practitioners (USA), Friends of Falun Gong (USA), Doctors Against Forced Organ Harvesting (USA), Dragon Springs Buddhist Society (USA), and European Falun Dafa Association (UK). De facto this is a ban against activities of international Falun Gong organizations in Russia.

Once, in January 2020, the St. Petersburg City Court upheld the decision of the Nevsky District Court of St. Petersburg, which, in May 2019, deemed the book *Nine Commentaries on the Communist Party* by Falun Gong followers prohibited for distribution in Russia, this decision entered into force. The court relied on the expert opinion that the book contained statements "aimed at inciting social enmity against followers of the Chinese Communist Party and communism in general." In our opinion, while *Nine Commentaries on the Communist Party* indeed contains sharp criticism of the CCP's activity, the authors of the book stay within the framework of historical and political discussion, do not allow any manifestations of ethnic xenophobia, do not advocate violence, and, on the contrary, emphasize the importance of a "non-violent transition to a society liberated from the CCP." Therefore, in our opinion, there were no grounds for banning the book.

**Protestant Denominations.** In May, the St. Petersburg City Court granted the appeal of the prosecutor's office and recognized books and booklets by American preacher William Branham (1909–1965) as extremist, despite the fact that earlier, in December 2018, the Pushkin District Court refused to ban these materials. According to the experts brought in by the prosecutor's office, the author of the books uses neuro-linguistic programming techniques, puts his teaching above the teachings of other churches, and creates an "image of an enemy" with respect to the "Catholic (including also the Orthodox) and Protestant churches." The writings in question insult the feelings "of the relevant groups of clergy and believers" by describing their opponents as sectarians and advocating the "ideas of a person's inferiority based on his/her religious affiliation." The Pushkinsky District Court ordered a new expert examination, reviewed its results and the materials of the case, and, after hearing the opinion of the process participants, decided to deny the prosecutorial request. The prosecutor's office did not agree with the decision of the Pushkinsky District Court and appealed to the city court, which ordered a new expert examination in the case and, based on its results, recognized Branham's works as extremist. In our opinion, there are no grounds for banning Branham's texts, since statements about the truth



of one creed and the fallacy of all others are typical of any religious teaching and should not be prosecuted. In August, Branham's books were included in the Federal List of Extremist Materials which thus increased by 21 new items.

**Administrative Sanctions for Distributing Religious Literature .** The number of cases, in which we know of charges for distribution of Islamic religious literature that we believe to have been banned unreasonably, is in the single digits for 2020; seven people in various regions of Russia were fined under Article 20.29 of the Code of Administrative Offenses. It should be noted that we possess information only on a small fraction (under two hundred) of all the decisions issued under this article in 2020; meanwhile, just in the first half of the year, the courts imposed sanctions under it 856 times.

Six cases dealt with Islamic materials, three of which pertained to the distribution of the *Miracles of the Quran* movie and one to a collection of prayers called *Fortress of the Muslim* – peaceful materials that appear in such administrative cases year after year. After two prohibited religious books were found in a mosque in the village of Kochaleika in the Penza Region, not only the imam had to pay a fine of 2,000 rubles, but the entire community was punished as well – by the court order, the work of the mosque was suspended for 30 days. In one case, the fine was based on alleged distribution of a Jehovah's Witnesses brochure.

## Sanctions against Libraries

In 2020, prosecutors continued to impose on libraries the sanctions, arising from the contradiction between the law "On Librarianship," which requires the libraries to provide unfettered reader access to collections, and the 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>14</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>15</sup> at least 35 such sanctions (vs. at least 63 in 2019) were imposed on library administrators, including school libraries, in 2020. The data of the past few years indicates the general downward trend in

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14. A detailed list of possible charges can be found in our report for 2011. See: 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/>).

15. 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.



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 successfully handle prosecutorial audits.

In addition, we know about two cases of inappropriate sanctions against librarians under Article 20.29 of the Administrative Code for mass distribution of extremist materials.

In February, Reseda Gaisina, an employee of the Kutushevsky rural branch of the inter-settlement centralized library system (CLS) of the Novosergievsky District in the Orenburg Region, was fined two thousand rubles. Her administrative case was based on the fact that, during an inspection, law enforcement agencies found in the library the *Fortress of the Muslim* – a collection of daily prayers recognized as extremist although, in our opinion, it does not contain any aggressive rhetoric.

In Perm Krai, Tatyana Shirinkina, the director of the Yusvinskaya Central Library System, was fined. During the inspection, the Yusvinsky District Prosecutor found a certain book, recognized as extremist in 2009, on the bookcrossing shelf (that is, on the shelf for the free exchange of books) in one of the libraries of the Central Library System. We believe that the Central Library System director had no intention of storing the prohibited materials specifically or facilitating their storage. In addition, books on the bookcrossing shelf do not belong to the library collection, and the legislation provides no definite guidance about the obligation of librarians to control the content of non-collection books swapped by visitors. In addition, the prosecutor's office could have simply issued a motion addressed to the Central Library System Director, or establish the person who put the book on the shelf and bring the perpetrator to justice; then the court could have submitted to the Central Library System Director a motion to eliminate the causes and conditions that contributed to the commission of an administrative offense (Article 29.13 of the Code of Administrative Offenses).

## Other Sanctions

Educational institutions and libraries still 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. In addition, principals of educational institutions get fined under Article 6.17 of the Code of Administrative Offenses for low quality of their content filtering. We only know of two such cases in 2020, although they are likely to be much more frequent.

We are opposed to sanctions 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 2020, administrators faced such charges on three occasions – owners of a pizzeria, a restaurant and an anti-movie-theater in the Yamalo-Nenets Autonomous Okrug.

## Mass Media and Anti-Extremism

Since Roskomnadzor did not publish a report on its activities for 2020, we have no information on the number of warnings issued by the agency to media outlets for violations of anti-extremist legislation during this period.

In addition to the above-mentioned Svetlana Prokopieva, at least one more journalist was unreasonably punished for carrying out professional activities: a journalist of the 29.ru portal Yaroslav Varenik was fined 10,000 rubles in Arkhangelsk under Article 20.3.1 of the Code of Administrative Offenses for incitement to hatred. He published a news article about local resident Arseny Kuroptev, who had been punished under the same Article 20.3.1 for reposting a text about “a Muslim conspiracy to destroy Russians.” The journalist quoted part of Kuroptev’s post in the text of his article. Varenik’s actions were obviously not intended to incite national or religious hatred, and, as explained by the Supreme Court,<sup>16</sup> quotes from xenophobic texts included in journalistic publications in order to inform readers should not be equated with the distribution of such quotes for propaganda purposes.

A Magistrates’ Court judge in Moscow fined lawyer Stanislav Kulov, the editor-in-chief of the *Religiya i Pravo* (Religion and Law) website, in the amount of four thousand rubles under Article 13.15 Part 2 of the Code of Administrative Offenses (dissemination of information about an organization recognized as extremist without indicating its prohibited status) for publishing an announcement regarding the presentation of the annual SOVA Center report on freedom of conscience. The text of the announcement mentioned “intensified persecution against Jehovah’s Witnesses” as one of the key trends in the freedom of conscience violations in Russia. Roskomnadzor, which filed an administrative offense report against Kulov, and then the court, concluded that the website had an obligation to mention the fact that the Jehovah’s Witnesses organizations had been banned as extremist. According to the *Religiya i Pravo* editorial board, this notification was not required, since the text spoke not about the banned Jehovah’s Witnesses Administrative Center in Russia, but merely about citizens, who followed the religious teaching of Jehovah’s Witnesses, and the religion per se was not prohibited by the Supreme Court decision. However, this argument was not accepted by a district court, which upheld the decision of the magistrate.

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16. See: Ruling of the Plenary Session of the Supreme Court of the Russian Federation of 15 June 2010 No. 16 “On the Practice of Application by Courts of the Law of the Russian Federation ‘On the Media’” // Rulings of the Plenary Sessions of the Supreme Court. 2015. July 10 (<http://supcourt.ru/en/files/16428/>), p. 55.

## A Bit of Statistics

Let us first turn to the general statistics collected by the SOVA Center in 2020 in the field of criminal law enforcement.

Providing these figures, we traditionally clarify that our data cover approximately two and a half times less than the actual number of sentences issued for utterances and reflected in statistical reports 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, and so on, and such information does not always become public.

At least five sentences against eight people were issued for violent hate crimes, one sentence for ideologically-motivated vandalism,<sup>17</sup> and 112 sentences against 130 people for public statements. Among this last group we regard four sentences against five people as legitimate, intended to suppress xenophobic manifestations; another 24 sentences against 28 people, in our opinion, are likely to have been issued appropriately – based on propaganda of violence against government officials; we are not confident with regard to the legitimacy of seven sentences against eight people, and we do not know (or have insufficient information on) the basis for the charges that led to 64 sentences against 70 people.<sup>18</sup> We know of 55 sentences against 122 people under the articles on involvement in banned organizations, of which three sentences against eight people we consider justified, and we are unable to evaluate nine additional sentences against 26 people due to lack or vagueness of information.

Now let's proceed to the data on the criminal sentences in the categories listed above that we view as inappropriate.<sup>19</sup> If we take into account the problematic decisions made under both anti-terrorist and anti-extremist articles, the total for 2020 will be 54 verdicts against 99 people (compared to 31 verdict against 97 people in 2019); out of these, 13 sentences against 19 people (vs. six against six people in 2019) were associated with public statements, 43 sentences against 88 people (vs. 26 sentences against 92 people in 2019) were associated with involvement in the activities of banned organizations, primarily religious.<sup>20</sup>

Out of these, 40 inappropriate sentences against 66 people were issued under anti-extremist criminal articles in 2020 (vs. 16 sentences against 44 people a year earlier). Nine sentences against nine people were issued for "extremist" statements (we recorded four

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17. This refers to sentences that take into account the hate motive. For more details see report by Natalia Yudina, "'Potius sero, quam nunquam': Hate Crimes and Counteraction to Them in Russia in 2020" in this book.

18. See more details in the concurrent SOVA Center report by Natalia Yudina "Anti-extremism in Quarantine: The State against the Incitement of Hatred and the Political Participation of Nationalists in Russia in 2020" in this book.

19. Speaking about the appropriateness of court decisions, we consider them only on the merits, in most cases omitting any discussion of possible procedural violations.

20. Some sentences are based on the aggregation of articles, including articles on public statements and articles on involvement in banned organizations.

such sentences against four people in 2019), and 31 verdicts against 57 people for involvement in the activities of extremist organizations (vs. 12 against 40 in 2019).

Below in this chapter, we present the results of tallying court decisions and newly initiated criminal cases that seem to us either completely inappropriate or majorly problematic, grouping them according to articles of the Criminal Code (the cases themselves are discussed in the relevant chapters of the report).

In 2020, as in 2019, we did not note a single inappropriate verdict under Article 282 of the Criminal Code and not a single new case unreasonably opened under this article.

As in the preceding year, according to our data, one sentence was inappropriately imposed on one person under Article 148 Part 1 of the Criminal Code for insulting the feelings of believers. A court found a Voronezh citizen guilty of publishing an atheistic image on the Internet (and of distributing pornography). We have no information about the punishment imposed on him. Three new criminal cases were initiated under Article 148 – in Chita and in the Kemerovo and the Oryol regions.

In 2020, at least 15 new cases were inappropriately opened under Article 354<sup>1</sup> Parts 1 and 3 of the Criminal Code (rehabilitation of Nazism), verdicts were pronounced on six of them (in 2019, two inappropriate sentences were issued under this article), and one case has been closed. Six people in different regions of Russia were sentenced to various punishments (a fine was imposed in four cases, two more entailed community service and corrective labour) for trying to upload portraits of Nazis and Nazi collaborators to the Immortal Regiment website on the eve of May 9.

In 2020, as in 2019, two inappropriate sentences were issued under Article 280 of the Criminal Code for incitement to extremism. Valery Bolshakov – the former secretary of the Sevastopol branch of the Russian United Labor Front Party (ROT FRONT) whose sentence was overturned in 2019, received another suspended sentence of two and a half years with a two-year ban on holding public office for his anti-government calls. We also view charges against Bashkir nationalist Airat Dilmukhametov under Article 280 for an emotional statement about Chechens that, in our opinion, should not be interpreted as a call to violence, as unjustified. (Dilmukhametov was sentenced to nine years in a maximum security colony under a set of the Criminal Code articles for several of his public statements.) One case inappropriately initiated in 2020 was returned to the prosecutor's office.

At least once arbitrary charges were brought under Article 280<sup>1</sup> of the Criminal Code on calls for separatism in 2020 (vs. none in 2019) – once again in the case of Airat Dilmukhametov – following a video message, in which he considered the possibility of initiating the renegotiation of a federal agreement between the subjects of the Russian Federation under new conditions. At least two new cases were opened that we consider lacking proper grounds – against Ingush activist Rashid Maisigov for calling online and in leaflets, the people of Ingushetia to secede from Russia and join Georgia, and against a citizen of Ukraine for distributing leaflets in Crimea that called for the return of the peninsula to Ukraine.

According to our data, not a single inappropriate sentence was issued in 2020 under Articles 213 and 214 of the Criminal Code (hooliganism and vandalism), taking into account the hate motive; the same was true in 2019. Of the two inappropriately opened cases on hate-motivated hooliganism that went to court in 2020, one ended in acquittal, and the hate motive was excluded from the other one.

In 2020, as in 2019, the courts did not deliver a single inappropriate verdict under Article 282<sup>1</sup> of the Criminal Code on the organization of an extremist community and participation in it. We have no information about any new cases opened under this article without due justification.

At least 31 inappropriate sentences were issued against 57 people under Article 282<sup>2</sup> of the Criminal Code in 2020 (a year earlier we recorded 12 such sentences against 40 people). 25 sentences against 46 people pertained to continuation of the activities of the Jehovah's Witnesses communities, with 13 people sentenced to various terms of imprisonment, 27 receiving suspended sentences, and six people sentenced to heavy fines. Two sentences against seven people (in Saratov and the Lenin-grad Region) were imposed for organizing the cells of the banned Islamic movement Tablighi Jamaat or participating in its activities; they received various terms of incarceration, from one to three years in a penal colony. Three additional suspended sentences were issued to three activists of the Other Russia party from Chelyabinsk for continuing the activities of the banned National Bolshevik Party. An activist of the Initiative Group of the Referendum "For Responsible Power" (IGPR "ZOV") from Chernogolovka in the Moscow Region was convicted of continuing the activities of the Army of People's Will – an organization recognized as extremist. He also received a suspended sentence. The number of people facing inappropriate prosecution under Article 282<sup>2</sup> in the cases initiated in 2020 was at least 130, of which the overwhelming majority are Jehovah's Witnesses (we recorded about 218 new criminal cases initiated under this article in 2019).

In total, we know about new criminal cases against approximately 145 people inappropriately initiated in 2020 under anti-extremist articles – a significantly smaller number than in 2019, when about 233 people faced inappropriate prosecution. This change is due to the decline in the persecution against Jehovah's Witnesses, since, as in the preceding year, they constituted the overwhelming majority of the defendants in such cases. Only a few new cases pertained to public statements.

We classified six sentences under Article 205<sup>2</sup> of the Criminal Code on the justification of terrorism as inappropriate. 12 people were convicted: Kursk resident Sergei Lavrov, was sentenced to five years in a penal colony and compulsory psychiatric treatment for posts calling for a fight against the "anti-national regime," Mikhail Sharygin from Nizhny Novgorod was fined 400 thousand rubles for his calls to blow up a construction site fence impeding the passage of the city residents, and journalist Svetlana Prokopieva from Pskov was fined 500 thousand rubles for discussing the influence of the state's repressive policy on young people in her radio broadcast on the subject of the explosion in the FSB office lobby in Arkhangelsk. Article 205<sup>2</sup> also appeared in the verdict against Airat Dilmukhametov, along with other articles, because he had declared that Hizb ut-Tahrir was not a terrorist organization; eight Hizb ut-Tahrir followers also were convicted under this article for justifying the activities of their party. We seriously doubt the validity of yet another sentence – the one faced by Aitakhaji Khalimov from Kaliningrad, who received three and a half years in a penal colony for reposting a video about the First Chechen War. We also believe that the case against activist Darya Polyudova under Article 205<sup>2</sup> (initiated in 2020 for justifying, in a private conversation, Yevgeny Manyurov's attack against the FSB building in Lubyanka) lacks proper justification.

As indicated above, we view the sentences imposed under the anti-terrorist articles of the Criminal Code for continuing the activities of Hizb ut-Tahrir as inappropriate. Hizb ut-Tahrir supporters are charged under Article 205<sup>5</sup> of the Criminal Code (organizing the activities of a terrorist organization or participating in such activities), sometimes under Article 205<sup>1</sup> (contributing to terrorist activity), often in conjunction with Article 205<sup>2</sup> (public calls for terrorist activity) and with Article 278 and Article 30 (preparing for forcible seizure of power). In 2020, there were 12 such sentences against 31 people (vs. 14 sentences against 52 people in 2019). The offenders received from five to 23 years of imprisonment in a maximum or super-maximum security colony, sometimes with part of the term to be served in prison, and with various additional restrictions. About 30 people were arrested in 2020 on charges of involvement in Hizb ut-Tahrir (about 20 arrested were reported in 2019).

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 or even thousands of cases filed under these articles. For example, according to the statistics provided by the Judicial Department of the Supreme Court, only in the first half of 2020, sanctions were imposed 347 times under Article 20.3.1 of the Code of Administrative Offenses (vs. 383 for the entire 2019), 1052 times under Article 20.3 of the Code of Administrative Offenses (vs. 2388 times for the entire 2019) and 856 times under Article 20.29 of the Code of Administrative Offenses (vs. 1591 times for the entire 2018).<sup>21</sup> However, only for several dozen cases we have sufficient information on the reason for the sanctions and the opportunity to evaluate the extent of their legitimacy.

We regard as inappropriate the administrative cases filed against eleven people under Article 20.3.1 of the Code of Administrative Offenses for inciting hatred (vs. nine such people in the preceding year): six people were fined, two were put under arrest, and one was sentenced to community service (one person received all three types of punishment); with respect to one person the case was dropped. In almost all of these cases, harsh statements against the authorities and law enforcement agencies formed the basis for the sanctions. For comparison, we classified 126 decisions we know to have been issued under Article 20.3.1 in 2020 as appropriate.

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 in at least 44 cases (vs. 31 in 2019). In 43 cases the offenders were individuals (one more was a legal entity), including activists of the opposition, small business owners and ordinary social media users. A fine was imposed in 27 cases, administrative arrest in ten cases and six out of 44 cases were discontinued; the outcome of two remaining cases is unknown.

According to our information, there were at least 58 cases of inappropriate punishment under Article 20.29 for mass distribution of extremist materials or for storage of such ma-

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21. See: Consolidated statistical data on the activities of federal courts of general jurisdiction and magistrates' courts for the first half of 2020 // Judicial Department at the Supreme Court of the Russian Federation. 2020 (<http://www.cdep.ru/index.php?id=79&item=5461>); Consolidated statistical data on the activities of federal courts of general jurisdiction and magistrates' courts for 2019 // Judicial Department at the Supreme Court of the Russian Federation. 2020 (<http://www.cdep.ru/index.php?id=79&item=5258>).

terials with intent to distribute (vs. 59 in 2019). The cases pertained to 58 individuals, and, in two cases, also included legal entities as defendants, and, in one such case, the activity of the legal entity was suspended for 30 days. We know that the courts imposed a fine as punishment in 55 of these cases, two cases were discontinued, and the outcome of one more case is unknown. Inappropriately punished individuals included primarily ordinary users of social networks, opposition activists and believers of various religious movements. As a rule, these people were not involved in the actual mass distribution of banned materials.

At least 30 cases were filed in 2020 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 year earlier, there were at least 56 such cases, that is, the trend of norm being applied less frequently, which was observed in the second half of 2019, continued. A fine was imposed 21 times (one person was fined three times; one more person was fined twice), administrative arrest was imposed in one case for a repeated violation, proceedings in five cases were discontinued, the outcome of two cases is unknown, and, in one remaining case, a fine was levied after the end of our review period, in early 2021. In almost all cases, the charges were related to disrespect for the authorities (primarily the president, but also officials, police officers, or judges).

The Federal List of Extremist Materials increased by 139 entries in 2020, compared to 193 new entries in 2019, that is, its growth rate, which shows a downward trend over the last few years, continued to fall. However, the number of entries that we view as included on the list inappropriately has grown compared to the previous year – 25 entries compared to five in 2019 (21 of them were actually by the same author: American Christian minister William Branham). We have to add, as usual, that we are not familiar with all the materials on the Federal List, and some materials with content unknown to us could also have been banned inappropriately. In addition, we believe that the mechanism of banning materials and adding them to a special list, which reached 5143 entries by the end of 2020, is ineffective and leads to sanctions for disseminating information that poses no actual danger to society.

# Freedom of Conscience in Russia: Restrictions and Challenges in 2020

This report<sup>1</sup> is based on information collected by the Center through its monitoring program. The collected information, including 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/religion](http://www.sova-center.ru/religion)). This report provides citations only for the sources not found on the SOVA website. With regard to the events of 2019 described in our preceding report,<sup>2</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 the previous report in this book.<sup>3</sup>

## Summary

In 2020, the state policy of discriminating against religious minorities continued unabated.

The state continued the campaign of criminal prosecutions against Jehovah's Witnesses for continuing the activities of an extremist organization (de facto, for the constitutionally guaranteed right to collectively practice their religion). The number of guilty verdicts increased from 18 in 2019 to 25 in 2020, with 13 people sentenced to real terms of imprisonment. New criminal cases were initiated, albeit in smaller numbers than a year earlier. In total, more than 400 believers have been prosecuted since the Administrative Center and the local organizations were banned in 2017. Physical violence against detained Jehovah's Witnesses has been reported regularly.

Representatives of several other religious organizations were prosecuted – the Church of the Last Testament, the Church of Scientology, the Church of the Flying Spaghetti Monster, as well as a “non-remembering” Orthodox community in the Pskov Region [opposing priests, unwilling to pray for the Patriarch during the service]. Various charges were brought against them, but the number of these incidents and the obvious excessiveness of the measures applied in these cases suggest a planned official campaign of pressure.

Administrative sanctions against believers and religious organizations continued as well. Unfortunately, the downward trend in the number of administrative cases for “illegal” missionary work, noted in our prior annual report, did not persist. Moreover, the

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1. The author of the report is one of SOVA Center founders.

2. Olga Sibireva. Freedom of Conscience in Russia: Restrictions and Challenges in 2019 // SOVA Center. 2020. 19 March (<https://www.sova-center.ru/en/religion/publications/2020/03/d42209/>).

3. Maria Kravchenko. Inappropriate Enforcement of Anti-Extremism Legislation in Russia in 2020.



amendments from the Yarovaya-Ozerov package that regulate missionary activities were more frequently applied to believers of the “traditional religions.” In the first six months, the number of Muslims who were punished for this offense surpassed the number of Protestants. However, this peculiarity of the past year can be viewed as part of the policy of pressure against religious minorities, since the Muslims, who faced the sanctions, primarily belonged to the Crimean organizations that refused to recognize the jurisdiction of the pro-Russian Spiritual Administration of Muslims.

New legal instruments to put pressure on religious organizations were crafted. Amendments to the law “On Freedom of Conscience and Religious Associations” introduced in 2020 and adopted already in 2021 will complicate the life of all religious associations. In particular, the amendments mandate that priests and employees of religious organizations who have received spiritual education abroad and who are starting religious or missionary activities in Russia for the first time receive additional professional education either in religious educational institutions that have the state accreditation for programs in state-confessional relations or in federal universities, the list of which has not yet been determined. Besides the fact that this norm openly discriminates against religious organizations that have no religious schools in Russia, the ambiguity of the wording leaves room for abuse in its enforcement.

The fact that the term “members” (of a religious group) has been replaced with “participants” provides yet another possible avenue for abuse in the law enforcement practice; the concept of “church membership” is significant for Christians. In addition, a newly introduced legal norm, banning the persons included in the Federal Financial Monitoring Service (Rosfinmonitoring List of Extremists and Terrorists) from the participation in religious groups, directly contradicts their constitutional right to practice their religion together with others.

Religious organizations still often have to face difficulties when using existing buildings – Protestant churches more often than the others.

The construction of new churches, primarily the Orthodox ones, remains a source of tension in the society, but the level of this tension did not increase relative to 2019. Most of the construction-related conflicts, as in the previous year, took place in the regions. The discontent of local residents was most often caused by an unfortunate choice of a site for the future temple or by violations in the course of public hearings or refusal to conduct such hearings. The authorities abandoned their construction plans under pressure from the public less often than in the preceding year, but the cases of open disregard for the opinion of the townspeople were also few and far between. As a rule, the two sides managed to find a compromise solution.

Criminal and administrative prosecutions for “insults to religious feelings” were even less active than a year ago. The activity of public champions of “the feelings of believers” also remained low against the background of the restrictions related to COVID-19. Most protests in defense of these feelings were initiated by several groups of believers who have been active in this sphere for several years. As in the preceding year, there were practically no cases, in which the authorities or the organizers of cultural events that the “Orthodox activists” found problematic made unconditional concessions – most often the conflicts were resolved by compromise.

Pandemic-related restrictions did not significantly affect the situation with freedom of religion, but they revealed the existing internal problems of religious organizations. The changes in the relationship between the Russian Orthodox Church and the state consti-

tute another important development – the ROC was the loudest in its objections against the church attendance restrictions for its followers. As in previous years, the level of religiously motivated violence remained low. However, defamation of religious minorities in the media, directed, as before, primarily against Protestants and followers of new religious movements, has remained a serious problem.

In general, it can be stated that freedom of conscience in 2020 became even more restricted by the authorities, but less so by non-state actors.

## Legislation

The law “On Amendments to Part Two of the Tax Code of the Russian Federation (in terms of tax support measures in the context of the spread of the new coronavirus infection)” was adopted in the third reading on May 22, and signed by the President on June 8. The adopted amendments exempted centralized religious organizations, along with other non-profit organizations conducting social activities, from paying taxes and insurance premiums for the second quarter of 2020 in connection with the coronavirus pandemic.

The greatest public outcry was caused by the draft amendments to the law “On Freedom of Conscience and Religious Associations” prepared by the Ministry of Justice and submitted to the State Duma in July, which was adopted outside of our review period in March 2021. Along with innovations that simplify the life of religious organizations and facilitate registration, this law provides for the extension to religious groups of several repressive norms previously introduced for NGOs.

Among other legislative innovations, the amendments indicate that the following types of persons are not allowed to be leaders or members of religious groups: a foreign citizen or a stateless person, whose continued stay in the Russian Federation has been deemed undesirable; a person included on the Rosfinmonitoring List; a person in respect of whom a court decision established that their actions amounted to extremist activity; an individual whose accounts are frozen by the Interdepartmental Commission on Countering the Financing of Terrorism. Thus, these categories of people completely lose their constitutional right to profess their religion together with others. It has also been proposed to make the notification procedure for continuing the activities of religious groups more complicated – they will have to submit such notifications annually instead of once every three years, as they do now, and the notification should contain the same amount of information as the one submitted at the start of the group’s activities.

These amendments also expand the ability of the state to interfere in the internal affairs of religious organizations. It has been proposed to replace the current wording regarding non-interference of the state, applicable if the activity of a religious organization “*does not contradict this Federal Law*” with “*if it does not contradict the legislation of the Russian Federation*.” The possibility of banning the secession of a religious organization from a centralized organization has also been legally established.

Another amendment provides for the replacement of the term “members” (of a religious organization) by “participants” throughout the text of the law. The amendments also mandate that priests who have received spiritual education abroad undergo re-certification in Russia and receive additional professional education. In the final version, adopted in March 2021, this requirement was removed for the clergy already operating in

Russia. Considering that some religious organizations simply do not have religious educational institutions in Russia, this requirement is openly discriminatory.

Even though almost all of these amendments significantly complicate the life of religious organizations and groups, only the last two points caused heated discussion. Believers, as well as lawyers and religious scholars, noted that a number of religious organizations do not have the opportunity to train clergy and employees of their organizations in Russia due to the lack of appropriate theological schools. Besides, the amendments do not explain who and how should re-certify clergy. Replacing the term “members” with “participants” is fraught with abuse in the course of the law enforcement since the concept of “church member” is important for believers and they will not give up using it, but failure to use the correct term can be interpreted as contradicting their charter.

The public outcry forced the legislators to promise to take the wishes of believers into account, at least concerning the recertification of the clergy. Consultations were held with representatives of religious organizations. By the second reading of the bill, which took place on March 22, 2021, some changes were made – clergy and religious personnel, who received their religious education abroad and are about to start performing religious services, missionary or teaching activities in Russia for the first time, will have to get “*additional professional education in the field of the foundations of state-confessional relations in the Russian Federation*,” once the law goes into effect. Individuals, already engaged in religious, missionary, and teaching activities after having received a foreign religious education, are not required to get additional education in Russia. At the same time, the law does not specify who should be considered a person starting their religious activity for the first time or what kind of additional education they should receive.

The remaining text of the bill was adopted in the second and third readings without changes.

Another bill, prepared and submitted to the State Duma by the government, and adopted in the first reading outside of our review period in January 2021 is the draft law “On Amending the Federal Law “On Counteracting the Legalization (Laundering) of Criminally Obtained Incomes and Financing of Terrorism” by clarifying the requirements applicable to religious organizations and legal entities created by them.” The amendments allow religious organizations and legal entities created by them not to report their beneficial owners (profit recipients) to the Federal Service for Financial Monitoring (Rosfinmonitoring).

The authors of the bill believe that religious organizations can be removed from the provisions of the anti-money laundering law due to their low money laundering risk.

## Bills Not (Yet) Implemented

In January, the Ministry of Justice proposed for discussion a draft of a new Code of Administrative Offenses, which also included amendments to the article that stipulates the punishment for violations of legislation on freedom of conscience, freedom of religion, and religious associations. Article 5.26 of the current Code is expected to be replaced with Article 6.4 “Violation of the legislation on freedom of conscience, freedom of religion and on religious associations.”

The texts of both articles are largely identical, but the new edition provides for the mitigation of punishment for individuals for obstructing the exercise of the right to freedom of conscience and freedom of religion (including the acceptance or renunciation of reli-

gious or other beliefs and joining or withdrawing from a religious association). Instead of the current fine in the amount of 10 to 30 thousand rubles, a fine of three to five thousand rubles or a warning has been proposed.

The new version has removed the phrase “signs or emblems of ideological symbols and paraphernalia” from the current wording of the article “Intentional public desecration of religious or liturgical literature, objects of religious veneration, signs or emblems of ideological symbols and paraphernalia, or their damage or destruction.” The amount of the fine for this act has not changed, and the number of community service hours has decreased from 120 to 60. The project was not submitted to the State Duma in 2020.

In January, the State Duma Committee for the Development of Civil Society, Public and Religious Associations announced that it was working on the amendments to simplify the supervision of organizations under the jurisdiction of the Russian Orthodox Church and other “traditional” confessions. According to Sergei Gavrilov, who serves as the head of the committee, the changes were intended to “*reduce the volume and frequency of inspections, as well as reporting that religious organizations submit to the justice authorities.*” Amendments were never introduced in the course of the year.

In June, another attempt was made to bring under control the activities of traditional healers, shamans, and psychics. Viktor Zubarev, a State Duma deputy from the United Russia, addressed Deputy Prime Minister Tatyana Golikova with the corresponding proposal. He proposed “to introduce mandatory licensing for all practitioners of near-medical consulting.” As did many previous attempts to regulate this area, this one has failed – the proposal was never even formalized for introduction to the State Duma.

In November, the Ministry of Justice prepared yet another series of amendments to the laws “On Freedom of Conscience and Religious Associations” and “On Non-profit Organizations” clearly motivated by the pandemic realities. The amendments made it possible for the governing bodies of non-profit and religious organizations to hold online meetings and sessions on issues that do not require a secret ballot. These amendments have not yet been introduced in the State Duma. It is worth noting that a similar bill was introduced to the State Duma by a group of deputies in April, but was withdrawn in July.

In the course of the year, the Constitutional Court issued three important rulings concerning religious organizations, all related to the use of premises for worship.

On January 14, the Constitutional Court issued a ruling on the complaint of the Association of The Church of Jesus Christ of Latter-day Saints in Russia (Mormons) on violation of constitutional rights and freedoms under Article 8.8 Part 1 of the Code of Administrative Offenses of the Russian Federation as well as Article 7 Paragraph 2 and Article 42 of the Land Code of the Russian Federation. The Association appealed a court ruling that fined it for using its administrative building in Taganrog for holding religious services and as the legal address of the local religious organization of The Church of Jesus Christ of Latter-day Saints.

The Constitutional Court upheld the right of religious organizations to hold services, as well as religious rites and ceremonies in administrative buildings, regardless of whether the building belongs to the religious organization itself or is provided by the owner. The court referred to its prior determination, issued in 2019 regarding the complaint of Olga Glamozdinova, which confirmed the owners’ right to provide their living quarters to a religious organization for conducting services.

On November 17, the court ruled on the complaint filed by the Tver community of the Russian Orthodox Church of the Reigning Mother of God, which challenged the constitutionality of Article 2 Paragraph 1 of the Federal Law “On the Transfer of State or Municipal Property Intended for Religious Purposes to Religious Organizations.” This paragraph defines property intended for religious purposes as “*immovable property (premises, buildings, structures, facilities, including objects of cultural heritage (historical and cultural monuments) of the peoples of the Russian Federation; monastic, temple and (or) other religious complexes), built for conducting and (or) supporting such activities of religious organizations as performing religious services, other religious rites and ceremonies, holding prayer and religious meetings; teaching religion, professional religious education, monastic life, or religious veneration (pilgrimage); as well as buildings for temporary residence of pilgrims, and movable property intended for religious purposes (interior decoration accessories of religious buildings and structures; objects used for worship or other religious purposes).*”

The religious organization filed a complaint regarding the refusal of the Tver authorities (based on the above-mentioned law) to transfer ownership of the non-residential premises, which the community, with official permission, used for holding its services from 1996 to 2011. During this time, the community repaired and rebuilt the building, increasing the area, so that it was accepted for operation as a temple of the New Russian Martyrs. The authorities not only refused to transfer the building, citing the fact that it never fully became religious property (other entities, such as workrooms and a district heating center also occupied space on the premises) but also tore up the new lease agreement and then completely gave the temple over for gratis use to the Orthodox parish of the Church of Lazarus of the Four-Days, which belongs to the Kashin Diocese of the Russian Orthodox Church. The “Reigning Mother of God” community failed in their attempts to challenge these actions of the authorities in court.

The Constitutional Court concluded that the clause of the federal law contested by the religious organization “does not comply with the Constitution of the Russian Federation, specifically its Articles 19 (Parts 1 and 2), 28 and 55 (Part 3) to the extent that it does not allow to unambiguously resolve the issue of whether or not the procedure for transferring property established by this law <...> extends to premises in a building that is in municipal ownership and was reconstructed by a religious organization with the consent of the owner <...>, and creates uncertainty about the mechanism for protecting the legitimate interests of a religious organization after the removal of such property from its use” and ordered the federal legislators “to take measures to eliminate the identified vagueness of the legal regulation.”

Once the above-mentioned uncertainty is removed, the Tver “Reigning Mother of God” community will be able to demand a retrial of its case. However, the Constitutional Court also noted that, if the case is reconsidered, the premises transferred to the ROC cannot be returned to the community, since this “can deeply hurt the feelings of believers, and will lead not only to the affecting the legitimate interests of the religious organization but also to a significant violation of the rights of its members.” Therefore, the community of the Church of the Reigning Mother of God can only expect compensation for the costs incurred.

In November, the Constitutional Court ruled on the complaint of the Word of Life Church of Evangelical Christians from Dolgoprudny, which challenged the constitutionality of Article 5.26 Part 3 of the Code of Administrative Offenses of the Russian Federation (carrying out the activities by a religious organization without specifying its official full name, in-

cluding the release or distribution of literature, printed, audio, and video materials without labeling the material with the specified name or incomplete or deliberately false labeling) and Article 8 Paragraph 8 of the Federal Law “On Freedom of Conscience” (“The name of a religious organization must contain information about its religious affiliation. A religious organization must provide its full name when carrying out its activities”).

The court concluded that religious organizations should not be held administratively liable for the absence of their full name on the facade of a residential building belonging to a religious organization, in the event that services are performed only in a part of a residential building and not in the entire building, and if the corresponding signs inside a residential building, at the entrance to the liturgical premises indicate the full name of the religious organization. A religious organization should also not be held liable if the services do not take place in a residential building whose address is indicated in the Unified State Register of Legal Entities as the address of the religious organization.

It is also worth noting that in July, the presidential envoy to the Constitutional Court submitted a response to the complaint of lawyer Sergei Chugunov, who contested the above-mentioned Article 8 Paragraph 8 of the Federal Law “On Freedom of Conscience and Religious Associations.” According to Chugunov, “*the norm does not specify a place, in which a religious organization must post the information indicating its full name,*” which, in practice, leads to numerous abuses in its enforcement.

The author of the legal opinion agrees that “it does not follow unequivocally” from the wording of the law “where exactly the information with the official name should be placed;” there are “at least two ways of interpreting this norm,” which implies “certain risks to the public interests,” but at the same time has “positive regulatory aspects.” Thus, according to the plenipotentiary presidential representative to the Constitutional Court, although the contested norm allows for ambiguous interpretation, it does not contradict the Constitution, which means that it does not need to be changed. Marina Bespalova and Andrei Klishas, the State Duma and the Federation Council representatives in the Constitutional Court, came to a similar conclusion.

# Problems with Places of Worship

## Problems with the Construction of Religious Sites

We can conclude that the program for the construction of modular Orthodox churches in Moscow has ceased to be a source of tension and conflict. In the course of the year, there were no high-profile conflicts around the construction of temples. Apparently, over the past few years, the interested parties learned to find a compromise and negotiate peacefully. In other regions, the number of conflicts around the construction of churches showed no significant increase, but they did arise from time to time, and, as in preceding years, they most often stemmed from the poor location choices for the construction sites.

As before, local residents protested primarily against the attempts to build temples in parks. Residents of Novosibirsk, Omsk, Bor in the Nizhny Novgorod Region, Novokuibyshevsk in the Samara Region, Engels of the Saratov Region, and Miass of the Chelyabinsk Region opposed the construction of churches in their green areas.

Blagoveshchensk Residents also protested against the construction of a church in the park at the intersection of Lenin and Tchaikovsky streets, but they were not worried about the trees being cut down. The protesters wanted to see “the Shadrin Cathedral” – a Trinity Church, built by the philanthropist Semyon Shadrin and demolished in 1936 – restored to its original location on the intersection. The diocese plans to build on this site a brand new temple in honor of the Albazin Icon of the Mother of God.

The construction outside of green areas also often caused dissatisfaction, if the authorities failed to properly coordinate the site for the temple with local residents, who may have had other plans for these areas. One of the most noteworthy conflicts took place in Chita, where residents protested against the construction of three churches. One of them is to be built on Angarskaya Street dangerously close to a bacteriological laboratory. In the second case, a forest site in a former military station was previously envisioned as a children’s recreation camp, but the authorities refused to grant permission at that time; now the site has been proposed as a location for a Russian Orthodox Church complex. The temple construction on the third site, in Sosnovy Bor neighborhood, also runs contrary to the wishes of local residents, who also objected against the location chosen for the public hearings on the construction – in the Beryozka park outside the city, far from the areas under discussion. Not everyone had the means to travel such distances on a weekday.

It is worth noting that Metropolitan Dimitri (Eliseev) of Chita and Petrovsk-Zabaykalsky, who participated in the discussion, frankly stated that he did not intend to take the opinion of a large segment of local residents into account. During public hearings, he said: *“Sorry, but I am not going to and do not intend to ask the entire Transbaikalia whether to build my temple here or not. People who need it come to me, I act in accordance with the law, and, according to this law, I approach the appropriate administration.”*<sup>4</sup>

In response to such a statement, the opponents of the construction appealed to the mayor with a reminder that Chita was a multi-confessional city suffering from a shortage of kindergartens, schools, and medical centers, and the authorities should focus on constructing these facilities rather than supporting the diocese.

In the Oryol Region, residents of the Saburovsky rural settlement went to court to challenge the legality of a temple construction on agricultural land. Residents emphasized that they oppose the construction of a temple on “their” land. As one of the participants commented on the situation during the public hearings, *“You could build a new school, connect us to the Internet, the agriculture is dying here – and, instead, you are building a church, and illegally at that.”*

Residents of Monetny village in Beryozovsky of the Sverdlovsk Region protested against the church construction near an art school fearing that children would see funeral processions, and that *“the bells ringing would interfere with the tuning of violins.”*

In some cases, local residents were dissatisfied with the prospect of destruction, reconstruction, or relocation of another object caused by the temple construction. Thus, residents of Ubinskoye village of the Novosibirsk Region opposed moving a monument to fallen fighters of the Second World War for the purpose of building a church in its place.

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4. Vladyka Dimitri: I’m not going to ask the entire Transbaikalia whether to build a temple here or not // Zab.ru. 2020. 12 September ([https://zab.ru/news/132111\\_vladyka\\_dimitrij\\_ya\\_ne\\_sobirayus\\_u\\_vsego\\_zabajkalya\\_sprashivat\\_stroit\\_mne\\_zdes\\_hram\\_ili\\_net](https://zab.ru/news/132111_vladyka_dimitrij_ya_ne_sobirayus_u_vsego_zabajkalya_sprashivat_stroit_mne_zdes_hram_ili_net)).

They believed that a different site should have been chosen for the church. Oryol residents protested against a possible restoration of the St. George Church on the site of Pobeda Movie Theater, a mid-twentieth-century architectural landmark. No official decision on the fate of the building has been announced yet, but local residents were alarmed by the Orthodox activists' statements about the need to rebuild the temple on this site.

As before, construction opponents sometimes chose original means of expressing their point of view. For example, during the protests against the temple construction in St. Petersburg's Parnas District, street artist Loketski, who had similarly supported the protesters a year earlier, painted graffiti on one of the building fences. The graffiti depicted Patriarch Kirill as Colonel Sanders, the founder, and symbol of the KFC franchise, accompanied by the abbreviation ROC stylized as the KFC logo.

In some cases, the parties found a compromise. For example, in Kostroma, even though the stone-laying ceremony for the Intercession (Pokrovsky) Temple on Sverdlov Street, where many citizens would like to organize a parking lot, have already taken place, the authorities and the diocese have expressed their readiness to take the wishes of construction opponents into account and look for an option that is acceptable to all the parties. The authorities in Omsk, where residents protested against building a temple on Molodozhenov [Newlyweds] Public Garden (which meant having to cut down the trees and move the dog run), nevertheless approved the construction in February 2021. However, fewer trees were chopped down than was originally planned, and the diocese was also ordered to pay for cutting them down and to plant new trees once the construction ends.

Several conflicts that started in the preceding year were resolved in 2020. Thus, after protests of local residents, the Pokrovsky parish in St. Petersburg abandoned the idea of building a new church in South Primorsky Park. It was decided to build a chapel and a small church house instead. The Ryazan diocese officially gave up the idea of building a temple in the Marine Glory Park, opposed by local residents for many years.

However, the compromise solutions and the cases, in which the authorities sided with the protesters, were not as numerous as we could expect after 2019 and the confrontation around the temple construction in Yekaterinburg. As before, regional authorities frequently fail to listen to the opinion of local residents and ignore the arguments of construction opponents. For example, the city land use commission in Perm recommended allowing the construction of a church and a Sunday school on the banks of the Mulyanka River, even though local residents and environmentalists suggested leaving the green zone along the riverbank "for recreational purposes." An Orthodox parish in Ulyanovsk, despite the opposition from local residents, managed to re-obtain the permission to build a temple and cut down trees in the park of the UAZ Recreation Center, even though, in 2019, the prosecutor's office canceled the decision by the mayor's office to build a temple on this site.

As in prior years, conflicts arose not only around the construction of Russian Orthodox churches; other religious organizations also had to face public protests from time to time during the construction of their religious buildings.

Protests against the construction of mosques were also most frequently caused by violations during public hearings, or by refusal to conduct such hearings, or by the wish to see another object built on the chosen construction site. Thus, the Saratov authorities, following the results of public hearings, decided not to build a mosque at the intersection of Novouzenskaya and Serov streets, although the mosque had been historically located



here, the area had no other mosque, and the site has been used by the Spiritual Directorate of Muslims since 1992. Most opponents of the construction feared that the mosque would increase traffic and noise levels.

A xenophobic motive was occasionally mixed in with the legitimate concerns. For example, residents of Sortirovka District in Yekaterinburg continued their protest against the construction of a new building for Nur-Usman Mosque intended to replace the building demolished in 2019 during the construction of an ice arena. In addition to fears of a worsening traffic situation and dissatisfaction with the authorities, who did not coordinate the construction with district residents, the opponents of the construction mentioned the undesirability of being in proximity to a “different ethnic group.”

In Berdsk, a collection of signatures was organized against the construction of a mosque on the site of a former parking lot, even though neither officials nor the Muslim community confirmed that construction was ever planned in this place. Journalists suspect that a candidate for the Novosibirsk Regional Legislative Assembly was trying to play the anti-Muslim card.

As before, problems with construction were often caused by the fact that a religious organization did not properly formalize the documents for a religious building. For example, in Nevinnomyssk, an unfinished building was demolished after being declared illegal in 2019; the documents listed it as a warehouse, but the Muslim community was planning to use it as a mosque. The community intended to change the official purpose of the building once the construction was completed. The city authorities emphasized that they did not object to the mosque construction, but the documents for it had to be formalized in accordance with the law.

Notably, despite the protests of the residents of the Aviastroitelny District in Kazan, who did not want the Rakhmatullah mosque next to a kindergarten and a school, the Muslim community managed to obtain a building permit in court.

In Novokuznetsk, local residents protested against the possible opening of a Protestant church in the Siberia Movie Theater building. The protesters emphasized that they had no objections against a Protestant church, but did not want it on this particular location.

## Problems with Using Existing Buildings

As in the past, religious organizations often encountered difficulties when using their existing buildings. Protestant churches encountered problems with using their places of worship most frequently.

The Voronezh Evangelical Lutheran Parish of St. Mary Magdalene was unable to challenge the 2019 court decision to terminate the agreement on the use of the church building.

Throughout the year, the Word of Life Church of Evangelical Christians in Kaluga tried but failed to challenge the 2019 decision of the Kaluga District Court to ban the use of the building of the Cathedral of Christ the Savior for its services. In March, the Kaluga Regional Court partially canceled the requirement to destroy part of the building to bring it in line with its registration certificate of 2000 but confirmed the ban on the use of the temple. In July, the appellate court upheld this decision. The believers were holding their services in the street.

We are aware of several attempts to demolish Protestant meeting houses in several regions. In particular, the demolition of a Baptist prayer house began in Arkhangelsk; the court decided

to dismantle it back in 2017, recognizing part of the building as illegal construction, since it had been built on a site belonging to a garage construction cooperative. This is a residential building, in which the family of Presbyter Alexei Stepanov lives and provides a space for holding services. The owners of the site, who initially had not objected to the construction, then went to court demanding that the part of the house located on their territory be demolished. However, the demolition would jeopardize the safety of the entire building, so the presbyter's family did not comply with the court's decision. The bailiffs arrested and seized the family's property and tried to demolish the house, even though minors were living there. The believers gathered to protect the building and the presbyter's family, trying to prevent the bailiffs from entering the building. Stepanov tried to challenge the actions of the bailiffs in court and postpone the demolition until spring. In December, the enforcement proceedings against the presbyter's family were suspended. The building has not been demolished at the time of writing.

The Novorossiysk administration demanded in court the demolition of a residential building in the village of Verkhnebakansky, where one of the rooms was used for religious services by a Baptist group. Services have not been held there since the summer of 2019, since a court banned the use of the house and land for religious purposes, but the house was still used for living. Unable to find another room, the community was gathering for services in the woods. In September, attorney Vladimir Ryakhovsky discussed the situation with the city authorities, and the head of the city administration assured that a solution would be found.

In Yuzhno-Sakhalinsk, the mayor's office went to court to seek the demolition of an annex to the New Generation Pentecostal Church building, but the court concluded that the religious organization should not lose this site, and forbade the Federal Service for State Registration, Cadastre, and Cartography (Rosreestr) to transfer the ownership of the building.

The Sunrise Church of Evangelical Christians-Baptists in Novosibirsk had to file a court claim against the mayor's office in order to achieve a reconstruction agreement for a residential building where they held their services. The mayor's office believes that the church is using the land plot in a manner that differed from its intended purpose. We do not know the result of the court review of the claim.

A Church of Evangelical Christians-Baptists in Biysk also filed an appeal against the mayor's office in an arbitration court, demanding that their ownership of the community-built prayer house (which they are unable to open since 2005 since its area ended up smaller than originally stated in the documents) is recognized. We have no information on whether the claim has ever been considered.

We also note that, despite the 2019 decision of the Constitutional Court based on Olga Glamozdinova's complaint, which confirmed the right of citizens to hold services, religious rituals, and ceremonies on residential premises, believers were known to face responsibility for such actions. For example, a resident of Turinsk in the Sverdlovsk Region was fined 10 thousand rubles under Article 8.8 Part 1 of the Code of Administrative Offenses of the Russian Federation (use of the land plot for other than its intended purpose) because her house was used for religious services by a group of Christians of the Evangelical Faith (Pentecostals) on the basis of a prior contract. An attempt to challenge the fine has failed.

Other religious organizations also faced similar difficulties from time to time.

Throughout the year, courts in various regions continued to seize property from Jehovah's Witnesses communities. Transactions on the transfer of property to foreign com-

munities, made before the organizations were banned, were declared invalid – including the ones in Tavda of the Sverdlovsk Region and Minusinsk of Krasnoyarsk Krai.

In some cases, buildings used by religious organizations were demolished as illegal structures. This happened, for example, with the building on the Preobrazhensky Market in Moscow that belonged to the Pomorian Old-Orthodox Church (Fedoseevtsy). It was recognized as an unauthorized structure back in 2013.

The administration of Orlovka village in Budennovsky District of Stavropol Krai sought to demolish a Muslim prayer house. The authorities view the building built on a private site as illegal since capital construction on this site is prohibited. According to Imam Shamsudin Kuramagomedov, the community has prepared documents to legalize the building. The fate of the prayer house was being reviewed in court, but we do not know the outcome of the process.

A long-term conflict continued between the Shedrub Ling Buddhist community and the Evraz company over the Buddhist monastery on Mount Kachkanar situated in the ore mining zone. An agreement that the monastery would remain accessible to pilgrims, who would be able to visit the monastery on a set schedule, was reached in September. However, the community terminated this agreement in December, stating that the local administration and Evraz had ignored their opinion, and, in February, announced its readiness to no longer live permanently in the monastery, but only to visit it three days a week. At the same time, the believers began collecting signatures to preserve the monastery complaining that the other contracting parties declared only a three-year moratorium on the demolition of the monastery, while, in the meantime, the buildings deteriorate in the absence of monks since the heating is turned off for most of the week. The petitioners called on the authorities and Evraz to renegotiate the terms of the agreement.

A meadow in the Oryol Region, which for a long time had been used by the pagan community to celebrate Kupala Night [Midsummer], was plowed up in June. The pagan community blames the local authorities for the incident.

## Favorable Resolutions

We know of very few cases when religious organizations were able to defend their rights to use the premises in court, but such cases do exist. For example, the parish of the Surb Khach (Holy Cross) Armenian Apostolic Church in Omsk won a lawsuit against the Department of Property Relations of Omsk, which had changed the zoning of the land plots leased by the religious organization and raised the rent. The court recognized the actions of the officials as illegal, since “the permitted use of the land plot must correspond to its actual use,” and canceled the department’s order to change the zoning.

## Conflicts Surrounding the Transfer of Property to Religious Organizations

As before, real estate was transferred to religious organizations in different regions, and, in most cases, this transfer was not accompanied by any conflicts.

Most often, property transfers were made in favor of the Russian Orthodox Church. For example, in Moscow, the ROC received, among other sites, the Church of the Ascension

on Bolshaya Nikitskaya Street with its clergy houses, the Annunciation Church in Fedos'ino, the Church of the Renewal of the Temple in Danilovskaya Sloboda, and the Church of the Vladimir Icon of the Mother of God in Kurkino (all the transferred temples are considered cultural heritage sites). In Crimea, the Orthodox community received a plot of land, a former site of the Kosmodamiansky Monastery of Alushta that was part of a nature reserve.

Property transfers to other religious organizations were less frequent but did occasionally happen. For example, in Saratov, the building of the former Kazan (Gorin) church was transferred to the Russian Orthodox Old-Rite Church, which had been trying to get the building for several years. A year earlier, the authorities gave it instead to an Orthodox lyceum, but they have since changed their mind.

In Kazan, the Pomorian Old-Orthodox Church, after several years of appeals to the authorities on different levels all the way up to Vladimir Putin, managed to achieve the transfer of the building of the Prilutsk prayer house, confiscated in 1937 and used by a yacht club and a boat station.

In Kaliningrad, the conflict between the Muslim community and the city authorities ended after many years, when the officials provided the community with a building for gratis use for 49 years; the plan is to organize a cultural center.

Sometimes, religious organizations had to go to court to obtain property rights. In Moscow, the Russian Orthodox Church challenged the refusal of the city authorities to transfer into the church ownership one section of the building in Maly Putinkovsky Lane, which housed the editorial offices of the *Novy Mir* magazine since the 1960s, as well as part of the six-story residential building on Sretenka that, according to the plaintiff, was built in 1905 as a two-story clergy house. It must be noted that the church has agreed not to evict *Novy Mir* from its premises until their gratis use contract expires.

Some religious organizations failed in their attempts to obtain the transfer of the desired property through courts. Thus, the Kirov Roman Catholic Parish of the Sacred Heart of Jesus was, once again, unable to take over the building of the Alexander Polish Catholic Church, which is currently used by the Philharmonic. The Regional Arbitration Court refused to transfer the building in June; the second Arbitration Court of Appeal confirmed this decision in November, but, when reviewing the complaint, it advised the regional government to reach an amicable agreement with the community. The parish continues to appeal the verdicts of the previous instances.

The Central Spiritual Administration of Muslims of the Rostov Region did not succeed in obtaining a land plot on Krasnoarmeyskaya Street in Rostov-on-Don, on which a mosque used to stand until 1978. The court found no legal basis for the transfer, since the building of the mosque has not survived, and the site has been owned by the city since 2010.

In several cases, the interests of the parties, whose property was transferred to religious organizations, were not fully taken into account, and, as before, conflicts most often arose concerning the transfers of property in use by cultural institutions.

The St. Petersburg diocese once again made claims for the complex of the Alexander Nevsky Lavra buildings, and, most likely, this time the church officials will get what they want. In early December, during his meeting with Minister of Culture Olga Lyubimova, Vladimir Putin said that the Lavra sites, claimed by the Church, "should be returned."

In late December, the Committee on Property Relations of St. Petersburg identified several locations to house the Museum of Urban Sculpture, located on the second floor of the Annunciation Church in the Lavra. The final transfer of the former museum premises to the church took place in March 2021. However, the Committee on Property Relations still refuses to hand over the first floor of the Annunciation Church, where the mausoleum is located, because *"tombstones do not constitute interior decoration of religious buildings and are not intended for liturgical purposes; burial places, under the law, can only be state or municipal."*<sup>5</sup> In December, preparations began for the transfer of the Alexander Nevsky Lavra cenoby to the church; it will require the resettlement of seven apartments located on its premises.

The St. Petersburg diocese appealed to the authorities with a request to transfer to the ROC the sacristy of the Church of the Savior on Spilled Blood, which currently houses the Stone Museum.

In the Voronezh Region, the process of transferring the cave complex with the Church of the Sicilian Icon of the Mother of God (the main site of the Divnogorye Museum-Reserve) to the Russian Orthodox Church has begun. According to the museum staff, the transfer of the cave complex will require the restructuring of the Museum-Reserve and could jeopardize its very existence, while the lack of expert supervision will worsen the condition of the caves. After the museum workers asked Governor Alexander Gusev, to stop the transfer process, the Department of Property and Land Relations of the Voronezh Region suspended it to organize a discussion among all the interested parties.

The Rostov authorities transferred to the Russian Orthodox Church the building of a puppet theater; local residents were protesting the transfer for several years. However, the diocese assured that it would not insist on the eviction of the theater until a new building was found for it.

The claims by the ROC targeting the property of other organizations caused conflicts as well. For example, in St. Petersburg, the conflict continued over the transfer of the Ski Sports School of the Olympic Reserve building to the Russian Orthodox Church. The Spaso-Pargolovsky Parish filed a lawsuit against the Property Relations Committee, which failed to ensure the eviction of the school, despite the fact that the building was officially transferred to the Church in 2019. In September 2020, the authorities allocated a new building site for the parish, but the religious organization continued to insist on obtaining the sports school building.

The Ryazan diocese claimed the rights to the building of School No. 6 with In-Depth Study of French in the center of Ryazan. After several years of unsuccessful attempts to negotiate with the authorities, the diocese went to court, demanding the transfer of the building. Meanwhile, Metropolitan Mark (Golovkov) of Ryazan and Mikhailovsky compared the educational institution with migrant workers who illegally moved into someone else's house. *"Imagine, you built a house, for example, and lived in it for three years. Then you left and, for example, some migrant workers moved in, started living there, and lived there for*

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5. The Annunciation Church of the Alexander Nevsky Lavra, where the museum is located, will not be fully transferred to the ROC – Smolny // Interfax-Religion. 2020. 15 December (<http://www.interfax-religion.ru/?act=news&div=76340>).

*more than three years, for longer than you did. So what? Are you going to seriously think that, accordingly, they should stay there?"*<sup>6</sup>

At the time of this writing, the trial is ongoing, and the diocese has not yet provided archival documents to confirm the building's status as the property intended for religious purposes.

# Discrimination on the Basis of Attitude to Religion

## Criminal Prosecution

The repressions against Jehovah's Witnesses, whose Administrative Center and all local organizations were banned as extremist in 2017, continued in 2020. In the course of the year, at least 25 verdicts (vs. eight in 2019) were issued against Jehovah's Witnesses under Article 282<sup>2</sup> (organization and participation in the activities of an extremist organization) and 282<sup>3</sup> of the Criminal Code of the Russian Federation (financing extremist activities), involving at least 46 defendants. 13 of them were sentenced to real terms of imprisonment ranging from one to eleven years (a Rostov-on-Don resident, who received the longest term, was found guilty not only of participation in the activities of an extremist organization, but also of violence against a minor), 27 individuals received suspended sentences ranging from two to eight years, and six were sentenced to fines ranging from 300 to 500 thousand rubles. We view all these sentences as inappropriate, since, de facto, they were issued for the continuation of religious practice.

The verdict against Artyom Gerasimov should be mentioned as the most severe. In March, he was sentenced to a fine of 400 thousand rubles under Article 282<sup>2</sup> Part 1, but, in June, as a result of an appeal, the fine was changed to six years in a penal colony.

As of mid-February 2021, at least 48 people were incarcerated in penal colonies and pre-trial detention centers. In total, as of January 2021, according to the data collected by Jehovah's Witnesses, 59 people have been convicted in criminal cases since the ban – 12 women and 47 men from 23 to 74 years of age.

New criminal cases were opened against Jehovah's Witnesses in various regions throughout the year, albeit in smaller numbers than a year earlier.<sup>7</sup> As before, searches in these cases were accompanied by numerous violations, including the use of physical violence against believers by the law enforcement. Complaints about beatings in detention came, in particular, from Chita, where believer Vadim Kutsenko was beaten, strangled and subjected to electrical shocks in a police car, and Alexander Karpov, a minor, was beaten

6. "We have every right to do so." How the church takes over the buildings of educational institutions and in which regions they are not transferred // 7x7. 2020. 20 November // 7x7. 2020. 20 ноября (<https://7x7-journal.ru/articles/2020/11/20/kak-cerkov-v-regionah-zabiraet-zdaniya-u-shkolnikov-i-studentov>).

7. More in: Maria Kravchenko, Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2020.

to blood in front of his mother and sister, and from Moscow, where one of the believers was hit with the butt of a machine gun.

There were reports of torture from the Orenburg colony IK-1, where five believers were beaten, one of them, Felix Makhammadiev, ended up with a broken rib and damage to his lung and his kidney.

The aforementioned beating of Karpov was not the only case of a minor injured in the course of the searches. For example, in Volchansk of the Sverdlovsk Region, two children of believers were kept in the hallway without proper clothing, and the police in Georgievsk, interrogated a sixth grader in the absence of his parents.

The situation with Jehovah's Witnesses has become a matter of concern for the international community: in March, the OSCE Permanent Council upon the authorities to end the persecution against Jehovah's Witnesses and "*to drop all charges against individuals who have been unjustifiably prosecuted or imprisoned for exercising their human rights.*"<sup>8</sup>

We also have to mention the fine in the amount of four thousand rubles imposed on lawyer Stanislav Kulov, the editor-in-chief of the *Religiia i Pravo* (Religion and Law) website under Article 13.15 Part 2 of the Code of Administrative Offenses (dissemination of information about an organization recognized as extremist without indicating its prohibited status) for publishing an announcement regarding the presentation of the annual SOVA Center report on freedom of conscience. The text of the announcement mentioned "intensified persecution against Jehovah's Witnesses" as one of the key trends in the freedom of conscience violations in Russia. In October 2020, the Zamoskvoretsky District Court of Moscow upheld this decision.

Believers of other confessions besides Jehovah's Witnesses were also prosecuted, and not only followers of new religious movements. The believers faced various charges; however, we believe that it is possible to speak of a planned state campaign of pressure against religious minorities.

In October, the Krasnoyarsk Regional Court began its consideration of the prosecutor's office's claim to liquidate the Church of the Last Testament. The church leaders Sergei Torop (Vissarion), Vadim Redkin and Vladimir Vedernikov, were charged under Article 239 Part 1 of the Criminal Code (creation of a religious association, whose activities involve violence against citizens or other harm to their health, as well as the leadership of such an association) and Article 111 Part 3 Paragraphs "a" and "b" of the Criminal Code (intentional infliction of grievous bodily harm by an organized group against two or more persons.) According to the investigation, all the defendants, in the period from 1991 to September 22, 2020, "*in order to generate income from religious activities, solicited funds from citizens, and also used psychological violence against them, as a result of which some of the followers of the religious organization suffered serious health damage.*"<sup>9</sup> In fact, the entire charge is based on

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8. EU Statement on the situation of Jehovah's Witnesses in the Russian Federation and allegations of torture and ill-treatment // Jehovah's Witnesses in Russia. 2020. 12 марта ([https://jw-russia.org/docs/18/2020-03-13\\_Statement\\_by\\_the\\_EU\\_at\\_the\\_OSCE\\_Permanent\\_Council.pdf](https://jw-russia.org/docs/18/2020-03-13_Statement_by_the_EU_at_the_OSCE_Permanent_Council.pdf)).

9. Members of a religious association detained in Krasnoyarsk Krai // Official website of the Investigative Committee of the Russian Federation. 2020. 22 September (<https://sledcom.ru/news/item/1501517/>).

the fact that two former community members received psychiatric diagnoses after leaving the community.

Four helicopters with police officers were used to detain the leaders of the organization. The homes of the community members were searched. All three leaders were immediately taken into custody and their detention was extended several times. In February 2021, one of the detainees, Vedernikov, complained of torture in pre-trial detention.

In February 2021, based on the claim filed by the Federal Forestry Agency, the Arbitration Court of Krasnoyarsk Krai seized from the community a land plot in the Kuraginsky District and terminated the use agreement; the court ruled that the construction of residential buildings on the site constituted improper use.

In the Pskov Region, the case under Article 239 Part 1 of the Criminal Code was brought against Sergiy (Eduard Ageev), the leader of the “non-remembering” Orthodox community (Orthodox Christians who do not mention Patriarch of Moscow and all Rus’ during their liturgy), who then spent more than three months in jail and was released under travel restrictions in late October.

According to the investigation, “Ageev’s teaching forms negative perception of the outside world, promotes helplessness and inability to resist evil unless in the isolation of Ageev’s community, equates the state with universal evil, induces guilt and develops dissociation to suppress doubt and critical thinking.”<sup>10</sup> The community itself believes that the case against their leader was instigated by representatives of the Russian Orthodox Church, with whom Ageyev had had conflicts, and that the information about the community was provided to the investigation by former community residents expelled for drunkenness.

Mikhail Iosilevich, the senior priest of the Church of the Flying Spaghetti Monster, was charged under Article 284<sup>1</sup> of the Criminal Code of the Russian Federation (“Participating in the activities of an undesirable organization”) In Nizhny Novgorod. The charge was based on the permission he granted to the Golos organization to hold election observer workshops on the church premises. This was interpreted as cooperation with the Open Russia organization, recognized as undesirable, “*to encroach on the foundations of the constitutional order.*” Iosilevich was taken into custody by a court decision In January 2021.

During the year, the investigation into Scientologists case in St. Petersburg, which began in 2018, continued. The head of the community, Ivan Matsitsky, released from pre-trial detention under restrictions of certain activities, was once again taken into custody in March 2021.

## Restrictions on Missionary Activities

The persecution of believers for “illegal” missionary work continued in 2020. Judging by the data of the Supreme Court of the Russian Federation for the first half of 2020 (statistics for the second half of the year had not yet been published at the time of writing this report), the tendency we noted a year earlier towards a decrease in the number of cases under Article 5.26 of the Code of Administrative Offenses of the Russian Federation (“Violation of the legislation on freedom of conscience, freedom of religion and re-

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10. “This is the place of salvation.” L. Savitskaya. The FSB fights against the “non-remembering” in Pskov // Sever.Realii. 2020. 16 October (<https://www.severreal.org/a/30893299.html>).



ligious associations”) did not persist. In the first six months of 2020, the number of cases reviewed by the courts increased to 201 (vs. 174 reported for the same period in 2019.) 132 offenders were punished for “illegal” missionary work in the first six months, including 90 individuals, 39 legal entities and three officials (102 offenders in the first half of 2019).

Fines remained the most commonly used form of punishment under this article. In the first six months of 2020, those prosecuted for “illegal” missionary work were fined in 101 cases, received warning in five cases and were sentenced to community service in 26 cases. Confiscation was imposed as an additional punishment in five cases, and deportation from the country – in two cases.

The total amount of fines under the regulations that entered into force in the first half of the year also increased slightly and amounted to 1,581,000 rubles (vs. 1,452,000 rubles in the same period in 2019).

Another development was the increasingly frequent application (compared to the preceding year) of Article 5.26 to believers of “traditional religions,” but evidently it tends to be applied to the groups that do not belong to the principal religious organizations of these religions. According to Forum 18, by mid-2020, the number of Muslims convicted of “illegal” missionary work exceeded the number of Protestants.

A significant part of the court cases against Muslims went to trial in Crimea, where local authorities used “anti-missionary” amendments to pressure the believers who did not want to join the Spiritual Directorate of Muslims of Crimea after the incorporation of the region into Russia.

For example, Imam Rasim Dervishev, charged with conducting Friday sermons and performing namaz in a mosque that did not join the Muslim Spiritual Directorate of Crimea, was fined five thousand rubles in Simferopol under Article 5.26 Part 4 of the Code of Administrative Offenses (conducting missionary activities in violation of the requirements of the legislation on freedom of conscience, freedom of religion and religious associations). Imams Yusuf Ashirov (in Alushta) and Abliakim Galiev (in Sudak) were fined in the same amount and under the same article. Their offenses also consisted of carrying out namaz or religious rituals without joining the Muslim Spiritual Directorate of Crimea.

The use of amendments from the Yarovaya-Ozerov package was not the only method of encouraging Crimean Muslims to join the Muslim Spiritual Directorate favored by the authorities. Imam Dilyaver Khalilov was fined 30 thousand rubles under Article 20.2 Part 2 of the Code of Administrative Offenses (organizing or conducting a public event without filing a notice in accordance with the established procedure) for a similar act – organizing Friday prayers in the Zavetnoye village mosque of Sovetsky District.

Muslims faced sanctions for “illegal” missionary work in other regions as well. For example, “Islam,” a religious organization of Muslims in the village of Kamen-Rybolov in the Khankaysky District of Primorsky Krai, was fined 30 thousand rubles under Article 5.26 Part 3 of the Code of Administrative Offenses (carrying out the activities by a religious organization without specifying its official full name, including the release or distribution of literature, printed, audio, and video materials without labeling the material with the specified name or incomplete or deliberately false labeling). In Sochi, a foreign citizen was fined 50 thousand rubles under Article 5.26 Part 5 of the Code of Administrative Offenses (conducting Missionary activities in violation of the requirements of the legislation on freedom of conscience, freedom of religion and religious associations, committed by a foreign citizen) for creating a prayer room for construction workers.

In Yevpatoria, a court fined the Hava Nagila synagogue of Messianic Jews 30 thousand rubles; the synagogue was found guilty under Article 5.26 Part 3 of the Administrative Code, since the full name of the religious organization was not provided on the synagogue's VKontakte page.

For the first time, the "anti-missionary" amendments were applied to an Orthodox Christian organization. In Kurgan, the Holy Trinity parish (outside the jurisdiction of the Russian Orthodox Church) was fined under the same article and in the same amount.

Protestant churches and followers of new religious movements continued to face persecution for their "illegal" missionary activities. In particular, the head of the religious group of Evangelical Christians-Baptists in Troitsk of the Chelyabinsk Region was fined five thousand rubles, and the pastor of the Tree of Life Anapa Church of Christians of the Evangelical Faith (Pentecostals) – 35 thousand rubles for failure to notify the Ministry of Justice about the beginning of a religious group's activity. Both were found guilty under Article 5.26 Part 4 of the Code of Administrative Offenses. The head of the Christians of the Evangelical Faith group from the Kemerovo Region was prosecuted under the same article for failure to notify about the beginning of the group's activities. "Church of St. Paul of Feodosia" of Christians of the Evangelical Faith was fined 30 thousand rubles, and the church of Evangelical Christians-Baptists in Yalta received a warning under Article 5.26 Part 3.

Sochi resident Sergei Baldanov was fined 10 thousand rubles in November under Article 5.26 Part 4 for practicing Falun Gong exercises. During his practice, according to a witness, he "quoted the Teacher from the book," which the FSB and then the court interpreted as recruitment into the Falun Dafa association.

As before, numerous violations occurred in the application of the Yarovaya-Ozerov amendments. For example, German citizen Valery Zukkau was fined under Article 5.26 Part 5 of the Code of Administrative Offenses (conducting missionary activities in violation of the requirements of the legislation on freedom of conscience, freedom of religion and religious associations by a foreign citizen) in Buryatia for a conversation with people who were not Baptists, even though Zukkau did not urge them to join the Baptist church – his interlocutors expressed a desire to attend the service at their own initiative. D. Berdnikov, a resident of the Bryansk Region who has Group 2 Disability, was fined five thousand rubles under Article 5.26 Part 4 of the Code of Administrative Offenses for creating a religious group without notifying the relevant authorities, even though he was not the group's organizer, but simply attended the Sunday services in the house of one of his co-religionists at his invitation, along with other believers.

However, the Tver authorities went farther than anyone else, fining a citizen of Azerbaijan 100 thousand rubles for "illegal" missionary work. He represented Unity, a community cultural education organization, which was not at all religious. Nevertheless, he was also found guilty under Article 5.26 Part 4 of the Code of Administrative Offenses.

## Other Forms of Discrimination

The facts of police interfering in the activities of religious organizations and disrupting services were reported repeatedly throughout the year. For example, in Orekhovo-Zuevo of the Moscow Region, police and FSB officers disrupted a Protestant service and searched the premises of the Russian Union of Christians of the Evangelical Faith (Pen-

tecostals). Passports were confiscated from those present at the service, and the believers were taken to a police station for interrogation. Once there, according to the detainees, the police threatened to plant drugs or extremist literature on them.

In Nizhny Novgorod, representatives of the security forces checked the documents of Muslims on the territory of the Cathedral Mosque under the pretext of preventing foreign citizens from violating the rules for staying in Russia. These actions provoked outrage among the believers, some of whom regarded them as an insult to religious feelings.

For the first time in many years, there was a complaint about the obstacles in religious observance from Jewish prisoners. Danil Beglets, convicted in “the Moscow Case” and serving time in the Settlement Colony No. 7 in the Oryol region, complained that the colony administration forces Jewish prisoners to work on Shabbat. Following the request by seven prisoners to postpone their shift to another day, the administration encouraged other prisoners to bully those who were refusing to work.

Shortly after this complaint was made public, Beglets was released on parole by court order. It took the intervention of the Federation of Jewish Communities of Russia (*Federatsiya Yevreyskikh Obshchin Rossii*, FEOR) to allow the remaining six Jewish prisoners to observe the Sabbath.

The senior priest of the Church of the Flying Spaghetti Monster, Mikhail Iosilevich, did not succeed in obtaining the right to have his passport photo taken with a colander on his head, as customary for the clergy of this religious movement. The Sovetsky District Court of Nizhny Novgorod refused to satisfy the claim against the regional Ministry of Internal Affairs. The Ministry of Internal Affairs believes that even the fact that the plaintiff belongs to the Church of the Flying Spaghetti Monster does not make kitchen utensils a headdress. The court also took into account that, according to the teachings of this church, believers who have violated the prohibition to appear in front of strangers without a headdress can be forgiven by appealing to the church.

Pressure on theological educational institutions continued – primarily on the Protestant ones, but others as well. In February, the Moscow Arbitration Court canceled the license for educational activities of the Moscow Theological Seminary of Evangelical Christians-Baptists based on the claim by Rosobrnadzor (Federal Service for the Supervision of Education and Science), but, in May, the seminary established a subsidiary organization and received a new license for it.

Inspections of Protestant seminaries continued in the regions as well. For example, in December, Rosobrnadzor issued an order to the Tyumen Biblical Seminary of Christians of the Evangelical Faith to eliminate a number of violations, including the absence of organized food service for students and conditions for their sports and health education – even though the seminary held no face-to-face classes since 2018, first due to the recertification requirements, then due to the anti-epidemic restrictions. The most absurd requirement was the obligation to adopt normative acts regulating the relations between the educational institution and the parents (legal representatives) of minor students, although the seminary has not a single minor among its students. Since the seminary obviously could not eliminate these violations, a report was compiled against Yevgeny Shestakov, the rector of the seminary, under Article 19.5 Part 1 of the Code of Administrative

Offenses (failure to comply within the prescribed time limit with the legal order of the body exercising state supervision to eliminate violations of the law) in March 2021, and admissions to the seminary were suspended.

The licenses were suspended for educational activities of the Theological Seminary of the Evangelical Lutheran Church in St. Petersburg and the Moscow Islamic Institute. According to the vice-rector of the latter, Timur Fakhretdinov, orders to eliminate the identified violations were issued to the university in March and June 2019. Rosobrnadzor's claims pointed out the absence of a sanitary and epidemiological report on the building's compliance with the sanitary standards as well as the absence of scholars to implement educational programs in the sphere of "Theology." These violations were eliminated, and the university notified Rosobrnadzor about its compliance with the instructions. The only violation that the university was unable to eliminate was ensuring accessibility for people with disabilities. Rosobrnadzor issued a third order to eliminate violations in absentia, based on the results of an audit conducted a year ago, and suspended the educational license.

## Favorable Resolutions

From time to time, religious organizations managed to successfully defend their rights, including in court.

For example, the Church of Jesus Christ of Latter-day Saints in the Rostov Region managed to appeal in the third instance a fine of 400 thousand rubles, issued in October 2019 under Article 18.9 Part 2 of the Code of Administrative Offenses of the Russian Federation (failure of the inviting party to ensure that the invited foreign citizen observes the regime of stay in the Russian Federation). The charges were based on the deportation from Russia, in March 2019, of US citizen David Udo Gaag, who arrived at the invitation of the church. The Arbitration Court of the North Caucasus Federal District declared illegal and revoked the decision of the Ministry of Internal Affairs to impose a fine since the report on the offense did not indicate exactly what legislative measures the church should have taken, and provided no reference to the normative act that the church had violated.

Eduard Grabovenko, a Bishop of the Russian Church of Christians of the Evangelical Faith (Pentecostals) managed to get the case against him under Article 5.26 Part 4 of the Code of Administrative Offenses closed. The charge was based on the video of the Sunday school in the New Testament church, released by the community before Easter. It was a video lesson in which a teacher, talking about the sufferings of Christ, pricked a doll named Seryozha with an iron nail to demonstrate the pain the Savior had felt. The video caused outrage among social network users. The police filed a lawsuit not against a religious organization, but personally against Grabovenko, who was not involved in the creation of the video or its publication. In August, the magistrate's court closed the case for lack of *corpus delicti*.

On December 16, 2020, the Judicial Collegium for Administrative Cases of the Supreme Court of the Russian Federation revoked the rulings of the three lower courts on recognizing as lawful the refusal of the Federal Penitentiary Service to enter into a cooperation agreement with the Russian Union of Christians of the Evangelical Faith (Pentecostals).

The Union, whose interests were represented by lawyers of the Slavic Legal Center Vladimir Ryakhovsky and Sergey Chugunov, appealed the decision of the Zamoskvoretsky

District Court of Moscow, the appellate ruling of the Moscow City Court, and the ruling of the Second Cassation Court of General Jurisdiction. For several years the Federal Penitentiary Service was refusing to enter an agreement with the Pentecostals under various pretexts. The Supreme Court pointed out the discriminatory nature of such refusals and returned the case to the court of the first instance for a re-trial.

In all the reported conflicts related to the fact of Muslim women wearing headscarves in educational institutions, an acceptable solution was found without any court intervention. Thus, in July, a student of the Sverdlovsk Regional Medical College appealed to the Spiritual Directorate of Muslims of Tatarstan with a complaint about the ban against wearing a headscarf in her educational institution. As soon as this complaint was made public, the college management said that the information was not accurate, and there was no ban on hijabs or other forms of discrimination based on ethnicity or religion, but all students were required to wear a medical gown and cap.

In November, the parents of a seventh-grade secondary school student in the village of Stolbishche in Laishevsky District of Tatarstan appealed to the prosecutor's office and the district department of education with a complaint against the school director and teachers, who had forbidden the girl from wearing a headscarf to school. Immediately after the parents' complaint, the headmaster apologized to the girl and her family and allowed them to "break the rules" and continue attending school wearing a headscarf. The parents withdrew the complaint.

Only Alina Navruzova, a student of the Omsk Medical College, had to go to court, defending her right to attend classes wearing a headscarf. The Kirovsky district court refused to satisfy her claim against the administration of her educational institution, and Navruzova tried to appeal this decision in the regional court. However, even before the complaint was considered, the college management allowed female students to wear headscarves on the condition that they were white.

## Religious Organizations amid the COVID-19 Pandemic

The coronavirus pandemic and the anti-epidemic measures taken by the authorities could not but affect religious organizations. The pandemic and the measures to combat it did not fundamentally affect the situation with respect to freedom of religion, but religious organizations, like the entire society, had to adapt to an unusual situation and, build relationships with their lay followers, the authorities, and the rest of society under the new conditions.

In the spring, with the initial introduction of anti-epidemic measures, the authorities in various regions recommended that religious organizations observe sanitary precautions, limit the number of those present at services, or completely close churches for parishioners and organize online services. Since some of these restrictions required a change in the worship rituals (for example, the use of disposable tableware in church sacraments), most religious organizations perceived them negatively as the state intervention in their internal affairs.

However, only Russian Orthodox Church organizations have publicly opposed the imposed restrictions, whether on the grassroots or the official level. In particular, the resolution of the St. Petersburg government on additional measures to counter the spread of coronavirus infection, published on March 26, which explicitly mentioned a ban on visiting *“temples and other religious institutions, except for ministers and staff,”* caused unanimous indignation among the Orthodox. For comparison: a similar resolution by the Moscow government proposed the same measure only as a recommendation. The Legal Department of the Moscow Patriarchate declared the demand of the St. Petersburg government a violation of the right to freedom of conscience and religion since this right could only be limited by federal law. The Forty Times Forty (*Sorok Sorokov*) Movement urged Orthodox Christians not to obey this decree and declared their readiness to help those wishing to attend churches, as well as to act as a coordinator of the actions for believers, who want to *“look for an opportunity to celebrate Liturgy on the street or in the woods.”*

Several bishops made harsh statements about the secular authorities. In particular, Metropolitan Longin (Korchagin) of Saratov and Volsk compared the actions of officials who restricted access to churches with the Soviet-era persecutions, and Bishop Euthymius (Dubinov) of the Russian Orthodox Old-Rite Church publicly called for ignoring the orders of the authorities and come to pray in churches *“for the plague to go away.”* The Syktyvkar diocese of the Russian Orthodox Church even threatened to challenge in court the legality of the order issued by the Federal Service for Surveillance on Consumer Rights Protection (Rospotrebnadzor) of the republic that prohibited religious organizations from holding mass events during the epidemic.

It is worth noting that some restrictions imposed by the authorities were considered excessive and unlawful not only by religious organizations but also by some secular experts. Thus, the Expert Council of the State Duma Committee for the Development of Civil Society, Public and Religious Associations, in its report published on April 20, indicated that religious services cannot be classified as cultural, leisure, or sports events, and, therefore, the effect of regulations that prohibited attending mass activities should not apply to worship. The actual ban on visiting churches, even when called a *“temporary suspension,” “cannot be established by the state authorities of the constituent entities of the Russian Federation.”*

The Presidential Council for Human Rights gave a similar assessment to the actions of the authorities. Its report of July 8 classifies as a restriction of the right to freedom of conscience and religion not only the orders of the regional authorities to prohibit or restrict the visits of believers to churches, but also the orders of the chief sanitary doctors of several federal subjects to use disposable spoons for the sacrament. Such regulations, the report says, *“grossly violate the constitutional principle of non-interference by the state in the activities of religious associations, thereby encroaching on the autonomy of religious associations in the matters of intra-confessional rules for the performance of religious rites.”*<sup>11</sup>

The actions of the officials and the police who monitored the observance of anti-epidemic regulations by religious organizations were by no means always consistent. Many churches held the Easter night services, despite the restrictions imposed, and the police

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11. Report of the Presidential Council for the Development of Civil Society and Human Rights: *“Lessons of the Epidemic in Respect for Human and Civil Rights and Freedoms”* // Official site of the HRC. 2020. 17 July (<http://president-sovet.ru/documents/read/687/>).

freely admitted parishioners into the churches. At the same time, a number of religious organizations faced administrative responsibility for permitting their followers to attend.

For example, Bishop Iriney (Tafuni) of Orsk in the Orenburg Region was fined 15 thousand rubles, and the Mikhailo-Arkhangelsk Parish in Beregovaya village of the Kemerovo Region – 100 thousand under Article 6.3 Part 2 of the Code of Administrative Offenses (violation of the Law in the Area of Securing the Sanitary-and-Epidemiological Well-Being of the Population) for the presence of worshippers at their Easter services.

Artemy Skripkin, a former priest of the Tikhvin diocese, was fined 10 thousand rubles under Article 20.2.2 Part 1 of the Administrative Code (organizing a non-public event that entails mass simultaneous presence and (or) movement of citizens in public places, if the massive simultaneous presence and (or) movement of citizens in public places led to a violation of public order or sanitary standards) in St. Petersburg.

The presence of lay people at religious services is not the only thing for which believers and religious organizations were punished, and the legitimacy of these punishments was not always obvious. It is known that Kiemiddin Saidov, the owner of a booth in Senoy Market in St. Petersburg, was fined 1,000 rubles under Article 20.6.1 Part 1 of the Code of Administrative Offenses (failure to meet the demands of norms and rules regarding prevention and liquidation of emergency situations) for giving out food to those in need during Ramadan.

In Moscow, the police detained a chorister of the Epiphany Church in Kitai-Gorod on her way to the service, despite the fact that clergy and employees of religious organizations were officially allowed to visit their churches, and the chorister presented a temple employee certificate. One of the police officers responded by saying that he was not interested in the internal documents of religious organizations, and “*the temple is not included on the list of objects that are allowed to operate under the quarantine.*” The senior priest of the temple received a notification about the impermissibility of violating the regime of self-isolation in connection with the incident.

But in general, it can be said that in the spring and summer, religious organizations and the authorities managed to reach a compromise, develop acceptable forms of activity for religious organizations in the context of anti-epidemic restrictions and find a balance between freedom of religion and public safety. This can be confirmed by the fact that the introduction of the necessary restrictions during the “second wave” proceeded without much protest from religious organizations.

Notably, life under quarantine also affected the internal structure of religious organizations and revealed their internal contradictions. This is true, first of all, for the Russian Orthodox Church, since only members of this particular organization openly protested against the imposed restrictions, and these protests were directed not only against the secular authorities but de facto also against the position of Patriarch Kirill. In March, in solidarity with the secular authorities, he urged the flock to pray at home and refrain from attending church services, and in April, he issued an order making the clergy responsible in cases of non-compliance with the anti-epidemic measures including possibly bringing them to trial in a church court.

However, this unequivocally expressed position did not stop disaffected Orthodox Christians, and some of them continued to oppose the patriarch publicly. This was done most radically by Sergiy (Romanov), the spiritual father of the Sredneuralsk Wom-

en's Monastery. On April 25, in his sermon, which was widely disseminated on video, he explicitly called on the faithful to ignore the orders of the secular authorities and the church hierarchy regarding the anti-epidemic measures and to attend churches. Soon after, the diocese banned Father Sergiy from preaching in public. Since he ignored this prohibition, he was forbidden to perform church services on May 26, and the ecclesiastical court of the Yekaterinburg Diocese defrocked him on July 3. In September, eight of his associates were defrocked, and he was excommunicated by the diocesan court. Moreover, the diocese went to court to seek ownership of the Sredneuralsk Women's Monastery complex built by Sergiy.

Sergiy is a prominent figure in the "tsar worshipper" movement oppositional to the Patriarch's office, who played an important role in the restoration of the Monastery of the Holy Imperial Passion-Bearers at Ganina Yama, so his sermon attracted the media and law enforcement attention. On July 7, the magistrate's court of the Verkhnyaya Pyshma Judicial District fined Sergiy 90 thousand rubles under Article 13.15 Part 9 of the Code of Administrative Offenses (distribution in the media, as well as via information and telecommunication networks of deliberately inaccurate socially significant information under the guise of reliable messages) for "fake news about the coronavirus" contained in the aforementioned sermon. Given that the sermon was also clearly anti-Semitic, the former priest was soon found guilty under Article 20.3.1 of the Code of Administrative Offenses (incitement to hatred) and fined 18 thousand rubles. Later, his closest assistant Vsevolod Moguchev, who published the sermons of the banned schema-hegumen on his YouTube channel, was also brought to administrative responsibility.

In December, after the appearance of a video recording of one of the ex-priest's sermons, in which he called on his supporters to "die for Russia," OMON and the National Guard of the Russian Federation (Rosgvardia) searched the territory of the Sredneuralsky monastery, detained Sergiy and took him to Moscow. Later, three criminal cases were initiated against him: under Article 148 Part 3 (violation of the right to freedom of conscience and religion), Article 330 (arbitrariness), and Article 110<sup>1</sup> Part 3 (incitement to suicide) of the Criminal Code of the Russian Federation. The former priest himself was placed under arrest, the term of which has already been extended several times.

Summarizing this part of the report, we can say that the anti-epidemic measures taken to date do not, in and of themselves, restrict freedom of conscience and religion. However, in the event of law enforcement abuse, which we have already observed more than once, these restrictions can become another repressive tool that can be used to restrict various freedoms, including the freedom of conscience.

As an example of such abuse, we can look at the November raid on Protestant communities, conducted by the police and prosecutors in Bryansk to check the extent of their compliance with the anti-epidemic measures. In addition to the selective character of such an audit (after all, the raid did not include other confessions), its format also attracted attention – the inspectors were accompanied by journalists, thus indicating a demonstrative action directed against Protestant churches.



# Protecting the Feelings of Believers

## Protection from the Top

As in the previous year, criminal prosecutions for insulting religious feelings were not too active.

In 2020, we became aware of one verdict under Article 148 Part 1 of the Criminal Code (public actions expressing clear disrespect for society and committed in order to insult the religious feelings of believers). It was issued to a resident of Voronezh, whom the Komintern District Court found guilty not only under this article but also under Article 242.1 Part 2 paragraph “d” of the Criminal Code (distribution of child pornography on the Internet.). The charge under Article 148 are related to the publication on his VKontakte page of a certain image of “naked saints.”

Investigations were completed in two more cases of insult to religious feelings. A Chita resident, charged under Article 148 Part 2 of (public actions expressing clear disrespect for society and committed in order to offend the religious feelings of believers, committed in places specially designated for worship) for the publication of a video in which the author of the video lights a cigarette in the cathedral from a church candle; the verdict in this case was issued in 2021. The court sentenced the young man to 120 hours of community service. Another case – a resident of Kiselevsk in the Kemerovo Region, accused under Part 1 of the same article for a comment insulting Muslims and Islam – went to court, but we do not know the result.

Few new cases have been initiated under this article. In the Oryol Region, a case was opened against a resident of Verkhovskiy District under Article 148 Part 1 for posting a comment. The military investigation department of the Kaliningrad Garrison opened a case under the same article against two Baltic Fleet servicemen, who washed their shoes in a holy spring of a chapel in Kaliningrad. One defendant apologized to believers, explaining that he had no malicious intent, he simply “*did not know this water was so serious.*”

There was also one known case of administrative sanctions imposed for insulting religious feelings. A Surgut resident was fined 30 thousand rubles under Article 5.26 Part 2 of the Code of Administrative Offenses (intentional public desecration of religious or liturgical symbols and attributes) for the VKontakte publication of “*about ten images connected to religious themes in one way or another,*” mostly of satirical nature.<sup>12</sup>

## Protection from Below

Throughout the past year, believers, mostly Russian Orthodox, claimed from time to time that their religious feelings were being insulted. However, we are not aware of any cases when violent means were employed to protect the feelings, and there were almost no public protests, probably due to quarantine restrictions.

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12. More in: Maria Kravchenko. Inappropriate Enforcement of Anti-Extremism Legislation in Russia in 2020.

The only exception was a protest against the caricatures of Prophet Muhammad in Charlie Hebdo magazine and French policy in general, held in October without a permit by a group of Muslims outside the French embassy in Moscow. Several dozen people were holding placards, shouting slogans against Emmanuel Macron and shouting "Allahu Akbar." In February 2021, a case was opened against one of the participants in this action under Article 280 of the Criminal Code (public calls for carrying out extremist activities).

Often, believers limited themselves to publicly stating that an event offended their feelings and took no other steps to punish the perpetrators. For example, Orthodox Christians in Moscow were outraged by the appearance in the Moscow metro of videos about the need to comply with anti-epidemic measures containing a slogan "Will Prayer Not Help?" Believers who discussed this video on social networks wanted the Moscow metro to face responsibility, but the matter did not progress any further.

In May, Muslims in Makhachkala were offended by the fact of broadcasting war songs from minarets. At the initiative of the regional Ministry of Emergency Situations, in order to alert people about emergencies, loudspeakers were installed at various facilities, including minarets. Then, on Victory Day, it was decided to broadcast war songs through the loudspeakers. The authorities did not take into account the fact that some of them were located at religious sites, and did not coordinate their actions with the Spiritual Directorate of Muslims. The Ministry of Emergency Situations admitted their mistake and noted that at least the songs were not played during the religious services.

The Chelyabinsk Cossacks, who found Sergei Shnurov's video "i\_Šuss" offensive, gathered near the Chelyabinsk World Trade Center building (at the time when artist and the Growth Party leader Boris Titov was meeting there with the party members) to find out whether Shnurov was the Antichrist. The Cossacks could not get inside, since they were not included on the lists of invitees, and decided not to break through by force.

At least twice, the indignation of believers was directed at food establishments. The Yekaterinburg Cossacks interpreted the Possessed Gastrobar of Temptations, a new café in Yekaterinburg, as an insult to the feelings of believers. Ataman Oleg Senenko of Gornyy Shchit Cossack village reproached the registration authorities for allowing the use of such a name and thus pushing believers towards a radical reaction: *"The state itself provokes a conflict. Molotov cocktails can fly; terrible things can happen. There are a lot of Orthodox fanatics, who can simply set fire to it."*<sup>13</sup> Fortunately, nobody was ready to fulfill the ataman's prediction.

In St. Petersburg, the Forty Times Forty movement was outraged by the interior of GODS, a new café that Orthodox activists considered blasphemous: *"A crown of thorns around a naked woman on the façade, a neon cross carried by a naked man of antiquity with the inscription 'a sin will find you,' a naked half-woman/half-man with angel wings over the bar, bartender boys wearing a uniform resembling the robes of Western priests... – this is not a horror movie. It is a blasphemous cafe opened today in St. Petersburg under the name of 'GOD'."* (the movement representatives cited the café's name incorrectly – Ed.)<sup>14</sup> State Duma Deputy

13. Cossacks threatened a bar in Yekaterinburg with Molotov cocktails // ANews.2020. 21 сентября (<https://www.aneews.com/p/134814908-kazaki-prigozili-baru-v-ekaterinburge-koktejlami-molotova/>).

14. "This is not a horror movie": activists took up arms against a "blasphemous" cafe on Rubinstein Street // 78.ru. 2020. 25 February ([https://78.ru/news/2020-02-25/eto\\_ne\\_film\\_uzhasov\\_aktivisti\\_opolchilis\\_na\\_bogohulnoe\\_kafe\\_na\\_rubinshteina](https://78.ru/news/2020-02-25/eto_ne_film_uzhasov_aktivisti_opolchilis_na_bogohulnoe_kafe_na_rubinshteina)).

Vitaly Milonov shared the indignation of the Forty Times Forty movement and called for the cafe to be closed, but it was still in business at the time of writing this report.

Forty Times Forty organized a collection of signatures demanding to deprive TV show host Ivan Urgant of Russian citizenship. His show *Evening Urgant* on January 7 included a collage depicting the birth of actor Nicolas Cage, and baby Cage in a manger surrounded by directors Nikita Mikhalkov, Quentin Tarantino, and Steven Spielberg was regarded by the Orthodox as a mockery of Christ. The host humorously apologized, asking the authors of the petition to “withdraw their curses,” and reminded the audience that the purpose of his show was entertainment, and the topic of religion should not be taboo.

Some offended believers who complained about insults to their religious feelings turned to various authorities but did not always receive the desired response.

In North Ossetia, lawyer Ruslan Kaloev asked the prosecutor’s office to check whether the exhibition of works by sculptor Vladimir Soskiev in the village of Nogkau “*insults the feelings of adherents of the traditional Ossetian faith, Islam and Christianity*,” but many residents of the republic, including Gala Tebieva (the head of the North Caucasian branch of the Pushkin State Museum of Fine Arts) spoke in defense of the exhibition.

In April, Sergei Gavrilov, the head of the State Duma Committee for the Development of Civil Society, Public and Religious Associations, asked the General Prosecutor’s Office to check the series *Zuleikha Opens Her Eyes* airing on the Russia-1 TV channel for signs of insulting religious feelings, and also demanded that the Ministry of Culture “*stop funding films that slander the country’s history, split the society and insult believers, including leaders of religious organizations*.” The appeal was based on the indignation of Muslims, who suspected that one of the “indecent” scenes of the film was filmed in a mosque. The deputy was outraged by the fact that the film used the names of the modern muftis as the names of the Soviet persecution victims.

The ministry said that they did not finance the series; the reaction of the prosecutor’s office is unknown. The filmmakers explained that they never intended to offend the believers, and actor Sergei Makovetsky, who played one of the main roles in the series, reminded that “*among other things, this is just a movie*.”

The already mentioned Forty Times Forty ordered a linguistic and culturological expert examination to assess whether the seat upholstery of Moscow public transport, which depicts a cityscape including church domes with crosses, was offensive to the feelings of believers. Expert Tatiana Troitskaya concluded that the use of such upholstery creates “*an everyday situation, in which the image of the cross is trampled upon since it is positioned on the seat of a passenger transport*.” This conclusion was sent to the Moscow government, but no reaction has been reported so far.

In some cases, those who complained about insulting religious feelings were able to get a positive reaction from the authorities or organizers of the cultural events that caused their concern. Thus, a report under Article 20.6 (failure to meet the demands of norms and rules regarding prevention and liquidation of emergency situations) was compiled against a social network user who published a video, in which she dances with Kul-Sharif Mosque of Kazan in the background, causing outrage among Muslims. The dancer apologized saying that she had no intention of offending Muslims.

After the inhabitants of Apatity complained that the Maslenitsa celebration in the city included the burning of scarecrows whose frames had the form of crosses, the city administration apologized to those who felt offended, and warned the holiday organizers

about the impermissibility of such “violations.” It must be noted that the administration did not specify the form the scarecrow frames should have in order not to offend anyone.

In response to the complaints of believers, who viewed Ivan Chetverikov’s graffiti depicting a multi-colored woman with a baby and halos above their heads as an insult to the Mother of God, the organizers of the Street Art festival in Krasnoyarsk asked the artist to paint over the halos.

Rappers Osobov and Slim removed their video “Enjoy Your Bath” from social networks after the Call of the People movement appealed to a prosecutor’s office with a request to initiate a case against them under Article 148 of the Criminal Code. According to the complaint, the video, in which the priest appears *“in the back seat of an expensive car among ladies of easy virtue”* with a wad of money and a pistol, *“discredits the Russian Orthodox Church, offends the feelings of believers and undermines trust in the church.”*

It is worth noting that, on several occasions, insulted believers complained about the actions of the Russian Orthodox Church. In particular, social network users expressed their discontent regarding the burning of the wooden bell tower of the 19th century Church of the Exaltation of the Holy Cross in Okishino village of Lyskovsky District in the Nizhny Novgorod region. The diocese had initiated the burning and had to explain its actions to the indignant public. The diocese referred to a difficult financial situation that caused them to decide on dismantling and burning, rather than restoring, the bell tower, having coordinated all their actions with local residents, the authorities, and the fire department. Roman Kiyarov, a spokesman for the Lyskovsky Diocese, explained that this method of destroying the bell tower was chosen specifically in order to prevent trampling upon the shrine. However, many believers felt that the actions of the diocese were sacrilegious.

An extensive public discussion was caused by the mosaics that decorated the walls of the Church of the Resurrection of Christ, built in the Patriot Park near Moscow as the main temple of the Russian Armed Forces, and depicted a number of active and deceased political figures including Vladimir Putin and Stalin.

Many believers including well-known public figures signed an open letter to the patriarch, which said that “the very appearance of the portrait of I.V. Stalin in the temple of God, in a completely positive and glorifying context, will be a difficult temptation for many believers in Russia and other countries. Stalin was the leader of a political party that professed militant atheism and launched massive anti-church repressions. During the years of his reign – and with his undeniable permission – many innocent people, including bishops, priests and laymen of the Russian Orthodox Church, were subjected to torture and death, and most churches and monasteries were either destroyed or closed. Many of the victims of Stalin’s persecution were canonized and revered as new martyrs and confessors of the Russian Church. Therefore, a portrait of Stalin in an Orthodox church would be a manifestation of gross disregard for Orthodox Christians, who proved their faithfulness to Christ and endured severe torment and death for Him.”<sup>15</sup>

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15. Clericalists and monarchists ask the patriarch to remove Stalin from the temple // NG-Religions. 2020. 3 May ([http://www.ng.ru/faith/2020-05-03/100\\_hram03052020.html](http://www.ng.ru/faith/2020-05-03/100_hram03052020.html)).

After numerous discussions, the image of Stalin, as well as the image of Putin (who said that it was too early to appraise his work by placing his image in a church) were removed on the eve of the temple's consecration.

# Insufficient Protection against Defamation and Attacks

## Violence and Vandalism

As in the previous year, we are not aware of any attacks motivated by religious hatred in 2019.

Clerics or staff of religious organizations were victims in several incidents during the year, but all the episodes were caused by non-religious conflicts. For example, Izgiyahu Pashayev, the chairman of the Jewish community in Buinaksk, died after a beating that happened as a result of a domestic conflict. In the village of Konstantinovo of Sergiev Posadsky District in the Moscow Region, Archpriest Mikhail Lupa was beaten by teenagers he had reprimanded for their overly loud music. In Moscow, a man entered the altar of St. Nicholas Church on Bakuninskaya Street and lightly wounded two altar wardens. Presumably, the attacker was under the influence of alcohol or drugs. In Novosibirsk, a hooligan armed with a knife also tried to enter a temple but was detained by Rosgvardia officers. In this case, the mental health of the attacker is in doubt.

Religious vandalism has declined slightly once again. Orthodox objects were attacked by vandals most frequently, but we still know less of such cases than a year earlier (eight versus 11 in 2019).

There were three incidents of arson. In the Altai Republic, the Mikhailovskaya chapel was set on fire; local shaman Sergei Tuzovsky was found guilty of the arson. In the village of Uzyan in Bashkiria, unknown persons set fire to a prayer cross. The act of vandalism immediately followed the appearance of a YouTube video of a local activist Ramilya Saitova, in which she called for convening a people's gathering (*iyin*), to discuss, among other issues, the issue of "demolishing all the crosses in the Urals." Shortly before that, a local resident tried to challenge the legality of the installation of the cross. In St. Petersburg, a vandal with a Molotov cocktail tried to set fire to the Peter and Paul Church in Vesely settlement of Krasnogvardeisky District. The attempt was unsuccessful – the temple was not damaged, and the arsonist was arrested.

In other cases, vandals painted graffiti on Orthodox sites. In Voronezh, a vandal painted a swastika on tombstones near the Temple of Prophet Samuel and tried to attack a passerby woman for taking his photo. In Sarov of the Nizhny Novgorod Region, unknown persons left an inscription "There is no god" on the church building. In St. Petersburg, a vandal wrote "*There is no god, there is only money*" and "*COVID-19 is our new Jesus*" on the wall of the Annunciation Church on the 8th line of Vasilievsky Island. In Vologda, two vandals painted a swastika on the pedestal of a monument to Lenin and unspecified "forbidden symbols" on the Vladimir Chapel building. In Umba of the Murmansk Region, two girls

painted offensive inscriptions and images on a temple wall and painted over an icon over the temple entrance.

Vandals attacked Jewish objects three times (vs. five times in 2019). In one case it was arson; in two other cases objects were broken. In April, unidentified persons set fire to the building of the Jewish cultural center and the Northern Star Synagogue in Arkhangelsk, causing damage to the entrance, broken glass, and smoke damage in the hallway. This synagogue was already been attacked by vandals in 2015 and 2016. In St. Petersburg, vandals damaged 30 gravestones in the Jewish section of the Cemetery in Memory of the Victims of January 9th. In Moscow, a drunken lawbreaker tried to enter the premises of the Shamir Jewish community shouting anti-Semitic slogans. Having failed to gain entry, he threw a chanukiah off the porch, tore off the plaque with the name of the organization, broke the mailbox, and knocked the license plate off the rabbi's official car.

We also know of three attacks against pagan objects (vs. none in 2019). A ritual Khakassian hitching post (sarchyn) was burned in the Askiz District of Khakassia. In Kabardino-Balkaria, near the road from Kislovodsk to Dzhily-su, vandals knocked down a group of three megalithic structures – menhirs. In the Kaluga Region, a temple organized by the Union of Slavic Communities of the Slavic Native Belief was destroyed and a statue toppled.

Muslim objects were damaged by vandals at least twice. In Elektrogorsk of the Moscow Region, vandals knocked down a tile with a quote from the Quran off a Muslim cultural center building, and about ten graves were destroyed in a Muslim cemetery in Surgut.

A building belonging to Protestants was damaged in at least one case. In St. Petersburg – an unknown person set some cans with flammable liquid on fire and threw them at the window of a Baptist church. The window was broken, but no fire occurred.

## Insufficient Protection of Religious Minorities

As before, defamatory materials about religious organizations continued to appear in mass media, most often targeting Protestant communities and new religious movements. These materials were published by both regional and federal media, and the number of such publications seems to have increased.

The surge in “anti-sectarian” publications was partly related to the coronavirus epidemic. In April, the Bryansk media, followed by several federal media outlets including the Russia-1 TV channel, reported an outbreak of the disease among the parishioners of the Revival Church of Christians of the Evangelical Faith in Bryansk. The believers were de facto accused of intentionally infecting others, while many media outlets incorrectly indicated the confessional affiliation of those who got sick: some misidentified them as Baptists. Alexander Bogomaz, the governor of the Bryansk Region, was among those spreading this information, having confused the two denominations.

Russian Protestant leaders had to publicly express their outrage at the defamation. Pastor of the Revival Church Mikhail Biryukov appealed to the public calling on them to stop the slander against his church. He said that he and his parishioners began to receive threats following these publications. Senior presbyter Yevgeny Voronin of the Russian Union of Evangelical Christians-Baptists in the Bryansk region publicly explained that the information was inaccurate and, at the time of these publications, there were no confirmed COVID-19 cases among the Bryansk Baptists. The chairman of the Russian Union of Evangelical Christians-Baptists, Pyotr Mitskevich, sent appeals to V. Putin, A. Bo-

gomaz, the leadership of Russia-1 TV Channel and St. Petersburg Governor Alexander Beglov, asking for protection of believers from defamation. He linked the above-mentioned attempt at burning a Baptist church in St. Petersburg to the unfair accusations against Baptists in the media. According to him, *"in the current difficult social environment, the dissemination of inaccurate information incites hatred and religious intolerance in society."*<sup>16</sup>

The pandemic was not the only context in which defamatory materials related to Protestant organizations appeared in the media. The fire in a house belonging to the Rassvet Social Assistance Center in Kaliningrad, which killed three people in October, caused a wave of "anti-sectarian" publications in the region, since the House of Life Church of Christians of the Evangelical Faith was the founder of the center. For example, the *Novye Kolesa* newspaper published a full set of "anti-sectarian" clichés: Pentecostals are called "just a sect," Alexander Dvorkin is cited as an expert, church leaders are accused of using the "slave labor" of people who turned to Rassvet for assistance, and a fire, in which human lives were lost, is described by the phrase, "The sect openly recruits adepts, and they proceed straight to the morgue."<sup>17</sup>

The Omsk regional television in December showed a story under the headline "Omsk Resident Hiding from Justice in a Baptist Religious Association after Stabbing Another Man," although, as follows from the story, the criminal had nothing to do with the Baptist church – after committing the crime, he enrolled in a rehabilitation center created by the Baptists, which his relatives had long been recommending, to get treatment for alcoholism.

The Church of Jesus Christ of Latter-day Saints faced defamation as well. In May, the URA.ru website, reporting on the arrest of two foreign citizens in Kurgan for violating the regime of self-isolation, mentioned that they were "Mormons," and, on this basis, accused them of collecting information about the dead Russians and transferring this information to foreign special services. Representatives of the religious organization demanded the refutation of the false information, explaining that the detainees were indeed foreign citizens and church members, but collected no information about the deceased and were detained when they went food shopping. We must add that another local periodical, *Vecherny Courier*, which also published information about the detained missionaries, went even further and said that they belonged to a "Masonic sect."

NTV media company, talking about the searches conducted in the home of Mikhail Iosilevich, the leader of the local Church of the Flying Spaghetti Monster, called the organization "a dubious movement," its leader "the senior priest of a dubious temple," and mentioned Iosilevich's *"spacious three-bedroom in the very center of Nizhny Novgorod"* and *"the passport of an Israeli citizen"* as "incriminating" details.

Anti-Muslim materials also appeared periodically in the regional media. For example, the All-Russia State Television and Radio Broadcasting Company in at least two

16. Appeal to the President of the Russian Federation V.V. Putin // Website of the Russian Union of Evangelical Christians-Baptists. 2020.9 April (<https://baptist.org.ru/news/main/view/article/1546296>).

17. O. Ramirez, Human trafficking in Kaliningrad. The head of the city, Andrei Kropotkin, protects the slave owners // *Novye Kolesa*. 2020. 29 October (<https://www.rudnikov.com/criminal/torgovlja-ljudmi-v-kaliningrade-glava-goroda-andrej-kropotkin-kryshuet-rabovladelcev/>).

regions ran the episodes “exposing” the links between some Muslims and the Turkish religious movement Süleymancılar (Suleymanji). After this story appeared on the Mari El TV channel, two of its central characters Rafael Safin and Farit Shageev, the former imams of two mosques in the Zvenigovsky district, filed a complaint with the prosecutor’s office. The journalists accused them of adherence to the Süleymancılar Jamaat, ties with Hizb ut-Tahrir and the Muslim Brotherhood, and the intention to “*build a caliphate in a secular state*.” The imams regarded such accusations as slander and an insult to their religious feelings and argued that the TV materials in question were the reason they lost their positions as imams.<sup>18</sup>

Lotos, the Astrakhan branch of All-Russia State Television and Radio Broadcasting Company, accused a 32-year-old Turkish citizen, charged with “illegal” missionary work, of links with Süleymancılar and “sectarianism.”

As in previous years, some religious organizations managed to get the defamatory materials publicly denounced. For example, the Moscow Church of Scientology secured the decision of the Public Press Complaints Collegium against Eduard Petrov’s 2018 investigation “The Formula of Successful Deception,” aired again on the Russia-24 TV channel in January 2020. The collegium ruled that the TV material was not a journalistic investigation but a propaganda attack that used manipulative techniques. According to the collegium, the material, while “*not inciting interreligious strife, since it does not set different religions against each other*,” nevertheless promotes the incitement of mistrust, suspicion, and hostility towards Scientologists.

The Public Press Complaints Collegium issued another decision on the complaint of Jehovah’s Witness Andrey Krivosheev against the Interfax publication “The Prosecutor General’s Office Linked the Increase in Detected Extremist Crimes in the Russian Federation with Jehovah’s Witnesses” dated June 17, 2020. The claimant believed that the connection between the increase in the number of extremist crimes and the activities of Jehovah’s Witnesses, as noted by Interfax, contains “*false information about a religious organization banned in Russia and forms a negative image of the followers of this teaching*.” In this case, the collegium ruled that the publication was not biased, contained no signs of offending religious feelings, and professional journalistic ethics were not violated during the preparation and editing of this material. However, the collegium reminded that journalists specializing in covering the activities of religious organizations should “*be particularly scrupulous when covering any aspect of the exercise of freedom of conscience*.”

As in the previous year, the “anti-sectarian” activity of public activists was low with no noticeable actions in 2020.

We know of isolated cases of public protests against followers of other religions. For example, residents of the Moscow district of Novogireevo called the police after seeing five couriers of Yandex. Food and Delivery Club perform namaz on a vacant lot behind

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18. More in: K. Jamal, Imams of two mosques were removed from their posts under “Yarovaya’s Law” and accused of adherence to Suleymancılar // *Idel.Realii*. 2020. 3 March (<https://www.idelreal.org/a/30464551.html>).



McDonald's. The police officers who responded to the call, fortunately, did not see the fact of performing namaz as an offense.

Two residents of Veliky Novgorod interpreted the installation in a city courtyard of a Perun statue carved by a local craftsman from a fallen birch tree as "*turning the courtyard into a pagan temple*" and contacted various authorities from the city administration committee on urban management to the prosecutor's office expressing their indignation. None of the inspections organized upon request of the two women revealed any violations during the installation of the statue, and local residents confirmed that they supported the courtyard decoration.

# Summary statistics of crimes and punishments

Data as of 19 February 2021

## Types of violence and victims of violent hate crimes

	2007		2008		2009		2010		2011		2012	
K – killed, B – beaten, wounded	K	B	K	B	K	B	K	B	K	B	K	B
<b>Total**</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>	<b>20</b>	<b>198</b>
Dark-skinned	0	34	2	26	2	59	1	28	1	19	0	26
People from Central Asia	36	95	57	133	40	92	20	86	10	38	8	38
People from the Caucasus	27	77	22	71	18	78	5	45	8	18	4	15
People from the Middle East and North Africa	1	22	0	15	0	2	0	2	0	5	0	2
From other Asian countries	9	76	9	40	14	37	3	19	0	15	0	5
People of “non-Slav appearance»	9	67	13	57	9	62	7	104	1	26	1	16
Ideological opponents	8	174	3	103	5	77	3	67	1	40	1	57
Homeless	1	3	4	1	4	0	1	3	3	3	6	2
Russians	0	22	3	12	0	7	1	8	1	9	0	5
Jews	0	9	0	6	0	3	0	3	1	2	0	0
Religious groups	0	9	0	6	1	2	0	22	0	24	0	10
LGBT	0	7	1	6	0	0	0	3	0	3	0	12
Others or unknown	3	30	2	25	1	24	3	31	1	11	0	10

\* The data is still far from complete.

For the data for the years 2004-2006, see previous reports.

\*\* Not including the victims of mass clashes; not including the victims in the North Caucasus republics and in Crimea prior to 2016.

2013		2014		2015		2016		2017		2018		2019		2020*	
K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B
28	209	37	134	14	96	12	89	9	70	8	62	6	64	1	42
0	7	0	15	0	6	1	0	1	0	0	1	0	1	0	2
15	62	14	30	7	7	4	24	0	11	2	3	3	12	0	4
3	28	3	14	0	8	2	1	0	4	0	0	0	1	1	8
0	1	0	6	1	3	0	0	0	0	0	0	0	0	0	0
0	7	1	5	0	2	1	4	0	3	0	3	0	2	0	1
0	34	3	8	0	10	1	8	0	8	4	11	0	18	0	2
0	7	0	18	0	17	0	15	4	19	0	19	0	5	0	5
2	3	13	1	3	8	2	1	4	1	1	15	1	8	0	1
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	1
0	21	2	12	0	18	0	21	0	3	0	1	0	0	0	0
2	25	0	9	0	9	1	4	0	11	1	5	2	8	0	16
6	8	1	12	1	7	0	4	0	8	0	3	0	8	0	2

We have not included serious death threats. In 2010, we have information about 6 persons who received such threats, in 2011 – 10, in 2012 – 2, in 2013 – 10, in 2014 – 2, in 2015 – 8, in 2016 – 3, in 2017-18 – 0, in 2019 – 3, in 2020 – 5.

# Ideologically Motivated Attacks against Property

	2009		2010		2011		2012		2013	
<b>D – dangerous assaults</b> <b>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>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>23</b>	<b>48</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>	<b>23</b>	<b>41</b>
Russian Orthodox	5	11	8	8	3	9	5	33	12	19
<b>Muslim</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>16</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>4</b>
Jewish	1	21	1	14	1	13	1	7	3	7
New religious movements	1	11	4	10	5	11	2	11	2	9
Catholic	0	1	0	0	0	0	0	1	0	0
Protestant	2	2	2	1	2	3	1	4	1	0
Armenian	2	2	0	0	0	0	0	0	0	0
Other religious ***	0	0	0	1	0	1	0	0	0	2
<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>	<b>0</b>	<b>7</b>
State facilities	6	3	12	1	0	0	0	0	0	0
Ideological targets	13	91	5	95	1	27	1	22	0	7
Other ****	0	0	0	6	0	1	0	0	0	0

\* The most dangerous assaults are explosions and arson, others – various breakdowns, as well as other damage, including graffiti (but excluding individual graffiti on the walls).

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

2014		2015		2016		2017		2018		2019		2020**	
D	O	D	O	D	O	D	O	D	O	D	O	D	O
14	40	10	44	6	40	14	35	7	27	6	14	7	22
9	23	9	24	6	25	9	21	7	13	6	9	7	12
2	8	4	5	2	8	4	7	4	7	3	3	3	5
4	4	2	5	0	4	0	0	0	1	0	1	0	2
0	5	1	4	1	4	1	0	3	1	1	4	1	2
3	5	2	9	3	7	3	11	0	0	1	1	0	0
0	0	0	0	0	0	0	0	0	0	1	0	0	0
0	1	0	0	0	0	1	1	0	2	0	0	2	0
0	0	0	0	0	0	0	0	0	1	0	0	0	0
0	0	0	1	0	2	0	2	0	1	0	0	1	3
5	17	1	20	0	15	5	14	0	14	0	5	0	10
1	4	0	4	0	1	0	0	0	0	0	0	0	1
4	13	1	16	0	14	4	14	0	14	0	5	0	6
0	0	0	0	0	0	1	0	0	0	0	0	0	3

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

\*\*\* These include Buddhist targets and other religions that were not mentioned and religious objects that could not be attributed.

\*\*\*\* These include objects that do not fall into any of the other categories or those that could not be attributed.

# Guilty Verdicts for “Crimes of an Extremist Nature”

In addition to hate propaganda and crimes that are directly related to the concept of “extremism”, this table includes sentences for ordinary hate crimes.

We can assess the sentences as fully or largely appropriate, or as fully or largely inappropriate; sometimes, we are unable to determine the extent of appropriateness<sup>\*\*</sup>. Three numbers in each column refer to sentences that we consider appropriate, inappropriate, and indeterminable.

<b>year</b>	<b>number of verdicts (in which at least one defendant was found guilty)</b>			
<b>crimes</b>	against persons	against property	public statements	membership in a group <sup>*</sup>
<b>2004</b>	9/0/0	-****	3/0/0	3/2/0
<b>2005</b>	17/0/0	-	12/1/0	2/4/8
<b>2006</b>	33/0/0	-	17/2/0	3/1/3
<b>2007</b>	38/0/0	4/0/0	30/1/1	2/0/8
<b>2008</b>	33/0/0	8/0/0	49/2/1	3/0/4
<b>2009</b>	52/0/1	10/0/0	56/4/0	5/13/2
<b>2010</b>	91/0/0	13/0/1	69/8/3	9/6/8
<b>2011</b>	62/1/3	9/0/0	72/6/1	12/7/7
<b>2012</b>	32/2/2	5/0/0	87/4/1	4/8/2
<b>2013</b>	32/1/0	8/0/0	130/7/3	7/8/6
<b>2014</b>	22/0/2	4/0/0	153/4/6	6/8/12
<b>2015</b>	24/1/0	8/1/0	208/14/9	11/16/3
<b>2016</b>	18/2/0	5/0/0	202/17/8	7/15/1
<b>2017</b>	10/0/0	4/0/0	215/17/20	4/26/3
<b>2018***</b>	15/0/2	2/0/0	56/9/131	3/25/2
<b>2019</b>	4/0/0	0/0/0	14/6/59	7/25/3
<b>2020**</b>	5/0/0	1/0/0	4/13/95	3/43/9

\* This includes participation in an “extremist community” or an organization banned for extremism, as well as in Hizb ut-Tahrir under Article 205.5 of the Criminal Code.

Data on the sentences of members of some Islamist organizations for the years 2004-2011 have not yet been included in the table.

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

\*\*\* Since 2018, we have been using the ‘undeterminable’ category in the assessment of the verdicts in a much broader manner (see the report); in the table above, this category includes the verdicts that are not related to countering nationalism and xenophobia.\*\*\*\* The hyphen means that the data for this period has not yet been collected.

year	number of convicts			
crimes	against persons	against property	public statements	membership in a group <sup>*</sup>
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	89/0/0	5/0/0	41/1/5	4/0/27
2008	107/0/0	7/0/0	67/3/0	10/0/14
2009	130/0/2	20/0/0	74/5/0	9/25/2
2010	305/0/0	22/0/1	78/9/5	32/6/19
2011	195/4/3	16/0/0	80/7/1	26/12/19
2012	70/4/3	7/0/0	100/11/1	7/22/10
2013	55/1/0	11/0/0	136/7/4	8/16/11
2014	47/0/3	6/0/0	158/4/8	14/21/24
2015	58/1/0	14/1/0	217/16/9	25/43/6
2016	42/2/0	6/0/0	221/18/8	20/28/2
2017	24/0/2	6/0/0	232/19/21	6/73/5
2018***	48/0/7	6/0/0	68/10/132	8/76/5
2019	10/0/0	0/0/0	19/6/60	15/90/13
2020**	8/0/0	1/0/0	5/19/106	8/88/26

year	suspended sentences or released from			
crimes	against persons	against property	public statements	membership in a group <sup>*</sup>
2004	5/0/0	-	2/0/0	2/0/0
2005	5/0/0	-	6/0/0	0/1/9
2006	24/0/0	-	7/1/0	0/0/0
2007	12/0/0	5/0/0	9/0/0	0/0/6
2008	22/0/0	6/0/0	27/3/0	2/0/7
2009	35/0/1	7/0/0	33/1/0	2/12/1
2010	119/0/0	5/0/1	35/5/4	5/5/8
2011	77/4/1	4/0/0	33/2/1	3/7/4
2012	13/0/2	1/0/0	15/6/0	1/12/4
2013	14/0/0	1/0/0	14/3/3	1/3/3
2014	7/0/1	0/0/0	14/2/0	2/5/4
2015	12/0/0	2/0/0	41/2/3	7/20/0
2016	6/0/0	0/0/0	96/4/3	13/1/0
2017	1/0/0	0/0/0	116/7/8	4/6/0
2018***	9/0/0	0/0/0	23/3/75	1/1/0
2019	4/0/0	0/0/0	8/2/28	4/9/0
2020**	1/0/0	1/0/0	4/1/47	1/31/7

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