

SOVA CENTER FOR INFORMATION AND ANALYSIS

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*In memory of Galina Kozhevnikova*

# Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2010

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

**Moscow  
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This collection of reports summarizes all the major areas of work addressed by the SOVA Center for Information and Analysis in 2010, in a similar fashion to collections in previous years.

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

The appendix provides details about hate crimes and the prosecution of such crimes. All data were compiled at the end of March 2011.

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

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## The Phantom of Manezhnaya Square: Radical Nationalism and Efforts to Counteract It in 2010

### Summary

The 11 December 2010 riots on Manezhnaya Square dramatically raised the profile of issues of nationalism and racism in Russian society. At the time of writing this report, we can’t predict the future course of events: whether we are about to see a long-term reshaping of public debate or a gradual return to its previous state. In any case, the December events put the entire year of 2010 in a different perspective, as we try to understand what could influence their timing. While no complete answer is ever possible, this report<sup>1</sup> will hopefully provide enough material to make some educated guesses.

In 2010 the level of racial violence, following a noticeable decline during the previous year, changed very slightly, if at all, although the murder statistics in the major centers of ultra-right activity still showed a significant drop. Criminal prosecution for such crimes continued its rapid increase in scope as well as improvement in quality. The number of convictions almost doubled; so did the share of suspended sentences. These numbers mean that the law enforcement efforts predominantly affect more aggressive groups, likely the most notorious ones, but can no longer keep under control the entire mass of violence-prone ultra-right activists. This expected result – the law enforcement still processing information collected by the police prior to the review period – indicates that exerting effective pressure on the right-wing milieu is no longer possible while keeping the same level of police activity.

In return the milieu adapts to new situations by building new horizontal and sufficiently undercover structures, which, in conjunction with the unexpected success in attracting young football fans, were able to effectively organize the event on 11 December. This system consists of small autonomous

<sup>1</sup> In the preparation of this report, we used the daily monitoring conducted by the SOVA Center and our regional monitoring of ultra-right activity in several regions of Russia.

Monitoring was funded by the state support grants per Decree no. 300 of the President of the Russian Federation, issued on 8 May 2010.

ultra-right groups, increasingly hostile toward the authorities (as reflected both in their rhetoric, and in a significant number of attacks targeting the government), less “connected” with the well-known nationalist organizations, and regarding their daily activities as a “guerrilla war” (we even registered decline in “frivolous” actions such as vandalism). Legal nationalists increasingly act as a cover for this aggressive scene and feel sufficiently emboldened to take overtly radical positions.

Over the course of the year authorities have not changed their policy regarding such radical rhetoric. Enforcement of hate propaganda laws has in fact changed very little from the previous years. Number of convictions has increased fifty percent, but the drawbacks of the procedure have never been addressed. The current mechanism for the prohibition of extremist material has long demonstrated its lack of effectiveness. In the meantime, the mechanism for prohibiting organizations as extremist in 2010, has been applied actively, but without much success: banned organizations included small local ultra-right groups, organizations that have long ceased to exist, and the Slavic Union (*Slavianskii Soiuz*, SS) - including its Far East Branch – which quickly resumed its activity after a slight name change.

The events of 2010 further strained relations in the “triangle” of police, the ultra-right and radical anti-fascists thus preventing the authorities and the society from focusing on the greatest ongoing threat, namely ultra-right violence. The racist anti-Russian mobilization, clearly observed after 11 December, has the same effect. Fortunately, anti-Russian racists, and radical leftists of any kind have so far generated little organized violence compared to the far right (when not including the Northern Caucasus region), but the complexity of the situation leads to lack of proper focus by all interested parties. Even more importantly, the situation is fraught with the spiraling of violence (specifically in case any stable violent racist organizations emerge among people from the Caucasus).

Legal nationalists spent the first part of the year in decline and considerable disarray, but suddenly became more active in the fall. This intensification was partially due to happenstance, as in the case of successful (unlike previous failed attempts to repeat the “Kondopoga scenario”) “expulsion of migrant workers” from Hotkovo, Moscow Region, in early November “accomplished” primarily by local residents. However the unprecedented scale of the 4 November “Russian March” was already the result of properly nationalist activism both in legal and autonomous sectors of the ultra-right movement. Possibly, the autumn spike in activity had been partially caused by the series of summer events: the July football fans’ rallies in Moscow and two loud conflicts that clearly revealed confrontational behavior of Ramzan Kadyrov’s regime (the

brawl in the Don summer camp, and the controversy surrounding the Vdovin and Barsenkov textbook).

The year of 2010 was marked by new attempts at unification that brought no lasting results. The alliance of the long-time competitors the DPNI (*Dvizhenie protiv nelegal'noi immigratsii*, Movement Against Illegal Immigration) and the Russian Image (*Russkii obraz*, RO) launched in September, was undermined by the year’s end, since publication of testimony against Nikita Tikhonov discredited Russian Image in the eyes of right-wing radicals. More interesting is the increasingly evident attention by the majority of nationalists toward such usually “out-of-scope” topics as the social issues, and political opposition to the regime in the name of democracy. Without a doubt, key nationalist organizations were thus trying to overcome the marginal position of Russian nationalism among political opposition and in the eyes of the average citizen. Advances in this public relations area were relatively modest, but even those were called into question by the December events. The leaders of legal nationalism faced the question of allegiance: whether they want to side with the radical nationalist milieu, which constitutes the backbone of their organizations, or with broader societal segments. So far, it seems, they choose the first option, though, of course, prefer to court both groups simultaneously.

## Manifestations of Radical Nationalism

### Violence

In 2010 38 people died and 377 received injuries as a result of racist and neo-Nazi violence, five received credible murder threats. In 2009 84 people died, and 434 were injured. However, at this moment we cannot assert a significant drop in violence from the previous year, since new data arrives quite actively, albeit with significant delay.<sup>2</sup> Nevertheless, we are happy to report reduction in racist murders (most pronounced in Moscow and St. Petersburg).

<sup>2</sup> On average over the course of a year we see a 20 to 30% further increase in numbers from the previous year. For example, in March 2010, when publishing out 2009 Annual Report, we cited 71 murder and 333 injured victims. .

The data we collect is far from complete, due to the incompleteness of our sources (in particular, as racist violence becomes routine, mass-media coverage of it decreases). The actual number of racially-motivated crimes is undoubtedly much larger. Instead, our statistics is useful for identifying trends and defining problem regions, the obvious sites of violent ultra-right organized activity. Please remember, that our calculations do not include victims of mass brawls, and the events in the republics of the North Caucasus.

Moscow and Moscow Region remain traditional hotbeds of racist violence, and tension rose even further after the 11 December riots (see below) – altogether 22 people were killed and 174 were injured over the year; St. Petersburg and Leningrad region (two killed, 47 injured) и Nizhniy Novgorod (two killed, 17 injured). In 2009 these areas respectively reported 38 killed and 131 injured, eight killed and 36 injured, and six killed and 21 injured. Thus, only Moscow demonstrated clear improvement of the situation compared to the previous year (and even that, only if we leave out the December events), and St. Petersburg showed significant reduction in murders. The situation in Nizhniy Novgorod has remained unchanged for many years. The reasons for observed changes or lack thereof can be found, to the large extent, in the kind of treatment ultra-right activist receive from law enforcement and the judiciary, as discussed below.

In 2009, violent incidents were reported in 45 Russian regions.

As before, most victims of xenophobic attacks were people from the Central Asia - 15 were killed and 72 were injured. People from the Caucasus show much lower victim count – five were killed and 41 were injured. However people of undefined “non-Slavic” appearance comprise quite a large group this year (five killed, 97 injured) mostly because some victims of December attacks proved impossible to classify, but we can suspect that many of them were Caucasus natives.<sup>3</sup>

The representatives of youth subcultures including young anti-fascists hold a visible position in this tragic ranking, with three people killed and 63 injured. On one hand this reflects a general rise of tension in street confrontation between neo-Nazi and anti-fascist groups<sup>4</sup> (and the urgency of this confrontation is certain to increase). Moreover, the vast majority of victims in this group are not members of “military antifascists” – they are either concert audience of music groups considered “antifascist” by the neo-Nazis, or just people “taken for anti-fascists” by their attackers. On the other hand, this data should not be taken to mean that an actual number of attacks against members of youth subcultures is comparable to a number of attacks against the Central Asian migrants, since the former exist in much smaller numbers, then, say, migrant workers from Tajikistan. The availability of comprehensive information about

<sup>3</sup> Our classification of victims into types is approximate and based on indirect reports about the victim’s phenotype, since usually the perpetrators of racial violence tend to base their decisions on phenotype as well.

<sup>4</sup> Once again, this does not include victims of mass brawls.

the attacks, due to more developed horizontal ties among subculture groups and young anti-fascists accounts for higher numbers.

The emergence of Nazi straight-edge subculture brought a new dimension to neo-Nazi violence; apolitical youngsters who, according to those ultra-right activists, “lead an unhealthy lifestyle” have been added to the list of potential victims. The late August-early September attack in Rostov-on-Don are symptomatic in this respect: masked teenagers beat up people standing by the supermarket, while shouting the slogan “A Russian does not drink” (we would like to remind that those slogans, well-aligned with official anti-drinking and anti-smoking campaigns, are used primarily by the Roman Zentsov’s Resistance (*Soprotivlenie*) group.

### Anti-State Terrorist Activities

The activities of ultra-right groups continue to show tendency toward the kind of terrorism that can be characterized as anti-state – exploding strategic objects (as, for example, the railway tracks and the maintenance rail car blown up in February 2010 in St. Petersburg), arson attacks and bombing of police stations (Penza, Rostov-on-Don). We would like to emphasize that this trend develops not as an alternative to regular racist violence, but as a parallel movement.

We don’t see any observable trends in this area (we recorded 18 such acts in 2010, versus 20 in 2009), and monitoring of such activities presents extreme challenges. On one hand, correct identification of attackers is problematic, since ultra-left groups have also perpetrated attacks against police stations. On the other hand, as we previously noted on many occasions, ultra-right groups tend to take responsibility for impossible-to-verify incidents. Thus neo-Nazis from St. Petersburg claimed that to commemorate the Police Day (10 November) they made at least eight calls reporting ostensible explosives at important St. Petersburg public sites (shopping centers, maternity wards); however only three such actions have been independently confirmed.

The story of the Primorye Guerillas (*Primorskie partizany*), a criminal group responsible for a series of brutal attacks, mostly on police officers offers the most compelling example of ultra-right groups “taking credit” for terrorist acts. The task of racist propaganda was made easier by information that some Guerillas members had been previously involved with the extreme right (at the time of writing (January 2011) we know that at least two members had been previously convicted of violent racist attacks). Strong anti-police sentiment, characteristic for the Russian society in general, contributed to the popularity of the “Russian national avengers” version of the events, readily picked up even by respectable media outlets. Although the neo-Nazi motivation for the

gang's activity still remains unconfirmed, the ultra-right sphere increasingly uses Primorye Guerillas' case to its advantage.

First, the emerging cult of one more "white heroes" group fits into a general trend of ideological simplification characteristic of neo-Nazi autonomous underground. This simplistic ideology interprets the current situation as a war, featuring enemies, their victims, and heroes. This phenomenon is not exactly new, but the trend has become more pronounced. The term "war" here is meant not metaphorically, but quite literally. The alleged "victims and heroes" (Primorye Guerillas, particularly A. Sukhorada and A. Sladkikh, who refused to surrender and committed suicide) confront a clearly defined enemy: the State and its police agents.

Second, as expected, copycats started to emerge, albeit not real, but virtual. For example in August 2010 in Orel authorities detained a group, headed by an FSB agent. The Orel gang is a prime example of a "modern" ultra-right group - it is an autonomous group, engaged in subversive and terrorist activity and targeting both government agencies and the property, belonging to "ethnic aliens" (in this particular case it was a cafe, but could also be a shop, a car, etc.) These actions were clearly intended as a demonstration: the leaflets, confirming the neo-Nazi agenda and declaring the group's connection to the anti-state terrorist movement, were left at the crime scene. However, one should pay attention not just to the group's actual activities and the subsequent detention, but also to the text titled "Letter from Guerrillas of Orel," which hit the Internet several days before the event, portraying the group as part of a nationwide anti-state terrorist partisan trend.

Third, in their basic 2010 documents the ultra-right political groups singled out the case of Primorye Guerillas as the decisive example (see below).

While the quantitative dynamics of anti-state terrorism are hard to evaluate, we can attest that it have become more open and defiant. The phenomenon is not limited to the above-mentioned leaflets at the crime scene, or "partisan declaration" and "appeals" on the Internet. Right-wing radicals are moving from threats to actions against law enforcement agencies and courts. Thus, in late 2010 in Primorye authorities arrested a suspect in the attempted murder of the investigator A. Komarov, who worked on the case against the leader of the Union of Slavs of the Far East (*Soiuz Slavian Dal'nego Vostoka*, SSDV). The most notorious crime of 2010 in this category was the murder of the federal judge of Moscow City court, Eduard Chuvashov, who presided over the trial of the White Wolves (*Belye volki*) - a group, accused of a series of murders targeting people of non-Slavic appearance. The judge previously received a number of threats in connection with this very case, after deliberate provocation from an internet source close to the Russian Image and its legal project Russian Verdict (*Russkiy verdikt*). Notably, according

to the investigators, the "right-radical" version of the murder now dominates the investigation (the suspect was named in March 2011.)<sup>5</sup>

The Chuvashov's murder apparently prompted law enforcement officials to start taking various threats more seriously. For instance, in Yaroslavl the graffiti vandals, who covered the town (including one of the court buildings) with threatening slogans, received actual prison sentences; and one of the Moscow City Court judges, who presides over an ongoing case against a neo-Nazi group, received a security detail.

### Grassroots Xenophobic Violence

In 2010 grassroots xenophobic violence was clearly on the rise. Its dynamics are difficult to trace, since most episodes don't receive any media attention, or are qualified by law enforcement as locally-motivated incidents. However, we usually record about ten such incidents a year (not including the traditional Navy Day spike on 2 August, when attacks on people of non-Slavic appearance became commonplace and usually remain unpunished), while the situation in 2010 looked somewhat different.

In addition to the usual incidents - such as the assault on a police officer in the Vladimir region, accompanied by racist insults, or the beating of an Armenian teenage by his xenophobic neighbor in Moscow Region - a series of events in 2010 provoked further waves of grassroots xenophobic violence.

For example, after the summer 2010 ethnic riots in Kyrgyzstan, the Russian Federation reported several attacks by Uzbeks on Kyrgyz and vice versa, motivated by ethnic hatred.

A spike in anti-Islam and anti-Caucasus sentiment resulted from terrorist attacks in Moscow Metro on 29 March 2010. During the following week at least five attacks, affecting at least eight victims were reported.

However the prime targets of grassroots religious intolerance in 2010 were followers of the Jehovah's Witnesses doctrine. Violent acts against Jehovah's Witnesses are apparently provoked by the mass media propaganda campaign, now in its third year. The attacks injured at least 12 people, including one child.

<sup>5</sup> This is not the first murder of a Russian federal judge that could potentially be traced to neo-Nazis. In 2004 in Dolgoprudny, Moscow Region, Judge Nataliia Urlina was murdered, after a series of threats from local RNE activists. We don't know if her murder investigation was ever completed, but back then the "ultra-right" version did not dominate the case. For more details see Murder of the Judge in Dolgoprudny// SOVA Center. Racism and Xenophobia. 2004. 9 August (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2004/08/d4522/>).

### **Vandalism**

The activity level of vandals continues also shows no signs of abating: in 2010 we recorded 175 acts of vandalism, compared to 146 in 2009.<sup>6</sup>

At the same time, the tendency for the prevalence of ideologically-motivated vandalism (well-coordinated graffiti and sticker campaigns, aimed at advertising the ultra-right groups, vandalizing World War II memorials, etc.) clearly not only continues but keeps getting stronger – 99 incidents vs. 76 in 2009.

Religiously-motivated vandalism shows no changes in its choice of targets.

Thus in 2010 the acts of vandalism were distributed as follows (the most dangerous forms of vandalism are mentioned separately):

- Sites belonging to Jehovah's Witnesses suffered 14 incidents, including one explosion and two cases of arson (vs. 12 incidents, including one explosion in 2009);
- Orthodox sites suffered 16 incidents, including 8 cases of arson (vs. 15 incidents, including one explosion and five cases of arson in 2009);
- Jewish sites suffered 15 incidents, including one explosion (vs. 22 incidents, including one arson case in 2009);
- Muslim sites suffered 9 incidents, including one explosion and one arson case (vs. seven incidents, including two cases of arson in 2009);
- Sites of various protestant denominations suffered three incidents, including two cases of arson (vs. four incidents, including two cases of arson in 2009)
- Armenian sites suffered two incidents (vs. four incidents in 2009).

We observed a significant drop in anti-Semitic vandalism (a stable trend of several years), as well as anti-Armenian (most probably a random fluctuation). The scope of vandalism against Orthodox, Muslim and Jehovah's Witnesses sites showed no appreciable increase (definitely within random fluctuation margins).

The rate of vandalism directed against religious sites has been steadily decreasing altogether: in 2007, such attacks constituted 72% of total acts of

<sup>6</sup> This data does not include isolated incidents of neo-Nazi graffiti appearing on ideologically "neutral objects" (buildings, fences, etc). However, starting in 2010 we are getting much better data on "cemetery vandalism", not always hate-motivated. Thus, the observed increase in numbers should probably be ignored.

vandalism, in 2008 - 68% in 2009 - about 50%, and in 2010 - about 35%. Perhaps this change was caused by development of law enforcement practices, specifically targeting vandalism of this type. After all, while the earlier incidents were almost never investigated, now court sentences for desecrating religious sites, while not exactly commonplace, no longer constitute a sensation (see below).

However, despite the drop in total number of acts of vandalism, there is no reduction in numbers, whatsoever, for the most dangerous acts - bombings and arson. In 2010 we recorded 17 explosions and arson cases at religious sites, comprising 28% of the total attacks on those sites, in 2009 - 12 explosions and arson cases, comprising 21%, in 2008 - respectively 19 and 31%. The majority of arson cases target the Orthodox chapels and churches (most common religious sites in the country).<sup>7</sup>

### **Public Activity of Ultra-Right Groups**

#### **Rallies, Marches, Elections**

Public activity of radical-nationalist movement in 2010 followed a strange and hard-to-predict trajectory, as is often the case with dynamic and relatively closed movements.

Until the fall the level of activity remained relatively low. Traditional actions commemorating Pskov paratroopers (who died in 2000 in combat in Chechnya) were held in 17 cities, but they were small; the largest one in Moscow brought together 200 people. Nationalists celebrated 1 May in 10 cities, and in Moscow their march (a march is always better attended than a rally) attracted 600 participants.

On 25 April ultra-nationalists held a general meeting of about 400 people in Moscow, demanding the abolition of Article 282 of the Criminal Code, and in defense of the so-called political prisoners or "prisoners of conscience" (some nationalists call them "prisoners of war") – i.e. the ultra-nationalists convicted of racist crimes, including aggravated violence. Similar events took place on 25 July in 20 cities, but only two of these - Stavropol and Cherepovets – managed to hold real, albeit very small, marches (in the meantime in Moscow that day was marked by an ultra-right musical concert, a fight between the police and the fans of the "Locomotive" soccer team, etc.)

The assumptions about the decline of right-wing radical street activity proved to be premature. The traditional "Russian March" on 4 November

<sup>7</sup> For more details see "Problems of Realizing the Freedom of Conscience in Russia in 2010."



brought a record turnout, unprecedented in all previous years of its existence. In Moscow, the main event in Lublino (just like the one, held a year ago) brought all major organizations together and the total number of participants reached 5,500 people (there were fewer participants at the beginning and the end of the event, due to extremely bad weather; many decided not to spend too much time outside). This is more than the number of attendees of the two main events of the previous year (in Lublino and on Bolotnaya Square) combined. The geography of the march had significantly expanded as well: it was held in 30 Russian cities in one form or another, compared to at most 20 cities in the previous years.

Such an increase in numbers can't be explained by the mere fact of the DPNI joining forces with the Russian Image: as with any merger, a new structure ends up attracting some people, while driving some away. Rather, we must assume that certain groups, not participating in smaller events organized by the DPNI, the Russian Image and their allies (either out of hostility to the organizers, or for the reasons of secrecy), decided to come out and take part in the main annual march of Russian nationalists. However, this reasoning, sufficient for the analysis of preceding events of the year, fails to explain why the 2010 march exceeded in attendance the same day event of a previous year. Evidently, the total number of supporters for known and unknown ultra-nationalist groups actually increased over the year.

"The Russian March" was not marked by any violent clashes, but the speakers were much more radical than usual, and Dmitry Bakharev, the Lublino representative of the Slavic Force (*Slavianskaia Sila*, SS), formerly known as Slavic Union (*Slavianskii soiuz*), ended his speech with the Nazi salute from the podium.

Despite increasing difficulties for the opposition candidates, the Nationalists achieved a measure of success in the local elections. Of course, the majority of their candidates (at least known to us) either could not get registered, or failed to win (whether a fair or unfair fight). However, some managed to get through, for example Alexander Lyul'ko, the leader of the Novosibirsk chapters of the Russian All-National Union (*Russkiy obshenatsional'nyi soiuz*, RONS) and the Union of the Russian People (*Soiuz russkogo naroda*, SRN)) was elected to the city council on March 14. In spring the RONS (whose leader Igor Artemov was for many years a member of the Vladimir regional Legislative Assembly, and once almost got into the Duma), attempted to "take by storm" the single Petushki district of Vladimir region. The RONS of Petushki nominated candidates for every single one of the 19 electoral zones, but only nine candidates (including I. Artemov himself) were registered, eight reached the elections, and all of them lost.

### Attempts to De-marginalize the Nationalist Opposition

As we mentioned before, the base of the Russian nationalist movement consists of small groups focused primarily on violence. For these youth groups, who self-identify as marginal, the enemies include not only "non-Russians," but also "anti-fascists", and "cops" and the authorities in general; in this environment even an "average Russian" is often referred to as "vegetable", since he does nothing for the "Russian Idea" (it almost comes to the point, that these "vegetables," should they become collateral victims of neo-Nazi attacks, are judged not worthy of compassion). The slogan "War in Your City" (common after the death of Yuri Volkov, see below) reflects not only the militarized vision of ethnic relations, but also the militarized perception of social life in general. Well-known nationalist organizations always contain a relatively small group of non-violent activists, supported by known, and, even more often, unknown, small groups from this violent fringe.

Thus, the cult of the "white heroes" - neo-Nazis, who are either convicted or under criminal investigation - enjoys popularity within both "militant" and "political" parts of the nationalist movement. "Instructional" letters, ostensibly penned by these "heroes" (for example, by Nikolai Korolev the organizer of the Cherkizovsky market explosion) are very popular in the far right circles. Primorye Guerillas made particularly suitable heroes, riding the wave of public criticism of the police, widespread in 2010 (see above).

However, this propaganda style is not suitable for appeals to regular citizens, even those sympathetic to the nationalist ideas. Other forces of opposition also tend to perceive nationalists as primarily marginal and criminal elements. This problem has been acknowledged for quite some time, and, in their attempts to resolve it, nationalist public figures join initiatives and promote slogans that bear no connection to usual right-wing rhetoric. In 2010 such activity - deliberately aimed at the social legitimization of the Russian nationalist movement - markedly intensified.

The right-wing radicals continued their involvement in various social actions. In addition, they embarked on social projects of their own. For example, the Russian Image, its activity significantly scaled down since the summer (as we later learned, due to the fact that Ilya Goryachev testified against the group's co-founder Nikita Tikhonov, who is accused of murdering Stanislav Markelov and Anastasia Baburova), established the Russian Demography (*Russkaia Demografiia*) project. The right-wing "health and fitness" initiatives also progressed further, particularly in relation to Roman Zentsov's Resistance.

The Russian Social Movement (*Russkoe obshchestvennoe dvizhenie*, ROD) continued its activity aimed at legal and public protection of ethnic Russians in

various conflicts, including conflicts with authorities. The ROD presents itself as an ethnically-based human rights organization. The nationalists' "human rights" rhetoric, especially their demands for the abolition of the Criminal Code Article 282, represent (in addition to pursuing purely pragmatic goals) an attempt to position the radical nationalist movement as part of the democratic opposition. Nationalists are very consistent in this respect. Nevertheless, they frequently defend not just some victims of circumstances, but activists legitimately accused of actual racist attacks. Admittedly, only very biased or uninformed people are willing to consider their advocacy and propaganda in defense of ideologically-motivated murderers, as a form of human rights activism. Hence, the Russian Verdict (*Russkiy verdikt*) project, founded by the Russian Image, which specializes in such cases (incidentally, the workplace of Tikhonov's co-defendant Evgenia Khasis) enjoyed far greater respect among the nationalists, then in society as a whole (although, the project gradually lost popularity among the nationalists as well, due to suspected, though unconfirmed, monetary indiscretions). However the trend of using human rights rhetoric caught on. For example newly released from prison Dmitry Bobrov (ex-"Schultz 88") characterized his National Socialist Initiative ("*Natsional'naiia sotsialisticheskaiia initsiativa*") project as human rights-oriented.

Nationalists increased their participation in acts of general political and social protest. For example, the DPNI joined the all-Russian action of protest on 20 March 2010.<sup>8</sup> Activists from nationalist organizations routinely took part in "Strategy-31" demonstrations (sometimes as observers). On its September 11-12 congress the Russian Image planned to expand their public activity along these lines, including even "ecological" concerns.

Protests against plans to build a mosque in the Moscow Tekstil'shiki District provided yet another opportunity to engage in activity that is not specifically political. The construction dispute did not start as Islamophobic per se: local residents often oppose various kinds of new construction, and part of the protesters in this case stated directly that the purpose of the building is irrelevant. However, there were others, of course, who perceived building of a large mosque as indicative of potential threats. A prominent role in a campaign against the construction belonged to the My Yard (*Moi dvor*) organization, whose leadership consists almost entirely of right-wing activists (My Yard also participated in the environmentalist campaigns such as the one in defense of Khimki forest).

In the course of the year, attempts were made to create coalition structures that would include both nationalist and liberal-democratic activists. In March

<sup>8</sup> Among the numerous March 20<sup>th</sup> rallies, only in Moscow the DPNI representative was given an opportunity to talk.

2010, the well-known right-wing activists Alexey Shiropaev and Ilya Lazarenko, in collaboration with younger Michael Pozharsky, created the National Democratic Alliance (*Natsional-demokraticeskii alians*, NDA). NDA actively participated in small meetings, called "Tea Parties" (a reference to the conservative opposition events in today's United States), attended by a variety of opposition activists, including even the liberal Solidarity (*Solidarnost'*).

The founding conference of the new movement Russian Citizens Union (*Russkii grazhdanskii soiuz*, RGS) on 21 November 2010 was widely noticed. According to its organizers, the mission of RGS was to initiate a "broad cooperation of Russian nationalists and democratic opposition." Indeed the conference represented a very wide range of organizations - the DPNI, the Russian Image, the ROD, RFO Memory (*Pamiat*), the National Democratic Alliance, as well as the Just Cause (*Pravoe delo*) party and the Young People's Democratic Union (youth wing of Mikhail Kasyanov's Russian People's Democratic Union). The conference was initiated by Anton Susov (DPNI), Dmitry Feoktistov, (ex-follower of Kasyanov, now leader of the National Democratic Movement (*Natsional-demokraticeskoe dvizhenie*)), and Alexander Khramov (NDA). The top-rank leaders of Young People's Democratic Union and the Just Cause were absent, in contrast with DPNI, ROD and the Russian Image. In fact, the conference formed a new organization with overlapping memberships (a standard practice), rather than a coalition. In its founding documents RGS presented itself as part of the democratic opposition. They proclaimed nationalism, but not ethnically-based, rather they talked about the "Russian political nation ... based on the ethnic core," but politically RGS kept closer to the ethno-nationalists, thus repeating the early trajectory of the People (*Narod*) movement in 2007. The real distribution of civil and ethnic accents in the RGS version of nationalism will be determined from its future activities.

On the same day (21 November) a rally "against prosecutorial abuse" took place in Moscow's Pushkin Square, in a traditional show of support toward the nationalist "political prisoners." Official organizers of the rally included Resistance and the Combat Brotherhood (*Boevoe Bratstvo*, organization of veterans of armed conflicts, known to have joined forces with the nationalists on prior occasions). Nevertheless, the event was advertized on many non-nationalistic Internet sites, and as a result, a number of activists, with no connection to nationalists attended the rally; many perceived it as a general opposition rally (in particular, to protest the beating of journalists Michael Beketov and Oleg Kashin). Only the activists of Yabloko, realizing that the meeting was actually being lead by the radical nationalists, left the square. Thus 21 November can be considered a visible success for the integration of radical nationalists into the democratic opposition camp.

### The Ultra-right in Search of Coalitions

Desire for a broad alliance of Russian nationalist movements has not disappeared. Partially, it was sustained by the continuing decline of the publicly operating groups under pressure from the authorities, and a subsequent retreat of the next-generation “satellite” groups to autonomous activity, predominantly out of public sphere. Ephemeral hopes to participate in the 2011 parliamentary elections, which required parties to be registered a year in advance, provided another reason to search for allies.

In 2010 we observed various negotiation processes in the far-right milieu, but they mostly remain without consequences. An attempt to revive the Great Russia (*Velikaia Rossiya*) party - when Andrei Saveliev’s supporters tried to revive their regional cells and find allies, particularly in the People’s Council (*Narodnyi Sobor*) - had no consequences as well.

The failure of the Motherland – Common Sense (*Rodina – Zdravyyi Smysl*) party, founded by the economist Mikhail Delyagin (ex-*Rodina*) and by the well-known nationalist publicist Vladimir Kucherenko (Maxim Kalashnikov). It is difficult to access, how nationalist Motherland party could have become, if it actually came into existence. It is clear that the leading role would have belonged to M. Delyagin, whose top priority is economic dirigisme and whose nationalism is very moderate. However, the party would also have experienced the influence of Maxim Kalashnikov, known not only as a somewhat fantasy-prone publicist,<sup>9</sup> but also as someone directly calling himself a national socialist.<sup>10</sup> Other declared participants also came across as either moderate leftists, or moderate nationalists. In any case, the party was unable to complete the registration process within the legally allotted time, and the project was almost frozen by the year’s end.

At the same time, a surprisingly broad coalition of non-partisan organizations managed to come together in September. It was founded at a conference held with great flare at the Hotel Marriott Tverskaya on 28 September 2010 “Declaration of the Russian national organizations” was signed by the DPNI and the Russian Image representatives, in attempt to put their protracted competition to rest. The declaration’s authors called primarily for the legalization of political nationalists, condemned repressions against them, and presented

<sup>9</sup> On M. Kalashnikov’s early activity see Moroz, Yevgenii. The One Who Raised the Swastika. The imperial project of Vladimir Kucherenko //SOVA Center. 2003. 8 November (<http://www.sova-center.ru/racism-xenophobia/publications/2003/11/d1267/>; <http://www.sova-center.ru/racism-xenophobia/publications/2003/11/d1266/>; <http://www.sova-center.ru/racism-xenophobia/publications/2003/11/d1265/>).

<sup>10</sup> Kalashnikov, Maksim, Economic and organizational basis of “Kievskaya Rus-2”, most important questions - with no answers!// Bol’shoi Forum. 2008. 10 November (<http://bolshoyforum.org/forum/index.php?page=29>).

violent actions as unavoidable form of struggle “for constitutional rights” in the face of government pressure.

The declaration was declared open for signing, and one by one the RONS, Konstantin Krylov’s ROD, the Russian Imperial Movement (Russkoe imperskoe dvizhenie, RID), the RGS, the National Socialist Initiative (NSI), the SRN, the SS, and Sergei Gorodnikov’s National Democratic Party (NDP) gradually joined it. Further expansion and strengthening of the coalition were apparently interrupted, once rumors (later confirmed) emerged about the Elias Goryachev’s testimony, raising doubts about the future participation of the Russian Image, and undermining the very basis of the already fragile coalition.

### “Kondopoga Scenario”

As in previous years, the right-wing radicals kept trying to repeat a “Kondopoga scenario” – aggravating of a local conflict between different ethnic groups into riots, with the purpose of subsequent nation-wide political mobilization.

In early May the town of Pugachev in Saratov Region became a candidate for the title of “the new Kondopoga.” After a local resident died as a result of a brawl in a local café, the town had to call in police reinforcements in order to keep the situation under control. Also in May, the DPNI actively promoted a similar incident in Kronstadt, due to its proximity to St. Petersburg, and once again the script failed to work. Evidently, local authorities, and law enforcement agencies are now much better prepared to handle this scenario than in 2006.

In Moscow the July killing of a Spartak football fan Yuri Volkov in a scuffle with young people from the Caucasus caused serious protests, organized by the football fans’ leaders. Like many fans, and many ordinary citizens, the leaders of Spartak “clubs,” understood this fight near the Metro station as “ethnic conflict,” and protest against the “ethnic crime” and against its police “cover” became the driving motive for the fans’ actions. “The War in Your City” graffiti appeared throughout the city. However, the actions themselves, despite their large number of participants (the main event, on July 17, involved, according to various estimates, from fifteen hundred to three thousand people) and explicitly anti-Caucasian character, went along quite peacefully. Moreover, the organizers managed to achieve complete de-politicization of this action: the far right activists were prohibited not only from using the Nazi salute, but from displaying political symbols in general. Without a doubt, this became possible only due to the rigid discipline inside the “clubs”, and informal arrangements with the law enforcement agencies.

The events in Hotkovo near Moscow, which began with a fight between local residents and guest workers from Tajikistan on 26 October 2010, had far

more serious potential. In this fight one citizen was killed, and another seriously injured; the attack, initiated by the natives of Tajikistan appears to have been motivated by ethnic hatred. As and of itself, the incident could be quickly taken care of: the perpetrators were arrested, the police investigation was taking the hate motive into account, and the local residents were adequately informed. Apparently, the rise in anti-immigrant acts that took place in Hotkovo within 10 days after the brawl came from the involvement of the ultra-right activists.

On 2 November the Investigation Committee announced the arrest of the suspects, however on 4 November the first “people’s gathering” took place, calling for the eviction of the “gastarbeiters”. The very next day the foreign workers’ employers quickly evacuated them out of the city, the foreigners were fired from municipal positions, and one of the immigrant workers’ hostels was burned down. All of the above did not prevent a new “people’s gathering” on 15 November, which already included youngsters wearing scarves with neo-Nazi insignia. The Town Mayor Rita Tikhomirova promised to “stay the course for self-cleansing of the city” and invited Hotkovo residents to “round up owners of summer homes, who hire illegal immigrants for their construction projects.” The events had no further consequences.

While long-term “self-cleansing” is highly unlikely, Hotkovo events ended in notable overall victory for the nationalists: the foreign workers were expelled without Kondopoga-like riots, and, accordingly, no one among local residents or far-right activists faced any prosecution.

### Governmental Influence on Nationalist Movements

Authorities are both influenced by the nationalist discourse, and affect the nationalist movement in return, at different levels, not just through law enforcement (see below).

Such influence sometimes includes cultivation of moderate ethnic nationalism, loyal and centered within pro-Kremlin youth movements. In our 2009 report we wrote that this practice is gradually trailing off. Indeed it was never renewed in 2010. It even got to the point that the Locals (*Mestnye*) movement, previously consistently committed to ethnic nationalism, issued a statement after Manezhnaya Square events, demanding to stop any kind of incitement.<sup>11</sup>

The Steel (*Stal'*) movement (a subsidiary of the Nashi movement), notorious for its scandalous actions, became the only exception. One of their sites published certain “Commandments of Honor,” bearing almost complete textual resem-

<sup>11</sup> The statement of the Locals (*Mestnye*) movement on the consequences of Yegor Sviridov’s murder// *Mestnye*. 2010. 18 December (<http://mestnye.ru/node/3661>).

blance to the “Ten Commandments of National Socialism” by Joseph Goebbels. Of course, this could have been just a coincidence, but when the scandal broke, some activists in the Steel movement rushed to defend the strange gesture of their colleague, the author of dubious “Commandments of Honor.”

Another form of government influence has always come from diverse and primarily rhetorical maneuvers of regional and federal officials. In 2010 new important player became highly visible on this field - Ramzan Kadyrov, the ruler of Chechnya.

Russian ethno-nationalists have traditionally positioned themselves as fighters against the ethno-nationalists of other peoples. Attacks committed by “non-Russians on Russians” have always been the most important element of nationalist propaganda. Those, relatively rare, cases where the attacks were indeed clearly motivated by ethnic or religious hatred, have always played a special role in nationalist propaganda (remember how much publicity was poured on the Black Hawks (*Chernye Iastreby*) group). Until now, anti-Russian racist groups remain a rarity in the regions with predominantly Slavic population, although racism is certainly widespread among our citizens, regardless of their ethnicity. But in 2010, the ruling regime in Chechnya loudly announced itself as an opponent of Russian nationalism, not just in the Caucasus, but on a country-wide scale.

As far back as 2006 during the Kondopoga events Ramzan Kadyrov acted not as the head of specific region, but as the leader of all ethnic Chechens, no matter where they lived. Then it was mostly rhetoric. Kadyrov’s regime has considerably strengthened in the intervening years, even beginning the expansion into neighboring regions, and apparently feels ready to exert its influence beyond the Caucasus.

In July 2010 a mass brawl in the “Don” summer camp became another hot topic. The brawl did not start as a racist attack (although both sides were reported to use racist slogans during the fight), but adult natives of Chechnya actively supported their adolescent bullies, and only police intervention prevented a broader clash with local residents. After the actual conflict was over, the Chechen leadership started to insist that this was “the Chechen massacre,” and in the meantime all Chechen participants of this event successfully took refuge from the investigation in Chechnya. Ramzan Kadyrov has emerged as a fairly rigid ethno-nationalist, the only one among the regional leaders, who was acting on wider than regional scale, while the federal government was powerless.

Chechen authorities also intervened in the debate about the Russian history textbook by two professors of Moscow State University Alexander Vdovin and Alexander Barsenkov. The authors were implicated in a number of anti-Semitic and anti-Chechen statements; and in the fall of 2010 this subject became one of the most

critical in the public debate. The discussion quickly moved to the level of complaints to the Prosecutor's Office, letters to Kadyrov personally, there were even attempts to open a criminal case. Fortunately, it never became a criminal case, but the discussion was definitely not conducted in an academic manner. Although the book was withdrawn from the classroom, the problem remained: first, it became obvious that normal academic process of selecting textbooks and manuals is not functioning and lacks public oversight, and next, the interference of various brands of nationalists into the sphere of science is becoming increasingly pronounced. However, the intervention of the Chechen authorities gave this conflict an extra edge.

### **The Riots on Manezhnaya Square and Their Immediate Consequences**

The above-mentioned incident with the murder of a soccer fan repeated on 6 December - this time Spartak fan Yegor Sviridov was killed in a street clash with young people from the North Caucasus. All participants in the fight were arrested, but only the one, who made the fatal shot from a traumatic gun, remained in custody. The rest were released on bail, since at the moment they were only accused of hitting. At this turn of events the fan community erupted into protests, and was joined, once again, by the extreme right. However, the subsequent events did not follow the summer scenario.

On 7 December about 500 people, who picketed the Golovinsky district prosecutor's office, demanding the arrest of other North Caucasus participants of the fight, suddenly blocked the Leningrad highway, responding to appeals by anonymous initiators and ignoring calls to the contrary from the organizers. The police was unprepared for this turn of affairs and could not prevent their short-march along the highway.

A memorial rally at the Kronstadt Boulevard murder scene, organized by soccer fans' leaders and coordinated with authorities, was scheduled for 11 December. In the meantime, certain anonymous activists advocated taking the protest to Manezhnaya Square, which has long been a "disputed territory" between the fans and ultra-right on the one hand, and rowdy groups of North Caucasian origin on the other (just recall the mass brawl of 2007). Alexander Belov incited nationalists: "In case of conflict, be the first to attack – better to have three [court judges] judge you, then four people carry you. Talk is useless with animals - a beast only understands force... to walk without a knife or a gun is criminal negligence."<sup>12</sup> Fans leaders asked their community not to go to Manezhnaya Square, and the police, apparently remembering the fan-discipline,

<sup>12</sup> Belov, Alexander. In case of conflict, be the first to attack //North-West Political News Agency (*APN Severo-Zapad*). 2010. 10 December (<http://www.apn-spb.ru/opinions/article8033.htm>).

demonstrated after the Yuri Volkov's assassination, relied on the authority of these leaders. However, the events took a different turn.

The rally on Kronstadt Boulevard happened according to plans. It went along rather peacefully, although some attacks on the "foreign-born" were recorded in its vicinity. Then a few thousand people (some of them from Kronstadt Boulevard) arrived to Manezhnaya Square. Apparently, the crowd contained many right-wing activists of various kinds, many fans, and possibly some other participants. Protesters chanted racist and anti-police slogans, collectively raised hands in a Nazi salute. Judging from the photos and videos, about three thousand people gathered on the square. Police later reported five thousand, but perhaps this time the numbers were exaggerated, to explain the inability of the law enforcement to take the area under control.

Part of the protesters attacked random young men, whom they took for the natives of the Caucasus, and then the riot police, who tried to protect them. Clashes with the riot police resulted in a "draw," since the riot police forces in the area were very limited: the government clearly did not expect a rally of this size. After negotiations between unnamed and masked representative of the protesters with the head of the Moscow police department, protesters descended into the subway in organized manner; there many of them proceeded to beat up people of "non-Slavic appearance" (the riot police also entered the subway, but somewhat later). Overall, according to our sources, at least 40 people were severely injured and one killed as a result of attacks by the ultra-right militants.

Actions, commemorating the killing of Yegor Sviridov, took place not only in Moscow but in many other cities as well. In the places, where the actions involved only non-political soccer fans (Kursk, Surgut, Yoshkar-Ola, Ufa, Yaroslavl, Penza, Novosibirsk, Ryazan, Chelyabinsk), the events were incident-free, while in places, where the ultra-right activists joined in, the attempts to repeat the Moscow scenario took place with varying degrees of success.

The latter case is best represented by St. Petersburg march of fifteen hundred to two thousand people (a very large number for St. Petersburg) that included both fans and ultra-right groups. National Socialist Initiative was either the sole organizer or one of the organizers, and an activist from the National-Bolshevik Other Russia (*Drugaya Rossiya*) party marched in the head of the procession. After an attempt to beat up a passerby the march was successfully dispersed by riot police. Rallies and marches numbering 50-200-300 people and featuring xenophobic slogans took place in Syktyvkar, Kaliningrad, Voronezh, Tomsk, Samara, Volgograd, Kirov, Novosibirsk. In Rostov-on-Don the event also coincided with the death of a local student at the hands of a fellow student from Ingushetia; the rally was attended by about 800 people and caused some downtown street closures.

The rally at Manezhnaya Square became a powerful and entirely unexpected success for right-wing radicals, even leaving the regional events aside – and, in this case, they can't be ignored as well. Such a mass gathering under such radical slogans have never happened before, and at this time it also took place literally under the Kremlin walls, was crowned with fairly mass violence, and not a single organizer has been held accountable<sup>13</sup> (the only similar case we can point to took place in 2002 when neo-Nazi were able to incite a huge crowd of soccer fans into rioting on Tverskaya Street. A “Kondopoga scenario” worked – albeit partially – and not in a small town, but right in the capital.

Since the reason for unrest was, regretfully, far from extraordinary, and since the subsequent events have not resulted in escalation of radical street politics, the claims that the level of ethno-nationalism in a society has reached a critical point, leading to the civil war, the “white revolution” or something along these lines, are currently unwarranted (or at least premature). The recent success of extreme right had more specific underpinnings.

The sphere of non-public radical nationalist groups gained in size and strength, both technical and organizational. These youth-dominated groups focus primarily on violence, shun publicity and do not put much trust into public nationalist politicians: because in the eyes of ultra-right youth the latter have been frequently disgraced in various situations, and because those youngsters have no reason to believe in the effectiveness of public political opposition. The final reason for this mistrust is the defeat of National-Socialist Society (NSO) demonstrating that, due to increased activity by law enforcement agencies, combining public activity and systematic racist violence is no longer possible. In its earlier days the ultra-right milieu largely functioned as a horizontal network of small and mostly anonymous groups as well, but a series of crises in nationalist public institutions made this network even more autonomous, so it, rather than the DPNI or similar organizations, receives the influx of young people.

Apparently, mobilization efforts of these autonomous groups brought thousands of people to Manezhnaya Square (the regional events had different organizers, including the traditional ones from DPNI). The riots of 11 December demonstrated that these groups were quite effective in their competition with the fan clubs' leaders for the support of young fans, and this potentially means a sharp increase in the base of the ultra-right movement: previously, the organized fans' movement, even when sharing the same views, kept somewhat apart from the far right. The most recent “Russian March” probably owed its record participation to the same autonomous groups (since all other explanations are insufficient).

<sup>13</sup> At the time of writing several people have been arrested, but the extent of their participation in Manezhnaya events is unclear.

Moreover, organizing a gathering of three thousand people – even if three and not five – on Manezhnaya Square, where the clash with the riot police is almost guaranteed – is more impressive than bringing five and a half thousand on a patently safe “Russian March.” Horizontally organized semi-underground (only selected few are really underground) has proven effective and should now be regarded as the main force of the radical Russian nationalism. Public nationalist politicians are left trying, if not lead the movement, at least to keep up with him.

Police (as well as authorities in general) simply did not expect such a performance; that is why they did not block the organization of the rally. As of now, we can only hope for the success of the operational methods against the neo-Nazi network, but the outcome is far from certain.

The events on Manezhnaya Square inspired autonomous Nazis as well as known ultra-nationalist organizations. The entire mid-December was spent in attempts to set in motion new mass rallies, mostly in Moscow. The Metropolitan Police directed large units of riot police and interior troops to block the corresponding streets and squares upon a slightest rumor, and was able to thwart all the efforts.

The most massive attempt took place on 15 December: calls to clashes addressed to “Russian Youth” and to “Caucasian youth” circulated for several preceding days. We must say, that both target groups appeared to have many people willing to participate in such clashes, although the key right-wing organizations, evidently, preferred to stay home on that day. The city witnessed a series of attacks and brawls initiated by both anti-Russian and anti-Caucasian racists, and from 12 to 30 people (according to various estimates) were seriously injured. About 1300 people were arrested on that day in various Moscow locations.

On 16 December a legal ultra-right march took place on Moscow's Chistye Prudy and riots occurred in Solnechnogorsk, Moscow Region. After that, massive new clashes were expected on December 18. Serious clashes failed to materialize, but mass protests of right-wing radicals (including the NDA-organized march around the Ostankino TV Center) attracted hundreds of participants. All these actions have been stopped by the police, the total number of detainees in the Moscow and Moscow Region reached two thousand. On the same day similarly significant events on a proportionately smaller scale occurred in Volgograd, Samara and Krasnoyarsk.

After December 18 ultra-right groups undertook no further large-scale attempts. However, the manifesto of anonymous 11 December Movement appeared, urging for anti-government activities, and for monthly protest rallies on Moscow's Manezhnaya Square and in other cities, in order to eventually overthrow the regime (though the events of January-March 2011 demonstrated that most right-wing activists never took this appeal seriously).

Before the New Year A. Belov (following the notorious 2010 example of the American pastor) publicly called for Quran-burning on Red Square, which on New Year's night have traditionally been the gathering place for guest workers from the Central Asia. The DPNI disavowed that statement, and, instead of Quran-burning, planned some kind of nationalist festivities around Red Square. The result was predictable: the police blocked the Kremlin area, and, apparently under instructions to prevent clashes, detained most of the Central Asian workers, a number of ordinary drunk revelers, and a few right-wing radicals - a total of about two thousand people. One of the DPNI leaders Vladimir Tor (left DPNI in February 2011) was even sentenced to 10 days in jail.

So, the police in continuous mode of total mobilization was able to prevent the right-wing radicals from escalating the street aggression, but unable to put a complete halt to the December surge of racist violence (compared to December 2009 we recorded three times as many victims). The only question is whether police can maintain such mobilization for long.

Certainly, the government and the public did not rely solely on effective policing. Events at Manezhnaya Square caused a storm of comments and a variety of proposals that cannot be covered in this report even briefly.

Among reactions across the social spectrum, generally quite predictable, the National-Bolshevik "Other Russia" predictably stood out: Eduard Limonov and his spokesman Alexander Averin invited participants of the Manezhnaya rally to their traditional 31 December rally (though stipulating that the "Strategy-31" "does not welcome violence).

The government reacted very unconvincingly and looked bewildered. President Medvedev began with statements about the need to punish all those responsible for rioting (not too promptly though; he made more detailed proposals in January 2011). Vladislav Surkov, who is responsible for domestic policy in his administration, put the blame for the unrest on the democratic opposition, accusing them of "rocking the boat". Prime Minister Vladimir Putin talked about the problems associated with migrants, proposed to toughen the penalties for the registration regime violations (no action was actually taken) and visited the grave of Yegor Sviridov. Law enforcement officials hastily revised its decision on pre-trial restrictions for the Sviridov's killer associates: all of them were arrested (the last one in March 2011), although the question of legality of original pre-trial restrictions has not been investigated. One thing was never done - nobody or almost nobody, who discussed this problem, brought up such critical issues as the integration of migrants into society, combating discrimination, the normalization of the North Caucasus, etc.

In any case, for a while the theme of nationalism started to dominate the public debate, but it is too early for any significant conclusions, or even for the formation of productive discourse.

## Counter-action to Radical Nationalism

### Public Initiatives

The early 2010 was marked by the largest mass event in several years which also was the largest non-political public protest initiative against the ultra-right manifestations in Russia. Namely, it was the Russia-wide initiative of the antifascist marches and rallies commemorating the one-year anniversary of the deaths of the lawyer Stanislav Markelov and the journalist Anastasia Baburova. The events were dedicated to their memory and the memory of all the victims of ultra-right violence in Russia.

The Committee on 19 January – a non-political informal association of public activists, supported by many artists and cultural figures - served as the event's organizers. Relatively non-political character of the organizing committee attracted a rather large number of participants.

Unfortunately, in Moscow, where, by different estimates, between 700 and 1000 people took part in the march, the event ended with street clashes, provoked by the police. Nevertheless, such a large anti-fascist demonstration became a major success. (The same action in Moscow a year later, on 19 January 2011 mobilized somewhat fewer participants, but went without incidents. The event's geographical span grew significantly, to 23 towns, compared to 13 the year before.)

As usual, public anti-fascist activity was slightly higher in the fall. The five cities conducted activities as part of the International Week of Tolerance under the slogan "Crystal Night - never again!" (9 to 16 November). In Moscow on 16 November, the anniversary of the anti-fascist Ivan Khutorskoi's death, several dozen young people attended a march on the Arbat dedicated to his memory.

On 31 October, the birthday of scientist Nikolai Girenko, shot by neo-Nazis in St. Petersburg, the traditional "March against Hate" took place. Unfortunately, we have to note that this event attracts fewer participants with each passing year.

Public opposition to racism is complicated by the fact that this opposition also includes radical violence-oriented anti-fascist groups. During several years of street warfare between neo-Nazi activists and so-called "military antifascists" the police, naturally, have tended to occupy a neutral position. However, due

to the spread of xenophobic prejudice among police personnel, at times this neutrality is in fact broken to favor neo-Nazis.

The situation is complicated by the fact that “military antifascists” and anti-fascists in general tend to participate in the various left-wing (and in some cases ecological) protests, and in the course of these actions at times violate the law and have brushes with law enforcement. The most radical group even performed an attack on Interior Ministry buildings (the attack, curiously enough, received advertisement from neo-Nazis on a level with similar attacks of their own). The July attack on Khimki (Moscow Region) municipal administration building by the column of young anti-fascists and the subsequent police actions against anti-fascist youth movement as a whole became the most serious event of 2010 in this area. The attitude of law enforcement agencies to members of the “unofficial left,” already hostile, only grew more negative.

Law enforcement agencies (and not just them) shifted their focus of attention from the dangers of racism to the street war between neo-Nazi and anti-fascists, and this shift leads to clearly inappropriate actions by authorities, and to actions of non-state actors that we consider erroneous. For example, on 9 November in Novosibirsk neo-Nazis shelled a group of young people, who gathered to watch a movie dedicated to the memory of Anastasia Baburova. Police initially refused to recognize the ideological nature of the attack (although this position was later revised). The organizers then cancelled the show under the pretext of its “politicization”.

The Manezhnaya Square riots caused an active backlash from the anti-racist public. The most notable event was the meeting “Moscow for All” on 26 December on Moscow’s Pushkin Square. The rally, organized by representatives of the creative intelligentsia, attracted, according to various estimates, from fifteen hundred to two and a half thousand people: a surprisingly large number for such an action. The rally was decidedly apolitical; participating politicians did not address the gathering.

The statement, signed on 16 December by a group of the organizing committee members of the “Strategy-31”, including Oleg Orlov (Memorial Human Rights Center) and Lev Ponomarev (Movement for Human Rights) also deserves our attention. The statement’s authors declared unacceptable the invitation made by the leaders of “The Other Russia” to participants of the Manezhnaya Square rally to attend the 31 December rally on Triumphalnaya Square (see above), and refused to cooperate with the authors of such invitations.

December riots on Manezhnaya Square bring additional attention to the situation in Russian soccer, or, more precisely, near-soccer. The soccer clubs’ leaders and the Russian Football Union (*Rossiiskii Futbol’nyi Soiuz*, RFS) after many years of ignoring the problem of racism in soccer stands, finally had to

deal with it, at least for the duration of Russia’s bid to host the 2018 World Cup. The attack by fans of Dagestan soccer club “Anji” on the fans of “Spartak,” attending October 2010 match in Makhachkala, became a case in point. After this incident the soccer clubs leaders implored theirs and other clubs’ fans to refrain from racist behavior, and October 21, 2010 the Russian Football Union approved the Memorandum on Countering Discrimination. It is supposed to tighten the administrative rules, and to ensure punishment for racism in the stands.

Since then, Russia’s bid to hold the championship was approved, while the youngest and the most radical soccer fans strongly expressed themselves on Manezhnaya Square. It is hard to predict the impact of these events on the implementation of the soccer anti-discrimination program.

### Creation of regulatory acts

An overwhelming majority of the anti-extremist legislative proposals of 2010 do not stand up to scrutiny. As a rule, they fell into two categories: either populist initiatives (such as the bill on introducing administrative responsibility for media outlets if they mention ethnicity in the course of their criminal activity coverage, once again revived by Moscow City Council) or openly repressive projects (such as the bill on extending the powers of the FSB, which have already become a law) intended for intimidation of civil activists opposition.<sup>14</sup>

One law, enacted in 2010 deserves our praise. We are talking about the new edition of the federal law “On counteracting legalization (laundering) of profits derived from criminal activity and financing terrorism.” In particular, this law mandated the creation of the list of financial institutions’ clients (persons or legal entities) whose financial operations need to be controlled for the purpose of fighting terrorism and extremism. Meanwhile, the inclusion criteria for this list were rather vague, and the list itself was off-limits to citizens. The mechanism of this list was also unclear: for example in 2009-2010 defendants in the case regarding the assassination attempt on Governor Matvienko’s life had problems opening bank accounts, despite being completely acquitted by the court.

The July 2010 amendments to the Act significantly restricted its abuse potential. The most fundamental change was introducing the clause regarding the possibility to be removed from the list for organizations and individuals,

<sup>14</sup> For more details see “Inappropriate enforcement of anti-extremist legislation in Russia in 2010,” which also contains a detailed description of the extremely significant 15 July 2010 resolution of the plenary meeting of the Supreme Court of the Russian Federation regarding judicial practice related to the Russian Federation Statute on the Mass Media



suspected but then cleared from suspicion of involvement in extremist and terrorist activities. A list of the Criminal Code articles, for which prosecution involves getting on the List, has been fleshed out (though it should be noted that violent crimes motivated by hate were not included). Finally, the law now provides for partial publication of the “list of terrorists and extremists,” which will allow challenging the fact of inclusion.

Even before the enactment of the law (October 2010), these amendments have borne positive results: In September, a St. Petersburg court ruled in favor of the acquitted suspect in the Matvienko assassination case and ordered the Federal Service for Financial Monitoring to remove him from the “list of terrorists.”

## Criminal Proceedings

### Violence

The practice of criminal prosecution for violent crimes, where hate was a motive recognized by the courts, was increasingly put to use. In 2010 there were at least 92 convictions for such crimes in 36 regions of Russia (In 2009 there were 61 convictions in 25 regions). A total of 320 persons were convicted in these proceedings (compared to 168 persons in 2009), and 9 were acquitted.

The following punishments were allocated:

13 people were found guilty but released from punishment because the statute of limitations had expired;

6 people were found guilty but released from punishment due to conciliation of the parties;

3 people were referred for compulsory psychiatric treatment;

1 person was fined;

1 person received suspended sentence and was fined;

2 people were sentenced to correctional work;

21 people were sentenced to mandatory labor;

18 people received a custodial sentence of up to one year;

31 people received a custodial sentence of up to 3 years;

25 people – up to 5 years

61 people – up to 10 years;

10 people – up to 15 years;

14 people – up to 20 years;

5 people – over 20 years;

3 people received a life sentence;

99 people received suspended sentences without additional sanctions;

We know of 7 additional people found guilty, but have no punishment data for them.

Courts used additional sanctions extremely infrequently. Only the two policemen, convicted for hate-motivated beating were barred from right to occupy certain positions for two years as an additional punishment.

In the prosecution of racist violence the judiciary already confidently uses almost the entire range of the Criminal Code articles that contain hate motive as aggravating circumstance. However a complete renunciation of using Article 282 to indicate the racist nature of the crime has yet to happen: it has been used in this manner in at least three 2010 convictions (four in 2009). The trial of two Moscow Nazi-skinheads - Sergei Zhihorev and Victoria Petukhova, who had brutally beaten two homeless women of non-Slavic appearance in a house basement, is quite illustrative. Originally Zhihorev and Petukhova were convicted under Part 3 of Article 111 of the Criminal Code (“Intentional infliction of grievous bodily harm with the motive of hate committed by a group”) and Section A, part 2 of Article 282 (“inciting hatred with violence”). However, in the exercise of supervisory power verdict was appealed in the Moscow City Court, which in October 2010 ruled that although the assailants shouted racist slogans during their attack, it took place in the basement, that is, in an isolated room. Accordingly, they have not incited anyone, since no one could hear them. At the same time the fact that they were guided by hate motive, had been already reflected in the qualifications of a core charges under Article 111. Thus, the court found that in this case, the penalty under Article 282 was issued unlawfully and annulled it.

Once again the number of suspended sentences in racist violence cases is alarming.

Year	2004	2005	2006	2007	2008	2009	2010
Total convictions	26	56	109	65	118	168	320
Suspended Sentences (% of total)	5 (19 %)	5 (9 %)	24 (22 %)	18 (27 %)	31 (26 %)	33 (20 %)	119 (37 %)

As we see the record number of convictions is accompanied by the record rate of suspended sentences, even after we exclude those convictions, where accused were released from punishment. In some municipalities suspended sentences constitute 100% of convictions, as in Voronezh (five out of five con-

victions). In St. Petersburg, the city that ranks second in racist violence levels, suspended sentences constituted almost half of all convictions (13 out of 27), and slightly over 50% in Nizhny Novgorod region (18 out of 34). No wonder that despite numerous trials, the street violence shows no signs of abating.

Part of those suspended sentences undoubtedly comes from deals with prosecution in large group trials. Relatively many people with suspended sentences were convicted under “light” articles of the Criminal Code (Articles 115 and 116), which don’t provide for severe punishment.<sup>15</sup> In general, however, we have to repeat that suspended sentences for violent racist attacks only foster in the perpetrator a sense of impunity or even a sense of solidarity on the part of the state and the society (represented by the judge). It is no accident, that some people convicted of such crimes had prior suspended sentences for racist attacks, sometimes not yet expired. In 2010 we know of at least eight such cases.

The following two examples illustrate the fact, that suspended sentences only convince racists of their power to assail with impunity. In May 2009 in Nizhny Novgorod region an ultra-right activist received a suspended sentence for racist attack. The following February he participated in a hate-motivated attack on a group of young people, whom the ultra-right considered anti-fascist. In addition, an absolutely egregious example of inexplicable loyalty to the racists came from Irkutsk. At the end of June 2010 they finally arrested one of the local right-wing leaders Evgeniy Panov, who is the principal defendant in the case of the Angarsk environmentalist camp attack since 2007, a defendant in the case of an attack on a group of cyclists since 2009, and in April 2010 was conditionally sentenced for attack on an ethnic Buryat, motivated by ethnic hatred. All this time, Panov remained at large despite the fact that in the Angarsk case he is charged with aggravated Part 4 of Article 111 (“grievous bodily harm that negligently caused the death of the victim”). The arrest was made only after Panov initiated another racist attack, this time on an ethnic Azeri.

### Vandalism

In contrast to violent crimes the practice of prosecuting racially-motivated and neo-Nazi vandalism is virtually undeveloped. In 2010 we recorded seven convictions for the total of nine<sup>16</sup> people (compared to five in 2009) under Part 2 of Article 214 (“vandalism motivated by hate”). Two sentences were handed

<sup>15</sup> Both verdicts under Article 115 were suspended sentences, out of 11 convictions under Article 116 four received suspended sentences, and in two additional cases, one out of two convictions resulted in suspended sentence.

<sup>16</sup> Note that we do not consider these convictions inappropriate.

down in the Tyumen region, while Stavropol and Khabarovsk, Kaluga, Kurgan and Yaroslavl regions reported one conviction each. In addition, in Yaroslavl and Khabarovsk the charges of vandalism were used in conjunction with charges under other articles of the Criminal Code. Another sentence was handed down under part 2 paragraphs “A” and “B” of Article 244 (“desecration of the dead and their burial grounds committed by a group and motivated by hatred”); to be more specific, this was part of the sentence for seven people from the Tver RNE group.

This law enforcement segment was the first one to start applying the restriction of freedom clause (the so-called house arrest) introduced in the Criminal Code in late 2009, as the principal punishment measure. Two court decisions utilized it to punish the perpetrators - in Tyumen and in the Stavropol Kray (in both cases the defendants were minors). In regard to another minor, the court considered educational treatment and damage compensation to be sufficient measures.

We also would like to note, that the infrequent use of vandalism legislation (Article 214 of the Criminal Code), as well as the article regarding the desecration of burial places (Article 244 of the Criminal Code) with hate motive apparently results from the dual nature of such crimes. If, for example, someone writes aggressive racist slogans on a memorial to Soviet soldiers or on a religious building it can be regarded as hate-motivated vandalism (since an object was defaced), and as incitement of hate. For media purposes prosecution under Article 282 attracts more attention, since it pretty much remains the only “anti-racist” article, known to the general public, therefore it is used for some of those cases.

Streamlining the law enforcement in this area needs further discussion, but so far we are not aware of any instances of such discussion.

We need to mention two additional sentences, not related to Article 214, but in fact they also dealt with vandalism - with the use of explosives. In May 2010 the man, who planned to blow up the wall of the Novgorod Kremlin during the summer 2009 citywide celebration of “New Hanseatic Days” in order to “*draw attention toward problems of Russia and Russian people*”<sup>17</sup> received a guilty verdict. In June the ultra-right neo-pagan radical was sentenced in Vladimir for an attempt to sabotage the Vladimir concert of Boris Moiseev. In order to

<sup>17</sup> He was declared guilty in preparing a terrorist act (Chapter 1 Article 30 and Chapter 1 Article 205 of the Criminal Code of the Russian Federation), unlawful trafficking and unlawful making of explosives (Chapter 1 Article 222 and Chapter 1 Article 223) and sentenced to five and a half years in custody.

accomplish that, he, for some reason, threw an IED into the window of one of the Vladimir Churches.<sup>18</sup>

### Propaganda

In 2010 64 trials against 72 people ended in guilty verdicts for incitement of hate (Article 282 of the Criminal Code). (These numbers does not include the convictions we consider inappropriate, or when defendants were convicted for violent crimes under the same Criminal Code Article. 32 people received suspended sentences or were released from punishment, for one person the judgment is unknown.) Six people out of these 72 were convicted under the aggregation of Articles 280 and 282 (“public appeals for extremism”) and occasionally other articles of the Criminal Code. Altogether 12 sentences to 14 people utilized Article 280 (at least seven of these received suspended sentences or were released from punishment). Two persons were acquitted. In 2009 there were 45 verdicts, 35 of them under Article 282, seven under Article 280, and three more under both articles at once.

41 Russian regions reported propaganda convictions in 2010. The following punishments were allocated:

2 persons were released from punishment because the statute of limitations had expired;

- 1 person was referred for compulsory psychiatric treatment;
- 34 people received suspended sentences without additional sanctions;
- 1 person were banned from publishing activity for 3 years;
- 7 people were sentenced to various fines;
- 7 people sentenced to correctional labor;
- 13 people were sentenced to mandatory labor;
- 14 people received custodial sentences.

The judgment for one person is unknown, but definitely non-custodial.

Note, that custodial sentences usually pertained to the cases, where accusations included the additional non-”propaganda” Criminal Code articles as well,<sup>19</sup> such as the above-mentioned case of the neo-pagan from Vladimir, who blew up the Orthodox Church building (his charge under Article 282 was most likely connected to distributing of racist leaflets, or the case of graffiti artists in

<sup>18</sup> He was convicted for hooliganism with the use of weapons, motivated by religious hatred (points (a) and (b) Chapter 1 Article 213), for the illegal manufacture of the explosives (Chapter 1 Article 223) and for inciting ethnic and religious hatred (Chapter 1 Article 282).

<sup>19</sup> Thus this chapter does not provide the length of custodial sentences distribution; these prison terms were meted out for crimes other than “words”.

Yaroslavl, who covered the streets with xenophobic slogans (among them threats to the judges painted on a district court building, which supposed to house a major trial of the gang of serial racist murderers). The only purely propaganda conviction of 2010 was the one received by Konstantin Dushenov, the editor and the publisher of the *Orthodox Russia (Rus’ Pravoslavnaia)* newspaper. His conviction (three years in a settlement-colony with the prohibition to practice journalism) evidently took into account not only specific charges, but also the identity of the defendant, who was one of the most notorious anti-Semites not just in St. Petersburg but in the entire Russia.

We record the Russian trend of using non-custodial punishments “for mere words,” year after year, and heartily commend it. Regretfully, this seems to be the only positive aspect in the practice of xenophobic propaganda prosecutions.

First of all, we still observe a very high rate of suspended sentences without additional sanctions and cases of relief from punishment (usually due to the statute of limitations expiration). Moreover, this rate has been rising steadily for the entire time period since xenophobic propaganda cases have become routine. In 2010 suspended sentences and relief from punishment comprised 44% of total convictions, while the 2009 rate was 42%, 2008 rate was 38%, and 2007 rate was 29%.

Next, the issue of time limits on such cases still remains unresolved. Recall that many “anti-extremist” bills insist on making Part 1 of Article 282 “heavier” in order to increase the statute of limitations for the crime. This is not a mere coincidence: the investigation and the courts are still unable to stay within the legally allotted period of two years when prosecuting these cases. The propagandists of hate are well aware of this problem and often deliberately delay the proceedings. Occasionally, it seems that such delay works for all the parties involved. A striking 2009-2010 example of such an “agreement” was the case of Alexander Yaremenko, editor of the Russian Transbaikalia (*Russkoe Zabaikalye*) newspaper. The case was initiated in 2008 under Part 1, Article 282 (despite the fact that Yaremenko clearly acted in his official capacity, which was emphasized in the materials of the investigation), and the statute of limitations on it ended in June 2010. In 2009, Yaremenko was convicted by a lower-level court, but the sentence was overturned on appeal, and the new trial on the case was scheduled precisely for June 2010. Then Yaremenko went into hiding from the court and “re-appeared” only in August. The court paid no attention to this fact (which, by law, should have interrupted the term of limitation) and dismissed the case. Thus, in fact, not only the defendant, but also the prosecutor and the judges were not averse to such an outcome.

Third, the question regarding the degree of public danger from xenophobic propaganda still remains open. First and foremost, we are talking about the fact

that Internet-chatterers<sup>20</sup> and graffiti vandals account for the bulk of xenophobic propaganda convictions.

There are also examples of propaganda that, while aggressively xenophobic in nature, raise such strong doubts regarding their authors' mental adequacy that the social danger potential of those texts drops to zero. Such was an impression produced by the available texts of "Genghis Chelyabinsk"<sup>21</sup> group. In summer 2010, four members of the group were found guilty; two members received two years eight months in custody, and two others got suspended sentences.

Fourth, law enforcement agencies continue to focus on ordinary xenophobes, not on ideologues, who systematically engage in racist propaganda or advocate neo-Nazi terrorism. Among relatively important ideologues only two were held criminally liable: the above-mentioned K. Dushenov (it is worth noting that the investigation and the trial in his case lasted a total of more than three years) and the DPNI- Kirov leaders. The sentences to Kirov residents however, contain inappropriate elements: they were charged, among other things, with incitement of hatred to such social groups as "students" and "civil servants", including employees of the Interior Ministry, and specific public officials."

Fifth, the practice of barring an offender from practicing his profession receives no further development. There were only four such sentences in 2010.

## The Federal List of Extremist Materials

In 2010 the Federal List of Extremist Materials continued its rapid growth. It was updated 27 times and grew from 467 items to 748, with some of them including dozens of impossible-to-identify filenames. All the previously noted problems of the List<sup>22</sup> remain unresolved. The List's monstrous size makes its systematic application impossible. Law enforcement practice shows that currently the List is used either as a tool of undue pressure on a number of religious groups (primarily, the Jehovah's Witnesses) or as a tool to simulate fight against extremism by issuing warnings to libraries and schools. The List is very seldom used as a tool to combat actual xenophobic propaganda, and on just a few items. The book *The Strike of Russian Gods* ("Udar russkikh bogov"), movies *Russia with a*

<sup>20</sup> However, online distribution of xenophobic videos containing appeals for violence, constitute, in our opinion, a truly dangerous form of propaganda.

<sup>21</sup> Fragments of their creative output can be found here "The Chelyabinsk Prosecutor's Office wants to charge sick people, who consider Putin to be a Jesuit General, with extremism // UralDaily.ru. 2011. 14 January (<http://uraldaily.ru/obshchestvo/4149.html>).

<sup>22</sup> Kozhevnikova, Galina. Under the sign of political terror: Radical nationalism and efforts to counteract it in 2009 // SOVA Center. 2010. 2 February ([http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/03/d18151/#r3\\_4](http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/03/d18151/#r3_4)).

*Knife in Its Back* ("Rossiya s nozhom v spine") and *The Eternal Jew* ("Vechnyi Zhid") likely represent the most common items for which law enforcement agencies meaningfully hold people responsible.

281 items added to the Federal List in 2010 fall into the following categories:

- racist, xenophobic, anti-Semitic materials – 117 items (42%)
- Jehovah's Witnesses materials – 51 (18%);
- materials by North Caucasus separatists and other radical Islamists – 29 (10%);
- Scientology materials – 28 (10%);
- materials by various Muslim groups, usually not affiliated with officially recognized Muslim authorities – 21 (7%).

The remaining 56 items (20 %) include historical sources, various oppositional texts mostly on social concerns, and, finally, materials that are impossible to identify.

61 new items refer to online materials.

Significantly, on 30 July 2010 three items (articles by N. Andrushenko) were, for the first time ever, officially removed from the list, with notification published in *Rossiyskaya Gazeta*.<sup>23</sup>

We have noted repeatedly that some updates to the Federal List can only be described as an imitation of anti-extremist activity (this includes, for example, bans on specific internet forum comments or recognizing the sportswear outlet advertisement as extremist). However, in 2010, Bashkortostan invented another very promising imitation method.

On 24 March 2010 Kirov District Court in Ufa declared the book *Mein Kampf* by Adolf Hitler to be extremist; in May the same court found that the book *The Doctrine of Fascism* by Benito Mussolini was extremist; and on 22 December 2010 Miyakin District Court of Bashkortostan decided that the book *SS Member and the Blood Question* by Heinrich Himmler was extremist.

In the meantime, the Federal Law "On Countering Extremist Activities" contains a direct prohibition of publications by leaders of the Nazi Party and the Fascist Party of Italy, or other materials declared extremist by the courts (which are subsequently added to the Federal List of Extremist Materials). Unfortunately, despite its many years in existence, the wording of the law has never been interpreted for the public, and many are still convinced that *Mein Kampf* has not been prohibited in Russia. However law enforcement officials, as a rule, never had any problems with this rather unambiguously-worded law (despite the

<sup>23</sup> An anti-Krishnaite leaflet by Young Guard of United Russia (Molodaia Gvardiia Edinoi Rossii, MGER) was previously removed from the list for dubious reasons.

inaccurate name the law uses for the NSDAP) when sanctioning various ways of distributing *Mein Kampf* (a May 2009 warning to the “Our Business – National Business” (*Nash biznes - National Business*) magazine for publishing a fragment from the Hitler’s book presents a typical example).

However, when informing the public about the recent ban on Hitler’s book, the Prosecutor General’s Office of the Russian Federation suggested an alternative interpretation of the law, stating that its wording merely means that in this case there is no need for an expert examination, but a court decision is still necessary. This created a serious problem: the Prosecutor General’s Office de-facto admitted that every work of the leaders of NSDAP and the National Fascist Party of Italy is in need of a separate legal ban, even if under a simplified procedure, and has to be added to the Federal List of Extremist Materials. Hence, it claims that until today – and into the future – all these texts are not banned until each is subject to a separate court decision (and subsequently all previous sanctions related to their publication are illegal). In addition, the Prosecutor General’s Office states that in all other cases expert examination is mandatory, although this proposition is not based on any law, and the Prosecutor General’s Office itself had never considered expert examinations in extremist propaganda cases mandatory.

In our opinion, the decisions of Bashkirian Courts need to be reconsidered, and the Supreme Court must provide an official interpretation of the law’s meaning. Otherwise, we may face not only a wave of bans on already banned books, but also a wave of lawsuits disputing already-levied sanctions, based on the direct interpretation of the law “On Counteracting Extremist Activity.”

## The Banning of Organizations

In 2010 the process of recognizing organizations as extremist actively continued. The following organizations were banned and included into the Federal List of Extremist Organizations:<sup>24</sup>

- International Public Organization “National-Socialist Society” (*Natsional-sotsialisticheskoe obshchestvo*, NSO, NS), recognized as extremist by the decision of the Supreme Court of the Russian Federation of 1 February 2010;
- The United Vilayat of Kabarda, Balkaria and Karachai (*Ob’edinennyi Vilayat Kabardy Bashkirii i Karachaia*), recognized extremist by the decision of the Supreme Court of Kabardino-Balkaria Republic of 9 July 2010;

<sup>24</sup> The official name of the list is “List of public and religious associations and other nonprofit organizations in respect of which the court adopted legally binding decision to eliminate or ban their activities on the grounds provided by the Federal Law “On Countering Extremist Activities.”

- Primorye regional human rights public organization “Union of Slavs” a.k.a. the Union of Slavs of the Far East (*Soiuz Slavian Dal’nego Vostoka*, SSDV), recognized as extremist by the decision of Primorsky Krai court on 28 July 2010;

- International religious organization Al-Takfir wal-Hijra, recognized as extremist by the decision of the Supreme Court of the Russian Federation of 15 September 2010;

- Local Krasnodar City Organization “Pit Bull” (“*Pit Bul*”) recognized as extremist by the decision of the Oktyabrskii District Court in Krasnodar on 24 August 2010;

- Regional public organization National Socialist Workers’ Party of Russia (*Natsional-sotsialisticheskaya rabochaya partiya Rossii*, NSRPR), recognized as extremist by the decision of the Civil Cases Court Division of the Nizhny Novgorod Regional Court on 22 September 2010;

- Slavic Union Inter-regional Public Movement (*Slavyanskii soiuz*, SS) recognized as extremist by the decision of the Moscow City Court of 27 April 2010;

- Inter-regional public association “Format-18”, recognized as extremist by the decision of the Moscow City Court on 20 December 2010;

- A religious group “Noble Order of the Devil,” recognized as extremist by the Supreme Court of Mordovia on 27 December 2010.

Three latest items were added to the official list on the Ministry of Justice website in February–March 2011 (in our opinion, the last one was banned inappropriately).

Imarat Kavkaz lead by Doku Umarov has not been added to the List (banned on 8 February 2010, the ruling went into effect on 25 February), evidently because it was recognized as a terrorist organization, which Ministry of Justice considers not the same thing as a banned extremist organization.

The Moscow City Court ban on the Army of People’s Will (*Armiya Voli Naroda*, AVN) on 19 October 2010, which we consider inappropriate, went into effect only on 22 February 2011 after its approval by the Supreme Court.

We are going to omit the discussion of Islamist and separatist groups, and consider only the decisions related to the right-wing groups, which constitute the majority of banned organizations.

They decisions fall quite neatly into three categories:

- banning organizations that have long ago ceased to exist (NSO, “Format 18”);

- banning local right-wing groups, whose core members were sentenced to various terms of imprisonment (“Pit bull”, NSRPR);

- banning active neo-Nazi organizations that present a real public danger (SSDV, SS).

The bans on non-existent organizations look strange. Prohibiting “Format 18” may have certain logic to it, as a putative measure in anticipation of the release from prison of their leader Maxim (“Tesak”) Marcinkiewicz, in order to prevent him from reviving his popular ultra-right project. However a ban on NSO (which ceased to exist over two years prior to the ruling, with no chances of revival) displays no logic.

Prohibition of local ultra-right groups after the conviction of their leaders might be an attempt by the regional law enforcement agencies to use the complex potential of anti-extremist legislation. However, these actions are of questionable effectiveness: in most cases these groups do not conduct ideological work as such, are primarily focused on committing violent acts, and are likely to start operating under different name, or altogether stop any activity after the arrest of their leaders. Most likely, the recognition of local Nazi-skinhead groups as extremist will not become a permanent practice, as efforts aimed at their legal ban are clearly out of proportion to the scale of their activity.

In the meantime, banning actual currently active groups proved to be far less simple. While SSDV really went out of business, D. Demushkin is active as ever. Immediately after the ban he announced birth of a new organization - The Slav Power (*Slavianskaia sila*), preserving symbols, style and abbreviation of the Slavic Union. (The Supreme Court Litigation ended in February 2011, and Demushkin’s hope to challenge the ban in the European Court of Human Rights is clearly unfounded.)

### Other Administrative Measures

In 2010, no newspapers were closed on the grounds of anti-extremism.

In June 2010, on complaint from Roskomnadzor, Ostankino District Court after several anti-extremist warnings ruled to close the *To the Stand!* (“*K Bar’eru*”) newspaper (the successor to the *Duel* newspaper). In August, however, the Moscow City Court reversed this decision and sent the case back for a new trial, and on 24 December Ostankino Court handed over the case of to another court. (At the time of writing, the case is still ongoing)

The court also denied the requests for closing either the Dagestani *Draft* (“*Chernovik*”) newspaper (recognizing its persecution as politically motivated), or the right-wing Novosibirsk newspaper *Fatherland* (“*Otchizna*”).

Roskomnadzor’s activity in giving out warnings showed signs of improvement. In 2010 there were 28 warnings compared to 33 in 2009. For two media outlets - the Agency of Political News (APN) and the newspaper *Evening Ryazan* (*Vecherniaia Ryazan*) - it was their second warning; in accordance with established custom, the agency now has a right to initiate a process of closing them.

At least 10 of these 28 warnings, we consider inappropriate. However, in 2009 we found 15 of 33 warnings inappropriate, so we can observe some improvement in the Roskomnadzor’s performance.

Anti-extremist operations of the Prosecutor General’s Office still remain opaque. The Office reports numerous “acts of prosecutorial response,” but it is impossible to determine which of these acts respond to real manifestations of xenophobia and which represent the regular warnings to libraries for the absence of the Federal List of Extremist Materials.

It is very difficult to track the practice of law enforcement under Article 20.3 of the Administrative Code (“propaganda and public demonstration of Nazi attributes or symbols”), so we can’t discuss the dynamics of its development. Most known episodes are associated with fines imposed on shopkeepers for selling either items featuring Nazi paraphernalia or symbols resembling the Nazi ones. Sometimes these charges affect the sellers of military artifacts, and here it is worth remembering that the issue of collecting such items is not regulated in our country. We also learned of several episodes of fines for Nazi tattoos: a young man in Kostroma was fined for demonstrating his tattoos on Victory Day parade; a young man on Sakhalin was fined for demonstrating his tattoos on while playing sports; in the Sverdlovsk region several inmates in two penal colonies were fined for Nazi tattoos. Unfortunately, no other area adopted the practice of Novgorod law enforcement agencies, which not only fined the defendant, but also ordered the tattoo removed.

Alexander Verkhovskiy, Olga Sibireva

## Freedom of conscience in Russia in 2010: Restrictions and challenges

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

This report is based on data collected through the SOVA Center's monitoring program. Developments which occurred in previous years and were presented in our previous report are not described here;<sup>1</sup> this report only provides necessary updates. This report does not attempt to describe in detail the past year's developments in the public religious sphere; specific events mentioned here usually serve to illustrate observed trends.

Issues and stories which we believe to be related to misuse of anti-extremist legislation are presented in a separate report in this book. This report does not cover the religious situation in the North Caucasus.

### Summary

The year 2010 was characterized by continuation and development of the same trends described in last year's report.

The most significant of these trends, clearly reflecting one of President Dmitrii Medvedev's policy priorities, is the government's increasingly close relationship with selected religious organizations. The list of selected religions is essentially based on the 'traditional four' consolidated in Russian legislation in 2009, but this list is by no means definitive. In certain matters Protestants are included de facto, and in other cases Buddhists may be excluded. In other words, the state invites religious leaders to compete for the opportunity to meaningfully interact with the authorities. This appears to be part of a broader drive towards expanded, yet selective interaction between government and civil society institutions.

Apparently, it means that the heated discussions about secularity of the state are coming to an end. Earlier this year, a few important related personnel changes occurred.

In January the Ministry of Justice dismissed two officials who used to oversee relations with religious organizations – Deputy Minister Aleksei Velichko and Head of Non-Profit Organizations Department Sergei Milushkin. According to Director of the Institute for Law and Religion Roman Lunkin, Velichko supported the 'anti-sect fighters' led by Alexander Dvorkin of the Expert Board (the Board's activity was suspended soon after its establishment) and was behind the legislative amendments restricting missionary activity.

In early March, Executive Secretary of the Government Commission for Religious Associations Andrei Sebentsov was fired; this former member of the Government Administration was known for his consistent and well-balanced approach to protecting the constitutional principle of secularity. In April, it was reported that Domestic Policy Advisor of the Presidential Administration Alexander Kudriavtsev had resigned from his position.

Also in April, another official of the Presidential Administration Ivan Demidov was promoted; among other things, Demidov oversees relations with religious organizations. Demidov's known contacts with conservative Orthodox leaders do not make him the best person for this challenging job. Perhaps promoting an official linked with politically focused Orthodox Christianity makes sense to President Medvedev, who is apparently much closer to the Russian Orthodox Church than his predecessor.

While Medvedev's pro-Orthodox course is readily supported by a number of senior officials and governors (often resulting in outrageous incidents such as those in Kaliningrad and Belgorod regions), Russia's secularized society, in particular the bureaucracy, resists this trend. Permission to teach religion and ethics in schools as a pilot course did not result in any significant advantage for Orthodox Christianity. The implementation of a law introducing chaplains into the army stalled throughout 2010. Similarly, a presidential bill on the transfer of real estate to religious organizations made no progress for the entire year.

Recently the latter law came into effect, and we can expect numerous disputes involving claims to property, particularly by the ROC. In 2010, the museum community saw firsthand how pushy and aggressive the ROC can be in claiming its privileges.

The situation as regards religious discrimination was contradictory. On the one hand, we observed fewer instances of direct discrimination against religious minority organizations – in particular, cases such as closure of prayer houses and denial of registration.

<sup>1</sup> A. Verkhovskiy, O. Sibireva, 'Freedom of conscience in Russia in 2009: Restrictions and challenges', in *Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2009* (Moscow: SOVA Center, 2010), p. 44-72 (see the original version at <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>)

On the other hand, more cases of religious discrimination were reported. The level of hate-motivated vandalism and violence remained as high as before.

Bureaucratic arbitrariness is not limited to those groups which are often described by their opponents as ‘totalitarian sects’ or ‘non-traditional Muslims’, but affects a broad range of religious groups, such as Baptists or Buddhists.

And of course, inappropriate enforcement of anti-extremist legislation affecting freedom of conscience remains an acute problem (discussed in detail in another report published by SOVA Center). Jehovah’s Witnesses are increasingly persecuted; often they are harassed by various low-level bureaucrats as well as private individuals.

## Legal regulations concerning religious organizations

### Laws adopted in 2010

Several important pieces of legislation concerning religious organizations were adopted in 2010.

The most important of them was a law regulating the transfer of state or municipal property to religious organizations; the drafting of this legislation was first initiated in 2009.

The law permits relevant federal, regional or municipal authorities to hand over any property designed to be used for religious purposes to religious organizations; it may be either a transfer of ownership or gratuitous lease for a specified period.

The law requires recipient religious organizations to take all measures necessary to preserve the cultural heritage sites they take possession of, including measures to carry out restoration work and provide public access. The law also says that cultural heritage sites of federal importance may only be handed over to centralized religious organizations, and all such transfers should be transparent to the public.

The new law, even though it does not apply to property owned by the Museum Fund of the Russian Federation, nor to the National Archive Fund and the National Library Fund, evoked protests in the museum community.

The protests did not help, and the law was finally adopted by the Duma in November and entered into force on 3 December 2010.

A similar regional law had been passed (but never applied) in St Petersburg in May and was made obsolete by the new federal law. In Kaliningrad, a similar regional law was adopted on 28 October, but a large-scale transfer of property had preceded its adoption (see below).

In March, the State Duma adopted in the second and third readings a bill to regulate support of public benefit nonprofit organizations. Under this draft, religious organizations were included as public benefit entities entitled to state support of their charitable projects, including financial and in-kind support, information sharing, and professional advice. The bill was signed into law by the President on 6 April.

On 27 December 2010, the President signed a piece of legislation to make it easier for highly qualified foreign employees and their families to enter and stay in Russia. The new law enables foreign specialists applying for work permits to extend their residence permits and to obtain entry permits for their family members at the same time, regardless of the foreign workforce quotas. However, the law does not allow Russian employers to hire such highly qualified specialists to engage in preaching and other religious activities, such as performing religious rituals and providing religious instruction. One wonders how this law will work, since highly skilled foreign professionals with degrees in theology are employed by many religious organizations, including the ROC, as well as by Catholics and Muslims.

A new law was adopted which is symbolic rather than practical. In May, amendments to the Law on Russia’s Days of Military Glory and Memorable Anniversaries established a new holiday to be celebrated on 28 July – the Baptism of Russia Day. It should be noted that some regions announce public holidays on certain religious days. In particular, Kalmykia celebrates the birth of Sakyamuni Buddha as a local holiday.

### Initiatives that have not yet been accepted

In February, the Constitutional Court ordered the Federal Assembly of the Russian Federation to adopt an amendment to article 392 of the Civil Procedure Code (CPC) to expand the list of grounds for a review of domestic court judgments by adding that such a review may be triggered by a judgment of the European Court of Human Rights (ECtHR). Currently the CPC lacks such a provision, although it is included in the codes of criminal and commercial (‘arbitration’) procedure. The lack of a similar provision in the civil procedure made it possible for courts to ignore the ECtHR’s decisions concerning religious organizations.

However, the Federal Assembly has not yet responded, even though it is required by law to comply with Constitutional Court decisions.

In January, St Petersburg Governor Valentina Matvienko responded to a parliamentary inquiry made in 2009 concerning sacrificial slaughter in Apraksin Dvor on Eid al-Adha. The governor acknowledged that the sacrificial slaughter in Apraksin Dvor in the center of St Petersburg violated a number of regulations



but she refused to consider adopting a local law to regulate sacrificial slaughter, as requested by MPs.

Member of the Federation Council Amir Galliamov came up with a ‘symmetrical response’ to the Baptism of Russia holiday and proposed adding the Adoption of Islam Day to the list of national holidays. The idea was endorsed by the legislature of Tatarstan but was not widely supported.

In March, Communist MP Boris Kashin made yet another attempt to remove the word ‘God’ from the Russian anthem. In 2009, a similar attempt failed due to absence of any official opinion from the government. This time, MP Kashin received a negative opinion from the Deputy Chair of Government Administration Sergei Sobianin, yet continued trying to persuade other MPs to change the lyrics of the national anthem.

## Problems relating to places of worship

Many religious organizations continued to face difficulties related to the construction and use of religious buildings.

### Problems with the construction of religious buildings

As in 2009, Muslims faced obstacles to the construction of mosques more often than other religions.

One of the biggest disputes involved residents of Tekstil’shchiki district in Moscow opposing plans to build a mosque in nearby Volzhskii Boulevard. Both proponents and opponents of the proposed mosque have staged frequent street protests since September 2010, and local residents initiated a petition to stop the construction.

Locals residents argued that a new mosque would hamper car parking, cause some of the trees to be cut down (the mosque was to be built on a vacant land plot), encourage negativity against dog owners, etc. Some of the protests were organized by My Backyard (*Moi Dvor*), a social movement completely controlled by the ultra-right. The campaign against the construction involved ultra-nationalist organizations such as the Russian All-National Union (*Russkii obshchenatsional’nyi soiuz*, RONS), the Movement Against Illegal Immigration (*Dvizhenie protiv nelegal’noi immigratsii*, DPNI), and others.

In October, municipal authorities of the South-Eastern Administrative District appealed to the Mayor of Moscow asking him to consider moving the construction to another location. In February 2011 Vice Mayor of Moscow

Alexander Gorbenko confirmed that no mosque would be built in Volzhskii Boulevard.

Local residents in Penza also protested against the construction of a mosque in their city. In September, they began a petition to move the construction to a rural area densely populated by Muslims. Residents expressed their outrage at the decision to build a mosque in the city without consulting the local community, and protested against the potential destruction of a birch grove in which the construction site is located.

The municipal authorities in Tiumen declined the regional Spiritual Directorate of Muslims’ request to allocate a land plot for a mosque. Earlier, the city authorities had offered the Muslims a land plot for constructing a mosque soon after the problem of overcrowded mosques in Tiumen had been raised during a meeting between President Medvedev and the Russian muftis. In September 2010, however, the authorities withdrew the offer, saying that in accordance with the city development plan the land was to be used for other purposes.

Protestants also faced difficulties with their construction projects. Bishop Konstantin Bendas from the Russian Association of the Union of Christians of Evangelical Faith (Pentecostals) complained of non-availability of land for construction, saying that since 2000 Pentecostals have filed nearly a thousand requests for land plots to build houses of prayer, but only about a dozen have been awarded.

The dispute around the construction of a church for the Faith Working Through Love (*Vera, deistvuiushchaia liubov’iu*) Evangelical Christian Church in Izhevsk remained unresolved in 2010. In 2009 the city administration barred the congregation from using a land plot allocated to them in 2000, arguing that the construction of the church had violated certain rules, but failing to specify which rules. The prosecutor’s office reviewed the case and confirmed the ban on the use of the building, so the congregation had to move their services to a hangar.

The city administration in Tver denied Evangelical Christians-Baptists (ECB) permission to renovate a house of prayer in Zavolzhskii district, saying that ‘this area is not designed to be used for facilities associated with religious worship.’ It should be noted that the Baptist congregation had used the property since 1986, and in 2008 the City Planning Board decided in favor of its renovation.

Local residents in several cities protested against the construction of Orthodox churches. In Ekaterinburg, plans to build an Orthodox church in the centrally located Labor Square were opposed by the local community, including the City Head of Administration, a member of the regional legislature, and the Dean of the Department of History at Urals State University; the protesters

insisted on transparency in making decisions to construct new buildings in the historical central area of the city and claimed that the construction of a church in the square would violate their rights. In response, proponents of the construction offered a compromise solution partially meeting the protesters' demands, but later the idea of building a church in the square was abandoned altogether.

Residents of Moscow's Mnevniky, Strogino and Golovinskii districts opposed the construction of Orthodox churches in their neighborhoods, arguing that the local communities had not been consulted, while the construction in Strogino was to be located in a water protection area. Local residents in Samara were also concerned about plans to build an Orthodox church in a conservation area.

### **Problems relating to existing religious buildings**

Typically, such problems arise in connection with confirmed or disputed violations of particular rules by religious organizations. However, while many real estate owners violate particular rules, relatively insignificant violations result in uncompromising responses – such as confiscation of the property – only in some cases.

In November, the administration of Sennoi Market in St Petersburg terminated their lease with Al-Fatah; the organization had been using part of the market's premises for a house of worship. The official reason given was that the religious organization had not complied with fire safety regulations in a timely manner. Shortly before the incident, Al-Fatah leader Dzhamaliddin Makhmutov received a warning from the authorities in connection with reports of a 'sharia court' being set up in St Petersburg.

In March 2010, the city court in Saianogorsk (Republic of Khakasia) ordered the demolition of a house of prayer owned by the Gospel Church of Christians of Evangelical Faith. The court ruled that the two-storey house was an unauthorized construction, since it was an extension of a residential house on a plot of land owned by the pastor of the church. In July, the Supreme Court of the republic upheld the decision. Shortly after the court order to pull down the building, local television aired a negative story featuring the Gospel Church.

Orthodox parishes outside the ROC's jurisdiction are increasingly forced to fight for their property, and in most cases they lose the battle. The Russian Orthodox Autonomous Church (ROAC) lost their appeals against the 2009 court rulings to confiscate their property around Suzdal. Moreover, another four of their churches were confiscated in 2010.

In September, the True Orthodox Church lost their church of St Dimitrii Solunskii in the village of Poselki, Kuznetsovskii district, Penza region.

According to the congregation, the ROC eparchy in Penza was behind the forceful takeover supported by police and Cossacks. A few parishioners were beaten during the takeover. The local ROC eparchy had been attempting to seize the property since 2009. In July 2010, the Vesti TV channel aired a story featuring the conflict and riddled with offensive remarks about the True Orthodox Church.

However, some of the ROC's own parishes also face problems with their property from time to time. In March, the congregation of St Panteleimon church attached to Medical Center № 122 in St Petersburg complained to member of the local legislature Evgenii Marchenko that the Medical Center's administration had 'arbitrarily closed' the church, which had been used for worship for 15 years. The administration reasoned that they needed the land on which the church stood to expand their medical facilities and services.

The Orthodox eparchy in Syktyvkar had a dispute with the Fire Safety Inspectorate. The eparchy filed a complaint with the federal government, and the nuns of Krestovozdvizhenskii Convent held a rally. The protests occurred after the Fire Safety Inspectorate audited the premises and requested a local court ordering the nuns to vacate two buildings of the convent until fire safety violations detected by the audit were corrected.

### **Positive resolution of conflicts**

A number of disputes around religious buildings were resolved in 2010.

Two cities in the area around Moscow are no longer on the Council of Muftis' 2007 'blacklist' of communities where Muslims face particular obstacles to the construction of mosques. In October, a mosque was opened in Noginsk, and in November the Mayor of Balashikha instructed his staff to allocate a land plot for a mosque. The city administration in Syktyvkar authorized the construction of a mosque, which the nationalists opposed back in 2009.

The city administration in Vladivostok signed two new lease contracts with St Evsey ROCOR parishioners, allowing them to use the property free of charge; the contracts had been terminated in 2009 without explanation.

Once again, a land plot was allocated to build a Krishna Temple in Moscow; its construction had been disputed for several years. In 2007, a decision was made to allocate a plot of land near Novoskhodnenskii highway, and the Head of the Northern Administrative District of Moscow confirmed the decision. However, construction never started. In October 2010, acting Mayor of Moscow Vladimir Resin signed an order allocating a two hectare land plot in the village of Vereskino near Novoskhodnenskii highway outside Moscow to the Moscow Krishna Consciousness Society.

## Preferential treatment accorded to certain religious organizations

In 2010, as before, the federal and regional authorities allocated public funds to the restoration of religious buildings, including those considered part of the cultural heritage. Among others, funds were channeled towards the restoration of religious buildings in Moscow, Arkhangelsk, Novgorod, Sverdlovsk, and Tver regions, and in the Khanty-Mansi autonomous region. The Russian Culture federal program allocated 1 billion 200 million rubles of public funds to religious organizations towards the maintenance of cultural heritage sites. As before, in most instances the recipient was the Russian Orthodox Church; however, according to our data, Muslims and Protestants also received public funds from the program, and possibly other religious organizations as well.

In addition to direct support, various authorities would sometimes solicit contributions from private donors towards the construction of religious buildings. For example, gas companies in Novii Urengoi sent out instructions to their gas mines to encourage 'voluntary' (under threat of dismissal) donations towards an Orthodox cathedral under construction since 2008.

In addition to financial assistance, some regional authorities granted various privileges to all religious organizations or to a select few. The City Council in Vorkuta decided to grant all registered religious organizations a discount on their lease of municipal residential property in 2011. The city authorities in Kaliningrad relieved the local Jewish community of the obligation to pay for the land on which their synagogue stands.

The authorities continued to hand over property for religious organizations to own or use for free. In most cases, property designed for religious purposes was handed over to Orthodox Christians, but we also found a few cases of property being transferred to Muslims and Protestants. The regional government in Samara handed over a former church building to the Evangelical Lutheran community, noting that for the first time in the region religious property had been handed over to someone other than the ROC.

As in the previous year, former owners and tenants of buildings transferred to religious organizations were usually offered new premises; however, we note an increase in disputes over property transfers between 2009 and 2010.

The transfer to the ROC of Cheliabinsk's Alexander Nevskii Cathedral, previously used as an organ hall, was opposed by local residents concerned that the precious musical instrument might be irreparably damaged if moved to another location.

The situation with property transfers in Kaliningrad region was even more controversial, since most of the surviving religious buildings there had never belonged to the ROC. Nevertheless, the regional government continued to hand over property to the Orthodox Church, ignoring other faith communities as well as the current owners and tenants. In October, the regional authorities announced their intention to hand over to the ROC certain former Lutheran and Catholic churches, many of which currently accommodate cultural institutions. During the first six months of 2010 alone, the authorities handed over to the Kaliningrad eparchy a total of sixteen buildings which had never belonged to the ROC before. Some of the properties handed over to the ROC included a number of Lutheran churches in Kaliningrad and its suburbs, several medieval castles once belonging to the Teutonic Order, a Catholic church claimed by a local Catholic congregation without a church of their own, and a few buildings occupied by cultural and educational institutions, such as a kindergarten and a music school.

Immediately following the transfer of property formerly occupied by significant cultural establishments (e.g. the regional philharmonic orchestra, the puppet theater), the eparchy signed lease agreements with those establishments which allowed them to continue to use the premises free of charge. Routine maintenance of the buildings will be financed from the regional government's budget, while the new owner, i.e. the ROC, promises to fund the capital repair and maintenance of the few major cultural heritage sites it now owns.

These massive property transfers caused public outrage, in particular amongst the staff of establishments that formerly occupied the transferred buildings. The former tenants do not trust the ROC to live up to its promises and resent the fact that the Church now owns properties which never belonged to it in the first place. There is also a lot of resentment from those religious communities which are the historical owners of the buildings, and from the local residents, cultural figures, and representatives of political parties. Plans to hand over yet another cultural site to the ROC, namely a museum commemorating the poet and artist Kristijonas Donelaitis, evoked protests from the Lithuanian Parliament; eventually the museum was taken off the list of properties to be transferred.

A number of ongoing disputes around museum property continued in 2010. In April, Archimandrite Porfiri (Shutov), abbot of Solovki Monastery and director of the Solovki Museum, signed 109 contracts allowing the monastery use of museum property free of charge. The transfers were performed in violation of the museum's charter and without authorization from its founder, the Russian Ministry of Culture.

In summer, the Ryazan Kremlin Museum had to take down its displays in the Archangel Cathedral following reports that the building would be handed over to the ROC. The displays were removed despite the fact that the Museum Development Strategy adopted in May provided for joint use of the premises by the museum and the Church. In December, the Ministry of Culture urged the speeding up of paperwork handing the building over to the ROC.

The contract to lend the icon of the Mother of God of Toropets to the Alexander Nevskii Church in the village of Kniazh'e Ozero was extended for another six months. The icon was transferred from the Russian Museum to the village church outside Moscow in 2009. Another incident of a museum lending an icon to a church was reported in Pskov. The Pskov State Museum and Reserve allowed its fourteenth century Christ Pantocrator (Eleazarovskii) icon to be temporarily placed in the Savior-St Eleazar convent (*Spaso-Eleazarovskii*). Preparations for this transaction had been ongoing since 2009.

There were a number of new attempts by religious organizations to take possession of certain cultural heritage sites in 2010. The local eparchy in Vladimir urged the administration of the Vladimir and Suzdal Museum to vacate the premises of St George's Cathedral in Gus' Khrustal'nii, so the premises 'may be used for their intended purpose.' At that time, the Cathedral hosted a Museum of Crystal.

The Moscow Society of Church Bell Ringers claimed the church bells currently used by the Bolshoi Theater.

In a few cases a peaceful settlement of disputes between museums and the ROC was achieved. An agreement was reached in St Petersburg whereby the local eparchy should not claim the city's major cathedrals – St Isaac's, Smol'nii, Peter and Paul (*Petropavlovskii*), Resurrection (*Voskreseniia Khristova*), and Sampson (*Sampsonievskii*) – currently used as public museums. Both the eparchy and the museums will continue to share the premises of these cathedrals and the church of the Savior on Spilled Blood (*Spas na Krovi*).

Explicit endorsement of the ROC's property claims by various levels of government frequently caused a public outcry. A series of anticlerical campaigns were reported across Russia in 2010. A new NGO for Preservation of the Cultural Environment and Respect of the Constitution (*Za sokhranenie kul'turnoi sredy i sobliudenie Konstitutsii*) was founded in Kaliningrad. A series of anticlerical protests were organized across Russia in December; the protesters demanded, amongst other things, the cessation of property handovers to the Church. In some places, such as Kaliningrad, local authorities tried to suppress the protests.

The government's assistance to religious organizations was not limited to funding and property handovers. In August, the Presidential Affairs Department

issued an executive order concerning VIP treatment of officials and delegations at airport border crossing checkpoints in Moscow, St Petersburg and Sochi, granting VIP treatment, among others, to high-ranking clergy such as the Orthodox patriarch, permanent members of the ROC Synod, the chief rabbi, and the chairman of the Council of Muftis.

Administrative pressure was sometimes used for the benefit of religious organizations. In May, the Moscow city administration instructed its 124 district authorities to send at least 20 representatives each to the Orthodox religious procession celebrating the Day of Slavonic Literature and Culture.

In some cases the authorities went too far in trying to protect the 'religious sentiments' of dominant faith communities. At the request of local Orthodox clergy, authorities in the town of Aleksin outside Tula banned a number of Maslenitsa rituals, such as the burning of a straw effigy, reasoning that '*there was no such ritual in pre-Communist Russia.*' Also at the request of the local eparchy, municipal authorities in Briansk decided to modify the decoration of a popular fountain currently under reconstruction; the figures of devils will be replaced with those of the monk Peresvet or 'other fairytale characters.'

Nevertheless, the authorities do not always go along with religious organizations. In Karelia, the local government's Commission for Religious Associations refused to cancel a festival dedicated to Louhi the Witch (a character in the Kalevala epic), despite protests from Orthodox clergy.

## **Other examples of discrimination and undue interference**

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

Virtually no cases were noted in 2010 of religious organizations being liquidated for failure to comply with reporting requirements. Those incidents we do know of mostly involve organizations providing educational services. In April, the city court of Gorno-Altai decided to close the 'Altai Mountains' Muslim Non-governmental Charitable Cultural and Educational Boarding School (*Negosudarstvennyi Blagotvritel'nyi kul'turno-obrazovatel'nyi pansion Gornyi Altai*) for failure to report in a timely manner on their activities, governance, property and expenditure.

The Ministry of Justice suspended the Islamic Cultural Center of Russia (*Islamskii kul'turnyi tseñtr Rossii*), but the NGO's management offered to bring their paperwork and operation into compliance with the Ministry's requirements and the suspension was revoked.

Religious organizations are increasingly successful in defending their registration-related rights in the courts. In February the Russian government attempted to challenge the European Court of Human Rights judgment dated 1 October in favor of the Church of Scientology of Nizhnekamsk. The Court had ruled that the Church of Scientology had the right to register as a religious organization in accordance with Russian law. The ECtHR upheld this decision in March, and in July the Supreme Court of Tatarstan ordered the republic's Ministry of Justice to register the Church of Scientology of Nizhnekamsk.

Similarly, the Russian government was denied a review of the European Court's ruling that found the dissolution of Jehovah's Witnesses organization in Moscow illegal. However, Golovinskii district court in Moscow once again refused to register the congregation in February 2011.

A court in Perm ruled in favor of the local Seventh Day Adventist Church followers who challenged the denial of registration based on changes in their charter. Meshchanskii district court in Moscow overruled the decision of the Ministry of Justice Head Office in Moscow to ignore an application for registration filed by the Armenian Catholic parish of St Gregory the Illuminator (*Sv. Grigorii Prosvetitel'*). The court ordered the Ministry of Justice to process the application.

Frunzenskii district court in Ivanovo overruled the 2007 decision of the Ivanovo region Federal Tax Service Office to dissolve a local Krishna Consciousness Society for failure to file financial statements and for having no bank account transactions. The court ordered the FTS to reenter the organization in the register of legal entities.

The central district court in Tver dropped a case against local Mormons on grounds of numerous procedural violations. The Ministry of Justice had accused the Mormons of illegally offering English language classes. Sakhalin region Court of Arbitration quashed the administrative sanctions imposed by the Federal Migration Service on a local Mormon group for engaging in educational activities without a license.

### **Discrimination against 'nontraditional' religious organizations**

As before, government officials, security agencies and some members of the public were reported to harass certain religious organizations perceived 'non-traditional.' As in the past year, Jehovah's Witnesses and Protestants were subject to discrimination more often than others. In contrast, there was hardly any pressure reported against Falun Gong. The single reported case we know of was the refusal of the National Museum of Kalmykia to host an exhibition of paintings offered by the Moscow branch of the organization.

As in the previous period, various 'academic' conferences were held under the patronage of regional administrations and often with support from law enforcement agencies and 'traditional' religions; participants of such conferences presented arguments warning against the dangers of 'sects.' Speaking at one such conference, Governor of Uliianovsk Sergei Morozov lobbied for legal definitions of terms such as 'sect,' 'destructive cult,' and 'missionary work.' The governor argued that legal definitions would help strengthen control over 'totalitarian' organizations.

While the alleged dangers of 'totalitarian sects' are mostly imaginary, the spread of Salafism may pose more of a real threat. Distinguishing between different forms of Salafism based on associated political and criminal risks should be the subject of serious research, but such research is extremely rare. Instead, sweeping judgments are common. In December, an anti-Salafi conference was held in Kazan, co-organized by the Center for Eurasian and International Studies of the Kazan Federal University and by the Russian Islamic University, with support from the National Anti-Terrorism Committee and the Russian Security Council. The conference, as expected, expressed support of Hanafi madhhab, traditionally found in the Volga region. However, one of the conference speakers, Farid Salman, alleged that the entire Muslim Spiritual Directorate of Tatarstan were Salafi.

It is not just at conferences that officials make negative statements about some religious organizations. In June, the prosecutor's office in Barnaul urged local residents to be vigilant against 'sects' such as Jehovah's Witnesses. Senior Assistant Prosecutor Evgenii Serbov alleged that such faith groups play a destructive role and are dangerous to people's lives and health.

In September, the Northern State Medical University in Arkhangelsk, at the initiative of its rector, designed a course to train counselors and psychiatrists to help victims of 'destructive cults'. According to the 'Orthodoxy in the Northern Land' (*Pravoslaviye na Severnoi zemle*) website, Rector Pavel Sidorov invented 'a new concept of preventing mental terrorism' which regards new religious movements as 'weapons of socio-psychological mass destruction.'

Every now and then government officials and law enforcement agencies go beyond negative statements to restrict the activities of 'nontraditional' organizations. In March, Deputy Governor of Belgorod region Oleg Polukhin endorsed a 2010 'spiritual security' action plan which introduced a spiritual security course into the curricula of the Belgorod Continuous Training University and Belgorod Seminary, and spiritual security classes for officials of 'youth affairs departments' in local municipalities and self-government bodies. The action plan also bans any celebration of Halloween and Valentine's Day in schools and cultural institutions, and provides for 'anti-sectarian' public events and media campaigns.

In August, the Employment and Social Security Department of Khanty-Mansi autonomous region designed announced their plan *'to oppose members of totalitarian sects visiting social and cultural facilities.'* The plan included 'voluntary enforcement brigades' in educational establishments, 'anti-sectarian' media campaigns, and an obligation for health care services to report any refusals of medical treatment *'for sectarian reasons.'* Cultural establishments were encouraged not to lease their premises to any 'new religious movements.' The letter was sent out to heads of various institutions and contained a list of *'well-known destructive totalitarian sects and groups having a significant number of characteristics of such sects and groups and operating in the Russian Federation.'* The list included Protestants alongside companies such as Zepter Cookware and Amway.

The letter was followed by actions such as the setting up an 'anti-sectarian' brigade in the Langepas Orthodox Church, searching the home of a Protestant pastor, and refusing to lease premises to a number of religious organizations.

However, the letter was withdrawn in early November, followed by apologies from the Director of Khanty-Mansi Employment and Social Security Department after the regional administration was informed by the Russian Ombudsman's Office that the contents of the letter contravened the Russian Constitution.

Disrupting religious meetings and services was another reported form of pressure. In March, armed police and attack dogs blocked access to the Lutheran Church in Kaluga during the service. Some members of the congregation were not allowed in, and the police videoed those who were already inside. The police said they had received reports of terrorist literature being distributed in the church.

In April twelve people, including FSB and Emergency Ministry officers and a few men in civilian clothes, broke into a private home disrupting Baptist prayers in Elektrostal, Moscow region. They checked everybody's IDs and searched the premises, referring to a court order which they never showed to the congregation. At about the same time police in Krasnodar disrupted a Baptist Easter service at the Olymp Stadium, citing a bomb threat. The Emergency Ministry had not received any bomb threats on that day, however, and the Baptists believe that the service was disrupted intentionally.

In July, the administration of Sosnovskii district, Tambov region, denied the Regional Association of Baptist Churches permission to carry out evangelistic activities. Shortly before the incident, a local newspaper ran an article featuring an 'anti-sectarian' protest organized by an Orthodox priest. Shortly afterward, a few people drove up to the Baptists' campsite and tried to provoke a fight. The police called to the scene forced the Baptists to withdraw their complaint.

In June, a magistrate court in Millerovo district, Rostov region, charged the local Baptist church a 10,000 ruble fine and also fined the head of the congregation 1,000 rubles for running a Bible study group for children. The prosecutor's office found them to be conducting educational activities without a license. The church appealed, but without success.

Krishna devotees were arrested in Kostroma, Smolensk, Ul'ianovsk, and Khabarovsk for preaching and distributing books in the streets. In all cases they faced administrative charges for *'unwanted religious solicitation in public places.'* The local leader of the Krishna Consciousness Society in Smolensk was warned by the authorities allegedly for violating a regional law on missionary activity, but Leninskii district court in Smolensk eventually found the authorities' decision unlawful.

Jehovah's Witnesses were targeted more often than other faith groups. In several regions across Russia, local organizations of Jehovah's Witnesses were banned and some of their publications were declared extremist, followed by a wave of police persecution. Throughout 2010, Jehovah's Witnesses were arrested in many regions across Russia, including Amur, Belgorod, Briansk, Vladimir, Volgograd, Vologda, Voronezh, Kemerovo, Kirov, Kostroma, Kurgan, Moscow, Nizhnii Novgorod, Novosibirsk, Omsk, Orenburg, Penza, Rostov, Ryazan, Samara, Saratov, Sakhalin, Sverdlovsk, Smolensk, St Petersburg, Tambov, Tiumen, Cheliabinsk and Yaroslavl regions, in Altai, Trans-Baikal, Krasnodar, Krasnoiriarsk and Primorskii krais, and in the republics of Bashkortostan, Kalmykia, Karelia, Mordovia, Tatarstan, Udmurtia, and Chuvashia. In some cases, the arrested JWs faced administrative sanctions for the illegal distribution of religious literature.

Besides arrests, ID checks and even fingerprinting, law enforcement officers often broke into JW's premises, disrupting worship and searching the believers' belongings. Incidents of police storming the premises and disrupting worship were reported in Yoshkar Ola, Kemerovo, Ulan-Ude, Sverdlovsk regions, and in Altai and Stavropol krais. Searches of Jehovah's Witnesses homes were reported in Kemerovo, Omsk, Cheliabinsk and Ryazan regions, and Altai krai.

Encouraged by police and the FSB, other public and private actors discriminated against Jehovah's Witnesses. The local police department in Fokino, Primorskii krai, wrote to the Director of Teploenergo company urging him *'to comply with the directive of the Federal Ministry of the Interior'* and screen his employees *'for involvement with the extremist religious organization Jehovah's Witnesses.'* In Arkhangelsk region, the local Ministry for Regional Policy and Local Government sent a letter to all heads of municipalities advising them to refuse any request from the Jehovah's Witnesses to lease space for their congress.

In Kirov region, the local Jehovah's Witnesses leader was fined 1500 rubles for organizing a congress and warned by the prosecutor's office against violating the rules of holding public events. A Jehovah's Witnesses congress was disrupted in Ul'ianovsk region, allegedly for fire safety reasons.

In Sverdlovsk region, the Director of School № 10 was pressured by the FSB into firing a cloakroom attendant who was a Jehovah's Witness. Prior to this incident, another Jehovah's Witness employed by the same school had been forced to leave her job. In Kursk, a female employee of the Emergency Ministry Rescue and Relief Service was offered the choice between leaving the Jehovah's Witnesses and losing her job. She chose the latter option.

As in the previous year, the children of believers also came under undue pressure. In April, two young students of School № 1 in Volokolamsk, Moscow region, were questioned during classes; their parents were not present. A police juvenile officer questioned them about the Jehovah's Witnesses – their mother's religion – and the youngsters were forced to sign a transcript of the interview. Also in April, teachers at school № 11 in Aleksin, Tula region, following the school director's order, handed out pamphlets titled *Beware! Jehovah's Witnesses – A Totalitarian Sect* and told the students to read it at home together with their parents. Subsequently, certain students who belonged to the JW were consistently bullied by their classmates. Teachers used intimidation in an attempt to force the children to abandon their religion.

In some cases, police actions were deemed illegal. The prosecutor's office found that the detention and fingerprinting of Jehovah's Witnesses in Argyze and Naberezhnye Chelny (Tatarstan) and searches conducted in Yoshkar Ola and Tambov were all illegal. In March 2010 the courts in Cherepovets dropped 25 administrative cases against Jehovah's Witnesses, citing lack of evidence.<sup>2</sup>

### Other cases of discrimination and undue interference

Some of the 'traditional' religious organizations also experienced discrimination.

In April, the Dalai Lama XIV was once again denied entry into Russia. In response to an appeal from Kalmykia Buddhists, the Russian Foreign Ministry said that *'the Dalai Lama's visit to Russia would be taken by Beijing especially sensitively in the current year, the anniversary of China's and our common victory in WWII.'*

On many occasions, believers came under intense police pressure. In Tambov and Voronezh, the local police urged Muslim leaders to provide lists of their community members with personal data (including education levels

<sup>2</sup> Other cases related to the 'anti-extremist' persecution of Jehovah's Witnesses are described in our report on inappropriate enforcement of anti-extremist legislation in this book.

and whether they were converts from Christianity), and also to provide details of their Muslim organization, including sources of funding. The prosecutor's office in Voronezh found the request illegal.

In Yaroslavl region, OMON (riot police) arrested a group of people who had come to attend public hearings about the construction of a mosque in Rybinsk. The hearings never took place, and the people were held 'for police questioning.'

In the city of Chadan (Tuva), armed police stormed the Ustuu-Huree Buddhist Temple during worship – allegedly to check whether people with prior criminal convictions were meeting there – and arrested 42 worshippers. Later five of them were charged with administrative violations under article 20.1 of the Code of Administrative Offences ('disorderly conduct'), and cannabis was confiscated from one person.

As before, cases of individual discrimination on religious grounds were reported. The city court in Vologda prohibited a local resident from taking her underage son to St Seraphim of Sarov Church, which belongs to the Russian Orthodox Church Abroad. The Court of Cassation upheld the ruling. In its judgment, the court relied on advice from Vologda eparchy that the ROCA was 'a totalitarian sect'.

A court in Davlekanovo, Bashkortostan, terminated the parental rights of a Pentecostal believer at the request of her relatives who considered her 'a sectarian'. The ruling was rendered in the absence of the defendant, and the hearing involved an 'expert on sects'. Following intervention from the Child Ombudsman Pavel Astakhov, the case was reviewed and parental rights restored.

A court in Vologda region terminated the parental rights of a Jehovah's Witness who refused a blood transfusion for her daughter (note that by law, a patient or his/her legal guardian may refuse any medical treatment or procedure).

In Nizhnii Novgorod, SIZO (pre-trial detention center) № 1 dismissed its employee Evgenii Romanenko on the ground that other staff '*were afraid to work near a sectarian,*' after they found a few Buddhist images in Romanenko's personal belongings.

Women wearing Muslim clothing were sometimes subject to discrimination. The management of a car dealer in Kazan fired a female employee for wearing a Muslim headscarf to work; according to the director, the employee's wearing of a headscarf scared customers. Her employment contract made no mention of a dress code.

The Academic Council of Piatigorsk State Linguistic University banned all religious, particularly Muslim, dress on University premises. The ban caused

a public outcry, and later the rector said that it was only a non-binding recommendation.

Moscow Troika Orthodox taxi company – which, according to their website, serves passengers of all faiths – was suspected of discriminating against some customers. Even though such cases may have been exceptional, we note that according to the said website, *‘customers are served by drivers of the Orthodox faith’* – meaning that the company readily admits to discriminatory hiring practices.

## Religion in the military and other uniformed forces

On 24 January 2010, the Minister of Defense approved a policy introducing chaplains into the military. In April, the Defense Ministry set up an office responsible for working with religious servicemen, but the head of the new office – Reserve Colonel Boris Lukichev, previously responsible for relations with the ROC in the Presidential Administration – was not appointed until October. On 15 November 2010, the Russian Defense Minister Anatolii Serdiukov told reporters about plans to open a school for military chaplains, but no further announcements about it were made in 2010. Overall, the Ministry has been very slow in taking steps towards chaplaincy – none were officially introduced in 2010.

As before, only Orthodox clergy had access to troops in most cases. In February, the 20th Army Commander, Major General Sergei Iudin denied a request by the Nizhnii Novgorod Spiritual Directorate of Muslims to introduce Muslim chaplains. Apparently, the main reason was lack of a regulatory framework, since the Commander agreed to consider a Muslim chaplain candidate *‘once the military unit has this staff position approved.’*

The ROC’s increasing presence in the armed forces elicited criticism from top military officials. On 30 September, Russian Defense Minister Anatolii Serdiukov reprimanded Andrei Krasov director of the Airborne Troops School in Sel’tsy, Ryazan, for having an Orthodox Church of Elijah the Prophet located in the school’s training ground. The Minister later explained that while he had nothing against the church and never ordered its demolition, he did not consider it appropriate to have a church located in the training ground; he also said that his anger had been triggered by the fact that there were other buildings in the training ground which should not be there. However, the International Union of Paratroopers and the Union of Russian Paratroopers later complained to President Medvedev that *‘this is the fourth military church that Anatolii Serdiukov has ordered to be demolished.’*

As in previous years, various legal and law enforcement departments and agencies (the Ministry of Emergencies, the Ministry of the Interior, the Federal

Service for the Execution of Sentences, the Federal Bailiffs Service, the Federal Drug Control Service, and the Ministry of Justice) entered into agreements with religious organizations, usually the ROC and its eparchies. These agreements sometimes had practical consequences.

In several regions, alimony defaulters were sentenced to community service projects run by the Russian Orthodox Church; clergy were also asked to talk with delinquent debtors.

In Tomsk region, Orthodox priests were assigned to every police department.

All agreements signed between the Federal Service for the Execution of Sentences and the Orthodox Church provide for prayer rooms, access to priests and availability of religious literature in prisons. Thus, prisoners – at least those who belong to ‘traditional’ religions – are allowed, unlike military servicemen, to exercise their freedom of conscience. Protestant clergy continue to be barred from the armed forces and prisons.

In 2010, inmates in a number of penitentiary colonies complained of discrimination on religious grounds, but not all of these reports were confirmed. In particular, the inmates of Colony № 12 in Arkhangelsk region complained that the administration allegedly forced them to eat pork and prohibited prayer. The prison administration admitted that they did not provide separate meals suitable for believers and prohibited inmates from using prayer rugs, but denied forcing anyone to eat pork.

It was reported in July that 80% of conscientious objectors who choose alternative civilian service over military service do so for religious reasons.

In this regard, two incidents were reported, both in Perm. A Seventh Day Adventist applying for alternative civilian service was referred to a psychiatric clinic after the local conscription board suspected that he had a mental disorder. The clinic confirmed the diagnosis and threatened to forcibly hospitalize him should he attempt to challenge the decision. The applicant, however, succeeded in having the decision reversed.

Another conscript, also an Adventist, was denied alternative service on grounds that military service did not contradict the teachings of the Seventh Day Adventists. In order to keep the applicant from challenging the decision, the conscription board delayed issuing him a copy of their minutes needed for an appeal.



## Religion and secular education

In 2010, schools in several regions began teaching the Fundamentals of Religious Cultures and Secular Ethics as a pilot course following a decision made in 2009. A few regions, in particular St Petersburg, were added over the year to the 19 regions which originally agreed to pilot the course. The first results of the project were announced in 2010.

According to a survey conducted by the Russian Civil Service Academy, most students taking the pilot course (42.1%) studied the Fundamentals of Secular Ethics, 30.6% studied the Fundamentals of Orthodox Culture, 20% studied the Fundamentals of World Religions, followed by the Fundamentals of Islamic Culture (5.2%), the Fundamentals of Buddhist Culture (2%), and the Fundamentals of Judaic Culture (0.1%).

Most of the students' parents – 78% of respondents – had a positive perception of the course. Even atheist parents (71%) reacted positively to the fact that their children studied religious cultures, and only 14% were against it. Six percent of Orthodox parents were dissatisfied with the teaching of the course.

Meetings were held in pilot regions in June to discuss progress and challenges. All regions highlighted the poor quality of textbooks and inadequate training of teachers as a major challenge. This and '*an emerging bias towards teaching Orthodox Christianity at the exclusion of others in most Russian regions*' were mentioned at the December hearings in the Public Chamber.

Rostov region decided to incorporate the Fundamentals of Orthodox Culture (FOC) as an elective course in all schools before 2012. This subject has been taught in the region since 2004, and a number of Muslim parents in Rostov region also consented to this subject being taught to their children. Some schools in Smolensk region began teaching the FOC course as a compulsory subject. In Tambov region, the regional administration supported the integration of Sunday schools into the official system of supplementary education, and Sunday school teachers are now being trained by the Orthodox Instruction Department of the regional Teacher training college.

However, in Tver region, where the majority of parents initially chose a FOC course, most parents had switched to the Fundamentals of the World's Religious Cultures and Secular Ethics modules before the end of the year.

Both the clergy and school administrations made attempts to influence parents' choice of teaching module. Archbishop Konstantin (Gorianov) of Kurgan and Shadrinsk encouraged local clergy to go to parents' meetings at schools and talk to parents about '*ethical and spiritual education and the choice of subjects within the Fundamentals of Religious Cultures and Secular Ethics*

*course.*' The Archbishop noted, however, the importance of using '*appropriate language*' and avoiding '*criticism of other faiths.*'

Imam-Khatib Rustam Safin of the central mosque of Ul'ianovsk and the parents of a few students of the Mariinskii High School in Ul'ianovsk complained to the Regional Ministry of Education saying that the school 'imposes Orthodox culture on students.' The Regional Ministry found no violation, but imam Safin appealed to the Federal Ministry of Education, which confirmed that no religious instruction may be offered without parental consent.

In spring, Muslims from the village of Radishchevo, Ul'ianovsk region, wrote to the District Board of Education requesting a course in the Fundamentals of Islamic Culture for local schools (about 40% of local residents are Muslims). At that point, the village schools only taught the FOC and Fundamentals of World Religions courses. The District Board of Education responded that they did not have the teachers and textbooks available to teach a Fundamentals of Islamic Culture course, so the parents had to find such teachers and textbooks themselves.

In February, the Ministry of Education and Science spokesperson said that the Russian Academy of Sciences, the Russian Union of University Presidents, Federal Education and Science Supervision Service (*Rosobrnadzor*) and the Higher Attestation Commission (*Vysshaia attestatsionnaia komissia*, VAK) were jointly working on adding theology to the VAK list of academic specialties (it should be noted that the Ministry refused to even consider this option before). However, no decision about adding theology to the VAK list was announced in 2010.

In March, VAC added the *Bulletin of St Tikhon Orthodox Humanitarian University (Vestnik Pravoslavnogo Sviato-Tikhovskogo gumanitarnogo universiteta)* to its list of journals considered acceptable for academic publications required for a doctoral degree.

As before, regional administrations and educational establishments signed agreements with religious organizations to involve them in the educational process. Regional Departments of Education in Chuvashia, Khakasia, and Krasnodar krai signed cooperation agreements with their respective Orthodox eparchies. The contracts signed by regional administrations in Kursk and Tambov and by the legislature of Kaliningrad region with local eparchies also included provisions for the ROC's involvement in educational and cultural activities. Less often, similar agreements on cooperation in the educational sphere were signed with Muslim organizations – examples include Ul'ianovsk and Stavropol regions. In Sochi, the local Office of Youth Affairs signed a cooperation agreement with the ROC, the Spiritual Directorate of Muslims, and the Armenian Apostolic Church.

## Lack of protection from defamation and attacks

Several clerics were killed over the year, but religious hatred does not appear to be the cause. In Volgograd region, a man was killed because his host mistakenly interpreted his beard as an indicator that he was a Wahhabi.

There were many violent attacks against believers of different faiths. Jehovah's Witnesses were particularly targeted, often in connection with their preaching ministry. Such incidents were reported in the cities of St Petersburg, Ekaterinburg, Kurgan, and Murmansk; in Volgograd, Ivanovo, Irkutsk, Nizhnii Novgorod, and Rostov regions; in Krasnodar and Stavropol krais; and in the republics of Bashkortostan and Tatarstan. In Kurgan, a child from a family of Jehovah's Witnesses was beaten by his classmates who also made offensive remarks about his faith.

Several attacks against women in Muslim dress were reported.

We have information about attacks, motivated wholly or partly by religious hatred, against Baptists, Pentecostals, Vaishnavas, and Russian Neo-pagans.

In 2010, statistics of vandalism against religious buildings and installations were as follows: 16 incidents of vandalism against Orthodox Christians, 14 against Jehovah's Witnesses, nine against Muslims, eight against Judaists, three against Protestants, two against Armenians, and one against a pagan site – a total of 53 episodes (including cemetery vandalism).

More often than before, the reported acts of vandalism were of particularly dangerous nature – assault, arson, throwing stones, window smashing. Almost all attacks against Jehovah's Witnesses buildings were of the dangerous type. It should be noted also that in Penza a series of vandal attacks were reported in the first two weeks of January alone: attacks against two local chapels and an Orthodox church involved firebombs thrown through the windows. In St Petersburg, arsonists set fire to a chapel and beat an altar boy from a nearby church. In Tver, an improvised explosive device went off outside a synagogue; no one was hurt. In Syktyvkar, a protest rally against the construction of a mosque was followed by an arson attack against the construction workers' temporary lodgings by a local Frontier of the North (*Rubezh Severa*) group.

We note that vandalism was not always motivated by religious hatred; sometimes it was preceded by other types of conflict. For example, members of a local community in Moscow region destroyed a chapel under construction to protest against its location on a site they had planned to use for a horse-riding school.

Cases of cemetery vandalism were fewer than last year, with 27 incidents (as opposed to 49 in 2009). Orthodox cemeteries were targeted in most cases (24); two cases of vandalism were reported against Muslim cemeteries, and one against a Jewish cemetery. Most incidents involved random vandalism, often committed by juveniles.

A few instances of xenophobic appeals made by clergymen were reported. In August, Bishop Pitirim (Volochnikov) of Syktyvkar and Vorkuta, addressing a diocesan conference titled *God and World Evil in Aspects of Globalization*, referred to what he called 'non-Orthodox extremism' which he found, in particular, in the fact that the Komi republic has 90 mosques. The cleric denounced the idea of all religions being equal and urged Orthodox believers to resist this evil forcefully, i.e. should an Orthodox person encounter 'a Jew or a heretic,' he must 'sanctify his hand with a blow' and hit the opponent 'on the mouth or on the cheek.'

An Orthodox priest in Penza was arrested at the crime scene when using spray paint to write the word 'sect' in front of the Living Faith (*Zhivaia vera*) Evangelical Church. He had also threatened Protestants and their families; however, the prosecutor's office refused to open proceedings against him. He was vocally supported by another well-known Orthodox missionary, Archdeacon Andrei Kuraev, who said, 'I would like to hand out a Beware! Sect! rubber stamp to everyone, so people can mark the doors of the houses where sectarians meet.'

As in previous years, federal and regional media published xenophobic materials targeting certain religious organizations. 'Anti-sectarian' stories were run by the *Our Hometown Saratov* newspaper (*Rodnoi Gorod Saratov*) about the Word of Life (*Slovo zhizni*) Church, by the Novgorod regional TV channel about Baptists, and by the federal newspaper *Ekspress-gazeta* about the 'Krishna sect.' A number of media stories targeted Orthodox churches which are not part of the ROC.

Maria Rozalskaya

## Inappropriate enforcement of anti-extremist legislation in Russia in 2010

### Summary

The principal result of 2010 in our opinion has been the ultimate loss of public confidence in the anti-extremist legislation as a result of what we see as inappropriate anti-extremist activities.<sup>1</sup> Perception of this legislation and law enforcement practice as repressive was fully formed in 2010. While expressing opinions on extremism, a person is likely to note that in our country this concept is ‘elastic,’ and virtually anyone can be labeled an extremist. This is not entirely accurate, and journalists and public figures, expressing such an opinion, often don’t have sufficient command of necessary facts or legal issues to be able to expand on their statement. However, this sentiment demonstrates society’s attitude toward the legislation. It came to the point, that even Russia’s Foreign Ministry, in its testimony before the European Commission, admitted that the definition of extremism in Russia is ‘too broad.’<sup>2</sup> There is a growing international understanding that inappropriate anti-extremism represents a crucial problem in today’s Russia. It became one of the major topics on the hearings on Human Rights in Russian Federation, organized by European Parliament.

‘Extremism’ has become just another kind of a dirty word, used indiscriminately by critics of the anti-extremist legislation as well as by its supporters in reference to anything good or bad respectively. Radical nationalists utilize this tendency with some measure of success for discrediting persecution of hate crimes in general, even violent ones. The latest attempts pertain to discrediting the Stanislav Markelov and Anastasia Baburova murder investigation: attempts

to portray one of the suspects, Evgenia Khasis, - a member of Russian Verdict (*Russkii verdikt*) project for defense of neo-nazis convicted of violent crimes - as an unfairly victimized prisoner of conscience. In our opinion, the government is partially responsible for giving nationalists this opportunity by discrediting the anti-extremist legislation

Generally the unjustified use of anti-extremist legislation tends to display two tendencies (although borderline cases are also possible). First, it is used for suppressing particular ‘enemies’: religious organizations and their followers, political parties or specific politicians, civil groups and activists, media outlets and specific journalists. Second, various responsible agencies are engaged in ‘window dressing’ in order to improve their statistics in the declared ‘war against extremism’: they are, so to speak, looking for extremism within easy reach. This second tendency affects libraries, schools, internet service providers, publishers and random users of internet forums.

Both tendencies have a lot to do with low quality of the legislation itself. The quality issue manifests itself in ever-increasing tendency to utilize the notion of ‘hatred towards a social group’ in order to protect such groups as government representatives or law enforcement officials, as well as in persecution of religious groups merely for asserting that theirs is a true faith. Attempts to correct the norm by reasonable official commentary so far have extremely limited influence on law enforcement; the resolution of the plenary meeting of the Supreme Court of the Russian Federation regarding judicial practice related to the Russian Federation Statute on the Mass Media clearly illustrates this observation. Nobody has enough courage to even tackle an overwhelming problem of fixing the Federal List of Extremist Materials.

### Creation of Regulatory Acts

In 2010 legislative initiatives manifested a tendency toward increasing punishments and extending the mandate of law enforcement agencies. In the period under review two pieces of legislation traveled the full path from the draft submission to becoming a law.

The first bill – on extending the powers of the FSB – was submitted to the State Duma by the government in April 2010, and its last components went into effect in October. The bill included changes to the Code of Administrative Offences of the Russian Federation and to the law ‘On FSB’ granting to this law enforcement agency the right to give proactive warnings to individuals regarding the ‘unacceptability of actions, causing reasons or creating conditions for committing crimes for which,

<sup>1</sup> Our interpretation of this concept is examined in detail in the Preface to the preceding report: A. Verkhovsky, Inappropriate enforcement of anti-extremist legislation in Russia in 2009, in *Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2009* (Moscow: SOVA Center, 2010), p. 73-113 (see the original version at <http://www.sova-center.ru/en/misuse/reports-analyses/2010/04/d18482/#r1>).

<sup>2</sup> SOVA representative presented during the European Parliament hearings // SOVA Center. 2010. 1 December (<http://www.sova-center.ru/misuse/publications/2010/12/d20411/>).

according to the laws of Russian Federation, the investigation is within the purview of federal security agencies, in the absence of the basis for criminal charges.’ Among the ‘extremist’ articles of the Criminal Code under the FSB’s purview is Article 280 on public incitement to extremist activities. In addition the bill instated administrative penalties for refusing to comply with lawful orders of FSB officers, exempting, however, the above-mentioned preventive warnings.

Notably, the initial version of the bill, which contain no provisions for appealing the warnings in court and suggested publishing the warnings in the mass media, and then levying fines or administrative arrests on those , who ignore them, was modified substantially, to a large extent as a result of the public opinion pressure.

Passing this bill, even in its reduced format, was evidently important for the government, but so far we are unable to find out the reason. If this legislation was, indeed, intended for intimidation of political opposition – which was the popular fear – we doubt that the government would have shown so much readiness to amend it. In addition, lack of administrative responsibility for failure to comply renders the entire procedure meaningless: those, who can be stopped by warnings, will likely never plan a terrorist act or call for an armed uprising (crimes of actual concern to the FSB). The same can be said about potential victims of such inappropriate warnings: a political activist, seriously engaged in protest, will pay no attention to an inconsequential warning, since s/he is bound to deal with far more serious pressure.

The law might still have improper enforcement potential, but correct evaluation can’t be achieved without further research into its practice. At the time of this report we are not aware any cases the FSB-issued warnings.

It also should be noted, that giving the FSB – an operational and investigative body – legal oversight responsibilities goes contrary to the legislative logic, according to which this function belongs with the Prosecutor’s Office.

The second law, passed by the State Duma in 2010 toughened penalties for terrorists, their supporters and advocates. The bill was introduced by President Medvedev in July as a response to the April bombing in the Moscow Metro and went into effect in December. The changes related to Article 205 (Terrorism), Article 2051 (‘Involvement of a person in the commission of crimes of terrorist nature’) and Article 2052 (‘Public calls to terrorist activity or public justification of terrorism’) of the Criminal Code of the Russian Federation. The amendments by and large toughen the penalties and reduce the possibility of parole.

In our opinion the introduction of these amendments has no justification beyond achieving short-term political gains. The upper limit of punishment, especially for Article 2052 had been rarely used even prior to these changes.

Grouping sanctions ‘for the actions’ and sanctions ‘for the words’ (‘Public calls ...or public justification of terrorism’) within the same bill de facto puts these entirely conceptually different crimes on the same level. Considering customary liberties our law enforcement agencies take in their legal interpretations, toughening of penalties under Article 2052 represents not simply a populist measure, but a threat to the freedom of speech. So far there have been no cases of inappropriate enforcement of the Criminal Code Article 2052, but in 2010 the society witnessed a vivid example of arbitrary interpretation of ‘public justification of terrorism’ clause – a warning to Vedomosti daily newspaper, which misinterpreted newspaper article about the reasons behind terrorism, as justification of terrorism (see below for more on this case).

Another notable bill ‘On making changes to the Criminal Code of the Russian Federation, and selected legislation of the Russian Federation,’ recently submitted to parliament by Moscow City Council, it yet to have its first reading. It calls for tougher hate crime penalties, for removing racist violence cases from the purview of jury trials, and for introducing administrative responsibility for media outlets if they mention ethnicity in the course of their criminal activity coverage. Various versions of similar initiatives have emerged in recent years, but, fortunately, never passed.

A restriction on mentioning ethnicity in criminal reporting is easy to sidestep, while at the same time it leads to restrictions on free speech and to concealing important information (i.e. racist attacks) from the public. As for tougher hate crime penalties and removing these crimes from the purview of jury trials, these ideas are based on the erroneous concepts. In fact, the maximal penalties, allowed by the Criminal Code’s are seldom used, and there is no reason to think that the Code needs further repressive potential. Jury issues a guilty verdict just as often as ‘regular’ judges; moreover in some known cases after the guilty verdict by the jury, the judge issued a minimal or suspended sentence.

Interestingly enough, while lawmakers repeatedly come up with such initiatives, their ideas don’t find acceptance: out of the three Duma committees, which submitted their opinion on the bill, only one – the Committee on Nationality Affairs – gave a positive review. Committee on Civil, Criminal, Arbitral and Procedural Legislation and Committee on Public Associations and Religious Organizations found the bill to be excessive and laden with contradictions.

Over the past year, the issue of responsibility for the ‘distorting history’ or ‘rehabilitating Nazism’ resurfaced once again. In January 2010 the government issued a negative decision regarding the bill, proposed by United Russia, aimed at “violation of the historical memory of events which took place during the Second

World War.’ The ruling party did not stop there, and in March put together a project, criminalizing public approval or denial of Nazi crimes against peace and the security of humanity as established by the verdict of the Nuremberg Trial.’ This formulation is obviously more acceptable than the previous version (which talked of “distorting the verdict of the Nuremberg Tribunal,’ as if a sentence, already in effect, can be somehow distorted). However, existing legislative options are quite sufficient for counteracting Russian Nazi sympathizers, and passing of this law would have had a chilling effect on the academic debate on the subject of the Second World War. The goal to fight the ‘distortion of history’ in the former Soviet republics, declared by United Russia members, is unachievable anyway, since the Criminal Code only applies inside the Russian Federation. Thus, we view this initiative as yet another example of imitating anti-extremist activity. At the moment of this report the project was still in the draft stage, which likely means that it gets no further serious consideration.

In 2010 an attempt was made to challenge the most odious formula in the anti-extremist legislation and law enforcement – incitement of hatred towards a social group. Roman Zamuraev, who was tried (and acquitted – more on that below) under Part 1 Article 282 of the Criminal Code of the Russian Federation (‘Incitement of hatred’) for distributing a leaflet ‘You have elected — You are to judge!’ (‘Ty izbral — tebe sudit’), appealed to the Constitutional Court, asking to recognize the ‘hatred towards a social group’ formula as unconstitutional, since it is non-specific and creates conditions for unconstitutional limitations to the freedom of speech. The Constitutional Court dismissed the complaint, based on the fact that the law specific in focusing only on premeditated actions, and protects an individual ‘regardless of any social or physical attributes.’ This is not really an answer, or, rather, this is an answer to a different question, so the Constitutional Court simply avoided considering an actual existing problem. Besides, from numerous unsuccessful attempts to use this article for protection, for example, of sexual minorities, we see that it protects an individual by no means ‘regardless of any attributes.’

The 15 July 2010 resolution of the plenary meeting of the Supreme Court of the Russian Federation regarding judicial practice related to the Russian Federation Statute on the Mass Media has been an only positive step toward limiting the inappropriate enforcement of anti-extremist legislation. This resolution resolves in favor of the media the contentious issues such as whether a media outlet can be held responsible for quotation of xenophobic statements, for the publication of satirical, humorous and non-realistic materials that engage an ‘extremist’ topic, and for audience comments during live broadcast

or on forums of the mass media outlet internet sites. The resolution contained a number of important clarifications:

First, media cannot be held liable for the quotation of xenophobic statements (remember that in one of the most egregious cases in August 2008 the *Novaya Gazeta in St. Petersburg* received a warning for its attempt to publicize the anti-Georgian initiatives of local DPNI: “...the court of law should take into account not only the words and expressions used in the article, tv- or radio-program, but also the context (such as aim, genre and style of a publication, a program or part thereof, whether they can be viewed as expressing opinions in the course of political discussions or as bringing to public attention the issues of social importance, whether an article, program or material are interview-based, and what is the position of the interviewer and/or editors of a media outlets with regard to the stated opinions, judgments, and statements), as well as take into account the overall social and political situation in the country or one of its areas (depending on the region of distribution for a given media outlet).”

The second case of media liability exemption is the publication of satirical, humorous and non-realistic materials that engage with a topic of extremism (here it is worth remembering about the series of warning to mass media regarding illustrations to anti-fascist materials, or anti-fascist cartoons that use the swastika). In addition to the requirement of contextualization, quoted above “*the courts should be aware that, according to the point 5 of the Declaration on freedom of political debate in the media, the humorous and satirical genre, as protected by Article 10 of the Convention on Human Rights and Basic Freedoms, allows for a wider degree of exaggeration and even provocation, as long as the public is not misled about facts*”.

The third case is the comments from the television audience (including those in the news ticker) and statements made by live broadcast participants: “*the courts need to consider the broadcasting features, limiting journalists and editors in their ability to correct, clarify, interpret or comment statements, made by live broadcast participants*” (all - from point 28 of the Resolution).

And finally, for the statements of the readers/viewers made on the forums of an Internet site registered as a mass media outlet (the most significant related incident was the saga of the news agency Ura.ru, which received two warnings for the statements made on its forum in 2008): the registered media outlet, where forum is not pre-moderated, is liable only if it has received a complaint from a governmental watchdog - such as the Prosecutor’s office, or the Federal Supervision Agency for Information Technologies and Communications (*Roskomnadzor*) - that the communication is illegal in its content, and then fails to correct (or delete) the communication (point 23 of the Resolution).

Regrettably, monitoring of the law enforcement practice following the enactment of this resolution shows that prosecutors and judges are so far simply ignoring it. In addition to the instructive warnings issued to *Novaya Gazeta* and *Vedomosti*

(see below for more details), another striking example is the town court of Tosno, Leningrad Region, which managed to break the Supreme Court regulation, even while quoting it in its decision. We are talking about the cartoon in the *Arsenievskie Vesti* newspaper, which illustrated the critical article about the Housing and Utilities Sector (*Zhilishno-Kommunalnoe Hozyaistvo*, 'ZhKX') reform: the last letter was stylized as the swastika. The court, basing on logic 'if we are not laughing, then this is not satire' deemed that the cartoon had not been appropriate in the context of the article and upheld the anti-extremist warning to the newspaper.

Regretfully, monitoring of the law enforcement practice following the enactment of this resolution shows that prosecutors and judges are so far simply ignoring it. Помимо выразительных примеров предупреждений «Новой газете» и «Ведомостям» (см. подробнее ниже), отметим striking example is the town court of Tosno, Leningrad Region, which managed to break the Supreme Court regulation, even while quoting it in its decision. We are talking about the cartoon in the *Arsenievskie Vesti* newspaper, which illustrated the critical article about the Housing and Utilities Sector (*Zhilishno-Kommunalnoe Hozyaistvo*, 'ZhKX') reform: the last letter was stylized as the swastika. The court, basing on logic 'if we are not laughing, then this is not satire' deemed that the cartoon had not been appropriate in the context of the article and upheld the anti-extremist warning to the newspaper.

Following the Supreme Court Regulation, the Federal Supervision Agency for Information Technologies and Communications (Roskomnadzor) promptly issued an order, regulating the procedure of issuing anti-extremist warnings to media outlets for statements made on their forums. The order applies to all registered mass media outlets that have websites or online versions. Upon discovery of internet forum statements s/he considers extremist the Roskomnadzor officer emails and faxes the formal letter to the editor. The offensive commentary should be removed within 24 hours otherwise the agency issues an official warning. This formula immediately raised concerns: it did not specify whether the 24-hour countdown starts from the moment the letter was received, or from the moment it was sent. In addition, 24-hours constitute an extremely tight timeframe (for example, some internet media outlets argue that they receive thousands of letters each day, and may not be able to process the Roskomnadzor's letter that fast).

### Imitation of Anti-Extremist Activity

This phenomenon existed prior to 2010. Imitation of activity appeared as soon as the fight against extremism was declared a state priority. Since the legal definition

of extremism de facto puts very dangerous activities in the same category as less or even not at all dangerous ones, in order to look well on the report it is much easier to follow simple formal procedures than investigate activities of truly dangerous groups (often undercover, and even with some ability to resist, as we have seen in case of the neo-Nazi underground). This imitation of activity takes several major directions.

First and foremost we would like to mention the situation with libraries all over the country, facing prosecution for extremist materials found in their collections, or simply not having on file the up-to-date copy of the Federal List of Extremist Materials. There are tens of thousands of libraries in this country, and if the Prosecutor's Office pays a visit to each of them, in 90% of the cases they will be able to find fault with one thing or another. This potentially means tens of thousands of points in the anti-extremist section of prosecutorial response statistics.

In 2010 we learned about sanctions against the library managers in Orenburg, Kirov, Novgorod, Voronezh, Novosibirsk, Volgograd, Tula, Pskov, and Kaluga Regions; in Altai, North Ossetia, Tuva, Kalmykia, Adygea, and Tatarstan Republics; in Krasnodar, Krasnoyarsk, the Trans-Baikal and Altai krais; in Khanty-Mansiysk and Chukotka Autonomous Districts. In these cases a lot of time, paper and law enforcement efforts are completely wasted, since both charges against libraries are inappropriate. First, there is no obligation to have a printed copy of the Federal List of Extremist Materials on file, since it is both constantly revised, and available via the Ministry of Justice website. Next, according to the law 'On Librarianship' libraries can neither refuse to lend a publication, nor conceal its existence in their collections. Deposit Libraries are under obligation to accept mandatory copies, and, even if materials are deemed extremist, can't withdraw them from their collections.

Schools are in a similar situation: the sanctions against them might be better substantiated from the legal standpoint, but no more justified. Here the problem is with the content filtering software that the Federal Education Agency was supposed to provide for all school computers with internet access. These systems do not function properly, due both to their inherent design flaws, and the school personnel's lack of diligence or skill. The prosecutor visits a school, enters a 'bad' word, such as 'national-bolshevik' or 'swastika' into a search engine, or simply tries a banned site's URL, then penalizes the school management for giving children *an opportunity* to read something extremist online. In the meantime, nobody bothers to check whether this computer was ever, in fact, used to access banned sites. In any case, the filtering system has a very limited effectiveness, and can easily be bypassed, and this is definitely not the school's fault.

Imitation of activity also takes form of banning organizations that have long ago ceased to exist. Thus on 1 February 2010 the Supreme Court of the Russian Federation declared extremist the International Public Organization 'National-

Socialist Society' (*Natsional-sotsialisticheskoe obshchestvo*, NSO), and on 20 December Moscow City Court banned the Inter-regional Public Association 'Format-18.' Both organizations, while notorious and worthy of law enforcement attention in their past, by all accounts had ceased to operate.

We would like to mention separately the ban on the organization 'Noble Order of the Devil' (*Blagorodnyi Orden Diavola*), issued by the Supreme Court of Mordovia on 27 December 2010. Initially the founders of this 'Satanist' youth group were charged with a whole series of crimes, but most accusations fell apart during investigation. In the meantime, the group has completely ceased to exist. On 20 July 2010 October District Court of Saransk, which convicted Denis Danshin and Alexander Kazakov, included no charges of extremism in its verdict. Even if we believe the court charges of sexual assault against junior female group members (according to human rights activists, the case has been falsified, and the investigation was marred by numerous violations)<sup>3</sup>, the charge has no relation to the law "On Countering Extremist Activities", and thus the Court had no legal grounds for banning the organization

Another possible activity is solemn media-publicized banning of already banned books. The text of the Federal Law "On Countering Extremist Activities" contains a direct prohibition of publications by leaders of the Nazi Party and the Fascist Party of Italy. This does not prevent some of the courts from banning these books and including them into the already bloated Federal List. In 2010 Bashkir prosecutor Amir Akhmetov showed a particular zeal in this area. Due to his efforts the courts once again banned Hitler's *Mein Kampf* (by the 24 March 2010 decision of Kirov Court in Ufa), the book by Himmler (by the 22 December 2010 decision of Miyakin District Court of Bashkortostan) and two books by Mussolini (by the 26 May 2010 decision of Kirov District Court in Ufa to ban *The Doctrine of Fascism* and by the 28 October 2010 decision of Miyakin District Court of Bashkortostan to ban *Memoirs 1942-1943*). By the time of the Bashkortostan court decision, in addition to an outright ban in the text of the law, Mussolini's *The Doctrine of Fascism* was already banned by Butyrsky District Court in Moscow on October 7, 2009. Prosecutor Akhmetov explains his actions by saying that the ban on works of the founders of Nazism and Fascism was "insufficiently regulated", and therefore the decision was made to fight 'founding documents' rather than 'grass-roots manifestations of extremism'. We consider the ban to be sufficiently regulated and already successfully used: for example, in 2009 the 'National Business' magazine in Tyumen received a warning from the Prosecutor's Office for publishing the excerpt from *Mein Kampf*.

<sup>3</sup> More on this see: 'Witch' process in Saransk' (*«Vedovskoi» protsess v Saranske*). // Website of the Movement For Human Rights. 2010. 24 February (<http://zaprava.ru/content/view/2204/2/>).

## The Federal List of Extremist Materials

The very ease of classifying material as extremist makes this activity an extremely attractive tool for inflating statistics and imitating fight against extremism. After conducting an expertise, not necessarily professional in substance or legitimate from the procedural perspective the Prosecutor's Office files a claim, and the court frequently satisfies the claim, often not even duly examining the expert opinion or material in question, and not calling authors, publishers or distributors as defendants in the suit, thus depriving them of the right to a fair trial.

It seems that nobody gives a thought to feasibility of banning a particular item. For example, in June 2010 the list added seven items, altogether containing over 300 materials under such titles as '13ng.jpg' 'beeline.jpg', 'Zhidy.wmv', 'Blagotvoritelnost.wmv', and listing name and address of computer owner in place of bibliographic data. How could files from someone's private computer (even if they indeed contain something criminal) constitute danger to society, and, more importantly, how could these documents be identified in the future?

The same can be said about the bans on leaflets, produced in minimal quantities, and once seized, no longer available to an outside reader, about the bans on comments or entire Internet pages already physically inaccessible online (many times we faced the problem of being unable to determine whether the ban was appropriate for this very reason). Thus on 15 September 2010 in Omsk, the court banned the leaflet entitled *The Third Capital* Special Issue: *The Chronicles of the diving mayor (Tretiia stolitsa spetsvypusk: Hroniki pikiruruiush-ego gradonachal'nika)* – a look-alike of the local newspaper *The Third Capital*, released without imprint. Here, the court not only accepted the extremist character of the leaflet, which, according to the expert opinion, consisted of the information "about the inferiority of citizens on the basis of their relationship to social groups, such as the City Hall (Omsk City Administration), the Department of Internal Affairs, etc. (here specific government agencies are named as social groups). In addition, the leaflet's text is no longer available on the Internet, and the actual print run was confiscated and destroyed.

Yet another absurd law enforcement practice is banning clearly unreadable texts, which become publically known only due to the fact of their ban, and which present no danger since even if someone accidentally reads them, they can't be taken seriously. The most obvious example is the ban on the texts (deemed extremist in January 2010) authored by Kolograd Society of Bryansk, filled with mystical terms along with spelling and grammar errors, and constituting a dossier of sorts on Dmitry Medvedev and Vladimir Putin. These texts, which read like the work of psychiatric patients, reveal Jewish origins of Putin and Medvedev and their "dark" identity (in a mystical sense).

On several occasions we mentioned that the Federal List of Extremist Materials has become a problem in itself. In 2010 it was updated 27 times and grew from 467 items to 748: four items have been ‘erased’ (the materials excluded, without shifting the numeration), 32 items have been formally deemed inappropriately classified, after their ban was lifted by higher courts, with no further decisions up to date; 47 items duplicate each other, i.e. contain duplicating bans on the same materials by different courts (this count excludes the cases of the same texts with different imprints, such as ‘You have elected — You are to judge!’ (*Ty izbral — tebe sudit’*) featured on the Federal List three times. In addition, at least three court decisions are included twice, i.e. the error was made by the Ministry of Justice: the same decisions regarding the same materials were registered repeatedly. Due to its size, repetitions and grave bibliographic errors, the List has become completely unusable.

### **The Ministry of Justice as a Responsible Party**

In the meantime, the Federal List of Extremist Materials has turned into one of the principal repressive instruments, serving as the basis for administrative charges (sometimes even criminal charges, not stipulated in the law), for numerous warnings to libraries, for forcing ISPs to execute court orders of uncertain legal standing and technical effectiveness, even the prosecutors’ orders, although their out-of-court orders are highly questionable to begin with. In 2010 it became clear that the Ministry of Justice, which serves as a technical registrar of court decisions on the prohibition of certain materials, also bears its share of responsibility for this situation.

We have two points in mind. The first is the timely removal of materials from the List once judicial decisions about their ban are overruled. Since 2009 the List includes the materials of Falun Dafa religious movement, although there is no enforceable court decision to ban them. In early 2010 the Falun Dafa followers attempted a court case to force the Ministry of Justice to remove their materials from the list, but failed. The Moscow City Court ruled to wait until the appeal to overturn the ban lift, filed by the Prosecutor’s Office, receives its final verdict. At the time of writing, Pervomaiskii Court of Krasnodar is still considering the Prosecutor’s Office claim, although the process began as far back as in September 2009. A complex psycho-linguistic and theological expertise has been scheduled with the governmental “Southern Regional Forensic Center” of the Ministry of Justice of the Russian Federation. Forensic Center missed all the scheduled deadlines, and eventually moved their expert opinion due date to February 2011. While the Ministry of Justice experts have spent a year and a half looking for non-existing extremism (at taxpayers’ expense, mind you, since the expertise costs are

covered by the Prosecutor’s office), several texts by Falun Dafa followers remain on the Federal List compiled by the very same Ministry of Justice.

The texts of L. Ron Hubbard faced a similar, albeit even more egregious, situation in 2010. On 26 March, 2010 they were deemed extremist by the City Court of Surgut (in our opinion, inappropriately). Scientologists filed their appeal at their first opportunity, and technically the decision never went into effect, but the materials have been added to the List nevertheless. Moscow Scientology representatives filed a complaint in court, requesting the Ministry of Justice to take these materials off the List, and in October 2010 Zamoskvoretsky court in Moscow issued a judgment instructing the Ministry to remove them from its website until the proceedings are over. However, at the time of this report, L. Ron Hubbard’s books are still listed as banned. The lack of action from the Ministry of Justice looks particularly cynical, considering that on Dec. 9, 2010 he City Court of Surgut reconsidered its earlier decision, and no longer considers Scientology books extremist (the latter decision went into effect on February 2, 2011).

The second point regarding the Ministry’s responsibility is the lack of initiative in resolving certain issues related to the materials on the Federal List.

As we mentioned above, the libraries find themselves in a difficult situation, between the hammer of anti-extremist legislation, prohibiting any distribution of extremist materials, and the anvil of the law ‘On Librarianship,’ prohibiting any removal of books from library collections. Libraries have no authority to resolve this contradiction, so this issue needs to be decided on higher level.

In 2010 the Ministry of Culture took the initiative to resolve this contradiction, and, in coordination with the Prosecutor General’s Office, drafted an order “On Approval of instructions for the documents included in the Federal List of Extremist Materials.’ This order was intended to establish a clear procedure for library staff working with prohibited materials.

The order had to get the Ministry of Justice approval. However the Ministry of Justice refused to cooperate, insisting that, by issuing this order, the Ministry of Culture has exceeded its jurisdiction, thus creating a ‘corruptogenic factor.’

### **Materials Deemed Extremist and the Issue of Internet Freedom of Speech**

The lack of understanding between internet services providers and law enforcement agencies constitutes one of the key problems. The former<sup>4</sup> insist

<sup>4</sup> For details see.: Opinion of the Provider, as a Defendant at the Youtube Ban Case // SOVA Center. 2010. 14 September (<http://www.sova-center.ru/misuse/discussions/2010/09/d19733/>).



that they merely provide ‘the pipeline,’ for the entire internet content stream, from which the users can pick whatever they need. Thus, the ISPs do not consider themselves content distributors; they just provide technical internet access capabilities. The law enforcement personnel insist that providing this ‘pipeline’ constitutes distribution of extremist materials, and that ISPs carry some degree of content responsibility (please note, that we are talking about internet access providers, not content hosting providers). Several crucial factors further complicate this fundamental difference in perception.

Russian judges and prosecutors – the ones who give orders to internet service providers – are appallingly internet-illiterate. This is not surprising, since modern technologies are complex, rapidly evolving, and quite hard for non-professionals to understand. However, these law enforcement officers, who, in the absence of clear legislative guidance have to rely on their own judgment, end up giving orders to internet professionals. The most striking example of this phenomenon is the ‘YouTube ban’ story in the Khabarovsk Kray, when the court demanded to block the entire range of high-profile international portals, including YouTube, for containing several banned videoclips. It was further revealed during the process, that the judge, who issued this decision, did not know the meaning of the term “online.” Fortunately, the Kray Court later reversed the verdict, but instead it came up with a technically problematic decision to block access to specific materials.

The means of blocking access to banned materials are not always clear. Access filters can be IP-based, but then, in addition to prohibited items, the users lose access to many other materials located on the same server. Filters can also target the URLs of specific materials (that could be the way to fulfill the Khabarovsk Kray Court) but then a supposed malefactor could easily move the items to another URL on the same site.

The inefficiency of the ISP-based filtering has become obvious. The distributors of the materials can easily move them, while potential audience can use proxy-servers. Moreover, URLs of banned webpages or online materials are deliberately distorted when the sites are added to the Federal List (evidently, in order to avoid accidentally advertising the sites) making their identification and filtering impossible.

It is becoming evident that blocking access to a particular banned material is unlikely to be effective as a law enforcement measure.

## Direct Abuse of the Anti-Extremist Legislation

Direct abuse of the legislation, by using overly expansive or simply inappropriate interpretation, usually takes place in order to persecute specific people or groups. 2010 continued the trends of the previous years.

### Persecution of Religious Groups

The most widespread and severe repressions, including even the criminal convictions, pertained to religious groups: certain Muslims, Jehovah’s Witnesses, followers of the Falun Gong spiritual practice and Scientologists (whose major problems, related to the recent ban on their materials, are described above; in addition we have learned of one court case against Scientologists in the Moscow region under Article 282).

Persecution of Muslim groups in 2010 has become rather routine: despite the scale of repression, nothing drastically new took place: some books were banned, including works by Said Nursi; real and suspected followers of banned groups Hizb ut-Tahrir, Tablighi Jamaat and Nurdzhular<sup>5</sup> faced administrative and criminal prosecution. Twelve people cumulatively received at least five criminal convictions for Hizb ut-Tahrir membership (with five members sentenced to prison terms), there was at least one conviction for Nurdzhular membership (suspended sentence); same with Tablighi Jamaat. At least six criminal cases were opened: four for Hizb ut-Tahrir membership, one for Nurdzhular, one for Tablighi Jamaat. These results were obtained by comparing our data with data collected by Elena Ryabinina of the Human Rights Institute. Compared to 2009 we observe slight increase in the number of convictions: four in 2009 vs. seven in 2010, but the overall picture remains unchanged, and so does the number of convicted persons: 14, the same as in 2009.

Persecution of Jehovah’s Witnesses can be named as the defining process of the year with at least eleven criminal cases currently unfolding across Russia mainly under charges of incitement to hatred (seven of the cases were initiated in 2010).

The trial of Alexander Kalistratov in Gorno-Altai (still ongoing at the time of this report) provided the most revealing example. Gorno-Altai Jehovah’s Witnesses organization was deemed extremist and banned in October 2009, and the trial of its leader under part 1 Article 282 (‘inciting religious hatred’) of the Criminal Code of the Russian Federation began a year later, on 20 October 2010. This trial is unique not just because it is the first criminal case against a specific adept of Jehovah’s Witnesses, but also because this was the first time the

<sup>5</sup> We have commented on the appropriateness of these bans in our earlier reports.

Prosecutor's Office charges against religious literature by Jehovah's Witnesses have been considered on their merits, with representation from authors and publishers. In addition, Kalistratov trial attracted significant attention, which gives us some hope for a fair trial. Specifically, the proceedings are being monitored by representatives of the Office of the Commissioner for Human Rights in Russia, and receive attention at the international level (for example, in the European Parliament).

Out of 40 prosecution witnesses, not a single one confirmed that the defendant had incited religious hatred. At the same time, it turned out that an overwhelming majority of them, including Irina Malysheva, the Gorno-Altai administration public relation expert,<sup>6</sup> were familiar with Jehovah's Witnesses doctrine only as paraphrased by the notorious 'expert on sects' Alexander Dvorkin.

In our opinion this trial is inappropriate not only because it is impossible to find any elements corresponding to the definition of extremism, let alone the wording of the Criminal Code Article 282 in the teaching of Jehovah's Witnesses. The activities, qualified by the prosecution as incitement of hatred, consisted of distributing literature, and should have been prosecuted under article 20.29 of the Administrative Code ('Mass distribution of extremist materials'). However, these materials have not been banned at the time when Kalistratov was distributing them, according to the Prosecutor's Office.

The ban of six additional Jehovah's Witnesses book and magazine titles by Zavodskoj District Court of Kemerovo became yet another notable event of 2010. The court session took place on 28 October 2010, but its decision became known only in January 2011 from the update of the Federal List of Extremist Material. The ban was made in complete secrecy not only from the general public, but also from Jehovah's Witnesses' representatives; as a result they had no chance either to participate in the process or to appeal its decision. Of course in some cases concerning the prohibition of materials it could be difficult for the court to locate interested parties (for example, if the book contains no imprint), but this is not applicable to materials of a well-known religious organization.

Also notable is the criminal charges in Kemerovo brought under several articles of the Criminal Code including Article 282<sup>1</sup> ('Organizing an extremist group'). Since the entire case once again boils down to distribution of religious literature, the extremist activities, which, according to the prosecution, constitute the 'group's' purpose, consist of spreading their religious beliefs. If we agree that merely spreading one's religious beliefs constitutes participation in the extremist group, then all Jehovah's Witnesses can be charged under Article 282<sup>1</sup>. The Kemerovo precedent,

<sup>6</sup> For details see: Details of Jehovah's Witnesses ban in Gorno-Altai // SOVA Center. 2010. 19 November (<http://www.sova-center.ru/misuse/news/persecution/2010/11/d20316/>).

if upheld by the court, signifies authorization for mass persecutions of this kind. In case of slightly more narrow interpretation, when participation in extremist group comes from the act of distribution of banned materials, the repressive potential of the law is diluted, substituting criminal responsibility under Article 282<sup>1</sup> for administrative responsibility under Article 20.29 (This schema can be later applied to the followers of other religions or opinions along the same lines).

While Jehovah's Witnesses and several other religious groups are persecuted primarily for the claim that theirs is a true faith (i.e. for the activities common to all religions), the conviction to the organizers of the exhibit 'Forbidden Art 2006' reflects quite different, albeit not any more appropriate, interpretation of the Criminal Code Article on inciting religious hatred. De facto, based on the verdict's text the Moscow Taganski Court, which on 12 July 2010 found Yuri Samodurov and Andrey Erofeev guilty of inciting religious hatred, convicted them for distorting religious symbols, i.e. for blasphemy (this decision was upheld by Moscow City Court in October). Strong public reaction, both in Russia and beyond, speeches by human rights activists, artists, art critics and even several religious leaders could not prevent the prosecutor or the court from abusing their right to appease insulted orthodox radicals, most of whom never even attended the exhibition. We can specifically point to the abuse, since Article 282 refers to actions against people and not against their ideas, including religious ones.

### Persecution of Political and Social Activists and Organizations

As before, the cases against former or suspected members of National Bolshevik Party (Natsional-bol'shevistskaia partiia, NBP), banned in 2007, stand out. In 2010 the Supreme Court refused to consider a complaint from Ekaterinburg activist Alexey Nikiforov against this ban. In 2010 at least 10 criminal cases were initiated against the National-Bolsheviks under Article 282<sup>2</sup> of the Criminal Code of the Russian Federation ('Participation in activities of banned extremist organization'); at least half of them ended with a guilty verdict. Nikiforov was among those convicted, and, like others, he was convicted for the activities, that were not criminal by themselves, except under Article 282<sup>2</sup>. Thus, the only reason for their conviction was the ban on NBP, which, as we always remind, was inappropriate<sup>7</sup> to start with — the detail, which many commentators have now forgotten.

<sup>7</sup> For details see Verkhovsky 'Why ban on NBP should be reversed' // SOVA Center. 2007. 4 August (<http://www.sova-center.ru/racism-xenophobia/publications/2007/08/d11167/>).

Persecution of other political activists have been narrowly targeted and mostly had to do with the local need to ‘reign in undesirables’. Most frequently activists are charged with various crimes against professional groups such as “law enforcement agents,” ‘the military,’ ‘government officials,’ ‘deputies’ – the wording may vary, but the essence is the same. Powerful and often armed people are portrayed as vulnerable social group in need of extra protection, and criticism against them is interpreted as inciting social hatred. According to our ongoing observations since 2005, such cases constitute the vast majority of times the term “social group” is used in legal practice. In 2010, the trial of Nadezhda Nizovkina and Tatiana Stetsura, two activists of the Democratic Union (Demokraticheskiy Soyuz) and Solidarity (Solidarnost’) movement has started in Ulan-Ude. They were charged under Part 1 Article 282 (“inciting social hatred”) of the Criminal Code. Nadezhda Nizovkina and Tatiana Stetsura distributed leaflets entitled “February 23 – Day of TRA-URA: Day of victims of Defenders of the Fatherland!” (‘23 fevralia – den’ Tra-Ura: den’ zhertv zashitnikov Otechestva’). Experts have not found any direct incitements in the text, but found “verbal extremism:” intolerant and hostile feelings toward law enforcement and the military. Defendants maintained a defiant stance: refused counsel and repeatedly failed to appear at the sessions, denying the legitimacy of the charges against them in particular and legitimacy of Article 282 as a whole. As a result, they were even put in jail for two months, citing the need to ensure their attendance in court. The sentence was handed down in January 2011; the women were fined 100 thousand rubles each.

Another court case, on trial since December 2010 in Tyumen, was filed against the anarchist and social activist Andrei Kutuzov. He was charged under Part 1, Article 280 (‘public appeals for extremist activity’) of the Criminal Code for distributing leaflets calling for violence against police. In the meantime the activist himself and a number of independent experts claim that the leaflet was faked: incitement to violence was added to Kutuzov’s original text and markedly contrasts with it. Interestingly enough, one of the prosecution’s experts, Svetlana Mochalova from the forensic laboratory of the Sverdlovsk regional FSB office, is notorious for her expert opinions regarding materials by Jehovah’s Witnesses and the Falun Gong. The second expert, psychologist Olga Usova for her research uses SlovoDel software available through the site [www.vedium.ru](http://www.vedium.ru). The site also offers paid services for the scientific protection against vampires and evil eye along with other dubious miracles.

Andrey Kutuzov was one of several suspects held in the 2009 political vandalism case, but that case was closed. It is not improbable that some police officers could slightly “adjust” Kutuzov’s leaflet on the police reform, inserting some incriminating calls for violence.

We would like to give special attention to the case of the art-group Voina (‘War’), which had its two activists arrested in November of 2010. At the time of this report, they are released on bail while awaiting trial for staging an action against police brutality and for police reform titled Palace Overturn (Dvortsovyi Perevorot). Oleg Vorotnikov and Leonid Nikolayev are charged with crime under Paragraph “b” Part 1 Article 213 (“Hooliganism motivated by hate”). In the course of the action one police car and one private security car of non-government were turned over; the authors posted their video on the internet with commentary, clearly showing that these acts were committed not out of simple aggression but as a symbolic call for change.

We consider prosecuting Nikolaev and Vorotnikov ‘for extremism’ to be inappropriate. Without a doubt, the property was damaged, and we are not advocating complete release of the perpetrators from responsibility. We think, however, that here the law has been poorly formulated and used, and this is socially dangerous and relevant not just to the defendants in this particular case.

Briefly, our considerations are as follows.

The very existence of hate motivation in Article 213 of the Criminal Code is a legal nonsense, since hooliganism is a public order violation, committed almost for no reason, just for the sake of violating public order.<sup>8</sup> As soon as we have a clear motivation – and hate is as clear and strong a motive as, for example, greed – the breach of public order stops being end in itself, and thus the action is no longer hooliganism in the sense of Article 213.9

With respect to the case of Voina this problematic article of the Criminal Code is used inappropriately as well, since here police is portrayed as a group, protected by the hate crime laws, while, as we mentioned above, police can’t be considered a particularly vulnerable social group, and it should not get extra protection, provided by hate crime legislation.<sup>10</sup>

To conclude our discussion of the ‘social group’ concept and its inappropriate interpretation we would like to mention two positive examples: in the fall of 2010 two ordinary district courts, in Kostroma and Ekaterinburg directly stated in their decisions that government representatives cannot be considered a social group.

<sup>8</sup> This is most evident in petty hooliganism. A person hits a trash can while walking down the street not because by doing this he is trying to achieve something. He is doing it ‘for no reason’ – this is the definition of hooliganism.

<sup>9</sup> For a solid professional article on this subject see Kibalnik A., Solomonenko I. ‘Extremist’ Hooliganism – a criminal nonsense // *Zakonnost*. 2008. No. 4, pp. 21–23.

<sup>10</sup> For details see SOVA Center report at the press-conference ‘Protest Art: a right or a crime?’ on Voina case // SOVA Center. 2010. 14 December (<http://www.sova-center.ru/misuse/publications/2010/12/d20501/>).

On 1 November 2010 Sverdlovsk District Court of Kostroma acquitted Roman Zamuraev, who published online text of the leaflet You have elected — You are to judge! (Ty izbral — tebe sudit' by Army of People's Will (Armiya Voli Naroda, AVN). Zamuraev was charged under Part 1 Article 282 ('Incitement of social hatred') of the Criminal Code of the Russian Federation. The court found no crime in his actions: the Prosecutor's Office insisted that publishing an extremist article online was the act inciting social hatred, but, as the court correctly noted, responsibility for this action is covered by the Article 20.29 ('Mass distribution of extremist materials') of the Administrative Code of the Russian Federation. In addition, the court's position on expert opinion was unusual for our jurisprudence. Faced with the fact that different experts examining the text of the leaflets, have come to conflicting conclusions and since these contradictions were impossible to eliminate in the course of the trial, the court interpreted all irremovable doubts in favor of the defendant. Judge Trifonova also pointed out that representatives of the legislative and executive branches cannot be considered a social group, since they lack the internal structure, common goals, unity and commonality of interests.

On 11 November 2010 Kirov District Court in Ekaterinburg dismissed a lawsuit by the Prosecutor's Office to recognize a series of texts by Eduard Limonov, and Zakhar Prilepin as extremist materials. With respect to incitement of hatred toward the government and police found in the texts by the prosecutors, the court noted that "these social subjects not have any specific features, attributing them to one or another social group, except for the fact that they have the power", therefore "the urge to commit hostile and illegal actions on the basis of non-existent features does not appear possible."

### Persecution of the Media

In 2010 persecution of the media due to inappropriate interpretation of anti-extremist legislation was mostly related to Roskomnadzor's warnings. Out of 28 warnings to media outlets about impermissibility of extremist activities at least 10 were issued inappropriately.

We would like to emphasize two warnings issued to major federal newspapers: *Novaya Gazeta* and *Vedomosti*. They deserve special attention not because smaller and regional newspapers are any less important, but because both warnings were not just inappropriate, but demonstratively so, and the scope of the media outlets only underscored this inappropriateness. Both newspapers appealed the warnings but to no avail, thus adding to the number of state entities responsible for breaking the law with regard to those media outlets. This is not just a mistake by Roskomnadzor, but a premeditated violation, buttressed by the court decision. In both cases the

warning was made for articles on extremely controversial subjects, so the warnings could probably be interpreted as the sign of the officials' fear of such discussions. On both occasions the courts, by refusing to lift the warnings, violated the resolution of the plenary meeting of the Supreme Court of the Russian Federation 'On judicial practice related to the Russian Federation Statute on the Mass Media', which clarifies the importance of considering the publication context.

*Novaya Gazeta* received a warning in March 2010 for publication of the incriminating article by I. Nikitovich 'Gang, Agency, Party. Who are the <Legitimate Nationalists>' (*Banda, Agentstvo, Partiya: Kto takie 'legal'nye natsionalisty*) on 20 January 2010. According to Roskomnadzor, the article contains elements of extremism, since first, the photo, illustrating the article, contains Nazi symbols, and second, the article directly includes direct quotes from the program of the Russian Image (*Russkii obraz, RO*), which incite ethnic and other hatred. Tagansky District court on 20 September 2010 and then Moscow City Court on 30 November 2010 concurred with this opinion. In the meantime the anti-Nazi tone of the article is quite evident, and photographs and quotes used not for propaganda of the ideas they contain, but, on the contrary, to support the author's thesis about the danger of nationalist organizations.

*Vedomsti* received a warning in June 2010 for an article by Maya Kucherskaya 'Eternal Values. Failure to Communicate,' (*Vechnyye tsennosti: Proval kommunikatsii*) of 9 April 2010. According to Roskomnadzor, the article contains statements providing public justification of terrorist activity. The article analyzed the motives of two female suicide bombers responsible for the Moscow Metro explosion of 29 March 2010. The author clearly repudiated these terrorist attacks in particular as well as terrorism in general. She wrote that at least one of the suicide bombers had been motivated not by her suggestibility and fanaticism, but by hopelessness and feeling that an act of terror was the only way to 'make herself heard'. The article's final sentence 'Terrorist act also represents a sick and ugly attempt to communicate with the deaf world' leaves no doubts that the author condemns this method of communication. The same Tagansky District court in Moscow upheld the warning, citing expert opinion. Curiously enough, prior to the court verdict, there had been an attempt to discredit the expert opinion: Elena Penskaya, Professor of the Higher School of Economics (*Vysshaya Shkola Ekonomiki, HSE*) and the head of its Literature Department, who was listed as the expert opinion's author, denied her authorship. This story reaches Shakespearean passion once we realize that Maya Kucherskaya also teaches at the HSE Literature Department, and Penskaya is her direct supervisor.

Besides warnings to media outlets, 2010 also witnessed initiation of criminal proceedings against Vladimir Yefimov the chief editor of the Vechernyaya Tyumen newspaper under paragraph b Part 2 Article 282 (“incitement of social hatred, committed with the use of the mass media by a person through his official position.”). The charges stemmed from several articles, witty stories about the interaction of Tyumen social activists with law enforcement officials, which contain neither appeals to violence, nor any inferiority allegations toward any group whatsoever. The author of these articles, Rustam Fakhretdinov, a co-defendant of above-mentioned Andrey Kutuzov in a failed political vandalism case, has been searched and interrogated as a suspect.

On the positive side, in 2010 the Supreme Court of Dagestan dismissed a lawsuit filed by Roskomnadzor and Dagestani Prosecutor’s Office to close the “Draft” (*Chernovik*) newspaper. Expert opinion has not confirmed the presence of extremism in articles under examination. Meanwhile, to the best of our knowledge, the court case against the newspaper employees (accused of inciting hatred) has not yet been closed.

### Persecution of Human Rights Activists

In 2010 inappropriate sanctions or actions on the topic of extremism relating to human rights activists were sporadic, so we can simply list them all.

The Rostov Regional Prosecutor’s Office issued a warning regarding the impermissibility of extremist activity to Konstantin Baranov, the author of the report “Xenophobia and Discrimination in the Rostov region in 2008. Report on the Results of Human Rights Monitoring.” The pretext for the warning was that the last pages of the report listed the contact details of all organizations, described therein, including the banned National Bolshevik Party. The effectiveness of publishing contact information in such reports is questionable, but, in any case, this action cannot be qualified as extremist. Despite this, Baranov was unable to dispute the warning.

In October 2010, Igor Sazhin, a Board member of International “Memorial” Society, a member of the Oversight Commission to monitor human rights in places of detention in the Komi Republic, was twice detained, searched and photographed by the Interior Ministry officers in Moscow and St. Petersburg airports. To justify their actions, the police cited “the FSB orders’ and a certain ‘list of extremists’” which ostensibly contained Sazhin’s last name.

In December 2010 in Krasnodar Anastasia Denisova, the head of the Youth Group for Tolerance (*ETnIKA*), was summoned for questioning. The experts - including Sergei Fedyaev, who had achieved notoriety during the case of Jehovah’s Witnesses ban in Taganrog (their prophecy regarding the end of the world

he interpreted as a call to violence) - have found book *The Situation of Former USSR Citizens in the Krasnodar Kray (Polozhenie grazhdan byvshego SSSR na territorii Krasnodarskogo kraya)*, published by Memorial Human Rights Centre and *ETnIKA*, to contain signs of inciting social hatred to the Krasnodar Region Administration employees, prosecutors, civil registrar’s officers, the court officials, and the Cossacks. During interrogation human rights activist was told that the prospect of legal action under Article 282 is very real. In the end, no court action was initiated, but episode become part of a pressure campaign against Denisova, resulting in complete paralysis of her human rights activism in the region.

Another case is related not to misuse of the law but to exceeding mandate during a special operation. In early December 2010 in Moscow, secret service officers while conducting a search in the Kyrgyzstan native’s apartment, beat up Bakhrom Khamroev, the employee of Memorial Human Rights Centre, who was summoned by the apartment’s owner. Memorial sees this attack as an attempt to pressure the organization: over several prior months “Memorial” brought media attention to numerous cases of disappearances and abductions of Muslims in Moscow, and to gross human rights violations during special operations to combat “Islamic extremism” in the city.

### Election Campaigns

We encountered only a single case of anti-extremist legislation misuse against the electoral candidates.

In September 2010 Rostov-on-Don Voroshilov district court satisfied the claim of the United Russia’s Michael Gnutov for cancelling city council elections registration of Sergey Bashtyrev, the candidate from A Just Russia (*Spravedlivaia Rossiia*) party during in a single-mandate electoral district № 5. Gnutov, the Bashtyrev’s opponent claimed that one of Bashtyrev’s promotional materials titled “We are opposed to for-fee schools” exhibited signs of extremism, namely the incitement of social hatred between such social groups as ‘parents of pupils’ and” school personnel’ and also between “youth” and ‘members of the United Russia party’.

## Appendix. Crime and punishment statistics

### Statistics of racist and neo-nazi attacks between 2004 – 31.03.2011 (with categorization of regions)

	2004			2005			2006			2007		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
<b>Total</b>	<b>50</b>	<b>219</b>	<b>269</b>	<b>49</b>	<b>419</b>	<b>468</b>	<b>66</b>	<b>522</b>	<b>588</b>	<b>97</b>	<b>623</b>	<b>716</b>
<b>Including</b>												
Moscow and Moscow Oblast	18	62	80	16	179	195	40	228	268	57	224	281
St. Petersburg and Leningrad Oblast	9	32	41	4	45	49	6	56	62	11	118	129
Adygei Autonomous Oblast'	0	3	3	0	0	0	0	0	0	0	0	0
Altai Krai	0	0	0	0	1	1	2	1	3	2	5	7
Amur Oblast'	0	2	2	0	7	7	0	1	1	0	0	0
Arkhangelsk Oblast'	0	0	0	0	1	1	0	0	0	1	7	8
Astrakhan Oblast'	0	0	0	0	2	2	0	0	0	0	0	0
Bashkir Republic	0	1	1	0	2	2	0	2	2	0	1	1
Belgorod Oblast'	0	5	5	0	4	4	0	18	18	0	1	1
Bryansk Oblast'	0	0	0	0	1	1	0	1	1	1	2	3
Buryat Republic	0	0	0	0	0	0	0	0	0	1	1	2
Chelyabinsk Oblast'	1	4	5	0	0	0	0	1	1	0	11	11

	2004			2005			2006			2007		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
Chita Oblast'	0	0	0	0	0	0	1	0	1	0	3	3
Chuvash Republic	0	0	0	0	0	0	0	6	6	0	0	0
Irkutsk Oblast'	3	0	3	2	5	7	0	8	8	1	53	54
Ivanovo Oblast'	0	1	1	0	0	0	0	0	0	0	4	4
Jewish Autonomous Oblast'	0	0	0	3	0	3	0	0	0	0	0	0
Kaliningrad Oblast'	0	1	1	0	2	2	0	11	11	0	1	1
Kaluga Oblast'	0	0	0	0	12	12	1	4	5	2	1	3
Karelian Republic	0	0	0	0	2	2	0	0	0	0	0	0
Kemerovo Oblast'	0	0	0	0	0	0	0	0	0	0	0	0
Khabarovsk Krai	0	0	0	0	3	3	0	0	0	0	0	0
Khakass Republic	0	0	0	0	2	2	0	0	0	0	2	2
Kirov Oblast'	0	0	0	0	1	1	0	0	0	0	0	0
Komi Republic	0	0	0	0	4	4	0	4	4	0	0	0
Kostroma Oblast'	0	5	5	0	0	0	0	10	10	0	3	3
Krasnodar Krai	2	32	34	1	3	4	0	7	7	0	11	11
Krasnoyarsk Krai	0	0	0	1	1	2	0	3	3	0	4	4
Kurgan Oblast'	0	0	0	0	6	6	0	0	0	0	0	0
Kursk Oblast'	0	5	5	0	2	2	0	0	0	0	1	1
Lipetsk Oblast'	0	1	1	0	3	3	1	0	1	0	3	3
Mari El Republic	0	1	1	0	15	15	0	5	5	0	0	0

	2004			2005			2006			2007		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
Murmansk Oblast'	0	0	0	0	1	1	0	1	1	0	5	5
Nizhny Novgorod Oblast'	1	5	6	4	12	16	0	36	36	1	44	45
Novgorod Oblast'	0	0	0	0	5	5	0	0	0	0	0	0
Novosibirsk Oblast'	2	12	14	1	9	10	0	9	9	1	5	6
Omsk Oblast'	0	3	3	0	0	0	1	3	4	1	2	3
Orenburg Oblast'	0	0	0	0	0	0	1	1	2	1	1	2
Oryol Oblast'	0	8	8	0	0	0	0	9	9	0	0	0
Penza Oblast'	0	0	0	0	0	0	0	0	0	0	1	1
Perm Kray	0	2	2	3	2	5	0	1	1	0	3	3
Primorye Kray	5	9	14	0	3	3	2	18	20	1	3	4
Pskov Oblast'	0	0	0	0	1	1	0	0	0	0	0	0
Republic of Tatarstan	0	0	0	0	0	0	0	8	8	0	1	1
Rostov Oblast'	0	0	0	0	10	10	0	2	2	1	7	8
Ryazan Oblast'	0	0	0	0	1	1	0	4	4	0	6	6
Sakha Republic (Yakutia)	0	0	0	0	0	0	0	0	0	0	2	2
Sakhalin Oblast'	1	0	1	0	0	0	0	0	0	0	0	0
Samara Oblast'	1	3	4	4	5	9	0	2	2	2	9	11
Saratov Oblast'	1	0	1	0	0	0	4	4	8	2	4	6
Smolensk Oblast'	0	0	0	0	2	2	0	0	0	0	0	0

	2004			2005			2006			2007		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
Stavropol Kray	0	0	0	0	21	21	0	1	1	1	8	9
Sverdlovsk Oblast'	1	7	8	6	6	12	0	6	6	3	17	20
Tambov Oblast'	0	3	3	0	6	6	0	0	0	0	0	0
Tomsk Oblast'	0	3	3	0	6	6	0	4	4	0	5	5
Tula Oblast'	1	0	1	0	3	3	1	2	3	0	0	0
Tver Oblast'	0	0	0	2	0	2	2	7	9	0	4	4
Tyumen Oblast'	3	1	4	1	0	1	0	15	15	0	1	1
Udmurt Republic	0	0	0	0	1	1	0	1	1	1	6	7
Ul'yanovsk Oblast'	0	0	0	0	0	0	0	0	0	0	0	0
Vladimir Oblast'	0	4	4	0	0	0	0	0	0	0	5	5
Volgograd Oblast'	0	2	2	0	1	1	2	9	11	1	5	6
Vologda Oblast'	0	0	0	0	0	0	0	1	1	0	3	3
Voronezh Oblast'	1	2	3	1	21	22	1	6	7	0	17	17
Yaroslavl Oblast'	0	0	0	0	0	0	1	6	7	0	3	3

	2008			2009			2010			2011		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
<b>Total</b>	<b>116</b>	<b>499</b>	<b>615</b>	<b>84</b>	<b>433</b>	<b>517</b>	<b>38</b>	<b>377</b>	<b>415</b>	<b>9</b>	<b>21</b>	<b>30</b>
<b>Including</b>												
Moscow and Moscow Oblast	64	223	287	40	143	183	22	174	196	3	10	13
St. Petersburg and Leningrad Oblast	15	40	55	15	37	52	2	47	49	3	6	9
Adygei Autonomous Oblast'	0	1	1	0	8	8	0	0	0	0	0	0
Altai Krai	0	0	0	0	3	3	1	5	6	0	0	0
Amur Oblast'	0	2	2	1	10	11	0	1	1	0	0	0
Arkhangelsk Oblast'	0	5	5	0	4	4	0	2	2	0	0	0
Astrakhan Oblast'	0	0	0	0	0	0	0	0	0	1	0	1
Bashkir Republic	0	4	4	0	1	1	0	7	7	0	0	0
Belgorod Oblast'	0	2	2	0	0	0	0	0	0	0	0	0
Bryansk Oblast'	0	13	13	0	3	3	1	1	2	0	0	0
Buryat Republic	0	0	0	1	0	1	0	0	0	0	0	0
Chelyabinsk Oblast'	1	7	8	0	11	11	0	0	0	0	0	0
Chita Oblast'	0	0	0	0	0	0	0	0	0	0	0	0
Chuvash Republic	0	2	2	0	2	2	0	0	0	0	0	0
Irkutsk Oblast'	0	1	1	0	0	0	1	4	5	0	0	0
Ivanovo Oblast'	0	0	0	0	0	0	0	2	2	0	0	0
Jewish Autonomous Oblast'	0	0	0	0	0	0	0	0	0	0	0	0

	2008			2009			2010			2011		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
Kaliningrad Oblast'	0	10	10	2	2	4	1	0	1	0	0	0
Kaluga Oblast'	2	2	4	2	3	5	0	4	4	0	0	0
Karelian Republic	0	0	0	0	6	6	0	4	4	0	0	0
Kemerovo Oblast'	0	1	1	1	0	1	1	3	4	0	0	0
Khabarovsk Krai	2	5	7	0	0	0	0	5	5	0	0	0
Khakass Republic	1	0	1	0	0	0	0	0	0	0	0	0
Kirov Oblast'	0	0	0	0	7	7	0	0	0	0	0	0
Komi Republic	0	1	1	0	0	0	0	0	0	0	1	1
Kostroma Oblast'	0	0	0	0	1	1	0	3	3	0	0	0
Krasnodar Krai	1	2	3	0	7	7	0	3	3	0	0	0
Krasnoyarsk Krai	1	2	3	0	0	0	0	2	2	0	0	0
Kurgan Oblast'	1	1	2	0	0	0	0	1	1	0	0	0
Kursk Oblast'	0	2	2	0	5	5	0	0	0	0	0	0
Lipetsk Oblast'	0	3	3	0	0	0	0	0	0	0	0	0
Mari El Republic	0	0	0	0	0	0	0	0	0	0	0	0
Murmansk Oblast'	0	0	0	0	20	20	0	1	1	0	0	0
Nizhny Novgorod Oblast'	4	21	25	6	31	37	2	17	19	0	0	0
Novgorod Oblast'	0	3	3	0	1	1	0	2	2	0	0	0



	2008			2009			2010			2011		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
Novosibirsk Oblast'	3	7	10	1	7	8	0	2	2	0	0	0
Omsk Oblast'	0	2	2	0	4	4	1	0	1	0	0	0
Orenburg Oblast'	0	0	0	1	0	1	0	0	0	0	0	0
Oryol Oblast'	0	1	1	0	11	11	1	6	7	0	0	0
Penza Oblast'	0	15	15	0	8	8	0	3	3	0	0	0
Perm Kray	2	3	5	0	0	0	0	4	4	0	0	0
Primorye Kray	3	6	9	2	11	13	1	2	3	0	0	0
Pskov Oblast'	0	0	0	0	0	0	0	0	0	0	0	0
Republic of Tatarstan	0	9	9	0	4	4	0	8	8	0	0	0
Rostov Oblast'	0	4	4	0	6	6	0	9	9	0	1	1
Ryazan Oblast'	1	9	10	2	5	7	1	2	3	1	0	1
Sakha Republic (Yakutia)	0	0	0	0	0	0	0	2	2	0	0	0
Sakhalin Oblast'	0	0	0	0	0	0	0	0	0	0	0	0
Samara Oblast'	0	3	3	2	6	8	0	8	8	1	0	1
Saratov Oblast'	0	0	0	0	0	0	0	1	1	0	0	0
Smolensk Oblast'	0	0	0	1	1	2	0	2	2	0	0	0
Stavropol Kray	3	10	13	2	10	12	1	5	6	0	0	0
Sverdlovsk Oblast'	4	16	20	1	21	22	0	5	5	0	0	0

	2008			2009			2010			2011		
	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims	Killed	Beaten, wounded	Total victims
Tambov Oblast'	0	1	1	0	2	2	0	0	0	0	0	0
Tomsk Oblast'	0	0	0	0	0	0	0	10	10	0	0	0
Tula Oblast'	1	3	4	1	1	2	0	1	1	0	0	0
Tver Oblast'	1	2	3	0	0	0	0	4	4	0	0	0
Tyumen Oblast'	3	3	6	0	0	0	0	0	0	0	0	0
Udmurt Republic	0	5	5	0	1	1	0	3	3	0	0	0
Ul'yanovsk Oblast'	1	12	13	1	0	1	0	0	0	0	0	0
Vladimir Oblast'	0	7	7	0	10	10	0	2	2	0	0	0
Volgograd Oblast'	0	4	4	0	2	2	1	5	6	0	0	0
Vologda Oblast'	0	1	1	0	0	0	0	1	1	0	0	0
Voronezh Oblast'	2	23	25	0	5	5	0	3	3	0	3	3
Yaroslavl Oblast'	0	1	1	2	13	15	1	1	2	0	0	0

The cities are arranged in alphabetic order, except Moscow and St. Petersburg - two major centers of racist violence.

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

### Consolidates statistics of racist and neo-nazi attacks in 2004 – 31.03.2011 (with categorization of victims)

Year	2004		2005		2006		2007		2008		2009		2010		2011	
	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded	Killed	Beaten, wounded
<b>Total</b>	<b>50</b>	<b>219</b>	<b>49</b>	<b>419</b>	<b>66</b>	<b>522</b>	<b>93</b>	<b>623</b>	<b>116</b>	<b>499</b>	<b>84</b>	<b>434</b>	<b>38</b>	<b>377</b>	<b>9</b>	<b>21</b>
<b>Including</b>																
Dark-skinned people	1	33	3	38	2	32	0	38	2	23	2	49	1	26	0	1
People from Central Asia	10	23	18	35	17	60	35	82	63	123	34	95	15	72	4	9
People from the Caucasus	15	38	12	52	15	72	27	64	27	76	12	58	5	41	4	0
People from the Middle East and North Africa	4	12	1	22	0	11	2	21	2	13	0	9	0	1	0	0
People from Asia-Pacific Region (China, Viet-Nam, Mongolia, etc.)	8	30	4	58	4	52	2	45	1	41	8	21	4	17	1	2
Other people of “non-Slav appearance”	2	22	3	72	4	69	20	90	11	56	14	53	5	97	0	2
Members of youth subcultures and leftist youth	0	4	3	121	3	119	5	195	4	87	5	92	3	63	0	4
Others (including ethnic Russians), or not known	10	57	5	21	21	107	2	88	6	80	9	57	5	60	0	3

This table reflects not the “actual identity” of victims, but rather the identity given to them by the attackers. In other words, if a Slavic person was taken for a Caucasian, he would be registered in the category “people from the Caucasus”. We also know about attacks on homeless people committed, as police suspects, with ideological motivation. In 2004 we have reports about 13 murders of this kind, in 2005 – about 5 murders and 4 beatings, in 2006 – 7 murders and 4 beatings, in 2007 – 4 murders and not less than 2 beatings, in 2008 – 7 murders and 1 beating, in 2009 – 1 murder, in 2010 - 1 murder and 2 beating.

Since 2010 we have not included victims of death threats. In 2010 we have reports about 5 persons who received such threats and in 2011 - 2.

### Statistics of convictions for violent crimes with a recognized hate motive in 2004 - 31.03.2011.

	Number of convictions	Number of offenders convicted	Received suspended sentences or were released from punishment
<b>2004</b>			
Moscow	4	11	Not known
St. Petersburg	2	10	4
Novgorod Oblast <sup>1</sup>	1 <sup>1</sup>	1	0
Vladimir Oblast <sup>1</sup>	1	1	1
Voronezh Oblast <sup>1</sup>	1	3	0
<b>Total</b>	<b>9</b>	<b>26</b>	<b>5</b>
<b>2005</b>			
Moscow	2	4	0
Moscow Oblast <sup>2</sup>	4 <sup>2</sup>	14	0
St. Petersburg	2	10	4 <sup>3</sup>
Amur Oblast <sup>2</sup>	1	4	0
Lipetsk Oblast <sup>2</sup>	1 <sup>4</sup>	4	0
Murmansk Oblast <sup>2</sup>	1	2	1

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

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

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

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

	Number of convictions	Number of offenders convicted	Received suspended sentences or were released from punishment
<b>2005</b>			
Perm Kray	1	1	0
Primorye Kray	1	1	0
Sverdlovsk Oblast'	1	3	0
Tambov Oblast'	1	1	0
Tyumen Oblast'	1	5	0
Volgograd Oblast'	1	7	0
<b>Total</b>	<b>17</b>	<b>56</b>	<b>5</b>
<b>2006</b>			
Moscow	5	11	1
Moscow Oblast'	3	18	4
Altai Kray	1	1	1
Bashkir Republic	1	3	3
Belgorod Oblast'	1	11	1
Jewish Autonomous Oblast'	1	3	0
Kaluga Oblast'	1	2	0
Kostroma Oblast'	2	7	5
Nizhny Novgorod Oblast'	4	6	Not known
Novosibirsk Oblast'	1	Not known	Not known
Oryol Oblast'	2	6 <sup>5</sup>	2
Rostov Oblast'	1	2	0
Sakhalin Oblast'	1	1	0
Saratov Oblast'	1	5	0
St. Petersburg	3	10	4

<sup>5</sup> Estimated minimum; in one case, it is only known that a sentence has been passed.

	Number of convictions	Number of offenders convicted	Received suspended sentences or were released from punishment
<b>2006</b>			
Sverdlovsk Oblast'	3	8 <sup>6</sup>	0
Tomsk Oblast'	1	3	0
Voronezh Oblast'	1	13	7
<b>Total</b>	<b>33</b>	<b>109<sup>7</sup></b>	<b>24</b>
<b>2007</b>			
Moscow	4	11	0
St. Petersburg	2	11	3
Belgorod Oblast'	1	2	0
Kaluga Oblast'	1	3	2
Komi Republic	1	1	0
Krasnoyarsk Kray	1	2	1
Leningrad Oblast'	1	1	0
Nizhny Novgorod Oblast'	1	9	9
North Ossetia	1	1	0
Omsk Oblast'	1	1	0
Stavropol Kray	2	2	0
Sverdlovsk Oblast'	3	9	0
Tambov Oblast'	1	1	0
Tyumen Oblast'	1	6	2
Voronezh Oblast'	1	4	0
Yaroslavl Oblast'	1	1	1
<b>Total</b>	<b>23</b>	<b>65</b>	<b>18</b>

<sup>6</sup> Including 3 convicted for setting up an extremist community, and also for a murder where the hate motive was not recognized.

<sup>7</sup> Estimated minimum.

	Number of convictions	Number of offenders convicted	Received suspended sentences or were released from punishment
<b>2008</b>			
Moscow	7	40	4
Moscow Oblast'	2	11	3
St. Petersburg	4	9	2
Altai Kray	1	3 <sup>8</sup>	0
Arkhangelsk Oblast'	1	1	1
Ivanovo Oblast'	1	1	0
Kaluga Oblast'	2	13	6
Kostroma Oblast'	1	1	0
Krasnodar Kray	1	1	0
Lipetsk Oblast'	1	1	1
Nizhny Novgorod Oblast'	1	2	2
Novgorod Oblast'	1	2	0
Novosibirsk Oblast'	1	1	0
Omsk Oblast'	1	4	0
Penza Oblast'	1	1	0
Samara Oblast'	1	1	1
Stavropol Kray	1	2	1
Sverdlovsk Oblast'	3	10	0
Tambov Oblast'	1	3	3
Vladimir Oblast'	1	2	0
Yaroslavl Oblast'	1	1	1
<b>Total</b>	<b>34</b>	<b>110</b>	<b>25</b>

<sup>8</sup> Including one convicted without mentioning hate motivation

	Number of convictions	Number of offenders convicted	Received suspended sentences or were released from punishment
<b>2009</b>			
Moscow	10	40	4
St. Petersburg	3	6	1
Adyghe Republic	1	1	1
Altai Kray	1	7	2
Belgorod Oblast'	1	2	0
Chelyabinsk Oblast'	1	4	4
Chuvash Republic	2	9	2
Kaluga Oblast'	2	7	2
Khabarovsk Kray	2	3	1
Kirov Oblast'	1	2	0
Kostroma Oblast'	1	1	0
Krasnoyarsk Kray	1	1	0
Kursk Oblast'	1	2	0
Moscow Oblast'	15 <sup>9</sup>	20	0
Nizhny Novgorod Oblast'	5	14	6
Novgorod Oblast'	2	5	0
Novosibirsk Oblast'	4	8	3
Orenburg Oblast'	1	5	0
Samara Oblast'	1	6	6
Sverdlovsk Oblast'	1	1	0

<sup>9</sup> According to the Moscow region prosecutor's office, 15 cases were considered in the region in 2009; in 9 of them 13 people were convicted; 6 of the cases with 7 people accused terminated in reconciliation of the parties. We have details on 3 of the cases in which 4 people were convicted and one case terminated in reconciliation of the parties. No details are available to us on the other of the cases.

	Number of convictions	Number of offenders convicted	Received suspended sentences or were released from punishment
<b>2009</b>			
Tambov Oblast'	1	1	0
Tver Oblast'	1	1	0
Udmurt Republic	1	1	0
Vladimir Oblast'	2	2	0
Volgograd Oblast'	1	9	1
Voronezh Oblast'	3	10	0
<b>Total</b>	<b>65</b>	<b>168</b>	<b>33</b>
<b>2010</b>			
Moscow	10	36	3
St. Petersburg	6	32	18
Adyghe Republic	1	3	0
Amur Oblast'	1	1	0
Bashkir Republic	2	10	5
Bryansk Oblast'	3	4	2
Chuvash Republic	1	2	0
Irkutsk Oblast'	1	1	0
Kaliningrad Oblast'	1	6	2
Kaluga Oblast'	3	6	2
Karelian Republic	2	8	1
Khabarovsk Krai	1	2	0
Kirov Oblast'	2	5	5
Kostroma Oblast'	1	1	1
Krasnodar Krai	2	3	0
Moscow Oblast'	7	15	8
Murmansk Oblast'	2	7	3

	Number of convictions	Number of offenders convicted	Received suspended sentences or were released from punishment
<b>2010</b>			
Nizhny Novgorod Oblast'	10	38	22
Novgorod Oblast'	1	3	0
Penza Oblast'	2	6	2
Primorye Krai	2	14	10
Republic of Tatarstan	2	7	5
Rostov Oblast'	1	1	1
Ryazan Oblast'	1	2	2
Samara Oblast'	2	7	2
Saratov Oblast'	1	1	0
Smolensk Oblast'	1	1	1
Stavropol Krai	5	31	6
Sverdlovsk Oblast'	3	9	0
Tver Oblast'	3	17	2
Tyumen Oblast'	1	14	3
Udmurt Republic	1	2	0
Ul'yanovsk Oblast'	1	9	0
Vladimir Oblast'	4	4	3
Volgograd Oblast'	1	2	0
Voronezh Oblast'	4	10	10
<b>Total</b>	<b>91</b>	<b>316</b>	<b>119</b>
<b>2011</b>			
Moscow	3	8	0
Altai Krai	1	3	0
Irkutsk Oblast'	1	5	4

	Number of convictions	Number of offenders convicted	Received suspended sentences or were released from punishment
Karelian Republic	1	2	1
Kemerovo Oblast'	1	1	0
Moscow Oblast'	2	2	2
Republic of Tatarstan	1	4	2
Tula Oblast'	1	1	0
<b>Total</b>	<b>11</b>	<b>26</b>	<b>9</b>

### Statistics of convictions for hate propaganda in 2004 – 31.03.2011.

	Number of convictions	Number of convictions	Received suspended sentences or were released from punishment
<b>2004</b>			
Novgorod Oblast'	1	1	0
Novosibirsk Oblast'	1	1	1
Udmurt Republic	1	1	1
<b>Total</b>	<b>3</b>	<b>3</b>	<b>2</b>
<b>2005</b>			
Moscow	1	1	1
Kabardino-Balkaria	1	1	1
Kemerovo Oblast'	4	4	1
Khabarovsk Krai	1	1	0 <sup>10</sup>
Kirov Oblast'	1	1	0
Komi Republic	1	1	1
Novgorod Oblast'	1	3	0
Oryol Oblast'	1	2	2
Sverdlovsk Oblast'	1	1	0
<b>Total</b>	<b>12</b>	<b>15</b>	<b>6</b>

<sup>10</sup> The sentence was cancelled by the second instance court due to the statute of limitations.

	Number of convictions	Number of convictions	Received suspended sentences or were released from punishment
<b>2006</b>			
Moscow	1	1	0
Moscow Oblast'	1	1	0
St. Petersburg	2	2	1
Astrakhan Oblast'	1	1	0
Chelyabinsk Oblast'	1	3	0
Kemerovo Oblast'	2	2	2
Kirov Oblast'	1	1	0
Komi Republic	1	1	0
Krasnodar Krai	1	1	0
Novgorod Oblast'	1	1	0
Samara Oblast'	2	2	2
Saratov Oblast'	1	1	1
Sverdlovsk Oblast'	1	1	0
Yaroslavl Oblast'	1	2	1
<b>Total</b>	<b>17</b>	<b>20</b>	<b>7</b>
<b>2007</b>			
Moscow	1	1	1
Altai Krai	1	1	1
Altai Republic	1	2	2
Amur Oblast'	1	1	0
Chelyabinsk Oblast'	1	1	0
Chuvash Republic	1	4	0
Kaliningrad Oblast'	1	1	1
Kaluga Oblast'	1	8	0
Kirov Oblast'	1	1	0
Komi Republic	3	3 <sup>11</sup>	0
Krasnodar Krai	3	3	2
Kurgan Oblast'	1	1	0
Novgorod Oblast'	1	1	0
Novosibirsk Oblast'	3	3	0

<sup>11</sup> The sentence was cancelled by the second instance court due to the statute of limitations.

	Number of convictions	Number of convictions	Received suspended sentences or were re-released from punishment
<b>2007</b>			
Ryazan Oblast'	1	2	0
Sakha Republic (Yakutia)	1	2	0
Samara Oblast'	1	2	2
Stavropol Kray	1	1	1
Sverdlovsk Oblast'	1	1	0
Ul'yanovsk Oblast'	1	1	1
Vladimir Oblast'	1	1	0
Vologda Oblast'	1	1	1
<b>Total</b>	<b>28</b>	<b>42</b>	<b>12</b>
<b>2008</b>			
Moscow	2	4	2
St. Petersburg	3	3	0
Adygei Autonomous Oblast'	1	1	0
Altai Kray	1	1	0
Amur Oblast'	2	4	2
Astrakhan Oblast'	2	4	0
Bryansk Oblast'	1	1	0
Buryat Republic	1	1	1
Chelyabinsk Oblast'	2	2	1
Kaliningrad Oblast'	1	1	0
Karelian Republic	2	2	2
Kirov Oblast'	1	1	0
Komi Republic	2	2	0
Krasnodar Kray	2	3	2
Kursk Oblast'	1	1	1
Leningrad Oblast'	1	1	1
Lipetsk Oblast'	1	1	0
Nenets Autonomous Okrug	1	1	0
Novgorod Oblast'	2	2	0
Novosibirsk Oblast'	1	1	1

	Number of convictions	Number of convictions	Received suspended sentences or were re-released from punishment
<b>2008</b>			
Penza Oblast'	1	1	1
Primorye Kray	1	1	1
Republic of Dagestan	1	2	2
Republic of Tatarstan	1	6	1
Rostov Oblast'	2	2	1
Samara Oblast'	3	3	1
Stavropol Kray	1	1	0
Tyumen Oblast'	1	1	0
Ul'yanovsk Oblast'	1	4	0
Vladimir Oblast'	1	1	0
Voronezh Oblast'	1	1	1
<b>Total</b>	<b>44</b>	<b>60</b>	<b>21</b>
<b>2009</b>			
Moscow	4	6	2
St. Petersburg	2	2	0
Arkhangelsk Oblast'	3	3	1
Chelyabinsk Oblast'	1	1	0
Ivanovo Oblast'	1	1	0
Kaliningrad Oblast'	2	2	1
Kamchatka Kray	1	2	2
Karelian Republic	1	1	0
Kemerovo Oblast'	1	1	1
Khabarovsk Kray	3	5	4
Komi Republic	2	2	2
Krasnodar Kray	1	1	0
Kursk Oblast'	1	1	1
Moscow Oblast'	1	1	0
Murmansk Oblast'	1	1	1
Nizhny Novgorod Oblast'	1	1	0
Novgorod Oblast'	2	2	0

	Number of convictions	Number of convictions	Received suspended sentences or were re-released from punishment
<b>2009</b>			
Omsk Oblast'	2	3	1
Orenburg Oblast'	1	4	0
Primorye Krai	1	1	1
Sakha Republic (Yakutia)	1	1	1
Samara Oblast'	1	1	1
Sverdlovsk Oblast'	1	2	0
Tomsk Oblast'	2	2	0
Tyumen Oblast'	1	1	0
Vladimir Oblast'	2	2	1
Vologda Oblast'	1	2	2
<b>Total</b>	<b>41</b>	<b>52</b>	<b>22</b>
<b>2010</b>			
Moscow	1	1	1
St. Petersburg	1	3	2
Arkhangelsk Oblast'	2	2	0
Astrakhan Oblast'	2	2	1
Bashkir Republic	1	1	1
Belgorod Oblast'	1	1	0
Buryat Republic	1	1	1
Chelyabinsk Oblast'	2	5	3
Chuvash Republic	2	2	1
Kaluga Oblast'	2	3	0
Kamchatka Krai	1	1	1
Karelian Republic	2	2	0
Khabarovsk Krai	1	1	1
Khanty-Mansi Autonomous Okrug	1	1	0
Kirov Oblast'	2	2	1
Komi Republic	4	5	4
Kostroma Oblast'	3	3	2
Krasnodar Krai	3	3	0

	Number of convictions	Number of convictions	Received suspended sentences or were re-released from punishment
<b>2010</b>			
Krasnoyarsk Krai	1	1	0
Kurgan Oblast'	1	1	0
Kursk Oblast'	3	3	2
Leningrad Oblast'	1	1	1
Mari El Republic	1	1	1
Novosibirsk Oblast'	3	3	2
Oryol Oblast'	1	1	0
Pskov Oblast'	1	1	0
Rostov Oblast'	1	1	0
Sakhalin Oblast'	1	2	1
Samara Oblast'	1	1	1
Stavropol Krai	4	4	1
Tomsk Oblast'	1	1	0
Tyumen Oblast'	1	1	1
Udmurt Republic	3	3	1
Ul'yans'k Oblast'	1	1	0
Vladimir Oblast'	4	4	0
Volgograd Oblast'	1	1	1
Voronezh Oblast'	2	2	1
<b>Total</b>	<b>64</b>	<b>72</b>	<b>32</b>
<b>2011</b>			
Arkhangelsk Oblast'	1	1	1
Chuvash Republic	1	4	0
Kalmuck Republic	1	1	0
Khanty-Mansi Autonomous Okrug	2	2	1
Kursk Oblast'	1	1	0
Moscow Oblast'	1	1	1
Smolensk Oblast'	1	1	1
Ul'yans'k Oblast'	1	2	0
Vladimir Oblast'	1	1	0
<b>Total</b>	<b>10</b>	<b>14</b>	<b>4</b>



### Statistics of convictions for incitement to extremism (art. 280 of Criminal Code) in 2005 – 31.03.2011<sup>12</sup>

	Number of convictions	Number of offenders convicted		
		Total	Whose sentence includes art. 280	Received suspended sentences or were released from punishment
<b>2005</b>				
Kemerovo Oblast'	3	3	3	2
Kirov Oblast'	1	1	1	1
Vladimir Oblast'	1	1	1	0
<b>Total</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>3</b>
<b>2006</b>				
Moscow	1	1	1	0
Astrakhan Oblast'	1	1	1	0
Chelyabinsk Oblast'	1	3	3	0
Kemerovo Oblast'	2	2	2	2
Nizhny Novgorod Oblast'	2	3	2	0
<b>Total</b>	<b>7</b>	<b>9</b>	<b>8</b>	<b>2</b>
<b>2007</b>				
Kemerovo Oblast'	1	1	1	0
Krasnodar Krai*	1	1	1	0
Novgorod Oblast'	1	1	1	0
Sverdlovsk Oblast'	1	1	1	0
<b>Total</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>0</b>
<b>2008</b>				
Moscow**	1	1	1	0
St. Petersburg	1	1	1	0
Kaluga Oblast'	1	1	1	0
Novosibirsk Oblast'	1	1	1	1
Republic of Tatarstan*	1	6	5	1
Samara Oblast'	2	3	3	3
Vladimir Oblast'	1	1	1	0
Vologda Oblast'	1	2	2	1
<b>Total</b>	<b>9</b>	<b>16</b>	<b>15</b>	<b>7</b>

<sup>12</sup> The table does not include sentences for violent crimes, when such sentences included episodes of ultra-right propaganda.

	Number of convictions	Number of offenders convicted		
		Total	Whose sentence includes art. 280	Received suspended sentences or were released from punishment
<b>2009</b>				
Moscow	1	1	1	1
Amur Oblast'	2	3	3	2
Arkhangelsk Oblast'*	1	1	1	1
Jewish Autonomous Oblast'	1	2	2	2
Kemerovo Oblast'	1	1	1	1
Khabarovsk Krai	1	1	1	1
Novosibirsk Oblast'*	1	2	2	2
Primorye Krai *	1	1	1	1
Samara Oblast'	1	1	1	1
<b>Total</b>	<b>10</b>	<b>13</b>	<b>13</b>	<b>12</b>
<b>2010</b>				
St. Petersburg	1	1	1	0
Amur Oblast'	1	1	1	1
Bashkir Republic**	1	1	1	1
Chelyabinsk Oblast'***	1	1	1	1
Kemerovo Oblast'	1	1	1	1
Komi Republic <sup>13</sup>	2	2	2	1
Novosibirsk Oblast'	1	1	1	Not known
Omsk Oblast'	1	1	1	1
Sakhalin Oblast'	1	2	2	1
Tyumen Oblast'	1	1	1	0
Yaroslavl Oblast'***	1	2	2	0
<b>Total</b>	<b>12</b>	<b>14</b>	<b>14</b>	<b>7</b>
<b>2011</b>				
Moscow Oblast'***	1	1	1	1
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

\* Sentences includes also art. 282 of the Criminal Code.

\*\* Sentences include also other articles of the Criminal Code.

<sup>13</sup> One of sentences includes also art.282.

